

EXHIBIT 10

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

Plaintiff,

vs. File No. 08-1010 (RHK-JSM)

TREK BICYCLE CORPORATION,

Defendant.

The Videotaped Deposition of

GREG LeMOND, taken pursuant to Notice of

Taking Deposition, taken before Kelly L.

Hemsath, RPR, Iowa CSR, a Notary Public in

and for the County of Hennepin, State of

Minnesota, taken on the 15th day of

December, 2008, at 800 LaSalle Avenue,

Minneapolis, Minnesota, commencing at

approximately 9:08 a.m.

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APPEARANCES:

CHRISTOPHER MADEL and DIANE RAHNE,
ESQUIRES, of the Law Firm ROBINS, KAPLAN,
MILLER & CIRESI, LLP, 2800 LaSalle Plaza,
800 LaSalle Avenue, Minneapolis, Minnesota
55402, appeared for and on behalf of the
Plaintiff.

RALPH A. WEBER, ESQUIRE, of the Law
Firm GASS, WEBER, MULLINS, LLC, 309 North
Water Street, Milwaukee, Wisconsin 53202,
appeared for and on behalf of the Defendant.

ERIK SALVESON, ESQUIRE, of the Law Firm
HALLELAND, LEWIS, 600 US Bank Plaza South,
220 South Sixth Street, Minneapolis,
Minnesota 55402, appeared for and on behalf
of the Defendant in the p.m. session.

ALSO PRESENT:

Randy Wallin, Videographer
Kathy LeMond

*The Original is in the possession of
Attorney Ralph Weber.*

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1 here. I have no worries at all. I don't
 2 care what you guys try to claim or anything.
 3 Q. You think you have the truth on your side?
 4 A. Oh, yeah.
 5 Q. Why did you lie to Stephanie McIlvain about
 6 taping her?
 7 A. There was -- this has -- have you ever heard
 8 what's called the Mafia? Do you know what
 9 Mafia means?
 10 Cycling has a Mafia, and it is --
 11 if you would listen to the tape of John
 12 Burke, and if you would listen to and knew
 13 what my experience was after Armstrong
 14 admitting he took EPO, saying he was going
 15 to pay, pay people, to say I took EPO.
 16 When your livelihood and life is
 17 threatened like that, everything that I
 18 stood for, everything I accomplished in my
 19 career, was jeopardized by one sociopath,
 20 Mr. Armstrong, and John Burke went right
 21 along with it, and from that point on, I
 22 taped anybody.
 23 And did I say that to Stephanie
 24 McIlvain? I did, because I'm dealing with
 25 criminals --

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1 contract was over, and I was in a fight for
 2 my life, and I did not -- this was never
 3 going to go public.
 4 I told her it would never be shared
 5 with anybody, until she perjured herself in
 6 the SEA case. I risked a felony. I didn't
 7 know she was in California, I thought she
 8 was in Texas, and from 2001 on, I taped
 9 everybody.
 10 Q. Mr. LeMond, please, listen to my question --
 11 A. I answered, yes, yes, yes.
 12 Q. Did Stephanie McIlvain ask you if she was
 13 being taped?
 14 A. Yes, yes.
 15 Q. And you lied to her?
 16 A. Well, if you want to call it lying, I guess
 17 when you're dealing with criminals,
 18 literally criminal behavior, and she's
 19 amongst them, she perjured herself, I don't
 20 regret it, and absolutely it's basically the
 21 only thing that's kept my contract past
 22 2004, because John Burke was on tape, and
 23 these guys -- if you listen to that, you can
 24 tell he's a dishonest, corrupt person.
 25 Q. When you say it's the only thing that's kept

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1 reported in the newspaper about Lance
2 Armstrong, right?

3 A. Oh, yeah, I did.

4 Q. And the two of you worked back and forth on
5 a press release in response to that
6 publicity, right?

7 MR. MADEL: Object to the form.

8 A. Working back and forth is not accurate. I
9 told John Burke he could go fuck himself.
10 Excuse my language, because that was the
11 exact words I said. I'm sorry I said a foul
12 word, but that's what I said, because I did
13 not say anything that I didn't believe that
14 was the minimum, the least amount of what I
15 could say that would just at least not go
16 along with the lie, the fraud.

17 Q. Exhibit 21 is the cover sheet for a fax.

18 A. Yeah.

19 Q. Have you seen the second page?

20 A. I have not. I'd love to see it.

21 Q. Do you know where it is?

22 A. Nope. Don't know where it is.

23 Q. Did you not retain it?

24 A. You know what, somebody hacked into my
25 computer in February and hacked into it

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1 again in October, and actually we have the
2 FBI on it, and we're trying to figure that
3 out ourselves.

4 Maybe somebody else could answer
5 that.

6 Q. What are you suggesting?

7 A. I don't know. I'm just trying to figure out
8 where all my e-mails went.

9 Q. Well, that's a fax, first of all, not an
10 e-mail, right?

11 A. Well, I didn't keep this. Sid Bluming
12 should have this, if this was going back
13 between -- this should have been going to
14 Sid too -- maybe not Sid.

15 Where is this faxed to? 920?

16 That's your number. Where was this fax sent
17 to?

18 Q. It says to Greg LeMond from John Burke,
19 07, August '01, and it's coming out of
20 LeMond Cycling's document production,
21 LCI 2239, and the fax header shows August
22 7 at 12:23.

23 A. I understand that --

24 Q. And I'm looking for the attachment for this
25 document.

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1 Fitness?

2 A. Yes.

3 Q. Where are they?

4 A. I don't know.

5 Q. What have you done, if anything, to preserve
6 them?

7 A. Well, I'd have to -- they were on a website.

8 Aren't they from a website? I don't handle

9 that part, but they're probably there, I

10 would believe. I don't know.

11 Q. Who would know?

12 A. Ann Post or Ann Cushing or Jennifer Adelman.

13 Q. At any time, whether in 2004 or any other
14 time, did you get so many angry e-mails from
15 consumers that your website, LeMond Fitness
16 or otherwise, was shut down?

17 A. I had some death threats from some people,
18 some crazy people, that we decided to shut
19 down -- actually, the number of people that
20 wrote in was very small, very small, when
21 you consider that there's -- I did so much
22 damage, and Trek sells, I don't know, a
23 million bikes a year, 200 e-mails to Trek is
24 not that many.

25 Q. You got death threats?

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1 A. Yep.

2 Q. Where?

3 A. John Burke's best friend, a guy used to be a
4 rep, lives in Milwaukee said he wanted to
5 punch me out at the next Trek 100.

6 Q. You don't view that as a death threat?

7 A. No.

8 Q. Did you get actual death threats?

9 A. We did. We called -- I can't remember who
10 it was. We called the FBI.

11 Q. How did they come to your attention?

12 A. Via e-mail.

13 Q. To what site?

14 A. I believe LeMond Fitness.

15 Q. Have, at any time, you asked that any
16 e-mails, on LeMond Fitness site or any other
17 site that you're involved with, be
18 destroyed?

19 A. No, no. I asked them to shut it down after
20 the death threat, because it's like I just
21 didn't, you know -- who knows who is
22 producing them.

23 (At this time LeMOND Deposition Exhibit
24 28 was marked for identification by Mr.
25 Weber.)

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- 1 A. Stephanie McIlvain, Betsy Andreu, obviously
2 the guy in Georgia, John Burke. I can't
3 remember -- that would be -- I'm trying to
4 think of -- I can't really recall everybody.
5 Q. Do you think there's more?
6 A. No. I remember calling after watching a
7 60 Minute show. 60 Minutes, you know that
8 show?
9 Q. I do.
10 A. In 2001 there was a lawsuit filed by
11 Eric Kider and Greg Strock. On 60 Minutes
12 this young writer, 17 years old, who was at
13 the Olympic training center --
14 Q. Mr. LeMond, if I could interrupt --
15 A. I'm trying to tell you -- this goes to if I
16 taped.
17 Q. Did you tape someone that was in the 60
18 Minute show? Yes or no.
19 A. I'm trying to figure it out. And all I know
20 is that I tried to call him, because I was
21 so outraged, I imagine my son or myself
22 being there at 17 --
23 Q. Did you tape him?
24 A. He would not talk to me because he said he
25 was threatened, and my friend said,
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- 1 to provide this to me, I would be most
2 grateful."
3 A. And?
4 Q. And then turning back to the first page, he
5 lists material that he's hoping to receive
6 from you.
7 "1, a conversation between you and
8 Stephanie McIlvain about the Indiana
9 hospital. 2, a conversation between you and
10 Julian DeVries."
11 A. Yeah.
12 Q. Do you have a tape of a conversation with
13 Mr. DeVries?
14 A. There's a possibility I do, but I would have
15 to turn my house upside down, because I did
16 tape him. He mentioned the Fregoes
17 (phonetic) on the team of where they kept
18 the EPO growth hormone, and I will find it
19 before the trial. I've looked everywhere,
20 but it's got to be in my house.
21 Q. Well, we know that you taped Mr. Thornton,
22 the dealer in Atlanta, right?
23 A. I probably did everybody who had to deal
24 with this coverup of criminal case, yeah.
25 Q. Well, give me a list of who you've taped.
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- 1 Threatened? Greg wants to support you.
2 Q. Did you tape him?
3 A. That's what I'm trying to figure out.
4 Because he told me the first guy --
5 Q. Did you tape him?
6 A. -- to call him up and threaten him was Lance
7 Armstrong and George Hincapie, and I'm
8 trying to remember if I did. Because if I
9 did, that would be --
10 Q. Does it help you to talk out loud while
11 you're trying to decide if you taped him?
12 A. It does.
13 MR. MADEL: It actually does.
14 A. I'm trying to remember. I am actually -- I
15 remember the outrage, because I might have
16 taped him.
17 Q. Where's the tape?
18 A. I don't know. I'm trying to remember that.
19 Q. Where is the tape of Betsy Andreu?
20 A. I don't know. Did we throw it out or is it
21 home? Because we taped -- I didn't know
22 her. She called out of the blue. That was
23 the same time Stephanie McIlvain.
24 Q. Where is the Betsy Andreu tape?
25 A. Don't know. We probably threw it away.
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- 1 Once we found out that Betsy was for real,
 2 that she has been screwed, her husband has
 3 been screwed by Lance Armstrong, that she
 4 was actually honest about what was going on.
 5 Q. So you're certain that you taped Betsy
 6 Andreu, but you believe you threw the tape
 7 away?
 8 A. Actually, I don't know. Because I didn't
 9 keep track of the tapes, my wife did.
 10 Q. We can talk to your wife about it tomorrow.
 11 A. Yes.
 12 Q. Who else? You believe you taped Julian
 13 DeVries and you can't find it?
 14 A. Actually that's the one thing I -- when our
 15 last lawsuit, that's the one thing I
 16 absolutely wanted to find, because Julian
 17 DeVries is the guy who told me in 2000 all
 18 the drugs the team was doing.
 19 He's also the one who said he
 20 signed an affidavit for activogen, even
 21 though he wasn't even at the Tour de France,
 22 and he took --
 23 Q. Did you tape Julian DeVries?
 24 A. -- activogen, and it was for veterinarian
 25 use.

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- 1 Q. Did you tape Julian DeVries?
 2 A. I did, yeah.
 3 Q. Did you tape anyone else in addition to
 4 Mr. DeVries and Mrs. Andreu?
 5 A. I'm trying to think. I don't know. I think
 6 Greg Strock -- I don't think I did. I don't
 7 know. Because I was so outraged I actually
 8 offered to support his lawsuit.
 9 Mr. Carmichael took a \$20,000
 10 payoff to keep himself out of there --
 11 Q. I just asked if you taped. Let's keep
 12 moving, okay?
 13 Turning to Exhibit 35. Item number
 14 4, "Additionally, I am aware but still have
 15 never seen that Kathy has the original notes
 16 that she took of a conversation between you
 17 and Lance on 1 August, 2001."
 18 And we talked about that earlier.
 19 A. Yep.
 20 Q. Now, did you provide any or all of this
 21 material to The London Times?
 22 MR. MADEL: By this you're meaning
 23 romanettes 1 through 4?
 24 MR. WEBER: Yes.
 25 A. No.

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