

RESOLUTION

Diligence in Contracting for Simulcasting and Advance Deposit Wagering Companies

(Passed Unanimously by the National HBPA Executive Committee on April 18, 2007)

Whereas, simulcasting or advance deposit wagering is an important current and future source of revenue to horsemen;

Whereas, advance deposit wagering companies represent a significant part of the simulcasting marketplace;

Whereas, one or more advance deposit wagering companies seek and/or have obtained agreements with racetracks which by the terms of the agreements, by business practices or by both, have resulted in or could result in significant portions of the simulcasting markets becoming inaccessible for simulcasting.

Whereas, one of the terms of the agreements which has resulted in or which could result in significant portions of the simulcasting markets being inaccessible for simulcasting is the grant of exclusivity by racetracks to a single advance deposit wagering company;

Whereas each horsemen's group must decide whether to or not to grant its consent to such agreements with advance deposit wagering companies, and

Whereas, other restrictive terms or clauses in agreements between racetracks and advance deposit wagering companies or others have resulted in or could result in significant portions of the simulcasting or advance deposit wagering marketplace being inaccessible and thereby lacking in competition;

Whereas each horsemen's group must be aware of the presence of such exclusive terms and must consider the favorable and unfavorable impact of such terms based on that horsemen's groups peculiar circumstances.

Therefore, be it resolved that each horsemen's group exercise due care in examining the terms of simulcast agreements before exercising any right of consent to simulcasting agreements.