

IN THE MATTER OF ARBITRATION:

LANCE ARMSTRONG AND  
TAILWIND SPORTS, INC.

v.

SCA PROMOTIONS, INC.

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

**CLAIMANT'S FIRST AMENDED NOTICE OF INTENTION TO TAKE THE ORAL  
AND VIDEOTAPED DEPOSITION OF MICHAEL JOHN ASHENDEN, Ph.D.  
AND SUBPOENA DUCES TECUM**

TO: SCA Promotions, Inc., by and through its attorneys of record, Mike Lynn and Jeffery M. Tillotson, Lynn, Tillotson, & Pinker, L.L.P., 750 North St. Paul Street, Ste 1400, Dallas, Texas 75201.

Please take notice that counsel for Lance Armstrong and Tailwind Sports, Inc. will take the oral and videotaped deposition of Michael John Ashenden, Ph.D. before a certified court reporter on the following date commencing at the time indicated below:

**WITNESS:** Michael John Ashenden, Ph.D.

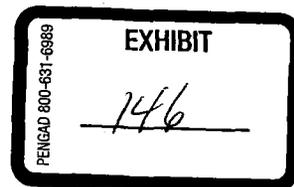
**DATE:** TBD

**TIME:** TBD

**LOCATION:** Lynn, Tillotson & Pinker, LLP  
750 N. St. Paul Street, Suite 1400  
Dallas, Texas 75201

A subpoena duces tecum in the form of "Exhibit A" is attached hereto. The documents requested are to be produced by said witness at the time of this deposition.

The deposition shall continue during business hours from day-to-day until completed. The deposition will be recorded stenographically by a licensed court reporter and will be videotaped. Counsel for all parties are invited to attend and examine the witness.



Respectfully submitted,

HERMAN, HOWRY & BREEN, L.L.P.



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Timothy J. Herman  
State Bar No. 09513700  
Sean E. Breen  
State Bar No. 00783715  
1900 Pearl Street  
Austin, Texas 78705-5408  
(512) 474-7300  
(512) 474-8557 FAX  
**ATTORNEYS FOR CLAIMANTS  
LANCE ARMSTRONG and  
TAILWIND SPORTS, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent via facsimile to counsel of record listed below on this the 9<sup>th</sup> day of December, 2005.

Michael P. Lynn  
Jeffrey Tillotson  
Lynn Tillotson & Pinker, L.L.P.  
750 N. St. Paul Street, Suite 1400  
Dallas, Texas 75201



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Timothy J. Herman

**EXHIBIT "A"**

**REQUEST FOR PRODUCTION**

The witness is directed to bring with him to the deposition the following materials:

**DOCUMENTS:**

1. Any and all documents reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning this lawsuit.
2. Any and all documents in your custody or control concerning this lawsuit.
3. Any and all of your records, emails, personal notes, calendars, diaries, phone logs and any other type of document concerning any fact or opinion in relation to this lawsuit.

**MAGNETIC, ELECTRONIC OR COMPUTERIZED INFORMATION:**

4. Printouts of any and all magnetic, electronic or computerized documents, information, data, database searches, recordings, images, and/or transmissions reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning this lawsuit.
5. Printouts of any and all magnetic, electronic or computerized documents, information, data, database searches, recordings, images, and/or transmissions in your custody or control concerning this lawsuit.

**PHOTOGRAPHS, RECORDINGS, VIDEOTAPES, AND TESTS OR STUDIES:**

6. Any and all photographs, recordings, videotapes, tests, and/or studies, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning this lawsuit.
7. Any and all photographs, recordings, videotapes, tests and/or studies in your custody or control concerning this lawsuit or any issue relevant to the lawsuit.

**COMPLETE FILE:**

8. Your complete file concerning this lawsuit.
9. Any and all health care charts, test results, test procedures and records concerning any drug use or test at issue in this lawsuit.

**EVERYTHING RELATING TO OR FORMING BASIS OF OPINIONS:**

10. Any and all documents, photographs, recordings, records, and materials in your possession or control which relate in any way or form the basis of your opinions in this case; including but not limited to all personal notes, laboratory notes or notebooks, original and complete computer printouts, literature, medical records, x-rays, all test results or reports studied or seen, compilations of data and other materials in your possession or control.

**CORRESPONDENCE, COMMUNICATION, CONTACT:**

11. All correspondence with any person concerning this lawsuit.
12. Any and all documents, memoranda, telephone memos, notes, logs or any other type of material, whether magnetic, electronic, or documentary, reflecting or documenting any correspondence, communication, or contact between you and any person concerning this lawsuit.

**LEGAL CASES:**

13. Any and all documents, whether magnetic, electronic, or documentary reflecting or listing legal cases (including doping cases) in which you have been consulted.
14. Any and all documents, whether magnetic, electronic, or documentary reflecting or listing legal cases (including doping cases) in which you have rendered an opinion.
15. Any and all documents, whether magnetic, electronic, or documentary reflecting or listing legal cases (including doping cases) in which you have given testimony.
16. Any and all documents, whether magnetic, electronic, or documentary reflecting or listing legal cases (including doping cases) in which you were a retained expert.
17. Any and all documents, whether magnetic, electronic, or documentary reflecting or listing legal cases in which you have been a defendant.

**CURRICULUM VITAE:**

18. A current copy of your curriculum vitae summarizing your professional qualifications, publications, presentations, affiliations, and professional licensure.

**LITERATURE AND PUBLICATIONS:**

19. All papers, abstracts, or other scientific articles written or authored, in whole or in part, by you relating in any way to the subject or issues of this lawsuit.

**EXHIBITS AND DEMONSTRATIVE AIDS:**

20. Any and all models, illustrations, photographs or other exhibits or documents of any kind which you intend or contemplate using to illustrate, explain or support your testimony at the trial of this cause.

**OTHER DOCUMENTS**

21. Any documents in your possession that mention or relate directly to Lance Armstrong.
22. All correspondence and emails exchanged between yourself and any person affiliated with WADA.
23. All correspondence, emails and documents relating in any way to any "study" in which you have participated, published or not, of doping in cycling.
24. Documents relating to and demonstrating your researching methods and results of tracing all forms of blood doping by analysing the metabolism of athletes.
25. Produce a copy of the study, including drafts of the study and supporting data, which you have claimed in the press shows how bicycle riders can still get away with EPO.
26. Please produce all notes, records, emails, correspondence, and/or recordings that relate to any contact you have had with any person from or affiliated with SCA Promotions, Inc., including but not limited to Robert Hamman, John Bandy, and/or Chris Compton.
27. Please produce all correspondence and or email from or to any person from or affiliated with SCA Promotions, Inc., including but not limited to Robert Hamman, John Bandy, and/or Chris Compton.
28. Please produce records indicating or relating to anything of value you have received or been promised by any person from or affiliated with SCA Promotions, Inc., including but not limited to Robert Hamman, John Bandy, and/or Chris Compton.
29. Please produce notes, records and or recordings of any type in your possession that indicate in any way Lance Armstrong has **not** used illegal performance enhancing drugs or methods.
30. Please produce the emails or other correspondence in your possession that mention or directly relate to Lance Armstrong.
31. Please produce all emails and correspondence between you and any person or entity that mention or directly relate to Lance Armstrong.
32. Please produce all notes, records, emails, correspondence, and/or recordings that relate to

any contact you have had with anyone (persons) or any body such as WADA or UCI regarding Lance Armstrong and his alleged use of PED's.

33. Please produce all documents that discuss or relate to the advantages or disadvantages or accuracy of one or more tests for EPO, including various blood tests and/or urine tests.
34. Please produce all documents that discuss possible, proposed, or actual changes at any time in the protocol or procedures for conducting testing or evaluating test results for EPO.
35. Please produce all documents that discuss or relate to any false positives or allegations of false positives declared concerning athletes allegedly taking EPO.
36. Please produce all documents that discuss or relate to "B" sample tests not confirming "A" sample tests allegedly showing positive results for EPO.
37. Please produce all documents that discuss one or more false positives (including "B" samples that did not confirm "A" samples) being reported or having been reported for PEDs by any laboratory.
38. Please produce all documents that discuss or relate to problems with or disagreements about the laboratory methodologies of any IOC-approved or WADA-approved laboratory.
39. Please produce all documents that discuss or relate to the impact of how test results are reported on litigation or arbitrations or changing anything about how tests are conducted or results reported as a result of input from the lawyers prosecuting the alleged positive results.
40. Please produce all documents discussing positivity criteria or the threshold for declaring a sample positive for any one or more PEDs.
41. Please produce all documents that relate to or discuss efforts during 2005 to develop an alternative test for EPO.
42. Please produce all documents that discuss or relate to the proper procedures, rules, standards, ethics issues, and/or guidelines for conducting research concerning urine and/or blood samples received in the course of drug testing.
43. All documents concerning ethical rules and procedures governing laboratories and/or WADA.
44. All documents concerning the rules and/or procedures that have to be followed before an athlete can be charged with having tested positive for a PED.