

Law Offices of
NATHAN GABLE

Attorneys at Law

341 E. ALONDRA BLVD.
GARDENA, CA 90248
PHONE (310) 980-0822 ♦ FAX (800) 549-6156

January 7, 2019

Via electronic mail:

csac@dca.ca.gov
Andy Foster
Executive Officer
California State Athletic Commission

Re: **Cathilee Zingano**
UFC 232 Bout vs. Megan Anderson
Appeal

Mr. Foster:

Please consider this letter as Cat Zingano's ("Cat") appeal and request to change the above referenced bout from a TKO loss to a no contest.

The bout in question occurred on December 29, 2018 in Los Angeles, California at the Forum, titled UFC 232 ("Event"), against opponent Megan Anderson ("Bout").

At the Event, the Bout was incorrectly ruled a technical knockout loss at the 1:01 mark of the first round. The Bout ended after Cat's opponent's big toe entered her right eye causing damage to the eye.

Cat was pivoting away from her opponent when her opponent threw an upward kick passed Cat's head, the big toe crossed Cat's right eye, getting stuck for a moment under Cat's eye lid. (See photo).



At the Event, the decision was made to call the Bout a technical knockout loss for Cat.

Under the Unified Rules of MMA, eye gouging of any kind is a foul:

“2. Eye gouging of any kind: Eye gouging by means of fingers, chin, or elbow is illegal. Legal strikes or punches that contact the fighter's eye socket are not eye gouging and shall be considered legal attacks.” As of 2017

and

“2. Eye gouging of any kind;
a. Eye gouging by means of fingers, chin, or elbow is illegal. Legal strikes or punches that contact the fighter's eye socket are not eye gouging and shall be considered legal attacks.” As of 2018, Proposed

The contact here was limited to the toe making contact with the eyelid and eye. (See photo).



The language of the Unified Rules regarding eye gouging is non exhaustive and the examples listed, namely “eye gouging by means of fingers, chin, or elbow” are not meant as the only methods by which a foul may occur. First, the language is plainly open ended, beginning with “eye gouging of *any kind*...”. Had the Unified Rules intended to limit this foul to only the examples that followed and exclude toes from this foul, this rule would have been written with limiting language such as, “only eye gouging by means of fingers, chin, or elbow is illegal” and omit the words “of any kind.”

Additionally, had this rule been meant to limit this foul to only the examples that followed and exclude toes, then by the same logic, a thumb to the eye would not be foul as the rule merely mentions fingers, not thumbs. (See Oxford Dictionary <https://en.oxforddictionaries.com/explore/is-a-thumb-a-finger/> “Although thumbs have certain similarities to fingers, there are some key differences. It’s therefore more accurate to describe a thumb as one of five digits that we have on each hand, rather than as a finger.”). Therefore an eye gouging foul under the Unified Rules includes an eye gouge with a toe.

Lastly, for the Unified Rules to allow an eye gouge by a toe as a legal move would encourage such behavior and endanger fighters. If eye gouging with toes were legal, then a fighter defending a heel hook could use his toes to defend by eye gouging their opponent.

Under the Unified Rules, the Bout should have been called a no contest as it ended at the 1:01 mark of the first round:

“7. In instances where the fight has to be concluded due to unforeseen, non-combat related issues, the fight may go to the scorecards if one-half the scheduled rounds, plus one second (1/2 +1) have been completed.

a. If the non-combat stoppage occurs prior to the ½ +1 mark, the fight is to be scored a “No Contest”

For the above reasons we respectfully request that the Bout be changed from a TKO loss to a no contest and seek a legal opinion regarding the interpretation of the applicable rules.

Thank you for your cooperation in this matter.

Sincerely yours,

A handwritten signature in black ink, consisting of a stylized 'N' followed by a 'G' and a horizontal line.

Nathan Gable

cc: Cat Zingano
Marc Ratner