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
SCA PROMOTIONS, INC. AND
CHERNICK, AND TED LYON
INC.,

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

For the Claimants:
   Mr. Timothy J. Herman
   -and-
   Mr. Sean E. Breen
   HERMAN, HOWRY & BREEN, L.L.P.
   1900 Pearl Street
   Austin, Texas 78705
   (512) 474-7300

For the Respondents:
   Mr. Jeffrey M. Tillotson
   -and-
   Mr. Cody L. Towns
   LYNN, TILLOTSON & PINKER
   750 N. St. Paul Street
   Suite 1400
   Dallas, Texas 75201
   (214) 981-3800

   Mr. Chris Compton
   SCA PROMOTIONS
   8300 Douglas Avenue
   Sixth Floor
   Dallas, Texas 75225
   (214) 860-3729

Videographer:
   Mr. Tim Bishop
   LEGAL VIDEO SPECIALISTS
   805 West 10th Street
   Suite 400
   Austin, Texas 78701
   (512) 476-1945

WRIGHT WATSON & ASSOCIATES, L.L.C.

(800) 375-4363     (512) 474-4363
INDEX

Appearances............................................. 2

LANCE ARMSTRONG

Examination by Mr. Tillotson....................... 4
Examination by Mr. Herman......................... 134

Signature and Changes................................. 138
Reporter's Certificate............................... 140

EXHIBITS

<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>PAGE MARKED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>June 28, 2004 email</td>
<td>69</td>
</tr>
</tbody>
</table>

WRIGHT WATSON & ASSOCIATES, L.L.C.

(800) 375-4363      (512) 474-4363
THE VIDEOGRAPHER: This is the

deposition of Lance Armstrong. The time is 10:09.
The date is November 30, 2005. You may swear in the

witness.

LANCE ARMSTRONG,

having been first duly sworn, testified as follows:

EXAMINATION

QUESTIONS BY MR. TILLOTSON:

Q. If you'll state your name for us, please.
A. Lance Armstrong.

Q. Mr. Armstrong, my name is Jeff Tillotson. I
represent respondents in an arbitration. The
respondents are SCA Promotions, Inc., and SCA
Insurance Specialists, Inc. You are aware of that
arbitration, are you not?
A. Uh-huh. Yes.

Q. You understand that you're a party to that
arbitration?
A. Yes.

Q. And that you're bringing claims against my
clients in that arbitration?
A. Yes.

Q. Have you ever been deposed before in
connection with a legal proceeding?
A. No.
Q. Okay. Let me give you a couple of ground rules. Now, I know you have attended at least a portion of one deposition in these proceedings, have you not?

A. Correct.

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

A. Yes.

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

A. Yeah.

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

A. Correct.

Q. And that penalties of perjury attach to this deposition just like they would to a court of law proceeding.

A. Of course.

Q. Now, as I ask questions, if I ask anything
to which you don't understand, or I use terminology or phraseology for which you're unclear about, would you please alert me so I may clarify my question?

A. Definitely.

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

A. Yep.

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

A. Yep.

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

A. Uh-huh.

Q. And I can comment on those changes at the time of the hearing. Do you understand that?

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

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

A. Understood.

Q. Okay. We'll try and move as expeditiously as possible through my questions, and I appreciate you being here today.

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

A. Correct.

Q. Can you tell us what your relationship, first, your business relationship with Tailwind Sports, is?

A. I'm an athlete on the team.

Q. Do you have any ownership interest in Tailwind Sports?

A. A small one.

Q. When you say a small one, can you give me an approximate percentage as to what that would be, if you know?
A. Perhaps ten percent.

Q. Do you know when you acquired that ownership interest?

A. No. I don't remember.

Q. Would it have been in 2005, or before that?

A. I don't remember.

Q. Do you have any -- is there -- do you have any recollection as to when it would have been? '02?

A. '03? '04?

A. Before today.

Q. Okay. Would it have been before 2001?

A. Probably not, but I'm not a hundred percent sure.

Q. Who would know the answer to that question as to when you acquired an ownership interest in Tailwind?

A. Bill Stapleton.

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

A. I'm sure there is.

Q. Are you still -- do you still have a contract with Tailwind?

A. Yeah.

Q. Has Tailwind Sports paid you -- well, let
First, do you believe that you are owed a bonus from Tailwind Sports based upon your victory in the 2004 Tour de France race?

A. Absolutely. Just like I was owed a bonus all the other years.

Q. Has Tailwind paid the entire amount of that bonus?

A. No.

Q. Have you made any arrangements with Tailwind for payment of that bonus?

A. Not yet.

Q. Why are you a party in the arbitration? What claims are you asserting?

A. I think I'm a party -- not that I'm a lawyer, but I think I'm a party because I'm the one owed the money from the team, and apparently that's the way it works.

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

A. Because of -- I suppose because of some allegations that have been out there.

Q. And how is it you learned that? Did you learn that from Tailwind, or did you learn that from things you read in public?
A. About the allegation?
Q. Yes. About why my clients haven't paid the money to Tailwind.
A. Well, there's been allegations for ten years.
Q. Okay. Let me -- let me rephrase it, because I'm not sure you understood what I was asking.
You obviously are aware that my clients have not paid a certain portion of the bonus money to Tailwind Sports in connection with your 2004 Tour de France. Correct?
A. In the final year.
Q. Yes.
A. Correct.
Q. How did you -- and you've given me your understanding as to why my clients haven't paid that money. How did you learn that? Who told you why my clients weren't paying that money?
A. Tailwind.
Q. Who at Tailwind? Would that be Mr. Stapleton?
A. Yeah.
Q. Do you remember when you learned that?
A. 30 days after it was due. Or 30 days after the end of the performance.
Q. Okay. So I can get a time frame here. You won the 2004 Tour de France in August of 2004?

10:15 A. Well, late July.

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

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

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

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

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

10:16 A. When did they raise them?

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

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

10:16 Q. Okay. Did Tailwind -- did Mr. Stapleton at Tailwind tell you what the specific complaints or
allegations my clients were making?

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

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

A. I don't recall.

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

A. Vaguely.

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

MR. TILLOTSON: Tim, here's one for you.

MR. HERMAN: Okay.

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

Q. Okay. Is this an ad that was run with your approval?

A. I vaguely knew about it.

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

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

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

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

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

A. Only other than trusting Bill to.

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

A. No. But I can right now, if you'd like me to.

Q. That's all right. I'm just --
A. I mean, let me -- let me just take a look at it.

Q. Sure. Feel free to read it.

A. Okay. I don't really see the veracity.

Q. Okay.

A. A lot of this is cut and paste from either you guys or officials.

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

A. I don't see -- what I just read, I don't see that any of it's false.

Q. Okay. Thank you.

A. So I would -- I would have no problem putting my picture in its place.

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

A. No.

Q. Had you ever even heard of SCA before then?

A. No.

Q. Okay. It says there in the last sentence, "The day SCA's payment was due, however, we instead received a letter stating they would refuse to pay pending an 'investigation' into drug allegations against Lance." Do you see that?

A. Uh-huh.

Q. Were you made aware of that letter by Mr. Stapleton?

A. Well, obviously, 30 days later, I called and said, where's the money.

Q. Have you ever seen the letter that's referred to --

A. No.

Q. -- in this?

Okay. Would you -- would you agree with me that within 60 or so days of your victory in 2004 in the Tour de France, that you and Mr. Stapleton were aware that my clients were refusing to pay under the contract because they wanted to conduct an investigation into allegations of drug use?
A. Obviously, we were aware that they had questions. The first being, you know, could they see the copies of the drug testing results.

Q. Okay.

A. Which to the best of my recollection, we agreed to do, overriding the decision of UCI. That's kind of where we thought the investigation was starting in.

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

A. I wasn't aware of that, no. Medical records like?

Q. Your medical records.

A. Which medical records?

Q. Well, if you'll look at the ad, it references what -- what was request -- requested. If you'll see at the bottom paragraph, second-to-last paragraph, it says, "The truth is, SCA has demanded free and unlimited access to 'every medical record and medical provider of Mr. Armstrong; his complete medical history; all records of Armstrong's past bonus awards; and all contracts involving Armstrong, Tailwind, US Postal Service, Capital Sports & Entertainment, Disson Furst, and related entities and
10:23 1 individuals." Do you see that?
A. Yeah.
Q. Okay. My question is, were you aware that
that demand had been made --
A. No.
Q. -- by my client to --
Okay. Do you have access to the actual
test results from a particular race?
A. Like?
Q. In other words, the actual physical
documents --
A. We're done with this?
Q. -- documenting test results.
A. You done with this?
Q. Yes, we are.
A. Not unless we need to request them like we
did here.
Q. Do you know if Tailwind actually got your
actual test results, the documentation showing those
results in connection with the request by my client?
A. I don't know.
Q. Okay. I want to go back and ask you some
questions now, moving off the 2004 Tour de France.
You attended the deposition of Ms. Betsy Andree, did
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
mother, John Korioth. There could have been 10 or 12
people in the room.

Q. And you recall those people being there?
A. Roughly, yeah.

Q. Okay. So that I -- so that I understand
what you're -- what you're -- what you're testifying
to, you do recall being in like a conference room or a
large room at the hospital with a variety of people?
A. Yeah, you know -- and after hearing that,
going back and looked at --

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

Q. (BY MR. TILLOTSON) Okay.
A. Watching a football game.

Q. Okay. So at least that part of the -- of
the testimony of Mr. and Mrs. Andreu, and I also
believe Ms. McIlvain about them remembering you being
in a room with a TV on, or a football game, you at
least remember that part?
A. Yeah. Oh, I think we can all remember that.

Q. Okay. And then you vaguely recall perhaps
other people being there like Mr. Stapleton, John
Korioth, and perhaps your -- your mother or --
A. I was never in the hospital without Bill Stapleton, my mother, and Jim Ochowicz, ever, in any room. It would be impossible to be anywhere in that hospital without them.

Q. Okay. Now, you were -- before your counsel wisely interrupted you, you said, in fact, you had gone to check on something. What is it you were -- you were checking on?

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

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

A. Absolutely not.

Q. Okay.

A. That didn't happen.

Q. Okay. Do you remember if any professionals from the hospital came in your room --

A. Not that I remember.
Q. -- that you recall?

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

A. Space.

Q. Space. That's why you were in this room with the TV on --

A. Correct.

Q. -- that's not a hospital --

And do you recall when in the course of your treatments or stay at the hospital this was? The beginning? The end? The middle?

A. First half.

Q. Was it -- was it prior to your surgery, prior to your brain surgery?

A. After.

Q. After?

Do you remember who your anesthesiologist was in connection with your treatment there for the surgery?

A. No.

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

Did you -- did any medical person ask
you, while you were at the Indiana University Hospital, whether you had ever used any sort of performance-enhancing drugs or substances?

A. No. Absolutely not.

Q. So that just never came up. No one ever --

6 no -- as part of your treatment, no one ever asked you that?

A. No.

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

A. Well, she said in her deposition she hates me.

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

A. Whether she's making up that she hates me?

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

A. Yeah.

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

A. Yeah. Vaguely. But I have no idea why she did that --
Q. Okay.
A. -- other than she hates me.
Q. Okay. I'm -- obviously, you had a relationship with them. And you knew her, and you go back some time with her. And I'm asking if --
A. I knew her very little, not very well.
Q. Why would Mr. Andreu say the same things, if you know?
A. Probably to support his wife, which I don't know if you're married or not, but --
Q. I am.
A. -- sometimes is required.
Q. And so you think -- is it your testimony that Mr. Andreu was also lying when he said that he heard you say those things regarding your prior use?
A. 100 percent. But I feel for him.
Q. What do you mean by that?
A. Well, I think he's trying to back up his old lady.
Q. Were you able to examine the tape that Mr. Andreu made of his conversations with Mr. Stapleton and Mr. Knaggs --
A. No.
Q. -- several years later?
Okay. Do you remember at the
deposition a transcript being produced of -- of the
tape he says he made?

A. Yes.

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

A. No, sir.

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

A. (Witness so doing.)

Q. All right. If you'll see there at the
top -- and I believe Ms. Andreu testified that F was
Frankie, and we've got either Mr. Stapleton or
Mr. Knaggs. If you'll look down, if you count down
one, two, three, four, five, Mr. Andreu was reported
to say, "She won't do that. I don't see -- I believe
she would come out with a statement saying that
David -- about the hospital room. She didn't -- she
did not tell David Walsh about the hospital room. I
know that for sure --" And then there's a "What,
what --" and then Mr. Andreu says, "Cuz I never told
anybody about the hospital room, you know." Someone
says, "Right."

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

A. Uh-huh. I do. It's hard to follow, but I
see it.

Q. Okay. If Mr. Stapleton was at the hospital
room watching the game, and knew that the hospital
room incident had never happened --

A. Uh-huh.

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

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

Q. If you'll turn to page five of this
transcript. Let me ask you this before I ask another question about some actual comments. Did you know that Mr. Stapleton and Mr. Knaggs were going to go meet with Mr. Andreu to discuss the possibility of obtaining an affidavit or a statement from Ms. Andreu regarding Mr. Walsh's book?

A. No. Not that I remember.

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

A. Not to my recollection.

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

A. Not to my recollection.

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

A. Oh, I think that would be unfair to say. I mean, there's -- the Tour is wide open. There are people everywhere. Frankie is somebody that was on our team. I mean, people were talking about the book, obviously, so -- it didn't come up like that, but --
Q. Was Mr. Andreu on the team in '04?
A. No.

Q. Okay. So I think it was their testimony that this conversation took place in 2004. It would have to have been because they're talking about Mr. Walsh's book which wasn't published till 2004. Right?
A. Correct.

Q. Okay. And I -- I don't think I fully understood what you were telling me. Do you recall if Mr. Stapleton or Mr. Knaggs told you that they had this conversation with Mr. Andreu?
A. Not this -- I mean, not this specific conversation. But they could have said that they saw Frankie in the lodge or outside the bus. I don't know.

Q. Okay. Have you had a chance to review Mr. Stapleton's deposition?
A. No.

Q. Do you know why Mr. Stapleton, in his deposition, testified that the only conversation he'd had with Frankie Andreu at the 2004 Tour de France was to say hello to him?
A. I have no idea.

Q. Have you and Mr. Stapleton discussed this
transcript since it was produced by Ms. Andreu?

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

Q. What did he say? No?

A. Obviously, he said no.

Q. Okay. They never do.

What else did he say about the transcript or the tape?

A. That's it. Nothing else.

Q. Did he discuss or talk to you about what he had testified in his deposition about speaking to Frankie Andreu?

A. No.

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

A. I see it.

Q. -- person talking.

A. Okay.

Q. And he's attributed to saying, "So -- and
nobody is bothering her, and the thing is I have
fucking protected Lance for a long time, not in me not
talking about it in every interview I give. I frickin
talk to this stuff, I say everything good, and I like
him, you know and you know." Do you see those
statements?

A. I see it.

Q. Do you know what he's talking about when he
says he's protected you for a long time?

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

Q. Do you know if he was referring to the
Indiana hospital room statements?

A. I have no idea.

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

A. Uh-huh.

Q. -- where you asked him how Betsy was taking
the revelation of the statements you said in the
Indiana hospital room. Did he just make that up, too?

Is that not true?
A. Totally false.

Q. Now, prior to -- to Mr. Andreu's deposition, you did -- you did call him, did you not?

A. I -- yes.

Q. Did you actually speak to him?

A. Yes.

Q. What was your reason for calling him?

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

Q. Any other reason you called him?

A. Other than to say hello, no.

Q. Were you trying to influence his testimony in any way?

A. Of course not.

Q. Were you trying to warn him?

A. Of course not. And, in fact, he -- he -- he said that on the phone. He said I totally understand. He said I haven't heard of any of this stuff either.

Q. Did you -- did you discuss with him the statements attributed to you in the Indiana University Hospital room?

A. No.
Q. And so you didn't tell him that you believed that that was not true during this phone conversation?

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

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

A. No, it didn't. How could it have taken place when I've never taken performance-enhancing drugs?

Q. Okay.

A. How could that have happened?

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

A. How many times do I have to say it?

Q. I'm just trying to make sure your testimony is clear.

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

Q. Okay.
A. How clear is that?
Q. Okay. I think it's clear. Let me -- can I ask you some additional questions as a followup on that?
A. Sure.
Q. You have never taken any performance-enhancing drug in connection with your cycling career.
A. Correct.
Q. And that would include any substance that's ever been banned. Is that fair to say?
A. Correct.
Q. Okay. Well, why don't you give me the definition of what you're using when you say you've never taken any performance-enhancing substances. What would that include? Anything banned?
A. That would have -- well, it would include anything on the banned list.
Q. Okay. For example, would -- would that include that you've never used your own blood for doping purposes, for example?
A. Abso -- that would be banned.
Q. Okay. I'm not trying to agitate you. I'm just trying to make sure your testimony is clear.
A. Okay.
Q. Okay?

All right. I understand that you find allegations regarding that to be agitating. But I'm just asking you questions. Okay? I'm not trying to -- to insult you.

A. Okay.

Q. All right? Fair enough?

A. Fair enough.

Q. Okay. Did you speak with Stephanie McIlvain before her deposition?

A. Yes.

Q. Okay. When did you talk to her?

A. I don't recall. She called me about her neighbor.

Q. Okay. Was this a neighbor that needed some help, or was this the neighbor that has cancer?

A. Correct.

Q. Okay. What did you talk with her about, other than the personal things related to her neighbor?

A. That's it.

Q. Did you talk about her upcoming deposition?

A. No.

Q. Did you talk about any of the testimony from Cathy LeMond, Greg LeMond, or the Andreu?
A. No.
Q. Did anyone, to your knowledge, at your direction contact Ms. McIlvain regarding her deposition?
A. Not that I know of.
Q. So Mr. Stapleton, or Mr. Knaggs, or someone at their direction, to your knowledge, didn't call Ms. McIlvain to discuss --
A. Not to my knowledge.
Q. Okay. What is your business relationship with Oakley?
A. I'm a -- are you done with this?
Q. Yes.
A. Okay. I'm an endorsed athlete. Have been for a long time.
Q. Okay. You continue to have a contract with Oakley?
A. Correct.
Q. Does Ms. -- does Ms. McIlvain continue to be a representative of Oakley that has responsibility for you?
A. I think so.
Q. How frequently do you have contact with her regarding your business with Oakley?
A. I don't know. A few times a year.
Obviously, before key events. You know, they need to make sure that you have the proper equipment, or if they have something new they would like for you to try, et cetera, et cetera.

Q. She testified that she was in -- she remembered being in the conference room, or the big room watching the football game. Do you recall her being there?

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

Q. Okay.

A. I remember watching a football game.

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

A. Well, if I've never taken performance-enhancing drugs, I never would have told a doctor that I took performance-enhancing drugs, therefore, they never would have written down in any records that I'd taken performance-enhancing drugs.

Q. Therefore, do you have any opposition to -- to providing my clients with a release to obtain those
medical records --

A. Well, I'm sure --

Q. -- to corroborate that?

A. I'm sure -- I'm sure we do, yeah. I don't think anybody --

MR. HERMAN: That's something that I --

that's something that I will take under advisement, Jeff.

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

MR. HERMAN: All right.

MR. TILLOTSON: Okay.

MR. HERMAN: Your request is duly noted.

MR. TILLOTSON: Thank you. Thank you.

Q. (BY MR. TILLOTSON) Have you spoken to Mr. Andreu since his deposition?

A. No.

Q. Has anyone at your request or at your direction spoken to Mr. Andreu regarding his deposition?

A. I don't know.

Q. What he said?
A. Huh?

Q. You said you didn't know?

A. I said I don't know.

Q. Okay. How are you kept up to speed regarding this legal proceeding? Is it through Mr. Herman or through Mr. Stapleton?

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

Q. Okay.

A. -- I get bits and pieces.

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

A. It's a mix of both, or Mr. Breen, or --

THE WITNESS: Mr. Breen.

MR. BREEN: Sir.

THE WITNESS: I've never called you Mr. Breen.

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

MR. TILLOTSON: I didn't mean to leave you out of that list of distinguished individuals.

I'm sorry.

MR. BREEN: Thank you for including me.
THE WITNESS: You're welcome, sir.

Q. (BY MR. TILLOTSON) Can you tell us when you first started going to Doctor Ferrari as a trainer or a coach?

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

Q. How did you meet, and what were the circumstances surrounding it?

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

Q. Okay. When did you first start going to him for training or coaching as opposed to just simply meeting him?

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

Q. So it would have been in the mid -- it would have been in the mid '90s, before your cancer treatment --

A. Yeah.

Q. -- you were using him.

And how does it work, Mr. Armstrong?
Do you actually retain him as a coach? Is it -- is it just odd consultations that you go see him? I mean, can you explain to me how it works with him?

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

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

A. I think he does that. I think he has a business of that. I think he does that for a lot of everyday cyclists and probably some other athletes.

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

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

Q. Okay. Has Mr. Carmichael remained being your coach since that same time period, the mid '90s?
A. Correct.

Q. And Mr. Bruyneel, what relationship does he play as far as the coaching or training? What's his role?

A. He's the -- what they call the director sportif or basically the -- the best description would be the head coach.

Q. Okay. How often were you seeing or visiting with Doctor Ferrari prior to your cancer treatment?

A. I don't know. Not much.

Q. A few times a year, for example?

A. A few times a year.

Q. And how is Doctor Ferrari paid? Is it paid per visit? Per training session?

A. I don't recall exactly. I mean, based on -- yeah, based on time commitment, and...

Q. Do you have to separately negotiate that fee arrangement with him?

A. I don't remember. I mean, it was not so strict.

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

A. As an advisor.

Q. As an advisor.
What's the difference between an advisor and trainer/coach?

A. Well, I think trainer/coach -- coach, I would put on Johan. Trainer, I would put on Chris. Advisors could be, you know, ten different other people.

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

A. Sure.

Q. With respect to --

A. I don't know if there's ten, but there were a lot.

Q. With respect to the actual preparation for the racing as opposed to, say, financial advisors --

A. No, no, no, no. You know, yeah, hanging around and winning the Tour.

Q. Okay. Would it be fair to say that of those advisors that Doctor Ferrari was the most significant one to you?

A. I don't -- I don't -- I don't think that would be fair to say.

Q. Okay. Can you give me one who you felt -- an advisor who you felt was more significant to your training --
A. Well, it just depends. I mean, you could say somebody -- the -- you know, the people at the wind tunnel who design the position and the equipment in and around the time trials, they're the most important in terms of true cost and true savings.

Q. Okay.

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

Q. Okay. Fair enough. How frequently did you go see Doctor Ferrari between the '99 and 2003 period?

A. Not very often.

Q. Okay. A few times a year? Six times a year? Ten times a year?

A. Maybe a few times a year.

Q. I'm sorry. Say that again.

A. Maybe a few times a year.

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

A. Call him.

Q. Now, when you -- when you started going to see Doctor Ferrari in the mid '90s, what were the
reasons why you wanted to use him?

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

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

A. Oh, I think -- I think in those days, anybody who rode fast or performed well had a questionable reputation, which hasn't changed to this date.

Q. Mr. Andreu testified in his deposition that he -- he -- that you recommended he use Doctor Ferrari. Is that true?

A. I recommended that Frankie train smarter. I never specifically said you should go see Ferrari.

Q. Okay. Did you recommend to any of your teammates that they should use Doctor Ferrari?

A. I recommend that they all train smarter.

Q. When you say train smarter, tell me what you mean.
A. Use better training programs, train smarter. I don't -- I don't know how else to describe that.

They can go wherever they want to go and use whoever they want to use.

Q. Did you ever discuss what you were doing with Ferrari with your other teammates, Tyler Hamilton, Frankie Andreu --

A. Well --

Q. -- Kevin Livingston?

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

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

A. A mix of both. Either Italy or in South France.

Q. And can you describe for me what kinds of things you would do with him?

A. Just a test. A physical test.

Q. Like what? I mean, would it involve riding
or --

A. Riding.

Q. Did it involve analysis of your blood, or your physiological makeup?

A. Well, you weigh yourself, so you get your body weight. Lactate testing, of course, like any physiological test.

Q. Okay. Were -- were there results that were written from these tests that you could see?

A. Yeah. You have to write down the level, or, you know, the intervals and the levels.

Q. Would he recommend nutrition or other things like that?

A. He's very particular about nutrition. There was never anything written down, anything specific with regards to nutrition. But body weight being the most important thing, probably the most important thing in cycling.

Q. Would he recommend vitamins or other supplements --

A. No.

Q. -- to take?

A. No.

Q. Mr. Gorski testified in his deposition that he's -- saw you or met Doctor Ferrari and you at a
training session in Austin. I think he -- he pointed
to the approximate 2000 time period. Do you recall
that?

A. I don't recall it, but I wouldn't deny that,
no.

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

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

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

A. Those are untrue. I've never denied that.

That's been common knowledge since 1996.

Q. Now, how was it common knowledge in 1996? I
mean, what --

A. It was written.
Q. Okay. Written where?
A. In La Gazzetta, written in other publications. Journalists knew about it. Even if a journalist doesn't -- knows about it, but doesn't write about it. I think that says a lot.

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

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

Q. Why not mention Doctor Ferrari, if he's had a significant impact on you, in your book?
A. I -- I've never said he had a significant impact. I didn't -- you cannot put everybody in your
Q. Did you -- did you consciously avoid putting Doctor Ferrari in your book --

A. No.

Q. -- and describing the training?

I mean, because you do describe some of the training routines you do in your book that you've gone through.

A. Uh-huh.

Q. Do you not?

A. I think so.

Q. Okay.

A. It's been a while since I wrote it.

Q. All right. Fair enough. But you lived it, so -- so you're one up on us.

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

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

Q. Were you at that time period, in 2000, sensitive about revealing that -- your training relationship with Doctor Ferrari for fear that people
might get the wrong impression?

A. No.

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

A. Well, I didn't hear from the team. I didn't hear from any sponsors. I didn't hear from UCI. I didn't hear from any friends or family.

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

A. I don't recall that.

Q. So he never told you he was concerned about your training relationship with Doctor Ferrari that you recall?

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

Q. Did Mr. Andreu ever tell you to be careful about Doctor Ferrari?

A. Not to my recollection.

Q. Did he ever tell you he wasn't going to go to Doctor Ferrari because he was concerned about Doctor Ferrari's bad reputation?

A. Not to my recollection.
Q. I haven't asked you, but given your past answers I know what it will be, but I need to ask you now. Did Doctor Ferrari ever suggest to you that you should use, take, or consider taking performance-enhancing drugs or substances?

A. Never. Absolutely not.

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

A. No. In fact, to the contrary.

Q. Tell me what you mean by that when you to the contrary.

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

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

A. Oh, no.

Q. -- there's some improper conduct by -- by
Doctor Ferrari.

You're obviously aware of Greg LeMond's testimony regarding Doctor Ferrari, and his conversation with you. Correct?

A. Oh, I'm aware of Greg's statements over the years, yeah.

Q. Did -- have you read Mr. LeMond's deposition?

A. No.

Q. Okay. But you've been told and made aware --

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

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

A. Correct.

Q. When it was -- when it was news in 2001. You recall that. Right?

A. Well, it wasn't really news. It had been written before that, but...

Q. Well, as I understand it, Mr. Walsh, David Walsh, was going to write an article detailing your relationship with Doctor Ferrari in 2001. Do you
recall that?
A. I do.
Q. And do you recall that your team, Mr. Stapleton and/or Mr. Gorski, in effect leaked that information two weeks before the article came out?
A. I don't recall that, no.
Q. Were you part of the -- did you authorize the decision for Mr. Gorski and/or Mr. Stapleton to talk publicly about your relationship with Doctor Ferrari because they believed Mr. Walsh was going to write about it?
A. No.
Q. Were -- did Mr. Gorski come to you and ask you about your relationship with Doctor Ferrari prior to issuing public statements about it in 2001?
A. Not to my recollection.
Q. You do recall that Mr. Walsh was going to write about your relationship with Doctor Ferrari in 2001, that you were given advance notice of that.
A. I don't know what he's going to write about. We did the interview. He asked about it.
Q. Okay. And was there any discussion between you and any of your advisors regarding whether or not you should preempt that story by telling another newspaper, magazine about your relationship with
Doctor Ferrari?

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

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

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

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

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

MR. TILLOTSON: Now is fine. Now is fine.
MR. HERMAN: Is that okay?

MR. TILLOTSON: Now is fine. Sure.

Let's go off the record.

THE VIDEOGRAPHER: 11:02, off the record.

(RECESS.)

THE VIDEOGRAPHER: 11:22, on the record.

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

We were talking about Doctor Ferrari. I want to read to you or show you some testimony from Mr. Gorski. At page 78 of his deposition in this case, he testified that he was, quote, uncomfortable in meeting Doctor Ferrari, first of all. "I was uncomfortable in his presence there, and I communicated that to Lance. And I said my feeling was, because of his reputation solely, whether any of it is true or not, which I didn't know, I hadn't followed the case, I couldn't even tell you, you know, what the outcome was, but simply his presence there, given his reputation, I was uncomfortable with his
presence there." Speaking about Doctor Ferrari. Do you recall if Mr. Gorski expressed that sentiment to you?

A. As I said, I don't recall that. I'm not saying it didn't happen. I'm saying I don't recall that.

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

A. Well, obviously, he was under investigation at some point.

Q. When did you learn that?

A. I don't remember.

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

A. I don't remember.

Q. Well, he's the president or the manager of the team. Right?

A. Uh-huh.
Q. The US -- the United States Postal team at that time period. Right?

A. Of -- yeah. Dylan, or whatever it was, Disson Furst.

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

A. I have no idea. I guess he didn't read it.

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

Answer: "Yes."

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

A. Only in the regard that I was asked the question the day before, and I answered it, like I had
Q. Now, Mr. Gorski testified in his deposition, page 81, that he issued public statements regarding Doctor Ferrari at that time period; and said that Doctor Ferrari didn't have any official relationship with the team. Is that true?

A. I suppose so. I don't remember.

Q. Well, was he your advisor, or was he an advisor to the team?

A. Not an advisor to the team.

MR. HERMAN: Are you talking about Ferrari?

MR. TILLOTSON: Yes.

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

A. Yes, I do.

Q. What was your reason for calling Mr. LeMond?

A. I was surprised at his comments. We had been friends. I had grown up, like most cyclists that are my age, or even around the same generation, grown up idolizing him and respecting him. So -- and I had
never seen any -- any indications of that type of
comments or behavior before, so I called him and said,
what's up with that.

Q. Okay. What did he respond, as you recall?
A. I thought, you know, the comment --
obviously, I've heard his recollection of the
conversation, which is completely opposite from my
recollection, because Greg, who I know has serious
drinking and drug problems, is -- was clearly
intoxicated, yelling, screaming. I had to practically
keep the phone about a foot away. I then knew I was
dealing with a wild man, and just -- just tried to get
through the conversation.

Q. Okay.
A. But it was an assault on the other end,
which is obviously opposite of what we've all read and
seen.

Q. Okay. Let me ask about that. You did call
him. He didn't call you. Is that -- is that right?
A. I called him --
Q. Okay.
A. -- at the Four Seasons in New York.
Q. Okay. To -- to --
A. His cell phone.
Q. Okay. From your cell phone --
A. No. To his cell phone. I called from the LAN line.

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

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

Q. Right.

A. -- anything that David Walsh says. So just to -- just to clarify that it was, in fact, what he said.

Q. You said that Mr. LeMond has -- has serious drinking and drug problems?

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

Q. Okay. And is it your testimony you could tell that he was intoxicated on the phone when you talked to him?

A. Aggressive, agitated, angry, belligerent, like a drunk.

Q. Okay. Were his words slurring, or was he irrational in some sense?

A. I think his words always pretty much slur.

Q. Okay. All right. Okay. He says that you said, in response to his comments, or words to the
effect of, that everyone dopes or everyone does it.

A. Uh-huh. Uh-huh.

Q. Or come on, Greg, you know we all do it.

A. Uh-huh.

Q. Is that untrue?

A. That's absolutely not true. Why --

Q. I'm sorry. Go ahead.

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

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

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

Q. Okay. Have you said things to -- to people like Mr. LeMond or -- Mr. LeMond or others, that lots of cyclists dope as an indictment or a comment on others, but not yourself; and Mr. LeMond has misinterpreted that as an admission by yourself?
A. Well, I -- I would not say that, because I
don't live with, train with, sleep with, hang out with
lots of other cyclists, so I couldn't say that. That
would be unfair.
Q. Okay. So his statement that he attributes
to you, which he describes an admission by you, is
completely untrue?
A. Completely untrue.
Q. Made up by him?
A. A hundred percent made up.
Q. What about his statement attributed to you
that you told him you could get ten people to sign
statements or affidavits that he doped?
A. No. I -- I don't -- maybe that's possible.
I don't think I could. I don't -- I'm not interested
in that, so why would I have said that.
Q. So that part is made up by Mr. LeMond, as
well?
A. Absolutely.
Q. Okay. Do you know why Mr. LeMond would say
these things about you?
A. You know, the one -- the most -- really, the
most interesting part of that conversation, and this
is going to sound incredibly juvenile, but I said,
Dude, I thought we were friends, you know, we've been
good with each other. And he continued to scream, and say, friends, what do you mean friends, you didn't even invite me to the Ride for the Roses this year. I'm like, wait a minute. Is that the issue here. I said, well, we didn't invite you because last year you were drunk the whole time. You set up competing autograph sessions when we were trying to do good things for the fight against cancer. I said, we invited you to the gala when we were going to introduce everybody that was there, Miguel Indurain, Eddy Merckx, the greatest of all time. You showed up literally 60 seconds before you were going to be introduced. Of course, we didn't invite you back. We've got people that expect -- expecting you to be there, expecting you to contribute to the cause, and we can't rely on you. No, of course not. That offended him. But that was the truth.

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

A. I think Eddy knew -- obviously, Eddy is a close friend, and -- yeah. If Eddy has known him for a long time, I don't -- I don't know.
11:33 Q. Well, you said you met him in Southern California.

11:33 A. Uh-huh.

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

11:33 A. I don't recall.

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

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

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

11:34 Q. What else do you recall being discussed in this phone call, other than what you've told me?
A. Oh, he -- you know, he said the sport is full of crooks, and thieves, and liars, and cheats, and frauds, and -- you know, literally -- literally screaming at the top of his lungs. And then I just said, well, yeah, and it's made you everything you are today, Greg. He didn't like that either.

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

A. I have no idea.

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

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

Q. But was not -- if it was done, it was not with your knowledge, consent, or encouragement.

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

Q. What is it about his comments that -- that were so upsetting to you?

A. Well, let me see. Being called potentially the biggest fraud in the history of the sport, that was a little bit upsetting.

Q. But didn't he say if you, in fact, were
doping, you would be the biggest fraud?

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

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

A. Such as?

Q. His famous comment about doping and orange juice?

A. Well, what's the -- what's the -- what's the quote?

Q. Are you aware of his comment that he made regarding the safety of EPO and equating it to drinking orange juice?

A. I would have to see the comment.

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

A. No.

Q. Okay. That is him, isn't it? Is that life size?

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
11:37 24 there.
11:37 25 Q. Okay. And then you severed your
relationship with him based upon that conviction. Is that -- is that true?

A. True. No, we suspended it. Yeah.

Q. Suspended it. But did you use Doctor Ferrari for anything after he was convicted?

A. Of course not.

Q. Okay. You say you suspended it. It's not been reinstated. Your relationship with Doc -- was never reinstated.

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

Q. Of course. But, for example, for the 2005 Tour de France, you had no contact with Doctor Ferrari?

A. Of course not.

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

A. Uh-huh.

Q. If you'll look at page two. This is an article about your relationship with Doctor Ferrari.

MR. HERMAN: What page?

MR. TILLOTSON: It's the third page.

I'm sorry. It says at the top Page 2 -- 2 of 5.

MR. HERMAN: Okay.
MR. TILLOTSON: That's just the bottom part.

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

A. I suppose. I mean, mostly -- I don't know. There's not a lot of email.

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

A. Sometimes.

Q. Have you retained those?

A. No.

Q. Did you have a nickname for Ferrari?

A. Michele, his name.

Q. Okay. Did you have any other nickname for him?

A. No.

Q. Did you ever call him or refer to him as Schumi?

A. Occasionally. I mean, Ralph Schumacher is -- is a driver. It's something they call -- I mean, I'm sorry, Michael Schumacher is Schumi. So is Ferrari sometimes, but not -- predominantly Michele.
Q. Would you refer to him in emails as Schumi to people?

A. I don't know. Perhaps.

Q. Let me show you what we'll mark as Exhibit 1 to your deposition.

(Exhibit 1 marked.)

MR. TILLOTSON: I only have one copy, but --

MR. HERMAN: Okay.

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

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

A. Yeah.

Q. Is it an email you sent?

A. Well, apparently so. It has my name on it.

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

A. I don't remember it, but I'm not saying it's not mine.

Q. Okay. You refer to -- to -- first of all, 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 you see that?
11:41 7 A. Yeah.
11:41 8 Q. What test do you think you're referring to?
11:41 9 A. A physical test.
11:41 10 Q. Okay. Now, you say Schumi -- even Schumi is pleased. Do you see that?
11:41 11 A. Even Schumi is psyched. Yeah.
11:41 12 Q. Yeah, psyched. What does that mean?
11:41 13 A. Pleased.
11:41 14 Q. Okay. And this test is nothing other than the physiological test that you described for us earlier?
11:41 15 A. Yeah. Right here, this VAM test.
11:41 16 Q. Okay. Now, if you'll turn to page three of this article in the USA Today. We're finished with Exhibit 1. On Page 3 of 5, the fourth paragraph down, this article says, "Armstrong first acknowledged the relationship with Ferrari in 2001 after newspaper stories brought up the issue at the same time his U.S.
Postal team was under investigation by French prosecution for alleged doping in the 2000 Tour." Do you see that?

A. Uh-huh.

Q. Okay. Do you disagree with that, that's not the first time you acknowledged your relationship with Ferrari in 2001?

A. How could that be when it's been written before?

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

A. Of course not.

Q. You mentioned one article, or one magazine that you said you remembered it in, which was Lazzette, I think you said?

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

Q. Okay. Well, you described --

A. If it's written, then I don't -- if it's written, and I don't make an effort to refute it also says something.

Q. Okay. You had said that your relationship with Doctor Ferrari was public knowledge. And I've seen Mr. Gorski who told me he didn't know in 2000. I've seen the USA Today which says you first
acknowledged it in 2001. My question is, what's your basis for saying your relationship with Doctor Ferrari was public knowledge prior to the 2001 time period?

A. Well, I'd been asked about it. I confirmed it. People knew it. People wrote it.

Q. Do you --

A. Other than that, I don't know --

Q. Whom do you recall --

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

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

A. I don't know. Other -- several other journalists.

Q. Can you think of any of them?

A. It's not important. It was written. You can find it.

Q. Okay. My question is, can you think of any of them as you sit here today?

A. Oh, I mean, Sam Abt knew about it, Angela Zominem (phonetic) knew about it, Fia Ragonzi (phonetic) knew about it. Whoever wrote the article for Cycle Sport, which was David Walsh's magazine, knew about it.
Q. Were payments for Ferrari's services made by you personally, or by the team?

A. Not by the team. It would have been from me, but I don't remember exactly how those happened.

It wasn't very --

Q. Well, would you -- do you remember actually writing checks to Doctor Ferrari, for example? You personally?

A. I don't -- I don't recall.

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

A. I don't recall. I doubt it.

Q. Can anyone write a check on your behalf for your money, other than you?

A. Probably.

Q. You may want to run that down.

A. Probably.

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

A. I don't think so.

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

A. Perhaps all of the above.
Q. And when you say perhaps, do you have any recollection as to how you paid Doctor Ferrari?

A. All of the above.

Q. Check, wire, cash?

A. Not cash.

Q. Okay. But either by check and/or by wire?

A. Yeah. Well, it would have had to have been.

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

A. Yeah. That --

Q. We won't be able to reach a consensus --

A. To the best of my recollection, it would have had to have been either one of those.

Q. And is there a written agreement at any time with Doctor Ferrari --

A. No.

Q. -- that you have?

One of the individuals who testified at the criminal trial, Filippo Simeoni. I think I'm pronouncing that correctly. You know who he is.

Correct?

A. Correct.

Q. Do you have any knowledge regarding the truth or falsity of the statements he made in that
trial?

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

Q. Have you ever described him publicly as a liar regarding what he says Doctor Ferrari did with him?

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

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

A. I wasn't there.

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

A. If I was sitting in the room, and saw that happen --
Q. Yes.
A. -- you mean?

Sure. Yeah.

Q. Or if that athlete told you?
A. Simeoni?
Q. Yeah.
A. No. Because I don't trust Simeoni.
Q. Do you know any others --
A. Simeoni was trying to get --
Q. I'm sorry. Go ahead.
A. -- a lesser sentence. Which he did. Two years to three months.
Q. So is it your -- is it your belief or feeling that Mr. Simeoni exaggerated testimony about Doctor Ferrari to cover hisself?
A. Yeah.
Q. And your basis for saying that, other than not believing him? What is your basis for saying that?
A. Well, I -- the problem with Simeoni's testimony was that they confiscated his training log, and he had been doping for four or five years before he ever met Doctor Ferrari.
Q. Do you know if Tyler Hamilton ever used Doctor Ferrari?
A. I know they -- they would have met each other. I don't know to what extent they worked together.

Q. Did you -- did you ever discuss with Tyler Hamilton training techniques with Doctor Ferrari?

A. With Tyler Hamilton, with Ferrari?

Q. Well, at one point in time you and Tyler Hamilton were teammates. Correct?

A. Correct.

Q. And do you remember how many years that was?

A. Oh, we would -- it would have been three or four years, I suppose.

Q. He was gone by '04. Right?

A. He was gone by '03.

Q. Okay.

A. I think he left in '02.

Q. But he was a teammate for at least some of your --

A. Yeah, a few years.

Q. -- Tour de France victories.

A. Yes.

Q. Fair enough?

A. Yeah.

Q. Okay. And do you know if during that time
period he used Doctor Ferrari for training?

A. I don't know. I know that they knew each other. I'm sure that Michele would have tested him.

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

A. Testing?

Q. Anything about your relationship with Doctor Ferrari.

A. I don't remember.

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

A. I would have -- I would -- that never happened. I would have remembered that. I don't --

Q. Do you have any knowledge as to whether or not Tyler Hamilton was using illegal substances while he was your teammate?

A. Not that I ever saw.

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

A. Yeah. I mean, I know there's -- there's an
issue there. I don't -- I don't know what's the status of the -- the appeal in front of CAS, but...

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

A. No.

Q. Have you spoken with him about it?

A. No.

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

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

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

A. No. Nothing.

Q. Okay. There's been testimony by Stephen Swart. Do you know who he is?

A. I do.

Q. Regarding a discussion had in the '94 time
period involving you, Frankie Andreu about the need to start a doping program.

A. Uh-huh.

Q. Are you aware of Mr. Swart's testimony in that --

A. I'm aware of that quote, yeah.

Q. Okay. That allegation also. You're aware of that allegation?

A. That allegation.

Q. Okay. Is that untrue?

A. That's 100 percent false.

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

A. The only aspect that is true is that he was on the team. Beyond that, not true.

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

A. I don't ever recall that happening.

Q. Are you aware of Mr. Andreu's testimony regarding the subject matter?

A. No.

Q. Have y'all seen that?
Okay. Why would -- why would Mr. Swart offer that testimony?

A. I have no idea.

Q. Does he have any particular grudge or -- or -- or anger with you that you're aware of?

A. I have no idea.

Q. Have you ever discussed with him his statements regarding this supposed conversation that took place where you discussed the need for a doping program?

A. No. I would have no idea how to get ahold of him.

Q. Okay. During that time period - this is '94, '95 time period - were you aware that other cyclists, professional cyclists were doping?

A. Well, again, I didn't sleep with anybody, I didn't live with anybody, so -- doping in sport has existed since the original Olympic games, so hypothetically could you say that, yeah.

Q. Well, not hypothetically. I appreciate that testimony. I'm talking about actually during that time period.

A. Do people test positive sometime, yes.

Q. Did you have suspicions regarding the use of other professional cyclists regarding doping based
upon their performances in races, for example?

A. No. That's not my style.

Q. Okay. Mr. Carmichael has been a coach or an advisor for quite some time?

A. Yes.

Q. Do you have a business relationship with Mr. Carmichael today?

A. Yeah. I'm on the board of his -- of his company and part owner.

Q. Okay. What company is that?

A. Carmichael Training Systems.

Q. Where is that located?

A. Colorado Springs.

Q. Do you know if Mr. Carmichael was ever involved in any doping in connection with any athlete he's dealt with?

A. Not that I recall.

Q. Do you know the particulars of his dispute with a Mr. Strock?

A. No, I don't.

Q. Do you know who -- when I say Mr. Strock, Greg Strock, who I'm referring to?

A. Oh, yeah. Well, I know Greg because he was on our national team long -- long time ago.

Q. Are you aware of an allegation by Mr. Strock
that he was given performance-enhancing drugs or
substances without his knowledge or consent?

A. I am.

Q. Do you know if there's any truth to those
allegations?

A. I have no idea.

Q. Have you ever discussed it with him?

A. Oh, did he make the allegations?

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

A. Oh, I would have no -- I would have no way
to know.

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

A. I have no idea.

Q. You were a member of the United States
Olympic cycling teams in the years of '92? Is that
right?

A. Yeah. '92.

Q. Is that the Barcelona games?

A. Uh-huh.

Q. Have I got that right?

Any other Olympic teams you were a
member of?

A. '96.
Q. '96.
Q. Okay. Was there any positive test of any sort of you in connection with your participation, either training for or participation on the '92 U.S. Olympic team?
A. Absolutely not.
Q. Are you --
A. How would there have been a positive test, and I be racing still?
Q. Well, let me ask it this way. Are you aware of an allegation regarding -- first of all, do you know who Joan Price is?
A. I have no idea.
Q. Are you aware of an allegation regarding the existence of a list from the 1992 Olympic team containing athletes' names who tested positive from the Olympic team?
A. Not that I recall, no.
Q. Did they test you --
A. But I'm -- but I'm all ears.
Q. Okay. Well, all right. I have heard from others, or someone, I can't remember, that there exists a list that has the names of athletes, who the United States Olympic Committee tested, tested
positive in connection with the '92 games.

A. Huh. Tested at the games?

Q. Well, tested in connection with training for the team.

A. I wasn't tested.

Q. Okay. Or participation on the team.

A. I don't -- I don't remember. It was a long time ago, but I don't think I was tested.

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

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

Q. I assume so.

A. Yeah.

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

A. This is news to me.

Q. Do you know who Wade Exum is?
A. No.

Q. Never heard of that name either?

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

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

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

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

A. That's normally the way it works.

Q. Is that -- is my understanding generally correct?
A. I think so. I've never had an A sample positive.

Q. Okay. That was my first question, was --

A. So I don't know.

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

A. No.

Q. -- in any test you've ever taken that you recall?

A. No.

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

A. 2000 -- yeah, I think the first year the UCI used the test, which was the first sport, I believe, was in 2001.

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

A. I don't know. From the press maybe.

Q. I mean, you did know --

A. I don't think they sent a letter. I don't remember.
Q. But you did know, for example, in connection with your participation in the 2001 Tour de France that they would be testing for the presence of EPO, that they had a test for it?
A. I would have -- yeah, I think I would have read it.
Q. Okay. So you know what they're testing for. Do you also know what they can't test for?
A. No.
Q. Like when you rode in '99 and 2000 Tour de France, you did know, didn't you, that there was no test for EPO?
A. I had no way of knowing. You have to assume they'll test for everything. That's the best assumption.
Q. Well, is it your testimony that you didn't know in connection with your participation in the '99 and 2000 Tour de France races that there was no test being administered for the presence of EPO?
A. Well, if the question is, did I read a public announcement that the EPO test is ready to go, and will be implemented in '99 or 2000, I -- that didn't -- they didn't say that, so --
Q. Okay. I'm not trying to imply anything by this. I'm just trying to find out your state of mind.
with respect to what you know is being tested for.
That's all.
A. Uh-huh. Well, what's -- yeah, you know, I think it would be fair to say that in 2000, for example, they didn't have the EPO test perfected, so perhaps athletes could have taken EPO and gotten away with it. What was great for us was that we were formally investigated in France, and all of our samples were seized at a time when you could have taken EPO, because they didn't have the test ready. But all of the samples were seized and tested with this method and were clean.

Q. What -- what samples would these have been?
A. From the 2000 Tour.
Q. Okay. When were they seized?
A. I don't know. Whenever the judge wanted them.
Q. Okay.
A. Which we, again, override -- overrode the UCI's decision, and said, no, give them. Nothing to hide.
Q. Where were the samples maintained at the time they were seized?
A. I have no idea.
Q. Okay.
A. In Europe.

Q. Do you know where? Can you be more specific?

A. No.

Q. Do you know who maintained them?

A. No idea.

Q. Do you know if there's any of those samples left?

MR. BREEN: We know Herman hasn't eaten them.

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

THE WITNESS: God almighty.

MR. TILLOTSON: I hope that's on the record.

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

MR. HERMAN: Wait a minute. I feel another one. No, go ahead.

A. No, I -- so I -- I don't know.

MR. TILLOTSON: Stop giving the witness signals through bodily functions.

A. I don't know if -- if there -- I have no idea.

Q. (BY MR. TILLOTSON) I mean, do you know if
there's anything left from those samples?
A. I have no idea.
Q. Okay. What about the '99 samples that were reported in the L'Equipe story? I'm going to ask you some questions about that. First, obviously, you've had an opportunity to review the story and the writing that was --
A. I didn't read the story, but...
Q. Well, you -- you've certainly had it translated for you, haven't you?
A. The entire story?
Q. Yeah.
A. No.
Q. I mean, you -- you surely didn't appear on TV and talk about it, and never actually read the whole thing?
A. Of course.
Q. Okay. All right. Well, fair enough. Do you know whether or not the samples which have been identified as yours are, in fact, yours?
A. I have no idea. I -- I -- I can only believe that they either are not mine, or have been manipulated. Because when I pissed in the bottle, as I told you earlier, having never taken performance-enhancing drugs, when I pissed in the
bottle there was not EPO in that piss or urine. And
as the article said, the accused cannot defend
himself. So I have a clear conscious going on TV
without reading the article.

Q. Okay.

A. Because the --

Q. Fair enough.

A. -- first paragraph says, oh, by the way, he
cannot defend himself.

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

A. I'm not a scientist. I don't know.

Q. Okay.

A. I know that without proper procedure and
protocol that you cannot defend yourself.

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

A. I haven't.

Q. -- what yours is?

A. No, I have not looked.

Q. Do you know if anyone is investigating that
on your behalf?
A. I think that the UCI has an independent investigation going on, and perhaps WADA has one going on.

Q. Have you had any contact with anyone at WADA regarding their investigation, if any?

A. Oh, in the beginning we contacted Dick Pound.

Q. What did he say?

A. He said -- this was, quite frankly, one of the most incredible conversations I've ever heard. But he said, listen, I don't care if proper procedure was followed. All that I care is that you're positive. And he went on to say that whoever invented the B sample, I don't know who they think -- this is bullshit. Nobody needs the B sample. And this is the man who's supposedly pioneered the WADA code and trumped it all over the world, and, you know, said that that's the saving grace to sport. And we said, well, can we just read over the WADA code? And he said, well, hang on. Let me get -- let me pull it up. So he had to go to his computer, and we finally cut him off and said, don't worry about it, I think we understand. That's about the only thing -- the only conversation.

Q. I mean, do you -- do you view Dick Pound as
an individual not friendly towards yourself?

A. I don't think Dick is friendly to -- towards most athletes.

Q. Okay.

A. I mean, I'm sure we all read the NHL comments last week.

Q. Yeah. What about UCI? Do you view the UCI as impartial in these affairs?

A. Oh, yeah, absolutely.

Q. It's been reported --

A. Neutral, you mean?

Q. Neutral.

A. Yeah.

Q. Yeah, neutral. Not favoring you or anyone, or not against you or anyone.

A. Right.

Q. Do you think WADA has an agenda, though, with respect to you, for example?

A. Oh, I -- you know, I think if you read my open letter to Dick Pound some time ago, it wouldn't be hard to imagine that Dick wasn't very happy about that.

Q. Is it -- is it even possible for -- I'm not going to use you, but let's say an athlete who -- who won the Tour de France in '97, and let's say they used
the '97 samples instead of the '99, and determined
from an -- from an A sample that that athlete tested
positive for a banned substance. To your knowledge,
is it possible to -- to withdraw or vacate that
individual's championship in the Tour de France?

A. They used the A sample, or they used the B
sample?

Q. Let's just say they used the A sample.

A. And they had the B sample?

Q. No. Same circumstances. I'm just using a
different athlete. To your knowledge, is it possible
under Tour de France rules to -- to strip a title
years after it takes place?

A. Without a confirmation sample?

Q. Correct.

A. No.

Q. If there is a confirmation sample --

A. Listen, that's the system that's been in
place since -- since the beginning of the doping find.
So unless they've changed the rules all of a sudden.

Q. If there is a confirmation of an athlete
using a banned substance who is a champion, do you
know if there's a procedure or mechanism in place
under the Tour de France rules to -- to vacate that
person's title?
12:06 A. I have no idea.
12:06 Q. Now, we were talking about WADA and UCI.
12:06 You have made a -- a contribution or donation to the
12:06 UCI, have you not?
12:06 A. I have, yeah.
12:07 Q. Do you know when that was made?
12:07 A. Some years ago. I don't recall exactly.
12:07 Q. Well, 2000, for example?
12:07 A. I don't know.
12:07 Q. Was it -- was there anything that occasioned
12:07 that, that you recall? Like I'm doing it because of X
12:07 or Y or Z?
12:07 A. I'm doing it to -- to fund the fight against
doping.
12:07 Q. And what -- what made you -- what triggered
12:07 that? I mean, was there any particular event?
12:07 A. The only event, or the only idea is that I'm
12:07 in support of that fight, just like I've done on other
12:07 occasions.
12:07 Q. Why UCI? I mean, why give the money to UCI?
12:07 A. Because they're our governing body.
12:07 Q. Okay. How much did you give?
12:07 A. I think 25,000.
12:07 Q. You say you think. Do you --
12:07 A. Yeah, I say I think because I'm not 100
percent sure.

Q. Would it be within a range of that, though, if you're -- I mean, it wouldn't be like --

A. Well, it wouldn't be --

Q. -- 200,000 --

A. No.

Q. -- or 150,000?

A. No.

Q. I mean, it could be 30 or 40, or it could be 20, is what I'm asking.

A. It could be. I don't think it's that. But I think it's no more than 30.

Q. Was it by personal check?

A. I don't remember.

Q. Did you tell UCI you were going to make it before you did?

A. I don't recall, but I don't think so. I don't know.

Q. You gave $25,000, or approximately $25,000 to the UCI, but you don't remember if you told them beforehand that you were sending them a check?

A. I don't recall.

Q. Had you ever given any money to UCI before?

A. No.

Q. Have you ever given any money since?
A. I have pledged money since, but I don't think I've done it yet.

Q. When did you pledge money?

A. I don't remember. Between now and then.

Q. No. I meant when did you make the pledge?

A. Between now and then. I don't recall exactly.

Q. Well --

MR. HERMAN: Between now and then, meaning between the time you gave them the 25,000 --

THE WITNESS: Right.

MR. HERMAN: -- and now?

Q. (BY MR. TILLOTSON) Oh, okay. Between now -- now and then, which I guess would be tomorrow.

Okay. So some --

A. It's still a fight I believe in --

Q. Okay. I'm not --

A. -- so I would still make the donation.

Q. I'm not attacking your -- the fight. I'm asking you --

A. And if you have a different suggestion on where to donate the money.

Q. Is there any other organization that -- that is involved in anti-doping?

A. Well, you have a lot of organizations, WADA,
USADA, USOC, USA Cycling. You could pick all of those.

Q. So there were other -- I mean, there -- there are at least other organizations you could have picked.

A. Yeah.

Q. Okay. Do you know what UCI did with the money?

A. I don't know.

Q. Who did you give the money to?

A. Well, if you sent a check or a wire, I don't know who received it, but...

Q. I mean, like -- is it literally like one day the UCI guy comes in, opens up the mail, and there's a check from you for $25,000?

A. I mean, I don't know. I wasn't in the mail room.

Q. Okay. But did you let anyone know this is coming?

A. I told you, I don't remember.

Q. Okay. Have you spoken to anyone at UCI regarding your donation?

A. Yeah.

Q. Who?

A. I have spoken to Alain Rumpf, Hein
Verbruggen, perhaps others.

Q. Do you know what they've done with the money?

A. I just told you, I don't know.

Q. Okay. Like they didn't buy some specific equipment or something with it that you're aware of?

A. Which part of I don't know do you not understand?

Q. So you have no idea why you gave $25,000 to UCI at all. And you don't even know if you called anyone before --

A. I don't know.

Q. Let me finish my question.

MR. HERMAN: Hang on. Hang on a second. Finish your question, if it is a question.

Q. (BY MR. TILLOTSON) You have no idea who you called, and just -- you just sent a check for $25,000 to the UCI. You can't remember why you did it, or who you talked to, or what it was for.

A. You asked me again what have they done with the money, and I said I don't know.

Q. Okay. But you've spoken to two people.

Have they discussed with you what they plan on doing with the funds in any way, or what they hope to do
With the funds?

A. Not that I recall.

Q. When did you -- did you ever tell the public that you had made that donation?

A. Hein Verbruggen told them at some point, and I confirmed that.

Q. Was there a reason why you didn't publicly announce your donation to UCI?

A. The same reason that I don't -- my fight against doping is not a public fight. So the same reason that before the 2003 Tour de France, which was fairly well publicized, I sent a private email to Mr. Verbruggen, Mr. Schattenberg, Mr. LeBlanc, Daniel Baal, everybody involved in the Tour and cycling, and said, we have to keep up this fight, which then became public, a public email after Daniel Baal put it in his book.

Personally -- now, this is going -- this is going to shock you, but my style is different than David Walsh's. My approach has been more of an internal one, to support clean racing, to support clean sport. My idea of the best tactic is not to slander and defame everybody, and bite the hand that feeds you, and piss in the soup; but my fight and my commitment has always been there.
Q. Were you concerned at all when you made your contribution to the UCI that other cyclists or members of the cycling public might take it the wrong way?

A. No.

Q. Are you aware of any other professional cyclists who's given money to UCI?

A. I don't know. I'm not aware. Personally, I think there should be -- I think everybody should contribute to the fund.

Q. How does UCI get its money? Do you know?

A. I have no idea.

Q. Okay.

A. Honestly, I don't know.

Q. That part of "I don't know" I understood. Believe me.

There's been allegations regarding what has been alleged to be a positive drug test by you for a steroid or a cortisone in connection with the ---

A. Wait a minute. A steroid or a cortisone?

Q. Cortisone. I'm sorry. I apologize.

A. Because they're different.

Q. I understand. I understand. Believe me.

A. One is actually anabolic and one is actually catabolic.

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 France, does UCI supervise and oversee that? If you know.

12:14 6  A. I don't know. I mean, when you step into the -- or the room where you give the urine sample, there is a representative from the UCI, obviously, and a representative from, perhaps, the French Ministry of Sport, or something like that, so there is a representative there.

12:14 12  Q. How much notification are you given for testing in the Tour de France, other than the testing you do for wearing the yellow jersey? For example, random testing, where you might be selected for testing during the Tour de France. How is it you're notified that you've been selected to -- to do a sample?

12:14 19  A. They tell you, and I think they announce it towards the tail end of the race over the race radio. But I've not been -- most of my tests have been because of either winning the stage or being in the jersey.

12:15 24  Q. Okay. For the members of the panel who -- who won't have your -- anyone's -- a great degree of
knowledge of cycling, with respect to the Tour de  
France, my understanding is, is there's random testing  
where you -- can be randomly said, we want to test for  
you.

A. Right.

Q. The stage winner is test -- is tested. And  
the overall leader is tested every time he is in the  
overall lead. Is that fair to say? Am I missing  
anything from that?

A. Yeah. I think it's evolved over the years.

They do more now. Perhaps the first three on the  
stage, more randoms.

Q. Okay. In connection with the 2004 Tour de  
France, were you ever random tested, as you recall, or  
was your testing in connection with either being a  
stage winner or the overall leader?

A. I don't recall. I'm sure I was. I was a  
favorite with the random controls.

Q. Have you ever missed a test of any kind?

A. One.

Q. Okay. Mr. Stapleton testified in his  
deposition regarding a test you, might put it in  
quotes, missed.

A. Are we going to get back to the cortisone?

Q. Yeah.
Okay. I know you're anxious to talk about it. But the only thing I've got going for me is I get to ask the questions. Okay? That's my only advantage.

A. Congrats.

Q. Thank you.

Mr. Stapleton testified in his deposition regarding a test where they showed up, and you weren't here in Austin for the test.

A. Uh-huh.

Q. Is that what you're referring to when you say you've missed one test?

A. Yeah. Well, I believe, yeah.

Q. Is there any other missed tests you're aware of?

A. No.

Q. Okay. Can you describe for me the circumstances regarding the -- this missed test? What happened?

A. Was -- it must have been a year ago. I was surfing in Cabo San Lucas, and didn't change my form in November. You're supposed --

Q. Okay.

A. Every time you go somewhere, you're supposed to say, okay, I'm in Austin today, I'll be in Cabo
tomorrow, here's my address, here's my phone number. And literally, 24 hours a day, 365 days a year, they can come and find you. And, obviously, I was surprised that they called, but I was literally on a beach, surfing.

Q. Okay.

A. I know it sounds really performance enhancing, but I was just surfing. It's -- I will also say, it's sometimes -- there are times where you just -- you just brain fart, and you don't change the form. I mean, clearly, if I'm in Cabo San Lucas, I'm not trying to hide anything.

Q. Okay.

A. Other than my bad surfing.

Q. Is there some -- is there some penalty that's associated with missed testing? I mean --

A. Three missed tests adds up to -- equals a positive.

Q. Okay. Did you return from Cabo to -- to be tested here, or is it just counted as a missed test?

A. I think it -- no. It's just counted as a missed test.

Q. Okay.

MR. TILLOTSON: Okay. Let's go off the record for one second.
THE VIDEOGRAPHER: Off the record,

(Recess.)

THE VIDEOGRAPHER: Tape 2. The time is

12:47. On the record.

Q. (BY MR. TILLOTSON) Mr. Armstrong, I want to
ask you some questions regarding some statements that
Emma O'Reilly has made. First, can you identify for
us who Emma O'Reilly is, and what her relationship to
you was?

A. She was a soigneur/massage therapist on the
team '98, '99.

Q. When did she depart the team?

A. I believe 2000.

Q. What was --


Q. What were the circumstances surrounding her
departure? Did she leave voluntarily? Was she fired?

Did she move on, or --

A. I don't recall. But I don't think it was
friendly.

Q. Okay. She has identified or said either to
Mr. Walsh or to others that at one point in time
during a Tour de France race, during a race, that you
asked her to depose of some syringes.
A. Uh-huh.
Q. Are you familiar with her statement regarding that?
A. I'm familiar with that statement.
Q. Is there any truth to that statement?
A. Absolutely not.
Q. Would you ever use syringes during a race for -- I mean, for any reason legitimate?
A. You would use IVs for, like, replenishment of fluids. Just like any -- like every sport.
Q. Sure. But I've heard, for example, some -- some professional athletes or cyclists would -- would do injections of vitamins, hence the need for syringes.
A. Yeah. Sure. Yeah. And in Europe I think that's much more accepted than the States. I mean, in Europe I think doctors are -- the medical field would use a syringe, whereas here in the States, we would do it orally.
Q. Okay.
A. There's not the stigma around -- I mean, in America we see a syringe, you think, oh, no, is he a junkie. Whereas in Europe that's fairly common.
Q. So I guess my question is, the part about her -- her story that's untrue, and maybe it's both.
parts, first of all, you never asked her to dispose of any syringes.

A. Correct.

Q. But would you ever have had syringes on you to be disposed in connection with any race?

A. Me?

Q. Yes.

A. No.

Q. Okay. So it's not just that you never asked her to dispose of any syringes. There were no syringes for you to -- to ask her to dispose of.

A. Not -- no. That would be the doctor's responsibility.

Q. Okay. She has also described an incident where you asked her to -- where you asked her to provide some, or obtain some makeup to cover syringe marks in your arm.

A. Uh-huh.

Q. Is that untrue?

A. Untrue.

Q. Okay. Are you familiar with her -- with her statements regarding her obtaining a pillbox?

A. I'm familiar with them. Untrue.

Q. Okay. That never happened?

A. Never.
Q. Okay. Mr. -- Mr. Andreu testified in his deposition that he saw you taking some pills at one point in time.

A. Uh-huh.

Q. And that you described for him you would take this one at a certain distance, and this one at a certain distance, and this one at a certain distance.

A. Uh-huh.

Q. Does that strike any recollection with you that, in fact --

A. No.

Q. -- you either told him that, or you --

A. No. But he would have, perhaps, seen pills in the form of vitamins, or multi-vitamins, et cetera.

Q. Was there any pills that you were taking during the actual race itself for the Tour de France?

A. No.

Q. Do you know the total amount of compensation that you have paid to Doctor Ferrari since you've been using him as a trainer, approximately?

A. No.

Q. Do you think it's in excess of a million dollars?

A. I don't think so.
Q. Is it -- certainly, it's in the range of six figures, is it not?
A. Over the years, perhaps. But I don't recall.
Q. One of the statements attributed to -- to Ms. O'Reilly that she attributes to you is a discussion that you and she had regarding your hematocrit level. I may be mispronouncing that. But are you familiar with her statement regarding what she said?
A. I'm familiar with it.
Q. That you revealed to her your actual level, and told her that you were going to do what everyone else does to get it higher.
A. Uh-huh.
Q. Is that untrue?
A. Totally untrue.
Q. Do you -- as a -- as a cyclist during the Tour, do you actually measure that particular level during various times of the race, or the course of a race?
A. The team will do it at times, because the UCI does it. And if you're above a certain limit, you're not allowed to race.
Q. Is there published information regarding
what your level is during any particular race?

A. Meaning do they publish the results of the UCI blood testing?

Q. Yes.

A. I don't think so.

Q. I mean, so --

A. I think it would be -- I think what the UCI does is announces an average of the entire pelotons, hematocrit, or something like that.

Q. So -- but it's not publicly known what your level -- I mean, they do test that particular level, do they not?

A. Uh-huh.

Q. And if you're above a certain limit, then you're disqualified or suspended? Is that -- is that --

A. Above 50.

Q. Yeah. Okay.

A. Not allowed to start.

Q. Okay. But there's no published information regarding how close a Tour de France athlete comes to that level from the testing. Right?

A. No, I don't think so.

Q. Okay. But then the -- it's your testimony the team would actually test that during the course of
the race to monitor it to see where you are?
A. Or the UCI.
Q. Or the UCI?
A. Right.
Q. Okay. Does that --
A. Because they test all year. Not just at the Tour.
Q. Does Doctor Ferrari's testing involve testing that level, as well?
A. No.
Q. Okay.
A. I mean, not with me. I don't know. I mean, if you do a typical -- any blood test you did at a lab to determine if you were sick, or if you were anemic, or whatever, would -- that's a standard part of a -- every blood test.
Q. Okay. Would you, yourself, personally test your hematocrit level apart from what the team was testing during the race?
A. No.
Q. So if someone says that -- that they saw you monitoring or testing your level yourself outside of the team, that would be inaccurate?
A. Outside of the team, that would be inaccurate. With the team, the team doctor, that
would be accurate.

Q. Okay. Some -- some affidavits were provided in connection with this litigation by individuals from the UCI. Are you -- were you aware of that regarding your test results and when you were tested?

A. No.

Q. Obtained by your counsel?
   Were you part of that process to gather those affidavits?

A. Huh-uh.

Q. Have you ever authorized the release of your tests, the actual tests themselves, to anyone or any -- any organization?

A. To you guys.

Q. Okay. Other than that?

A. Other than what I said earlier, releasing the -- the blood and urine from 2000.

Q. I'm glad you brought that up. I had a question regarding the investigation. Now, there was an investigation in 2000 by the French authorities?

A. Uh-huh.

Q. It was described in your book as a -- as a criminal investigation. Is that -- is that accurate?

A. I don't know what you call it. It felt criminal.
Q. Okay. Well, what --

A. Felt like we were being prosecuted as criminals. Or attempting to be. But in the end, I have to -- as I said all along, I supported the investigation. I thought it was a great way to go much deeper with our controls and our evidence than anybody else had.

Q. Well, other than -- other than the testing that goes on by -- by UCI or the French Ministry of Sport, were there any other controls in place on the US Postal team to prevent doping, or to check to see if any member of the team was doping?

A. Such as?

Q. Anything. I don't know. Separate testing, separate statements, monitoring that the team did apart from just the testing that -- that the UCI and the Tour de France would do.

A. Oh, I don't think so. Aside from the quarterly health checks of UCI, and monitoring the riders just within the team, no, I don't -- not that I recall. That -- that wouldn't have been my job.

MR. BREEN: Are you including out-of-competition random controls of that, too, Jeff?

MR. TILLOTSON: Yes.

Q. (BY MR. TILLOTSON) Other than testing done
by an organization like the UCI.
A. You mean like a company tests their employees?
Q. Yes. Correct. Correct.
A. Oh, I don't think so. No.
Q. Okay. I mean, because you told me that you ultimately supported the investigation because it allowed to go much deeper than the controls you had in place.
A. Meaning I supported at a time when there was not -- as I said earlier, there was not an approved EPO test. I was glad that they actually took the samples, and -- obviously, they were looking for EPO, so I was glad that they took them and found nothing.
Q. In that case, though, they must have tested the B samples, because that's all there would have been?
A. Well, there would have been -- they would have taken the A sample after the race, and either the -- and stored the B sample. And I think that's what they confiscated.
Q. Okay. Have you actually seen the contract between my client, SCA Promotions, and Tailwind Sports?
A. Briefly.
Q. Obviously, you're -- you're deeply familiar with your contract with Tailwind that would require the payment of bonuses.

A. I wouldn't say deeply, but more or less.

Q. Okay. Is it your belief that in connection with earning the bonuses from Tailwind through winning the Tour de France that you believed you had to comply with the rules of the Tour de France in order to earn those bonuses?

A. You have to comply with the rules.

Q. Okay. I mean, you -- you don't for a moment contend, or pretend, or say that you could not legitimately win the Tour de France, I mean, comply with all the rules, but still earn the bonus. Correct?

A. I think if you comply by the rules, you're declared the winner, then the team is owed the money, and, therefore, same rules apply from the team to SCA.

Q. Okay. So I noticed in -- in your most current contract with Tailwind, there's -- there's no provision regarding doping.

A. Uh-huh.

Q. And there was one in your prior contract.

A. Uh-huh.

Q. Are you aware of that distinction?
A. Not necessarily, but that -- that's irrelevant, because if you have a doping offense, or you test positive, it goes without saying that you're fired from all of your contracts, not just the team, but there's numerous contracts that I have.

Q. That would all go away. Sponsorship agreements, for example?

A. All of them. And the faith of all the cancer survivors around the world. So everything I do off of the bike would go away, too. And don't think for a second I don't understand that. It's not about money for me. Everything. It's also about the faith that people have put in me over the years. So all of that would be erased. So I don't need it to say in a contract, you're fired if you test positive. That's not as important as losing the support of hundreds of millions of people.

Q. Well, it sounds to me like your testimony is that you're acutely aware of the importance and significance that you are a clean athlete, but you don't -- that you have not tested positive.

A. Correct.

Q. And, in fact, you've made many public statements through the course of your career that you don't use and haven't used performance-enhancing
drugs --

A. I have --

Q. -- just like you made here today. Correct?

A. I have made -- no, I wouldn't say that, you know, last week I just decided to issue a statement. I've responded to questions, and I've responded to accusations, only because those were asked. But not to mislead anybody, not to tell people how to do business, what deals to enter into, or not to enter into. I make those statements purely as defense.

Q. Well, do you -- how else do your sponsors and people that have these contracts with you know whether or not you are, in fact, a clean athlete unless they're hearing what you're saying publicly?

A. Well, most of them have been relationships that have been in place for a long time, and they know me. They trust me. We -- you know, as I said earlier, this is the only issue that's -- that's ever been -- the only relationship that's ever been questioned, which is not necessarily a relationship even.

Q. Right. My clients never actually spoke to you. Right?

A. Right.
Q. You don't -- you don't even know them. You wouldn't be able to pick them out of a lineup.

A. No.

Q. Fair to say?

But you wouldn't -- you wouldn't be surprised, would you, Mr. Armstrong, that my clients were aware of your public statements regarding the fact that you didn't use performance-enhancing drugs prior to entering into a contractual relationship with Tailwind, are you?

A. They're in the business of insurance. So when you're in the business of insurance, you do your due diligence. Quite frankly, I find it hard to believe that you would have entered -- if this was a question today, after what we saw in 1998 with the Festina affair, even the questions that began in '99 with myself, the investigation that began in 2000, which was the front page of every newspaper around the world, I don't really know how they would have been misled. Maybe the front page of every newspaper around the world doesn't mean due diligence.

Q. Well, as part of due diligence done by anyone in doing business with you, you -- you would expect them to hear, read, and understand your public statements regarding --
A. Yeah. And I don't want to confuse the matter. I -- I've responded to questions. I've not offered up those things. It's not as if I put it on the Web site, or issue a press release just because I had a good day on the bike. I felt great today, I better issue a statement that says I'm clean. They've always been responses.

Q. But you are aware of some professional cyclists who -- who play games by saying that -- by saying things like, well, I've never tested positive, but don't follow that up with the statement, and I never have ever used performance-enhancing drugs?

A. I don't know.

Q. You're not familiar with some athletes that have sought to -- to -- to draw a distinction between testing positive and never using performance-enhancing substances?

A. I don't recall.

Q. Okay. But that wasn't your intent when you made public statements. Correct?

A. As I said, I was responding to the question or the accusation.

Q. Okay. Well, if someone did due diligence on you prior to entering into a business relationship, it is your belief that they wouldn't turn up anything
worth being worried about with respect to you or your
performance. Correct?

A. With credibility?

Q. Correct.

A. No.

Q. And you could read all the newspapers in the
world, but in your mind there's nothing out there that
would lead to any reasonable suspicion that your
statements regarding your non-use of
performance-enhancing drugs isn't a hundred percent
accurate. Fair?

A. All I can tell you is we've never had that
phone call. Nobody has called and said, if it's
Coca-Cola, if it's Nike, if it's Bristol-Myers Squibb,
if it's any -- nobody has called and said we have some
questions.

Q. Right. But they -- but you acknowledge
either -- it's either implicit or explicit in your
contracts with sponsors that if you have any
connection to doping, those contracts can be
terminated. Correct?

A. I think that's the case with every athlete's
agreement with a company.

Q. Okay.

A. I think it's more of an ethical clause. It
13:05 could also include drinking and driving. It could
13:05 include spousal abuse. It could include any
13:06 conviction for any felony or whatever. So --
13:06 Q. Okay. There's an allegation by Mr. Swart
13:06 regarding an effort to secure the outcome of a series
13:06 of races involving you. Are you aware of that?
13:06 A. I've heard the comments.
13:06 Q. Is there any truth to Mr. Swart's statements
13:06 that he was offered $50,000 in connection with
13:06 attempting to fix the outcome of some races in which
13:06 you were involved?
13:06 A. Not true.
13:06 Q. Did you, in fact -- he recounts three
13:06 races -- three races you had to win to earn a million
13:06 dollar bonus.
13:06 A. Uh-huh.
13:06 Q. Do you recall those three races, and
13:06 actually earning the million dollar bonus?
13:06 A. I do.
13:06 Q. And were you, in fact, paid the million
13:06 dollar bonus?
13:06 A. Well, it was -- not exactly. Like the
13:06 lottery or like any other insurance deal, I think it
13:06 was -- the option was 50,000 over 20 years, or a
13:06 one-time payment of some other lump sum. But just
like every other cycling event, the money is split amongst the team. So did I receive a million dollars, no.

Q. Okay.
A. Yeah, that's what I'm saying.
Q. Did you take -- do you remember if you took the lump sum or you --
A. No -- yeah, we took the lump sum. Yeah.
Q. Okay. And then some of that went to you, and some of that went to the team?
A. Correct.
Q. Is that how it works?
Okay. Do you remember what the lump sum was, or approximately --
A. I don't remember.
Q. Okay. That's why you described it like the lottery, you get a discount on a lump sum.
A. Well, I've never won the lottery, but I think they get either a lump sum or --
Q. Okay.
A. -- consistent payments over X amount of years.
Q. Do you know why Mr. Swart would say these things?
A. As I said earlier, I have no idea why, other
than perhaps like Emma O'Reilly, he was paid for his testimony and needed the money.

Q. Do you believe that's why Ms. O'Reilly said these things about you?

A. Absolutely.

Q. That she needed money?

A. I don't -- I'm not her financial advisor, but I think --

Q. Well, you have --

A. Which we now know that Walsh paid his sources. Which he denied in the beginning, now admits. I don't think any respected journalist would find that to be kosher.

Q. But other than that, do you have any other evidence to suggest that Ms. O'Reilly was making up this in exchange for money, other than the fact that --

A. I --

Q. -- she received some compensation?

A. Emma or Stephen?

Q. Emma. Oh, sorry.

A. Pissed. Pissed at me, pissed at Johan. Really pissed at Johan. Pissed at the team. Afraid that we were going to out her as a -- and all these things she said, as a whore, or whatever. I don't
know. But primarily, I have to confess, I think it
was a major issue with Johan.

Q. Now, when -- when --
A. And it wouldn't have been a very good book
if it was JB confidential. There would not have been
a lot of sales.

Q. I don't know. The stories might have been
wilder.

Some of the information that was
detailed in the book, for example, the statements by
Ms. O'Reilly alleging these things about you, there
had been no public disclosure of anything like that
prior to the book, like Ms. O'Reilly had never talked
publicly, had she, about you with respect to these
allegations of the syringes and all that kind of
stuff?

A. Not that I know of.

Q. The book also details allegations that I've
recounted for you from Mr. Swart. I mean, those
weren't -- to your knowledge, those weren't out there
publicly prior to Mr. Walsh publishing them in his
book, were they?

A. Not that I -- I mean, I suppose I would have
known already.

Q. And to -- to the best of your knowledge, had
the Indiana -- I call it the Indiana hospital incident, but I understand your testimony regarding it. Have there ever been --

A. The game -- the football game?

Q. Well, the -- the --

A. I don't remember the score.

Q. The -- did the Cowboys win?

A. It was '96. They were still pretty good.

Q. The group meeting in the Indiana University Hospital, had there ever been, to your knowledge, any publication about allegations about what you said prior to Mr. Walsh and his book?

A. Not that I know of.

Q. Okay. So you would -- you would at least agree with me that prior to Mr. Walsh's book coming out, the stuff from Mr. Swart, from Ms. O'Reilly, and about the Indiana University Hospital, those allegations were not publicly out there prior to being detailed in Mr. Walsh's book?

A. I said not that I know of. I don't read everything. I don't -- I don't know.

Q. You -- did you recently make a donation to the Indiana University Hospital?

A. I funded Doctor Larry Einhorn's endowment.

Q. Okay. When did you do that? Do you
remember?

A. Recent weeks.

Q. Was it before or after the Andreus' depositions, for example?

A. No. Way before.

Q. Was it this year?

A. In 2005?

Q. Yeah.

A. Yeah, it was in recent weeks, I mean. We issued a press release, so I can get you the press release. That would pretty much give you the date.


A. I don't want to misspeak. I would rather just get the press -- I would think it's -- the first half takes you to July 1st. Right? I think it was after that.

Q. After that. Okay. How long had you been considering funding that chair?

A. Well, I know they'd been looking for a backer for some time, so -- It was a large commitment, so it's not an easy decision you just make like that.

Q. Have you had any contact with the Indiana University Hospital to -- to investigate these allegations made by the Andreus --
A. No.

Q. -- other than checking to see if the Cowboys played on that Sunday?

A. That wasn't with Indiana. That was with --

Q. Did you talk to anyone at the hospital in efforts to get statements from them, for example, that this never happened?

A. Not that I know of. I do keep in touch with Doctor Einhorn and people that have been there, but...

But I just want to be clear. These are very separate issues. And I'm endowing, I'm funding a chair for somebody who saved my life.

Q. Well, who was suggesting you weren't?

A. You were.

Q. How was I suggesting that?

A. Never mind.

Q. Well, you're not -- you're not attempting to buy silence from someone at the Indiana University Hospital with your donation, because there's nothing to keep silent. Right?

A. Well, I'm sure you would love to paint that.

Q. Why do you say that?

A. Because that's -- that's the -- that's the tone of this entire case, the speculation and innuendo 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.
13:36 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 24 Q. Hypoxic?
Q. Okay. Can you tell me what that is, since I thought it was hypoxil?

A. It is a -- either a tent or a cubicle that simulates high altitude.

Q. Okay. Is this while you're in the race?

A. Not physically on the bike, but, I mean, during the course of the Tour de France, or is this a training regimen before you start the race?

Q. Okay. Is this one of the techniques used by Doctor Ferrari, or is this a training technique that you have on your own?

A. No. It's a commonly used tool in cycling, endurance sport.

Q. Okay.

A. Or in other -- there are other methods similar to that.

Q. The other question I had was, we served a deposition notice in connection with your appearance here. Have you seen that deposition notice? Were you provided a copy of it by your counsel?

A. No.

Q. Have you brought any documents today to produce in connection with that deposition notice?

MR. BREEN: Jeff, I can help you with
that, too. The -- I think all but the last two requests were identical to requests for production that were already served that we either objected to or provided responsive documents to. And then on the last two categories he didn't have any responsive documents.

MR. TILLOTSON: Okay. I appreciate that.

Last thing is, Mr. Herman, if you will represent on the record that Mr. Armstrong will attend the hearing so that he can be questioned live, and in exchange for that, I will -- I will accommodate his schedule, whatever it is, in terms of the order of our presentation, I'm prepared to pass the witness.

MR. HERMAN: As I indicated to you, he'll be available the 12th and the 13th of December, and -- and he'll be in Dallas at the hearing, and he'll be available for cross examination or direct examination, whatever you -- whichever course it takes.

MR. TILLOTSON: Okay. And are you prepared to make him available if the hearing is continued?

MR. HERMAN: To -- to January 9? I don't know. I haven't checked with him about that.
MR. TILLOTSON: Will you?
MR. HERMAN: Yeah.
MR. TILLOTSON: Obviously, that won't do me any good if it's -- if the hearing is being continued, so --
MR. HERMAN: Yeah. Okay. Well, I haven't checked with him about that, so I'll check with him when we take a break.
MR. TILLOTSON: I just want an assurance that you will make him available at some point during the hearing, whenever it is.
MR. HERMAN: Well, let me do -- let me put it this way. If -- if the hearing is continued, okay, then we'll make him available to either continue his deposition, what you would have asked him otherwise, or bring him live on January the 9th. I just haven't checked with his calendar.
MR. TILLOTSON: Or any date during the hearing that he can be available for.
MR. TILLOTSON: It doesn't have to be a particular date.
MR. HERMAN: Okay. I'll agree to that.
MR. TILLOTSON: Okay. That's acceptable.
THE WITNESS: And can I just say for the record, I had another surf trip to Cabo planned for the 12th and 13th and 14th, but I won't miss this test. I'll be there.

MR. TILLOTSON: Okay. Okay. All right. I'll trade places with you if you'd prefer.

THE WITNESS: Sure.

MR. TILLOTSON: Okay. I have no further questions, Mr. Armstrong. I appreciate your time and appearing here today.

MR. HERMAN: I've got just a couple of questions by way of clarification.

MR. TILLOTSON: Have at it.

EXAMINATION

QUESTIONS BY MR. HERMAN:

Q. Lance, you recall Mr. Tillotson asking you about some alleged testimony from Frankie Andreu having to do with pills, small pills that you were taking at -- or allegedly told Frankie you were taking at different stages of a race.

A. Uh-huh.

Q. And you indicated that that was not accurate. On reflection, do you have a possible explanation of what that could have been at least?

A. Could have been -- yeah, and I do, yes. It
could have been common everyday caffeine, which I have to say I sometimes take on long days, or tough days. But, of course, caffeine being a substance that's over the counter, and detectable, and controlled, you know, even gels, like a Power Gel, or something, has amounts -- as advertised, has amounts of caffeine. So it could have been -- I'm not trying to put words in Frankie's mouth, but could have been caffeine.

Q. All right. And if you were taking caffeine, I take it that the amounts of -- while it's -- while it's permissible to take caffeine, you're -- you're limited in certain amounts. If you test over a certain amount, that would be a banned substance.

A. Correct.

Q. Okay.

A. I think. Because I know there was -- they took it off, and then they put it on, they took it off. I don't know where it stands now.

Q. All right. But it --

A. But all the while, it was to a certain limit.

Q. Okay. And in those instances, it would be -- would it be normal for you to take them at various stages of the race, at a hundred kilometers, 50 kilometers, whatever?
A. Well, you could. I -- I would only take one.

Q. Okay. Now, Mr. Tillotson, I'm sure inadvertently, asked you whether or not the contracts would all go away when you were talking to him about a variety of contracts that you had with various sponsors and whatnot, as well as the team, and that the -- the contracts would all go away if there was any connection or any allegation of being involved with performance-enhancing substances. Tell us -- I think you said yes, but tell us what you meant by that answer yes.

A. I meant that if I had a positive test that was fully tried and adjudicated, or whatever we call that, of course they would go away.

Q. And --

A. But --

Q. Go ahead.

A. -- obviously rumor overseas, or speculation in certain articles would not cause them to go away, because we have ten years of history there that shows that they don't. That it -- the performances and the reputation has never been questioned by a partner.

Q. All right. And was your -- was your association or your contract with Discovery, was that
entered into before or after the publication of David Walsh's book?

A. It was entered into after.

Q. And other than SCA, has any contracting party ever refused to perform or meet its obligations based upon rumors and innuendos like such as we're dealing with here?

A. No. Never.

Q. And, of course, you don't have any contract with SCA in any event.

A. Of course not.

MR. HERMAN: That's all I have.

MR. TILLOTSON: Where are you going in Cabo?

MR. BREEN: He told you he's not.

THE WITNESS: My days of the whereabouts program are done, man.

MR. TILLOTSON: Fair enough. Fair enough. I have no questions. Pass the witness.

THE VIDEOGRAPHER: 1:43, off the record.

MR. HERMAN: We'll reserve our questions.
## CHANGES AND SIGNATURE

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LINE</th>
<th>CHANGE</th>
<th>REASON</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I, LANCE ARMSTRONG, have read the foregoing deposition and hereby affix my signature

WRIGHT WATSON & ASSOCIATES, L.L.C.

(800) 375-4363       (512) 474-4363
that same is true and correct, except as noted above.

LANCE ARMSTRONG

THE STATE OF ________

COUNTY OF ________

Before me, __________________________, on this day personally appeared LANCE ARMSTRONG, known to me (or proved to me under oath or through ___________) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office

this ____ day of _____________, ____

______________________________
NOTARY PUBLIC IN AND FOR

THE STATE OF ________

JOB NO. 051130RMW
IN THE MATTER OF AN ARBITRATION
BETWEEN

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

VS. ) ARBITRATION BEFORE THE
) HONORABLE RICHARD
) FAULKNER, RICHARD

SCA PROMOTIONS, INC. AND ) CHERNICK, AND TED LYON
HAMMAN INSURANCE SERVICES, )
INC., ) 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

WRIGHT WATSON & ASSOCIATES, L.L.C.
(800) 375-4363    (512) 474-4363
submitted on December 5, 2005, to the attorney for the 
Claimants for examination, signature and return to 
Mr. Jeffrey M. Tillotson by December 26, 2005;

That the amount of time used by each party at 
the deposition is as follows:
Mr. Jeffrey M. Tillotson - 2:19
Mr. Timothy J. Herman - 0:03;

That pursuant to information given to the 
deposition officer at the time said testimony was 
taken, the following includes all parties of record:

For the Claimants:
Mr. Timothy J. Herman
HERMAN, HOWRY & BREEN, L.L.P.
1900 Pearl Street
Austin, Texas 78705
(512) 474-7300

For the Respondents:
Mr. Jeffrey M. Tillotson
LYNN, TILLOTSON & PINKER
750 N. St. Paul Street
Suite 1400
Dallas, Texas 75201
(214) 981-3800

I further certify that I am neither counsel 
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.

WRIGHT WATSON & ASSOCIATES, L.L.C.
(800) 375-4363 (512) 474-4363
Certified to by me this 2nd day of December,
2005.

Rhonda Watson
RHONDA WATSON, RPR, CRR, CSR #2022
Expiration Date: 12/31/06
WRIGHT WATSON & ASSOCIATES, L.L.C.
Firm Registration No. 225
Expiration Date: 12/31/05
1801 N. Lamar Blvd., Mezzanine
Austin, Texas 78701
(512) 474-4363

JOB NO. 051130RMW