

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 28. Response to Answering Briefs

9th Cir. Case Number(s)

Case Name ZUFFA, LLC d/b/a ULTIMATE FIGHTING CHAMPIONSHIP, a Nevada limited liability Company; BROCK LESNAR, an individual; and DANA WHITE, an individual.

1. Appellant Name MARK HUNT

2. Describe briefly the motion/s to which you are responding:

**APPELLEES ZUFFA, LLC AND DANA
WHITE'S ANSWERING BRIEF**

AND

APPELLEE BROCK LESNAR'S BRIEF

Date filed: May 8, 2024

3. What is your response?

As is typical in the filings of the Appellees, their answering briefs are littered with narrative that rarely relies on fact, evidence or truth. Their replies are a continuation of over eight years of collusion, misrepresentations and falsifications designed to mislead, defraud, and cause harm whether negligently, recklessly or intentionally, and are a persistent perpetuation of the contraventions of the RICO Act. Disturbingly, the Appellees intensified their harms by stalking and intimidating the Appellant's partner and her 16year-old

Son, in the months prior to this reply^{1,2}. Further, the Appellees rely on a bizarre confidence where they dictate that any decision made earlier at the district court, even if flawed, should not be allowed to be questioned via appeal. They direct that Hunt should not have the opportunity to raise these flaws for fair and just decision making to take place. This renders their entire answering briefs as an ineffectual repetition of arguments already evidenced against them. However, in an effort for completeness in assisting the court to examine the particulars in the correct context, the Appellant replies to the purported issues raised for review by the Appellees in their answering briefs, in the order they have been written by the Appellees –

1. The Appellees raise their first issue that no evidence was presented of any false or concealed factual representations³. This theme is repeated often and notably, is a statement not that the evidence does not exist and rather, that for reasons unexplained, it was neither presented or relied on. However, in this instance, there are many evidenced examples of false and misleading representations and concealments and some of the relevant examples include –

- a) the text messages that demonstrate Dana White (“White”) and Brock Lesnar (“Lesnar”) made the arrangement for him to fight in UFC 200 during March 21 to March 23, 2016⁴;

¹ DktEntry: 27.1, Motion that describes Hunt’s partner being stalked and intimidated over several weeks.

² See Exhibit 1, Vehicle that followed Hunt’s partner and her son.

³ DktEntry: 34.1, Page 11, Line 5-6.

⁴ See Exhibit ZUFFA05720 at 59-62 (iPhone extraction report from Dana White) (sealed).

- b) the text message from Lesnar to White on March 22, 2016 that confirmed he had permission from Vince McMahon (“McMahon”) to proceed with UFC 200⁵;
- c) when USADA entered Lesnar’s details into the testing pool from April 1, 2016⁶ and this was continually misrepresented as Lesnar not having entered the testing pool until June 6, 2016;
- d) on April 9, 2016 when Lesnar requests for White to send him UFC gear “without letting on to anybody”⁷;
- e) during May 2016, when the UFC 200 PR photoshoot was arranged with Lesnar via text message⁸;
- f) on May 21, 2016 when White and Lesnar text each other about the UFC 200 fight roster being placed on the internet and Lesnar states “...hopefully we don’t let this cat out of the bag until we let it.”⁹;
- g) on May 27, 2016 when Mark Hunt (“Hunt”) messages White on Twitter and White misleads Hunt stating he has not found him an opponent yet¹⁰;
- h) on June 6, 2016 when Jeff Novitzky (“Novitzky”) circulates an email with three USADA staff¹¹ directing how they should manage the optics around the extraordinarily applied Lesnar exemption when it is announced;
- i) between June 7 to June 9, 2016 when Hunt messages White on Twitter requesting explanation for the extraordinary exemption granted to Lesnar and White replies that he had to do so in order to “get the deal done” with

⁵ *Id.*

⁶ *See* Exhibit USADA000053 (Lesnar whereabouts filing) (sealed)

⁷ *See* Exhibit ZUFFA05720 (iPhone extraction report from Dana White) (sealed).

⁸ *Id.*

⁹ *See* Exhibit ZUFFA05720-ZUFFA05721, 93-97 (iPhone extraction report from Dana White) (sealed).

¹⁰ ECF No. 263-1 at 6.

¹¹ *See* Exhibit ZUFFA02432-ZUFFA02449 (email thread between Novitzky and USADA) (sealed).

- McMahon. Which is contradictory to the fact that the deal had been made prior and confirmed via text between White and Lesnar in March 2016;
- j) on June 8, 2016 when Lesnar directs the “It’s Time” podcast interviewer Paul Heyman (“Heyman”) in an email thread, to not discuss that he has been in training already¹² and expresses himself with “Imao” when discussing how they manipulated the narrative to suit the Appellees agenda, to Hunts detriment;
- k) on July 27, 2016 when Novitzky emails Christina Denning (“Denning”) and Hunt¹³ to falsely declare that Lesnar had been subject to out of competition and no-advance notice testing. He states this, despite having granted Lesnar the extraordinary exemption from testing until June, and even though the USADA discovery shows Lesnar was entered into the testing pool on April 1, 2016 and in addition to the fact Lesnar made the agreement to fight at UFC 200 in March 2016. Further, the fact that testing was delayed until June, also equates to providing advance notice being given to Lesnar;
- l) on October 27, 2022 when White perjures himself during his video deposition and states that he has no knowledge of Lesnar’s exemption¹⁴;
- m) on December 7, 2022 when Lesnar perjures himself during his video deposition and states that he has never used performance enhancing drugs in breach of contract¹⁵;

¹² See Exhibit BL00074-BL00082 (“It’s Time” podcast email thread) (sealed).

¹³ See Exhibit ZUFFA00943-ZUFFA00944 (email from Novitzky to Denning and Hunt) (sealed).

¹⁴ See Exhibit DanaWhiteJnr_PDFTran.pdf, 18-21. (Dana White deposition extract).

¹⁵ See Exhibit BL120722_FULL (deposition transcript of Lesnar).

- n) when the Appellees routinely state that Lesnar tested clean six times prior to UFC 200 and omit that two of Lesnar's test results returned positive for banned substances prior to UFC 200¹⁶;
 - o) the assertion by the Appellees in their answering brief on May 8, 2024 that the new reason why there was a delay to announcing Lesnar for UFC 200 was that they apparently, awaited Lorenzo Fertitta's ("Fertitta") oversight¹⁷.
- 2) The Appellees allege that there was no evidence of Hunt relying on the misrepresentations to his detriment¹⁸. Rather, it was very evident that Hunt relied on the assurances of White when he queried about Lesnar's potential doping in their Twitter conversation¹⁹; when Hunt also relied on the contracted Promotional and Ancillary Rights Agreement (PARA), UFC 200 Bout Agreement ("BA"), and the Anti-Doping Policy that is conditional to the agreements as assurances of a minimum standard of expectation. That expectation was that his boss White and the company he was contracted to, the UFC, would do everything in their power to ensure that he was not put at risk against a doped fighter. The fact that he relied on those assurances that were the equivalent to a volume of misrepresentations that misled him, is the very basis of having relied on the many falsehoods to his detriment.

¹⁶ See Exhibit USADA000311 (adverse findings lab report for Lesnar) (sealed).

¹⁷ DktEntry: 34.1, Page 38, Line 18.

¹⁸ *Id.* Line 6.

¹⁹ ECF No. 263-1 at 6.

- 3) The Appellees allege that Hunt's aiding and abetting claim that was premised on the underlying battery claim had failed²⁰. This is incorrect, as is evidenced in the dialogue between Hunt and White in the Twitter messages prior to the bout²¹. Obviously, Hunt repeatedly, overtly and explicitly did not consent to fighting a doped opponent, and therefore the element of battery, that is defined as any wilful and unlawful use of force or violence upon the person of another without consent, has been met.
- 4) The Appellees allege that evidence was not presented to show that UFC or White knew²² that Lesnar was using banned substances prior to the bout or that evidence was not presented to show that they "*substantially assisted or encouraged him to do so.*" This statement infers that it isn't that evidence doesn't exist, rather that the evidence simply has not been presented or relied upon yet. Fortunately, text messages remain forever²³ and emails that are found in discovery are material evidence that demonstrate a high likelihood that White, and White on behalf of UFC (given that he is their CEO) was knowledgeable to Lesnar's behaviour. The text messages reveal this, when Lesnar has an urgent matter that he needed to discuss privately with White, and thereafter, was put in touch with Novitzky to ensure their plans would not be stifled. Appellees

²⁰ DktEntry: 34.1, Page 32, Line 6-7.

²¹ ECF No. 263-1 at 6.

²² *Id.* Page 32, Line 10-11.

²³ ECF No. 263-1

suggest that the baseline of how much UFC or White “*substantially assisted or encouraged*” Lesnar’s use of banned substances should determine how complicit they are. However creative the writing is, the threshold isn’t how “much” UFC and White may or may not have assisted Lesnar in his use or concealment of use of banned substances. The threshold of liability for the harms committed, is whether it did or didn’t occur. This statement of how much UFC or White “*substantially assisted or encouraged*” Lesnar’s use, is an oxymoron that provides an admission that Lesnar was assisted and encouraged to use banned substances, and attempts to reduce culpability for the misrepresentations and frauds that Hunt continually relied on to his detriment.

- 5) The Appellees allege that evidence wasn’t presented to demonstrate that UFC or White knowingly and “*substantially encouraged or assisted*”²⁴ Lesnar’s wrongful conduct. As to the previous reply at point 4, the text messages²⁵ and emails found in discovery are material evidence that prove otherwise. From their arrangement of Lesnar competing from March 2016, through to the timing and manipulation of information and optics managed by Novitzky, when it came to finally announcing Lesnar as Hunt’s opponent months later. Appellees again suggest that the baseline of how much UFC or White knowingly “*substantially*

²⁴ DktEntry: 34.1, Page 32, Line 11.

²⁵ ECF No. 263-1

encouraged or assisted” in Lesnar’s wrongful conduct should determine how complicit they are. Whether UFC and White are complicit is not subjective and the threshold should not be how “much” UFC and White may or may not have assisted Lesnar in his wrongful conduct, rather the threshold is whether they did or did not. Carrying over from point 4, this statement of how much UFC or White “*substantially encouraged or assisted*” Lesnar’s wrongful conduct, is another oxymoron that provides an admission that Lesnar was encouraged and assisted in his wrongful conduct and attempts to reduce culpability for the misrepresentations and frauds that Hunt continually relied on to his detriment.

- 6) The Appellees allege that Hunt’s civil conspiracy claim did not establish an underlying intentional harm²⁶ and that no civil conspiracy evidence was presented. Again, another point where it is stipulated not that the evidence does not exist, it was rather, not presented²⁷. This is understandably, one of the many relevant reasons that this appeal has been lodged. Certainly, in all of the substantiated, material evidence provided throughout, there has been a long term concerted and unlawful objective that constitutes an intentional purpose to mislead and misrepresent the facts to the detriment of Hunt, who has suffered the ongoing harms resulting in almost eight years of damages. The colluding

²⁶ DktEntry 34.1: Page 32, Line 14.

²⁷ *Id.* Line 17.

parties including UFC, White, Lesnar, Novitzky, USADA and NSAC all playing roles in the initial frauds and now the ongoing false narrative perpetuated against Hunt, is unmistakably a civil conspiracy.

- 7) The Appellees allege that no evidence was presented that defendants agreed upon an unlawful objective intended to harm²⁸. The Appellees stipulate that UFC, NSAC and USADA all agreed to permit the extraordinary exemption for Lesnar²⁹. This affirms that UFC, White, NSAC, Lesnar and USADA were complicit in this arrangement. Whether intentional or recklessly defined, the actions of the Appellees is a collusion of stakeholders who have misrepresented the facts from the moment Lesnar had made the agreement to fight at UFC 200 from March 2016; regarding the facts surrounding the application of the exemption from testing, and is the causation of significant harm and damages to Hunt as a result of the unlawful objectives.
- 8) The Appellees describe that evidence was not presented that Hunt was damaged³⁰, and highlight that this was that the district courts summary judgement finding stipulated it had not reviewed that information yet. This again, is another point where it is not that Hunt has not suffered damages, rather he has not had opportunity for them to be adequately presented or reviewed yet.

²⁸ *Id.* Line 16.

²⁹ DktEntry: 34.1, Page 39, Line 20 & Page 40, Line 1.

³⁰ *Id.* Line 18.

- 9) The Appellees paraphrase³¹ that in their opinion, given that Hunt signed the PARA that outlines his pay for that period, that the PARA gave Hunt “everything he wanted.” An acceptance of the PARA, and an acceptance of the pay level, does not constitute an acceptance of any standard of corruption of the agreement, or contract or policies for the UFC 200. It certainly does not overturn Hunt’s many objections made to fighting a doped Lesnar, nor does it equate to an acceptance for Hunt’s opponent and employer to breach their contracts and obligations to the Anti-Doping policy.
- 10) The Appellees allege that the Lesnar-Hunt bout announcement was partially delayed due to UFC’s inability to finalise contractual terms³² with Lesnar and obtain consents from World Wrestling Entertainment (“WWE”). This is incorrect, as is evidenced in the text messages from March 2016, that show the agreement was made between White and Lesnar, and that consent was sought and given by McMahon. Further, this argument is now null, given that the Appellees have a new assertion as of May 8, 2024 where they suggest eight years later that actually, the delay was caused not by McMahon, but by a need for Fertitta to have oversight.
- 11) The Appellees confirm that Lesnar could not enter the Anti-Doping Program testing pool until he was under contract with UFC³³. The

³¹ *Id.* Page 14, line 4.

³² *Id.* Page 15, line 1-3.

³³ *Id.* Line 9.

fact that the USADA discovery shows Lesnar having been entered into the testing pool from April 1, 2016, thereby also further confirms that he was confirmed as participating in UFC 200 from March 2016.

12) The Appellees allege that Hunt did not detrimentally rely on any statements about the timing or identity of his opponent³⁴. Hunts trust in Whites false replies on Twitter when he stated he didn't know who Hunts opponent would be, when he absolutely had known since March 2016; Hunts reliance on Whites assurances via messaging on Twitter upon finally learning who his opponent would be after many months delay; Hunts further reliance on Whites misrepresentations when convincing Hunt that Lesnar would be adequately tested, when Hunt had finally learned who his opponent would be; in conjunction with his reliance on the terms and conditions of the PARA, UFC 200 BA and the Anti-Doping Policy, undeniably establishes that Hunt did detrimentally rely on the statements related to the timing of the announcement of his opponent and the identity of his opponent.

13) The Appellees allege that Hunt holds a philosophy that he would fight any opponent, at any time if the price is right³⁵. This opinion is taken out of context, and does not include an acceptance to fight drug cheats. In fact, Hunt's agreement was the opposite, and relied on the Anti-

³⁴ *Id.* Line 12-13.

³⁵ *Id.* Line 14.

Doping Program, Anti-Doping Policy and Whites additional assurances that his opponent would be clean.

- 14) The Appellees allege that Hunt was not contractually obligated to fight at UFC 200³⁶. It is well documented that when Hunt has tried to refuse to fight opponents that he is suspect of doping, he has been coerced by the UFC to fight irrespective. An exhibit is provided as video footage of Hunt's former counsel describing the letter he was served that forced him to fight or be found in breach of contract³⁷.
- 15) The Appellees allege that Hunt was free to decline the fight after learning Lesnar was his opponent³⁸. In fact as evidenced in the messages between White and Hunt, Hunt obviously and repeatedly sought assurances that Lesnar wasn't doping, as he did not want to take such a risk against a doped up Lesnar. Further, an opponent that is much larger and one that was extraordinarily enabled to have a private weigh in. Furthermore, Hunt was not provided an option to decline the fight. In fact, as in the previous point, it is iterated that Hunt was served a letter that coerced him to fight on occasion when he tried to refuse³⁹.
- 16) The Appellees allege that should Hunt have had reservations about fighting against a doped opponent, that he should have proposed revisions

³⁶ *Id.* Line 18.

³⁷ Exhibit 2, Video recording for former Counsel Christina Denning attesting to the letter received.

³⁸ DktEntry 34.1: Page 15, Line 19.

³⁹ Exhibit 2, Video recording of former Counsel Christina Denning attesting to the letter received.

to address what would happen should Lesnar test positive to using banned substances⁴⁰. The Twitter messages produced between White and Hunt, show that Hunt did attempt to have his boss, Mr White, to vary the conditions should that be the case. Further, Hunt should have been able to rely on the obligations outlined in the Anti-Doping Policy and Whites assurances to ensure his safety.

17) The Appellees allege that Hunt didn't rely on White's statements to mean that Lesnar would be clean⁴¹. Unfortunately, Hunt's consistent queries about Lesnar being clean, cannot be misconstrued to mean anything else. Whites affirmative responses were an indication to assure Hunt. Hunt should have also been able to rely on the covenant of good faith when signing a contract, that the promoter would adhere to the very protocols and standards that Hunt was signing on for. The very existence of an Anti-Doping program meant that Hunt was led to believe that this was the minimum standard that he could rely on.

18) The Appellees, take two sentences out of context from Hunt's deposition where they allege that as UFC and White cannot control what Lesnar does⁴² in so far as to micromanage an individual, that this means Hunt accepts a corrupted standard of operating from White and UFC. The UFC and White, are responsible for ensuring that their contractors are

⁴⁰ DktEntry: 34.1, Page 16, line 9-10.

⁴¹ *Id.* Page 17, line 1-3.

⁴² *Id.* Line 4-5.

operating to the standard that they sign on to and to attempt to subvert from their responsibilities and obligations to all contractors, is simply an admission of negligence. UFC and White are obligated and have a duty to provide a safe work environment and to adhere to the standards set by them, in their contracts and Anti-Doping policy and program. If UFC and White are suggesting that they had some kind of knowledge that led them to understand that they didn't think Lesnar would follow the rules and that he could not be relied on to adhere to the standards of the contracts they initiated, then this is an admission that they knowingly put Hunt at risk against an opponent who they assumed was not going to uphold the standards and be in breach of contract.

- 19) The Appellees further remove context in Hunt's deposition when they ask if he thinks UFC did anything wrong with respect to the testing of Mr. Lesnar⁴³. Hunt's reply that he didn't think so, was in the context that he as a fighter has no knowledge of how laboratory testing works; he couldn't possibly know how their testing processes may or may not be corrupted scientifically and couldn't have an opinion on that. Hunts pre-bout queries and continual insistence to understand if Lesnar was going to be tested adequately, is the true perception of Hunts concern and position.

⁴³ *Id.* Line 10.

20) The Appellees utilise word-smithing to attempt to rearrange language when arguing that Hunt's evidence of White's pre-UFC 200 assurances do not constitute false statements and omissions⁴⁴. The messages exist and do not require analysis to understand the explicit meanings. Further, this false narrative continues by describing that Hunt conceded there was no evidence that those statements were untruthful⁴⁵. Unfortunately for the Appellees, to state the opposite of what is presented in the factual, substantiated evidence found in discovery, does not negate the reality. White stated he didn't know who the opponent would be, when he did know and had made the arrangements himself, directly with Lesnar. White withheld this information for months, and pretended for nearly eight years that the reason they delayed the announcement was that they needed McMahan's permission for Lesnar to fight. This was also untrue, as Lesnar texted to tell White that McMahan had approved the very next day, on March 22, 2016. Eight years later, on May 8, 2024, we now have a different version presented that it was actually Fertitta who they were waiting on. Hunt was irrefutably misled by false statements and omissions by White, to his detriment, for nearly eight years.

21) The Appellees describe that Hunt had no evidence that UFC or White knew prior to UFC 200 that Lesnar had used banned substances⁴⁶.

⁴⁴ *Id.* Line 12-13.

⁴⁵ *Id.* Line 14.

⁴⁶ DktEntry: 34.1, Page 17, line 15-16.

However, as referenced in previous points, the text message exchanges indicate otherwise. Specifically, when Lesnar requires a private chat with White that leads to an arrangement with Novitzky, and certainly the manipulation of information as to the date that Lesnar was entered into the testing pool so as to delay his testing until merely weeks before UFC 200. Further, the USADA discovery shows that they did know Lesnar had tested positive twice before UFC 200.

22) The Appellees allege that there is no evidence that UFC or White delayed or concealed any of Lesnar's test results⁴⁷. Rather, the evidence points to a deliberate delay and concealment. Given that the USADA discovery holds two positive results prior to the bout and the extensive lengths that the stakeholders went to, to ensure that Lesnar wouldn't be tested until weeks before the fight, by granting the extraordinary exemption and hiding that Lesnar was already in training for UFC 200 from March 2016.

23) The Appellees allege that there was no evidence that UFC or White agreed with anyone to engage in unlawful conduct⁴⁸. Unlawful conduct is the result of actions committed, whether or not the collusion was overtly or covertly arranged. Rather, the thread of demonstrated actions and choices made by the parties involved, and the substantiated

⁴⁷ *Id.* Line 16-17.

⁴⁸ *Id.* Page 18, line 1.

material evidence in the form of text messages and emails, to perjury that contradicts the paper evidence, make it plain to see that the collusion was unlawful, and was conducted on purpose. The unlawful conduct has continued for almost eight years, to the significant detriment of Hunt.

24) The Appellees allege that there was no genuinely disputed evidence that Hunt would have declined or withdrawn from the fight with Lesnar had he known he was juiced to the gills⁴⁹, and had he known that UFC would not enforce the Anti-Doping Policy. This is incorrect, and is evidenced in Hunt's messages to White via Twitter, where he seeks assurances that Lesnar isn't doping. It is also evidenced, that Hunt has been coerced to fight when faced with a suspected doped opponent on other occasions, when he has been served with a letter from Hunter Campbell threatening that he would be in breach of contract if he did not fight.

25) The Appellees again remove context from a reply during Hunt's deposition when asked if he had considered withdrawing from the fight⁵⁰. Hunt explicitly made his concerns known to White prior to the bout, and made his decision to continue based on the Anti-Doping Policy that he relied on, and Whites word that he also relied on to his detriment. Being able to rely on the contract he signed, and the CEO of UFC's assurances,

⁴⁹ DktEntry: 34.1, Page 18, line 8-13.

⁵⁰ *Id.* Line 15-20.

is what led to Hunts decision making. Had information not been hidden from Hunt as to who his opponent would be when it was known much sooner in March 2016, prior to the PR campaign, its possible he may have made a different decision.

- 26) The Appellees describe Hunt's smack talk⁵¹, familiar in the lead up to any bout as factual. Unfortunately, this common feature in professional combat sports has always existed and cannot be argued as a feature that did not exist in the UFC 200 promotional activities.
- 27) The Appellees incorrectly allege that Hunt's humble character that he is known for and had displayed throughout the promotion of the event and after⁵², negates Hunts concerns that were raised with White prior and after the bout. Hunts professionalism was maintained, and this does not invalidate his genuine concerns that were raised with White.
- 28) The Appellees allege that Lesnar was registered by USADA into the UFC's Anti-Doping testing pool on June 6, 2016⁵³. Unfortunately, the USADA discovery shows that Lesnar was in fact entered into the testing pool on April 1, 2016⁵⁴.
- 29) The Appellees allege that the reason Lesnar was granted exemption from the four months of testing, was that it would be

⁵¹ *Id.* Page 19, line 10.

⁵² *Id.* Line 18-20.

⁵³ *Id.* Page 20, line 5.

⁵⁴ *See* Exhibit USADA000322 (adverse finding lab report for Lesnar) (sealed).

manifestly unfair to the athlete. As described in the opening brief, the four-month testing rule was designed for athletes who re-enter the UFC to ensure that they cannot dope. Applying this exemption as the reason to grant an athlete the ability to circumvent the testing phase as an athlete who meets the criteria that the rule was created for, means that the exemption was granted fraudulently. Further, the “*manifestly unfair*” reason that was given to grant Lesnar the exemption, completely ignores that to grant the exemption is to be “*manifestly unfair*” to his non-doping opponent.

30) The Appellees allege that Lesnar did not control when he would receive permission from WWE to compete in the UFC 200, and once he received permission from WWE⁵⁵ and finalised his contracts with UFC, he immediately entered the testing program⁵⁶. As the USADA discovery proves Lesnar entered the program on April 1, 2016⁵⁷, then this confirms his permission to participate was granted prior to April and further, as is evidenced, his agreement to fight in UFC 200 was made with White prior to April, and McMahon had granted permission on March 22, 2016 as confirmed by Lesnar in the text messages to White.

31) The Appellees confirm that UFC advised USADA and NSAC of the exemption decision and that all three stakeholders were comfortable

⁵⁵ See Exhibit ZUFFA05720 (iPhone extraction report from Dana White) (sealed).

⁵⁶ DktEntry: 34.1, Page 21, line 5-7.

⁵⁷ See Exhibit USADA00041 (Lesnar whereabouts filing) (sealed).

with this⁵⁸. This affirms the parties as UFC, White, Novitzky, USADA, NSAC, Fertitta and Lesnar as those in collusion.

32) The Appellees wrongly state that Hunt had no evidence to suggest that UFC granted Lesnar the exemption to harm him⁵⁹. In fact, the harm was caused from the moment the colluders commenced their conspiracy to hide pertinent information from Hunt, from the time that White and Lesnar had made the agreement in March 2016, for him to join UFC 200. The harm was caused when misrepresenting the facts, omitting information, and misleading Hunt, so that he be coerced into fighting a doped fighter when he had made it clear that he did not consent to that. The exemption is only one attribute of the many harms committed. The harms were exacerbated, when for almost eight years, the Appellees have carried on with their collusion, misrepresentations, omissions, outright perjury in their video depositions that are in contradiction to the paper evidence in discovery, and now in 2024 to the stalking and intimidation of Hunt's partner and her child.

33) The Appellees allege that in deposition Hunt agreed it was fair for UFC to assume that Lesnar probably was not doping given that his first six drug tests prior to UFC 200 were negative⁶⁰. In context, what Hunt

⁵⁸ DktEntry: 34.1, Page 21, Line 9-10.

⁵⁹ *Id.* Line 13.

⁶⁰ *Id.* Line 13 and DktEntry: 34.1, Page 22, Line 1.

agreed to, was that if those results were true, then it might be fair to assume such.

34) The Appellees describe that when Lesnar tested positive to banned substances, that the substances were a type that increases testosterone⁶¹. The banned substance, Clomiphene, is known as a type that athletes will take to clear other steroids from their system. Alternatively, it is a medicine for women suffering from poly-cystic ovary syndrome. Therefore, unless Lesnar identifies as trans and is suffering from poly-cystic ovaries, there is no other reason for this banned substance to be in his system.

35) The Appellees allege that Lesnar was the most tested athlete on the UFC 200 card based on when he entered the Anti-Doping Program⁶². This incorrect statement relies on the misrepresented information that Lesnar was entered into the testing pool in June when in fact, the USADA discovery shows Lesnar was entered into the pool on April 1, 2016⁶³.

36) The Appellees describe that during the bout, there were punches and kicks while standing and that these movements are a normal part of a fight⁶⁴. Certainly, Hunt agrees that these actions are ordinarily features of a fight that is between two opponents who are equally not doped. Hunt

⁶¹ DktEntry: 34.1, Page 22, Line 6-9.

⁶² *Id.* Line 12-13.

⁶³ *See* Exhibit USADA00041 (Lesnar whereabouts filing) (sealed).

⁶⁴ DktEntry 34.1: Page 23, Line 1-3.

did not agree that these movements when performed by a doped fighter, are equivalent. Rather, as repeatedly evidenced, Hunt understands there to be such a significant difference that he repeatedly sought assurances from White that Lesnar wasn't doping.

37) The Appellees mention that in the fight, Lesnar was never close to knocking Hunt out or TKO⁶⁵. This is a statement and demonstration of Hunt's expertise, and should not be conflated to assume that he contemporaneously accepts a corrupted standard of operation for the fight, and doesn't equate to Hunt agreeing to have fought a doped fighter just because he didn't die or get knocked out in the bout.

38) The Appellees allege that because Hunt didn't suffer any permanent physical injuries, that this means Hunt was not harmed⁶⁶. Battery, is non-consensual touching or unlawful use of wilful violence against another. Hunt did not consent to a bout with a doped fighter. Hunt did not have to suffer permanent physical injuries to suffer a harm. He was harmed when battered without consent, by a doped fighter. His harm didn't start there though – it commenced the moment that the parties involved chose to hide information from him, and continued their false narratives for nearly eight years now.

⁶⁵ *Id.* Line 4.

⁶⁶ *Id.* Line 8-10.

39) The Appellees go on to conflate a comment Hunt has provided where he has suggested one time that fighters could maintain fan levels⁶⁷ or gain fans even after a loss. This again is to conflate the statement, with fact that is very different. There are eight years of negative portrayal, commentary, news articles, social media – millions of character assassinating media content about Hunt, driven by the Appellees false narratives about him. Hunt has lost countless fans and is continually, heavily trolled online by UFC, White and Lesnar fans who are none the wiser to the reality of what has taken place.

40) The Appellees quote Lesnar's comments that he had never taken banned substances⁶⁸. Unfortunately, the lab results are the factual evidence⁶⁹, and when Lesnar continues his lies by perjuring himself in the video deposition, this does not change the substantiated facts.

41) The Appellees continue by suggesting that if Lesnar didn't expect to test positive⁷⁰, that in his opinion, under those circumstances he believed that meant that neither UFC or White to have been none the wiser. Unfortunately, Lesnar's opinion is not fact. Nor can it be fairly relied upon in any part of this matter, given his propensity to be untruthful before, during and for over seven years after the incident that

⁶⁷ DktEntry: 34.1, Page 24, Line 1-2.

⁶⁸ *Id.* Line 7.

⁶⁹ *See* Exhibit USADA000322 (adverse finding lab report for Lesnar) (sealed).

⁷⁰ DktEntry: 34.1, Page 24, Line 9-10.

caused this law suit. Further, this opinion is contrary to the extensive substantiated material evidence that shows otherwise.

- 42) The Appellees stipulate that White denied having any knowledge that Lesnar was taking banned substances prior to UFC 200⁷¹. White had conversed on a “private matter” with Lesnar via text message, shortly after making the agreement for him to join UFC 200. Lesnar’s participation in UFC 200 was then hidden until they were ready to announce in June. Whites’ denial of knowledge, is disputed by the material evidence, mainly in the text messages that suggest otherwise.
- 43) The Appellees again mention that Hunt provided no evidence of damages⁷². This is a stipulation not that damages don’t exist, rather they were not shown. As described in the summary judgement, it is explained that they were not yet reviewed.
- 44) The Appellees allege that Hunt did not suffer any emotional or mental injuries caused by the bout⁷³ and that the expert did not render any diagnosis by Dr. Hastings⁷⁴. As is the unrelenting tone of the Appellees filings, this is factually incorrect. Dr. Hastings’ 2022 expert report found that –

“Mr. Hunt ...experiences anxiety that escalates to symptoms of panic when he hears the name of the company. Mr. Hunt says that when triggered, his chest feels tight, he has difficulty breathing, starts sweating, and has a fear of dying.

⁷¹ *Id.* Line 10-11.

⁷² *Id.* Page 25, Line 9.

⁷³ *Id.* Line 11.

⁷⁴ ECF 231-8 (Dr Hasting’s expert report)

As defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), these are symptoms of a panic attack.

Mr. Hunt describes having had difficulty sleeping, as well. He states that his active lawsuit against the UFC has prevented him from getting jobs, which augments his stress.

Mr. Hunt explains the anger he has felt towards the UFC for arranging fights between him and fighters who were proven to be doing steroids.

Mr. Hunt says that being forced to fight against them "took away the love for what I do." So, when he gave up his future with the UFC because he had been betrayed by its leaders, it resulted in significant emotional turmoil.

Mr. Hunt describes how symptoms of anxiety and depression ensued once he stopped fighting and reflects on the unfairness of the fights arranged by the UFC. After it was revealed that Lesnar had been using steroids at the time of their fight, Mr. Hunt became "anti-social and depressed."

Mr. Hunt also felt betrayed by Dana White, President of UFC, because Mr. Hunt had asked Mr. White to make sure Lesnar was clean before the fight. Following the Lesnar fight, Mr. Hunt was easily irritated and withdrew from family and friends. He gained a significant amount of weight during that time.

According to the DSM-5, a noticeable change in eating habits and weight is a diagnostic criterion for clinical depression when accompanied by depressive features. Additional symptoms include loss of interest and pleasure in life events and relationships, difficulty sleeping, lethargy, and feelings of worthlessness – all which Mr. Hunt experienced.

Based on Mr. Hunt's reported symptoms, he met criteria for Major Depressive Disorder. When an individual experiences a maladaptive response to a specific stressor, preventing him or her from going on with normal everyday life, a diagnosis of an adjustment disorder must also be considered.

According to the DSM-5, Mr. Hunt has met criteria for Adjustment Disorder with Anxiety since the aftermath of his rupture with the UFC.

A neuro-psychological assessment was administered by Roy Sugannan, Ph.D. in October of 2017. Data which evaluated Mr. Hunt's psychoemotional functioning reflected "moderate depression, severe anxiety and mild stress." The evaluation was conducted the year following Mr. Hunt's fight against Brock Lesnar.

During a discussion with Mr. Hunt, he stated that he continues to experience symptoms of anxiety and depression due to the fallout between him and the UFC. When forced to fight someone who had an unfair advantage (i.e., steroids) in the ring, it was potentially a subconscious reminder of having to face his biggest childhood opponent who had an unfair advantage – his father.

To feel as though no one had his back gave him a sense of hopelessness – how could he defeat someone armed with superficial dominance? He was being sacrificed for others' income and pleasure.

Once the unethical dynamics of the UFC were exposed to him, he “lost hope; there was no point” in training or fighting. As Mark stated during one of our conversations, when he felt like he was being set-up to lose, he questioned whether he wanted to be alive anymore. He knew a fight was coming that he couldn't win. Research has shown that hopelessness is the number one precursor to suicide.

45) The Appellees allege that Hunt failed to present any cognizable evidence of economic harm to his career from fighting Lesnar⁷⁵. This is incorrect. The correct statement is that as per the summary judgement, damages were not yet reviewed. Further, the almost eight years of degrading, derogatory, defamatory media and anti-Hunt content driven by the UFC narrative, has certainly caused significant impact and damages to Hunt economically.

46) The Appellees allege that Hunt's career was not impacted due to the Lesnar bout⁷⁶. This is also incorrect. Hunt's character has been assassinated by the UFC's fraudulent narrative that they have carried on for almost eight years. Hunt's Juggernaut brand stopped trading, he has been unable to secure new fight contracts, and there are millions of articles, interviews, You Tube commentary videos and social media trolls that have attacked him for his stance against the UFC's practices. Hunt

⁷⁵ DktEntry: 34.1, Page 25, Line 19-20.

⁷⁶ *Id.* Page 26, Line 1-2.

had fair and genuine career aspirations prior to the Lesnar fight and had he not been defrauded by White who he trusted, and the entire group who colluded to misrepresent facts and mislead him – he unquestionably would not have suffered brand damage, character assassination or hopelessness that led to his loss of motivation thereafter. Hunt would have continued with his career, and undoubtably would have continued to maintain his place in the top 10 worldwide.

47) The Appellees allege that Hunt’s claim of aspirational damages to be defective⁷⁷. Hunt was number four in the world prior to the Lesnar fight. It is hardly far from reality for a top ten fighter to contend to achieve their aspirations, especially when they have already achieved world number one status in other titles. As in point 46, the many years of public brand and character assassination by the UFC false narrative against Hunt has unequivocally affected his ability to reach his career goals. Further, the psychological harm as a result of his boss and employer demonstrating scant care for his welfare when misleading him and coercing him to fight a doped Lesnar has had ongoing significant repercussions to his ability to be motivated.

48) The Appellees describe that Hunt declared and tried to “wordsmith”⁷⁸ his testimony that no-one at UFC had ever represented to

⁷⁷ *Id.* Line 8-13.

⁷⁸ *Id.* Page 27, Line 20.

him prior to UFC 200 that Lesnar would be a clean fighter. Unfortunately, Hunt is able to rely on the covenant of good faith and fair dealing where he relied on the fact that the promoter who created the contract and the opponent who signed on to the same conditions, in that was absolutely an assurance of a minimum standard being set that Lesnar or any opponent would be clean. As stated, many times over, White provided assurances to Hunt via Twitter messages, when he expressed concerns about whether or not Lesnar would be clean. Hunt relied on Whites assurances, and the Anti-Doping policy, that Lesnar would be clean.

- 49) The Appellees stipulate that evidence was not highlighted at district court to support that UFC and White knew anything about Lesnar's substance use⁷⁹. If the evidence was not highlighted, perhaps this points to an issue of lawyer incompetence and not a lack of evidence. Certainly, the text messages provided and arrangements made between the parties in collusion via email chains, and instructions issued as to how to manage the messaging when the Lesnar exemption would be announced, demonstrate it was likely to have been known.
- 50) The Appellees again describe that Hunt's former counsel failed to produce relevant damages evidence and specifically point to emotional harm and that his counsel conceded that the psychological expert

⁷⁹ *Id.* Page 28, Line 11-12.

apparently did not offer a reasonable degree of medical probability⁸⁰. This statement is important in two parts. Firstly, that it is entirely contradictory to the actual report that states the emotional harm as described by Dr Hastings at point 45. Secondly, in that it provides additional evidence of malpractice, incompetence and criminal negligence on behalf of Denning and further context that was formerly hidden from Hunt.

- 51) The Appellees paraphrase from the district courts summary judgement and reiterate that the judgement outcome was due to evidence not being presented, and not because the evidence did not exist⁸¹.
- 52) The Appellees repeat their former claims that Hunt could not prove civil conspiracy⁸². To consistently repeat the same falsehood does not change the reality. The exasperating degree of substantiated, material evidence provided in the discovery and referenced throughout this reply, without question provides the list of those in collusion to be UFC, White, Fertitta, Lesnar, NSAC, USADA and Novitzky. The evidence also demonstrates that the collusion, misrepresentations, omissions, and fraud commenced from the moment in March 2016 that Lesnar had agreed to fight in UFC 200, until now in 2024. Where we have a shift in the Appellees arguments to suggest that it wasn't that they were waiting for McMahons approval – all of a sudden – we are informed that actually, it

⁸⁰ DktEntry: 34.1, Page 29, Line 1-4.

⁸¹ *Id.* Line 16.

⁸² *Id.* Line 18.

was Fertitta who they were waiting for to announce Lesnar's return.

Further, the conspiracy has not ended and we have the insidious intimidation and stalking that has occurred, targeting Hunt's partner and her teenage Son.

53) The Appellees continue to rewrite the meaning of Hunt's enquiries to White prior to the bout, that clearly demonstrate his unwillingness to fight a doped opponent⁸³. The Twitter messages undoubtedly show that Hunt is seeking assurances from White that Lesnar won't be doped. Hunt unambiguously accepts Whites assurances that Lesnar is being tested so much that he would be clean. Hunt relies on Whites word, in addition to relying on the Anti-Doping Policy that he holds with a covenant of good faith that the promoter and opponent have also agreed to. These assurances were relied on and Hunt did so, to his detriment.

54) The Appellees provide an absurd argument, whereby they state that White never represented that Lesnar would be clean at UFC 200⁸⁴. This is contradictory to the directives within the PARA, BA and the Anti-Doping Policy that Hunt could and did rely on, that requires fighters to be clean. This statement⁸⁵ paradoxically affirms that should White continue to attest that he did not provide a guarantee of Lesnar's status of being clean, then White, UFC and Lesnar are all in breach of contract for not

⁸³ *Id.* Line 10-14.

⁸⁴ *Id.* Line 15.

⁸⁵ *Id.*

adhering to the PARA and Anti-Doping Policy that forms part of the agreement. Further, if White denies having knowledge of Lesnar doping, this statement⁸⁶ finds White et al, liable whether by affirmative misrepresentation or omission, or negligence.

55) The Appellees allege that any agreement undertaken by UFC or White cannot be proven as intended to harm⁸⁷. This statement is interesting, in that the Appellees seem to make admission here that an agreement was made to collude, and that they simply want to argue that maybe it can't be proven that they meant to harm Hunt. However, the harm is caused whether or not UFC or White stipulate that they did or didn't mean it. The harm is present from the moment the Appellees chose to collude and hide information from Hunt. To provide false or misleading information, is a corruption and fraud. The existence of these elements equate to harms being caused. The argument is null, to suggest that if UFC and White didn't mean to harm Hunt, it does not remove from the fact that their actions did harm him. Not just their actions from the moment they negotiated with Lesnar to fight, but every misrepresentation from March 2016, to now.

56) The Appellees allege that an act of fraudulent concealment does not equate to damages unless they are shown⁸⁸. As at previous points, if

⁸⁶ *Id.*

⁸⁷ *Id.* Line 13-14.

⁸⁸ DktEntry: 34.1, Page 35, Line 12-14.

the cognizable damages were not yet presented, this does not mean they don't exist. This statement is another oxymoron, whereby Appellees admit to fraudulent concealment and attempt to invalidate the existence of the attached harm that has been caused, simply due to the damages not yet being reviewed. The many acts of fraudulent concealment certainly are causation of damages to Hunt.

57) The Appellees, reiterate again that it isn't that fraud, aiding and abetting and civil conspiracy did not exist. They simply highlight that the substantiated, material evidence was unfortunately not presented⁸⁹.

58) The Appellees contradict themselves again, as they admit that Hunt did rely on White's statements to his detriment^{90,91,92} and affirm that Hunt has suffered damages, and that they simply have not yet been articulated^{93,94}.

59) The Appellees continue to contradict themselves and go on to state there has been no false statements or concealments of material facts⁹⁵. They state that the twitter messages produced in discovery cannot be relied on as they are not amenable to verification. This is another falsehood, as these messages can be verified and were accepted into

⁸⁹ *Id.* Page 36, Line 1-2.

⁹⁰ *Id.* Line 2.

⁹¹ DktEntry: 34.1, Page 45, Point 2.

⁹² *Id.*

⁹³ DktEntry: 34.1, Page 36, Line 1-2

⁹⁴ *Id.* Page 55, Point II.

⁹⁵ *Id.* Page 36, Line 3.

discovery. The Appellees unfortunately cannot rely on these messages in earlier points, such as at point 18, and choose for the same messages not to be relied on by Hunt.

- 60) The Appellees, continue to state incongruities in their answering brief. They paraphrase and confirm that White replied to Hunt that he didn't know who his opponent would be, on 27 May 2016. This is despite the fact that text messages and emails and the USADA testing pool records illustrate that it was common knowledge amongst the group of Appellee's and stakeholders, that they knew Lesnar was the opponent from March 2016, was in the testing pool from April and had expressed a personal issue that required consultation with Novitzky.
- 61) The Appellees describe that UFC and Lesnar were still negotiating terms with Fertitta⁹⁶. This is the first mention of Fertitta having oversight of the arrangements with Lesnar. The text messages show that White and Lesnar confirmed the arrangement in March, and that Lesnar had clearance from Vince McMahon.
- 62) The Appellees allege that as Hunt expressed excitement⁹⁷ about the upcoming bout, that this meant he was not affected by the corrupted operation at play in the background, and that there is an assumption that he ought to have agreed to that corrupted standard, irrespective of having

⁹⁶ DktEntry: 34.1, Page 38, Line 18.

⁹⁷ *Id.* Page 39, Line 4.

an agreement, contract and Anti-Doping Policy to rely on. This is another null argument that oddly assumes that the Appellees speak for Hunt and how Hunt would or should feel.

63) The Appellees point to the evidence that was provided in discovery that shows Lesnar having been entered into the testing pool on April 1, 2016 and not June 6, 2016 as previously alleged. Appellees provide a confusing explanation for Lesnar not being tested sooner than June 6, that is that UFC staff member Novitzky provides a “contemporaneous” assertion to USADA and NSAC that fighters cannot enter the testing pool until under contract. It is confirmed here, that the fighter was entered into the pool on April 1, 2016, as is evidenced by the USADA discovery. Further, the text messages provided in exhibits from discovery, certainly show the arrangement was confirmed in March 2016. It appears then, that the Appellees are agreeing to the true date that Lesnar was entered into the pool as April 1.

64) The Appellees state that in the opening brief, Hunt should not be allowed to provide evidence that demonstrates a flawed decision at district court, and calls this improper⁹⁸. As Appellees have introduced new information in their answering brief – such as the introduction of Fertitta in their arguments - it is curious that they expect different

⁹⁸ DktEntry: 34.1, Page 41, Line 10.

standards from the victim/appellant. Moreover, Hunt rejects these claims of new information. Everything relied on his opening brief was found in the discovery and materials provided to him, and he has conducted his responses as outlined by the ninth circuits guidebook.

65) The Appellees complain that they were never given the chance to rebut materials. This is another falsehood. Defendants were given the same amount of time as anybody else in this process.

66) The Appellees make mention of the fact that Lesnar's test results were not expedited⁹⁹, and that this wasn't a choice for UFC and White not to do so. It then describes that Novitzky had explained the expedited process, and that Novitzky gave that responsibility to USADA. This is another unclear response and does not adequately address as to why results were not expedited, especially when Lesnar had already at least one positive result prior to the fight.

67) The Appellees suggest that nobody at UFC had represented that Lesnar was going to be clean¹⁰⁰. This argument confirms that the Appellees did not intend to adhere to the covenant of good faith and fair dealing in signing contracts and making agreements that relied on the Anti-Doping Policy. This is a breach of contract, and further confirmation that UFC misrepresented the facts that Hunt relied on to his detriment.

⁹⁹ *Id.* Page 42, Line 5-13.

¹⁰⁰ *Id.* Page 43, Line 4-12.

Hunt absolutely relied on Whites assurances in the Twitter messages, the contractual assurances in the PARA, and the Anti-Doping Program and Policies as an extension to the agreement. If Whites explanation is that he only represented that Lesnar be tested and not be clean, thereby is another admission to the breach of contract, and misleading practices that equate to frauds that Hunt relied on to his detriment.

68) The Appellees allege that Hunt did not show that any of White's statements were actually false¹⁰¹. In fact, the discovery that demonstrated that Lesnar was confirmed and agreed to fight in UFC 200 in text messages from March 2016, the USADA testing documents that confirm he was entered into the testing pool from April 1, 2016, the Twitter messages where White denies knowledge of knowing who the opponent is, the emails with interviewers that request the writer not to disclose that they know Lesnar is confirmed to fight prior to the announcement date, and the seven to eight years following whereby White, UFC et al have continued to peddle their false narrative, undeniably shows that White's statements Hunt relied on, were absolutely false.

69) The Appellees make an erroneous claim that White would have to have been clairvoyant to understand Hunt's direct questions in Twitter. Hunt's enquiries were explicit and did not require any special

¹⁰¹ *Id.* Line 16-17.

interpretation to understand the meaning. Hunt specifically asked why Lesnar was exempt from testing. This does not require any supernatural abilities to understand.

70) The Appellees point to the PARA and UFC 200 BA and suggest that as Hunt did not seek to rescind prior to the fight, that this constitutes the parties having fully performed their obligations¹⁰². This flawed argument discards the fact that the obligations were not met and this is why this law suit exists. By this rationale, the Appellees assert that they should not be held accountable to the standards promised to their contractors after a bout, and that they have no responsibilities thereafter. If the promoter cannot guarantee a test result prior to a bout, or cannot guarantee their safety obligations to fighters, or cannot provide the standard described in their own contracts, or fail to implement the policies in their agreements, and hereby stipulate they take no responsibility for what result or injuries are as a result after a bout is complete, they are admitting to providing fraudulent contracts that cannot be relied on. Hunt and all UFC fighters who have ever held a contract agreement with the UFC, therefore have ALL been misled and defrauded into unlawful contracts, that are consequently the causation of harm and damages.

¹⁰² DktEntry: 34.1, Page 44, Line 14-17.

71) The Appellees attempt to narrow the scope of harm as to whether or not Hunt lost the fight, and whether or not Lesnar was tested adequately¹⁰³. The harm is not the fact that Hunt lost the bout to Lesnar. The harm is due to being placed at risk against a fighter who is juiced with banned substances, and further, to Hunt's career when he expressed exasperation at having been misled by White and the UFC to be put in danger in front of an opponent who was using performance enhancements. Further, to have been manipulated to do so via the assurances of White, after Hunt repeatedly expressed concern about the fact the Lesnar looked to be juiced. The harm commenced from the moment of collusion and misrepresentation, when it is evidenced that the agreement for Lesnar was made in March 2016. The inadequate, manipulated framework of testing Lesnar, is one attribute of the fraud via misleading information. The harm caused to Hunt is irrespective of whether or not he won the fight. The harm commenced when the parties decided to withhold information from Hunt as to who his opponent was, when the agreement was made in March 2016, when collusion took place between UFC, USADA, White, Novitzky, NSAC and Lesnar when they discussed and agreed to issue an extraordinary exemption from banned substance testing with the falsehood that they didn't know Lesnar was

¹⁰³ *Id.* Line 8-15.

fighting until June. Hunt absolutely had no choice but to rely on the misrepresentations provided to him by White, and the contract agreement and Anti-Doping Policy that he signed on for. The harm caused by the actions of the Appellees have only been prolonged and exacerbated over the almost eight years of collusion to perpetuate the falsehoods and misrepresentations against Hunt.

72) The Appellees assert that as Hunt was informed of Lesnar's extraordinary exemption, that this means he agreed to it¹⁰⁴. In fact, as repeatedly referred to throughout, Hunt questioned the validity of the exemption and was not happy about it.

73) The Appellees suggest that Hunt was not influenced by his suspicions that Lesnar was using banned substances¹⁰⁵. This is another baffling assertion by the Appellees, when it has been evidenced that Hunt continually questioned if Lesnar was juicing. He was clearly influenced, and queried White repeatedly on the subject. On Whites assurances and the reliance of the PARA and the BA and affiliated Anti-Doping Policy, Hunt depended on these factors for his safety and to his detriment, continually, for almost eight years causing damage to his career, livelihood, brand, public image and character.

¹⁰⁴ DktEntry: 34.1, Page 45, Line 20 & Page 46 Line 1.

¹⁰⁵ *Id.* Page 47, Line 9.

74) The Appellees describe that Hunt didn't consider withdrawing from UFC 200¹⁰⁶. This statement draws a sentence out of context. Hunt did not consider withdrawing under the circumstances, being that his boss White repeatedly assured him that Lesnar would be tested so much that he would have to be clean; that he had an Anti-Doping Policy to rely on; that he believed his boss wouldn't put him in such harms way that an ordinary bout would be converted to the risk of a mortal combat; that on his reliance of his boss's words and his reliance on the agreement he signed and that his reliance on his opponent having signed to agree to the same standards; and that he could be threatened with a breach of contract should he not fight – under those circumstances – Hunt continued with the fight.

75) The Appellees despite earlier admissions in their answering brief that they are knowledgeable of the damages caused to Hunt, suggest that Lesnar's test results were not known prior to the fight¹⁰⁷. However, the USADA discovery shows that he did test positive prior to the fight, multiple times.

76) The Appellees suggest that Hunt presented no evidence to support the aiding and abetting claim. However, as is stated throughout their answering brief, it is not that evidence didn't exist, that it simply was not

¹⁰⁶ *Id.* Page 47, Line 17.

¹⁰⁷ *Id.* Page 48, Line 1.

presented. The text messages, email threads with interviewers, emails from Novitzky directing media optics, USADA discovery that shows when Lesnar entered the testing pool, the Appellees themselves asserting that NSAC, UFC, USADA, Novitzky, White, and Lesnar were all a part of the arrangement for an extraordinary exemption – are all actions taken in complicity for a common purpose and therefore certainly demonstrates aiding and abetting.

77) The Appellees suggest that the battery claim was not evidenced¹⁰⁸ and that Hunt consented to be battered by a doped opponent. As repetitive as it may be, Hunt clearly articulated that he did not consent to fighting a doped opponent. He did this when he signed on to an agreement with an Anti-Doping Policy; when he raised concerns with White and continued to express his disdain and hurt for what he had been misled into, after the test results were known. There is no other version of this incident. Hunt categorically did not consent to being battered by a doped opponent, and went into the bout believing in Whites assurances and relying on the Anti-Doping Policy to his detriment.

78) The Appellees suggest that regardless of Hunt establishing the battery claim against Lesnar¹⁰⁹, that the derivative aiding and abetting claim against UFC and White were not maintained. It is stated as is

¹⁰⁸ DktEntry: 34.1, Page 50, Line 12-13.

¹⁰⁹ *Id.* Page 51.

throughout their answering brief, not that evidence didn't exist, that it simply was not presented. The text messages, email threads with interviewers, emails from Novitzky directing media optics, USADA discovery that shows when Lesnar entered the testing pool, the Appellees themselves asserting that NSAC, UFC, USADA, Novitzky, White, and Lesnar were all a part of the arrangement for an extraordinary exemption – are all actions taken in complicity for a common purpose and therefore certainly demonstrates derivative aiding and abetting.

79) The Appellees state that Lesnar confirmed that no one from UFC had any role in his training camp¹¹⁰. Regrettably, Lesnar's word counts for nought when he has lied continually from the moment of agreeing to the bout, throughout testing, after the bout, and almost eight years later. This is also contradictory to the text messages that show otherwise, particularly when he requested UFC branded gear be sent to him at the training camp.

80) The Appellees allege that there is no evidence that White and UFC substantially assisted or encouraged Lesnar's banned substance use¹¹¹. This statement is contrary to the evidence in text messages where Lesnar needs to discuss a matter privately; where the manipulation of facts is to hide that Lesnar is in training already with UFC as is evidenced in emails

¹¹⁰ *Id.* Page 52, Line 2-3.

¹¹¹ *Id.* Line 11.

with an interviewer who is requested to ensure this fact isn't disclosed in print¹¹²; as is evidenced in the fact that Lesnar was entered into the testing pool in April, however not tested until months later in June; as is also evidenced in emails from UFC to management in how to manage the optics when they announce the unprecedented, extraordinary move of giving Lesnar an exemption from being tested in the same way as everyone else. These evidenced actions undeniably and substantially assisted Lesnar in committing frauds to withhold relevant information prior to the bout, during the bout and after the bout for almost eight years to Hunt's extensive detriment.

- 81) The Appellees then describe that perhaps White didn't know that he was assisting in the frauds¹¹³. Alas, even if White didn't know, this does not remove Whites liability as CEO. It would also be difficult to explain how he couldn't have known, given that he himself texted and arranged the agreement with Lesnar in March 2016.
- 82) The Appellees state that Hunt did not present damages¹¹⁴. Hunt not having had an opportunity to present damages yet, does not remove from damages being sustained.

¹¹² See Exhibit BL00074-BL00082 ("It's Time" podcast email thread) (sealed).

¹¹³ DktEntry: 34.1, Page 53, Line 9.

¹¹⁴ *Id.* Page 56, Line 3.

83) The Appellees stipulate that Hunt suffered no damages¹¹⁵ though this contradicts their former statement where they admit that damages were simply not presented.

In summary, it is due to the foregoing reasons, Hunt respectfully requests that the 9th Circuit of Appeals should grant in the Appellants favour.

¹¹⁵ *Id.* Line 16.

Form 28

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 15. Certificate of Service for Electronic Filing

9th Cir. Case Number(s)

I hereby certify that I electronically file the foregoing/attached document(s) on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

Service on Case Participants Who Are Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) via email to all registered case participants on this date because it is a sealed filing or is submitted as an original petition or other original proceeding and therefore cannot be served via the Appellate Electronic Filing System.

Description of Document(s):

Form 28. Reply to APPELLEES ZUFFA, LLC AND DANA WHITE'S
ANSWERING BRIEF

AND

APPELLEE BROCK LESNAR'S BRIEF

Form 15. Certificate of Service for Electronic Filing

Signature



Date 29 May 2024

Form 15

EXHIBIT 1

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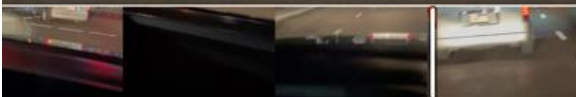


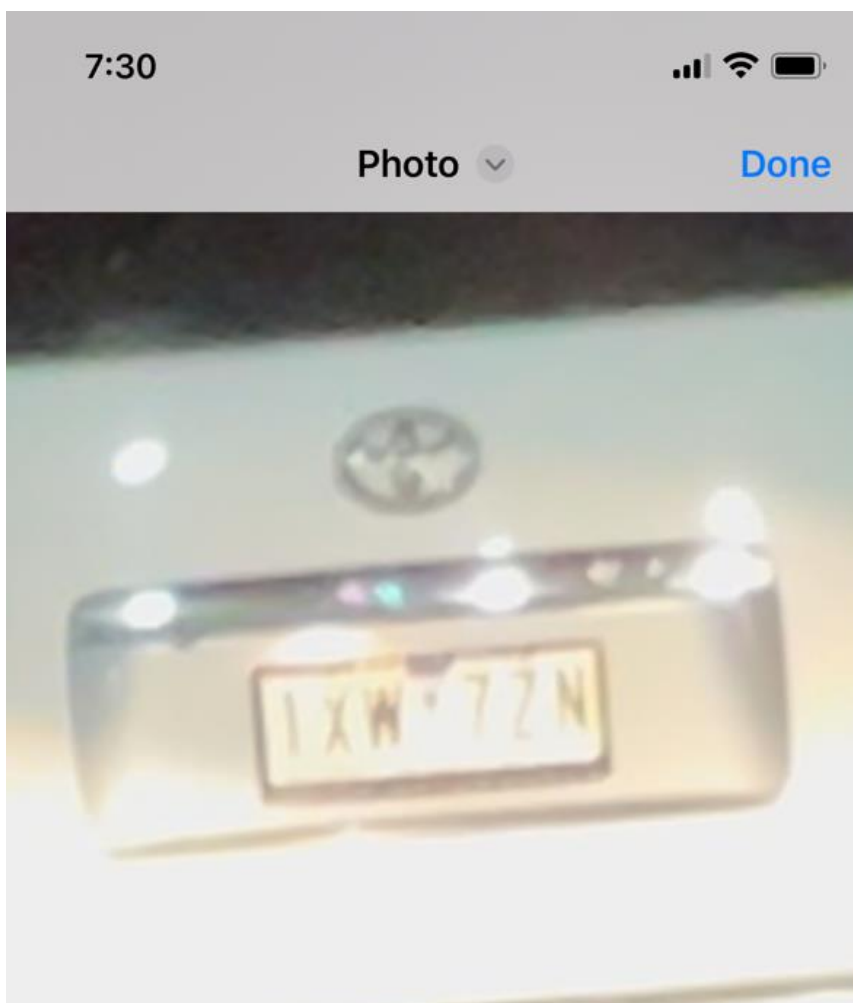
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HDR





This vehicle was noted at Hunt's partner's teenage son, Milo Kellenbach's running track at around 5.45am on May 6th. The vehicle made him so uncomfortable that he ran an alternative direction to get home through the bushes, to ensure that the vehicle couldn't trace him home.

That evening, the same vehicle waited outside of Milo's gym while he trained. When Hunt's partner, Ms Kellenbach arrived to collect Milo, it sat behind Ms Kellenbach's vehicle while she waited for around 15 minutes. When Milo arrived, he said it was the same vehicle that was watching him at the track in the morning. Ms Kellenbach manoeuvred to be behind the van to capture the number plate. These incidents were reported to Victoria Police and the details were assigned to the CIU (detective area). It was confirmed that the number plates were stolen and did not belong to this vehicle. This can be confirmed by checking www.vicroads.com.au/registrationcheck

As the last filing by the defendant-appellees described extensive stalking of Ms Kellenbach to the extent that they had even phoned her workplace - this incident felt like another version of intimidation. We can't prove who was in this van as the windows were very darkly tinted. But we can tell you that this incident came after the previous intimidation and caused Ms Kellenbach and her son to feel unsafe. They have had to change their routine, not go out and feel fearful that some unknown evil is attempting to track them, find them and do something insidious.