

ZASTROW EXHIBIT 53

Video Deposition of Elisabeth Huber - January 5, 2009

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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

LeMOND CYCLING, INC.,

Plaintiff,

vs.

Case No. 08-1010

TREK BICYCLE CORPORATION,

Defendant/Third-Party
Plaintiff,

vs.

GREG LeMOND,

Third-Party Defendant.

Video Deposition of ELISABETH HUBER

Monday, January 5th, 2009

9:33 a.m.

at

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

Reported by Julie K. Lyle, RPR/RMR/CRR

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1 Q But even backing up a step, it's available to
2 Trek employees --

3 A Current Trek employees.

4 Q -- for personal use?

5 A Uhm-uhm.

6 Q In practice, is it used by nonemployees?

7 A No.

8 Q What was the rationale for Greg LeMond's use of
9 the employee pricing? Was he considered an
10 employee?

11 A Pricingwise, yes. But for him, he was considered
12 somebody to be a prominent cycling figure and
13 that he had contacts in the media, and he was
14 allowed to go beyond the normal employee
15 limitations because he wanted to get out and sell
16 his bike line. And we also wanted to keep him
17 and his family on the most current year product.

18 Q Is there anybody else, to your knowledge, at Trek
19 who had that right?

20 A I have no knowledge since I've not worked with
21 anybody else except Greg LeMond.

22 Q So you don't know if other prominent cyclists
23 with whom Trek has a relationship, for example,
24 Gary Fisher, if he has the ability to avail
25 himself of employee pricing?

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1 Q Since -- from 2000, it looks like, or from --

2 A 1999.

3 Q -- 1999 through 2008.

4 So was this purchase on -- at the
5 very last page of Trek 006617, were these final
6 purchases, to your knowledge, the last purchases
7 that Mr. LeMond was allowed to make under his
8 employee purchase?

9 A This is anything that's been invoiced, yes.

10 Q Okay. Would there be a reason why the very last
11 item is missing an invoice number?

12 A It may not have invoiced by the time I made this.

13 Q Okay.

14 A It usually is an overnight process.

15 MS. RAHNE: Okay. I don't have
16 anything else, unless you have something, Ralph.

17 MR. WEBER: One follow-up.

18 EXAMINATION

19 BY MR. WEBER:

20 Q Ms. Huber, you described that as part of your
21 preparation for today you read the morning
22 session of Mr. LeMond's deposition where he
23 described bike -- his transactions with bikes.
24 Is that right?

25 A That's correct.

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1 Q And can you tell me, when you read his
2 deposition, having worked with him over a number
3 of years, was what you saw him talk about, was it
4 consistent or inconsistent with your
5 understanding of -- of his rights under the
6 employee purchase program?

7 MS. RAHNE: Object to the form. That's
8 vague as to what you're referencing.

9 MR. WEBER: You can answer.

10 MS. RAHNE: You can totally answer.

11 THE WITNESS: Okay. I felt it was
12 inconsistent.

13 BY MR. WEBER:

14 Q And why is that?

15 A Because going back and looking also at the
16 e-mails that were provided by his counsel, and
17 what he was using this for wasn't what I thought
18 it was for and what I thought it should be for.
19 And that my understanding of this purchase
20 program was to further his bike line, and I
21 didn't feel that it did that in any way, shape,
22 or form.

23 MR. WEBER: That's all I have. Thank
24 you.

25 THE WITNESS: Thank you.

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1 MS. RAHNE: Can I do one follow-up,
2 please?

3 EXAMINATION

4 BY MS. RAHNE:

5 Q Can you be more specific about what you saw that
6 changed your opinion?

7 A Specifically, one e-mail was to, I believe, Chris
8 Wright saying I'm opening up the employee
9 purchase to anybody, you know, any friends and
10 family, and I would have thought that he would
11 want to support the dealer base and have people
12 like that going into dealerships to purchase his
13 product instead of offering it at a discounted
14 price.

15 Q And you saw that somehow as different than what
16 had been happening all of the years previously
17 when he was selling large volumes of bikes --
18 getting -- getting large volumes of bikes through
19 his employee discount?

20 A Yes.

21 Q And why was that?

22 A Because it was my understanding that it was media
23 people, it was teams. That's who I saw -- he
24 said in his explanations to me, this is for my
25 dad, this is for my son, this is for my great

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1 friend. So to have him say it to somebody
2 that -- like "tell anybody you want" was
3 surprising.

4 Q And you believe that there was an explanation
5 provided to you for all of the orders that were
6 put through previous to the one that you're
7 referencing, which I'm assuming was recent?

8 A Not -- not all but a lot.

9 Q Okay.

10 A And oftentimes we would have a prior conversation
11 on the phone, or maybe he would call in and say,
12 "Hey, I want to get this bike for my buddy. Is
13 it in stock?"

14 "Yes, it is."

15 "Great, I'll send you the e-mail."

16 And two days later in would come the e-mail with
17 the address to ship.

18 VIDEO TECHNICIAN: No further
19 questions?

20 There being no further questions,
21 that concludes the deposition of Elisabeth Huber.
22 We're off the record of at the end of Videotape
23 No. 3 at 1:30 p.m.

24 (Deposition concluded at 1:30 p.m.)

25 (Original exhibits attached to original