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April 12, 2017

New York State Athletic Commission
123 William Street, 2nd Floor
New York, NY 10038-3804
Attention: David A. Mossberg, Associate Attorney

Re: Appeal By Anthony Johnson over Weigh In for Fight with Daniel Cormier April 8, 2017

Dear Mr. Mossberg:

On behalf of Anthony Johnson, I am filing this request for a hearing regarding the events surrounding Daniel Cormier's weigh in prior to his scheduled fight on April 8, 2017 in Buffalo, NY.

RELEVANT FACTS

Anthony Johnson ("Johnson") and Daniel Cormier ("Cormier") were scheduled to fight on UFC show set for April 8, 2017, in Buffalo, NY (the "Event"). The Event was sanctioned by the New York State Athletic Commission ("NYSAC" or "Commission") and as such was governed by all applicable NYSAC rules and regulations. The Event was a championship fight for the U.F.C. Men's Light Heavyweight Title and pursuant to the bout agreement signed by both Johnson and Cormier and NYSAC regulations, both fighters were required to weigh no more than 205lbs at the official NYSAC mandated weigh in. NYSAC set a two-hour window for all fighters scheduled to fight on April 8, 2017, for the morning of April 7, 2017 between the hours of 9:00 a.m. and 11:00 a.m. (the "Weigh-In Period"). All fighters scheduled to appear on the April 8, 2017 show had to step on the official scale, in the presence of NYSAC officials, and weigh in. They must be at their contracted weight, as this was a championship fight, no later than 11:00 a.m. Any fighter who failed to make weight by 11:00 a.m. would be declared to be "overweight". Both Johnson and Cormier timely appeared for the weigh in and stepped on the scale. With approximately five (5) remaining in the Weigh-In Window, Cormier appeared for his weigh in and stepped on the scale. Cormier's official weight was recorded by NYSAC as being 206.2. Cormier was overweight pursuant to the bout agreements and NYSAC rules and regulations. Within in the final minute of the Weigh-in Period, Johnson, on his first and only attempt at making weight during the Weigh-In Period, weighed in at 203.8 lbs. The NYSAC official assigned to monitor and certify the fighter's weights verified and certified that Johnson's official weight was 203.8 lbs. Johnson's weight complied with both the bout agreement and NYSAC rules and regulations and eligible to fight for the U.F.C. Light Heavyweight Title. After Johnson's successful weigh-in, Cormier reappeared to weigh-in again, approximately two minutes after his first unsuccessful weigh-in attempt. Since there was virtually no time remaining in the Weigh-In Period, Cormier had to weigh no more than 205lbs. on this attempt, to comply with the bout agreements and NYSAC rules and regulations. If he failed to do so, he would be deemed as overweight

and sanctioned 20% of his fight purse along with being ineligible to retain his U.F.C. Light Heavyweight Title¹. Cormier stepped on a scale and disrobed. Prior to disrobing, 3 large towels were placed in front of Cormier's torso to provide privacy. The use of three towels, instead of one towel, in front of a male fighter is not the usual practice in these cases and was an interesting choice by Cormier's camp. As his official weight was being measured, Cormier placed both of his hands on the towels in front of him, so as to shift his weight off the official scale. Because of Cormier's actions, his official weight was certified as 205lbs and the fight between Johnson and Cormier was sanctioned as a championship fight with both fighters eligible for the U.F.C. Men's Light Heavyweight Title. Despite Johnson's protests, Cormier was not required to re weigh-in without his hands on the towels nor was he sanctioned 20% of his fight purse for failing to make weight. Despite the incredibly and rapid weight loss achieved by Cormier within a two-minute time frame, Cormier was not examined by NYSAC doctor to ensure that he was still physically fit to fight on April 8, 2017 nor was any NYSAC official or Cormier required to provide an explanation as to how Cormier lost 1.2 lbs., outside the presence of a NYSAC official or a member of the Johnson fight team. On April 8, 2017, Cormier defeated Johnson in their fight and retained his U.F.C. Men's Lightweight title and was paid his full contracted fight purse.

RELEVANT LAW

Combative fighting in licensed and sanctioned by the NYSAC pursuant to 19 NYCRR Parts 206-214. These regulations spell out in detail all the requirements that must be followed for a fight or show to be conducted in the State of New York. 19 NYCRR 206. More specifically, 19 NYCRR Part 206.3 states that a representative of the Commission, subject only to the direction of the Commission, has complete authority over all phases of the professional mixed martial arts contest including the weigh-in. As such, the Commission has full authority to determine how a weigh-in is conducted or if the applicable regulations have been complied with. The Commission can override the determination of one of its representatives.

19 NYCRR Parts 206.6-206.10 allows the Commission to suspend the license, fine, have the official result of a fighter's match modified, or to declare forfeited any part of a fighter's purse, up to the fighter's entire purse, for any violation of the laws of the state of New York, the regulations thereunder, or the rules, policies, and directives of the Commission. See also 19 NYCRR Part 209.3 that requires that all licensees carry out all the terms and conditions of their contracts to which they are parties. Licensees who fail to faithfully person and discharge their contract obligations are subject to disciplinary action by the Commission including fine or license suspension.

19 NYCRR Part 206.14 requires the Commission to offer the opportunity for a hearing before taking any final action that negatively affects a fighter's privileges or property granted by a license issued by the Commission. These sections clearly allow the Commission hold a hearing that compels Mr. Cormier's

¹ For the purposes of this appeal, we are treating it as if Mr. Cormier acted as though he believed that there was no time left for him to make a second attempt at weighing in and he was unfamiliar with NYSAC Commission Bulletin 2015-2 which has been made applicable to professional mixed martial arts fighters and provides that in title fights, fighters get an additional two hours to make their contracted weight. Given that Mr. Cormier took only two minutes between his weigh in attempts, the only explanation for his conduct was his ignorance of this bulletin and the need to make weight on the second attempt within the Weigh-In Period. This Bulletin also provides NYSAC disciplinary authority for fighters who do not make weight.

appearance and testimony to make a final determination as to Mr. Cormier's actions at the weigh in and to take any action it deems fit, including but not limited to fines, purse deductions, and suspension of his license.

The rules and regulations do not specifically require that a fighter weigh the contracted weight or govern their conduct on the scale however, 19 NYCRR Part 209.2 requires that the contract between professional mixed martial arts fighters must include "the combatant's contracted weight", implying that a professional mixed martial arts fighter is contractually obligated to make a certain weight for a fight. 19 NYCRR Parts 212.4 (b) and (c) set the parameters of each weight class with a Light Heavyweight bout to be conducted when both fighters weigh between 185 and 205 lbs. with a weight differential not exceeding 12 pounds between the fighters. If the fight is a championship match then both fighters must weigh no more than the maximum weight allowed for the weight class, in this case 205 pounds. By extension of these regulations, if either fighter weighs more than the maximum weight allowed by the weight class then the fight cannot be conducted as a championship fight. If Mr. Cormier's improper second weigh-in attempt is disqualified then Mr. Cormier would not have been allowed to compete for the U.F.C. Men's Light Heavyweight title on April 8, 2017 and would have been stripped of his title prior to the fight. The Commission has the authority as stated above reclassify this fight as a non-title fight and strip Mr. Cormier of his title.

There are no specific rules or regulations regarding what a fighter can and cannot do while they are standing on the scale, presumably because other regulations govern a fighter making his contracted weight and that this specific situation could not be reasonably anticipated during the rule making process, there are regulations that address fighters who do not make weight. NYSAC on August 25, 2015 issued Commission Bulletin 2015-4 "Suspension of Overweight Boxers", which is now applicable to professional mixed martial arts fighters. Commission Bulletin 2015-4 provides not only the potential discipline to a fighter who fails to make his/her contracted weight but outlines NYSAC's policy on the importance of the weigh in to the sport when it states "(a) boxer who fails to make weight violates his or her obligations under the bout contract, damages the boxer's opponent and the sport of boxing, and does a disservice to him or herself." It further goes on to state that the suspension period for failing to make weight in title fights is granted to NYSAC pursuant to its authority to act in the best interest of boxing (or mixed martial arts in this case). NYSAC also holds the power to prohibit a fighter who has lost more than one percent or more of body weight within 24 hours prior to a fight from fighting. 19 NYCRR Part 208.14. This provision was enacted to protect a fighter's health from extreme weight loss immediately prior to a fight. While Mr. Cormier's weight loss of 1.2lbs is within the acceptable guidelines, the time it took him to lose it, less than 2 minutes, should have raised some concern and the scrutiny of the medical officials at the weigh-in. Losing 1.2 lbs. in 2 minutes, which calculates to over a 30lb. weigh loss per hour, not only violates the letter of 19 NYCRR 208.14 but the spirit of it. Mr. Cormier should have been examined by the medical officials assigned to the weigh in to ensure that he was physically fit enough to fight the next day and to explain how he achieved such a substantial weight loss in so short a period. Since he was not required to do so on April 8, 2017, NYSAC should require him to do so now, particularly considering his curious towel holding while on the scale.

It is clear, that in the state of New York, a fighter must weigh in and conduct himself in the best interest of the sport. Not only do both fighters deserve to be absolutely sure that his/her opponent has weighed in and made their contracted weight but the general public and sport of mixed martial arts

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require that a fair and honest weigh in is conducted for the integrity of any fight. Unfortunately, in the case, Anthony Johnson, the general public, and the sport of mixed martial arts were deprived of a fair and honest weigh-in and a true championship fight when Daniel Cormier was allowed to grab the towels held in front of him for privacy purposes only while his official weight was being determined. Daniel Cormier is a well decorated wrestler having wrestled, starting in high school, and all the way up to the highest level in the Olympics. He has had at 20 professional fights. Before each and every wrestling match or professional mixed martial arts fight, Daniel Cormier was required to weigh in and meet an agreed upon weight. If he failed to do so, he was aware of the consequences. Given this illustrious wrestling and fighting history, Daniel Cormier keenly understands the importance of a fair and honest weigh in yet he chose to, inexplicably, grab the towels in front of him while on the scale. He must be called upon to explain, under oath, to the NYSAC, Anthony Johnson, the general public, the U.F.C., his fellow fighters, and the sport of mixed martial arts, the reason for his actions at the weigh in on April 8, 2017. After such sworn testimony, if Mr. Cormier could not, would not, or did not satisfactory provide an evidence and fact based explanation for his conduct then he should be disciplined for his action by the NYSAC to preserve the integrity of the sport. Should Mr. Cormier be subject to discipline, while it is clear he could be suspended for his actions, at a minimum, Daniel Cormier should be ordered to pay 20% of his fight purse to Anthony Johnson and should be stripped of his U.F.C. Men's Light Heavyweight Title for failing to make weight on April 8, 2017.

Please advise me of the NYSAC and of any hearing date set on this request. I can be reached at czimmerman@craigzlaw.com or by phone at (714) 933-4519.

I look forward to speaking with you soon about this matter.

Very truly yours,



Craig Zimmerman