

August 15, 2007

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Honorable Bobby L. Rush
Chairman
Subcommittee on Commerce, Trade, and
Consumer Protection
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Honorable Cliff Stearns
Ranking Republican Member
Subcommittee on Commerce, Trade and
Consumer Protection
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20525

Dear Chairman Rush and Ranking Member Stearns:

I write in response to your letter of July 31, 2007 to Mr. Vince McMahon, Chairman of World Wrestling Entertainment, Inc. (WWE) Kirkpatrick & Lockhart Preston Gates Ellis LLP serves as counsel to WWE for this and related matters, and I am responding on its behalf.

Vince McMahon, Linda McMahon and all at WWE were stunned and saddened by the tragic death of Chris Benoit and his family. Chris was well liked and respected by all at WWE. WWE remains mystified by the events surrounding the Benoit family deaths and awaits more definitive information from the autopsy and other forensic analyses that have yet to emerge from the ongoing investigation. WWE is actively assisting the authorities in Georgia in their inquiries and has provided several leads for their investigation.

The Subcommittee has asked about WWE's actions in the wake of the Benoit tragedy. Media coverage of the Benoit family deaths and investigation is both sensational and often speculative. To the extent that criticism in these accounts appears directed against WWE, we feel that it is unfair or misplaced. We note that some scientific findings, *e.g.*,

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toxicology results, already serve to undermine key parts of such speculation. In fact, just today the Atlantic Constitution reported the existence of issues as to the alleged sequence of events which occurred that weekend. WWE believes that the responsible course is to assist to the full extent of its ability in the investigation and, otherwise, to await the full results of that investigation. That is exactly what WWE is doing.

In addition, WWE continues to improve its Talent Wellness Program (“Wellness Program”). WWE believes that its Wellness Program represents the right protection against illegal and harmful drug use in WWE.

WWE stands ready to describe to the Subcommittee what it knows about the current status of the Benoit investigation, as well as what it can say about what is or is not accurate in the press articles the Subcommittee has provided. WWE also welcomes the opportunity to brief the Subcommittee about its Wellness Program.

By way of background, WWE instituted its Wellness Program in February 2006. The Wellness Program includes not only rigorous random drug testing through its Substance Abuse and Drug Testing Policy, but also a program to monitor the cardiac health of all WWE performers by annual examinations by cardiologists, through its Cardiovascular Testing and Monitoring Program. The cardiac aspect of the Wellness Program is administered by Dr. Frederick J. Feuerback of New York Cardiology Associates, P.C. The first round of cardio testing was completed in October 2006 and 157 performers were tested. The second round of cardio testing began on July 22, 2007 and is expected to be completed by the end of September 2007. To date, 72 performers have been tested in that round.

The Wellness Program Administrator is Dr. David Black, Director of the independent Aegis Laboratories in Tennessee. Dr. Black is one of the foremost authorities in the country on drug testing and performance enhancing drugs. Dr. Black and Aegis administer the program, schedule and conduct all drug testing, and make the final determination whether a given test is judged positive or not.

WWE’s Substance Abuse and Drug Testing Policy component of the Wellness Program prohibits the use of all prescription medicines (as well as numerous over-the-counter ones) without a legitimate medical purpose as determined by the treating physician. This requirement mirrors the underlying principle of the Food Drug and Cosmetic Act and other drug control laws of our country. As you know, Congress has always vested the decision to prescribe a drug in physicians treating their patients.

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The Wellness Program sets forth the procedure to be followed on a positive test for all covered drugs. It fundamentally obligates any performer who has tested positive to have that performer's treating physician specify the medical purpose for which a given drug has been prescribed. In order to assist Dr. Black in evaluating such matters, WWE has also retained Dr. Tracy Ray of Andrews Sports Medicine and Orthopaedic Center in Birmingham, Alabama to assist in evaluating medical necessity issues.

The WWE Wellness Program seeks, through these and other efforts, to prohibit abuses that the current U.S. drug enforcement regime has yet to prevent. For instance, it specifically provides that so-called internet prescriptions are not acceptable. This prohibition recognizes the widespread problem associated with "internet pharmacies" and the ready availability of internet sites which will ship performance enhancing drugs to literally anyone's door without that person having ever even seen a physician.

Please be aware that because the records and details of testing requested by the Subcommittee are, in large portion, in the custody of Dr. Black, we have asked him to prepare a response to the Subcommittee in this area and to provide such records as are responsive to your request.¹ In addition, we suggest that Dr. Black attend our briefing of the

¹ We are transmitting to your Committee a set of records responding to your requests. To assist you in determining the source of a record being produced, the records obtained from Aegis carry a Bates prefix of Aegis-0000001 *et seq.*, and all others have a Bates prefix of WWE-0000001 *et seq.* We would further note that many of the records responsive to your requests contain personal identifying information. In addition to the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), other federal and numerous state laws govern the use and disclosure of health information, which includes any information that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care for the individual. Accordingly, any health information that WWE may provide to the Committee will be de-identified, as that term is defined at 45 CFR 164.512(b), and is evident from the redactions we have made to certain of the records we are producing. We would also note that WWE has sent certain persons to rehabilitation, and we have not produced those records so as to comply with all applicable laws and to preserve personal privacy. If the Committee would like a summary of the number of persons sent to rehab, we will be glad to provide it.

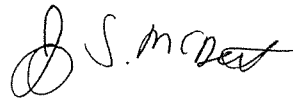
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Subcommittee to discuss the Wellness Program. He can describe the testing process which he runs and answer more fully questions you may have.

Since the receipt of your letter fourteen (14) days ago, we have undertaken a thorough search of all reasonably accessible hard copy and electronic records that may be responsive to your request. While we have produced a significant amount of such records with this letter, including printed versions of e-mails and other electronic documents such as spreadsheets, our review of WWE's active e-mail system is continuing and we expect that we will produce additional records in the next few days.

We hope this letter provides useful background to the Subcommittee. We welcome an opportunity to meet with the Subcommittee at your earliest convenience. We have learned much about drug testing, performance enhancing drugs, and the inherent limitations of drug testing policies to prevent the use of performance enhancing drugs. WWE believes its ongoing efforts in the battle against performance enhancing drugs and other drugs of abuse have resulted in a comprehensive, effective and humane policy. We hope to share with you the insights we have gained, and our sense of what needs to be done on a national level to counter the spread of these drugs, including what we perceive to be longstanding regulatory and enforcement issues which must be modified and re-examined if meaningful improvement is to be made.

Very truly yours,



Jerry S. McDevitt

JSM/kal