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1 IN THE MATTER OF AN ARBITRATION
2 BETWEEN
3 LANCE ARMSTRONG and §
4 TAILWIND SPORTS, INC. §
5 §
6 Claimants, § ARBITRATION BEFORE THE
7 § HONORABLE RICHARD
8 VS. § FAULKNER, RICHARD
9 § CHERNICK AND TED LYON
10 SCA PROMOTIONS, INC. and §
11 HAMMAN INSURANCE SERVICES, §
12 INC. §
13 §
14 Respondents.
15
16 ARBITRATION
17 TRANSCRIPT OF PROCEEDINGS
18 JANUARY 17, 2006
19 VOLUME 10
20 CONFIDENTIAL
21
22 On the 17th day of January, 2006, at 9:05
23 a.m., the arbitration in the above proceedings came on
24 before Arbitrators Richard Faulkner, Richard Chernick
25 and Ted Lyon, at the offices of Richard Faulkner,
12655 North Central Expressway, Suite 810, in the City
of Dallas, County of Dallas, State of Texas.

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1 A P P E A R A N C E S
2 FOR THE CLAIMANTS:
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14
15 FOR THE RESPONDENTS:
16 Mr. Jeffrey M. Tillotson
17 Mr. Cody L. Towns
18 LYNN TILLOTSON & PINKER, L.L.P.
19 Suite 1400
20 750 North St. Paul Street
21 Dallas, Texas 75201
22 ALSO PRESENT:
23 Ms. Mariela Evora
24 Mr. Chris Compton
25 Mr. John Bandy
Mr. Robert Hamman
Mr. Michael Ashenden
Ms. Lynn G. Bone
Mr. Jeffrey Dorough
Mr. Joe Longley
Mr. Bill Stapleton
Mr. Lawrence Temple
Ms. Marianne Ross

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3 ROBERT HAMMAN
4 FURTHER CROSS-EXAMINATION BY MR. HERMAN 2073
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11 CLAIMANTS'
12 EXHIBITS I D E N T I F I E D
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14 140 - Excerpts from Response to Claimant's
15 Motion on Scope of Issues 5/4/05 2085
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1 PROCEEDINGS
 2 ARBITRATOR FAULKNER: Let's go ahead and
 3 get underway. Let's see. Do we have another witness,
 4 or did you want to take up the issue of your English
 5 subpoena first?
 6 MR. TILLOTSON: If we could, maybe and go
 7 ahead -- well, tentatively, I would say, address that
 8 because of the time in --
 9 ARBITRATOR FAULKNER: The time. Yeah.
 10 It's about 3:00 there right now.
 11 MR. TILLOTSON: I'll preface my
 12 discussion of it -- I have not been able, since we
 13 adjourned yesterday, to reach our London counsel, so I
 14 don't have any more information than I had yesterday.
 15 ARBITRATOR FAULKNER: Do you have copies
 16 to give the Panel? Why don't you take a look at this.
 17 I only have one potential change that I'm interested
 18 in. Senator, why don't you take a look at that.
 19 ARBITRATOR LYON: It's fine with me.
 20 ARBITRATOR FAULKNER: The only thing I'm
 21 looking at changing is this "insert alleged."
 22 ARBITRATOR CHERNICK: Oh, sure.
 23 ARBITRATOR FAULKNER: Okay. It's the
 24 only change I'd -- (indicating.)
 25 ARBITRATOR LYON: Yeah. That's about the

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1 same thing it was before. Have we gotten any kind of
 2 brief or anything from your British counsel that says
 3 you've got to have this kind of language in it?
 4 MR. TOWNS: We had not briefed.
 5 ARBITRATOR FAULKNER: This has some of
 6 the changes that I've made in the past. I want to
 7 change to section -- let me see. What do you call it?
 8 It's on page two, Section 7-D to insert the word
 9 "alleged" before "use," and then I'm prepared to sign
 10 it. Here, why don't you just pass this down.
 11 ARBITRATOR CHERNICK: Ted, the -- the
 12 issue of the English counsel's statement was really
 13 going to the futility of having been able to get a
 14 deposition -- discovery deposition, as opposed to
 15 testimony for the hearing.
 16 ARBITRATOR LYON: Well, I still -- on the
 17 record, I personally object to the inflammatory nature
 18 of this subpoena without some -- I mean, they've been
 19 telling us all along that they're good lawyers, but
 20 they're English Barristers, that they've got to have
 21 this kind of language in here, and I don't think you
 22 can -- you need to have it in there, so I'm not in
 23 favor of the subpoena.
 24 ARBITRATOR FAULKNER: Okay. I'm prepared
 25 to sign it with the change I have indicated to you.

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1 If you will get it taken care of and then back to me
 2 this morning -- it is about 3:00 in London right now,
 3 and, you know, you can probably e-mail it over to your
 4 English counsel, overnight it as you need.
 5 So the sooner you get that taken care of,
 6 the quicker it will get signed.
 7 MR. TOWNS: Very good. Thank you.
 8 ARBITRATOR FAULKNER: And you guys have a
 9 copy?
 10 MR. HERMAN: Yes, we do. I share Senator
 11 Lyon's sentiments, but I've already stated that on the
 12 record before when they submitted it the other time,
 13 that my concern is, we need to get this done Friday if
 14 we're going to do it. That's my concern.
 15 And so we need some assurance that --
 16 that -- that we're going to get this done within the
 17 time allotted for this hearing.
 18 MR. TOWNS: I -- I don't oppose changing
 19 it to Friday on the hope that that gives her enough
 20 time. Of course, we don't control her. She can
 21 object -- oppose if she doesn't feel that that's
 22 enough time. I will be happy to do it on Friday.
 23 ARBITRATOR FAULKNER: Okay. Change it to
 24 Friday.
 25 ARBITRATOR LYON: Let me ask you a

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1 question. Let me ask you a question, Mr. Chairman.
 2 Can I ask?
 3 ARBITRATOR FAULKNER: Yes, certainly.
 4 ARBITRATOR LYON: You've got it there for
 5 Monday. I mean, did you check with anybody to see if
 6 everybody's available on Monday?
 7 MR. TOWNS: I did not. The last I talked
 8 with her counsel, he indicated to me that she would
 9 not tell us what dates were good for her, that she
 10 would not, through him, cooperate in any way. So at
 11 that point there didn't seem to be any dialogue going
 12 back and forth about what dates were good for her, so
 13 I selected a date that I thought would be the most
 14 convenient based on the scheduling and the way things
 15 were going for the Panel and parties that are here.
 16 ARBITRATOR CHERNICK: Which is what,
 17 Friday?
 18 MR. TOWNS: Monday.
 19 MR. CHERNICK: Monday next?
 20 MR. TOWNS: Monday next. Although, as I
 21 say, I will be happy to do it on Friday if -- as long
 22 as she doesn't say that's too little time.
 23 ARBITRATOR FAULKNER: Are we -- are we
 24 planning to be in session on Monday next?
 25 MR. TILLOTSON: Why don't we just change

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1 it to Friday, and we'll go from there.
 2 ARBITRATOR FAULKNER: Let's change it to
 3 Friday in the effect that she is completely
 4 unavailable and we have to deal with any resistance to
 5 the subpoena. Then we'll deal with it on Friday.
 6 Just let us know as soon as you-all do if there is a
 7 problem with it.
 8 ARBITRATOR LYON: Speaking of Friday, are
 9 you going to fly back?
 10 ARBITRATOR CHERNICK: Yeah. I have an
 11 obligation to be at a meeting in Las Vegas Friday
 12 evening and at 2:00 Friday afternoon a conference call
 13 in another case that I can't control because I'm not
 14 Chair.
 15 And what we talked about was essentially
 16 going straight through from 9:00 to 2:00 on Friday
 17 with a very brief lunch break to get all the time in
 18 that we need. It's really not an issue of not having
 19 enough time because according to Mr. Tillotson's
 20 resume of what he plans to do, there's plenty of time
 21 if everybody conducts reasonable examination of these
 22 witnesses.
 23 The issue really is when, for example,
 24 Ms. O'Reilly is going to be required to appear.
 25 Obviously with the time difference, you're going to

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1 want to do that early in the morning our time so that
 2 it's late afternoon her time, I would assume.
 3 MR. TOWNS: I would propose because we
 4 will also have to be at the video conference center to
 5 do it, that we do -- that we start here at 9:00 our
 6 time and at 3:00 her time.
 7 ARBITRATOR CHERNICK: Uh-huh. That's
 8 fine. The video conference center?
 9 MR. TILLOTSON: Or 8:00.
 10 ARBITRATOR CHERNICK: We can't do 8:00
 11 because Mr. Faulkner is in another arbitration.
 12 ARBITRATOR FAULKNER: I have a -- I have
 13 another conference call in another arbitration that
 14 I'm not chairman of, so unfortunately I was not
 15 blessed with when we would be conducting the
 16 conference call.
 17 ARBITRATOR LYON: Where is the video
 18 conference center?
 19 MR. TILLOTSON: It's the same one we've
 20 done our depositions at previously Downtown.
 21 ARBITRATOR LYON: Well, we need to be
 22 furnished with an address.
 23 ARBITRATOR FAULKNER: It's on Roesner
 24 Street -- or Roesner Square, I believe. And I can be
 25 back here on Monday if somebody tells me far enough in

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1 advance that I have to be.
 2 MR. TILLOTSON: Well, I mean, I will
 3 throw this out. We can consider if there's problems.
 4 Because it's video conference, you can literally be
 5 anywhere and watch the testimony. You can be in Los
 6 Angeles. They can hook that in -- as many people as
 7 possible. Mr. Herman can be in Austin.
 8 So it's not terribly smooth that way, but
 9 it is possible if people can't be somewhere. That
 10 this is scheduled for Monday or Tuesday at 9:00 a.m.,
 11 then people can be in their respective hometowns
 12 wherever they are.
 13 ARBITRATOR FAULKNER: Okay.
 14 MR. TILLOTSON: I'm not saying that's the
 15 preferred option, but as a last resort, that is.
 16 We'll shoot for Friday. We'll provide the address to
 17 where it is.
 18 ARBITRATOR CHERNICK: And if there's
 19 nothing else happening in the States on Monday and
 20 that's the case --
 21 MR. TILLOTSON: Then it can be Monday, as
 22 well.
 23 ARBITRATOR CHERNICK: -- that would --
 24 that would be fine for my schedule.
 25 ARBITRATOR FAULKNER: And Monday is open

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1 for me, as well. I don't know about you gentlemen.
 2 MR. HERMAN: I haven't checked, so I
 3 don't know.
 4 ARBITRATOR FAULKNER: Okay. If we need
 5 to make other arrangements, guys, we're expecting the
 6 likelihood or briefing from you-all and things like
 7 that, so we can make appropriate arrangements to
 8 entertain this so that everybody has a fair
 9 opportunity to present their case as they will and a
 10 fair opportunity to cross-examine. We're fully aware
 11 of that.
 12 So any other matters? Mr. Towns, you're
 13 taking care of making the amendment.
 14 MR. TOWNS: Yes, sir.
 15 ARBITRATOR FAULKNER: And then who is
 16 going to be the next one on y'all's side, or is he
 17 needing to do the next witness?
 18 MR. TILLOTSON: No, no. My understanding
 19 was that Mr. Herman wanted to re-call Mr. Hamman. If
 20 that's true --
 21 MR. HERMAN: Oh, yeah. I can do it now,
 22 or you can put your witness on.
 23 MR. TILLOTSON: I'd prefer to get it over
 24 with so you can, quote/unquote, present your case and
 25 we can get done --

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1 MR. HERMAN: Could we have -- could we
2 have just a couple of minutes so I can visit with
3 Mr. Tillotson about an issue?
4 ARBITRATOR FAULKNER: Okay. Why don't
5 y'all go ahead and take of that. We'll be in recess
6 for five minutes.
7 (Break from 9:12 a.m. to 9:22 a.m.)
8 ARBITRATOR FAULKNER: Mr. Hamman, you
9 were sworn earlier in the proceeding. Does anybody
10 have an objection to -- okay. Let's proceed, then.
11 ROBERT HAMMAN,
12 having been previously duly sworn, testified as
13 follows:
14 FURTHER CROSS-EXAMINATION
15 BY MR. HERMAN:
16 Q. Mr. Hamman, you obviously do realize you're
17 still under oath. You testified twice earlier in this
18 proceeding; correct?
19 A. Yes.
20 Q. I just have a couple of questions for you.
21 You -- I asked you, I believe, in your
22 deposition whether you had any information that
23 Mr. Armstrong engaged in any prohibitive conduct
24 during 2001, 2002, 2003.
25 MR. HERMAN: Would you cue up page 114 of

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1 Mr. Hamman's deposition.
2 Q. (By Mr. Herman) I'm asking you directly: Do
3 you have any information. You answered, we do not;
4 correct?
5 A. Well --
6 Q. And then I'm -- to be fair about it, I'm
7 going to go on to the next page, page 115, and after
8 lunch, you came in and -- or your lawyer indicated
9 that you had wanted to give a supplemental answer, and
10 then you gave your answer as reflected on line 11
11 through 23; correct?
12 A. Yeah.
13 Q. And that is --
14 MR. TILLOTSON: I want to know if you
15 could -- do you have a page so he can see the whole
16 page?
17 MR. HERMAN: It's 115.
18 MR. TILLOTSON: Okay.
19 MR. HERMAN: I'm sorry.
20 MR. TILLOTSON: Mariela, do you have
21 Bob's deposition just so he have -- you can go ahead.
22 I'm just going to put it in front of him.
23 MR. HERMAN: That's all right. I mean,
24 I'm happy to wait on you.
25 MR. TILLOTSON: 115?

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1 MR. HERMAN: Yes.
2 MR. TILLOTSON: Thank you.
3 Q. (By Mr. Herman) And you told me that the
4 evidence that you had of any -- about 2001 through
5 2004 consisted of this association with Kelly Ferrari,
6 Mike Anderson testimony about a missed test and this
7 discovery that he testified about yesterday; and
8 three, the association with Tyler Hamilton; and then
9 four, the L'Equipe article which had to do with this
10 research issue of 1999, and you indicated that there
11 may be something else regarding testing in 2001
12 through 2004, but at that point you hadn't actually
13 reviewed it.
14 That was your testimony, was it not?
15 A. Yes. By part -- I would like to --
16 Q. Would you like to amend your testimony?
17 A. I would like to say that I was not thinking
18 in terms of -- when you spoke of evidence, I was not
19 thinking in terms of admissions.
20 Q. Oh, okay. All right. Now, let me ask you
21 another question. What is the net worth of SCA
22 Promotions, Inc.?
23 A. I think --
24 MR. TILLOTSON: I would object to that.
25 ARBITRATOR FAULKNER: Don't answer

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1 anything until we hear the objection.
2 MR. TILLOTSON: I would object on the
3 basis of confidentiality and also relevancy.
4 MR. HERMAN: Well, we've got a
5 nonbifurcated proceeding here in which exemplary
6 damages are sought, and under Moriel and under 40 --
7 41.004 of the Civil Practices and Remedies Code,
8 that's totally irrelevant evidence.
9 MR. BREEN: Lunsford versus Morris in the
10 Supreme Court case.
11 MR. HERMAN: Fine.
12 MR. TILLOTSON: I would move for
13 bifurcation on that same issue --
14 MR. HERMAN: Well, you need to do that
15 before we --
16 MR. TOWNS: Bifurcation --
17 ARBITRATOR FAULKNER: One at a time,
18 guys. That way I can keep track. Mr. Tillotson?
19 MR. TILLOTSON: I would move for
20 bifurcation on that issue, and -- and that the Panel
21 finds as a response for punitive damages, and net
22 worth evidence can be submitted.
23 ARBITRATOR FAULKNER: Are you
24 distinguishing punitive damages from statutory damages
25 because you have statutory penalties for --

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1 MR. TILLOTSON: Well, I guess if the
2 statutory penalties are the three times and if there's
3 any discretion in the opposing of that penalty and net
4 worth evidence is relevant to the determination as to
5 whether the penalties should be one times, two times,
6 or three times, then my request would go for that, as
7 well.
8 ARBITRATOR FAULKNER: Okay. Reply,
9 Gentlemen.
10 MR. HERMAN: Well, Your Honor, the -- the
11 bifurcation is really a procedure that's designed to
12 avoid confusing the jury, and as the Panel has pointed
13 out numerous times, we're not going to be confusing
14 anybody here. But net worth is a consideration
15 anytime there are punitive or exemplary damages
16 requested, and there has been no request for
17 bifurcation prior to the commencement of the hearing,
18 and so we've been trying damages issue all along.
19 It is -- as Mr. Breen points out, it's
20 relevant to both statutory and exemplary damages.
21 I'll press my question, your Honor.
22 ARBITRATOR FAULKNER: Okay.
23 (Off-the-record discussion.)
24 ARBITRATOR FAULKNER: Okay. Gentlemen,
25 the Panel has had a chance to confer. We are going to

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1 overrule the objection and direct an answer; however,
2 before you ask that question again, the evidence will
3 close when we finish. That means that if you press it
4 now without bifurcating, you're going to be pretty
5 much stuck with this witness' answer. That means
6 you're not going to have an opportunity a week or two
7 or five weeks from to come back with any contradictory
8 evidence.
9 The witness is sworn. He's under oath.
10 He's going to testify truthfully as the law requires,
11 and so it's your choice, Mr. Herman. Which do you
12 wish to do?
13 MR. HERMAN: All right. I'll tell you,
14 at the -- for the time being, Your Honor, let me --
15 I'll withdraw the question. I'm aware of the -- I'm
16 aware of the Panel's ruling, and I'll keep that --
17 I'll be mindful of that, and I think we have discovery
18 requests outstanding to seek that information to which
19 objections have been made, so if -- if we need to
20 press it, we can get the -- get the response in
21 writing or something like that.
22 ARBITRATOR FAULKNER: Why don't y'all
23 chat about that and revisit at the end of this.
24 ARBITRATOR LYON: You actually -- if it
25 is bifurcated, which I guess it is, then what the

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1 chairman has said is that you have the right to take
2 further discovery on this.
3 MR. HERMAN: Okay.
4 Q. (By Mr. Herman) All right. Now, just a
5 couple other questions. Mr. Hamman, you're aware that
6 SCA has taken the position in this proceeding that it
7 was on December the 20th that Mr. Lynn denied this
8 claim through some sort of the statement in open
9 court; correct? You understand that?
10 A. Correct.
11 Q. And do you adopt that position?
12 A. I do.
13 Q. Do you agree, sir, that the first notice of
14 the actual or specific misrepresentations -- alleged
15 misrepresentations upon which you rely was when you
16 filed your pleadings in this case on more or less
17 April 4, 2005?
18 A. I don't think I completely understand the
19 question there. That is --
20 Q. Well, you understand that --
21 A. Do you mean specific misrepresentations?
22 Q. Yes.
23 A. Or a generalized statement that
24 misrepresentation had occurred.
25 Q. No. The actual representation --

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1 misrepresentation, alleged misrepresentations upon
2 which SCA relies in this proceeding.
3 A. I have not read all the pleadings that have
4 gone into this, but I do know that in a letter
5 communicating the investigation -- or shortly
6 thereafter there were reference made -- references
7 made to misrepresentations, so I'd have to review the
8 documentation to -- to properly answer that.
9 Q. Okay. Well, so it is true, though, that as
10 of December the 20th, 2004, CSA satisfied itself that
11 the representations made were false and decided to
12 deny the claim; fair?
13 A. We had satisfied ourselves that there were
14 sufficient basis to deny the claim.
15 Q. Well, what was the basis --
16 A. Well, I'd have to see Mr. Lynn's statement to
17 see what he exactly said.
18 MR. HERMAN: Would you put up slide six?
19 A. He was speaking for us.
20 Q. (By Mr. Herman) Okay. Which of "A" through
21 "D" misrepresentations did you base your denial?
22 A. I'd have to see his full statements made in
23 court. I don't know if that's it. I don't know that
24 that was from that proceeding. Where can I -- where
25 can I find it?

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1 Q. Okay. Well, it's Respondents' Exhibit 84, if
2 you need to review it.
3 A. Okay.
4 ARBITRATOR LYON: It's not in the book,
5 though.
6 MR. TILLOTSON: I would request, what --
7 what -- no, it's not. What's the specific question
8 you're asking him so that we can direct him to the
9 exhibit.
10 MR. HERMAN: What I was asking -- what I
11 was trying to find out from Mr. Hamman was -- and I
12 think his earlier testimony was -- that at least he
13 had satisfied himself as of the end of September but
14 that the basis for the denial of the claim and had he
15 satisfied himself that what you put in your pleadings
16 on April 4, 2005 was true.
17 A. Excuse me. I don't believe I said I had
18 satisfied myself that the claim should be denied as of
19 September.
20 Q. (By Mr. Herman) Well, what --
21 A. I don't believe I've ever represented that.
22 I represented that we would investigate it, but I
23 certainly didn't say we had denied the claim. We had
24 serious allegations.
25 I mean, we had -- there were serious

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1 allegations. We notified Tailwind that we were
2 investigating. We set out our basis for our
3 investigation, and we proceeded with it. And in terms
4 of a denial, we can certainly point to September
5 20th -- December 20th as a date that Mr. Lynn denied
6 the claim.
7 Q. Well, certainly you wouldn't have denied the
8 claim unless by -- at least by December 20th you had
9 determined that these misrepresentations had been
10 made, would you?
11 A. We were -- December 20th, we certainly had
12 satisfied ourselves on Item "A, on "B" --
13 ARBITRATOR FAULKNER: I'm sorry. Did you
14 say "B" or "D"?
15 THE WITNESS: "B."
16 ARBITRATOR FAULKNER: Thank you.
17 A. We had satisfied ourselves that there were
18 weaknesses in the system in item "C."
19 Q. (By Mr. Herman) But by December 20th, you'd
20 satisfied yourself that -- that Tailwind had falsely
21 represented to you that the TDF and UCI properly
22 policed the sport itself; correct?
23 A. We had satisfied ourselves that
24 Mr. Armstrong's public representations and Tailwind's
25 public representations were contrary to the reality of

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1 the operation of the sport.
2 Q. So that the answer to my question is, yes.
3 You wouldn't tell the Panel that -- that Tailwind made
4 these representations and that the representations
5 were false unless it was true, would you?
6 A. I would tell the truth to the Panel.
7 Q. All right. So assuming that this was filed
8 on or about April 4th, 2005, for sure, by that time,
9 you had satisfied yourself that all these
10 representations were false; correct?
11 A. By April 4th, 2005, we were certainly
12 comfortable that all these representations were
13 incorrect --
14 Q. All right.
15 A. -- I mean, excuse me, were false, the --
16 Q. Yeah, I understand.
17 A. -- their statement.
18 Q. Do you contend that SCA gave notice to
19 Tailwind that it was denying the claim because of
20 alleged misrepresentations by Tailwind on or before
21 December 20th?
22 MR. TILLOTSON: Mr. Chairman, I have to
23 object. This witness was questioned regarding this
24 subject matter extensively at the beginning. He was
25 on the stand for over the course of two days, and this

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1 subject was questioned extensively, and I believe that
2 this line of inquiry has been asked and answered of
3 this witness on numerous occasions.
4 MR. HERMAN: That's the last question I
5 have on that, Your Honor. It's a predicate to another
6 issue which we were -- we did not get into.
7 ARBITRATOR FAULKNER: I'll allow it this
8 one time because this area has been explored
9 exhaustively.
10 MR. HERMAN: Certainly. Okay.
11 ARBITRATOR FAULKNER: Okay. Please
12 answer this, and then we'll move to a new question.
13 A. Can you restate the question?
14 Q. (By Mr. Herman) Did SCA tell Tailwind it was
15 denying the claim because of misrepresentations made
16 by Tailwind?
17 A. I'm not --
18 Q. On December 20th -- on or before December --
19 A. I'd have to review the testimony --
20 Q. Okay.
21 A. -- the trial transcript.
22 Q. Do you recall -- I'm sorry. If you need to
23 finish your answer, please feel free to do it.
24 A. I would have to review the transcript and
25 perhaps earlier documents that I believe we --

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1 (Petitioners' Exhibit No. 140 was
2 marked.)
3 MR. HERMAN: May I approach the witness,
4 Your Honor, and I'll show this to Mr. Tillotson on the
5 way?
6 ARBITRATOR FAULKNER: Do you have a copy
7 for Mr. Tillotson?
8 MR. HERMAN: It's one of his pleading,
9 so -- and I don't have multiple copies of it.
10 ARBITRATOR FAULKNER: That's fine.
11 MR. BREEN: I'll go down here in just a
12 second, Mr. Chairman, to make copies for everyone.
13 ARBITRATOR FAULKNER: That's fine.
14 While he's looking at it, will you tell
15 us what it is?
16 MR. HERMAN: It is the Respondents' -- an
17 excerpt of the Respondents' SCA Promotions, Inc.,
18 response to Claimants' Motion on Scope of Issues in
19 this case.
20 ARBITRATOR FAULKNER: Okay.
21 MR. BREEN: And the final date on that
22 too.
23 MR. HERMAN: That's May 4, 2005.
24 Q. (By Mr. Herman) Now, Mr. Hamman, I apologize,
25 but this is the only copy. I need to look over your

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1 shoulder here.
2 Exhibit 40 [sic], I'll represent to you,
3 is an excerpt of Respondents' SCA Promotions, Inc.,
4 response to Claimants' Motion on Scope of Issues. Do
5 you see that?
6 ARBITRATOR CHERNICK: For the record,
7 it's 140.
8 Q. (By Mr. Herman) On page 17 in paragraph --
9 well, under Section -- paragraph three there -- in
10 responding to why Article 217 doesn't bar --
11 MR. TILLOTSON: I'm sorry. I --
12 ARBITRATOR FAULKNER: Wait a second while
13 we --
14 MR. TILLOTSON: Yeah. I know you only
15 have one copy, but if you could not -- if you could
16 retake where are at your place, rather than being --
17 MR. HERMAN: Oh, sure, sure.
18 MR. TILLOTSON: I know there's only one
19 copy, and I apologize but --
20 MR. HERMAN: That's no problem.
21 MR. TILLOTSON: It'd be easier for all of
22 us, I think.
23 Q. (By Mr. Herman) Just read the -- just read
24 the part that's highlighted there, Mr. Hamman, so
25 that --

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1 A. The second, even if the contingent contract
2 is for insurance, Articles 2117 is inapplicable
3 because SCA has not made a final determination that
4 there was fraud in the application process. As a
5 result SCA is not required to provide such notice.
6 Q. Look on the last page there, and would you
7 tell us what date that was filed? If you look --
8 A. Well, whatever date that it was filed, it was
9 filed. The 4th day of May, 2005.
10 Q. All right. And that was a month after you
11 had told the Panel that this -- that these
12 representations, that you'd been defrauded by these
13 misrepresentations which, assuming that that's what --
14 that this slide six was filed on April 4, 2005;
15 correct?
16 A. Correct.
17 Q. And since the filing of May 4, which you have
18 there in your hand, SCA has changed its position to
19 state that, in fact, the claim was refused
20 unequivocally on December 20, 2004; correct?
21 A. We are taking the position that we refused
22 the claim on December 20th, 2004.
23 Q. All right. Thank you, sir.
24 MR. HERMAN: I offer Exhibit 140, and
25 we'll make copies, as Mr. Breen indicated.

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1 MR. TILLOTSON: So long as the complete
2 version is what he submits.
3 MR. HERMAN: Oh, okay. Well --
4 MR. TILLOTSON: I have no objection.
5 ARBITRATOR FAULKNER: Okay.
6 MR. TILLOTSON: It's a pleading in a
7 case.
8 ARBITRATOR FAULKNER: We will direct that
9 a copy of the entire pleading be filed with us as
10 Exhibit 140. Thank you.
11 MR. HERMAN: I have no further questions.
12 ARBITRATOR FAULKNER: Okay. Have you-all
13 had an opportunity to talk about the bifurcation
14 issue, or are you going to chat later on?
15 MR. HERMAN: I will chat later on.
16 ARBITRATOR FAULKNER: Okay. Then revisit
17 it before we close the evidence.
18 All right. Any questions from the Panel?
19 MR. TILLOTSON: No. We -- we -- to the
20 extent, we -- we'll call Mr. Hamman when we re-call
21 our case.
22 ARBITRATOR FAULKNER: Thank you very
23 much, sir. You may step down.
24 Okay. Has Mr. Towns been able to get
25 that --

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1 MR. HERMAN: I think he's waiting for a
2 fax.
3 MR. TILLOTSON: You-all --
4 MR. HERMAN: Well, just don't run off
5 with the exhibit. I don't care about --
6 ARBITRATOR CHERNICK: He's not going very
7 far.
8 ARBITRATOR FAULKNER: You know where to
9 find him. He's been here for a while.
10 MR. HERMAN: That's true.
11 MR. BREEN: I can probably catch
12 Mr. Hamman, at least on a short race.
13 MR. TILLOTSON: There's a representation
14 I'd like to test.
15 ARBITRATOR FAULKNER: Okay. Who's
16 y'all's next witness?
17 MR. TILLOTSON: We would like to --
18 assuming he's resting, subject to what he said
19 before --
20 MR. HERMAN: Yeah. I'm resting, yeah,
21 subject to the stuff that we talked about yesterday;
22 that's correct.
23 MR. TILLOTSON: Okay. We -- we -- just
24 to give the Panel an overview, we'd like to begin
25 by -- by calling as our first witness Stephen Swart

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1 who will be by video. He was the witness who was here
2 live, Mr. Herman and I deposed in lieu of his live
3 testimony, and we will follow that with a live
4 witness, Betsy Andreu -- Betsy, who will follow Mr.
5 Swart.
6 I believe Mr. Swart is, what, about 45
7 minutes?
8 MS. EVORA: Just from your clip, it's
9 about 32 minutes, and our deposition is just under an
10 hour. And Mr. Herman has made some designations, as
11 well.
12 ARBITRATOR CHERNICK: So it's all --
13 all -- those two designations, the Claimant and the
14 Respondent, are going to be played together?
15 MS. EVORA: Mr. Herman's is a bit
16 shorter. He doesn't -- his portion's on the video, so
17 I can play Mr. Tillotson's examination for about 32
18 minutes. Then I can cue up Mr. Herman's.
19 ARBITRATOR FAULKNER: Is that all right
20 with you guys?
21 ARBITRATOR CHERNICK: Sure.
22 ARBITRATOR FAULKNER: All right. Well,
23 why don't you go ahead and start with Mr. Swart then.
24 (Videotaped deposition of Mr. Swart was
25 shown.)

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1 MR. HERMAN: Could we take a morning
2 break?
3 ARBITRATOR FAULKNER: Sure. It's 10:15.
4 Why don't we take a 15-minute break, and then we'll
5 come back with the next phase of this. And, Mr.
6 Tillotson, you're going to give us a copy of the
7 transcript?
8 MR. TILLOTSON: Yes.
9 ARBITRATOR FAULKNER: Can y'all give us a
10 copy of the video itself on a CD?
11 MR. TILLOTSON: Yes, we can.
12 ARBITRATOR FAULKNER: Why don't you do
13 that, please, because I'd like to be able to see it.
14 I can probably see it better on my own computer.
15 (Break from 10:18 a.m. to 10:45 a.m.)
16 MR. TILLOTSON: These are Claimants'
17 clips.
18 (Videotaped deposition of Mr. Swart was
19 shown.)
20 ARBITRATOR FAULKNER: If we could get the
21 lights, please. Do we have another excerpt, or do we
22 have --
23 MR. TILLOTSON: That concludes
24 everything, Tim, designated?
25 MR. HERMAN: Yes, that's it.

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1 ARBITRATOR LYON: Okay. Let's go live.
2 ARBITRATOR FAULKNER: Gentleman, are we
3 ready?
4 MR. TILLOTSON: We are.
5 ARBITRATOR FAULKNER: All right. Ms.
6 Andreu, would you please raise your right hand?
7 ARBITRATOR FAULKNER: Mr. Tillotson,
8 please proceed.
9 MR. TILLOTSON: Thank you, Mr. Chairman.
10 I'm going to return back to you some
11 documents that you provided me this morning.
12 And if I could just before I start give
13 this to Mr. Herman regarding the proposed stipulation
14 of this witness. If you would take that under
15 advisement.
16 MR. HERMAN: Okay.
17 ELIZABETH MARIE "BETSY" ANDREU,
18 having been first duly sworn, testified as follows:
19 DIRECT EXAMINATION
20 MR. TILLOTSON:
21 Q. Okay. If you would begin by stating for us
22 your full name, please.
23 A. Elizabeth Marie Andreu, also known as Betsy.
24 Q. Ms. Andreu, have you ever testified before in
25 a legal proceeding in a courtroom or --

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1 A. No.
 2 Q. You are not here with counsel; is that right?
 3 A. Correct.
 4 Q. Just some background so that you understand
 5 what we're doing here. Behind me are three
 6 arbitrators involved in this legal proceeding who you
 7 will be providing testimony to in response to my
 8 questions. Do you understand that?
 9 A. Yes.
 10 Q. Now, you were deposed in connection with this
 11 proceeding; is that right?
 12 A. Yes.
 13 Q. And did you understand in connection with
 14 that deposition and in this proceeding here today that
 15 you are duty-bound to tell the truth?
 16 A. Yes.
 17 Q. And are you prepared to do that?
 18 A. Yes.
 19 Q. I want to start by asking you, first, about
 20 your appearance here. Are you appearing here
 21 voluntarily?
 22 A. Yes.
 23 Q. At your deposition, did you appear
 24 voluntarily?
 25 A. No. It was a Michigan ordered subpoena.

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1 Q. And why are you here voluntarily? Why have
 2 you come voluntarily to give testimony?
 3 A. Several -- several reasons. The first was
 4 that Lance was trying to impugn my character by trying
 5 to obtain false statements from people regarding me,
 6 and I feel that this is the only way I could protect
 7 myself.
 8 The other is that people have committed
 9 perjury about this proceeding regarding me and my
 10 husband and have lied -- outright lied, and I am here
 11 because of that reason, also -- to protect my
 12 integrity.
 13 Q. Now, you told us what -- the reasons why
 14 you're here. Let me ask you some reasons -- let me
 15 see if those apply, as well.
 16 Are you being paid by anyone to appear
 17 and give testimony today?
 18 A. Not at all.
 19 Q. Are you being compensated for your time or --
 20 or dollar payments, lump sum of any kind like that?
 21 A. No, not at all.
 22 Q. Are your travel expenses being reimbursed?
 23 A. My flight is being reimbursed, yes.
 24 Q. By who?
 25 A. SCA.

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1 Q. Are you receiving any other sort of payment,
 2 other than reimbursement of your travel expenses to be
 3 here today?
 4 A. No.
 5 Q. Now, we're going to get into some of the
 6 subject matters you talked about, but before we do
 7 that, I take it that -- when is the first time you and
 8 I ever met?
 9 A. October 25th, which was my deposition.
 10 Q. Prior to that, had you and I had an
 11 opportunity to talk or prepare or do anything about
 12 your deposition?
 13 A. No.
 14 Q. Since your deposition and until this morning,
 15 have you and I had an opportunity to meet or talk or
 16 discuss anything about your testimony here today?
 17 A. I saw you for a few minutes in the room back
 18 there, and you just told me to tell the truth and that
 19 was it.
 20 Q. Now, when did you arrive here today?
 21 A. 8:00 this morning.
 22 Q. On a flight from where?
 23 A. Detroit.
 24 Q. Is that where you live?
 25 A. Yes.

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1 Q. Okay. First, before we get into some of your
 2 testimony, there's some -- some personal background
 3 information so we know who you are. You currently
 4 live where?
 5 A. In Dearborn, Michigan.
 6 Q. Are you married?
 7 A. Yes.
 8 Q. To who?
 9 A. Frankie.
 10 Q. And how long have you been married?
 11 A. Nine years.
 12 Q. Now, was your husband a member of any cycling
 13 teams with Mr. Armstrong?
 14 A. Yes, he was.
 15 Q. Can you tell us for how long?
 16 A. He was with Lance on Motorola, then on
 17 Cofidis, but Lance didn't race for Cofidis, and then
 18 on the U.S. Postal Service.
 19 Q. So the Motorola Team and then the Cofidis
 20 Team and then the U.S. Postal Team?
 21 A. Yes.
 22 Q. And Mr. Armstrong was team members on
 23 Motorola and U.S. Postal?
 24 A. Yes.
 25 Q. Can you give us the dates as to when your

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1 husband was on the Motorola Team?
2 A. That, I am -- I'm not sure. Up until --
3 through '96, I believe.
4 Q. Okay.
5 A. And then '97, he was with Cofidis, and then
6 '98 through 2000 with Postal.
7 Q. Do you have children?
8 A. Yes.
9 Q. How many?
10 A. Four, including my husband.
11 Q. Okay. I was going ask who's taking care of
12 your children but --
13 A. Yeah. I have three children.
14 Q. -- if you're going to put your husband in
15 there, I'm not sure how to handle that.
16 A. I have three.
17 Q. Okay. And where is Frankie today?
18 A. He's at home with the kids.
19 Q. Now, I want to turn to some of the things
20 that you testified about in your deposition and you're
21 going to testify about here today, and I want to ask
22 you about your knowledge of Lance Armstrong's use of
23 performance-enhancing drugs.
24 Do you have personal knowledge --
25 A. Yes.

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1 Q. -- regarding Mr. Armstrong's use of
2 performance-enhancing drugs?
3 A. Yes, I do.
4 Q. Okay. I'd like to ask some questions about
5 that. First, before I do that, I want to explore the
6 relationship between your husband, Frankie, and
7 Mr. Armstrong.
8 How would you characterize up until, say,
9 2000, 2001 the relationship between your husband and
10 Lance Armstrong?
11 A. I would say, up until 1999, it was a good
12 relationship. They were very close friends, and they
13 were also teammates. And then it started to falter in
14 1999.
15 Q. Was there a reason that you can pinpoint or
16 know about as to why the relationship started to
17 falter in the '99 or 2000 time frame?
18 A. This is ridiculous. Kristin and I were
19 pregnant at the same time. We were talking about
20 nannies, and she said she'd never have a nanny.
21 Somebody on the Internet said she was going to have a
22 nanny, and I stood up for her and told her about it,
23 and she -- she got upset.
24 When she got upset, Lance got mad that I
25 told her about this Internet thing. In the meantime,

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1 she apologized to me, that she was hormonal. It was
2 really -- it was trivial. And Lance got into it with
3 Frankie, and I told Frankie -- excuse my -- excuse my
4 language -- that I'm Lance Armstrong. I have fucking
5 power. I can make sure you don't ride the Tour. I
6 will never -- I will make sure you will never ride
7 your bike again.
8 And I got upset that Lance treated
9 Frankie that way, and I wrote Lance an e-mail saying
10 that he was extremely disrespectful; that Frankie was
11 a loyal friend of his; that we didn't have to put up
12 with that and we wouldn't put up with that. And if
13 you don't want Frankie to ride on the Tour that year,
14 then Frankie wouldn't ride on the Tour. He can be at
15 home. And that's when it began to falter.
16 Q. Now, from -- from -- from that point on,
17 let's say in '01, '02, '03, how -- how would you
18 characterize your husband's relationship with
19 Mr. Armstrong? Did they remain friends? Was it --
20 was it still difficult?
21 A. They weren't -- they weren't friends. It was
22 friendly, but they weren't -- they weren't friends.
23 And I think it was after 2001, Lance really didn't
24 have anything to do with Frankie. The relationship --
25 they just went their separate ways and didn't speak.

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1 Q. Was there -- let's, first, start: Was there
2 substantial contact between Mr. Armstrong and your
3 husband in the years of '01 through '04?
4 A. Only when Lance -- Lance hadn't talked to
5 Frankie, hadn't contacted him for -- I think the last
6 contact he made was in 2001. And then in 2004 at the
7 Tour, Frankie spoke to Lance, and it was because David
8 Walsh's book come -- came out, Lance wanted to talk to
9 Frankie.
10 And then after this whole thing with SCA
11 came out in the media, Lance contacted Frankie again,
12 like, six times one weekend. It was the weekend of
13 the Ride for the Roses. I believe it was in October
14 of 2004. And then there was absolutely no contact
15 until 2005 when Lance contacted Frankie two times --
16 or one time on October 22nd, and then two or three
17 times on October 24th.
18 Let me backtrack. He also did contact
19 Frankie in December of 2003 because Frankie called him
20 and let him know that David Walsh had contacted us,
21 and Lance had asked Frankie to talk to David Walsh to
22 find out what he had wanted and what he knew.
23 Q. Okay. I'm going to talk more about those
24 conversations and contacts by Mr. Armstrong in a
25 second. I wanted to start then, first, with a

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1 different set of questions, but hold your thoughts on
2 those conversations. We'll come back to them; okay?
3 I want to take you back to the 1996 time
4 period and discuss with you allegation regarding
5 events that took place at the Indiana University
6 Hospital room.
7 First, can you describe for us the state
8 of the relationship between you and Frankie at that
9 time period. Were you married? Engaged? Dating?
10 A. We were -- we had -- we were engaged
11 September 14th. We went to go see Lance. We arrived
12 October 27th, 1996.
13 Q. Hang on. Before you do that, you were
14 engaged to be married. Were you supposed to be
15 married that year in 1996?
16 A. Yes. December 31st.
17 Q. And do you actually recall -- did you know
18 Mr. Armstrong personally at the time he got sick?
19 A. Oh, yes, yes, yes.
20 Q. Okay. How is it you knew him? Through the
21 team?
22 A. Through Frankie because he and Frankie were
23 such close friends.
24 Q. Now, you said you went to visit
25 Mr. Armstrong. Visit him where?

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1 A. At the hospital in Indiana.
2 Q. Okay. And what was the occasion? Why did
3 you and Frankie decide to go visit him? Was there a
4 specific reason or time that this happened?
5 A. He was -- he was sick. He was very, very
6 ill, on his deathbed.
7 Q. And where were you living at the time?
8 A. In Dearborn.
9 Q. And you traveled to where? Indiana?
10 A. Yes.
11 Q. Now, you looked at something there a second
12 ago to -- to give you some specific dates. Can you
13 tell us what you're looking at?
14 A. It is the receipt from the hotel room.
15 Q. Okay. You have the original in front of you,
16 but we've copied that and placed that as part of the
17 exhibits in this proceeding. You can look at the
18 original. It's Respondents' Exhibit 38.
19 If you'll just confirm that what we're
20 looking at here as Respondent's Exhibit 38 is the
21 original of what you're looking at?
22 A. Yes.
23 Q. Okay. Tell us what Respondents' Exhibit 38
24 is. What is that document we're looking at?
25 A. This was the receipt of the hotel we stayed

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1 at the hospital.
2 Q. Okay. So you must have arrived on what date?
3 October 27th?
4 A. Yes.
5 Q. Okay. I've checked my calendar, and I
6 believe that October 27th was a Sunday. Do you know
7 if that's right?
8 A. I -- I'm not sure. If you say so.
9 Q. Okay. And you left, it looks like, the
10 morning of the 29th; is that right?
11 A. Yes, yes.
12 Q. And is this -- this is the bill for the room?
13 A. Yes.
14 MR. TILLOTSON: We would move for
15 admission of evidence of Respondents' Exhibit 38.
16 MR. HERMAN: No objection.
17 ARBITRATOR FAULKNER: It will be admitted
18 as Exhibit 38.
19 Q. (By Mr. Tillotson) Now, you're at -- I guess
20 this is a hotel on the University called University
21 Place?
22 A. Yes. It was connected to the hospital.
23 Q. Do you -- you go see Mr. Armstrong, and I
24 want to focus on events that have been alleged in this
25 case regarding certain statements Mr. Armstrong made

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1 to doctors.
2 If you can, describe for us now how those
3 events came about, what took place.
4 A. We were in his hospital room, and he was
5 having a scheduled meeting with his doctor.
6 MR. HERMAN: I'm sorry. I didn't hear
7 that last thing you said.
8 A. He was having a scheduled meeting with his
9 doctor or with a doctor. I'm not sure. There was
10 going to be some sort of meeting. And there were
11 quite a few people there, so we went to go into a
12 conference room, and there at the conference room,
13 people that were there were -- were me and Frankie and
14 Lance, Stephanie McIlvain -- that was the first time I
15 had met her -- Chris Carmichael, his then girlfriend
16 now wife, Paige.
17 ARBITRATOR LYON: Who? Chris --
18 I'm didn't -- I'm having a hard time hearing you,
19 Ma'am.
20 Q. (By Mr. Tillotson) Just speak up a little
21 bit.
22 A. Chris Carmichael and his wife, Paige.
23 Q. Now, at the time Paige was not his wife?
24 A. Girlfriend.
25 Q. Okay.

<p style="text-align: right;">Page 2105</p> <p>1 A. Uh-huh.</p> <p>2 Q. Anyone else that you recall?</p> <p>3 A. Lisa Shiels.</p> <p>4 Q. Who was she?</p> <p>5 A. His girlfriend at the time.</p> <p>6 Q. I want to make sure I've got the list of</p> <p>7 people you recall correctly. Yourself and your</p> <p>8 husband?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Mr. Armstrong?</p> <p>11 A. (Witness nods head up and down.)</p> <p>12 Q. You have to answer out loud.</p> <p>13 A. Yes, yes.</p> <p>14 Q. Thank you.</p> <p>15 Stephanie McIlvain?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Chris Carmichael and Paige Carmichael?</p> <p>18 A. Yes.</p> <p>19 Q. Although, she wasn't Paige Carmichael at the</p> <p>20 time?</p> <p>21 A. No.</p> <p>22 Q. And Lisa Shiels?</p> <p>23 A. Yes.</p> <p>24 Q. Was Bill Staple -- do you know who Mr. Bill</p> <p>25 Stapleton is?</p>	<p style="text-align: right;">Page 2107</p> <p>1 you walked in to the left, there was a sofa, and there</p> <p>2 were -- then there was maybe -- there was a</p> <p>3 television against the wall, and Lance was sitting in</p> <p>4 one of the chairs by the table.</p> <p>5 Q. So they hadn't wheeled a hospital bed in?</p> <p>6 A. No, no. There -- he walked there slowly, but</p> <p>7 he walked there.</p> <p>8 Q. Do you remember what time of the day this</p> <p>9 was? Morning? Afternoon?</p> <p>10 A. No, I don't. I believe it was afternoon</p> <p>11 because there was a football game on.</p> <p>12 Q. Now, you're there, and are you conversing or</p> <p>13 talking with Mr. Armstrong?</p> <p>14 A. We were talking. Lisa was -- we were all</p> <p>15 talking. Stephanie had bought Lance a juicer, and we</p> <p>16 were talking about juicers because I was juicing,</p> <p>17 also. And Lisa was studying -- if memory serves me</p> <p>18 correct, she was going to be a chemical engineer, and</p> <p>19 she was studying for an exam, and she had her book in</p> <p>20 front of her.</p> <p>21 So we were talking amongst ourselves and</p> <p>22 watching the football game.</p> <p>23 Q. What happened next?</p> <p>24 A. Two doctors came in. I believe it was two</p> <p>25 doctors. And I said in front of Lance, I think we</p>
<p style="text-align: right;">Page 2106</p> <p>1 A. Yes.</p> <p>2 Q. And you would recognize him if you saw him?</p> <p>3 A. Yes.</p> <p>4 Q. Of course, we all know he's here.</p> <p>5 Do you remember if Mr. Stapleton was in</p> <p>6 the room?</p> <p>7 A. No, he was not present.</p> <p>8 Q. How about Mr. Armstrong's mother? Do you</p> <p>9 remember her being present?</p> <p>10 A. No, she was not there at all.</p> <p>11 Q. Do you know someone who goes by the nickname</p> <p>12 of Oche?</p> <p>13 A. Oche.</p> <p>14 Q. Oche?</p> <p>15 A. He wasn't there.</p> <p>16 Q. Okay. Do you know who that is?</p> <p>17 A. Yes.</p> <p>18 Q. And, now, one other thing just before I ask</p> <p>19 you to -- to continue: You were actually in a</p> <p>20 hospital room -- room and then moved somewhere else?</p> <p>21 A. We moved to a conference room.</p> <p>22 Q. Describe for us the conference room. What</p> <p>23 did it look like? What was it like?</p> <p>24 A. You walked in. To the left, there was a</p> <p>25 bathroom. To the right, there was a big table, and as</p>	<p style="text-align: right;">Page 2108</p> <p>1 should leave the room, and Lance said, that's okay.</p> <p>2 You can stay. I said to Frankie, I think we should</p> <p>3 leave the room and give him his privacy. Lance said</p> <p>4 we can stay. That's okay. You can stay.</p> <p>5 Q. Okay. Before you carry on, do you remember</p> <p>6 what the doctors looked like?</p> <p>7 A. The one doctor had either dark brown or black</p> <p>8 hair, glasses, and was thin.</p> <p>9 Q. Okay. And were they wearing white coats like</p> <p>10 a doctor?</p> <p>11 A. He was wearing a white coat, yes. And I</p> <p>12 believe it might have been an intern was also wearing</p> <p>13 a white coat.</p> <p>14 Q. Did they introduce themselves or say their</p> <p>15 names, as you recall?</p> <p>16 A. Yes. But I don't recall the names.</p> <p>17 Q. I'm going to show you some pages of some</p> <p>18 photographs from Mr. Armstrong's book, "It's Not About</p> <p>19 the Bike," and I'm going to ask you pictures of</p> <p>20 doctors. First, there at the top is an individual</p> <p>21 identified as Dr. Scott Shapiro, Mr. Armstrong's</p> <p>22 neurosurgeon. Is that one of the doctors?</p> <p>23 A. No.</p> <p>24 Q. The bottom is a doctor named Dr. Craig</p> <p>25 Nichols. Do you see there with the beard and a tie?</p>

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1 A. Uh-huh.
 2 Q. Did you know who Dr. Nichols was?
 3 A. No.
 4 Q. All right. Is that --
 5 A. I've heard of them, but I haven't --
 6 Q. Is that the doctor you recall seeing?
 7 A. No.
 8 Q. All right. But as you sit here today, you
 9 don't recall the names of the two doctors?
 10 A. No. Because it was a teaching university. I
 11 know that doctors were in and out all the time.
 12 MR. TILLOTSON: All right. You can take
 13 that down, Mariela. Thank you.
 14 Q. (By Mr. Tillotson) Now, take us back. You're
 15 there. The doctors come in. You told us how you
 16 wanted to leave and stayed. What transpired next?
 17 A. They began to ask him some questions -- banal
 18 questions. I don't remember. And all of sudden,
 19 boom, have you ever done any performance-enhancing
 20 drugs, and he said, yes. And they asked, what were
 21 they, and Lance said, EPO, growth hormone, cortisone,
 22 steroid, testosterone.
 23 Q. Are you absolutely certain that's what he
 24 said?
 25 A. Yeah, I'm positive.

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1 Q. You heard it yourself?
 2 A. Yes.
 3 Q. What happens next? What's your reaction to
 4 what you just heard?
 5 A. I became very upset, and Frankie and I left
 6 the room immediately, and I said, you never told me he
 7 did this. And he said, I swear to you, I didn't know,
 8 and I said, if you're doing this, I am not marrying
 9 you, and I threatened to call off my marriage.
 10 Q. Do you need us to take moment?
 11 A. No.
 12 Q. Okay. Where did that conversation with your
 13 husband take place?
 14 A. Immediately -- it took place right outside
 15 the conference room. The door was closed.
 16 Q. You left the room and had this
 17 conversation -- this difficult conversation with your
 18 husband?
 19 A. Yes. And then we went back to the hotel
 20 room, and -- thank you -- I know I was very upset, and
 21 I was very angry.
 22 Q. Why so upset? I mean --
 23 A. Because.
 24 Q. -- this is still emotional now. Why was this
 25 so upsetting to you? Describe for us why.

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1 A. Because I was going to marry this man, and I
 2 am a completely antidrug person, and I was not going
 3 to marry somebody who was doing that stuff.
 4 Q. Now, as you recall, you were sitting there
 5 when this conversation took place where Mr. Armstrong
 6 said the events that you told us today he said. Who
 7 else was around you that you believe heard this same
 8 thing?
 9 A. Everybody in that room heard it -- every
 10 single person.
 11 Q. So Ms. McIlvain, Mr. Carmichael, the now Mrs.
 12 Carmichael, for example, heard it?
 13 A. They all had to hear it.
 14 Q. Did you notice anyone else's reaction in the
 15 room when Mr. Armstrong said this?
 16 A. No.
 17 Q. Now, was this the first time that you had
 18 ever heard any -- anything about Mr. Armstrong using
 19 performance-enhancing drugs?
 20 A. Yes.
 21 Q. Was there any discussion about your -- your
 22 husband -- any discussion with your husband after the
 23 one you had outside the conference room about what you
 24 had heard?
 25 A. Yes. There have been many discussions about

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1 that.
 2 Q. Now, you understand that Mr. Armstrong has
 3 testified and denied that he ever said this to the
 4 doctors. You're aware of that, are you not?
 5 A. Yeah.
 6 Q. Are you absolutely certain about what you
 7 heard?
 8 A. Completely.
 9 Q. It has been suggested, ma'am, that you are
 10 either embellishing or making this story up because
 11 you're agitated or angry with Mr. Armstrong; is that
 12 true?
 13 A. No. There's no incentive.
 14 Q. Now, did you write down or memorialize
 15 anything you had heard about -- in the conference
 16 room?
 17 A. I did. I wrote it in my diary right after I
 18 got into the hotel room. My diary was stolen in Italy
 19 in the year 2000.
 20 Q. Okay. So let me -- first, let me get the
 21 timing right. You wrote down in a diary that you kept
 22 what you heard in the Indiana University conference
 23 room?
 24 A. Yes.
 25 Q. And is this -- was this a personal diary that

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1 you wrote this in?
2 A. Yes.
3 Q. And that diary today, you don't have because
4 why?
5 A. Because it was stolen out of the trunk of the
6 car in San Remo.
7 Q. Was it in something that was stolen, or was
8 it --
9 A. It was in my luggage.
10 Q. Now, this conversation took place in 1996.
11 Did you ever speak with Mr. Armstrong about what you
12 had heard from 1996 on, you, yourself?
13 A. No.
14 Q. Have you discussed this matter with your
15 husband?
16 A. Yes.
17 Q. From 1996 to 2004, did you ever seek to
18 publicize what you had heard?
19 A. No, not at all.
20 Q. Why not? You know you heard this. Why not?
21 A. Because it's -- it exposes cycling to a
22 certain extent. Frankie's involved in cycling, and I
23 was just -- it was a secret we all had to keep quiet
24 about.
25 Q. Did you ever attempt to sell the story of

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1 what you knew to anyone?
2 A. No.
3 Q. Did you tell -- prior to 2000 -- and we're
4 going to talk about Mr. Walsh in a second. But prior
5 to 2004, was there anyone else that you had told about
6 what you had heard in the Indiana University
7 conference room, other than your husband?
8 A. Oh, many people I told.
9 Q. Can you -- can you tell us some of the people
10 that you related this -- these events to prior to
11 2004?
12 A. Well, my mom, my brothers. My closest
13 friend, Dawn, was going to be the Maid of Honor at our
14 wedding. I had called her as soon as I got home, and
15 I had told her everything that had happened. She
16 tried to calm me down. I told -- I talked about it
17 extensively -- extensively with Stephanie McIlvain,
18 Bobby and Angela Julick.
19 Q. Hang on for just one second. Let me stop you
20 on your list. You said, Stephanie McIlvain. Had you
21 spoken about what happened with Ms. McIlvain on many
22 occasions?
23 A. Yes.
24 Q. During the course of any of those
25 conversations, did she ever deny to you or tell you

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1 that she did not hear what you heard?
2 A. No. She -- she heard it because she said she
3 was completely shocked. She just said that she knew
4 there were several drugs Lance had said he had taken,
5 but the only one she could remember were -- was the
6 steroids.
7 Q. Now, you said Bobby --
8 A. Julick.
9 Q. -- Julick. Who is that?
10 A. He's a rider also, cyclist.
11 Q. Did you tell any newspaper people about this
12 incident?
13 A. I told James Startt.
14 Q. Who is he?
15 A. He's -- he's a journalist, but he's a friend
16 more than he's a journalist.
17 Q. Do you remember when you told him?
18 A. I think the late '90s.
19 Q. And any other journalists?
20 A. Prior to 2004, David Walsh called, and he
21 knew about it, and I confirmed it, but, you know --
22 Q. Let's talk about David Walsh now. Did you
23 know who David Walsh was before he contacted you?
24 A. Yes.
25 Q. And had seen some of the things he had

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1 written over the years?
2 A. Yes.
3 Q. Let me ask just some foundational things.
4 Would you actually accompany your husband when he
5 raced in the Tour de France?
6 A. Some -- well, accompany him -- what do you
7 mean by "accompany him"?
8 Q. Would you go -- I mean, the race takes a
9 month. I know they're training beforehand. Did you
10 go over and watch the race for a period of time?
11 A. Sure. I would go to several stages, if they
12 were nearby. Once I had kids, I didn't go as much,
13 but I still would go to certain stages.
14 Q. All right. Now, tell us about when you were
15 first contacted by David Walsh regarding what he was
16 writing.
17 A. I -- I think David first contacted me in May
18 of 2003. That's when he first contacted me.
19 Q. Okay. And what was the reason he was
20 contacting you? Did he tell you?
21 A. Because he had heard the story of the
22 hospital room incident, and he wanted to know whether
23 or not it was true.
24 Q. Okay. Did he tell you how he knew this?
25 A. No. He wouldn't tell me how he knew.

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1 Q. Okay. Were you the source? I mean, did
 2 you --
 3 A. No. I was shocked that he knew in such
 4 detail what happened.
 5 Q. Now, were you or your husband given any
 6 guidance by Mr. Armstrong as to whether or not you
 7 could speak to David Walsh about what he was writing?
 8 A. It was in December of 2003 when -- I think
 9 David had called, and he wanted to talk to Frankie,
 10 and Frankie told Lance, and Lance said, I want you to
 11 talk to him. And Frankie said, I don't want to talk
 12 to him. They went back and forth.
 13 Lance said, I want you to find out what
 14 he wants, and so Frankie talked to him.
 15 Q. So is it your understanding that what was
 16 going on was that your husband was being told to
 17 contact Mr. Walsh to figure out what was going on?
 18 A. Just to talk to him if he should call again.
 19 Q. Now, I want to show you, when you arrived
 20 today, did you -- did you bring some documents with
 21 you?
 22 A. Yes, I did.
 23 Q. Prior to this time period, had you been
 24 requested to provide documents?
 25 A. Yes, I did.

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1 Q. Okay. Did you provide those to -- for us?
 2 A. I didn't provide all the documents, no.
 3 Q. Okay. I want to put in front of you a
 4 document, and then we'll mark this as --
 5 MR. HERMAN: Before we get into these
 6 documents, obviously they've been requested. They
 7 were subpoenaed. I mean --
 8 MR. BREEN: We'd like to see them.
 9 MR. TILLOTSON: I'd be happy to show you
 10 what she gave me.
 11 MR. BREEN: Can we take a break and do
 12 that?
 13 ARBITRATOR FAULKNER: Yeah. Let's take
 14 about a -- actually, gentlemen, it's about 20 of
 15 12:00. How much time do you think you'll need to
 16 review those documents? They look to me about --
 17 ARBITRATOR LYON: How many are there?
 18 MR. TILLOTSON: One, two, three, four,
 19 five, six, seven, eight -- there's nine documents.
 20 Some are, I mean, e-mails.
 21 ARBITRATOR FAULKNER: Do you want to take
 22 about 10 minutes? You guys review the documents.
 23 Then we'll go back on the record and then continue
 24 with this witness.
 25 MR. BREEN: And I certainly don't mean to

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1 pry, but I notice that you handed a stack back. I
 2 don't know if that was the same stack.
 3 MR. TILLOTSON: It's the originals. She
 4 came with the originals, and we made -- copied them.
 5 MR. BREEN: Okay. And are those all the
 6 documents that the witness brought with her today? Do
 7 you know, Mr. Tillotson?
 8 MR. TILLOTSON: I -- I haven't seen the
 9 folder that she has. I think she has some other
 10 things there. I believe it's stuff that has been
 11 previously provided that were not relevant to this
 12 proceeding.
 13 MR. BREEN: With the Chairman's
 14 permission --
 15 ARBITRATOR FAULKNER: Why don't y'all
 16 review all the documents so that we can break --
 17 ARBITRATOR LYON: Break till 1:00 because
 18 they're not going to be able to -- there's nine
 19 documents.
 20 ARBITRATOR FAULKNER: What time is lunch
 21 scheduled for, y'all?
 22 MS. BONE: Noon.
 23 ARBITRATOR FAULKNER: Noon? So in 20
 24 minutes, we're going to have lunch. I don't know that
 25 getting 10 minutes of testimony in is going to do

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1 y'all a heck of a lot of good before -- we'll break
 2 until 1:00. Y'all review the documents. We'll resume
 3 at 1:00 and try to resume promptly at 1:00.
 4 (Break from 11:43 a.m. to 1:20 p.m.)
 5 ARBITRATOR FAULKNER: Are y'all ready to
 6 proceed?
 7 MR. TILLOTSON: We are.
 8 ARBITRATOR FAULKNER: All right. Please
 9 do.
 10 Ms. Andreu, I know it's been a while,
 11 while you've been waiting there. You're still under
 12 oath, and please answer Mr. Tillotson's questions.
 13 Thanks.
 14 Q. (By Mr. Tillotson) Okay. Ms. Andreu, before
 15 we took the lunch break, you had provided and showed
 16 the other side some documents.
 17 A. Yes.
 18 Q. I just want to run through what all those
 19 were so we know them, and I'll ask you some questions
 20 about them.
 21 A. The documents or my notes?
 22 Q. Both, both.
 23 A. Okay.
 24 Q. First, you have brought here with you some
 25 copies of e-mails.

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1 A. Yes.
2 Q. Is that right?
3 A. Yes.
4 Q. I want to focus on those e-mails first, just
5 generally. Then we'll look at them specifically;
6 okay?
7 A. Yes.
8 Q. And then you've also brought some handwritten
9 various notes; is that right?
10 A. Yes.
11 Q. Okay. All right. And the notes were all
12 made by you?
13 A. Yes.
14 Q. Over what period of time?
15 A. Probably over the last two weeks.
16 Q. Okay. Now, there was some notes on white
17 legal paper over there.
18 A. Yes.
19 Q. Can you -- can you hold those up first and
20 then tell us what those are; okay?
21 A. These are notes of the summary depositions of
22 what was said about me by Stephanie, Lance -- I think
23 by -- just by Stephanie and Lance.
24 Q. Okay. And first of all, were you provided
25 portions of testimony given by Ms. McIlvain and

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1 Mr. Armstrong in this proceeding?
2 A. Yes.
3 Q. Who did you obtain that from?
4 A. My lawyer.
5 Q. And who is that?
6 A. Adam Paskoff.
7 Q. And the portions you -- you were provided,
8 did you bring those here today?
9 A. Yes.
10 Q. Can you hold those up, please?
11 A. (Indicating.)
12 Q. All right. And are those the full
13 depositions, or are they excerpts?
14 A. No. They're excerpts.
15 Q. Excerpts about what?
16 A. Anything that was said regarding me.
17 Q. Okay. And have you had an opportunity to
18 review what has been said about you in this proceeding
19 in that -- in that testimony?
20 A. Today?
21 Q. Just in general.
22 A. Yes.
23 Q. Is that what your notes are about there that
24 you have in front of you?
25 A. Yes.

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1 (Respondents' Exhibit No. 95 was marked.)
2 Q. (By Mr. Tillotson) Okay. Now, I'm going to
3 pass out copies of some of the e-mails. And you have
4 the originals there, do you not?
5 A. Yes.
6 Q. All right.
7 ARBITRATOR FAULKNER: Thank you.
8 MR. BREEN: Mr. Chairman, there's a --
9 there is --
10 MR. TILLOTSON: Before you say it --
11 MR. BREEN: Okay.
12 MR. HERMAN: We withdraw that,
13 Mr. Chairman, to be marked.
14 ARBITRATOR FAULKNER: Okay.
15 ARBITRATOR CHERNICK: With prejudice?
16 MR. HERMAN: No. Without prejudice. I'm
17 saying it again.
18 Q. (By Mr. Tillotson) You've got the originals.
19 Let me give you the copies that we're all working on
20 so you have the same ones we do.
21 A. Okay.
22 Q. Now, the first one is an e-mail, Re: David
23 Walsh --
24 A. Uh-huh.
25 Q. -- dated 12/15/2003. Do you see that?

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1 A. Yes.
2 Q. Who is this e-mail exchange back and forth
3 between?
4 A. It's between Lance and Frankie. Lance wrote
5 Frankie an e-mail, and Frankie responded.
6 Q. How is it you're able to obtain this e-mail?
7 A. Frankie saved it on his computer.
8 Q. When did you go get it or look at it?
9 A. After -- afterward. Then I copied it just a
10 few days ago.
11 Q. Were you aware that this e-mail existed and
12 was sent at or around the time it's dated?
13 A. Oh, yes.
14 MR. TILLOTSON: Okay. We're going to
15 mark this as Respondents' Exhibit 95, and I would move
16 for admission into evidence as Respondents' 95.
17 MR. HERMAN: No objection, Your Honor.
18 ARBITRATOR FAULKNER: Then it will be
19 admitted.
20 MR. TILLOTSON: Thank you.
21 Q. (By Mr. Tillotson) Now, just so we -- we have
22 it up there and you're welcome to look at. But it was
23 sent to the FDREF@AOL.Com. I take it that's Frankie's
24 e-mail address?
25 A. Yes.

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1 Q. And in the top part -- Mr. Armstrong
 2 testified to this earlier -- but when you sign an
 3 e-mail, the LA, is that Mr. Armstrong's response?
 4 A. Yes.
 5 Q. Now, this is December 2003, Re: David Walsh.
 6 Before we go into the text of what took place in this
 7 e-mail, tell us what's going on with respect to
 8 Mr. Walsh and contacting you and your husband.
 9 A. David had contacted us. Frankie wanted to
 10 talk to him. Lance asked him to talk to him because
 11 he wanted to know the knowledge that David Walsh had.
 12 So Frankie said, okay, he would talk to him.
 13 David Walsh was in Michigan. He was --
 14 and he asked us for Lisa Shiels' phone number. We --
 15 I told David that I would try to get Lisa Shiels'
 16 phone number if he would just stop with the phone
 17 calls. Then he said, okay.
 18 So I called Becky Livingston who gave me
 19 the phone number of a woman who would know how to
 20 contact Lisa Shiels. It happened right away. I
 21 called up Lance, who I believe was in Spain, and told
 22 him that I was aiding and abetting the enemy. Lance
 23 got very upset and wrote Frankie this e-mail.
 24 Q. Okay. Now, it looks, to me, since Mr. --
 25 your husband's e-mail was sent to Mr. Armstrong on

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1 Saturday, December 13th, 2003 and then a reply from
 2 Mr. Armstrong on top a couple of days later on
 3 December 15, 2003; is that right?
 4 A. Yes.
 5 Q. Okay. And I want to focus, first, on the
 6 bottom part, which is what Mr. -- which your husband
 7 says to -- to Frankie. Now, did you help him draft
 8 this or -- or give input, or is this your husband
 9 doing this by himself?
 10 A. He did it by himself.
 11 Q. Okay. Now, let's, if we could, focus on the
 12 top part, Mr. Armstrong's response to what your
 13 husband said. It says, Frankie, thanks for the help
 14 here. The more I think about this, though, the harder
 15 I find it to understand why your wife did what she
 16 did. Let me get this straight. You work for the team
 17 or some form of USPS, OLN -- do you know what that was
 18 --
 19 A. OLN.
 20 Q. What is that?
 21 A. Outdoor Life Network.
 22 Q. -- where we work together on a daily basis
 23 and all she cared about was getting left alone by this
 24 little idiot to go around and say to Becky, please
 25 don't tell Kevin is as snake and conniving as it gets.

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1 First, let me ask a couple of questions.
 2 Do you have any understanding as to what he's
 3 referring to about him not knowing what you did?
 4 A. Him not -- Lance not knowing what I did or --
 5 Q. I find -- the harder I find it to understand
 6 why your wife did what she did. What is he referring
 7 to, if you know?
 8 A. Because I tried to get Lisa Shiels' phone
 9 number for David Walsh. That's what he was upset
 10 about. But I never told Becky, please don't tell
 11 Kevin. Kevin was trying to save his own by saying
 12 that.
 13 Q. What is that a reference to? I don't
 14 understand. First, which Kevin and Becky are you
 15 talking about?
 16 A. Kevin and Becky Livingston.
 17 Q. And who were they?
 18 A. Kevin was a teammate of Frankie and Lance's.
 19 Q. And what is this a reference to about, please
 20 don't tell Kevin? What is going on here?
 21 A. I -- I don't know. I assume from this e-mail
 22 that Kevin told Lance that I told Becky, please don't
 23 tell Kevin that I even called to get Lisa's number.
 24 Q. Now, the next sentence says, I know Betsy's
 25 not a fan, and that's fine, but by helping to bring me

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1 down is not going to help y'all's situation at all.
 2 There is a direct link to all of our success here, and
 3 I suggest you remind her of that.
 4 Do you see that?
 5 A. Yes.
 6 Q. How did you take that? What did you
 7 understand him to be saying?
 8 A. He was trying to intimidate and to threaten
 9 that -- as he'd done -- had done with Frankie before,
 10 which is it can -- if you're going to -- I can do what
 11 I did to you in your cycling career and make sure you
 12 don't work in the cycling business.
 13 Q. Well, how is it you were able to bring
 14 Mr. Armstrong down?
 15 A. I presume from my knowledge of his
 16 performance-enhancing drugs, when he admitted to
 17 taking EPO, steroids, testosterone, growth hormone,
 18 and cortisone.
 19 Q. Did you feel threatened in connection with
 20 this e-mail from Mr. Armstrong?
 21 A. I did.
 22 ARBITRATOR LYON: Let me ask you a
 23 question before we leave this. Who is the little
 24 idiot in this?
 25 THE WITNESS: David Walsh.

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1 ARBITRATOR LYON: Okay.
2 MR. TILLOTSON: We -- we -- we agree to
3 at least half of that as incorrect.
4 ARBITRATOR LYON: Little?
5 MR. TILLOTSON: Yes, sir. Yes, sir.
6 MR. HERMAN: We agree to the other half.
7 ARBITRATOR FAULKNER: I figured there
8 would be an agreement on one half for each of y'all.
9 Please proceed with your questioning.
10 Q. (By Mr. Tillotson) Now, if Mr. Armstrong
11 testified in these proceedings, then at no time did he
12 ever tell anyone that they should not talk to or give
13 information to Mr. Walsh because it might be adverse
14 to their economic interest, was your experience
15 different than that?
16 A. Completely. He told Frankie, talk to David,
17 find out what he wants, and see what he knows and let
18 me know.
19 Q. Now, if you'll look at page two, which we'll
20 mark as Respondents' Exhibit 96 of the packet of
21 e-mails.
22 (Respondents' Exhibit No. 96 was marked.)
23 Q. (By Mr. Tillotson) It looks to me like
24 another version of this same e-mail; is that right?
25 A. I think it's the same -- same one.

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1 Q. Okay.
2 A. It's just that I printed it out again.
3 Q. Okay. For purposes of completion, we'll
4 offer Respondents' Exhibit 96, which is just another
5 version of that same e-mail?
6 MR. HERMAN: Well, it shows page one of
7 three on page -- on Exhibit 96. Could you tell us
8 where the rest of it is?
9 MR. TILLOTSON: Well, I'll ask the
10 witness.
11 Q. (By Mr. Tillotson) Do you know if there's a
12 page two or three to this -- this e-mail?
13 A. No.
14 MR. BREEN: Do you see up there in the
15 right-hand corner?
16 MR. TILLOTSON: Yeah, I do, but all I
17 have is what she has.
18 THE WITNESS: But over here it says, page
19 one of one.
20 MR. HERMAN: Right. I know that. I
21 didn't have a question about the other one. I was
22 asking a question about this one. (Indicating.)
23 MR. TILLOTSON: All we have -- you've
24 seen all of the witness' documents. This is all we
25 have, so I would still -- still relevance. 95 is in

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1 but --
2 MR. HERMAN: Well, yeah. I mean, I -- I
3 assume that it's the same. I haven't compared it
4 word-for-word, but I'll take your word for it. I was
5 just curious about where the other two pages were.
6 ARBITRATOR FAULKNER: Okay. Do y'all
7 have an objection to 96?
8 MR. HERMAN: Well, other than its
9 incompleteness, but, no, we don't have an objection to
10 the substance of it.
11 ARBITRATOR FAULKNER: Okay.
12 Q. (By Mr. Tillotson) Okay. Now, the -- the
13 third and fourth pages, if you'll put those side by
14 side, were in the December 2003 time period, and this
15 e-mail we're looking at here, Mr. Walsh is calling.
16 When Mr. Walsh was calling in this December time
17 period, before we move on, had he indicated to you
18 that he was already aware of the Indiana University
19 Hospital incident?
20 A. He knew about it when he first contacted me
21 in May.
22 Q. Okay. Now, you mentioned it in testifying
23 earlier this morning that you had this contact with
24 Mr. Armstrong, and then you didn't really hear again
25 from him until October of the following year; is that

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1 right?
2 A. Correct.
3 Q. Okay. If you'll look at the next two -- two
4 e-mails. There's one at the top.
5 ARBITRATOR CHERNICK: Can we pause for
6 just a moment?
7 MR. TILLOTSON: Sure.
8 ARBITRATOR CHERNICK: Immediately
9 following Exhibit 96 is a one-page one-of-one with a
10 "Livestrong" kind of logo at the bottom.
11 MR. TILLOTSON: That's where we're going
12 to next.
13 ARBITRATOR CHERNICK: Okay. I'm sorry.
14 MR. TILLOTSON: That should be the next
15 page.
16 ARBITRATOR LYON: Is this all just marked
17 as Exhibit 96?
18 MR. TILLOTSON: Well, I was going to mark
19 them separately as they came in. This is 96 -- 95.
20 Page two is 96. I'll mark the next one as 97.
21 (Respondents' Exhibit No. 97 was marked.)
22 ARBITRATOR FAULKNER: Do y'all have any
23 objections to any of these?
24 MR. TILLOTSON: 100, 101.
25 MR. HERMAN: I don't think so. Breen has

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1 looked at them. I don't think so.
2 MR. BREEN: The on -- I assume that
3 you're going to go through, Mr. Tillotson, and just
4 prove those up?
5 MR. TILLOTSON: Yeah. I'll go through.
6 It'd be helpful if you'll --
7 MR. BREEN: Not at this time. There's
8 only one that doesn't have -- well, several of them
9 don't have the two -- two fronts, but we -- I'm not
10 sure what you're going to mark -- what number you're
11 going to mark that which says, "quikado" on the top,
12 subject, "quikado."
13 MR. TILLOTSON: 99.
14 MR. BREEN: All right. At this time I'm
15 going to -- not knowing who it's from or what the deal
16 is there and not having seen it before just now --
17 MR. TILLOTSON: I'll go through them as
18 expeditiously as possible, and then I'll offer them
19 globally at the end to make it easier, to make it
20 easier, if that's okay.
21 ARBITRATOR FAULKNER: Start going through
22 them then and see if we can get them all --
23 Q. (By Mr. Tillotson) Let's look at the next
24 one. Now, this is October 24th, 2005.
25 A. Uh-huh.

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1 Q. Who is this e-mail from?
2 A. This is from Lance to Frankie because he had
3 called Frankie two or three times the day before our
4 deposition. Frankie then returned his phone calls,
5 and he sent this e-mail to him.
6 Q. Now, Frankie had not heard from Mr. Armstrong
7 for quite some time prior to 10/24/2005; is that
8 correct?
9 A. He called Frankie on 10/22.
10 Q. Okay.
11 A. Left a message. Frankie returned his phone
12 call. He talked to him for 29 minutes on 10/22.
13 Q. Were you a party to that conversation?
14 A. I wasn't at home.
15 Q. How is it you were made aware that the phone
16 conversation took place?
17 A. Frankie called me right after and told me.
18 Q. Okay. What was Mr. -- what was Frankie's
19 reaction to that conversation? How did he take his
20 conversation with Mr. Armstrong?
21 A. He didn't know who it was at first. When
22 he -- when he said, it's Lance, Frankie said, Lance?
23 Lance who? And he said, it's Lance. And then he
24 said, oh, Lance. And he said, I want to talk to you
25 about Kathy LeMond's deposition because she said some

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1 things in there, and I want to clarify them with you.
2 Q. How did your husband interpret this call?
3 Was it friendly? Was it threatening? Was it a
4 warning? What was your understanding of how your
5 husband interpreted this call?
6 A. He said --
7 MR. HERMAN: Well, you know, hang on.
8 Excuse me.
9 ARBITRATOR FAULKNER: Wait until the
10 objection's made and we know what it is.
11 MR. HERMAN: You know, I haven't objected
12 to hearsay nature of it, but now to -- to characterize
13 her husband's state of mind, I think, is -- is going
14 too far. I'll object to it on that basis. She's not
15 competent to testify about that.
16 MR. TILLOTSON: I think the witness can
17 recount how she perceived her husband's state of mind
18 as to whether the two of them interpreted this as a
19 threatening or warning phone call but whether this was
20 also intended as something that might impact her.
21 Mr. Andreu -- her husband testified about
22 what was said, so I'm not going to ask her what did
23 her husband say and what Mr. Armstrong said because
24 that would be offered through Mr. -- Mr. --
25 ARBITRATOR FAULKNER: We'll get that

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1 later on.
2 MR. TILLOTSON: We'll get that later.
3 But I do -- this witness testified as well in her
4 deposition, and to the extent that this call was in
5 any way threatening, warning, or intimidating and was
6 communicated to her, she's entitled to explain whether
7 or not she felt that way, that this call had some
8 impact on them.
9 MR. HERMAN: Oh, I don't object to her
10 saying what impact it had on her. I don't have any
11 problem with that.
12 ARBITRATOR FAULKNER: Okay. Then
13 proceed.
14 MR. TILLOTSON: I'll rephrase it under
15 those guidelines.
16 ARBITRATOR FAULKNER: Okay. Thank you.
17 Q. (By Mr. Tillotson) Ma'am, I'm not going to
18 ask you what Frankie said and Mr. Armstrong said
19 because we'll get to that later. I'm going to ask you
20 about how you understood this call as to whether or
21 not you felt Mr. Armstrong calling your husband was in
22 any way threatening or intimidating.
23 A. It was a very subtle form of intimidation, of
24 course.
25 Q. Why do you say that? What about the call did

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1 you feel was a subtle form of intimidation?
2 A. All he wanted to talk about for 29 minutes
3 was our upcoming deposition, what Kathy LeMond had
4 said in her deposition, and he hadn't talked to
5 Frankie previously in over a year, and then before
6 that, he hadn't talked to Frankie in over a year.
7 It all had to do each time with the SCA
8 case, excerpt for 2003 when it was with David Walsh.
9 Q. Did -- did you, yourself feel intimidated or
10 threatened in any way in connection with your
11 deposition by Mr. Lance Armstrong?
12 A. By his presence?
13 Q. Well, first, by the phone calls that he made
14 to your husband.
15 A. Well, I felt threatened.
16 Q. Now, you said, at your deposition. Did Mr.
17 Armstrong attend your deposition?
18 A. Yes, he did.
19 Q. Were you intimidated in any way by his
20 presence there?
21 A. Absolutely not.
22 Q. All right. Now, if you'll look at the next
23 one, which we'll mark as 98. Can you tell me who this
24 e-mail from -- to and from?
25 (Respondents' Exhibit No. 98 was marked.)

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1 A. This is after this whole SCA thing came
2 public. Lance had called Frankie six or seven times,
3 wanted Frankie to give him a call regarding the SCA
4 thing. Frankie called, left a message, and then they
5 had this e-mail exchange because Frankie's message to
6 Lance said, I don't want to get involved; I want to
7 stay out of it.
8 Q. And he says -- when Mr. Armstrong says, I
9 understand your position, yet sorry you feel that way,
10 what was your understanding about what position he was
11 referring to?
12 A. The truth.
13 (Respondents' Exhibit No. 99 was marked.)
14 Q. Now, if you'll turn to the next one. Is this
15 an e-mail from someone?
16 A. This is a note from Lance to Frankie, and on
17 Frankie's computer, it will say -- it will give
18 Lance's e-mail address because he had several
19 different ones. But we just got this quikado, which
20 in Spanish means "be careful" or "attention." We
21 couldn't figure out what that meant.
22 And Frankie wrote Lance an e-mail saying,
23 what the hell does this mean, and we never heard from
24 him.
25 Q. Are you certain that this e-mail was from

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1 Mr. Armstrong?
2 A. Yes.
3 (Respondents' Exhibit No. 100 was
4 marked.)
5 Q. (By Mr. Tillotson) Now, if you'll turn to the
6 next e-mail, which we've marked as 100, and this
7 e-mail has been in -- previously admitted in these
8 proceedings.
9 MR. HERMAN: Wait a second. No, no, no,
10 no. You got the wrong thing up there.
11 MR. TILLOTSON: Oh, take that off. I'm
12 sorry. Remove that one. I'm sorry, Mariela. Go to
13 101. My apologies. I removed that. That's why it
14 was there.
15 (Respondents' Exhibit No. 101 was
16 marked.)
17 Q. (By Mr. Tillotson) Okay. Explain to us how
18 you got this e-mail that appears to be -- that is from
19 Mr. Stapleton?
20 A. Bill wanted me to make a statement and
21 Stephanie to make a statement, I presume, about what
22 was in David Walsh's book. We both didn't want to get
23 involved, and Stephanie and I were very close, and she
24 said -- and I told Stephanie that Bill had been trying
25 to contact Frankie. And then she told me that Bill

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1 had tried to contact her and get her to make a
2 statement, too.
3 Q. What was your understanding of what kind of
4 statement Mr. Stapleton wanted you to give? Do you
5 know?
6 A. Well, from this? Are you going strictly from
7 this e-mail?
8 Q. No. Let's, first, talk about you, and then
9 we'll talk about Stephanie. What was your
10 understanding of -- did Mr. Stapleton want a statement
11 from you regarding Mr. Walsh's book?
12 MR. HERMAN: Well, go ahead. That's
13 fine.
14 A. He wanted me to say basically that David
15 Walsh, anything he said was a lie.
16 Q. (By Mr. Tillotson) Okay. How is it you knew
17 he wanted that statement? How did you learn that?
18 A. Because he told Frankie in the conversation
19 he had with him in the July 2004 Tour.
20 Q. What was your reaction to that request?
21 A. I was livid.
22 Q. Why?
23 A. I was not going to lie. I'm not going to
24 call somebody a liar when they're not lying.
25 Q. Now, would you have conversations with Ms.

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1 McIlvain, Stephanie, about whether they wanted a
 2 statement from her?
 3 A. Yes. That's why she forwarded me this e-mail
 4 from Bill.
 5 Q. Do you know if Ms. McIlvain was prepared to
 6 give a statement either?
 7 A. She said she wasn't going to give a
 8 statement.
 9 Q. Now, you said you were friends with
 10 Stephanie. Did you become good friends with Ms.
 11 McIlvain?
 12 A. Yes.
 13 Q. All right. How frequently would the two of
 14 you talk, for example, let's say during this time
 15 frame, in '04 and early '05.
 16 A. Very often.
 17 Q. Okay. Many times a day? Many times a week?
 18 Give us a sense.
 19 A. Many times a day.
 20 Q. In the course of all your conversations with
 21 Ms. McIlvain, did the two you -- did you ever discuss
 22 what took place in that Indiana University Hospital
 23 room?
 24 A. Many times.
 25 Q. In all those conversations that you had with

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1 Stephanie, did she ever once tell you that she didn't
 2 believe that Mr. Armstrong had admitted to the use of
 3 performance-enhancing drugs in that conversation?
 4 A. No. Stephanie came to visit me and my family
 5 in September of 2004, and she, Frankie, and I sat
 6 around our kitchen table talking about -- talking
 7 about it. And that's where she said she only
 8 remembered Lance saying that he took steroids.
 9 Q. Now, you know in this proceeding she has
 10 denied that she heard Mr. Armstrong say such things.
 11 Is that true based upon what she has told you
 12 previously?
 13 A. She was lying.
 14 ARBITRATOR LYON: I'm sorry, ma'am. I
 15 didn't hear you.
 16 A. She was lying.
 17 Q. (By Mr. Tillotson) Now, I want to move for a
 18 moment -- do you need a moment? Are you okay?
 19 A. I'm fine.
 20 Q. I want to move for a moment to the 2004 Tour
 21 de France that your husband attended. Were you at the
 22 2004 Tour de France?
 23 A. No.
 24 Q. What was the reason for your husband being
 25 there?

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1 A. Doing TV commentary for OLN.
 2 Q. Outdoor Life Network?
 3 A. Yes.
 4 Q. Now, in connection with the 2004 Tour de
 5 France, had Mr. Walsh's -- the allegation in
 6 Mr. Walsh's book been made public by that point in
 7 time?
 8 A. Yes.
 9 Q. Now, one of the allegations you know in the
 10 book was the incident in the Indiana University
 11 Hospital room?
 12 A. Yes.
 13 Q. In that book or in the -- an excerpt of the
 14 book that I've seen, you were quoted in response to
 15 that incident as saying you had no comments. Are you
 16 aware of that?
 17 A. Yes.
 18 Q. Was that, in fact, what you -- is that your
 19 position with Mr. Walsh?
 20 A. I told him, on the record for the book, I
 21 have to say, no comment. Off record, your facts are
 22 correct.
 23 Q. Did you give him permission to use your name
 24 in any way in connection with the book?
 25 A. Only as far as the "no comment" went.

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1 Q. And were you the original source for that
 2 story from Mr. Walsh?
 3 A. No.
 4 Q. How do you know that?
 5 A. Because I told James Startt about this a long
 6 time ago, and then I just -- I found out James told
 7 Greg, and it was Greg who told David.
 8 Q. Okay. So James Startt, a journalist, told
 9 Greg LeMond?
 10 A. Yes.
 11 Q. And Mr. LeMond man told Mr. Walsh?
 12 A. Yes.
 13 Q. And at some point in time, Mr. Walsh
 14 contacted you --
 15 A. Yes.
 16 Q. -- and had the details already?
 17 A. Yes.
 18 Q. And your response to him was "no comment, but
 19 off the record, you've got it right"?
 20 A. Yes.
 21 Q. Is that fair?
 22 Okay. Now, did you learn from your
 23 husband that Mr. Stapleton and Mr. Knaggs wanted to
 24 meet with him at the 2004 Tour de France to talk about
 25 Mr. Walsh's book?

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1 A. Yes. Because Frankie was in the parking lot.
2 Soigneurs from the team came up to him and said, Lance
3 wants to see you. So Frankie went into Lance's hotel
4 room, and Lance said, Bill wants to talk to you about
5 the hospital incident, and Frankie said, okay.
6 Q. And how did you learn that? From your
7 husband?
8 A. Yes.
9 Q. Now, in connection with your husband wanting
10 to meet Mr. Stapleton, did you make any suggestions
11 about what he might do regarding that conversation?
12 A. Well, Frankie had a digital tape recorder
13 because he was also writing articles, and he said --
14 he either said, do you think I should tape it, or I
15 think I should tape it. What do you think? And I
16 said, hell, yeah. Because we both said, you can't
17 trust him.
18 Q. So tell the Panel now why you and your
19 husband decided to tape the conversation with
20 Mr. Stapleton and Mr. Knaggs. What was your reason
21 for doing that?
22 A. Because hadn't we taped it, everything that
23 was said in the conversation would have been denied,
24 and we wouldn't have had any proof that it existed.
25 Q. Did you ever speak to Mr. Stapleton about the

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1 Indiana University Hospital room --
2 A. No.
3 Q. -- personally?
4 A. No.
5 Q. Did you ever speak to Mr. Armstrong about it
6 during this time period?
7 A. No.
8 Q. Now, your husband goes and has this
9 conversation and tapes it. What was his reaction when
10 he came back and talked to you?
11 A. He said, holy, shit. He -- they -- they
12 wanted a statement from you, he said. They're really
13 on your case. They're blaming you for being the
14 source for all of it.
15 Q. Was he worried?
16 A. Yeah. Yes, he was worried because he said,
17 why don't you consider making it. I said, I am not
18 making a statement. I said, get that out of your
19 head. I'm not making a statement. Any statement I
20 would make, I don't care if the sun was blue -- or the
21 sky was blue, they would turn around and use it
22 against me.
23 Q. Now, how did you get a copy of the -- how did
24 you get the tape itself?
25 A. He sent it to me by the computer.

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1 Q. Okay.
2 A. Because he was in France or Belgium.
3 Q. So he was able to load it digitally and send
4 it to you --
5 A. Yes.
6 Q. -- like an MP3 file or something like that or
7 a digital file?
8 A. An MP3 file.
9 Q. Okay. And what did you do with it?
10 A. I listened to it.
11 Q. Did you have it transcribed?
12 A. Yes, I did.
13 Q. And in connection with your deposition, did
14 you produce the actual copy of the tape and a
15 transcript?
16 A. Yes.
17 Q. All right. If you'll turn to Respondents'
18 Exhibit 23 and 24. 23 has been previously marked as
19 the tape.
20 A. Yes.
21 Q. And you've provided the tape, and you brought
22 another copy here today with you?
23 A. Yes.
24 Q. And then who did you have do the
25 transcription?

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1 A. About Words in Ann Arbor, Michigan, a
2 transcription service.
3 ARBITRATOR LYON: Is this the same tape
4 we've already been provided and that we've already
5 seen, or is this another tape?
6 MR. TILLOTSON: This is -- this is 23 and
7 24.
8 ARBITRATOR LYON: Huh? This is the same
9 one?
10 MR. TILLOTSON: Yes.
11 ARBITRATOR LYON: Okay. This is 23?
12 MR. TILLOTSON: The tape itself is 23;
13 although, we will tender the original copy of the tape
14 to the Panel that we have, and then the transcript is
15 24.
16 ARBITRATOR LYON: Okay.
17 MR. TILLOTSON: In fact, have you
18 delivered --
19 MS. EVORA: I've already -- I gave it to
20 them yesterday.
21 MR. TILLOTSON: You actually have a copy.
22 ARBITRATOR FAULKNER: I think we do.
23 ARBITRATOR LYON: Yeah. We have a copy.
24 ARBITRATOR FAULKNER: That's Respondents'
25 23. Okay. We have CDs of them. Please proceed.

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1 Q. (By Mr. Tillotson) Now, did you ever give --
 2 did you ever, in fact, get a draft copy of a statement
 3 from Mr. Stapleton that you would have signed or look
 4 at?
 5 A. No.
 6 Q. Now, there has been some -- some testimony in
 7 this proceeding previously before you got here
 8 regarding whether your husband told Mr. Stapleton in
 9 the course of this conversation that the Indiana
 10 University Hospital incident happened.
 11 A. Uh-huh.
 12 Q. Based upon your discussions with your
 13 husband, do you have any doubt as to whether or not he
 14 told Mr. Stapleton and Mr. Knaggs that the hospital --
 15 Indiana University Hospital incidence happened?
 16 A. He did. It's on the tape.
 17 Q. Now, what transpired -- we've seen the
 18 transcript. I'm not going to take you through it
 19 because we're going to go through it with your husband
 20 since he was there in his testimony. But what
 21 transpired after this time period in -- in the August,
 22 September, October time frame? Were you contacted by
 23 Mr. Stapleton or Mr. Armstrong regarding the
 24 possibility of denying that Indiana University
 25 Hospital incident happened?

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1 A. Well, Frankie saw Bill at the Tour. I think
 2 it was on the Paris Champs Elysees stage, the final
 3 day of the Tour. Bill called and he said, I want to
 4 meet with you. I have something, and then Frankie
 5 never called him when he got to Paris, and it was just
 6 left alone.
 7 I don't think he heard anything in
 8 August, and then it was either September or October
 9 when -- I think September Bill started contacting him
 10 again, and then when Frankie wouldn't give in, it was
 11 Lawrence Temple, I believe, who contacted Frankie
 12 about making a statement -- having me make a
 13 statement.
 14 Q. Now, you mentioned that -- that you had told
 15 James Startt who told Greg LeMond who told David
 16 Walsh. Did you become friends with Greg LeMond in
 17 2004 or 2005?
 18 A. I mean, I wouldn't say friend, but I
 19 contacted Greg in 2004.
 20 Q. Okay. Why -- why did you contact Mr. LeMond?
 21 A. Because I know that he was being -- he was
 22 being blamed for some stuff that was in the book and
 23 getting a lot of crap, for lack of a better word, just
 24 because of what he had said to the news -- the French
 25 newspaper, LeMond -- regarding Lance using Ferrari as

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1 a doctor, and I wrote Greg an e-mail.
 2 Q. Now, this was not -- when you spoke to
 3 Mr. LeMond, had you ever had any conversations with
 4 Mr. Armstrong about Greg LeMond?
 5 A. In 2001, after the Tour, Frankie, Lance,
 6 Kristin, and our kids -- Marta, Frankie, and Luke --
 7 had dinner, and I believe Chechan was there. He was
 8 another rider.
 9 ARBITRATOR LYON: Say that name again.
 10 THE WITNESS: Chechan. I don't know,
 11 Chechan -- I don't know what his legal name is.
 12 A. And then there was Lance and Kristin's
 13 handyman and his wife in France. We had a dinner in
 14 France in 2001 after the Tour. And Lance -- there was
 15 an article that had come out, and that's where Greg
 16 LeMond was made -- had made the statement about
 17 something to the fact -- I'm disappointed that Lance
 18 is working with Ferrari.
 19 And then there was some article that came
 20 out with this mystery Motorola rider. And so Lance
 21 asked Frankie, are you the Motorola guy? And Frankie
 22 said, hell, no, I'm not the Motorola guy. And then
 23 Lance said -- excuse my language -- fuck you, LeMond.
 24 He's the one that opened the flood gates to EPO usage.
 25 I'm going to fuck him over.

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1 Q. (By Mr. Tillotson) What was your
 2 understanding of what Mr. Armstrong was saying with
 3 respect to the use of EPO with his comments?
 4 A. What was my understanding?
 5 Q. Did you understand Mr. Armstrong in any way
 6 to be acknowledging or admitting that he, himself,
 7 used EPO in his comments about Mr. LeMond?
 8 A. I took it as -- I took it as he was just mad
 9 that Greg would even bring up Ferrari's name because
 10 Ferrari was associated as a drug doctor.
 11 Q. During the course of that dinner, his
 12 comments about Mr. LeMond, did Mr. Armstrong make
 13 anything that you believed to be was an admission or
 14 acknowledgement regarding his own use of
 15 performance-enhancing drugs?
 16 A. No. I just didn't see why he was so upset
 17 because Greg said something so innocuous.
 18 Q. Now, tell me for a second about the mystery
 19 Motorola guy. What -- what are you referring to?
 20 A. Some other article was written about the
 21 mystery Motorola guy who had said that Lance said,
 22 we've got to step up to do a program -- something like
 23 this. And it -- it ended up being -- it was Steve
 24 Swart.
 25 Q. Okay. Mr. Armstrong questioned your husband

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1 as to whether he was that guy?
2 A. Yes. And was trying to figure out who it was
3 because they had no idea.
4 Q. Now, do you know if Mr. Armstrong -- you
5 brought it about before. Do you know if Mr. Armstrong
6 asked your husband to go see or train with Dr.
7 Ferrari?
8 A. He wanted Frankie to.
9 Q. Did your husband, in fact, go to Dr. Ferrari?
10 A. No.
11 Q. Why not?
12 A. He said he never wanted to be associated with
13 that guy because of his bad reputation.
14 Q. I've seen in some press reports some mocking
15 or kidding of your husband, that the reason he
16 wouldn't go see Dr. Ferrari was because your husband
17 was too cheap to pay the bill. Have you heard that
18 before?
19 A. Yeah. Lance said something like, he can get
20 in himself, but he's too cheap.
21 Q. What's the real reason why your husband
22 didn't go see Dr. Ferrari?
23 A. He didn't want to be on that doping program.
24 Q. Now, did you ever have -- ever see
25 Dr. Ferrari in connection with your attending the Tour

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1 de France?
2 A. In connection with the Tour de France?
3 Q. I apologize. In connection with any race
4 that you attended with your husband and Mr. Armstrong?
5 A. Yes.
6 Q. Tell us about when you saw Dr. Ferrari.
7 A. Frankie, Lance, Kristin, and I, we lived in
8 Nice. We drove to Milano for the start of the Milano
9 Race when Frankie -- and then Frankie and Lance raced,
10 and Kristin and I drove back.
11 But on the way to the race -- we went the
12 day before. Lance had to stop and see Ferrari who was
13 in his camper van, and it was outside of Milano in the
14 parking lot of a hotel, slash, gas station.
15 Q. So what happens? You stop, and Mr. Armstrong
16 gets out?
17 A. He gets out.
18 Q. Goes where?
19 A. It was a camper van.
20 He said, I'll be gone. In about an hour,
21 come back and get me.
22 Q. And did you know who was in the camper van?
23 A. Ferrari. Well, Ferrari came out after.
24 Q. And did they go back in the camper van?
25 A. No. I'm sorry. Lance went to go see

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1 Ferrari, but then we went to go pick Lance up after.
2 Ferrari came out with Lance.
3 Q. What were you doing in the meantime?
4 A. We went to a money machine. Kristin had her
5 dog. We took him to the bathroom. Then after we went
6 to a little town to find a money machine, we went back
7 to the lobby of the hotel.
8 Q. What time of the day or night was this?
9 After dinner?
10 A. No, no, no. This was -- I would say, early
11 afternoon because we left for the race.
12 Q. What was your understanding of why
13 Dr. Ferrari's in a camper van out by a gas station
14 outside of town?
15 MR. HERMAN: Objection. Could we have
16 some foundation, as opposed to what her supposition
17 was? There's no factual predicate.
18 Q. (By Mr. Tillotson) First of all, did it
19 strike you as odd that you were dropping off
20 Mr. Armstrong outside of town at a gas station at a
21 camper?
22 A. Well, yeah. But it was so he wouldn't be
23 seen with him. I mean, when they went to go see Max
24 Testo when they were in Como, they went straight to
25 his office. Max wasn't the doctor in Como.

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1 Q. Was there ever a time that you were with
2 Mr. Armstrong when he had delivered to him any
3 packages?
4 A. Yes.
5 Q. Can you describe for us, first, when this was
6 and then what happened?
7 A. This was in -- I think it was in -- in -- it
8 was in February or March of '98 or '99. Frankie was
9 at a race, and I had dinner with Lance and Kristin,
10 Becky and Kevin Pepe, and Isabelle, his girlfriend,
11 and Pepe had come from Spain in the evening to make --
12 what I believe was a delivery of EPO, and the reason
13 why he came in the evening was because the chances of
14 him getting caught at the border were lessened.
15 Q. Now, before we make these charges, tell us
16 what basis you have or things that you saw or were
17 told by someone to make that statement.
18 A. It was -- and he was either talking with one
19 of the wives or I'm pretty sure it was -- Frankie told
20 me that's the reason that Pepe came at night because I
21 didn't understand why we had to go to dinner so late.
22 And I remember the paper bag was given to
23 Lance when we all got into the car because Lance
24 insisted on driving me to my apartment so that I
25 didn't have to walk alone, and he got it and had to go

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1 home, and he made some reference about having to put
2 it in a refrigerator.
3 Q. Now, you said, Pepe. Pepe who? Do you know
4 his name?
5 A. No.
6 Q. What was his role?
7 A. Trainer.
8 Q. For the team?
9 A. Yes.
10 Q. Now, you recounted for us here some strong
11 allegations, and it is no secret, is it, that you
12 don't like or are not fond of Mr. Armstrong.
13 A. No.
14 Q. Is that fair?
15 A. I don't -- I don't care for him. Lance is --
16 ARBITRATOR CHERNICK: You have to keep
17 your voice up. I'm sorry.
18 THE WITNESS: I'm sorry.
19 A. Yeah. It's a mutual feeling.
20 ARBITRATOR CHERNICK: I -- I can't hear
21 you, ma'am.
22 THE WITNESS: I'm sorry. If I -- I feel
23 like I'm shouting.
24 A. I don't care for Lance. Lance doesn't care
25 for me.

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1 Q. (By Mr. Tillotson) Are you -- the things
2 you've said here today, are they being said out of
3 spite or meanness because you're trying to get back at
4 or hurt Mr. Armstrong in some way?
5 A. I mean, why would I do that? What has he
6 done to me?
7 Q. Well, you are -- in the course of your
8 testimony here, we've seen you be very emotional, and
9 some of these things have been emotional for you. Is
10 there something that biases against Mr. Armstrong?
11 A. No.
12 Q. Are the things you've told us here today
13 truthful, to the best of your ability?
14 A. I wouldn't be here if they were not truthful.
15 Q. Now, you have had some contact with people at
16 SCA; is that fair?
17 A. Yes.
18 Q. And you have spoken with whom at SCA?
19 A. I've spoken with Bob Hamman, John Bandy, and
20 Chris Compton.
21 Q. Have -- at any time have they suggested to
22 you that you should say something or do something that
23 you believe was untruthful or not accurate?
24 A. They have said -- no. They have said
25 repeatedly, just tell the truth and nothing but the

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1 truth, whether it's good or bad for us. Just tell the
2 truth.
3 Q. And have you, to the best of your ability,
4 here today?
5 A. Yes, I have.
6 MR. TILLOTSON: Mr. Chairman, I'm
7 prepared to pass the witness with one proviso. She
8 has provided us with one other document, but in
9 conversations with the other side regarding the
10 admissibility of that document, I would like to hold
11 off before trying to lay foundation with her so I can
12 have a chance to question the witness about what it
13 is.
14 ARBITRATOR FAULKNER: All right.
15 MR. TILLOTSON: So as long as I'm
16 afforded the opportunity if I choose to seek to -- to
17 admit it, to do that either on redirect later today,
18 I'm prepared to pass the witness.
19 ARBITRATOR FAULKNER: Okay. Y'all agree
20 to that?
21 MR. HERMAN: Yes, that's fine.
22 ARBITRATOR FAULKNER: Okay. Ma'am,
23 please answer the questions from cross-examining
24 counsel.
25 CROSS-EXAMINATION

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1 BY MR. HERMAN:
2 Q. Ms. Andreu, you're conscious of your
3 obligation to tell the truth. Obviously you've
4 referred to your conversations with SCA in that
5 regard; correct?
6 A. Yes.
7 Q. And when you were -- did you have that same
8 feeling and obligation when your -- when your
9 deposition was taken?
10 A. Yes.
11 Q. And you endeavored to tell the truth then,
12 too; is that right?
13 A. Yes.
14 Q. In that connection, do you recall me asking
15 you about, for example, this --
16 MR. HERMAN: Page 104 of Ms. Andreu's
17 deposition.
18 Q. (By Mr. Herman) Do you recall me asking you
19 about this incident with Pepe?
20 A. Pepe. Yes.
21 Q. Pepe?
22 And when I asked you --
23 MR. HERMAN: Could somebody give her her
24 deposition, page 104?
25 THE WITNESS: I don't -- I don't need it.

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1 MR. TILLOTSON: If you give me a second,
2 I can provide it for her.
3 ARBITRATOR LYON: Are you going flash it
4 up there?
5 THE WITNESS: I don't need it.
6 ARBITRATOR LYON: It's what?
7 ARBITRATOR FAULKNER: It's synced to a
8 video.
9 Q. (By Mr. Herman) I want to be fair with you.
10 I want to be fair with you, so I want you to be able
11 to have it to look at.
12 MR. TILLOTSON: Okay. Here's a copy of
13 your deposition. If you'll direct me to the page,
14 I'll --
15 ARBITRATOR CHERNICK: 104.
16 ARBITRATOR FAULKNER: And would you give
17 us a line cite so we can keep our notes straight,
18 please?
19 MR. HERMAN: Yes. Let me wait until she
20 gets there, Mr. Chairman.
21 ARBITRATOR FAULKNER: Sure.
22 MR. TILLOTSON: Okay. She's got page
23 104.
24 Q. (By Mr. Herman) At line -- well, line 5, I
25 say --

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1 A. Yes.
2 Q. -- let me just get a couple of other things
3 straight. This brown bag that Pepe gave
4 Mr. Armstrong, you have no information or
5 understanding or idea of what was in the brown bag.
6 Answer -- what was your answer?
7 A. I answered at that time, I don't have any
8 idea. I don't -- I don't know.
9 Q. And then my next question: And you're not
10 asserting there was anything in there.
11 And your answer was?
12 A. No.
13 ARBITRATOR LYON: Where is it up there?
14 MR. HERMAN: It's page 104, line 6
15 through 11.
16 Q. (By Mr. Herman) Then this issue about this
17 visit with Dr. Ferrari on page five -- on page 105,
18 I'm sorry, line 4 through 10.
19 A. Okay.
20 Q. I ask you: And, likewise, you have no
21 information as to what -- or what Mr. Armstrong
22 discussed, if anything, with Dr. Ferrari?
23 Your answer?
24 A. No, I don't.
25 Q. And you're not testifying that anything

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1 untoward or illegal occurred; correct?
2 Your answer?
3 A. No, no.
4 Q. And along the lines of this conversation that
5 Mr. Andreu had with Mr. Armstrong on Friday before --
6 A. Saturday.
7 Q. -- your deposition -- or Saturday before your
8 deposition on Monday or Tuesday, whenever it was, it's
9 true, is it not, that your husband testified that
10 there was absolutely nothing improper, that Lance was
11 totally cordial, had nothing -- did in no way attempt
12 to influence any testimony or discourage him from
13 testifying. Isn't that what your husband testified
14 to?
15 A. Yes. It doesn't mean he didn't feel slightly
16 threatened.
17 Q. Well, you would expect your husband to
18 testify truthfully in his deposition?
19 A. Yes, he did.
20 Q. As he did? Okay.
21 And along those lines -- were you present
22 when your husband testified? I can't remember.
23 A. No.
24 Q. Okay. Have you -- you believe that your
25 husband always performed by the rules and so forth,

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1 don't you?
2 A. I'm -- pretty much, yes.
3 Q. Okay. And you know that Mr. Swart came in
4 here and testified by videotape earlier and accused
5 your husband of -- of being on a drug program. Do you
6 know that?
7 A. He accused Frankie of being on a drug
8 program?
9 Q. Right.
10 A. No, I didn't know that. I didn't know.
11 Q. Anyway, you've never seen any evidence that
12 Frankie Andreu did anything wrong, have you?
13 A. He's my husband, and I'm not going to answer
14 that question.
15 Q. Okay. Well, in any event, let me ask you
16 this, Ms. Andreu: It's true, is it not, that Frankie
17 Andreu and Lance Armstrong were very, very close
18 friends up until 2001, more or less?
19 A. Up until 1999, yes.
20 Q. They rode together for -- at least from,
21 what, '93 through 2000?
22 A. '92. I believe it was '93, yes.
23 Q. Okay. Maybe it was '92. I -- I don't know.
24 You may be correct.
25 And they rode in hundreds of races

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1 together. I think that's what Frankie said.
2 A. I don't know if it was hundreds, but they
3 rode in many races together.
4 Q. And they roomed together for some period of
5 time before you and Frankie got married?
6 A. Sometimes, because Lance usually got his own
7 room.
8 Q. Okay. Well, in any event, you know that your
9 husband, being truthful, testified in his deposition
10 that Lance Armstrong never indicated to your husband
11 that Lance Armstrong was going to use EPO?
12 A. And I think he corrected his deposition and
13 said -- in some of those answers, he changed them to
14 "he couldn't recall."
15 Q. Is that what you think he changed them to?
16 A. I think he did. I'm not certain about that,
17 but I think he may have.
18 Q. Okay.
19 A. But I'm not certain.
20 Q. Let me just ask you: At least before he
21 changed his answers, if he did change them, you would
22 agree to the following: Lance Armstrong never
23 indicated to Frankie Andreu that Lance Armstrong was
24 going to use EPO?
25 A. Well, that depends. Because drug usage in

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1 cycling is kind of like cheating on your spouse.
2 If -- you do it, but you don't let anybody know you're
3 doing it because it's embarrassing, and you don't want
4 to admit it.
5 Q. Well, all I'm trying to find out is if your
6 truthful husband -- if you're aware of what your
7 husband, who spent years with Mr. Armstrong on the
8 same team, in hundreds of races -- I'm just trying to
9 find out if you know what he testified to; okay?
10 Now, he did say --
11 MR. TILLOTSON: I'm sorry. I will object
12 to this line, Mr. Chairman. We're going to play his
13 deposition. We're going to play his clips, so I don't
14 see the point in questioning this witness about what
15 he said in his deposition.
16 ARBITRATOR FAULKNER: We're going to get
17 the deposition later?
18 MR. HERMAN: Well, we are going to get
19 the deposition, Your Honor, but this is a -- this is
20 a -- this witness has come in and said things about
21 Mr. Armstrong, and I think -- I mean, this is
22 perfectly legitimate cross-examination.
23 She's talked about her husband's
24 conversations with Armstrong and what -- what
25 deductions that she drew from those, and I'm certainly

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1 able to -- I should be able to test her. She's got a
2 book full of depositions over there that SCA has
3 provided to her.
4 MR. TILLOTSON: Well, first, no
5 foundation has been laid that she's read the entirety
6 of her husband's deposition. Even if he had, second,
7 I have no problem saying, did Mr. Armstrong ever tell
8 your husband this; did your husband ever tell you
9 that.
10 But to say, you know your husband
11 testified to "X" and "Y" and "Z" in his deposition, to
12 me, seems to be beside the point.
13 ARBITRATOR FAULKNER: Mr. Herman, do you
14 want to raise anything, and perhaps we can all be at
15 the --
16 MR. HERMAN: Well --
17 ARBITRATOR FAULKNER: Or do you want
18 to --
19 MR. HERMAN: I don't know.
20 ARBITRATOR FAULKNER: I mean, we can
21 rule. If you don't want to change it --
22 MR. HERMAN: No, I don't really -- I
23 don't really want to change it.
24 MR. TILLOTSON: He's entitled to a wide
25 cross, but it seems -- the deposition --

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1 (Off-the-record discussion.)
2 ARBITRATOR FAULKNER: We're going to
3 sustain the objection, you-all. We're going to see
4 the other witness. We're going to get the deposition
5 transcripts.
6 (Off-the-record discussion.)
7 MR. TILLOTSON: Motion for rehearing the
8 objection.
9 ARBITRATOR FAULKNER: Yeah. Well --
10 okay.
11 (Off-the-record discussion.)
12 ARBITRATOR FAULKNER: The ruling stands.
13 Q. (By Mr. Herman) The deposition excerpts that
14 you have in that book or books that you held up, can
15 you tell us whose deposition excerpts are in there?
16 A. One is mine, and one is Frankie's.
17 Q. One is yours, and one is Frankie's?
18 A. Yes.
19 Q. And can I see that, please?
20 A. Sure. (Indicating.)
21 Q. Do you know how these excerpts were selected
22 by either Mr. Tillotson or the people at -- at SCA?
23 A. No.
24 Q. Have you read all of them?
25 A. I read mine. I didn't read Frankie's.

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1 Q. You didn't read anybody else's?
2 A. I didn't read Frankie's.
3 Q. Did you read Mr. Armstrong's?
4 A. Oh, I'm sorry. I read everybody's, yes.
5 Q. You read all the excerpts?
6 A. I read everybody's and mine.
7 Q. Okay.
8 A. Yes. I didn't read everybody's and
9 Frankie's.
10 Q. All right.
11 ARBITRATOR CHERNICK: Could I just ask
12 what you just said? I didn't understand it. I don't
13 have the books in front of me.
14 THE WITNESS: Oh, I -- there is a summary
15 for Frankie and a summary from me, and I read what was
16 said about the summary for me but not what was said
17 about the summary for Frankie.
18 ARBITRATOR CHERNICK: When you say,
19 summary, did somebody summarize the deposition or
20 excerpt it and give you pieces of it?
21 THE WITNESS: I think it's -- I -- I
22 believe it's just the summary of what was said
23 regarding me.
24 MR. BREEN: We will mark these for the
25 record and make a copy of them because what they are

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1 is actual summaries of numerous depositions. It could
2 be -- I don't know. I haven't gone through it. I
3 don't know if it's every party that's been deposed in
4 the case, but certainly probably more than 10 of the
5 parties.
6 THE WITNESS: No. There's only --
7 MR. TILLOTSON: Well, it's --
8 ARBITRATOR FAULKNER: Now, wait.
9 MR. TILLOTSON: It is excerpts, anytime
10 that witness was mentioned by someone else as to what
11 was said about that witness.
12 ARBITRATOR FAULKNER: Okay. How were
13 these excerpts prepared? By a computer service?
14 MR. TILLOTSON: Yeah. A computer service
15 prepared for -- by us for any witness who had counsel
16 or requested -- requested from us what was said about
17 them in connection with --
18 ARBITRATOR FAULKNER: And it's an
19 excerpt, rather than a summary?
20 MR. TILLOTSON: Correct. It's no work
21 product. It's a search function for that name, the
22 portion immediately before it and a portion
23 immediately after in any deposition.
24 ARBITRATOR FAULKNER: Okay.
25 MR. TILLOTSON: I believe somewhere in

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1 Stephanie McIlvain's transcript is the acknowledgment
2 from -- from the parties that anyone could hear
3 anything that was being said about them because there
4 was no way to effectively cross-examine people, well,
5 did you know someone said this about you without
6 people knowing this was being said with the protective
7 order, so that's where this came from.
8 ARBITRATOR FAULKNER: Okay. Do you have
9 any objection to them introducing this into evidence?
10 MR. TILLOTSON: Not at all. Not at all.
11 With that explanation, not at all.
12 ARBITRATOR FAULKNER: Fine. We
13 understand the explanation. If you will put the
14 appropriate tags on them so we can keep the number
15 straight.
16 MR. BREEN: I will, Mr. Chairman. I
17 believe it's 146.
18 THE WITNESS: It wasn't Stephanie's. It
19 was Greg LeMond's.
20 MR. BREEN: It's 141, Mr. Chairman.
21 MR. TILLOTSON: There were -- yeah.
22 That's where it came from. These were provided by us
23 by Ms. -- to Mr. Adam Paskoff, who was this witness's
24 lawyer at the time. So the witness probably doesn't
25 know anything about them because we gave them to her

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1 lawyer.
2 ARBITRATOR CHERNICK: And Mr. Breen, it's
3 just one -- one exhibit, and that's 141?
4 MR. BREEN: Yes.
5 ARBITRATOR FAULKNER: Okay.
6 ARBITRATOR CHERNICK: Okay.
7 ARBITRATOR FAULKNER: Okay. Please
8 resume.
9 (Claimant's Exhibit 141 was marked.)
10 Q. (By Mr. Herman) Ms. Andreu, I think everybody
11 in the room noticed the extremely hostile stare you
12 gave Mr. Stapleton when you came into the room. Do --
13 do you recall consciously doing that?
14 A. We were both staring at each other.
15 Q. And one of the notes that you provided to us
16 had a notation on it by you, why do I hate Lance;
17 correct?
18 A. Right.
19 Q. And in your deposition, you confirmed that
20 you do not like Lance Armstrong; correct?
21 A. Correct. But it's -- I was -- it's not
22 why -- I'm asking -- in my notes -- and if you will
23 look at them -- sometimes they look like this.
24 (Indicating.) And so I'm going through some of the
25 questions I believe you're going to ask me, and one of

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1 them is: Why do I hate Lance. That's what it is.
2 It's not me asking myself out loud why do
3 I hate Lance. That's not what it is.
4 Q. Well, there's a difference between why do I
5 hate Lance and do I hate Lance. You obviously hate
6 Lance.
7 A. No.
8 Q. Otherwise, why do you hate Lance wouldn't
9 make sense.
10 A. No. What I am -- no. I never said, I hate
11 Lance. In my deposition, I said, I do not like Lance,
12 but I want to know from you why do I hate Lance. Just
13 like I would like to know, why does Lance dislike me
14 so intensely.
15 Q. Okay. When I took your deposition, I asked
16 you if you had had any contact with SCA.
17 A. Yes.
18 Q. Do you recall that?
19 A. Yes, I do.
20 Q. And you indicated that you talked to
21 Mr. Hamman and Mr. Bandy. Do you recall that?
22 A. Yes. And -- yes.
23 Q. You never said Mr. Compton.
24 A. Well, I corrected the deposition, though.
25 When I -- before I had it notarized and signed, I

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1 corrected it, and I give it in, and I -- I believe I
2 did say I talked to Chris Compton once.
3 Q. Okay. Did you -- did you realize that
4 Mr. Compton testified in his deposition that you
5 called him constantly and that he's talked to you at
6 least 15 times?
7 A. That's the truth, but up until October 25th,
8 which was my deposition, I talked with Chris Compton
9 once.
10 Q. So --
11 A. So since October 25th, I have talked to Chris
12 Compton maybe a dozen times.
13 Q. Well, if Mr. Compton testified that you
14 called him, quote, constantly and that he's talked to
15 you at least 15 times, would that be accurate or
16 inaccurate?
17 A. If his definition of constantly is a dozen
18 times, then -- it depends on his definition of
19 constantly. Constant -- 12 sometimes, for me, doesn't
20 constitute constantly.
21 Q. And it's true that since the summer of 2004,
22 you've talked to each of the LeMonds at least 50
23 times?
24 A. Yes.
25 Q. Many times about Mr. Armstrong?

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1 A. Yes. Many times about Mr. Armstrong.
2 Q. And you asked Greg LeMond to call Stephanie
3 McIlvain?
4 A. No. Greg had asked me about the hospital
5 incident. I told him it did happen, and he said,
6 would Stephanie verify that for me, and I said, I
7 don't know. And he asked me if I would call Stephanie
8 and ask Stephanie if she would mind if Greg would call
9 her.
10 So I called up Stephanie and asked, Greg
11 asked if you would mind if he called you. Is that
12 okay? And she said, he can call me. That's okay.
13 Q. And you tell -- you asked Kathy LeMond to
14 call George Vecsey, who is a sports writer for the New
15 York Times, did you not?
16 A. I didn't ask her to call Mr. Vecsey.
17 Q. So if Ms. LeMond testified to that, that
18 would be a lie?
19 A. Maybe she got something -- she misconstrued
20 something, but I don't think I ever told her straight
21 out, call George Vecsey. I know many times Kathy and
22 I have said, we wish the media would get their heads
23 out of the sand.
24 Q. And go after Mr. Armstrong?
25 A. No. Just write the truth.

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1 Q. And then you took it upon yourself to e-mail
2 several sports writers, did you not?
3 A. No. I e-mailed Mr. Vecsey once. I was
4 contacted by many.
5 Q. And you talked to many?
6 A. I had talked to many saying, no comment. If
7 you would like to look at their work, you will see
8 that I am not on record with any sports writer saying
9 anything, other than "no comment."
10 Q. Well, didn't your -- in your deposition,
11 didn't you say that you had told this hospital story
12 to at least George Vecsey, a guy named Lindsay Pelky,
13 and Justine Gubar?
14 A. Yes, I did. That was all off the record "no
15 comment," but I didn't seek them. They telephoned me.
16 Q. Except for Mr. Vecsey?
17 A. I e-mailed him after he wrote an article
18 about the French positives. That's all. I wrote him
19 about an article he wrote.
20 Q. Now, you're aware that both Greg and Kathy
21 LeMond testified that you told them that Mr. Armstrong
22 had called your house in a panic because he was out of
23 EPO, and he wanted some from Frank?
24 A. No, that's not right.
25 Q. It was a lie by both LeMonds?

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1 A. That was incorrect.
2 Q. Well, it was a lie?
3 A. That was incorrect by the LeMonds. I don't
4 know --
5 Q. Okay.
6 A. -- how they got that.
7 Q. Are you aware that both LeMonds testified
8 that you told them that you had witnessed
9 Mr. Armstrong inject himself with
10 performance-enhancing drugs?
11 A. No. That Lance told Frankie that.
12 Q. Well, are you aware that both of the LeMonds
13 testified that you told them that?
14 A. No.
15 Q. If they did so testify, that would be a lie,
16 wouldn't it?
17 A. That would be incorrect, yes.
18 Q. So it's your testimony that you never told
19 either the -- either of the LeMonds the two stories
20 that I just mentioned; right?
21 A. Correct.
22 Q. And you didn't tell them that because that
23 never happened?
24 A. Correct.
25 Q. And it's also your testimony that you did not

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1 ask Greg LeMond to call Stephanie McIlvain?
2 A. Correct.
3 Q. And it's also your testimony that you did not
4 ask Kathy LeMond to get ahold of George Vecsey of the
5 New York Times?
6 A. Correct, to the best of my recollection.
7 Q. Now, did you tell Greg LeMond that on the
8 weekend before your deposition, that Mr. Armstrong had
9 tried repeatedly to contact you?
10 A. No.
11 Q. So if that was in Mr. LeMond's deposition,
12 that would likewise be incorrect?
13 A. Yes.
14 Q. And if Kathy LeMond said that you refused to
15 get married until you went to see your endocrinologist
16 in 1996, that would be incorrect?
17 A. Correct.
18 Q. Now, this issue about Frankie going to see
19 Dr. Ferrari, Frankie rode for the Postal Team in '99
20 and 2000; correct?
21 A. Yes.
22 Q. And he -- this incident with you-all running
23 into Ferrari, that happened in '99?
24 A. Yes.
25 Q. And Frankie didn't leave the Postal Team

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1 until after the 2000 season?
2 A. Yes.
3 Q. And Frankie was not let go or fired because
4 he wouldn't go see Ferrari, was he?
5 A. Not that I'm aware of.
6 Q. And if -- if Greg LeMond testified that you
7 told him that, would Greg LeMond be incorrect, again?
8 A. Well, Frankie didn't think he was let go
9 because he would -- because he wouldn't see Ferrari,
10 but I personally thought that that had something to do
11 with why Frankie was let go.
12 Q. So you did tell Greg LeMond that?
13 A. I didn't tell him that as a fact. I said it
14 as a matter of opinion.
15 Q. Now, when your deposition was taken, do you
16 remember the videographer didn't get there until late?
17 A. Yes.
18 Q. Do you remember Mr. Tillotson asked you the
19 very same questions about what happened at the
20 hospital room at the beginning of your deposition?
21 A. Yes.
22 Q. And you didn't get upset at all then, did
23 you?
24 A. No. I didn't because my counsel interrupted,
25 and he said, we have it all on tape, and I was upset.

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1 Q. Well, Mr. Tillotson asked you to tell that
2 story about the hospital room twice, once before the
3 videographer got there and then once again after the
4 videographer got there, didn't he?
5 A. And I didn't finish the story when the
6 videographer was there.
7 Q. And do you have your deposition in front of
8 you?
9 A. Yes. Can I ask you something?
10 Q. Pardon?
11 A. Can I say something?
12 Q. Well, we have to operate on a question and
13 answer basis so --
14 ARBITRATOR FAULKNER: You'll have an
15 opportunity with Mr. Tillotson or perhaps your
16 response to Panel questions. If you say whatever you
17 need to make a complete answer, please do that, but,
18 you know, at the moment this is cross-examination.
19 So, you know, I'm sure you can raise the point later
20 on.
21 MR. BREEN: Does she have a copy before
22 her?
23 MR. TILLOTSON: If you say, can I say
24 something, is that a question, or do you want to ask
25 something about your testimony?

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1 THE WITNESS: It was about what the
 2 counsel had said.
 3 MR. TILLOTSON: Okay. Just -- we'll
 4 wait, and you can have an opportunity to say what you
 5 need to say.
 6 ARBITRATOR FAULKNER: Gentlemen, we've
 7 been asked to take a little break. We'll take about
 8 10 minutes. Thank you.
 9 (Break from 2:31 p.m. to 2:47 p.m.)
 10 ARBITRATOR FAULKNER: Please, proceed
 11 with the question.
 12 Q. (By Mr. Herman) Ms. Andreu, we were talking
 13 about your reaction here today when Mr. Tillotson
 14 asked you these questions.
 15 MR. HERMAN: Would you put page 16 of Ms.
 16 Andreu's deposition up there?
 17 Q. (By Mr. Herman) If you'll look at line --
 18 well, beginning at line one, do you recall
 19 Mr. Tillotson asking you about what you -- what your
 20 reaction was and what your conversation was with
 21 Mr. Andreu after the alleged incident?
 22 A. (Witness nods head up and down.)
 23 Q. And I'm not going to read it, but that
 24 accurately reflects what your response was at the
 25 deposition; right?

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1 A. Yes.
 2 Q. And then the second time you told the
 3 hospital story when you were on videotape, do you
 4 recall being upset and crying and so forth?
 5 A. I wasn't crying. A tear trickled down my
 6 eye.
 7 Q. Okay. Now, you talked to -- you talked to
 8 Mr. Tillotson about your encouraging -- encouraging
 9 Frankie to tape the conversation that he had with Bill
 10 Stapleton and Bart Knaggs at the 2004 Tour de France;
 11 correct?
 12 A. Yes.
 13 Q. And as of, whenever it was, July 5th or July
 14 12th, whatever, 2004, of course, you had told 20 to 25
 15 people about this incident in the hospital room,
 16 hadn't you?
 17 A. But I'm speaking about -- I told these
 18 people -- the bulk of these people shortly after it
 19 happened, not when there was a book coming out --
 20 Q. Right.
 21 A. -- if that's what you were alluding to.
 22 Q. No. I was just asking a question. And the
 23 question was, whether it is true, that by July 2004,
 24 you'd told 20 or 25 people about this incident in the
 25 hospital room?

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1 A. Yes, I have. I probably told more, to be
 2 truthful.
 3 Q. And so when you told Mr. Tillotson on direct
 4 examination that -- that this was something that
 5 was -- needed to be kept a secret, that you couldn't
 6 publicize -- well, you said you didn't seek to
 7 publicize it because Frankie was involved and it was a
 8 secret that we all had to be quiet about.
 9 You certainly had not been quiet in the
 10 sense that you've told 25 people, and you had no idea
 11 who they told?
 12 A. Well, maybe I should have made myself clear.
 13 Keep it quiet so that it wouldn't get out into the
 14 public. Certainly, by telling my mother, by telling
 15 my close friend, it wasn't going to make the press
 16 that way.
 17 If somebody saw the ESPN program that --
 18 which aired July 18th on the book "LA Confidential"
 19 and if they asked me, was it true. I said, yes, it
 20 was true, but I had to say, no comment.
 21 Q. Okay. So -- I mean, you told --
 22 A. You had to keep it quiet from the press.
 23 Q. So it's true, is it not, that you told many,
 24 many, many people about this alleged incident, and you
 25 told members of the press -- journalists, but you told

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1 them off the record. Is that what you're saying?
 2 A. Yes, if they asked me. I didn't go seek them
 3 out.
 4 Q. Okay. Now, do you recall talking to
 5 Mr. Tillotson about this tape which is -- I think it's
 6 Respondents' Exhibit 24? The tape that -- that
 7 Frankie --
 8 A. Yes.
 9 Q. -- made of their -- of his conversation.
 10 A. Yes.
 11 MR. HERMAN: Would you put that up,
 12 please, Lynn?
 13 Q. (By Mr. Herman) If you look at page three, a
 14 third of the way down --
 15 A. Yes.
 16 Q. -- where Frankie says, my wife, for sure, has
 17 never said a word about this. Well, that wasn't
 18 accurate, was it?
 19 A. See right --
 20 MR. HERMAN: You just passed it up, Lynn.
 21 Go back. It's -- no. Okay. It says, I have never
 22 said a word about this, and my wife, for sure, has
 23 never said a word about this. Right there. There you
 24 go.
 25 Q. (By Mr. Herman) Do you see that?

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1 A. Sure.
 2 Q. Well, that wasn't true, was it?
 3 A. No. And to think that they would admit to
 4 people approaching themselves on the other side that
 5 we would admit to that? No.
 6 Q. Well, my question is: When Frankie told Bill
 7 Stapleton and Bart Knaggs that you'd never said a word
 8 about this to anybody, that wasn't true, was it?
 9 A. No.
 10 Q. Okay. Now, if you look at the first page,
 11 oh, about five lines from the bottom, your husband
 12 says, David Walsh is lying.
 13 A. In context, that David is lying if David said
 14 he has a taped conversation of me.
 15 Q. Okay. Now --
 16 A. Yes.
 17 Q. -- in several instances on -- in -- during
 18 this conversation, your husband says, David Walsh is
 19 lying, or if he says this, he's not telling the truth,
 20 doesn't he?
 21 A. You must take into context, if David Walsh
 22 says that he has me on tape, then, yes, David Walsh
 23 would be lying.
 24 Q. Well, you knew that David Walsh had gone on
 25 the radio in France --

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1 A. Right.
 2 Q. -- and had done a radio interview; correct?
 3 A. Correct.
 4 Q. And you know that during this conversation,
 5 Mr. Stapleton offered to give Mr. Andreu a tape of
 6 Mr. Walsh's radio show so that your husband could see
 7 what it was that Mr. Walsh said?
 8 A. And I didn't see that, and nowhere in that
 9 transcript did it say that Mr. Walsh had a tape of me.
 10 Q. And at no time did anybody furnish you with a
 11 statement to sign either, did they?
 12 A. No. They just wanted me to say that David
 13 Walsh was lying.
 14 Q. Well, if David Walsh had intimated or either
 15 explicitly or implicitly said that you were the source
 16 for this story and that you had confirmed to him that
 17 you would testify for this French publisher in the
 18 lawsuit, that would not have been true, would it?
 19 A. Part of it. I said I would testify in the
 20 French court, but I was not the source.
 21 Q. Okay.
 22 A. So he knows I was not the source so --
 23 Q. Who knows that?
 24 A. David Walsh knows I was not the source for
 25 the story because he got it from Greg.

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1 Q. So that if he had said that you were, then
 2 that would have been a lie, wouldn't it?
 3 A. Yes.
 4 Q. And your husband said as much in his
 5 conversation with Mr. -- Mr. Stapleton and Mr. Knaggs;
 6 correct?
 7 A. If David Walsh said he had a tape of me.
 8 Frankie had gone on to tell people that everything
 9 written in David Walsh and Pierre Ballester's book is
 10 true.
 11 Q. Okay. You -- your counsel, Mr. Tillotson --
 12 or Mr. Tillotson, not your counsel --
 13 A. Paskoff.
 14 Q. -- SCA's counsel --
 15 A. Oh, sorry.
 16 Q. Incidentally what would occasion you to call
 17 Mr. Compton constantly?
 18 A. I didn't call him constantly. Sometimes I
 19 had called him about procedural questions because I
 20 didn't want to keep bothering my attorney about
 21 piddley little stuff.
 22 Q. Well, you need to -- you called him to tell
 23 him to talk to James Startt?
 24 A. I called --
 25 Q. Mr. Compton.

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1 A. Oh, yes. I -- I told him about James Startt.
 2 I --
 3 Q. Uh-huh. And you sent the -- you sent --
 4 pardon me?
 5 A. I verified some facts with him, also.
 6 Q. Okay. Well, anyway --
 7 MR. HERMAN: Jeff, could you tell me what
 8 the letter from Lawrence -- what exhibit number that
 9 is?
 10 MR. TILLOTSON: It would be -- I think it
 11 would be 102 --
 12 MR. HERMAN: 102?
 13 MR. TILLOTSON: 102, I think.
 14 THE WITNESS: 101.
 15 MR. HERMAN: 101?
 16 MR. TILLOTSON: 101 or 102.
 17 MR. HERMAN: No. But did -- you marked
 18 it, didn't you?
 19 THE WITNESS: 102.
 20 MR. TILLOTSON: I marked it, but I didn't
 21 go over it with her.
 22 MR. HERMAN: Yeah. Right. I knew that,
 23 but that's what I was wanting to do. I was wanting to
 24 make sure that I refer to the right exhibit number.
 25 That's all.

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1 ARBITRATOR FAULKNER: Exhibit 100 has two
 2 pages; correct?
 3 MS. EVORA: That's the one he withdrew.
 4 MR. TILLOTSON: Go to -- bring up 101 or
 5 10 -- bring up 101. Okay. Bring up 102. That's a
 6 letter --
 7 ARBITRATOR CHERNICK: That's -- that's
 8 101, and that has two pages?
 9 MS. EVORA: Yes, sir.
 10 ARBITRATOR CHERNICK: Okay. And so 100
 11 was not -- there is no 100?
 12 MR. TILLOTSON: That's it. Is that what
 13 you want?
 14 MR. HERMAN: Yes, this is the one.
 15 ARBITRATOR CHERNICK: So that's 102?
 16 MR. HERMAN: If you would go to the
 17 paragraph -- it would be very helpful -- right there.
 18 (Respondents' Exhibit No. 102 was
 19 marked.)
 20 Q. (By Mr. Herman) Now, this -- this e-mail,
 21 first of all, is from Mr. Lawrence Temple. Do you
 22 know who he is?
 23 A. No.
 24 Q. Okay. Well, did you know that he worked
 25 for -- or with Mr. Stapleton?

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1 A. Yes.
 2 Q. And he begins -- as a matter of fact, he
 3 says, we haven't met, but Bill Stapleton asked that I
 4 contact you.
 5 A. Yes.
 6 Q. Okay. Now, in this paragraph, Mr. Temple,
 7 you understand he's talking about the statements that
 8 are being sought to use because of a request in the
 9 British proceeding? Did you know that?
 10 A. No, I didn't.
 11 Q. Okay.
 12 A. It says, European -- well, okay.
 13 Q. Well, it says, as part of the European
 14 proceedings, in any event. Do you see that?
 15 A. Yes.
 16 Q. Okay. In any event, Mr. Temple states, it
 17 would very helpful if you would be willing to give a
 18 witness statement. If you are willing, I propose that
 19 you and I talk briefly on the telephone. Then I would
 20 prepare a witness statement for you, and assuming I
 21 have accurately summarized what you've told me, I
 22 would hope that you would sign the statement. If your
 23 wife's willing to give a statement too, then I propose
 24 the same process regarding her statement.
 25 Do you see that?

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1 A. Yes.
 2 Q. Now, did you find that to be a threatening or
 3 intimidating request in any way?
 4 A. No, not by Mr. Temple.
 5 Q. All right. And did you believe that that
 6 request in September of 2004 was a request for you to
 7 give a false or perjurious statement?
 8 A. From this? No.
 9 Q. Okay. And did Mr. -- did Frankie ever get
 10 back to Mr. Temple? Do you know?
 11 A. Yes, he did.
 12 Q. Okay. And he said that he just preferred not
 13 to get involved?
 14 A. Yes.
 15 Q. And that's when Mr. Armstrong wrote him the
 16 e-mail that you'd identified earlier and said, you
 17 know, I'm sorry you feel that way?
 18 A. I don't know. I'd have to look at the dates.
 19 Do you want me to look at the date?
 20 Q. Sure, sure.
 21 A. Yeah. That was about a month later. Three
 22 weeks later.
 23 Q. Right. The --
 24 A. Correct.
 25 Q. The Respondents' Exhibit 98, which says, on

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1 October 16th, got your message. Thanks for calling
 2 back. Don't worry about calling Monday or Tuesday.
 3 Understand your position, yet sorry you feel that way.
 4 Thanks for the help. LA, Lance Armstrong.
 5 A. Yes.
 6 Q. Did you consider that to be intimidating?
 7 A. I considered that to be we got him mad
 8 because we wouldn't help him by lying about the
 9 hospital incident.
 10 Q. So you -- you under -- you took --
 11 Mr. Armstrong's statement that he understood your
 12 position, yet sorry you feel that way and thanks for
 13 the help, you took that as being that he was extremely
 14 upset, mad?
 15 A. Irritated.
 16 Q. Okay. No statement was ever provided to you?
 17 A. No.
 18 Q. No assertion by you of anything; correct?
 19 A. No. Correct.
 20 Q. And you never have talked to Mr. Stapleton
 21 about the alleged hospital incident, have you?
 22 A. No.
 23 Q. And Mr. Stapleton didn't desperately try to
 24 get in touch with you shortly after June 14th;
 25 correct?

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1 A. No. He wanted to get ahold of Frankie.
2 Q. Well, Frankie was allegedly in the room, as
3 well; correct?
4 A. Yes.
5 Q. Now, you said that there was a football game
6 going on in this room.
7 A. Yes.
8 Q. Is that right?
9 A. Yes.
10 Q. Assume with me that October the 27th was a
11 Sunday, and the football game was on during the
12 daytime --
13 A. Uh-huh.
14 Q. -- correct?
15 A. If you -- yeah, I assume.
16 Q. Was it day or night when you were in the
17 room?
18 A. It was -- it was day. Stephanie remembers it
19 being a Dallas Cowboys game. I don't remember who was
20 playing.
21 Q. But it was a day game?
22 A. I'm pretty sure.
23 Q. So it's obvious it wouldn't have been a
24 football game during the day on Monday or Tuesday?
25 A. I don't know the football schedule. It could

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1 have been Monday Night Football. I -- I don't know
2 the football schedule. I'm sorry.
3 Q. But you know you were there during the day?
4 A. Yes. We were -- we were there during the day
5 and also in the evening.
6 Q. But when you were watching the football game,
7 it was during the day, wasn't it?
8 A. Unless the football game was in the evening.
9 Q. Well, of course. But the football game
10 doesn't have anything to do with it. I'm trying to
11 find out when you were there.
12 A. We arrived on the 27th, either late morning
13 or early afternoon. I think it was the 27th.
14 Q. That's what your --
15 A. Yes.
16 Q. -- receipt says.
17 A. Yes, yes.
18 Q. You remembered when you were testifying with
19 Mr. Tillotson, answering his questions, you remembered
20 the room. There was a bathroom on the left?
21 A. Yes.
22 Q. There was a big table on the right?
23 A. Yes.
24 Q. There was a television against the wall?
25 A. Yes.

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1 Q. Lance was sitting in a chair by the table?
2 A. Yes.
3 Q. There was a football game on TV?
4 A. Yes.
5 Q. Lisa Shiels was studying for a test?
6 A. Yes.
7 Q. She was studying. It was chemical
8 engineering?
9 A. Something like that.
10 Q. Two doctors came in with white coats on?
11 A. Yes. I -- I'm pretty sure it was two. I
12 know it was one, for certain.
13 Q. Well, you told Mr. Tillotson two doctors came
14 in.
15 A. Yes.
16 Q. Was it one or two?
17 A. I'm pretty sure it was two.
18 Q. They had white coats on?
19 A. Yes.
20 Q. And one was tall, thin with brown glasses?
21 A. Brown hair.
22 Q. Oh, sorry. Brown hair and glasses?
23 A. Yes.
24 Q. And they began asking questions?
25 A. Yes.

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1 Q. Now, the first questions that they asked,
2 what did they say?
3 A. I -- it wasn't relevant to me. I don't
4 remember.
5 Q. How many questions did they ask?
6 A. It wasn't relevant. I don't remember.
7 Q. Well, was the big table on the right
8 relevant?
9 A. No. But I --
10 Q. You do remember that?
11 A. Yes, I do remember the setting -- the setting
12 of the room. I do remember setting of the room. I
13 remember the small details, but I don't remember the
14 questions which had absolutely no relevance because
15 when they asked the question about
16 performance-enhancing drugs, boom, that was very
17 relevant. That's why I remember it so well.
18 Q. That was -- that was -- that kind of a
19 question would be very relevant?
20 A. Yes. One you wouldn't forget.
21 Q. You know that Mr. Armstrong had been in the
22 hospital for 10 days?
23 A. I didn't know if he was in for 10 days.
24 Q. Well, you knew he'd been in there for a while
25 before you got down there?

<p style="text-align: right;">Page 2197</p> <p>1 A. Yes.</p> <p>2 Q. You knew he had already had brain surgery?</p> <p>3 A. I believe so.</p> <p>4 Q. Well, couldn't you see his head?</p> <p>5 A. Yes. But I couldn't remember when we got</p> <p>6 there if he had his brain surgery before or if he had</p> <p>7 it that next day. I know he was bald, so, yes.</p> <p>8 Q. You could remember the setting of the room.</p> <p>9 You could remember where the bathroom was, but you</p> <p>10 couldn't remember noticing that somebody that you had</p> <p>11 known for some period of time had had brain surgery</p> <p>12 three days before?</p> <p>13 A. Well, I knew he was preparing -- I didn't</p> <p>14 know if he was preparing to have brain surgery or if</p> <p>15 he had it.</p> <p>16 Q. But you could see his head?</p> <p>17 A. Yes, I could. But I don't remember. If you</p> <p>18 jog my memory now, I can say, yeah, I remember the</p> <p>19 scar.</p> <p>20 Q. Well, it would be hard to have a scar three</p> <p>21 days after your surgery, wouldn't it?</p> <p>22 A. It wouldn't be hard to have a scar.</p> <p>23 Q. Now --</p> <p>24 A. Just because I don't remember some things and</p> <p>25 do remember others doesn't erase the factual basis of</p>	<p style="text-align: right;">Page 2199</p> <p>1 had a small notepad.</p> <p>2 Q. Well, certainly you would agree that -- I</p> <p>3 mean, I know you're not a doctor or anything, but you</p> <p>4 would agree that that would be important information?</p> <p>5 A. Yes. But -- excuse me.</p> <p>6 MR. TILLOTSON: Stop, stop, stop. I</p> <p>7 object. I mean, that's -- how is it appropriate</p> <p>8 that -- to this witness as to whether or not a doctor</p> <p>9 recorded that, and if so, in what fashion?</p> <p>10 ARBITRATOR FAULKNER: Okay. She's</p> <p>11 already answered it, but if we can get your objection</p> <p>12 out. We note that. We note what to do with it.</p> <p>13 Would you ask your next question, please?</p> <p>14 Q. (By Mr. Herman) And you testified that the</p> <p>15 doctors -- they didn't ask, for example, which -- the</p> <p>16 question that we're all accustomed to, I think, if we</p> <p>17 were in the room with the doctor, do you take any</p> <p>18 recreational drugs; correct? They didn't say that?</p> <p>19 A. No.</p> <p>20 Q. They didn't ask what kind of medication?</p> <p>21 A. They could have, but I don't remember that</p> <p>22 question. I remember the question what -- he asked it</p> <p>23 was, have you ever taken any performance-enhancing</p> <p>24 drugs.</p> <p>25 Q. Outside of the cycling world, had you heard</p>
<p style="text-align: right;">Page 2198</p> <p>1 what you're asking me.</p> <p>2 Q. Are you prepared to say whether it was one</p> <p>3 doctor or two doctors?</p> <p>4 A. I'm pretty sure it was two.</p> <p>5 Q. When I -- in your deposition --</p> <p>6 A. Yes.</p> <p>7 Q. -- initially you said they asked a couple of</p> <p>8 preliminary questions.</p> <p>9 A. Yes.</p> <p>10 Q. Then when I asked you later on, you said,</p> <p>11 they asked three or four questions.</p> <p>12 A. A couple, three or four. Same difference. I</p> <p>13 know a couple means two. They asked between two and</p> <p>14 four questions. Maybe they asked five. I'm not sure.</p> <p>15 Q. And you can't remember any of those</p> <p>16 questions?</p> <p>17 A. No, I can't.</p> <p>18 Q. And when I asked you, you couldn't remember</p> <p>19 if it was one or two doctors; right?</p> <p>20 A. No. It was pretty much -- it was two</p> <p>21 doctors.</p> <p>22 Q. Okay.</p> <p>23 A. It was two doctors.</p> <p>24 Q. Did they write down what Mr. Armstrong said?</p> <p>25 A. I'm not sure. I think one of them may have</p>	<p style="text-align: right;">Page 2200</p> <p>1 the term performance-enhancing drugs before?</p> <p>2 A. Yes.</p> <p>3 Q. Outside the athletic world, have you?</p> <p>4 A. No.</p> <p>5 Q. Did -- do you remember any conversation about</p> <p>6 treatment -- postoperative treatment involving</p> <p>7 steroids?</p> <p>8 A. With Lance?</p> <p>9 Q. Right.</p> <p>10 A. No.</p> <p>11 Q. You don't recall the doctors talking about</p> <p>12 that?</p> <p>13 A. No. Because I wasn't there for what his</p> <p>14 treatment was going to be afterward. We just wanted</p> <p>15 to make sure he was going to live.</p> <p>16 Q. Well, were you aware that Mr. Armstrong had</p> <p>17 been prescribed steroids after his brain surgery that</p> <p>18 prior Thursday?</p> <p>19 A. No.</p> <p>20 Q. Were you aware that he had had a regimen of</p> <p>21 EPO as part of his treatment for cancer? Were you</p> <p>22 aware of that?</p> <p>23 A. As most cancer patients, yes.</p> <p>24 Q. Okay. And I think that you mentioned earlier</p> <p>25 that Ms. McIlvain, during your discussion at your</p>

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1 home, had said -- had told you and Mr. Andreu that all
2 she could remember was the steroids.
3 A. She remembered there were -- there were more
4 drugs, but she couldn't remember which ones they were
5 but remembers him saying he used steroids as part of
6 his performance-enhancing drugs regimen.
7 Q. I thought you said in your direct testimony
8 that all Ms. McIlvain could remember was mentioning
9 steroids.
10 A. Yeah. She mentioned -- he said, oh, she
11 couldn't remember the other drugs but mentioned the
12 one she could remember was steroids.
13 Q. Do you know the only time that -- that Ms.
14 McIlvain has ever been asked any questions about this
15 issue while she was under oath was about a month ago?
16 A. Under oath?
17 Q. Yes.
18 A. Yes.
19 Q. Now, do you remember what kind of follow-up
20 questions the doctors asked?
21 A. No. Because we left the room as soon as he
22 listed the drugs he had used.
23 Q. You didn't stick around for any of the
24 follow-up questions?
25 A. No. My eyes popped out of my head, so

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1 Frankie said, we've got to get out of here.
2 ARBITRATOR LYON: Again I'm having a hard
3 time hearing you. There's some noise in the
4 background.
5 THE WITNESS: Okay.
6 ARBITRATOR LYON: Could you -- would you
7 repeat that last answer?
8 A. My eyes popped out of my head, so Frankie
9 said, we've got to get out of here.
10 Q. (By Mr. Herman) So the answer to my question
11 is, no, you don't know if there were any follow-up
12 questions?
13 A. Correct.
14 Q. And as I understand it, the doctor, when he
15 heard what you say was said, had no reaction?
16 A. Correct.
17 Q. And the Cowboys game was on while this
18 conversation took place?
19 A. I believe it was the Cowboys.
20 Q. Well, the football game. I mean, I'm not
21 going to -- it was on.
22 A. But then when the doctor came in, it was
23 turned off. When the doctors came in, they turned off
24 the game.
25 Q. Okay. Was -- the room that you say that

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1 you-all went to, was it on the same floor that
2 Mr. Armstrong's hospital room was on?
3 A. I'm not sure.
4 Q. You say you walked to the room.
5 A. It was a short distance, but I'm -- I'm
6 pretty sure it was, but I can't be 100 percent sure.
7 Q. You don't --
8 A. I pretty certain it was.
9 Q. You don't remember whether you rode the
10 elevator?
11 A. I don't believe we did. We may have, but I
12 don't believe we did.
13 Q. How did you know which room to go to? Who
14 told you which room to go to?
15 A. We walked with Lance there.
16 Q. And so no doctors were with you when you went
17 to the room?
18 A. No.
19 Q. From -- from Mr. Armstrong's room, I'm
20 talking about.
21 A. Correct.
22 Q. And when you went with Mr. Armstrong to the
23 room, as I understand it, did -- all six of the people
24 that you say were in the room, did they all walk with
25 Mr. Armstrong, or were some of them in the room

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1 already?
2 A. No. Some of them weren't in the room
3 already. I don't -- I don't -- we all -- we all
4 entered together.
5 Q. Didn't you tell Mr. Startt that Jim Ochowicz
6 was in the room?
7 A. No, never. He wasn't there. I didn't see
8 him that time we were there.
9 Q. So is it your testimony that you did not tell
10 Mr. Startt that?
11 A. Correct.
12 Q. You told Mr. Startt that the reason that
13 these doctors were asking these questions is that they
14 were trying to determine what kind of cancer
15 Mr. Armstrong had, how aggressive it was and so forth,
16 didn't you?
17 A. No.
18 Q. Well, it would be odd, wouldn't it, to -- to
19 be engaging in that kind of investigation three days
20 after you'd already operated on the guy?
21 A. No. Because a lot of the people in cycling
22 were speculating as to why he got testicular cancer,
23 so that could have been something James deduced or had
24 heard. I don't know.
25 Q. Was -- it was not the -- of the two doctors,

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1 you're sure that neither one of them were Dr. Einhorn;
 2 right?
 3 A. Correct.
 4 Q. Nichols?
 5 A. Correct.
 6 Q. Or Shapiro?
 7 A. Correct.
 8 Q. Now that you think about it, did you -- do
 9 you believe that Mr. Armstrong had bandages on his
 10 head?
 11 A. I don't know if he had a bandage on his head.
 12 Q. Did you talk about the brain surgery?
 13 A. We were looking more at the CAT scan and how
 14 it had spread into the -- I believe it was the
 15 lungs -- I'm not sure -- that part of the body.
 16 Q. When you went to see your endocrinologist --
 17 I believe you brought the document with you here
 18 today.
 19 A. Yes.
 20 Q. Incidentally you went to see him or had
 21 contact with him in the summer of 2005?
 22 A. Well, that was for my regular check-up.
 23 Q. Pardon me?
 24 A. It was for my regular check-up.
 25 Q. Well, did you ask him to look back at your

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1 visit in 1999?
 2 A. No. I just asked him if he remembered our
 3 conversation, and he said, I vaguely do.
 4 Q. And as part of his response, he indicates
 5 that it would not have been part of your medical
 6 records because it wasn't relevant?
 7 A. Right. Correct.
 8 MR. TILLOTSON: Can we make that letter,
 9 since you're read from it, an exhibit, please?
 10 MR. HERMAN: Sure. I don't know what our
 11 next Claimants' Exhibit is.
 12 MS. ROSS: 142.
 13 MR. HERMAN: 142?
 14 (Claimants' Exhibit No. 142 was marked.)
 15 ARBITRATOR FAULKNER: What exactly is it?
 16 MR. BREEN: Here you go.
 17 ARBITRATOR FAULKNER: My thanks.
 18 MR. BREEN: This is just one of the
 19 documents that Ms. Andreu brought with her today. It
 20 is a letter from July 20, 2005.
 21 And your original is still with the
 22 packet.
 23 Q. (By Mr. Herman) Now, Ms. Andreu, you
 24 confirmed, I think, that -- at least in your -- in the
 25 community -- in the -- in the cycling community,

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1 before 2001, it wasn't any secret that Mr. Armstrong
 2 and other professional cyclists were receiving
 3 training or consultation with Dr. Ferrari, was it?
 4 A. He didn't want it well known.
 5 Q. Sorry?
 6 A. He didn't want it well known.
 7 Q. Oh, okay.
 8 A. That's why we had to meet Ferrari outside of
 9 Milan in a parking lot in a trailer camper.
 10 Q. Dr. Ferrari always travels in that camper
 11 trailer, doesn't he?
 12 A. I don't know.
 13 Q. You don't know?
 14 A. No.
 15 Q. Have you ever -- you watch Outdoor Life
 16 Network during the tour, don't you?
 17 A. No. I tape it.
 18 Q. Not even to see Frankie?
 19 A. I tape it to see him, and that's where it
 20 stops.
 21 Q. And you know that Frankie's been at every
 22 Tour since he went to work for Outdoor Life?
 23 A. Yes.
 24 Q. He talks to Lance regularly?
 25 A. No. He didn't talk to Lance, except for

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1 once, this past Tour.
 2 Q. But he had -- after he left the Postal
 3 Service Team in 2000 --
 4 A. Uh-huh.
 5 Q. -- actually he stayed on as a director of the
 6 Postal Service Team, did he not?
 7 A. They brought him back, yes.
 8 Q. And he was able to -- or continued to work
 9 for the Postal Service Team in the capacity of a
 10 director, and really he didn't have to work too many
 11 days a year?
 12 A. Well, that's fair to say.
 13 Q. And he couldn't have been brought back as a
 14 director without Lance having some part in that?
 15 A. I'm not sure. I'm not sure. I don't know
 16 if Mark -- yeah, I'm not sure. I'm not sure.
 17 Q. These e-mails that are marked as Respondents'
 18 95 and 96, the e-mails from 2003, do you know which
 19 ones I'm talking about?
 20 A. From David Walsh?
 21 Q. Yeah. When did you retrieve those?
 22 A. Just before I came here.
 23 Q. Just before you came here?
 24 A. Yes.
 25 Q. And is there some reason you didn't bring

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1 them to your deposition?
2 A. I didn't think about them really. It wasn't
3 until Kathy LeMond told me that Lance -- there was a
4 subpoena to get her computer stuff, and then Stephanie
5 asked me to delete e-mails she had sent to me, and I
6 went through some of my e-mails and came across these.
7 Q. You talked about this conversation that you
8 had with Mr. or Mrs. Armstrong at dinner at the 2001
9 Tour?
10 A. Yes.
11 Q. And you could not figure out why it was that
12 Mr. Armstrong was so upset because, as I think you put
13 it, LeMond's comments were innocuous?
14 A. Yeah.
15 Q. So would you characterize accusing someone of
16 being the greatest fraud in sports history to be an
17 innocuous comment?
18 A. Lance didn't bring up that he said he was the
19 greatest fraud. He brought up that he was just upset
20 that Greg had mentioned he was working with Ferrari.
21 He didn't say anything about being the greatest fraud.
22 Q. And would -- the accusation that you were
23 taking prohibitive substances, would you consider that
24 an innocuous comment?
25 A. No.

Page 2210

1 Q. And if somebody had said that about Frankie,
2 for example, you would expect Frankie to be very upset
3 about it, wouldn't you?
4 A. He'd probably let it roll off his shoulders,
5 to tell you the truth.
6 Q. Okay. It's true, is it not, that any effort
7 to -- or any suggestion that Frankie trained with
8 Dr. Ferrari or anyone else, the circumstances of that
9 would best be known by Frankie?
10 A. Yes.
11 Q. Did the volume of your conversations about
12 Lance Armstrong pick up considerably there in 2004?
13 A. With whom?
14 Q. Well, with -- just the volume. I -- I don't
15 have any idea who you talked to or --
16 A. I would say, yes. I would say, yes. After
17 David's book came out and after Frankie's conversation
18 with Bill, yes.
19 Q. It's true, is it not -- well, who is Odessa
20 Gunn?
21 A. Odessa is Levi Leipheimer's wife. He's a pro
22 racer.
23 Q. Mr. Leipheimer, who does he race for these
24 days?
25 A. Gerolsteiner, G-e-r-o-l-s-t-e-i-n-e-r, I

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1 believe.
2 Q. Do you talk to Odessa Gunn regularly?
3 A. A few times a month maybe.
4 Q. A few times a month? Do you -- do you talk
5 about Lance Armstrong and Sheryl Crow with Ms. Gunn?
6 A. No, not really. We have in the past, but it
7 was more along the lines, like, oh, she's so nice, you
8 know. Is she clueless? Stuff like that.
9 Q. Is what?
10 A. Is she clueless? She's so nice.
11 Q. Oh. Judy Merks or --
12 A. Jodie Merks.
13 Q. Jodie Merks, talk to her?
14 A. No.
15 ARBITRATOR LYON: Let me just have --
16 again, I'm having trouble hearing you. Did you say
17 she's clueless or she's coolest?
18 THE WITNESS: Clueless.
19 ARBITRATOR LYON: Clueless?
20 THE WITNESS: Yes.
21 A. No, I don't talk to Jodie. I used to be
22 close with her. We don't talk anymore.
23 Q. (By Mr. Herman) Did you ever tell anyone that
24 Mr. Armstrong hacked into your computer?
25 A. I said, I believe he did, and there is a

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1 current lawsuit we have with AOL to find out the IP
2 address of the person who hacked into my computer.
3 It was shortly after Joe Lindsey was
4 doing his article for Outside Magazine, and it
5 happened on March 31st, shortly after we had contacted
6 Lance's people.
7 Q. 2005?
8 A. Yes.
9 Q. So is that your suspicion, that Lance
10 Armstrong hacked into your computer?
11 A. Yes. Based on the fact that Stephanie told
12 me he had put a device onto Kristin's computer and
13 that every keystroke she would type in would go to
14 him, and then Stephanie was afraid that Lance had
15 hacked into her computer, and she -- that's why I felt
16 that he did.
17 Q. Have you used derogatory terms in reference
18 to Jodie Merks?
19 A. I have used derogatory -- yes, I have.
20 Q. It was a --
21 MR. TILLOTSON: Well, I'll object to the
22 extent that there's some relevance to this proceeding
23 about whether personal feelings for this particular
24 person -- I mean, I've used derogatory terms about
25 you, but the relevancy of her or someone else

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1 connected. I'll object on relevancy.
 2 ARBITRATOR FAULKNER: What is the
 3 relevance, please?
 4 MR. HERMAN: Because she says that she
 5 has talked about Lance Armstrong with Jodie Merks on
 6 numerous occasions, that she does no longer, and Jodie
 7 Merks is part of the same bicycling community that
 8 she's in, and her -- her animosity toward
 9 Mr. Armstrong and anyone associated with him is -- I
 10 think I'm entitled to explore that.
 11 ARBITRATOR FAULKNER: Are we going to
 12 hear from Ms. Merks at some point?
 13 MR. HERMAN: No.
 14 MR. TILLOTSON: I think he's asked this
 15 witness regarding her feelings regarding
 16 Mr. Armstrong, so I don't see --
 17 ARBITRATOR FAULKNER: We've already heard
 18 those questions and answers. How many more questions
 19 on this point, Mr. Herman?
 20 MR. HERMAN: That's the last one there.
 21 I've got one more question on -- on -- not related to
 22 Jodie Merks but something else that reflects this
 23 woman's hostility.
 24 MR. TILLOTSON: Well, I think the
 25 question, have you used derogatory tones or described

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1 Mr. Armstrong in a derogatory way to others is a fair
 2 question, and it can be asked and answered, if he
 3 wants to ask. I'm simply saying to throw out some
 4 mean things you've said about Mr. Armstrong to this
 5 person or that person is going to require me to try to
 6 put context in or try to explain those, and we're
 7 going to be --
 8 ARBITRATOR CHERNICK: But that's not the
 9 question. The question is derogatory comments about a
 10 third-party witness -- a third-party whose relevance
 11 is -- is --
 12 MR. TILLOTSON: What is even more remote
 13 is --
 14 ARBITRATOR CHERNICK: Yeah.
 15 MR. TILLOTSON: -- did you say something
 16 about a person who's friends with Mr. Armstrong.
 17 (Off-the-record discussion.)
 18 ARBITRATOR FAULKNER: I'm going to allow
 19 this one question on this point, but I would urge
 20 counsel to, you know, focus only on that and move to
 21 another topic, please.
 22 MR. HERMAN: I will.
 23 A. This is Jodie's business. It's not my
 24 business. She did something I feel is terribly,
 25 terribly wrong, but a personal decision some women

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1 make. I'm not going to say what she did, but I find
 2 it abhorrent, so, yes, I used a derogatory term.
 3 Q. (By Mr. Herman) And you weren't reluctant to
 4 tell others what she did, were you?
 5 MR. TILLOTSON: Again, we're --
 6 A. This is nothing -- this is nothing --
 7 ARBITRATOR FAULKNER: Miss, stop. When
 8 the lawyers object --
 9 MR. HERMAN: I'll withdraw the question.
 10 ARBITRATOR FAULKNER: Okay.
 11 MR. HERMAN: I'll withdraw the question.
 12 MR. TILLOTSON: Counsel is attempting to
 13 bait this witness into saying something --
 14 ARBITRATOR FAULKNER: For future
 15 reference, if Mr. Tillotson objects, don't say
 16 anything more until we rule on the objection; okay?
 17 THE WITNESS: Okay.
 18 ARBITRATOR FAULKNER: Thank you. And
 19 you've withdrawn the question?
 20 MR. HERMAN: I have.
 21 ARBITRATOR FAULKNER: Move on to another
 22 topic.
 23 Q. (By Mr. Herman) You refer to -- these 55
 24 million yellow bands that have gone to help cancer
 25 victims, you refer to those as kiss-ass bands, don't

Page 2216

1 you?
 2 A. If I did, I don't remember saying that.
 3 MR. HERMAN: I'll pass the witness.
 4 MR. TILLOTSON: First, Mr. Herman, I
 5 need -- if you need to take a break -- a brief break,
 6 I need your position on the proposed stipulation.
 7 MR. HERMAN: Oh, yeah, yeah, yeah.
 8 ARBITRATOR FAULKNER: Why don't we take a
 9 five-minute break while you guys work on that.
 10 (Break from 3:32 p.m. to 3:48 p.m.)
 11 ARBITRATOR FAULKNER: You can proceed.
 12 MR. TILLOTSON: That -- so first offered
 13 as stipulation to the Panel; I appreciate Mr. Herman's
 14 cooperation in that. Second, I don't recall where I
 15 left off, but I did want to formally offer
 16 Respondents' 95, 96, 97, 98, 99, we skipped 100, 101,
 17 102.
 18 MR. HERMAN: No objection.
 19 ARBITRATOR FAULKNER: Then those exhibits
 20 will be admitted.
 21 REDIRECT-EXAMINATION
 22 BY MR. TILLOTSON:
 23 Q. Just a few quick questions, Betsy. First,
 24 you had indicated that Stephanie McIlvain had called
 25 you and asked you to delete e-mails that she had sent

Page 2217

1 you. When did that take place?
 2 A. Shortly after Kathy LeMond's deposition.
 3 Q. Were there specific e-mails she asked you to
 4 delete?
 5 A. E-mails in -- I don't think anything she ever
 6 said negative about Lance or -- she just didn't
 7 want -- she really didn't want it to be made known
 8 that she and I were close friends.
 9 Q. Did you delete those e-mails?
 10 A. Yes.
 11 Q. Next and last, I'm going to show you a
 12 document which was marked as 100, and I'm going to,
 13 first, ask you some questions about it before I pass
 14 it out, and I'll ask you in answering these questions,
 15 please do not reveal the contents of the document
 16 until such time as the document has been admitted into
 17 evidence; okay?
 18 A. Okay.
 19 Q. I'm going to approach you, and if you'll take
 20 a look at that.
 21 MR. TILLOTSON: Do you have a copy of
 22 this particular document, Mr. Herman, or do you need
 23 one?
 24 MR. BREEN: He has a copy.
 25 MR. HERMAN: No, I've got it.

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1 MR. TILLOTSON: Thank you.
 2 Q. (By Mr. Tillotson) First --
 3 MR. HERMAN: Marked 100?
 4 MR. TILLOTSON: 100.
 5 Q. (By Mr. Tillotson) First, do you know what it
 6 is that we are looking at?
 7 A. Yes.
 8 Q. What is it we are looking at? Physically
 9 describe it us to.
 10 A. Frankie and Jonathan Vaughters had jet lag,
 11 so they woke up really early after returning home from
 12 the Tour de France this past year, 2005, and they had
 13 an e-mail exchange -- an Instant Messaging e-mail
 14 exchange. You can do that with American Online.
 15 Q. Okay. So this is like you are IM'ing someone
 16 back and forth?
 17 A. Exactly.
 18 Q. And place for us some time frame. This was
 19 when? When did this IM exchange take place?
 20 A. I think it was around 6:00 in the morning.
 21 Q. Do you know when?
 22 A. I believe the morning of July 26th, 2005.
 23 Q. You said, Jonathan Vaughters. Who is
 24 Mr. Vaughters?
 25 A. He used to be a teammate of Frankie's, also.

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1 Q. Does that mean he was a teammate of
 2 Mr. Armstrong's?
 3 A. Yes.
 4 Q. Do you know when he was teammate of Mr.
 5 Armstrong's?
 6 A. No.
 7 Q. Now, this IM exchange on AOL is going on
 8 early in the morning. Where physically are you? Are
 9 you watching this IM exchange?
 10 A. Frankie was at the kitchen table, and I was
 11 at the kitchen table. I was between the kitchen table
 12 and the sink and looking at the newspaper.
 13 Q. As they IM'd each other, are you seeing
 14 portions of that IM discussion?
 15 A. When Frankie said, holy shit, yeah, then I
 16 went over to look at it.
 17 Q. And what did you do? Go over and read it?
 18 A. I would read it and say, oh, my gosh.
 19 Q. Is the whole IM -- I'm not familiar with AOL,
 20 but is the whole IM conversation being contained and
 21 saved in a single box or whatever?
 22 A. Yes, yes.
 23 Q. Okay. At the conclusion of the conversation,
 24 what happens? What did you do?
 25 A. Frankie said, you have to read this, and he

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1 saved it, and I read it. I didn't read it right then
 2 and there because then the kids got up, but I read it
 3 shortly thereafter.
 4 Q. Was it -- was the conversation saved?
 5 A. Yes.
 6 Q. And printed out?
 7 A. Yes.
 8 Q. Were you involved in the printing out
 9 process?
 10 A. When I brought -- brought it here, I made
 11 myself a copy and Frankie printed it for me.
 12 Q. And what we've marked as Exhibit 100, which
 13 you have in front of you, is that a printout of the IM
 14 conversation between your husband and Mr. Vaughters?
 15 A. Yes.
 16 Q. And do you believe to be an accurate printout
 17 of the IM conversation on AOL?
 18 A. Yes.
 19 Q. Now, there's a title at the top that says,
 20 Instant Message between Frankie and Jonathan on the
 21 morning of 26, July of 2005 around, if not before,
 22 6:00. Do you see that?
 23 A. Yes. I did that for me.
 24 Q. Okay. And is this document still saved on
 25 your computer -- on your family computer?

Pages 2217 to 2220

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1 A. I believe so.
 2 Q. And the two people listed on here FDREU, is
 3 that your husband?
 4 A. It's Frankie.
 5 Q. And Cycle Vaughters, that screen name, that's
 6 who?
 7 A. Jonathan.
 8 Q. Vaughters?
 9 A. Yes.
 10 Q. How do you know or how are you assured that
 11 you really were talking to Mr. Vaughters on this
 12 computer?
 13 A. Well, just common sense. You have Instant
 14 Messages when people -- they say -- you assume they
 15 are who they are.
 16 Q. Okay. Had your -- had your husband or
 17 yourself been involved in IM conversation
 18 Mr. Vaughters before?
 19 A. Not me but Frankie.
 20 MR. TILLOTSON: We would offer
 21 Respondents' Exhibit 100 at this time.
 22 MR. HERMAN: Your Honor, may I take the
 23 witness on Voir Dire?
 24 ARBITRATOR FAULKNER: Certainly.
 25 VOIR DIRE EXAMINATION

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1 BY MR. HERMAN:
 2 Q. Ms. Andreu, neither of the participants in
 3 this conversation or this Instant Message are here
 4 today, are they?
 5 A. No, but it's possible Frankie's going to be
 6 coming at the end of the week.
 7 Q. Okay. And he's certainly able to come;
 8 right?
 9 A. Well, it depends because he's going to be
 10 going out of town, and then we have the thing with the
 11 kids, so it's just a matter of -- we wanted to come
 12 last week but it didn't work out.
 13 Q. Okay. The two participants in this alleged
 14 conversation --
 15 A. Yes.
 16 Q. -- which Instant Messaging these days is a
 17 conversation basically in written form; correct?
 18 A. Yes.
 19 Q. These two participants are allegedly -- you
 20 don't even pretend to be party to this conversation;
 21 correct?
 22 A. No, I'm not.
 23 Q. Frankie Andreu and Jonathan Vaughters?
 24 A. Yes.
 25 Q. And neither of them are here?

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1 A. Correct.
 2 Q. This conversation was not under oath;
 3 correct?
 4 A. This conversation with Frankie and Jonathan?
 5 No, they didn't swear under oath --
 6 Q. Right.
 7 A. -- to each other.
 8 Q. This document -- or this conversation was in
 9 existence when both you and Mr. Andreu were deposed in
 10 October of 2005?
 11 A. I withheld it. Would you like to know why?
 12 Q. I would like for you to answer my question.
 13 A. I would like to.
 14 Q. All right. It was in existence; correct?
 15 A. Yes.
 16 Q. You had it in your possession?
 17 A. Yes.
 18 Q. Yet, you did not produce it nor did your
 19 husband produce it at your deposition?
 20 A. No.
 21 Q. Okay. And neither your husband nor Mr.
 22 Vaughters have been available to ask questions about
 23 this document -- what the intent was; what certain of
 24 these comments mean and so forth; correct?
 25 A. Correct.

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1 Q. And you certainly would agree that the -- at
 2 least it's your position that both the matters in here
 3 and any inferences to be drawn from them would best be
 4 described by the persons who were actually involved in
 5 the conversation; correct?
 6 A. Correct.
 7 MR. HERMAN: Your Honor, I -- I object to
 8 this as patently unfair and prejudicial for a
 9 conversation not even involving the witness. And keep
 10 in mind or with all due respect, I tried to talk to
 11 her about Frankie's sworn testimony and was not able
 12 to do so.
 13 Certainly for her to come in here and
 14 sponsor a document containing statements which are
 15 asserted by two declarants which are not available for
 16 cross-examination, this document violates the basic,
 17 most fundamental guarantees of -- of fairness.
 18 We can't test them. We have no idea what
 19 any of them mean, and they haven't -- they are not
 20 available for cross-examination, so it's not just
 21 hearsay, it's a totally unreliable, unverifiable, and
 22 patently inadmissible document.
 23 ARBITRATOR FAULKNER: Mr. Tillotson?
 24 MR. TILLOTSON: Yes. First, I'm not
 25 going to ask this witness questions about what did her

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1 husband mean; what did Mr. Vaughters mean regarding
2 this document. She's just the sponsoring witness to
3 laying the foundation for and authenticity to get the
4 document in.
5 So to the extent that I'm going to
6 question her and say, what did Mr. Vaughters mean when
7 he said some of those things, I think are
8 self-explanatory, the document will definitely come
9 into evidence. That's our purpose.
10 I agree that Mr. Andreu or Mr. Vaughters
11 will be the witness that would be able to talk about
12 what these things mean, but this IM conversation
13 contains admission testimony regarding the use of
14 performance-enhancing drugs that relate directly to
15 this proceeding. She's laid the predicate foundation
16 that she was there while the conversation was ongoing.
17 This is like a tape. It's not -- it's not --
18 ARBITRATOR FAULKNER: We're familiar with
19 IM by now.
20 MR. TILLOTSON: So in that -- so all
21 she's doing is sponsoring that this conversation took
22 place; this is a printout of it; this is what it
23 purports to be under the authenticity rules, and then
24 she's laid the proper foundation for it. If there's
25 any specific statements in there that are objected to,

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1 that can be dealt with on a specific basis.
2 But far as -- as saying, what does it
3 mean or what do they mean when they said this, or how
4 did they do that, or what's the technique we're
5 talking about here --
6 ARBITRATOR FAULKNER: What is the
7 relevance of an IM conversation between her husband
8 and the other gentleman, Vaughters -- whatever the
9 name is. What's the relevance to us?
10 MR. TILLOTSON: A former teammate of
11 Mr. Armstrong reveals in this IM how, in fact, there
12 was a doping program on the US Postal Team and how he
13 did it. That's the --
14 MR. HERMAN: That's -- that is not --
15 that's not correct. Plus, this relates to the 2005
16 Tour which is not at issue -- not at issue here. But
17 that's precisely the problem. They're offering it for
18 the truth of the matter in there, and there's more to
19 the establishing the admissibility of a -- of a tape
20 than simply identifying who the two parties are.
21 Was it tampered with? It is complete?
22 Was it altered in any way? I mean, there's --
23 ARBITRATOR FAULKNER: Before we get to
24 that, what is the reason why we cannot hear directly
25 from the participants to this IM conversation?

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1 MR. TILLOTSON: Well, I'll request her
2 husband be allowed to sponsor the document, as well.
3 I can't control or force him to come down.
4 ARBITRATOR LYON: Where is he now?
5 MR. TILLOTSON: He's in Detroit with the
6 children now. I have not been in contact with Mr.
7 Vaughters and wasn't aware that he would be someone
8 that I needed to speak to regarding this document
9 until I got this.
10 ARBITRATOR LYON: Okay. Can I ask Mr.
11 Herman some questions?
12 ARBITRATOR FAULKNER: Yes.
13 ARBITRATOR LYON: When did you get this
14 document?
15 MR. HERMAN: You know, whenever --
16 whenever Ms. --
17 MR. BREEN: When she walked in the room
18 today.
19 ARBITRATOR LYON: Today?
20 MR. BREEN: Today.
21 MR. HERMAN: Although, they had it when
22 we deposed her.
23 MR. TILLOTSON: When you say, they, the
24 witness had it. We didn't -- I didn't have this till
25 today.

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1 MR. HERMAN: Oh, no, no. I didn't mean
2 you. I meant the witness.
3 MR. TILLOTSON: I wish I had this. I
4 would have obviously questioned it when I took
5 Frankie's deposition, so we're not saying --
6 questioning him about it, so I'm operating under the
7 same limitations that Mr. Herman is operating under.
8 You don't have the benefit of the
9 document because I respected Mr. Herman's request not
10 to do it publicly.
11 ARBITRATOR FAULKNER: We understand that.
12 (Off-the-record discussion.)
13 MR. TILLOTSON: Excuse me, Mr. Chairman.
14 I can -- I can hear you guys. I'm sorry.
15 ARBITRATOR FAULKNER: That's all right.
16 MR. TILLOTSON: That's okay. I just
17 didn't want --
18 ARBITRATOR FAULKNER: Gentlemen, we want
19 some testimony on why this document was not produced
20 before this hearing today, and so we'll ask Mr. Herman
21 to further inquire about that.
22 Q. (By Mr. Herman) You said that you had it but
23 you withheld it --
24 A. Yes.
25 Q. -- at your deposition, even though it was

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1 requested?

2 And so why -- I guess the bottom line is:

3 Why did you withhold it?

4 A. Number one, after Kathy LeMond was deposed,

5 she was -- Lance had called our house telling Frankie

6 everything about Kathy LeMond's deposition, so we then

7 realized that this is not a closed hearing like we

8 thought it was going to be.

9 So then when I was deposed, I didn't

10 bring the document because I, frankly, didn't remember

11 having the document. I remembered having the document

12 after Stephanie asked me to go and delete documents

13 and e-mails; okay.

14 But after my deposition, when Lance went

15 and he called Stephanie McIlvain and asked -- and was

16 talking to her in detail about my deposition, about

17 Frankie's deposition, and Kathy LeMond's deposition, I

18 was livid because he wasn't supposed to be talking

19 about everybody's deposition. We were supposed to be

20 protected and safe.

21 And so I did not submit this before

22 because as is the case with Lance, anybody who is

23 deposed, he had called people, and he had talked about

24 their depositions to other people, and he would have

25 done the same exact thing had I given this to

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1 whomever, whether it be to your side or to your side.

2 It would have been disclosed. Lance

3 would been on phone with Jonathan Vaughters like that.

4 (Snapping fingers.) That's why I didn't disclose it

5 because he had not followed any rules, and I wasn't

6 going to deal with it. It was -- it's absolutely

7 wrong.

8 Q. So you intentionally withheld it at your

9 deposition?

10 A. No. Because it wasn't -- it -- I didn't

11 remember it until after I went into my computer when

12 Stephanie asked me to start deleting e-mails, and then

13 I went and I looked in Frankie's e-mails, and that's

14 when I found this. Because I didn't trust him;

15 because he was going to call up other people, also.

16 That's why I withheld it.

17 ARBITRATOR CHERNICK: Could we have a

18 time frame of this? In other words, your deposition

19 was on what date?

20 THE WITNESS: October 25th.

21 ARBITRATOR CHERNICK: And when did

22 Stephanie McIlvain call you and ask you to delete

23 e-mails?

24 THE WITNESS: She called me probably --

25 Lance -- shortly thereafter -- shortly thereafter

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1 because she had called me the next day and said Lance

2 had called her, was asking, why did you tell Betsy? I

3 said she was an evil bitch. Why did you tell Betsy?

4 Did you tell Betsy certain things? Betsy said this.

5 Frankie said this.

6 ARBITRATOR CHERNICK: You're getting off

7 the subject just a little bit. So your depo was on

8 October 25th. Within about a week of that, you

9 were --

10 THE WITNESS: It was shorter than a week.

11 ARBITRATOR CHERNICK: Okay. And

12 Stephanie McIlvain's request prompted you to look at

13 your e-mails or to look at your --

14 THE WITNESS: Exactly.

15 ARBITRATOR CHERNICK: -- computer, and so

16 you discovered this sometime at the end of October?

17 THE WITNESS: End of October, beginning

18 of November.

19 ARBITRATOR CHERNICK: Okay. And when did

20 you first bring it to the attention at anyone at SCA?

21 THE WITNESS: Today.

22 MR. HERMAN: I'm sorry. I didn't hear

23 the question.

24 THE WITNESS: Today. I brought it to

25 their attention today.

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1 ARBITRATOR LYON: May I ask a couple of

2 questions?

3 ARBITRATOR FAULKNER: Go ahead, Senator.

4 ARBITRATOR LYON: This is a very

5 important document. Your husband said, holy shit,

6 when he saw it?

7 THE WITNESS: Yes.

8 ARBITRATOR LYON: And you read it

9 yourself?

10 THE WITNESS: Yes.

11 ARBITRATOR LYON: And it really stuck in

12 your mind?

13 THE WITNESS: It -- for some stuff, yes.

14 ARBITRATOR LYON: Yet you didn't bring it

15 up to any of these lawyers when you were subpoenaed to

16 bring those documents by this Panel? Were you

17 subpoenaed?

18 THE WITNESS: In Michigan, I was

19 subpoenaed.

20 ARBITRATOR LYON: Yeah. Were you told to

21 bring all the documents relating to any

22 correspondence, et cetera, et cetera, and I don't know

23 exactly what it was, but was this document clearly

24 within the subpoena?

25 THE WITNESS: It was within the state

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1 subpoena, but, like, some of the other documents I
2 have that I brought today, they didn't have until
3 recently. And it's just because it -- either I forgot
4 about it or didn't realize we had it until we went
5 through our computer.
6 ARBITRATOR FAULKNER: But you did not go
7 through the computer when you had the subpoena duces
8 tecum that commanded the return of certain documents?
9 THE WITNESS: I went through my computer
10 after my deposition.
11 ARBITRATOR FAULKNER: But the subpoena
12 duces tecum was issued for the deposition; correct?
13 THE WITNESS: Yes.
14 ARBITRATOR FAULKNER: So you had the
15 subpoena duces tecum before the deposition?
16 THE WITNESS: Yes.
17 ARBITRATOR FAULKNER: And you knew what
18 the documents that were being called for the
19 deposition?
20 THE WITNESS: I didn't -- do you mean
21 which document I was going to bring?
22 ARBITRATOR FAULKNER: Yes. The ones that
23 you were commanded to bring by the Court.
24 THE WITNESS: But I wasn't commanded to
25 bring this one, no. I'm not sure if I under --

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1 MR. TILLOTSON: Mr. Chairman, if I may,
2 I'm not sure there was a document request attached to
3 it. We actually sought the deposition.
4 ARBITRATOR FAULKNER: Only a deposition?
5 No subpoena duces tecum?
6 MR. TILLOTSON: I'm not -- I mean, I'm
7 going to check and see but --
8 ARBITRATOR FAULKNER: Please check that
9 for us.
10 MR. TILLOTSON: The Deposition Notices we
11 did for the LeMonds and for Betsy and Frankie I do not
12 believe had document requests.
13 ARBITRATOR FAULKNER: I've signed so many
14 subpoenas for you guys with duces tecums.
15 MS. EVORA: I have a PDF. I'm not -- I'm
16 going to bring that up.
17 MR. TILLOTSON: Just bring it up. You
18 can continue your questioning, but just -- I'm not
19 sure we did ask for the documents.
20 MR. HERMAN: Whether she was or if she
21 wasn't is not -- I mean, that's part of the issue
22 certainly but --
23 MR. TILLOTSON: I hear your point. I
24 just want to make sure the witness is not getting beat
25 up over some confusion regarding an actual --

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1 ARBITRATOR FAULKNER: And I want accurate
2 information in front of us. Yes, were you able to get
3 it?
4 MS. EVORA: Let me see. Let me --
5 ARBITRATOR FAULKNER: While we're trying
6 to get the documents up, gentlemen, is there any news
7 as to whether Mr. Frankie Andreu is likely to be, you
8 know, available by the end of this hearing this week
9 or on some other time?
10 MR. HERMAN: I have no idea.
11 THE WITNESS: He wanted to come last
12 week, but it was -- it didn't fit the time frame.
13 There's a chance he -- there's a good chance he can
14 come -- if you work it out with a schedule, that he
15 can at the end of this week.
16 ARBITRATOR FAULKNER: On Friday?
17 THE WITNESS: I'm not sure.
18 ARBITRATOR FAULKNER: Okay. Can you blow
19 that up so I can see it, please? See if there's a
20 duces tecum attached to it. I don't see anything
21 in --
22 MR. TILLOTSON: I don't believe there
23 was.
24 ARBITRATOR FAULKNER: Okay.
25 MS. EVORA: I can see the actual subpoena

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1 that the Panel issued, and there wasn't a document
2 request.
3 ARBITRATOR FAULKNER: Okay. All right.
4 MR. TILLOTSON: She did bring certain
5 materials to take and the transcript. She didn't
6 bring this. But there was not an actual subpoena for
7 it.
8 ARBITRATOR FAULKNER: Okay. So there was
9 no duces tecum. That's what I wanted to know.
10 MR. HERMAN: She did bring that -- the
11 transcript of the tape, Exhibit 24, and produced it at
12 the deposition. But also keep in mind, please, Your
13 Honor, that it's not just Frankie Andreu that's in
14 this conversation. It's Jonathan Vaughters, as well.
15 There's two of them, and neither of whom are here.
16 And Mr. Andreu was available for
17 cross-examination, so to basically sponsor his
18 out-of-court statement in writing or orally is --
19 is -- is just patently unfair to the Claimants.
20 ARBITRATOR FAULKNER: Is -- if we look at
21 the possibility of taking Mr. Andreu when he is
22 available -- because we may be doing something on
23 Monday, depending on what happens with Ms. O'Reilly.
24 You know, is he likely to be available then where we
25 can address the issue of whatever, if anything, is in

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1 this document?
 2 MR. TILLOTSON: I'll have to address that
 3 to the witness.
 4 Do you know if your husband is available
 5 Friday of this week or Monday of next week?
 6 THE WITNESS: I know Monday he's not. I
 7 know Monday he's not at all. I can see on Friday if
 8 he can swing it.
 9 ARBITRATOR LYON: Let me ask another
 10 question.
 11 ARBITRATOR FAULKNER: Senator, ask.
 12 ARBITRATOR LYON: Ms. Andreu, can you
 13 verify that this is the -- that this is Jonathan
 14 Vaughters on the other end of this transcript?
 15 THE WITNESS: Yes. Because I have never
 16 spoken to Jonathan or -- either on the phone or in
 17 person. I have e-mailed him at Cycle Vaughters
 18 regarding this Google Puzzle. I've e-mailed one time,
 19 and I know Cycle Vaughters is his e-mail address.
 20 ARBITRATOR LYON: What now? I'm missing
 21 that.
 22 ARBITRATOR CHERNICK: She's familiar with
 23 his e-mail address.
 24 THE WITNESS: I'm familiar with his
 25 e-mail address.

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1 MR. TILLOTSON: The other person
 2 responding goes by the screen name Cycle Vaughters.
 3 THE WITNESS: And I know that's Jonathan.
 4 MR. TILLOTSON: And that's his AOL
 5 account, and his e-mail went to Cycle Vaughters. I
 6 believe the context of it would demonstrate it would
 7 have to be Mr. Vaughters based on what is said but --
 8 ARBITRATOR FAULKNER: Okay. So as of
 9 right now, you think that your husband may be
 10 available for us to hear?
 11 THE WITNESS: I'm not sure. I'll have to
 12 ask because I know he's going out of town. Like I
 13 said, last week would have better, but it didn't work
 14 out. It didn't work out with the way things were
 15 going, but I don't know if he can. I mean, I can call
 16 him right now and ask him.
 17 ARBITRATOR FAULKNER: Why don't we take a
 18 quick recess, and why don't you do that because that
 19 may help us solve our problem.
 20 THE WITNESS: Am I allowed to say
 21 anything or not?
 22 ARBITRATOR FAULKNER: Please, we're
 23 trying to --
 24 THE WITNESS: I'm trying to get the point
 25 across is that everybody that has said something or

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1 had to do with this case, whether it be for SCA or for
 2 them, Lance has contacted, and so I am not going to
 3 give him information beforehand so he contact somebody
 4 and ask him about it and try to intimidate them.
 5 ARBITRATOR FAULKNER: Ma'am, the Tribunal
 6 will decide what subpoenas we issue and what we will
 7 command be done.
 8 THE WITNESS: I'm just telling you-all --
 9 ARBITRATOR FAULKNER: I understand. I
 10 understand where you're coming from. Would you please
 11 make a phone call and see if we can have your husband
 12 available later this week or if there's another time
 13 perhaps in the reasonably near future.
 14 THE WITNESS: Okay.
 15 ARBITRATOR FAULKNER: We'll take a real
 16 quick break while that be done, please.
 17 (Break from 4:14 p.m. to 4:30 p.m.)
 18 ARBITRATOR FAULKNER: Ms. Andreu, we're
 19 going to be back on the record. Can you give us any
 20 ideas to whether or not your husband will be available
 21 later this week?
 22 THE WITNESS: No, he won't. He set aside
 23 time last week, and it didn't work out, and he just
 24 can't do it because he's going out of town at the end
 25 of the week.

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1 ARBITRATOR FAULKNER: Is there a
 2 possibility that he will be available at any other
 3 time that, you know --
 4 THE WITNESS: When he leaves, he's going
 5 to be gone for two weeks.
 6 ARBITRATOR FAULKNER: Okay.
 7 ARBITRATOR CHERNICK: Is there any reason
 8 we have to do this with him in person now that we --
 9 we -- we have his deposition, and the only examination
 10 would be on this one point. Can we do it
 11 telephonically or video?
 12 MR. HERMAN: No. I mean, I'm -- you
 13 know, I'm not -- you know, I've got to talk to Frankie
 14 Andreu and probably Jonathan Vaughters.
 15 ARBITRATOR FAULKNER: Well, what we're --
 16 what we're asking, Mr. Herman, is we don't necessarily
 17 have to finish this week. If we hold the record open
 18 to give you an opportunity to be able to do that,
 19 whether it be when he returns in two weeks or -- or
 20 three or whatever time period works out, is that's
 21 something that is possible?
 22 MR. HERMAN: Well, it's possible --
 23 whatever the Panel says is possible, I guess, but --
 24 but I -- I don't -- you know, I don't want to --
 25 getting ambushed like this is -- you know, always is a

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1 problem. I mean, you know, that's why we take
 2 depositions and so forth.
 3 But I -- my preference would be if -- you
 4 know, to finish up this week has always been -- or --
 5 or Monday, if we have to go over till Monday, to get
 6 the record complete and closed.
 7 So -- so my preference would either be
 8 that somebody competent show up to authenticate or --
 9 or to sponsor this exhibit or that it doesn't come in.
 10 And so however the Panel wants to make sure that gets
 11 done, I mean, you know, I'm -- I'm prepared to do
 12 whatever the Panel tells me to do.
 13 ARBITRATOR FAULKNER: Any response?
 14 MR. TILLOTSON: Yeah. I mean, I would
 15 propose or be prepared to leave it -- at the right
 16 time offer Frankie's deposition testimony and all the
 17 other subjects in that he be deposed or questioned or
 18 whatever by any means necessary with respect to this
 19 particular document at whatever time he can be
 20 available, whether it's by phone tomorrow or whatever.
 21 I mean, I don't -- to be honest with you,
 22 I don't disagree with Mr. Herman. He should have fair
 23 opportunity to be prepared for any document that's
 24 being offered. Neither side had this document at the
 25 time of the depositions.

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1 On the other hand, it is an important
 2 document, and I think it needs to come in, so I'm
 3 certainly willing to accommodate any reasonable method
 4 to give him that fair opportunity. We don't want the
 5 evidence to be excluded simply because of the way in
 6 which the witness has produced it, so long as both
 7 sides are given that opportunity because it is -- it
 8 is extremely important testimony.
 9 To be quite honest, it also goes to
 10 refute some things that Frankie himself has said in
 11 his deposition regarding his knowledge of
 12 Mr. Armstrong, and so it's got a lot of relevant uses,
 13 and it's a fairly recent document, and whatever means
 14 to accomplish so Mr. Herman can question the witnesses
 15 on this, I'm certainly not opposed to.
 16 But I think the worst thing is to exclude
 17 it and say, no, we're not going to consider this piece
 18 of evidence. That's all I have to say on it.
 19 ARBITRATOR FAULKNER: Any last comments,
 20 Mr. Herman?
 21 MR. HERMAN: Yes. I was going to say
 22 that Mr. Tillotson raises a good point, and had I not
 23 been so, in the Panel's great wisdom, prohibited from
 24 asking -- from asking Ms. Andreu about all of
 25 Frankie's statements which are totally contradictory

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1 under oath to what they're attempting to establish
 2 here.
 3 You know, I'm happy to go to Detroit on
 4 Saturday or whatever.
 5 ARBITRATOR FAULKNER: All right.
 6 MR. HERMAN: But not that I want to -- I
 7 don't want to do it over the phone and --
 8 ARBITRATOR FAULKNER: We understand the
 9 difficulty you both face. I'll put on the record,
 10 neither one of you--all are producing cause of this
 11 document not being produced. What we will do is the
 12 following: We will give you additional time to take
 13 Mr. Andreu's deposition.
 14 This time, issue a subpoena duces tecum
 15 with the subpoena calling for the production of all of
 16 the documents so nobody has any other problems with
 17 documents being hidden for whatever reason. Take
 18 that. We will hold the record open for you to be able
 19 to do that, and then we will take whatever testimony
 20 you guys produce to us afterwards.
 21 If you can -- if you want to do a video
 22 deposition and provide that to us on CD or DVD, that
 23 will be fine. We don't want anybody ambushed. That
 24 is just fundamentally unfair, and it is not an
 25 acceptable practice. But this time, get a subpoena

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1 duces tecum out there, so that we eliminate this
 2 problem.
 3 It's not either one of y'all's fault, but
 4 we want to cure the problem so that the Panel has a
 5 good record and so that you guys both have a fair
 6 opportunity to do what you need to do with this
 7 evidence.
 8 So with that, we'll hold it open for that
 9 point. Is there some other topic you would like to go
 10 on to?
 11 ARBITRATOR CHERNICK: Let me just say,
 12 and my assumption is that this subpoena is for the
 13 preservation of hearing testimony, not a discovery
 14 deposition.
 15 MR. HERMAN: Exactly, yes.
 16 ARBITRATOR FAULKNER: Correct. Make
 17 sure -- that is a very good point. Make sure that
 18 that is what it is, and if you need one or more of us
 19 to actually be available on a video to enforce it that
 20 way, let us know. But, you know, hopefully you guys
 21 won't need any of that.
 22 MR. HERMAN: Right. I mean, you--all
 23 can -- I mean, if there are objections, they'll be on
 24 the video, and you can rule on them when you see the
 25 video.

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1 ARBITRATOR FAULKNER: I'm also
 2 anticipating the possibility of somebody trying to
 3 file a motion to quash your subpoena. The Panel can
 4 sit where it needs to, if we have to do that, but if
 5 you guys can take care of that and enforce a subpoena
 6 so that everything that you need comes in.
 7 MR. HERMAN: Let me just ask you, Ms.
 8 Andreu, when is -- when is your husband leaving now?
 9 Monday?
 10 THE WITNESS: No. It's either Saturday
 11 or Sunday. I'm not sure.
 12 MR. HERMAN: Okay. All right. Well,
 13 I'll work with Mr. Tillotson on some scheduling, and
 14 we'll get that done.
 15 ARBITRATOR FAULKNER: Mr. Tillotson,
 16 anything else you need to go over?
 17 MR. TILLOTSON: Mr. Chairman, I had no
 18 other topics, other than sponsoring that document for
 19 this witness.
 20 ARBITRATOR FAULKNER: Okay. All right.
 21 Well, we'll have a solution -- we have a solution for
 22 that. Is there anything else? Any further questions,
 23 Mr. Herman?
 24 MR. HERMAN: No, I don't.
 25 ARBITRATOR FAULKNER: Any questions?

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1 ARBITRATOR CHERNICK: No, no questions.
 2 ARBITRATOR LYON: I just have a few.
 3 Ms. Andreu, your husband, was he one of
 4 the announcers on the Tour de France this summer?
 5 THE WITNESS: Well, I know for Outdoor
 6 Life Network, yes.
 7 ARBITRATOR LYON: What?
 8 THE WITNESS: For Outdoor Life Network,
 9 yes.
 10 ARBITRATOR LYON: Okay. There were two
 11 people that did primarily the announcing, two guys
 12 that were talking about the race. I watched it. I
 13 was home the whole month of July.
 14 THE WITNESS: Well, I -- I just want to
 15 say, he wasn't an announcer. He did just special
 16 little segments about bikes maybe. I can't remember.
 17 Bikes, towns.
 18 ARBITRATOR LYON: Is that what he does
 19 for a living, works for them full-time?
 20 THE WITNESS: No, he doesn't. He also
 21 does -- he has speaking engagements, and he is in the
 22 process of directing a New American Cycling Team.
 23 ARBITRATOR LYON: Okay. Let me flip
 24 through my notes here. You -- tell me about this --
 25 and I had a hard time hearing you. This was earlier

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1 on in your testimony. You said, you and Kristin, who
 2 was Lance Armstrong's former wife, got into an
 3 argument, and you didn't -- I couldn't really hear.
 4 What happened?
 5 THE WITNESS: It wasn't an argument. We
 6 were both pregnant, driving -- are you able to hear
 7 me?
 8 ARBITRATOR LYON: Yeah.
 9 THE WITNESS: Driving from Milano to San
 10 Remo, and we were talking about just the kids -- the
 11 babies you were going to have. She said she wasn't
 12 going to have a nanny, and then somebody on a cycling
 13 news group said she was going to have a nanny, and I
 14 said, she wasn't going to have a nanny. And I told
 15 Kristin about it, and she got upset that somebody said
 16 she was going to have nanny.
 17 That's what she got upset about. And
 18 then because she got upset, Lance got mad at me, so I
 19 gave him the e-mails that I had with her, and it was
 20 just very, very trivial. Kristin then apologized to
 21 me, saying, I'm sorry. I was very hormonal, which I
 22 understood because I was pregnant at the time.
 23 Everything was fine, ironed out. It was no big
 24 problem.
 25 ARBITRATOR LYON: Okay. I guess I

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1 understand you a little better now. Two pregnant
 2 women riding in car got mad at each other.
 3 THE WITNESS: Well, we weren't mad at
 4 each other, though. That's the thing. We didn't get
 5 mad at each other.
 6 ARBITRATOR LYON: I hope that didn't
 7 offend anybody.
 8 MR. HERMAN: It didn't offend me.
 9 ARBITRATOR LYON: You said something
 10 EPO -- and I want to go to the hospital room now;
 11 okay?
 12 THE WITNESS: Okay.
 13 ARBITRATOR LYON: And do you know what
 14 the word EPO -- what the drug is?
 15 THE WITNESS: I do now. I didn't then.
 16 ARBITRATOR LYON: Okay. What is it?
 17 THE WITNESS: It is a red blood cell
 18 booster, if I understand correctly.
 19 ARBITRATOR LYON: Okay. Do you know what
 20 the medical name of the drug is?
 21 THE WITNESS: Epoietin or something like
 22 that.
 23 ARBITRATOR LYON: Erythropoietin.
 24 THE WITNESS: Erythrop -- yeah. Just
 25 EPO. That's --

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1 ARBITRATOR LYON: Okay. And you said you
2 knew that that drug was used for treating cancer
3 victims.
4 THE WITNESS: Right.
5 ARBITRATOR LYON: When did you know that?
6 THE WITNESS: Oh, after the fact. After
7 the fact, not before. Not before.
8 ARBITRATOR LYON: Did you have someone in
9 your family that had cancer, or did you just look up
10 this stuff, or how did you find that out?
11 THE WITNESS: Because I had -- well, my
12 endocrinologist told me what EPO was.
13 ARBITRATOR LYON: The doctor that wrote
14 the letter to you --
15 THE WITNESS: Yes, yes.
16 ARBITRATOR LYON: -- about testosterone?
17 THE WITNESS: Yes, yes, yes.
18 ARBITRATOR LYON: Okay.
19 THE WITNESS: But I had asked him about
20 EPO, and he had told me, and I just asked Frankie what
21 it was, and Frankie told me, also.
22 ARBITRATOR LYON: Okay. So you knew
23 immediately -- and this was in 1996?
24 THE WITNESS: Yes.
25 ARBITRATOR LYON: You knew in 1996 that

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1 EPO was -- was something bad immediately?
2 THE WITNESS: Well, after I found out
3 what happened at the hospital room, yes. I -- I knew
4 it to be a performance-enhancing drug, and then later
5 on I found out it was used with cancer patients.
6 ARBITRATOR LYON: But you knew at the
7 time in the -- the doctor said, performance-enhancing
8 drug --
9 THE WITNESS: Yes.
10 ARBITRATOR LYON: -- as opposed to any
11 other type of drug?
12 THE WITNESS: Yes. He said --
13 ARBITRATOR LYON: And you knew when he
14 said that or when Mr. Armstrong said, EPO, you knew
15 what it was?
16 THE WITNESS: No, I didn't. I had asked
17 Frankie, what's EPO because I knew what steroids were
18 and testosterone. I wasn't sure how cortisone was
19 used. I've heard of growth hormone so --
20 ARBITRATOR LYON: So you didn't know what
21 it was in 1996?
22 THE WITNESS: No, I did not.
23 ARBITRATOR LYON: And you got upset when
24 he said -- and he said, testosterone, Mr. Armstrong?
25 THE WITNESS: Yes, he did. Yes.

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1 ARBITRATOR LYON: And steroids?
2 THE WITNESS: Yes.
3 ARBITRATOR LYON: Did he say what kind?
4 THE WITNESS: No.
5 ARBITRATOR LYON: That's when you left
6 the room?
7 THE WITNESS: After he said -- he listed
8 them. We left the room right after.
9 ARBITRATOR LYON: Because you were upset?
10 THE WITNESS: Frankie saw my -- yes. I
11 was shocked, upset, and we left the room.
12 ARBITRATOR LYON: Okay. I don't have any
13 other questions.
14 ARBITRATOR FAULKNER: Any other
15 questions, Mr. Herman?
16 MR. HERMAN: No.
17 ARBITRATOR FAULKNER: Mr. Tillotson?
18 MR. TILLOTSON: Nothing further, Mr.
19 Chairman.
20 ARBITRATOR FAULKNER: Mr. Chernick? I
21 have none. Thank you very much.
22 THE WITNESS: Can I say something?
23 ARBITRATOR FAULKNER: Ma'am, your
24 testimony is over. Thank you.
25 MR. TILLOTSON: May I consult with her

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1 and find out what it is?
2 ARBITRATOR FAULKNER: Why don't you go
3 ahead and chat with her very quickly, and then we --
4 because we've got about 20 minutes, and we can get at
5 least one deposition in.
6 (Off-the-record discussion.)
7 MR. TILLOTSON: We're going to show --
8 what do we have?
9 MS. EVORA: Stephanie McIlvain.
10 MR. TILLOTSON: Twenty minutes -- 20.
11 ARBITRATOR FAULKNER: Y'all, we have some
12 leeway because we are not going to dinner together
13 until 6:00, so we can go longer if y'all have the
14 ability to do so. That way we can get in some more
15 time since we have an abbreviated --
16 ARBITRATOR CHERNICK: All we're going to
17 ask you to do is play both of the depo excerpts, so
18 it's 30 minutes, instead of 20.
19 MR. TILLOTSON: Stephanie and Startt will
20 take how long?
21 MS. EVORA: Startt's about 26 minutes.
22 Stephanie's about 20.
23 MR. TILLOTSON: So it will be 45 minutes.
24 Why don't we do those two, start with Stephanie, and
25 then --

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1 MR. HERMAN: Have you got my
2 designations?
3 MS. EVORA: Yes, sir.
4 ARBITRATOR FAULKNER: All right. Are you
5 ready to cue that up?
6 MR. BREEN: May this witness be excused?
7 ARBITRATOR FAULKNER: Yeah. I think --
8 Jeff, are you done so we can excuse this lady?
9 MR. TILLOTSON: Yeah.
10 ARBITRATOR FAULKNER: Okay. The court
11 reporter may be excused since you don't need to take
12 down the video that they're playing for us or about to
13 play.
14 (Videotapes of Stephanie McIlvain and
15 James Startt were played.)
16 (Proceedings adjourned at 4:45 p.m.)
17
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1 STATE OF TEXAS)
2)
3 COUNTY OF DALLAS)
4)
5 I, Kathy E. Weldon, Certified Shorthand
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7 the foregoing proceedings were reported
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