					Page 1500
1	IN THE MATTER BETW			ARBITRATION	·-ge
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3	LANCE ARMSTRONG and TAILWIND SPORTS, INC.	S S			
4	Claimants,	8 8 8		BITRATION BEFORE THE	
5	VS.	S S	FAU	JLKNER, RICHARD ERNICK AND TED LYON	
6	SCA PROMOTIONS, INC. and HAMMAN INSURANCE SERVICES,	§ §			
7	INC.	§ §			
8	Respondents.	§			
9 10					
11			TON		
	ARBIT				
12	TRANSCRIPT O				
13	JANUARY	13,	200	06	
14	VOLU	ME	8		
15	CONFID	ENT	IAL		
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19	On 13th day o	f J	anua	ary, 2006, at 8:09	
20	a.m., the arbitration in the	e a	bove	e proceedings came on	
21	before Arbitrators Richard	Fau	lkne	er, Richard Chernick	
22	and Ted Lyon, at the office	s o	f R:	ichard Faulkner,	
23	12655 North Central Express	way	, Sι	uite 810, in the City	
24	of Dallas, County of Dallas	, s	tate	e of Texas.	
25					

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Page 1501	1	Page 1503 PROCEEDINGS
2 FOR THE CLAIMANTS:		
Mr. Tim Herman 3 Mr. Sean Breen	2	ARBITRATOR FAULKNER: Who's your next
HERMAN HOWRY & BREEN	3	witness?
4 1900 Pearl Street Austin, Texas 78705-5408	4	MR. BREEN: Ed Coyle.
5	5	ED COYLE,
Ms. Lisa Blue 6 BARON & BUDD	6	having been first duly sworn, testified as follows:
1100 Centrum Building	7	ARBITRATOR FAULKNER: Please proceed.
7 3102 Oak Lawn Avenue Dallas, Texas 75219	8	MS. BLUE: Mr. Faulkner, that would be my
8	9	witness, so may I go ahead and proceed?
9 FOR THE RESPONDENTS: Mr. Jeffrey M. Tillotson	10	ARBITRATOR FAULKNER: Yes, please.
10 Mr. Cody L. Towns	11	MS. BLUE: Would it be all right if I
LYNN TILLOTSON & PINKER, L.L.P. 11 Suite 1400	12	
750 North St. Paul Street		stood since I'm more comfortable?
12 Dallas, Texas 75201 13	13	ARBITRATOR FAULKNER: Make yourself
ALSO PRESENT:	14	comfortable, y'all. This is not federal court.
14 Ms. Mariela Evora Mr. Chris Compton	15	DIRECT EXAMINATION
15 Mr. John Bandy	16	BY MS. BLUE:
Mr. Robert Hamman 16 Mr. Michael Ashenden	17	Q. Good morning, Dr. Coyle.
Mr. Dorough	18	A. Good morning.
Ms. Lynn G. Bone	19	Q. Would you introduce yourself to the panel
18 Ms. Marianne Ross Dr. Ed Coyle	20	members?
19 Mr. Bill Stapleton	21	A. I'm Ed Coyle, a professor at the University
Mr. Lawrence Temple 20	22	of Texas at Austin and I direct the human performance
21	23	laboratory.
22 23	24	Q. When you say you direct the human
24	25	laboratory
25	25	
Page 1502		Page 1504
Page 1502	1	Page 1504 A. The human performance laboratory.
1 INDEX WITNESS PAGE	1	A. The human performance laboratory.
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1 INDEX WITNESS PAGE 2 ED COYLE 3 CROSS EXAMINATION BY MR. TOWNS 1603 4 RE-DIRECT EXAMINATION BY MR. BREEN 1678 5 BILL STAPLETON 1678 6 DIRECT EXAMINATION BY MR. HERMAN 1686 7 CLAIMANTS' EXHIBITS 10 - 7/21/04 e-mail from L. Shiels to B. 1743 9 Stapleton re: ESPN reporter 10 122 - Coyle CV 1513 11 123 - 1/4/05 e-mail - Coffman to Coyle re: 1598 Chris Compton 12 124 - Collection of articles 1700 13 125 - Texas Monthly article 1707 15 126 - Triple Play Article 1707 128 - Ernst & Young audit of financials 1690 17 RESPONDENTS' EXHIBITS 128 - Ernst & Young audit of financials 1690 17 RESPONDENTS' EXHIBITS 1733 conversation between Frankie Andreu, 20 Stapleton and Knaggs 1580 1580 23 - Coyle article - Improved muscular 1521 23 Chargion matures 1580 1580 1580 1580 1580	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. The human performance laboratory. Q. What does that mean exactly? A. Well, my job is to do research to raise grant money, to publish, to train doctoral students and to teach undergraduate and graduate students. Q. For example, so the panel can understand what you do on a daily basis, tell us a typical day for you at the University of Texas as a professor. A. Well, I don't teach at 8:00 a.m. anymore, but typically coming into the lab around 8:00 a.m., setting up experiments. We do studies on people where we will be putting catheters into their veins and doing muscle biopsies, so much of my job is, you know, making sure the medical procedures are done properly. I supervise my staff and graduate students. We conduct these research studies on people and, you know, I'm in my office most of the day. I teach. That's pretty much my day. Q. Dr. Coyle, let's just get to the point about why you're here. Tell the panel what's your understanding of why you're here and what your role in this arbitration is. A. Well, I'm here to

2 (Pages 1501 to 1504)

	Page 1505		Page 1507
1	ARBITRATOR FAULKNER: Certainly, you may.	1	growing up?
2	A. I'm here to express my opinion succinctly and	2	A. Yeah, I kind of thought that. Most of my
3	hopefully clearly on three points. One is it's my	3	relatives had done that.
4	opinion that Lance Armstrong has the ability to win	4	Q. But you ended up going to college where?
5	the Tour de France without using performance enhancing	5	A. At Queens College in New York City.
6	drugs, and I'll be discussing the physiological	6	Q. And then what did you do?
7	evidence that I believe supports that based upon seven	7	A. Then I went to graduate school. Moved to
8	years of data that was collected in my laboratory	8	Muncie, Indiana and studied with Dave Costill who was
9	during the seven-year period leading up to his first	9	the leading expert and still is in pioneering exercise
10	victory in the 1999 Tour de France.	10	physiology in the United States. So that was in 1975
11	Q. (BY MS. BLUE) Okay. What's the second	11	through '77. Went to Ball State University; got my
12	reason you're here, Doctor?	12	master's, then went on and got my Ph.D. at the
13		12	
	A. Secondly, I'd like to address the quotes from		University of Arizona. I believe I'm listing my
14	Greg LeMond published in LA Confidential that	14	mentors are important. Got my Ph.D. with Jack
15	apparently report on a conversation in San Antonio in	15	Wilmore. Mentorship is important because it shows
16	2001, because they're just wrong in a lot of places	16	your pedigree and, you know, the the important
17	and there are numerous lies, in my opinion.	17	mentorships and who you're accountable to, in my
18	Q. Okay.	18	opinion, throughout your career.
19	A. And third, I'd like to discuss the	19	So I got my Ph.D. with Jack Wilmore at
20	conversation I had with Mr. Compton in January of 2005	20	the University of Arizona. Then after getting my
21	when he called me regarding this case.	21	Ph.D. I went to the university went to Washington
22	Q. All right. Let's start with the first one.	22	University medical school in St. Louis.
23	First of all, do you have an opinion will you make	23	Q. Why did you do that?
24	sure all of your opinions are within reasonable	24	A. Well, I was a Ph.D. and you need to do
25	scientific certainty?	25	research at the best institution that you can and
	Page 1506		Page 1508
1	A. Sure.	1	Washington University medical school was the best.
2	Q. Do you have an opinion about whether Lance	2	And it's I studied with John Holloszy, who was the
3	Armstrong could have won the tours the tours in	3	pioneer in exercise biochemistry, and he's he won
4	question, you know, are 2001 to 2004; we will make all	4	the sports medicine prize for his discoverles in
5	of them just so we'll have a wide range that Lance	5	exercise biochemistry. By the way, that's like the
6	could have won the Tour de France without using any	6	Nobel Prize in sports medicine. It brings with it
7	performance enhancing drugs? Do you have an opinion?	7	\$500,000. So he was the second recipient of that.
8	A. Yes, I do and I believe he can.	8	So I went to study with him in the
9	Q. Now, let's stop there. We are on point	9	Department of Preventive Medicine with the idea of
10	number one. But just so the panel can assess your	10	taking my knowledge of the human body's healthy
11	ability, your background in order to make that	11	responses to exercise and looking to see how they
12	opinion, if it would be all right, let's go ahead and	12	might improve people in general. I first started
13	turn to your CV, because I'd like for the panel to	13	studying men who had heart attacks, who had ischemic
14	know a little bit about you. Let's start with where	14	heart disease, went through cardiac rehabilitation.
15	you were born.	15	Really, it doesn't matter whether I'm studying people
16	A. Well, I've been in Texas for 23 years, but I	16	whose hearts are sick. I'm looking to see how they
17	was born in New York City and I went to the went to	17	can adapt with exercise. We're studying the elite
18	the City University of New York, got my undergraduate	18	athletes like Lance Armstrong. They really represent
19	at Queens College.	19	just different ends of the same continuum.
20	Q. Now, you grew up an Irish Catholic boy in the	20	Q. Which, by the way, does Lance Armstrong have
21	heart of New York or outside of New York?	21	a large heart?
22	A. No, in the heart of New York City in Queens.	22	A. Yes, he certainly does. There's no doubt
23	Q. What did your dad do?	23	about that.
24	A. My father was a New York City policeman.	24	Q. Doctor, what I want to do, I want to do this
25	Q. And did you think you'd be a cop or a fireman	25	differently than a jury trial, because we've got three
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	Page 1509		Page 1511
1	panel members and I think I'm trying to figure this	1	Q. Okay. Your resume is how many pages?
2	out, but it's over three-quarters of a century of	2	A. 24.
3	experience, legal experience, so I don't want to do	3	Q. How many in general, how many articles,
4	this like I would a jury trial. What I want to do is	4	book chapters, have you written in your career?
5	just go through your resume briefly and do a summary,	5	A. Counting peer reviewed articles and peer
6	but you've got a lot of honors. Pick and just very	6	reviewed book chapters
7	quickly, what are the top three you're most proud of,	7	Q. And peer review means somebody
8	three or four? And just tell the panel so they'll	8	A. Well, somebody scientists review it and
9	know a little bit about who you are.	9	they decide whether it's good enough or not and
10	A. Yeah. Probably the first one listed there is	10	suggest changes, if necessary, or reject it. 140.
11	the most recent and that I've been selected as the	11	Q. And so what I want to do
12	citation award winner for the American College of	12	MS. BLUE: Lynn, if you'll just start
13	Sports Medicine, which is the premier sports medicine	13	
14		14	putting up pages.
14	organization in the world. It has about 20,000		Q. (BY MS. BLUE) And, Doctor, just tell us what
	members, and each year they select about four to	15	are we looking at, what kinds of articles? Sort of
16	receive a citation award. One person gets an	16	what I'm doing for the panel is
17	honorable award. So I'm receiving the citation award	17	A. If you go back one, that's the professional
18	this year. I probably fourth down. I was the	18	societies I belong to, which, again, is important,
19	keynote speaker.	19	because that tells you the circles that you travel in,
20	Q. Keynote speaker, that means you're the one	20	and I've been a member and officer in some of these
21	they focus on the most?	21	societies.
22	A. Yes, before the Sydney Olympics in '99 they	22	Q. You are active in professional societies,
23	had a scientific congress where hundreds of	23	true?
24	scientists, thousands around the world attended. I	24	A. Yes.
25	gave the keynote address, top lecture in physiology,	25	Q. Okay. Anything else you want to say about
	Page 1510		Page 1512
1	another lecture in physics of sports. I was honored	1	that?
2	another lecture in physics of sports. I was honored by that.	2	that? A. No.
2 3	another lecture in physics of sports. I was honored by that. I guess number three, from the University	2 3	that? A. No. Q. Let's start with these, all of these
2 3 4	another lecture in physics of sports. I was honored by that. I guess number three, from the University of Texas I received the distinguished faculty award in	2 3 4	that? A. No. Q. Let's start with these, all of these articles.
2 3 4 5	another lecture in physics of sports. I was honored by that. I guess number three, from the University of Texas I received the distinguished faculty award in 2002 for the college of education.	2 3 4 5	that? A. No. Q. Let's start with these, all of these articles. MS. BLUE: And can the panel members see?
2 3 4 5 6	another lecture in physics of sports. I was honored by that. I guess number three, from the University of Texas I received the distinguished faculty award in 2002 for the college of education. Q. Okay. Which by the way, if the World Press,	2 3 4 5 6	that? A. No. Q. Let's start with these, all of these articles. MS. BLUE: And can the panel members see? ARBITRATOR FAULKNER: If you can blow
2 3 4 5 6 7	another lecture in physics of sports. I was honored by that. I guess number three, from the University of Texas I received the distinguished faculty award in 2002 for the college of education. Q. Okay. Which by the way, if the World Press, American newspapers prints in the past when the	2 3 4 5 6 7	that? A. No. Q. Let's start with these, all of these articles. MS. BLUE: And can the panel members see? ARBITRATOR FAULKNER: If you can blow them up a little bit more.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 another lecture in physics of sports. I was honored by that. I guess number three, from the University of Texas I received the distinguished faculty award in 2002 for the college of education. Q. Okay. Which by the way, if the World Press, American newspapers prints in the past when the press wanted to know how did Lance Armstrong win, his physiology, are you the man that was appearing in all the newspapers, or a lot of them? A. A lot of them, yeah. Q. In the New York Times? A. Yes. Q. What else? Washington Post? A. Washington Post, Chicago Tribune, Miami Herald. I mean, it's listed in my CV and on the web 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 that? A. No. Q. Let's start with these, all of these articles. MS. BLUE: And can the panel members see? ARBITRATOR FAULKNER: If you can blow them up a little bit more. Q. (BY MS. BLUE) Now, which ones do you want blown up that give a good gist of what you do for work? What do you look at, what do you study? A. Well, you can see a mixture. I mean, just look at the the two things you look at here, you can look at what the journal is, these are the top journals in physiology. In physiology in general, not just exercise or applied physiology. And Applied Physiology is the top journal of applied physiology,
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^{4 (}Pages 1509 to 1512)

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	Page 1513		Page 1515
1	into evidence Exhibit 122 and ask Sean if it would be	1	endurance performance. You know, what limits a
2	all right to pass these out, and I have one for	2	person's ability to perform prolonged exercise, be it
3	Respondents' counsel.	3	from the parts of their body, the physiology, and be
4	MR. TILLOTSON: Thank you.	4	it from how they train, how they eat, the entire
5	Q. (BY MS. BLUE) All right. Go ahead.	5	the entire composite of of healthy biology.
6	A. In this study we fed endurance athletes	6	Q. Okay. By the way, you're married?
7	limited amounts of fat and carbohydrates at one meal.	7	A. Yes.
8	We showed that when you eat a very low fat diet the	8	Q. Two kids?
9	amount of fat inside your muscle fibers goes down and	9	A. Yes.
10	you don't burn much fat during exercise. And it gets	10	Q. Are the two kids into sports-related
11	you into the whole idea of what's the healthiest diet	11	activities as well?
12	to eat	12	A. Well, my daughter horses aren't very
13	Q. Tell us, please.	13	sporty. She was an equestrian rider, which that takes
14	A especially if you're active.	14	some athletic skill. And my son was a competitive
15	Q. What's the best diet?	15	diver at the University of Hawaii, platform diving,
16	 Well, the best diet is one where you're 	16	ten-meter flipping and that stuff.
17	expending as many calories as you're eating so you	17	Q. And your wife, she does something
18	don't store calories or gain fat. So it really	18	interesting. I know she's working on some
19	depends. The best diet it all depends on what are	19	renovations, but she does a non-profit or
20	your goals to say what's best. So we do that where we	20	A. Yes, she's a nutritionist and she started a
21	are studying essentially we're just studying how	21	non-profit called Keep it Healthy.org aimed at
22	when we feed people different things, different fats	22	minorities in a certain zip code in Austin. And she
23	and carbohydrates, how their muscles adapt on a	23	speaks Spanish as far as providing health education
24	biochemical level and how that might have healthy	24	and diet and just some resources for to serve
25	benefits that would allow them to then not accumulate	25	people.
	Page 1514		
	—		Page 1516
1	body fat, either in the muscle or in fat cells	1	Q. Okay.
2	body fat, either in the muscle or in fat cells throughout their body and, therefore, not have a	2	Q. Okay. A. And she was a professional tennis player.
2 3	body fat, either in the muscle or in fat cells throughout their body and, therefore, not have a tendency to become obese and diabetes.	2 3	Q. Okay.A. And she was a professional tennis player.Q. You've gotten into tennis?
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5 (Pages 1513 to 1516)

1 1			
	Page 1517	1	Page 1519
2	restitucion de Carbohidratos durante oh, no.	1	related to insulin responses. We've worked out the not only what the best amounts and types of foods are,
3	 A. Well, you picked up that was in Argentina. Q. Oh, okay. 	2 3	but what the mechanisms by which that happens.
4	A. So these are the ones I haven't had a chance	4	That's we are in collaboration with John Ivy at the
	to translate. So I took these are right out of the	5	University of Texas.
	Spanish translation.	6	So they know, the athletes know exactly
7	Q. Okay. And the French one above that?	7	how much they have to eat, and if they don't replenish
8	A. Yes. So that was just a few months ago. If	8	their gas tank essentially, fill up, they're going to
	you go back, you know, you'll see I give many	9	have a hard day the next day.
	international lectures.	10	ARBITRATOR LYON: But what do they eat?
11	ARBITRATOR LYON: Let me ask you a	11	I mean, what I mean, do they just they just
	question.	12	you just tell them, okay, eat carbohydrates, so much
13	MS. BLUE: Please.	13	protein and they figure out what they want?
14	ARBITRATOR LYON: Do you have anything to	14	THE WITNESS: Yes, but we give them
	do with designing the diet for these endurance	15	choices. I mean, they're they love pasta, of
•	athletes?	16	course. It's high in carbohydrates. Pasta, breads
17	THE WITNESS: Not the teams. Some of my	17	and jams, bananas, you know, those are the mainstays.
18 f	former students have gotten into that business, even	18	Probably 80 percent of their carbohydrate comes in
	working with some of the professional teams and	19	that form. While they're exercising they'll be
20 t	traveling and doing the diets, but I don't do that.	20	drinking sport drinks, you know, which are essentially
21 1	But they often take our recommendations. We were	21	just water and sugar, or they'll put some starches,
22 r	my laboratory was the laboratory that came up with	22	maltodextrins with this. There's nothing secret or
23 (carbohydrate feeding during exercise. Even before it	23	magical about any of the food that they take. They're
	was popular, we told athletes	24	really just convenient and good tasting and available
25	MS. BLUE: Can you keep your voice up?	25	when they need them.
	Page 1518	4	Page 1520
	THE WITNESS: We told athletes how many	1	ARBITRATOR LYON: Okay. Q. (BY MS. BLUE) You said their diet is about
	grams of carbohydrates they should be ingesting each hour of exercise and what's the best type of	2 3	8,000 calories. What's a normal diet? Like for a
	carbohydrate. So we have been providing that kind of	4	male like in this age range over here, how much would
•	scientific backdrop to them which they then apply	5	these gentlemen
	however they feel is best.	6	A. Between two and 3,000 calories a day.
	ARBITRATOR LYON: For instance, I really	7	Q. So it's like more than twice?
	wanted to ask this of Mr. Armstrong yesterday, but I	8	A. Yes, always. You can imagine when you're
1	didn't want to keep him in here any longer. What kind	9	cycling for six hours a day how many calories I
	of diet do those guys go what do they eat when	10	mean
10 d	they're doing what they do during the Tour de France?		
	they re doing what they do during the rour de rrance:	11	Q. Dr. Coyle, how many students or I'm sorry,
	THE WITNESS: They eat a huge amount of	11	Q. Dr. Coyle, how many students or I'm sorry, how many athletes have come through your laboratory at
11 t 12			
11 t 12 13 c	THE WITNESS: They eat a huge amount of	12	how many athletes have come through your laboratory at
11 t 12 13 c 14 t 15 c	THE WITNESS: They eat a huge amount of calories, about 8,000 calories a day, and, you know, that includes taking a very large amount of carbohydrates. So they eat on the bicycle a lot.	12 13	how many athletes have come through your laboratory at the University of Texas since you well, you've been
11 t 12 13 c 14 t 15 c	THE WITNESS: They eat a huge amount of calories, about 8,000 calories a day, and, you know, that includes taking a very large amount of	12 13 14	how many athletes have come through your laboratory at the University of Texas since you well, you've been a doctor since late '70s and you've been with UT
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6 (Pages 1517 to 1520)

	Page 1521		Page 1523
1	Q. At your lab.	1	colleagues you know, some of the other bicyclists
2	A. In my laboratory at Texas, well over a	2	said you need to come in and see Dr. Coyle in his lab.
3	thousand.	3	And so one of my former students, Chris
4	Q. How about cyclists?	4	Murphy, actually, who was a kinesiology student, he
5	A. The majority have been cyclists, so I would	5	was ranked fourth in the U.S., I think he finished
6	say we probably studied 1,500 to 2,000 athletes in	6	fourth in the Olympic trials in 1982, just missed
7	general and over 1,000 have been bicyclists,	7	making the Olympic team, but he went to medical school
8	competitive bicyclists.	8	and is now a practicing physician in Calcutta. Chris
9	Q. Now, we are still in point number one. Let's	9	brought Lance in. They were friends, and another
10	talk about Lance Armstrong. Did you study Lance	10	bicyclist coming in, a young kid, a lot of
11	Armstrong?	11	potential.
12	A. Yes.	12	Q. Young kid means what, how old?
13	Q. Tell the panel about how you met Lance and	13	A. He was 20 at the time and, you know, was full
14	your studies between 1991 and 1999.	14	of energy, and he was a triathlete who decided to
	MS. BLUE: And while you're doing that,	15	become a bicyclist and everybody was curious, you
15	• • •		
16	Lynn, if you could put up	16	know, how good he could be and all. So we have seen a
17	Q. (BY MS. BLUE) You wrote an actual article on	17	lot of young kids come through.
18	Lance, did you not?	18	And so Lance came in and, you know, I
19	A. Yes.	19	spoke with him and I think after the first visit,
20	Q. And this time I'll go ahead and offer	20	after getting to know each other, he came back in and
21	well, it's already part of an exhibit, Respondents'	21	we started doing some of the preliminary testing of
22	Exhibit 33, if the panel would like another copy.	22	which you see there. My interest had been in you
23	ARBITRATOR FAULKNER: Are you going to	23	know, we had made many of the observations of here's a
24	offer 122?	24	cyclist that's already very good and let's describe
25	MS. BLUE: Yes.	25	him as he's already very good. We tested the former
	Page 1522		Page 1524
1	ARBITRATOR FAULKNER: Are there any	1	U.S. professional champion, Norm Alvis, and ten other
2	ARBITRATOR FAULKNER: Are there any objections to Dr. Coyle's resume?	2	U.S. professional champion, Norm Alvis, and ten other top American cyclists. My interest after that point
2 3	ARBITRATOR FAULKNER: Are there any objections to Dr. Coyle's resume? MR. TILLOTSON: No.	2 3	U.S. professional champion, Norm Alvis, and ten other top American cyclists. My interest after that point in time was finding some young cyclists who were just
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7 (Pages 1521 to 1524)

		1	
1	Page 1525 A. Yes, between one and three hours.	1	Page 1527 A. Yes.
2	Q. And did you do tests on him?	2	Q. Confident?
3	A. Yes.	3	A. Yes.
4	Q. And you're going to talk about those tests in	4	Q. Direct?
5	your PowerPoint?	5	A. Yes.
6	A. Yes,	6	Q. Sort of in your face, kind of no holds
7	Q. And were those tests able to let you have a	7	barred?
8	good basis here today to tell the arbitration panel	8	A. Not really. I mean, he's that way in my
9	how Lance could win without drugs?	9	experience, he's that way in public, but when we would
10	A. Yes, I think so.	10	sit down and go over the results, he listened,
11	Q. Okay. If you could, let's go to the second	11	listened very carefully, was always very respectful,
12	page. By the way, this is the article you wrote on	12	so
13	Lance Armstrong?	13	Q. Dr. Coyle, you have a great Lance Armstrong
14	A. Correct.	14	story, very short, but it just sort of gives a sense
15	Q. And on the second page you can see, if you	15	of who he is. Do you remember when a publisher for
16	could blow this up, because does this give a sense	16	Cycle magazine came in and talked to Lance?
17	of kind of what was Lance Lance was capable of. We	17	A. Yes, the bicycling magazine.
18	all know that he was the official winner of the Tour	18	Q. When Lance was just a kid and kind of getting
19	from well, seven times, but these are the kind of	19	his start?
20	things that Lance won even before the Tour, correct?	20	A. Yes.
21	A. Correct.	21	Q. And do you remember when the public or the
22	Q. Does this kind of give a time line of some of	22	journalist asked Lance do you want to be the next Greg
23	his wins? And then I see in there that you have that	23	LeMond?
24	he got cancer. And it's a good way that the panel can	24	A, Yes.
25	just see a time line of his wins and his cancer,	25	Q. What did Lance say?
	,,		.
	Page 1526		Page 1528
1	Page 1526 Correct?	1	A. Well, I want to be the first Lance Armstrong.
2	correct? A. Correct.	2	 A. Well, I want to be the first Lance Armstrong. Q. Okay. All right. In one or two minutes,
2 3	correct? A. Correct. Q. You know, I want to stop for just a second.	2 3	 A. Well, I want to be the first Lance Armstrong. Q. Okay. All right. In one or two minutes, because we are about to go to your PowerPoint so we
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8 (Pages 1525 to 1528)

1	Page 1529 the purpose which he directed to winning the Tour de Erance, so just a lot of raw energy as a kid and then	1 2	Page 1531 training, we are documenting that his muscles adapted to seven years of hard training and improved their
3	France, so just a lot of raw energy as a kid and then he became more efficient, his muscles actually became	3	power output by eight percent. It has nothing to do
4	more efficient at transmitting that raw energy to	4	with EPO. That's simply hard training, changing the
5	powering the bicycle and simply he improved his power	5	biochemistry, in our opinion, of the muscle. It is
6	to body weight ratio a remarkable 18 percent. He	6	changing the biochemistry of the muscle. In our
	Q. Well, let's hold on. Say that one more	7	opinion, it's because of the change in the types of
8 9	time, because I think that's important.	8	muscle fibers from fast twitch to slow. Whether that's the case or not is
10	A. Well, over the seven-year period that we tested him, his formative years from age 21 through	10	irrelevant to the fact that we are certain that
11	29, he he showed a remarkable improvement in how	11	Armstrong improved his efficiency and therefore gained
12	much power he can generate for every kilogram of body	12	eight percent more power. You combine that with
13	weight. He went up 18 percent and that's because he	13	reducing his body weight about the same amount, eight
14	both improved his raw power ability by eight percent	14	percent, and therefore improving the ratio, power per
15	because of muscle adaptations which we ascribe to just	15	kilogram by 18 percent. The simple point is that you
16	the pure result of hard training.	16	improve that much, you can win. You can win. And it
17 18	Q. By the way A. Okay.	17 18	just places these other things like EPO into some some quantitative perspective, some numbers to compare
19	Q. Okay.	19	with.
20	A. And then he lost body weight and the two	20	Q. Okay. Doctor, moving right along, what I
21	combined equally to cause this 18 percent increase in	21	would like to do next is ask you if you prepared a
22	power and therefore speed with which he could ride up	22	PowerPoint that gives further basis and confirmation
23	the mountains in France.	23	to our number one point, Lance can win without
24	Q. I'm kind of stuck on this number, 18 percent,	24	cheating? Did you do that?
25	because when you and I talked we were talking about	25	A. Yes, I did.
	Page 1530		Page 1532
1	Page 1530 EPO and what percentage that could increase your	1	Page 1532 Q. And being mindful that Dr. Kearney was here
1 2	-	1 2	Q. And being mindful that Dr. Kearney was here yesterday, because my biggest fear is I don't want to
2 3	EPO and what percentage that could increase your performance level. What's that number?A. The extent to which EPO can raise your	2 3	Q. And being mindful that Dr. Kearney was here yesterday, because my biggest fear is I don't want to bore anybody or have things be redundant because then
2 3 4	EPO and what percentage that could increase your performance level. What's that number?A. The extent to which EPO can raise your maximum oxygen uptake and directly affect your power	2 3 4	Q. And being mindful that Dr. Kearney was here yesterday, because my biggest fear is I don't want to bore anybody or have things be redundant because then people will get, you know
2 3 4 5	EPO and what percentage that could increase your performance level. What's that number?A. The extent to which EPO can raise your maximum oxygen uptake and directly affect your power output would be in the range of five to six percent.	2 3 4 5	Q. And being mindful that Dr. Kearney was here yesterday, because my biggest fear is I don't want to bore anybody or have things be redundant because then people will get, you know A. I like to keep this brief and just hit the
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9 (Pages 1529 to 1532)

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1	Page 1533		Page 1535
1	to make sure.	1	because they can exercise for hours one day and come
2	MS. BLUE: Are we offering PowerPoint	2	back and they'll do it the next day as long as you
3	presentations into evidence?	3	feed them, and that includes taking muscle biopsies,
4	ARBITRATOR FAULKNER: Sometimes. It's up	4	samples of their quadriceps muscle, a little minor
5	to y'all.	5	surgery, getting a plug of muscle that we can measure
6	ARBITRATOR CHERNICK: We have received	6	the fuel stores, the biochemistry in that. And we
7	copies of all of them. If they're demonstratives,	7	also use stable isotopes, carbon 13 non-invasive
8	they're really not in evidence, but they're convenient	8	techniques, because it more fully studied metabolism
9	to have to be able to make notes on as we watch the	9	for health purposes.
10	presentation.	10	And what I'm discussing here applies not
11	MS. BLUE: I'd like permission to go	11	only to bicycling, but to all types of endurance
12	ahead and offer the PowerPoint afterwards. I have a	12	sports that last from several minutes up to several
13	small problem and that is some of the PowerPoint data	13	hours, and Tour de France, of course, is the extreme
14	just didn't print, so if you'll allow me to do that a	14	of endurance sports.
15	little bit later	15	And I always like to start discussing the
16	ARBITRATOR FAULKNER: You can do that	16	physiology of the human body by using our car as an
17	later because we are fairly sure we will be seeing	17	analogy, because we work a lot with the cars and
18	y'all on Monday.	18	mechanics teach us a lot. And the basic points are
19	MS. BLUE: All right. Thank you, Mr.	19	that we know from the car, which is an instrument that
20	Faulkner.	20	produces power, that you have an engine and the engine
21	This is a trial lawyer's nightmare.	21	burns gasoline, oxygen is consumed, gasoline is
22	ARBITRATOR FAULKNER: Do you need to take	22	combusted and raw power is produced. Well, that's
23	a short break while you get that organized?	23	like the raw air aerobic power or VO2 max that we will
24	MS. BLUE: If you need to, Lynn, can you	24	be talking about.
25	run it off of yours?	25	Q. And what is VO2 max, like in two seconds?
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E C			
	Page 1534		Page 1536
1	DR. COYLE: It worked before.	1	A. It's the maximum amount of oxygen that a
2			A. It's the maximum amount of oxygen that a person's body can consume in one minute. So it
23	DR. COYLE: It worked before. MS. BLUE: You tried it out and it worked before?	1	A. It's the maximum amount of oxygen that a person's body can consume in one minute. So it represents, you know, what's the amount of raw energy,
2 3 4	DR. COYLE: It worked before. MS. BLUE: You tried it out and it worked before? MR. BREEN: A break would be good.	1 2 3 4	A. It's the maximum amount of oxygen that a person's body can consume in one minute. So it represents, you know, what's the amount of raw energy, raw aerobic energy that this person is capable of
2 3 4 5	DR. COYLE: It worked before. MS. BLUE: You tried it out and it worked before? MR. BREEN: A break would be good. ARBITRATOR FAULKNER: Y'all, we will take	1 2 3 4 5	A. It's the maximum amount of oxygen that a person's body can consume in one minute. So it represents, you know, what's the amount of raw energy, raw aerobic energy that this person is capable of producing. And that is limited by the cardiovascular
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1	A. A watt is the amount of energy, it's a joule	1	training, but by the time he was 19 or probably even
2	per second is a watt.	2	younger, he had already developed his his heart and
3	Q. Joule, is that a car term?	3	his stroke volume and his VO2 max to very high levels.
4	A. No, joule is a physical term. It's the name	4	And that's typically what we see with champion
5	of a scientist.	5	endurance athletes. With only a few years of very
6	Q. Okay.	6	intense training, they develop the raw aerobic energy.
7	MR. BREEN: It means something different	7	That doesn't change very much. What does improve, we
8	to Ms. Blue.	8	are seeing with from year five through ten or later
9	THE WITNESS: Gotcha. You're quicker	9	is improving the transmission, and that is improving
10	than me.	10	gross mechanical efficiency.
11	A. So my point is horsepower, watts, optimum	11	And, you know, that's allowed Lance to
12	consumption, they are all units of energy production.	12	improve his power output and therefore speed when
13	I like to use just one, not change. So 500 watts is	13	riding by eight percent, and that's the ultimate.
14	about two-thirds of a horsepower.	14	Q. Okay. Next slide. What does this show? Why
15	Q. (BY MS. BLUE) Okay. Next.	15	is this important to the issue on whether Lance had to
16	A. So basically I would like to just kind of	16	cheat?
17	take you to the physiology and the analogies are the	17	A. Okay. This just shows when we're looking at
18	same.	18	different body components that the cardiovascular
19	Q. Why is it important to know this, for the	19	system is your computer running slow you know,
20	panel to know that Lance didn't need to cheat? I'm	20	we heard yesterday that there are a lot of components,
21	trying to figure out what the significance why do	21	including having a very big heart, which, you know, I
22	we need to know this?	22	like to say Lance is one analogy is Lance is a
23	A. Well, we will see that that Lance started	23	person who he stands five foot ten. He probably
24	as a young kid with a raw engine that was able to	24	if he never trained, he had the heart in his chest the
25	produce a lot of aerobic power. That didn't change	25	size of a person who's about six foot six, okay. I
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1			
1	over the years. Over the years what he improved	1	mean, just genetically he was probably born with a
2	remarkably was his muscle efficiency which allowed him	2	mean, just genetically he was probably born with a large heart.
	remarkably was his muscle efficiency which allowed him to transmit more of that raw power to the bicycle and		mean, just genetically he was probably born with a large heart. By the way, he did have an endocardiogram
2 3 4	remarkably was his muscle efficiency which allowed him to transmit more of that raw power to the bicycle and going faster along with the body weight, and so he	2 3 4	mean, just genetically he was probably born with a large heart. By the way, he did have an endocardiogram done here in Dallas by Ken Cooper at the Cooper
2 3 4 5	remarkably was his muscle efficiency which allowed him to transmit more of that raw power to the bicycle and going faster along with the body weight, and so he improved 18 percent. There's a lot of focus on how	2 3 4 5	mean, just genetically he was probably born with a large heart. By the way, he did have an endocardiogram done here in Dallas by Ken Cooper at the Cooper Clinic I think he was a young endurance athlete
2 3 4 5 6	remarkably was his muscle efficiency which allowed him to transmit more of that raw power to the bicycle and going faster along with the body weight, and so he improved 18 percent. There's a lot of focus on how much you can improve by the engine, by maximum	2 3 4 5 6	mean, just genetically he was probably born with a large heart. By the way, he did have an endocardiogram done here in Dallas by Ken Cooper at the Cooper Clinic I think he was a young endurance athlete confirming that his heart size, his left ventricular
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	Page 1541		Page 1543
	until you fatigue it. The heart is pliable, it's a		he's won his seventh consecutive Tour de Frances.
2	muscle, it does stretch out and become bigger and	2	Q. Right. He was the official winner, right?
3	stronger. So it's always a combination.	3	A. And this shows him in my laboratory.
4	My point is it's always a combination of	4	MS. BLUE: Why don't you turn off the
5	nature, starting out with a genetic head start, but	5	light for two seconds. Okay, now you can turn it on.
6	that by itself isn't enough for endurance athletics.	6	Q. (BY MS. BLUE) And what's important about
7	You then have to train that, nurture that for years.	7	that slide?
8	So it's a combination of the two.	8	A. Nothing. It shows him when he was younger
9	Q. What does that slide show?	9	and we both were a little bit younger. And he's
10	A. Well, then we studied the biochemistry of the	10	riding a Schwinn Velodyne here and there's a lot of
11	muscle. We chose a subject who we obtained a piece of	11	comments at deposition of what class of ergometer did
12	muscle from their thigh muscle, the vastus lateralis,	12	you use. We use multiple bicycle ergometers. In a
13	and in that we measured the biochemistry of the	13	single test we'll use our standard laboratory
14	mitochondria.	14	ergometer which we would calibrate, which we know the
15	This is a place where oxygen is consumed	15	power is absolute.
16	inside the cell as Dr. Kearney mentioned yesterday.	16	And then in addition to that for another
17	And we know that endurance athletes triple the number	17	30 minutes sub-maximal ride we will have the cyclist
18	of mitochondria they have with intense training. They	18	ride their own bicycle because they appear more
19	also develop more blood vessels around the muscles.	19	comfortable on that and we look to see if their
20	They store more fuel, the glycogen granules,	20	lactate responses on our ergometer versus theirs are
21	carbohydrate. This is lipid, the muscle triglyceride	21	any different. So they like information about riding
22	that we've been studying because trained athletes can	22	their own bicycle, so we do both.
23	burn more fat. They're very impressive. That it has	23	Q. What's the next slide?
24	also health implications.	24	A. This simply shows him when he's a little bit
25	Q. Okay. Doctor, just very quickly, because I	25	older, more recently. Young Lance.
	Page 1542		Page 1544
	really want to move the PowerPoint along. Back when	1	Next slide. You've heard all this and
2	you were studying Lance over the seven years, eight?	2	you went through his accomplishments.
3	I'm sorry, I keep forgetting. How many years?	3	And here, next slide. Had brain cancer
4	 Yes, seven years he reported. 	4	certainly, an operation.
5	Q. Was it ethical? Were you able to take a	5	Next slide.
6	piece of tissue, say, hey, Lance, how about giving me	5 6	Next slide. Q. And that takes us to what year? Let's see,
6 7	piece of tissue, say, hey, Lance, how about giving me a piece of your muscle tissue and doing biopsies like	5 6 7	Next slide. Q. And that takes us to what year? Let's see, the brain cancer is '96?
6 7 8	piece of tissue, say, hey, Lance, how about giving me a piece of your muscle tissue and doing biopsies like you're doing on this?	5 6 7 8	Next slide. Q. And that takes us to what year? Let's see, the brain cancer is '96? A. Yes. I can show you on
6 7 8 9	piece of tissue, say, hey, Lance, how about giving me a piece of your muscle tissue and doing biopsies like you're doing on this? A. Yes.	5 6 7 8 9	Next slide. Q. And that takes us to what year? Let's see, the brain cancer is '96? A. Yes. I can show you on Q. It's brain, testicular and lung. It was
6 7 8 9 10	piece of tissue, say, hey, Lance, how about giving me a piece of your muscle tissue and doing biopsies like you're doing on this? A. Yes. Q. Could you do that back when he was	5 6 7 8 9 10	Next slide. Q. And that takes us to what year? Let's see, the brain cancer is '96? A. Yes. I can show you on Q. It's brain, testicular and lung. It was found in three places in his body?
6 7 8 9 10 11	 piece of tissue, say, hey, Lance, how about giving me a piece of your muscle tissue and doing biopsies like you're doing on this? A. Yes. Q. Could you do that back when he was A. Well, we asked him and he said, yeah. So we 	5 6 7 8 9 10 11	Next slide. Q. And that takes us to what year? Let's see, the brain cancer is '96? A. Yes. I can show you on Q. It's brain, testicular and lung. It was found in three places in his body? A. Correct.
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	Page 1545		Page 1547
1	and then he won his first Tour de France in '99. So	1	of the someone who's an elite cyclist to have that
2	that's the time period over which we were studying	2	ability to have a heart rate of 200?
3	Lance.	3	THE WITNESS: No. Very good. His an
4	As I mentioned before, we found that	4	average cyclist his age, his size would have a maximal
5	which is typical of what has been reported before,	5	heart rate of 180. In fact, you often hear the value
6	that athletes who have trained for a number of years	6	of 220 minus your age for your maximal heart rate, and
7	already don't continue to show improvements in certain	7	actually it's a little lower than that in trained
8	variables like their cardiovascular system and their	8	athletes because training lowers your maximal heart
9	raw aerobic energy production, and indeed Lance was	9	rate.
10	stable in those values during this seven-year period.	10	Lance is remarkable in that his maximal
11	Q. Why was that important?	11	heart rate, especially for somebody who's pretty large
12	A. Well, it says that we know he's improving	12	for a bicyclist, and larger people tend to have lower
13	during the seven-year period, and everybody's	13	maximal heart rates, not higher. So his you know,
14	there's a lot of focus on maximal oxygen uptake and	14	his having a high it's very rare to see competitive
15	raw aerobic power, because this was one of the first	15	cyclists and especially people his size with heart
16	scientific measures made in exercise physiology and it	16	rates above 190. Certainly very few. I've never seen
17	does relate to endurance performance, but you see	17	anybody with heart rates above 200. His was 207. And
18	correlations. And certainly some physiologists and	18	you can see it remains high. He's human. It does
19	some cyclists are ill-informed when they say that VO2	19	come down with age, that's typical of everybody. We
20	max is the only factor that determines endurance	20	lose about one heartbeat per year at maximum. Still
21	performance. It's one of many, as we see in the	21	his maximum heart rate is 200 beats per minute. That
22	model.	22	gives him, in and of itself, a five to ten percent
23	Q. Why is that important when you're trying to	23	advantage over other bicyclists. A heart that can
24	figure out something to help the panel about	23	beat more frequently at maximum while still pumping a
25	why Lance I mean, Lance didn't have to cheat? Why	25	lot of blood is going to have that advantage.
	why Earlee Trinearly Earlee didirt have to cheat: why	25	for or blood is going to have that advantage.
	Page 1546		Page 1548
1			
	ao vou need to consider everything?	1	ARBITRATOR LYON: What's his resting
	do you need to consider everything? A. Well, because a person's performance is the	1 2	ARBITRATOR LYON: What's his resting heart rate, do you remember?
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2 3 4	A. Well, because a person's performance is the sum of all the components. And all since one component doesn't change very much, that doesn't mean	2 3 4	heart rate, do you remember? THE WITNESS: I don't know. We don't measure that because it's really not an important
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	Page 1549		Page 1551
1	being generated on the bicycle. We'll also so	1	raw power into bicycling.
2	that's I'll go ahead and get into efficiency very	2	Q. This is sort of the last piece of your
3	briefly. You take blood samples.	3	PowerPoint. Why is this important to form your basis
4	In the previous slide on the Velodyne we	4	that Lance didn't have to cheat?
5	had a catheter in the forearm vein, we took a blood	5	A. Well, he improved his power out over the
6	sample, we took a blood sample from took a drop of	6	seven-year period we studied him he improved his power
7	blood from a finger stick as we see happening here.	7	output in just absolute terms by eight percent, eight
8	Again, this goes back to what the model	8	percent more raw power, and he reduced his body weight
9	is, and, again, a person's performance and their power	9	by eight percent. The quotient of those two is an 18
10	is dependent you can't relate it to any one factor	10	percent increase in power per kilogram. That's huge.
11	like maximal oxygen uptake or just their blood lactate	11	That's a huge level. And remember, that's the amount
12	level. It's a combination of how all of these factors	12	that he improved after having won his first world
13	integrate together. And again, remarkably, Lance	13	championships. That's from the time he was 21 years
14	improved his gross mechanical efficiency.	14	old to his winning his first Tour de France.
15	And we see that here, that we measure	15	Next slide. And again, what I want to
16	efficiency and there's only one way you can define	16	get into is we are often asked how can you explain
17	efficiency, is how much you get out. Lots of power	17	this improved improvement of muscle efficiency, and
18	are transmitted to the bicycle ergometer compared to	18	that's something that's of great interest to me
19	how many watts of power, raw power, the engine is	19	because I've published papers prior, long before
20	producing as we measure by oxygen consumption. It's	20	studying Lance, relating muscle efficiency to the
21	simply that ratio and it's always expressed as a	21	types of proteins you have in your muscle, the
22	percent.	22	biochemistry of your muscle, whether you have slow
23	And we can see here that, you know,	23	twitch or fast twitch.
24	Lance, as typical of many cyclists, had just an	24	You can see here the muscles are made up
25	average efficiency when he was young, 21.18 percent	25	of proteins, kind of like pistons in the engine that
	Page 1550		Page 1552
1	efficient. There are different ways you can measure	1	capture the energy, then transmit that energy through
2	efficiencies, just the gross efficiency, or if you	2	the drive train to the wheel. And so these are the
3	want to get a measure of efficiency that relates more	3	pistons, actually, the little motors in the muscle,
4	not just to the whole body, but something specific to	4	and when we our muscles break down or use this
5	the muscle itself, you measure delta efficiency, that	5	chemical energy ATP, 20 percent goes to power and 80
6	is the change in energy his body has to put in or how	6	percent goes to heat. And, you know, that's typical
7	much increase his muscle how much increase his	7	of biological reactions. By the way, cars are much
8	muscles how much his muscles increase oxygen	8	less efficient. People are cars are eight percent
9	consumption relative to how much the the power is	9	efficient or whatever, so people are 20 some odd
10	increased on the bicycle itself. So the delta		percent, so we are much better energy converters than
11	efficiency is a is a reflection more specific to	11	combustion engines.
12 13	the exercising the muscles rather than the whole body	12	So I'm very interested in what the
13	where other processes in the whole body going on where your heart is beating, your diaphragm is moving,	13 14	chemical process is here, but that doesn't really matter. The fact is we are showing for the Armstrong
14	things like that. It's a technical point. It really	14	case here how much we are confident that his
15	does not differentiate our values because we see the	15	efficiency and power output is improving by the eight
17		17	percent. There's no doubt about that.
	Very same frends in gross efficiency in delta	/	
	very same trends in gross efficiency, in delta efficiency.		And so if we then look over the years
18	efficiency.	18	And so if we then look over the years
18 19	efficiency. The point is Lance early on was only	18 19	at
18 19 20	efficiency. The point is Lance early on was only 21 percent efficient, which is average, and he's	18 19 20	at Q. What are we looking at?
18 19 20 21	efficiency. The point is Lance early on was only 21 percent efficient, which is average, and he's improved that remarkably to 23 percent.	18 19 20 21	at Q. What are we looking at? A. Well, we are looking at over Lance's
18 19 20 21 22	efficiency. The point is Lance early on was only 21 percent efficient, which is average, and he's improved that remarkably to 23 percent. Next slide. In fact, I think you'll see	18 19 20 21 22	at Q. What are we looking at? A. Well, we are looking at over Lance's maturation from age 21 through 28, over the over
18 19 20 21 22 23	efficiency. The point is Lance early on was only 21 percent efficient, which is average, and he's improved that remarkably to 23 percent. Next slide. In fact, I think you'll see eight percent coming over. That's an eight percent	18 19 20 21 22 23	at Q. What are we looking at? A. Well, we are looking at over Lance's maturation from age 21 through 28, over the over this period, leading up the seven-year period
18 19 20 21 22	efficiency. The point is Lance early on was only 21 percent efficient, which is average, and he's improved that remarkably to 23 percent. Next slide. In fact, I think you'll see	18 19 20 21 22	at Q. What are we looking at? A. Well, we are looking at over Lance's maturation from age 21 through 28, over the over

14 (Pages 1549 to 1552)

Page 153 Page 153 a straight line. I mean, it's just remarkable. 4 400 watts over that seven-year period. 0. That's good? A. Well, that went over eight percent there. 1 400 watts over that seven-year period. 0. That's good? A. Well, that went over eight percent there. 1 400 watts over that seven-year period. 0. That's good? A. Well, that went over eight percent there. 1 400 watts over that seven-year period. 0. That's good? A. Well, that went over eight percent there. 1 400 watts over that seven-year period. 0. That's good? A. Straight is straight. And you make a 1 10 again. 10 again. 11 that point and that characterizes the line. 10 again. 10 again. 12 opints out. In an ideal world I guess you would. We measured hout 't you engaling space the add study, would't 'you engaling want to be this relationship. 11 the Yoe axe, identical this their - how hard 13 ads? THE WITNESS: This 13 ARBITRATOR CHERNICK: What is theft 14 ads? THE WITNESS: Oh, this here is body 20 Sour point is is own which muscel thers, world and ingher percent thore prover. They averaged 342 watts in an hour of energy and we have seven years of training. 12 opints doit Mit Nou engaling his straight'				
2 Q. That's good? 3 a straight line? Why is that good? 4 A. Well, that went over eight percent there. 5 It's – it's good because, you know, with a straight line. If it 6 In there's on interpretation - there's less 7 Interpretation as to what should the shape of that 8 Ine look like. I mean, the point is how many data 9 points do you need to draw a straight line. If it 10 turns out to be straight, you measure one point and 11 that point and that characterizes the line. 12 Q. Straight is straight? 14 measurement here or here until - you know, I guess 15 you might hear discussion as to if you equally space the 16 have a valid study, wouldn't you equally space the 16 have a valid study, would't you equally space the 17 heift hear discussion as to if you would. We 18 measured what we could and the fact is it came out to 18 measured what we could and the fact sit tame out to 19 THE WITNESS: This 20 ARBITRATOR CHERNICK: What is the left 21 That's my last point I''I be making. A. Yes, slow twitc				
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 9 points do you need to draw a straight line. If it to turns out to be straight, you measure one point and that characterizes the line. Q. Straight is straight? A. Tak is relationship. A. THE WITNESS: This A. ARBITRATOR CHERNICK: What is the left axis? The WITNESS: This A. ARBITRATOR CHERNICK: The other left. That's my last point TI' be making. That's my last point TI' be making. A. Yes, please. Well, before we get to body weight, and I'Il be getting to that, thank you. Page 1554 That's my last point TI' be making. A. Yes, please. Well, before we get to body weight, just to put this in some numerical terms, you know, as to elight percent more power, how does that relate to watts? I' we made measurements in the laboratory as to when Lance's body is expending a consumption. So thes's held constant. And that's our currency of bodily energy production, the intensities that you see here that's a sub-maximum, the intensities tha	7			
10 turns out to be straight, you measure one point and that point and that characterizes the line. 10 again. 11 that point and that characterizes the line. 11 An essee this here, but we had these 2 Straight is straight. And you make a 11 Consumption. These are two different groups. One 13 A. Straight is straight. And you make a 12 consumption. These are two different groups. One 14 measurement here or here until - you know, Iguess you might hear discussion as to if you really want to 15 16 have a valid study, wouldn't you equally space the 16 in ther VO2 max, identical in what their how hard 17 points out. In an ideal world I guess you would. We 18 they re exercising for one hour, how much energy their 18 they re exercising for one hour, how much energy their 19 body was producing, how much oxygen they were 20 ARBITRATOR CHENNICK: What is the test 13 sony this more power. They averaged 342 watts in an 21 axis? Q. So your point is slow twitch muscle, that's 25 21 That's my last point I'll be making. A. Yes, slow twitch is good. And this agrees 1 22 ARBITRATOR CHENNICK: Kay. 2 30 ong	8			
11 that point and that characterizes the line. 11 And we see this here, but we had these 12 Q. Straight is straight. And you make a 11 And we see this here, but we had these 13 A. Straight is straight. And you make a 12 cyclists exercise at the same exact rate of oxygen 14 measurement here or here until you know, I guess 12 cyclists exercise at the same exact rate of oxygen 14 measurement here or here until you know, I guess 14 group had predominantly slow twitch muscle fibers, 75 16 have a valid study, wouldn't you equally space the 16 fiber composition. So these two groups were identical 17 points out. In an ideal world I guess you would. We 18 they're exercising for one hour, how much energy their 18 measured what we could and the fact is it came uto 18 they're exercising for one hour, how much energy their 20 ARBITRATOR CHERNICK: What is the left. axis? 22 THE WITNESS: This 23 23 ARBITRATOR CHERNICK: Okay. 24 A. Yes, slow twitch muscle fibers were able to produce nine 24 THE WITNESS: Nb is nosen cumerical terms, you 4. Yes, slow twitch is good. And this agrees 2 24 ARBITR			9	And just press it one more. And
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	Page 1557		Page 1559
1	THE WITNESS: I've had about 20.	1	Q. Compare his body weight with Lance's.
2	MS. BLUE: Would you be willing to do it	2	A. I don't know exactly what Ulrich's body
3	now in front of the panel?	3	weight is.
4	Q. (BY MS. BLUE) Now, are we going to muscle	4	Q. Is he a bit heavier?
5	A. We are going to body weight and hopefully	5	A. He's heavier. He's certainly heavier than
6	finishing up, because body weight, we have heard a lot	6	Lance and I believe he's fatter, although I haven't
7	about that.	7	seen any published data on that. There's always
8	Q. Now, we are changing topics to body weight.	8	discussion in the press that Ulrich is too fat. I
9	A. Yeah. So he's increased his raw power to	9	don't know. You hear all these things.
10	eight percent.	10	Q. Is that one reason why Lance could be really
11	Q. And that's good?	11	good at hills and he could be better than his
12	A. That's good. And now he's reducing his body	12	competitor because Lance is
13	weight and that's good. And how much has he reduced	13	A. Oh, yes, there's no doubt about it. When you
14	his body weight?	14	lose ten pounds, when you lower your body weight ten
15	Q. Because it's the sum of the parts?	15	pounds, you know, or six percent, I mean, that means
16	A. Yes. So, you know, there's the data. These	16	that you can ride up those hills that much faster,
17	were the data that were published in our Journal of	17	four to six percent faster going up those hills. So
18	Applied Physiology study on the top here, so I just	18	there's a direct proportion to how much you lower your
19	cut and pasted that in. That wasn't on the original,	19	body weight and how much faster you can ride up the
20	but that's the same one.	20	hills. I mean, that's why these cyclists are obsessed
21	Q. Where does it show he's drinking beer and	21	with losing you know, they talk about losing 100
22	eating Mexican food?	22	grams on their bicycle.
23	A. Well, I don't know. Are you signing above	23	Q. How many paper clips is that?
24	this line?	24	A. 100 paper clips, I heard. So the point is if
25	And so I put this in kilograms and I put	25	you lose a pound, that represents 500 grams. A pound
1 2 3 4 5 6	Page 1558 this in pounds also just because we are going back and forth. So the point is that normally when he's a little younger, he's a little heavier. You know, this was after chemo, by the way, eight months after chemotherapy in August when he was deciding whether he could race again. He came to my laboratory and we	1 2 3 4 5	Page 1560 of body weight is 500 grams, 10 pounds is 5,000 grams. Look, there's no comparison. When cyclists want to reduce the weight of them and their bicycle, by far, by orders of magnitude of ten or 20-fold the most important thing to focus on is your body, not the
7 8 9 10	you know, we made measurements and his body weight had returned back up to, you know, the mid 170s, there this period here, 79.5 kilograms, and so and these	6 7 8 9	bicycle. The bicycle only weighs 10, 12 pounds to begin with, you know, everything. I mean, come on. So reducing body weight is the key. And why the sport of bicycling, especially the Tour de
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1	body weight and that's important. I'll do what it	1	win, didn't have a lot of finesse, didn't have a lot
2	takes, because I know I know that saving ten pounds	2	of efficiency.
3	is remarkably important. Why his European competitors	3	Over seven years remarkably developed his
4	don't do the same is just beyond me. It's	4	efficiency and lowered his body weight and went on to
5	Q. Okay. Let's go ahead and finish the	5	become the winner of the Tour de France in '99.
6	PowerPoint, because we have some more to cover.	6	Q. And that adds up to next slide is?
7	A. So anyway.	7	A. I think the end.
8	Q. That's him training in the high altitudes	8	Q. No, it adds up to a little picture that I
9	which he loves to do?	9	thought
10		10	MS. BONE: It's going to be 79.
	A. No, that's him racing because he's wearing		
11	the yellow jersey.	11	THE WITNESS: You know this better than I
12	Anyway, so the point is his watts went up	12	do.
13	eight percent, his body weight goes down about eight	13	People say that is he a genetic freak,
14	percent and the quotient results in having more watts	14	how could this possibly what explains all this.
15	per kilogram to go up the steep mountains and ride	15	And I'll be happy to entertain any Vince Young
16	away from his competitors when he has to. And we have	16	analogies if you watch American football, because he
17	heard how important it is that his team makes sure	17	made it look too easy, Vince Young, I mean, because he
18	that he's rested, that during the first you know,	18	was good. You know, Vince Young was good at passing
19	these are five to six-hour races and the first four to	19	and running both. He didn't have a weakness and he
20	five hours he expends as little energy as possible and	20	made it look easy. Is he a freak, alien, what?
21	he waits until the last 20, 30 minutes of the race,	21	Next slide. People always look how do
22	the steepest hills, and he knows that's when he's	22	you explain this? You can't explain this. It must
23	going to produce as much power as he can and he's	23	be. It's a matter of probability.
24	confident that he can produce more watts per kilogram	24	Q. (BY MS. BLUE) What's this slide? What does
25	than anybody else, and if they're suffering well,	25	this all mean? What is the point of this slide?
	Page 1562		Page 1564
1			
1	if he's suffering, he knows they're suffering even	1	A. Well, this slide, again, is a mathematical
2	if he's suffering, he knows they're suffering even more.	1 2	-
			A. Well, this slide, again, is a mathematical
2	more.	2	A. Well, this slide, again, is a mathematical expression. And that is if Lance were you know,
2 3	more. Q. Okay, Doctor, let's go ahead and conclude the PowerPoint.	2 3	A. Well, this slide, again, is a mathematical expression. And that is if Lance were you know, Lance is the best endurance athlete on the planet. You say how is that possible? You could say, as the
2 3 4	More.Q. Okay, Doctor, let's go ahead and conclude the PowerPoint.A. So it's if you estimate how many watts of	2 3 4	A. Well, this slide, again, is a mathematical expression. And that is if Lance were you know, Lance is the best endurance athlete on the planet. You say how is that possible? You could say, as the press has said, that he's one in a billion on the
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	Page 1565		Page 1567
1	percent slow twitch one out of 500, which I believe is	1	A. Correct.
2	very important for for being efficient, and Lance's	2	Q. All right.
3	efficiency certainly is raised from being very average	3	ARBITRATOR FAULKNER: Before you go
4	or below average to being superior from years of hard	4	there, can I ask you a question? On the previous
5	training. We have documented that.	5	slide you had a notation on the top left of resistance
6	The point is if you multiply 10 times 20	6	one in ten. What does that refer to?
7	times 2 times 5 times 10 times 500, the end the end	7	THE WITNESS: Yes, that's the
8	product of that is one in a billion. That's all it	8	aerodynamics. And what I hadn't shown is up here,
9	takes. You don't have to be a genetic freak. You		•
	-	9	this is all the bike design and the cyclist design
	just have to make sure you don't have a weak component	10	that I was talking about. So this is the drag that
11	or that you identify your weak component and you	11	the bicyclist encounters when they're riding.
12	improve that, so	12	ARBITRATOR FAULKNER: Okay.
13	Q. That's your mathematical analysis of	13	THE WITNESS: I didn't go into that
14	A. Yes, that's my attempt when people say, well,	14	because I wanted to focus just on the physiology.
15	this person must be a freak. They say that thinking	15	What you see in the video as to how important it is
16	that there's only one component that fits in there and	16	ARBITRATOR FAULKNER: I didn't know if
17	in reality, the way to win is to make sure that you	17	you meant resistance to pain in some quantifiable way.
18	don't have any weaknesses.	18	You answered my question, thank you.
19	And we have seen that with Lance	19	MS. BLUE: Thank you. May I proceed?
20	Armstrong. You know, his weakness had been his muscle	20	ARBITRATOR FAULKNER: Sure, please.
21	efficiency. He improved that remarkably. He doesn't	21	Q. (BY MS. BLUE) Okay. Let's change topics.
22	have bad days when he races. He has a great team. He	22	And if you could put up Respondents' Exhibit 33. You
23	has a plan. And I hope we get a chance to discuss	23	wrote this article?
24	what he does well in his training before the Tour de	24	A. Yes.
25	France, because what he does is he rests and he goes	25	Q. Is it science?
	Page 1566		Page 1568
1	into it rested and prepared, not like his competitors	1	A. Yes.
2	wind up going into the race tired. They ride the Tour	2	Q. Is it peer reviewed?
3	of Italy, they ride the Tour of Switzerland. Why do	3	A. Yes.
4	you want to do that before you're starting a	4	Q. It means people look at it?
5			
	three-week Tour de France? That's nuts. That's		
	three-week Tour de France? That's nuts. That's absolutely nuts. They're beating themselves.	5	A. Yes.
6	absolutely nuts. They're beating themselves.	5 6	A. Yes. Q. When it's peer reviewed, is junk science more
	absolutely nuts. They're beating themselves. But anyway, he doesn't have a weakness	5	 A. Yes. Q. When it's peer reviewed, is junk science more likely to be published if it's peer reviewed?
6 7 8	absolutely nuts. They're beating themselves. But anyway, he doesn't have a weakness and he doesn't have to be super human or a cheater to	5 6 7 8	 A. Yes. Q. When it's peer reviewed, is junk science more likely to be published if it's peer reviewed? A. No.
6 7 8 9	absolutely nuts. They're beating themselves. But anyway, he doesn't have a weakness and he doesn't have to be super human or a cheater to accomplish all this. And he can improve more, too, I	5 6 7 8 9	 A. Yes. Q. When it's peer reviewed, is junk science more likely to be published if it's peer reviewed? A. No. Q. It's in the American I'm sorry Journal
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	Page 1569		Page 1571
	external validity and it wasn't valid?	1	and it just presents a very incomplete picture. You
2	A. Oh, yes, yes.	2 3	know, especially when we talk about human performance
3	Q. Just so the panel knows, this article wasn't	4	here where there's no one factor, it's a number of
4	done for litigation, was it? A. No.	5	factors. And so I you know, I heard criticisms
	Q. When you published it, did you ever think you	5 6	from my study about what ergometer did I use and what test did I do and selective here or there looking for
6 7	would be sitting here talking to a three-person	7	criticisms or looking to see if what the suspicions
8	panel	8	of the articles of this article is.
9	A. No.	9	So it's come under great scrutiny, and
10	Q about Lance Armstrong?	10	from that I can only imagine, you know, what scrutiny
11	A. No.	11	Lance comes under and people trying to piece together
12	Q. And by the way, when you say peer reviewed,	12	a certain scenario from isolated bits of data and
13	let's just talk just for a second about what that	13	selectively building a case that is just not
14	means so the panel knows that this article has been	14	representative of the truth.
15	looked at and isn't published in some junk science	15	Q. Well, let's see if you're the lone ranger. I
16	magazine.	16	mean, I want to see if Ed Coyle, wow, maybe he's just
17	A. Right. Well, you you write the article,	17	a lone ranger out there. You know a guy named
18	you submit it to the editorial office, in this case	18	Dr. Andrew M. Jones from England? He's either from
19	this is the Journal of Applied Physiology, which is	19	Oxford or Exeter or
20	run by a professional society which is the American	20	A. Yes.
21	Physiological Society. The editor then sends it to a	21	Q. Did he do a study of an Olympic runner?
22	section editor who then sends it to three reviewers.	22	A. Yes.
23	The comments come back from the three reviewers in	23	Q. And very briefly, it's got to be briefly, and
24	addition to the section editor reviewing it and	24	this is just to show that you're not the lone ranger,
25	suggestions are made for revision, and then you go	25	why did Dr. Andrew Jones from over in England who did
	Page 1570		Page 1572
	through the process of that and then a decision is	1	a five-year physiological case study on an Olympic
2	made by the section editor as to whether it's acceptable or not. And the acceptance rate for the	2	runner, why is that important to what you did, to prove your study was viable and credible?
4	Journal of Applied Physiology is I think it's	4	A. Dr. Andrew Jones is a respected scientist.
5	published and I don't know what it is, maybe 30	5	He got his degree at Ph.D. from UCLA studying under
6	percent of the articles submitted are accepted. I'm	6	Brian Whipp. And he's English. In fact, he went
7	not sure exactly what it is, but it's a you know,	7	he studied Paula Radcliffe who is the current woman's
8	it's a high impact journal, it's a very good journal.	8	world record holder to the
9	Q. But you know that Dr. Michael Ashenden, who's	9	Q. She's British?
10	here today, has criticized your work; you know that?	10	A. She's British, the marathon.
11	A. Yes.	11	Q. Anyway, how long did it take her to do a
12	Q. In conclusion to this point, because I think	12	whole 26.3 marathon?
13	the panel is going to hear from SCA's expert, I want	13	A. Oh, you put me on the spot there. I think
14	the panel to know this term selective data analysis.	14	she's run two hours and 17 minutes, something in that
15	And as a scientist who's published over 100 articles	15	range.
16	on the areas you've talked about, why it's unfair to	16	Q. Good?
17	say, oh, maybe Lance is a cheater based on this	17	A. So, yeah, she's
18	this principle of, quote, selective data analysis.	18	Q. Fast?
19	What does that mean?	19	A. She's remarkable. He studied her over her
20 21	A. Well, the principle is when you know, when a person exposes or allows other individuals to see	20 21	maturation period and she improved her running
22	all their numbers and anything they want, then then	22	efficiency, just the same order of magnitude that Lance did. He studied her first over a five-year
23	the person you're trusting with that information is	22	period and published a paper on that. And he studied
24	able to take those and build whatever case they want	24	her an additional seven years now. So I just happened
25	out of organizing things very selectively, comparing,	25	to meet him in England, we were on a panel together.

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	Page 1573		Page 1575
	And it was remarkable that when I showed Armstrong's	1	A. Never called me.
2	data he showed Paula's data, Paula Radcliffe, and, you	2	Q. Never? Are you hard to find?
3	know, they both improved their efficiency one or two	3	A. Huh?
4	percent every year with continued training. And they	4	Q. Are you hard to find?
5	both went on to become the world's best in their	5	A. No.
6	sports. So our data were in remarkable agreement.	6	Q. Well, I mean, he must have, because he quoted
7	Q. Is that more data to base your opinion, that	7	you in the book. He certainly knew about you.
8	gives credibility to your opinion that Lance doesn't	8	A. Yes.
9	have to cheat?	9	Q. Never called you to verify?
10	A. Yes.	10	A. Never called me.
11	Q. Is that science, Doctor?	11	Q. Okay. Well, in this book, this story about
12	A. Yes.	12	Greg LeMond and you is on page 304. And the way I
13	Q. Is this science fiction?	13	want to handle it, because I want to try to do part B,
14	A. There are a lot of lies in there.	14	the second one and the lies that Greg LeMond told, I
15	Q. Okay. We are looking at LA Confidential.	15	want you to just tell the panel what happened, what
16	And now I'm going to turn to a whole other topic. We	16	really happened, and then we are going to just take a
17	are done with number one. We are going to go to Greg	17	few minutes, go through the English translation and
18	LeMond.	18	have you tell the panel if there are gross
19	Greg LeMond. I'll never get another	19	misrepresentations in LA Confidential. Tell the
20	chance to do this, so here I go. See this book?	20	panel, do you know Greg LeMond?
21	A. Yes.	21	A. I've met him a couple of times, yes.
22	Q. Is that Greg LeMond's name?	22	Q. And I want to turn your attention
23	A. Yes.	23	specifically to the meeting that took place in San
24	Q. Does that say, si son histoire est vraie,	24	Antonio.
25	c'est le plus grand come-back de l'histoire du sport.	25	A. Yes.
1			
	Page 1574		Page 1576
1	sielle ne le'st pas, c'est la plus grande fraude.	1	Q. Do you remember about what year that was,
1 2	sielle ne le'st pas, c'est la plus grande fraude. Do you see that? That's on the rider of	2	Q. Do you remember about what year that was, Doctor?
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20 (Pages 1573 to 1576)

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ł	Page 1577		Page 1579
1	comments. I then participated in a panel discussion	1	his efficiency. And I'm saying yeah, when you see him
2	with with several of the speakers and the session	2	on television. So this went on for two or three
3	ended. And, you know, I was collecting my computer	3	minutes, you know, and so LeMond came back and said,
4	and things and getting ready to leave and waiting for	4	well, how do you explain his efficiency? I said,
5	a colleague, Dr. Mike Smith who also gave a lecture,	5	well, again, he's increasing his efficiency, I think
6	and Greg LeMond was surrounded by by individuals	6	it's because of increased slow twitch, but I don't
7	asking for his autograph and to take pictures and	7	know. I mean, just like I said in the conference to
8	and I was preparing to leave and waiting for Mike	8	you guys, I don't know exactly what the mechanisms are
	Smith and as Greg as I was leaving, Greg kind of	9	
9			for his improved efficiency. I have a hypothesis
10	broke away from a few people and he saw me moving	10	based on other published studies I've done on many
11	away, and he said, wait a minute, I want to talk to	11	competitive bicyclists doing direct measurements.
12	you. Hold on.	12	Anyway, so he just wasn't getting what I
13	So I waited a moment or two and, you	13	was saying and we were obviously at an impasse as to
14	know, he broke away and we had a conversation. And we	14	all that. And then, you know, then eventually his
15	had the conversation probably in the middle of the	15	wife and some other individuals caught up with us in
16	conference room. We were just kind of walking down	16	the middle of the room and they were trying to usher
17	the aisle because I was on my way out. His wife Kathy	17	him out to take them to lunch and we walked together
18	was in the room. In fact, she was waiting for him	18	through the conference room and went into the lobby
19	also, and I didn't know it was his wife. It was just	19	and took an elevator up to the river walk. You know,
20	a woman who had come up to him and asked him he	20	this was in San Antonio. And I was trying to get
21	asked her to I remember he asked her, do you have	21	home, get to my car and get home, and other people
22	my wallet, so that's how I knew that they must have	22	were trying to get him to lunch, and he was very much
23	been husband and wife or something, and she said no.	23	intent on telling me, you know, but how do you explain
24	And so when he and I began to talk and we	24	it, what's going on here and these things. You know,
25	were alone, she was not within earshot of us, we	25	that was the nuts and bolts of the conversation.
25	were alone, and was not wrann earshot of us, we	25	
	Page 1578		Page 1580
1	walked away toward the center of the conference room	1	Q. Okay. What I would like to do, let's have
	and he asked he said, you know, you were talking	2	Respondents' Exhibit 25. And the point is I'm just
3	about Armstrong, his muscle efficiency as increasing	3	going to go through like two or three pages with you,
4	just like I had talked here. He goes, I know how that	45	because I think they the panel may hear from
5	happened. I know how that happened.		
6			Mr. Walsh later, which by the way, I don't know if the
1	Q. Was he excitable?	6	panel knew this, but Greg LeMond has been shot.
7	A. Yes. Well, he was yeah. I'm excitable,	6 7	panel knew this, but Greg LeMond has been shot. A. Yes.
78	A. Yes. Well, he was yeah. I'm excitable, too, I guess. And so he goes, Armstrong's increasing	6 7 8	panel knew this, but Greg LeMond has been shot. A. Yes. Q. With a gun?
7 8 9	A. Yes. Well, he was yeah. I'm excitable, too, I guess. And so he goes, Armstrong's increasing his RPMs. We've seen this. He's going at higher RPMs	6 7 8 9	panel knew this, but Greg LeMond has been shot. A. Yes. Q. With a gun? A. Right.
7 8 9 10	A. Yes. Well, he was yeah. I'm excitable, too, I guess. And so he goes, Armstrong's increasing his RPMs. We've seen this. He's going at higher RPMs now. You know, he's moving his legs more times per	6 7 8 9 10	panel knew this, but Greg LeMond has been shot. A. Yes. Q. With a gun? A. Right. Q. That's usually how you're shot. It said
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	Page 1581		Page 1583
1	It says toward the end of his career LeMond fell	1	graduate student with me in Dave Costill's lab when I
2	victim to mitochondrial	2	got my master's.
3	A. Mitochondrial.	3	So Dr. Burk knew that I was in Texas here
4	Q. Mitochondrial myopathy, a degenerative muscle	4	and I had a relationship with the group here at
5	disease that drains his strength. Given his	5	Southwestern University Medical School and Ron Haller,
6	ever-growing speed of his competitors he was losing	6	and they are the world's experts in diagnosing
7	ground. And I bring that up just because you had a	7	diagnosing muscle disease, especially mitochondrial
8	you knew of Greg or talked to him before the San	8	myopathy and doing it noninvasively, no muscle
9	Antonio meeting. How was that relationship? How did	9	biopsies using magnetic resonance imaging.
10	that come about?	10	Dr. Haller heard LeMond's presentation
11	A. Well, he he participated Greg LeMond	11	and said please talk to him and let him know that we'd
12	participated in a symposium at one of the annual	12	be more than willing to evaluate him because we don't
13	meetings of the American College of Sports Medicine.	13	think he got the correct diagnosis. We will give him
14	I believe it was in the early '90s in Minneapolis, his	14	a second opinion.
15	home state and town. And, you know, of course he's	15	So I approached LeMond with Ed Burk and
16	well respected as a bicyclist. And during this	16	just said, hey, you know, you were great at the
17	symposium that was organized by Ed Burk, Greg	17	meeting. These are the experts, they would like to
18	discussed some of his bicycling, but I think the focus	18	and the conversation was maybe a two-minute,
19	was also on his supposed mitochondrial disease, which	19	three-minute conversation. LeMond's mind was set that
20	he claimed was due to a the hunting accident where	20	he already knows he has this disease mitochondrial
21	he was shot by his brother-in-law accidentally.	21	myopathy. He's left the sport of cycling, he can't
22	Q. Somebody thought he was a deer?	22	compete and he was he was just not open to a second
23	A. I think that was the case. It was a deer	23	opinion or any other discussion on it and so it was a
24	hunting accident in the woods and his brother-in-law	24	very, very short conversation.
25	shot him, and so he you know, he had a number of	25	Q. Okay. So the bottom line, you were trying to
—			
Ι.	Page 1582		Page 1584
1	lead pellets that still were in the body, quite a few,	1	get him help if he wanted it at what at Dallas UT
2	lead pellets that still were in the body, quite a few, including some in his heart sac and his pericardium	2	get him help if he wanted it at what at Dallas UT Southwestern?
2 3	lead pellets that still were in the body, quite a few, including some in his heart sac and his pericardium and other organs and so, you know, he still has lead	2 3	get him help if he wanted it at what at Dallas UT Southwestern? A. Yeah, right here in Dallas.
2 3 4	lead pellets that still were in the body, quite a few, including some in his heart sac and his pericardium and other organs and so, you know, he still has lead pellets. He believes that those lead pellets caused	2 3 4	get him help if he wanted it at what at Dallas UT Southwestern? A. Yeah, right here in Dallas. Q. Okay. Let's go to now the
2 3 4 5	lead pellets that still were in the body, quite a few, including some in his heart sac and his pericardium and other organs and so, you know, he still has lead pellets. He believes that those lead pellets caused damage to some of his organs, especially his muscle,	2 3 4 5	get him help if he wanted it at what at Dallas UT Southwestern? A. Yeah, right here in Dallas. Q. Okay. Let's go to now the misrepresentations. Some are little and some are more
2 3 4 5 6	lead pellets that still were in the body, quite a few, including some in his heart sac and his pericardium and other organs and so, you know, he still has lead pellets. He believes that those lead pellets caused damage to some of his organs, especially his muscle, especially to the mitochondria producing powerhouse	2 3 4 5 6	get him help if he wanted it at what at Dallas UT Southwestern? A. Yeah, right here in Dallas. Q. Okay. Let's go to now the misrepresentations. Some are little and some are more material, but what I'm looking for is no, next
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22 (Pages 1581 to 1584)

	Page 1585		Page 1587
1	talking about.	1	A. First of all, I've never met Chris
2	Q. Is that your style	2	Carmichael, I've never spoken to Chris Carmichael,
3	A. I don't	3	I've never exchanged information with Chris
4	Q to talk like that, to say hey, I know what	4	Carmichael. I would never have any reason to
5	I'm talking about?	5	reference him. I've never referenced him. And I
6	A. Only to my children. No, that's not how I	6	don't believe that this statement is correct, that he
7	would give a public lecture.	7	increased his efficiency because he increased his
8	Q. Okay. As a matter of fact, when you made	8	cadence, just the opposite I was saying.
9	notes did you say that was incorrect, you never said	9	Q. Well, that's a pretty big representation,
10	that?	10	it's saying something you didn't say. That's not what
11	A. Yes, I did. I wouldn't say that.	11	you believed that the reason Lance was more efficient
12	Q. And then you've been conducting physiological	12	was because he pedals faster?
13	tests; that's true, true?	13	A. Right.
14	A. Yes.	14	Q. Then it says what LeMond says, he says,
15	Q. More than ten years, true or false?	15	oh, my God. LeMond's incredulous surprise is based on
16	A. False.	16	his knowledge of physiology and the precise impact of
17	Q. Okay, Next page.	17	improved pedaling frequency. And then Greg goes on to
18	And, again, I just it's just little	18	say what he did.
19	stuff that if Walsh had called you or asked you, would	19	MS. BLUE: If you can go down, Lynn.
20	you have told him what was right and what was wrong?	20	Q. (BY MS. BLUE) So then he talks about what
21	Would you go back to the other page of	21	Greg was saying, what he recalled. He's talking about
22	them. Right. I mean, little stuff like if you	22 23	what you convinced him of. And then, you know, you
23 24	could screen was black and white. That's	23 24	said something very important. You said, and I want to make sure the panel heard, that Greg LeMond's wife
24 25	obviously you can remember that. Was that right or was it colored?	25	was not within earshot; is that true?
25		23	
	Page 1586		Page 1588
1	A. No, it's the same slide, the same exact slide	1	A. That's true.
2	I showed you.	2	Q. And is that something you absolutely
3	Q. Okay. The first representation is oxygen,	3	remember?
4	kept the status from the time Lance was 17, true or	4	A. Yes.
5	false?	5	Q. And then it says, following Greg's speech,
6	A. False.	6	many doctors gathered around Greg. Someone questions.
7	Q. Okay. It says Eddie Coyle calmly explained	7	Eddie Coyle was among them. Would you have been
8	that the curve I'm sorry, that's not where I wanted	8	sitting there waiting to talk to Greg?
9	to be. The mysterious curve let's go down yeah,	9	A. No.
10	this third curve. Again, it's a minor representation,	10	Q. Positive about that?
11	but was that, in fact, the second curve?	11	A. I was waiting for Mike Smith.
12	A. Right.	12	Q. Okay.
13	Q. And again, this is what the French public or	13	A. I mean
14	the French speakers are reading thinking that you said	14	Q. If you'll go to the next page.
15	or did these things. It says Ed Coyle if you could	15	Again, if a French reader reads this and
16	go up Ed Coyle this is where I want then	16	they're trying to assess what Ed Coyle said about
17	cited if you can yellow that then cited Chris	17	Lance Armstrong, what you believe, it says Ed Coyle,
18	Carmichael to whom who thought Lance's leap forward	18	you're his doctor. Are you Lance Armstrong's doctor?
19	was due to efficiency of his pedaling. Did you ever	19	A. No, I'm not Lance Armstrong's doctor.
20	say that?	20	Q. Okay. And it says Kathy was in earshot.
21 22	A. No. O Would that have been an absolute	21 22	Never MP_RPEEN: You've get to go back just a
22 23	Q. Would that have been an absolute misrepresentation?	22	MR. BREEN: You've got to go back just a little bit.
	A. Yes, that's an absolute misrepresentation.	23	MS. BLUE: I'm sorry, would you go back?
14		T	
24 25	Q. Okay.	25	Q. (BY MS. BLUE) It says and this is

Page 15891important. It says it says Kathy LeMond it's2right it's it says you're his doctor, right?3MR. BREEN: Next page.4MS. BLUE: Next page?5Q. (BY MS. BLUE) Oh, no, no, i'm sorry. It6says Kathy LeMond remembers the end of the7conversation. Is that possible if she's not within8earshot?9A. No.9A. No.10Q. Okay. And then I really want to focus on11this. I mean, you know how you talk, right?12A. Yes.13Q. If somebody came in here and said Lisa Blue14used a lot of idioms and she said it was cool and he15was blown out of the water, I would be able to say,16you know what, I don't like slang so I don't use it.17You know how you talk and right?18A. Right.19Q. It says Eddie when Greg said to him you're20you ask Michele Ferrari? Eddie just asked, he's with21can't explain it. And Greg then pressed on, why don't22you ask Michele Ferrari? Eddie just asked, he's with23A. No.24Page 15901quite obvious, quite obvious, that you were completely25Q. That's what I've heard, Greg replied. It was75A. That's a joke. That's ridiculous, totally76Q. Why is that just totally ridiculous, totally77You know hat s cience or science fiction?78A. That's a joke. That's ridiculous	
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6 A. I'm not sure why it's a lie. 6 an hour or so and Mr. Herman agreed that if I	
7 Q. No, I said 7 I said I was going to do in terms of the direct,	
8 A. It's a lie. I mean, that statement never 8 Mr. Walsh's time on the stand would be between	
9 happened. He never he absolutely never said to me 9 two and a half hours. And I make this request	
10 that Lance Armstrong was seeing Michele Ferrari, 10 Mr. Walsh we have spoken to him about the	
11 absolutely. So, I mean, then the next part of the 11 possibility of staying over and he has business	
12 sentence is Eddie was completely stunned, he went 12 commitments to cover an arsenal football mate	h and
13 pale, and said that makes me sick. It's all he could 13 also personal commitments and doesn't think p	
14 add. Then he looked at the elevator, made one final 14 he could go home and come back to testify ne	
15 comment, I feel like throwing up. 15 or Wednesday.	
16 Q. That would be you saying 16 ARBITRATOR FAULKNER: I think we	have
17 A. That would be me saying, yeah. 17 made that trip across the north Atlantic enough	
18 Q. Which by the way, in French it says I feel 18 to be familiar with it.	
19 like I'm going to vomit. 19 MR. TILLOTSON: He also he came	
20 A. Oh, okay. 20 week before for his deposition in New York, so	the
21 Q. Do you talk like that, I feel like I'm going 21 bad asking him to do it a third time. And also,	
22 to throw up, I feel sick? 22 want to make clear to the panel that we obviou	I feel
23 A. No, I don't talk like that and I never 23 contend Mr. Walsh's book gave us cause to be	I feel I do
24 announce when I'm going to throw up. 24 investigation, but we have not contended that	I feel I do Isly
25 Q. Any way this is true, any possible way that 25 in and of itself was our basis for the denial.	I feel I do Isly Jin an
	I feel I do Isly Jin an

24 (Pages 1589 to 1592)

	Page 1593		Page 1595
1	So to the extent that we are sponsoring	1	cross-examine him with those documents, even if we get
2	allegations from that book, we have have or will	2	the permission from the British court, because he'll
3	put on evidence of what we did to confirm the evidence	3	already have been rushed on and off here this
4	of those allegations outside of the book. I told that	4	afternoon before a ruling is made over there.
5	to Mr. Herman and, therefore, I don't he may have	5	ARBITRATOR FAULKNER: Is Walsh available
6	been under the misimpression that my direct was going	6	to come back at any other time next week or could he
7	to be rather lengthy of Mr. Walsh in recounting all	7	be available even sometime after that?
8	the allegations of what people said, but I don't	8	MR. TILLOTSON: Sure, he could.
9	really intend to do that. So I would request at the	9	ARBITRATOR FAULKNER: Okay.
10	conclusion of Dr. Coyle, whenever that is, in the	10	MR. TILLOTSON: I don't know about next
11	abundance of timing and to ensure that Mr. Chernick	11	week per se. He's a sports writer. He's got a beat
12	makes his plane that we be allowed to go out of order	12	and he's got deadlines, so that's the only difficulty,
13	and call Mr. Walsh to complete his testimony and start	13	but within the next two weeks could he be available
14	with their last witness.	14	ARBITRATOR LYON: Well, let me ask a
15	ARBITRATOR FAULKNER: Do you all have	15	question, Mr. Chairman.
16	any	16	ARBITRATOR FAULKNER: Sure, ask.
17	MR. BREEN: I do, Mr. Chairman. Of	17	ARBITRATOR LYON: Why did you have him
18	course, I can run down here in a second and grab	18	come this week anyway? You knew they were going to
19	Mr. Herman, but in the interest of time I can tell you	19	take up the whole week.
20	that having already talked to him we do oppose that	20	MR. TILLOTSON: Well, if you recall at
21	for a couple of reasons. One primary reason that we	21	the beginning he said three days for his case.
22	already brought up with the panel that has yet to be	22	ARBITRATOR LYON: That's right, I'm
23	ruled on is whether Mr. Walsh should be allowed to	23	sorry.
24	testify at all in this case given the behavior of	24	MR. TILLOTSON: And I anticipated that we
25	deliberately ignoring and now obstructing us from	25	would probably have Friday to put on some witnesses,
			would probably have mady to par on come minesses,
	Page 1594		Page 1596
1	being able to use material evidence and documents to	1	which still could be a possibility given the way
2	cross-examine not only him, but people they're	2	things are going. And he was the most problematic
3	bringing in here that he took statements from that	3	about scheduling, so I asked him to come actually,
4	contradict positions they're taking in front of the	4	I asked all the witnesses to be ready to testify
5	panel. Those are two separate issues related to	5	Thursday or Friday just in case that I could control
6	Mr. Walsh. We haven't resolved that yet. Apparently	6	events. He was one who could come. So I had
7	right now they're fighting in Great Britain	7	anticipated possibly starting my case with him since
8	ARBITRATOR FAULKNER: I was going to ask,	8	that's the book, so I had him around for Friday.
9	what's the status of the decision	9	That's that was my thinking.
10	MR. TILLOTSON: It was delayed until 2	10	ARBITRATOR LYON: Okay, Is his position
11	p.m. British time, so	11	still that he won't allow cross-examination with his
12	ARBITRATOR FAULKNER: Six hour	12	documents?
13	difference.	13	MR. BREEN: It is. That's what they're
14	MR. TILLOTSON: Yeah. So it may have	14	taking the position in the British court.
15	been resolved, but I haven't received an e-mail from	15	MR. TILLOTSON: Well, his position is
16	them.	16	that the documents produced by him in the UK
17	MR. TILLOTSON: So it may still be	17	proceeding should not be turned over to the possession
18	ongoing or may have just been resolved. We just don't	18	of Mr. Armstrong's American lawyers and he has
19	know	19	declined up until now to answer questions regarding
20	MR. BREEN: So in and of itself, despite	20	those documents. I can ask him if he's prepared, if
21	these objections that we have, there's another	21	they have those documents well, he's told me that
22	fundamental problem here, not to use a colloquialism,	22	he may take the same position he took in his
23	but if Mr. Walsh is allowed to testify here and then	23	deposition.
24	leaves, then trying to close the barn door after he's	24	ARBITRATOR FAULKNER: Okay. Gentlemen,
25	gone doesn't do much good because we won't be able to	25	do we want to chat a little bit?
	- ····································		

25 (Pages 1593 to 1596)

	Page 1597		Page 1599
1	ARBITRATOR CHERNICK: Why don't we get	1	A. Yes.
2	Dr. Coyle done.	2	Q. He is an attorney that works for SCA, true?
3	ARBITRATOR LYON: Why don't we finish	3	A. Yes.
4	Dr. Coyle. We're going to have lunch here supposedly	4	Q. Hattie Coffman, who is that?
5	at 11:30. That will give us time to talk about this	5	A. She's my administrative assistant.
6	issue.	6	Q. Okay. It says the conversation re is Chris
7	ARBITRATOR FAULKNER: Because I'm looking	7	Compton. Ed that would be you, correct? Chris
8	from my notes from our last conversation. I don't see	8	Compton called from SCA promotion, here is their
9	them right here. I may have left them upstairs. So	9	number, re: Lance Armstrong.
10	let's finish Dr. Coyle and then we'll address that.	10	Did you at some time on or after
11	MR. BREEN: Thank you, Mr. Chairman.	11	January 4, 2005, come to discover that Chris Compton
12	ARBITRATOR FAULKNER: Okay, Dr. Coyle.	12	was trying to get in touch with you?
13	MS. BLUE: May I proceed?	13	A. Yes.
14	ARBITRATOR FAULKNER: Please proceed.	14	Q. You were living in Austin?
15	Q. (BY MS. BLUE) Dr. Coyle, did you see the	15	A. Yes.
16	movie that was played in front of the panel about	16	Q. Did you call Chris Compton back?
17	Lance?	17	A. Yes.
18	A. Yes.	18	Q. Would you look at the panel and tell the
19	Q. Had you seen it before?	19	panel about your conversation with Chris Compton? He
20	A. Parts of it, not the whole thing.	20	called you up and said hi?
21	Q. Did you happen to hear I keep thinking	21	A. Yes. I'm not sure if I mean, I received a
22	about the statement. In the movie it said Lance	22	phone message. You know, I returned a call not really
23	Armstrong is the most tested athlete on the planet.	23	knowing what it was about, just regarding Lance
24	Do you remember hearing that?	24	Armstrong. I didn't even know what SCA was or so I
25	A. Yes.	25	returned the call or I assume I returned the call
		25	
	Page 1598		Page 1600
1	Q. Is that common knowledge? Have you seen it	1	and, you know, he said well, you know, we would like
2	before in articles?	2	to retain you I'm sorry. He I don't recall the
3	A. Yes.	3	exact wording. There was something to the effect that
4	Q. Okay. Now I want to turn to our last and	4	we would like you to serve as an expert or witness to
5	final point, and that is your conversation with the	5	testify to the fact that Lance Armstrong could not
6	SCA lawyer, Chris Compton.	6	have won the Tour de France without the use of
7	And with the panel's permission, if we	7	performance enhancing drugs.
8	could put up Exhibit 123, and I would offer	8	Q. Okay. Hold on. Say that one more time.
9	Exhibit 123 into evidence and give defense counsel a	9	What did Mr. Compton want you to testify to, that
10	copy and the panel members. Oh, I'm sorry, it doesn't	10	Lance Armstrong couldn't do what?
11	say 123 on there.	11	A. Could not have won the Tour de France without
12	ARBITRATOR FAULKNER: We will write it.	12	the use of performance enhancing drugs.
			Q. All right. And what did you say when
13	O. (BY MS, BLUE) Do you recognize this e-mail?		
13 14	Q. (BY MS. BLUE) Do you recognize this e-mail? A. Yes.	13 14	
14	A. Yes.	14	Mr. Compton said I want you to testify that Lance
14 15	A. Yes. Q. Okay. I note that you've been here for a	14 15	Mr. Compton said I want you to testify that Lance Armstrong could not have won without a performance
14 15 16	 A. Yes. Q. Okay. I note that you've been here for a couple of days, everybody can see that. Were you here 	14 15 16	Mr. Compton said I want you to testify that Lance Armstrong could not have won without a performance A. Without the use of performance enhancing
14 15 16 17	A. Yes. Q. Okay. I note that you've been here for a couple of days, everybody can see that. Were you here when Joe Longley, the Insurance lawyer, testified?	14 15 16 17	Mr. Compton said I want you to testify that LanceArmstrong could not have won without a performanceA. Without the use of performance enhancingdrugs.
14 15 16 17 18	 A. Yes. Q. Okay. I note that you've been here for a couple of days, everybody can see that. Were you here when Joe Longley, the insurance lawyer, testified? A. Yes. 	14 15 16 17 18	Mr. Compton said I want you to testify that LanceArmstrong could not have won without a performanceA. Without the use of performance enhancingdrugs.Q. Right, okay. What did you say?
14 15 16 17 18 19	 A. Yes. Q. Okay. I note that you've been here for a couple of days, everybody can see that. Were you here when Joe Longley, the insurance lawyer, testified? A. Yes. Q. Mr. Longley said something. He said that SCA 	14 15 16 17 18 19	 Mr. Compton said I want you to testify that Lance Armstrong could not have won without a performance A. Without the use of performance enhancing drugs. Q. Right, okay. What did you say? A. Well, I was just thinking there for a minute,
14 15 16 17 18 19 20	 A. Yes. Q. Okay. I note that you've been here for a couple of days, everybody can see that. Were you here when Joe Longley, the insurance lawyer, testified? A. Yes. Q. Mr. Longley said something. He said that SCA was just out to get dirt on Lance. Do you remember 	14 15 16 17 18 19 20	 Mr. Compton said I want you to testify that Lance Armstrong could not have won without a performance A. Without the use of performance enhancing drugs. Q. Right, okay. What did you say? A. Well, I was just thinking there for a minute, who is this and what's this call about? I was I
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14 15 16 17 18 19 20 21 22 23 24	 A. Yes. Q. Okay. I note that you've been here for a couple of days, everybody can see that. Were you here when Joe Longley, the insurance lawyer, testified? A. Yes. Q. Mr. Longley said something. He said that SCA was just out to get dirt on Lance. Do you remember that? A. Yes, I do. Q. I want you to keep that comment in mind. And let's turn to this e-mail. Do you know Chris Compton, 	14 15 16 17 18 19 20 21 22 23 24	 Mr. Compton said I want you to testify that Lance Armstrong could not have won without a performance A. Without the use of performance enhancing drugs. Q. Right, okay. What did you say? A. Well, I was just thinking there for a minute, who is this and what's this call about? I was I wasn't prepared for it and didn't know the background, and I said, well, you know Q. Were you kind of stunned? A. I guess. Not yeah, a bit. I mean, I was
14 15 16 17 18 19 20 21 21 22 23	 A. Yes. Q. Okay. I note that you've been here for a couple of days, everybody can see that. Were you here when Joe Longley, the insurance lawyer, testified? A. Yes. Q. Mr. Longley said something. He said that SCA was just out to get dirt on Lance. Do you remember that? A. Yes, I do. Q. I want you to keep that comment in mind. And 	14 15 16 17 18 19 20 21 22 23	 Mr. Compton said I want you to testify that Lance Armstrong could not have won without a performance A. Without the use of performance enhancing drugs. Q. Right, okay. What did you say? A. Well, I was just thinking there for a minute, who is this and what's this call about? I was I wasn't prepared for it and didn't know the background, and I said, well, you know Q. Were you kind of stunned?

26 (Pages 1597 to 1600)

	Page 1601		Page 1603
1	Q. Okay.	1	Q. As a matter of fact, you've been sitting
2	A. And so I I said, well, you know, we	2	here, you've heard SCA, that they relied on some of
3	have you know, I've been testing Lance and we have	3	the things that Mr. Walsh wrote, correct?
4	data on him over the years and yeah, he said yes,	4	A. Yes.
5	sir, and he was very nervous. And I said, well, you	5	Q. If SCA lawyers had wanted to talk to you and
6	know, we have been testing him and I think it's	6	said, look, we are trying to decide whether or not we
7	perfectly possible that he's won the Tour de France	7	should pay this claim, would you have answered their
8	without using performance enhancing drugs, that we	8	questions and told them that there were some gross
9	have shown, you know, he's improved tremendously over	9	false misrepresentations in this book?
10	those years. And I don't believe if I then said it	10	A. If they would have asked me, yes. I didn't
11	became obvious that I would not serve their purposes.	11	know about the book until or my quotes in there
12	And essentially he said, well, I guess you can't serve	12	until these proceedings.
13	and you won't serve to that point or something. I	13	MS. BLUE: All right, Dr. Coyle, and
14	don't recall the end point. It was very awkward, you	14	thank you very much for coming. And members of the
15	know. And he said, well, thank you, goodbye.	15	panel, we will pass the witness.
16	Q. Looking back today, Dr. Coyle, you	16	ARBITRATOR FAULKNER: Mr. Tillotson or
17	heard Dr I mean, Mr. Longley say that what SCA was	17	Mr. Towns?
18	doing was just looking for dirt on Lance Armstrong.	18	MR. TILLOTSON: Mr. Towns is going to
19	Looking back now, is that do you think that's what	19	examine Dr. Coyle.
20	they were doing with you, looking for dirt on Lance	20	CROSS EXAMINATION
21	Armstrong?	21	BY MR. TOWNS:
22	A. Well, Mr. Compton called me up and had the	22	Q. Thank you, Dr. Coyle. First, I want to talk
23 24	presumption that Lance Armstrong was cheating and he said, we would like you to be an expert or a witness	23 24	a little bit in fairness, it hasn't just been SCA that's criticized your report in the Journal of
2 4 25	to the fact that Lance Armstrong could not win the	25	Applied Physiology, has it?
2.5	to the fact that bance Armstrong could not will the	2,5	Applied Physiology, has it:
	Page 1602		Page 1604
1	Page 1602 Tour de France without the use of performance	1	A. It hasn't been just SCA. Well, there have
2	Tour de France without the use of performance enhancing drugs.	2	A. It hasn't been just SCA. Well, there have been two letters to the editor in the Journal of
2 3	Tour de France without the use of performance enhancing drugs. Q. So he said we want you to be a witness to say	2 3	A. It hasn't been just SCA. Well, there have been two letters to the editor in the Journal of Applied Physiology.
2 3 4	Tour de France without the use of performance enhancing drugs. Q. So he said we want you to be a witness to say that, right?	2 3 4	 A. It hasn't been just SCA. Well, there have been two letters to the editor in the Journal of Applied Physiology. Q. And those letters to the editor too shared
2 3 4 5	Tour de France without the use of performance enhancing drugs. Q. So he said we want you to be a witness to say that, right? A. I'm not sure if he used the word witness or	2 3 4 5	 A. It hasn't been just SCA. Well, there have been two letters to the editor in the Journal of Applied Physiology. Q. And those letters to the editor too shared criticisms of your work that was published I'm
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27 (Pages 1601 to 1604)

1			
	Page 1605		Page 1607
1	SCA. You've testified as an expert in other matters,	1	Q. Okay. And that is if we are looking
2	correct?	2	and if you would like to look, it's there in front of
3	A. Yes.	3	you as Respondents' Exhibit 33, which is in a blue
4	Q. And you've been retained as an expert in	4	volume probably
5	other matters where your testimony wasn't even needed,	5	A. Okay. I have the article here.
6	correct?	6	Q. Okay. If we look on the first page
7	A. Well, I'm not sure what retained means.	7	actually, there's a cover page, but the first page of
8	Q. People have consulted with you about cases	8	the actual article shows that it was submitted
9	that never actually developed, correct?	9	February 22nd and then accepted on March 10th,
10	A. No.	10	correct?
11	Q. Okay. Well, when in those situations,	11	A. Right.
12	then, when you have been retained as a testifying	12	Q. So how much time how much time was this
13	expert, in the introductory phone call a lawyer	13	actually peer reviewed?
14	generally explains the subject matter on which they're	14	A. That's about three and a half, four weeks.
15	seeking expert testimony, right?	15	Q. Okay. So even shorter than the amount I
16	A. (Nods head.)	16	would have calculated. Thank you. Now, that's a
17	Q. And in this case, a little over a year ago,	17	relatively short amount of time for a peer review,
18	you said you had such an introductory phone call with	18	isn't it?
19	Chris Compton, right?	19	A. Not really.
20	A. Right.	20	Q. Okay.
21	Q. And you were a little off balance in the	21	A. I should add that, you know, I am a member of
22	beginning because you didn't really even know what the	22	the editorial board for Journal of Applied Physiology,
23	call was about, fair?	23	you know, as are if you look at the list, they
24	A. Right.	24	publish it in the cover about maybe 30 other
25	Q. And in that conversation, are you certain	25	individuals worldwide. I am not a section editor.
25		25	
	Page 1606		Page 1608
1	that Mr. Compton didn't say we need testimony on	1	The section editor is the individual who actually
2	whether Lance Armstrong can succeed without	2	makes the decision on who the reviewers are. So I
3	performance enhancing drugs?	3	have no when I submit an article to the Journal of
4	A. Yes, I am certain.	4	Applied Physiology, I have no Impact on the review
5	Q. Okay. And if there was contradictory	5	
6			process any more than an author with no affiliation
•	festimony, that's just a dispute between what you		process any more than an author with no affiliation with the journal would have.
7	testimony, that's just a dispute between what you recall and what Mr. Compton might recall, correct?	6	with the journal would have.
7 8	recall and what Mr. Compton might recall, correct?	6 7	with the journal would have. And I should also point out that as an
8	recall and what Mr. Compton might recall, correct? A. If there's contradicting testimony from	6 7 8	with the journal would have. And I should also point out that as an editorial board member of the Journal of Applied
8 9	recall and what Mr. Compton might recall, correct? A. If there's contradicting testimony from Mr. Compton you're saying?	6 7 8 9	with the journal would have. And I should also point out that as an editorial board member of the Journal of Applied Physiology, we asked reviewers to review their
8 9 10	recall and what Mr. Compton might recall, correct? A. If there's contradicting testimony from Mr. Compton you're saying? Q. Yes.	6 7 8 9 10	with the journal would have. And I should also point out that as an editorial board member of the Journal of Applied Physiology, we asked reviewers to review their manuscripts within two weeks, three weeks, and get the
8 9 10 11	recall and what Mr. Compton might recall, correct? A. If there's contradicting testimony from Mr. Compton you're saying? Q. Yes. A. I guess I guess so, yes.	6 7 8 9 10 11	with the journal would have. And I should also point out that as an editorial board member of the Journal of Applied Physiology, we asked reviewers to review their manuscripts within two weeks, three weeks, and get the reviews back in. So the Journal of Applied Physiology
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28 (Pages 1605 to 1608)

		1	
	Page 1609		Page 1611
1	retained by the claimants for is if you look at it	1	population?
2	in the broad sense is to explain how Lance Armstrong	2	A. No, that's compared to competitive
3	could win the Tour de France; is that right?	3	bicyclists.
4	A. Correct.	4	Q. Okay. So in your formula you used data both
5	Q. And you will agree with me, won't you, that	5	from the bicycling community and the average
6	there are a lot of variables that go into making up	6	population?
7	the physiology of an elite cyclist, correct?	7	A. Correct.
8	A. Yes.	8	Q. So without going back through it step by
9	Q. There are also a lot of variables in	9	step, it would be difficult for us to determine which
10	determining who actually wins the Tour de France,	10	values you took from the average population and which
11	right?	11	you took from elite cyclists; is that fair?
12	A. Correct.	12	A. Correct.
13	Q. So we are not just talking about in terms of	13	Q. Okay.
14	your testimony does Lance Armstrong have the	14	A. But I can clarify that in 30 seconds if you
15	physiology to compete in the Tour de France, which	15	want, but
16	you, I think, believe he does, correct?	16	Q. Truly, the mathematical model is not that
17	A. Correct.	17	I want you to have a chance to say whatever you want
18	Q. But also with that physiology, does it allow	18	and I'm sure Ms. Blue will give you a chance if it's
19	him to win, correct?	19	important, but it's not to me anyway. So I hope you
20	A. Correct.	20	don't think I'm rude. I'm just trying to get through.
21	Q. And in this case, does it allow him to win	21	Now, what we don't have in your
22	and does it explain how he won seven times in a row,	22	mathematical model is comparisons to Mr. Armstrong's
23	right?	23	most direct rivals in the seven Tour de Frances that
24	A. Correct.	24	he's won, correct?
25	Q. Okay. Now, you will agree with the testimony	25	A. His rivals during the seven Tour de Frances
1			
	Page 1610		Page 1612
1		1	Page 1612 that he won, correct.
1 2	of Dr. Kearney, won't you, that when we look at Lance Armstrong's physiology and we make assessments in	1 2	-
	of Dr. Kearney, won't you, that when we look at Lance Armstrong's physiology and we make assessments in		that he won, correct. Q. Okay. And just to maybe make my question
2	of Dr. Kearney, won't you, that when we look at Lance	2	that he won, correct.
2 3	of Dr. Kearney, won't you, that when we look at Lance Armstrong's physiology and we make assessments in terms of percentage, we are comparing that to what we	2 3	that he won, correct. Q. Okay. And just to maybe make my question more simple, we don't have data, for instance,
2 3 4	of Dr. Kearney, won't you, that when we look at Lance Armstrong's physiology and we make assessments in terms of percentage, we are comparing that to what we know in general to the average population, right?	2 3 4	that he won, correct. Q. Okay. And just to maybe make my question more simple, we don't have data, for instance, physiological data, on Jan Ulrich on which we can make
2 3 4 5	of Dr. Kearney, won't you, that when we look at Lance Armstrong's physiology and we make assessments in terms of percentage, we are comparing that to what we know in general to the average population, right? A. The average population of whom, the American	2 3 4 5	that he won, correct. Q. Okay. And just to maybe make my question more simple, we don't have data, for instance, physiological data, on Jan Ulrich on which we can make a comparison, correct?
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	Page 1613		Page 1615
1	weight, and why he's not able to accomplish that is	1	Q. And that's not part of your equation in
2	open to question.	2	determining whether Mr. Armstrong could have won the
3	Q. Okay. Now, what about Alex Vinokourov, do	3	seven Tour de Frances that he won, correct?
4	you have data on Alex Vinokourov?	4	A. Well, part of my equation is to win the Tour
5	A. No.	5	de France you can't have any weaknesses. You can't
6	Q. Do you know who Mr. Vinokourov is?	6	make any mistakes. And I've testified to the
7	A. No.	7	physiological improvements that I've seen Armstrong
8	Q. If I represent to you that that's Jan	8	make where he has made sure he has no weaknesses. And
9	Ulrich's teammate, does that mean anything to you?	9	his weakness early on was one aspect of his
10	A. Not really.	10	physiology, but and my assumption is that he's
11	Q. Okay. And I take it, then, that you don't	11	improved other weaknesses, be those aerodynamics or
12	have access to Alex Vinokourov's data?	12	training or whatever, and that that's an important
13	A. No.	13	component to his success.
14	Q. So when we make comparisons and we say can	14	So it is an assumption based on my
15	or you say can Lance Armstrong win the Tour de France,	15	observations and the physiology, improving his weakest
16	you're making assumptions based on the population in	16	link and not having any weaknesses, that the same
17	general and values of cyclists that you've tested and	17	that the same principles that apply to aerodynamics,
18	that have been tested and published, correct?	18	to team work, to the psychology. But, again, yes,
19	A. Correct.	19	that's an assumption which I don't have direct data
20	Q. You're not making that that opinion based	20	on.
21	on actual data from Lance Armstrong's competitors?	21	Q. Okay. And I'm not trying to trick you or be
22	A. Correct.	22	unfair, I'm just trying to narrow down the exact
23	Q. Okay. Now, when we also look at other	23	comparisons we can make.
24	variables, one of the things that has come up and you	24	A. Fair enough.
25	raised in your PowerPoint was technology; is that	25	Q. And although you may later or maybe you
	Page 1614		Page 1616
1	Page 1614 right?	1	Page 1616 already have laughed at my level of scientific
1 2		1 2	-
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2	right? A. Correct.	2	already have laughed at my level of scientific knowledge, eliminating variables to try to reach the
2 3	right? A. Correct. Q. And certainly we saw the Discovery video that	2 3	already have laughed at my level of scientific knowledge, eliminating variables to try to reach the data we can actually make a comparison on is a
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30 (Pages 1613 to 1616)

	Page 1617		Page 1619
1	a you know, an aerodynamic bike, right?	1	depends. What are you looking for?
2	Á. Uh-huh.	2	Q. Okay. Now, taking a step back just a little
3	Q. All right. Now, Ms. Blue asked you, I	3	bit, would you agree with what Dr. Kearney said
4	believe, if anyone else had done the testing and had	4	yesterday that from the standpoint of endurance
5	the data of Mr. Armstrong that you had. Do you recall	5	sports, the ability of a person to become elite in an
6	that question?	6	endurance sport is primarily determined at birth?
7	A. Not exactly.	7	A. I wouldn't agree it's primary. Well, the
8	Q. Okay. And, again, I may be not repeating it	8	word primary, what does that mean? Does that mean 51
9	exactly how it was said, but my understanding is that	9	percent or 90 percent? I mean, it's always a
10	your response was no one has the data to the extent	10	combination of having a having genetics and
11	that you have on Mr. Armstrong?	11	therefore a natural head start and hard training or
12	A. Yes. The context is nobody has the	12	nurturing to fully develop those abilities. You know,
13	longitudinal data, that is the you know, the data	13	that's the physiological component. And then also the
14	over a number of years that was collected in very	14	mental component and not having not making dumb
15	standard conditions in the laboratory with calibrated	15	mistakes. All of those go into it. So I would say
16	equipment and, therefore, you know, that's very valid	16	that the argument as to what's primary, you know, it's
17	and reliable data on one individual.	17	always genetics and training.
18	Q. Okay. Now, you saw when Dr. Kearney	18	If we were to talk about Armstrong, you
19	testified that USA Cycling and USOC have also	19	know, I could show you data as to if he did no
20	collected data on Mr. Armstrong, right?	20	training, what might his values be. Those are
21	A. Yes.	21	predictions based on other studies I've done with key
22	Q. And it would be fair to use well, let me	22	training top athletes and making comparisons to Lance.
23	put it this way, you don't have any particular	23	Q. Maybe I didn't ask the question in the way
24	difficulty with us looking at that data along with	24	that I meant. What I'm really getting at is that a
25	yours when we are looking at Mr. Armstrong's	25	person of average genetics for endurance sports as
	Page 1618		Page 1620
1	physiology, do you?	1	compared to someone with superior genetics as in
2	A. Do I have difficulty?	2	Mr. Armstrong with equal volumes and all of the
3	Q. Yes, sir.	3	training being equal
4	A. Well, I don't have difficulty in reviewing	4	A. Yes.
5	it. You know, when you compare values from one		
		5	O will never match Mr. Armstrong, will they?
6		5 6	 Q will never match Mr. Armstrong, will they? A. Correct.
6 7	laboratory to another, you always have to ask yourself do they use the exact same procedures and what are you		
	laboratory to another, you always have to ask yourself do they use the exact same procedures and what are you	6	A. Correct.
7	laboratory to another, you always have to ask yourself	6 7	A. Correct.Q. And it wouldn't matter if they rode their
7 8 9 10	laboratory to another, you always have to ask yourself do they use the exact same procedures and what are you really comparing here? Is it apples and apples or apples and oranges? So, I mean Q. Is that important from a scientific	6 7 8	 A. Correct. Q. And it wouldn't matter if they rode their bike in the snow uphill while Mr. Armstrong didn't, Mr. Armstrong is just always going to to be superior, assuming training volume is the same, to the
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	laboratory to another, you always have to ask yourself do they use the exact same procedures and what are you really comparing here? Is it apples and apples or apples and oranges? So, I mean Q. Is that important from a scientific standpoint that even the same procedure, it needs to be performed on the same equipment, for instance? A. Yes. Q. And it needs to be calibrated properly, I take it? A. Correct. Q. And if procedures are not performed on the same equipment or calibrations aren't done right, the conclusions aren't really reliable, are they? A. Well, the conclusions are conclusions. You just have more possible errors associated with them, so you've got to ask yourself how fine of a question	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. Correct. Q. And it wouldn't matter if they rode their bike in the snow uphill while Mr. Armstrong didn't, Mr. Armstrong is just always going to to be superior, assuming training volume is the same, to the person with the average genetics? A. Yes, assuming training volume is the same. Q. I agree. I mean, presumably if Mr. Armstrong went on the fried chicken diet or whatever, that at some level a really ambitious person could maybe match him? A. Right. And I think another way of looking at it is if Lance Armstrong never trained or touched a bicycle, an average high school student who trained hard for four or five years could beat him. Q. And the issue we are really getting at there

31 (Pages 1617 to 1620)

		1	
	Page 1621		Page 1623
1	identification and selection of genetically gifted		possession?
2	people at certain sports, right?	2	A. No.
3	A. Right.	3	Q. How was it that you saw that?
4	Q. And some countries are better at that than	4	A. Lance had showed me some of the data from one
5	others, aren't they?	5	of his files and I have seen the data reported in
6	A. Yes.	6	some something from Ken Cooper.
7	Q. Now, I want to get back a little bit to the	7	Q. Do you recall when Lance showed you that?
8	testing that you've done. As I understand it,	8	A. Somewhere in the early 1990s.
9	Respondents' 33 contains the data from the five	9	Q. Now, Dr. Kearney certainly believed that
10	testing periods of tests you performed on	10	heart size was a contributing factor in
11	Mr. Armstrong, correct?	11	Mr. Armstrong's success, doesn't he?
12	A. Correct.	12	A. Yes.
13	Q. And at your deposition you told me that all	13	Q. But yet he had never seen the echocardiogram
14	of the relevant data to those five testing periods	14	that you had seen, or at least that was his testimony,
15	were contained in this report and in distilled into	15	right?
16	table 2; is that right?	16	A. Yes,
17	A. Into the manuscript, into the manuscript,	17	Q. I apologize, Dr. Coyle. Let me just ask you
18	yes.	18	this. Have you ever had an opportunity to review
19	Q. And then the manuscript, table 2 is intended	19	Mr. Armstrong's medical records from the Indiana
20	to reflect the material that's contained in the	20	University hospital when he was there in the winter of
21	manuscript in terms of the measurements that were	21	1996?
22	taken in the various steps, right?	22	A. No.
23	A. Yes, some of the measurements, not all the	23	Q. Now, we also talked about heart rate,
24	measurements.	24	Mr. Armstrong's maximum heart rate. Do you recall
25	Q. Okay. Were there measurements taken of	25	that discussion with Ms. Blue?
1	Page 1622 Mr. Armstrong that are not reflected in table 22	1	Page 1624
1	Mr. Armstrong that are not reflected in table 2?	1	A. Yes.
2	Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we	2	 A. Yes. Q. And it was your opinion that Mr. Armstrong's
2 3	Mr. Armstrong that are not reflected in table 2?A. Yes, there are measurements. For example, we reported his body weight when he was racing	2 3	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was
2 3 4	Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's	2 3 4	A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct?
2 3 4 5	Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72	2 3 4 5	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes.
2 3 4 5 6	Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few	2 3 4 5 6	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his
2 3 4 5 7	Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so.	2 3 4 5 6 7	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right?
2 3 4 5 6 7 8	Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we	2 3 4 5 6 7 8	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his
2 3 4 5 6 7 8 9	Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size.	2 3 4 5 6 7 8 9	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher
2 3 5 6 7 8 9 10	Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes.	2 3 4 5 6 7 8 9 10	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate
2 3 4 5 6 7 8 9 10	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's 	2 3 4 5 6 7 8 9 10 11	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance.
2 3 4 5 6 7 8 9 10 11	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's heart size? 	2 3 4 5 6 7 8 9 10 11 12	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance. ARBITRATOR LYON: Say that again.
2 3 4 5 6 7 8 9 10 11 12 13	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's heart size? A. Not directly, no. 	2 3 4 5 6 7 8 9 10 11 12 13	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance. ARBITRATOR LYON: Say that again. A. I think having a higher heart rate, I
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2 3 4 5 6 7 8 9 10 11 2 13 14 15	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's heart size? A. Not directly, no. Q. And You heard yesterday Mr. Kearney said that as far as he knew, Mr. Armstrong's heart size had 	2 3 4 5 6 7 8 9 10 11 12 13 14 15	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance. A. I think having a higher heart rate, I attribute his improved performance being partly duea small part of that superiority is due to him having
2 3 4 5 6 7 8 9 10 11 2 13 14 15 16	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's heart size? A. Not directly, no. Q. And You heard yesterday Mr. Kearney said that as far as he knew, Mr. Armstrong's heart size had never been tested; you heard him say that, right? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance. ARBITRATOR LYON: Say that again. A. I think having a higher heart rate, I attribute his improved performance being partly duea small part of that superiority is due to him having a higher maximal heart rate, not I believe you
2 3 4 5 6 7 8 9 10 11 12 13 14 5 16 17	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's heart size? A. Not directly, no. Q. And You heard yesterday Mr. Kearney said that as far as he knew, Mr. Armstrong's heart size had never been tested; you heard him say that, right? A. Yes. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance. ARBITRATOR LYON: Say that again. A. I think having a higher heart rate, I attribute his improved performance being partly duea small part of that superiority is due to him having a higher maximal heart rate, not I believe you phrased it him having a higher maximal heart rate was
2 3 4 5 6 7 8 9 10 11 2 3 14 15 6 17 18 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 12 13 14 5 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 14 15 10 11 10 11 11 11 11 11 11 11 11 11 11	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's heart size? A. Not directly, no. Q. And You heard yesterday Mr. Kearney said that as far as he knew, Mr. Armstrong's heart size had never been tested; you heard him say that, right? A. Yes. Q. Now, you mentioned today that you you 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance. ARBITRATOR LYON: Say that again. A. I think having a higher heart rate, I attribute his improved performance being partly duea small part of that superiority is due to him having a higher maximal heart rate, not I believe you phrased it him having a higher maximal heart rate was due to his performance is what you said. And it's
2 3 4 5 6 7 8 9 10 11 12 3 14 15 6 17 8 9 10 11 12 13 14 15 16 17 18 19	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's heart size? A. Not directly, no. Q. And You heard yesterday Mr. Kearney said that as far as he knew, Mr. Armstrong's heart size had never been tested; you heard him say that, right? A. Yes. Q. Now, you mentioned today that you you believe that his heart had been measured in an EKG at 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance. ARBITRATOR LYON: Say that again. A. I think having a higher heart rate, I attribute his improved performance being partly duea small part of that superiority is due to him having a higher maximal heart rate, not I believe you phrased it him having a higher maximal heart rate was due to his performance is what you said. And it's not. I mean
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2 3 4 5 6 7 8 9 10 11 21 3 4 5 6 7 8 9 10 11 21 3 4 5 6 7 8 9 20 11 12 3 4 5 6 7 8 9 20 1	 Mr. Armstrong that are not reflected in table 2? A. Yes, there are measurements. For example, we reported his body weight when he was racing approximately at the 1999 Tour de France, and that's not listed in table 2. And that was approximately 72 kilograms. If I look through here I might find a few more numbers that are discussed and so. Q. Let me just ask you this. For instance, we talked about heart size. A. Yes. Q. You've never actually tested Mr. Armstrong's heart size? A. Not directly, no. Q. And You heard yesterday Mr. Kearney said that as far as he knew, Mr. Armstrong's heart size had never been tested; you heard him say that, right? A. Yes. Q. Now, you mentioned today that you you believe that his heart had been measured in an EKG at the Cooper Aerobics Center, correct? A. Yes, not an EKG, but an echocardiogram, sound 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. Yes. Q. And it was your opinion that Mr. Armstrong's maximum heart rate being in the 200 to 206 range was extraordinary, correct? A. Yes. Q. And you attribute that in part to his performance, right? A. Well, the opposite, I attribute part of his superior performance being due to having a higher heart rate. I don't attribute his higher heart rate being due to his training or to his performance. ARBITRATOR LYON: Say that again. A. I think having a higher heart rate, I attribute his improved performance being partly due a small part of that superiority is due to him having a higher maximal heart rate was due to his performance is what you said. And it's not. I mean Q. (BY MR. TOWNS) Let me try to ask it a more basic way. Do you find a relationship between his
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32 (Pages 1621 to 1624)

	Page 1625		Page 1627
1	competitive bicyclist his age and size, yes.	1	A. Correct.
2	Q. Now, I want to talk a little bit about what I	2	Q. Other people would do that, correct?
3	will call a formula, and you probably scoff at that	3	A. Yes.
4	definition, but from the PowerPoint that you had up,	4	Q. Do you recall the names of any of the other
5	and you had basically, as I understood it, a couple of	5	grad assistants or students that were assisting you in
6	different groupings of abilities that you attributed	6	these five Armstrong tests?
7	to Mr. Armstrong. And one was what you call	7	A. Some.
8	performance VO2, correct?	8	O. And what were their names?
9	A. Yes.	9	A. Well, do you want them in chronological
10	Q. And that includes lactate threshold?	10	order?
11	A. Yes.	11	Q. However is convenient to you is fine with me.
12	Q. Just real quick, how did you measure lactate	12	A. Oh, names like Donnell Deitrich was there
13	on Mr. Armstrong in the lab?	13	
	-		when I did the post cancer work, which is the most
14	A. Well, we take a sample of blood, you know,	14	sensitive. Jeff Horowitz. Now, are these people who
15	either from the finger drop or a venous catheter and	15	were just hanging out in the laboratory or people who
16	with that we take the drop of blood and we	16	actually were part of my research team who did
17	deproteinize, put into acid, and the lactate winds up	17	something productive?
18	going into the clear portion and we take that and	18	Q. Well, let's just leave it to who was
19	measure it with the best method available, which is	19	productive. I heard you mention the name Chris
20	spectrophotometrically, using some enzymatic	20	Murphy.
21	biochemicals.	21	A. Chris Murphy was an undergraduate student.
22	Q. Now, in that process did you account for	22	Q. I just heard you mention the name.
23	plasma?	23	A. Right. He didn't he didn't do any of the
24	A. Well, yes.	24	lab work. Jeff Horowitz, Paul Belo.
25	Q. How is that done?	25	Q. Paul Belo, okay. Now, let me ask you this,
	Page 1626		Page 1628
1	A. Well, when you take a blood sample, blood is	1	when you're measuring the lactic acid and you're
2	A. Well, when you take a blood sample, blood is composed plasma, the fluid portion, as well as the red	2	when you're measuring the lactic acid and you're I'm sorry, or lactate and you're accounting for the
2 3	A. Well, when you take a blood sample, blood is composed plasma, the fluid portion, as well as the red blood cells. So if we take a drop of blood or one	2 3	when you're measuring the lactic acid and you're I'm sorry, or lactate and you're accounting for the plasma, did that leave you with a value for
2 3 4	A. Well, when you take a blood sample, blood is composed plasma, the fluid portion, as well as the red blood cells. So if we take a drop of blood or one milliliter of blood, that entire milliliter of blood	2 3 4	when you're measuring the lactic acid and you're I'm sorry, or lactate and you're accounting for the plasma, did that leave you with a value for hematocrit?
2 3 4 5	A. Well, when you take a blood sample, blood is composed plasma, the fluid portion, as well as the red blood cells. So if we take a drop of blood or one milliliter of blood, that entire milliliter of blood containing red blood cells and plasma is deproteinized	2 3 4 5	when you're measuring the lactic acid and you're I'm sorry, or lactate and you're accounting for the plasma, did that leave you with a value for hematocrit? A. No.
2 3 4 5 6	A. Well, when you take a blood sample, blood is composed plasma, the fluid portion, as well as the red blood cells. So if we take a drop of blood or one milliliter of blood, that entire milliliter of blood containing red blood cells and plasma is deproteinized or dissolved into the acid. So you're making a lactic	2 3 4 5 6	 when you're measuring the lactic acid and you're I'm sorry, or lactate and you're accounting for the plasma, did that leave you with a value for hematocrit? A. No. Q. Did you ever test Mr. Armstrong's hematocrit?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. Well, when you take a blood sample, blood is composed plasma, the fluid portion, as well as the red blood cells. So if we take a drop of blood or one milliliter of blood, that entire milliliter of blood containing red blood cells and plasma is deproteinized or dissolved into the acid. So you're making a lactic acid both in plasma and in red blood cells and that's what blood is, plasma and red blood cells combined. Q. Now, I saw in one of the pictures in your PowerPoint what I would guess is an assistant or grad student or someone in a Don't Mess with Texas shirt. Do you know who that was in that picture? A. Yes, that was Doug Ellerton. Q. And is it fair to say that you didn't conduct all of the testing on Mr. Armstrong yourself, correct? A. Well, no, it's not fair. I mean, I was there supervising all the testing. Q. Okay. I guess to be more specific, you weren't the person that physically drew the blood on Mr. Armstrong each time? A. Well, if it's drawing blood from a venous catheter, I would be. If it's doing finger sticks, not necessarily. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 when you're measuring the lactic acid and you're I'm sorry, or lactate and you're accounting for the plasma, did that leave you with a value for hematocrit? A. No. Q. Did you ever test Mr. Armstrong's hematocrit? A. Not as part of these tests, but we do we have. Q. So you've tested Mr. Armstrong outside of these five tests? A. No. When you take a blood sample for lactic acid, which are these tests, you know, that that sample is used entirely to measure lactates. However, before the exercise protocol we would sometimes take a blood sample to measure hematocrit and hemoglobin, not routinely and not in all. It's just too much work and it's not very interesting. But we do have at least two values on Mr. Armstrong throughout the years. Q. What are these values? A. I don't recall what the exact values were, but the values for hematocrit were somewhere between 42 and 46. And those are you know, those are resting blood samples.

33 (Pages 1625 to 1628)

			
	Page 1629		Page 1631
	A. Right,		mean, cars, aircraft, lots of things are judged on
2	Q. And in fairness, you haven't provided us any	2	that relationship, right?
3	of the backup that would show hematocrit, right?	3	A. Yes.
4	 I'm not sure what you mean by backup. 	4	Q. Now, you were here yesterday when
5	Q. I mean, you haven't shown us any forms or any	5	Mr. Armstrong told us that he believed weight was the
6	paperwork when you were testing Mr. Armstrong's	6	most significant factor in performance in cycling. Do
7	hematocrit, what those levels were, correct?	7	you remember hearing that?
8	A. Right.	8	A. Yes.
9	Q. Now, do you agree that well, let me go	9	Q. It was his opinion, in fact, that suffering
10	back to your formula. The the I forget what you	10	some loss of power to gain a loss of weight was
11	called it, the performance VO2.	11	actually still a benefit. Do you remember him saying
12	A. Uh-huh.	12	that?
13	Q. VO2 max is used often in endurance sports as	13	A. Yes.
14	an indicator of performance, correct?	14	Q. And do you agree with that?
15	A. Correct.	15	A. Yes.
16	Q. And it appears to me, and again you tell me	16	Q. Okay. So when we are looking at
17	if this is true or not, that cyclists tend to hang on	17	Mr. Armstrong's performance, it's important to look at
18	a VO2 number considerably.	18	what his weight was at the time that he was
19	A. Old time cyclists, cyclists who were raised	19	performing, correct?
20	in the eras, you know, of the 1970s and '80s, when	20	A. Yes. Or in his performance of the Tour de
21	that was one of the few laboratory tests. More modern	21	France, and which is largely riding uphill. If
22	cyclists talk about their lactate threshold. And now	22	you're looking at his performance when riding a time
23	cyclists who have watt meters talk about watts. So, I	23	trail on the level, body weight is not as important.
24	mean, it depends upon what the latest gizmo was when	24	So what I'm saying is assuming that in the Tour de
25	they were introduced to the sport and numbers were	25	France the most important aspect is riding up the
			······································
	Page 1630		Page 1632
1	told to them relating to their performance. So it	1	steep mountains, which is where you know, where
2	evolves.	2	Armstrong has also excelled both riding on the flat
3	Q. Now, in your opinion of explaining if	3	and riding on steep mountains, he hasn't had a
4	Mr. Armstrong can win the Tour de France, you looked	4	weakness.
5	at performance VO2, the amount of power he can	5	Q. Okay. Now, if we could look again at
6	generate, correct?	6	table 2, Respondents' 33, one of the things you showed
7	A. Well, what I'm not sure what you mean	7	us in your PowerPoint looking at efficiency is that
8	"looked at".	8	there is a nice straight line in gross efficiency from
9	Q. Well, part of your opinion is that he has	_	
		9	the first testing period to the last, correct?
i 10 -		9 10	the first testing period to the last, correct? A. Correct.
10 11	exceptional values that allow him to develop the	10	A. Correct.
11	exceptional values that allow him to develop the performance VO2, the engine I think you called it,	10 11	A. Correct. Q. And I think it was your testimony that that
11 12	exceptional values that allow him to develop the performance VO2, the engine I think you called it, beyond the average; is that fair?	10 11 12	 A. Correct. Q. And I think it was your testimony that that nice straight line was in those data points removes
11 12 13	exceptional values that allow him to develop the performance VO2, the engine I think you called it, beyond the average; is that fair? A. Yes.	10 11 12 13	A. Correct. Q. And I think it was your testimony that that nice straight line was in those data points removes some of the skepticism and doubt about which way the
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11 12 13 14 15 16 17 18 19 20 21 22	 exceptional values that allow him to develop the performance VO2, the engine I think you called it, beyond the average; is that fair? A. Yes. Q. And then there's what you call the transmission and that's the efficiency data, correct? A. Yes. Q. And your opinion is that a combination of those two things showed an 18 percent increase over the period of time that you tested, right? A. In addition to reduced body weight, yes. Q. Okay. Now, reduced body weight factors into power, right? I mean, as I understand it, it's weight 	10 11 12 13 14 15 16 17 18 19 20 21 22	 A. Correct. Q. And I think it was your testimony that that nice straight line was in those data points removes some of the skepticism and doubt about which way the line should go, right? A. Correct. Q. Now, if we look at Mr. Armstrong's uptake in VO2 in oxygen in terms of liters from the beginning testing period to the end, what is that line doing? A. Well, the first value we see is 5.56 liters per minute and the last value is 5.70, and that value is is increasing by a very small amount. Q. Okay. And if we look at the 1993 period as

34 (Pages 1629 to 1632)

Page 16331testing periods?1variable, and we look at his O2 uptake in liters,2Q. Yes, January of '93 and September of '93 as2that's the maximum value in terms of uptake th3compared to your first testing period, what's that3see and the lowest body weight over the five te4line doing?4periods, correct?5A. Well, it's roughly flat. I mean, all values5A. Over the five testing periods, yes.6are between 4.52 and 4.7, so those are similar values.6Q. And if we look at September of '93, the7Q. And maximal O2 uptake, liters per minute?7August 1997 and the November 1999 testing period?8A. Yes.8we look at body weight, what's that line doing?	sting riods, if nto
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	nto
8 A. Yes. I 8 we look at body weight, what's that line doing?	
9 ARBITRATOR CHERNICK: Those are not the 9 A. Can I make just a point? I mean, you're	
10 numbers that are on the chart. Are you looking at the 10 introducing Armstrong's testimony and opinion i	uslify ł
11 same thing? 11 here where I'm saying yes, and I would like to a	uanty
12 THE WITNESS: Oh, I'm sorry, I'm looking 12 my interpretation. I don't fully agree with	
13 at the values excuse me, the values that are going 13 Armstrong, or at least the way you are interpret	_
14 from 5.56 to 6.10. So that's increasing a bit, and, 14 Armstrong. And may I just make that clarificati	on so
15 of course, the highest value, 6.10, in September of 15 it doesn't confuse us later?	
16'93 is, you know, the point after he won the world16Q. Certainly. You think Mr. Armstrong if	
17 championships and that would correspond to the the 17 understand what you're saying now, you want t	clarify
18 peak in his training.18 that you think Mr. Armstrong is incorrect in his	
19 Q. Okay. Well, I want to talk about that theory 19 assessment that weight is the most important v	
20 in a moment, but just looking at the data and just 20 A. No, I think we are confused as to what v	
21 looking at trend lines, the September '93 period over 21 talking about. I just want to make sure that I'm	
22 the original testing period, if you drew that in a 22 adding to that confusion. That is when I wou	
23line, it would be it would be headed up, correct?23agree if Lance Armstrong said yes, body weig	it is
A. It would be headed up slightly, yes. 24 the most important variable, let's put that into	
25 Q. Okay. And similar to the line that we see in 25 context.	
	age 1636
1 your gross efficiency plot, the the O2 liter line 1 Well, of the variables that he has the	ot thing
 2 would be there wouldn't be any doubt about which 3 way it was headed in those three points, correct? 3 to change if you want to win the Tour de France 	
4A. Correct.4reduce your body weight. That's the most import5Q. Now, if we look in those same three testing5variable that he now has control over. Now, that	
6 periods for Mr. Armstrong's body weight, what is that 6 doesn't mean it's the it's the most important	
7 line doing? 7 variable ever. That's the only thing that he has	ha
8 A. That line is coming down. 8 ability to control, because he does not have the	
9 Q. Okay. By just under four kilograms, correct? 9 ability to enlarge his heart, for example, besides	
10 A. Yes. 10 training and all that he's done to do that.	
11 Q. And if we look at the power in the maximum of 11 So we have to put in context, I think,	
12 five liters a minute at the bottom, we don't have data 12 the what he was saying. And when I say yes,	т
13 for September of '93, correct? 13 would agree with that, but it's in the context of v	
14 A. Correct. 14 he now has ability to to change in a way that	
15 Q. Now, why isn't there data for September of 15 benefit his performance. It in itself is not the mo	
16 '93 on power? 16 important factor for winning the Tour de France,	-
17 A. I'm not exactly sure. It's most likely that 17 because if anybody believed that, you can take t	ne l
18 we didn't use the bicycle ergometer, that is the 18 smallest kid you can find and say you win. That	
19 Monarch model 819 that is our standard ergometer for 19 ridiculous.	
20 reporting accurate powers. 20 Q. Okay.	
21 Q. Okay. Now, if we take September of '93, when 21 A. So, I mean, let's just	
22 he won the world championships, and we just look at 22 Q. Thank you, Dr. Coyle. Now, if we look at	the
23 we don't have power and we don't efficiency data, I 23 body weight in the September 1993 testing period	
24 understand, but if we are just looking at body weight, 24 through the November 1999 testing period, wha	
25 what Mr. Armstrong considers to be the most important 25 line doing?	

		<u> </u>	
	Page 1637		Page 1639
	A. That was September '93 through '99?	1	me what his training had been. Of course, I knew it
2	Q. Yes.	2	was for those two weeks before. He followed exactly
3	 A. Well, the line goes up and then it stabilizes. 	3	what I asked him to and then he wrote down for me what
		4	his training had been for essentially since he began
5	Q. Okay. There is it's definitely headed up, correct?	5	training again after chemotherapy.
7		6 7	Q. Okay. So within, you know, a couple of months of training, six to eight weeks I think you
8	A. Well, it's headed up from '93 to '97, but not from '97 to '99.	8	said, his body weight in the August '97 testing period
9	Q. It's still trending up between '97 and '99,	9	was 79.5, correct?
10	although marginally, correct?	10	A. Yes.
11	A. Well, I wouldn't call that optimum.	11	Q. All right. And his O2 uptake at that time
12	Q. Okay. But '99	12	was 5.29?
13	A. That's the amount of this 200 milliliters.	13	A. Correct.
14	Q. Okay. But you agree with me that November of	14	Q. Now, one of the things in your study that you
15	'99 as compared directly over September of '93, the	15	account for the increased performance of Mr. Armstrong
16	trend is still up, correct?	16	was a a reported body weight of 72 kilograms. Do
17	A. The value is up, yes.	17	you recall that?
18	Q. And, in fact, in the November '99 weight,	18	A. Yes.
19	that's the highest weight we see of the five testing	19	Q. And it's in your paper here, right?
20	periods you conducted, correct?	20	A. Yes, approximately 72 kilograms.
21	A. Yes.	21	Q. Okay. Well, if we look on Respondents' 33 at
22	Q. Now, in fairness to Mr. Armstrong, it's my	22	page 2193, which happens to be the same page as the
23	understanding that his August 1997 tests were	23	table, in the first full paragraph on the right
24	conducted with you to evaluate his physiological state	24	column about midway through begins a sentence,
25	in terms of evaluating, coming back and trying cycling	25	laboratory measures of the subject in our study. Do
	D 1/30	_	D 1640
1	Page 1638 again; is that fair?	1	Page 1640 you see that? It says laboratory measures of the
2	A. Yes, correct.	2	subject in our study were not made soon after the Tour
3	Q. And he had just he had been treated for	3	de France; however, with conservative assumption that
4	cancer and he was recovering and had not had an	4	VO2 max was at least 6.1 liters a minute and given his
5	opportunity, as I understand it, to train much prior	5	reported body weight of 72 kilograms, right?
6	to August?	6	A. Right.
7	A. That's not true.	7	Q. So there you're using 72 as the number that
8	Q. He had been training?	8	you're factoring in to estimate VO2 max, right?
9	A. Yes.	9	A. Yes.
10	Q. What's your understanding of how long he had	10	Q. And it was reported to you that Mr. Armstrong
11	hear training with the Assess to 1007 to the -2	44	
11	been training prior to the August 1997 testing?	11	was racing at 72 kilograms, right?
12	A. Well, he I know exactly the training he	12	A. Yes.
12 13	A. Well, he I know exactly the training he was doing for the two weeks before.	12 13	A. Yes. Q. Now, you heard Mr. Armstrong testify
12 13 14	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. 	12 13 14	 A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in
12 13 14 15	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. A. Because he called me up and he told me he 	12 13 14 15	A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in the low 74s, right?
12 13 14 15 16	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. A. Because he called me up and he told me he wanted to be tested and he told me his training had 	12 13 14 15 16	 A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in the low 74s, right? A. He said 72.5 to 73.
12 13 14 15 16 17	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. A. Because he called me up and he told me he wanted to be tested and he told me his training had been sporadic, and so I I mentioned to him that in 	12 13 14 15 16 17	 A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in the low 74s, right? A. He said 72.5 to 73. Q. Well, he said that, but if you recall later
12 13 14 15 16 17 18	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. A. Because he called me up and he told me he wanted to be tested and he told me his training had been sporadic, and so I I mentioned to him that in order for me to best interpret his testing, I would 	12 13 14 15 16 17 18	 A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in the low 74s, right? A. He said 72.5 to 73. Q. Well, he said that, but if you recall later in his testimony he said that was a goal, that
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12 13 14 15 16 17 18 19 20	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. A. Because he called me up and he told me he wanted to be tested and he told me his training had been sporadic, and so I I mentioned to him that in order for me to best interpret his testing, I would like him to do X amount of training for two weeks. So he trained six days a week, two weeks, going out there 	12 13 14 15 16 17 18 19 20	 A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in the low 74s, right? A. He said 72.5 to 73. Q. Well, he said that, but if you recall later in his testimony he said that was a goal, that realistically he was starting in the low 74s. Do you recall that?
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12 13 14 15 16 17 18 19 20 21 22	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. A. Because he called me up and he told me he wanted to be tested and he told me his training had been sporadic, and so I I mentioned to him that in order for me to best interpret his testing, I would like him to do X amount of training for two weeks. So he trained six days a week, two weeks, going out there for three or four hours a day, heart rates up to a certain point and he did that before he came to see me 	12 13 14 15 16 17 18 19 20 21 22	 A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in the low 74s, right? A. He said 72.5 to 73. Q. Well, he said that, but If you recall later in his testimony he said that was a goal, that realistically he was starting in the low 74s. Do you recall that? A. Well, there are a number of discussions and, you know, this is relating to 1999. You remember,
12 13 14 15 16 17 18 19 20 21 22 23	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. A. Because he called me up and he told me he wanted to be tested and he told me his training had been sporadic, and so I I mentioned to him that in order for me to best interpret his testing, I would like him to do X amount of training for two weeks. So he trained six days a week, two weeks, going out there for three or four hours a day, heart rates up to a certain point and he did that before he came to see me because I wanted to give him an even dose of training 	12 13 14 15 16 17 18 19 20 21 22 23	 A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in the low 74s, right? A. He said 72.5 to 73. Q. Well, he said that, but If you recall later in his testimony he said that was a goal, that realistically he was starting in the low 74s. Do you recall that? A. Well, there are a number of discussions and, you know, this is relating to 1999. You remember, this wasn't relating to the others. I studied him up
12 13 14 15 16 17 18 19 20 21 22	 A. Well, he I know exactly the training he was doing for the two weeks before. Q. Okay. A. Because he called me up and he told me he wanted to be tested and he told me his training had been sporadic, and so I I mentioned to him that in order for me to best interpret his testing, I would like him to do X amount of training for two weeks. So he trained six days a week, two weeks, going out there for three or four hours a day, heart rates up to a certain point and he did that before he came to see me 	12 13 14 15 16 17 18 19 20 21 22	 A. Yes. Q. Now, you heard Mr. Armstrong testify yesterday that his Tour de France race weight was in the low 74s, right? A. He said 72.5 to 73. Q. Well, he said that, but If you recall later in his testimony he said that was a goal, that realistically he was starting in the low 74s. Do you recall that? A. Well, there are a number of discussions and, you know, this is relating to 1999. You remember,

36 (Pages 1637 to 1640)
	Page 1641		Page 1643
1	that was the point when his body weight was the	1	Q. And the Tour de France ends, you know,
2	lowest, so and that was the value that when I asked	2	roughly the last days of July, right?
3	him what his body weight was and he told me 72	3	A. (Nods head.)
4	kilograms. That was back at the time that we did the	4	Q. And you had an opportunity to test him a few
5	testing in 1999.	5	weeks later in September, correct?
6	So when we were asking him yesterday, I	6	A. More than a few weeks, yes.
7	heard a number of values, and I imagine if we clarify	7	Q. Well, I believe the testing date was
8	which date you were talking about, he has seven	8	September 13th. Does that reflect what you recall?
9	different Tour de Frances to discuss. And we know	9	A. I don't recall when in September.
10	that his most recent Tour de France he weighed a bit	10	Q. I can show you if you would like to see it,
11	more.	11	or does it matter to you if it was the 13th or not?
12	Q. Okay. Now, if	12	A. It doesn't matter.
13	A. But they're all in the range of 72 to 74	13	Q. Okay. Now, Mr. Armstrong, after completing
14	kilograms, which, you know, that's four pounds, so	14	the Tour in 1993 well, first off, Mr. Armstrong did
15	Q. But it would change your calculation, right?	15	not finish the tour in 1993, right?
16	A. Yes.	16	A. I don't know.
17	Q. All right. And if, for instance, you plugged	17	Q. Okay. Well, if evidence is presented that
18	in 74 instead of 72 there, it's going to drop his VO2	18	he, in fact, did not finish the Tour in 1993, you have
19	max down from the 85 that you're reporting, right?	19	no reason to dispute that, correct?
20	A. Yes.	20	A. (Nods head.)
21	Q. Now, I want to look again at the table, if	21	Q. And in fact, Mr. Armstrong raced in the Tour
22	you'll keep in mind this paragraph that you're using	22	in '93, '94, '95 and '96, finishing the race only one
23	72 with a VO2 max conservatively estimated at 6.1. In	23	time. Were you aware of that?
24	your five testing periods, what was the highest value	24	A. No. I mean, yes, generally, yes, but I don't
25	of maximal O2 uptakes that you ever tested	25	know specifics.
	or maximur oz apartes and you ever tested	25	Know specifics.
	Page 1642		Page 1644
1	Page 1642 Mr. Armstrong for?	1	
1 2	Page 1642 Mr. Armstrong for? A. 6.1.		Q. Okay. Now, at page 219 of Mr. Armstrong's
2	Mr. Armstrong for? A. 6.1.	2	Q. Okay. Now, at page 219 of Mr. Armstrong's book, Mr. Armstrong says, the doubt about me as a tour
2 3	Mr. Armstrong for?A. 6.1.Q. So is 6.1 a conservative estimate or was it	2 3	Q. Okay. Now, at page 219 of Mr. Armstrong's book, Mr. Armstrong says, the doubt about me as a tour rider was my climbing ability. I could always sprint,
2 3 4	Mr. Armstrong for?A. 6.1.Q. So is 6.1 a conservative estimate or was itthe highest value that you had ever actually reported	2 3 4	Q. Okay. Now, at page 219 of Mr. Armstrong's book, Mr. Armstrong says, the doubt about me as a tour rider was my climbing ability. I could always sprint, but the mountains were my downfall. Eddie Murphy told
2 3 4 5	Mr. Armstrong for?A. 6.1.Q. So is 6.1 a conservative estimate or was itthe highest value that you had ever actually reportedon Mr. Armstrong?	2 3 4 5	Q. Okay. Now, at page 219 of Mr. Armstrong's book, Mr. Armstrong says, the doubt about me as a tour rider was my climbing ability. I could always sprint, but the mountains were my downfall. Eddie Murphy told me or had been telling me to slim down for years
2 3 4	 Mr. Armstrong for? A. 6.1. Q. So is 6.1 a conservative estimate or was it the highest value that you had ever actually reported on Mr. Armstrong? A. It's a conservative estimate. 	2 3 4 5 6	Q. Okay. Now, at page 219 of Mr. Armstrong's book, Mr. Armstrong says, the doubt about me as a tour rider was my climbing ability. I could always sprint, but the mountains were my downfall. Eddie Murphy told me or had been telling me to slim down for years and now I understood why. A five-pound drop was a
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1			
1	Page 1645 what does this mean?	1	Page 1647 1993? That was his weight when you tested him,
2	Q. Well, his lean body weight, which I	2	correct?
3	understand excludes body fat; is that right?	3	A. Correct.
4	A. Yes.	4	Q. And he says I got better in the mountains
5	Q. In 1999 was 71.6, correct?	5	because I lost seven kilograms, correct?
6	A. Yes.	6	A. Correct.
7	Q. Meaning that if he had maintained his lean	7	Q. But when he wins for the first time in 1999,
8	body mass, he had at the time he raced the Tour	8	you're not even putting forward the explanation that
9	four-tenths of a kilogram of body fat, correct?	9	he was seven kilograms lighter than he had been when
10	A. Well, you're saying you're assuming that	10	he won I'm sorry, when he competed in his first
11	he maintains exactly what lean body weight?	11	tour in 1993, that's all I'm saying.
12	Q. Yes.	12	A. No.
13	A. What lean body weight are you saying exactly?	13	Q. Okay. Now
14	Because in my paper I say and in the slide here in	14	ARBITRATOR FAULKNER: Counsel, is this a
15	this PowerPoint it says lean body weight was constant	15	good time to break? Lunch has been delivered and is
16	at between 68 and 70 kilograms. So I'm not sure	16	outside and we have the other issue to deal with
17	what we need to know what your exact values you're	17	regarding Mr. Walsh and Anderson and Ms. O'Reilly that
18	referring to in order to come up with this	18	we asked y'all to let us know whatever y'all have been
19	Q. Fair enough, fair enough. Now, unfortunately	19	able to agree upon for them.
20	you didn't, for some reason, test Mr. Armstrong's or	20	MR. TOWNS: Absolutely, yes, sir.
21	at least report Mr. Armstrong's lean body weight in	21	ARBITRATOR FAULKNER: Okay. Great. If
22	the September '93 testing period, right?	22	it's a good time, let's move to that particular issue.
23	A. Correct.	23	Dr. Coyle, you can step down for a little
24	Q. But we know his gross body weight was 75.1	24	while, but you will be being called back.
25	kilograms, right?	25	What agreements, if any, have y'all been
	Page 1646		Page 1648
1	A. Yes.	1	able to reach with regards to Anderson and O'Reilly?
2	Q. Now, 15 pounds is roughly seven kilograms,	2	MR. TILLOTSON: We have been able to
3	correct?	3	agree it's been reduced to writing but hasn't been
4	A. Yes.	4	officially signed off that Mr. Anderson is appearing
5	Q. You don't have any hypothesis that you're	5	in these proceedings pursuant to a validly issued
6	going to put forward that Mr. Armstrong started the	6	subpoena.
7	1999 Tour de France at 68 kilograms, do you?	7	ARBITRATOR FAULKNER: Okay. So we don't
8	A. No.	8	need to deal with is that correct?
9	Q. Okay. So he definitely was starting heavier	9	MR. HERMAN: That's correct.
10	than the amount of weight loss he attributes to	10	ARBITRATOR FAULKNER: Okay, we can deal
		11	with that one. What about Ms. O'Reilly?
11	himself in his book, right?		
12	A. Say that again.	12	MR. TILLOTSON: We haven't reached any
12 13	A. Say that again.Q. He's definitely starting the tour heavier	12 13	MR. TILLOTSON: We haven't reached any agreement. I think they still object to our ability
12 13 14	 A. Say that again. Q. He's definitely starting the tour heavier than the 15-pound weight loss that he attributes to 	12 13 14	MR. TILLOTSON: We haven't reached any agreement. I think they still object to our ability to take her deposition by videoconference.
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38 (Pages 1645 to 1648)

	Page 1649		Page 1651
1	subpoena power is a violation of the act and it's	1	So as of now, the resistance to
2	you know, it's patently unfair to us. It's not	2	disclosure continues and no authorization has been
3	she's not our witness and, you know, we made these	3	made by the British court.
4	arrangements by agreement, confirmed by the subpoena,	4	ARBITRATOR FAULKNER: Okay.
5	and nothing has happened. So she ought to not be	5	MR. HERMAN: I think that's accurate, but
6	allowed to testify. Plus to have her testify by video	6	you know, somebody else may have better information.
7	is patently unfair. We have got no idea we have no	7	ARBITRATOR CHERNICK: Any different
8	idea how we could cross-examine her. She hasn't	8	characterization?
9	produced any documents and we haven't been able to	9	MR. TILLOTSON: I have not heard
10	depose her to determine, you know, what sort of	10	anything, but it wouldn't surprise me if the
11	cross-examination might be appropriate.	11	proceeding was delayed because they were filing things
12	ARBITRATOR FAULKNER: Okay. Have we	12	as of this morning.
13	gotten a ruling yet from the British court?	13	ARBITRATOR FAULKNER: That doesn't
14	MR. BREEN: I did get an update.	14	surprise me, either.
15	MR. HERMAN: Yes, I did.	15	Anything else we need to ask, gentlemen,
16	MR. TILLOTSON: First of all, those are	16	before we
17	two different issues, I think.	17	ARBITRATOR CHERNICK: No.
18	MR. HERMAN: They do have overlap,	18	ARBITRATOR FAULKNER: We will stand in
19	though, because	19	recess right now. If y'all will have whatever lunch
20	ARBITRATOR FAULKNER: Let's finish on	20	is being brought in, we are going to go upstairs and
21	O'Reilly and then we'll go to Walsh so I can find out	21	then we will when we come back down I think we will
22	what the court has done over there.	22	have some solutions for y'all.
23	MR. TILLOTSON: The problem with O'Reilly	23	MR. HERMAN: Do you know what time we'll
24	is that we've been unable to obtain her deposition	24	reconvene?
25	based upon the language in the subpoena that they	25	ARBITRATOR FAULKNER: It's right now
			D 4650
1	Page 1650 insist upon, so I can't get her to be denosed. I'm	1	Page 1652
1	insist upon, so I can't get her to be deposed. I'm	1	11:41
2	insist upon, so I can't get her to be deposed. I'm told that the language that they want is the language	2	11:41 ARBITRATOR CHERNICK: How about maybe
2 3	insist upon, so I can't get her to be deposed. I'm told that the language that they want is the language ordered by this panel that I will be able to likely	2 3	11:41 ARBITRATOR CHERNICK: How about maybe 12:30 at the latest.
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	Page 1653		Page 1655
1	however, the he is not required to produce	1	generally familiar with the law of the United Kingdom
2	documents which have been produced in the British case	2	in this regard, so it does not need to be very long.
3	and which have been previously furnished to counsel	3	Okay. Gentlemen, that should solve your
4	for Claimants, and Claimants have, to the extent	4	problem with regard to Ms. O'Reilly. We're very glad
5	necessary, Mr. Walsh's consent to use those documents	5	you solved your own problems with regards to Mr. Walsh
6	in connection with this proceeding.	6	and I think you can suspect that we already had
7	ARBITRATOR FAULKNER: Mr. Tillotson, is	7	something in mind for him had that been necessary.
8	that fair?	8	So, Dr. Coyle, you are still on the
9	MR. TILLOTSON: That is fair.	9	witness stand. You're still under oath. Is there
10	ARBITRATOR FAULKNER: Okay, let's address	10	before we resume with you, is there anything else,
11	Ms. O'Reilly.	11	guys, we need to take up?
12	MR. TILLOTSON: I'm sorry, in exchange	12	MR. HERMAN: Hopefully over the
13	that the parties agree that Mr. Walsh will testify	13	weekend and I hope you can appreciate that given
14	live on Thursday, presuming that will be my case,	14	the demands on our time this week, but hopefully over
15	regardless of what is going on, that Mr. Walsh is	15	the weekend we'll have, you know, a comprehensive
16	scheduled to be accommodated so he can testify on	16	written agreement that we can put in the record
17	Thursday.	17	ARBITRATOR FAULKNER: That's fine.
18	MR. HERMAN: I agree, that's part of our	18	MR, HERMAN: that will memorialize it.
19	agreement as well.	19	ARBITRATOR FAULKNER: That's perfectly
20	ARBITRATOR FAULKNER: Okay. Let's go on	20	fine. We know that we will be seeing Mr. Walsh on
21	to Ms. O'Reilly. We have heard numerous times from	21	Thursday. We recognize y'all will need some time and
22	y'all this seems to be the last one that y'all	22	we will accommodate y'all on that.
23	haven't been able to reach an agreement on. We	23	So anything else we need to deal with
24	understand the arguments and the basis for the	24	before we resume with Dr. Coyle?
25	arguments from both sides.	25	All right. Mr. Towns, please resume.
	Page 1654		
	Page 1054 I		
1 1		1	Page 1656
	Here's what the panel is going to do.	1	Q. (BY MR. TOWNS) Dr. Coyle, I just want to
2	Here's what the panel is going to do. First of all, we will facilitate service of a trial	2	Q. (BY MR. TOWNS) Dr. Coyle, I just want to clear up a couple of things we talked about before we
2 3	Here's what the panel is going to do. First of all, we will facilitate service of a trial subpoena for this hearing upon Ms. O'Reilly. Whatever	2 3	Q. (BY MR. TOWNS) Dr. Coyle, I just want to clear up a couple of things we talked about before we took the break. Going back to the measurements, the
2 3 4	Here's what the panel is going to do. First of all, we will facilitate service of a trial subpoena for this hearing upon Ms. O'Reilly. Whatever y'all need us to do, we are happy to do in that	2 3 4	Q. (BY MR. TOWNS) Dr. Coyle, I just want to clear up a couple of things we talked about before we took the break. Going back to the measurements, the blood measurements that you did on Mr. Armstrong in
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40 (Pages 1653 to 1656)

	Page 1657		Page 1659
1	Q. And in Respondents' 33, the JAP article, what	1	bicycle ergometer.
2	you're attempting to demonstrate is that	2	Q. Okay.
3	Mr. Armstrong's efficiency had improved each	3	A. The other part is how much how much energy
4	measurement period as you saw with the straight line	4	his body is expending. That is calculated from his
5	over the five testing periods, right?	5	his the measurement of oxygen consumption to
6	A. Right.	6	determine that. You saw the mouthpiece and you saw
7	Q. Now, you'll agree with me that for the	7	that measuring the air and oxygen going in and out of
8	September '93 period we don't have mechanical	8	his body. The difference is how much he is consuming.
9	efficiency testing done in that particular testing	9	At and then you you use indirect calorimetry in
10	period, right?	10	detecting by which you say for every one liter of
11	A. Correct.	11	oxygen consumed, you're producing, when you have a
12	Q. And I asked you about that in your deposition	12	respiratory change ratio of 1.0, about five calories
13	and I think that you told me that there may have been	13	of energy per liter per minute.
14	a problem with the ergometer or there was some reason;	14	Q. Okay.
15	is that right?	15	A. And
16	A. Yes. I'm not sure exactly why we didn't make	16	Q. I'm sorry.
17	that measurement. Most likely the ergometer either	17	A. And the point is we are using this measure of
18	wasn't available, was being used for another	18	oxygen consumption as his whole body energy
19	experiment or I don't recall.	19	expenditure, converting that to calories per minute.
20	Q. Okay. Will you describe briefly because	20	We can also discuss this in terms of watts. The
21	despite my interest and effort, I'm not sure I	21	from that measurement of oxygen consumption, we can
22	understand what exactly is happening? I've seen	22	also directly calculate how many watts of total
23	the picture of Mr. Armstrong and the tubes. What	23	total chemical energy he was converting into something
24	tests are being done when he's in the lab as reflected	24	else. The something else is the physical work on the
25	in this	25	ergometer and the balance would be the heat.
			······································
	Page 1658		Page 1660
1	A. The testing measures	1	So my point is that by the measurement of
2	Q. Let me stop you. I don't need all the	2	oxygen consumption we were able to calculate his whole
3	technical I mean, if you can just describe	3	body rate of energy expenditure for his bodily rate
4	generally we are doing this and testing this, we're	4	his bodily rate of energy production. Efficiency is
5	doing this and testing that, I don't need the detail	5	simply how much work is done, how much excuse me,
6	and all what the results are. I'm just interested	6	how much power is generated on the ergometer divided
7	in the methodology of the testing.	7	by how much power his body has to expend to accomplish
8	A. Okay.	8	that ratio as we have seen is around 21 to 23
9	Q. Does that make sense?	9	percent
10	A. Yes.	10	Q, Okay.
11	Q. Big picture.	11	A in Mr. Armstrong's case.
12	A. Big picture, okay. One is Mr. Armstrong is	12	Q. So he's riding this Monarch ergometer. It's
13	pedaling a bicycle ergometer, stationary bicycle, for	13	like a bike, as I understand it?
14	the measurements of muscle efficiency. This ergometer	14	A. Yes.
15	was was the Monarch 819. It's it's a piece of	15	Q. And he's got these tubes as we saw in his
16	equipment by which you can manually press in the	16	mouth, right?
17	constant power output you want it to be at. So we	17	A. Correct.
18	could do that electronically, and we would tell	18	Q. How long is he riding this ergometer for that
19	Mr. Armstrong keep your RPMs at 85 RPMs and this	19	test.
20	instrument would would alter the resistance on the	20	A. Well, for the measurement of gross and delta
21	fly wheel very slightly just to keep a constant power,	21	efficiency we use a 30-minute protocol. And what that
22	whatever we decided the power should be as far as, you	22	means is that these are all submaximal exercises,
23 24	know, how intense we wanted him to work. So that	23	that's intensive.
. 74	that is a description of the half of the equation,	24	Q. And is it stair stepping up, as I understand
			i+->
25	that is the power that was generated physically on the	25	it?

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	A. Yes, every five minutes the intensity goes	1	in those times, physical, correct?
2	up. The first five minutes it's 50 percent, then 55	2	A. Correct.
3	and 60 all the way up to 90 percent.	3	Q. All right. Now, your mechanical efficiency
4	Q. Okay. Now	4	showed an improvement in the first testing period to
5	A. Of his maximal oxygen uptake.	5	the end in a straight line, as you've described it,
6	Q. Now, if we look at well, there's also, as	6	right?
7	I understand it, another test, which sounds like a lot	7	A. Correct.
8	less fun to me and that is an eight to ten-minute	8	Q. And so in that in that measurement, there
9	test; is that right?	9	was no adjustment for what season that he was in?
10	A. Yes, that's the test for for his maximal	10	A. Correct.
11	oxygen uptake. And essentially there he is you	11	Q. Now, gross efficiency and delta efficiency.
12	have the individual exercise at an intensity that is	12	Gross accounts for life itself, right, meaning the
13	above their above his body's ability to consume	13	ability to sit on the bike and keep your heart pumping
14	oxygen and you establish that as you keep increasing	14	and whatever else goes on outside of pedaling, right?
15	the the power output from the ergometer the body	15	A. Correct.
16	does not have the ability to keep increasing its level	16	Q. And delta attempts to account for pedaling
17	of oxygen consumption or aerobic power production and	17	itself, correct?
18	so essentially the individual's level of oxygen	18	A. Yes.
19	consumption goes up and up and up and reaches a	19	Q. Now, the numbers in table 2 in your JAP
20	maximum, which is a plateau, and that's all they've	20	article between gross and delta are very, very close,
21	got essentially. That is their maximal oxygen uptake	21	right?
22	or VO2 max, maximal aerobic power or whatever.	22	A. Correct.
23	And also that's where they achieve their	23	Q. And I asked you about that in your deposition
24	maximal heart rate. There are several ways in which	24	and I think you told me that that seemed a little bit
25	we find this as being the maximal cardiovascular	25	unusual, correct?
	Page 1662		Page 1664
1	Page 1662	1	Page 1664 A. Uh-huh.
1	ability.	1	A. Uh-huh.
2	ability. Q. Okay. And that's in my mind, you're just	2	A. Uh-huh. Q. But that it wasn't really important to the
2 3	ability. Q. Okay. And that's in my mind, you're just riding as long as you can at that intensity and that's	2 3	A. Uh-huh. Q. But that it wasn't really important to the conclusions you were reaching on Mr. Armstrong, the
2 3 4	ability. Q. Okay. And that's in my mind, you're just	2 3 4	A. Uh-huh. Q. But that it wasn't really important to the conclusions you were reaching on Mr. Armstrong, the delta and the gross; is that accurate?
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2 3 4 5	 ability. Q. Okay. And that's in my mind, you're just riding as long as you can at that intensity and that's what you're measuring? A. Yes. Q. You're measuring those things in the process, the eight to ten-minute test? 	2 3 4 5 6 7	 A. Uh-huh. Q. But that it wasn't really important to the conclusions you were reaching on Mr. Armstrong, the delta and the gross; is that accurate? A. It's accurate. I would maybe choose a different word than unusual. I would say that's not typical. I mean, it's perfectly it would not
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 ability. Q. Okay. And that's in my mind, you're just riding as long as you can at that intensity and that's what you're measuring? A. Yes. Q. You're measuring those things in the process, the eight to ten-minute test? A. Yes, and eventually the individual fatigues. They don't have to fatigue. I mean, they have to experience fatigue and feel, you know, pretty tired, but it's a strenuous test, yes. Q. And it's a combination of those two tests that's reflected in your report, the JAP article, correct? A. Yes. Q. And I think you told me at your deposition there's been some confusion about the ergometer, that he used different ergometers for different parts of the test, correct? A. Correct. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 A. Uh-huh. Q. But that it wasn't really important to the conclusions you were reaching on Mr. Armstrong, the delta and the gross; is that accurate? A. It's accurate. I would maybe choose a different word than unusual. I would say that's not typical. I mean, it's perfectly it would not it's not abnormal that somebody happens to have the same gross efficiency and delta efficiency. I mean Q. Well, I think the word you use and we can look if you don't recall, I'm not trying to trick you is that it didn't demonstrate to you anything unique about Lance Armstrong? A. No. Well Q. Do you agree with that, that it didn't demonstrate anything unique? A. Anything unique? Not that I can think of. Q. Okay. Now, the the measurement of Mr. Armstrong's increase in efficiency, Ms. Blue asked you if it was comparable to a report that was done on
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 ability. Q. Okay. And that's in my mind, you're just riding as long as you can at that intensity and that's what you're measuring? A. Yes. Q. You're measuring those things in the process, the eight to ten-minute test? A. Yes, and eventually the individual fatigues. They don't have to fatigue. I mean, they have to experience fatigue and feel, you know, pretty tired, but it's a strenuous test, yes. Q. And it's a combination of those two tests that's reflected in your report, the JAP article, correct? A. Yes. Q. And I think you told me at your deposition there's been some confusion about the ergometer, that he used different ergometers for different parts of the test, correct? A. Correct. Q. The well, first, let me ask you this. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. Uh-huh. Q. But that it wasn't really important to the conclusions you were reaching on Mr. Armstrong, the delta and the gross; is that accurate? A. It's accurate. I would maybe choose a different word than unusual. I would say that's not typical. I mean, it's perfectly it would not it's not abnormal that somebody happens to have the same gross efficiency and delta efficiency. I mean Q. Well, I think the word you use and we can look if you don't recall, I'm not trying to trick you is that it didn't demonstrate to you anything unique about Lance Armstrong? A. No. Well Q. Do you agree with that, that it didn't demonstrate anything unique? A. Anything unique? Not that I can think of. Q. Okay. Now, the the measurement of Mr. Armstrong's increase in efficiency, Ms. Blue asked you if it was comparable to a report that was done on running efficiency. Do you remember that? A. Yes.
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42 (Pages 1661 to 1664)

1 A. Correct. 1 the same ergometer. Do you see that? 2 Q. And there have been reports I'm sorry, 1 the same ergometer. Do you see that? 3 criticisms of your report, and we have talked about Q. And he says the terminology used to desc 4 some of those people that have made those criticisms Q. And he says the terminology used to desc 5 earlier, but a large part of those criticisms have Q. And he says the terminology used to desc 6 been aimed at your use of more than one ergometer in F. Respondents and there were some 9 A. No, it's not, okay. Q. And then you answered that. You reply to 10 Q. It's not, okay. Q. And then you answered that. You reply to 11 MR. TOWNS: Yes. Ha Right. Q. And then you answered that. You reply to 12 MR. BREEN: I think they're in. They're Tight-hand column, again the first full paragraph, 18 We Genetarita and the result on the same ergometer. 19 We ARBITRATOR FAULKNER: Did you say 20 ARBITRATOR FAULKNER: Did you say Page 1666 11 these are questions, letters to the editor. If you look at in the meright-hand column the first full paragraph,				
2Q. And there have been reports – I'm sorry, 3 criticisms of your report, and we have talked about 4 some of those people that have made those criticisms 5 earlier, but a large part of those criticisms have 6 been aimed at your use of more than one ergometer in the five testing periods with Mr. Armstrong; is that a 8 fair statement?3Q. And the says the terminology used to desc 4. Nes.6 been aimed at your use of more than one ergometer in the five testing periods with Mr. Armstrong; is that a 8 fair statement?7A. Nes.7Q. It's not, okay.9A. Right.710Q. It's not, okay.10A. Right.711What's the next one?10A. Right.1112MR. BREEN: Are those the letters to the 13 editor?10A. Right.1114MR. TOWNS: Yes.10A. Right.1116Respondents' 74.14says point three, and here you are answering it and yc all the data presented on Armstrong in this mann17M. TILLOTSON: Let's double-check so19ARBITRATOR FAULKNER: Did you say18MR. TILLOTSON: Yes, Respondents' 74.19ARBITRATOR FAULKNER: It's the page19M.R. TILLOTSON: Yes, Respondents' 74.20MR. TILLOTSON: It appears to have b24MR. TOWNS: Very good.25Q. (BY MR. TOWNS) Now, in Respondents' 74.2525Q. (BY MR. TOWNS) Now, in Respondents' 74.26MR. TOWNS: It's backwards for some reason.26these are questions, letters to the editor. If you go2ARBITRATOR FAULKNER: It's to poin nu three. </td <td>· •</td> <td></td> <td></td> <td>Page 1667</td>	· •			Page 1667
3 critticisms of your report, and we have talked about 3 Q. And he says the terminology used to desc 4 some of those people that have made those criticisms have 6 been aimed at your use of more than one ergometer in 7 the five testing periods with Mr. Armstrong; is that a 6 A. Right. 7 the five testing periods with Mr. Armstrong; is that a 6 A. Right. 8 fair statement? Q. And you are aware that there were some 9 A. No, it's not, okay. Q. And then you answered that. You reply to 10 Q. It's not, okay. Q. And then you answered that. You reply to 11 What's the next one? 10 A. Right. 12 MR. BREEN: Are those the letters to the 13 earlier, were ail tests performed on the 13 editor? Q. And then you answered that. You reply to 14 MR. TOWNS: Yes. 14 Says point three, were ail tests performed on the 15 MR. BREEN: Inthik they're in. They're Respondents' 74. 14 18 16 espondents' 74. 18 MR.TILLOTSON: Let's double-check so 19 one unit used. Do you see that? 17 Wer - 14			_	
4 some of those people that have made those criticisms have 4 the same Monarch ergometer model 819 used for 5 5 earlier, but a large part of those criticisms have 5 5 6 been aimed at your use of more than one ergometer in 7 6 A. Right. 7 the five testing periods with Mr. Armstrong; is that a 7 Q. And you are aware that three were some 8 8 fair statement? Q. And you are aware that three were some 4 10 Q. It's not, okay. 10 11 What's the next one? 10 12 MR. BREEN: Are those the letters to the 13 editor? 13 editor? A. Right. 14 MR. TOWNS: Yes. 10 A. Right. 15 MR. BREEN: I think they're in. They're 18 Respondents' 74. 10 16 Respondents' 74. 10 a RBITRATOR FAULKNER: Did you say 11 10 ARBITRATOR FAULKNER: Did you say 20 got the -1 don't have the rest 17 MR. TOUNNS: Ves, Respondents' 74. 23 MR. TILLOTSON: Yes, Respondents' 74. 20 got the -1 don't have the rest 18 mR. TILLOTSON: Yes, Respondents' 74. 25				
5 earlier, but a large part of those criticisms have 5 cycle testing is confused. Do you see that? 6 been aimed at your use of more than one ergometer in 6 7 the five testing periods with Mr. Armstrong; is that a 7 8 fair statement? Q. And you are aware that there were some 9 A. No, it's not. Q. It's not, okay. 11 What's the next one? A. Right. 12 MR. BREEN: Are those the letters to the 12 14 MR. TOWNS: Yes. 14 15 MR. BREEN: I think they're in. They're 15 16 Respondents' 74. 14 17 MR. TOWNS: Ves. 14 18 MR. TILLOTSON: Let's double-check so 19 19 We 20 20 ARBITRATOR FAULKNER: Did you say 20 21 these are questions, letters to the editor. If you go 20 25 Q. (BY MR. TOWNS) Now, in Respondents' 74. 23 24 MR. TOWNS: Very good. 25 25 Q. (BY MR. TOWNS) Now, in Respondents' 74. 24 26 sentences. The first Jul paragraph, just the<	3			
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	15		15	of muscle efficiency, which are, you know, the only
		, ,		measurements where what ergometer we used was
17 ARBITRATOR FAULKNER: 1949, right column, 17 important. I mean, you can measure maximal or		-		important. I mean, you can measure maximal oxygen
				uptake whether a person is running on a treadmill or
				bicycling. Maximum is maximum whether you're you
				know, as long as you're using a long enough muscle
21 little difficulty getting it up on the screen. 21 mass.		· · ·		
22 A. Yes, I can see that. 22 So when you say all of the all the				
23 Q. And this is David Martin at the Australian 23 data, you know, I'm referring to all the data				
			1	referred all the data that is using power output,
25 he's asking the editor were all tests performed on 25 which is important for the calculation of muscle				
	25	ne o doning the curtor were an tooto performed on	² ,	

1 2 3 4 5 6 7 8 9 10 11 11	Page 1669 efficiency. That was collected on one ergometer, the Monarch 819. That's the only important measurement where power factors into any calculation. There is no other use of an ergometer or measurement where power becomes important. Q. Okay. But in all fairness, the way this was written, that all data presented on Armstrong in his manuscript were indeed collected from the same ergometer, could be read to mean all data presented in the manuscript came from the same ergometer, right? A. I think we need to go back and read the context of what the question was from Mr. Martin in	1 2 3 4 5 6 7 8 9 10 11 12	Page 1671 units that were sold in the U.S., of which we had one. And I sent a photograph of that to Dr. Martin just in response, because he probably wouldn't believe anything but a picture of the actual unit. So I was pleased to relieve him of his suspicions. The editor decided for some reason didn't consult me, but took the word out suspicions because that's a little different word, in my opinion, and put confusing in, and I didn't realize he substituted suspicions for confusion until I actually sat down this week and read this. So there's a history for this letter and
13	prior responses. Because what they were doing in the	13	there was an actual purpose, in my opinion, to
14 15 16 17 18 19 20 21 22 23 24 25	question from Mr. Martin, he was questioning whether all the efficiency data was calculated from using the same Monarch. And really if you go back and read the question of Mr. Martin, and when he says when you said initially there was confusion, the original word he had used was suspicion, not confusion. So when he read his paper, he claimed there was suspicion that he had found us doing something inappropriate, and what his suspicion was was he essentially was saying that Monarch does not make an ergometer that can be used in the way that you used it, constant power. They do not make an	14 15 16 17 18 19 20 21 22 23 24 25	Dr. Martin's response. Q. Those of us that aren't familiar with the behind the scenes change from suspicion to confusion and were just reading it, it's fair to say or to interpret what it says, and that says all the data? A. I understand. It's fair if you want to be fair, all you need to do is read the entire letter to the editor, read his original letter and read my response, don't just pull out selective paragraphs and words. Q. Okay. A. I mean, the message he's sending in that
[Page 1670		Page 1672
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22	ergometer that is electronic or computerized. We got you, Coyle, you cheated, okay. It's suspicious. That's why they wrote that article, that letter to the editor, David Martin. The word is suspicion. And I think if you probably read the preprint, not the article that came out in publication here, but if you read the electronic types, manuscript set that I had seen copies of it downloaded from the JAP web site, the word suspicion is in there, not confusion, by Mr. Martin. Q. Okay. Well, I wasn't trying to mince the words. A. No, no, this is the version I have. Well, this is the important point of Mr. Martin's letter to the editor and I would encourage the panel to read it very carefully. He essentially said Coyle tests Armstrong, suspicion, looking for suspicion. He says Coyle used a Monarch ergometer that was computerized. Monarch does not make a computerized electronic ergometer, Dr. Martin says, therefore we caught Coyle and by inference Armstrong in some kind of lie. And I think Dr. Martin assumed that all	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22	letter is quite clear and my response is quite clear. ARBITRATOR FAULKNER: Okay. Doctor, before you go any further, I see a reference to something about, as did our system for measuring indirect calorimetry. Was there something else used on Mr. Armstrong we have not heard about in the way of testing? THE WITNESS: No, that's the oxygen consumption system. Q. (BY MR. TOWNS) Okay. So as I understand it, the 25, 30-minute test measured efficiency, correct? A. Yes. Q. That's the one that you used the Monarch 819 for all the four test groups, right? A. Yes. Q. And then there was the eight to ten or 12-minute test, right? A. Yes. Q. The maximal A. The maximal test. Q. Maximal test. And the I guess your testimony that some testing was done on a Schwinn, is that the test you're referring to?
23 24 25	along and until in the record you also see a letter from the manufacturer of Monarch that indeed says that Monarch did make an electronic ergometer. Only 20	23 24 25	that the test you're referring to? A. Yes. Q. Okay. So people that read this in your

44 (Pages 1669 to 1672)

	Page 1673		Page 1675
1	article understood that the efficiency testing was	1	that is a correct statement. And what I'm saying is
2	done on the Monarch 819 once they read this?	2	we did, then, additional tests, certainly sub max for
3	A. Right.	3	lactate responses and heart rates and powers, because
4	Q. And then the other, the eight to 12-minute	4	the cyclists want to know what their heart rates are
5	test that resulted in like maximum heart rate and some	5	on their bicycles, certain powers, so when they ride
6	of these other values was done, I guess, on a Schwinn?	6	they can relate back to it. And that's some of the
7	 A. It could have been done on a number of 	7	data you have seen in the photographs.
8	devices, yes.	8	Q. I'm not trying to be unfair, Doctor. My
9	Q. Okay. Now, if you look at page 2191 of	9	point really is is that there has been testimony in
10	Respondents' 33 under methods 2191, which is the	10	your deposition and here that this eight to 12-minute
11	second page of Respondents' 33. It's the article.	11	test for the purposes of reporting data in your report
12	The paragraph in the lower middle page beginning with	12	was at times conducted on a Schwinn, right?
13	measurement of VO2 max, the right-hand column. Okay.	13	A. During the eight to ten minutes I think we
14	Beginning where it says measurement of VO2 max, here	14	probably did VO2 max testing, you know, on the Schwinn
15	you're describing your testing method, correct?	15	and on the Monarch, yes.
16	A. Right.	16	Q. Okay. But my question is, in your deposition
17	Q. It says the same Monarch ergometer, model	17	and again earlier you've testified that in reaching
18	819, equipped with a racing seat, black handlebars and	18	data to put in the report on these eight to ten,
19	pedals for cycling shoes was used for all cycle	19	12-minute tests the Schwinn was used, correct?
20	testing. And seat height and saddle position were	20	A. This well, the Schwinn might have been
21	held constant. Pedal strength being 175 milliliters,	21	used as a duplicate test one or two times. It wasn't
22	VO2 max was measured during continuous cycling lasting	22	used as the primary method for testing, and it wasn't
23	between eight and 12 minutes. This was the eight to	23	used as the only method for testing.
24	12-minute test, right?	24	Q. Do you remember giving your deposition in
25	A. Correct.	25	this matter?
	D 4/74		B. 1676
1	Page 1674 Ω And here it's representing that it was the	1	Page 1676
1	Q. And here it's representing that it was the	1	A. Yes.
2	Q. And here it's representing that it was the same Monarch ergometer that was used for that, right?	2	A. Yes. MR. TOWNS: Okay. If we can look at
2 3	Q. And here it's representing that it was the same Monarch ergometer that was used for that, right?A. Yes.	2 3	A. Yes. MR. TOWNS: Okay. If we can look at Mr. Coyle's deposition at page 13.
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45 (Pages 1673 to 1676)

	Page 1677		Page 1679
	correct?		A. Correct.
2	A. For, let's see, table 2, that would be the	2	Q. And if we can pull up, if you don't mind,
3	VO2 max data for that one time period, which was	3	Respondents' Exhibit 74 and go to page which is
4	September of '93, wasn't it?	4	Bates 1946, up in the top, very top, first paragraph
5	Q. I believe that's correct.	5	left-hand corner. Although there were a few other
6	A. September of '93. That's possible. That's	6	items raised earlier and the panel is certainly free
7	correct.	7	to take a look at them, one of the points that was
8	Q. Now, do you know or have any test data been	8	being raised by either if it's more than one person
9	made available to you of Mr. Armstrong for, say, the	9	or one person from Germany was that in addition to the
10	years 2000 through 2005?	10	physiological factors that we have heard about for
11	A. No. 2000?	11	Mr. Armstrong here today, this particular letter had
12	Q. Yes, Doctor, I understand that in your report	12	to do in this part here with the other variables such
13	it doesn't cover that time period. We haven't seen	13	as tactical race understanding and motivational and
14	any data either, so I just with an athlete like	14	psychological issues, right?
15	Mr. Armstrong and his fastidiousness with looking at	15	A. Correct.
16	his body and his equipment, I assume some testing has	16	Q. And it says, although speculative, the latter
17	been done in that five-year period that hasn't been	17	two might play a prominent role in Armstrong's
18	provided to us. My question simply, as their expert,	18	sporting achievements, especially when considering his
19	have they provided that information you?	19	unique medical history and human experience as a
20	A. Since 2000, no.	20	cancer survivor.
21	MR. TOWNS: Pass the witness.	21	Have you tested many cancer survivors?
22	MR. BREEN: Do you mind if I pinch hit	22	A. No.
23	for Ms. Blue?	23	Q. As elite cyclists?
24	ARBITRATOR FAULKNER: Go ahead.	24	A. No.
25	MR. BREEN: Hopefully I can keep this	25	Q. Were you here when Jay T. Kearney was talking
4	Page 1678	4	Page 1680
1	very, very brief.	1	about sticking his arm in a bucket or barrel of ice
2	very, very brief. REDIRECT EXAMINATION	2	about sticking his arm in a bucket or barrel of ice water and holding it in there as long as he could?
2 3	very, very brief. REDIRECT EXAMINATION BY MR. BREEN:	2 3	about sticking his arm in a bucket or barrel of ice water and holding it in there as long as he could? A. Yes.
2 3 4	very, very brief. REDIRECT EXAMINATION BY MR. BREEN: Q. Dr. Coyle, welcome to the case. These points	2 3 4	about sticking his arm in a bucket or barrel of icewater and holding it in there as long as he could?A. Yes.Q. Have you conducted any kind of pain threshold
2 3 4 5	very, very brief. REDIRECT EXAMINATION BY MR. BREEN: Q. Dr. Coyle, welcome to the case. These points that are being brought up aren't new in terms of	2 3 4 5	about sticking his arm in a bucket or barrel of ice water and holding it in there as long as he could?A. Yes.Q. Have you conducted any kind of pain threshold testing in your laboratory on people?
2 3 4 5 6	very, very brief. REDIRECT EXAMINATION BY MR. BREEN: Q. Dr. Coyle, welcome to the case. These points that are being brought up aren't new in terms of criticisms of your the article that was in the	2 3 4 5 6	about sticking his arm in a bucket or barrel of ice water and holding it in there as long as he could?A. Yes.Q. Have you conducted any kind of pain threshold testing in your laboratory on people?A. No.
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	Page 1681		Page 1683
1	Q. And you know that he's regarded as probably	1	behind you did that very thing in this case?
2	the best, if not the best, one of the best race	2	A. I read that in his deposition, yes.
3	tacticians in the Tour de France?	3	Q. All right. I don't know what the purpose was
4	A. Yes.	4	in your examination for these guys asking you some
5	Q. And have you seen through the years in	5	names of your graduate students. I certainly hope it
6	question, '01 through '04, some of the things that	6	wasn't because we are going to hear them for the first
7	Johan Bruyneel and the team has done in terms of race	7	time later on, but have you ever had any of your
8	tactics?	8	students come forward to you and say they had any
9	A. Yes.	9	
			problems with this published article at all?
10	Q. Those things run the gamut from what you	10	A. No.
11	talked about in terms of who blocks the wind, who	11	MR. BREEN: Thanks for your time,
12	brings the food, who pulls Armstrong to the base of	12	Dr. Coyle.
13	the mountain to also psychological techniques on the	13	ARBITRATOR FAULKNER: Anything else,
14	other team, doesn't it?	14	Mr. Towns?
15	A. Yes.	15	MR. TOWNS: No.
16	Q. Like faking out things, like Armstrong being	16	MR. HERMAN: May this witness be excused?
17	worn out, like the famous case where they now refer to	17	ARBITRATOR FAULKNER: Wait. Any
18	it as the look, when he looked back at Jan Ulrich and	18	questions from the panel?
19	then blew him out of the water in a psychologically	19	ARBITRATOR CHERNICK: No.
20	crushing blow, then went on to win the Tour after	20	ARBITRATOR LYON: I might have one.
21	that. Do you remember that?	21	ARBITRATOR FAULKNER: Please ask.
22	MR. TOWNS: Your Honor, I guess I'll	22	ARBITRATOR LYON: These letters that were
23	object at this point.	23	written in, the letters to the editor, they basically
24	MR. BREEN: I'll move along.	24	describe other ways that could account for
25	MR. TOWNS: I mean, it's purely	25	Mr. Armstrong's success, do they not? In other words,
			······································
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	argumentative on a topic that this expert is not	1 2	not just cycling efficiency, but one of the things
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	you very much.	1	your educational background.
2	Gentlemen, is anyone anticipating calling	2	A. I went to the University of Texas. I got a
3	Dr. Coyle back? If not, may he be excused?	3	bachelor of arts in biology, an MBA and a law degree.
4	MR, BREEN: He certainly can from our	4	Q. All from the University of Texas?
5	side.	5	A. Yes.
6	MR. TILLOTSON: Yes.	6	Q. Were you engaged in athletics at a post
7	ARBITRATOR FAULKNER: All right. Thank	7	secondary school level of competition?
8	you very much, Doctor. You may step down and you're	8	A. Yes. I swam at the university.
9	excused. If you want to stay, fine. If not, you	9	Q. And did you pursue your swimming after the
10	don't have to.	10	university?
11	Okay. Who is y'all's next witness?	11	A. Yes. I swam in the Olympic games in 1988.
12	MR, HERMAN: Bill Stapleton.	12	Q. That was in Seoul, Korea?
13	MR. TILLOTSON: This is someone from our	13	A. Yes.
14	office, one of our law clerks that's working on the	14	Q. Have you, in addition to your in addition
15	case. She came down here to help us get all this	15	to your biology degree and your graduate degrees, have
16	stuff back, so I assume that's no problem.	16	you served on any trade or professional agencies,
17	MR. BREEN: No problem.	17	let's say, since you've been operating at CSE?
18	ARBITRATOR FAULKNER: No problem.	18	A. I was a member of the U.S. Olympic Committee
19	MR. TILLOTSON: I'm sorry. If you need	19	from about 1992 until about 2004.
20	her to move, we'll be happy to move her. Is she okay	20	Q. And did you serve in any officer or director
21	there?	21	capacity with the USOC?
22	ARBITRATOR LYON: I don't want anybody	22	A. I did. From 2000 until about 2004 I was vice
23	sitting behind me that works for either side.	23	president.
24	MR. TILLOTSON: I'm sorry. I apologize.	24	Q. You have been present for at least most of
25	We are going to move you right here.	25	the testimony and evidence in this case, have you not?
	Page 1686		Page 1688
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2	ARBITRATOR FAULKNER: Ma'am, what is your name?	2	A. Yes, I have.Q. You've heard the question asked, if Lance
2 3	ARBITRATOR FAULKNER: Ma'am, what is your name? MS. LOWREY: Brandy Lowrey.	2 3	 A. Yes, I have. Q. You've heard the question asked, if Lance Armstrong was the official winner of the Tour de
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48 (Pages 1685 to 1688)

	Page 1689		Page 1691
1	Q. So if we refer to the Tour de France or	1	Q. Incidentally, the two bases upon which
2	officials of the Tour de France, we are referring to	2	Ernst & Young relied in confirming Tailwind's
3	ASO?	3	liability was that Armstrong has completed all
4	A. Yes.	4	obligations under his agreement and the agreement
5	Q. Okay. I think you were quoted some place as	5	clearly identifies the compensation for a sixth
6	saying that Tailwind's obligated to pay Mr. Armstrong	6	consecutive Tour de France victory, correct?
7	if he's the official winner and you would have that	7	MR. TILLOTSON: I'm sorry, I do object to
8	obligation even if he was riding a motorcycle in the	8	the extent that they're going to seek to try and offer
9	race. What did you mean by that?	9	evidence regarding the state of mind for accountants.
10	A. What I meant by that was that the rules are	10	I do not object to them offering evidence that they
11	set by someone other than Tailwind, and if the rules	11	booked it as a loss, but to try to then get this
12	were that you could ride a motorcycle in the Tour de	12	witness to testify why E&Y did that and that somehow
13	France and Lance won, then he would be declared the	13	involves some interpretation of the contract, I think,
14	official winner, and it's that body that determines	14	would be hearsay and there would be no foundation.
15	who wins and who doesn't.	15	MR. HERMAN: Your Honor, we are I
16	Q. Of course, if he rode a motorcycle, he	16	think the panel could take judicial notice that Ernst
17	wouldn't be the official winner?	17	& Young conducting an audit is bound by generally
18	Well, if the rules were that you couldn't	18	accepted accounting principles and by the FASB
19	ride a motorcycle like they are today, then, no, he	19	standards which are laid out for a FASB 5, the accrual
20	wouldn't be the official winner.	20	of loss contingencies which is set out prior to this.
21	Q. Tailwind undergoes audits regularly, do they	21	So we don't have to examine the state of mind of the
22	not, by a certified public accounting firm?	22	accountant, but we are I think it's competent
23	A. Yes, UCI requires that annually.	23	testimony for the CEO of Tailwind to say that
24	Q. What is the reason for an annual audit of a	24	Ernst & Young, based upon FASB 5 here, has required
25	professional cycling team?	25	them to book it. So it doesn't require any
	P. 4600		
1	Page 1690	1	Page 1692
1	A. UCI manages all 20 of the pro tour teams and	1	clairvoyance or understanding of the state of mind.
2	A. UCI manages all 20 of the pro tour teams and it is an obligation to prove financial responsibility,	2	clairvoyance or understanding of the state of mind. Mr. Parks is bound by FASB standards.
2 3	A. UCI manages all 20 of the pro tour teams and it is an obligation to prove financial responsibility, financial solvency. There have been teams in the past	2 3	clairvoyance or understanding of the state of mind. Mr. Parks is bound by FASB standards. ARBITRATOR FAULKNER: Wait a second.
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49 (Pages 1689 to 1692)

	D 1603		Dage 1605
1	Page 1693 of Mr. Armstrong?	1	Page 1695 A. I understand that.
2	A. Yes.	2	Q. Do you know of any reason that SCA couldn't
3	Q. And you were his agent at the time?	3	have purchased \$5 million of reinsurance or insurance
4	A. Yes,	4	in 2001 just like Tailwind did?
5	Q. There is a provision in the contract which	5	MR. TILLOTSON: Judge, I will object.
6	requires or at least recites that Tailwind will	6	That calls for speculation as to SCA's state of mind.
7	purchase insurance to pay the bonuses which are	7	MR. HERMAN: It doesn't. I'm asking him
8	outlined on on the projection screen. Why was it	8	if he knows of any reason why.
9	necessary or why did you negotiate that provision?	9	MR. TILLOTSON: He's asking does he know
10	A. The insurance requirement?	10	of any reason if my client could have gone and done
11	Q. Right.	11	something with respect to purchasing insurance, and I
12	A. Because we wanted to provide as much	12	would object that that's pure speculation regarding
13	incentive to Lance as possible and two reasons,	13	what my client can do.
14	one, even we had some concern that even bonuses	14	ARBITRATOR FAULKNER: I'm sustaining that
15	smaller than this, Tailwind would be unable to pay,	15	objection.
16	and I also wanted to build in an incentive for Lance	16	MR. TILLOTSON: Testify as to what you
17	to do something historic and reward him for that if he	17	know, please.
18	did it, and the only way to do that was through the	18	THE WITNESS: So I should testify?
19	purchase of insurance.	19	ARBITRATOR FAULKNER: Only as to what you
20	Q. In your negotiations had Mr. Gorski come back	20	know. Answer Mr. Herman's next question, please.
21	and said, we have got insurance coverage but even if	21	Q. (BY MR. HERMAN) Do you know when the \$5
22	Armstrong is the official winner, the insurance	22	million of insurance with CHUBB and Lloyds was put In
23	company won't be obligated to pay if they think he	23	place? If I were to tell you it was put in place in
24	shouldn't have been the official winner, what would	24	June of 2001, would that comport with your
25	your reaction have been?	25	A. That would be right.
	Page 1694		Page 1696
1	A, I would have told them to look for another	1	Q. Now, let me ask you let me ask you this,
2	insurance company.	2	Mr. Stapleton, if in 2002, that was before you were
3	Q. And, of course, it's too late to look for	3	with Tailwind, correct?
4	another insurance company now?	4	
_			A. Correct.
5	A. That's correct.	5	
5 6	A. That's correct.Q. Did Tailwind rely at all times, at least		 A. Correct. Q. Had Mr. Armstrong finished second but believed that the winner had violated UCI rules, would
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6	Q. Did Tailwind rely at all times, at least	5 6	Q. Had Mr. Armstrong finished second but believed that the winner had violated UCI rules, would
6 7	Q. Did Tailwind rely at all times, at least since you've been involved in the company starting in	5 6 7	Q. Had Mr. Armstrong finished second but believed that the winner had violated UCI rules, would you have made demand on Tailwind to pay the million
6 7 8 9	Q. Did Tailwind rely at all times, at least since you've been involved in the company starting in 2003, on the existence of this insurance coverage to	5 6 7 8	Q. Had Mr. Armstrong finished second but believed that the winner had violated UCI rules, would you have made demand on Tailwind to pay the million five?
6 7 8 9 10	Q. Did Tailwind rely at all times, at least since you've been involved in the company starting in 2003, on the existence of this insurance coverage to pay the full \$10 million if the liability accrued?	5 6 7 8 9	Q. Had Mr. Armstrong finished second but believed that the winner had violated UCI rules, would you have made demand on Tailwind to pay the million five?A. In 2002?
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	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 is related to Lance Armstrong. A. I started CSE back in 1998, and in 1998 CSE was Lance and me. Today CSE is a company that has 50 or 60 employees. We do a number of things. We manage artists, musicians and athletes. We produce live events. We do marketing, consulting. We do a number of different things. And Lance probably accounts for 20 percent or so of our revenue. Q. All right. Let me switch gears with you just a little bit. When is the first time you heard that you were even aware of the existence of SCA Promotions, Inc.? A. It must have been August of 2004. Q. Did you A. I may have seen the insurance contracts along the way, but I wouldn't have paid attention to CHUBB, Lloyds, SCA. I mean, I may have read it before, but to say it was a company that I was aware of and knew where they were headquartered or anything like that, it would have been August of 2004. Q. Had you or anyone connected with Tailwind or Mr. Armstrong, other than ESIX or the insurance brokers, ever communicated in any way with SCA, to 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. Let me hand the panel copies of Claimant's Exhibit 124, which is a compilation of those articles. I think there are some six articles more or less. Let me talk to you briefly about these articles. What day was the publication of this of this French investigation in 2000, do you recall? A. I remember it being Thanksgiving Day or right around Thanksgiving weekend. Q. In your job as Mr. Armstrong's agent, what contact do you have with the press and knowledge of how the wire services and the press works and so forth? A. I have quite a lot of contact with the press, and on that day I think the initial call I got was from a reporter. Q. How would you describe or characterize the level of publicity or the sort of splash that this French investigation had? A. It was explosive and it was intense. It was as much press as I can ever remember about anything regarding Lance. Q. If you would take a look at Exhibit 124, the first article is over 500 words. It's from the Dallas
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Ι.	Page 1701		Page 1703
	A. This is the first one?	1	stories which have run previously, but we did not put
2	Q. Yes.	2	the eye shade on him and send him up into the Dallas
3	A. It was either front page or front page of	3	Morning News historical stacks or anything. He got it
4	sports. I believe it was front page, but I can't	4	off the Internet.
5	remember exactly.	5	MR. TILLOTSON: Okay. Is there any way
6	Q. Would a person who read the sports pages,	6	to tell where in the paper it was?
7	even semi-faithfully, have been able to avoid this?	7	MR. HERMAN: Apparently
8	 You could not have missed it. 	8	MR. TILLOTSON: Or is it just a
9	Q. The next item that was published in The	9	collection of news stories?
10	Dallas Morning News, December 3rd, referring to the	10	MR. HERMAN: I don't know the answer to
11	frozen urine samples, which I believe you heard	11	that. If there may be. We didn't try to do that.
12	Mr. Armstrong testify about yesterday. Did the story	12	MR. TILLOTSON: I don't have any
13	splash and then die out or did it live on?	13	objection to them using them and offering these
14	A. It lived on and there were flash points. The	14	articles.
15	firs from November through January was a flash	15	ARBITRATOR FAULKNER: Okay.
16	point. It was pretty constant. There was another	16	MR. TILLOTSON: I'll be offering my own,
17	flash point again in April, and Lance went to France	17	so I don't have any objection.
18	for the first time since it had happened. There was a	18	ARBITRATOR FAULKNER: If there's no
19	flash point in June, July, during the tour. So it	19	objection, we will admit this as Claimants' Exhibit
20	would come and go in terms of big headlines, but it	20	124.
21	was always there.	21	Before you go too far afield, Mr. Herman,
22	Q. Has Tailwind ever been prior to the time	22	I don't remember you offering for admission Claimants'
23	they came to owe the \$5 million, has Tailwind ever	23	Exhibit 128, which you had used early. First of all,
24 25	been informed by SCA that that hang on a second, if	24 25	are you going to offer it?
25	we had known this, we would have never entered this	20	MR. HERMAN: Yes, I do offer it.
	Page 1702		Page 1704
1	and consequently we are rescinding the contract?	1	ARBITRATOR FAULKNER: Do you have an
2	A. Well, I wasn't the CEO of Tailwind, but I	2	objection to Claimant's 128?
3	believe Mr. Gorski has testified that he was never	3	MR. TILLOTSON: Is this the e-mail?
4	notified and I certainly wasn't after I became CEO.	4	ARBITRATOR FAULKNER: Yes.
5	Q. Has SCA ever refunded any of the \$420,000 in	5	MR. TILLOTSON: No, I don't.
6	premiums?	6	ARBITRATOR FAULKNER: I want to keep our
7	A. No.	7	records straight, guys, so thank you very much.
8	Q. The next article in The Dallas Morning	8	MR. TILLOTSON: The e-mail is 128?
9	News and why did you just pick the Dallas Morning	9	MR. HERMAN: Yes.
10	News?	10	MR. TILLOTSON: And the articles are 129?
11	A. Well, because it's in Dallas and that's where	11	MR. HERMAN: No, 12.
12	SCA is. There were plenty of other places to find it.	12	ARBITRATOR FAULKNER: I don't know why
13	MR. TILLOTSON: May I interrupt for just	13	they're out of sequence, but those are the numbers I
14	one second. This is an objection but also a question.	14	have.
15	I assume that this was just pulled off the Internet,	15	MR. HERMAN: Well
16	copied and then printed out by this witness; is that	16	ARBITRATOR CHERNICK: We'll have a
17	what we're looking at?	17	filler.
18	MR. HERMAN: It was pulled out of The	18	
19	Dallas Morning News archive.	19	ARBITRATOR FAULKNER: Thank you. Please
20	MR. TILLOTSON: Tell me where it came	20	proceed.
21	from. I won't lodge any objection. I assume that's	21	Q. (BY MR. HERMAN) Without going through the
	what it is. If you'll just tell me where it came	22	substance of these articles and there's another
22			
23	from.	23	article December 13, another article December 17 and
23 24	from. MR. HERMAN: It came from The Dallas	24	then a lengthy wire service article December 18. If
23	from.		

52 (Pages 1701 to 1704)

19nothing but drugs, and it's I can't remember19dollars based upon something they read in the paper?20it's I don't know how many words. It's a very long19dollars based upon something they read in the paper?21article, and it's sort of an entire sort of review of20A. No one I've ever negotiated with would ever22Lance and drugs and the tour and drugs, and there's an22negotiated with on behalf of Lance or on behalf now of23implication, I think, when you read this Michael23Tailwind since 1999 this has been a topic of24Hall was the author that Lance is a doper. I think24conversation every single time.			1	
2 A. Weil, it usually means it's widely 2 to be aware of this kind of coverage? 4 Q. Then the last Dallas Morning News article is 5 5 databal January 5, 2001, which you know to be in the missed this. 6 6 middle of Mr. Harman and Mr. Lorenzo's negotiation of their reinsurance, right? 9 9 Q. In your view, Mr. Stapleton, is the - do you all had apparently become accustomed to? 9 Q. In your view, Mr. Stapleton, is the - do you all had apparently become accustomed to? 9 Q. In your view, Mr. Stapleton, is the - do you all had apparently become accustomed to? 9 A. Intensely widely publicized. 10 A. Intensely widely publicized. 10 Q. Your Honey, weith a 12-S apper atricle. Incidentally I mR. HERMAN: Your Honey, we offer 1125, which is a 12-page atricle. Incidentally I mR. TILLOTSON: I Ave no objection to 126 Freed - I don't know if I offered but I offer Image appenency because. ARBITRATOR FAULKNER: I think it's 21 already in. ARBITRATOR CHERNICK: It's in. MR. TILLOTSON: I Ave any 22 MR. TILLOTSON: I Ave as appended to table approximately appended to accuston. ARBITRATOR FAULKNER: New, appended to the covernon. 23				-
3 distributed, worldwide probably. 3 A. The unbeitevable to me that somebody could 4 Q. Then the late Data Morning News article is 6 6 middle of Mr. Hamman and Mr. Lorenzo's negotiation of 7 7 Mark Tenstringth. 9 8 A. That's right. 9 9 Q. Iny our view, Mr. Stapieton, is the do you 9 10 find that or is It your position that this was a 10 11 Texas obviously? A. Intensely widely publicized. 11 12 A. Intensely widely publicized. 12 13 Q. Now, the Texas obviously? A. Intensely widely publicized. 13 14 Texas obviously? A. Intensely widely publicized. 13 15 Q. Let me show you what's marked as Exhibit 16 125; which is a 1-2page article. Incidentally I 17 125; which is a 1-2page article. Incidentally I 17 125; 16 A. RETRATOR FAULKNER: It hink it's 126 MR. TILLOTSON: I have no objection to 12 ARBITRATOR FAULKNER: Ithink it's 126 MR. HERMAN: Courl Honor, Mr. Chairman, but it 12 MR. TILLOTSON: I Awas poended to </td <td>1</td> <td></td> <td>1</td> <td>-</td>	1		1	-
4 Q. Then the last Dallas Morning News anticle is 4 have missed this. 5 dated January 5, 2001, which you know to be in the 6 middle of Mr. Hamman and Mr. Lorenzo's negotiation of f 7 their reinsurance, right? 7 9 Q. In your view, Mr. Stapleton, is the do you all and apparently become accustomed to? 9 Q. In your view, Mr. Stapleton, is the do you all and apparently become accustomed to? 10 On themsely widely publicized. A. Intensely widely publicized. 11 Texas obviously? A. I can't remember anything specific, but I'm 12 Yes. A. I can't remember anything specific, but I'm 13 Q. Now, the Texas Monthy is published here in F 14 Texas obviously? Here probably was. 15 A. Un-huh. F 16 Q. Let me show you what's marked as Exhibit F 17 IzSr MR. TILLOTSON: I have no objection to 18 offered1 don't know if 1 offered but I offer F 19 revidence yet. MR. TILLOTSON: I have no objection to 21 aready in. MR. HERMAN: Oxary. IzS was appendet to	2		2	-
5 dated January 5, 2001, which you know to be in the middle of Mr. Hamman and Mr. Lorenzo's negotiation of their reinsurance, right? 5 Q. Now, later on that year, during - during the for unor or innuendo, accusation, et cetera, that you al had apparently become accustomed to? 8 A. That's right. 8 al had apparently become accustomed to? 9 Q. In your view, Mr. Stapleton, is the do you widely publiczed incident? al had apparently become accustomed to? 10 find that or is it your position that this was a widely publiczed incident? 1 12 A. Intensely widely publiczed. 1 13 Q. Now, the Texas Monthly is published here in 1 14 Texas obviously? 1 A. Lark in Z001? 15 A. Un-huh. 1 125 16 O. Let me show you what's marked as Exhibit 124 125 MR.ITRATOR FAULKNER: Incidentally I 17 125, which is a 17-page article. Incidentally I 17 17 18 ARBITRATOR CHERNICK: It's in. 12 20 ARBITRATOR FAULKNER: It's in. 20 ARBITRATOR FAULKNER: It's in. 21 akstrator RAULKNER: It's in. 21 ARBITRATOR FAULKNER: It's in. 22 ARBITRATOR FAULKNER: It's in. <t< td=""><td>3</td><td></td><td>3</td><td></td></t<>	3		3	
6 middle of Mr. Hamman and Mr. Lorenzo's negotiation of 6 tour, idd were did there continue to be the sort 7 their reinsurance, right? 6 tour, idd were did there continue to be the sort 9 Q. In your view, Mr. Stapleton, is the do you 6 A. Trac's right. 8 10 widely publicized incident? 9 A. Later in 2001? 9 11 Widely publicized incident? 12 N. HERMAN: Your Honor, we offer 12 Fixed 1 don't know if 1 offered but I offer 15 16 Q. Let me show you what's marked as Exhibit 17 125 125 MR. HERMAN: Your Honor, we offer 12 Jubit 124 aready in. 12 The were did there could to our pleadings, but have 16 Q. Let me show you what's marked as Exhibit 12 MR.THLOTSON: Lave no objection to 17 125 MRITRATOR FAULKNER: I think it's 20 ARBITRATOR CHERNICK: It's in. 17 ARBITRATOR CHERNICK: I's in. 21 ARBITRATOR FAULKNER: Navy objection to 18 reindawin, M. R. HERMAN, Cokay. L2S was appended to the play, and 127 is the document 19 reviously appended to you, Mr. Stapleton, and lets taik about the negotiation of or o		• –	· ·	
7 their reinsurance, right? 7 of rumor or innuendo, accusation, et cetera, that you 8 A. That's right. 8 all had apparently become accustomed to? 9 Q. In your view, Mr. Stapleton, is the do you 10 find that or is it your position that this was a 10 find that or is it your position that this was a 11 A. Later in 2001? 11 A. Intensely widely publiczed. 12 A. Intensely widely publiczed. 12 A. Intensely widely publiczed. 13 Sure there probably was. 14 Texas obviously? 14 I can't remember anything specific, but I'm 15 A. Un-huh. 15 Sure there probably was. 16 Q. Let me show you what's marked as Exhibit 16 ARBITRATOR FAULKNER: Any objection to 17 12.52, which is a 17-page article. Incidentaly I 17 17 17 12.54, which is a 17-page article. Incidentaly I 17 17 18 afterady in. 1225 MR.TILLOTSON: 124 has been admitted. 121 21 ARBITRATOR FAULKNER: It's in. 123 that's headed Triple Play, and 127 is the document 19 is not in evidence yet.				
8 A. That's right. 8 all had apparently become accustomed to? 9 Q. In your yiew, Mr. Stapleton, is the do you 9 A. Later in 2001? 9 Q. In your yiew, Mr. Stapleton, is the do you 9 A. Later in 2001? 11 Widely publicized incident? 11 A. Intensely widely publicized. 12 13 Q. Now, the Texas Monthly is published here in 13 M. HERMAN: Your Honor, we offer 15 A. Un-huh. 12 Sure there probably was. 16 Q. Let me show you what's marked as Exhibit 12 1257 18 offered -1 don't know If I offered but I offer 18 MR. TILLOTSON: 1 have no objection to 19 Exhibit 124. 12 MR. TILLOTSON: 1 have no objection to 20 ARBITRATOR FAULKNER: I think it's 20 ARBITRATOR FAULKNER: I's in. 21 already in. 21 ARBITRATOR FAULKNER: I's in. 22 22 MR. HERMAN: Okay. 125 was appended with appendix with parsons who wish 24 MR. HERMAN: Caly. 125 is? 3 O. (BY MR, HERMAN) Could you describe what 25 MR. TILLOTSON: 1 don't have any 3 Q. (BY MR, HERMAN). Cauly uo describ		—	4	
9 Q. In your view, Mr. Stapleton, is the do you 9 A. Later in 2001? 10 find that or is it your position that this was a widely publiczed incident? 9 A. Later in 2001? 11 A. Intensely widely publiczed incident? 11 A. I can't remember anything specific, but I'm 12 A. Un-tun. 13 MR. HERMAN: Your Honor, we offer 14 Texas obviously? 14 Exhibit 125 and 126 and 127, which have been 15 A. Un-tun. 15 A. Un-tun. 16 16 offered - I don't know if I offered but I offer 18 17 125 16 offered - I don't know if I offered but I offer 18 18 MR. TILLOTSON: I take no objection to 17 125, which is a 12-page article. 11 1257 MR. TILLOTSON: I 24 has been admitted. 18 already in. 20 ARBITRATOR FAULKNER: I think It's 20 ARBITRATOR CHERNICK: 125 is and edocument 23 MR. TLLOTSON: I 24 has been admitted. 21 that's headed Triple Play, and 127 is the document 24 MR. HERMAN: Okay. 125 was appended to 26 MR. HERMAN: Exactly. 27 25 A. Thair meremore astaps admit		· •		
10 find that - or is it your position that this was a 10 Q. Yes. 11 widely publicized incident? 11 A. I can't remember anything specific, but I'm 13 Q. Now, the Texas Monthly is published here in 11 A. I can't remember anything specific, but I'm 13 Q. Now, the Texas Monthly is published here in 11 A. I can't remember anything specific, but I'm 14 Texas obviously? 126 and 127, which have been 15 A. Un-huh. 15 16 Q. Let me show you what's marked as Exhibit 16 17 1257 ARBITRATOR FAULKNER: I think It's 18 already in. 1257 19 Exhibit 124. 19 20 ARBITRATOR FAULKNER: I think It's 10 21 already in. 21 22 AR HERMAN: Cody. 125 was appended to 21 23 MR. HERMAN: Cody. 125 was appended to 24 24 MR. HERMAN: Cody. 125 was appended to 25 25 one of our pleadings, Your Honor, Mr. Chairman, but it 25 26 Yes Mathita Angende to the cover? 3 3 Q. (GY MR. HERMAN)		-	F	
11 widely publicized incident? 11 A. Intensely widely publicized. 12 A. Intensely widely publicized. 12 14 Texas obviously? 11 A. Intensely widely publicized. 14 Texas obviously? 12 sure there probably was. 15 A. Uh-huh. 12 sure there probably was. 16 Q. Let me show you what's marked as Exhibit 17 125, which is a 17-page article. Incidentally I 16 offered – I don't know if 1 offered but 1 offer 18 17 125, which is a 17-page article. Incidentally I 16 18 offered – I don't know if 1 offered but 1 offer 18 19 Exhibit 124. 11 ARBITRATOR FAULKNER: I think It's 20 ARBITRATOR CHERNICK: It's in. 21 ARBITRATOR CHERNICK: It's in. 23 MR. TILLOTSON: 12 has been admitted. 21 hast in sheaded Sports Cycing. 24 MR. HERMAN: Okay. 125 was appended to our pleadings. but have 25 MR. TILLOTSON: 1 don't have any 25 on or ur pleadings, but have 25 MR. TILLOTSON: 126 is the document 24 MR. TILLOTSON: 100.01 were			-	
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16 Q. Let me show you what's marked as Exhibit 16 ARBITRATOR FAULKNER: Any objection to 17 125, which is a 17-page article. Incidentally I 17 125 18 offered - I don't know if I offered but I offer 18 MR. TILLOTSON: I have no objection to 19 Exhibit 124. 10 ARBITRATOR FAULKNER: It's in. 10 20 ARBITRATOR CHERNICK: It's in. 20 ARBITRATOR CHERNICK: 12's is admitted. 21 ARBITRATOR CHERNICK: It's in. 20 ARBITRATOR FAULKNER: It's in document 23 MR. HERMAN: Okay. IS2 was appended to 20 MR. HERMAN: Chay. IS2 was appended to 24 MR. HERMAN: Okay. IS2 was appended to 20 MR. TILLOTSON: I don't have any 25 one of our pleadings, Your Honor, Mr. Chairman, but it 20 MR. TILLOTSON: I don't have any 26 ARBITRATOR FAULKNER: Okay. 20 MR. TILLOTSON: I don't have any 27 ARBITRATOR FAULKNER: Okay. 20 MR.TILLOTSON: I don't have any 28 ARBITRATOR FAULKNER: I's have any 21 objection to 126 or 127. 29 A. This was a cover stry in Texas Monthly, 20 ARBITRATOR FAULKNER: Then they will been admitted' without objection.		•		
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		1	
	Page 1709		Page 1711
1	allegation is that statements by Mr. Armstrong in	1	We have had other situations well,
2	response to accusations or whatever, that that could,	2	every contract we have done the question gets asked.
3	you know, provide the basis for SCA's decision to	3	These people are spending in some cases the
4	issue nine and a half million dollars' worth of	4	Discovery Channel relationship with Tailwind, \$10
5	insurance; you're aware of that?	5	million a year. In some cases a few million dollars a
6	A. Yes, I am.	6	year. And they want assurances that there's nothing
7	Q. Of course, neither you nor Mr. Armstrong have	7	to worry about on this issue, and we always give them
8	ever made any statement directly to SCA?	8	to them.
9	A. No.	9	Q. Have you ever negotiated a contract of any
10	Q. Nor anyone with Tailwind, as far as you know?	10	substance where there was not a request for and an
11	A. Correct.	11	inquiry about this issue given the volume of
12	Q. Now, this issue of rumors about performance	12	background noise, particularly from the French?
13	enhancement. Tell the panel how those issues have	13	A. No. And, in fact, maybe the best example is
14	arisen and been dealt with in your contract	14	Discovery Channel. U.S. Postal Service sponsored
15	negotiations with sponsors.	15	Lance's team before I became the CEO. I became the
16	A. Well, typically, you know, it depends on at	16	CEO in the fall of 2003, and their relationship ended
17	what point in time we are having a conversation.	17	in December of 2004, which would have been Lance's
18	During the period of time that this French	18	sixth Tour de France. It was my job and my company's
19	investigation was going on, we had a renewal	19	job to find a new title sponsor. We found a new title
20	conversation going on with Coca-Cola. Coca-Cola is a	20	sponsor, the Discovery Channel. We planned a big
21	125-year-old brand, probably of all the companies I've	21	announcement in Silver Spring, Maryland where they're
22	dealt with, one of the most, I would say, paranoid	22	headquartered, and this is another company that's
23	companies about their brand and anything that might	23	totally associated with quality. Any association with
24	attach to it that could be negative. And so by by	24	anything negative completely, completely freaks them
25	Thanksgiving of that year we had worked out most of	25	out.
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	Page 1710		Page 1712
1	Page 1710 the terms of the new contract. They wanted Lance to	1	Page 1712 And the Saturday pight before the Tuesday
1	the terms of the new contract. They wanted Lance to	1	And the Saturday night before the Tuesday
2	the terms of the new contract. They wanted Lance to be their contract ran out at the end of 2001, and	2	And the Saturday night before the Tuesday announcement in Silver Spring, I got word that David
2 3	the terms of the new contract. They wanted Lance to be their contract ran out at the end of 2001, and they wanted him to be very associated with the torch	2 3	And the Saturday night before the Tuesday announcement in Silver Spring, I got word that David Walsh's article was being or the article that was
2 3 4	the terms of the new contract. They wanted Lance to be their contract ran out at the end of 2001, and they wanted him to be very associated with the torch relay that they sponsor in the 2002 Winter Olympic	2 3 4	And the Saturday night before the Tuesday announcement in Silver Spring, I got word that David Walsh's article was being or the article that was authored by David Walsh but written by someone else in
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2 3 4 5 6	the terms of the new contract. They wanted Lance to be their contract ran out at the end of 2001, and they wanted him to be very associated with the torch relay that they sponsor in the 2002 Winter Olympic games in Salt Lake City. So in order to do that, their contract needed to extend beyond December 2001,	2 3 4 5 6	And the Saturday night before the Tuesday announcement in Silver Spring, I got word that David Walsh's article was being or the article that was authored by David Walsh but written by someone else in the Sunday Times came out that previewed his book and the allegations in his book.
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	the Internet.	1	order to build a program that we could develop younger
2	Q. And the announcement of no one knew about	2	riders and prove that the franchise value we had built
3	this relationship or potential relationship?	3	with Lance and the Postal team, now the Discovery
4	A, No.	4	team, was something we could recreate.
5	Q. That would have been scheduled for Tuesday	5	Q. Did you give them the opportunity to back out
6	A. 16th.	6	of the deal, not do the deal if they were in any way
7	Q. June 16th of 2004?	7	upset or dissatisfied or scared off by David Walsh?
8	A. Correct.	8	A. They had the they had my word and they had
9	Q. I didn't mean to interrupt you but just to	9	a contract that said the same thing, so in those 48
10	give everybody sort of a perspective. Go ahead.	10	hours they could have walked away and no one would
11	A. So Billy and I got on the phone Sunday	11	have ever really known that it there was there
12	morning; we read the article together. I had,	12	may be a rumors that Lance and Johan Bruyneel were
13	fortunately, been straightforward with him about our	13	flying to Washington D.C. for an announcement.
14	past history with David Walsh and about all the doping	14	There's only two or three Fortune 500
15	allegations that had surrounded Lance, and these	15	companies that would do something like this, but there
16	guys they're international, they're sophisticated,	16	would have been no damage done to them had they walked
17	they had done their own due diligence on Lance and	17	away, and they had every opportunity to do it. And
18	David Walsh and that relationship, and just like every	18	they decided to go ahead, and, in fact, at a time when
19	other company that we entered into contracts that did	19	the first announcement of Lance and the Discovery
20	that research, they especially international	20	Channel and the Discovery Channel pro cycling team
21	companies like Discovery Channel, Coca-Cola,	21	it was Lance's first opportunity to meet the press
22	Bristol-Myers Squibb they always were sort of	22	since the allegations that David Walsh had put forth
23	when they went to their London or English or Irish	23	came out.
24	people and got their opinion of David Walsh and Lance,	24	So the most of the headlines for them,
25	it was always that Walsh is a well-respected sports	25	they weren't about the Discovery Channel. They were
<u> </u>			
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	journalist. He's been sports writer of the year in	1	about Lance and David Walsh and they suffered for
2	Britain two or three times, but when it comes to the	2	that, but they stuck by it because they did their own
3	subject of cycling, of drugs in sport and in	3	independent due diligence. They believed in Lance.
4	especially with regard to Lance, he loses his	4	Billy believed in me. We were the two that cut the
5	professional objectivity and he's on a mission and a	5	deal. He had checked out my integrity with the CEO of
6	vendetta. And that comes independently from those	6	Bristol-Myers Squibb, Peter Dolan. He had called Bill
	companies from their sources.	7	Knight, he knew that there was a long history of
8	So fortunately Billy and Judith McHail,	8	integrity and business dealings, and they stayed on.
9	who is their CEO, and John Hendricks, who is their	9	Q. Now, in any public statement you have made or
10	founder who I talked to each as they were entering	10	anyone with Tailwind or anyone with CSE, have you ever
11	this deal about this issue they knew that history.	11	had the intention of directing a statement to an
12	But they had a contract that nobody knew about for 31	12	insurance company for the with the reasonable
14	million bucks, two years of which a four-year	13	expectation that they would rely upon what they read
14	contract, two years of which they knew Lance wasn't even going to be riding his bike, so this year and	14 15	in the paper to make their business decision?
16	next year, they're still spending the same amount of	15	A. No. I don't even make those statements to directly to Lance's sponsors. I direct the statement
17	money to sponsor the bike team that we own and	10	like that to people that I don't even know. People
18	operate, and Lance is going to be at the Tour de	18	that may have been influenced by something they read
19	France helping entertain guests. We are not going to	10	in the newspaper who were either fans or cancer
20	win the Tour de France this year, and they knew that	20	survivors or people that have a stake in the game,
	going in. They had an opportunity there in those 48	20	that we don't talk to every day, but those statements
121			
21			
22	hours to cancel the contract, to walk away, to come to	22 23	are certainly never intended to be directed at an insurance company, and they're not even meant to be
22 23	hours to cancel the contract, to walk away, to come to me and say, you know, we didn't really like the idea	23	insurance company, and they're not even meant to be
22	hours to cancel the contract, to walk away, to come to		

55 (Pages 1713 to 1716)

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	Page 1717		Page 1719
1	business meetings, on the telephone, over dinner and	1	Coca-Cola started in 2000 and these people all renewed
2	also in the day-to-day way we manage Lance and his	2	their contracts in the last year, amidst all of this.
3	contract and the promises we make. Those people make	3	Amidst the book that David Walsh published and
4	those decisions completely outside of any	4	everything, and they made commitments to Lance beyond
5	representations I might make in a press release or a	5	this year. Bristol-Myers Squibb is in until 2008.
6	public statement.	6	The Discovery Channel is in until 2007. We just did a
7	Q. You mentioned providing subjective contract	7	new contract for Lance that's three years long.
8	provisions with these sponsors in the event they	8	There's not one day of that contract that he'll be
9	didn't like something that might happen during the	9	riding his bicycle. So these people developed
10	course of the agreement. Give us you know, without	10	long-term partnerships, and those don't happen the
11	verbatim tell us typically what those provisions	11	fact that he's not a doper is part of it, but the fact
12	provide.	12	that they do business with us and we deliver on the
13	A. Well, it's the moral turpitude clause in the	13	promises we make over time and they know they can
14	contract, and it would say that if for instance,	14	trust us is the reason that he has these long-term
15	Discovery Channel team contract says something like if	15	partnerships.
16	Lance or any of the riders do something that would	16	Q. Tell us you mentioned Bristol-Myers
17	bring the Discovery Channel or any of its affiliates	17	Squibb. Tell us how persnickety they are about
18	into into a bad light or anything that would	18	pharmaceuticals and particularly prohibited drugs.
19	reflect poorly on them, that they have an option to	19	A. Well, there's actually been a rumor in
20	terminate the contract.	20	l'Equipe that the Bristol-Myers Squibb relationship is
21	Q. And is that	21	a pharmaceutical relationship with Lance and
22	A. And so it's really at their subjective	22	Bristol-Myers to produce performance enhancing drugs
23	discretion.	23	for them. But the truth of the matter is that if you
24	Q. Why would you no offense, but if you're	24	look at that category they have been over the last
25	aggressively representing Lance Armstrong, why would	25	five years just absolutely bombarded with negative
	Page 1718		Page 1720
1	you allow such a subjective analysis or provision to	1	public relations and Bristol-Myers Squibb, in
2	be put in one of your endorsement contracts?	2	particular, had an inventory stuffing issue two or
3	A. I think there's two reasons. One is there's		
		3	three years ago with the now existing CEO is one of
4	an issue out there that we all have to deal with when	4	three years ago with the now existing CEO is one of the youngest Fortune 500 CEOs and people thought he
4 5	an issue out there that we all have to deal with when we make a deal. There are people who say Lance is a	4 5	three years ago with the now existing CEO is one of the youngest Fortune 500 CEOs and people thought he was going to be gone.
4 5 6	an issue out there that we all have to deal with when we make a deal. There are people who say Lance is a doper. And so you need to give people a contractual	4 5 6	three years ago with the now existing CEO is one of the youngest Fortune 500 CEOs and people thought he was going to be gone. So there's been an enormous amount of
4 5 6 7	an issue out there that we all have to deal with when we make a deal. There are people who say Lance is a doper. And so you need to give people a contractual assurance that if I'm lying or Lance is lying or	4 5 6 7	three years ago with the now existing CEO is one of the youngest Fortune 500 CEOs and people thought he was going to be gone. So there's been an enormous amount of flux and change and paranoia at that company about
4 5 6 7 8	an issue out there that we all have to deal with when we make a deal. There are people who say Lance is a doper. And so you need to give people a contractual assurance that if I'm lying or Lance is lying or there's some big conspiracy, they can walk away.	4 5 6 7 8	three years ago with the now existing CEO is one of the youngest Fortune 500 CEOs and people thought he was going to be gone. So there's been an enormous amount of flux and change and paranoia at that company about their public image, and they have renewed with
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	Page 1721		Page 1723
1	paranoid of everyone around him so he would sit and	1	felt like he was lied to and since then he has been on
2	check my inbox to make sure I'm not doing anything	2	a mission to expose the sport. He's questioned every
3	that I shouldn't be.	3	big achievement, and the biggest one obviously being
4	There's one more really good one.	4	Lance and seven tours.
5	Q. That's all right. I think we have the	5	Q. Well, did Mr. Walsh interviewed
6	flavor.	6	Mr. Armstrong in 2001, did he not?
7	A. Just for the panel I consider l'Equipe a	7	A. Yes.
8	tabloid. They they have had a vendetta, very	8	Q. And in your in your relationship with the
9	clearly, against Lance since 1999. They are not	9	press, which is apparently fairly significant, in
10	unbiased, and I have experienced that firsthand	10	subject, you know, to prevailing journalistic
11	and they will write oh, the other one is these	11	standard, is it okay to pay people for quotes and so
12	right here, 60 million of these to save to fight	12	forth in this kind of a situation?
13	cancer. They reported that that money goes directly	13	A. In my opinion, that's tabloid. You don't pay
14	to Lance, not to his foundation, that he profiteers	14	people to say things. You don't pay people to tell
15	off of yellow wristbands.	15	you anything in an editorial or newspaper context, so,
16	That was not very funny.	16	no, I don't think that's okay.
17	Q. The	17	Q. And you know Mr. Walsh denied paying anyone
18	ARBITRATOR CHERNICK: If you're changing	18	associated with his book, and later when it was
19	subjects, can we take five minutes?	19	finally exposed, that he did pay Emma O'Reilly for her
20	MR. HERMAN: Sure, sure.	20	story?
21	ARBITRATOR FAULKNER: Five-minute	21	A. Yes. I know that when the book came out, he
22	facilities break.	22	got a tremendous amount of public, you know, sort of
23	(Recess 2:06 p.m. to 2:16 p.m.)	23	publicity about it. At the time he was asked at
24	ARBITRATOR FAULKNER: Mr. Herman, you	24	the time it was published he was asked, did you pay
25	still have your witness.	25	anyone. So at the time that it would have been the
	San nave your waress.	2,2	anyone. So at the time that it would have been the
	Dage 1722		Page 1734
4	Page 1722	4	Page 1724 most damaging, he denied it . Then he later admitted
1	Q. (BY MR. HERMAN) Mr. Stapleton, you had	1	most damaging, he denied it. Then he later admitted
2	Q. (BY MR. HERMAN) Mr. Stapleton, you had mentioned during your earlier testimony that, for	2	most damaging, he denied it. Then he later admitted it, which for me calls into question every witness in
2 3	Q. (BY MR. HERMAN) Mr. Stapleton, you had mentioned during your earlier testimony that, for example, the Discovery Channel did its own due	2 3	most damaging, he denied it. Then he later admitted it, which for me calls into question every witness in that book and whether they're lying about whether they
2 3 4	Q. (BY MR. HERMAN) Mr. Stapleton, you had mentioned during your earlier testimony that, for example, the Discovery Channel did its own due diligence on Walsh and was aware of your past or	2 3 4	most damaging, he denied it. Then he later admitted it, which for me calls into question every witness in that book and whether they're lying about whether they were paid or not. But he clearly did it with Emma
2 3 4 5	Q. (BY MR. HERMAN) Mr. Stapleton, you had mentioned during your earlier testimony that, for example, the Discovery Channel did its own due diligence on Walsh and was aware of your past or Lance's or Walsh's past history with Lance. Tell	2 3 4 5	most damaging, he denied it. Then he later admitted it, which for me calls into question every witness in that book and whether they're lying about whether they were paid or not. But he clearly did it with Emma O'Reilly.
2 3 4 5 6	Q. (BY MR. HERMAN) Mr. Stapleton, you had mentioned during your earlier testimony that, for example, the Discovery Channel did its own due diligence on Walsh and was aware of your past or Lance's or Walsh's past history with Lance. Tell us prior to, let's say, May or June of 2004, tell	2 3 4 5 6	most damaging, he denied it. Then he later admitted it, which for me calls into question every witness in that book and whether they're lying about whether they were paid or not. But he clearly did it with Emma O'Reilly. Q. In your just talking about your contact
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1	Page 1725 Q. Tell me tell me this, Mr. Stapieton, when	1	Page 1727
2	is the first time you had any idea that Mr. Walsh was	2	he was writing a book.
3	working on a book?	$\frac{2}{3}$	Q. And to your knowledge, were Johan Bruyneel or George Hincapie or Chris Carmichael or anyone
4	A. When I read the Sunday Times article	4	contacted any earlier than you were?
	June 14th, 2004, having asked him many times. He was	5	A. No.
	trying to get an interview with Lance. He contacted	6	Q. Did you become aware of Mr. Walsh doing an
	me by fax, May 19th or so, 2004. The fax came with no	7	interview on French radio?
1	cover sheet, no e-mail, no return fax, so I spent	8	A. Yes.
	three or four days trying to track him down. I had an	9	Q. And based upon your best recollection, can
	old e-mail address for him. I sent an e-mail to him,	10	you tell us when that was?
	I copied the sports editor of the Sunday Times, heard	11	A. It was early in the Tour 2004. I think it
	back from David. We have had a long, contentious	12	was I think it was Sunday night, the 4th.
	relationship with David.	13	Q. And what was the substance of or what
14	A period of a few weeks ensued where I	14	was what were some of the information, at least,
1	asked for the questions he wanted to ask Lance. I	15	that Mr. Walsh quoted or stated on during this
	asked him what he was writing, what his deadline was.	16	interview?
	He told me he needed to interview Lance within the	17	MR. TILLOTSON: Well, I would object as
18	next seven days because after that he was heading to	18	hearsay, for this witness to say what Mr. Walsh said
19	Euro 2004 Soccer Cup, I think it was in Portugal, and	19	on a French radio in light of the fact that Mr. Walsh
20	he would be unavailable at that point. I assumed the	20	is coming live. He can be asked what he said, unless
21	entire time that he was writing like he had in the	21	there's a transcript.
22	past for a Sunday Tour de France article. The Tour de	22	MR. HERMAN: It really doesn't have
23	France always starts on Saturday. That year it	23	anything to do with anything, because it has to do
	started on July 3rd. So I assumed he was writing an	24	with the allegations that SCA has made, but the issue
25	article for July 4th, and there was an interchange	25	of this what SCA has described as stunning,
 			
	Page 1726		Page 1728
	between David and I where I suggest that Lance has a	1	explosive, amazing, dark conversation that
	big race that he's preparing for.	2	Mr. Stapleton had with Mr. Andreu relates directly to
3	Q. Which was what?	3	this the statements that Mr. Walsh made. I mean,
4	A. The Dauphine, which is the biggest preTour de	4	I'm not offering them for the truth of the matter.
	France race in France. That we can either try to set	5	I'm offering them to show what it was the subject
	something up over the phone after that or even better,	6	of Mr. Andreu's conversation with Mr. Stapleton and
	sit down Lance arrives at the Tour usually on	7	Mr. Knaggs.
	Wednesday before the Saturday start and they could sit	8	ARBITRATOR FAULKNER: And that
	down and talk then, and I, of course, wanted to be	9	conversation occurs after this interview with Mr.
	there.	10	Walsh occurred on the French radio?
	Q. Well, Mr. Stapleton, if if just assume	11 12	MR. HERMAN: Yes.
	with me that Mr. Walsh began this book at the end of 2002, that he did all of his research and interviews	12	MR. TILLOTSON: If I may ask a clarifying question. Are you trying to lay some predicate for
	in 2003. Did Mr. Walsh indicate to you why it was	14	linking this to Mr. Stapleton's conversation with
	that lance Armstrong as the subject of the book	15	Mr. Frankie Andreu?
	he waited until six or seven days before his alleged	16	MR. HERMAN: Yes.
	deadline to even contact you?	17	MR. TILLOTSON: In that light, in that
1 - 1	A. He said he needed to do all of his research	18	context, since I plan on using that transcript, I
18			don't want to be precluded in any way from doing that,
18 19		14	
19	before he approached Lance for his interview, which	19 20	
19 20	before he approached Lance for his interview, which consisted of, as I remember, seven or eight questions	20	so I'll withdraw my objection and let you lay that
19 20 21	before he approached Lance for his interview, which consisted of, as I remember, seven or eight questions in total. That was Lance's opportunity to respond to	20 21	so I'll withdraw my objection and let you lay that foundation.
19 20 21 22	before he approached Lance for his interview, which consisted of, as I remember, seven or eight questions in total. That was Lance's opportunity to respond to all of he was not willing to put it in context	20 21 22	so I'll withdraw my objection and let you lay that foundation. ARBITRATOR FAULKNER: Okay. You can
19 20 21 22 23	before he approached Lance for his interview, which consisted of, as I remember, seven or eight questions in total. That was Lance's opportunity to respond to all of he was not willing to put it in context of of what it was when I asked him what he was	20 21 22 23	so I'll withdraw my objection and let you lay that foundation. ARBITRATOR FAULKNER: Okay. You can answer the question if you can remember it.
19 20 21 22 23 24	before he approached Lance for his interview, which consisted of, as I remember, seven or eight questions in total. That was Lance's opportunity to respond to all of he was not willing to put it in context	20 21 22	so I'll withdraw my objection and let you lay that foundation. ARBITRATOR FAULKNER: Okay. You can

58 (Pages 1725 to 1728)

Page 17291A. He said that Betsy Andreu, Frankle's wife,2was going was willing he was defending his book3and the sources in it, and he said that one of the4sources, Betsy Andreu, was willing to testify against5Lance in France and was one of the primary star6witnesses in this case in his book.7Q. And by this time had the proceedings, the8libel and slander proceedings in France been commenced9against la Martiniere?9Q. No, they had been commenced in the UK and11they were commenced in France after the Tour.12Q. What did what was the allegation that was13contained in the book or what was the story in the14book that Mr. Walsh had claimed that Ms. Andreu had15told him?16A. The story we have heard about the six people17plus Lance that were in an Indiana University hospital18room when he allegedly admitted to using performance19enhancing drugs.20Q. Now, those six people, again, are alleged to21Q. Lias Shiels.22Q. Now, those six people, again, are alleged to23A. And Lias Shiels.24Q. Lias Shiels.25Q. Did that strike you as odd?3A. That's right.25Q. Did that strike you as odd?3A. Yes. I mean, I was there there were three4or four there were two or three of us that were4or four there were two or	id it : to as hael e of the nse? s,
2 was going was willing he was defending his book 2 about the hospital room? 3 and the sources in it, and he said that one of the 4 Sources, Betsy Andreu, was willing to testify against 4 sources, Betsy Andreu, was willing to testify against 5 here tour I asked him about it, and he said that one of the primary star 6 Units case in his book. 6 MR. TILLOTSON: This I would object 7 Q. And by this time had the proceedings, the 6 hearsay if he's going to report what Mr. Carmichae 8 libel and slander proceedings in France been commenced 7 truth of the matter to disprove the occurrence 9 witnesses commenced in France after the Tour. 11 they were commenced in France after the Tour. 10 A. No, they had been commenced in the UK and 10 was been accused of strong arming som 11 they were commenced in France after the Tour. 11 ARBITRATOR FAULKNER: Any respo 12 Q. What did what was the allegation that was again, has been his conduct has been characte 15 told him? 13 ada has been his conduct has been characte 14 book that Mr. Walsh had claimed that Ms. Andreu had 14 ido or didn't happen, hut it doe	id it : to as hael e of the nse? s,
3 and the sources in it, and he said that one of the 3 A. I asked Lance about it obviously, when 4 sources, Betsy Andreu, was willing to testify against 5 5 Lance in France and was one of the primary star 6 6 witnesses in this case in his book. 6 7 Q. And by this time had the proceedings, the 6 8 libel and slander proceedings in France been commenced 7 9 against la Martiniere? 7 0 A. No, they had been commenced in the UK and 10 11 they were commenced in France after the Tour. 10 12 Q. What did what was the allegation that was 12 MR. HERMAN: Yes, if if this withree 13 contained in the book or what was the story in the 13 again, has been accused of strong arming som 14 A. The story we have heard about the six people 11 ARBITRATOR FAULKNER: Any responter 16 A. The story we have heard about the six people 13 again, has been accused of strong arming som 17 plus Lance that were in an Indiana University hospital 16 in cident, and I think he's entitled to say whe 17 pustaki and Betsy Andreu, Pag	id it : to as hael e of the nse? s,
4 sources, Betsy Andreu, was willing to testify against 4 before the tour I asked him about it, and he sa 5 Lance in France and was one of the primary star 6 mitnesses in this case in his book. 7 6 Witnesses in this case in his book. 7 Q. And by this time had the proceedings, the 1 8 lible and slander proceedings in France been commenced against la Martiniere? 7 hearsay if he's going to report what Mr. Carmide 9 against la Martiniere? A. No, they had been commenced in the UK and 1 they were commenced in France after the Tour. 1 11 they were commenced in France after the Tour. 10 A. No, they had been commenced in the UK and 11 12 Q. What did what was the allegation that was 12 MR. HERMAN: Yes, if if this witnes 13 contained in the book or what was the story in the 3 again, has been accused of strong arming som 14 book that Mr. Walsh had claimed that Ms. Andreu had 16 incident, and I think he's entitled to say whe 15 told him? 11 and has been his conduct has been characte 15 told him? 16 incident, and I think he's entitled to say whe <t< td=""><td>id it : to as hael e of the nse? s,</td></t<>	id it : to as hael e of the nse? s,
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6 witnesses in this case in his book. 6 MR. TILLOTSON: This I would object hearsay if he's going to report what Mr. Carmin supposedly said, it's clearly being offered for the truth of the matter to disprove the occurrence event. 8 libel and slander proceedings in France been commenced in the UK and against la Martiniere? 7 9 supposedly said, it's clearly being offered for the truth of the matter to disprove the occurrence event. 11 they were commenced in France after the Tour. 10 ARBITRATOR FAULKNER: Any respontence event. 12 Q. What did what was the allegation that was to contained in the book or what was the story in the book that Mr. Walsh had claimed that Ms. Andreu had to that Mr. Walsh had claimed that Ms. Andreu had to thim? 11 ARBITRATOR FAULKNER: Any respontence event. 16 A. The story we have heard about the six people to tolis prove this conduct has been character desperately looking for people to disprove this incident, and I think he's entitled to say whe it did or didn't happen, but it does prove state of mind, that that he had what he di it doesn't prove it didn't happen, but it does prove the sprove the soutid that being offered for the proof of whether the incident in hospital happened or not. 12 A. That's right. 24 ARBITRATOR FAULKNER: We are not the sprove the sprove the sout of my of the strict rules of evidence. I'm going to let you sprove the sprove it didn't happen, but it does prove the sprove it didn't happen or not. 24 Q. Lisa Shiels. And you were not included in that group, c	hael e of the nse? s,
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8 libel and slander proceedings in France been commenced against la Martiniere? 8 supposedly said, it's clearly being offered for the year output of the work of the matter to disprove the occurrence event. 10 A. No, they had been commenced in the UK and they were commenced in France after the Tour. 10 A. Ro, they had been commenced in the UK and they were commenced in France after the Tour. 11 A. No, they had been commenced in the UK and they were commenced in the book or what was the story in the book that Mr. Walsh had claimed that Ms. Andreu had told him? 11 A. The story we have heard about the six people to disprove the disprove this incident, and I think he's entitled to say whe in cident in the book or when he allegedly admitted to using performance to manching drugs. 16 A. The story we have heard about the six people enhancing drugs. 16 16 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11 11	e of the nse? s,
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 22 Carmichael, Stephanie McIlvain? 23 A. And Lisa Shiels. 24 Q. Lisa Shiels. And you were not included in 25 that group, correct? 26 Page 1730 1 A. That's right. 27 Q. Did that strike you as odd? 3 A. Yes. I mean, I was there there were three 4 or four there were two or three of us that were 22 offered for the proof of whether the incident in hospital happened or not. 23 hospital happened or not. 24 ARBITRATOR FAULKNER: We are not the strict rules of evidence. I'm going to let you the strict rules of evidence. I'm going to let you the strict rules of evidence and focus a little bit more goal, please? 24 A. Thet's right. 25 Did that strike you as odd? 26 Did that strike you as odd? 27 A. Yes. I mean, I was there there were three 47 A. There were two or three of us that were 28 A. Yes. I'm trying to move it 	land
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4 or four there were two or three of us that were 4 MR. HERMAN: I'm trying to move i	e on that
5 there the entire time he was sick so, yes, it struck 1.5 direction, Mr. Chairman.	i that
6 me as odd, but certainly within the realm of 6 ARBITRATOR FAULKNER: Okay.	h. 1744
7 possibility that they could have been in a room that I 7 Q. (BY MR. HERMAN) So as of as of Ju 8 wasn't in.	
9 Q. And had you ever up until somewhat 9 how many of the six people that are alleged l 10 recently did you believe at the time that that the 10 Mr. Walsh to have been in this room had you	
10recently did you believe at the time that that the10Mr. Walsh to have been in this room had you11incident described actually did just involve those11A. Well, there were seven people in the r	
12 six people?	JUIII
13 A. Yes. 13 Q. And when did you talk to Mr. Andreu?	,
14 Q. Okay. Now, you are in you're in France at 14 A. I don't remember the exact date.	
15 the Tour de France on July 4th when you hear this 15 Q. It would have been during the Tour de	,
16 interview, whatever, correct? 16 A. Yes, it was it was before maybe t	
17 A. Uh-huh. 17 12th.	France?
18 Q. Then is Mr. Carmichael at the Tour de France? 18 Q. Okay. Was Mr. Andreu at the Tour de	France?
19 A. Yes. 19 anyway?	e France? le
20 Q. Mr. Armstrong is obviously at the Tour de 20 A. Yes, he was broadcasting for Outdoor	e France? le
21 France? 21 Network.	France? ie France,
21Network.22A. Yes.22Q. So you became aware of this allegation	France? ie France,
23 Q. Did you ask what, if anything, did you ask 23 mid-June. You became aware of Walsh's integrated	France? ie France, Life
24 Carmichael and Armstrong about this alleged 24 July 4th, and as of July 12th, including Franki	France? Ie France, Life
25 allegation I mean, or this that would be 25 Andreu, you had talked to three people?	France? France, Life n in rview
	France? France, Life n in rview

	Page 1733	1	Page 1735
1	A. Uh-huh.	1	again. Walsh said that Betsy talked to him and that
2	MR. HERMAN: Now, if you would pull up	2	Frankie says she did not tell David Walsh about the
3	Respondents' Exhibit 24, please. Go to the last	3	hospital room. I know that for sure. Do you see
4	page, please, Lynn. Down a little bit further. There	4	that?
5	you go.	5	A. Yes.
6	No, go down about five more lines,	6	Q. And then down at the bottom of that page
7	please.	7	Frankie says he's claiming that he has a tape thing
8	Q. (BY MR. HERMAN) Now, did you know did you	8	with Betsy saying that; he lied.
9	know that Mr. Armstrong was going to let Mr. Andreu	9	Did Mr. Andreu ever change his view that
10	know that you were going to talk to him?	10	David Walsh was lying when he was on the radio?
11	A, Yes.	11	A. No.
12	Q. Now, Mr. Tillotson has implied that that	12	Q. Did apparently at least from this
13	Mr. Armstrong was gave him a warning or that you	13	transcript that's on that's reflected on
14	guys were going to give him a warning. What does that	14	Respondents' 24, Mr. Armstrong never asked Mr. Andreu
15	language mean there that after Frankie says, no, he	15	not to speak with Walsh or threatened him in any way,
16	was super nice, you know. He was fine. He was	16	did he?
17	perfect. He was like normal Lance. And I I	17	A. No.
18	appreciate you calling me up to say that you guys were	18	Q. In fact, on page 1 it says, Lance told me to
19	going to come by and talk to me, giving me a warning.	19	talk to Walsh, and then I think over on page on
20	Was that referencing that you were going	20	page 4 at the bottom, it's clear that Lance has
21	to threaten him in some way?	20	
22	A. No. I think Lance called him and said I	22	encouraged Frankie to talk and share whatever he
22			wanted to with Walsh; is that right? A. That's correct.
	wanted to talk to him.	23	
24	Q. He's referring to a conversation he had with	24	Q. Now, did you did you describe to
25	Lance about giving him a heads up or a warning that	25	Mr. Andreu what what Mr. Walsh had said in the
	Page 1734		Page 1736
1	Page 1734 you guys were going to call him, right?	1	Page 1736
1	you guys were going to call him, right?	1	interview?
2	you guys were going to call him, right? A. That's right.	2	interview? A. Yes.
2 3	you guys were going to call him, right? A. That's right. Q. Now, what was your objective in talking to	2 3	interview? A. Yes. MR. HERMAN: Turn to page 3, please,
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60 (Pages 1733 to 1736)

	Page 1737		Page 1739
1	A. No.	1	I was attempting the find people that were either in
2	MR. HERMAN: So if you would go over to	2	the book or sources for the book that would dispute
3	page 6, please, Lynn, about eight or ten lines down.	3	what he said they had said, and it was particularly
4	Q. (BY MR. HERMAN) When you say, so you know,	4	discouraging to know that Frankie's wife, who Lance
5	I'd appreciate it if she would really think about	5	rode with for a number of years, who Lance had been
6	taking the position it sounds like she's in right now,	6	friends with, was said to have been a source, a
7	which is I didn't say that to him, so we could we	7	primary source for the book and someone that David
8	need the best result for all of us. What were you	8	Walsh said was going to come testify against him. So
9	what does that mean?	9	I went and had a conversation with Frankie about it.
10	A. It means that I felt like I had learned from	10	ARBITRATOR LYON: May I ask you right
11	Frankie that her position was that she wasn't a source	11	here, is this just a conversation that he or is
12	for Walsh and she wasn't going to testify against	12	this a telephone conversation?
13	Lance, and if that's where she was, then a statement	13	THE WITNESS: No, he had a wire on.
14	to that effect would be helpful.	14	ARBITRATOR LYON: He had a wire on?
15	Q. Okay. And did you did you offer to help	15	THE WITNESS: Or somehow taped it. I
16	draw something up that was consistent with the	16	didn't know it until this lawsuit, but I'm comfortable
17	position that Ms. Andreu had already taken?	17	with what is in here. I don't I don't threaten to,
18	A. Yes.	18	you know, create a holy war if his wife doesn't do
19		19	
	MR. HERMAN: If you look at the bottom of		what I say, which is how they've characterized me. I
20	page 2, please, Lynn.	20	went and had a conversation. I laid out what our
21	Q. (BY MR. HERMAN) You say, we could draw up	21	position was, which was we were about to have a war
22	something for you to look at. She could help. What	22	with David Walsh that we are obviously still having,
23	did you have in mind?	23	and it was concerning that his wife was was a
24	A. That we could draw something up that she	24	source and said she was going to testify against him.
25	could consider that was consistent with what her	25	And remember that this is also at a time
		——	
	Page 1738		Page 1740
1	Page 1738 position was, that would be helpful, if she would sign	1	Page 1740 when his book is getting megapublicity because Lance
1 2	-	1 2	-
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Page 1741		Page 1743
conversation is it true, what happened in the is	1	submission that the fact that there were no takers and
Betsy saying it's true. My only issue in this	2	that you were repeatedly told that you would not like
conversation was if she's willing right now to go on	3	what you would hear about the hospital room would be
• • • –		proven by e-mails to and from Mr. Stapleton. Do you
<i></i>	-	recall that?
		A. I remember reading that, yes.
		MR. HERMAN: I'm sorry, I didn't write
-		the exhibit number down here. 110. Would you put up
		Claimant's 110?
		Q. (BY MR. HERMAN) Can you identify what
		Claimant's Exhibit 110 is?
that it happened or that I know that it happened and	12	A. That's an e-mail from Lisa Shiels Bella who
I'm agreeing with them. I just said right. Got it.	13	was Lisa Shiels back in 1996 and who's now Lisa Shiels
	14	Bella.
	15	MR. TILLOTSON: I will object to this
		e-mail on two grounds, one is it again contains
		hearsay statements from one of the participants in an
		effort to disprove the truth of the matter asserted.
		Second of all, we weren't provided with this e-mail
•		until the Saturday before the arbitration. I know
		•
		there's other e-mails out there that exist between
		this witness and other people to that conversation or
· · ·		that incident, because we have been able to locate one
		that we did make an exhibit, but I do not believe that
a statement from his wife, Betsy?	25	all the e-mails related to this matter have been
+	1	Page 1744 produced and we have no assurances they have been
		produced, so I would object to this particular
		document on that basis.
		MR. HERMAN: Your Honor, if we are into
		things not being admissible because all the e-mails
		haven't been produced, we have testimony from
		Mr. Compton that eight to ten boxes of e-mails were
	8	printed and we didn't get a single one. But, Your
was reported.	9	Honor, this is directed at the allegation
Well, now, the book had been out for	10	Mr. Stapleton was desperately seeking people out being
almost a month as of the same you had you had had	11	told that and it refers specifically to the
your conversations with Frankie. Had you talked to	12	allegations contained in the in SCA's brief that
	13	but he can prove it up, because it's his e-mail, it
A. I don't think so.	14	came off of his computer and I'm happy to go through
Q. Had you attempted even to contact Lisa Shiels	15	that drill, but given the sort of the wide range of
or Stephanie McIlvain?	16	e-mails that are already in the record I didn't expect
		to be running into this kind of, you know,
A No	117	
A. No. O. Or Page Carmichael?	17	
Q. Or Page Carmichael?	18	authentication issue.
Q. Or Page Carmichael? A. No.	18 19	authentication issue. MR. TILLOTSON: I'm objecting on
Q. Or Page Carmichael? A. No. Q. Now, SCA has also alleged that there were no	18 19 20	authentication issue. MR. TILLOTSON: I'm objecting on authentication. I'm objecting on hearsay, and I'm
Q. Or Page Carmichael?A. No.Q. Now, SCA has also alleged that there were no takers and Mr. Stapleton was repeatedly told that he	18 19 20 21	authentication issue. MR. TILLOTSON: I'm objecting on authentication. I'm objecting on hearsay, and I'm also objecting regarding the way in which this
 Q. Or Page Carmichael? A. No. Q. Now, SCA has also alleged that there were no takers and Mr. Stapleton was repeatedly told that he would not like what he would hear. Did anybody tell 	18 19 20 21 22	authentication issue. MR. TILLOTSON: I'm objecting on authentication. I'm objecting on hearsay, and I'm also objecting regarding the way in which this document was produced. We did ask for e-mails related
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 Q. Or Page Carmichael? A. No. Q. Now, SCA has also alleged that there were no takers and Mr. Stapleton was repeatedly told that he would not like what he would hear. Did anybody tell 	18 19 20 21 22	authentication issue. MR. TILLOTSON: I'm objecting on authentication. I'm objecting on hearsay, and I'm also objecting regarding the way in which this document was produced. We did ask for e-mails related
	I'm agreeing with them. I just said right. Got it. Let's move on to what I'm here for, which is to talk about whether she's a source and said she's going to testify. Q. Now, SCA has told the panel that they would hear explosive testimony about how Mr. Stapleton sought to pressure Frankie Andreu. Did you seek to pressure Frankie Andreu to do anything? A. No, and I would ask the panel to read this from start to finish and make your own determination about whether I'm pressuring Frankie here. Q. Did you ever pressure Frankie into obtaining a statement from his wife, Betsy? Page 1742 A. To the extent that that's pressuring, yes. But, no, I didn't. That's not pressuring someone to do something when I say maybe we can craft something that she would be comfortable with. Q. Now, you have also SCA has also said that at the time of the publication of LA Confidential Mr. Stapleton desperately sought out witnesses to the incident and asked them for statements denying what was reported. Well, now, the book had been out for almost a month as of the same you had you had had	nights ago on the radio and it's not true what he5said, that would have been helpful to the sort of6public relations battle we were in about the book.7That's all. I wasn't there to question whether the8story in Indiana University happened to not, and they9characterized my when he says something about the10hospital and I say, right as if I've assented to11that it happened or that I know that it happened and12I'm agreeing with them. I just said right. Got it.13Let's move on to what I'm here for, which is to talk14about whether she's a source and said she's going to15testify.16Q. Now, SCA has told the panel that they would17hear explosive testimony about how Mr. Stapleton18sought to pressure Frankie Andreu. Did you seek to19pressure Frankie Andreu to do anything?20A. No, and I would ask the panel to read this21from start to finish and make your own determination22about whether I'm pressuring Frankie here.23Q. Did you ever pressure Frankie into obtaining24a statement from his wife, Betsy?25Page 17424A. To the extent that that's pressuring someone to2do something when I say maybe we can craft something3that she would be comfortable with.4Q. Now, you have also SCA has also said that5at the time of the publication of LA Confidential6Mr. Stapleton desperately sought out witnesses

62 (Pages 1741 to 1744)

Page 174Page 1741them a month or so bofore that hearing saying, we wantthis read quick, gentlemen, and then we will deal with1diffees things. Nothing is produced. The Saturdaythe next issue.3before the proceeding, this e-mail shows up from(Discussion held among the panel5particular event.(Discussion held among the panel7MR. BEEN: IMY response to that would be(Discussion held among the angli to a bit is the following: We are going to permit you to a void rife - conduct a voir dired about the10I don't believe it was the Saturday before, number(Discussion held among the panel11one. Number two, I think Mr. Stapleton can explain(Discussion held among the panel12why after Mr. Armstrong's deposition, and the panel(Discussion held among the panel and your - you know, al least satisfy13went on up until the day before we started this, all(Discussion held among the panel and your - you know, al least satisfy14went on up until the day before we started this, all(Discussion held among the panel and your - you know, al least satisfy15on a roster of what was produced when, including, for(Discussion held among the panel and your - you know, al least satisfy16on a roster of what was produced when, including, for(Discussion held among the panel and your - you know, al least satisfy16on a roster of what was produced when, including, for(Discussion held among the panel and your - you know, al least satisfy17matter and has not yues teally the wee through(Discussion held among the panel and your - you know, al lea			-	
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21ARBITRATOR FAULKNER: Believe me, the 22 panel is well aware of the volume of e-mails. My last count was it's approaching 400 just to me. 2321finished with the witness. 2424MR. TILLOTSON: Mr. Chairman, all I want 2522MR. TILLOTSON: Okay, thank you. 2325MR. TILLOTSON: Mr. Chairman, all I want 2424Q. (BY MR. HERMAN) Mr. Stapleton, what is the source of Claimant's Exhibit 110? Where did you get26Page 174624Q. (BY MR. HERMAN) Mr. Stapleton, what is the source of Claimant's Exhibit 110? Where did you get27matter and has not just selected certain ones in response to whatever allegation 41it?4ARBITRATOR FAULKNER: Let's inquire about 41it?5Mat. First of all, have you all gone through or had your witnesses go through, find and produce whatever e-mails may be - relate to the testimony of these witnesses and2A. It's where did I get it? Where did I find it?1MR. BREEN: We have.1it?210MR. BREEN: We have.10and are -mails before then. There are two e-mails that have been produced here prior to that, both of which I would have been happy to produce, but this one will see later this one was printed and put in an 1212Furnished to opposing counsel?12ESPN media file because she e-maile about an ESPN reporter that was trying to contact her. So I printed it and put it in that file, didn't realize it was in to vol'll remember there have been a wide variety of the hospital room, you bet.2013And I would just point out, if the panel would like		· -		
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	Page 1749		Page 1751
	A. Yes.	12	says, I'm sorry, Justine
2	Q. But you were unable to the recover those?	3	Q. (BY MR. HERMAN) Ms. Shiels replies on
3	A. That's right.		July 20th, I'm sorry, Justine, but I don't remember
4	Q. Because they were in 2004 as well?	4	that particular conversation.
5	A. Right. Although those I want to be clear.	5	Had you spoken to Ms. Shiels?
6	Those may have been printed. I don't know how those	6	A. No.
7	got preserved. I may have printed those because they	7	Q. Had Mr. Armstrong is at the Tour de
8	would have been media related as well.	8	France; obviously he hadn't. Anyone else that you
9	ARBITRATOR FAULKNER: Mr. Herman, I'm	9	know of, at least, that had spoken to her at that
10	noting that it's about five minute of 3:00, and we	10	time?
11	know that one of the panel members needs to leave	11	A. No.
12	about 3:00. If you'll just let us know where you have	12	MR. HERMAN: Then if you go to the top
13	a good point to break, then we will go ahead and break	13	of page 2, please, Lynn.
14	for the day at that point.	14	Q. (BY MR. HERMAN Did you suggest or request
15	MR. HERMAN: All right. Let me just	15	that Ms. Shiels reply to Ms. Gubar that she didn't
16	let me go through this e-mail.	16	think there was a conversation as has been alleged
17	Q. (BY MR. HERMAN) Did you even contact Lisa	17	here and then says, do you really think the doctors
18	Shiels at all prior to July 21st of 2004?	18	would ask that type of question in front of all those
19	A. No.	19	people, et cetera, et cetera? In summary, did you do
20	Q. Well, you knew that she was one of the people	20	anything to solicit this e-mail from Ms. Shiels?
21	that was supposed to be in this room?	21	A. No. You'll
22	A. Yes.	22	Q. Did you do anything to elicit her
23	Q. Why if you were so desperate to find out	23	recollections as reflected in the e-mail?
24	and to convince people to deny that it happened, why	24	A. No.
25	hadn't you contacted her?	25	Q. Now, just before we break here, tell us if
1			
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	Page 1750		Page 1752
1	A. I wasn't desperate.	1	you recreated the events in the Indiana Hospital and
2	A. I wasn't desperate.Q. Had you contacted Stephanie McIlvain?	2	you recreated the events in the Indiana Hospital and what happened. Just tell the panel that real quick.
2 3	A. I wasn't desperate.Q. Had you contacted Stephanie McIlvain?A. No. I did contact her later in the year.	2 3	you recreated the events in the Indiana Hospital and what happened. Just tell the panel that real quick. A. Well, after after Lance's deposition and
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64 (Pages 1749 to 1752)

	Page 1753		Page 1755
	becomes clear to me what day and time and place that	1	(Proceedings adjourned at 3:02 p.m.)
2	Betsy is referring to, and I was there.	2	
3	Q. So instead of six people being there, there	3	
	were nine people there?	4	
5	A. At least nine, yes.	5	
6	Q. Okay. And did the conversation that has been	6	
7	alleged by SCA, did that occur?	7	
8	A. No. And it just defies logic that it	8	
9	would three days after brain surgery, that his	9	
	medical history wouldn't have already been taken.	10	
	But, no, it didn't happen.	11	
12	Q. Did anyone that you contacted did you give	12	
	them a story with which they disagreed?	13	
14	A. No.	14	
15	Q. And did you engage in any stunning or	15	
	explosive or dark or alarming conduct in in	16	
	contacting anyone who was allegedly there?	17	
18	÷, •,		
	A. No.	18	
19	MR. HERMAN: I'm at a stopping point, and	19	
	I've probably got, you know, a little while left but	20	
	not much.	21	
22	ARBITRATOR FAULKNER: Anything else we	22	
	need to deal with?	23	
24	MR. TILLOTSON: Just for purposes of	24	
25	planning I don't need to voir dire this witness	25	
	Page 1754		Page 1756
1	regarding the e-mails. I accept his representation	1 2	STATE OF TEXAS) COUNTY OF DALLAS)
	regarding the server, so I withdraw my objection on	3	
	that basis.	4	I, Nancy P. Blankenship, Certified Shorthand
4	ARBITRATOR FAULKNER: Anything else we	5	Reporter, in and for the State of Texas, certify that
	need to deal with?	67	the foregoing proceedings were reported stenographically by me at the time and place
6	ARBITRATOR LYON: Is this your last	8	indicated.
7	witness?	9	Given under my hand on this the 31st day of
8	MR. HERMAN: Yes.	10	January, 2006.
9	ARBITRATOR FAULKNER: Okay.	11	
10	MR. HERMAN: Let me qualify that. I	12 13	
11	don't know I've designated some depo excerpts, but	13	
	I don't think that, you know, we need to play them. I	- '	Nancy P. Blankenship, Certified
13	mean, I'll submit them to panel. I don't really know	15	Shorthand Reporter No. 7351
14	if I probably designated more than I would have,		in and for the State of Texas
15	because I don't know what he's going to do with the	16	Dickman Davenport, Inc.
16	depositions. I haven't gotten his page and line	17	Firm Registration #312 1010 Two Turtle Creek Village
17	designations.	-'	3838 Oak Lawn Avenue
18	ARBITRATOR CHERNICK: We prefer to read	18	Dallas, Texas 75219
19	rather than look, unless there's something visual that		214.855.5100 800.445.9548
20	needs to be seen.	19	e-mail: npb@dickmandavenport.com
21	MR. HERMAN: Okay.	20	My commission expires 12-31-06
	ARBITRATOR FAULKNER: Reading is	21	
22	-	22	
22 23	Infinitely easier		
23	infinitely easier.	23	
	Anything else, guys, before Mr. Chernick leaves? If not, 9:00 a.m. Monday morning.		