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IN THE MATTER OF AN ARBITRATION
BETWEEN

LANCE ARMSTRONG AND)
TAILWIND SPORTS, INC.,)
Claimants,)

VS.)

SCA PROMOTIONS, INC. AND)
HAMMAN INSURANCE SERVICES,)
INC.,)
Respondents.)

ARBITRATION BEFORE THE
HONORABLE RICHARD
FAULKNER, RICHARD
CHERNICK, AND TED LYON

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF
LANCE ARMSTRONG

NOVEMBER 30, 2005

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF LANCE

ARMSTRONG, produced as a witness at the instance of
the RESPONDENTS, and duly sworn, was taken in the
above-styled and numbered cause on the 30TH of
NOVEMBER, 2005, from 10:09 a.m. to 1:44 p.m., before
Rhonda Watson, RPR, CRR, CSR in and for the State of
Texas, reported by machine shorthand, at the Law
Offices of Herman, Howry & Breen, 1900 Pearl Street,
Austin, Texas, pursuant to the Texas Rules of Civil
Procedure and the provisions stated on the record or
attached herein.

APPEARANCES

1
2
3 For the Claimants:

4 Mr. Timothy J. Herman

5 -and-

6 Mr. Sean E. Breen

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11
12 For the Respondents:

13 Mr. Jeffrey M. Tillotson

14 -and-

15 Mr. Cody L. Towns

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21
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Videographer:

Mr. Tim Bishop

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09:46 1 THE VIDEOGRAPHER: This is the
10:09 2 deposition of Lance Armstrong. The time is 10:09.
10:09 3 The date is November 30, 2005. You may swear in the
10:09 4 witness.

10:09 5 LANCE ARMSTRONG,

10:09 6 having been first duly sworn, testified as follows:

10:09 7 EXAMINATION

10:09 8 QUESTIONS BY MR. TILLOTSON:

10:09 9 Q. If you'll state your name for us, please.

10:09 10 A. Lance Armstrong.

10:09 11 Q. Mr. Armstrong, my name is Jeff Tillotson. I
10:09 12 represent respondents in an arbitration. The
10:09 13 respondents are SCA Promotions, Inc., and SCA
10:10 14 Insurance Specialists, Inc. You are aware of that
10:10 15 arbitration, are you not?

10:10 16 A. Uh-huh. Yes.

10:10 17 Q. You understand that you're a party to that
10:10 18 arbitration?

10:10 19 A. Yes.

10:10 20 Q. And that you're bringing claims against my
10:10 21 clients in that arbitration?

10:10 22 A. Yes.

10:10 23 Q. Have you ever been deposed before in
10:10 24 connection with a legal proceeding?

10:10 25 A. No.

10:10 1 Q. Okay. Let me give you a couple of ground
10:10 2 rules. Now, I know you have attended at least a
10:10 3 portion of one deposition in these proceedings, have
10:10 4 you not?

10:10 5 A. Correct.

10:10 6 Q. A deposition is an opportunity for
10:10 7 participants to a litigation to take sworn testimony
10:10 8 from witnesses or parties. Do you understand that?

10:10 9 A. Yes.

10:10 10 Q. I'm going to be asking you a series of
10:10 11 questions regarding the facts, the claims, and the
10:10 12 allegations in the arbitration to which you are duty
10:10 13 bound to provide your best answer. Do you understand
10:10 14 that?

10:10 15 A. Yeah.

10:10 16 Q. You understand that although we're in the
10:10 17 conference room of your lawyers, you are giving
10:10 18 testimony as if you are in a court of law. Do you
10:10 19 understand that?

10:10 20 A. Correct.

10:10 21 Q. And that penalties of perjury attach to this
10:10 22 deposition just like they would to a court of law
10:11 23 proceeding.

10:11 24 A. Of course.

10:11 25 Q. Now, as I ask questions, if I ask anything

10:11 1 to which you don't understand, or I use terminology or
10:11 2 phraseology for which you're unclear about, would you
10:11 3 please alert me so I may clarify my question?

10:11 4 A. Definitely.

10:11 5 Q. Any time if you wish to take a break or
10:11 6 consult with your lawyer, please notify me, and you'll
10:11 7 be given that opportunity. Do you understand that?

10:11 8 A. Yep.

10:11 9 Q. Last, you asked earlier, but the court
10:11 10 reporter here is taking down everything we say, and
10:11 11 she will produce a transcript of the proceeding. Do
10:11 12 you understand that?

10:11 13 A. Yep.

10:11 14 Q. You'll have an opportunity to review that
10:11 15 transcript, Mr. Armstrong, make changes as you see
10:11 16 fit. Do you understand that?

10:11 17 A. Uh-huh.

10:11 18 Q. And I can comment on those changes at the
10:11 19 time of the hearing. Do you understand that?

10:11 20 Last, two other things, one is, is you
10:11 21 understand that the transcript and the questions and
10:11 22 answers given in this proceeding may be used in lieu
10:11 23 of your testimony at the arbitration proceeding
10:11 24 itself, do you not?

10:11 25 A. Okay.

10:11 1 Q. And last, since we are videotaping it, and
10:11 2 she is transcribing it, it's important that you answer
10:11 3 out loud, and not simply shake your head so that they
10:11 4 can actually take down your answer. Fair enough?

10:12 5 A. Understood.

10:12 6 Q. Okay. We'll try and move as expeditiously
10:12 7 as possible through my questions, and I appreciate you
10:12 8 being here today.

10:12 9 First, you understand that in the
10:12 10 arbitration, to which you are a party, one of the
10:12 11 allegations and claims made by you and by Tailwind
10:12 12 Sports is that my clients have breached a contract
10:12 13 with Tailwind and failed to pay a bonus amount. Are
10:12 14 you aware of that?

10:12 15 A. Correct.

10:12 16 Q. Can you tell us what your relationship,
10:12 17 first, your business relationship with Tailwind
10:12 18 Sports, is?

10:12 19 A. I'm an athlete on the team.

10:12 20 Q. Do you have any ownership interest in
10:12 21 Tailwind Sports?

10:12 22 A. A small one.

10:12 23 Q. When you say a small one, can you give me an
10:12 24 approximate percentage as to what that would be, if
10:12 25 you know?

10:12 1 A. Perhaps ten percent.

10:12 2 Q. Do you know when you acquired that ownership
10:12 3 interest?

10:12 4 A. No. I don't remember.

10:12 5 Q. Would it have been in 2005, or before that?

10:12 6 A. I don't remember.

10:12 7 Q. Do you have any -- is there -- do you have
10:13 8 any recollection as to when it would have been? '02?

10:13 9 '03? '04?

10:13 10 A. Before today.

10:13 11 Q. Okay. Would it have been before 2001?

10:13 12 A. Probably not, but I'm not a hundred percent
10:13 13 sure.

10:13 14 Q. Who would know the answer to that question
10:13 15 as to when you acquired an ownership interest in
10:13 16 Tailwind?

10:13 17 A. Bill Stapleton.

10:13 18 Q. Is there documentation? Like do you have
10:13 19 papers or an ownership certificate of some sort that
10:13 20 reflects your ownership interest in Tailwind?

10:13 21 A. I'm sure there is.

10:13 22 Q. Are you still -- do you still have a
10:13 23 contract with Tailwind?

10:13 24 A. Yeah.

10:13 25 Q. Has Tailwind Sports paid you -- well, let

10:13 1 me -- let me rephrase that.

10:13 2 First, do you believe that you are owed
10:13 3 a bonus from Tailwind Sports based upon your victory
10:13 4 in the 2004 Tour de France race?

10:13 5 A. Absolutely. Just like I was owed a bonus
10:13 6 all the other years.

10:14 7 Q. Has Tailwind paid the entire amount of that
10:14 8 bonus?

10:14 9 A. No.

10:14 10 Q. Have you made any arrangements with Tailwind
10:14 11 for payment of that bonus?

10:14 12 A. Not yet.

10:14 13 Q. Why are you a party in the arbitration?
10:14 14 What claims are you asserting?

10:14 15 A. I think I'm a party -- not that I'm a
10:14 16 lawyer, but I think I'm a party because I'm the one
10:14 17 owed the money from the team, and apparently that's
10:14 18 the way it works.

10:14 19 Q. Okay. What is your understanding as to why
10:14 20 my clients haven't paid that bonus money to Tailwind?

10:14 21 A. Because of -- I suppose because of some
10:14 22 allegations that have been out there.

10:14 23 Q. And how is it you learned that? Did you
10:14 24 learn that from Tailwind, or did you learn that from
10:14 25 things you read in public?

10:14 1 A. About the allegation?

10:14 2 Q. Yes. About why my clients haven't paid the
10:15 3 money to Tailwind.

10:15 4 A. Well, there's been allegations for ten
10:15 5 years.

10:15 6 Q. Okay. Let me -- let me rephrase it, because
10:15 7 I'm not sure you understood what I was asking.

10:15 8 You obviously are aware that my clients
10:15 9 have not paid a certain portion of the bonus money to
10:15 10 Tailwind Sports in connection with your 2004 Tour de
10:15 11 France. Correct?

10:15 12 A. In the final year.

10:15 13 Q. Yes.

10:15 14 A. Correct.

10:15 15 Q. How did you -- and you've given me your
10:15 16 understanding as to why my clients haven't paid that
10:15 17 money. How did you learn that? Who told you why my
10:15 18 clients weren't paying that money?

10:15 19 A. Tailwind.

10:15 20 Q. Who at Tailwind? Would that be
10:15 21 Mr. Stapleton?

10:15 22 A. Yeah.

10:15 23 Q. Do you remember when you learned that?

10:15 24 A. 30 days after it was due. Or 30 days after
10:15 25 the end of the performance.

10:15 1 Q. Okay. So I can get a time frame here. You
10:15 2 won the 2004 Tour de France in August of 2004?

10:15 3 A. Well, late July.

10:15 4 Q. Late July 2004. And your understanding is
10:16 5 the money to you would have been due within what time
10:16 6 period after you won the Tour de France?

10:16 7 A. I think the contract said 30 days.

10:16 8 Q. Okay. And so, then, within 30 days of that
10:16 9 time period, you were aware from Tailwind that my
10:16 10 clients, SCA Promotions, Inc., was not paying the
10:16 11 money to Tailwind. Fair enough?

10:16 12 A. It seemed like that. I think they asked for
10:16 13 some time to do an investigation, or something like
10:16 14 that.

10:16 15 Q. Were you aware that -- from Tailwind that my
10:16 16 clients had raised questions regarding whether or not
10:16 17 you had used performance-enhancing substances or drugs
10:16 18 in connection with your 2004 Tour de France win?

10:16 19 A. When did they raise them?

10:16 20 Q. Well, first, let me ask you, are you aware
10:16 21 if they ever raised that with Tailwind?

10:16 22 A. Well, obviously, that's the reason we're
10:16 23 sitting here.

10:16 24 Q. Okay. Did Tailwind -- did Mr. Stapleton at
10:16 25 Tailwind tell you what the specific complaints or

10:17 1 allegations my clients were making?

10:17 2 A. No. I think we're used to those
10:17 3 allegations, so it's pretty much the same.

10:17 4 Q. But did it seem to you that Mr. Stapleton
10:17 5 knew why my clients weren't paying, what the reasons
10:17 6 they were giving?

10:17 7 A. I don't recall.

10:17 8 Q. At a certain point in time, an advertisement
10:17 9 was run by Capital Sports & Entertainment and
10:17 10 Tailwind. Are you aware of that advertisement?

10:17 11 A. Vaguely.

10:17 12 Q. Okay. Let me show you what's been
10:17 13 previously marked. I brought down some exhibits, and
10:17 14 you can use this binder.

10:17 15 MR. TILLOTSON: Tim, here's one for
10:17 16 you.

10:17 17 MR. HERMAN: Okay.

10:17 18 Q. (BY MR. TILLOTSON) This is a collection of
10:17 19 exhibits, some of which we may use, Mr. Armstrong,
10:17 20 some of which we -- we may not. If you'll turn to tab
10:17 21 13 first. And during a break, you're free to look at
10:18 22 any of these exhibits, but I'm going to focus your
10:18 23 attention first on tab 13, which is an exhibit to
10:18 24 Mr. Stapleton's deposition. Do you recognize this
10:18 25 document?

10:18 1 A. Yeah.

10:18 2 Q. Okay. Is this an ad that was run with your
10:18 3 approval?

10:18 4 A. I vaguely knew about it.

10:18 5 Q. Okay. I mean, it's got your picture here,
10:18 6 and I would assume, did Mr. Stapleton seek your
10:18 7 approval for using your likeness in this ad?

10:18 8 A. I was aware vaguely that they were going to
10:18 9 do it. I trust Bill to do the right thing most of the
10:18 10 time.

10:18 11 Q. Okay. Well, you didn't have any objection
10:18 12 to it, I guess is what I'm asking, that your likeness
10:18 13 would be on this ad?

10:18 14 A. As long as what's stated here is the truth,
10:18 15 then, no, I don't have a problem with that.

10:18 16 Q. Do -- did you make any efforts to determine
10:18 17 whether or not the statements in this advertisement
10:18 18 were true before it was run?

10:18 19 A. Only other than trusting Bill to.

10:18 20 Q. Have you ever subsequently looked at the
10:19 21 veracity of any of the statements in here; that is,
10:19 22 whether they're true or not, since its run?

10:19 23 A. No. But I can right now, if you'd like me
10:19 24 to.

10:19 25 Q. That's all right. I'm just --

10:19 1 A. I mean, let me -- let me just take a look at
10:19 2 it.

10:19 3 Q. Sure. Feel free to read it.

10:19 4 A. Okay. I don't really see the veracity.

10:19 5 Q. Okay.

10:19 6 A. A lot of this is cut and paste from either
10:20 7 you guys or officials.

10:20 8 Q. Okay. My question was merely, since the ad
10:20 9 has run, have you ever looked at the truth or falsity
10:20 10 of any of these statements? And I take it the answer
10:20 11 is no. Other than me asking you to read it here
10:20 12 today, you really haven't --

10:20 13 A. I don't see -- what I just read, I don't see
10:20 14 that any of it's false.

10:20 15 Q. Okay. Thank you.

10:20 16 A. So I would -- I would have no problem
10:20 17 putting my picture in its place.

10:20 18 Q. Let me ask about a couple of things in
10:20 19 this -- in this particular advertisement. The third
10:20 20 paragraph of the ad, I want to focus your attention
10:20 21 on. It says, "The bonuses were insured by three
10:20 22 companies, including SCA." At the time you had your
10:20 23 contract with Tailwind, which provided for the payment
10:20 24 of the bonuses if you won the series of successive
10:20 25 Tour de France races, did you know that SCA was one of

10:20 1 the companies that had contracted with Tailwind to
10:20 2 make payment?

10:20 3 A. No.

10:20 4 Q. Had you ever even heard of SCA before then?

10:20 5 A. No.

10:20 6 Q. Okay. It says there in the last sentence,

10:20 7 "The day SCA's payment was due, however, we instead

10:21 8 received a letter stating they would refuse to pay

10:21 9 pending an 'investigation' into drug allegations

10:21 10 against Lance." Do you see that?

10:21 11 A. Uh-huh.

10:21 12 Q. Were you made aware of that letter by

10:21 13 Mr. Stapleton?

10:21 14 A. Well, obviously, 30 days later, I called and
10:21 15 said, where's the money.

10:21 16 Q. Have you ever seen the letter that's

10:21 17 referred to --

10:21 18 A. No.

10:21 19 Q. -- in this?

10:21 20 Okay. Would you -- would you agree

10:21 21 with me that within 60 or so days of your victory in

10:21 22 2004 in the Tour de France, that you and Mr. Stapleton

10:21 23 were aware that my clients were refusing to pay under

10:21 24 the contract because they wanted to conduct an

10:21 25 investigation into allegations of drug use?

10:21 1 A. Obviously, we were aware that they had
10:21 2 questions. The first being, you know, could they see
10:21 3 the copies of the drug testing results.

10:21 4 Q. Okay.

10:21 5 A. Which to the best of my recollection, we
10:22 6 agreed to do, overriding the decision of UCI. That's
10:22 7 kind of where we thought the investigation was
10:22 8 starting in.

10:22 9 Q. Were you aware there was also a request for
10:22 10 medical records from you by my clients at that time
10:22 11 period?

10:22 12 A. I wasn't aware of that, no. Medical records
10:22 13 like?

10:22 14 Q. Your medical records.

10:22 15 A. Which medical records?

10:22 16 Q. Well, if you'll look at the ad, it
10:22 17 references what -- what was request -- requested. If
10:22 18 you'll see at the bottom paragraph, second-to-last
10:22 19 paragraph, it says, "The truth is, SCA has demanded
10:22 20 free and unlimited access to 'every medical record and
10:22 21 medical provider of Mr. Armstrong; his complete
10:22 22 medical history; all records of Armstrong's past bonus
10:22 23 awards; and all contracts involving Armstrong,
10:23 24 Tailwind, US Postal Service, Capital Sports &
10:23 25 Entertainment, Disson Furst, and related entities and

10:23 1 individuals.'" Do you see that?

10:23 2 A. Yeah.

10:23 3 Q. Okay. My question is, were you aware that
10:23 4 that demand had been made --

10:23 5 A. No.

10:23 6 Q. -- by my client to --

10:23 7 Okay. Do you have access to the actual
10:23 8 test results from a particular race?

10:23 9 A. Like?

10:23 10 Q. In other words, the actual physical
10:23 11 documents --

10:23 12 A. We're done with this?

10:23 13 Q. -- documenting test results.

10:23 14 A. You done with this?

10:23 15 Q. Yes, we are.

10:23 16 A. Not unless we need to request them like we
10:23 17 did here.

10:23 18 Q. Do you know if Tailwind actually got your
10:23 19 actual test results, the documentation showing those
10:23 20 results in connection with the request by my client?

10:23 21 A. I don't know.

10:23 22 Q. Okay. I want to go back and ask you some
10:24 23 questions now, moving off the 2004 Tour de France.

10:24 24 You attended the deposition of Ms. Betsy Andreu, did
10:24 25 you not?

10:24 1 A. Correct.

10:24 2 Q. And you heard her testimony regarding
10:24 3 certain statements you were alleged to have made in a
10:24 4 conference room at the Indiana University Hospital.
10:24 5 Correct?

10:24 6 A. I heard the statements, correct.

10:24 7 Q. Okay. I'm going to ask you about those now.
10:24 8 I'm transitioning to ask you about those. First, do
10:24 9 you deny the statements that Ms. Andreu attributed to
10:24 10 you in the Indiana University Hospital?

10:24 11 A. 100 percent, absolutely.

10:24 12 Q. Do you also deny what Mr. Andreu said
10:24 13 regarding those statements?

10:24 14 A. 100 percent.

10:24 15 Q. Do you recall being in a conference room
10:25 16 with Mr. and Mrs. Andreu and the other people that she
10:25 17 described being there?

10:25 18 A. My recollection is of being in a room. I
10:25 19 don't know. Obviously, it wouldn't have been a
10:25 20 hospital room, because they're too small, and there
10:25 21 were too many people there watching a football game.
10:25 22 What's interesting about those comments were, there
10:25 23 were a lot of people missing.

10:25 24 Q. Give me -- tell me what you mean by that.

10:25 25 A. Such as Jim Ochowicz, Bill Stapleton, my

10:25 1 mother, John Korioth. There could have been 10 or 12
10:25 2 people in the room.

10:25 3 Q. And you recall those people being there?

10:25 4 A. Roughly, yeah.

10:25 5 Q. Okay. So that I -- so that I understand
10:25 6 what you're -- what you're -- what you're testifying
10:25 7 to, you do recall being in like a conference room or a
10:25 8 large room at the hospital with a variety of people?

10:25 9 A. Yeah, you know -- and after hearing that,
10:25 10 going back and looked at --

10:26 11 MR. HERMAN: Hang on one second. The
10:26 12 question really was, do you recall being in the room,
10:26 13 is -- probably calls for a yes or no answer.

10:26 14 A. Yeah. Yeah.

10:26 15 Q. (BY MR. TILLOTSON) Okay.

10:26 16 A. Watching a football game.

10:26 17 Q. Okay. So at least that part of the -- of
10:26 18 the testimony of Mr. and Mrs. Andreu, and I also
10:26 19 believe Ms. McIlvain about them remembering you being
10:26 20 in a room with a TV on, or a football game, you at
10:26 21 least remember that part?

10:26 22 A. Yeah. Oh, I think we can all remember that.

10:26 23 Q. Okay. And then you vaguely recall perhaps
10:26 24 other people being there like Mr. Stapleton, John
10:26 25 Korioth, and perhaps your -- your mother or --

10:26 1 A. I was never in the hospital without Bill
10:26 2 Stapleton, my mother, and Jim Ochowicz, ever, in any
10:26 3 room. It would be impossible to be anywhere in that
10:26 4 hospital without them.

10:26 5 Q. Okay. Now, you were -- before your counsel
10:26 6 wisely interrupted you, you said, in fact, you had
10:26 7 gone to check on something. What is it you were --
10:26 8 you were checking on?

10:26 9 A. Well, we checked on -- we checked the
10:27 10 Cowboys football schedule and realized that there
10:27 11 was -- I mean, there was -- there was a game that
10:27 12 Sunday, which I think is different than the day Betsy
10:27 13 said. And Mr. Stapleton recalls getting a room for us
10:27 14 to watch the game, because we had more than enough
10:27 15 people that wouldn't fit in my room.

10:27 16 Q. Okay. Do you have any recollection while
10:27 17 these individuals were there that a doctor or doctors
10:27 18 came into the room and discussed with you your medical
10:27 19 treatment or your condition?

10:27 20 A. Absolutely not.

10:27 21 Q. Okay.

10:27 22 A. That didn't happen.

10:27 23 Q. Okay. Do you remember if any professionals
10:27 24 from the hospital came in your room --

10:27 25 A. Not that I remember.

10:27 1 Q. -- that you recall?

10:27 2 And so that I understand, Mr. Stapleton
10:27 3 would have gotten you guys a big room to watch the
10:27 4 game so you could have an extended group of people
10:27 5 there with you?

10:27 6 A. Space.

10:27 7 Q. Space. That's why you were in this room
10:27 8 with the TV on --

10:27 9 A. Correct.

10:27 10 Q. -- that's not a hospital --

10:28 11 And do you recall when in the course of
10:28 12 your treatments or stay at the hospital this was? The
10:28 13 beginning? The end? The middle?

10:28 14 A. First half.

10:28 15 Q. Was it -- was it prior to your surgery,
10:28 16 prior to your brain surgery?

10:28 17 A. After.

10:28 18 Q. After?

10:28 19 Do you remember who your
10:28 20 anesthesiologist was in connection with your treatment
10:28 21 there for the surgery?

10:28 22 A. No.

10:28 23 Q. Did you disclose to any medical professional
10:28 24 at the hospital there -- well, let me rephrase that.

10:28 25 Did you -- did any medical person ask

10:28 1 you, while you were at the Indiana University
10:28 2 Hospital, whether you had ever used any sort of
10:28 3 performance-enhancing drugs or substances?

10:28 4 A. No. Absolutely not.

10:28 5 Q. So that just never came up. No one ever --
10:28 6 no -- as part of your treatment, no one ever asked you
10:28 7 that?

10:28 8 A. No.

10:29 9 Q. Can you offer, or can you -- can you help
10:29 10 explain to me why Ms. Andreu would make that story up?

10:29 11 A. Well, she said in her deposition she hates
10:29 12 me.

10:29 13 Q. Do you believe she's making that story up
10:29 14 to -- to get back at you or to cause you harm?

10:29 15 A. Whether she's making up that she hates me?

10:29 16 Q. No. Do you believe that she's making -- I
10:29 17 mean, she's -- according to you, this story where she
10:29 18 said she specifically heard you say stuff --

10:29 19 A. Yeah.

10:29 20 Q. -- and that she -- and you remember she
10:29 21 testified she took Mr. Andreu out and confronted him
10:29 22 regarding whether or not he was doing the same thing.
10:29 23 Do you recall that testimony?

10:29 24 A. Yeah. Vaguely. But I have no idea why she
10:29 25 did that --

10:29 1 Q. Okay.

10:29 2 A. -- other than she hates me.

10:29 3 Q. Okay. I'm -- obviously, you had a

10:29 4 relationship with them. And you knew her, and you go

10:29 5 back some time with her. And I'm asking if --

10:29 6 A. I knew her very little, not very well.

10:29 7 Q. Why would Mr. Andreu say the same things, if

10:30 8 you know?

10:30 9 A. Probably to support his wife, which I don't

10:30 10 know if you're married or not, but --

10:30 11 Q. I am.

10:30 12 A. -- sometimes is required.

10:30 13 Q. And so you think -- is it your testimony

10:30 14 that Mr. Andreu was also lying when he said that he

10:30 15 heard you say those things regarding your prior use?

10:30 16 A. 100 percent. But I feel for him.

10:30 17 Q. What do you mean by that?

10:30 18 A. Well, I think he's trying to back up his old

10:30 19 lady.

10:30 20 Q. Were you able to examine the tape that

10:30 21 Mr. Andreu made of his conversations with

10:30 22 Mr. Stapleton and Mr. Knaggs --

10:30 23 A. No.

10:30 24 Q. -- several years later?

10:31 25 Okay. Do you remember at the

10:31 1 deposition a transcript being produced of -- of the
10:31 2 tape he says he made?

10:31 3 A. Yes.

10:31 4 Q. Okay. If you'll turn to tab 16, which has
10:31 5 been marked as Andreu Exhibit 1, I'll represent to you
10:31 6 this is a copy of the transcript that was produced at
10:31 7 that deposition. Now, I believe -- I may have seen
10:31 8 you, I can't remember, I thought you had an
10:31 9 opportunity to read this transcript while at the
10:31 10 deposition. Have you -- have you had an opportunity
10:31 11 either at the deposition or since then to review this
10:31 12 transcript?

10:31 13 A. No, sir.

10:31 14 Q. Okay. I'm going to turn -- direct your
10:31 15 attention to a couple of things that are said, and if
10:31 16 you'll turn to what's been marked as page three of the
10:31 17 transcript.

10:31 18 A. (Witness so doing.)

10:31 19 Q. All right. If you'll see there at the
10:32 20 top -- and I believe Ms. Andreu testified that F was
10:32 21 Frankie, and we've got either Mr. Stapleton or
10:32 22 Mr. Knaggs. If you'll look down, if you count down
10:32 23 one, two, three, four, five, Mr. Andreu was reported
10:32 24 to say, "She won't do that. I don't see -- I believe
10:32 25 she would come out with a statement saying that

10:32 1 David -- about the hospital room. She didn't -- she
10:32 2 did not tell David Walsh about the hospital room. I
10:32 3 know that for sure --" And then there's a "What,
10:32 4 what --" and then Mr. Andreu says, "Cuz I never told
10:32 5 anybody about the hospital room, you know." Someone
10:32 6 says, "Right."

10:32 7 "I mean, cuz --" and then it's
10:32 8 inaudible. "Hospital, and, you know, I don't know
10:33 9 about -- hospital room happened, but I've never told
10:33 10 anybody, because I -- you know -- David Walsh for me,
10:33 11 what does this shit accomplish? It accomplishes
10:33 12 nothing." Do you see that?

10:33 13 A. Uh-huh. I do. It's hard to follow, but I
10:33 14 see it.

10:33 15 Q. Okay. If Mr. Stapleton was at the hospital
10:33 16 room watching the game, and knew that the hospital
10:33 17 room incident had never happened --

10:33 18 A. Uh-huh.

10:33 19 Q. -- do you have any reason why he wouldn't
10:33 20 tell Mr. Andreu what the heck are you talking about,
10:33 21 what do you mean you never told anyone about something
10:33 22 that never happened?

10:33 23 A. Well, I don't think he was there to take him
10:33 24 on, but I have no idea why he wouldn't say that.

10:33 25 Q. If you'll turn to page five of this

10:33 1 transcript. Let me ask you this before I ask another
10:33 2 question about some actual comments. Did you know
10:33 3 that Mr. Stapleton and Mr. Knaggs were going to go
10:33 4 meet with Mr. Andreu to discuss the possibility of --
10:33 5 of obtaining an affidavit or a statement from
10:33 6 Ms. Andreu regarding Mr. Walsh's book?

10:33 7 A. No. Not that I remember.

10:33 8 Q. So you didn't authorize them to go do it, or
10:33 9 tell them to go do it. They just went and did it?

10:34 10 A. Not to my recollection.

10:34 11 Q. Did they report back to you that they had
10:34 12 met with Mr. Andreu at the 2004 Tour de France and had
10:34 13 talked to him about the book?

10:34 14 A. Not to my recollection.

10:34 15 Q. Okay. So you -- until it was revealed at
10:34 16 the deposition of Ms. Andreu, did you have any idea
10:34 17 that Mr. Stapleton and Mr. Knaggs had actually talked
10:34 18 to Mr. Andreu at the 2004 Tour de France regarding
10:34 19 Mr. Walsh's book and the possibility of getting a
10:34 20 statement from Betsy?

10:34 21 A. Oh, I think that would be unfair to say. I
10:34 22 mean, there's -- the Tour is wide open. There are
10:34 23 people everywhere. Frankie is somebody that was on
10:34 24 our team. I mean, people were talking about the book,
10:34 25 obviously, so -- it didn't come up like that, but --

10:34 1 Q. Was Mr. Andreu on the team in '04?

10:34 2 A. No.

10:34 3 Q. Okay. So I think it was their testimony
10:34 4 that this conversation took place in 2004. It would
10:34 5 have to have been because they're talking about
10:34 6 Mr. Walsh's book which wasn't published till 2004.
10:34 7 Right?

10:34 8 A. Correct.

10:34 9 Q. Okay. And I -- I don't think I fully
10:35 10 understood what you were telling me. Do you recall if
10:35 11 Mr. Stapleton or Mr. Knaggs told you that they had
10:35 12 this conversation with Mr. Andreu?

10:35 13 A. Not this -- I mean, not this specific
10:35 14 conversation. But they could have said that they saw
10:35 15 Frankie in the lodge or outside the bus. I don't
10:35 16 know.

10:35 17 Q. Okay. Have you had a chance to review
10:35 18 Mr. Stapleton's deposition?

10:35 19 A. No.

10:35 20 Q. Do you know why Mr. Stapleton, in his
10:35 21 deposition, testified that the only conversation he'd
10:35 22 had with Frankie Andreu at the 2004 Tour de France was
10:35 23 to say hello to him?

10:35 24 A. I have no idea.

10:35 25 Q. Have you and Mr. Stapleton discussed this

10:35 1 transcript since it was produced by Ms. Andreu?

10:35 2 A. Well, we were -- yeah, I mean, it was -- it
10:35 3 was interesting that she -- you know, that they
10:35 4 recorded a conversation.. So we said hi, you know. I
10:35 5 asked him if he knew he was being taped.

10:36 6 Q. What did he say? No?

10:36 7 A. Obviously, he said no.

10:36 8 Q. Okay. They never do.

10:36 9 What else did he say about the
10:36 10 transcript or the tape?

10:36 11 A. That's it. Nothing else.

10:36 12 Q. Did he discuss or talk to you about what he
10:36 13 had testified in his deposition about speaking to
10:36 14 Frankie Andreu?

10:36 15 A. No.

10:36 16 Q. We're looking at page five of the
10:36 17 transcript. If you'll look down, and it's the middle
10:36 18 of the page, and it's -- it's statements attributed to
10:36 19 Frankie Andreu that starts off with, "So -- and nobody
10:36 20 has been bothering her." If you count up from the
10:36 21 bottom, it's the eighth --

10:36 22 A. I see it.

10:36 23 Q. -- person talking.

10:36 24 A. Okay.

10:36 25 Q. And he's attributed to saying, "So -- and

10:36 1 nobody is bothering her, and the thing is I have
10:36 2 fucking protected Lance for a long time, not in me not
10:36 3 talking about it in every interview I give. I frickin
10:37 4 talk to this stuff, I say everything good, and I like
10:37 5 him, you know and you know." Do you see those
10:37 6 statements?

10:37 7 A. I see it.

10:37 8 Q. Do you know what he's talking about when he
10:37 9 says he's protected you for a long time?

10:37 10 A. I have no -- I mean, he could say, yeah,
10:37 11 Lance is a good guy. Or he could have been talking
10:37 12 about our time racing together.

10:37 13 Q. Do you know if he was referring to the
10:37 14 Indiana hospital room statements?

10:37 15 A. I have no idea.

10:37 16 Q. He testified in his deposition -- I know you
10:37 17 weren't there, but -- and I'll certainly offer you the
10:37 18 transcript if you want to review it during a break.
10:37 19 He testified in his deposition that you and he had a
10:37 20 discussion while riding bikes together --

10:37 21 A. Uh-huh.

10:37 22 Q. -- where you asked him how Betsy was taking
10:37 23 the revelation of the statements you said in the
10:37 24 Indiana hospital room. Did he just make that up, too?
10:37 25 Is that not true?

10:37 1 A. Totally false.

10:37 2 Q. Now, prior to -- to Mr. Andreu's deposition,
10:37 3 you did -- you did call him, did you not?

10:38 4 A. I -- yes.

10:38 5 Q. Did you actually speak to him?

10:38 6 A. Yes.

10:38 7 Q. What was your reason for calling him?

10:38 8 A. Well, I think I called because -- because
10:38 9 we -- because Cathy LeMond had done her deposition,
10:38 10 and had all kinds of crazy things to say, which were
10:38 11 news to us.

10:38 12 Q. Any other reason you called him?

10:38 13 A. Other than to say hello, no.

10:38 14 Q. Were you trying to influence his testimony
10:38 15 in any way?

10:38 16 A. Of course not.

10:38 17 Q. Were you trying to warn him?

10:38 18 A. Of course not. And, in fact, he -- he -- he
10:38 19 said that on the phone. He said I totally understand.
10:38 20 He said I haven't heard of any of this stuff either.
10:38 21 No. I -- no.

10:38 22 Q. Did you -- did you discuss with him the
10:38 23 statements attributed to you in the Indiana University
10:39 24 Hospital room?

10:39 25 A. No.

10:39 1 Q. And so you didn't tell him that you believed
10:39 2 that that was not true during this phone conversation?

10:39 3 A. Well, I mean, not -- I don't remember every
10:39 4 bit and piece of the conversation. But I don't
10:39 5 remember that to be -- to have ever occurred. So, you
10:39 6 know, that could have come up in the midst of the
10:39 7 conversation.

10:39 8 Q. Okay. But I just want to make sure. It's
10:39 9 not that you don't remember whether that -- the
10:39 10 Indiana hospital room incident occurred. It
10:39 11 affirmatively did not take place.

10:39 12 A. No, it didn't. How could it have taken
10:39 13 place when I've never taken performance-enhancing
10:39 14 drugs?

10:39 15 Q. Okay.

10:39 16 A. How could that have happened?

10:39 17 Q. That was my point. You're not -- it's not
10:39 18 just simply you don't recall. Just --

10:39 19 A. How many times do I have to say it?

10:39 20 Q. I'm just trying to make sure your testimony
10:39 21 is clear.

10:39 22 A. Well, if it can't be any clearer than I've
10:39 23 never taken drugs, then incidents like that could
10:39 24 never have happened.

10:39 25 Q. Okay.

10:39 1 A. How clear is that?

10:39 2 Q. Okay. I think it's clear. Let me -- can I
10:39 3 ask you some additional questions as a followup on
10:39 4 that?

10:39 5 A. Sure.

10:39 6 Q. You have never taken any
10:39 7 performance-enhancing drug in connection with your
10:40 8 cycling career.

10:40 9 A. Correct.

10:40 10 Q. And that would include any substance that's
10:40 11 ever been banned. Is that fair to say?

10:40 12 A. Correct.

10:40 13 Q. Okay. Well, why don't you give me the
10:40 14 definition of what you're using when you say you've
10:40 15 never taken any performance-enhancing substances.
10:40 16 What would that include? Anything banned?

10:40 17 A. That would have -- well, it would include
10:40 18 anything on the banned list.

10:40 19 Q. Okay. For example, would -- would that
10:40 20 include that you've never used your own blood for
10:40 21 doping purposes, for example?

10:40 22 A. Abso -- that would be banned.

10:40 23 Q. Okay. I'm not trying to agitate you. I'm
10:40 24 just trying to make sure your testimony is clear.

10:40 25 A. Okay.

10:40 1 Q. Okay?

10:40 2 All right. I understand that you find
10:40 3 allegations regarding that to be agitating. But I'm
10:40 4 just asking you questions. Okay? I'm not trying
10:40 5 to -- to insult you.

10:40 6 A. Okay.

10:40 7 Q. All right? Fair enough?

10:40 8 A. Fair enough.

10:40 9 Q. Okay. Did you speak with Stephanie McIlvain
10:40 10 before her deposition?

10:40 11 A. Yes.

10:41 12 Q. Okay. When did you talk to her?

10:41 13 A. I don't recall. She called me about her
10:41 14 neighbor.

10:41 15 Q. Okay. Was this a neighbor that needed some
10:41 16 help, or was this the neighbor that has cancer?

10:41 17 A. Correct.

10:41 18 Q. Okay. What did you talk with her about,
10:41 19 other than the personal things related to her
10:41 20 neighbor?

10:41 21 A. That's it.

10:41 22 Q. Did you talk about her upcoming deposition?

10:41 23 A. No.

10:41 24 Q. Did you talk about any of the testimony from
10:41 25 Cathy LeMond, Greg LeMond, or the Andreu?

10:41 1 A. No.

10:41 2 Q. Did anyone, to your knowledge, at your
10:41 3 direction contact Ms. McIlvain regarding her
10:41 4 deposition?

10:41 5 A. Not that I know of.

10:41 6 Q. So Mr. Stapleton, or Mr. Knaggs, or someone
10:41 7 at their direction, to your knowledge, didn't call
10:41 8 Ms. McIlvain to discuss --

10:41 9 A. Not to my knowledge.

10:41 10 Q. Okay. What is your business relationship
10:41 11 with Oakley?

10:41 12 A. I'm a -- are you done with this?

10:41 13 Q. Yes.

10:41 14 A. Okay. I'm an endorsed athlete. Have been
10:41 15 for a long time.

10:41 16 Q. Okay. You continue to have a contract with
10:41 17 Oakley?

10:41 18 A. Correct.

10:41 19 Q. Does Ms. -- does Ms. McIlvain continue to be
10:42 20 a representative of Oakley that has responsibility for
10:42 21 you?

10:42 22 A. I think so.

10:42 23 Q. How frequently do you have contact with her
10:42 24 regarding your business with Oakley?

10:42 25 A. I don't know. A few times a year.

10:42 1 Obviously, before key events. You know, they need to
10:42 2 make sure that you have the proper equipment, or if
10:42 3 they have something new they would like for you to
10:42 4 try, et cetera, et cetera.

10:42 5 Q. She testified that she was in -- she
10:42 6 remembered being in the conference room, or the big
10:42 7 room watching the football game. Do you recall her
10:42 8 being there?

10:42 9 A. I recall her being in Indiana. I don't, you
10:42 10 know, exactly remember who was in the room or who
10:42 11 wasn't in the room.

10:42 12 Q. Okay.

10:42 13 A. I remember watching a football game.

10:42 14 Q. I take it from your testimony that there
10:42 15 would not be, to your knowledge, any medical records
10:43 16 regarding your treatment at the Indiana hospital that
10:43 17 would report or record any use by you of
10:43 18 performance-enhancing drugs. Correct?

10:43 19 A. Well, if I've never taken
10:43 20 performance-enhancing drugs, I never would have told a
10:43 21 doctor that I took performance-enhancing drugs,
10:43 22 therefore, they never would have written down in any
10:43 23 records that I'd taken performance-enhancing drugs.

10:43 24 Q. Therefore, do you have any opposition to --
10:43 25 to providing my clients with a release to obtain those

10:43 1 medical records --

10:43 2 A. Well, I'm sure --

10:43 3 Q. -- to corroborate that?

10:43 4 A. I'm sure -- I'm sure we do, yeah. I don't
10:43 5 think anybody --

10:43 6 MR. HERMAN: That's something that I --
10:43 7 that's something that I will take under advisement,
10:43 8 Jeff.

10:43 9 MR. TILLOTSON: And we would request
10:43 10 access to those under the protective order. And I'll
10:43 11 even add that we don't have to take copies of them.
10:43 12 We can review them.

10:43 13 MR. HERMAN: All right.

10:43 14 MR. TILLOTSON: Okay.

10:43 15 MR. HERMAN: Your request is duly
10:43 16 noted.

10:43 17 MR. TILLOTSON: Thank you. Thank you.

10:43 18 Q. (BY MR. TILLOTSON) Have you spoken to
10:43 19 Mr. Andreu since his deposition?

10:44 20 A. No.

10:44 21 Q. Has anyone at your request or at your
10:44 22 direction spoken to Mr. Andreu regarding his
10:44 23 deposition?

10:44 24 A. I don't know.

10:44 25 Q. What he said?

10:44 1 A. Huh?

10:44 2 Q. You said you didn't know?

10:44 3 A. I said I don't know.

10:44 4 Q. Okay. How are you kept up to speed
10:44 5 regarding this legal proceeding? Is it through
10:44 6 Mr. Herman or through Mr. Stapleton?

10:44 7 A. A little of both. But to be honest, I don't
10:44 8 follow much, because I'm busy with other things, and
10:44 9 this is really a distraction. But --

10:44 10 Q. Okay.

10:44 11 A. -- I get bits and pieces.

10:44 12 Q. Okay. I'm just trying to find out if -- if
10:44 13 Mr. Stapleton tells you what's going on versus
10:44 14 Mr. Herman, or both.

10:44 15 A. It's a mix of both, or Mr. Breen, or --

10:44 16 THE WITNESS: Mr. Breen.

10:44 17 MR. BREEN: Sir.

10:44 18 THE WITNESS: I've never called you
10:44 19 Mr. Breen.

10:44 20 MR. BREEN: Never. I'm going to frame
10:44 21 that portion of Mr. Tillotson's questioning.

10:44 22 MR. TILLOTSON: I didn't mean to leave
10:44 23 you out of that list of distinguished individuals.
10:44 24 I'm sorry.

10:44 25 MR. BREEN: Thank you for including me.

10:44 1 THE WITNESS: You're welcome, sir.

10:44 2 Q. (BY MR. TILLOTSON) Can you tell us when you
10:45 3 first started going to Doctor Ferrari as a trainer or
10:45 4 a coach?

10:45 5 A. We met in -- sometime in the mid '90s. I
10:45 6 don't know if that means going to, or what you mean,
10:45 7 but...

10:45 8 Q. How did you meet, and what were the
10:45 9 circumstances surrounding it?

10:45 10 A. We were in Southern California somewhere at
10:45 11 a training camp, Chris and I, and he was there, as
10:45 12 well, with a lot of other athletes, and our paths
10:45 13 crossed.

10:45 14 Q. Okay. When did you first start going to him
10:45 15 for training or coaching as opposed to just simply
10:45 16 meeting him?

10:45 17 A. We started doing some testing, you know, and
10:45 18 then -- or just after that time. I don't recall
10:45 19 exactly, but...

10:45 20 Q. So it would have been in the mid -- it would
10:45 21 have been in the mid '90s, before your cancer
10:46 22 treatment --

10:46 23 A. Yeah.

10:46 24 Q. -- you were using him.

10:46 25 And how does it work, Mr. Armstrong?

10:46 1 Do you actually retain him as a coach? Is it -- is it
10:46 2 just odd consultations that you go see him? I mean,
10:46 3 can you explain to me how it works with him?

10:46 4 A. Yeah. There's no strict schedule. It's
10:46 5 just, you know, based on availability if you want to
10:46 6 run a test or something, set something up.

10:46 7 Q. I have read articles about Doctor Ferrari
10:46 8 that he designs or -- or essentially takes over the
10:46 9 training process, and does a comprehensive training
10:46 10 program. Is that somewhat accurate based upon your
10:46 11 experience?

10:46 12 A. I think he does that. I think he has a
10:46 13 business of that. I think he does that for a lot of
10:46 14 everyday cyclists and probably some other athletes.

10:46 15 Q. Is that how it was with you, in the sense
10:46 16 did he -- did he take over the whole training process,
10:46 17 or was he just sort of an ad hoc consultant?

10:46 18 A. Well, my process has always been one that
10:46 19 involves a lot of people, Chris Carmichael, Johan
10:46 20 Bruyneel, everybody involved in the team. It's not
10:47 21 just a -- it would be unfair to say there's an
10:47 22 athlete-coach relationship and nothing else. So I
10:47 23 would say more of an advisor.

10:47 24 Q. Okay. Has Mr. Carmichael remained being
10:47 25 your coach since that same time period, the mid '90s?

10:47 1 A. Correct.

10:47 2 Q. And Mr. Bruyneel, what relationship does he
10:47 3 play as far as the coaching or training? What's his
10:47 4 role?

10:47 5 A. He's the -- what they call the director
10:47 6 sportif or basically the -- the best description would
10:47 7 be the head coach.

10:47 8 Q. Okay. How often were you seeing or visiting
10:47 9 with Doctor Ferrari prior to your cancer treatment?

10:47 10 A. I don't know. Not much.

10:47 11 Q. A few times a year, for example?

10:47 12 A. A few times a year.

10:47 13 Q. And how is Doctor Ferrari paid? Is it paid
10:47 14 per visit? Per training session?

10:47 15 A. I don't recall exactly. I mean, based on --
10:48 16 yeah, based on time commitment, and...

10:48 17 Q. Do you have to separately negotiate that fee
10:48 18 arrangement with him?

10:48 19 A. I don't remember. I mean, it was not so
10:48 20 strict.

10:48 21 Q. Well, what about after cancer treatment?
10:48 22 You've continued to -- to use Doctor Ferrari as a
10:48 23 trainer and a coach. Is that right?

10:48 24 A. As an advisor.

10:48 25 Q. As an advisor.

10:48 1 What's the difference between an
10:48 2 advisor and trainer/coach?

10:48 3 A. Well, I think trainer/coach -- coach, I
10:48 4 would put on Johan. Trainer, I would put on Chris.
10:48 5 Advisors could be, you know, ten different other
10:48 6 people.

10:48 7 Q. Are there that many other people that are --
10:48 8 were advisors to you, let's say, during the 2001 to
10:48 9 2004 time period?

10:48 10 A. Sure.

10:48 11 Q. With respect to --

10:48 12 A. I don't know if there's ten, but there were
10:48 13 a lot.

10:48 14 Q. With respect to the actual preparation for
10:48 15 the racing as opposed to, say, financial advisors --

10:48 16 A. No, no, no, no. You know, yeah, hanging
10:48 17 around and winning the Tour.

10:48 18 Q. Okay. Would it be fair to say that of those
10:49 19 advisors that Doctor Ferrari was the most significant
10:49 20 one to you?

10:49 21 A. I don't -- I don't -- I don't think that
10:49 22 would be fair to say.

10:49 23 Q. Okay. Can you give me one who you felt --
10:49 24 an advisor who you felt was more significant to your
10:49 25 training --

10:49 1 A. Well, it just depends. I mean, you could
10:49 2 say somebody -- the -- you know, the people at the
10:49 3 wind tunnel who design the position and the equipment
10:49 4 in and around the time trials, they're the most
10:49 5 important in terms of true cost and true savings.

10:49 6 Q. Okay.

10:49 7 A. You could say that your massage therapist,
10:49 8 who gives you a massage every day, is the most
10:49 9 important. I'm sure they all think they're the most
10:49 10 important.

10:49 11 Q. Okay. Fair enough. How frequently did you
10:49 12 go see Doctor Ferrari between the '99 and 2003 time
10:49 13 period?

10:49 14 A. Not very often.

10:49 15 Q. Okay. A few times a year? Six times a
10:49 16 year? Ten times a year?

10:49 17 A. Maybe a few times a year.

10:49 18 Q. I'm sorry. Say that again.

10:49 19 A. Maybe a few times a year.

10:50 20 Q. And how would you set these up? Would --
10:50 21 would you contact him? Would he tell you a time to
10:50 22 come see him? How does that work?

10:50 23 A. Call him.

10:50 24 Q. Now, when you -- when you started going to
10:50 25 see Doctor Ferrari in the mid '90s, what were the

10:50 1 reasons why you wanted to use him?

10:50 2 A. Well, other than he had a lot of experience,
10:50 3 had been in cycling for a long time, or actually been
10:50 4 in endurance work for a long time, had heard very
10:50 5 positive things about him, and his knowledge of
10:50 6 cycling, really, the numbers of cycling, other than
10:50 7 that, that's about it.

10:50 8 Q. Were you aware of -- of -- did you believe
10:50 9 at that time when you started going to see him in the
10:50 10 mid '90s that he had a -- what would be considered a
10:50 11 bad or unpopular reputation?

10:50 12 A. Oh, I think -- I think in those days,
10:50 13 anybody who rode fast or performed well had a
10:50 14 questionable reputation, which hasn't changed to this
10:51 15 date.

10:51 16 Q. Mr. Andreu testified in his deposition that
10:51 17 he -- he -- that you recommended he use
10:51 18 Doctor Ferrari. Is that true?

10:51 19 A. I recommended that Frankie train smarter. I
10:51 20 never specifically said you should go see Ferrari.

10:51 21 Q. Okay. Did you recommend to any of your
10:51 22 teammates that they should use Doctor Ferrari?

10:51 23 A. I recommend that they all train smarter.

10:51 24 Q. When you say train smarter, tell me what you
10:51 25 mean.

10:51 1 A. Use better training programs, train smarter.
10:51 2 I don't -- I don't know how else to describe that.
10:51 3 They can go wherever they want to go and use whoever
10:51 4 they want to use.

10:51 5 Q. Did you ever discuss what you were doing
10:51 6 with Ferrari with your other teammates, Tyler
10:51 7 Hamilton, Frankie Andreu --

10:51 8 A. Well --

10:51 9 Q. -- Kevin Livingston?

10:51 10 A. -- if you're on the road, if you're on a
10:51 11 training ride together, it's pretty obvious the types
10:51 12 of intervals you're doing, the types of work you might
10:51 13 be doing. But that -- that would be like saying, you
10:52 14 know, Chris recommends this, or Johan thinks this is a
10:52 15 good idea based on his experience, because he didn't
10:52 16 race that long ago.

10:52 17 Q. When you went to see Doctor Ferrari,
10:52 18 let's -- let's stick with the '99 to 2003 time period,
10:52 19 where would you meet him? Would it be in Italy?

10:52 20 A. A mix of both. Either Italy or in South
10:52 21 France.

10:52 22 Q. And can you describe for me what kinds of
10:52 23 things you would do with him?

10:52 24 A. Just a test. A physical test.

10:52 25 Q. Like what? I mean, would it involve riding

10:52 1 or --

10:52 2 A. Riding.

10:52 3 Q. Did it involve analysis of your blood, or
10:52 4 your physiological makeup?

10:52 5 A. Well, you weigh yourself, so you get your
10:52 6 body weight. Lactate testing, of course, like any
10:52 7 physiological test.

10:52 8 Q. Okay. Were -- were there results that were
10:52 9 written from these tests that you could see?

10:52 10 A. Yeah. You have to write down the level, or,
10:53 11 you know, the intervals and the levels.

10:53 12 Q. Would he recommend nutrition or other things
10:53 13 like that?

10:53 14 A. He's very particular about nutrition. There
10:53 15 was never anything written down, anything specific
10:53 16 with regards to nutrition. But body weight being the
10:53 17 most important thing, probably the most important
10:53 18 thing in cycling.

10:53 19 Q. Would he recommend vitamins or other
10:53 20 supplements --

10:53 21 A. No.

10:53 22 Q. -- to take?

10:53 23 A. No.

10:53 24 Q. Mr. Gorski testified in his deposition that
10:53 25 he's -- saw you or met Doctor Ferrari and you at a

10:53 1 training session in Austin. I think he -- he pointed
10:53 2 to the approximate 2000 time period. Do you recall
10:53 3 that?

10:53 4 A. I don't recall it, but I wouldn't deny that,
10:53 5 no.

10:53 6 Q. Okay. He -- it's also been said by others
10:53 7 that you had Doctor Ferrari not stay where the others
10:53 8 were staying, that they were at the Four Seasons
10:54 9 hotel, and you had him stay someplace different. Do
10:54 10 you recall if that's true?

10:54 11 A. He's been here more than once, so I don't
10:54 12 always recall where he stayed. I know that many times
10:54 13 he stayed with the team. We haven't always stayed at
10:54 14 the Four Seasons. We've stayed at Barton Creek. But
10:54 15 if what you're trying to say is we were trying to hide
10:54 16 him, that's absolutely not true.

10:54 17 Q. Okay. Well, there have been allegations
10:54 18 that you tried to either conceal or not disclose your
10:54 19 training relationship with Doctor Ferrari. Are those
10:54 20 untrue?

10:54 21 A. Those are untrue. I've never denied that.
10:54 22 That's been common knowledge since 1996.

10:54 23 Q. Now, how was it common knowledge in 1996? I
10:54 24 mean, what --

10:54 25 A. It was written.

10:54 1 Q. Okay. Written where?

10:54 2 A. In La Gazzetta, written in other
10:54 3 publications. Journalists knew about it. Even if a
10:54 4 journalist doesn't -- knows about it, but doesn't
10:54 5 write about it. I think that says a lot.

10:55 6 But let me just be clear on hiding
10:55 7 Ferrari. That's simply not the case. He stayed with
10:55 8 us at Barton Creek. We -- we had meals together,
10:55 9 as -- I don't know if you've been to Barton Creek, but
10:55 10 it's a public country club. Not public, but it's
10:55 11 obviously not -- it wasn't our club exclusively, so he
10:55 12 was there under his name. Ironically enough, he's got
10:55 13 cousins in Georgetown, so maybe he spent some time
10:55 14 with them. I don't know. I wasn't with him all the
10:55 15 time.

10:55 16 Q. I've -- I've looked at one of your books
10:55 17 that you wrote, It's Not About the Bike, which was
10:55 18 published, and you detail many of the people that had
10:55 19 an important and meaningful impact on your life, but I
10:55 20 see no reference to Doctor Ferrari in that book.

10:55 21 A. Uh-huh.

10:55 22 Q. Why not mention Doctor Ferrari, if he's had
10:55 23 a significant impact on you, in your book?

10:55 24 A. I -- I've never said he had a significant
10:55 25 impact. I didn't -- you cannot put everybody in your

10:55 1 life in a book.

10:56 2 Q. Did you -- did you consciously avoid putting
10:56 3 Doctor Ferrari in your book --

10:56 4 A. No.

10:56 5 Q. -- and describing the training?

10:56 6 I mean, because you do describe some of
10:56 7 the training routines you do in your book that you've
10:56 8 gone through.

10:56 9 A. Uh-huh.

10:56 10 Q. Do you not?

10:56 11 A. I think so.

10:56 12 Q. Okay.

10:56 13 A. It's been a while since I wrote it.

10:56 14 Q. All right. Fair enough. But you lived it,
10:56 15 so -- so you're one up on us.

10:56 16 Is there any other reason, other than
10:56 17 there just wasn't enough space, that you didn't talk
10:56 18 about your training relationship with Doctor Ferrari?

10:56 19 A. It's one of the downfalls of writing a book.
10:56 20 I don't know if you've ever written one, but you
10:56 21 cannot include everybody in the book. And -- nor
10:56 22 should you. And many people are offended by that.

10:56 23 Q. Were you at that time period, in 2000,
10:56 24 sensitive about revealing that -- your training
10:56 25 relationship with Doctor Ferrari for fear that people

10:56 1 might get the wrong impression?

10:56 2 A. No.

10:56 3 Q. I mean, you will agree with me that at least
10:57 4 some people, once they found out you were -- or once
10:57 5 they learned you were using Doctor Ferrari, got the
10:57 6 wrong impression. Fair?

10:57 7 A. Well, I didn't hear from the team. I didn't
10:57 8 hear from any sponsors. I didn't hear from UCI. I
10:57 9 didn't hear from any friends or family.

10:57 10 Q. Do you recall Mr. Gorski telling you in 2000
10:57 11 to be careful about your relationship with
10:57 12 Doctor Ferrari?

10:57 13 A. I don't recall that.

10:57 14 Q. So he never told you he was concerned about
10:57 15 your training relationship with Doctor Ferrari that
10:57 16 you recall?

10:57 17 A. Now, listen, not to my recollection. He
10:57 18 could have said it, but it was a long time ago.

10:57 19 Q. Did Mr. Andreu ever tell you to be careful
10:57 20 about Doctor Ferrari?

10:57 21 A. Not to my recollection.

10:57 22 Q. Did he ever tell you he wasn't going to go
10:57 23 to Doctor Ferrari because he was concerned about
10:57 24 Doctor Ferrari's bad reputation?

10:57 25 A. Not to my recollection.

10:57 1 Q. I haven't asked you, but given your past
10:57 2 answers I know what it will be, but I need to ask you
10:58 3 now. Did Doctor Ferrari ever suggest to you that you
10:58 4 should use, take, or consider taking
10:58 5 performance-enhancing drugs or substances?

10:58 6 A. Never. Absolutely not.

10:58 7 Q. Is there anything about your dealings with
10:58 8 Doctor Ferrari over the decade or so that you've known
10:58 9 him and dealt with him that would suggest to you that
10:58 10 perhaps he was using or encouraging other athletes to
10:58 11 use performance-enhancing drugs or substances?

10:58 12 A. No. In fact, to the contrary.

10:58 13 Q. Tell me what you mean by that when you to
10:58 14 the contrary.

10:58 15 A. He's -- I know you're going to find this
10:58 16 hard to believe, but he's, to me, totally clean, and
10:58 17 totally ethical, believes in clean, fair sport, but
10:58 18 produces great results with his athletes because
10:58 19 he's -- he's so focused. But I never -- I never had a
10:58 20 conversation with him regarding that.

10:58 21 Q. And I just was -- I was asking it a little
10:58 22 broader, which is that you've never seen anything that
10:58 23 makes you think with respect to some other athlete --

10:58 24 A. Oh, no.

10:58 25 Q. -- there's some improper conduct by -- by

10:59 1 Doctor Ferrari.

10:59 2 You're obviously aware of Greg LeMond's
10:59 3 testimony regarding Doctor Ferrari, and his
10:59 4 conversation with you. Correct?

10:59 5 A. Oh, I'm aware of Greg's statements over the
10:59 6 years, yeah.

10:59 7 Q. Did -- have you read Mr. LeMond's
10:59 8 deposition?

10:59 9 A. No.

10:59 10 Q. Okay. But you've been told and made
10:59 11 aware --

10:59 12 A. But I can only -- yeah, I mean, I'm sure
10:59 13 it's the same that we all read in the paper.

10:59 14 Q. Okay. One of the things he said was that
10:59 15 you called him -- you're obviously aware that he made
10:59 16 public statements regarding your relationship with
10:59 17 Doctor Ferrari. Correct?

10:59 18 A. Correct.

10:59 19 Q. When it was -- when it was news in 2001.
10:59 20 You recall that. Right?

10:59 21 A. Well, it wasn't really news. It had been
10:59 22 written before that, but...

10:59 23 Q. Well, as I understand it, Mr. Walsh, David
11:00 24 Walsh, was going to write an article detailing your
11:00 25 relationship with Doctor Ferrari in 2001. Do you

11:00 1 recall that?

11:00 2 A. I do.

11:00 3 Q. And do you recall that your team,
11:00 4 Mr. Stapleton and/or Mr. Gorski, in effect leaked that
11:00 5 information two weeks before the article came out?

11:00 6 A. I don't recall that, no.

11:00 7 Q. Were you part of the -- did you authorize
11:00 8 the decision for Mr. Gorski and/or Mr. Stapleton to
11:00 9 talk publicly about your relationship with
11:00 10 Doctor Ferrari because they believed Mr. Walsh was
11:00 11 going to write about it?

11:00 12 A. No.

11:00 13 Q. Were -- did Mr. Gorski come to you and ask
11:00 14 you about your relationship with Doctor Ferrari prior
11:00 15 to issuing public statements about it in 2001?

11:00 16 A. Not to my recollection.

11:00 17 Q. You do recall that Mr. Walsh was going to
11:00 18 write about your relationship with Doctor Ferrari in
11:00 19 2001, that you were given advance notice of that.

11:00 20 A. I don't know what he's going to write about.
11:01 21 We did the interview. He asked about it.

11:01 22 Q. Okay. And was there any discussion between
11:01 23 you and any of your advisors regarding whether or not
11:01 24 you should preempt that story by telling another
11:01 25 newspaper, magazine about your relationship with

11:01 1 Doctor Ferrari?

11:01 2 A. Not to my recollection. We had -- I know
11:01 3 where you're going. We had an interview scheduled,
11:01 4 the question was asked, and, like always, I answered
11:01 5 it.

11:01 6 Q. I'm not going anywhere. I just -- I'm
11:01 7 trying to understand the facts given the many things
11:01 8 that people have said. So I don't have an agenda.
11:01 9 And I'll do the best I can just to find what the facts
11:01 10 are.

11:01 11 Why all the publicity or hubbub from
11:01 12 David Walsh's 2001 article about Doctor Ferrari, and
11:01 13 the statements made by Mr. Gorski in 2001 if it was
11:01 14 well known? Why the media circus regarding your
11:01 15 relationship with Doctor Ferrari?

11:01 16 A. I have no idea. Perhaps because it was at
11:02 17 the Tour de France, which is the pinnacle of cycling,
11:02 18 and the most widely covered event. I found it ironic
11:02 19 that David was on the staff of a cycling magazine that
11:02 20 had written the article years before. So in my mind,
11:02 21 I -- I didn't understand it.

11:02 22 MR. HERMAN: Hey, Jeff, when you get to
11:02 23 a convenient spot for about a ten-minute break --

11:02 24 MR. TILLOTSON: Now is fine. Now is
11:02 25 fine.

11:02 1 MR. HERMAN: Is that okay?

11:02 2 MR. TILLOTSON: Now is fine. Sure.

11:02 3 Let's go off the record.

11:02 4 THE VIDEOGRAPHER: 11:02, off the
11:02 5 record.

11:11 6 (Recess.)

11:22 7 THE VIDEOGRAPHER: 11:22, on the
11:22 8 record.

11:22 9 Q. (BY MR. TILLOTSON) We're back,
11:22 10 Mr. Armstrong. I just want to remind you. Although
11:22 11 we take breaks and stop your deposition from time to
11:22 12 time, you remain under oath throughout the entire
11:22 13 course.

11:22 14 We were talking about Doctor Ferrari.
11:22 15 I want to read to you or show you some testimony from
11:22 16 Mr. Gorski. At page 78 of his deposition in this
11:23 17 case, he testified that he was, quote, uncomfortable
11:23 18 in meeting Doctor Ferrari, first of all. "I was
11:23 19 uncomfortable in his presence there, and I
11:23 20 communicated that to Lance. And I said my feeling
11:23 21 was, because of his reputation solely, whether any of
11:23 22 it is true or not, which I didn't know, I hadn't
11:23 23 followed the case, I couldn't even tell you, you know,
11:23 24 what the outcome was, but simply his presence there,
11:23 25 given his reputation, I was uncomfortable with his

11:23 1 presence there." Speaking about Doctor Ferrari. Do
11:23 2 you recall if Mr. Gorski expressed that sentiment to
11:23 3 you?

11:23 4 A. As I said, I don't recall that. I'm not
11:23 5 saying it didn't happen. I'm saying I don't recall
11:23 6 that.

11:23 7 Q. He also testified that he was -- he knew
11:23 8 that Doctor Ferrari was under investigation in Italy
11:23 9 at that time period, this is 2000, at a training camp.
11:23 10 Were you aware that Doctor Ferrari was under
11:23 11 investigation at some point by Italian officials?

11:23 12 A. Well, obviously, he was under investigation
11:23 13 at some point.

11:24 14 Q. When did you learn that?

11:24 15 A. I don't remember.

11:24 16 Q. Now, Mr. Gorski testified in his deposition
11:24 17 at page 77 that you had not told him that you were
11:24 18 working with Ferrari, and that he didn't know you were
11:24 19 actually working with Ferrari until he saw
11:24 20 Doctor Ferrari down in Austin in 2000. Do you know if
11:24 21 that's true or not?

11:24 22 A. I don't remember.

11:24 23 Q. Well, he's the president or the manager of
11:24 24 the team. Right?

11:24 25 A. Uh-huh.

11:24 1 Q. The US -- the United States Postal team at
11:24 2 that time period. Right?

11:24 3 A. Of -- yeah. Dylan, or whatever it was,
11:24 4 Disson Furst.

11:24 5 Q. Okay. If you've explained to me that your
11:24 6 relationship with Doctor Ferrari is public knowledge,
11:24 7 how is it that Mr. Gorski didn't know that in 2000?

11:24 8 A. I have no idea. I guess he didn't read it.

11:24 9 Q. Okay. Now, Mr. Gorski was asked in his
11:25 10 deposition how, quote/unquote, it became public, your
11:25 11 relationship with Doctor Ferrari, and he says that
11:25 12 there was going to be an article coming out written by
11:25 13 David Walsh, I guess in the Sunday Times in London or
11:25 14 whatever. This is at page 81 of his deposition. That
11:25 15 David Walsh was going to disclose this relationship
11:25 16 with Doctor Ferrari, and Lance decided it was prudent
11:25 17 to communicate to the cycling press that, and explain
11:25 18 to him what the relationship was. Question: "Preempt
11:25 19 the story, in effect?"

11:25 20 Answer: "Yes."

11:25 21 Is that accurate, that you decided to,
11:25 22 in effect, preempt David Walsh's story by talking to
11:25 23 other members of the media about Doctor Ferrari?

11:25 24 A. Only in the regard that I was asked the
11:25 25 question the day before, and I answered it, like I had

11:25 1 done every other time.

11:25 2 Q. Now, Mr. Gorski testified in his deposition,
11:25 3 page 81, that he issued public statements regarding
11:25 4 Doctor Ferrari at that time period; and said that
11:26 5 Doctor Ferrari didn't have any official relationship
11:26 6 with the team. Is that true?

11:26 7 A. I suppose so. I don't remember.

11:26 8 Q. Well, was he your advisor, or was he an
11:26 9 advisor to the team?

11:26 10 A. Not an advisor to the team.

11:26 11 MR. HERMAN: Are you talking about
11:26 12 Ferrari?

11:26 13 MR. TILLOTSON: Yes.

11:26 14 Q. (BY MR. TILLOTSON) Now, Mr. LeMond
11:26 15 testified in his deposition that you're aware that he
11:26 16 made some public statements once he learned of your
11:26 17 relationship with Doctor Ferrari. He further
11:26 18 testified that you contacted him, called him regarding
11:26 19 those statements. Do you recall that happening?

11:26 20 A. Yes, I do.

11:26 21 Q. What was your reason for calling Mr. LeMond?

11:26 22 A. I was surprised at his comments. We had
11:26 23 been friends. I had grown up, like most cyclists that
11:27 24 are my age, or even around the same generation, grown
11:27 25 up idolizing him and respecting him. So -- and I had

11:27 1 never seen any -- any indications of that type of
11:27 2 comments or behavior before, so I called him and said,
11:27 3 what's up with that.

11:27 4 Q. Okay. What did he respond, as you recall?

11:27 5 A. I thought, you know, the comment --
11:27 6 obviously, I've heard his recollection of the
11:27 7 conversation, which is completely opposite from my
11:27 8 recollection, because Greg, who I know has serious
11:27 9 drinking and drug problems, is -- was clearly
11:27 10 intoxicated, yelling, screaming. I had to practically
11:27 11 keep the phone about a foot away. I then knew I was
11:27 12 dealing with a wild man, and just -- just tried to get
11:27 13 through the conversation.

11:27 14 Q. Okay.

11:27 15 A. But it was an assault on the other end,
11:27 16 which is obviously opposite of what we've all read and
11:28 17 seen.

11:28 18 Q. Okay. Let me ask about that. You did call
11:28 19 him. He didn't call you. Is that -- is that right?

11:28 20 A. I called him --

11:28 21 Q. Okay.

11:28 22 A. -- at the Four Seasons in New York.

11:28 23 Q. Okay. To -- to --

11:28 24 A. His cell phone.

11:28 25 Q. Okay. From your cell phone --

11:28 1 A. No. To his cell phone. I called from the
11:28 2 LAN line.

11:28 3 Q. Okay. To get some explanation for why is he
11:28 4 saying these things. Is that -- is that fair to say?

11:28 5 A. I think more just to -- because it came
11:28 6 through Walsh. Obviously, I don't trust much of --

11:28 7 Q. Right.

11:28 8 A. -- anything that David Walsh says. So just
11:28 9 to -- just to clarify that it was, in fact, what he
11:28 10 said.

11:28 11 Q. You said that Mr. LeMond has -- has serious
11:28 12 drinking and drug problems?

11:28 13 A. I mean -- you know, I don't go drinking with
11:28 14 him, so I don't know for a fact, but I think that's
11:28 15 pretty much common knowledge.

11:28 16 Q. Okay. And is it your testimony you could
11:28 17 tell that he was intoxicated on the phone when you
11:28 18 talked to him?

11:28 19 A. Aggressive, agitated, angry, belligerent,
11:29 20 like a drunk.

11:29 21 Q. Okay. Were his words slurring, or was he
11:29 22 irrational in some sense?

11:29 23 A. I think his words always pretty much slur.

11:29 24 Q. Okay. All right. Okay. He says that you
11:29 25 said, in response to his comments, or words to the

11:29 1 effect of, that everyone dopes or everyone does it.

11:29 2 A. Uh-huh. Uh-huh.

11:29 3 Q. Or come on, Greg, you know we all do it.

11:29 4 A. Uh-huh.

11:29 5 Q. Is that untrue?

11:29 6 A. That's absolutely not true. Why --

11:29 7 Q. I'm sorry. Go ahead.

11:29 8 A. Why would I call somebody to criticize them
11:29 9 for saying I dope, and then say we all dope? That's
11:29 10 ridiculous.

11:29 11 Q. Have you ever -- well, let me ask it this
11:29 12 way. This is the 2001 time period. Was the use of
11:29 13 performance-enhancing drugs, to your knowledge, by
11:29 14 other cyclists fairly common in '99 or 2000, if you
11:30 15 know?

11:30 16 A. Well, cycling was rocked in 1998 by -- by
11:30 17 Festina, so that -- I think if anybody didn't
11:30 18 understand that there was some sort of a doping
11:30 19 problem with some teams in cycling after 1998, then
11:30 20 they had their head in the ground.

11:30 21 Q. Okay. Have you said things to -- to people
11:30 22 like Mr. LeMond or -- Mr. LeMond or others, that lots
11:30 23 of cyclists dope as an indictment or a comment on
11:30 24 others, but not yourself; and Mr. LeMond has
11:30 25 misinterpreted that as an admission by yourself?

11:30 1 A. Well, I -- I would not say that, because I
11:30 2 don't live with, train with, sleep with, hang out with
11:30 3 lots of other cyclists, so I couldn't say that. That
11:30 4 would be unfair.

11:30 5 Q. Okay. So his statement that he attributes
11:30 6 to you, which he describes an admission by you, is
11:30 7 completely untrue?

11:31 8 A. Completely untrue.

11:31 9 Q. Made up by him?

11:31 10 A. A hundred percent made up.

11:31 11 Q. What about his statement attributed to you
11:31 12 that you told him you could get ten people to sign
11:31 13 statements or affidavits that he doped?

11:31 14 A. No. I -- I don't -- maybe that's possible.
11:31 15 I don't think I could. I don't -- I'm not interested
11:31 16 in that, so why would I have said that.

11:31 17 Q. So that part is made up by Mr. LeMond, as
11:31 18 well?

11:31 19 A. Absolutely.

11:31 20 Q. Okay. Do you know why Mr. LeMond would say
11:31 21 these things about you?

11:31 22 A. You know, the one -- the most -- really, the
11:31 23 most interesting part of that conversation, and this
11:31 24 is going to sound incredibly juvenile, but I said,
11:31 25 Dude, I thought we were friends, you know, we've been

11:31 1 good with each other. And he continued to scream, and
11:31 2 say, friends, what do you mean friends, you didn't
11:31 3 even invite me to the Ride for the Roses this year.
11:31 4 I'm like, wait a minute. Is that the issue here. I
11:31 5 said, well, we didn't invite you because last year you
11:32 6 were drunk the whole time. You set up competing
11:32 7 autograph sessions when we were trying to do good
11:32 8 things for the fight against cancer. I said, we
11:32 9 invited you to the gala when we were going to
11:32 10 introduce everybody that was there, Miguel Indurain,
11:32 11 Eddy Merckx, the greatest of all time. You showed up
11:32 12 literally 60 seconds before you were going to be
11:32 13 introduced. Of course, we didn't invite you back.
11:32 14 We've got people that expect -- expecting you to be
11:32 15 there, expecting you to contribute to the cause, and
11:32 16 we can't rely on you. No, of course not. That
11:32 17 offended him. But that was the truth.

11:32 18 Q. One -- one just side note. You mentioned
11:32 19 Eddy Merckx. I've read in some article somewhere that
11:32 20 it was Eddy Merckx who actually introduced you to or
11:32 21 got Doctor Ferrari to see you. Is that -- is that
11:32 22 true?

11:32 23 A. I think Eddy knew -- obviously, Eddy is a
11:32 24 close friend, and -- yeah. If Eddy has known him for
11:33 25 a long time, I don't -- I don't know.

11:33 1 Q. Well, you said you met him in Southern
11:33 2 California.

11:33 3 A. Uh-huh.

11:33 4 Q. And I just wondered if -- if it -- if it was
11:33 5 Eddy Merckx that introduced you, or if it was Eddy
11:33 6 Merckx that suggested that Ferrari should see you or
11:33 7 train you?

11:33 8 A. I don't recall.

11:33 9 Q. You don't recall that? Okay.

11:33 10 So was there any discussion about
11:33 11 whether or not Mr. LeMond had doped in connection with
11:33 12 his professional cycling career during this phone
11:33 13 call?

11:33 14 A. I mean, I think, you know, I reminded that,
11:33 15 you know, there was a fairly well circulated report
11:33 16 that came out of Italy, I don't know when it came out,
11:33 17 called the Donati report, which was authored by Sandro
11:33 18 Donati, that chronicled, I think, doping in sport,
11:33 19 maybe just doping in cycling. But Greg was referenced
11:34 20 in there with his involvement with Doctor Van Mol. I
11:34 21 reminded him of that. Of course, he didn't know about
11:34 22 that, didn't want to know about it. But then he took
11:34 23 that as a direct accusation.

11:34 24 Q. What else do you recall being discussed in
11:34 25 this phone call, other than what you've told me?

11:34 1 A. Oh, he -- you know, he said the sport is
11:34 2 full of crooks, and thieves, and liars, and cheats,
11:34 3 and frauds, and -- you know, literally -- literally
11:34 4 screaming at the top of his lungs. And then I just
11:34 5 said, well, yeah, and it's made you everything you are
11:34 6 today, Greg. He didn't like that either.

11:34 7 Q. Do you know if anyone from Trek Bicycle
11:34 8 later contacted -- or contacted Mr. LeMond about his
11:34 9 comments that he'd made publicly?

11:34 10 A. I have no idea.

11:34 11 Q. I mean, did anyone tell you that people from
11:34 12 Trek were going to contact him?

11:34 13 A. Not to my -- I mean, I can imagine they did.
11:34 14 He's a Trek athlete, in effect.

11:35 15 Q. But was not -- if it was done, it was not
11:35 16 with your knowledge, consent, or encouragement.

11:35 17 A. No. Only -- the whole world knew I wasn't
11:35 18 happy about those comments. Nobody would have been
11:35 19 happy about them. That's the extent of it.

11:35 20 Q. What is it about his comments that -- that
11:35 21 were so upsetting to you?

11:35 22 A. Well, let me see. Being called potentially
11:35 23 the biggest fraud in the history of the sport, that
11:35 24 was a little bit upsetting.

11:35 25 Q. But didn't he say if you, in fact, were

11:35 1 doping, you would be the biggest fraud?

11:35 2 A. Well, the headline is what it is, so -- it's
11:35 3 not Greg's place. He has no knowledge. He has no
11:35 4 information. He has no -- no incentive to do that.
11:35 5 That's -- that's defamatory and unnecessary.

11:35 6 Q. Well, for example, like some of
11:36 7 Doctor Ferrari's public statements are -- you would
11:36 8 agree are equally offensive to an athlete such as
11:36 9 yourself, aren't they?

11:36 10 A. Such as?

11:36 11 Q. His famous comment about doping and orange
11:36 12 juice?

11:36 13 A. Well, what's the -- what's the -- what's the
11:36 14 quote?

11:36 15 Q. Are you aware of his comment that he made
11:36 16 regarding the safety of EPO and equating it to
11:36 17 drinking orange juice?

11:36 18 A. I would have to see the comment.

11:36 19 Q. Okay. Are you aware of a comment by
11:36 20 Doctor Ferrari that if -- if you're not caught, it's
11:36 21 not doping?

11:36 22 A. No.

11:36 23 Q. Okay. That is him, isn't it? Is that life
11:36 24 size?

11:36 25 Have you ever seen public comments from

11:36 1 Doctor Ferrari about the use of EPO and doping?

11:37 2 A. I mean, I think the comment you're trying to
11:37 3 refer to with regards to the orange juice we've seen,
11:37 4 but I'd like to see the full --

11:37 5 Q. Okay.

11:37 6 A. -- quote.

11:37 7 Q. I'll show you the article in a second. Let
11:37 8 me ask you something else about -- about Greg LeMond
11:37 9 or Ferrari. Did -- do you know if Greg LeMond knew
11:37 10 before he made those public comments whether you were
11:37 11 using Doctor Ferrari for training?

11:37 12 A. I have no idea. If he reads cycling
11:37 13 magazines, he would have known.

11:37 14 Q. I mean, you've never told him that prior
11:37 15 to --

11:37 16 A. We didn't talk -- I didn't know Greg that
11:37 17 well.

11:37 18 Q. Okay. Look, if you will, at -- in the front
11:37 19 of the binder there, tab 10. Tab 10 is an article
11:37 20 from the USA Today dated in July 2004. And it carries
11:37 21 over several pages. Now, Doctor Ferrari was
11:37 22 convicted, was he not?

11:37 23 A. Yeah. Or -- or whatever you call that over
11:38 24 there.

11:38 25 Q. Okay. And then you severed your

11:38 1 relationship with him based upon that conviction. Is
11:38 2 that -- is that true?

11:38 3 A. True. No, we suspended it. Yeah.

11:38 4 Q. Suspended it. But did you use
11:38 5 Doctor Ferrari for anything after he was convicted?

11:38 6 A. Of course not.

11:38 7 Q. Okay. You say you suspended it. It's not
11:38 8 been reinstated. Your relationship with Doc -- was
11:38 9 never reinstated.

11:38 10 A. No, not till the appeal is finished. But
11:38 11 there would be no need to consult with him now.

11:38 12 Q. Of course. But, for example, for the 2005
11:38 13 Tour de France, you had no contact with
11:38 14 Doctor Ferrari?

11:38 15 A. Of course not.

11:38 16 Q. Okay. All right. We're looking at tab ten,
11:38 17 and this is an article by -- in USA Today. I want to
11:38 18 turn your -- you're free to read the whole thing.

11:38 19 A. Uh-huh.

11:38 20 Q. If you'll look at page two. This is an
11:39 21 article about your relationship with Doctor Ferrari.

11:39 22 MR. HERMAN: What page?

11:39 23 MR. TILLOTSON: It's the third page.

11:39 24 I'm sorry. It says at the top Page 2 -- 2 of 5.

11:39 25 MR. HERMAN: Okay.

11:39 1 MR. TILLOTSON: That's just the bottom
11:39 2 part.

11:39 3 Q. (BY MR. TILLOTSON) It says there at the
11:39 4 bottom -- or the middle, a paragraph that begins with
11:39 5 "Carmichael and Armstrong communicate with Ferrari
11:39 6 mostly by email." Is that true?

11:39 7 A. I suppose. I mean, mostly -- I don't know.
11:39 8 There's not a lot of email.

11:39 9 Q. Okay. But only you would know. I mean, do
11:39 10 you -- do you have email -- did you have email
11:39 11 communications with Doctor Ferrari?

11:39 12 A. Sometimes.

11:39 13 Q. Have you retained those?

11:39 14 A. No.

11:39 15 Q. Did you have a nickname for Ferrari?

11:39 16 A. Michele, his name.

11:39 17 Q. Okay. Did you have any other nickname for
11:39 18 him?

11:39 19 A. No.

11:39 20 Q. Did you ever call him or refer to him as
11:39 21 Schumi?

11:39 22 A. Occasionally. I mean, Ralph Schumacher
11:40 23 is -- is a driver. It's something they call -- I
11:40 24 mean, I'm sorry, Michael Schumacher is Schumi. So is
11:40 25 Ferrari sometimes, but not -- predominantly Michele.

11:40 1 Q. Would you refer to him in emails as Schumi
11:40 2 to people?

11:40 3 A. I don't know. Perhaps.

11:40 4 Q. Let me show you what we'll mark as Exhibit 1
11:40 5 to your deposition.

11:40 6 (Exhibit 1 marked.)

11:40 7 MR. TILLOTSON: I only have one copy,
11:40 8 but --

11:40 9 MR. HERMAN: Okay.

11:40 10 MR. TILLOTSON: I'll identify it while
11:40 11 you look at it, Mr. Herman.

11:40 12 Q. (BY MR. TILLOTSON) Exhibit 1 is a document
11:40 13 that was previously attached to a pleading that we
11:40 14 filed in this case, and I'll ask you to take a look at
11:40 15 that. And my question, Mr. Armstrong, is, can you
11:40 16 identify that?

11:40 17 A. Yeah.

11:40 18 Q. Is it an email you sent?

11:40 19 A. Well, apparently so. It has my name on it.

11:40 20 Q. Okay. Do you recognize it? I mean, are --
11:40 21 is this an email you remember sending or typing?

11:41 22 A. I don't remember it, but I'm not saying it's
11:41 23 not mine.

11:41 24 Q. Okay. You refer to -- to -- first of all,
11:41 25 who is it emailed to?

11:41 1 A. Allison Anderson.

11:41 2 Q. And you refer to Schumi. Do you see that?

11:41 3 A. Uh-huh.

11:41 4 Q. Is that a reference to Doctor Ferrari?

11:41 5 A. That would be, yeah.

11:41 6 Q. Okay. And you refer to -- to the test. Do
11:41 7 you see that?

11:41 8 A. Yeah.

11:41 9 Q. What test do you think you're referring to?

11:41 10 A. A physical test.

11:41 11 Q. Okay. Now, you say Schumi -- even Schumi is
11:41 12 pleased. Do you see that?

11:41 13 A. Even Schumi is psyched. Yeah.

11:41 14 Q. Yeah, psyched. What does that mean?

11:41 15 A. Pleased.

11:41 16 Q. Okay. And this test is nothing other than
11:41 17 the physiological test that you described for us
11:41 18 earlier?

11:41 19 A. Yeah. Right here, this VAM test.

11:41 20 Q. Okay. Now, if you'll turn to page three of
11:41 21 this article in the USA Today. We're finished with
11:41 22 Exhibit 1. On Page 3 of 5, the fourth paragraph down,
11:42 23 this article says, "Armstrong first acknowledged the
11:42 24 relationship with Ferrari in 2001 after newspaper
11:42 25 stories brought up the issue at the same time his U.S.

11:42 1 Postal team was under investigation by French
11:42 2 prosecution for alleged doping in the 2000 Tour." Do
11:42 3 you see that?

11:42 4 A. Uh-huh.

11:42 5 Q. Okay. Do you disagree with that, that
11:42 6 that's not the first time you acknowledged your
11:42 7 relationship with Ferrari in 2001?

11:42 8 A. How could that be when it's been written
11:42 9 before?

11:42 10 Q. So you -- you disagree that it was not the
11:42 11 first time you acknowledged your relationship?

11:42 12 A. Of course not.

11:42 13 Q. You mentioned one article, or one magazine
11:42 14 that you said you remembered it in, which was
11:42 15 Lazzette, I think you said?

11:42 16 A. I said -- you asked me who knew, or who had
11:42 17 asked. Whether or not they write it, I don't know.

11:42 18 Q. Okay. Well, you described --

11:42 19 A. If it's written, then I don't -- if it's
11:42 20 written, and I don't make an effort to refute it also
11:42 21 says something.

11:42 22 Q. Okay. You had said that your relationship
11:43 23 with Doctor Ferrari was public knowledge. And I've
11:43 24 seen Mr. Gorski who told me he didn't know in 2000.
11:43 25 I've seen the USA Today which says you first

11:43 1 acknowledged it in 2001. My question is, what's your
11:43 2 basis for saying your relationship with Doctor Ferrari
11:43 3 was public knowledge prior to the 2001 time period?

11:43 4 A. Well, I'd been asked about it. I confirmed
11:43 5 it. People knew it. People wrote it.

11:43 6 Q. Do you --

11:43 7 A. Other than that, I don't know --

11:43 8 Q. Whom do you recall --

11:43 9 A. Obviously, we didn't take out ads in
11:43 10 magazines to announce that he was a consultant, no.

11:43 11 Q. Okay. Who do you recall being asked about
11:43 12 it publicly and confirming your relationship with
11:43 13 Doctor Ferrari?

11:43 14 A. I don't know. Other -- several other
11:43 15 journalists.

11:43 16 Q. Can you think of any of them?

11:43 17 A. It's not important. It was written. You
11:43 18 can find it.

11:43 19 Q. Okay. My question is, can you think of any
11:43 20 of them as you sit here today?

11:43 21 A. Oh, I mean, Sam Abt knew about it, Angela
11:43 22 Zominem (phonetic) knew about it, Fia Ragonzi
11:43 23 (phonetic) knew about it. Whoever wrote the article
11:44 24 for Cycle Sport, which was David Walsh's magazine,
11:44 25 knew about it.

11:44 1 Q. Were payments for Ferrari's services made by
11:44 2 you personally, or by the team?

11:44 3 A. Not by the team. It would have been from
11:44 4 me, but I don't remember exactly how those happened.
11:44 5 It wasn't very --

11:44 6 Q. Well, would you -- do you remember actually
11:44 7 writing checks to Doctor Ferrari, for example? You
11:44 8 personally?

11:44 9 A. I don't -- I don't recall.

11:44 10 Q. Well, do you know if Mr. Stapleton wrote
11:44 11 checks on your behalf?

11:44 12 A. I don't recall. I doubt it.

11:44 13 Q. Can anyone write a check on your behalf for
11:44 14 your money, other than you?

11:44 15 A. Probably.

11:44 16 Q. You may want to run that down.

11:44 17 A. Probably.

11:44 18 Q. Okay. Is there -- is there a business
11:44 19 account or relationship that Doctor Ferrari would have
11:44 20 been paid from rather than from your personal funds?

11:45 21 A. I don't think so.

11:45 22 Q. Okay. Can you offer me any guidance or
11:45 23 information as to how you paid Doctor Ferrari? By
11:45 24 check? By wire? From you personally? From --

11:45 25 A. Perhaps all of the above.

11:45 1 Q. And when you say perhaps, do you have any
11:45 2 recollection as to how you paid Doctor Ferrari?

11:45 3 A. All of the above.

11:45 4 Q. Check, wire, cash?

11:45 5 A. Not cash.

11:45 6 Q. Okay. But either by check and/or by wire?

11:45 7 A. Yeah. Well, it would have had to have been.

11:45 8 Q. Okay. This is not really a collaborative
11:45 9 process, unfortunately. I only want to get your
11:45 10 recollection, so either you know or you don't.

11:45 11 A. Yeah. That --

11:45 12 Q. We won't be able to reach a consensus --

11:45 13 A. To the best of my recollection, it would
11:45 14 have had to have been either one of those.

11:45 15 Q. And is there a written agreement at any time
11:45 16 with Doctor Ferrari --

11:45 17 A. No.

11:45 18 Q. -- that you have?

11:45 19 One of the individuals who testified at
11:45 20 the criminal trial, Filippo Simeoni. I think I'm
11:45 21 pronouncing that correctly. You know who he is.
11:46 22 Correct?

11:46 23 A. Correct.

11:46 24 Q. Do you have any knowledge regarding the
11:46 25 truth or falsity of the statements he made in that

11:46 1 trial?

11:46 2 A. I wasn't at the trial. I don't -- and I
11:46 3 don't really know him. The bits and pieces I picked
11:46 4 up seemed to really question his testimony. I think
11:46 5 it's -- I don't think his -- and as the judge I even
11:46 6 think said afterwards, his testimony wasn't very
11:46 7 reliable.

11:46 8 Q. Have you ever described him publicly as a
11:46 9 liar regarding what he says Doctor Ferrari did with
11:46 10 him?

11:46 11 A. Oh, obviously, he says I was quoted saying a
11:46 12 liar. I basically said he wasn't telling the truth,
11:46 13 which is...

11:46 14 Q. But do you know -- some of his specific
11:46 15 testimony regarding Doctor Ferrari telling him to use
11:46 16 EPO and when to use EPO, do you know whether that's
11:46 17 true or false from your own personal knowledge?

11:46 18 A. I wasn't there.

11:46 19 Q. Okay. If that was true, just posit with me
11:47 20 for a second that was true, would you have severed
11:47 21 your relationship with Doctor Ferrari if you knew that
11:47 22 he had, in fact, recommended to another cycling
11:47 23 athlete to use EPO?

11:47 24 A. If I was sitting in the room, and saw that
11:47 25 happen --

11:47 1 Q. Yes.

11:47 2 A. -- you mean?

11:47 3 Sure. Yeah.

11:47 4 Q. Or if that athlete told you?

11:47 5 A. Simeoni?

11:47 6 Q. Yeah.

11:47 7 A. No. Because I don't trust Simeoni.

11:47 8 Q. Do you know any others --

11:47 9 A. Simeoni was trying to get --

11:47 10 Q. I'm sorry. Go ahead.

11:47 11 A. -- a lesser sentence. Which he did. Two

11:47 12 years to three months.

11:47 13 Q. So is it your -- is it your belief or

11:47 14 feeling that Mr. Simeoni exaggerated testimony about

11:47 15 Doctor Ferrari to cover himself?

11:47 16 A. Yeah.

11:47 17 Q. And your basis for saying that, other than

11:47 18 not believing him? What is your basis for saying

11:47 19 that?

11:47 20 A. Well, I -- the problem with Simeoni's

11:48 21 testimony was that they confiscated his training log,

11:48 22 and he had been doping for four or five years before

11:48 23 he ever met Doctor Ferrari.

11:48 24 Q. Do you know if Tyler Hamilton ever used

11:48 25 Doctor Ferrari?

11:48 1 A. I know they -- they would have met each
11:48 2 other. I don't know to what extent they worked
11:48 3 together.

11:48 4 Q. Did you -- did you ever discuss with Tyler
11:48 5 Hamilton training techniques with Doctor Ferrari?

11:48 6 A. With Tyler Hamilton, with Ferrari?

11:48 7 Q. Well, at one point in time you and Tyler
11:48 8 Hamilton were teammates. Correct?

11:48 9 A. Correct.

11:48 10 Q. And do you remember how many years that was?
11:48 11 How long were you guys teammates?

11:48 12 A. Oh, we would -- it would have been three or
11:48 13 four years, I suppose.

11:48 14 Q. He was gone by '04. Right?

11:48 15 A. He was gone by '03.

11:48 16 Q. Okay.

11:48 17 A. I think he left in '02.

11:49 18 Q. But he was a teammate for at least some of
11:49 19 your --

11:49 20 A. Yeah, a few years.

11:49 21 Q. -- Tour de France victories.

11:49 22 A. Yes.

11:49 23 Q. Fair enough?

11:49 24 A. Yeah.

11:49 25 Q. Okay. And do you know if during that time

11:49 1 period he used Doctor Ferrari for training?

11:49 2 A. I don't know. I know that they knew each
11:49 3 other. I'm sure that Michele would have tested him.

11:49 4 Q. And did the two of you, Tyler and you, ever
11:49 5 talk about your experiences or training that you were
11:49 6 having with Doctor Ferrari? Here's what he's doing
11:49 7 for me, here's what he's doing for you, that kind of a
11:49 8 conversation?

11:49 9 A. Testing?

11:49 10 Q. Anything about your relationship with
11:49 11 Doctor Ferrari.

11:49 12 A. I don't remember.

11:49 13 Q. Did Tyler Hamilton ever tell you that
11:49 14 Doctor Ferrari had suggested that he should dope, or
11:49 15 outline for him the use of illegal substances or
11:49 16 products?

11:49 17 A. I would have -- I would -- that never
11:49 18 happened. I would have remembered that. I don't --

11:49 19 Q. Do you have any knowledge as to whether or
11:49 20 not Tyler Hamilton was using illegal substances while
11:49 21 he was your teammate?

11:49 22 A. Not that I ever saw.

11:49 23 Q. Now, he's since been tested positive.
11:49 24 Correct? I mean, you are aware of that.

11:49 25 A. Yeah. I mean, I know there's -- there's an

11:50 1 issue there. I don't -- I don't know what's the
11:50 2 status of the -- the appeal in front of CAS, but...

11:50 3 Q. Okay. But do you have any knowledge of that
11:50 4 test other than what you know from the public?

11:50 5 A. No.

11:50 6 Q. Have you spoken with him about it?

11:50 7 A. No.

11:50 8 Q. So if -- if, in fact, that positive test
11:50 9 result is evidence of doping, then he must have done
11:50 10 it sometime after he left your team.

11:50 11 A. Well, he didn't dope, to the best of my
11:50 12 knowledge. Of course, again, I didn't sleep with him.
11:50 13 He didn't do it when he was with our team. You know,
11:50 14 some of the -- the facts or some of the tidbits of the
11:50 15 case you read now are that he's -- was repeatedly
11:50 16 warned by the UCI, and I don't think he was ever
11:50 17 warned when he was with us.

11:50 18 Q. Okay. But you didn't -- there was no
11:50 19 evidence you ever saw with him that suggested that he
11:50 20 was using illegal substances?

11:50 21 A. No. Nothing.

11:50 22 Q. Okay. There's been testimony by Stephen
11:51 23 Swart. Do you know who he is?

11:51 24 A. I do.

11:51 25 Q. Regarding a discussion had in the '94 time

11:51 1 period involving you, Frankie Andreu about the need to
11:51 2 start a doping program.

11:51 3 A. Uh-huh.

11:51 4 Q. Are you aware of Mr. Swart's testimony in
11:51 5 that --

11:51 6 A. I'm aware of that quote, yeah.

11:51 7 Q. Okay. That allegation also. You're aware
11:51 8 of that allegation?

11:51 9 A. That allegation.

11:51 10 Q. Okay. Is that untrue?

11:51 11 A. That's 100 percent false.

11:51 12 Q. Is there -- is there any aspect of truth to
11:51 13 his statement? And by that, I mean, was there a
11:51 14 discussion about doping in any way with Mr. Swart?

11:51 15 A. The only aspect that is true is that he was
11:51 16 on the team. Beyond that, not true.

11:51 17 Q. So in the '94 time period, there was no
11:51 18 discussion that you're aware of any shape or form with
11:52 19 Mr. Swart or Mr. Andreu about even the need for the
11:52 20 possibility of considering a doping program?

11:52 21 A. I don't ever recall that happening.

11:52 22 Q. Are you aware of Mr. Andreu's testimony
11:52 23 regarding the subject matter?

11:52 24 A. No.

11:52 25 Q. Have y'all seen that?

11:52 1 Okay. Why would -- why would Mr. Swart
11:52 2 offer that testimony?

11:52 3 A. I have no idea.

11:52 4 Q. Does he have any particular grudge or --
11:52 5 or -- or anger with you that you're aware of?

11:52 6 A. I have no idea.

11:52 7 Q. Have you ever discussed with him his
11:52 8 statements regarding this supposed conversation that
11:52 9 took place where you discussed the need for a doping
11:52 10 program?

11:52 11 A. No. I would have no idea how to get ahold
11:52 12 of him.

11:52 13 Q. Okay. During that time period - this is
11:52 14 '94, '95 time period - were you aware that other
11:52 15 cyclists, professional cyclists were doping?

11:52 16 A. Well, again, I didn't sleep with anybody, I
11:52 17 didn't live with anybody, so -- doping in sport has
11:53 18 existed since the original Olympic games, so
11:53 19 hypothetically could you say that, yeah.

11:53 20 Q. Well, not hypothetically. I appreciate that
11:53 21 testimony. I'm talking about actually during that
11:53 22 time period.

11:53 23 A. Do people test positive sometime, yes.

11:53 24 Q. Did you have suspicions regarding the use of
11:53 25 other professional cyclists regarding doping based

11:53 1 upon their performances in races, for example?

11:53 2 A. No. That's not my style.

11:53 3 Q. Okay. Mr. Carmichael has been a coach or an

11:53 4 advisor for quite some time?

11:53 5 A. Yes.

11:53 6 Q. Do you have a business relationship with

11:53 7 Mr. Carmichael today?

11:53 8 A. Yeah. I'm on the board of his -- of his

11:53 9 company and part owner.

11:53 10 Q. Okay. What company is that?

11:53 11 A. Carmichael Training Systems.

11:53 12 Q. Where is that located?

11:53 13 A. Colorado Springs.

11:53 14 Q. Do you know if Mr. Carmichael was ever

11:53 15 involved in any doping in connection with any athlete

11:54 16 he's dealt with?

11:54 17 A. Not that I recall.

11:54 18 Q. Do you know the particulars of his dispute

11:54 19 with a Mr. Strock?

11:54 20 A. No, I don't.

11:54 21 Q. Do you know who -- when I say Mr. Strock,

11:54 22 Greg Strock, who I'm referring to?

11:54 23 A. Oh, yeah. Well, I know Greg because he was

11:54 24 on our national team long -- long time ago.

11:54 25 Q. Are you aware of an allegation by Mr. Strock

11:54 1 that he was given performance-enhancing drugs or
11:54 2 substances without his knowledge or consent?

11:54 3 A. I am.

11:54 4 Q. Do you know if there's any truth to those
11:54 5 allegations?

11:54 6 A. I have no idea.

11:54 7 Q. Have you ever discussed it with him?

11:54 8 A. Oh, did he make the allegations?

11:54 9 Q. No. The truth as to what he's saying. Do
11:54 10 you know if it's true or false?

11:54 11 A. Oh, I would have no -- I would have no way
11:54 12 to know.

11:54 13 Q. Do you know if Mr. Carmichael has been
11:54 14 alleged by Mr. Strock to be one of those individuals?

11:54 15 A. I have no idea.

11:54 16 Q. You were a member of the United States
11:54 17 Olympic cycling teams in the years of '92? Is that
11:55 18 right?

11:55 19 A. Yeah. '92.

11:55 20 Q. Is that the Barcelona games?

11:55 21 A. Uh-huh.

11:55 22 Q. Have I got that right?

11:55 23 Any other Olympic teams you were a
11:55 24 member of?

11:55 25 A. '96.

11:55 1 Q. '96.

11:55 2 A. 2000.

11:55 3 Q. Okay. Was there any positive test of any
11:55 4 sort of you in connection with your participation,
11:55 5 either training for or participation on the '92 U.S.
11:55 6 Olympic team?

11:55 7 A. Absolutely not.

11:55 8 Q. Are you --

11:55 9 A. How would there have been a positive test,
11:55 10 and I be racing still?

11:55 11 Q. Well, let me ask it this way. Are you aware
11:55 12 of an allegation regarding -- first of all, do you
11:55 13 know who Joan Price is?

11:55 14 A. I have no idea.

11:55 15 Q. Are you aware of an allegation regarding the
11:55 16 existence of a list from the 1992 Olympic team
11:55 17 containing athletes' names who tested positive from
11:55 18 the Olympic team?

11:55 19 A. Not that I recall, no.

11:55 20 Q. Did they test you --

11:55 21 A. But I'm -- but I'm all ears.

11:55 22 Q. Okay. Well, all right. I have heard from
11:56 23 others, or someone, I can't remember, that there
11:56 24 exists a list that has the names of athletes, who the
11:56 25 United States Olympic Committee tested, tested

11:56 1 positive in connection with the '92 games.

11:56 2 A. Huh. Tested at the games?

11:56 3 Q. Well, tested in connection with training for
11:56 4 the team.

11:56 5 A. I wasn't tested.

11:56 6 Q. Okay. Or participation on the team.

11:56 7 A. I don't -- I don't remember. It was a long
11:56 8 time ago, but I don't think I was tested.

11:56 9 Q. That was my next question. Were you ever
11:56 10 tested by USOC in connection with your participation
11:56 11 in '92?

11:56 12 A. Well, I mean, Christ, that's 14 years ago,
11:56 13 or 13 years ago. I don't -- maybe I was. I mean,
11:56 14 perhaps at the Olympic trials, which would have been
11:56 15 not long before. But I -- I have to think if I tested
11:56 16 positive I would have been notified. And I was never
11:56 17 notified.

11:56 18 Q. I assume so.

11:56 19 A. Yeah.

11:56 20 Q. I've been told by one person that your name,
11:56 21 and the name of another prominent athlete, is on that.
11:56 22 I assume there's no truth to that -- that allegation
11:57 23 that you're aware of?

11:57 24 A. This is news to me.

11:57 25 Q. Do you know who Wade Exum is?

11:57 1 A. No.

11:57 2 Q. Never heard of that name either?

11:57 3 A. No. I mean, the name, you know, rings a
11:57 4 bell, but I -- I don't know who -- I've never met that
11:57 5 person that I recall.

11:57 6 Q. Okay. I realize it's quite some time ago,
11:57 7 and I realize I'm dealing in -- I'm not telling you
11:57 8 where my information is coming from, so I appreciate
11:57 9 you struggling with it. But I just want to know if
11:57 10 those -- if any of that rings a bell with you, at
11:57 11 least with those people.

11:57 12 A. No. The only thing I'll say is that I would
11:57 13 think if I was positive, I would have been notified.

11:57 14 Q. Well, let me ask you about that with respect
11:57 15 to testing. As I understand it -- and we're going to
11:57 16 talk about this in a second with respect to the '99,
11:57 17 the L'Equipe article. The testing protocol would be
11:57 18 to test an A sample, and if there was a positive, to
11:57 19 then notify the athlete, have them either present or a
11:57 20 representative present, and test the B sample. And at
11:57 21 that point, and only at that point, there would be a
11:57 22 positive test result.

11:57 23 A. That's normally the way it works.

11:57 24 Q. Is that -- is my understanding generally
11:58 25 correct?

11:58 1 A. I think so. I've never had an A sample
11:58 2 positive.

11:58 3 Q. Okay. That was my first question, was --

11:58 4 A. So I don't know.

11:58 5 Q. You -- I appreciate your answer. Let me ask
11:58 6 this so I have the question. Have you ever had a
11:58 7 positive A sample --

11:58 8 A. No.

11:58 9 Q. -- in any test you've ever taken that you
11:58 10 recall?

11:58 11 A. No.

11:58 12 Q. Okay. With respect to some of the tests,
11:58 13 like, for -- for testing for EPO, for example, there
11:58 14 was no testing available for EPO until, what, 2001?

11:58 15 A. 2000 -- yeah, I think the first year the UCI
11:58 16 used the test, which was the first sport, I believe,
11:58 17 was in 2001.

11:58 18 Q. And how is it that the athletes are
11:58 19 notified, people such as yourself in the Tour de
11:58 20 France, that -- that there are -- there's now a test
11:58 21 for X? How do you learn about that?

11:58 22 A. I don't know. From the press maybe.

11:58 23 Q. I mean, you did know --

11:58 24 A. I don't think they sent a letter. I don't
11:58 25 remember.

11:58 1 Q. But you did know, for example, in connection
11:59 2 with your participation in the 2001 Tour de France
11:59 3 that they would be testing for the presence of EPO,
11:59 4 that they had a test for it?

11:59 5 A. I would have -- yeah, I think I would have
11:59 6 read it.

11:59 7 Q. Okay. So you know what they're testing for.
11:59 8 Do you also know what they can't test for?

11:59 9 A. No.

11:59 10 Q. Like when you rode in '99 and 2000 Tour de
11:59 11 France, you did know, didn't you, that there was no
11:59 12 test for EPO?

11:59 13 A. I had no way of knowing. You have to assume
11:59 14 they'll test for everything. That's the best
11:59 15 assumption.

11:59 16 Q. Well, is it your testimony that you didn't
11:59 17 know in connection with your participation in the '99
11:59 18 and 2000 Tour de France races that there was no test
11:59 19 being administered for the presence of EPO?

11:59 20 A. Well, if the question is, did I read a
11:59 21 public announcement that the EPO test is ready to go,
11:59 22 and will be implemented in '99 or 2000, I -- that
11:59 23 didn't -- they didn't say that, so --

11:59 24 Q. Okay. I'm not trying to imply anything by
11:59 25 this. I'm just trying to find out your state of mind

12:00 1 with respect to what you know is being tested for.

12:00 2 That's all.

12:00 3 A. Uh-huh. Well, what's -- yeah, you know, I
12:00 4 think it would be fair to say that in 2000, for
12:00 5 example, they didn't have the EPO test perfected, so
12:00 6 perhaps athletes could have taken EPO and gotten away
12:00 7 with it. What was great for us was that we were
12:00 8 formally investigated in France, and all of our
12:00 9 samples were seized at a time when you could have
12:00 10 taken EPO, because they didn't have the test ready.
12:00 11 But all of the samples were seized and tested with
12:00 12 this method and were clean.

12:00 13 Q. What -- what samples would these have been?

12:00 14 A. From the 2000 Tour.

12:00 15 Q. Okay. When were they seized?

12:00 16 A. I don't know. Whenever the judge wanted
12:00 17 them.

12:00 18 Q. Okay.

12:00 19 A. Which we, again, override -- overrode the
12:00 20 UCI's decision, and said, no, give them. Nothing to
12:00 21 hide.

12:00 22 Q. Where were the samples maintained at the
12:00 23 time they were seized?

12:00 24 A. I have no idea.

12:00 25 Q. Okay.

12:01 1 A. In Europe.

12:01 2 Q. Do you know where? Can you be more
12:01 3 specific?

12:01 4 A. No.

12:01 5 Q. Do you know who maintained them?

12:01 6 A. No idea.

12:01 7 Q. Do you know if there's any of those samples
12:01 8 left?

12:01 9 MR. BREEN: We know Herman hasn't eaten
12:01 10 them.

12:01 11 MR. HERMAN: That's for sure. Not this
12:01 12 morning, anyway.

12:01 13 THE WITNESS: God almighty.

12:01 14 MR. TILLOTSON: I hope that's on the
12:01 15 record.

12:01 16 THE WITNESS: That would definitely be
12:01 17 on the record. If I heard it, that mike heard it.

12:01 18 MR. HERMAN: Wait a minute. I feel
12:01 19 another one. No, go ahead.

12:01 20 A. No, I -- so I -- I don't know.

12:01 21 MR. TILLOTSON: Stop giving the witness
12:01 22 signals through bodily functions.

12:01 23 A. I don't know if -- if there -- I have no
12:01 24 idea.

12:01 25 Q. (BY MR. TILLOTSON) I mean, do you know if

12:01 1 there's anything left from those samples?

12:01 2 A. I have no idea.

12:01 3 Q. Okay. What about the '99 samples that were
12:01 4 reported in the L'Equipe story? I'm going to ask you
12:01 5 some questions about that. First, obviously, you've
12:01 6 had an opportunity to review the story and the writing
12:01 7 that was --

12:01 8 A. I didn't read the story, but...

12:01 9 Q. Well, you -- you've certainly had it
12:01 10 translated for you, haven't you?

12:02 11 A. The entire story?

12:02 12 Q. Yeah.

12:02 13 A. No.

12:02 14 Q. I mean, you -- you surely didn't appear on
12:02 15 TV and talk about it, and never actually read the
12:02 16 whole thing?

12:02 17 A. Of course.

12:02 18 Q. Okay. All right. Well, fair enough. Do
12:02 19 you know whether or not the samples which have been
12:02 20 identified as yours are, in fact, yours?

12:02 21 A. I have no idea. I -- I -- I can only
12:02 22 believe that they either are not mine, or have been
12:02 23 manipulated. Because when I pissed in the bottle, as
12:02 24 I told you earlier, having never taken
12:02 25 performance-enhancing drugs, when I pissed in the

12:02 1 bottle there was not EPO in that piss or urine. And
12:02 2 as the article said, the accused cannot defend
12:02 3 himself. So I have a clear conscious going on TV
12:02 4 without reading the article.

12:02 5 Q. Okay.

12:02 6 A. Because the --

12:02 7 Q. Fair enough.

12:02 8 A. -- first paragraph says, oh, by the way, he
12:02 9 cannot defend himself.

12:03 10 Q. Well, I guess there's a third possibility,
12:03 11 which is the test is just wrong. Right?

12:03 12 A. I'm not a scientist. I don't know.

12:03 13 Q. Okay.

12:03 14 A. I know that without proper procedure and
12:03 15 protocol that you cannot defend yourself.

12:03 16 Q. Okay. But have you actually looked to see
12:03 17 whether or not the samples that were identified as
12:03 18 yours are, in fact, not yours? I don't mean the
12:03 19 actual urine in it, but that the -- the match between
12:03 20 the numbers match up with --

12:03 21 A. I haven't.

12:03 22 Q. -- what yours is?

12:03 23 A. No, I have not looked.

12:03 24 Q. Do you know if anyone is investigating that
12:03 25 on your behalf?

12:03 1 A. I think that the UCI has an independent
12:03 2 investigation going on, and perhaps WADA has one going
12:03 3 on.

12:03 4 Q. Have you had any contact with anyone at WADA
12:03 5 regarding their investigation, if any?

12:03 6 A. Oh, in the beginning we contacted Dick
12:03 7 Pound.

12:03 8 Q. What did he say?

12:03 9 A. He said -- this was, quite frankly, one of
12:03 10 the most incredible conversations I've ever heard.
12:04 11 But he said, listen, I don't care if proper procedure
12:04 12 was followed. All that I care is that you're
12:04 13 positive. And he went on to say that whoever invented
12:04 14 the B sample, I don't know who they think -- this is
12:04 15 bullshit. Nobody needs the B sample. And this is the
12:04 16 man who's supposedly pioneered the WADA code and
12:04 17 trumped it all over the world, and, you know, said
12:04 18 that that's the saving grace to sport. And we said,
12:04 19 well, can we just read over the WADA code? And he
12:04 20 said, well, hang on. Let me get -- let me pull it up.
12:04 21 So he had to go to his computer, and we finally cut
12:04 22 him off and said, don't worry about it, I think we
12:04 23 understand. That's about the only thing -- the only
12:04 24 conversation.

12:04 25 Q. I mean, do you -- do you view Dick Pound as

12:04 1 an individual not friendly towards yourself?

12:04 2 A. I don't think Dick is friendly to -- towards
12:04 3 most athletes.

12:04 4 Q. Okay.

12:04 5 A. I mean, I'm sure we all read the NHL
12:05 6 comments last week.

12:05 7 Q. Yeah. What about UCI? Do you view the UCI
12:05 8 as impartial in these affairs?

12:05 9 A. Oh, yeah, absolutely.

12:05 10 Q. It's been reported --

12:05 11 A. Neutral, you mean?

12:05 12 Q. Neutral.

12:05 13 A. Yeah.

12:05 14 Q. Yeah, neutral. Not favoring you or anyone,
12:05 15 or not against you or anyone.

12:05 16 A. Right.

12:05 17 Q. Do you think WADA has an agenda, though,
12:05 18 with respect to you, for example?

12:05 19 A. Oh, I -- you know, I think if you read my
12:05 20 open letter to Dick Pound some time ago, it wouldn't
12:05 21 be hard to imagine that Dick wasn't very happy about
12:05 22 that.

12:05 23 Q. Is it -- is it even possible for -- I'm not
12:05 24 going to use you, but let's say an athlete who -- who
12:05 25 won the Tour de France in '97, and let's say they used

12:05 1 the '97 samples instead of the '99, and determined
12:05 2 from an -- from an A sample that that athlete tested
12:05 3 positive for a banned substance. To your knowledge,
12:05 4 is it possible to -- to withdraw or vacate that
12:05 5 individual's championship in the Tour de France?

12:05 6 A. They used the A sample, or they used the B
12:06 7 sample?

12:06 8 Q. Let's just say they used the A sample.

12:06 9 A. And they had the B sample?

12:06 10 Q. No. Same circumstances. I'm just using a
12:06 11 different athlete. To your knowledge, is it possible
12:06 12 under Tour de France rules to -- to strip a title
12:06 13 years after it takes place?

12:06 14 A. Without a confirmation sample?

12:06 15 Q. Correct.

12:06 16 A. No.

12:06 17 Q. If there is a confirmation sample --

12:06 18 A. Listen, that's the system that's been in
12:06 19 place since -- since the beginning of the doping find.
12:06 20 So unless they've changed the rules all of a sudden.

12:06 21 Q. If there is a confirmation of an athlete
12:06 22 using a banned substance who is a champion, do you
12:06 23 know if there's a procedure or mechanism in place
12:06 24 under the Tour de France rules to -- to vacate that
12:06 25 person's title?

12:06 1 A. I have no idea.

12:06 2 Q. Now, we were talking about WADA and UCI.

12:06 3 You have made a -- a contribution or donation to the

12:06 4 UCI, have you not?

12:06 5 A. I have, yeah.

12:07 6 Q. Do you know when that was made?

12:07 7 A. Some years ago. I don't recall exactly.

12:07 8 Q. Well, 2000, for example?

12:07 9 A. I don't know.

12:07 10 Q. Was it -- was there anything that occasioned

12:07 11 that, that you recall? Like I'm doing it because of X

12:07 12 or Y or Z?

12:07 13 A. I'm doing it to -- to fund the fight against

12:07 14 doping.

12:07 15 Q. And what -- what made you -- what triggered

12:07 16 that? I mean, was there any particular event?

12:07 17 A. The only event, or the only idea is that I'm

12:07 18 in support of that fight, just like I've done on other

12:07 19 occasions.

12:07 20 Q. Why UCI? I mean, why give the money to UCI?

12:07 21 A. Because they're our governing body.

12:07 22 Q. Okay. How much did you give?

12:07 23 A. I think 25,000.

12:07 24 Q. You say you think. Do you --

12:07 25 A. Yeah, I say I think because I'm not 100

12:07 1 percent sure.

12:07 2 Q. Would it be within a range of that, though,
12:08 3 if you're -- I mean, it wouldn't be like --

12:08 4 A. Well, it wouldn't be --

12:08 5 Q. -- 200,000 --

12:08 6 A. No.

12:08 7 Q. -- or 150,000?

12:08 8 A. No.

12:08 9 Q. I mean, it could be 30 or 40, or it could be
12:08 10 20, is what I'm asking.

12:08 11 A. It could be. I don't think it's that. But
12:08 12 I think it's no more than 30.

12:08 13 Q. Was it by personal check?

12:08 14 A. I don't remember.

12:08 15 Q. Did you tell UCI you were going to make it
12:08 16 before you did?

12:08 17 A. I don't recall, but I don't think so. I
12:08 18 don't know.

12:08 19 Q. You gave \$25,000, or approximately \$25,000
12:08 20 to the UCI, but you don't remember if you told them
12:08 21 beforehand that you were sending them a check?

12:08 22 A. I don't recall.

12:08 23 Q. Had you ever given any money to UCI before?

12:08 24 A. No.

12:08 25 Q. Have you ever given any money since?

12:08 1 A. I have pledged money since, but I don't
12:08 2 think I've done it yet.

12:08 3 Q. When did you pledge money?

12:08 4 A. I don't remember. Between now and then.

12:08 5 Q. No. I meant when did you make the pledge?

12:09 6 A. Between now and then. I don't recall
12:09 7 exactly.

12:09 8 Q. Well --

12:09 9 MR. HERMAN: Between now and then,
12:09 10 meaning between the time you gave them the 25,000 --

12:09 11 THE WITNESS: Right.

12:09 12 MR. HERMAN: -- and now?

12:09 13 Q. (BY MR. TILLOTSON) Oh, okay. Between
12:09 14 now -- now and then, which I guess would be tomorrow.
12:09 15 Okay. So some --

12:09 16 A. It's still a fight I believe in --

12:09 17 Q. Okay. I'm not --

12:09 18 A. -- so I would still make the donation.

12:09 19 Q. I'm not attacking your -- the fight. I'm
12:09 20 asking you --

12:09 21 A. And if you have a different suggestion on
12:09 22 where to donate the money.

12:09 23 Q. Is there any other organization that -- that
12:09 24 is involved in anti-doping?

12:09 25 A. Well, you have a lot of organizations, WADA,

12:09 1 USADA, USOC, USA Cycling. You could pick all of
12:09 2 those.

12:09 3 Q. So there were other -- I mean, there --
12:09 4 there are at least other organizations you could have
12:09 5 picked.

12:09 6 A. Yeah.

12:09 7 Q. Okay. Do you know what UCI did with the
12:09 8 money?

12:09 9 A. I don't know.

12:09 10 Q. Who did you give the money to?

12:09 11 A. Well, if you sent a check or a wire, I don't
12:09 12 know who received it, but...

12:09 13 Q. I mean, like -- is it literally like one day
12:09 14 the UCI guy comes in, opens up the mail, and there's a
12:09 15 check from you for \$25,000?

12:09 16 A. I mean, I don't know. I wasn't in the mail
12:09 17 room.

12:09 18 Q. Okay. But did you let anyone know this is
12:10 19 coming?

12:10 20 A. I told you, I don't remember.

12:10 21 Q. Okay. Have you spoken to anyone at UCI
12:10 22 regarding your donation?

12:10 23 A. Yeah.

12:10 24 Q. Who?

12:10 25 A. I have spoken to Alain Rumpf, Hein

12:10 1 Verbruggen, perhaps others.

12:10 2 Q. Do you know what they've done with the
12:10 3 money?

12:10 4 A. I just told you, I don't know.

12:10 5 Q. Okay. Like they didn't buy some specific
12:10 6 equipment or something with it that you're aware of?
12:10 7 It wasn't earmarked --

12:10 8 A. Which part of I don't know do you not
12:10 9 understand?

12:10 10 Q. So you have no idea why you gave \$25,000 to
12:10 11 UCI at all. And you don't even know if you called
12:10 12 anyone before --

12:10 13 A. I don't know.

12:10 14 Q. Let me finish my question.

12:10 15 MR. HERMAN: Hang on. Hang on a
12:10 16 second. Finish your question, if it is a question.

12:10 17 Q. (BY MR. TILLOTSON) You have no idea who you
12:10 18 called, and just -- you just sent a check for \$25,000
12:10 19 to the UCI. You can't remember why you did it, or who
12:10 20 you talked to, or what it was for.

12:10 21 A. You asked me again what have they done with
12:10 22 the money, and I said I don't know.

12:10 23 Q. Okay. But you've spoken to two people.
12:10 24 Have they discussed with you what they plan on doing
12:10 25 with the funds in any way, or what they hope to do

12:11 1 with the funds?

12:11 2 A. Not that I recall.

12:11 3 Q. When did you -- did you ever tell the public
12:11 4 that you had made that donation?

12:11 5 A. Hein Verbruggen told them at some point, and
12:11 6 I confirmed that.

12:11 7 Q. Was there a reason why you didn't publicly
12:11 8 announce your donation to UCI?

12:11 9 A. The same reason that I don't -- my fight
12:11 10 against doping is not a public fight. So the same
12:11 11 reason that before the 2003 Tour de France, which was
12:11 12 fairly well publicized, I sent a private email to
12:11 13 Mr. Verbruggen, Mr. Schattenberg, Mr. LeBlanc, Daniel
12:11 14 Baal, everybody involved in the Tour and cycling, and
12:11 15 said, we have to keep up this fight, which then became
12:11 16 public, a public email after Daniel Baal put it in his
12:11 17 book.

12:11 18 Personally -- now, this is going --
12:12 19 this is going to shock you, but my style is different
12:12 20 than David Walsh's. My approach has been more of an
12:12 21 internal one, to support clean racing, to support
12:12 22 clean sport. My idea of the best tactic is not to
12:12 23 slander and defame everybody, and bite the hand that
12:12 24 feeds you, and piss in the soup; but my fight and my
12:12 25 commitment has always been there.

12:12 1 Q. Were you concerned at all when you made your
12:12 2 contribution to the UCI that other cyclists or members
12:12 3 of the cycling public might take it the wrong way?

12:12 4 A. No.

12:12 5 Q. Are you aware of any other professional
12:12 6 cyclists who's given money to UCI?

12:12 7 A. I don't know. I'm not aware. Personally, I
12:12 8 think there should be -- I think everybody should
12:12 9 contribute to the fund.

12:12 10 Q. How does UCI get its money? Do you know?

12:13 11 A. I have no idea.

12:13 12 Q. Okay.

12:13 13 A. Honestly, I don't know.

12:13 14 Q. That part of "I don't know" I understood.
12:13 15 Believe me.

12:13 16 There's been allegations regarding what
12:13 17 has been alleged to be a positive drug test by you for
12:13 18 a steroid or a cortisone in connection with the ---

12:13 19 A. Wait a minute. A steroid or a cortisone?

12:13 20 Q. Cortisone. I'm sorry. I apologize.

12:13 21 A. Because they're different.

12:13 22 Q. I understand. I understand. Believe me.

12:13 23 A. One is actually anabolic and one is actually
12:13 24 catabolic.

12:13 25 Q. Okay.

12:13 1 A. Okay.

12:13 2 Q. I'm aware of that. Well, let me ask this.
12:13 3 In connection with the testing done for the Tour de
12:13 4 France, does UCI supervise and oversee that? If you
12:14 5 know.

12:14 6 A. I don't know. I mean, when you step into
12:14 7 the -- or the room where you give the urine sample,
12:14 8 there is a representative from the UCI, obviously, and
12:14 9 a representative from, perhaps, the French Ministry of
12:14 10 Sport, or something like that, so there is a
12:14 11 representative there.

12:14 12 Q. How much notification are you given for
12:14 13 testing in the Tour de France, other than the testing
12:14 14 you do for wearing the yellow jersey? For example,
12:14 15 random testing, where you might be selected for
12:14 16 testing during the Tour de France. How is it you're
12:14 17 notified that you've been selected to -- to do a
12:14 18 sample?

12:14 19 A. They tell you, and I think they announce it
12:14 20 towards the tail end of the race over the race radio.
12:14 21 But I've not been -- most of my tests have been
12:14 22 because of either winning the stage or being in the
12:15 23 jersey.

12:15 24 Q. Okay. For the members of the panel who --
12:15 25 who won't have your -- anyone's -- a great degree of

12:15 1 knowledge of cycling, with respect to the Tour de
12:15 2 France, my understanding is, is there's random testing
12:15 3 where you -- can be randomly said, we want to test for
12:15 4 you.

12:15 5 A. Right.

12:15 6 Q. The stage winner is test -- is tested. And
12:15 7 the overall leader is tested every time he is in the
12:15 8 overall lead. Is that fair to say? Am I missing
12:15 9 anything from that?

12:15 10 A. Yeah. I think it's evolved over the years.
12:15 11 They do more now. Perhaps the first three on the
12:15 12 stage, more randoms.

12:15 13 Q. Okay. In connection with the 2004 Tour de
12:15 14 France, were you ever random tested, as you recall, or
12:15 15 was your testing in connection with either being a
12:15 16 stage winner or the overall leader?

12:15 17 A. I don't recall. I'm sure I was. I was a
12:15 18 favorite with the random controls.

12:15 19 Q. Have you ever missed a test of any kind?

12:15 20 A. One.

12:16 21 Q. Okay. Mr. Stapleton testified in his
12:16 22 deposition regarding a test you, might put it in
12:16 23 quotes, missed.

12:16 24 A. Are we going to get back to the cortisone?

12:16 25 Q. Yeah.

12:16 1 A. Okay.

12:16 2 Q. I know you're anxious to talk about it. But
12:16 3 the only thing I've got going for me is I get to ask
12:16 4 the questions. Okay? That's my only advantage.

12:16 5 A. Congrats.

12:16 6 Q. Thank you.

12:16 7 Mr. Stapleton testified in his
12:16 8 deposition regarding a test where they showed up, and
12:16 9 you weren't here in Austin for the test.

12:16 10 A. Uh-huh.

12:16 11 Q. Is that what you're referring to when you
12:16 12 say you've missed one test?

12:16 13 A. Yeah. Well, I believe, yeah.

12:16 14 Q. Is there any other missed tests you're aware
12:16 15 of?

12:16 16 A. No.

12:16 17 Q. Okay. Can you describe for me the
12:16 18 circumstances regarding the -- this missed test? What
12:16 19 happened?

12:16 20 A. Was -- it must have been a year ago. I was
12:16 21 surfing in Cabo San Lucas, and didn't change my form
12:16 22 in November. You're supposed --

12:16 23 Q. Okay.

12:17 24 A. Every time you go somewhere, you're supposed
12:17 25 to say, okay, I'm in Austin today, I'll be in Cabo

12:17 1 tomorrow, here's my address, here's my phone number.
12:17 2 And literally, 24 hours a day, 365 days a year, they
12:17 3 can come and find you. And, obviously, I was
12:17 4 surprised that they called, but I was literally on a
12:17 5 beach, surfing.

12:17 6 Q. Okay.

12:17 7 A. I know it sounds really performance
12:17 8 enhancing, but I was just surfing. It's -- I will
12:17 9 also say, it's sometimes -- there are times where you
12:17 10 just -- you just brain fart, and you don't change the
12:17 11 form. I mean, clearly, if I'm in Cabo San Lucas, I'm
12:17 12 not trying to hide anything.

12:17 13 Q. Okay.

12:17 14 A. Other than my bad surfing.

12:17 15 Q. Is there some -- is there some penalty
12:17 16 that's associated with missed testing? I mean --

12:17 17 A. Three missed tests adds up to -- equals a
12:17 18 positive.

12:17 19 Q. Okay. Did you return from Cabo to -- to be
12:18 20 tested here, or is it just counted as a missed test?

12:18 21 A. I think it -- no. It's just counted as a
12:18 22 missed test.

12:18 23 Q. Okay.

12:18 24 MR. TILLOTSON: Okay. Let's go off the
12:18 25 record for one second.

12:18 1 THE VIDEOGRAPHER: Off the record,
12:18 2 12:18.

12:18 3 (Recess.)

12:46 4 THE VIDEOGRAPHER: Tape 2. The time is
12:47 5 12:47. On the record.

12:47 6 Q. (BY MR. TILLOTSON) Mr. Armstrong, I want to
12:47 7 ask you some questions regarding some statements that
12:47 8 Emma O'Reilly has made. First, can you identify for
12:47 9 us who Emma O'Reilly is, and what her relationship to
12:48 10 you was?

12:48 11 A. She was a soigneur/massage therapist on the
12:48 12 team '98, '99.

12:48 13 Q. When did she depart the team?

12:48 14 A. I believe 2000.

12:48 15 Q. What was --

12:48 16 A. I think. Yeah. 2000.

12:48 17 Q. What were the circumstances surrounding her
12:48 18 departure? Did she leave voluntarily? Was she fired?
12:48 19 Did she move on, or --

12:48 20 A. I don't recall. But I don't think it was
12:48 21 friendly.

12:48 22 Q. Okay. She has identified or said either to
12:48 23 Mr. Walsh or to others that at one point in time
12:48 24 during a Tour de France race, during a race, that you
12:48 25 asked her to depose of some syringes.

12:48 1 A. Uh-huh.

12:48 2 Q. Are you familiar with her statement
12:48 3 regarding that?

12:48 4 A. I'm familiar with that statement.

12:48 5 Q. Is there any truth to that statement?

12:48 6 A. Absolutely not.

12:48 7 Q. Would you ever use syringes during a race
12:49 8 for -- I mean, for any reason legitimate?

12:49 9 A. You would use IVs for, like, replenishment
12:49 10 of fluids. Just like any -- like every sport.

12:49 11 Q. Sure. But I've heard, for example, some --
12:49 12 some professional athletes or cyclists would -- would
12:49 13 do injections of vitamins, hence the need for
12:49 14 syringes.

12:49 15 A. Yeah. Sure. Yeah. And in Europe I think
12:49 16 that's much more accepted than the States. I mean, in
12:49 17 Europe I think doctors are -- the medical field would
12:49 18 use a syringe, whereas here in the States, we would do
12:49 19 it orally.

12:49 20 Q. Okay.

12:49 21 A. There's not the stigma around -- I mean, in
12:49 22 America we see a syringe, you think, oh, no, is he a
12:49 23 junkie. Whereas in Europe that's fairly common.

12:49 24 Q. So I guess my question is, the part about
12:49 25 her -- her story that's untrue, and maybe it's both

12:49 1 parts, first of all, you never asked her to dispose of
12:49 2 any syringes.

12:49 3 A. Correct.

12:49 4 Q. But would you ever have had syringes on you
12:49 5 to be disposed in connection with any race?

12:50 6 A. Me?

12:50 7 Q. Yes.

12:50 8 A. No.

12:50 9 Q. Okay. So it's not just that you never asked
12:50 10 her to dispose of any syringes. There were no
12:50 11 syringes for you to -- to ask her to dispose of.

12:50 12 A. Not -- no. That would be the doctor's
12:50 13 responsibility.

12:50 14 Q. Okay. She has also described an incident
12:50 15 where you asked her to -- where you asked her to
12:50 16 provide some, or obtain some makeup to cover syringe
12:50 17 marks in your arm.

12:50 18 A. Uh-huh.

12:50 19 Q. Is that untrue?

12:50 20 A. Untrue.

12:50 21 Q. Okay. Are you familiar with her -- with her
12:50 22 statements regarding her obtaining a pillbox?

12:50 23 A. I'm familiar with them. Untrue.

12:51 24 Q. Okay. That never happened?

12:51 25 A. Never.

12:51 1 Q. Okay. Mr. -- Mr. Andreu testified in his
12:51 2 deposition that he saw you taking some pills at one
12:51 3 point in time.

12:51 4 A. Uh-huh.

12:51 5 Q. And that you described for him you would
12:51 6 take this one at a certain distance, and this one at a
12:51 7 certain distance, and this one at a certain distance.

12:51 8 A. Uh-huh.

12:51 9 Q. Does that strike any recollection with you
12:51 10 that, in fact --

12:51 11 A. No.

12:51 12 Q. -- you either told him that, or you --
12:51 13 you --

12:51 14 A. No. But he would have, perhaps, seen pills
12:51 15 in the form of vitamins, or multi-vitamins, et cetera.

12:51 16 Q. Was there any pills that you were taking
12:51 17 during the actual race itself for the Tour de France?

12:51 18 A. No.

12:51 19 Q. Do you know the total amount of compensation
12:51 20 that you have paid to Doctor Ferrari since you've been
12:51 21 using him as a trainer, approximately?

12:51 22 A. No.

12:51 23 Q. Do you think it's in excess of a million
12:51 24 dollars?

12:51 25 A. I don't think so.

12:51 1 Q. Is it -- certainly, it's in the range of six
12:52 2 figures, is it not?

12:52 3 A. Over the years, perhaps. But I don't
12:52 4 recall.

12:52 5 Q. One of the statements attributed to -- to
12:52 6 Ms. O'Reilly that she attributes to you is a
12:52 7 discussion that you and she had regarding your
12:52 8 hematocrit level. I may be mispronouncing that. But
12:52 9 are you familiar with her statement regarding what she
12:52 10 said?

12:52 11 A. I'm familiar with it.

12:52 12 Q. That you revealed to her your actual level,
12:52 13 and told her that you were going to do what everyone
12:52 14 else does to get it higher.

12:52 15 A. Uh-huh.

12:52 16 Q. Is that untrue?

12:52 17 A. Totally untrue.

12:52 18 Q. Do you -- as a -- as a cyclist during the
12:52 19 Tour, do you actually measure that particular level
12:52 20 during various times of the race, or the course of a
12:52 21 race?

12:52 22 A. The team will do it at times, because the
12:52 23 UCI does it. And if you're above a certain limit,
12:52 24 you're not allowed to race.

12:52 25 Q. Is there published information regarding

12:52 1 what your level is during any particular race?

12:53 2 A. Meaning do they publish the results of the
12:53 3 UCI blood testing?

12:53 4 Q. Yes.

12:53 5 A. I don't think so.

12:53 6 Q. I mean, so --

12:53 7 A. I think it would be -- I think what the UCI
12:53 8 does is announces an average of the entire pelotons,
12:53 9 hematocrit, or something like that.

12:53 10 Q. So -- but it's not publicly known what your
12:53 11 level -- I mean, they do test that particular level,
12:53 12 do they not?

12:53 13 A. Uh-huh.

12:53 14 Q. And if you're above a certain limit, then
12:53 15 you're disqualified or suspended? Is that -- is
12:53 16 that --

12:53 17 A. Above 50.

12:53 18 Q. Yeah. Okay.

12:53 19 A. Not allowed to start.

12:53 20 Q. Okay. But there's no published information
12:53 21 regarding how close a Tour de France athlete comes to
12:53 22 that level from the testing. Right?

12:53 23 A. No, I don't think so.

12:53 24 Q. Okay. But then the -- it's your testimony
12:53 25 the team would actually test that during the course of

12:53 1 the race to monitor it to see where you are?

12:53 2 A. Or the UCI.

12:53 3 Q. Or the UCI?

12:54 4 A. Right.

12:54 5 Q. Okay. Does that --

12:54 6 A. Because they test all year. Not just at the

12:54 7 Tour.

12:54 8 Q. Does Doctor Ferrari's testing involve

12:54 9 testing that level, as well?

12:54 10 A. No.

12:54 11 Q. Okay.

12:54 12 A. I mean, not with me. I don't know. I mean,

12:54 13 if you do a typical -- any blood test you did at a lab

12:54 14 to determine if you were sick, or if you were anemic,

12:54 15 or whatever, would -- that's a standard part of a --

12:54 16 every blood test.

12:54 17 Q. Okay. Would you, yourself, personally test

12:54 18 your hematocrit level apart from what the team was

12:54 19 testing during the race?

12:54 20 A. No.

12:54 21 Q. So if someone says that -- that they saw you

12:54 22 monitoring or testing your level yourself outside of

12:54 23 the team, that would be inaccurate?

12:54 24 A. Outside of the team, that would be

12:54 25 inaccurate. With the team, the team doctor, that

12:54 1 would be accurate.

12:54 2 Q. Okay. Some -- some affidavits were provided
12:55 3 in connection with this litigation by individuals from
12:55 4 the UCI. Are you -- were you aware of that regarding
12:55 5 your test results and when you were tested?

12:55 6 A. No.

12:55 7 Q. Obtained by your counsel?

12:55 8 Were you part of that process to gather
12:55 9 those affidavits?

12:55 10 A. Huh-uh.

12:55 11 Q. Have you ever authorized the release of your
12:55 12 tests, the actual tests themselves, to anyone or
12:55 13 any -- any organization?

12:55 14 A. To you guys.

12:55 15 Q. Okay. Other than that?

12:55 16 A. Other than what I said earlier, releasing
12:55 17 the -- the blood and urine from 2000.

12:55 18 Q. I'm glad you brought that up. I had a
12:55 19 question regarding the investigation. Now, there was
12:55 20 an investigation in 2000 by the French authorities?

12:56 21 A. Uh-huh.

12:56 22 Q. It was described in your book as a -- as a
12:56 23 criminal investigation. Is that -- is that accurate?

12:56 24 A. I don't know what you call it. It felt
12:56 25 criminal.

12:56 1 Q. Okay. Well, what --

12:56 2 A. Felt like we were being prosecuted as
12:56 3 criminals. Or attempting to be. But in the end, I
12:56 4 have to -- as I said all along, I supported the
12:56 5 investigation. I thought it was a great way to go
12:56 6 much deeper with our controls and our evidence than
12:56 7 anybody else had.

12:56 8 Q. Well, other than -- other than the testing
12:56 9 that goes on by -- by UCI or the French Ministry of
12:56 10 Sport, were there any other controls in place on the
12:56 11 US Postal team to prevent doping, or to check to see
12:56 12 if any member of the team was doping?

12:57 13 A. Such as?

12:57 14 Q. Anything. I don't know. Separate testing,
12:57 15 separate statements, monitoring that the team did
12:57 16 apart from just the testing that -- that the UCI and
12:57 17 the Tour de France would do.

12:57 18 A. Oh, I don't think so. Aside from the
12:57 19 quarterly health checks of UCI, and monitoring the
12:57 20 riders just within the team, no, I don't -- not that I
12:57 21 recall. That -- that wouldn't have been my job.

12:57 22 MR. BREEN: Are you including
12:57 23 out-of-competition random controls of that, too, Jeff?

12:57 24 MR. TILLOTSON: Yes.

12:57 25 Q. (BY MR. TILLOTSON) Other than testing done

12:57 1 by an organization like the UCI.

12:57 2 A. You mean like a company tests their
12:57 3 employees?

12:57 4 Q. Yes. Correct. Correct.

12:57 5 A. Oh, I don't think so. No.

12:57 6 Q. Okay. I mean, because you told me that you
12:57 7 ultimately supported the investigation because it
12:57 8 allowed to go much deeper than the controls you had in
12:57 9 place.

12:57 10 A. Meaning I supported at a time when there was
12:57 11 not -- as I said earlier, there was not an approved
12:58 12 EPO test. I was glad that they actually took the
12:58 13 samples, and -- obviously, they were looking for EPO,
12:58 14 so I was glad that they took them and found nothing.

12:58 15 Q. In that case, though, they must have tested
12:58 16 the B samples, because that's all there would have
12:58 17 been?

12:58 18 A. Well, there would have been -- they would
12:58 19 have taken the A sample after the race, and either
12:58 20 the -- and stored the B sample. And I think that's
12:58 21 what they confiscated.

12:58 22 Q. Okay. Have you actually seen the contract
12:59 23 between my client, SCA Promotions, and Tailwind
12:59 24 Sports?

12:59 25 A. Briefly.

12:59 1 Q. Obviously, you're -- you're deeply familiar
12:59 2 with your contract with Tailwind that would require
12:59 3 the payment of bonuses.

12:59 4 A. I wouldn't say deeply, but more or less.

12:59 5 Q. Okay. Is it your belief that in connection
12:59 6 with earning the bonuses from Tailwind through winning
12:59 7 the Tour de France that you believed you had to comply
12:59 8 with the rules of the Tour de France in order to earn
12:59 9 those bonuses?

12:59 10 A. You have to comply with the rules.

12:59 11 Q. Okay. I mean, you -- you don't for a moment
12:59 12 contend, or pretend, or say that you could not
12:59 13 legitimately win the Tour de France, I mean, comply
12:59 14 with all the rules, but still earn the bonus.
12:59 15 Correct?

12:59 16 A. I think if you comply by the rules, you're
12:59 17 declared the winner, then the team is owed the money,
13:00 18 and, therefore, same rules apply from the team to SCA.

13:00 19 Q. Okay. So I noticed in -- in your most
13:00 20 current contract with Tailwind, there's -- there's no
13:00 21 provision regarding doping.

13:00 22 A. Uh-huh.

13:00 23 Q. And there was one in your prior contract.

13:00 24 A. Uh-huh.

13:00 25 Q. Are you aware of that distinction?

13:00 1 A. Not necessarily, but that -- that's
13:00 2 irrelevant, because if you have a doping offense, or
13:00 3 you test positive, it goes without saying that you're
13:00 4 fired from all of your contracts, not just the team,
13:00 5 but there's numerous contracts that I have.

13:00 6 Q. That would all go away. Sponsorship
13:00 7 agreements, for example?

13:00 8 A. All of them. And the faith of all the
13:00 9 cancer survivors around the world. So everything I do
13:00 10 off of the bike would go away, too. And don't think
13:00 11 for a second I don't understand that. It's not about
13:00 12 money for me. Everything. It's also about the faith
13:01 13 that people have put in me over the years. So all of
13:01 14 that would be erased. So I don't need it to say in a
13:01 15 contract, you're fired if you test positive. That's
13:01 16 not as important as losing the support of hundreds of
13:01 17 millions of people.

13:01 18 Q. Well, it sounds to me like your testimony is
13:01 19 that you're acutely aware of the importance and
13:01 20 significance that you are a clean athlete, but you
13:01 21 don't -- that you have not tested positive.

13:01 22 A. Correct.

13:01 23 Q. And, in fact, you've made many public
13:01 24 statements through the course of your career that you
13:01 25 don't use and haven't used performance-enhancing

13:01 1 drugs --

13:01 2 A. I have --

13:01 3 Q. -- just like you made here today. Correct?

13:01 4 A. I have made -- no, I wouldn't say that, you

13:01 5 know, last week I just decided to issue a statement.

13:01 6 I've responded to questions, and I've responded to

13:01 7 accusations, only because those were asked. But not

13:01 8 to mislead anybody, not to tell people how to do

13:01 9 business, what deals to enter into, or not to enter

13:02 10 into. I make those statements purely as defense.

13:02 11 Q. Well, do you -- how else do your sponsors

13:02 12 and people that have these contracts with you know

13:02 13 whether or not you are, in fact, a clean athlete

13:02 14 unless they're hearing what you're saying publicly?

13:02 15 Right?

13:02 16 A. Well, most of them have been relationships

13:02 17 that have been in place for a long time, and they know

13:02 18 me. They trust me. We -- you know, as I said

13:02 19 earlier, this is the only issue that's -- that's ever

13:02 20 been -- the only relationship that's ever been

13:02 21 questioned, which is not necessarily a relationship

13:02 22 even.

13:02 23 Q. Right. My clients never actually spoke to

13:02 24 you. Right?

13:02 25 A. Right.

13:02 1 Q. You don't -- you don't even know them. You
13:02 2 wouldn't be able to pick them out of a lineup.

13:02 3 A. No.

13:02 4 Q. Fair to say?

13:02 5 But you wouldn't -- you wouldn't be
13:02 6 surprised, would you, Mr. Armstrong, that my clients
13:02 7 were aware of your public statements regarding the
13:02 8 fact that you didn't use performance-enhancing drugs
13:02 9 prior to entering into a contractual relationship with
13:02 10 Tailwind, are you?

13:02 11 A. They're in the business of insurance. So
13:03 12 when you're in the business of insurance, you do your
13:03 13 due diligence. Quite frankly, I find it hard to
13:03 14 believe that you would have entered -- if this was a
13:03 15 question today, after what we saw in 1998 with the
13:03 16 Festina affair, even the questions that began in '99
13:03 17 with myself, the investigation that began in 2000,
13:03 18 which was the front page of every newspaper around the
13:03 19 world, I don't really know how they would have been
13:03 20 misled. Maybe the front page of every newspaper
13:03 21 around the world doesn't mean due diligence.

13:03 22 Q. Well, as part of due diligence done by
13:03 23 anyone in doing business with you, you -- you would
13:03 24 expect them to hear, read, and understand your public
13:03 25 statements regarding --

13:03 1 A. Yeah. And I don't want to confuse the
13:03 2 matter. I -- I've responded to questions. I've not
13:04 3 offered up those things. It's not as if I put it on
13:04 4 the Web site, or issue a press release just because I
13:04 5 had a good day on the bike. I felt great today, I
13:04 6 better issue a statement that says I'm clean. They've
13:04 7 always been responses.

13:04 8 Q. But you are aware of some professional
13:04 9 cyclists who -- who play games by saying that -- by
13:04 10 saying things like, well, I've never tested positive,
13:04 11 but don't follow that up with the statement, and I
13:04 12 never have ever used performance-enhancing drugs?

13:04 13 A. I don't know.

13:04 14 Q. You're not familiar with some athletes that
13:04 15 have sought to -- to -- to draw a distinction between
13:04 16 testing positive and never using performance-enhancing
13:04 17 substances?

13:04 18 A. I don't recall.

13:04 19 Q. Okay. But that wasn't your intent when you
13:04 20 made public statements. Correct?

13:04 21 A. As I said, I was responding to the question
13:04 22 or the accusation.

13:04 23 Q. Okay. Well, if someone did due diligence on
13:04 24 you prior to entering into a business relationship, it
13:05 25 is your belief that they wouldn't turn up anything

13:05 1 worth being worried about with respect to you or your
13:05 2 performance. Correct?

13:05 3 A. With credibility?

13:05 4 Q. Correct.

13:05 5 A. No.

13:05 6 Q. And you could read all the newspapers in the
13:05 7 world, but in your mind there's nothing out there that
13:05 8 would lead to any reasonable suspicion that your
13:05 9 statements regarding your non-use of
13:05 10 performance-enhancing drugs isn't a hundred percent
13:05 11 accurate. Fair?

13:05 12 A. All I can tell you is we've never had that
13:05 13 phone call. Nobody has called and said, if it's
13:05 14 Coca-Cola, if it's Nike, if it's Bristol-Myers Squibb,
13:05 15 if it's any -- nobody has called and said we have some
13:05 16 questions.

13:05 17 Q. Right. But they -- but you acknowledge
13:05 18 either -- it's either implicit or explicit in your
13:05 19 contracts with sponsors that if you have any
13:05 20 connection to doping, those contracts can be
13:05 21 terminated. Correct?

13:05 22 A. I think that's the case with every athlete's
13:05 23 agreement with a company.

13:05 24 Q. Okay.

13:05 25 A. I think it's more of an ethical clause. It

13:05 1 could also include drinking and driving. It could
13:05 2 include spousal abuse. It could include any
13:06 3 conviction for any felony or whatever. So --

13:06 4 Q. Okay. There's an allegation by Mr. Swart
13:06 5 regarding an effort to secure the outcome of a series
13:06 6 of races involving you. Are you aware of that?

13:06 7 A. I've heard the comments.

13:06 8 Q. Is there any truth to Mr. Swart's statements
13:06 9 that he was offered \$50,000 in connection with
13:06 10 attempting to fix the outcome of some races in which
13:06 11 you were involved?

13:06 12 A. Not true.

13:06 13 Q. Did you, in fact -- he recounts three
13:06 14 races -- three races you had to win to earn a million
13:06 15 dollar bonus.

13:06 16 A. Uh-huh.

13:06 17 Q. Do you recall those three races, and
13:06 18 actually earning the million dollar bonus?

13:06 19 A. I do.

13:06 20 Q. And were you, in fact, paid the million
13:06 21 dollar bonus?

13:06 22 A. Well, it was -- not exactly. Like the
13:06 23 lottery or like any other insurance deal, I think it
13:06 24 was -- the option was 50,000 over 20 years, or a
13:06 25 one-time payment of some other lump sum. But just

13:06 1 like every other cycling event, the money is split
13:07 2 amongst the team. So did I receive a million dollars,
13:07 3 no.

13:07 4 Q. Okay.

13:07 5 A. Yeah, that's what I'm saying.

13:07 6 Q. Did you take -- do you remember if you took
13:07 7 the lump sum or you --

13:07 8 A. No -- yeah, we took the lump sum. Yeah.

13:07 9 Q. Okay. And then some of that went to you,
13:07 10 and some of that went to the team?

13:07 11 A. Correct.

13:07 12 Q. Is that how it works?

13:07 13 Okay. Do you remember what the lump
13:07 14 sum was, or approximately --

13:07 15 A. I don't remember.

13:07 16 Q. Okay. That's why you described it like the
13:07 17 lottery, you get a discount on a lump sum.

13:07 18 A. Well, I've never won the lottery, but I
13:07 19 think they get either a lump sum or --

13:07 20 Q. Okay.

13:07 21 A. -- consistent payments over X amount of
13:07 22 years.

13:07 23 Q. Do you know why Mr. Swart would say these
13:07 24 things?

13:07 25 A. As I said earlier, I have no idea why, other

13:07 1 than perhaps like Emma O'Reilly, he was paid for his
13:07 2 testimony and needed the money.

13:07 3 Q. Do you believe that's why Ms. O'Reilly said
13:07 4 these things about you?

13:07 5 A. Absolutely.

13:07 6 Q. That she needed money?

13:08 7 A. I don't -- I'm not her financial advisor,
13:08 8 but I think --

13:08 9 Q. Well, you have --

13:08 10 A. Which we now know that Walsh paid his
13:08 11 sources. Which he denied in the beginning, now
13:08 12 admits. I don't think any respected journalist would
13:08 13 find that to be kosher.

13:08 14 Q. But other than that, do you have any other
13:08 15 evidence to suggest that Ms. O'Reilly was making up
13:08 16 this in exchange for money, other than the fact
13:08 17 that --

13:08 18 A. I --

13:08 19 Q. -- she received some compensation?

13:08 20 A. Emma or Stephen?

13:08 21 Q. Emma. Oh, sorry.

13:08 22 A. Pissed. Pissed at me, pissed at Johan.
13:08 23 Really pissed at Johan. Pissed at the team. Afraid
13:08 24 that we were going to out her as a -- and all these
13:08 25 things she said, as a whore, or whatever. I don't

13:08 1 know. But primarily, I have to confess, I think it
13:08 2 was a major issue with Johan.

13:09 3 Q. Now, when -- when --

13:09 4 A. And it wouldn't have been a very good book
13:09 5 if it was JB confidential. There would not have been
13:09 6 a lot of sales.

13:09 7 Q. I don't know. The stories might have been
13:09 8 wilder.

13:09 9 Some of the information that was
13:09 10 detailed in the book, for example, the statements by
13:09 11 Ms. O'Reilly alleging these things about you, there
13:09 12 had been no public disclosure of anything like that
13:09 13 prior to the book, like Ms. O'Reilly had never talked
13:09 14 publicly, had she, about you with respect to these
13:09 15 allegations of the syringes and all that kind of
13:09 16 stuff?

13:09 17 A. Not that I know of.

13:09 18 Q. The book also details allegations that I've
13:09 19 recounted for you from Mr. Swart. I mean, those
13:09 20 weren't -- to your knowledge, those weren't out there
13:09 21 publicly prior to Mr. Walsh publishing them in his
13:09 22 book, were they?

13:09 23 A. Not that I -- I mean, I suppose I would have
13:09 24 known already.

13:10 25 Q. And to -- to the best of your knowledge, had

13:10 1 the -- the Indiana -- I call it the Indiana hospital
13:10 2 incident, but I understand your testimony regarding
13:10 3 it. Have there ever been --

13:10 4 A. The game -- the football game?

13:10 5 Q. Well, the -- the --

13:10 6 A. I don't remember the score.

13:10 7 Q. The -- did the Cowboys win?

13:10 8 A. It was '96. They were still pretty good.

13:10 9 Q. The group meeting in the Indiana University
13:10 10 Hospital, had there ever been, to your knowledge, any
13:10 11 publication about allegations about what you said
13:10 12 prior to Mr. Walsh and his book?

13:10 13 A. Not that I know of.

13:10 14 Q. Okay. So you would -- you would at least
13:10 15 agree with me that prior to Mr. Walsh's book coming
13:10 16 out, the stuff from Mr. Swart, from Ms. O'Reilly, and
13:10 17 about the Indiana University Hospital, those
13:10 18 allegations were not publicly out there prior to being
13:10 19 detailed in Mr. Walsh's book?

13:10 20 A. I said not that I know of. I don't read
13:10 21 everything. I don't -- I don't know.

13:10 22 Q. You -- did you recently make a donation to
13:11 23 the Indiana University Hospital?

13:11 24 A. I funded Doctor Larry Einhorn's endowment.

13:11 25 Q. Okay. When did you do that? Do you

13:11 1 remember?

13:11 2 A. Recent weeks.

13:11 3 Q. Was it before or after the Andreus'

13:11 4 depositions, for example?

13:11 5 A. No. Way before.

13:11 6 Q. Was it this year?

13:11 7 A. In 2005?

13:11 8 Q. Yeah.

13:11 9 A. Yeah, it was in recent weeks, I mean. We

13:11 10 issued a press release, so I can get you the press

13:11 11 release. That would pretty much give you the date.

13:11 12 Q. Okay. But sometime in the first half of

13:11 13 2005.

13:11 14 A. I don't want to misspeak. I would rather

13:11 15 just get the press -- I would think it's -- the first

13:11 16 half takes you to July 1st. Right? I think it was

13:11 17 after that.

13:11 18 Q. After that. Okay. How long had you been

13:12 19 considering funding that chair?

13:12 20 A. Well, I know they'd been looking for a

13:12 21 backer for some time, so -- It was a large commitment,

13:12 22 so it's not an easy decision you just make like that.

13:12 23 Q. Have you had any contact with the Indiana

13:12 24 University Hospital to -- to investigate these

13:12 25 allegations made by the Andreus --

13:12 1 A. No.

13:12 2 Q. -- other than checking to see if the Cowboys
13:12 3 played on that Sunday?

13:12 4 A. That wasn't with Indiana. That was with --

13:12 5 Q. Did you talk to anyone at the hospital in
13:12 6 efforts to get statements from them, for example, that
13:12 7 this never happened?

13:12 8 A. Not that I know of. I do keep in touch with
13:12 9 Doctor Einhorn and people that have been there, but...

13:12 10 But I just want to be clear. These are
13:12 11 very separate issues. And I'm endowing, I'm funding a
13:13 12 chair for somebody who saved my life.

13:13 13 Q. Well, who was suggesting you weren't?

13:13 14 A. You were.

13:13 15 Q. How was I suggesting that?

13:13 16 A. Never mind.

13:13 17 Q. Well, you're not -- you're not attempting to
13:13 18 buy silence from someone at the Indiana University
13:13 19 Hospital with your donation, because there's nothing
13:13 20 to keep silent. Right?

13:13 21 A. Well, I'm sure you would love to paint that.

13:13 22 Q. Why do you say that?

13:13 23 A. Because that's -- that's the -- that's the
13:13 24 tone of this entire case, the speculation and innuendo
13:13 25 and rumor and second and third and fourthhand

13:13 1 information.

13:13 2 Q. Okay. Are any of the -- are any of the
13:13 3 allegations Mr. Walsh makes in his book regarding you
13:13 4 true?

13:13 5 A. I didn't read the book.

13:13 6 Q. Okay. Have you read any portions of it,
13:13 7 translated, or have you just been told what it says?

13:14 8 A. Pick up -- the press picks up the juiciest
13:14 9 stuff, so those are -- none of what I have seen have
13:14 10 been true.

13:14 11 Q. Okay. If you'll give me a few minutes to
13:14 12 consult with my colleagues, I'll determine if I have
13:14 13 any other questions for you. And then we can -- we
13:14 14 can conclude if appropriate.

13:14 15 THE VIDEOGRAPHER: Off the record.

13:36 16 (Recess.)

13:36 17 THE VIDEOGRAPHER: 1:36, on the record.

13:36 18 Q. (BY MR. TILLOTSON) I do actually have one
13:36 19 question. Mr. Armstrong, in connection with your --
13:36 20 your training regimen for the Tour de France from '99
13:36 21 to 2004, would your training ever include use of a
13:36 22 hypoxil tent?

13:36 23 A. Hypoxil? No.

13:36 24 Q. Hypoxic?

13:36 25 A. Hypoxic, yes.

13:36 1 Q. Okay. Can you tell me what that is, since I
13:36 2 thought it was hypoxil?

13:36 3 A. It is a -- either a tent or a cubicle that
13:37 4 simulates high altitude.

13:37 5 Q. Okay. Is this while you're in the race?
13:37 6 Not physically on the bike, but, I mean, during the
13:37 7 course of the Tour de France, or is this a training
13:37 8 regimen before you start the race?

13:37 9 A. Most likely before.

13:37 10 Q. Is this one of the techniques used by
13:37 11 Doctor Ferrari, or is this a training technique that
13:37 12 you have on your own?

13:37 13 A. No. It's a commonly used tool in cycling,
13:37 14 endurance sport.

13:37 15 Q. Okay.

13:37 16 A. Or in other -- there are other methods
13:37 17 similar to that.

13:37 18 Q. The other question I had was, we served a
13:37 19 deposition notice in connection with your appearance
13:37 20 here. Have you seen that deposition notice? Were you
13:37 21 provided a copy of it by your counsel?

13:37 22 A. No.

13:37 23 Q. Have you brought any documents today to
13:37 24 produce in connection with that deposition notice?

13:37 25 MR. BREEN: Jeff, I can help you with

13:37 1 that, too. The -- I think all but the last two
13:37 2 requests were identical to requests for production
13:37 3 that were already served that we either objected to or
13:38 4 provided responsive documents to. And then on the
13:38 5 last two categories he didn't have any responsive
13:38 6 documents.

13:38 7 MR. TILLOTSON: Okay. I appreciate
13:38 8 that.

13:38 9 Last thing is, Mr. Herman, if you will
13:38 10 represent on the record that Mr. Armstrong will attend
13:38 11 the hearing so that he can be questioned live, and in
13:38 12 exchange for that, I will -- I will accommodate his
13:38 13 schedule, whatever it is, in terms of the order of our
13:38 14 presentation, I'm prepared to pass the witness.

13:38 15 MR. HERMAN: As I indicated to you,
13:38 16 he'll be available the 12th and the 13th of December,
13:38 17 and -- and he'll be in Dallas at the hearing, and
13:38 18 he'll be available for cross examination or direct
13:38 19 examination, whatever you -- whichever course it
13:38 20 takes.

13:38 21 MR. TILLOTSON: Okay. And are you
13:38 22 prepared to make him available if the hearing is
13:38 23 continued?

13:38 24 MR. HERMAN: To -- to January 9? I
13:38 25 don't know. I haven't checked with him about that.

13:38 1 MR. TILLOTSON: Will you?

13:38 2 MR. HERMAN: Yeah.

13:38 3 MR. TILLOTSON: Obviously, that won't
13:38 4 do me any good if it's -- if the hearing is being
13:38 5 continued, so --

13:38 6 MR. HERMAN: Yeah. Okay. Well, I
13:38 7 haven't checked with him about that, so I'll check
13:39 8 with him when we take a break.

13:39 9 MR. TILLOTSON: I just want an
13:39 10 assurance that you will make him available at some
13:39 11 point during the hearing, whenever it is.

13:39 12 MR. HERMAN: Well, let me do -- let me
13:39 13 put it this way. If -- if the hearing is continued,
13:39 14 okay, then we'll make him available to either continue
13:39 15 his deposition, what you would have asked him
13:39 16 otherwise, or bring him live on January the 9th. I
13:39 17 just haven't checked with his calendar.

13:39 18 MR. TILLOTSON: Or any date during the
13:39 19 hearing that he can be available for.

13:39 20 MR. HERMAN: Yeah. Yeah. Right.

13:39 21 MR. TILLOTSON: It doesn't have to be a
13:39 22 particular date.

13:39 23 MR. HERMAN: Okay. I'll agree to that.

13:39 24 MR. TILLOTSON: Okay. That's
13:39 25 acceptable.

13:39 1 THE WITNESS: And can I just say for
13:39 2 the record, I had another surf trip to Cabo planned
13:39 3 for the 12th and 13th and 14th, but I won't miss this
13:39 4 test. I'll be there.

13:39 5 MR. TILLOTSON: Okay. Okay. All
13:39 6 right. I'll trade places with you if you'd prefer.

13:39 7 THE WITNESS: Sure.

13:39 8 MR. TILLOTSON: Okay. I have no
13:39 9 further questions, Mr. Armstrong. I appreciate your
13:39 10 time and appearing here today.

13:39 11 MR. HERMAN: I've got just a couple of
13:39 12 questions by way of clarification.

13:39 13 MR. TILLOTSON: Have at it.

13:39 14 **EXAMINATION**

13:40 15 QUESTIONS BY MR. HERMAN:

13:40 16 Q. Lance, you recall Mr. Tillotson asking you
13:40 17 about some alleged testimony from Frankie Andreu
13:40 18 having to do with pills, small pills that you were
13:40 19 taking at -- or allegedly told Frankie you were taking
13:40 20 at different stages of a race.

13:40 21 A. Uh-huh.

13:40 22 Q. And you indicated that that was not
13:40 23 accurate. On reflection, do you have a possible
13:40 24 explanation of what that could have been at least?

13:40 25 A. Could have been -- yeah, and I do, yes. It

13:40 1 could have been common everyday caffeine, which I have
13:40 2 to say I sometimes take on long days, or tough days.
13:40 3 But, of course, caffeine being a substance that's over
13:40 4 the counter, and detectable, and controlled, you know,
13:40 5 even gels, like a Power Gel, or something, has
13:40 6 amounts -- as advertised, has amounts of caffeine. So
13:40 7 it could have been -- I'm not trying to put words in
13:40 8 Frankie's mouth, but could have been caffeine.

13:40 9 Q. All right. And if you were taking caffeine,
13:41 10 I take it that the amounts of -- while it's -- while
13:41 11 it's permissible to take caffeine, you're -- you're
13:41 12 limited in certain amounts. If you test over a
13:41 13 certain amount, that would be a banned substance.

13:41 14 A. Correct.

13:41 15 Q. Okay.

13:41 16 A. I think. Because I know there was -- they
13:41 17 took it off, and then they put it on, they took it
13:41 18 off. I don't know where it stands now.

13:41 19 Q. All right. But it --

13:41 20 A. But all the while, it was to a certain
13:41 21 limit.

13:41 22 Q. Okay. And in those instances, it would
13:41 23 be -- would it be normal for you to take them at
13:41 24 various stages of the race, at a hundred kilometers,
13:41 25 50 kilometers, whatever?

13:41 1 A. Well, you could. I -- I would only take
13:41 2 one.

13:41 3 Q. Okay. Now, Mr. Tillotson, I'm sure
13:41 4 inadvertently, asked you whether or not the contracts
13:41 5 would all go away when you were talking to him about a
13:41 6 variety of contracts that you had with various
13:42 7 sponsors and whatnot, as well as the team, and that
13:42 8 the -- the contracts would all go away if there was
13:42 9 any connection or any allegation of being involved
13:42 10 with performance-enhancing substances. Tell us -- I
13:42 11 think you said yes, but tell us what you meant by that
13:42 12 answer yes.

13:42 13 A. I meant that if I had a positive test that
13:42 14 was fully tried and adjudicated, or whatever we call
13:42 15 that, of course they would go away.

13:42 16 Q. And --

13:42 17 A. But --

13:42 18 Q. Go ahead.

13:42 19 A. -- obviously rumor overseas, or speculation
13:42 20 in certain articles would not cause them to go away,
13:42 21 because we have ten years of history there that shows
13:42 22 that they don't. That it -- the performances and the
13:42 23 reputation has never been questioned by a partner.

13:43 24 Q. All right. And was your -- was your
13:43 25 association or your contract with Discovery, was that

13:43 1 entered into before or after the publication of David
13:43 2 Walsh's book?

13:43 3 A. It was entered into after.

13:43 4 Q. And other than SCA, has any -- has any
13:43 5 contracting party ever refused to perform or meet its
13:43 6 obligations based upon rumors and innuendos like --
13:43 7 such as we're dealing with here?

13:43 8 A. No. Never.

13:43 9 Q. And, of course, you don't have any contract
13:43 10 with SCA in any event.

13:43 11 A. Of course not.

13:43 12 MR. HERMAN: That's all I have.

13:43 13 MR. TILLOTSON: Where are you going in
13:43 14 Cabo?

13:43 15 MR. BREEN: He told you he's not.

13:44 16 THE WITNESS: My days of the
13:44 17 whereabouts program are done, man.

13:44 18 MR. TILLOTSON: Fair enough. Fair
13:44 19 enough. I have no questions. Pass the witness.

13:44 20 THE VIDEOGRAPHER: 1:43, off the
13:44 21 record.

13:44 22 MR. HERMAN: We'll reserve our
13:44 23 questions.

24

25

1 that same is true and correct, except as noted above.

2

3

LANCE ARMSTRONG

4

5

6 THE STATE OF _____)

7 COUNTY OF _____)

8

9 Before me, _____, on this
10 day personally appeared LANCE ARMSTRONG, known to me
11 (or proved to me under oath or through _____)

12 to be the person whose name is subscribed to the
13 foregoing instrument and acknowledged to me that they
14 executed the same for the purposes and consideration
15 therein expressed.

16

17 Given under my hand and seal of office
18 this _____ day of _____, _____.

19

20

21

22

NOTARY PUBLIC IN AND FOR

23

THE STATE OF _____

24

25 JOB NO. 051130RMW

IN THE MATTER OF AN ARBITRATION
BETWEEN

1			
2	LANCE ARMSTRONG AND)	
3	TAILWIND SPORTS, INC.,)	
4	Claimants,)	
5	VS.)	ARBITRATION BEFORE THE
6)	HONORABLE RICHARD
7	SCA PROMOTIONS, INC. AND)	FAULKNER, RICHARD
8	HAMMAN INSURANCE SERVICES,)	CHERNICK, AND TED LYON
9	INC.,)	
10	Respondents.)	

* * * * *

REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF
LANCE ARMSTRONG
NOVEMBER 30, 2005

* * * * *

I, RHONDA WATSON, RPR, CRR, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, **LANCE ARMSTRONG**, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That \$ _____ is the deposition officer's charges for preparing the original deposition transcript and any copies of exhibits, EXCLUDING CHARGE FOR ORIGINAL VIDEOTAPE, charged to Respondents;

That the deposition transcript was

1 submitted on December 5, 2005, to the attorney for the
2 Claimants for examination, signature and return to
3 Mr. Jeffrey M. Tillotson by December 26, 2005;

4 That the amount of time used by each party at
5 the deposition is as follows:

6 Mr. Jeffrey M. Tillotson - 2:19

7 Mr. Timothy J. Herman - 0:03;

8 That pursuant to information given to the
9 deposition officer at the time said testimony was
10 taken, the following includes all parties of record:

11 For the Claimants:

12 Mr. Timothy J. Herman
13 HERMAN, HOWRY & BREEN, L.L.P.
14 1900 Pearl Street
15 Austin, Texas 78705
16 (512) 474-7300

17 For the Respondents:

18 Mr. Jeffrey M. Tillotson
19 LYNN, TILLOTSON & PINKER
20 750 N. St. Paul Street
21 Suite 1400
22 Dallas, Texas 75201
23 (214) 981-3800

24 I further certify that I am neither counsel
25 for, related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

1 Certified to by me this 2nd day of December,
2 2005.

Rhonda Watson

RHONDA WATSON, RPR, CRR, CSR #2022
Expiration Date: 12/31/06
WRIGHT WATSON & ASSOCIATES, L.L.C.
Firm Registration No. 225
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9 JOB NO. 051130RMW

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