

Kirkpatrick & Lockhart Preston Gates Ellis LLP Henry W. Oliver Building 535 Smithfield Street Pittsburgh, PA 15222-2312

т 412.355.6500

www.klgates.com

Jerry S. McDevitt Direct 412.355.8608 Fax 412.355.6501 jerry.mcdevitt@klgates.com

January 28, 2008

VIA HAND DELIVERY

The Honorable Bobby 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

Dear Mr. Chairman:

I write in response to your letter of January 23, 2008 inviting my client, Mr. Vincent K. McMahon, Chairman of World Wrestling Entertainment, Inc. ("WWE") to testify before your Subcommittee at a hearing to be conducted on February 27, 2008. I am, and have been for 20 years, outside counsel to Mr. McMahon and WWE, and I am responding on their behalf.

Unfortunately, I am unavailable to represent Mr. McMahon because I am lead counsel in a major criminal trial in the United States District Court for the Western District of Pennsylvania in which opening arguments begin today (<u>United States of America v. Cyril H. Wecht</u>, Criminal No. 06-26). The trial is expected to last 8-10 weeks. My duties with respect to the above-referenced trial make it impossible for me to provide Mr. McMahon with counsel prior to and on the hearing date. Therefore, Mr. McMahon respectfully declines your invitation because he would want to be advised by experienced counsel both prior to and during the hearing.

As you know, in July 2007, WWE received inquiries from your Subcommittee as well as the House Committee on Oversight and Government Reform requesting documents relative to the development and implementation of the company's Wellness Program. Upon receipt of both letters, WWE carefully examined all available records held both by the company as well as the independent experts involved in the program, and complied faithfully in responding to all questions raised in the requests. In total, WWE has provided more than 3,000 pages of documents to the House of Representatives detailing every aspect of its past and present drug testing efforts.

Additionally, WWE's top executives, Chairman Vincent K. McMahon, Chief Executive Officer Linda McMahon, and Executive Vice President Stephanie McMahon Levesque, each

K&L GATES

The Honorable Bobby Rush January 28, 2008 Page 2

appeared individually before the Oversight Committee staff for transcribed interviews. In these interviews, the executives answered a wide range of questions posed by the Committee, and it is our view that the transcripts of those interviews will provide a substantial amount of the information relevant to your Subcommittee's inquiry.

Please understand that McMahon's declination of the invitation to appear before your Subcommittee in no way reflects unwillingness on the part of Mr. McMahon or WWE to assist the Subcommittee's inquiry. Throughout your investigation as well as that of the Committee on Oversight and Government Reform, WWE has adopted a philosophy of complete cooperation, and that approach has not changed. The transcribed interviews conducted by that Committee contain much, if not all, the information Mr. McMahon would provide to the Subcommittee. In addition, if there are any further questions that the Subcommittee has of Mr. McMahon, he would be pleased to provide an appropriate written response.

We regret the circumstances that make it impossible for Mr. McMahon to appear and hope to continue a dialogue with the Subcommittee. WWE believes the use of steroids and performance enhancing substances has no place within its entertainment business, and that the existing record held by the House of Representatives demonstrates in great detail the efforts the company and its executives have undertaken to protect and promote the health of WWE's performers.

Very truly yours,

Jerry S. McDevitt

JSM/emw