

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

Plaintiff,

v.

TREK BICYCLE CORPORATION,

Defendant and Third-Party
Plaintiff,

v.

GREG LEMOND,

Third-Party Defendant.

Case No. 08-CV-1010 (RHK-JSM)

**TREK'S SECOND SET OF
WRITTEN DISCOVERY TO
LEMOND CYCLING, INC.
AND GREG LEMOND**

Trek Bicycle Corporation, by its attorneys Gass Weber Mullins LLC and Halleland Lewis Nilan & Johnson, P.A., propound the following Second Set of Written Discovery to LeMond Cycling, Inc. and Greg LeMond pursuant to Federal Rules of Civil Procedure 33, 34, and 36.

For purposes of the Second Set of Written Discovery to LeMond Cycling, Inc. and Greg LeMond, Trek incorporates herein the Instructions and Definitions set forth in Trek's First Set of Written Discovery to Greg LeMond.

Requests For Admission As To Consumer and Dealer Emails and Letters

Instructions

For the purposes of Requests for Admission 1, 2, and 3, the term "Consumer and Dealer Emails and Letters" refers to the documents at bates TREK000054-480, TREK000483-485, TREK000490-638, TREK009464-9848, TREK0009850-9927, and TREK011951-11983.

Request No. 1: With respect to each of the Consumer and Dealer Emails and Letters, admit they are authentic documents pursuant to Rule 901 and 902.

Request No. 2: With respect to each of the Consumer and Dealer Emails and Letters, admit they are not subject to hearsay objections pursuant to Rules 802 or 803.

Request No. 3: With respect to each of the Consumer and Dealer Emails and Letters, admit they are not subject to admissibility objections for any reason not addressed in your prior two responses.

Requests For Admission As To Blog Posts

Instructions

For the purposes of Requests For Admission 4, 5, and 6, the term “Blog Post” refers to the documents at bates TREK000481-482, TREK000486-489, TREK009849, and TREK013842-13847.

Request No. 4: With respect to each Blog Post, admit they are authentic documents pursuant to Rule 901 and 902.

Request No. 5: With respect to each Blog Post, admit they are not subject to hearsay objections pursuant to Rules 802 or 803.

Request No. 6: With respect to each Blog Post admit they are not subject to admissibility objections for any reason not addressed in your prior two responses.

Requests For Admission As To Subpoena Documents

Instructions

For the purposes of Requests for Admission 7, 8, and 9, the term “Subpoena Document” refers to the documents produced pursuant to subpoena at bates GTG00001-00475, MEBB10001-20828, and GIBSON000001-000662.

Request No. 7: With respect to each Subpoena Document, admit they are authentic documents pursuant to Rule 901 and 902.

Request No. 8: With respect to each Subpoena Document, admit they qualify as business records pursuant to Rules 802 and 803.

Request No. 9: With respect to each Subpoena Document, admit that they not subject to admissibility objections for any reason not addressed in your prior two responses.

Interrogatory Regarding Requests For Admission

Interrogatory No. 10: With respect to all prior Requests for Admission, for each document concerning which you failed to provide an unequivocal admission, identify each such document by date and bates number, and provide all legal and factual bases for your refusal to so admit.

General Interrogatories

Interrogatory No. 11: If you contend Trek materially breached its obligations under the Sublicense Agreement, provide a detailed factual and legal basis for your contention, as well as a reference to bates-stamped documents (where applicable) and other documents substantiating or relating to such contention, including without limitation:

- a. each way in which you contend Trek materially breached express contractual provisions, including a recitation of the specific provision(s) in the agreement;
- b. each way in which you contend Trek materially breached the duty of good faith and fair dealing; and

- c. each way in which you contend Trek materially breached its obligation to exert “best efforts” within the meaning of § 5.02 of the Sublicense Agreement.

Interrogatory No. 12: Provide a detailed itemization of each category of damages claimed by LeMond Cycling, Inc., including without limitation the factual basis for the claimed damages, the documentary support for such damages (including specific reference to bates-numbered documents where applicable), and a presentation of the actual calculation of such claimed damages.

Interrogatory No. 13: Identify each step you took to mitigate the damages you claim to have suffered as asserted in this lawsuit, and provide a complete factual basis and description for such claimed mitigation, including without limitation a reference to all bates-stamped documents or other documents that you contend substantiate your response.

Interrogatory No. 14: At Warren Gibson’s deposition when asked about the consumer reaction to Mr. LeMond’s comments about Lance Armstrong in 2004, Mr. Gibson states that LeMond Fitness had a website with a bulletin board and the “bulletin board had an overwhelming amount of comments” and “Mr. LeMond asked to have the bulletin board shut down” because Mr. LeMond “didn’t care for the negative comments that were coming out on the bulletin board about him.” (See Gibson Dep. at 21 attached hereto). Please answer the following:

- a. Did you retain all of the comments sent to the LeMond Fitness website?

- b. If you did not retain all of the comments sent to the LeMond Fitness website, when, why, how, and by whom were such comments disposed of?
- c. Identify all steps taken to preserve comments and emails and identify by bates number the comments and emails received at the website.

Requests for Production of Documents

Request No. 27: Produce all documents relating to, reflecting, substantiating, or concerning your responses to each of the Requests for Admissions and Interrogatories served upon you in this action.

Request No. 28: Produce all documents concerning, reflecting, commenting upon, summarizing, constituting, or relating to any responses or reactions to Greg LeMond's statements about any individual athlete and the topic of doping or performance enhancing drugs, including without limitation all emails to any person or website identified in response to Trek's Interrogatory No. 8 to LeMond Cycling, Inc.

Request No. 29: Produce all documents supporting, substantiating, relating to, or concerning all damages you claim in this lawsuit.

Request No. 30: Produce all documents supporting, substantiating, relating to, or concerning any efforts you claim to have undertaken to mitigate your claimed damages in this lawsuit.


Request No. 31: Produce all documents reflecting tape-recorded conversations concerning one or more of the issues raised in the pleadings in this lawsuit that you have not already produced to Trek, including without limitation such recordings of conversations occurring subsequent to Trek's assertion of claims in this lawsuit.

Request No. 32: Produce all non-privileged documents reflecting communications between LeMond Cycling, Inc. or Greg LeMond, on the one hand, and any third person, on the other hand, relating to one or more of the issues raised in the pleadings in this action, or relating to the filing and litigation of the lawsuit itself, including without limitation any such communications occurring subsequent to Trek's assertion of claims in this lawsuit.

Request No. 33: With respect to LCI 3233-3235 (see Exhibit 59 to E. Huber's deposition attached hereto), produce all documents in the following "My Folders" listed on the left side of the document: "Lance evidence," "lemond bikes," "lemond fitness," "trek evidence," "warren gibson," and "Warren PTI."

Date: May 8, 2009

By:



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ATTORNEYS FOR TREK BICYCLE
CORPORATION

DEPOSITION OF WARREN GIBSON

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3

4 LEMOND CYCLING, INC.,

5 Plaintiff,

6 vs.

Civil No. 08-1010

7 TREK BICYCLE CORPORATION,

8 Defendant & Third-Party

9 Plaintiff,

10 vs.

11 GREG LEMOND,

12 Third-Party

13 Defendant.

14

15 VIDEOTAPED

16 DEPOSITION OF WARREN GIBSON

17

18 DATE: Tuesday, March 17, 2009

19 TIME: 9:04 a.m.

20 LOCATION: THE TOLL HOUSE HOTEL

21 140 South Santa Cruz Avenue

22 Santa Cruz Room

23 Los Gatos, CA 95030

24 REPORTED BY: AUDREY KOLTERER, CSR NO. 11875

25 #32982

1 MS. RAHNE: Object to the form.

2 Go ahead.

3 THE WITNESS: That was his intention.

4 Q. BY MR. WEBER: And what do you base that on,
5 something he said or something else?

6 A. No. Purely what he told me.

7 Q. In 2004 there was an additional round of
8 publicity associated with some of Mr. Lemond's comments
9 against Mr. Armstrong. Were you aware of consumer
10 reaction to those comments?

11 A. We had a website and -- at that time with a
12 bulletin board, and the bulletin board had an
13 overwhelming amount of comments on the bulletin board.

14 Q. And did Mr. LeMond ask you to do anything
15 with the bulletin board?

16 A. He asked to have the bulletin board shut
17 down.

18 Q. Did he say why?

19 A. He didn't care for the negative comments that
20 were coming out on the bulletin board about him.

21 Q. Were you aware that in August of 2004 Trek
22 sent Mr. LeMond a notice of breach of contract?

23 A. I was aware of that.

24 Q. And were you asked to do anything in terms of
25 trying to find a new business partner for Mr. LeMond?

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 - Drafts (695)
 - Sent
 - Spam [Empty]
 - Trash [Empty]

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 - bike video
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 - cambodian bike...
 - cirrus
 - cirrus2
 - doping stuff (1)
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RE: Thursday, May 9, 2002 4:01 AM

From: "bigholeranch@yahoo.com" <bigholeranch@yahoo.com>

To: "Huber, Elisabeth" <elisabeth_huber@trekbike.com>

Hi Elisabeth,

I just recieved an email from Mica Morloc

--- "Huber, Elisabeth" <elisabeth_huber@trekbike.com> wrote:

> Do you want any of them as your free bikes?

>

> -----Original Message-----

> From: Greg LeMond [mailto:bigholeranch@yahoo.com]

> Sent: Wednesday, May 08, 2002 3:40 PM

> To: Huber, Elisabeth

> Subject:

>

> Hi Elisabeth,

> This is the order I thought I sent you,I had the

> address wrong,I put trekbiikes not trekbike.com.

> First order;I Gary Fisher Cosmos,dark purple and

> light

> purple; 2 Wayzatas 49cm,52cm.

> Send these to my house.

>

> The second order;53cm alp d'huez triple.

> send to:Rachael Ambrose

> c/o Barrett Productions

> 317 South Orange st.

> Missoula, Mt.59801

> Tel:406-327-9999

>

> The third order;57cm,Zurich

> Jeff Thompson

> 201 N.broadway Ave.

> Bozeman,Mt.59715

>

> Thanks, Greg

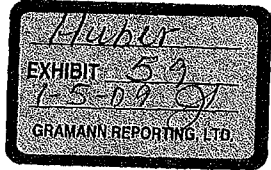
>

> Do You Yahoo!?

> Yahoo! Health - your guide to health and wellness

> <http://health.yahoo.com>

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- wada
- warren gibson
- Warren PTI
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