

GREY2K USA WORLDWIDE



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January 4, 2023

Jason Robins, Chief Executive Officer
DraftKings Inc.
222 Berkeley Street
Boston, MA 02116

Dear Mr. Robins,

This letter concerns your new partnership with Churchill Downs (CDI) and the opportunity it presents to help greyhounds. As you begin operating together, it is our hope that DK Horse will choose not to include commercial dog racing as a betting option for subscribers.

As you may know, greyhound racing is currently illegal in 42 states due to widespread concerns that the activity is cruel and inhumane. In 2018 Florida citizens voted to outlaw greyhound racing by a margin of 69% to 31%, and now only two dog tracks remain nationwide, both in West Virginia. The movement to help gentle dogs started in Massachusetts, when voters in our home state outlawed greyhound racing by a double-digit margin in 2008. More recently, Beacon Hill legislation legalizing sports betting also included a further limitation prohibiting greyhound simulcast wagering.

Meanwhile, a bill is pending in Congress to outlaw all forms of wagering on greyhound racing. This measure (H.R. 3335) has 105 cosponsors including six members of the Massachusetts Congressional Delegation. It has also been endorsed by more than 250 humane organizations, local animal shelters, international NGOs and greyhound adoption groups.

There is also related legislative activity occurring at the state level. In 2022 Kansas lawmakers outlawed greyhound simulcasting. In Oregon, lawmakers passed a new law to ban live racing and that also severely restricts internet betting on greyhound races. This is an important step, because the overwhelming majority of Advance Deposit Wagering bets on horse and dog races are processed in that jurisdiction. Weeks after this law passed, TVG completely removed greyhound racing from its platform.

The Oregon legislation passed despite objections from Churchill Downs and its subsidiary, TwinSpires. In fact, TwinSpires appears to be the last corporate entity propping up this outdated and disfavored form of gaming. Even the company that owns the last two remaining dog tracks, Delaware North, has publicly announced it is losing money on the activity and supports a repeal of the West Virginia law that mandates greyhound racing as a condition for its operating permit.

On September 20, 2021 and again on December 21, 2022, we sent a letter to Churchill Downs CEO William C. Carstanjen. We thanked him for his company's record of support for animal welfare reforms, but also requested a dialogue about its involvement in greyhound racing. Unfortunately, he did not reply. Even more troubling, it now appears that TwinSpires is violating the new Oregon law by allowing customers in states where wagering on live greyhound is illegal, such as Florida, to place greyhound bets through its ADW platform.

We believe there is reputational risk for any company that continues to align itself with the demonstratively cruel dog racing industry. CDI is not only profiting from the final remnants of an industry responsible for the confinement, deaths and abuse of thousands of dogs in the United States, but it is also providing a market for foreign greyhound racing including betting at Agua Caliente. Caliente is a Tijuana-based dog track with no animal welfare standards, and is owned by a controversial figure with alleged ties to organized crime.

In the coming days we will launch an educational campaign to inform the public that CDI is the last corporate entity with an interest in dog racing. We are also considering an Oregon ballot measure for 2024 to prohibit all forms of wagering on greyhound racing and which would prohibit the processing of ADW bets on dogs entirely. According to a recent survey from Thirty-Ninth Street Strategies and commissioned by GREY2K USA Worldwide, 74% of likely Oregon voters will support these measures.

Even as we continue to believe that Churchill Downs will follow companies like TVG and step away from greyhound racing, we wanted to inform you of our concerns at this time. We sincerely request that DraftKings and CDI choose not to offer dog races on its new DK Horse app.

Thank you for your consideration. I am happy to speak with you or other members of the DraftKings team on this important matter, and look forward to hearing your perspective.

Respectfully,

A handwritten signature in black ink that reads "C. A. Dorchak". The signature is written in a cursive, flowing style.

Christine A. Dorchak, Esq.
President and General Counsel