

# **Exhibit 38**

**Trek Bicycle Corporation's Privilege Log  
For Public Strategies Materials from Initial Contacts through Filing of Litigation**

**LeMond Cycling, Inc. v. Trek Bicycle Corporation v. Greg LeMond  
Case No. 08-1010 (United States District Court, District of Minnesota)**

Tab	Date	Type	Author(s) & Recipient(s)	Description (Regarding)	Privilege
1	04/01/08	Emails & Attachment	Public Strategies Vice Chair (McKinnon) to Capital Sports Entertainment (Stapleton), Trek President (Burke) Burke to Trek General Counsel (Burns) Burns to Litigation Counsel (Weber)	Initial contacts with Public Strategies.	ACP, WP
2	04/02/08 – 04/03/08	Emails	McKinnon to Burke Burke to Burns Burns to Weber	Further discussions re potential Public Strategies work.	ACP, WP
3	04/02/08 – 04/03/08	Emails	Burns to Weber Weber to Burns	Further discussions re potential Public Strategies work.	ACP, WP
4	04/03/08	Email & Attachment	Public Strategies (Coletti) to Weber; cc: Public Strategies (Bartlett)	Draft agreement between Public Strategies and Gass Weber Mullins.	ACP, WP
5	04/03/08	Emails	Weber to Burns Burns to Weber	Comments on draft agreement between Public Strategies and Gass Weber Mullins.	ACP, WP
6	04/03/08	Email	Burns to Weber	Discussion re hiring Public Strategies.	ACP, WP
7	04/03/08	Email	Weber to Coletti, Bartlett; cc: Burns	Edits to draft agreement.	ACP, WP
8	04/03/08	Email	Weber to Burns	Meeting with Public Strategies.	ACP, WP
9	04/03/08	Email & Attachment	Weber to Coletti, Bartlett; cc: Burns	Background information.	ACP, WP
10	04/03/08	Emails & Attachment	Coletti to Public Strategies (Hendershot) Hendershot to Coletti Coletti to Weber; cc: Burns and Public Strategies (Anzzolin)	Revised agreement between Public Strategies and Gass Weber Mullins.	ACP, WP
11	04/03/08	Email & Attachment	Weber to Coletti, Bartlett; cc: Burns	Communication to Trek's Board of Directors.	ACP, WP
12	04/03/08	Emails	Burns to Coletti, Trek (Wagner); cc: Anzzolin, Weber Coletti to Burns, Coletti, Wagner; cc: Anzzolin, Weber	Travel arrangements.	ACP, WP
13	04/03/08	Email	Burns to Weber	Meeting with Public Strategies.	ACP, WP
14	04/03/08	Fax	Coletti to Weber	Executed agreement between Public Strategies and Gass Weber Mullins.	ACP, WP

Tab	Date	Type	Author(s) & Recipient(s)	Description (Regarding)	Privilege
15	04/03/08	Email	Coletti to Burke, Burns, Weber; cc: Public Strategies (Hinkle)	Contact information.	ACP, WP
16	04/03/08	Emails	Coletti to Weber Weber to Coletti; cc: Burns	Confirming privilege notice.	ACP, WP
17	04/03/08	Email & Attachment	Hinkle to Weber; cc: Coletti	Letter of Understanding re Public Strategies engagement with Gass Weber Mullins.	ACP, WP
18	04/03/08	Email & Attachment	Weber to Burns, Coletti, Bartlett; cc: Gass Weber Mullins (Dombrowicki and Stippich)	Draft complaint for Trek v. LeMond.	ACP, WP
19	04/03/08	Emails	Weber to Burns Burns to Weber	Discussion re Letter of Understanding re Public Strategies engagement with Gass Weber Mullins.	ACP, WP
20	04/03/08 – 04/04/08	Emails	Burke to Burns Burns to Weber Weber to Burns Burns to Weber	Discussion re Letter of Understanding re Public Strategies engagement with Gass Weber Mullins.	ACP, WP
21	04/03/08 – 04/04/08	Emails	Coletti to Burke, Burns, Weber; cc: Hinkle Burns to Coletti, Burke, Weber; cc: Hinkle	Contact information.	ACP, WP
22	04/04/08	Email & Attachment	Public Strategies (Graham (aka Miller Graham)) to Burke, Burns, Trek (Gore), Weber, Coletti, Bartlett, Hinkle, Public Strategies (Seman and Mashek)	Contact information.	ACP, WP
23	04/04/08	Email & Attachment	Seman to multiple recipients	Draft of Company Update.	ACP, WP
24	04/04/08	Email	Coletti to Weber, Bartlett; cc: Burns	Advice re statement.	ACP, WP
25	04/04/08	Email	Weber to Coletti; cc: Bartlett, Burns	Advice re statement.	ACP, WP
26	04/05/08	Email	Burns to multiple recipients	Draft of Company Update.	ACP, WP
27	04/05/08	Emails	Burns to multiple recipients Hinkle to multiple recipients Bartlett to multiple recipients	Terminology.	ACP, WP
28	04/05/08	Email	Seman to Burns, Weber; cc: Hinkle, Graham	LeMond appearance.	ACP, WP
29	04/05/08	Email & Attachment	Seman to multiple recipients	Draft of Company Update.	ACP, WP
30	04/05/08	Email	Burns to Burke; cc: Gore, Trek (Moran), Weber	Planning for company update.	ACP, WP
31	04/06/08	Emails	Coletti to Hinkle, Burns, Weber; cc: Bartlett	The Complaint LeMond mailed to Trek in 2004.	ACP, WP
32	04/06/08	Email	Burns to Coletti, Hinkle, Bartlett; cc: Weber	The Complaint LeMond mailed to Trek in 2004.	ACP, WP
33	Undated	Agenda		Agenda for Trek Employee Meeting/News Conference	ACP, WP
34	04/06/08	Email & Attachments	Seman to multiple recipients	Draft of Company Update and advice for Burke's presentation.	ACP, WP

Tab	Date	Type	Author(s) & Recipient(s)	Description (Regarding)	Privilege
35	04/06/08	Emails	Coletti to Stapleton Stapleton to Coletti Coletti to Stapleton, Bartlett, Weber	Status update.	ACP, WP
36	04/06/08	Email	Burns to multiple recipients	Discussion about Company Update.	ACP, WP
37	04/06/08	Email	Burns to multiple recipients	Discussion about Company Update.	ACP, WP
38	04/06/08	Emails	Coletti to Weber Weber to Coletti	Advice re statement.	ACP, WP
39	04/07/08	Email	Burns to multiple recipients including Trek (Siefkes)	Trek sales figures.	ACP, WP
40	04/07/08	Email	Gore to multiple recipients	Discussion about Company Update.	ACP, WP
41	04/07/08	Email & Attachment	Mashek to Weber; cc: Coletti, Graham	Press conference call plan.	ACP, WP
42	04/07/08	Email	Coletti to Weber	Advice re statement.	ACP, WP
43	04/07/08	Emails & Attachment	Coletti to Mashek Mashek to Hinkle Hinkle to Weber	Draft press release	ACP, WP
44	04/07/08	Email & Attachment	Graham to Burke; cc: multiple recipients	Draft of Burke presentation.	ACP, WP
45	04/07/08	Email & Attachment	Graham to Burke; cc: multiple recipients	Draft of Burke presentation.	ACP, WP
46	04/07/08	Email	Burns to Graham, Burke; cc: multiple recipients	Draft of Burke presentation.	ACP, WP
47	04/08/08	Emails	Graham to Weber; cc: multiple recipients Weber to Graham; cc: Dombrowicki Dombrowicki to Graham, Burns; cc: Weber	Filing of Trek lawsuit.	ACP, WP
48	Undated	Agreement		Draft agreement between Public Strategies and Gass Weber Mullins.	ACP, WP
49	Undated	Speech		Draft of Burke presentation.	ACP, WP
50	Undated	Draft Email	Burke to all Trek employees	Draft of communication to Trek employees re LeMond.	ACP, WP
51	Undated	Draft Email	Burns to all Trek employees	Draft of communication to Trek employees re publicity.	ACP, WP