

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

OLGA ZAYTSEVA, YANA ROMANOVA and
OLGA VILUKHINA

Plaintiffs,

- against -

GRIGORY RODCHENKOV,

Defendant.

Index No:

Date Index No. Purchased:

SUMMONS

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance on the Plaintiff's attorneys, within twenty (20) days after service of this Summons, exclusive of the date of service, where service is made by delivery upon you personally within the state, or within thirty (30) days after completion of service where service is made in any other manner, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Pursuant to Section 509 of the New York Civil Practice Law and Rules, the basis of the venue designated is that it was designated by plaintiff as the venue in which the action arose.

Dated: February 20, 2018
New York, New York

HERBERT SMITH FREEHILLS
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COMPLAINT

Plaintiffs Olga Zaytseva, Yana Romanova, and Olga Vilukhina, prominent champion Russian biathletes (the "Athletes") hereby allege, upon personal knowledge where stated and on information and belief as to all other allegations, their Complaint against Defendant Grigory Rodchenkov:

NATURE OF THE ACTION

1. This action arises from the systematic libel committed by the Defendant against the Athletes, severely damaging or destroying their careers, and causing them tremendous financial, professional, and reputational damage.

2. Plaintiffs are world renowned biathletes who have spent more than half of their lives in training camps and in foreign countries away from their families and homes, dedicated to their sport.

3. Plaintiffs have competed at the highest levels across multiple world biathlon competitions, including the Olympic Games, capping their long and illustrious careers by competing and earning medals in the 2014 XXII Olympic Winter Games in Sochi, Russia (the "Sochi Olympics") that were ultimately stripped by the International Olympic Committee (the "IOC") due to Defendant's defamatory statements and conduct set forth herein.

4. From May 5, 2016 through May 7, 2016, defendant Rodchenkov, formerly the director of the World Anti-Doping Agency ("WADA")-accredited Moscow Lab (the "Moscow Lab") in Moscow, Russia, went on record with the New York Times stating that he participated in a sophisticated doping conspiracy to switch the urine samples of Russian athletes so that they would not test positive for banned substances (the "Alleged Doping Conspiracy").

5. On the basis of these interviews, on May 12, 2016, the New York Times published an article, extensively quoting Rodchenkov, titled "Russian Insider Says State-Run Doping Fueled Olympic Gold" (the "First New York Times Article"), which was subsequently cited in media around the globe.

6. In the span of less than a week, Rodchenkov's false statements began the process of destroying careers and reputations that had been decades in the making.

7. Rodchenkov's false allegations ultimately warped history and stripped the Athletes of the lifelong accomplishments they had earned.

8. All of this professional carnage was based on the word of Rodchenkov, a career criminal, liar and cheater.

9. Rodchenkov admitted to having created a mixture of banned substances he called the "Duchess Cocktail," sold clean drug tests to those who would pay, fabricated false positive results against competing athletes for a fee, and has been under investigation in Russia multiple times—including in 2011, well before the Alleged Doping Conspiracy.

10. For example, on November 9, 2015, an independent commission launched by WADA to investigate various allegations regarding Russian doping, reported that Rodchenkov demanded money from athletes in order to conceal positive test results.

11. The Athletes are not the only ones being severely damaged by Rodchenkov's lies. Three Olympic cyclists have filed a Statement of Claim in a Canadian court against WADA and Richard McLaren for their actions that resulted from Rodchenkov's fabricated accusations. *See Statement of Claim, Kirill Sveshnikov, Dmitry Strakhov and Dmitry Sokolov v. World Anti-Doping Agency and Richard McLaren*, Court File No. CV-17-58239 (September 11, 2017).

12. The cyclists' Statement of Claim describes an extensive set of schemes in which Rodchenkov and his co-conspirators (i) extorted money to conceal positive test results, and/or (ii) demanded and accepted money from athletes in order to manufacture false positive results against competing athletes, thereby causing their disqualification based on Rodchenkov's manufactured claims of positive test results.

13. Due to these actions, as well as others, on November 17, 2015, desperate to avoid criminal prosecution yet eager to extend his ten minutes of infamy, Rodchenkov moved to the United States and manufactured doping charges hoping to exploit Western concerns

about Olympic PED use and frame himself as a "whistle-blower," rather than the pathological liar and recidivist criminal that he is.

14. The fruits of years and years of rigorous training, separation from families and commitment to excellence on behalf of the Athletes were eradicated by the vituperative lies disseminated by Rodchenkov.

15. On May 12, 2016, the First New York Times Article laid out Rodchenkov's claims regarding an Alleged Doping Conspiracy in detail.

16. The First New York Times Article begins, "Dozens of Russian athletes at the 2014 Winter Olympics in Sochi, including at least 15 medal winners, were part of a state-run doping program, meticulously planned for years to ensure dominance at the Games, according to [Rodchenkov]."

17. It goes on, "[i]n a dark-of-night operation, Russian antidoping experts and members of the intelligence service surreptitiously replaced urine samples tainted by performance-enhancing drugs with clean urine collected months earlier, somehow breaking into the supposedly tamper-proof bottles that are the standard at international competitions, Dr. Rodchenkov said. For hours each night, they worked in a shadow laboratory lit by a single lamp, passing bottles of urine through a hand-size hole in the wall, to be ready for testing the next day, he said."

18. Further, "[h]e provided The [New York] Times with emails detailing doping efforts and a spreadsheet that he said was sent to him . . . It named the athletes involved in the doping program."

19. From May 2016 to the present, Rodchenkov provided interviews and information that served as the basis for, or wrote, many more articles in the New York Times, and sat for an interview with 60 Minutes, a New York-based television news program aired by CBS, regarding the Alleged Doping Conspiracy. These New York Times articles, as well as a February 11, 2018 interview on the CBS program, "60 Minutes," (the "60 Minutes Interview"), spread Rodchenkov's false, defamatory statements about the Athletes, and caused them extensive damage. A table listing these defamatory statements (the "Defamatory Statements") is attached as Exhibit A. Due to the wrongful dissemination of Rodchenkov's false statements tying the Athletes to these charges, each such claim would be interpreted by a reasonable person as concerning the Athletes.

20. While many New York Times reports contained Rodchenkov's Defamatory Statements, here are several examples:

21. Rodchenkov authored an article on September 22, 2017, claiming that he "disclosed indisputable evidence of widespread state-sanctioned cheating," and that Russian medals from the Sochi Olympics were fraudulently earned.

(<https://www.nytimes.com/2017/09/22/opinion/russia-olympic-doping-rodchenkov.html>).

22. Rodchenkov claimed that, leading up to the Sochi Olympics, there was a plan to transport "hundreds of ounces of clean urine that top athletes had for months collected in baby food jars and old soda bottles."

(<https://www.nytimes.com/2017/11/28/sports/olympics/russia-doping.html>).

23. Rodchenkov said that he had tampered with more than 100 steroid-laced urine samples in Sochi to conceal cheating. He also claimed that he was asked to incriminate a Ukrainian athlete by Russia's deputy sports minister, because the deputy minister was particularly concerned with Ukrainian female biathletes, who posed the most serious challenge to Russia's relay team during the Sochi Games.

(<https://www.nytimes.com/2017/12/02/sports/olympics/russian-doping.html>).

24. On February 11, 2018, Rodchenkov gave the 60 Minutes Interview where he continued to spread his false and defamatory lies, including a claim that biathlon athletes were among the athletes "who were dirty." There were only six women on the team in total, and only four on the medal winning relay team, including the three Athletes.

25. In the 60 Minutes Interview, Rodchenkov repeated his allegations regarding the Alleged Doping Conspiracy that urine samples were passed through a small hole in the wall to FSB agents, who would replace "dirty" urine samples with "clean samples that had been collected and frozen before the games."

26. Furthermore, on the basis of Rodchenkov's claims concerning the Alleged Doping Conspiracy, WADA commissioned Richard McLaren to investigate, and he ultimately authored two reports dated July 16, 2016 and December 9, 2016 (individually "McLaren Report 1" and McLaren Report 2," and collectively the "McLaren Reports").

27. These Defamatory Statements were clearly made toward and concerning the Athletes. However, for the avoidance of doubt, an Evidence Disclosure Packet ("EDP"), that contained evidence provided by Rodchenkov and that was released along with the Rodchenkov-sourced McLaren Reports, maliciously failed to redact the Athletes' names,

which were then reported and publicly available online on December 15, 2016 (the "December 15 Article") (<http://fasterskier.com/fsarticle/four-biathletes-names-not-scrubbed-mclaren-report-31-still-unnamed/>).

28. Consequently, any statements made by Rodchenkov regarding the Alleged Doping Conspiracy were seen by the world as regarding the Athletes.

29. In addition, in November 2017, Rodchenkov swore to false affidavits—in support of the proceedings before an International Olympic Committee Disciplinary Commission chaired by Denis Oswald—that specifically named each of the Athletes as being included on an alleged list of protected athletes (the "Duchess List"), thereby repeating the already public claim that the Athletes were active participants in the Alleged Doping Conspiracy (the "Rodchenkov Affidavits") and used performance enhancing drugs ("PEDs").

30. On November 27, 2017 and December 1, 2017, the IOC concluded, based on the Defamatory Statements, the Rodchenkov Affidavits and the McLaren Reports, that the Athletes violated anti-doping rules during the Sochi Olympics.

31. As a result of these findings, the Athletes were disqualified from the events in which they participated during the Sochi Olympics, stripped of their medals, medalist pins and the diplomas obtained in the events, and declared ineligible to participate in the subsequent Games of Olympiad and Olympic Winter Games in any capacity (the "IOC Decisions").

32. Rodchenkov continues to spread his lies regarding the Athletes. He recently appeared in the documentary film "Doping Top Secret - the Olympic conspiracy" aired by ARD on January 29, 2018 (<http://www.ardmediathek.de/tv/Sportschau/Doping-Top-Secret-the-Olympic-complot/Das-Erste/Video?bcastId=53524&documentId=49614350>), as well as in the 60 Minutes Interview, and reiterated his claims regarding the Alleged Doping Conspiracy.

33. Rodchenkov's Defamatory Statements regarding the Athletes are absolutely contrived, untrue and unfounded.

34. The Athletes did not participate in any Alleged Doping Conspiracy, to the extent it existed at all, and never used PEDs or committed any of the bad acts alleged by Defendant.

35. The Defamatory Statements, the IOC Decisions—and the Alleged Doping Conspiracy generally—have caused immense personal and professional damages to the Athletes.

36. The Defamatory Statements have severely damaged or destroyed the Athletes' careers, for which they have trained since they were little girls, and seriously impaired their prospects of future employment in their profession.

37. The Athletes bring this action to recover all lost wages and income, as well as for the professional and personal damages they have sustained, not less than \$30,000,000 (\$10,000,000 per Athlete) plus interest.

PARTIES, JURISDICTION, AND VENUE

A. Olga Zaytseva

38. Plaintiff Zaytseva is a Russian biathlete, two-time Olympic relay champion, three-time world champion, Honoured Master of Sport of Russia and vice director of biathlon promotion in Olympic Reserve School No.43 in Moscow.

39. Born in 1978 to a large family without much money, Zaytseva began her training at the age of 7 years old.

40. When she was 12 years old, Zaytseva began ski racing, and knew she wanted to be a professional athlete.

41. At the age of 16, Zaytseva won a Moscow Junior Championship in skiing, where a biathlon coach noticed Zaytseva's extraordinary talent and began training her specifically for biathlons.

42. Zaytseva attended the Moscow College of Professional Education and Sport from 1993-1996, while also entering biathlon contests around Russia.

43. Zaytseva won her first medal in 1996, while still a teenager, at the Junior World Championships.

44. Zaytseva continued her rigorous training into adulthood despite many personal hardships.

45. In 2001, Zaytseva won a silver medal at the European Biathlon Championships 2001 and had a breakthrough performance at the World Cups, gaining entry into the 2002 Olympic Games.

46. Ultimately Zaytseva would become a legendary biathlete, compiling 46 individual World Cup medals, including 13 gold, 15 silver and 18 bronze medals, on top of a number of team medals.

47. Zaytseva enjoyed a long career, competing in four different Olympic Games (2002, 2006, 2010 and 2014), amassing two gold medals in 2006 and 2010, a silver medal in 2010, and the silver medal in 2014 that was ultimately stripped by the IOC due to Defendant's false statements.

48. Through all this time, Zaytseva continued her rigorous and nonstop training schedule, sacrificing a great deal to achieve at the pinnacle of her sport.

49. Zaytseva is a Russian icon for children and adults alike, and she continues to promote biathlon in Russia, including by arranging biathlon competitions for all ages.

50. After retirement, Zaytseva began a career in coaching that has been severely damaged by Defendant's false statements.

B. Yana Romanova

51. Plaintiff Romanova is a Russian biathlete, Honoured Master of Sport of Russia, gold medalist in all individual disciplines in the Russian championship in 2010, winner of a number of stages in the Biathlon World Cup and IBU Cup, and, prior to the IOC Decisions, an Olympic medalist. She is an athlete-instructor at the Center for Sports Training in Omsk region.

52. Born in 1983, Romanova began skiing in 1993 at the age of 10.

53. From the time she began skiing as a small child, Romanova committed to training 8-10 hours a day, for 11 months per year.

54. Romanova switched from skiing to biathlon in 1998, on the advice of coaches, and continued her training.

55. Despite being only a teenager, Romanova had no doubt that her life's dream was to be a world class biathlon athlete, and ultimately an Olympic champion.

56. In 2000, at the age of 17, Romanova began attending the Siberian State University of Physical Culture and Sport.

57. Romanova won gold medals at the Russian championship in 2010 for all individual disciplines (sprint, pursuit, mass start, and marathon), and also won gold in the World Cup for sprint in the same year.

58. Romanova competed in the 2010 Olympic Games, and then in the Sochi Olympics where she won a silver medal that was ultimately stripped from her by the IOC due to Defendant's false allegations.

59. Acting as a chairman of the Biathlon Federation for the Omsk region, Romanova actively promotes regional biathlon competitions and arranges competitions across all age groups.

C. Olga Vilukhina

60. Plaintiff Vilukhina is a Russian biathlete, Honoured Master of Sport of Russia, gold medalist at the 2006 Junior World Biathlon Championships in sprint, gold medalist at the IBU European Biathlon Championship in 2007 and 2008, bronze medalist at the 2012 World Biathlon Championships in pursuit, and, prior to the IOC Decisions, an Olympic medalist.

61. Vilukhina was born in 1988, and recalls watching the 1998 Olympic Games in Nagano, at the age of 10, and dreaming about one day competing.

62. Shortly after the Nagano Olympic Games, a coach came to Vilukhina's small town and began a ski race training group.

63. Since the age of 10, when Vilukhina began her training, Vilukhina (like the other Athletes) has trained approximately 8 to 10 hours per day, for 11 months per year.

64. When she was between 14 and 15 years of age, she often fainted during her training sessions, causing her coach to investigate. Having visited her at home, he saw that Vilukhina had nothing to eat. She had attended her grueling training each day without a word of complaint about her lack of food.

65. At 16, on the advice of her trainer, Vilukhina began training for and competing in biathlons.

66. Just two years later, Vilukhina competed in the 2006 junior world biathlon championship in Presque Isle, Maine, USA, where she won gold, silver, and bronze medals.

67. A year later, Vilukhina took silver again in the World Junior Championships in Martello, Italy, and gold in the European Championships in Bansko, Bulgaria. In 2008, Vilukhina repeated her success in the European Championships in Nové Město, Czech Republic.

68. In 2009 at the European Junior Championships in Ufa, Russia, Vilukhina took gold across all four disciplines—sprint, pursuit, individual, and relay--something no other female athlete had ever accomplished.

69. In 2012, Vilukhina won a bronze medal in the Biathlon World Championships in Ruhpolding, Germany.

70. Vilukhina continued competing in competitions around the world until 2014, when she competed in the Sochi Olympics.

71. The Sochi Olympics were the culmination of a long and successful career. Vilukhina won two silver medals, one in relay and one in the 7.5km sprint, that were ultimately stripped by the IOC due to Defendant's false allegations.

D. Defendant

72. Upon information and belief, Defendant Rodchenkov is currently in the FBI witness protection program, and his location is unknown.

73. As alleged below, this lawsuit arises out of business transacted and actions taken within the State of New York, and this Court has jurisdiction on that basis under CPLR § 302.

74. Rodchenkov availed himself of a New York-based newspaper, the New York Times, to publish nearly 100 stories regarding his false claims concerning the Alleged Doping Conspiracy, one of which he penned himself, on information and belief, while working as a paid columnist for the paper. A table listing these stories is attached as Exhibit B hereto.

75. Rodchenkov also went on 60 Minutes, a New York television program and gave the 60 Minutes Interview where he repeated his allegations regarding the Alleged Doping Conspiracy and specifically stated that biathletes were involved in the conspiracy.

76. Upon information and belief, on March 24, 2016, Rodchenkov received a grand jury subpoena in New York. Upon further information and belief, Rodchenkov testified before a grand jury in New York regarding his false claims against the Athletes.

77. Upon information and belief, Rodchenkov deliberately targeted New York-based media, intending to disseminate his campaign of defamatory lies within New York and injure the Athletes' reputations within New York.

78. Upon information and belief, after visiting several lawyers in New York, Rodchenkov decided to speak with the U.S. Department of Justice in New York regarding the Alleged Doping Conspiracy from May 7 to May 10, 2016, and then immediately spread the Alleged Doping Conspiracy to the public via interviews conducted in New York with the New York Times.

79. Venue is proper in this Court under CPLR § 509 as the Athletes have chosen the venue where Defendant Rodchenkov conducted his business with the New York Times and CBS, and where he was subpoenaed to testify.

FACTS

A. Defendant Has Knowingly, Repeatedly, and Falsely Asserted that the Athletes Were Part of a State-Run Conspiracy to Violate Doping Rules During the Sochi Olympics

80. The Athletes' world began to implode on May 12, 2016, when the First New York Times Article was published, extensively quoting Rodchenkov, titled "Russian Insider Says State-Run Doping Fueled Olympic Gold."

81. While these initial Defamatory Statements did not specifically name the Athletes as having taken part in the Alleged Doping Conspiracy and using PEDs, they heavily implied the Athletes involvement. The Athletes were ultimately named by the December 15 Article which reported on the failure of the McLaren Reports, whose contents were based on Rodchenkov's false allegations, to properly redact the Athletes' names.

82. While the Defamatory Statements are clearly directed towards the Athletes despite not using their names, by releasing their names in the EDP attached to the McLaren Reports, as reported by the December 15 Article, all of the statements made about Russian athletes in the many New York Times articles that Rodchenkov sourced or wrote, as well as in the McLaren Reports and the 60 Minutes Interview, can be assumed to be direct statements about the Athletes, even if those publications do not mention the Athletes by name.

83. Further, Rodchenkov recently stated in the 60 Minutes Interview that biathletes were among those who participated in the Alleged Doping Conspiracy.

(1) Grigory Rodchenkov Is An Admitted Liar and Criminal

84. It is important to understand Rodchenkov's actions in the context of his life and career. He is, and has been for many years, a self-acknowledged liar, cheater, and criminal.

85. Rodchenkov is an admitted sports doper, claiming to have systematically cheated on behalf of an untold number of athletes, and used his position to personally profit, over the course of many years.

86. The relevant portion of Rodchenkov's career began in 2005 when he became the acting director of the Anti-Doping Center, Russia's national anti-doping laboratory.

87. In July 2006 he was appointed to the position of director of the Anti-Doping Center by the Russian Federal Agency of Physical Culture and Sports' Decision.

88. In this position, Rodchenkov had opportunities to create an array of doping mixtures, and developed ways to avoid detection.

89. Rodchenkov has admitted to testing and using various mixtures of drugs on himself throughout his career.

90. Also during this time period, Rodchenkov hatched one of his many criminal schemes.

91. Rodchenkov, with technical assistance from his sister, runner Marina Rodchenkova, began a plot to extort athletes in exchange for concealing positive test results.

92. Together, Rodchenkov and his sister blackmailed athletes by creating fake positive doping test results and extorted money to conceal them. Moreover, they proposed athletes enter into so-called "service contracts," according to which they provided athletes with banned substances and promised to protect them from doping control.

93. In 2011, Russian authorities initiated criminal proceedings against Rodchenkov and his sister for trafficking performance enhancing substances and masking test results for their customers under Article 234 of the Russian Criminal Code (Illicit trafficking of potent or poisonous substances for the purposes of sale).

94. On February 12, 2011 Marina Rodchenkova was charged with having committed the illegal sale of performance enhancing substances.

95. The investigation of Marina Rodchenkova revealed that Rodchenkov supplied his sister with prohibited substances.

96. On February 21, 2011 Rodchenkov was also accused of trafficking performance enhancing substances.

97. On February 23, 2011, to avoid criminal prosecution, and demonstrating his emotional instability, Rodchenkov attempted suicide by stabbing himself in the chest shortly after learning of the accusation. He remained hospitalized until March 14, 2011.

98. Two weeks later, he had another psychiatric episode and underwent treatment at a mental health hospital in Moscow where he was diagnosed with "reactive depressive psychosis with real suicide attempt."

99. On July 6, 2011, a commission of experts at N.A. Alexeev Mental Health Clinical Hospital No. 1 diagnosed him with "schizotypal personality disorder."

100. While Rodchenkov was hospitalized, Marina Rodchenkova pled guilty, withdrew her previous testimony against Rodchenkov, and took the brunt of the punishment for her brother. She was sentenced to 18 months in jail for her role in the crime. She ultimately received probation.

101. After release from hospitalization, Rodchenkov took his position as the head of the Moscow Lab, where he presided over testing for the 2012 and 2014 Olympic Games.

102. Despite Rodchenkov's claims to be able to shield doped athletes from detection, according to WADA—as stated in the First New York Times Article—Russia had the highest number of athletes caught doping from 2013-2015.

103. Of those caught doping, two are members of the Athletes' Russian National team, who, unlike the Athletes, tested positive just before the Sochi Olympics.

104. This is particularly noteworthy because Vilukhina was tested at the same time and place as the other biathletes that tested positive. She tested negative.

105. The Athletes have a long record of clean doping results in tests taken both within Russia and abroad by the Russian Anti-Doping Agency ("RUSADA"), WADA, and other independent and reputable doping agencies and laboratories.

106. Importantly, despite countless drug tests, supervised by the most reputable doping agencies on the planet, the Athletes have *never* tested positive for any banned substance at any point in their lives.

107. Keen to escape sanctions for his criminality in Russia, and eager to cash in on his lies, Rodchenkov moved to the United States.

108. A criminal proceeding was initiated against Rodchenkov in Russia in June 2016 for Abuse of Authority. On September 21, 2017, the Basmany District Court of the City of Moscow issued an arrest warrant for Rodchenkov on these charges.

109. Desperate to avoid arrest and extradition back to Russia, and to elevate his own importance, Rodchenkov told anyone who would listen, particularly those who may pay, about the Alleged Doping Conspiracy, including reporters and criminal authorities.

110. Once in the United States, Rodchenkov began plotting his next moves, giving interviews to the New York Times, writing for the New York Times, giving the 60 Minutes Interview, and working with United States authorities who were keen to elevate his tales-- despite him being a lifetime liar, cheater and criminal--because they were predisposed to believe his stories.

111. Eager to extend his time in the limelight, Rodchenkov worked with cyclist and filmmaker Bryan Fogel to make the Netflix documentary *Icarus*, chronicling Rodchenkov's account of his criminal exploits, along with his flight to the United States.

112. *Icarus* repeated false claims regarding the Alleged Doping Conspiracy that Rodchenkov had previously made, and included purported photos of the Duchess List, which contains the names of the Athletes, alongside images of Vilukhina and Zaytseva.

(2) Defendant recently spread his story in sworn affidavits, while continuing to make Defamatory Statements in international reports, and in the New York media.

(a) Rodchenkov Affidavits

113. Rodchenkov boldly asserted in the Rodchenkov Affidavits that he, as former Director of the Moscow Lab knows "many things about the history of doping in biathlon."

114. He stated that "Russian athletes were trained with PEDs for many years . . . Among other PEDs, biathletes . . . ingested EPO and used blood transfusions, and . . . later, the Duchess Cocktail" (a drug mixture allegedly developed by Rodchenkov in 2011).

115. He said that, in response to a sample collection in 2012, he needed more "clean urine" to mask results, and Irina Rodionova (who worked for Russian Federation National Teams Sport Training Centre, reporting to the Russian Ministry of Sport) agreed to collect more clean samples.

116. He then said that he specifically recalls that the entire Russian National Biathlon Team, including the Athletes, was using the Duchess Cocktail in the period before the Sochi Olympics.

117. Rodchenkov said the Athletes were "protected by the state-sponsored doping program . . . [and are] included on the Duchess List used to indicate which athletes were prepared and protected during the [Sochi Olympics]."

118. Further, he alleged, "[a]s part of the Duchess List of protected athletes, [the Athletes were] instructed to collect and freeze clean urine to use for the swapping protocol during the Sochi Games" and that these clean urine samples were ultimately transported to a secret FSB command center adjacent to the Sochi laboratory.

119. Specifically with respect to Zaytseva, Rodchenkov stated that he met with her and others at the Ministry of Sport in Moscow to discuss how her profile was abnormal and said Zaytseva knew her doping protocol threatened her ability to participate in the Sochi Olympics, and eventually led to her retirement in January of 2015.

120. These are just a few of the demonstrably false sworn statements by Rodchenkov.

121. Zaytseva never attended this alleged meeting with Rodchenkov, indeed she has never met Rodchenkov at all and had never heard of him prior to his conduct set forth herein. The Sochi Olympics were the final phase of her brilliant career, and her age dictated her retirement because she was, at the age of 36, well past the retirement age of most biathletes.

122. Rodchenkov also carelessly copied allegations from one Athlete to another, even where doing so would defy logic.

123. For example, paragraph 32 of the Affidavit regarding Romanova is identical to paragraph 32 of the Affidavit regarding Vilukhina, but Vilukhina did not compete in the 15k Individual Race on February 14, 2014, as implied by that paragraph.

124. Nothing in the Rodchenkov Affidavits or their attachments provides any evidence that the Athletes were using PEDs or were involved in the Alleged Doping Conspiracy. Their names were never mentioned a single time in the email correspondence provided by Rodchenkov.

(b) The McLaren Reports, based on Rodchenkov's Defamatory Statements, elevated the false allegations of a criminal.

125. The two McLaren Reports, commissioned by WADA, are based on an investigation triggered by Rodchenkov's public statements, deriving virtually all of their substance from Rodchenkov's false statements.

126. Indeed, shortly after the First New York Times Article was published, Rodchenkov attended a meeting via Skype with McLaren and several members of McLaren's team, presumably to direct or advise the ongoing effort to injure the Athletes by further disseminating Rodchenkov's false allegations.

127. McLaren Report 1 identified an Excel spreadsheet that came to be known as the "Duchess List," and says that this was a list of some (but not all) of the athletes who took part in the Alleged Doping Conspiracy.

128. McLaren Report 2 continued in a similar vein by identifying the Duchess List, (which the December 15 Article and the Rodchenkov Affidavits indicate includes the Athletes) and saying that this list "was prepared before Sochi and included athletes [who were providing Russian officials with] clean urine to be stored in the urine bank at the Command Center and used to swap the athletes' dirty urine for their own clean [samples] during the Games."

129. The Athletes' disqualifications were based on Rodchenkov's false accusations.

130. Through all this, Rodchenkov continued systematically and repeatedly disseminating his Defamatory Statements via the New York media. He was cited repeatedly in the New York Times, with Rodchenkov working with (or for) the newspaper on nearly 100 articles from May 12, 2016 – Present. (Ex. B). In addition, he gave the 60 Minutes Interview that aired on February 11, 2018, where he continued making Defamatory Statements.

B. The Athletes Have Never Failed a Drug Test, and Did Not Use Banned Substances During the Sochi Olympics or at Any Other Time

131. The allegations made by Rodchenkov with respect to the Athletes are entirely false.

132. During the Sochi Olympics, and indeed throughout their whole adult lives, the Athletes have endured rigorous and nearly constant drug testing both in Russia and in foreign countries.

133. None of the Athletes has ever had a single positive test.

134. This stands in contrast with certain other Russian athletes, including several biathletes, who have tested positive and been disqualified from competition on that basis.

135. Furthermore, in 2013 Vilukhina was officially diagnosed with hyperthyroidism. Given the nature of this disease, it was a medical impossibility for her to have used anabolic steroids, including the ingredients of the "Duchess Cocktail," as they could lead to very serious health consequences, even death.

(1) The Athletes were subjected to an extremely rigorous testing process.

136. Given the rigor of the doping testing process during the Athletes' sport careers, including the Sochi Olympics, Defendant's doping allegations are necessarily false with respect to the Athletes. In general, the process of doping control was as follows:

137. WADA officials coordinated the testing program via a secure, WADA-administered system called ADAMS.

138. Each Athlete had an individual ADAMS page online, where she must, in advance, input her location at all times and indicate which one hour intervals she may be available for testing (the "Athlete's Whereabouts Filing"). During the Olympic Games the Athletes were also required to indicate their training schedules and locations.

139. Using the information provided by the Athletes in ADAMS, an accredited doping control officer from a WADA laboratory (an "Officer") could (and would) show up on any day, and immediately demand that the Athlete submit to testing procedures.

140. During the timeslot indicated by the Athletes, they had to be at the precise location they had indicated in the ADAMS system.

141. Three test absences, or "flags" within a twelve-month period, caused immediate disqualification.

142. For example, there was one instance where Romanova and Vilukhina each received a "flag" for missing their tests because they were not present at the specific time and place they indicated in the Athlete's Whereabouts Filing in ADAMS. They were monitored as strictly as all other athletes.

143. Upon the sudden and unexpected arrival of an Officer, generally, but not always, during the one hour timeslot indicated in ADAMS, the Athlete would stop whatever activity she was doing and immediately provide identification.

144. In one case, an Athlete was even seen walking down the street and an Officer demanded she accompany the Officer for immediate testing.

145. In addition, the rules of the Sochi Olympics prohibited athletes from using mobile phones during doping control procedures.

146. From the moment of approach, until the end of the testing procedure, the Athlete is with the Officer at all times.

147. The Officer takes blood immediately, and then accompanies the Athlete for a urine collection, ensuring that both the blood and urine are directly from the Athlete being tested.

148. The Athlete is presented with several identical, numbered, BEREG-KIT bottles and chooses in which of the bottles to store her samples.

149. The blood and urine are then packed into bottles and the doping control forms (the "Minutes") are drafted.

150. The Minutes include the bottle numbers, as well as the signatures of the Official and the Athlete for that sample.

151. The Athlete is given a copy of the Minutes.

152. This process renders Rodchenkov's allegations, made in the First New York Times Article and elsewhere, that the Athlete took photographs of the doping control forms completely illogical and nonsensical, both because the use of mobile phones was not permitted and because there was no need to take photos, as athletes had copies of the Minutes which already contained any information that would be contained in a photo.

153. Each blood and urine sample is packed into two bottles (the "A-Sample" and the "B-Sample").

154. The purpose of splitting each sample in two is that, in cases where the A-Sample tests positive, the B-Sample will then be opened in the presence of the athlete.

155. Under the supervision of the Officer, the Athlete seals the bottles and packs them into small bags that are also sealed, and then puts them into a foam plastic container, which is again sealed with adhesive tape and a blue ribbon that will indicate if anyone opens the container.

156. Thus the samples are packed in sealed bottles, in sealed bags, in sealed containers, providing for three layers of protection.

157. The Officer is with the Athlete for the entire process; the Athlete has no time alone with the samples.

(2) The Athletes *never* provided "clean" samples that could have been substituted in for "dirty" samples had they been doping.

158. Importantly, with the exception of tiny urine samples given for regular medical check-ups twice a year, the Athletes only ever gave samples in the presence of Officers.

159. The medical samples were very small in quantity, and the use of the medical samples was strictly documented.

160. Every doping control test requires at least 90 ml of urine, so the medical samples would be insufficient to substitute for the vast quantity of the Athlete's urine tested during the Sochi Olympics.

161. Another example of Rodchenkov's complete falsification of events is demonstrated by paragraph 22 of his affidavits regarding the Athletes, in which he states that he provided Irina Rodionova with the list of all athletes who gave the clean urine, including a claim that the Athletes provided one 70-100 ml sample of clean urine on October 24, 2012. In fact, these samples were provided as part of an autumn medical check-up and doping control test, and were used the same day for testing (which the Athletes passed). Therefore, Rodchenkov's claim that the alleged "dirty" bottles were substituted for "clean" ones is impossible, because the Athletes never gave so-called "clean" samples.

162. The quantity and specificity of Defendant's falsehoods make it impossible that they are the result of mere negligence.

163. For example, in the Rodchenkov Affidavits regarding Athletes, Rodchenkov claims to have a "very specific recollection that . . . [during testing from April 2-15, 2013] blood tests for the team showed extremely high levels of hemoglobin—a key indicator of EPO abuse." Like many of Rodchenkov's sworn statements, it is impossible this is true, as the Athletes were on vacation during this time period and did not take any tests.

164. Another example is Rodchenkov's claim in the First New York Times Article that the Athletes were trained to ingest the Duchess Cocktail by swirling it on their tongues with alcohol. Severe limitations were put on the Athletes' consumption of alcohol during their sports careers, and it was impossible to bring any beverages to the Olympic Village, as there was strict security control.

C. The Athletes Have Suffered Severe Professional and Financial Injury as a Result of Defendant's False Statements

165. Competing in the Olympics was a lifelong dream for the Athletes for which they began training at an extremely young age.

166. Generally, the training started at ten years old, and each Athlete worked between 8-10 hours per day for 11 months a year.

167. The Athletes' entire lives were consumed with training and becoming world class athletes.

168. Upon retirement, most athletes who have spent their lives training are primarily qualified for careers in coaching.

169. As a result of the Defamatory Statements, leading to the IOC Decisions, the Athletes are barred from even appearing as a coach in future Olympic Games.

170. The Athletes are no longer able to earn money in the field to which they have devoted their lives.

171. The claim that the Athletes have committed doping violations also renders their ability to get sponsorships, or continue with current sponsors, impossible.

172. The Athletes have been subject to ridicule, at home and abroad, for having their medals stripped, including one instance where an Athlete was asked by a little girl why she was appearing at a children's event since "you no longer have the medal."

FIRST CAUSE OF ACTION

(Libel)

173. The Athletes repeat and reallege each and every allegation contained in the foregoing paragraphs of this Complaint as though fully set forth herein.

174. Defendant intentionally made false statements regarding the Athletes' participation in the Alleged Doping Conspiracy and use of prohibited substances.

175. These Defamatory Statements were published in the New York Times, the McLaren Reports, the 60 Minutes Interview and elsewhere.

176. Defendant knows that these allegations are false and made them with reckless disregard for the impact they may have on the Athletes.

177. These false statements have caused immense injury and damage to the Athletes.

