

# **EXHIBIT 8**

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3 -----  
4 LeMOND CYCLING, INC.,

5 Plaintiff,

6 vs.

Case No. 08-1010

7 TREK BICYCLE CORPORATION,

8 Defendant/Third-Party  
9 Plaintiff,

10 vs.

11 GREG LeMOND,

12 Third-Party Defendant.  
13 -----

14  
15 Video Deposition of JOHN BURKE

16 Tuesday, April 7, 2009

17 9:31 a.m.

18 at

19 GASS WEBER MULLINS, LLC  
20 309 North Water Street, Suite 700  
21 Milwaukee, Wisconsin 53202

22 Reported by Julie K. Lyle, RPR/RMR/CRR  
23  
24  
25

1 Q Mr. Jones then says, "For your information, I  
2 know of no one at Trek or LeMond, nor do I have  
3 any relationship with Mr. Armstrong or  
4 Mr. LeMond. I am just a person who loves cycling  
5 but would not consider buying a Trek-made brand  
6 until you truly stand behind your company's  
7 stated values and support bikes and cycling."

8 Do you see that?

9 A I do.

10 Q "Big names come and go, but an ethical and  
11 well-run company can go on indefinitely. Taking  
12 the right stand now and reversing your previous  
13 stance will do more to keep Trek successful in  
14 the long term than your current short-sightedness  
15 could ever do, or is that not your intention?"

16 Do you see that, the last  
17 sentence?

18 A I do.

19 Q Did you ever respond to Mr. Jones?

20 A I do not know if I did or did not.

21 Q Were you concerned that your presentation was  
22 taken by an existing Trek customer as putting  
23 Trek in the column of supporting a pro doping  
24 stance?

25 A Absolutely not.

1 MR. WEBER: Are you done with 137?

2 MR. MADEL: That's 138.

3 MR. WEBER: I know. I mean the  
4 PowerPoint.

5 MR. MADEL: I think we should keep it  
6 around just in case.

7 MR. WEBER: Well, the only reason is,  
8 before we move off of it, I wanted to note  
9 something for the record, and that is counsel had  
10 represented that there was nothing in the  
11 PowerPoint about Exhibit 135, the August 10th,  
12 2004, notice of breach. And here on the very  
13 next page in the PowerPoint is that exact fact  
14 which counsel represented wasn't there.

15 MR. MADEL: Can I see it, what you're  
16 referring to?

17 Well, if we're going to quibble on  
18 this, Ralph, if you go previously into this, it  
19 makes a statement that the values both harms  
20 LeMond -- listen, I don't want to waste time on  
21 it. I mean, the record will stand as it is.

22 BY MR. MADEL:

23 Q The --

24 A Are we done with this one?

25 Q Yes.

1 A Can I make any more comments on this?

2 Q You'll have time when your counsel asks you  
3 questions at the end of the deposition. I'm  
4 ready to move on to another one. I just don't  
5 want to waste any time.

6 (Exhibit 139 was marked for  
7 identification.)

8 BY MR. MADEL:

9 Q I'm showing you what's been marked as  
10 Exhibit 139, Mr. Burke. What -- what is this?

11 A This appears to be an e-mail from Philip Taylor  
12 to the Trek consumer website.

13 Q And in this e-mail, the conversation is  
14 TrekBikes.com FAQ, which I assume refers to  
15 frequently asked questions, right?

16 A Uhm-uhm.

17 Q Is that a yes?

18 A Yes.

19 Q And then it says dash, "Combating doping." And  
20 he writes in capital letters, "Shame on Trek."

21 Do you see that?

22 A I do.

23 Q "Greg LeMond stands solidly against doping, as  
24 anyone who truly loves the bike, loves racing the  
25 bike should. What, if anything at all, is Trek

1 doing in that regard?"

2 Do you see that?

3 A I do.

4 Q Okay. Were you concerned, after receiving an  
5 e-mail such as this one, that consumers were  
6 believing that shame was deserving on Trek for  
7 supporting -- for not supporting -- strike  
8 that -- Greg LeMond who, according to this  
9 writer, stood solidly against doping?

10 A Absolutely not. If you take a look, I'm sure --  
11 you've produced two notes here. We took a look  
12 at the responses that were coming in and they  
13 were running largely in favor of Trek's stance,  
14 10 to 1, 20 to 1. It was a big number. So no, I  
15 didn't.

16 Q And presumably, all those have been produced in  
17 this lawsuit?

18 A I'd have to refer to legal counsel on that.

19 Q Okay.

20 (Exhibit 140 was marked for  
21 identification.)

22 BY MR. MADEL:

23 Q What is Exhibit 140?

24 A Exhibit 140 is an e-mail from Bob Pugh.

25 Q And that's dated Wednesday, April 9, 2008, right?

1 A It is.

2 Q And he writes, "The complaint filed makes a lot  
3 of sense. What is Trek's position regarding all  
4 of your former riders who have tested positive,  
5 including Armstrong?"

6 Do you see that?

7 A I do.

8 Q Did you answer Mr. Pugh's question?

9 A This was sent to the Trek consumer site. I'm  
10 sure we got hundreds of e-mails a day and I did  
11 not respond.

12 Q With respect to just so far with Exhibits 138,  
13 139, and 140, do you have any objection to  
14 Mr. LeMond posting these on the Internet as you  
15 have done with respect to your presentation?

16 A I think it's a free country and Mr. LeMond can do  
17 whatever he wishes.

18 Q Okay.

19 (Exhibit 141 was marked for  
20 identification.)

21 BY MR. MADEL:

22 Q What is Exhibit 141?

23 A 141 is a note from Greg McQuaid. It is dated  
24 April 9th, 2008.

25 Q And again, that's the day after your

1 presentation, right?

2 A It is.

3 Q And he writes, "Attention: John Burke - LeMond  
4 action is a disgrace," right, at the top in bold?

5 A Yes.

6 Q And then he says, "Attention John Burke: How  
7 petty and childish you are for discontinuing your  
8 business relationship with Greg LeMond. Once  
9 again, Lance Armstrong's lies have damaged the  
10 reputation and livelihood of an honest cyclist  
11 because they dared to speak the truth. Cheats  
12 ride on all brands of bicycles, but Trek will  
13 forever be associated with the greatest fraud of  
14 all, and I for one would never dream of buying  
15 one of your bikes. Greg McQuaid, San Francisco,  
16 California."

17 Do you see that?

18 A I do.

19 Q Did you respond to Mr. McQuaid?

20 A I did not -- I believe I did not respond to  
21 Mr. McQuaid. This came in through the consumer  
22 line.

23 But, once again, we're putting  
24 e-mails out here. You're finding the positive  
25 ones and the negative -- the ones that agreed



1 with Trek ran 10 to 20 to 1. Might have even  
2 been higher. And with any issue, you're going to  
3 have people who favor one side or another.

4 Greg is a rider who won the Tour  
5 de France three times. He's got a number of  
6 people who are ardent supporters of his position,  
7 and so you're going to come up with people from  
8 time to time, and these are few and far between.

9 Q Who -- I'm sorry. Go ahead.

10 A And -- and we can go through and we can bring out  
11 Trek dealers and we can, you know, go through  
12 consumer e-mails on the positive side that  
13 support Trek's position.

14 And I think the one thing is what  
15 you're getting at here is you're getting at the  
16 integrity of Trek and of the company. And that I  
17 would challenge you to go out and talk to  
18 consumers, talk to retailers, talk to people who  
19 know Trek. There's a lot of people in here who  
20 bring up the issue and they say, How long will  
21 Trek last as a company?

22 Well, Trek's lasted about 30  
23 years. If we go through the list of companies  
24 that existed in the bicycle industry even 20  
25 years ago and who is left here today, there

1           aren't a whole lot. This company is part of our  
2           family. We've got a family-run company with  
3           great employees, great retailers, and we really  
4           put the integrity at the top of the list. It's a  
5           very important thing to us.

6    Q       Okay. Are you done answering?

7    A       I am.

8    Q       The -- when you say that the e-mails that were  
9           coming that were 10 to 20 to 1, are you talking  
10          about after your presentation that the e-mails  
11          that were coming in to Trek were 10 to 20 to 1 in  
12          favor of Trek's position?

13   A       I am.

14   Q       And who counted those e-mails?

15   A       You know, I'm making a general statement there,  
16          and I would defer to -- I would defer to counsel  
17          on that.

18   Q       Where did you get the 10 to 20 to 1 statistic?

19   A       I am basing that based on conversations I've had  
20          in the past with counsel.

21   Q       Because we've looked at these e-mails, and it's  
22          not even close to that.

23   A       What -- what is it?

24   Q       Well, based upon -- I'll represent to you, it  
25          looks 60/40 in favor of LeMond.

1 A It's not 60/40 in favor of LeMond.

2 Q Well, then, I'm going to ask, if there's more  
3 e-mails, that we're getting them and we're going  
4 to have to come back and redepose you. Because  
5 as -- as we have right now, that's your  
6 statistic.

7 A Okay.

8 Q And if it's wrong, it's wrong.

9 A You know, the -- first of all, I would challenge  
10 your 60 to 40 on the notes coming in. You get  
11 notes coming in. You also talk to consumers, you  
12 talk to retailers. I can just tell you that our  
13 decision was strongly supported by retailers.

14 Q Do you think the people talking to Greg LeMond  
15 that came up to him on the street were going to  
16 say, hey, listen, by the way, I strongly support  
17 Trek?

18 A Yeah, I do.

19 Q You do?

20 A There are a number of those people. Why don't  
21 you take a look at one of the phone calls in the  
22 past that Greg taped from Dan Thorton, a dealer  
23 in Atlanta.

24 Q Okay. Well, if you -- do you honestly believe  
25 that the people that are doing business with Trek

April 9, 2008

Mr. John Burke, CEO Trek Bicycle Corporation  
801 West Madison St.  
Waterloo, WI 53594-1379

Re: Damage to the Trek/Lemond Brand by Greg Lemond

Dear Mr. Burke:

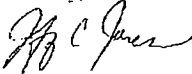
I don't generally make the habit of spending my time writing a letter and stating an opinion re; a business matter which has nothing to do with me. However, I felt so strongly about your error in judgment re; Mr. Lemond disagreement that I felt compelled to do so.

I have read through your website both Trek's complaint and Mr. Lemond's complaint re; your dispute. As an avid cyclist and fan of cycling I can't disagree with your position more. As a reasonably intelligent business man I understand your motives in chastising Mr. Lemond. After all, Trek does potentially stand to suffer financial harm (in the short term) if the doping controversy around Mr. Armstrong proves to have "teeth" since you have so whole heartedly backed him. Even though I understand the potential risks I must ask the question: Why not get out in front of this? No matter whether you believe Mr. Armstrong doped or not why not position the Trek and Lemond Brand on higher ground.

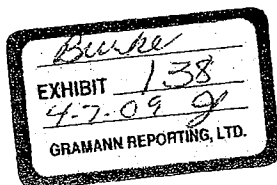
There is no doubting Mr. Lemond's commitment to clean cycling and based on his very public anti-doping stance why doesn't Trek support that? Cycling is a wonderful sport and has so many values to the person riding and society in general. As the most recognized brand in the United States, why wouldn't Trek want to support Mr. Lemond in his anti-doping stance? Isn't it better in the long-term for Trek to stand out as a committed partner in clean cycling? I assume that you want Trek to be around long after Mr. Armstrong and Mr. Lemond are memories. Why wouldn't you want to support riders all over the World who believe in a healthy and ethical endeavor? Wouldn't this bring Trek and Lemond brands more business?

I hope this letter gives you some "food for thought". For your information I know no one at Trek or Lemond nor do I have any relationship with Mr. Armstrong or Mr. Lemond. I am just a person who loves cycling but would not consider buying a Trek made brand until you truly stand behind your companies' stated values and support bikes and cycling. Big names come and go but an ethical and well-run company can go on indefinitely. Taking the right stand now and reversing your previous stance will do more to keep Trek successful in the long term than your current shortsightedness could ever do or is that not your intention?

Sincerely,



Jeff Jones  
Avid Cyclist, Bakersfield, CA



TREK009594

Thu, Apr 10, 2008 2:21 PM

**Subject:** TrekBikes.com FAQ - combating doping  
**Date:** Wednesday, April 9, 2008 7:26 PM  
**From:** Philip Taylor <jo-phil@xtra.co.nz>  
**Reply-To:** <jo-phil@xtra.co.nz>  
**To:** "Consumer, Trek" <Trek\_Consumer@trekbikes.com>  
**Conversation:** TrekBikes.com FAQ - combating doping

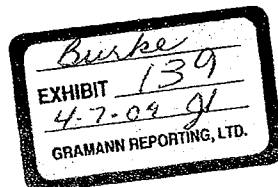
The following question/comment was submitted from your knowledgebase  
-----

From: Philip Taylor <jo-phil@xtra.co.nz>

SHAME ON TREK.

Greg LeMond stands solidly against doping, as anyone who truly loves the bike, loves racing the bike should.

What, if anything at all, is Trek doing in that regard?



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TREK009583