



February 1, 2021

Marc A. Guilfoil
Executive Director, Kentucky Horse Racing Commission
Via e-mail: Marc.Guilfoil@ky.gov

Bruce Howard
Equine Medical Director, Kentucky Horse Racing Commission
Via e-mail: Bruce.Howard@ky.gov

Dear Messrs. Guilfoil and Howard:

This letter is to request that the Kentucky Horse Racing Commission investigate the fatal breakdown of the 3-year-old filly Miss Eau de Vie in race #6 on January 15 at Turfway Park.

The *Thoroughbred Daily News* reported that “pavement chunks” were recently found on Turfway’s track because of an “operator error.”¹ Reportedly, pieces of pavement were scraped from a concrete-type surface when the track was installed. This in no way compromises the decision to convert to a synthetic track surface, but if it’s true, other serious issues need to be addressed.

Marty Maline, the executive director of the Kentucky Horsemen’s Benevolent and Protective Association, stated the following during the January 26 Kentucky Thoroughbred Development Fund advisory board meeting: “We had a little hiccup about a week or so ago. A horseman actually brought a couple of rocks [from the racing surface] in to the office, and it, of course, started a panic of sorts.”²

This raises a red flag that warrants closer examination of Miss Eau de Vie’s death. The exact time frame that Mr. Maline was referencing—“a week or so ago”—is pertinent and should be clarified. When were these pavement rocks originally discovered, and what measures were taken to ensure that absolutely all the hazardous pieces were detected and removed for safety? Were Miss Eau de Vie and other horses racing at Turfway Park on January 15 put at heightened risk because of this “operator error”?

The video of her gruesome, catastrophic breakdown can be reviewed [here](#).

The footage shows Miss Eau de Vie sustaining what appears to be a very sudden and violent injury that could be consistent with stepping on a foreign object. It must be determined whether this was the cause. Necropsy results should be reviewed in light of this new information concerning pavement on the track.

¹T.D. Thornton, “Turfway Operator Error Led to Pavement Chunks in New Tapeta Surface,” *Thoroughbred Daily News*, 26 Jan. 2021 <<https://www.thoroughbreddailynews.com/turfway-operator-error-led-to-pavement-chunks-in-new-tapeta-surface/>>.

²Ibid.

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Oakland
554 Grand Ave.
Oakland, CA 94610
510-763-PETA

Info@peta.org
PETA.org

Affiliates:

- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

In addition, the racing, training, and veterinary records of Miss Eau de Vie should be examined. Were proper pre-race screenings conducted at Turfway Park to determine whether she suffered from any preexisting conditions or vulnerabilities that could have caused her death or contributed to her sudden catastrophic injury?

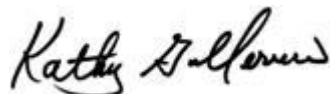
The same questions must be explored for Dream High, who suffered a catastrophic breakdown in the second race at Turfway on December 2, 2020.

PETA supports Turfway's decision to install the new synthetic surface. However, a surface material is only part of what must be considered when protecting horses.

A proper investigation must be completed for the protection of both horses and jockeys, and we request that the full results of this investigation, including necropsy results and medication records, be disclosed. The lives of horses and jockeys will continue to be recklessly endangered without strict and comprehensive protocols.

Thank you. I look forward to hearing from you.

Sincerely,

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

Kathy Guillermo
Senior Vice President
Equine Matters Department

cc: Tonya Abeln, Vice President of Corporate Communications, Churchill Downs Incorporated (tonya.abeln@kyderby.com)
Tyler Picklesimer, Director of Racing and Racing Secretary, Turfway Park (tpicklesimer@tpark.com)