

Director of equine drug testing lab tangled in Medina Spirit lawsuit

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The director of New York's equine drug testing laboratory is fighting subpoenas in a case related to Medina Spirit's disqualification from the 2021 Kentucky Derby. (AP Photo/Jeff Roberson, File)

The director of the largely state-funded laboratory that handles drug testing for New York's horse racing industry is resisting subpoenas in a lawsuit stemming from Medina Spirit's disqualification from the 2021 Kentucky Derby.

The Kentucky Horse Racing Commission (KHRC) is attempting to compel Dr. George Maylin, director of the New York State Equine Drug Testing Lab, to turn over materials related to testing he was asked to perform on urine samples from Medina Spirit, as a non-party in a lawsuit filed by legendary trainer Bob Baffert.

How Medina Spirit's samples landed in Ithaca, NY

Almost a week after the 2021 running of the Kentucky Derby, the first horse across the finish line, Medina Spirit, tested positive for betamethasone, a steroid banned for use on horses close to race day. As is normal procedure, testing of a split sample also confirmed the finding and Medina Spirit was disqualified and stripped of the title.

In June of last year, Medina Spirit's trainer and owner, Bob Baffert and Amr Zedan respectively, [sued the KHRC](#), arguing that more testing should be allowed on the remaining urine samples from the horse.

At the heart of Baffert's argument is a claim that Medina Spirit's positive test was the result of using a topically applied ointment called Otomax, which also contains betamethasone.

The Kentucky court granted Baffert's team's [request to send](#) the remaining urine sample from Medina Spirit to New York's Equine Drug Testing Lab in Tompkins County. Baffert's team specifically requested the samples be sent to New York's lab.

The court order also stipulated that Baffert and Zedan cover the cost of shipping the urine samples to Ithaca via a private plane.

"It is my opinion that the finding of betamethasone in the official A and B samples collected from Medina Spirit by the KHRC following the 2021 Kentucky Derby resulted from the topical administration of Otomax and not an injection of betamethasone", Maylin wrote in court documents presenting his conclusion.

In a separate [one-page letter](#) regarding his findings, Maylin wrote that his conclusions were partially based off a research study he was conducting involving biological signatures associated with the administration of Otomax. Maylin maintained the study was unrelated to his work testing the Medina Spirit samples. He later wrote that he had began the research study before the running of the derby in 2021.

Kentucky Horse Racing Commission wants more

After Maylin presented his conclusion, the KHRC requested more evidence to back his finding, including documentation into the research project and its origins. According to court records, the commission tried to reach an

agreement to depose Maylin, which fell apart when he declined to be interviewed in-person, ostensibly due to concerns about COVID-19. In the meantime, Maylin sent the KHRC a data pack with the details of his analysis of the sample, but refused to produce other documents.

At the request of the KHRC, the Kentucky court [formally subpoenaed](#) Maylin to produce materials associated with the research study, and any communications or financial agreements with Baffert's team.

"Since Dr. Maylin forms the basis of Mr. Baffert's primary affirmative defense, every document sought by the Commission in its subpoena should be produced," KHRC wrote in its request that Tompkins County Supreme Court enforce the Kentucky subpoena. "In particular, Dr. Maylin should produce all documents relating to his unpublished 'research project,' which forms the basis for his claims that his laboratory can detect betamethasone valerate in horse urine. These documents will provide further evidence demonstrating whether Dr. Maylin's novel, unpublished methods are fit for introduction at hearing."

KHRC also included in its lawsuit in Tompkins County [two testimonials](#) from equine drug testing efforts calling Maylin's conclusion into question.

After the lawsuit was filed, Maylin agreed to sit for a deposition via video conference.

"Can I go back to my day job now?" Maylin asked towards the end of a nearly three-hour deposition, according to an excerpt released in court records.

Maylin still refuses to release any of the other documentation specified in the subpoena.

"Said research project is irrelevant to the analysis of Medina Spirits urine," Maylin [wrote in a statement](#) accompanying his deposition. "{KHRC} chooses not to duplicate my work from the remaining sample still available in my lab, but has decided to harass me with demands for 'raw data' it knows from its own expert it is not entitled to. The Defendant-Petitioner would rather explore a multitude of ways, to exclude my work product and testimony apparently because it is beneficial to the Plaintiffs."

Maylin also maintained that he had no contact or financial dealings with Baffert's team.

Lawyers for Baffert [defended Maylin's refusal](#) to hand over the documents in court.

Brad Maione, communications director for the New York Gaming Commission, declined to comment on the case because it's pending litigation. The gaming commission is not a party in the suit.

"It would not be appropriate for us to comment," Holly Liapis, SUNY Press Secretary said, citing the fact that Maylin is not a SUNY employee.

The Equine Drug Testing Laboratory is housed under the [Morrisville Auxiliary Corporation](#), a non-profit organization loosely affiliated with SUNY Morrisville. The same non-profit runs the campus store and some on-campus housing units.

Reputation stakes

The discrepancy over the root of Medina Spirit's positive test is not, in itself, a definitive remedy to any of Baffert's challenges. Betamethasone is banned at Churchill Downs regardless whether it roots from an ointment or an injection. The violation would also transgress KHRC's rules, the commission maintains.

In February, the KHRC issued a [90-day suspension](#) on Baffert, preventing him from participating in this year's Kentucky Derby. Now, back on the track, the lawsuit is one of Baffert's final attempts at clearing his reputation.