

# **EXHIBIT 18**

**From:** Talor Gooch [REDACTED]

**Date:** August 1, 2022 at 2:40:51 PM CDT

**To:** Andrew Levinson [REDACTED]

Dear Mr. Levinson,

I received your July 30, 2022 letter referring my appeal. I intend to submit additional “written evidence, documentation, affidavits, witness statements, legal memoranda, or other materials relevant to the appeal” to you for the Appeals Committee’s consideration within the next fourteen days, as your letter invites and as contemplated by the PGA Tour Player Handbook & Tournament Regulations. Notably, under Section VII.E.2 of the Regulations, my appeal “shall operate to stay the effective date of any penalty . . . until after the final decision on the appeal.” This Regulation operates to stay “suspension[s]” unless the tournament is “then in progress or scheduled for the calendar week in which the alleged violation occurred.”

The Regulations thus provide that I should be permitted to play in PGA Tour tournaments pending my appeal to the Appeals Committee. I therefore write to inform you that I intend to participate in the FedEx St. Jude Championship and any FedEx Cup Playoff tournaments for which I qualify while my appeal is pending. Please confirm by no later than Tuesday, August 2, 2022 that the PGA Tour will comply with Section VII.E.2 and stay my suspension pending my appeal and until the Appeals Committee reaches a final decision.

Sent from my iPhone

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## **EXHIBIT 19**



**Andy Levinson**  
*Senior Vice President*  
*Tournament Administration*

August 2, 2022

*Via Email*

Mr. Talor Gooch  
505 NW 188th Street  
Edmond, OK 73012

Dear Mr. Gooch:

I write in response to your August 1, 2022 letter. In that letter you contend that you are eligible to participate in PGA TOUR events (including the FedEx Cup events) during the pendency of your appeal of the discipline imposed by Commissioner Monahan on June 30, 2022. Your position is incorrect.

The stay provision you reference, by its terms, could apply only to "the effective date of any penalty" imposed by the Commissioner. It does not apply to—let alone stay—the imposition of any suspension imposed by the Commissioner under Article VII, Section C of the PGA TOUR Player Handbook & Tournament Regulations for a violation of TOUR rules while on probation.

In this regard, you were previously notified on June 5, 2022, that you were placed on probation for violating the Regulations. On June 9, 2022, the Commissioner exercised his authority under Article VII, Section C to immediately suspend your playing privileges because you subsequently violated the Regulations while on probation. As the Regulations and our June 9, 2022 letter to you make clear, such interim suspension under Section C is separate and distinct from any "penalty" that may be imposed by the Commissioner for a minor, intermediate, or major penalty. Moreover, in light of your continuous and willful violations of the Regulations following your June 9 suspension, it is clear that you have no intention of complying with the Regulations in the future and as such are not entitled to avail yourself of any stay of your suspension. The June 9 suspension thus remains in effect during the pendency of your appeal.

The remaining points in your letter will be addressed under separate cover.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andy Levinson".

Andy Levinson

Cc: Commissioner Monahan

## **EXHIBIT 20**



Andy Levinson  
Senior Vice President  
Tournament Administration

June 1, 2022

*Via Email*

Mr. Hudson Swafford  
705 Hamilton Landing Dr.  
St Simons Island, GA 31522

Dear Mr. Swafford:

This Notice of Disciplinary Inquiry ("Notice") is being executed by Commissioner Monahan and provides notice of your violation of Article V, Section A.2. of the *PGA TOUR Player Handbook & Tournament Regulations* ("Regulations"), which states, "To contribute to the success of a PGA TOUR tournament or event and to permit PGA TOUR to fulfill its contractual obligations concerning representative fields, no PGA TOUR member shall participate in any other golf tournament or event on a date with a PGA TOUR (Regular TOUR) cosponsored tournament or event for which such member is exempt is scheduled" unless an exception applies.

On May 31, 2022, you were announced as part of the field in the LIV Golf Invitational London scheduled for June 9-11, 2022 (the "event"), which will be played the same week as the RBC Canadian Open. As there is no exception for your participation in the event, this announcement constitutes a violation of a rule of PGA TOUR.

If there are mitigating circumstances or facts that you feel that the Commissioner should consider before determining an appropriate course of action, please provide them to me through submission of written statements and/or written evidence within the fourteen (14) day period outlined in the *PGA TOUR Player Handbook & Tournament Regulations*. Please note that if you withdraw from the event or otherwise confirm that you will not be participating in the event in a manner reasonably satisfactory to the TOUR within forty-eight (48) hours of the date of this Notice, this Notice will be withdrawn.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andy Levinson".

Andy Levinson

Cc: Commissioner Monahan

## **EXHIBIT 21**





**Andy Levinson**  
*Senior Vice President*  
*Tournament Administration*

June 3, 2022

*Via Email*

Mr. Hudson Swafford  
705 Hamilton Landing Dr.  
St Simons Island, GA 31522

Dear Mr. Swafford:

This letter is to notify you that, pursuant to Article VII, Section C, you are being placed on probation until further notice. Specifically, as reflected in the Notice of Disciplinary Inquiry to you dated June 1, 2022, the rule infraction triggering your probation is violation of Article V, Section A.2 of the *PGA TOUR Player Handbook & Tournament Regulations* ("Regulations"). Accordingly, if you violate any other rule of the PGA TOUR while on probation including, but not limited to, violating Article V, Section B.1, which prohibits your participation in a live or recorded golf program, such as the LIV Golf Invitational London, for which a media release has been denied, the Commissioner may immediately suspend your playing privileges.

Therefore, it is imperative that you comport yourself in accordance with the Regulations at all times. If the Commissioner chooses to revoke this probation, you will be notified within fourteen (14) days of such decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andy Levinson".

Andy Levinson

Cc: Commissioner Monahan

## **EXHIBIT 22**



**Andy Levinson**  
Senior Vice President  
Tournament Administration

June 9, 2022

*Via Email*

Mr. Hudson Swafford  
705 Hamilton Landing Dr.  
St Simons Island, GA 31522

Dear Mr. Swafford:

This Notice of Disciplinary Inquiry ("Notice") is being executed by Commissioner Monahan and provides notice of your violation of the of the PGA TOUR Player Handbook & Tournament Regulations ("Regulations") as well as your immediate suspension. Specifically, PGA TOUR Article V, Section B.1.b. prohibits your participation in any live or recorded golf program without the prior written approval of the Commissioner. As you applied for and were denied a media release for the LIV Golf Invitational London scheduled for June 9-11, 2022 (the "event"), your participation in this live and/or recorded event is a violation of the Regulations.

You were previously notified by letter dated June 3, 2022, that you had been placed on probation due to your violation of Article V, Section A.2 of the Regulations. In that letter, you were informed pursuant to Section VII.C. that if you violated any other rule of the PGA TOUR while on probation, the Commissioner could immediately suspend your playing privileges. Because you violated Article V, Section B.1.b. of the Regulations while on probation, your playing privileges are hereby immediately suspended until further notice.

Furthermore, you have promoted the LIV Golf series in interviews, which you knew or should reasonably have known were not in the best financial or reputational interests of PGA TOUR and its tournament sponsors. This constitutes an additional violation of Article VI. Section E.

If there are mitigating circumstances or facts that you feel that the Commissioner should consider before determining an appropriate course of action separate from your current suspension, please provide them to me through submission of written statements and/or written evidence within the fourteen (14) day period outlined in the Regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andy Levinson".

Andy Levinson

Cc: Commissioner Monahan

## **EXHIBIT 23**

Dear Mr. Levinson:

I write to respond to your (i) June 1, 2022 “Notice of Disciplinary Inquiry”; (ii) June 3, 2022 letter informing us of the PGA Tour’s view that we have violated Article V, Section A.2., of the PGA Tour Player Handbook & Tournament Regulations and that, as a result, the PGA Tour placed me on probation; and (iii) June 9, 2022 letter informing me that the PGA Tour has suspended me based on its view that I have violated Article V, Section B.1.b., and Article VI, Section E., of the regulations. As you might imagine, as a devoted member of the PGA Tour, I was disappointed to receive this correspondence, which suggests that I have engaged in ‘conduct unbecoming of a professional golfer’ merely by playing in a golf event sponsored by an entity other than the PGA Tour. To be clear, I strongly disagree, and I submit this letter to provide you with additional facts and circumstances for your consideration.

I do not invite this quarrel with the PGA Tour. But your positions are inconsistent with my status as an independent contractor, the Tour’s own practices, the laws governing sports competition, and the Tour’s professed non-profit purpose of promoting the common interests of *all* professional golfers. Honestly, it troubles me greatly to witness the PGA Tour’s efforts to prevent competitive tours from emerging solely to advance its own interests, when competition is what drives players to succeed and is foundational to our economy. Yet by engaging in that competition the PGA Tour has apparently concluded that I and other players should be punished for playing golf for money—the very purpose of the Tour.

First, and as the PGA Tour has repeatedly acknowledged, its members are independent contractors. Yet PGA Tour regulations impermissibly restrict my freedom to play professional golf as an independent contractor. The Tour neither compensates me nor pays for my coaching, travel, training, lodging, or the support necessary to play in tournaments across the world. I invest in and bear the risks myself. When I was injured, I earned no compensation from the PGA Tour. I was fortunate enough to play on my medical exemption, but without those circumstances I would have been down and out and looking for a non-golf career. I truly experienced the reality of what it means to be an independent contractor—bearing all the risk and living with all the loss. I spent two years of my short professional life on the sidelines earning no income. Now that I have attained some success and earned opportunities to play in marquee professional golf events, you are punishing me for pursuing that opportunity. Why? How is that in my interest?

The PGA Tour’s Regulations do not provide me the opportunity to experience the rights independent contractors enjoy. Rather, the PGA Tour gets the best of both worlds: it need not pay me while I am injured, but it can restrict me from playing golf for other promoters. Yet Articles V.A. and V.B. purport to give the Tour the power to prevent me from playing in the tournaments of another promoter. As I am sure you are aware, by law one acquirer of an independent contractor’s services does not have the right to



prevent others from dealing with him. Simply put, when I am not playing golf on the PGA Tour, the PGA Tour cannot tell me that I cannot play golf in another event, be it LIV Golf, the European DP World Tour, or any other tour or event. Indeed, the PGA Tour has historically permitted me and other PGA Tour members to play professional golf both for the PGA Tour and other promoters. It seems obvious that the Tour only now restricts my freedom because a competitor has emerged.

Moreover, by suspending me and subjecting me to further punishment for playing with a competing promoter, the PGA Tour is unlawfully maintaining its monopoly. As Michael Hausfeld, the lawyer who represented college athletes in a successful federal antitrust lawsuit against the National Collegiate Athletic Association, said: “The PGA [Tour] has crossed a line, legally, because they’ve basically decided that no player with whom they contract can play outside of their contracts. . . . Those players are foreclosed from participating in the sport for other potential competitor organizations. That’s an antitrust violation.”<sup>1</sup> How do you respond? How are you not breaking the law in punishing me?

Competition for player services will benefit all PGA Tour members, not only those who have chosen to play with LIV Golf. Competition benefits sponsors and fans, and it encourages innovation that will advance the game. Competition is good for golf, both on and off the course. Your actions, which are aimed solely at defeating this competition, are antithetical to the ideals and interests of professional tournament golfers, promise to diminish the PGA Tour’s product, and harm the sport as a whole. Suspending popular golfers from PGA Tour events could hardly benefit the PGA Tour or its sponsor, but rather serves to diminish competition on the PGA Tour and with the PGA Tour.

In addition, the PGA Tour’s application of Article VI.E. is a pretext and transparent effort to defeat nascent competition. I should be clear—I have made no comments that “unreasonably attack or disparage others.” Instead, any comments I made were “[r]esponsible expressions of legitimate disagreement with PGA Tour policies,” which are expressly permitted under the regulation the PGA Tour contends I violated. Worse, the Tour is wrong to claim I violated a regulation aimed at “hateful, abusive, obscene and divisive” speech, without at least identifying the comments that supposedly violated this policy. Even worse, the Tour does not even claim I made any comment to violate the “Public Comment” regulation. You simply say I “promoted” LIV Golf. How is promoting an innovative promoter of professional golf a public comment contrary to a non-profit organization set-up to promote professional golf. It is the height of hypocrisy for the PGA Tour to claim I made public comments to harm the Tour in violation of this rule, while simultaneously making its own public comments aimed at tarnishing my reputation and disparaging me for playing professional golf.

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<sup>1</sup> [https://www.washingtonpost.com/sports/2022/06/15/pga-tour-liv-golf-discord/?utm\\_source=rss&utm\\_medium=referral&utm\\_campaign=wp\\_homepage](https://www.washingtonpost.com/sports/2022/06/15/pga-tour-liv-golf-discord/?utm_source=rss&utm_medium=referral&utm_campaign=wp_homepage)

The PGA Tour also purports to be a 501(c)(6) non-profit organization whose principal tax-exempt purpose is to “promote the common interests of professional tournament golfers.” As a consequence, the PGA Tour is bound to promote professional golf and *all* professional golfers—not merely the interests of Tour management or a segment of its membership. By banning members who chose to participate in LIV Golf events, the PGA Tour acts contrary to its purpose and claimed non-profit status. Indeed, the LIV Golf event broadened golf’s audience. For the sake of the PGA Tour, I request that the PGA Tour refrain from punishing members to benefit management and others, and thus jeopardize its non-profit status.

In sum, PGA Tour management violates its fiduciary duty to the members by harming the Tour and its membership by risking the Tour’s tax-exempt status, rendering the Tour susceptible to antitrust liability, artificially suppressing golfer wages by endeavoring to suppress competition and reduce professional golf opportunities, and forcing members to resign their memberships—thus weakening the PGA Tour’s membership and revenues—based on unjust punishment from the Tour. For these reasons, I respectfully request that the PGA Tour reconsider its position and permit me—as a long-standing member—to play professional golf without restriction and fear of punishment.

In the meantime, if there is any further action or remedy of any sort that the PGA Tour seeks to take against me, I expect you to inform me and provide me with a full and fair opportunity to respond.

Respectfully,

A handwritten signature in black ink, appearing to be 'Z. S. [unclear]', written in a cursive style.

## **EXHIBIT 24**





Andy Levinson  
Senior Vice President  
Tournament Administration

June 25, 2022

*Via Email*

Mr. Hudson Swafford  
705 Hamilton Landing Dr.  
St Simons Island, GA 31522

Dear Mr. Swafford:

This Notice of Disciplinary Inquiry ("Notice") is being executed by Commissioner Monahan and provides notice of your violation of Article V, Section A.2. of the *PGA TOUR Player Handbook & Tournament Regulations* ("Regulations"), which states, "To contribute to the success of a PGA TOUR tournament or event and to permit PGA TOUR to fulfill its contractual obligations concerning representative fields, no PGA TOUR member shall participate in any other golf tournament or event on a date with a PGA TOUR (Regular TOUR) cosponsored tournament or event for which such member is exempt is scheduled" unless an exception is met.

On June 22, 2022, you were announced as part of the field in the LIV Golf event scheduled June 30 – July 2, 2022 in Portland, Oregon (the "event"), which will be played the same week as the John Deere Classic. As there is no exception for your participation in the event, this announcement constitutes a violation of a rule of PGA TOUR.

If there are mitigating circumstances or facts that you feel that the Commissioner should consider before determining an appropriate course of action, please provide them to me through submission of written statements and/or written evidence within the fourteen (14) day period outlined in the *PGA TOUR Player Handbook & Tournament Regulations*.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andy Levinson".

Andy Levinson

Cc: Commissioner Monahan

## **EXHIBIT 25**



Andy Levinson  
Senior Vice President  
Tournament Administration

June 29, 2022

*Via Email*

Mr. Hudson Swafford  
705 Hamilton Landing Dr.  
St Simons Island, GA 31522

Dear Mr. Swafford,

This letter is to notify you of the disciplinary action imposed by the Commissioner based upon the Notices of Disciplinary Inquiry dated June 1, 2022 and June 9, 2022 (the "Disciplinary Notices"). You have been afforded the full 14 day period to provide information in response to each of the Disciplinary Notices, during which time we have received and reviewed your response dated June 17, 2022<sup>1</sup> (the "Response"). However, the positions set forth in the Response are directly contrary to the obligations clearly articulated in the *PGA TOUR Player Handbook & Tournament Regulations* ("Regulations"), to which you have agreed every year that you have been a member.

Specifically, as reflected in the Disciplinary Notices, Article V, Section A.2. of the Regulations states, "To contribute to the success of a PGA TOUR tournament or event and to permit PGA TOUR to fulfill its contractual obligations concerning representative fields, no PGA TOUR member shall participate in any other golf tournament or event on a date with a PGA TOUR (Regular TOUR) cosponsored tournament or event for which such member is exempt is scheduled" unless an exception is met. No exception to this clear rule had been met that would permit you to participate in the LIV Golf Invitational London event that was held from June 9 – June 11, 2022 (the "event"). In addition, Article V, Section B.1. prohibits your participation in any live or recorded golf program without the prior written approval of the Commissioner, which approval you did not receive.

In your Response, you simply claim that as an independent contractor, you should be able to play the events of your choosing, even though this is not what you agreed to when you promised to abide by the Regulations. Players have the right to choose where and for whom they will play, but if they choose to play on the PGA TOUR, they agree — as you had — to do so in accordance with the Regulations. By participating in the broadcasted event, you violated Article V, Sections A.2 and B.1 of the Regulations. You also claim that the PGA TOUR has prohibited you "from participating in the sport for other potential

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<sup>1</sup> In fact, while the June 17, 2022 Response is outside of the 14 day window in which you were required to submit a response to the June 1, 2022 Disciplinary Action, we have nevertheless considered it in response to both Disciplinary Notices.



Andy Levinson  
Senior Vice President  
Tournament Administration

competitor organizations.” That is simply false, as demonstrated by the fact that you played in the event even though it was not sanctioned or approved by the PGA TOUR. Because your participation in this event violated the Regulations, the PGA TOUR is obligated and wholly within its rights to enforce the Regulations through its disciplinary procedures.

Furthermore, you have promoted an event and a tour in which you were not authorized to participate through interviews, which you knew or should reasonably have known were not in the best financial or reputational interests of PGA TOUR in violation of Article VI, Section E. of the Regulations. While you claim you should not be sanctioned because you believe you did not make any comments that “unreasonably attack others” or that were intended to be “hateful, abusive, obscene or divisive,” you did in fact make “public comments that a member knows, or should reasonably know, will harm the reputation or financial best interest of PGA TOUR.” Promoting an event for which you were not authorized to participate is clearly not in the financial best interests of PGA TOUR, its sponsors, and its membership.

Therefore, upon due consideration of all the facts and circumstances including those set forth in the Response, the Commissioner is imposing a Major Penalty of suspension from participation in any PGA TOUR-affiliated tournaments including PGA TOUR, PGA TOUR Champions, Korn Ferry Tour, PGA TOUR Latinoamérica, and PGA TOUR Canada that will end no earlier than March 31, 2023. Your privileges at Tournament Players Clubs are suspended during this time period as well. After March 31, 2023, you may seek in writing to have the suspension lifted.

While you are suspended from participation in TOUR-affiliated tournaments, you remain a Member of the PGA TOUR and, therefore, subject to the Regulations. Any additional violation of the Regulations may result in further disciplinary action that may be imposed in addition to the sanction outlined above.

In accordance with Article VII, Section E.2 of the Regulations, you may appeal these sanctions within 14 days of the date of this Notice of Disciplinary Inquiry by written notice to the Commissioner.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andy Levinson".

Andy Levinson

Cc: Commissioner Monahan