LeMond Cycling, Inc. v. Trek Bicycle Corporation

Doc. 148 Att. 5

Exhibit 82

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1	UNITED STATES DISTRICT COURT
2	DISTRICT OF MINNESOTA
3	LeMOND CYCLING, INC.,
4	Plaintiff,
5	vs. Case No. 08-1010
6	TREK BICYCLE CORPORATION,
7 8	Defendant/Third-Party Plaintiff,
9	VS.
10	GREG LeMOND,
11	Third-Party Defendant.
12	
13	
14	
15	Video Deposition of JOHN BURKE
16	Tuesday, April 7, 2009
17	9:31 a.m.
18	
19	at
20	GASS WEBER MULLINS, LLC 309 North Water Street, Suite 700
21	Milwaukee, Wisconsin 53202
22	
23	Reported by Julie K. Lyle, RPR/RMR/CRR
24	
25	

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1		sales in Europe.
2	Q	In point 6 here you have, "He is very excited
3		about being involved in product development,
4		promotion, trade shows, dealer visits, et cetera,
5		and wants to spend time but he doesn't want"
6		an "and real responsibility."
7		Do you see that?
8	А	Yes, I yes, I do.
9	Q	It's it's probably a typo. You meant "any."
10	A	Yes. Yes. Yes.
11	Q	I only do that 6,000 times a day, so I'd
12		recognize it easily.
13		But the during your
14		relationship with Mr. LeMond up to 2007, was
15		has he been very involved in product development?
16	A	I would say no.
17	Q	Why not?
18	А	I really think that it's a lack of follow-through
19		on Greg's behalf. If you try and call Greg,
20		e-mail Greg, get Greg to come down to Waterloo,
21		that's not a very easy task, especially for a
22		product manager.
23	Q	Has Mr. LeMond been involved in promoting his
24		bikes up to the time of this lawsuit?
25	A	Yes.



	Video Deposition of John Burke - April 07, 2009 54
Q	Has he done that well?
A	At times.
Q	Has Mr. LeMond been involved in trade shows?
A	Yes.
Q	Has he done that well?
A	I would say that he yes, he did do trade shows
	well.
Q	And same question with respect to dealer visits.
A	I would say the dealer it would it was hard
	to get Greg at times it would be very hard to
	get Greg to do dealer visits. Scheduling was
	always a problem with Greg.
	In fact, at one point we had
	discussions about Trek taking over providing
	management for Greg. But once Greg got to the
	dealer at on the whole, he did a fabulous job.
Q	When was the discussion to get some sort of
	management for Greg?
A	You know, I can't give you the exact date. We
	could provide that with you. I think it was
	somewhere in the it was post-2001. It could
	have been in the 2000 some sometime in that
	area.
Q	And somewhere around the 2001, 2003 time frame,
	somewhere in there?



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1AI think that's that's the major reason.2think, if it had any other negative effect,3would have been that people became aware of4facts of the relationship between Trek and 05LeMond, facts that for years we had kept awa6from people, always in hopes of really putter	I it
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5 LeMond, facts that for years we had kept awa	the
	Greg
6 from people, always in hopes of really putti	ау
	ing
7 the relationship back together again. After	r
8 2001, 2004, 2006, it just kept going on and	on.
9 And so a lot of that you }	<now,< td=""></now,<>
10 people would see people saw a lot because	e Greg
11 was out in the media. So, I mean, we were	
12 getting lots of e-mails, lots of phone calls	s. We
13 were getting a lot of feedback. But there w	vas
14 certain things that people didn't see.	
15 Q You mentioned e-mails again. The e-mails the	nat
16 you received that you posted in your	
17 presentation, did you ever see a need to sho	ow any
18 negative e-mails about Lance Armstrong and	
19 doping?	
20 A The issue was the issue that we were	
21 addressing was an issue between Greg LeMond	and
22 Trek.	
23 If you take a look at the	
24 agreement, in Section 13, it says Greg LeMor	nd
25 cannot harm Trek. And time and time again,	he



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 harmed Trek. That was the issue. It was the issue between Greg LeMond and Trek. It was not between Greg LeMond and Lance Armstrong. Q Has Greg LeMond ever said anything negative about Trek? A Not that I can specifically recall. Q But he has said negative things about Lance Armstrong? A He has. Q And Lance Armstrong has a contract with Trek? A He does. Q And he owns part of Trek? A Okay. He owns a yes, he does. He owns a very small part. And I believe that his ownership in Trek was a gift when he came up after winning the second tour. And I didn't know what to give him, and so we gave him a Packer fleece sweatshirt, because it was like minus 10 degrees and we thought that would be appropriate, and then we also gave him it might have been 500 shares of Trek, which at that time was probably worth \$10,000. And today it's worth \$35,000? A I don't know the exact number. We can get that for you. 	1	r	
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24 A I don't know the exact number. We can get that	22	-	\$10,000.
	23	Q	And today it's worth \$35,000?
25 for you.	24	A	I don't know the exact number. We can get that
	25		for you.

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