

McIlvain

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25 **CONFIDENTIAL TRANSCRIPT - FOR ATTORNEYS' EYES ONLY**3

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1 Foothill Ranch, California, Monday, November 14, 2005
2 11:05 a.m. - 12:48 p.m.

3
4 THE VIDEOGRAPHER: Good morning. This begins
5 videotape number one, volume one in the deposition of
6 Stephanie McIlvain in the arbitration matter of Lance
7 Armstrong, et al. versus SCA Promotions, Incorporated,
8 et al.

9 Today's date is November 14th, 2005. The time
10 on the video monitor is now 11:05 a.m. This deposition
11 is taking place at 1 Icon Street in Foothill Ranch,
12 California and was made at the request of Jeffrey M.
13 Tillotson of the law offices of Lynn, Tillotson &
14 Pinker, LLP. My name is Dan Reynolds. I'm a notary
15 public and video specialist here on behalf of Esquire
16 Deposition Services, Dallas, Texas.

17 Would all counsel present please voice
18 identify yourselves and state whom you represent.

19 MR. WEEKS: Greg Weeks of Weeks, Kaufman,
20 Nelson & Johnson on behalf of the deponent.

21 MR. TILLOTSON: Jeff Tillotson and Chris
22 Compton here on behalf of the respondents.

23 MR. HERMAN: Tim Herman on behalf of the
24 claimant.

25 MR. TILLOTSON: If you'll swear the witness

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1 in.

2
3 STEPHANIE ANN McILVAIN,
4 having been first duly sworn, was examined and
5 testified as follows:

6
7 EXAMINATION

8 BY MR. TILLOTSON:

9 Q If you would begin just by telling us your
10 full name, please?

11 A Stephanie Ann McIlvain.

12 Q Ms. McIlvain, my name is Jeff Tillotson, and
13 I'm a lawyer with a company called SCA Promotions,
14 Inc., and I'm here in connection with an arbitration
15 proceeding we have against Lance Armstrong and a
16 company called Tailwind Sports, Inc. We're here for
17 your deposition, and have you ever been deposed before?

18 A Yes.

19 Q How many times have you been deposed?

20 A Once.

21 Q Was it a few years ago or was it recent?

22 A A few years ago.

23 Q Do you have some understanding of what a
24 deposition is and the way in which it's going to
25 proceed today?

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1 A Yes, I do.

2 Q Okay. Let me just go over a couple of ground
3 rules that I hope will make things go a little faster
4 for you.

5 First, it's important that you know at the
6 outset that although we're in a conference room here at
7 the headquarters of Oakley, your testimony given here

McIlvain

8 today is as if you were in a courtroom before a judge
9 and a jury. Do you understand that?

10 A Yes, I do.

11 Q Your testimony that you give today and your
12 response to my questions and any questions asked by
13 opposing counsel may be played or shown to a panel of
14 arbitrators who are judging our dispute. Do you
15 understand that?

16 A Yes, I do.

17 Q Now, despite that it may be shown to those
18 arbitrators and parties in the case, I want you to know
19 that we are not at liberty to disclose, reveal or
20 publish your testimony that you may give here today to
21 the public, newspapers or any third party. Do you
22 understand that?

23 A Yes.

24 Q Now, as I go through here and ask you
25 questions, if at any time you don't understand what I'm

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1 asking or you're not specifically aware of what it is
2 that I'm asking you, please say so and I'll do my best
3 to correct or elaborate more fully. Do you understand
4 that?

5 A Yes.

6 Q Let me begin first by asking you, are you
7 currently employed?

8 A Yes.

9 Q Where are you employed?

10 A Oakley.

11 Q What kind of company is Oakley?

12 A It's a sunglass company, clothing and shoes.

13 Q Okay. What do you do for Oakley?

14 A I do sports marketing.

15 Q Which means what kinds of things do you do?

16 A I take care of -- well, I take care of Lance
17 Armstrong and cycling also.

18 Q Okay. How long have you worked for Oakley?

19 A Since 1988.

20 Q And have you always been in sports marketing
21 for Oakley since 1998 or did you have other jobs?

22 MR. HERMAN: I think she said '88.

23 THE WITNESS: I said '88.

24 BY MR. TILLOTSON:

25 Q Oh, '88, I'm sorry, okay.

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1 A When I first started I had a different job.

2 Q Okay. Can you just sort of give me a rough
3 outline of your progression of jobs at Oakley?

4 A I started out as a Friday girl and within six
5 months Jim Jannard moved me into sports marketing, and
6 I started out as the secretary there and within three
7 months I was moved into sports marketing
8 representative.

9 Q And in sports marketing representative, does
10 that mean that you deal with a particular sponsor?

11 A No. I deal with athletes.

12 Q Athletes.

13 A Athletes relations.

14 Q And you told me that one of the things you do
15 is you take care of Mr. Armstrong, is that fair to say,
16 for Oakley?

17 A Yes, it is.

18 Q How long have you had that job?

19 A Since 1990.

20 Q 1990?

21 A Uh-huh.

22 Q And prior to that time did you have
23 responsibility for any other athlete?

24 A Oh, yes.

25 Q Okay. Since 1990 have you had responsibility

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1 for other athletes besides Mr. Armstrong or just Mr.
2 Armstrong?

3 A Other athletes.

4 Q Currently today do you still handle the
5 relationship with Mr. Armstrong for Oakley?

6 A Yes, I do.

7 Q And is he the only person you do that for or
8 are there other athletes?

9 A There's other athletes that I consult with.

10 Q How many athletes during a given time period
11 over the last ten years do you typically have
12 responsibility for?

13 A Oh, like 100 to 200.

14 Q When did Mr. Armstrong become a spokesperson
15 for Oakley, if you recall?

16 A When he was officially contracted with Oakley,
17 it was started in 1990, but he's been an athlete
18 through another -- reps in Texas since I believe it was
19 like 1985.

20 Q But your relationship with him began in 1990?

21 A Yes.

22 Q Did you have any professional or other
23 relationship with Mr. Armstrong prior to 1990?

24 A Before I took over sports marketing --
25 representative for sports marketing, when I was a

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1 secretary I would give -- he would call up and I'd get
2 him product.

3 Q Okay. All right. And he's currently --
4 what's the right term, are these spokespersons or are
5 they -- what, what term does Oakley use for an athlete
6 that's under contract here?

7 A A sponsored athlete.

8 Q A sponsored athlete, okay. And Mr. Armstrong
9 is currently a sponsored athlete of Oakley?

10 A Yes.

11 Q Would you consider him to be the best known or
12 the most well-known sponsored athlete that Oakley
13 currently has?

14 A No.

15 Q Who else might the arbitration panel recognize
16 that are Oakley sponsored athletes, for example?

17 A I don't know if -- Michael Jordan, I don't
18 know if he's still under contract. I'm not sure.

19 MR. WEEKS: I'm just going to clarify, don't
20 you only work in the area of cyclists?

21 THE WITNESS: Yeah, I only work in the area of
22 cycling, so there's so many other different sports.

23 BY MR. TILLOTSON:

24 Q Okay. Are any teammates, former teammates of
25 Mr. Armstrong sponsored athletes of Oakley?

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1 A Yes.

2 Q Can you name some of them for me, please.

3 A Floyd Landis, George Hincapie, Christian Vande

McIlvain

4 Velde. I'm trying to think of the Europeans. That's
5 all I can come up with right now.

6 Q Okay. Was Mr. Frankie Andreu ever a sponsored
7 athlete of Oakley?

8 A Yes, he was.

9 Q Not anymore but at one point?

10 A Right.

11 Q How about Tyler Hamilton?

12 A Yes.

13 Q Currently?

14 A No, he doesn't have a contract right now.

15 Q Do you know, did he -- did Oakley drop him or
16 go their separate ways, do you know?

17 A I don't know.

18 Q Did you have any responsibility for Tyler
19 Hamilton?

20 A In -- probably about five years ago I did.

21 Q The same kind of responsibilities you had for
22 Mr. Armstrong?

23 A Yes.

24 Q And did you have responsibility for Frankie
25 Andreu?

¶00012

1 A Yes.

2 Q Same time frame?

3 A Yes.

4 Q And the others you named for me, Floyd Landis,
5 George Hincapie, Christian Vande Velde, did you have
6 responsibility for them, too?

7 A Yes.

8 Q Okay. Tell me what kinds of responsibilities
9 you generally have for these athletes?

10 A Negotiating contracts, getting them the right
11 product to wear and understanding Oakley and just being
12 there for support.

13 Q Do you -- you actually negotiate the sponsored
14 contracts with the athletes?

15 A Yes, I do.

16 Q Do you make the decisions as to who Oakley
17 wants to have as a sponsored athlete?

18 A Yes, I do.

19 Q Does that require approval of other executives
20 at Oakley?

21 A If it's a big contract, yes.

22 Q Does Mr. Armstrong -- is that considered a big
23 contract?

24 A Yes.

25 Q And by big, I take it the amount of dollars

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1 you pay is how you're qualifying whether it's big or
2 not? Let me ask it a better way.

3 When you say if it's a big contract, what
4 makes it a big contract?

5 A Depending on how long we're going to sign it
6 for. If it's more than four years of contract, we have
7 to get permission from our managers. It's not
8 necessarily a dollar amount that you have to get
9 permission for.

10 Q Is Oakley able to track how effective the
11 sponsored athletes are in connection with the sales of
12 its products?

13 A You know, I'm not sure.

14 Q Do you know if Oakley considers Mr. Armstrong

McIlvain

15 to be a successful sponsored athlete of its products?

16 A Yes.

17 Q Is he considered to be a valuable sponsored
18 athlete in that he helps sell a lot of Oakley products?

19 A Yes.

20 Q Now, does your husband work here --

21 A Yes.

22 Q -- at Oakley? What is his job?

23 A Director of sports marketing.

24 Q Okay. I don't want to cause any trouble at
25 home, but is that a position that's senior to you?

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1 A Yes.

2 Q Okay. All right. Now I've done it.

3 A He got it after.

4 Q All right. And how many people work in sports
5 marketing, approximately, would you say?

6 A I think there -- worldwide globally?

7 Q Yes.

8 A I believe there's over 60 to 70.

9 Q Okay. And your area of expertise or
10 concentration is professional cycling?

11 A Yes.

12 Q Now, you mentioned some of the things that you
13 did for the athletes, this would include Mr. Armstrong,
14 negotiating the contract, making sure they have the
15 right product to use or to wear, helping them
16 understand Oakley and be there for them for support, is
17 that fair to say?

18 A Yes.

19 Q Would you actually travel with them or go to
20 the various events that the cyclists would have?

21 A I would go to the events.

22 Q For example, did you attend the Tour de France
23 races?

24 A Yes.

25 Q Did you attend all the ones that Mr. Armstrong

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1 won?

2 A No.

3 Q When's the -- which ones did you miss, if you
4 know?

5 A In '99.

6 Q Other than '99, did you attend all the other
7 Tour de France races?

8 A Yes.

9 Q And would you go to other races he was at, for
10 example, the Tour de Georgia or the Tour de Spain?

11 A No.

12 Q How would you decide which races to go to and
13 which not to attend?

14 A The ones that would get Oakley the most
15 exposure. In my younger days it was going to the ones
16 if I haven't seen an athlete like in a month or two,
17 you'd have to -- you'd go to the event to take care of
18 the athlete.

19 Q Okay. And at these events, when you say take
20 care of the athlete, what kinds of things do you do?

21 A Give them sunglasses, get them the newest and
22 the greatest that we're trying to get out there for the
23 athlete, change out a lens.

24 MR. HERMAN: Pardon me?

25 THE WITNESS: Change a lens, give them a nose

¶00016

1 piece.
2 BY MR. TILLOTSON:
3 Q Okay. Other than sunglasses, does Mr.
4 Armstrong use any other Oakley products?
5 A He's contracted to wear sunglasses and
6 occasionally I believe he wears our jeans.
7 Q Okay. But in the actual racing it's
8 competitive equipment other than sunglasses?
9 A Sunglasses.
10 Q Now, you started working with Mr. Armstrong in
11 1990, is that right?
12 A Yes.
13 Q And so during a certain point in time there
14 Mr. Armstrong became ill, is that right?
15 A Yes.
16 Q And do you know if Oakley considered dropping
17 Mr. Armstrong because he was ill?
18 A Absolutely not.
19 Q Was there ever an issue about that?
20 A No.
21 Q When you came back -- when Mr. Armstrong came
22 back -- had you attended other Tour de France races
23 that he hadn't won --
24 A Oh, yeah.
25 Q -- with him? Okay. And how long -- typically

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1 how long is a contract for with the professional
2 cyclist? Let's talk generally, you don't have to
3 reveal the details of anyone's contract, but are these
4 three-year, five-year, two-year or six-year?
5 A Usually two-year.
6 Q And at the Tour de France what kind of contact
7 would you have with Mr. Armstrong? Would you see him
8 on a daily basis? Would you --
9 A No, no.
10 Q -- see him infrequently?
11 A I would usually see him at the start, like a
12 day before the start, give him all the new stuff, and
13 then I would see him everyday, as he'd go by on his
14 bike he'd, you know, wave and see me at the start line,
15 and then I'd probably -- if I was staying for the whole
16 tour, I would make my rounds again to all the athletes,
17 like within three days.
18 Q And when Mr. Armstrong won, would you get
19 invited to like -- or would you go to after parties or
20 victory parties?
21 A Dinners, yes.
22 Q And do you believe Mr. Armstrong treated you
23 fairly or included you in those kinds of events?
24 A Yes.
25 Q Now, in connection with Mr. Armstrong getting

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1 ill, were you in contact with him during the course of
2 his illness and his treatment?
3 A Yes.
4 Q Did you visit him at the hospital that he was
5 at?
6 A Yes.
7 Q Do you remember what hospital it was?
8 A It was in Indianapolis, Indy. I don't know
9 the name of it.
10 Q But was it in Indiana?

11 A Yes.
12 Q Do you remember if it was the Indiana
13 University Hospital?
14 A I'm not sure of the name.
15 Q And how long -- how many times did you visit
16 him there at that hospital?
17 A I believe it was four.
18 Q Separate times?
19 A Yes.
20 Q And how long would you stay?
21 A I would come in for like a day, two days.
22 Q To see him and --
23 A Just say hi to him, that we're behind him.
24 Q Who was his agent at that time? Was it
25 Mr. Stapleton?

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1 A Yes.
2 Q Would you actually negotiate with Mr.
3 Stapleton with the contracts, is that the person that
4 you would deal with?
5 A In the younger -- in the earlier years we
6 would do it with just Lance, and then when he started
7 getting busier with his career, we started doing it
8 with Bill Stapleton. I've only negotiated one contract
9 with Bill.
10 Q I understand Mr. Stapleton can be a fierce
11 negotiator. Would you agree with that?
12 A Not for me.
13 Q Okay. At the -- in connection with --
14 A I'm sorry.
15 MR. WEEKS: I don't know if that's a
16 compliment or not.
17 THE WITNESS: No, no.
18 BY MR. TILLOTSON:
19 Q He may have met his match, I don't know.
20 In connection with your visits to the hospital
21 with Mr. Armstrong, did there ever come a time where
22 you were with him with other people where there was any
23 discussion regarding Mr. Armstrong's use of performance
24 enhancing drugs or substances?
25 A No.

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1 Q Okay. There's been testimony -- well, let me
2 rephrase that.
3 Were you ever at a hospital room or other part
4 of the hospital with Mr. Armstrong where he said
5 anything about performance enhancing drugs?
6 A No.
7 Q Do you have any recollection of any doctor in
8 your presence asking Mr. Armstrong if he used in the
9 past any performance enhancing drugs or substances?
10 A No.
11 Q Okay. Did you talk with anyone at the Indiana
12 University Hospital or its surroundings about Mr.
13 Armstrong's use of performance enhancing drugs?
14 A No.
15 Q Since Mr. Armstrong's treatment, have you ever
16 spoken with any other person about whether or not Mr.
17 Armstrong told someone at the hospital that he used
18 performance enhancing drugs?
19 A Yes.
20 Q Who have you spoken to?
21 A I spoke to Betsy Andreu and Frankie.

McIlvain

22 Q Do you remember when that was?

23 A Just probably about four years ago.

24 Q Tell me first what was the occasion why you
25 were talking to them and then I'm going to ask you what

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1 you talked about?

2 A Betsy Andreu called up and asked if I
3 remembered an incident where two doctors came in and
4 Lance told them what drugs he had used, and I -- at
5 that point I told her no, I don't, I don't remember
6 Lance ever saying to two doctors that he used drugs.

7 I do remember being in a conference room or a
8 room with some people and Betsy and Frankie were in
9 there, and I came in, and the reason I remember it so
10 well is because they were watching a football game and
11 I -- sorry everybody, but I hate football, and it
12 was -- sorry, it was very, very painful for me, so I
13 went and sat down on the floor where the couch was and
14 I just sat there and watched, watched the football
15 game, and that's the main thing that I remember, but
16 when Betsy called me and talked to me about it, she
17 started telling me what she heard and what she saw in
18 that room.

19 Q Okay. What is it she told you?

20 A She said that she remembers being in that room
21 and she swore that I was in that room and that I had to
22 hear it, that two, two gentlemen came in and asked him
23 what he was using, and at that point he told them
24 whatever it was.

25 Q But you -- let me back up. First do you

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1 recall two gentlemen or two doctors ever coming in the
2 room?

3 A Yes, but I don't know if they were doctors.

4 Q Did they look like doctors? Were they wearing
5 white coats or --

6 A No, they -- no white coats.

7 Q Okay. Other type of medical dress, you know,
8 scrubs, things like that?

9 A No, I don't remember.

10 Q Do you remember if they were white or Asian or
11 black or Indian or what their ethnicity was?

12 A I, I couldn't tell you.

13 Q You were in a conference room of sorts rather
14 than a hospital room?

15 A Yes.

16 Q And who all was in the room as you recall?

17 A Definitely Frankie and Betsy and Lance.

18 Q Do you remember if Chris Carmichael was there?

19 A Yes.

20 Q How about Lisa Shields, do you remember if she
21 was there?

22 A I don't remember Lisa.

23 Q So you remember being in the conference room
24 or center with Mr. Armstrong, Betsy, Frankie Andreu,
25 Chris Carmichael. Anyone else?

♀00023

1 A Paige.

2 Q Paige, okay.

3 A And I remember that -- I remember meeting --
4 for the first time meeting Paige and that was the first
5 time ever meeting Betsy.

6 Q Now, at the time Betsy was not married to

McIlvain

7 Frankie Andreu, was she, or do you recall?
8 A I don't recall.
9 Q And was Paige married to Chris Carmichael at
10 the time?
11 A No.
12 Q All right. So it's the first time you meet
13 Betsy Andreu and Paige and you go and sit and watch
14 football?
15 A Yes.
16 Q Even though you don't like football, right?
17 A I hate it.
18 Q Do you sit on the floor or the couch?
19 A I was sitting on the floor.
20 Q All right. And in relation to you watching
21 the TV, if this camera is the TV, where are the other
22 people in the room if you're watching that TV?
23 A I don't recall.
24 Q Are they behind you, to the side or do you not
25 remember?

¶00024

1 A I don't remember.
2 Q Now, did you hear any talking at all?
3 A There was lots of talking between everybody.
4 Q And do you remember any of the subject matters
5 that was being discussed?
6 A No.
7 Q And at some point in time you do recall two
8 men came in?
9 A Yes.
10 Q Did they speak to Mr. Armstrong?
11 A Yes.
12 Q Did Mr. Armstrong excuse anyone or kick them
13 out?
14 A No.
15 Q Okay. Including you sitting there watching
16 the football game --
17 A Yes.
18 Q -- have I got that right? Okay.
19 Did you hear anything these two men said?
20 A No.
21 Q Okay. So whatever they said, either you
22 didn't hear or you don't remember what it was?
23 A Right. I don't know who, who was saying what.
24 Q Got it. Do you remember if Betsy and Frankie
25 left the room?

¶00025

1 A I don't remember.
2 Q How did you -- how did this incident end, did
3 you get up and leave, did they say good-bye, what took
4 place?
5 A I, I left. It wasn't -- you know, just when,
6 when I got bored I left when the football game got
7 over.
8 Q Did you speak to Mr. Armstrong as you recall?
9 A Well, of course.
10 Q Do you remember the topics of any of the
11 conversations other than pleasantries?
12 A No, no. How are you feeling.
13 MR. WEEKS: May I clarify this. When did this
14 occur? Do we have a date or an approximate date?
15 BY MR. TILLOTSON:
16 Q Do you remember?
17 A I think it was -- well, it had to be in '96,

18 that's when he was sick.

19 MR. WEEKS: Oh, okay.

20 BY MR. TILLOTSON:

21 Q Did you talk to Betsy Andreu after being in
22 that room and leaving that same day?

23 A No.

24 Q So you never spoke with her about that
25 particular incident until several years later?

¶00026

1 A Right.

2 Q Have you ever talked to Frankie Andreu about
3 it?

4 A No.

5 Q Any of the other people in the room, Chris
6 Carmichael, Paige?

7 A No.

8 Q Did Mr. Armstrong ever ask you about it?

9 A No.

10 Q Have you ever been asked to give an affidavit
11 regarding that particular incident?

12 MR. WEEKS: Let's hold on with that. We're
13 going to object to that, attorney-client privilege.

14 BY MR. TILLOTSON:

15 Q Okay. Well, let me ask it this way then. Has
16 anyone other than your lawyer ever asked you to give an
17 affidavit regarding that incident?

18 A No.

19 Q Have you been approached by Mr. Armstrong
20 about the possibility of giving an affidavit regarding
21 what took place in the Indiana conference room?

22 A No.

23 Q You were asked by Mr. Walsh about it, weren't
24 you?

25 A About giving an affidavit?

¶00027

1 Q No. I'm sorry. Let me rephrase. Were you
2 at -- do you know who Mr. David Walsh is?

3 A Yes.

4 Q Were you approached by him and asked about the
5 Indiana hospital room --

6 A Yes.

7 Q -- I'll call it incident? You were?

8 A Yes.

9 Q And did you tell -- what did you tell him as
10 you recall?

11 A Well, when I -- when David called me, he's --
12 he basically went into this whole thing about what
13 Betsy Andreu told him and he asked me if I remember,
14 and at that point I said "No." He said, "Are you
15 sure?" And I said, "No, I don't remember it, David,
16 but if, if that's what Betsy's telling you, I guess
17 that's what she's telling you," and at that point I
18 told him no, no comment, that I had no comment.

19 Q Did you tell Mr. Walsh you should ask Mr.
20 Armstrong about that?

21 A Yes, I did.

22 Q Have you ever asked Mr. Armstrong about that?

23 A No. I told David that any questions for --
24 regarding Lance Armstrong should be asked to Lance
25 Armstrong, it was not my business.

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1 Q Okay. Fair enough. In connection with Mr.
2 Walsh's book, you know, he wrote about this particular

3 incident, are you aware of that?

4 A Yes.

5 Q Were you ever asked by anyone connected to
6 Mr. Armstrong to provide an affidavit saying that that
7 incident did not happen?

8 A No.

9 Q And if I understand what you're telling me,
10 you didn't hear or see anything regarding Mr. Armstrong
11 discussing or revealing or talking about any use of
12 performance enhancing drugs in that hospital room?

13 A No.

14 Q Although you don't recall what or either don't
15 recall or didn't hear all the things being said, at
16 least what you did hear and can recall, you don't
17 remember anything like that?

18 A I don't.

19 Q Okay. What did Ms. Andreu tell you when you
20 talked about this four years ago when you -- did you
21 tell her that you didn't recall or didn't hear this?

22 A Yes.

23 Q What did she say in response?

24 A She told me I was crazy and that it definitely
25 happened and that I would have to remember it.

¶00029

1 Q What did you say in response?

2 A I told her what happened, you know, what she's
3 talking about was supposed to take place in '96, and I,
4 I didn't remember anything. I remember being in the
5 room and I remember watching football and I remember
6 meeting Betsy for the first time and meeting Paige
7 Carmichael and that was it, and she proceeded to tell
8 me what she, what she saw in the room and what she
9 heard in the room.

10 Q And other than her -- have you talked to
11 Frankie Andreu about this incident?

12 A Frankie and I, I talked, talked about it and
13 Frankie couldn't remember, he couldn't, he couldn't
14 remember much. He was going off what his wife was
15 telling him.

16 Q And when did this take place?

17 A I'm trying to think. Hold on.

18 Q That's okay. Take your time.

19 A It was -- I think it was in -- it was like two
20 years ago.

21 Q What was the occasion that you had talked
22 about it? How did it come up I should ask?

23 A I don't remember how it came up.

24 Q Do you remember where, was it a race or an
25 event?

¶00030

1 A No. It was on the phone.

2 Q And why would you be discussing with Mr.
3 Andreu on the phone what took place or didn't take
4 place at the Indiana hospital?

5 A Probably -- it just probably came up.

6 Q Would you speak to Mr. Andreu a lot?

7 A Yes.

8 Q Was he under a contract with Oakley at the
9 time you had this conversation?

10 A I don't recall if he was.

11 Q Do you speak with Betsy Andreu frequently?

12 A Yes. She's my friend.

13 MR. WEEKS: What was that?

McIlvain

14 THE WITNESS: I said she's my friend. She --

15 MR. WEEKS: Oh, okay.

16 THE WITNESS: She's been a friend for, for a
17 while.

18 BY MR. TILLOTSON:

19 Q Do you consider her a reliable and honest
20 person?

21 A Yes.

22 Q Okay. Now, we've talked about you spoke with
23 Ms. Andreu, Mr. Andreu. Anyone else you talked to
24 about the Indiana hospital room incident, other than
25 your lawyer, of course?

¶00031

1 A No.

2 Q Have you spoken to, about that incident, let
3 me just see if I can jog your memory with anyone else,
4 a person named Justine?

5 A No.

6 Q Do you know who I'm referring to? Do you know
7 a Justine?

8 A I hear -- Betsy talks about Justine. I never
9 spoke to Justine.

10 Q You never spoke to Justine?

11 A No.

12 Q Okay. Have you ever spoken to Mr. Armstrong
13 regarding his possible use of performance enhancing
14 substances?

15 A No.

16 Q Have you ever asked him if he's ever used
17 performance enhancing substances --

18 A No.

19 Q -- or drugs? Has he ever indicated to you
20 either through words or actions that he has used
21 performance enhancing substances or drugs in the past?

22 A No.

23 Q So would it be fair to say that you have never
24 had any conversation with Mr. Armstrong where the topic
25 of his possible use of performance enhancing drugs has

¶00032

1 ever come up?

2 A That's correct.

3 Q Okay. So has he ever told you he doesn't use
4 performance enhancing drugs, for example?

5 A Can you repeat that.

6 Q Has Mr. Armstrong ever told you in person or
7 on the phone that he doesn't use performance enhancing
8 drugs?

9 A No.

10 Q In his contract do you know if it can be
11 terminated by Oakley if in fact Mr. Armstrong is caught
12 using or tests positive for performance enhancing
13 substances or drugs?

14 A Yes.

15 Q Okay. How does Oakley go about assuring
16 itself that he's not violating that provision?

17 A I don't understand that question.

18 MR. WEEKS: Well, has Oakley ever taken any
19 action regarding that issue?

20 THE WITNESS: No, no.

21 BY MR. TILLOTSON:

22 Q My question is -- I appreciate that. My
23 question's a little different.

24 Does Oakley do anything to ensure that Mr.

25 Armstrong is in compliance with that provision? Do you
¶00033

1 test him? Do you ask --

2 A No --

3 Q -- for written statements?

4 A -- no, no, no.

5 Q Do you -- okay. You don't get test results
6 from his races, for example?

7 A No.

8 Q Okay. Did -- I want to go back to the Indiana
9 hospital when you said you visited I think you said
10 maybe four times Mr. Armstrong. Did you ever see Betsy
11 Andreu at any other visit when you were there?

12 A No.

13 Q Are you aware of a person whose nickname is
14 College?

15 A Yes.

16 Q Okay. First of all I want to know how he got
17 that nickname, but before I ask that, can you tell me
18 who that person is, his name first?

19 A John Koriath. He's a friend from Texas. I
20 met him through Lance. A good guy.

21 Q What does he do? I want to say he's probably
22 a permanent professional student at the University of
23 Texas hence his nickname, but that's probably not
24 right. What does he do or --

25 A Well, now he works for a company that like
¶00034

1 goes into companies to sell the little boxes for the
2 credit cards.

3 Q Okay. But before that did he -- what did he
4 do?

5 A Oh, God. I think he worked at a bar.

6 Q Okay. Let me ask it this way. This person,
7 College --

8 A Yes.

9 Q -- was a friend of Mr. Armstrong's?

10 A Yes.

11 Q And is that how you met him?

12 A Yes.

13 Q Okay. You're smiling. What's -- what am I
14 missing there?

15 A The first time that I met him, Oakley bought
16 Lance a little remote control car for a bonus and we
17 were at his old house and I get this phone call at the,
18 at the hotel and it's Lance, Steph, you've got to get
19 over here, you've got to get over here, you're not
20 going to believe what happened, I'm like oh, God, what
21 happened. He drove the remote control car into the
22 water there by his little boat docking.

23 I met John because Lance was sick and College
24 came all the way over early in the morning and he was
25 in the freezing water trying to get the car --

¶00035

1 Q Okay, okay.

2 A -- so I'm sorry, that's why I smiled, it
3 was --

4 Q Okay. Have you ever spoken with College, John
5 Koriath, is that how you pronounce his last name?

6 A Koriath.

7 Q Koriath. Have you ever spoken to that
8 individual about Mr. Armstrong's possible use of
9 performance enhancing substances?

10 A No.
11 Q Did you ever speak with Mr. Kori oth, also
12 known as College, about his picking up, retrieving or
13 getting EPO from Mr. Armstrong's house?
14 A No.
15 Q Are you aware that there has been testimony
16 that this individual was asked to go to Mr. Armstrong's
17 house during the course of his breakup with his -- Mr.
18 Armstrong's wife to retrieve EPO from the refrigerator?
19 A No.
20 Q Have you ever heard anything to that effect?
21 A No.
22 Q Have you ever spoken to College about whether
23 or not he knew or was aware of any possible use by
24 Mr. Armstrong of the EPO or any other performance
25 enhancing drug?

¶00036

1 A Can you repeat that again.
2 Q Sure. Have you ever spoken to, to College
3 about any possible connection between Mr. Armstrong and
4 performance enhancing drugs or substances?
5 A No.
6 Q Have you spoken to anyone about whether or not
7 College went to Mr. Armstrong's house and picked up EPO
8 out of the refrigerator?
9 A No.
10 Q Have you ever heard of that from anyone?
11 A No.
12 Q Have you ever heard anything like that from
13 anyone regarding College, EPO and Mr. Armstrong?
14 A No.
15 Q Okay. If I, if I changed my question to --
16 from EPO to any performance enhancing drug, whether EPO
17 or something else, would your answer be the same?
18 A Yes.
19 Q Okay. Has Mr. Armstrong ever said in your
20 presence words to the effect that all cyclists use
21 performance enhancing drugs?
22 A I don't recall.
23 Q Well, has he -- has Mr. Armstrong ever
24 discussed the use of performance enhancing drugs by
25 other cyclists?

¶00037

1 A No.
2 Q Has he ever said words to the effect of we all
3 do it or all cyclists do it --
4 A No.
5 Q -- to you --
6 A No.
7 Q -- in reference to performance enhancing
8 drugs?
9 A No.
10 Q Do you remember if -- did Mr. Armstrong do a
11 commercial or a professional shoot for Subaru?
12 A Yes.
13 Q Were you involved in that or around when that
14 took place?
15 A I was there.
16 Q Where did it take place at, do you remember?
17 A Like up towards Solvang, California.
18 MR. HERMAN: I'm sorry, I didn't hear you, I'm
19 sorry.
20 THE WITNESS: Up towards Solvang, California.

21 BY MR. TILLOTSON:

22 Q And was it for a commercial -- TV commercial
23 or a magazine ad or do you remember?

24 A I'm not sure. Something to do with Subaru.

25 Q Okay. And why were you there?

¶00038

1 A I came up to give him some sunglasses.

2 Q Okay. So he wears those in the commercial

3 shoot?

4 A Yes.

5 Q Okay, very good. Do you remember if College
6 was there?

7 A No.

8 Q You don't remember or he wasn't there?

9 A Oh, he was not there.

10 Q Did you discuss with Mr. Armstrong at that
11 shoot his pending or impending breakup from his then
12 wife?

13 A That was -- the -- he told me right there that
14 Kristin and him were getting divorced.

15 Q Were you friends with his wife?

16 A Yes, we're friends.

17 Q During -- talking about the fact that he was
18 breaking up, did he tell you that he was taking any
19 actions to protect himself from something his wife
20 might do?

21 A No.

22 Q Was there any discussion about whether or not
23 he was concerned that his wife might reveal, talk about
24 or use Mr. Armstrong's use of performance enhancing
25 drugs in any way?

¶00039

1 A No.

2 Q Did Mr. Armstrong as you recall refer to
3 College during this conversation as helping him out in
4 connection with his impending breakup from Mrs.
5 Armstrong?

6 A Yes.

7 Q What did he say about College?

8 A That College is there and he's also going to
9 continue to be friends with Kristin.

10 Q College was there meaning College was in
11 Austin?

12 A Oh, I'm not sure where College was at the
13 time. It was more, more in general of talking like
14 College is going to continue to be friends with
15 Kristin.

16 Q Okay. So continue to be there, not
17 physically, but be there in the sense of --

18 A Yes.

19 Q -- around?

20 A Around.

21 Q Did he mention if he had sent College to his
22 house to retrieve anything?

23 A No.

24 Q Did you ever discuss with Mr. Greg LeMond --
25 you know who Mr. Greg LeMond is obviously, correct?

¶00040

1 A Yes.

2 Q Has he ever been a sponsored athlete of
3 Oakley?

4 A A long time ago.

5 Q Okay. Pre all these gadgets that you now have

McIlvain

6 in your sunglasses that I just bought?

7 A Yeah.

8 Q Okay. All right. Did you ever discuss with
9 Mr. Greg LeMond anything to do with Mr. Armstrong's use
10 of performance enhancing substances?

11 A I spoke, I spoke with Greg, Greg called me and
12 he asked me if I would testify against Greg -- testify
13 against Lance Armstrong -- against, against Lance
14 Armstrong saying that he was using drugs, and I told
15 Greg that I would never testify against anybody, I
16 would answer the questions truthfully, but I'm not
17 going to testify against anyone.

18 Q When did this conversation take place?

19 A Oh, gosh. I believe it was -- well, it was
20 this year -- it had to -- it was this year, 2005.

21 Q And Mr. LeMond called you?

22 A Yes.

23 Q And tell me specifically what it is he wanted
24 you to do?

25 A He asked if I -- he, he -- the whole reason he
¶00041

1 called is to find out if I would testify against Lance
2 Armstrong and then he went into -- he talks a lot. He
3 went into the whole thing about his VH2V something max,
4 the max --

5 Q Okay.

6 A -- and he started telling me what he did when
7 he was in cycling and just a bunch of -- a whole bunch
8 of different stuff he talked about.

9 Q Okay.

10 A He did most of the talking.

11 Q All right. Let me, let me ask you some
12 questions regarding that conversation. I'm going to
13 tell you some of the things he said. Now, normally we
14 don't do this, but since it's about you --

15 A That's fine.

16 Q -- I'm going to, I'm going to ask you, but
17 normally we're not, we're not permitted to tell people
18 about the testimony, but it involves you, I need to ask
19 you if these things in fact took place.

20 A Okay.

21 Q Mr. --

22 MR. WEEKS: Is that, is that correct?

23 MR. HERMAN: Okay, sure.

24 MR. TILLOTSON: Okay. Thank you.

25 MR. WEEKS: I'm just clarifying for my sake of
¶00042

1 representing Ms. McIlvain.

2 MR. HERMAN: Yeah.

3 BY MR. TILLOTSON:

4 Q Mr. LeMond was asked what he discussed with
5 you.

6 This is from his deposition at Page 71, Lines
7 20, Tim, if you need a reference.

8 He says, "The same thing, you know, she talked
9 about College and him, describing how he had to go and
10 make sure that EPO was taken out before. He was in the
11 process of divorcing Kristin Armstrong and that he was
12 sent to get rid of EPO. He was afraid that his soon to
13 be ex-wife could use that against him."

14 Did you have such a discussion with Mr. LeMond
15 about that?

16 A No.

McIlvain

17 Q Anything to that effect?

18 A No.

19 Q Did you discuss in any way something similar
20 to this regarding College, EPO, Kristin Armstrong?

21 A We didn't, we didn't talk about College and we
22 didn't talk about Kristin.

23 Q Do you know how Mr. LeMond would know of
24 College?

25 A From Betsy Andreu.

¶00043

1 Q Okay. He also says at Page 73 that, this is
2 in response to things he talked about with you, she,
3 being you, was present when she confirmed what Betsy
4 Andreu told us that he, Mr. Armstrong, admitted to EPO
5 use, growth hormone, testosterone and other drugs. Did
6 that in fact take place?

7 A No.

8 Q He says in here at Page 73 that you were
9 concerned about your job if you talked about the
10 Indiana hospital scene. Is that true?

11 A No.

12 Q So you didn't tell Mr. Armstrong you were
13 concerned about possible adverse influence on you
14 either here or generally if you talked about Mr.
15 Armstrong?

16 A No.

17 Q And so Mr. LeMond just either has this wrong
18 or is making it up?

19 MR. WEEKS: Are you asking her for -- are you
20 asking for her to make a supposition as to why he's
21 testifying the way he is?

22 BY MR. TILLOTSON:

23 Q Well, no. I want to know about the truth of
24 the statements attributed to you. Is there no truth to
25 those --

¶00044

1 MR. WEEKS: She's already answered, sir.

2 BY MR. TILLOTSON:

3 Q Are there no truths to those statements?

4 MR. WEEKS: You can answer, you can answer.

5 THE WITNESS: I'm sorry, ask me again.

6 BY MR. TILLOTSON:

7 Q Is there no truth to the statements that you
8 told Mr. Greg LeMond that you were present at the
9 Indiana hospital room and confirmed what Betsy Andreu
10 told us which is that Mr. Armstrong admitted to EPO
11 use, growth hormone, testosterone and other drugs?

12 A No. I, I told Greg LeMond I remember being in
13 a room and I remember watching a football game and
14 first meeting Betsy and Paige Carmichael.

15 Q Do you remember if Mr. LeMond asked you if
16 Mr. Armstrong said he used drugs while you were in that
17 room?

18 A He, he told me what Betsy told him and asked
19 me if I remember it that way.

20 Q And your response to Mr. LeMond was?

21 A No. I remember being in a room.

22 Q Okay. Ms. Andreu testified in your, in your,
23 in your -- in her deposition that she told you she was
24 going to be deposed. Do you remember that taking
25 place?

¶00045

1 A Yes.

McIlvain

2 Q Did you offer her any advice, wisdom or
3 guidance in connection with her deposition?
4 A I just told her to say what she needed to say.
5 Q Did she -- did you express to her any fear or
6 concern that you might be deposed?
7 A I knew I was going to be deposed.
8 Q She -- Ms. Andreu testified in her deposition
9 that you had said to her that it's all so stupid, he,
10 being Mr. Armstrong, will never get caught?

11 A No. I said this is all so stupid, it needs to
12 go away.

13 Q Meaning what?

14 A Just like I didn't want to be involved.

15 Q And by that time were you -- I think you
16 testified you were aware that you were going to be
17 deposed in connection with this matter?

18 A Yes.

19 Q Okay. Have you had any discussions with
20 George Hincapie regarding his use -- his possible use
21 of performance enhancing substances?

22 A No.

23 Q With any of the riders who were teammates with
24 Mr. Armstrong, have you spoken with any of them --

25 A No.

¶00046

1 Q -- regarding their possible use of performance
2 enhancing substances?

3 A No.

4 Q Do you have any knowledge of any kind whether
5 or not any teammate of Mr. Armstrong used performance
6 enhancing substances?

7 A No knowledge, no.

8 Q Well, you know some things from which you've
9 read in the press, like about Mr. Hamilton, for
10 example?

11 A Oh, of course, of course, yes.

12 Q I want to set that aside --

13 A Yes.

14 Q -- to anything that you might know that is not
15 -- that you got from reading in the newspaper is my
16 question.

17 A I have no firsthand knowledge.

18 Q Let's put aside firsthand knowledge. How
19 about secondhand, something you heard from someone?

20 A Fourthhand, thirdhand, it's just --

21 Q Okay. I'm not trying to be difficult but --

22 A Yes.

23 Q -- when witnesses say firsthand, I want to
24 make sure I fully understand all your testimony, that's
25 all.

¶00047

1 A That's okay.

2 Q I'm not, I'm not trying to be difficult.

3 Do you know who Julien Defrey (sic) is?

4 DeVries, sorry. I got a D in French, so --

5 A I know -- I just know him from being a
6 mechanic.

7 Q Did you -- would you speak with him when
8 you --

9 A No. We didn't like each other very much.

10 Q What was the source of that, can you tell us?

11 A We would get -- he used to -- I'm not sure if
12 it was the right -- well, it was actually Greg LeMond's

McIlvain

13 team when we sponsored Greg, he was LeMond's mechanic
14 and he would call up and ask for product, and I would
15 give him the product and then he would turn around and
16 take it back to his homeland and he would sell it, so
17 we don't talk.

18 Q Okay. Did he ever mention anything to you
19 regarding Mr. Armstrong's possible use of performance
20 enhancing substances?

21 A No.

22 Q Did he ever mention to you whether or not he
23 had heard if Mr. Armstrong had paid money to cover up a
24 positive test result in 1999?

25 A No.

¶00048

1 MR. TILLOTSON: If you'll give us a few
2 minutes, I want to go over a couple of my notes to see
3 what other questions or issues I might have. Do you
4 mind if we take a short break?

5 THE VIDEOGRAPHER: We're off the record at
6 11:55 a.m.

7 (Break.)

8 THE VIDEOGRAPHER: Back on the record at
9 p.m.

10 BY MR. TILLOTSON:

11 Q Just a few more questions, Ms. McIlvain.

12 First, we talked about a person named Justine,
13 do you remember that?

14 A Yes.

15 Q I was referring to Justine Gubar. Is that who
16 you were referring to?

17 A No.

18 Q Which Justine were you referring to?

19 A I -- you asked me if I knew a Justine, and I
20 don't know Justine.

21 Q Okay.

22 A Only the one that Betsy always talks to.

23 Q Okay. And so this is -- the Justine you're
24 referring to is the Justine that Betsy Andreu talked to
25 that she tells you about?

¶00049

1 A Yes.

2 Q Have you ever spoken to someone named Justine
3 Gubar?

4 A No.

5 Q Someone named Joe Lindsey?

6 A Yes.

7 Q Who is Mr. Lindsey?

8 A He is a reporter.

9 Q For?

10 A I think he just does independent stuff.

11 Q Have you spoken to Mr. Lindsey about Lance
12 Armstrong?

13 A Yes.

14 Q Have you discussed with Mr. Lindsey anything
15 to do with what happened or didn't happen in the
16 Indiana hospital room?

17 A No.

18 Q Have you discussed with Mr. Lindsey anything
19 to do with College, the person we've been calling
20 College?

21 A No.

22 Q Have you discussed with Mr. Lindsey anything
23 to do with performance enhancing drugs or substances

24 and Mr. Armstrong?

25 A No.

¶00050

1 Q What, what have you talked about with
2 Mr. Lindsey as you recall?

3 A He was doing a piece on Outside magazine and
4 he wanted to know our relationship with Oakley, and I
5 told him I'm not going to talk -- if it's like a bad
6 thing of trying to uncover anything, that I wasn't
7 going to speak with him, and he told me it was a feel
8 good maga -- feel good article that he was going to do,
9 so he asked me what, what impact does Lance have on the
10 public who have -- has had cancer, and so I told him
11 the story about an autograph signing that we had at one
12 of our stores and about this one lady when she got up
13 to Lance, she started crying and I've never ever seen
14 that before. It was like he was God like to these
15 people.

16 Q Have you corresponded by e-mail with Betsy
17 Andreu?

18 A Yes.

19 Q Have -- do you remember if you sent any
20 e-mails that have discussed the Indiana hospital room
21 matter?

22 A No.

23 Q Any e-mails that have discussed College or
24 anything College did?

25 A No.

¶00051

1 Q You know who Kevin Livingston is, don't you?

2 A Yes. He was a sponsored athlete.

3 Q As well?

4 A Yes.

5 Q Have you ever spoken with Kevin Livingston
6 about Mr. Armstrong and performance enhancing drugs or
7 substances in any way?

8 A No. We didn't have a -- we -- he was
9 sponsored but we didn't talk often.

10 Q Okay. Have you spoken with Mr. Hamilton since
11 he tested positive?

12 A No.

13 Q Have you spoken with Mr. Armstrong about
14 Mr. Hamilton testing positive?

15 A No.

16 Q Have you spoken to Jennifer Burton?

17 A No.

18 Q Do you know who Jennifer Burton is?

19 A No.

20 Q All right. How about Tom Weisel?

21 A No.

22 Q Do you know who Mr. Weisel is?

23 A Oh, yeah.

24 Q Okay.

25 MR. WEEKS: Mr. Weisel?

¶00052

1 MR. HERMAN: Weisel.

2 MR. TILLOTSON: Weisel, sorry.

3 MR. WEEKS: Weisel, okay.

4 MR. TILLOTSON: We call him Weisel but not to
5 his face.

6 MR. COMPTON: I said Weisel.

7 BY MR. TILLOTSON:

8 Q You know who Mr. Weisel is but you haven't

9 spoken to him?

10 A No.

11 Q All right.

12 MR. HERMAN: You say Weisel, I say Weisel.

13 BY MR. TILLOTSON:

14 Q And last, have you spoken to Mr. Armstrong's
15 former wife within the last year?

16 A Yes.

17 Q Have you discussed with her anything regarding
18 Mr. Armstrong and performance enhancing drugs or
19 substances?

20 A No.

21 Q Has that subject ever come up between you and
22 Mrs. Armstrong?

23 A No. We don't talk about Lance.

24 MR. TILLOTSON: I appreciate your time. Those
25 are all the questions I have. Mr. Herman may ask you

♀00053

1 some questions and I may have the right to follow up
2 after that --

3 THE WITNESS: Okay.

4 MR. TILLOTSON: -- but at this time I'm
5 passing the witness here and we appreciate your
6 hospitality in coming down here.

7 THE WITNESS: Thanks.

8 MR. HERMAN: I want to switch places with you.
9 Let's go off the record.

10 MR. TILLOTSON: Let's go off the record and
11 we'll switch places.

12 THE VIDEOGRAPHER: Off the record at
13 p.m.

14 (Break.)

15 THE VIDEOGRAPHER: Back on the record at
16 p.m.

EXAMINATION

17 BY MR. HERMAN:

18 Q Ms. McIlvain, my name is Tim Herman, and I
19 represent Tailwind Sports Corp. and Lance Armstrong in
20 this dispute about which you discussed with Mr.
21 Tillotson earlier.

22 A Okay.

23 Q You and I have never met before today, have
24 we, ma'am?

♀00054

1 A No.

2 Q And we've never spoken before today, have we?

3 A No.

4 Q Okay. Mr. Tillotson has covered most of the,
5 you know, issues or questions about your career and
6 your profession and so forth. One thing that I was
7 curious about, you said that you knew you were going to
8 be deposed.

9 Has anyone with SCA attempted to contact you
10 prior to let's say this past Thursday or Friday?

11 A Yes.

12 Q Tell me who has attempted to contact you?

13 A Chris Compton.

14 Q All right. And is that -- was that the source
15 of your knowledge that you were going to be deposed
16 or --

17 A No.

18 Q -- or attempted to be deposed?

19 A No.

McIlvain

20 Q Okay. Well, tell me, while we're on that
21 topic, tell me how -- what sort of contact you had with
22 Mr. Compton?

23 A He, he left two messages on the machine.

24 Q And when, when were those messages left?

25 A October 27th.

¶00055

1 Q October 27th?

2 A Uh-huh.

3 Q Okay. And what were the messages?

4 A The first one at home just asked for Pat or
5 myself to give him a call back, that we needed to
6 discuss this issue, and the other one was on my cell
7 phone, and he asked me to call him back and that he
8 hopes that we can resolve this before it's detrimental
9 to the, to the McIlvain family.

10 Q What did that mean, do you know?

11 A I don't know.

12 Q How did he have your cell phone number, do you
13 know?

14 A He must have got it from Betsy.

15 Q Okay. You mentioned that you and Betsy are
16 friends and that she said that you all spoke three
17 times a day. Is that --

18 A We spoke a lot, yes. She's my -- she's a
19 friend.

20 Q Okay.

21 A Yeah.

22 Q No. I mean I --

23 A No, no.

24 Q I was just curious. Now, Mr. Tillotson asked
25 you about this gathering in this Indianapolis hospital,

¶00056

1 do you recall that?

2 A Yes.

3 Q Okay. Can you tell me, if you can recall,
4 prior to this incident that Mr. Tillotson asked you
5 about occurring in '96, do you know how long Mr.
6 Armstrong had been at the hospital in Indianapolis?

7 A That day you mean?

8 Q No. I assume that you went to this -- you
9 went to see him, you were in a conference room as you
10 described where they were watching a football game and
11 I was just curious about how long Lance had been in the
12 hospital by that time?

13 A Oh, I'm not sure.

14 Q But had he been there several days?

15 A Yes.

16 Q Okay. Was that the first time you had visited
17 him at the hospital in Indianapolis or not, can you
18 recall?

19 A I can't recall if it was the first.

20 Q Normally if you would go there for a day or
21 two, I take it you would -- if you were spending a
22 couple of days there, you might visit two or three
23 times while you were in town?

24 A Yes.

25 Q Okay. Now, you mentioned that in Mr.

¶00057

1 Armstrong's contract there was a provision for
2 termination if there was some confirmation that he had
3 engaged in some prohibited conduct including I guess
4 this performance enhancing substances?

5 A Yes.

6 Q Okay. And are you familiar with the testing
7 procedures generally of the UCI, for example, and so
8 forth?

9 A No.

10 Q Okay. You know that Mr. Armstrong has been
11 tested numerous times by a variety of sanctioning
12 bodies?

13 A Yes.

14 Q And is Oakley or at least you on behalf of
15 Oakley, are you aware of any positive tests ever
16 conducted on Mr. Armstrong?

17 A No.

18 Q In or out of competition?

19 A No.

20 Q Let me, let me ask you, right at the end of
21 your testimony you mentioned an incident or an
22 occurrence where you observed the impact that Mr.
23 Armstrong has on either cancer victims or cancer
24 survivors, do you recall that?

25 A Yes.

¶00058

1 Q Okay. And have you -- if one were to suggest
2 that Mr. Armstrong did not really exert any efforts on
3 behalf of cancer survivors or cancer victims, that he
4 was using it as a public relations stunt, how would you
5 reply to that?

6 A It's crazy.

7 Q What has been your experience about -- or your
8 observation about the sincerity or seriousness with
9 which Mr. Armstrong addresses the needs of cancer
10 patients and cancer survivors?

11 A He's very compassionate and he does care about
12 those -- the people who have cancer or if they've
13 survived it.

14 Q And in your experience do those people
15 necessarily have to be cycle or cycling fans or
16 aficionados in order to be inspired by him?

17 A No. I think they're just -- anybody who's had
18 cancer or is surviving it, I think they just, you
19 know -- they're not, they're not actually cyclists
20 or -- they're just your normal people, yeah.

21 Q And is -- I mean in your opinion are there a
22 large number of cancer patients or survivors for whom
23 Lance has been and continues to be an inspiration?

24 A Yes.

25 Q When you talked to Greg LeMond about this

¶00059

1 Indianapolis situation, did you tell him anything
2 different than you've told Mr. Tillotson today about
3 your recollection of what happened in Indianapolis?

4 A No.

5 Q Now, I'm going to just kind of go through some
6 questions here that I will tell you I've drawn from the
7 depositions of either Greg LeMond, Kathy LeMond or
8 Betsy Andreu and ask you if, if -- just have you
9 describe whether it's accurate or not. Okay?

10 A Okay.

11 Q Okay. Now, did you tell Betsy Andreu that
12 while Lance was in Santa Barbara doing a commercial,
13 you overheard Lance call John Koriath, College, and ask
14 him to remove EPO from his house refrigerator because
15 Lance was afraid Kristi would freak out?

McIlvain

16 A No.

17 Q I think you talked to Mr. Tillotson in some
18 detail about that alleged incident, but did anything
19 like that to your recollection ever occur?

20 A No.

21 Q Did you ever tell Betsy Andreu that Lance had
22 told you that, quote, "we all use EPO," close quote, in
23 professional cycling?

24 A No.

25 Q How many times have you spoken to Greg LeMond?
¶00060

1 A This was the first time -- one time, it's the
2 first time talking to him since I believe '91 when,
3 when his contract was let go.

4 Q Okay. So since 1991 you've spoken to him one
5 time and that would have been sometime in 2005?

6 A Yes.

7 Q Okay. Do you recall what time of the year in
8 2005?

9 A No.

10 Q Did you ask Betsy Andreu to have Greg LeMond
11 call you?

12 A No.

13 Q Would there be any reason why you would have
14 asked Betsy Andreu to have Greg LeMond call you?

15 A No. She called me and told me that she gave
16 Greg my number.

17 Q Okay. Did you tell -- because the story's a
18 little different here, so, so -- did you tell Greg
19 LeMond that College or John Koriath had told you that
20 he had to get rid of EPO because Kristin was headed
21 home and she might use it against him?

22 A No.

23 Q Did you tell Greg LeMond anything that
24 involved John Koriath or College?

25 A No. We didn't talk about John Koriath.

¶00061

1 Q Did you, did you tell Greg LeMond during this
2 conversation that there were threats that had been made
3 against you by Lance Armstrong and that you were
4 fearful for your job if you were to talk about the
5 Indianapolis hospital incident?

6 A No.

7 Q Have there ever been threats made to you
8 either directly or indirectly by Lance Armstrong?

9 A No.

10 Q Did you tell Greg LeMond that Lance Armstrong
11 plays up his image trying to be a good father but that
12 he really doesn't care about his children?

13 A No.

14 Q Have you observed Mr. Armstrong in the company
15 of his children?

16 A Oh, yes, yes.

17 Q And what have you to say about whether he's
18 faking it or --

19 A You can't, you can't fake being a good dad, a
20 good father, and his children love him and he loves
21 them back.

22 Q And he's quite devoted to his children?

23 A Yeah, yeah.

24 Q Did Greg LeMond during this conversation which
25 he initiated ask or encourage you to testify negatively

¶00062

1 about Lance Armstrong in this case?

2 A Yes.

3 Q Did you ever tell Greg LeMond that Lance
4 Armstrong is, quote, one of the most unethical persons
5 she has ever met or you have ever met?

6 A No.

7 Q What have you to say about Mr. Armstrong's
8 ethics?

9 A They're fine, they're good.

10 Q Did you ever tell Greg LeMond that Lance
11 Armstrong had hacked into your computer?

12 A No. I told Greg LeMond that Betsy thought
13 that Lance Armstrong hacked into her computer is what I
14 told Greg LeMond.

15 Q Okay. And --

16 A He couldn't hack into my computer because I'm
17 on the Oakley server and there's no way they can hack
18 into my computer.

19 MR. WEEKS: That's what we hope at least.

20 THE WITNESS: Well --

21 MR. TILLOTSON: Chris is on it now.

22 MR. WEEKS: Chris has hacked it already here
23 in the building he's in. You're a good boy.

24 MR. HERMAN: He's ordered several hundred
25 pairs of sunglasses.

♀00063

1 MR. TILLOTSON: Julian.

2 MR. WEEKS: That's Julian Cooper.

3 MR. TILLOTSON: That's right, that's right.

4 MR. WEEKS: Excuse us.

5 BY MR. HERMAN:

6 Q Did you tell Greg LeMond during this
7 conversation that you no longer can speak directly to
8 Lance Armstrong in connection with the Oakley business
9 relationship but now you have to speak and go through
10 solely John Kori oth?

11 A No.

12 Q Have you ever gone through John Kori oth for --
13 other than trying to fish a car out of the lake, have
14 you ever gone through John Kori oth for any business
15 relationship with Mr. Armstrong?

16 A No. He's not -- he doesn't represent Lance as
17 an agent or any business dealings.

18 Q All right. I guess you've already indicated
19 that this never happened or anything close to it, but
20 did -- I take it you did not tell Mr. LeMond that
21 Kori oth gave you the story or information about having
22 the EPO in the refrigerator?

23 A No.

24 MR. WEEKS: Is that your phone?

25 MR. HERMAN: It is.

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1 MR. WEEKS: It is, okay. Do you want to
2 ignore it?

3 MR. HERMAN: Yeah. If you, if you could just
4 ignore -- press ignore.

5 MR. TILLOTSON: Tim Herman's assistant.

6 MR. WEEKS: Good job.

7 MR. HERMAN: A 202 number, yikes.

8 MR. COMPTON: It must be Bush calling.

9 MR. HERMAN: It could be. He's overhead as we
10 speak as a matter of fact, so --

11 I don't have anything further. Thank you, Ms.

McIlvain

12 McIlvain.

13 THE WITNESS: Okay. You're welcome.

14 MR. TILLOTSON: I just have a couple of brief
15 follow-up questions.

16 MR. WEEKS: Are you okay from there?

17 MR. TILLOTSON: Can you hear me from here?

18 THE VIDEOGRAPHER: You should wear the mike.

19 MR. TILLOTSON: Don't you -- do you have one?

20 MR. COMPTON: I don't think you have to get
21 up.

22 FURTHER EXAMINATION

23 BY MR. TILLOTSON:

24 Q Just a couple of follow-up questions. Mr.

25 Herman asked you regarding how you knew that you were

¶00065

1 going to be deposed in your conversations with
2 Mr. Compton.

3 Have you spoken with Mr. Armstrong regarding
4 the fact that you either are or may be deposed in this
5 case?

6 A No.

7 Q So you've had no conversations with Mr.
8 Armstrong about the possibility you might be deposed?

9 A No.

10 Q Any e-mails from Mr. Armstrong regarding the
11 deposition?

12 A No.

13 Q Second, Mr. Herman asked you about whether or
14 not you were aware of any positive test by Mr.

15 Armstrong. Is Oakley -- has Oakley taken any action
16 with respect to Mr. Armstrong regarding the newspaper
17 article that was published by the French newspaper
18 L'Equipe --

19 A No.

20 Q -- concerning the '99 testing?

21 A No.

22 Q You are aware of the article?

23 A Yes.

24 Q But Oakley has not taken any action regarding
25 that?

¶00066

1 A No.

2 Q And last, Mr. Herman asked you some questions
3 regarding the Indiana hospital incident, and I want to
4 make sure I understand, I know we keep asking about
5 this, I want to make sure I understand what you're
6 saying.

7 You're not suggesting that it's not possible
8 that Ms. Andreu heard what she heard, you're just
9 saying that whatever it is you heard or recall, you
10 don't remember anything about that?

11 A Right.

12 Q You're not stating that you remember
13 everything said and Ms. Andreu just has it wrong, you
14 just don't recall or didn't hear anything like that, is
15 that fair?

16 A Yes.

17 MR. TILLOTSON: Okay. Thank you for your
18 time.

19 Counselor, thank you for your time and for
20 lunch.

21 MR. WEEKS: No problem. How do you handle
22 this? I think it would be good if Mrs. McIlvain had

McIlvain

23 the opportunity to just review her deposition, make
24 corrections in there if she wants to.

25 MR. TILLOTSON: Sure. Why don't we go off the
¶00067 1 record.

2 MR. HERMAN: Can we go off the record?

3 MR. WEEKS: Yeah, good.

4 MR. TILLOTSON: We'll do it off the record and
5 we'll set some procedures.

6 MR. WEEKS: Thank you.

7 THE VIDEOGRAPHER: Going off the record at
8 12:44 p.m.

9 (Discussion off the record.)

10 THE VIDEOGRAPHER: This concludes volume one
11 of the deposition of Stephanie McIlvain. There was one
12 videotape used in this volume. We're now off the
13 record for the day at 12:48 p.m.

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15 //

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9 I, STEPHANIE ANN McILVAIN, do hereby declare
10 under penalty of perjury that I have read the foregoing
11 transcript; that I have made such corrections as noted
12 herein, in ink, initialed by me, or attached hereto;
13 that my testimony as contained herein, as corrected, is
14 true and correct.

15 EXECUTED this _____ day of _____,
16 20____, at _____, _____
(City) (State)

17
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20

STEPHANIE ANN McILVAIN

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3
4 I, the undersigned, a Certified Shorthand
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McIlvain

5 Reporter of the State of California, do hereby certify:
6 That the foregoing proceedings were taken
7 before me at the time and place herein set forth; that
8 any witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that a verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither
15 financially interested in the action nor a relative or
16 employee of any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date
18 subscribed my name.

19
20

21 Dated: _____

22
23

24

KATHY P. PABICH
CSR No. 5021

25

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