

**REPORT ON PROCEEDINGS UNDER THE WORLD ANTI-DOPING CODE
AND THE USADA PROTOCOL**

UNITED STATES ANTI-DOPING AGENCY,

Claimant,

v.

LANCE ARMSTRONG,

Respondent.

**REASONED DECISION OF THE UNITED STATES ANTI-DOPING AGENCY
ON DISQUALIFICATION AND INELIGIBILITY**



United States Anti-Doping Agency

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TABLE OF CONTENTS

I. SUMMARY OF USADA'S REASONED DECISION.....	5
II. CHARGES AGAINST LANCE ARMSTRONG.....	7
III. BACKGROUND.....	9
A. Commencement of USADA's Broad Investigation of Doping in Cycling.....	9
B. Criminal Investigation.....	11
C. USADA's Notice of Anti-Doping Review Board Proceedings and Notice of Opportunity to Contest USADA's Charges in Arbitration.....	11
D. Armstrong's Filing of Federal Lawsuit.....	12
E. Federal Court's Order Dismissing Armstrong Lawsuit.....	13
F. Armstrong's Refusal to Contest Charges Against Him in Arbitration Hearing Before Neutral Arbitrators.....	13
IV. DISCUSSION OF THE EVIDENCE SUPPORTING USADA'S CHARGES.....	15
A. Introduction.....	15
1. Standard of Proof.....	15
2. Means of Proof: Non-Analytical Evidence and Laboratory Evidence.....	15
B. Chronological Review of Evidence of Lance Armstrong's Possession, Use, Trafficking and Administration of Banned Performance Enhancing Drugs and Other Relevant Events.....	16
1. 1998.....	16
a. Possession and use of EPO at the Vuelta a España.....	18
b. Possession and use of cortisone.....	19
c. Use of a saline infusion at the World Championships.....	20
2. 1999.....	20
a. Focus on the Tour de France.....	21
b. The "A" Team.....	22
c. Getting serious with Dr. Ferrari.....	23
d. U.S. Postal drug delivery system.....	28
e. Possession and use of EPO.....	29
f. Motoman and the plan to deliver EPO at the Tour de France.....	30
g. The Tour de France.....	31
h. Positive for cortisone.....	31
i. EPO use at the Tour de France.....	33
j. Testosterone use and administration at the Tour de France.....	34
k. Sestrières.....	34
l. Christophe Bassons.....	35
m. Seven witnesses and scientific corroboration.....	36
3. 2000.....	37
a. Armstrong's involvement in the U.S. Postal Service blood doping program.....	38
b. Armstrong's use of testosterone and avoiding drug testing at race in Spain	39
c. Armstrong's second Tour victory.....	40
d. Blood doping at the 2000 Tour de France.....	41
e. French investigation and "Actovegin".....	42
4. 2001.....	45
a. Ferrari attends USPS training camp.....	46
b. Armstrong's continued involvement in blood doping in 2001.....	49

c. Armstrong's possession, use and trafficking of EPO in 2001.....	49
d. Armstrong's suspicious test for EPO at the 2001 Tour of Switzerland.....	51
e. Armstrong's possession and use of testosterone in 2001.....	52
f. Controversy concerning Armstrong's relationship with Ferrari and Italian law enforcement investigation of Ferrari.....	53
5. 2002.....	54
a. Floyd Landis.....	54
b. Landis begins working with Ferrari.....	57
c. Armstrong's possession, use and trafficking of testosterone in 2002.....	58
d. Armstrong's continued use of blood doping in 2002.....	58
e. Armstrong's enforcement of the team doping program.....	59
6. 2003.....	60
a. Armstrong's continued use of blood doping in 2003.....	61
b. Armstrong's blood doping and EPO use at the 2003 Tour de France.....	63
c. Armstrong gets help from Tyler Hamilton.....	64
d. Armstrong's possession, use and trafficking or administration of EPO and/or testosterone in 2003.....	65
7. 2004.....	67
a. Armstrong continues to work with Ferrari in 2004.....	68
b. Armstrong's use of testosterone in 2004.....	69
c. Armstrong's blood doping and EPO use at the 2004 Tour de France.....	70
d. Armstrong's altercation with Filippo Simeoni at the 2004 Tour.....	72
e. Dr. Ferrari's October 1, 2004, conviction for sporting fraud and Armstrong's public termination of professional relationship with Ferrari.....	73
8. 2005.....	75
a. Armstrong's use of blood transfusions in 2005.....	75
b. Possession, use and administration of EPO.....	76
c. Hincapie's post Tour drug sweep of Armstrong's apartment.....	76
d. Ferrari fabrication.....	77
e. SCA Testimony of Bill Stapleton and Lance Armstrong regarding Dr. Ferrari.....	79
9. 2009 – 2012.....	82
a. Continuing Ferrari fabrication.....	82
b. Evidence of blood doping.....	86
10. Weight to be given to Lance Armstrong's refusal to testify.....	87
C. Overwhelming Proof that Lance Armstrong's Support Staff Participated in Doping.....	88
1. Dr. Michele Ferrari's involvement in doping.....	90
2. Johan Bruyneel's involvement in doping.....	107
3. Dr. Luis Garcia del Moral's involvement in doping.....	115
4. Dr. Pedro Celaya's involvement in doping.....	118
5. Jose "Pepe" Marti's involvement in doping.....	123
D. Consideration of the Credibility and Reliability of USADA's Fact Witnesses.....	127
E. How Lance Armstrong and the USPS Team Avoided Positive Drug Tests.....	129
1. Avoiding testers during window of detection.....	131
2. Using undetectable substances and methods.....	135
3. Understanding limitations to the testing methods.....	137
4. Use of saline infusions and micro-doping of EPO.....	139

V.	SCIENTIFIC EVIDENCE THAT CORROBORATES LANCE ARMSTRONG'S DOPING VIOLATIONS.....	139
	A. Armstrong's Blood Test Results During the 2009 and 2010 Tours de France are Consistent with His Continued Use of Blood Doping	140
	B. 1999 Tour de France Samples.....	142
	C. 2001 Tour of Switzerland Samples.....	144
VI.	EVIDENCE OF ARMSTRONG'S EFFORTS TO SUPPRESS THE TRUTH ABOUT HIS ANTI-DOPING RULE VIOLATIONS.....	146
	A. Perjury and Other Fraudulent Conduct to Obstruct Legal or Judicial Processes.....	146
	1. False Statements Under Oath in SCA Arbitration.....	146
	2. False Statements in French Judicial Investigation.....	147
	3. Attempts to Procure False Affidavits.....	148
	4. Efforts to Prevent Witnesses From Testifying.....	149
	B. Retaliation and Attempted Witness Intimidation.....	149
	1. Filippo Simeoni.....	149
	2. Tyler Hamilton.....	150
	3. Levi Leipheimer.....	150
	C. Retaliation Against Witnesses.....	151
	1. Betsy Andreu.....	151
	2. Prentice Steffen.....	152
	3. Jonathan Vaughters.....	152
	4. Christophe Bassons.....	153
	5. Floyd Landis.....	153
VII.	THE EIGHT-YEAR STATUTE OF LIMITATIONS FOUND IN ARTICLE 17 OF THE CODE WAS SUSPENDED BY MR. ARMSTRONG'S FRAUDULENT CONCEALMENT OF HIS DOPING AND OTHER WRONGFUL ACTS	154
VIII.	USADA'S RESULTS MANAGEMENT AUTHORITY.....	155
	A. Armstrong is bound by the USADA Protocol.....	155
	B. USADA discovered the anti-doping rule violations under Article 15.3 of the Code.....	156
	C. Armstrong's assertion that UCI has exclusive jurisdiction is meritless and belied by UCI's conduct.....	157
	D. Waiver.....	162
IX.	CONCLUSION.....	164

ADDENDUM – PART ONE: ADDITIONAL INFORMATION RELEVANT TO THE CREDIBILITY OF USADA'S FACT WITNESSES

1.	Frankie Andreu.....	1
2.	Michael Barry.....	4
3.	Tom Danielson.....	5
4.	Renzo Ferrante.....	6
5.	Tyler Hamilton.....	7
6.	George Hincapie.....	8
7.	Jörg Jaksche.....	10
8.	Floyd Landis.....	10
9.	Levi Leipheimer.....	14

10. Emma O'Reilly.....	18
11. Filippo Simeoni.....	19
12. Christian Vande Velde.....	19
13. Jonathan Vaughters.....	20
14. David Zabriskie.....	22

ADDENDUM – PART TWO: ANALYSIS REGARDING INDIANA
HOSPITAL ROOM INCIDENT

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**REASONED DECISION OF THE UNITED STATES ANTI-DOPING AGENCY ON
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On August 24, 2012, the United States Anti-Doping Agency (USADA) announced it had imposed a sanction of lifetime ineligibility and disqualification of competitive results achieved since August 1, 1998, on United States athlete Lance Armstrong. Mr. Armstrong's sanction was announced at that time by USADA because Mr. Armstrong had notified USADA that he was refusing to contest the evidence against him in a hearing before neutral arbitrators.

Pursuant to Article 8.3 of the World Anti-Doping Code (the "Code"), after a sanction is announced because the sanctioned party has failed to challenge the charges against the party, the Anti-Doping Organization with results management authority shall submit to the entities with appeal rights a reasoned decision explaining the action taken. This document, therefore, sets forth USADA's reasoned decision describing evidence of Mr. Armstrong's rule violations (the "Reasoned Decision"), and is being sent to the Union Cycliste International (UCI), the World Anti-Doping Agency (WADA), and the World Triathlon Corporation, the entities with appeal rights relating to the Reasoned Decision.

This Reasoned Decision includes a summary of the overwhelming evidence that demonstrates that Mr. Armstrong doped throughout the majority of his professional cycling career. Among the evidence in this case are the sworn statements¹ of more than two dozen (24+) witnesses, including fifteen (15) professional cyclists, and a dozen (12) members of Armstrong's cycling teams, including eleven (11) former teammates and his former soigneur (masseuse). Nine (9) of the professional cyclists were, like Mr. Armstrong, clients of Dr. Michele Ferrari and have firsthand knowledge of his doping practices.

The evidence in this case also includes banking and accounting records from a Swiss company controlled by Dr. Ferrari reflecting more than one million dollars in payments by Mr. Armstrong, extensive email communications between Dr. Ferrari and his son and Mr. Armstrong during a time period in which Mr. Armstrong claimed to not have a professional relationship with Dr. Ferrari and a vast amount of additional data, including laboratory test results and expert analysis of Mr. Armstrong's blood test results. This evidence is incorporated by reference into this Reasoned Decision as if fully set forth.

While this Reasoned Decision summarizes overwhelming evidence of Mr. Armstrong's doping that would have been presented at the hearing had Mr. Armstrong not refused to challenge the charges against him, it necessarily cannot include all of the evidence that would have been presented at such a hearing. Had there been a hearing even more evidence would have been presented, including, evidence obtained through arbitration panel subpoenas and potentially evidence from government investigations.

Furthermore, at a hearing USADA would have been able to examine on the record and under oath members of Mr. Armstrong's inner circle and others with knowledge of Armstrong's

¹ Including affidavits and witness statements.

doping who refused to come forward or were unwilling to speak with USADA absent a subpoena. Mr. Armstrong's refusal to participate in a hearing prevented the testimony of many other witnesses from being heard.

None of the evidence USADA summarizes in this Reasoned Decision was obtained from the United States federal law enforcement investigation involving Mr. Armstrong. After the announcement by U.S. District Attorney Andre Birotte on February 3, 2012, that he was discontinuing the criminal investigation of Armstrong's conduct, USADA formally requested copies of non-grand jury evidence from the case.² However, no documents have been received to date. As a result, none of the evidence assembled by USADA has come from federal law enforcement.³

² See April 30, 2012, Letter from USADA CEO Travis Tygart to Tony West, Acting Associate Attorney General, provided in Appendix Z.

³ USADA addresses at this point the recent criticism of the UCI offered to the media questioning why it took USADA from August 24 until October 9 (forty-seven days) to issue this Reasoned Decision. The UCI's criticism is unfounded. There is no fixed time limit in the rules for issuing a reasoned decision, therefore, USADA was merely required to issue its reasoned decision promptly. What is prompt depends on the circumstances in the case and the nature of the evidence in it. Obviously, USADA did not know that Mr. Armstrong was not going to elect to go to a hearing until, on the last possible day for choosing, he chose not to do so. Until then, USADA had been preparing to go to a live hearing in front of neutral arbitrators. Had such a hearing occurred it is unlikely that it would have begun much before the end of this year.

The task of summarizing the evidence in the case, as this Reasoned Decision does, is much different from the process of preparing for a hearing where evidence is introduced live and witnesses testify orally. The evidence supporting this Reasoned Decision is set forth in Appendices A – AA which include more than twenty affidavits, witness statements, expert reports, emails, correspondence, photographs, tape recordings, video footage, deposition transcripts, hearing transcripts, and other data. The documentary materials in these appendices, by themselves, consist of thousands of pages. Further, in preparing for presenting its case at a live hearing USADA had, prior to August 24, conducted numerous witness interviews, and evaluated mountains of other information regarding its likely witnesses. Once Mr. Armstrong chose not to proceed to a hearing USADA then obtained affidavits from many of its witnesses whom USADA had anticipated would have otherwise presented their testimony orally in a live hearing. Thereafter, USADA has described and summarized the evidence in this Reasoned Decision. Given the volume of materials that USADA has addressed, the forty-seven days it

The most critical evidence assembled by USADA and discussed in this Reasoned Decision has come from Mr. Armstrong's former teammates and former employees of the United States Postal Service ("U.S. Postal Service" or "USPS") and Discovery Channel cycling teams who decided that it was the right thing to do for clean sport to come forward and provide evidence to USADA regarding what they knew. As a consequence of a number of courageous riders willingness to break the Code of Silence—the "omerta"—after being approached by USADA, by late May 2012 USADA concluded it had more than enough evidence to proceed with charges against former USPS and Discovery Channel Team Director Johan Bruyneel,⁴ former USPS and/or Discovery Channel doctors Pedro Celaya,⁵ Luis Garcia del Moral⁶ and Michele Ferrari⁷ and Team Trainer Jose "Pepe" Marti⁸ and against Mr. Armstrong.

USADA also reached out to Mr. Armstrong, communicating with four of his attorneys and giving Mr. Armstrong the opportunity to come in and sit down with USADA and cooperate with USADA's investigation as had many of Mr. Armstrong's teammates. Mr. Armstrong, however, refused to meet with USADA, setting in motion the sequence of events that led to USADA's charges and ultimately to Mr. Armstrong's sanction by USADA in accordance with the rules.⁹

took to organize these materials in an appropriate fashion was reasonable.

⁴ Mr. Bruyneel is currently the general manager for the RadioShack-Nissan-Trek Cycling team.

⁵ Dr. Celaya is currently the team doctor for the RadioShack-Nissan-Trek Cycling team.

⁶ Dr. del Moral is currently a doctor practicing sports medicine in Valencia, Spain.

⁷ Dr. Ferrari currently serves as a "consultant" to many professional cyclists.

⁸ Until earlier this year Mr. Marti was an employee with a UCI licensed team. Mr. Marti resides in Valencia, Spain.

⁹ In the witness affidavits provided in Appendix A names of individuals who have not yet been charged with doping have been redacted. USADA's investigation into doping in cycling continues and evidence of doping obtained by USADA and involving individuals who have not already been charged will be handled in accordance with the rules.

I. SUMMARY OF USADA'S REASONED DECISION

As most observers of cycling acknowledge, cycling in the grand tours, of which the Tour de France is the most important, is a team sport. Lance Armstrong winning seven consecutive Tour de France titles was touted not just as an individual achievement, but as a team achievement rivaling the greatest in professional sports history.

Lance Armstrong himself has said that the story of his team is about how it “evolved from . . . the Bad News Bears into the New York Yankees.”¹⁰ However, as demonstrated in this Reasoned Decision, the achievements of the USPS/Discovery Channel Pro Cycling Team, including those of Lance Armstrong as its leader, were accomplished through a massive team doping scheme, more extensive than any previously revealed in professional sports history. More than a dozen of Armstrong’s teammates, friends and former team employees confirm a fraudulent course of conduct that extended over a decade and leave no doubt that Mr. Armstrong’s career on the USPS/Discovery Channel Pro Cycling Team was fueled from start to finish by doping.

In this Reasoned Decision we discuss the evidence in significant detail, just as an arbitration panel would have done in announcing its decision had Mr. Armstrong been willing to allow the evidence in his case to be heard by independent arbitrators. It is important that the evidence in this case be discussed in detail for several reasons. First, transparency is a fundamental value of the anti-doping movement. It is important that facts relating to doping not be hidden from public view so that there is confidence in case outcomes and sport can learn from each case. Thus, the rules require USADA to issue a “reasoned decision” and this document meets that requirement. Second, over the years Mr. Armstrong and his representatives went to

¹⁰ SCA Hearing Transcript, pp. 1374-75 (testimony of Lance Armstrong).

great lengths to attack individuals who were willing to confirm the truth of his doping. Hopefully, this objective examination of some of the evidence of Mr. Armstrong's doping and tactics may rectify some of the harms to reputation brought about by those attacks.

As discussed in this Reasoned Decision, Mr. Armstrong did not act alone. He acted with the help of a small army of enablers, including doping doctors, drug smugglers, and others within and outside the sport and on his team. However, the evidence is also clear that Armstrong had ultimate control over not only his own personal drug use, which was extensive, but also over the doping culture of his team. Final responsibility for decisions to hire and retain a director, doctors and other staff committed to running a team-wide doping program ultimately flowed to him.

On paper, Armstrong's team contract provided him with "extensive input into rider and staff composition." In practice, however, as a team owner and by virtue of the power his rapidly accumulating titles conferred, his effective control was even greater.

Armstrong said, "we had one goal and one ambition and that was to win the greatest bike race in the world and not just to win it once, but to keep winning it."¹¹ However, the path he chose to pursue that goal ran far outside the rules. His goal led him to depend on EPO, testosterone and blood transfusions but also, more ruthlessly, to expect and to require that his teammates would likewise use drugs to support his goals if not their own.

The evidence is overwhelming that Lance Armstrong did not just use performance enhancing drugs, he supplied them to his teammates. He did not merely go alone to Dr. Michele Ferrari for doping advice, he expected that others would follow. It was not enough that his teammates give maximum effort on the bike, he also required that they adhere to the doping program outlined for them or be replaced. He was not just a part of the doping culture on his

¹¹ SCA Hearing Transcript, p. 1346 (testimony of Lance Armstrong).

team, he enforced and re-enforced it. Armstrong's use of drugs was extensive, and the doping program on his team, designed in large part to benefit Armstrong, was massive and pervasive.

When Mr. Armstrong refused to confront the evidence against him in a hearing before neutral arbitrators he confirmed the judgment that the era in professional cycling which he dominated as the patron of the peloton was the dirtiest ever. Twenty of the twenty-one podium finishers in the Tour de France from 1999 through 2005 have been directly tied to likely doping through admissions, sanctions, public investigations or exceeding the UCI hematocrit threshold. Of the forty-five (45) podium finishes during the time period between 1996 and 2010, thirty-six (36) were by riders similarly tainted by doping.¹²

The evidence in the case against Lance Armstrong is beyond strong; it is as strong as, or stronger than, that presented in any case brought by USADA over the initial twelve years of USADA's existence. As explained below, the evidence is overwhelming that Mr. Armstrong and his team director, team doctors, team trainers and teammates cheated throughout the 1998 – 2010 time period.¹³

II. CHARGES AGAINST LANCE ARMSTRONG

The anti-doping rule violations for which Mr. Armstrong was sanctioned include:

- (1) **Use and/or attempted use** of prohibited substances and/or methods including EPO, blood transfusions, testosterone, corticosteroids and/or masking agents.¹⁴

¹² See Appendix K, Tour de France Podium Finishers Since 1996. This chart lists the podium finishers of the Tour de France for the last 15 years and notes any involvement in doping for each listed rider.

¹³ Mr. Armstrong was officially retired during some of 2005, 2006, 2007 and most of 2008.

¹⁴ USADA charged Mr. Armstrong with violations of the following specific rules applicable to the **use** or **attempted use** of prohibited substances and/or methods: USA Cycling Rules (Medical Control) (1997 – 2012); USOC NADP (1997 – 2012); USADA Protocol (2000 – 2012) (Prior to 2004 UCI's substantive rules relating to anti-doping rule violations and sanctions were incorporated into the USADA Protocol. In 2004 the substantive rules in the World Anti-Doping

(2) **Possession** of prohibited substances and/or methods including EPO, blood transfusions and related equipment (such as needles, blood bags, storage containers and other transfusion equipment and blood parameters measuring devices), testosterone, corticosteroids and/or masking agents.¹⁵

(3) **Trafficking** of EPO, testosterone, and/or corticosteroids.¹⁶

(4) **Administration** and/or **attempted administration** to others of EPO, testosterone, and/or cortisone.¹⁷

(5) **Assisting, encouraging, aiding, abetting, covering up and other complicity** involving one or more anti-doping rule violations and/or attempted anti-doping rule violations.¹⁸

Code relating to violations and sanctions were incorporated into the USADA Protocol and the USOC National Anti-Doping Policies.); UCI ADR 2, 52 (1997-2000); UCI ADR 4, 6, 7, 8, 130, 131, 133 (2001-2004); UCI ADR 15.2 (2005-2008); UCI ADR 21.1 and 21.2 (2009-present); and Code Articles 2.1 and 2.2 (2003-present).

¹⁵ USADA charged Mr. Armstrong with violations of the following specific rules applicable to the **possession** of prohibited substances and/or methods: USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 52, 54, 93 (1997-2000); UCI ADR 130, 131, 135 (2001-2004); UCI ADR 15.6 (2005-2008); UCI ADR 21.6 (2009-present); and Code Article 2.6 (2003-present). Prior to 2004 UCI's substantive rules relating to violations and sanctions were incorporated into the USADA Protocol. In 2004 the substantive rules in the Code relating to violations and sanctions were incorporated into the USADA Protocol and the USOC National Anti-Doping Policies.

¹⁶ USADA charged Mr. Armstrong with violations of the following specific rules applicable to **trafficking** and **attempted trafficking**: USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 3, 135, 136 (2001-04); UCI ADR 15.7 (2005-2008); UCI ADR 21.7 (2009-present); and Code Article 2.7 (2003-present).

¹⁷ USADA charged Mr. Armstrong with violations of the following specific rules applicable to **administration** and/or **attempted administration**: USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 1, 2, 54, 93 (1997-2000); UCI ADR 3, 133 (2001-2004); UCI ADR 15.8 (2005-2008); UCI ADR 21.8 (2009-present); and Code Article 2.8 (2003-present).

¹⁸ USADA charged Mr. Armstrong with violations of the following specific rules applicable to **assisting, encouraging, aiding, abetting, covering up and other**

(6) **Aggravating circumstances** (including multiple rule violations and participated in a sophisticated scheme and conspiracy to dope, encourage and assist others to dope and cover up rule violations) justifying a period of ineligibility greater than the standard sanction.¹⁹

III. BACKGROUND

A. Commencement of USADA's Broad Investigation of Doping in Cycling

In November 2008 USADA proceeded to a hearing in a non-analytical case involving U.S. cyclist Kayle Leogrande. Mr. Leogrande received a two year period of ineligibility for the use of erythropoietin (EPO). Subsequently, in January of 2009, USADA received information from a variety of sources with information about individuals who may have supplied Mr. Leogrande and other cyclists with performance enhancing drugs. Thereafter, USADA commenced an investigation into drug use and distribution within the Southern California cycling scene and began making inquiries and following up on various leads related to this issue.

USADA came to understand that Floyd Landis might have information useful to this effort. However, before USADA communicated with Mr. Landis on this topic, Paul Scott, an individual residing in Southern California, provided information to USADA Science Director Dr. Daniel Eichner confirming that Mr. Landis had information relevant to USADA's investigation

complicity involving one or more anti-doping rule violations and/or attempted anti-doping rule violations including: each of the above listed provisions and USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 1, 2, 54, 93 (1997-2000); UCI ADR 3, 131,133 (2001-2004); UCI ADR 15.8 (2005-2008); UCI ADR 21.8 (2009-present); Code Article 2.8 (2003-present).

¹⁹ USADA charged Mr. Armstrong with violations of the following specific rules applicable to **aggravating circumstances**: USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 130 (4 years to life for intentional doping) (2001-2004); UCI ADR 305 (2009-present) and Code Article 10.6 (2009-present).

of doping in the Southern California cycling community and also providing information about the involvement of Mr. Armstrong and Mr. Landis in doping on the U.S. Postal Service Team.

On April 12, 2010, after communicating with Mr. Paul Scott about Mr. Landis' information, Dr. Eichner met with Mr. Scott and received additional information from Mr. Scott about the U.S. Postal Service cycling team doping practices. In this meeting Mr. Scott described in great detail the doping program on the U.S. Postal Service team, including its use of blood transfusions, and the involvement of Mr. Armstrong, Dr. Ferrari, Mr. Bruyneel, Mr. Marti, Dr. del Moral, and a number of riders, including Mr. Landis.²⁰

On April 20, 2010, after several communications about the matter with Mr. Landis, USADA CEO Travis Tygart met with Mr. Landis and discussed his anti-doping rule violations and those of others, and whether or not USADA would handle the information appropriately. USADA assured Mr. Landis that it would deal with the information as provided under its rules and mandate and Mr. Landis agreed to assist USADA in this regard.²¹

Subsequently, of his own volition, Mr. Landis sent to Mr. Steve Johnson, the President of USA Cycling, an email dated April 30, 2010, in which Mr. Landis detailed some of the admissions he had previously made to USADA during the April 20, 2010, meeting and which had also been previously disclosed to USADA in the April 12, 2010 meeting between Dr. Eichner and Mr. Scott.²²

²⁰ Affidavit of Paul Scott, ¶¶ 20-23.

²¹ Affidavit of Paul Scott, ¶ 24.

²² A copy of this email is attached as Exhibit B to the Affidavit of Floyd Landis which is provided in Appendix A.

B. Criminal Investigation

It was widely reported that the U.S. Attorney for the Central District of California, Mr. Andre Birotte, commenced a grand jury investigation of matters related to the U.S. Postal Service cycling team in early 2010. As noted above, USADA has been investigating doping on the USPS team since at least April 12, 2010. During the period from late 2010 until February 3, 2012, USADA conducted only a handful of witness interviews in deference to, and out of respect for, the federal investigation.

Upon announcement that Mr. Birotte had discontinued the investigation by his office USADA promptly proceeded to schedule interviews of potential witnesses, most of whom were interviewed between March 15 and June 12, 2012.

C. USADA’s Notice of Anti-Doping Review Board Proceedings and Notice of Opportunity to Contest USADA’s Charges in Arbitration

On June 12, 2012, USADA notified Mr. Armstrong, Johan Bruyneel, Dr. Pedro Celaya, Dr. Luis Garcia del Moral, Dr. Michele Ferrari and Mr. Jose “Pepe” Marti (collectively, the “Respondents”) via letter that USADA was “opening a formal action against each of you based on evidence that . . . you engaged in anti-doping rule violations . . . from 1998 to [the] present.”²³ USADA notified the Respondents that the “action is being brought as a single consolidated action because for a significant part of the period from January 1, 1998, through the present, each of the Respondents has been part of a doping conspiracy involving team officials, employees, doctors, and elite cyclists of the USPS and Discovery Channel Cycling Teams who committed numerous violations of the Applicable Rules (the “USPS Conspiracy” or the “Conspiracy”).

²³ USADA’s June 12, 2012, notice letter is submitted as part of Appendix **G**.

Mr. Armstrong immediately disclosed the confidential notice letter to the media and he and his representatives issued press statements attacking USADA. The Respondents each followed up with public statements denying USADA's assertion that they had engaged in anti-doping rule violations.²⁴

On June 27, 2012, the USADA Anti-Doping Review Board recommended that USADA proceed with its proceedings against each of the Respondents. On June 28, 2012, USADA issued its charging letter setting forth USADA's recommended sanctions and specifying that pursuant to the USADA Protocol the Respondents had until July 9, 2012, in which to notify USADA whether Respondents wished to challenge USADA's proposed sanction by requesting a hearing before a panel of neutral arbitrators.²⁵ Mr. Armstrong subsequently sought and received an extension to July 13, 2012, of his time to request a hearing before neutral arbitrators. That deadline was again voluntarily extended by USADA after Mr. Armstrong filed his federal lawsuit described below.

D. Armstrong's Filing of Federal Lawsuit

On July 9, 2012, Armstrong filed a complaint in the United States District Court for the Western District of Texas, Austin Division. Several hours later, United States District Judge Sam Sparks dismissed the complaint, stating, "This Court is not inclined to indulge Armstrong's desire for publicity, self-aggrandizement, or vilification of Defendants, by sifting through eighty

²⁴ Two of the Respondents, Dr. del Moral and Dr. Ferrari, chose not to contest USADA's charges through the established arbitration process, three of the Respondents, Mr. Bruyneel, Dr. Celaya and Mr. Marti, requested arbitration under the USADA Protocol. Due to the fact that the Respondents were engaged in an integrated doping conspiracy the evidence involving each Respondent is closely intertwined making it necessary, appropriate and, indeed, unavoidable, in this Reasoned Decision to address evidence involving Respondents whose cases have not yet gone to a hearing. In addition, the public denials and statements of the Respondents have removed any obligation to keep confidential the evidence in their cases.

²⁵ USADA's charging letter is a part of Appendix **G**.

mostly unnecessary pages in search of the few kernels of factual material relevant to his claims.” Armstrong filed an amended complaint on July 10, 2012. In his amended complaint, Armstrong claimed he had “no valid, legal or enforceable arbitration agreement and jurisdiction rests with UCI.” Armstrong also claimed USADA’s procedures were unconstitutional and did not comport with due process.

E. Federal Court’s Order Dismissing Armstrong Lawsuit

By Order dated August 20, 2012, Judge Sparks dismissed Armstrong’s amended complaint. The Court held: (1) “the USADA arbitration rules, which largely follow those of the American Arbitration Association, are sufficiently robust to satisfy the requirements of due process”; (2) “Armstrong’s challenges to USADA’s jurisdiction, and his arguments about which rules govern, can and should be made in arbitration”; (3) “to the extent Armstrong wishes to challenge the validity of USA Cycling’s regulations or the USADA Protocol, or to argue their provisions are inconsistent with UCI’s rules, the Court finds he has agreed to do so through arbitration with USADA”; and (4) “the Court concludes Armstrong agreed to arbitrate with USADA, and its arbitration rules are sufficient, if applied reasonably, to satisfy due process.”²⁶

F. Armstrong’s Refusal to Contest Charges Against Him in Arbitration Hearing Before Neutral Arbitrators

On August 23, 2012, three days after Judge Sparks dismissed his lawsuit, Armstrong published a statement indicating he would not elect to proceed to a hearing before the AAA under the USADA Protocol.²⁷

²⁶ *Armstrong v. United States Anti-Doping Agency*, ____ F.Supp 2nd. ____ 2012 WL 3569682 (W.D. Tex. 2012) (in the process of publication – only the Westlaw citation is currently available). A copy of the Judge Sparks’ decision is included in Appendix E.

²⁷ Mr. Armstrong’s Statement and USADA’s Response are part of Appendix I.

Had Mr. Armstrong not refused to confront the evidence against him in a hearing, the witnesses in the case of *The United States Anti-Doping Agency v. Lance Armstrong* would have testified under oath with a legal duty to testify truthfully or face potential civil and/or criminal consequences. Witness after witness would have been called to the stand and witness after witness would have confirmed the following: That Lance Armstrong used the banned drug EPO. That Lance Armstrong used the banned drug Testosterone. That Lance Armstrong provided his teammates the banned drug EPO. That Lance Armstrong administered to a teammate the banned drug Testosterone. That Lance Armstrong enforced the doping program on his team by threatening a rider with termination if he did not dope in accordance with the plan drawn up by Dr. Michele Ferrari. That Lance Armstrong's doping program was organized by Dr. Ferrari. That Lance Armstrong pushed his teammates to use Dr. Ferrari. That Lance Armstrong used banned blood transfusions to cheat. That Lance Armstrong would have his blood withdrawn and stored throughout the year and then receive banned blood transfusions in the team doctor's hotel room on nights during the Tour de France. That Lance Armstrong surrounded himself with drug runners and doping doctors so that he could achieve his goal of winning the Tour de France year after year. That Lance Armstrong and his handlers engaged in a massive and long running scheme to use drugs, cover their tracks, intimidate witnesses, tarnish reputations, lie to hearing panels and the press and do whatever was necessary to conceal the truth.

There will not be a hearing in this case because Lance Armstrong strategically avoided it. He voluntarily gave up the right to cross examine the witnesses against him. He abandoned his opportunity to testify (and avoided the prospect of being cross examined) under oath in response to USADA's witnesses. Therefore, the truth in this case is set forth in writing in this Reasoned Decision. The witnesses cited in this Reasoned Decision have testified under oath, through

affidavits in which they have sworn to tell the truth under penalties of perjury. Lance Armstrong does not testify this way – because he did not want to testify – he wanted to walk away and avoid the truth telling. However, his refusal to attend a hearing still speaks volumes.

Now that the witnesses have testified it is USADA’s responsibility to issue its Reasoned Decision. This Reasoned Decision is the true record of the evidence in the case of *The United States Anti-Doping Agency v. Lance Armstrong*.

IV. DISCUSSION OF THE EVIDENCE SUPPORTING USADA’S CHARGES

A. Introduction

1. Standard of Proof

Article 3.1 of the Code provides that: “[t]he standard of proof shall be whether the Anti-Doping Organization has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made.” As noted in the comment to Article 3.1, this standard of proof is comparable to the standard which is applied in most countries to cases involving professional misconduct. Thus, for example, in proceedings in the United States to take away the license to practice of a doctor or lawyer, the applicable standard of proof is typically “clear and convincing evidence.” In this case, the evidence against Mr. Armstrong is overwhelming. In USADA’s view, it establishes his doping beyond a reasonable doubt.

2. Means of Proof: Non-Analytical Evidence and Laboratory Evidence

The World Anti-Doping Code specifies that doping can be proved by “any reliable means.”²⁸ This case was initiated by USADA based on evidence other than a positive drug test. It is not necessary for there to have been a positive drug test in order for a rule violation to have

²⁸ Code, Art. 3.2.

been established and many cases reflect this principle.²⁹ It could not be otherwise because at any given time there are many drugs and methods of doping on the prohibited list that are not detectable through laboratory testing.

There is, however, evidence from a number of Mr. Armstrong's past samples that corroborate the other evidence of his doping. As explained below, had this matter gone to a hearing USADA would have asked the hearing panel to permit use of the scientific evidence to corroborate the testimony of its witnesses. However, the witness testimony and other document evidence is so strong USADA would have confidently proceeded to a hearing without any evidence from samples had the panel accepted the UCI's contention that only the UCI has jurisdiction to examine evidence gathered from samples collected by the UCI.

B. Chronological Review of Evidence of Lance Armstrong's Possession, Use, Trafficking and Administration of Banned Performance Enhancing Drugs and Other Relevant Events

1. 1998

Seven (7) eyewitnesses from the 1998 U.S. Postal Service cycling team have provided testimony to USADA regarding doping on the team in 1998.³⁰ USADA also received testimony from two (2) additional witnesses, Italian professional cyclist Filippo Simeoni and Betsy Andreu, regarding events they witnessed in 1998 that were relevant to USADA's investigation.

In 1998 Jonny Weltz was the team director and Pedro Celaya the principal team doctor for the U.S. Postal Service Cycling Team. Riders on the team were using performance enhancing substances including EPO, testosterone, human growth hormone and cortisone as

²⁹ *USADA v. Montgomery*, CAS 2004/O/645; *USADA v. Gaines*, CAS 2004/O/69; *USADA v. Collins*, AAA 30 1900000658 04; *ASADA v. Wyper* CAS A4/2007; *USADA v. Leogrande*, AAA No. 77 190 00111 08; *USADA v. Stewart*, AAA No. 77 190 110 10 USADA.

³⁰ Cyclists George Hincapie, Frankie Andreu, Tyler Hamilton, Jonathan Vaughters, Christian Vande Velde, and team employee Emma O'Reilly.

confirmed by team employee Emma O'Reilly,³¹ and riders Frankie Andreu,³² Tyler Hamilton,³³ George Hincapie³⁴ and Jonathan Vaughters.³⁵ The staff was clearly part of the doping operation.³⁶ Frequently these drugs were administered by Dr. Celaya.³⁷ Jonathan Vaughters recalls that Dr. Celaya would openly pass out EPO to team members.³⁸ Emma O'Reilly recalls being asked to transport testosterone by a fellow team employee.³⁹ Armstrong also required O'Reilly to dispose of used syringes following the Tour of the Netherlands.⁴⁰

One of the most memorable events that year was the Festina Doping Scandal at the Tour de France. The Festina incident set the typically calm and affable Dr. Celaya on edge, and on the day of the second time trial, in a panic over a possible police raid, Dr. Celaya flushed tens of thousands of dollars of performance enhancing drugs down the toilet of the team's camper during the race.⁴¹

Armstrong began his comeback to the professional peloton in 1998. While the Tour de France was taking place in Europe Lance Armstrong, Jonathan Vaughters and Christian Vande Velde were competing in the Cascade Classic in Oregon.⁴²

³¹ Affidavit of Emma O'Reilly, ¶¶ 34-40, 53-62.

³² Affidavit of Frankie Andreu, ¶¶ 45-46.

³³ Affidavit of Tyler Hamilton, ¶¶ 25-27 (recalling Dr. Celaya introducing him to EPO and Andriol in 1997).

³⁴ Affidavit of George Hincapie, ¶¶ 37-41.

³⁵ Affidavit of Jonathan Vaughters, ¶¶ 24-28; 37-4940-48.

³⁶ See Section IV.C., below.

³⁷ Affidavit of Tyler Hamilton, ¶¶ 25-27; Affidavit of George Hincapie, ¶¶ 37-41; Affidavit of Jonathan Vaughters, ¶¶ 28, 4042-43.

³⁸ Affidavit of Jonathan Vaughters, ¶ 28.

³⁹ Affidavit of Emma O'Reilly, ¶¶ 34-38.

⁴⁰ Affidavit of Emma O'Reilly, ¶¶ 60-65.

⁴¹ Affidavit of Emma O'Reilly, ¶¶ 48-54; Affidavit of George Hincapie, ¶¶ 39-40.

⁴² Affidavit of Christian Vande Velde, ¶ 27.

a. Possession and use of EPO at the Vuelta a España

By 1998 Armstrong had been working with Dr. Michele Ferrari for approximately four years.⁴³ By this time his former Motorola teammates George Hincapie and Frankie Andreu were aware of Armstrong's EPO use.⁴⁴ Jonathan Vaughters also believed Armstrong was likely using EPO—there were some tell tale signs, such as Lance carrying around a thermos.⁴⁵ However, prior to the 1998 Vuelta a España Vaughters could not be absolutely sure of Armstrong's EPO use.⁴⁶ During this time frame several riders, in addition to Vaughters, saw Armstrong carrying a thermos and associated it with him using EPO.⁴⁷

Late in the season Armstrong, Vaughters and Vande Velde all competed in the Vuelta a España.⁴⁸ During the Vuelta Armstrong and Vaughters each confirmed that the other was using EPO. Armstrong made himself aware of the hematocrit readings of the other riders on the team and kidded Vaughters about how high Vaughters' hematocrit was.⁴⁹

One evening while Vaughters was in Armstrong's room borrowing Armstrong's laptop Armstrong injected himself in front of Vaughters with a syringe used for EPO injections, saying

⁴³ Extensive evidence of Michele Ferrari's involvement in doping riders during the period from 1997 through 2010 is set forth below in Section IV.C.1.

⁴⁴ Affidavit of George Hincapie, ¶¶ 30, 32 – 33; Affidavit of Frankie Andreu, ¶ 24-25.

⁴⁵ It is necessary to keep EPO cool at all times to prevent it from spoiling. Thermoses were used by riders to keep EPO cool and ice cubes rattling inside a coffee thermos in the middle of the summer were an indication the rider might be using EPO. Affidavit of Jonathan Vaughters, ¶ 37. Other riders saw Lance carrying a thermos and believed it was for his EPO. *See* Affidavit of George Hincapie, ¶ 32; Affidavit of Tyler Hamilton, ¶ 36; Affidavit of Frankie Andreu, ¶ 46; Affidavit of Christian Vande Velde, ¶¶ 21, 85.

⁴⁶ Affidavit of Jonathan Vaughters, ¶ 36.

⁴⁷ Affidavit of Frankie Andreu, ¶ 46; Affidavit of Tyler Hamilton, ¶ 36; Affidavit of Christian Vande Velde, ¶¶ 21, 86; Affidavit of Jonathan Vaughters, ¶ 37; *see also* Affidavit of George Hincapie, ¶ 32 (discussing use of thermos by riders on Motorola in 1996).

⁴⁸ This race took place from September 5 – 27, 1998.

⁴⁹ Affidavit of Jonathan Vaughters, ¶¶ 4139-40.

“[n]ow that you are doing EPO too, you can’t go write a book about it.”⁵⁰ From that point forward Armstrong was open with Vaughters about Armstrong’s use of EPO.⁵¹

Armstrong finished fourth at the Vuelta, a result which he described at the time as “pretty surprising.”⁵² “It was the greatest and most amazing performance of my career,” Armstrong said. “I just wanted to finish.”⁵³

b. Possession and use of cortisone

During the Vuelta, and subsequently at the World Championships that year, there were two events demonstrating Armstrong’s reliance on cortisone as a doping substance. In the Vuelta towards the end of a tough day of riding Armstrong asked Vaughters and Vande Velde to return to the team car and retrieve a cortisone pill for him. The teammates obliged, however, Jonny Weltz told Vaughters he did not have any cortisone in the car. Thinking quickly, Weltz came up with a placebo, whittling down an aspirin pill and wrapping it in tin foil to give to Armstrong.⁵⁴ Later, at the World Championships at Valkenberg in the Netherlands the U.S. riders arrived at their tent near the start of the race to find that Armstrong had asked his wife Kristin to wrap cortisone tablets in tin foil for him and his teammates. Kristin obliged Armstrong’s request by wrapping the pills and handing them to the riders.⁵⁵ One of the riders remarked, “Lance’s wife is rolling joints.”⁵⁶

⁵⁰ Affidavit of Jonathan Vaughters, ¶ 40.

⁵¹ *Id.*

⁵² Winning The Race Of His Life, *Chicago Tribune*, October 01, 1998.

⁵³ Winning The Race Of His Life, *Chicago Tribune*, October 01, 1998.

⁵⁴ Affidavit of Jonathan Vaughters, ¶ 41; Affidavit of Christian Vande Velde, ¶¶ 31-32.

⁵⁵ Affidavit of Christian Vande Velde, ¶ 39.

⁵⁶ Affidavit of Jonathan Vaughters, ¶ 48.

c. Use of a saline infusion at the World Championships

Armstrong, Vande Velde, Vaughters and Celaya stayed at a bed and breakfast for the 1998 World Championships.⁵⁷ Their bedrooms opened into a common area.⁵⁸ One morning a UCI drug tester appeared and started setting up in the common area.⁵⁹ This prompted Dr. Celaya to go outside to the car and retrieve a liter of saline which he put under his rain coat and smuggled right past the UCI tester and into Armstrong's bedroom.⁶⁰ Celaya closed the bedroom door and administered the saline to Armstrong to lower his hematocrit, without alerting the UCI tester to their activities.⁶¹ Vaughters recalled that he and Dr. Celaya later "had a good laugh about how he had been able to smuggle in saline and administer it to Lance essentially under the UCI inspector's nose."⁶²

2. 1999

Seven (7) eyewitnesses from the 1999 U.S. Postal Service cycling team have provided testimony to USADA regarding doping on the team in 1999.⁶³ USADA also received testimony from two (2) additional witnesses, Italian professional cyclist Filippo Simeoni and Betsy Andreu, regarding events they witnessed in 1999 that were relevant to USADA's investigation.

1999 brought a new team director and a new team doctor to the U.S. Postal Service team. Armstrong certainly had a hand in both changes.⁶⁴ The outgoing doctor Pedro Celaya had not

⁵⁷ Affidavit of Christian Vande Velde, ¶ 38; Affidavit of Jonathan Vaughters, ¶ 46.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Affidavit of Jonathan Vaughters, ¶ 46; Affidavit of Christian Vande Velde, ¶ 38.

⁶¹ Affidavit of Jonathan Vaughters, ¶ 46.

⁶² Affidavit of Jonathan Vaughters, ¶ 47.

⁶³ Cyclists George Hincapie, Frankie Andreu, Tyler Hamilton, Jonathan Vaughters, Christian Vande Velde, and team employee Emma O'Reilly.

⁶⁴ Deposition of Bill Stapleton, p. 28 (Armstrong's U.S. Postal Service contract states, "Armstrong will have extensive input into rider and staff composition."), Armstrong's contract is Exhibit 2 to the Deposition of Mark Gorski which is part of Appendix Y (SCA materials).;

been aggressive enough for Armstrong in providing banned products.⁶⁵ The new team director Johan Bruyneel was a newly retired rider from the ONCE program known for its organized team doping.⁶⁶ The new doctor, Luis Garcia del Moral, was a former ONCE doctor.⁶⁷

a. Focus on the Tour de France

Lance Armstrong would call this team the “Bad News Bears,”⁶⁸ (an apparent reference to the 1970s era movies about a group of misfit and overmatched little league baseball players) but he had no intention they would stay this way for long. According to Bruyneel and Armstrong the year started with an unlikely goal, win the Tour de France, and a unique plan, avoid most of the races in the lead up to the Tour in exchange for a single minded focus on Tour preparation.⁶⁹

Intended or not, the plan had several aspects that would decrease the risk and increase the reward of doping. First, the UCI had no organized out of competition testing program;⁷⁰ so by avoiding most of the early season races Armstrong would be avoiding most of the drug testing to which he could be subjected in the lead up to the Tour. Second, even if someone had wanted to test Armstrong it would have been next to impossible to do so, as there existed no whereabouts program that required riders to provide their training location for testing. Armstrong’s training program frequently took him far away from his residence in the south of France, to mountain

Deposition of Bill Stapleton, p. 86 (Q: who assembles these individuals, the nutritionist, the – team doctor, that kind of thing? A: Primarily Lance and Johan.); Additionally, Armstrong was an owner of Tailwind Sports. See Tailwind corporate records (reflecting Armstrong’s team ownership.), provided in Appendix S; see also Affidavit of Christian Vande Velde, ¶ 40, 123. (“Lance called the shots on the team, he was very aware of what went on on the team and what Lance said went. Johan Bruyneel was the team director but if Lance wanted him out he would be gone in a minute.”).

⁶⁵ Affidavit of Jonathan Vaughters, ¶ 42.

⁶⁶ Affidavit of Christian Vande Velde, ¶¶ 40-42, 133; Affidavit of Jörg Jaksche, ¶¶ 22-27.

⁶⁷ Affidavit of Christian Vande Velde, ¶¶ 41-43.

⁶⁸ Affidavit of Tyler Hamilton, ¶ 43.

⁶⁹ *We Might As Well Win*, p. 34; *It’s Not About the Bike*, pp. 216-17.

⁷⁰ Affidavit of Tyler Hamilton, ¶ 87.

training camps where the prospect of unannounced testing was even more remote. Third, the sheer length and severity of the Tour de France greatly increases the pay off of doping. A rider doping in the Tour has an even greater advantage over non-doping competitors than in a shorter competition.

b. The “A” Team

In his autobiography, *We Might As Well Win*, Johan Bruyneel described his training and time allocation strategy for preparing Lance Armstrong for the Tour de France in 1999:

We were going to try something unprecedented. **We were going to focus our whole schedule on the Tour de France.** I was going to put our guys not into the races that would gain attention for sponsors but only into those few races that would be good preparation for the Tour. **The rest of our time was going to be spent at training camps, on the routes the Tour would take. . . .**

Lance and I scouted the mountains of the Tour, the Alps and Pyrenees. He'd ride up and over two, three, four of the big mountains in a day. Then do another set the next day, logging seven to nine hours on the bike day after day. **Sometimes we'd take a few of the other climbers with us.** Most often he would ride alone while I followed in the car.⁷¹

Bruyneel's approach meant that during the pre-Tour period in 1999 most of Armstrong's time would be spent in the mountains away from other teammates, much of it with his key climbers, Tyler Hamilton and Kevin Livingston. Tour preparation was focused on climbing camps and, along with Armstrong, regular attendees at these camps were Dr. Michele Ferrari and Dr. Ferrari's other two clients on the U.S. Postal Service team at the time, Tyler Hamilton and Kevin Livingston.

Due to Bruyneel's strategy, Tyler Hamilton became the ultimate insider on Armstrong's first three Tour winning teams. In giving credit to Hamilton and Livingston for their work in

⁷¹ *We Might As Well Win*, p. 34.

pulling him to his first Tour victory Armstrong also confirmed their insider status as participants in his pre-Tour alpine training regimen:

As we went over the mountainous sections, I worked especially closely with Kevin and Tyler because they were our climbers, the guys who would have to do most of the work pulling me up those gradients. **While most other riders were resting in the off-season or competing in the classics, we rode uphill in foul conditions.**⁷²

As Frankie Andreu termed it, Armstrong, Hamilton and Livingston were the 1999 U.S. Postal Service “A” team – and there were certain perks to “A” team status. Armstrong, Hamilton and Livingston trained together with Dr. Ferrari in the Tour lead up while the rest of the team was elsewhere racing, they rode alone in the newer camper during the Tour while the rest of the team wedged into an older smaller version, and, as explained below, they benefitted from special EPO delivery services during the Tour.

In addition to the obvious material benefits of “A” team status, it also gave Hamilton a unique opportunity to observe the doping practices of Lance Armstrong. Besides Armstrong and Livingston, Hamilton was typically the only other rider present when Armstrong was taking his EPO at the 1999 Tour, or taking out blood in the lead up to the 2000 Tour or receiving a transfusion during the 2000 Tour.⁷³

c. Getting serious with Dr. Ferrari

The season began with a couple of early season team training camps. At a team training camp in Solvang, California, Armstrong again tried to get Frankie Andreu to begin working with Michele Ferrari, imploring Andreu, “you have to get serious.”⁷⁴ For Armstrong getting serious meant, among other things, following a doping plan prescribed by Michele Ferrari. There is no

⁷² *It's Not About the Bike*, p. 217 (emphasis added).

⁷³ Affidavit of Tyler Hamilton, ¶ 56, 69-77.

⁷⁴ Affidavit of Frankie Andreu, ¶ 53; Affidavit of Betsy Andreu, ¶ 35. Armstrong had been trying to convince Andreu to use Ferrari for some time.

doubt that Armstrong was working closely with Ferrari at this time. In addition to Lance's efforts to get Frankie to work with Dr. Ferrari, the Andreus would soon meet Dr. Ferrari by the roadside on a trip to Milan, Italy.

On March 19, 1999, Lance and Kristin Armstrong and Frankie and Betsy Andreu drove to Milan for the next day's start of the Milan—San Remo classic bike race. The day was described in some detail in Kristin Armstrong's "Kristin's Korner" blog which was hosted on the website of the Lance Armstrong Foundation.⁷⁵ Kristin's blog describes leaving "early Friday morning to pick up Frankie and Betsy Andreu," a trip up "the autoroute headed towards Milan," and Lance needing to hurry to pick up an award at a luncheon in Milan. After lunch the men went on a training ride and the women were left to sightsee. The emphasis in Kristin's description is upon the sites seen in Milan, a Catholic church, a café, people watching and on Betsy and Kristin having a nice dinner together.

Kristin's blog entry, however, failed to mention a roadside meeting with Dr. Michele Ferrari. Betsy Andreu described the rendezvous:

On the way to Milan, we stopped at the parking lot of a hotel/gas station outside of Milan off the highway so Lance could meet up with Dr. Michele Ferrari. I thought it was odd we were meeting a doctor this way so I asked why Lance was meeting Ferrari not at the race but rather in this peculiar covert manner. Lance answered, "So the fucking press doesn't hound him." Lance went into the camper for about an hour. Kristin, Frankie and I wasted time while we waited for Lance.⁷⁶

Andreu recalled that when Armstrong got back into the car, he was "obviously excited."⁷⁷ She remembered that Lance exclaimed, "My numbers are great!"⁷⁸ Ferrari also came to the car

⁷⁵ Pages from Kristin Armstrong's blog are provided in Appendix N.

⁷⁶ Affidavit of Betsy Andreu, ¶ 34.

⁷⁷ Affidavit of Betsy Andreu, ¶ 34.

⁷⁸ Affidavit of Betsy Andreu, ¶ 34. Ferrari's approach to cycling is very numbers focused and he is constantly measuring rider's power to weight ratio and other parameters that give him insight

to say hello. As they proceeded to Milan, Armstrong commented that Frankie Andreu could get results too but that he was “too cheap.”⁷⁹ Frankie didn’t respond immediately, but after they got out of the car, Frankie said to Betsy, “Sure I don’t want to spend the money, but I don’t want that shit in my body.”⁸⁰ Frankie Andreu clearly understood that working with Ferrari meant using drugs, and nine (9) eyewitnesses who worked directly with Ferrari (and from whom USADA has either an affidavit or witness statement) have confirmed the accuracy of Frankie Andreu’s understanding.⁸¹

Kristin and Betsy shared a hotel room in Milan on March 19.⁸² The next day, March 20, 1999, Kristin and Betsy followed the riders on their route from Milan to San Remo.⁸³ The meeting with Ferrari the day before prompted Betsy to ask Kristin Armstrong what her feelings were about EPO.⁸⁴ Kristin responded along the lines of, “It was a necessary evil.”⁸⁵

Later that month, Betsy Andreu received a phone call from Kristin as the Armstrongs were returning from another visit with Michele Ferrari in Italy.⁸⁶ Kristin wanted to know whether Betsy would make some risotto if the Armstrongs brought the ingredients from Italy.⁸⁷ Thus, the Andreus serendipitously were aware of two meetings between Armstrong and Ferrari in March of 1999 alone.

into the rider’s potential for performance.

⁷⁹ Affidavit of Betsy Andreu, ¶ 34; Affidavit of Frankie Andreu, ¶ 48.

⁸⁰ Affidavit of Betsy Andreu, ¶ 34.

⁸¹ The nine eyewitnesses are: George Hincapie, Tyler Hamilton, Levi Leipheimer, Christian Vande Velde, Floyd Landis, Tom Danielson, Filippo Simeoni, Volodymyr Bileka, and Leonardo Bertagnolli.

⁸² Kristin Armstrong blog entry, March 19, 1999, Appendix N; Affidavit of Betsy Andreu, ¶ 36.

⁸³ Kristin Armstrong blog entry, March 19, 1999, Appendix N; Affidavit of Betsy Andreu, ¶ 37.

⁸⁴ Affidavit of Betsy Andreu, ¶ 37.

⁸⁵ Affidavit of Betsy Andreu, ¶ 37.

⁸⁶ Affidavit of Betsy Andreu, ¶ 38.

⁸⁷ Affidavit of Betsy Andreu, ¶ 38.

Tyler Hamilton was a regular training partner of Armstrong's in the Spring of 1999.⁸⁸

During this time frame Hamilton religiously trained with Armstrong both in alpine camps and in and around Nice, France,⁸⁹ something which Armstrong confirmed in *It's Not About the Bike*.⁹⁰

In his single minded quest to win the Tour Armstrong also claims to have "geeked out," saying:

I tackled the problem of the Tour as if I were in math class, science class, chemistry class, and nutrition class, all rolled into one. I did computer calculations that balanced my body weight and my equipment weight with the potential velocity of the bike in various stages, trying to find the equation that would get me to the finish line faster than anybody else. I kept careful computer graphs of my training rides, calibrating the distances, wattages, and thresholds.⁹¹

Interestingly, the mathematical approach to training described by Armstrong in his autobiography, and which he ascribes solely to his own personal innovation and having "geeked out," is exactly the approach that the documents USADA has assembled indicate Michele Ferrari takes with his clients. As demonstrated by the documents capturing Ferrari's own communications to Armstrong and other clients, Ferrari's focus is unremittingly upon the numbers, upon the calculation of power ratios and wattages and thresholds.⁹²

Training with Armstrong in the Spring of 1999 Tyler Hamilton was soon introduced to Dr. Ferrari.⁹³ As Hamilton described it, number crunching was a big part of the Ferrari approach. Ferrari would meet Armstrong and Hamilton "at various locations in Europe where he

⁸⁸ Affidavit of Tyler Hamilton, ¶ 34.

⁸⁹ Affidavit of Tyler Hamilton, ¶ 34.

⁹⁰ *It's Not About the Bike*, pp. 218 ("As we went over the mountainous sections, I worked especially closely with Kevin and Tyler[.]"), 219 ("Each morning I rose and ate the same thing for breakfast, . . . While I ate Kik filled my water bottles, and I bolted out the door by 8 A.M. to join Kevin and Tyler for a training ride.").

⁹¹ *It's Not About the Bike*, pp. 219.

⁹² See, e.g., Annex B, p. 680 to Affidavit of Renzo Ferrante; Emails attached to Affidavit of Jack Robertson.

⁹³ Affidavit of Tyler Hamilton, ¶ 37.

would generally weigh us, conduct a climbing test or series of climbing tests and measure our blood parameters and lactate level.”⁹⁴

Indeed, for Ferrari cycling was such a math problem that the very first time Ferrari met Tyler Hamilton he ran the numbers following a battery of tests and told Hamilton that Hamilton would not finish his next race, Liège–Bastogne–Liège.⁹⁵ Ferrari was wrong, and Hamilton would finish in 23rd place. However, Hamilton affirmed that, “[w]hen it came to a knowledge of doping and cycling performance . . . Dr. Ferrari was rarely wrong.”⁹⁶

Hamilton confirmed that, “Dr. Ferrari injected [him] with EPO on a number of occasions.”⁹⁷ Hamilton’s first injection of EPO from Dr. Ferrari came in Dr. Ferrari’s camper while training at Sestrières in 1999.⁹⁸ Sestrières is a ski village in the Italian Alps near the French border and would be the site of an important mountain top finish during the 1999 Tour de France.

Tyler Hamilton’s testimony that Dr. Ferrari’s training plan for him included EPO is perfectly consistent with the testimony of each of the other five U.S. Postal Service riders who have testified to working with Dr. Ferrari.⁹⁹ In addition, all three of the Italian cyclists who worked with Dr. Ferrari, and whose witness statements are part of the evidence in this case, also confirm Dr. Ferrari’s program involves EPO use.¹⁰⁰

⁹⁴ Affidavit of Tyler Hamilton, ¶ 37.

⁹⁵ Affidavit of Tyler Hamilton, ¶ 38.

⁹⁶ Affidavit of Tyler Hamilton, ¶ 38.

⁹⁷ Affidavit of Tyler Hamilton, ¶ 39.

⁹⁸ Affidavit of Tyler Hamilton, ¶ 39.

⁹⁹ See Affidavit of George Hincapie, ¶¶ 79-81; Affidavit of Levi Leipheimer, ¶¶ 59-60; Affidavit of Christian Vande Velde, ¶¶ 77-80; Affidavit of Tom Danielson, ¶ 48; Affidavit of Floyd Landis, ¶ 39. ¶¶ 15, 24, 26.

¹⁰⁰ See Affidavit of Renzo Ferrante, ¶¶ 10, 21, 24-25; Witness Statement of Filippo Simeoni, ¶ d; Witness Statement of Volodymyr Bileka; Witness Statement of Leonardo Bertagnolli.

d. U.S. Postal drug delivery system

In 1999 the U.S. Postal Service team had a well developed system for delivering EPO to its riders during the season. Pepe Marti and Dr. del Moral were the riders' principal sources of EPO and testosterone. Andreu got injections of EPO from Dr. del Moral at races.¹⁰¹ George Hincapie and Tyler Hamilton confirmed that "EPO was provided by Pepe Marti who lived about 3 hours from where [Hincapie and Hamilton] lived in Girona, Spain."¹⁰² Marti also provided Hincapie testosterone in 1999.¹⁰³ Hamilton recalls an occasion in 1999 when Marti told Hamilton, "he was driving to Nice, France to make a delivery."¹⁰⁴ Similarly, Dr. del Moral had delivered EPO to Jonathan Vaughters in Girona, and Vaughters understood that del Moral was going on from there to deliver "doping products, including EPO, to my teammates in Nice."¹⁰⁵

Betsy Andreu observed a delivery from Marti to Armstrong following a dinner at the Villa d'Este Restaurant in Nice in 1999. The dinner involved Lance and Kristin Armstrong, Betsy Andreu, Kevin Livingston and his fiancé, and Pepe and his girlfriend.¹⁰⁶ Dinner was held later than usual. The explanation Andreu was given was that dinner was so late because the purpose of Pepe's attendance in Nice was to bring EPO to Lance, and it was safer to cross the border at night.¹⁰⁷ After the dinner the Armstrongs took Andreu home.¹⁰⁸ Andreu saw Pepe give Lance Armstrong a brown paper bag and as Armstrong opened the car door for Andreu he smiled, held up the bag and commented, "liquid gold."¹⁰⁹

¹⁰¹ Affidavit of Frankie Andreu, ¶ 55.

¹⁰² Affidavit of George Hincapie, ¶ 55; Affidavit of Tyler Hamilton, ¶ 34.

¹⁰³ Affidavit of George Hincapie, ¶ 54.

¹⁰⁴ Affidavit of Tyler Hamilton, ¶ 34.

¹⁰⁵ Affidavit of Jonathan Vaughters, ¶ 59.

¹⁰⁶ Affidavit of Betsy Andreu, ¶ 33.

¹⁰⁷ Affidavit of Betsy Andreu, ¶ 33.

¹⁰⁸ Affidavit of Betsy Andreu, ¶ 33.

¹⁰⁹ Affidavit of Betsy Andreu, ¶ 33.

In addition, from time to time other U.S. Postal Service team staff members were required to transport drugs. For instance, Emma O'Reilly described making a eighteen hour roundtrip in May 1999 at Lance Armstrong's request from France, to Piles, Spain and then all the way to Nice in order to deliver a bottle of pills to Armstrong that she understood to be banned drugs.¹¹⁰

e. Possession and use of EPO

In May 1999 Tyler Hamilton was at the Armstrong's villa in Nice, France. Hamilton was in need of EPO and he testified that he asked Armstrong to borrow a vial of EPO and that Armstrong provided EPO to Hamilton that was stored in Armstrong's refrigerator.¹¹¹ Jonathan Vaughters testified that Kristin Armstrong told him they kept EPO in their refrigerator in Nice.¹¹²

It was not really a secret among his friends on the team that Lance Armstrong was using EPO in 1999. In addition to the eyewitness testimony of Tyler Hamilton, who was invited to share the EPO in the Armstrong's refrigerator, and the admissions of Kristin Armstrong to Jonathan Vaughters and Betsy Andreu, George Hincapie testified that he "was aware that Lance Armstrong was using EPO in 1999."¹¹³

Less than a month prior to the Tour, on June 10, 1999 Armstrong's hematocrit hovered at 41.¹¹⁴ Recognizing this to be a low value and a problem for optimum performance, during a massage Emma O'Reilly asked Armstrong what he was going to do about it. Armstrong

¹¹⁰ Affidavit of Emma O'Reilly, ¶¶ 76-90.

¹¹¹ Affidavit of Tyler Hamilton, ¶ 35.

¹¹² Affidavit of Jonathan Vaughters, ¶ 56.

¹¹³ Affidavit of George Hincapie, ¶ 56.

¹¹⁴ Affidavit of Emma O'Reilly, ¶ 93.

responded, “What everybody does.”¹¹⁵ O’Reilly understood him to mean that he would use EPO.¹¹⁶

f. Motoman and the plan to deliver EPO at the Tour de France

While the team had a workable drug supply system during the season— that did not mean that the riders would have access to EPO during the Tour. Everyone realized that security would be tight for the Tour de France and normal distribution methods could not be relied upon. For Lance Armstrong, Tyler Hamilton and Kevin Livingston, the solution to this problem was a sometime personal assistant and handyman for the Armstrongs¹¹⁷ who came to be known as “Motoman.”

“Motoman” was known to Tyler as a “motorcycle enthusiast.”¹¹⁸ In July, during the Tour de France, his motorcycle skills would be put to the test as he would also become a drug smuggler. Specifically, it would become his duty to follow the Tour on his motorcycle and make deliveries of EPO to Pepe or another U.S. Postal Service staffer.¹¹⁹ The riders in the know, Armstrong, Hamilton and Livingston, therefore, took to calling him “Motoman.”¹²⁰

The EPO delivered by Motoman would only be shared by Lance, the team leader, and Tyler and Kevin his key lieutenants for the mountain stages. Special arrangements were made to facilitate the doping program. Tyler and Kevin roomed together so that Johan and Lance could come to their room and talk openly about doping.¹²¹ The trio also got exclusive use of the better

¹¹⁵ Affidavit of Emma O’Reilly, ¶ 94.

¹¹⁶ Affidavit of Emma O’Reilly, ¶ 94.

¹¹⁷ Affidavit of Tyler Hamilton, ¶¶ 51-52; Affidavit of Frankie Andreu, ¶ 41; Affidavit of Betsy Andreu, ¶¶ 23, 30.

¹¹⁸ Affidavit of Tyler Hamilton, ¶ 51.

¹¹⁹ Affidavit of Tyler Hamilton, ¶ 51.

¹²⁰ Affidavit of Tyler Hamilton, ¶ 51.

¹²¹ Affidavit of Tyler Hamilton, ¶¶ 46-48.

camper rented by the team for the Tour.¹²² The differential treatment was noted by some of the riders who started referring to Lance and his two climbers as the “A Team.”¹²³

g. The Tour de France

The 1999 Tour de France was conducted from July 3-25. Hoping to put behind the Festina doping scandal of 1998, Tour organizers had dubbed the 1999 version, the “Tour of Renewal.”¹²⁴

Before the Tour there was to be a public weigh in attended by the media. Frankie Andreu noticed bruising on Armstrong’s upper arm caused by a syringe. He pointed it out to Lance who exclaimed, “Oh, shit that’s not good.”¹²⁵ Emma O’Reilly was able to procure some makeup that was used to cover up the bruise, and Armstrong participated in the weigh in with no one else noticing the bruising.¹²⁶

Before the Prologue to the 1999 Tour de France Vaughters had a conversation with Armstrong. Vaughters was nervous about the high hematocrit levels of the riders on the team which put them at risk for exceeding the UCI’s fifty percent threshold. Armstrong, however, was calm and said, “You’re looking at it the wrong way; we know the whole team is ready.”¹²⁷

h. Positive for cortisone

On the first day of the Tour Lance seized the yellow jersey by winning the prologue. A few days later the USPS team was notified that Armstrong had had a corticosteroid positive.¹²⁸ According to those who were there, Armstrong did not have a medical authorization at the time

¹²² Affidavit of Tyler Hamilton, ¶¶ 46.

¹²³ Affidavit of Tyler Hamilton, ¶ 49.

¹²⁴ Affidavit of Tyler Hamilton, ¶ 54.

¹²⁵ Affidavit of Frankie Andreu, ¶ 58.

¹²⁶ Affidavit of Frankie Andreu, ¶ 58; Affidavit of Emma O’Reilly, ¶¶ 97-100.

¹²⁷ Affidavit of Jonathan Vaughters, ¶ 80.

¹²⁸ Affidavit of Tyler Hamilton, ¶ 55. The positive came from tests on July 3 and 4, following

to use cortisone and the positive drug test result set off a scramble. Tyler Hamilton remembers, “a great deal of swearing from Lance and Johan, and Dr. del Moral repeating, ‘*Qué lío!*’”¹²⁹ Tyler said, the “general understanding was that they were scrambling to come up with something because Lance had used cortisone without medical authorization.”¹³⁰

Emma O'Reilly was in the room giving Armstrong a massage when Armstrong and team officials fabricated a story to cover the positive test.¹³¹ Armstrong and the team officials agreed to have Dr. del Moral backdate a prescription for cortisone cream for Armstrong which they would claim had been prescribed in advance of the Tour to treat a saddle sore. O'Reilly understood from Armstrong, however, that the positive had not come from a topical cream but had really come about from a cortisone injection Armstrong received around the time of the Route du Sud a few weeks earlier.¹³² After the meeting between Armstrong and the team officials concluded, Armstrong told O'Reilly, “Now, Emma, you know enough to bring me down.”¹³³

While some may have believed the saddle sore story,¹³⁴ many of Armstrong's teammates did not. Hamilton knew the story was fabricated.¹³⁵ Vaughters was told by his teammates that the saddle sore excuse was made up to hide an injection of cortisone Armstrong had had at the

the Prologue on July 3 and opening stage of the Tour the next day.

¹²⁹ In English: “what a mess!” Affidavit of Tyler Hamilton, ¶ 55.

¹³⁰ Affidavit of Tyler Hamilton, ¶ 55.

¹³¹ Affidavit of Emma O'Reilly, ¶¶ 105-107.

¹³² Affidavit of Emma O'Reilly, ¶ 108-109; *see also* Affidavit of Jonathan Vaughters, ¶¶ 68, 83.

¹³³ Affidavit of Emma O'Reilly, ¶ 110.

¹³⁴ At the time Armstrong told the press, “I made a mistake in taking something I didn’t consider to be a drug. . . When I think of taking something, I think of pills, inhalers, injections . . . I didn’t consider skin cream ‘taking something.’” Cycling; Armstrong Is Engulfed by a Frenzy Over Salve, *New York Times*, July 22, 1999.

¹³⁵ Affidavit of Tyler Hamilton, ¶ 55.

Route du Sud.¹³⁶ Hincapie did not believe the saddle sore story.¹³⁷ Nevertheless, the saddle sore story was accepted by those who counted, and Armstrong continued in the Tour.

i. EPO use at the Tour de France

Though it apparently took its toll on the staff,¹³⁸ the EPO delivery program also worked relatively well. For the first two weeks of the Tour, Armstrong, Hamilton and Livingston “used EPO every third or fourth day.”¹³⁹ Pepe or Dr. del Moral would bring the EPO to the riders either in their camper or hotel room.¹⁴⁰ The EPO was already loaded in syringes upon delivery and the riders “would inject quickly and then put the syringes in a bag or Coke can and Dr. del Moral would get the syringe out of the camper as quickly as possible.”¹⁴¹ In this way, Tyler Hamilton observed Lance Armstrong using EPO during the 1999 Tour de France.¹⁴²

Moreover, while Armstrong, Hamilton and Livingston did not go out of their way to tell people what they were doing, their EPO use was clearly not a very well kept secret on the team. George Hincapie testified that during the 1999 Tour de France he “knew that Tyler Hamilton and Kevin Livingston were using EPO.”¹⁴³ Christian Vande Velde also walked in on what he believed to be an EPO injection Dr. del Moral was giving to Kevin Livingston during the 1999 Tour.¹⁴⁴

¹³⁶ Affidavit of Jonathan Vaughters, ¶ 83.

¹³⁷ Affidavit of George Hincapie, ¶ 87.

¹³⁸ It was reported that Pepe Marti “would show up at strange times sweating and nervous and be gone again.” Affidavit of Jonathan Vaughters, ¶ 82.

¹³⁹ Affidavit of Tyler Hamilton, ¶ 56.

¹⁴⁰ Affidavit of Tyler Hamilton, ¶ 56.

¹⁴¹ Affidavit of Tyler Hamilton, ¶ 56.

¹⁴² Affidavit of Tyler Hamilton, ¶ 56.

¹⁴³ Affidavit of George Hincapie, ¶ 57.

¹⁴⁴ Affidavit of Christian Vande Velde, ¶¶ 56-58.

j. Testosterone use and administration at the Tour de France

U.S. Postal Service Team riders were also using testosterone during the 1999 Tour de France. Hamilton saw Armstrong using the “oil”, which was a mixture of olive oil and Andriol (testosterone) developed by Dr. Ferrari, and on at least one occasion during the 1999 Tour Armstrong squirted the “oil” in Hamilton’s mouth after a stage of the race.¹⁴⁵ Dr. del Moral also provided testosterone to Hincapie¹⁴⁶ and Vande Velde¹⁴⁷ during the race.

k. Sestrières

After relinquishing the yellow jersey two days after the Prologue, Lance Armstrong would regain the lead in the general classification in the Stage 8 time trial. However, it would be in Stage 9 in a mountain top finish in Sestrières that Armstrong would put his stamp on the race.¹⁴⁸ Not previously known for his climbing, Armstrong was dominant in winning the stage to Sestrières where he gained significant time on his rivals. Going into the final climb Armstrong was behind several contenders but on the ascent soon caught and quickly passed them with seeming ease, rapidly leaving his competitors far behind. Hamilton described the ease with which Armstrong rode that day as, “‘riding with two fingers up his nose’ – meaning that he was riding at ease despite the difficulty of the terrain.”¹⁴⁹

French rider Christophe Bassons, riding for the French team La Française des Jeux in the 1999 Tour, throughout the first two weeks of the Tour wrote a daily column for the French newspaper *Le Parisien*. In his column, Bassons regularly noted the prevalence of doping in the

¹⁴⁵ Affidavit of Tyler Hamilton, ¶ 41.

¹⁴⁶ Affidavit of George Hincapie, ¶ 48.

¹⁴⁷ Affidavit of Christian Vande Velde, ¶¶ 54-55.

¹⁴⁸ Affidavit of Tyler Hamilton, ¶¶ 58-59.

¹⁴⁹ Affidavit of Tyler Hamilton, ¶ 59.

peloton. After Armstrong's performance at Sestrières, Bassons wrote that the peloton had been “shocked” by Armstrong's dominance.¹⁵⁰

I. Christophe Bassons

The next day the stage finished on another famous mountaintop, this time at Alpe d'Huez. Armstrong again performed strongly, so strongly, in fact, that Kevin Livingston told a reporter that Armstrong could have won the stage but intentionally did not because Armstrong “and the team did not want to appear greedy and make enemies among teams that circumstances might later cast as allies.”¹⁵¹

In addition to Armstrong's dominance on the bike, however, the stage was also marked by an Armstrong attack of a different sort. During the stage to Alpe d'Huez Armstrong rode up to Christophe Bassons, and berated him, calling him a disgrace and telling him he should get out of cycling.¹⁵² Armstrong's verbal attack on Bassons in the 1999 Tour echoed Armstrong's anger after a Bassons stage win earlier in the year at the Dauphiné Libéré.¹⁵³

Jonathan Vaughters recalled, “Lance did not like Basson's outspokenness about doping, and Lance frequently made fun of him in a very merciless and venomous fashion, much like a playground bully.”¹⁵⁴ In addition to reacting to Bassons' comments about Armstrong's dominant performance on the Sestrières stage win, in attacking Bassons Armstrong acted in accordance with a consistent pattern he has demonstrated of attacking those who speak out against doping in cycling.¹⁵⁵

¹⁵⁰ First Edition Cycling News, Friday, June 15, 2012, *Cycling News*, June 15, 2012.

¹⁵¹ Cycling; Questions on Doping Shadow Armstrong, *New York Times*, July 16, 1999.

¹⁵² Affidavit of Tyler Hamilton, ¶ 60; Affidavit of Christian Vande Velde, ¶ 138.

¹⁵³ Affidavit of Jonathan Vaughters, ¶ 67.

¹⁵⁴ Affidavit of Jonathan Vaughters, ¶ 67.

¹⁵⁵ Additional examples of this pattern are discussed in Section VI.

m. Seven witnesses and scientific corroboration

Armstrong's dominance in the mountains and particularly his performances on the rides to Sestrières and Alpe d'Huez naturally raised suspicion. After all, Armstrong had not been previously known as a climber, he had recently come back from a serious illness, he had dominated the best cyclists in the world, and the prior year's Tour had been rocked by the doping admissions of numerous riders.

It is important to note here, however, that doping cases can never be premised upon mere suspicion. Athletes are entitled to the benefit of the doubt in favor of the legitimacy of their performances. Therefore, no doping case should ever be brought on any basis other than provable evidence of doping. However, it is also important to recognize and understand that evidence cannot be fully understood and evaluated out of context. Therefore, an understanding of context, including the questions that Armstrong, his teammates, and his handlers were addressing during the period which USADA has alleged Armstrong was engaged in doping activities is useful and important in evaluating both the evidence of doping and the evidence of a cover up.

In response to the clamor of questions about his performances Armstrong attacked the media, claiming to be “persecuted”¹⁵⁶ and responded repeatedly that he had never doped. Following the 1999 Tour de France, Armstrong summed up his position in an interview, stating, “I assert my innocence. Certainly I have never tested positive. I have never been caught with anything.”¹⁵⁷

Yet, the evidence that Lance Armstrong doped on the way to his first Tour de France victory is overwhelming. Five of the eight riders on the 1999 Tour de France team other than

¹⁵⁶ Cycling; Armstrong Is Engulfed by a Frenzy Over Salve, *New York Times*, July 22, 1999.

¹⁵⁷ Tour de Lance, *PBS Online News Hour*, July 26, 1999 (transcript of interview).

Armstrong, i.e., George Hincapie, Frankie Andreu, Tyler Hamilton, Jonathan Vaughters, Christian Vande Velde, all have first hand evidence of Armstrong's violations of sport anti-doping rules, and all have admitted their own rule violations in 1999. Several other witnesses, including Emma O'Reilly and Betsy Andreu, also have first hand evidence of Armstrong's involvement in doping in 1999.

Finally, although additional corroboration is not necessary given the testimony of USADA's witnesses, as described in Section V.B. below, the retesting of Lance Armstrong's samples from the 1999 Tour and the clear finding of EPO in six of the samples provides powerful corroborating evidence of Armstrong's use of EPO. With or without this corroborating evidence, however, the evidence demonstrates beyond any doubt that Lance Armstrong used EPO during the 1999 Tour de France. No other conclusion is even plausible.

3. 2000

Five (5) eyewitnesses from the 2000 U.S. Postal Service cycling team have provided testimony to USADA regarding doping on the team in 2000.¹⁵⁸ USADA also received testimony from Italian professional cyclist Filippo Simeoni regarding events he witnessed in 2000 that were relevant to USADA's investigation.

Armstrong's 1999 Tour de France victory had been powered by EPO "used . . . every third or fourth day."¹⁵⁹ Now, in 2000, it was rumored that a new EPO test would soon be implemented.¹⁶⁰ As a consequence, in 2000 the USPS team embraced the practice of blood

¹⁵⁸ Cyclists George Hincapie, Frankie Andreu, Tyler Hamilton, Levi Leipheimer, and Christian Vande Velde.

¹⁵⁹ Affidavit of Tyler Hamilton, ¶ 56.

¹⁶⁰ Affidavit of Tyler Hamilton, ¶ 68.

doping by providing a blood doping program for its three climbers, Armstrong, Tyler Hamilton and Kevin Livingston.¹⁶¹

a. Armstrong's involvement in the U.S. Postal Service blood doping program

John Bruyneel came to Tyler Hamilton following the 2000 Dauphiné Libéré won by Hamilton.¹⁶² Bruyneel explained the need for a new doping strategy.¹⁶³ He said that five hundred cc's of blood would be withdrawn from each of the riders to be reinfused the following month during the Tour de France.¹⁶⁴

The reinfused blood would boost the oxygen carrying capacity of Armstrong's blood and that of his lieutenants and help their stamina and ability to recover, much as EPO had improved their endurance during the 1999 Tour.¹⁶⁵ There was no test for blood transfusions, so this method of cheating would be undetectable.¹⁶⁶

The blood extraction was to be performed in Valencia, Spain, the hometown of Dr. del Moral and Pepe Marti.¹⁶⁷ As a consequence, shortly after the Dauphiné, Armstrong, Hamilton and Livingston boarded a private jet in Nice¹⁶⁸ to fly to Valencia.¹⁶⁹

Upon arriving in Valencia the riders were driven to a hotel where the blood extraction would be performed.¹⁷⁰ Bruyneel, Michele Ferrari, Dr. del Moral and Pepe Marti were all

¹⁶¹ Affidavit of Tyler Hamilton, ¶¶ 68-78.

¹⁶² The 2000 Dauphiné Libéré was held on June 6 – 11, 2000.

¹⁶³ Affidavit of Tyler Hamilton, ¶¶ 68-72.

¹⁶⁴ Affidavit of Tyler Hamilton, ¶ 70.

¹⁶⁵ Affidavit of Tyler Hamilton, ¶ 71.

¹⁶⁶ Affidavit of Tyler Hamilton, ¶ 72.

¹⁶⁷ Affidavit of Tyler Hamilton, ¶¶ 44.

¹⁶⁸ Hamilton had moved to Nice at the request of Armstrong after the 1999 season in order to facilitate his training with Armstrong. Affidavit of Tyler Hamilton, ¶¶ 63-64. *See* Affidavit of Betsy Andreu, ¶ 53.

¹⁶⁹ Affidavit of Tyler Hamilton, ¶ 69.

¹⁷⁰ Affidavit of Tyler Hamilton, ¶ 73.

present for the extraction process,¹⁷¹ while Ferrari and del Moral supervised the extraction process.¹⁷² The riders were told that Marti and del Moral would be responsible for reinfusing the blood during the Tour.¹⁷³

The whole process took about an hour and then it was time for Armstrong and his teammates to do a training ride down the coast.¹⁷⁴ As they headed out, the riders were talking about their Tour dreams but they “did not feel like champions.”¹⁷⁵ After having lost a bag of blood Armstrong, Hamilton and Livingston were all “quickly fatigued.”¹⁷⁶ Three elite-level athletes who were regarded as among the best cyclists in the world “could barely make it up small hills.” Once the blood was re-infused, however, the cyclists’ climbing power would be greatly enhanced.¹⁷⁷

b. Armstrong’s use of testosterone and avoiding drug testing at race in Spain

In addition to blood doping, USADA has first hand evidence that Armstrong used testosterone in 2000 and that he evaded drug testing in order to avoid a positive test. George Hincapie, “was generally aware that Lance was using testosterone throughout the time [Armstrong and Hincapie] were teammates.”¹⁷⁸ At a race in Spain Hincapie had heard from Armstrong that Armstrong had just taken testosterone.¹⁷⁹ Lance told Hincapie, “that he was

¹⁷¹ Affidavit of Tyler Hamilton, ¶ 74.

¹⁷² Affidavit of Tyler Hamilton, ¶ 75.

¹⁷³ Affidavit of Tyler Hamilton, ¶ 76.

¹⁷⁴ Affidavit of Tyler Hamilton, ¶ 77.

¹⁷⁵ Affidavit of Tyler Hamilton, ¶ 78.

¹⁷⁶ Affidavit of Tyler Hamilton, ¶ 78.

¹⁷⁷ As EPO is used to assist riders in recovering from a blood extraction it is likely that Armstrong must also have used EPO in 2000. *See, e.g.*, Affidavit of Tom Danielson, ¶¶ 105-06.

¹⁷⁸ Affidavit of George Hincapie, ¶ 50.

¹⁷⁹ Affidavit of George Hincapie, ¶ 50.

feeling good and recovered that he had just taken some ‘oil.’”¹⁸⁰ Hincapie testified, “[w]hen I heard that drug testing officials were at the hotel, I texted Lance to warn him to avoid the place. As a result, Lance dropped out of the race.”¹⁸¹

c. Armstrong’s second Tour victory

The 2000 Tour de France was conducted from July 1 through July 23. Again, as in 1999, Armstrong was dominant. The following account from *Time* recounts that dominance, and takes note of the restraint Armstrong reportedly used in intentionally not winning several mountain stages:¹⁸²

The Tour de France is supposed to be a team sport, in which a group of riders employs wind-blocking strategies and well-timed sacrifices to deliver victory to their designated star cyclist.

Not this year. With his U.S. Postal Service team struggling to get up the race’s first mountain stage last Monday [July 10], Lance Armstrong took off from them. Then he took off from his European challengers, effectively ending the 2,254 mile, 23-day race in an astonishing eight-mile sprint through the rain and up the Pyrenees.¹⁸³ Only a crash will stop him from being first when the race finishes in Paris this Sunday.

Armstrong’s uphill surge was perhaps the most dominating move in the 97-year history of the race. As if the 4-min. lead he had gained over his nearest rivals wasn’t devastating enough, he destroyed their psyches by smoothly accelerating in the saddle while they stood above their seats and pumped. And that was while each was fronted by a teammate to break the wind. “I had the impression I was

¹⁸⁰ Affidavit of George Hincapie, ¶ 50.

¹⁸¹ Affidavit of George Hincapie, ¶ 50.

¹⁸² Again, this news account is set forth not as evidence but to provide context and an understanding of how Armstrong’s dominance was being viewed at the time. Had a hearing been held, similar context would have been provided by witnesses testifying to basic facts regarding what happened in various stages of the race and how those events were viewed at the time. In addition, USADA has verified from a number of independent sources that the basic facts in the article, concerning the dates and locations of the stages mentioned, the time gained by Armstrong on his rivals and the placements of Armstrong and competitors mentioned are accurate.

¹⁸³ In the 9th Stage from Dax to Hautacam Armstrong went from approximately 6 minutes down to 4 minutes up in the space of about 8.5 miles, blowing past rivals Marco Pantani and Jan Ullrich.

watching someone descending a hill I was trying to scale," said French rider Stephane Heulot. . . .

. . . . So when Armstrong, with a weak Postal team (as of Friday, his nearest teammate was in 31st place) and a body that looks stronger than it did last year, sprinted those eight miles, all of Europe had to accept that the Texan would be the first repeat champion since Spain's Miguel Indurain in 1995. "We know who the winner is already. No one can fight him," said Walter Godefroot, director of Ullrich's Telecom team. . . .

. . . . his victory looked even more certain on Thursday [July 13], when the riders climbed barren, snowy Ventoux Mountain, the toughest ascent of the race Armstrong, his teammates far behind, rode with Pantani toward a victory in the moonlike, vegetationless mountain-top. And Armstrong lost the day, as at every other stage thus far, this time to Pantani.

Unlike last year, when Armstrong won four days of the Tour, this year he has won none, losing even his miraculous Monday ride to Spaniard Javier Oxtoa, who had started his sprint hours before Armstrong made his breakaway. Armstrong nearly applied his brakes to allow the wobbling Spaniard to cross the victory line within sight of cheering countrymen who had come to see the race. Even the Pantani win up Ventoux was a gift, with Armstrong slowing down to let the troubled ex-champion catch up. "He's come to win the war, not kill everyone in every single battle," says Armstrong's coach, Chris Carmichael. Armstrong, now clearly the strongest rider in the world, is being careful not to take glory unnecessarily from the other riders. Even Texans know when not to tick people off.¹⁸⁴

Over the next ten (10) days Armstrong easily maintained the lead he acquired in the mountains, and on July 23 he again stood on the top step of the podium in Paris.

d. Blood doping at the 2000 Tour de France

As in 1999 there was an important but untold back story to the public accounts of Armstrong's triumph that flooded newspapers, magazines, and the airwaves following Armstrong's success at the 2000 Tour. As described above, USADA has first hand evidence that during 2000 Armstrong engaged in the use of testosterone, EPO and blood doping. In addition, USADA has received first hand eyewitness testimony that Armstrong engaged in blood doping at the 2000 Tour de France.

¹⁸⁴ Lance Armstrong: Uphill Racer, *Time*, July 24, 2000 (by Joel Stein and Bruce Crumley).

Tyler Hamilton testified that he, Armstrong and Kevin Livingston received a blood transfusion on the evening of Tuesday, July 11 in the Hôtel l’Esplan in Saint-Paul-Trois-Châteaux near Mount Ventoux. Hamilton recalled:

The whole process took less than 30 minutes. Kevin Livingston and I received our transfusions in one room and Lance got his in an adjacent room with an adjoining door. During the transfusion Lance was visible from our room, Johan, Pepe and Dr. del Moral were all present and Dr. del Moral went back and forth between the rooms checking on the progress of the re-infusions. Each blood bag was placed on a hook for a picture frame or taped to the wall and we lay on the bed and shivered while the chilly blood re-entered our bodies.¹⁸⁵

Hamilton said that the riders “joked about whose body was absorbing the blood the fastest.”¹⁸⁶

Wednesday, July 12, 2000, was a rest day for the riders. Stage 12 was conducted on Thursday, July 13, 2000. As described in the news account recited above, the stage ended with a mountain top finish on Mount Ventoux. On that day Lance Armstrong extended his lead in the Tour by finishing in second place with the same time as the first place finisher, Marco Pantani.

e. French investigation and “Actovegin”

Armstrong won his second Tour de France in July 2000; however, in August French authorities opened an investigation into doping by Armstrong and the U.S. Postal Service team. The French investigation centered on medical waste that USPS personnel had been observed dumping into a trash canister.¹⁸⁷ Among the medical waste were syringes and empty packaging for a blood product called “Actovegin.”

Following disclosure of the discovery of the empty Actovegin packaging the USPS team, through Mark Gorski, issued a statement indicating that the product was not used by the team for any performance enhancing purpose but was carried in the team’s medical kit only to treat

¹⁸⁵ Affidavit of Tyler Hamilton, ¶ 79.

¹⁸⁶ Affidavit of Tyler Hamilton, ¶ 79.

¹⁸⁷ Affidavit of George Hincapie, ¶ 88; Affidavit of Christian Vande Velde, ¶ 52; Affidavit of Jonathan Vaughters, ¶ 63.

diabetes of a staff member and for use in the case of traumatic skin injury or road rash. Gorski claimed that none of the nine (9) riders in the 2000 Tour de France had used Actovegin.¹⁸⁸ For himself, Armstrong acted like he had never heard of Actovegin. Writing about the French investigation and the substance Actovegin on his website, Armstrong said:

I will say that the substance on people's minds, Activ-o-something . . . is new to me. **Before this ordeal I had never heard of it, nor had my teammates.**¹⁸⁹

Armstrong was even more specific in his denials in his autobiography, claiming to have had to undertake an investigation to learn about Actovegin, that he had checked with his teammates and found that none had used it, and repeating Gorski's claim that the purpose for which it was carried by the team medical staff was not to enhance performance. Armstrong contended:

On checking, **none of my teammates had heard of it . . . I've since been forced to learn about it . . . There was nothing to suggest it was performance enhancing . . .** Our team doctor had included Actovegin in his medical kit before the race. He kept it on hand because one of our team assistants was diabetic, and also in case of traumatic skin injury—the kind that can happen when you fall off a bicycle onto an asphalt road while traveling at 50 miles per hour.¹⁹⁰

However, Armstrong's repeated claims are directly contradicted by numerous riders from the USPS team who have confirmed that Actovegin was, in fact, and contrary to Armstrong's and the team's statements, regularly used by the riders on the team and was regularly administered by the team medical staff *specifically because* it was believed by the team medical

¹⁸⁸ Armstrong team assures Tour de France champ will return, *Associated Press*, December 18, 2000. The nine (9) riders on the 2000 Tour de France team were: Lance Armstrong, Tyler Hamilton, George Hincapie, Kevin Livingston, Frankie Andreu, Benoît Joachim, Steffen Kjærgaard, Viatcheslav Ekimov and Cédric Vasseur

¹⁸⁹ Doping digest: Armstrong and Pantani maintain their innocence, *Associated Press* (2000), (emphasis added).

¹⁹⁰ *Every Second Counts*, p. 79. (emphasis added).

staff that Actovegin would enhance a rider's athletic performance.¹⁹¹ Thus, it is apparent that Mr. Armstrong and the team intentionally issued false and misleading statements regarding the use to which Actovegin was put on the U.S. Postal Service team.¹⁹²

Tyler Hamilton recalled that Lance had himself used Actovegin before making these public statements, and noted that Actovegin was also used by Hamilton and Kevin Livingston and given by the team medical staff to improve oxygen delivery to the muscles.¹⁹³ George Hincapie said that to his understanding in 2000 "most of the riders on the U.S. Postal Service Team were using Actovegin"¹⁹⁴ which would "generally be injected the night before a race."¹⁹⁵ Hincapie confirmed as well that Dr. del Moral promoted the use of Actovegin to "improve circulation and enhance performance"¹⁹⁶ and that he knew the road rash treatment claim made by Armstrong and the U.S. Postal Service management was a "false claim"¹⁹⁷ "made to the media and others during the course of the French investigation."¹⁹⁸ Christian Vande Velde admitted that the "public claims about how Actovegin was used on the Postal Service team were not true."¹⁹⁹ He said that, "Actovegin was given by the team doctor to Postal Service cyclists to enhance performance and with the claim that it would improve our circulation" and "would help me perform better."²⁰⁰ Vande Velde had "never heard of Actovegin being used to treat road

¹⁹¹ Affidavit of George Hincapie, ¶ 88; Affidavit of Tyler Hamilton, ¶ 57; Affidavit of Christian Vande Velde, ¶ 52; Affidavit of Jonathan Vaughters, ¶¶ 62-64.

¹⁹² Affidavit of Tyler Hamilton, ¶ 57; Affidavit of George Hincapie, ¶ 88; Affidavit of Levi Leipheimer, ¶ 41; Affidavit of Christian Vande Velde, ¶¶ 51-52; Affidavit of Jonathan Vaughters, ¶¶ 62-64.

¹⁹³ Affidavit of Tyler Hamilton, ¶ 57.

¹⁹⁴ Affidavit of George Hincapie, ¶ 88.

¹⁹⁵ Affidavit of George Hincapie, ¶ 88.

¹⁹⁶ Affidavit of George Hincapie, ¶ 88.

¹⁹⁷ Affidavit of George Hincapie, ¶ 88.

¹⁹⁸ Affidavit of George Hincapie, ¶ 88.

¹⁹⁹ Affidavit of Christian Vande Velde, ¶ 52.

²⁰⁰ Affidavit of Christian Vande Velde, ¶¶ 51-52.

rash.”²⁰¹ Jonathan Vaughters said that U.S. Postal Service riders were injected by the U.S. Postal Service staff with Actovegin in order to “enhance oxygen circulation and improve recovery.”²⁰² Vaughters stated, “unequivocally” that “Actovegin was dispensed for purposes of performance enhancement and that U.S. Postal Service staff was well aware of this fact.”²⁰³

While USADA has not charged Armstrong with an anti-doping rule violation for the use of Actovegin because the product is not currently banned, Armstrong’s conduct and false statements in relation to Actovegin are highly relevant. It should be kept in mind that Armstrong’s and the team’s cover up concerning Actovegin was made in response to an official French law enforcement investigation. The fact that Armstrong and team officials were willing to make false statements in the course of a law enforcement investigation regarding doping directly bears on evaluation of the credibility of their statements regarding the use of other products. In other words, if Lance Armstrong was willing to lie about Actovegin—and he clearly did lie about Actovegin—there is little reason to believe that Armstrong would not be willing to lie about other products and with regard to other topics.

4. 2001

Five (5) eyewitnesses from the 2001 U.S. Postal Service cycling team have provided testimony to USADA regarding doping on the team in 2001.²⁰⁴ A sixth eyewitness, professional cyclist Michael Barry, provided testimony regarding his observations at a team training camp at the end of 2001 as Barry prepared to ride with the team during the 2002 season. A seventh

²⁰¹ Affidavit of Christian Vande Velde, ¶ 52.

²⁰² Affidavit of Jonathan Vaughters, ¶ 62.

²⁰³ Affidavit of Jonathan Vaughters, ¶ 63.

²⁰⁴ Cyclists George Hincapie, Tyler Hamilton, Levi Leipheimer, Christian Vande Velde and David Zabriskie.

eyewitness, former U.S. Postal Service team member Jonathan Vaughters, provided testimony regarding relevant conversations with Lance Armstrong in 2001.

a. Ferrari attends USPS training camp

At the end of the 2000 season George Hincapie asked Lance Armstrong to introduce him to Dr. Ferrari.²⁰⁵ Hincapie felt that he had been putting in a great deal of work but was not getting the results that he wanted.²⁰⁶ Armstrong said that he would contact Ferrari on George's behalf.²⁰⁷

Ferrari was invited to the opening training camp for the 2001 season, which took place either in late 2000 or in early 2001 in Austin, Texas.²⁰⁸ Ferrari was introduced to the riders present by Johan Bruyneel.²⁰⁹ Bruyneel explained that each rider would be able to have an individual meeting with Ferrari and if the rider wanted to hire Ferrari he would have to pay Ferrari a percentage of the rider's salary.²¹⁰ George Hincapie was told at the camp that the annual cost to him for Ferrari's services would be \$15,000.00.²¹¹ Christian Vande Velde learned that Lance Armstrong was working with Ferrari and that Ferrari's nickname was "Schumi," a reference to the famous race car driver, Michael Schumacher who drove for Team Ferrari.²¹²

Dr. Ferarri was by this time a "well known figure within the peloton."²¹³ Vande Velde was well aware of Ferrari's reputation at the time "for [using] technologically advanced training

²⁰⁵ Affidavit of George Hincapie, ¶ 60.

²⁰⁶ Affidavit of George Hincapie, ¶ 60.

²⁰⁷ Affidavit of George Hincapie, ¶ 60.

²⁰⁸ Affidavit of George Hincapie, ¶ 61; Affidavit of Christian Vande Velde, ¶ 71.

²⁰⁹ Affidavit of Christian Vande Velde, ¶ 73.

²¹⁰ Affidavit of Christian Vande Velde, ¶ 73.

²¹¹ Affidavit of George Hincapie, ¶ 63

²¹² Affidavit of Christian Vande Velde, ¶ 74.

²¹³ Affidavit of Christian Vande Velde, ¶ 72.

methods that included the use of performance enhancing drugs like EPO.”²¹⁴ Ferrari’s publicly reported comments on EPO were regarded as “the most famous thing Ferrari had ever been known for” by Armstrong’s agent, Bill Stapleton.²¹⁵ Indeed, Mark Gorski, the General Manager for the USPS team at the time was shocked and dismayed that Ferrari had been invited to a team training camp. Gorski testified:

he [Ferrari] had been under investigation in Italy. I was uncomfortable that Lance – I was uncomfortable in meeting him first of all. I was uncomfortable in his presence there, and I communicated that to Lance. . . . But simply his presence there and given his reputation, I was uncomfortable with his presence there. . . . I said, you know, I’m not going to ask you to sever a relationship with him. But we – I’m certainly not going to have any formal relationship with him to the team.²¹⁶

Despite Mark Gorski’s alleged misgivings, the evidence is overwhelming that from 1999 through 2005 Michele Ferrari played a major role with the U.S. Postal Service/Discovery Channel team and in Lance Armstrong’s doping program. From team training camps in Austin, Texas; St. Moritz, Switzerland; Alicante, Spain; Puigcerdà, Spain; and on the island of Tenerife in the Canary Islands, to personal training sessions and meetings with Lance at those camps and at other times in Austin, Texas; Girona, Spain; Valencia, Spain; Milan, Italy; Sestrières, Italy; St. Moritz, Switzerland; the island of Tenerife, and along roadsides throughout Europe, on many occasions where Lance could be found, Michele Ferrari was there also.²¹⁷ Armstrong and Ferrari communicated

²¹⁴ Affidavit of Christian Vande Velde, ¶ 72.

²¹⁵ SCA Transcript, p. 1943.

²¹⁶ Deposition of Mark Gorski, p. 78. Based on investigation reports from Italian authorities on December 21, 2001, the Italian Olympic Committee would “forbid” “all Federations, clubs, sport societies and any other individual associated with ICU to use the services of Dr. Ferrari.” *See* Notice of Italian Olympic Committee, December 21, 2001, contained in Appendix Z.

²¹⁷ *See e.g.*, Affidavit of Frankie Andreu, ¶ 48 (referencing Armstrong meeting with Ferrari near Milan, Italy in March, 1999); Affidavit of Betsy Andreu, ¶ 38 (referencing phone call from Kristin Armstrong about Lance meeting with Ferrari in Italy in late March, 1999); Affidavit of Tyler Hamilton, ¶ 38 (referencing training with Dr. Ferrari in 1999 on road between Monaco and

by phone, via email, through intermediaries and in person.²¹⁸ And the communications did not just funnel entirely through Lance. Ferrari was in contact with the team director, Johan Bruyneel,²¹⁹ and with the trainer, Pepe Marti,²²⁰ as well.

Genoa, Italy, and in Sestrières, Italy); Affidavit of Tyler Hamilton, ¶¶ 74-75 (referencing attendance of Dr. Ferrari at blood extraction in Valencia, Spain in June, 2000); Affidavit of George Hincapie, ¶¶ 61-64 (referencing Ferrari attendance at team training camp in Austin, Texas in late 2000); Affidavit of Christian Vande Velde, ¶ 71-76 (referencing Ferrari attendance at team training camp in Austin, Texas in late 2000); Affidavit of David Zabriskie, ¶ 21 (referencing Ferrari attendance at team training camp in Alicante, Spain in 2001); Affidavit of Tyler Hamilton, ¶ 39 (referencing Ferrari attendance at team training camp on island of Tenerife in March, 2001); Affidavit of Christian Vande Velde, ¶ 94 (referencing Ferrari attendance at team training in St. Moritz, Switzerland prior to the Tour de France in 2001); Affidavit of Michael Barry, ¶ 28, 31-32 (referencing Ferrari attendance at team training camp in Austin, Texas in late 2001); Affidavit of Floyd Landis, ¶¶ 12-16 (referencing Ferrari's presence and assistance with blood doping at Armstrong's apartment in St. Moritz, Switzerland in June 2002); Affidavit of Floyd Landis, ¶ 24 (referencing Ferrari's presence and assistance with blood doping at Armstrong's apartment in Girona, Spain in May 2003); Affidavit of Floyd Landis, ¶ 26 (referencing Ferrari's presence and assistance with blood doping at Armstrong's apartment in Girona, Spain in June 2003); Affidavit of Floyd Landis, ¶ 39 (referencing Ferrari's presence at pre Tour team training camp in Puigcerdà, Spain in June 2004); Affidavit of Levi Leipheimer, ¶ (referencing Ferrari's attendance at training camp on island of Tenerife in March, 2005, attended by Lance Armstrong and one or more other U.S. Postal Service riders); Affidavit of Tom Danielson, ¶ 61 (referencing Ferrari attending training sessions with Lance Armstrong and Tom Danielson in Girona, Spain in 2005); Affidavit of Jack Robertson, ¶ 6-9 (attaching internal accounting records for Ferrari company Health & Performance, SA, which reflect payments to Health & Performance in 1996, 2002, 2003, 2004, 2005 and 2006 by Lance Armstrong, a \$15,000 payment by "Rubiera J-L" dated January 1, 2002 and a 2007 email from Victor Hugo Pena indicating that he worked with Ferrari for a time while on the U.S. Postal Service team). Pena was on the U.S. Postal Service team during 2001-2004. There were also numerous references to Ferrari's presence with Lance Armstrong and other U.S. Postal Service riders in Girona, Spain. *See, e.g.*, Affidavit of Christian Vande Velde, ¶¶ 115-18; Affidavit of Michael Barry, ¶ 34; Affidavit of Tom Danielson, ¶ 61; Affidavit of David Zabriskie, ¶ 22. George Hincapie, Tyler Hamilton and Floyd Landis described Dr. Ferrari's active involvement in the blood doping program, which was generally limited to individuals on the Tour team. Affidavit of George Hincapie, ¶¶ 63, 79; Affidavit of Floyd Landis, ¶¶ 12-13, 15, 24, 26-27, 39; Affidavit of Tyler Hamilton, ¶¶ 74-75. All nine cyclists who worked with Ferrari and from whom USADA either has an affidavit or witness statement (6 Americans and 3 Italians) confirm Ferrari's program involved the use of doping including EPO, blood doping and/or testosterone.

²¹⁸ *Id.*

²¹⁹ Affidavit of Floyd Landis, ¶¶ 12, 24, 26, 39; Affidavit of Christian Vande Velde, ¶¶ 81, 122; Affidavit of Tom Danielson, ¶ 37, 39, 45, 57, 71, 76; Affidavit of George Hincapie, ¶ 63

²²⁰ Affidavit of Christian Vande Velde, ¶ 95; Affidavit of Tom Danielson, ¶ 45; Affidavit of

b. Armstrong's continued involvement in blood doping in 2001

According to Hincapie, at the training camp there was a discussion about blood doping and “Dr. Ferrari said that it improved performance.”²²¹ Hincapie continued the discussion about blood doping with Johan Bruyneel and Pepe Marti.²²² Hiring Dr. Ferrari was part of the blood doping program.²²³ Hincapie agreed to hire Ferrari and was told that it would cost him \$15,000 for the season.²²⁴ Hincapie testified that, “Dr. Ferrari told me that the team doctors would assist me with the blood doping program and they did.”²²⁵ Hincapie would continue working with Dr. Ferrari until 2006,²²⁶ and would participate in the U.S. Postal Service blood doping program from 2001 through 2005.²²⁷ Hincapie had a conversation with Armstrong in 2001 about Hincapie beginning on the blood doping program.²²⁸ From his conversations with Armstrong and experiences with him Hincapie was aware that Armstrong used blood transfusions from 2001 through 2005.²²⁹

c. Armstrong's possession, use and trafficking of EPO in 2001

Armstrong moved from Nice to Girona, Spain in 2001.²³⁰ Thus, the Hamiltons would return to Girona as well, eventually settling into an apartment in the same building as Armstrong one floor above Lance and Kristin.²³¹ Before traveling to Europe for the 2001 cycling season

George Hincapie, ¶ 63.

²²¹ Affidavit of George Hincapie, ¶ 63.

²²² Affidavit of George Hincapie, ¶ 63.

²²³ Affidavit of George Hincapie, ¶ 63.

²²⁴ Affidavit of George Hincapie, ¶ 63.

²²⁵ Affidavit of George Hincapie, ¶ 65.

²²⁶ Affidavit of George Hincapie, ¶ 64.

²²⁷ Affidavit of George Hincapie, ¶ 69.

²²⁸ Affidavit of George Hincapie, ¶ 71.

²²⁹ Affidavit of George Hincapie, ¶ 78.

²³⁰ Affidavit of Tyler Hamilton, ¶ 81.

²³¹ Affidavit of Tyler Hamilton, ¶¶ 81-82.

Hamilton was in Massachusetts and did not have access to EPO.²³² Finding that his hematocrit was low and that he was without any EPO, Hamilton called Armstrong and asked if Armstrong would send him some EPO.²³³ Armstrong agreed, sending Hamilton EPO in the mail.²³⁴

In March of 2001 Armstrong and Tyler Hamilton as well as several other members of the U.S. Postal Service cycling team attended a training camp with Dr. Ferrari on the island of Tenerife.²³⁵ The camp lasted approximately two weeks and every second or third day Ferrari gave Hamilton an injection of EPO in his hotel room.²³⁶ Hincapie and Vande Velde who both worked with Ferrari in 2001 also reported that EPO was on the training plan Ferrari developed for them.²³⁷ At a training camp at St. Moritz later in the year Ferrari told Vande Velde he needed to use EPO to raise his blood values in advance of the Tour de France.²³⁸ In 2001 the team continued to supply the riders with EPO through Pepe Marti.²³⁹

Hamilton recalled that in 2001 Dr. Ferrari told Armstrong that he could continue to use EPO in competition if he microdosed EPO and slept in an altitude tent. Ferrari's explanation was that "the altitude tent would boost the natural production of EPO and throw off the EPO test."²⁴⁰

Jonathan Vaughters also spoke with Armstrong in 2001 about the EPO test.²⁴¹ Armstrong was in Girona looking for an apartment, and Vaughters would eventually serve as

²³² Affidavit of Tyler Hamilton, ¶ 83.

²³³ Affidavit of Tyler Hamilton, ¶ 83.

²³⁴ Affidavit of Tyler Hamilton, ¶ 83.

²³⁵ Affidavit of Tyler Hamilton, ¶ 39.

²³⁶ Affidavit of Tyler Hamilton, ¶ 39.

²³⁷ Affidavit of Christian Vande Velde, ¶ 84; Affidavit of George Hincapie, ¶ 79.

²³⁸ Affidavit of Christian Vande Velde, ¶ 94.

²³⁹ Affidavit of Christian Vande Velde, ¶ 84-85, 94.

²⁴⁰ Affidavit of Tyler Hamilton, ¶ 84.

²⁴¹ Affidavit of Jonathan Vaughters, ¶¶ 93-94.

Armstrong's Spanish language interpreter during his home search.²⁴² Vaughters and Armstrong went on a training ride together and discussed EPO testing. Armstrong demonstrated a detailed knowledge of the EPO test and what new EPO products were likely detectable.²⁴³ Armstrong claimed to have sources who told him that the EPO test "works like a spectrum, and as long as you are in the grey area you do not need to worry about testing positive."²⁴⁴ Lance explained that the EPO test was developed by an individual named Conconi and said, "I have a couple of friends of Conconi who have told me how the test works."²⁴⁵

d. Armstrong's suspicious test for EPO at the 2001 Tour of Switzerland

The 2001 Tour du Suisse (Tour of Switzerland) was conducted from June 19 – 28, 2001 and was won by Lance Armstrong. Armstrong told both Tyler Hamilton and Floyd Landis that he had tested positive for EPO at the 2001 Tour of Switzerland and stated or implied that he had been able to make the EPO test result go away.²⁴⁶ Armstrong's conversation with Hamilton was in 2001, and he told Hamilton "his people had been in touch with UCI, they were going to have a meeting and everything was going to be ok."²⁴⁷ Armstrong's conversation with Landis was in 2002, and Landis recalled Armstrong saying that, "he and Mr. Bruyneel flew to the UCI headquarters and made a financial agreement to keep the positive test hidden."²⁴⁸ Consistent with the testimony of both Mr. Hamilton and Mr. Landis, Pat McQuaid, the current president of UCI, has acknowledged that during 2002, Lance Armstrong and Johan Bruyneel visited the UCI

²⁴² Affidavit of Jonathan Vaughters, ¶¶ 91-92.

²⁴³ Affidavit of Jonathan Vaughters, ¶¶ 93-94, 96.

²⁴⁴ Affidavit of Jonathan Vaughters, ¶ 93.

²⁴⁵ Affidavit of Jonathan Vaughters, ¶ 94. Michele Ferrari worked with Professor Conconi for a number of years. *See* Affidavit of Renzo Ferrante, ¶ 9.

²⁴⁶ *See* Affidavit of Tyler Hamilton, ¶ 88; Affidavit of Floyd Landis, ¶¶ 17-19.

²⁴⁷ Affidavit of Tyler Hamilton, ¶ 88.

²⁴⁸ Affidavit of Floyd Landis, ¶ 17.

headquarters in Aigle in May 2002 and offered at least \$100,000 to help the development of cycling.²⁴⁹ UCI vehemently denies that this meeting or payment was, as Mr. Armstrong told Mr. Hamilton and Mr. Landis, tied to a cover-up of the 2001 Tour de Suisse sample. In any case, what is important for the case is that substantial parts of Mr. Hamilton's and Mr. Landis's recollections of Mr. Armstrong's statements have been corroborated.

As discussed in more detail in Section V(C) below, Dr. Martial Saugy, the Director of the WADA-accredited anti-doping laboratory in Lausanne, Switzerland has confirmed to both USADA and the media that his laboratory detected a number of samples in the 2001 Tour de Suisse that were suspicious for the presence of EPO. Dr. Saugy also told USADA that he was advised by UCI that at least one of these samples belonged to Mr. Armstrong. Therefore, even without any consideration of the laboratory test results for these samples, as set forth above, Tyler Hamilton's and Floyd Landis's testimony regarding Mr. Armstrong's admission that he used EPO at the 2001 Tour of Switzerland finds substantial corroboration in the statements of both Dr. Martial Saugy and UCI President Pat McQuaid.

e. Armstrong's possession and use of testosterone in 2001

George Hincapie has testified that he was aware that Lance Armstrong was using testosterone throughout the time that they were teammates.²⁵⁰ Hamilton as well saw Armstrong use the "oil" on many occasions.²⁵¹ Hincapie and Vande Velde were both using the "oil" at the St. Moritz training camp with Dr. Ferrari in 2001.²⁵² The "oil" and/or testosterone patches were

²⁴⁹ McQuaid confirms Armstrong donated \$100,000 to UCI, *Cycling Weekly*, May 25, 2010 (emphasis added); McQuaid reveals Armstrong made two donations to the UCI, *Cycling News*, July 10, 2010, (emphasis added).

²⁵⁰ Affidavit of George Hincapie, ¶ 50.

²⁵¹ Affidavit of Tyler Hamilton, ¶ 42.

²⁵² Affidavit of Christian Vande Velde, ¶ 94.

part of Dr. Ferrari's doping program.²⁵³ Hamilton recalled that the use of testosterone patches began in 2001.²⁵⁴ Armstrong gave Floyd Landis testosterone patches in 2002.²⁵⁵

f. Controversy concerning Armstrong's relationship with Ferrari and Italian law enforcement investigation of Ferrari

The 2001 Tour de France was to be contested on July 9 – 29, 2001. On July 8, 2001, the *Sunday Times* of London published an article by David Walsh detailing Armstrong's relationship with Michele Ferrari and noting Ferrari's upcoming trial in Italy for sporting fraud and the alleged administration of performance enhancing drugs to riders and other athletes.²⁵⁶ When Armstrong and his agent Bill Stapleton learned about Walsh's imminent article they worked to preempt the impact of the story by disclosing that Lance was working with Ferrari to another publication several days before the *Sunday Times* article was to run.²⁵⁷

In response to the Ferrari story, Armstrong said, “[he] [Ferrari] has never discussed EPO with me and I have never used it.”²⁵⁸ A week later, the story was still generating controversy and Armstrong gave an interview to Samuel Abt of the New York Times in which Armstrong acknowledged about Ferrari, “[h]e has a role in my team.” However, Armstrong said, “[f]rom what I've seen, I don't think he's guilty.”²⁵⁹

A few weeks later Armstrong had won his third Tour and the Armstrongs were having dinner in Villefranche, France with a few friends, including the Andreus. The Andreus recall

²⁵³ Affidavit of Christian Vande Velde, ¶¶ 82-83; Affidavit of George Hincapie, ¶¶ 79, 85; Affidavit of Tyler Hamilton, ¶¶ 40, 86.

²⁵⁴ Affidavit of Tyler Hamilton, ¶ 86.

²⁵⁵ Affidavit of Floyd Landis, ¶¶ 12-14.

²⁵⁶ Affidavit of Betsy Andreu, ¶ 60.

²⁵⁷ Deposition of Mark Gorski, p. 81; Deposition of Bill Stapleton, p. 109 (“And David Walsh tried to make a big scandal out of it and sent us some questions by email, that he was going to make a big story about Ferrari . . . And we preempted that in order to – to – to put it out there, outside of his publication.”).

²⁵⁸ A New Drug Scandal? Armstrong Responds, *The New York Times*, July 10, 2001.

²⁵⁹ Cycling; Accused, Armstrong Defends His Honor, *The New York Times*, July 16, 2001.

that during the dinner the conversation turned to some unflattering comments Greg LeMond had recently made about the Ferrari controversy.²⁶⁰ Armstrong was incensed with LeMond and vowed to exact revenge, saying “I’m going to take him down”²⁶¹ and that Armstrong could make one call to the owner of Trek bicycles, which carried a line of LeMond bicycles, and “shut him up.”²⁶²

5. 2002

Five (5) eyewitnesses from the 2002 U.S. Postal Service cycling team have provided testimony to USADA regarding doping on the team in 2002.²⁶³

The end of 2000 had brought the departure of Kevin Livingston who left the U.S. Postal team to join the Deutsche Telecom (T-Mobile) team. At the end of 2001 Tyler Hamilton would also leave the team.²⁶⁴ However, in late 2001 a talented, young rider named Floyd Landis joined the team.

a. Floyd Landis

Landis is featured in Armstrong’s second autobiography, *Every Second Counts*, as a precocious raw talent whom Armstrong gave himself credit for quickly developing into a forceful support rider for Armstrong.

Armstrong devotes more than ten pages of his book to describing his efforts to mentor his young protégé, as reflected in this excerpt:

... Floyd agreed, and for the next several weeks, we trained together. He went with me to St. Moritz for altitude training. We went on reconnaissance rides for

²⁶⁰ Affidavit of Frankie Andreu, ¶ 65; Affidavit of Betsy Andreu, ¶¶ 60, 62-64.

²⁶¹ Affidavit of Frankie Andreu, ¶ 65.

²⁶² Affidavit of Betsy Andreu, ¶ 63.

²⁶³ Cyclists George Hincapie, Floyd Landis, Michael Barry, Christian Vande Velde and David Zabriskie.

²⁶⁴ According to Armstrong, Hamilton “remained a good friend and close neighbor.” *Every Second Counts*, p. 167.

the Tour stages. We rode together for hours on end, and he learned, on a day-to-day basis, what I meant by professionalism. He learned focus, the ability to ignore large distractions, and to concentrate on the process. He learned resolve. . . . There was no mystery and no miracle drug that helped me win that Tour de France in 1999, I explained to Floyd. . . . The winning is in the details, I told Floyd. It's in the details that you get ahead. . . . We spent most of May off in the mountains, training²⁶⁵

As this passage recounts, much of Armstrong's Tour preparation in 2002 (and as he prepared for the Tour de France in 2003 and 2004), was spent with Floyd Landis. Like Tyler Hamilton before him, Landis was a tough as nails climber whom Armstrong would need to rely upon in the mountain stages where the Tour de France would be won or lost. As a result, Landis had uncommon access to Armstrong and for three years they were uncommonly close.

When Landis performed well in the Dauphiné Libéré in June, 2002, finishing second to Armstrong, Armstrong was very happy both with himself and Landis, congratulating himself on Landis' development:

The last big tune-up race before the Tour was called the Dauphiné Libéré. I won it—and Floyd got second. It was the first time Floyd had done anything in a European race, a huge result for a novice, and it was obvious he was the right choice for a teammate. I patted myself on the back for being smart enough to recognize how good he was before he saw it for himself. He was well-rounded, he could climb, he could time-trial, and he could handle himself in the peloton, didn't get scared with the high-speed pushing and shoving. Mainly, he wouldn't quit; he was a stubborn bastard.²⁶⁶

In *Every Second Counts* Armstrong recalled how his teammates from the 2002 U.S. Postal Service team, which included current USADA witnesses Landis, George Hincapie, Christian Vande Velde, Michael Barry and David Zabriskie, were among his favorites.²⁶⁷ Armstrong said, “[t]he 2002 USPS team was made up of like-minded riders. . . We simply shared

²⁶⁵ *Every Second Counts*, pp. 151-159; see also pp. 171-173, 176-179.

²⁶⁶ *Every Second Counts*, p. 171.

²⁶⁷ *Every Second Counts*, p. 167. Christain Vandeveld, Michael Barry and David Zabriskie were on the 2002 USPS team, although not named to the nine man Tour de France squad.

an ethic. The reason we did so was that Johan and I had spent the previous five years carefully identifying, recruiting, and signing the kind of people we wanted to work with.”²⁶⁸ About this group Armstrong said, “[o]ur jokes were profane and boyish and silly, but within the team, among nine people who knew and loved and trusted each other, mouthing off was an important part of every day, our ritual morale-builder.”²⁶⁹

Armstrong also describes how much he enjoyed Landis’ boyish antics, gregarious personality and love for the American rock band ZZ Top. Describing Landis’s contribution to the fraternity house atmosphere in which Armstrong reveled, he wrote:

ZZ Top was one of Floyd Landis’s contributions to the team, and it was an indelible one. Floyd was a loud, rampantly funny presence on the bus, and it was a source of daily entertainment to watch him try to explain ZZ Top to Heras or Rubiera or Eki, jumping around to the lacerating guitar-rock of songs like “She Wore a Pearl Necklace.” Finally, Heras—quiet, gentlemanly Roberto—tried to put his foot down. “No more ZZ Top,” he pleaded. “No more.”

But like it or not, ZZ Top had become our ritual, and so had our morning gathering on the bus. First we’d discuss the strategy and receive our riding orders from Johan, and then the meeting would degenerate and we’d start fooling around. We realized that the bus windows were tinted so darkly that no one could see in, and we’d point out and roar with laughter at autograph peddlers, ticket scalpers and the loonies in costumes. . . .

One morning when the material had gotten particularly raucous, we decided we should test the privacy of the windows, just in case. We made Johan go outside and look through the windows—and we all mooned him. He never knew it.²⁷⁰

These passages from Armstrong’s autobiography, as well as the observations of his teammates, some of which are recounted in their affidavits, dispel any notion that Landis and Armstrong were anything but close.²⁷¹ In fact, for the better part of three years they were quite

²⁶⁸ *Every Second Counts*, p. 167.

²⁶⁹ *Every Second Counts*, p. 173.

²⁷⁰ *Every Second Counts*, pp. 156-177.

²⁷¹ See, e.g., Affidavit of Christian Vande Velde, ¶ 105 (“Landis was a likeable guy with a big smile and a great sense of humor. He and Lance seemed to quickly hit it off and Lance took

close, and as Armstrong said, they “loved and trusted each other.”²⁷² Landis and Armstrong spent a great deal of time together, sharing training, racing, partying and doping. As several teammates confirm, Armstrong gave Floyd the keys to Armstrong’s apartment;²⁷³ Floyd watched over their blood bags while Armstrong was out of town.²⁷⁴ They shared doping advice from Michele Ferrari,²⁷⁵ and when Floyd needed EPO Lance shared that too.²⁷⁶ Landis gave Armstrong what he needed, a reliable climber in the mountains of the Tour de France and a jovial side kick and training partner who knew how to relieve the pressure of Armstrong’s intense desire for success.

b. Landis begins working with Ferrari

Floyd Landis began working with Dr. Ferrari in 2002 while training with Armstrong at one of Armstrong’s pre-Tour alpine training sessions.²⁷⁷ At this time, Dr. Ferrari explained blood doping to Landis and extracted half a liter of blood from Landis.²⁷⁸

Dr. Ferrari’s involvement with the team continued in 2002²⁷⁹ and he attended the season opening training camp in Austin as he had the prior year.²⁸⁰ By 2002 Dr. Ferrari was intentionally keeping a somewhat lower profile with the team due to the media controversy surrounding him.²⁸¹ Nonetheless, accounting records from Ferrari’s Swiss company Health &

Floyd under his wing and they spent a great deal of time together both socially and in training.”).
²⁷² *Every Second Counts*, p. 173.

²⁷³ See Affidavit of Christian Vande Velde, ¶ 106; Affidavit of David Zabriskie, ¶ 52.

²⁷⁴ Affidavit of Floyd Landis, ¶ 25.

²⁷⁵ Affidavit of Floyd Landis, ¶ 2616, 17.

²⁷⁶ Affidavit of Floyd Landis, ¶ 34.

²⁷⁷ Affidavit of Floyd Landis, ¶ 12.

²⁷⁸ Affidavit of Floyd Landis, ¶ 12, 15.

²⁷⁹ Affidavit of Michael Barry, ¶¶ 28, 33.

²⁸⁰ Affidavit of Michael Barry, ¶¶ 31-32.

²⁸¹ Affidavit of Michael Barry, ¶ 32.

Performance record \$150,000.00 in payments from Armstrong to Ferrari in 2002.²⁸² The evidence clearly demonstrates that Ferrari's level of professional involvement with Armstrong remained high in 2002.

c. Armstrong's possession, use and trafficking of testosterone in 2002

Floyd Landis testified that in June, 2002, shortly after the Dauphiné Libéré Armstrong gave Landis a package of testosterone patches at Armstrong's apartment in St. Mortiz, Switzerland.²⁸³ As noted previously, George Hincapie has testified that he was aware that Lance Armstrong was using testosterone throughout the time that they were teammates.²⁸⁴

d. Armstrong's continued use of blood doping in 2002

Lance Armstrong's involvement in blood doping continued in 2002. Armstrong explained to his new protégé, Landis, how Armstrong had used EPO in the past and how blood doping had become necessary due to the refinement of the EPO test.²⁸⁵ Armstrong made his apartment available for the first extraction of Floyd's blood which was performed by Michele Ferrari.²⁸⁶ Although Armstrong did not witness the extraction, he was present in the apartment at the time and he was aware of what was going on.²⁸⁷ He and Landis later discussed the extraction.²⁸⁸

²⁸² See Affidavit of Renzo Ferrante, ¶ 17; See Affidavit of Jack Robertson, Exhibit B (bank records and accounting records pertaining to Health & Performance, SA obtained from Italian Carabinieri NAS).

²⁸³ Affidavit of Floyd Landis, ¶¶ 12-14.

²⁸⁴ Affidavit of George Hincapie, ¶ 50.

²⁸⁵ Affidavit of Floyd Landis, ¶ 16.

²⁸⁶ Affidavit of Floyd Landis, ¶¶ 15-16.

²⁸⁷ Affidavit of Floyd Landis, ¶ 16.

²⁸⁸ Affidavit of Floyd Landis, ¶ 16.

Armstrong engaged in blood doping at the Tour de France in 2002.²⁸⁹ Floyd Landis personally witnessed the re-infusion of blood into Armstrong on the evening before the individual time trial.²⁹⁰ Armstrong also told Landis that he had a second liter of blood stored for the second week of the 2002 Tour.²⁹¹ George Hincapie was also aware of Armstrong's continued use of blood doping in 2002.²⁹²

e. Armstrong's enforcement of the team doping program

After winning his fourth straight Tour de France, Armstrong returned to Girona.²⁹³ Once back in Girona, Armstrong called Christian Vande Velde and asked him to come to Armstrong's apartment for a meeting concerning Vande Velde's "role with the team."²⁹⁴

When Vande Velde arrived at Armstrong's place Dr. Ferrari was also present.²⁹⁵ It became clear to Vande Velde that the meeting was about Vande Velde's failure to strictly follow the doping program Dr. Ferrari had outlined for him.²⁹⁶

Armstrong told Vande Velde that if he wanted to continue to ride for the Postal Service team he "would have to use what Dr. Ferrari had been telling [Vande Velde] to use and would have to follow Dr. Ferrari's program to the letter."²⁹⁷ Vande Velde said, "[t]he conversation left me with no question that I was in the doghouse and that the only way forward with Armstrong's team was to get fully on Dr. Ferrari's doping program."²⁹⁸ For Vande Velde the meeting also

²⁸⁹ Affidavit of Floyd Landis, ¶¶ 21; *see also* Affidavit of George Hincapie, ¶ (regarding Armstrong's use of blood doping throughout the 2001 – 2005 timeframe).

²⁹⁰ Affidavit of Floyd Landis, ¶ 21.

²⁹¹ Affidavit of Floyd Landis, ¶ 22.

²⁹² Affidavit of George Hincapie, ¶ 78.

²⁹³ Affidavit of Christian Vande Velde, ¶ 115.

²⁹⁴ Affidavit of Christian Vande Velde, ¶ 115.

²⁹⁵ Affidavit of Christian Vande Velde, ¶ 118.

²⁹⁶ Affidavit of Christian Vande Velde, ¶¶ 118-21.

²⁹⁷ Affidavit of Christian Vande Velde, ¶ 120.

²⁹⁸ Affidavit of Christian Vande Velde, ¶ 121.

confirmed what he had known for a long time, “Lance called the shots on the team . . . what Lance said went.”²⁹⁹

As a consequence of Armstrong’s warning, Vande Velde stepped up his drug use.³⁰⁰ He “put [his] nose to the grindstone, suppressed [his] concerns and complied.”³⁰¹ He used drugs on the schedule prepared by Dr. Ferrari, including using EPO and testosterone with regularity.³⁰² Armstrong’s conduct, encouraging drug use by Christian Vande Velde, threatening him with termination if he did not follow the team doping program, and acting as the enforcer for Dr. Ferrari’s doping plan, violated Article 2.8 of the Code which prohibits “encouraging, aiding, abetting or any other type of complicity involving an anti-doping rule violation.”

6. 2003

In addition to the records from Ferrari’s Swiss company, five (5) eyewitnesses from the 2003 U.S. Postal Service cycling team have provided testimony to USADA regarding doping on the team in 2003.³⁰³ Frankie and Betsy Andreu also provided testimony regarding relevant events in which they personally participated in 2003.³⁰⁴

Dr. Michele Ferrari continued to work with Lance Armstrong, George Hincapie, Christian Vande Velde and others in 2003.³⁰⁵ While Johan Bruyneel continued as team director in 2003, and Luis Garcia del Moral continued as the principal team doctor, accounting records for Dr. Ferrari’s Swiss company record \$475,000.00 in payments from Armstrong to Ferrari in

²⁹⁹ Affidavit of Christian Vande Velde, ¶ 123.

³⁰⁰ Affidavit of Christian Vande Velde, ¶¶ 124-25.

³⁰¹ Affidavit of Christian Vande Velde, ¶ 124.

³⁰² Affidavit of Christian Vande Velde, ¶ 125.

³⁰³ Cyclists George Hincapie, Floyd Landis, Michael Barry, Christian Vande Velde and David Zabriskie.

³⁰⁴ Some of the Andreu’s testimony on events in 2003 is discussed in the Addendum to USADA’s Reasoned Decision.

³⁰⁵ Affidavit of George Hincapie, ¶ 64; Affidavit of Christian Vande Velde, ¶ 76, 113, 125.

2003,³⁰⁶ which is consistent with the continuing high level of professional involvement between Ferrari and Armstrong that is reported by USADA's witnesses, as described below.

a. Armstrong's continued use of blood doping in 2003

Floyd Landis was injured in early 2003.³⁰⁷ When Landis returned to Girona in May he was instructed by Johan Bruyneel to go to Lance Armstrong's apartment where Landis met Dr. Ferrari to extract blood for storing and later use in the blood doping program.³⁰⁸ Dr. Ferrari placed the bag of Mr. Landis' blood in a refrigerator hidden in the closet of the master bedroom of Lance Armstrong's apartment.³⁰⁹ Landis saw several other bags of blood already stored in the refrigerator.³¹⁰

Shortly thereafter, Armstrong explained to Landis that he was going to be gone for a few weeks to train and he asked Landis to stay at his apartment³¹¹ and check the temperature of the blood each day and make sure there were no problems with the electricity or the refrigerator.³¹² Landis agreed to babysit the blood.³¹³

About three weeks later Dr. Ferrari removed another half liter of blood from Landis.³¹⁴ Ferrari accomplished this by first removing two half liter bags of blood and then re-infusing the half liter of blood previously withdrawn.³¹⁵ Dr. Ferrari explained that the blood was re-infused

³⁰⁶ See Affidavit of Renzo Ferrante, ¶ 17; Affidavit of Jack Robertson, Exhibit B (bank records and accounting records pertaining to Health & Performance, SA obtained from Italian Carabinieri NAS).

³⁰⁷ Affidavit of Floyd Landis, ¶ 24.

³⁰⁸ Affidavit of Floyd Landis, ¶ 24.

³⁰⁹ Affidavit of Floyd Landis, ¶ 24.

³¹⁰ Affidavit of Floyd Landis, ¶ 24.

³¹¹ This was apparently during a time that Mr. Armstrong was separated from his wife. See *Every Second Counts*, p. 220.

³¹² Affidavit of Floyd Landis, ¶ 25.

³¹³ Affidavit of Floyd Landis, ¶ 25, see Affidavit of Michael Barry, ¶ 66.

³¹⁴ Affidavit of Floyd Landis, ¶ 26.

³¹⁵ Affidavit of Floyd Landis, ¶ 26.

in this way to keep it fresh.³¹⁶ If left outside the body for too long without re-infusion, the blood would spoil.³¹⁷

While Landis was staying at Armstrong's apartment and monitoring their blood bags, George Hincapie came by the apartment to have his blood drawn by Dr. Ferrari.³¹⁸ Landis watched the extraction and Hincapie's blood bag was then added to the growing supply in Lance Armstrong's refrigerator.³¹⁹

In 2003 shortly before the Tour de France, Lance Armstrong asked to use George Hincapie's Girona apartment to do something Armstrong could not do at his own apartment because Armstrong had house guests at the time.³²⁰ Hincapie observed Dr. del Moral and Armstrong enter Hincapie's bedroom with Dr. del Moral carrying what appeared to be a blood bag.³²¹

Dr. del Moral asked to borrow a coat hanger and Armstrong and del Moral closed the door behind them.³²² They were in the room about 45 minutes to an hour, which Hincapie knew from experience was "about the time it generally takes to re-infuse a bag of blood."³²³ Hincapie also knew from experience that "when blood is re-infused a common practice is to tape the blood bag to a coat hanger and hang the hanger on the wall to facilitate transfer of the blood into the vein."³²⁴ Thus, although he did not discuss the incident with Armstrong or Dr. del Moral, based on his observations, which were informed by his own experience, Hincapie was confident that

³¹⁶ Affidavit of Floyd Landis, ¶ 26.

³¹⁷ Affidavit of Floyd Landis, ¶ 26.

³¹⁸ Affidavit of Floyd Landis, ¶ 27.

³¹⁹ Affidavit of Floyd Landis, ¶ 27.

³²⁰ Affidavit of George Hincapie, ¶ 74.

³²¹ Affidavit of George Hincapie, ¶ 74.

³²² Affidavit of George Hincapie, ¶ 74.

³²³ Affidavit of George Hincapie, ¶ 74.

³²⁴ Affidavit of George Hincapie, ¶ 74.

Dr. del Moral was re-infusing blood for Armstrong, as Dr. del Moral had followed a similar procedure when re-infusing Hincapie's blood on prior occasions.³²⁵ Hincapie was confident that Armstrong continued to use blood doping in 2003.³²⁶

b. Armstrong's blood doping and EPO use at the 2003 Tour de France

The 2003 Tour de France took place from July 5 through 27, 2003. It would be the most closely contested of the seven Tours in which Armstrong would finish at the top of the podium. His lead in Paris at the end of the race was only 1 minute and 1 second over Jan Ullrich

On July 11, 2003, Floyd Landis was at the team hotel. The next day the Tour would enter the mountains with a stage from Lyon to Morzine. Landis was contacted by Johan Bruyneel and told to go to Dr. del Moral's room to receive a transfusion.³²⁷ Landis arrived to see Lance Armstrong, George Hincapie,³²⁸ and a couple of other teammates having their blood re-infused by the team doctor.³²⁹

On July 17 after Stage 11, on the day before an individual time trial, Landis was again told by Bruyneel to go to the team doctor's hotel room for a transfusion. This time when Landis arrived at Dr. del Moral's room he saw Lance Armstrong, George Hincapie³³⁰ and a larger group of teammates receiving transfusions.

³²⁵ Affidavit of George Hincapie, ¶ 74.

³²⁶ Affidavit of George Hincapie, ¶ 78.

³²⁷ Affidavit of Floyd Landis, ¶ 29.

³²⁸ Hincapie acknowledges receiving blood transfusions from Dr. del Moral in 2003. Affidavit of George Hincapie, ¶ 67.

³²⁹ Affidavit of Floyd Landis, ¶ 29.

³³⁰ Affidavit of George Hincapie, ¶ 67 (acknowledging he received blood transfusions from Dr. del Moral in 2003).

In connection with each of the blood transfusions given to Armstrong at the 2003 Tour Floyd Landis also saw Armstrong receiving small doses of EPO to stimulate reticulocyte production so as to attempt to mask the blood transfusion's impact on his blood values.³³¹

It was either in the Tour de France in 2003 or 2004 that Armstrong said to Hincapie, "I am going to be 500 grams heavier today."³³² By this reference Hincapie understood Armstrong to mean that Armstrong had received or was going to receive a blood transfusion.³³³ In any case, Hincapie was well aware that Armstrong used blood doping in every Tour de France from 2001 through 2005.³³⁴ The testimony of George Hincapie and Floyd Landis, which are well corroborated by the experiences of many other witnesses and the documentary record, leave no room for doubt that in 2003, as in every other year since the beginning of his at the top of the peloton, Lance Armstrong engaged in blood doping.³³⁵

c. Armstrong gets help from Tyler Hamilton

A pivotal moment in the 2003 Tour occurred four days after the second blood transfusion described by Floyd Landis, during the mountain stage from Bagnères-de-Bigorre to Luz Ardiden. In that stage Armstrong got an assist from his former teammate Tyler Hamilton that may have made the difference in preserving Armstrong's string of Tour victories.

Tyler Hamilton was thought to be one of Armstrong's primary rivals heading into the 2003 Tour. The winner of the 2000 Dauphiné Libéré, in 2003 Hamilton had been the first American to win at Liège-Bastogne- Liège. He had almost won the 2002 Giro d'Italia, finishing

³³¹ Affidavit of Floyd Landis, ¶ 42.

³³² Affidavit of George Hincapie, ¶ 77.

³³³ Affidavit of George Hincapie, ¶ 77.

³³⁴ Affidavit of George Hincapie, ¶ 78. Of course, Armstrong was blood doping before Hincapie was and blood doped in 2000 as well, if not earlier.

³³⁵ See Affidavit of George Hincapie, ¶ 78 ("From my conversations with Lance Armstrong and experiences with Lance and the team I am aware that Lance used blood transfusions from 2001 through 2005."). To be clear, USADA's evidence of Armstrong's blood doping begins in 2000.

second after competing almost the entire race with a broken shoulder. Now, at the 2003 Tour Hamilton was considered a top challenger to Armstrong.

Armstrong was in the yellow jersey but with only a slight lead in the overall competition when he fell after colliding with a fan. One of Armstrong's primary competitors, Jan Ullrich, riding close to Armstrong, avoided the crash and continued to ride at race tempo³³⁶ up a tough climb. Fortunately for Armstrong, Tyler Hamilton rode down Ullrich and other riders, convincing them to wait until Armstrong recovered and joined the lead group out of respect for the tradition of not taking advantage of a fall by the race leader.³³⁷

In his 2003 autobiography, *Every Second Counts*, Armstrong lamented the loss of Hamilton from his team, writing that, "Tyler Hamilton, who'd helped me to three Tour victories, was stolen away from us to lead a Danish squad."³³⁸ Armstrong wrote, however, that Hamilton, who continued to live a floor above him in the same historic Girona building, "remained a good friend and close neighbor."³³⁹ Hamilton's chivalry may have cost himself a spot on the podium. He wound up in fourth place at the 2003 Tour, just over two minutes out of third.

d. Armstrong's possession, use and trafficking or administration of EPO and/or testosterone in 2003

As noted previously, George Hincapie has testified that he was "generally aware that Lance was using testosterone throughout the time we were teammates."³⁴⁰ At the 2003 Tour de France the team doctor Dr. del Moral gave Hincapie and Floyd Landis a small syringe of olive

³³⁶ Armstrong said: "He [Ullrich] didn't attack, but he didn't wait, either – not until Tyler accelerated in front and waved at them to slow down, and yelled, 'Hold up!'" *Every Second Counts*, p. 241.

³³⁷ *Every Second Counts*, pp. 240-41. See also 90th Tour de France - July 5-27, 2003, *Cycling News* (2003).

³³⁸ *Every Second Counts*, p. 167.

³³⁹ *Every Second Counts*, p. 167.

³⁴⁰ Affidavit of George Hincapie, ¶ 50.

oil into which was dissolved a form of testosterone known as Andriol two out of every three nights during the Tour.³⁴¹ Landis was also given Andriol by the team doctor later in the year at the Vuelta.³⁴² This testosterone product, known as the “oil,” had been a mainstay of the U.S. Postal Service team doping program since prior to the 1999 season and was a regular part of Dr. Ferrari’s doping program as well.³⁴³ Indeed, Armstrong had been observed using the “oil” and dispensing it to others including at the 1999 Tour.³⁴⁴ Thus, it is highly likely that Armstrong used testosterone in 2003 and at the 2003 Tour.

After the 2003 Tour Floyd Landis was asked by Johan Bruyneel to ride in the 2003 Vuelta a España.³⁴⁵ Bruyneel requested that Landis have blood withdrawn with Dr. del Moral in Valencia, Spain so that it could be re-infused during the Vuelta.³⁴⁶ Landis drove to Valencia where he was met by Bruyneel and Dr. del Moral for the extraction.³⁴⁷ As time was short prior to the Vuelta, Landis had two half liters of blood withdrawn and returned to Girona.³⁴⁸

As the withdrawal of two bags of blood had left his blood supply depleted, Bruyneel instructed Landis to meet Armstrong at Armstrong’s apartment in Girona, Spain to obtain EPO.³⁴⁹ As instructed, Landis went to Armstrong’s apartment where he ran into Armstrong and his wife and three children in the entryway of Armstrong’s apartment building.³⁵⁰ Landis said

³⁴¹ Affidavit of Floyd Landis, ¶ 31.

³⁴² Affidavit of Floyd Landis, ¶ 36.

³⁴³ Affidavit of Tyler Hamilton, ¶¶ 40-42; Affidavit of George Hincapie, ¶¶ 49-50, 85; Affidavit of Christian Vande Velde, ¶¶ 55, 82, 89, 94, 100, 108.

³⁴⁴ See, e.g., Affidavit of Tyler Hamilton, ¶ 41-42; see also Affidavit of George Hincapie, ¶¶ 49-50.

³⁴⁵ Affidavit of Floyd Landis, ¶ 32.

³⁴⁶ Affidavit of Floyd Landis, ¶ 32.

³⁴⁷ Affidavit of Floyd Landis, ¶ 32.

³⁴⁸ Affidavit of Floyd Landis, ¶ 32.

³⁴⁹ Affidavit of Floyd Landis, ¶ 33.

³⁵⁰ Affidavit of Floyd Landis, ¶ 34. Armstrong’s autobiography notes that his wife and three children did return with Armstrong to Girona following the 2003 Tour de France. *Every Second*

that Armstrong gave him a box of Eprex brand EPO, containing six pre-measured syringes of EPO.³⁵¹ These facts demonstrate Armstrong's possession and trafficking of EPO in 2003.

EPO is typically used in connection with blood transfusions to stimulate reticulocyte production following a transfusion and to more quickly replenish blood supply following an extraction.³⁵² Floyd Landis witnessed Armstrong using EPO to stimulate reticulocyte production following his blood transfusions in the 2003 and 2004 Tour.³⁵³ This evidence establishes that Armstrong used EPO in 2003. It is also highly likely that Armstrong used EPO on other occasions during 2003 as he was observed to have done in many other years.³⁵⁴ Of course, Armstrong's close work with Dr. Ferrari in 2003, and all the evidence discussed elsewhere in this Reasoned Decision linking Ferrari to EPO and testosterone administrations and to blood transfusions,³⁵⁵ also corroborates Landis' testimony and strongly indicates likely EPO use by Armstrong throughout 2003 and not just at the Tour de France.

7. 2004

Four (4) eyewitnesses from the 2004 U.S. Postal Service cycling team have provided testimony to USADA regarding doping on the team in 2004.³⁵⁶ USADA has also received testimony from two (2) additional professional cyclists, Italian rider Filippo Simeoni and U.S. rider Tom Danielson, regarding relevant events they personally witnessed in 2004, and has

Counts, p. 246.

³⁵¹ Affidavit of Floyd Landis, ¶ 34.

³⁵² See Affidavit of Floyd Landis, ¶ 42; Affidavit of Tom Danielson, ¶ 116; Affidavit of Dr. Larry Bowers.

³⁵³ Affidavit of Floyd Landis, ¶ 42.

³⁵⁴ Affidavit of Tyler Hamilton, ¶¶ 35, 50, 56; Affidavit of George Hincapie, ¶¶ 56, 82-83; Affidavit of Jonathan Vaughters, ¶ 40.

³⁵⁵ Dr. Ferrari is known to have advised many other cyclists to use EPO, testosterone and blood transfusions in 2003 and later years. See Sections IV.B.7a. and IV.C.1., below.

³⁵⁶ Cyclists George Hincapie, Floyd Landis, Michael Barry, and David Zabriskie.

received testimony and other evidence from Frankie and Betsy Andreu pertaining to relevant events in which they personally participated in 2004.³⁵⁷

A change in the team medical staff from 2003 was that in 2004 Dr. del Moral was replaced by Pedro Celaya as the head team physician.³⁵⁸ Dr. Celaya came from the Spanish ONCE team where he was involved in the team doping program.³⁵⁹ Dr. Celaya had also previously been involved in doping U.S. Postal Service riders when he was the team physician in 1997 and 1998.³⁶⁰

a. Armstrong continues to work with Ferrari in 2004

It is clear that despite an ongoing doping trial involving Dr. Ferrari that was taking place intermittently in Italy, Lance Armstrong continued to work regularly with Dr. Ferrari in 2004. At the SCA hearing Armstrong admitted that Ferrari joined him for training in St. Moritz, Switzerland six to eight weeks before the Tour.³⁶¹ Other evidence exists that Armstrong had trained with Ferrari in Tenerife during March of 2004. Ferrari also attended a U.S. Postal Service pre Tour training camp in Puigcerdà, Spain in 2004.³⁶²

Floyd Landis reported that Ferrari attended the training camp in Puigcerdà to monitor the team members' blood values and that Ferrari "administered EPO and testosterone as needed to ensure the team was ready for the Tour de France."³⁶³ Landis further testified that Ferrari

³⁵⁷ Some of the Andreus' testimony and evidence concerning events in 2004 is discussed in the Addendum to USADA's Reasoned Decision.

³⁵⁸ Affidavit of Jonathan Vaughters, ¶ 49.

³⁵⁹ Affidavit of Jörg Jaksche, ¶¶ 23-27.

³⁶⁰ See Affidavit of George Hincapie, ¶¶ 37-41; Affidavit of Tyler Hamilton, ¶ 19-20, 25, 27; Affidavit of Jonathan Vaughters, ¶¶ 26-28, 43, 46-47, 51.

³⁶¹ SCA Hearing Transcript, p. 1470.

³⁶² Affidavit of Floyd Landis, ¶ 39.

³⁶³ Affidavit of Floyd Landis, ¶ 39.

brought “[a] Hemocue machine (hemoglobin monitor) and centrifuge (to determine/test hematocrit) [in order] to determine blood parameter status.”³⁶⁴

In a June 28, 2004, email to an employee Armstrong wrote, “tests are good (even schumi is psyched) and we’re all ready to go for 6!”³⁶⁵ Armstrong admitted that the reference to “schumi” was to Ferrari and that this email referred to results from testing that Dr. Ferrari had recently done for Armstrong.³⁶⁶ The bank records related to Ferrari’s Swiss company reflect that on July 2, 2004, the day before the 2004 Tour de France, Ferrari’s company was wired \$100,000.00 from Lance Armstrong’s account in the United States.³⁶⁷

b. Armstrong’s use of testosterone in 2004

At the Puigcerdà training camp Floyd Landis saw Lance Armstrong “lying on a massage table wearing a transdermal testosterone patch on his shoulder.”³⁶⁸ By this time, the use of testosterone patches was quite prevalent on the U.S. Postal Service cycling team.³⁶⁹ Michele Ferrari and Johan Bruyneel both advised that testosterone patches could be used for short periods with little risk of detection.³⁷⁰ Moreover, there was little risk of testing at Puigcerdà. This is the location that Johan Bruyneel would tell Tom Danielson two years later was where Lance

³⁶⁴ Affidavit of Floyd Landis, ¶ 39.

³⁶⁵ Email from Lance Armstrong to Allison Anderson, dated June 28, 2004. Provided in Appendix Y. (Authenticated at SCA Hearing Transcript, p. 1474.).

³⁶⁶ SCA Hearing Transcript, p. 1474.

³⁶⁷ See Affidavit of Renzo Ferrante, ¶ 17; Affidavit of Jack Robertson, Exhibit B (bank records and accounting records pertaining to Health & Performance, SA obtained from Italian Carabinieri NAS).

³⁶⁸ Affidavit of Floyd Landis, ¶ 42.

³⁶⁹ See, e.g., Affidavit of Tyler Hamilton, ¶ 86; Affidavit of Christian Vande Velde, ¶ 83; Affidavit of David Zabriskie, ¶ 40; Affidavit of Michael Barry, ¶¶ 39, 47; see also Affidavit of George Hincapie, ¶ 91; Affidavit of Tom Danielson, ¶¶ 80-81.

³⁷⁰ Affidavit of Tyler Hamilton, ¶ 86 (Dr. Ferrari recommended); Affidavit of Christian Vande Velde, ¶ 83 (Dr. Ferrari said testosterone patches could be safely used for a couple of hours at night or after training and should not result in a positive test); Affidavit of David Zabriskie, ¶ 40 (Johan and Dr. del Moral provided).

Armstrong would go to hide from drug testers.³⁷¹ Floyd Landis' specific observation of Armstrong using a testosterone patch at Puigcerdà is corroborated by George Hincapie's first hand but more generalized knowledge of Lance Armstrong's use of testosterone throughout the time that Armstrong and Hincapie were teammates.³⁷²

c. Armstrong's blood doping and EPO use at the 2004 Tour de France

The 2004 Tour de France took place from July 3 through 25, 2004. Floyd Landis testified regarding his personal observation of Lance Armstrong receiving blood transfusions on two occasions at the 2004 Tour de France.

Landis testified that, “[o]n or about July 12, 2004, blood was transfused into me and a few other members of the team,” including, Lance Armstrong and George Hincapie.³⁷³ Landis identified a team employee who assisted by transporting the blood to the hotel room.³⁷⁴ This employee has also been identified by George Hincapie and Levi Leipheimer as having been involved in transporting blood for transfusions.³⁷⁵ Landis said that the re-infusion was performed by Pedro Celaya, and Dr. Celaya has also been identified by George Hincapie and Tom Danielson as having been involved in the team blood doping program.³⁷⁶

Floyd Landis also testified regarding a second transfusion received by Armstrong, Landis and other members of the team.³⁷⁷ Landis testified that this transfusion occurred on the team bus between the finish of a stage and the hotel and that the driver had pretended to have engine

³⁷¹ Affidavit of Tom Danielson, ¶ 106.

³⁷² Affidavit of George Hincapie, ¶ 50.

³⁷³ Affidavit of Floyd Landis, ¶ 40.

³⁷⁴ Affidavit of Floyd Landis, ¶ 40.

³⁷⁵ Affidavit of George Hincapie, ¶ 70; Affidavit of Levi Leipheimer, ¶ 82.

³⁷⁶ Affidavit of Tom Danielson, ¶¶ 104, 116; Affidavit of George Hincapie, ¶ 68.

³⁷⁷ Affidavit of Floyd Landis, ¶ 41.

trouble and stopped on a mountain road for an hour so that the team could have blood infused.³⁷⁸

George Hincapie confirms that, “[a]fter a stage during the 2004 Tour de France blood transfusions were given on the team bus to most of the riders on the team.”³⁷⁹ Significantly as well, Levi Leipheimer testified that in 2005 when he and Landis were assisting each other with blood transfusions that Landis had told him about an incident at the 2004 Tour where the entire U.S. Postal Service team had received transfusions on the team bus following a stage in the Tour.³⁸⁰ Landis confirmed to Leipheimer that Lance Armstrong received a transfusion at that time.³⁸¹ Moreover, David Zabriskie testified that in 2004 he too was told by Landis about an incident occurring at a race in 2004 where team members had received transfusions on the bus after a stage in the race.³⁸² Thus, the bus transfusion incident has been triply confirmed. Not only two participants, Hincapie and Landis confirm it happened, but, Landis’ relatively contemporaneous statements to two additional individuals add yet another layer of assurance, confirmation and verifiability to the account.

Landis also confirmed that he witnessed the administration of EPO to Armstrong with each blood transfusion in 2003 and 2004.³⁸³ The administration of EPO in small doses to stimulate the production of immature red blood cells known as reticulocytes in order to mask the transfusion was standard practice on the USPS/Discovery Channel Team as Tom Danielson has indicated.³⁸⁴ Thus, there exists strong first hand testimony that Lance Armstrong doped through the use of blood transfusions and the use of EPO during 2004 and at the 2004 Tour de France.

³⁷⁸ Affidavit of Floyd Landis, ¶ 41.

³⁷⁹ Affidavit of George Hincapie, ¶ 76.

³⁸⁰ Affidavit of Levi Leipheimer, ¶ 72.

³⁸¹ Affidavit of Levi Leipheimer, ¶ 72.

³⁸² Affidavit of David Zabriskie, ¶ 51.

³⁸³ Affidavit of Floyd Landis, ¶ 42.

³⁸⁴ Affidavit of Tom Danielson, ¶ 116.

d. Armstrong's altercation with Filippo Simeoni at the 2004 Tour

In 2000 Italian pro cyclist Filippo Simeoni admitted to Italian law enforcement authorities his use of EPO and Andriol under the direction of Dr. Ferrari.³⁸⁵ Mr. Simeoni had been sent to Dr. Ferrari by his Italian professional cycling team in the 1995-1997 time frame and had worked with Dr. Ferrari thereafter.³⁸⁶ Thereafter, Simeoni testified at the trial of Michele Ferrari.³⁸⁷

After Mr. Simeoni's testimony against Dr. Ferrari became known, Lance Armstrong used his position as a globally recognized sports icon to verbally attack Simeoni, calling him a liar in media interviews that were published, broadcast and rebroadcast around the world.³⁸⁸ As a consequence, Mr. Simeoni sued Armstrong for defamation under Italian law.³⁸⁹

On July 23 in the 18th Stage at the 2004 Tour de France, Simeoni joined a breakaway.³⁹⁰ However, Armstrong rode him down and threatened if Simeoni did not return to the peloton Lance Armstrong would stay with the break and doom it to failure.³⁹¹ As a consequence, Simeoni retreated to the peloton.³⁹² There was no potential sport or cycling advantage for Armstrong's maneuver. In fact, it was dangerous and impetuous, as Armstrong rode away from

³⁸⁵ Judgment of Bologna court, provided in Appendix V; Witness Statement of Filippo Simeoni, ¶ d.

³⁸⁶ Witness Statement of Filippo Simeoni, ¶¶ c-d; Judgment of Bologna Court, provided in Appendix V.

³⁸⁷ Judgment of Bologna court, provided in Appendix V; Witness Statement of Filippo Simeoni, ¶ e.

³⁸⁸ Witness Statement of Filippo Simeoni, ¶ i; News articles in which some of Armstrong's statements are recorded are provided as part of Appendix W.

³⁸⁹ Witness Statement of Filippo Simeoni, ¶ i.

³⁹⁰ Witness Statement of Filippo Simeoni, ¶ j (Note: The events described in this section can be viewed on video. Video clips are contained in Appendix B).

³⁹¹ Witness Statement of Filippo Simeoni, ¶ j.

³⁹² Witness Statement of Filippo Simeoni, ¶ j.

his supporting teammates to catch Simeoni, wasting valuable energy and unnecessarily incurring greater risk of a mishap while riding without assistance.

As Simeoni and Armstrong fell back to the peloton, Armstrong verbally berated Simeoni for testifying in the Ferrari case, saying, “You made a mistake when you testified against Ferrari and you made a mistake when you sued me. I have a lot of time and money and I can destroy you.”³⁹³ Armstrong was captured on video making a “zip the lips” gesture which underscored what Armstrong had just said to Simeoni about how Simeoni should not have testified against Dr. Ferrari. A copy of a video of this sad moment in the history of cycling is provided as part of Appendix **B**. Thus, Filippo Simeoni has provided to USADA corroborated testimony of an act of attempted witness intimidation by Armstrong, which is in and of itself an anti-doping rule violation pursuant to Article 2.8 of the Code and is also potentially relevant both to impeach Armstrong’s claim not to have participated in doping with Dr. Ferrari and in consideration of whether Armstrong should not be deprived of reliance upon the statute of limitations due to wrongful and egregious acts in which he engaged to attempt to suppress the truth about his doping and that of others associated with his team.

e. Dr. Ferrari’s October 1, 2004, conviction for sporting fraud and Armstrong’s public termination of professional relationship with Ferrari

On October 1, 2004 Dr. Ferrari was convicted of sporting fraud by an Italian court for advising Italian cyclists on the use of EPO and Andriol.³⁹⁴ The Ferrari conviction was a potentially severe blow to Armstrong’s reputation, and Armstrong moved aggressively to meet it.

³⁹³ Witness Statement of Filippo Simeoni, ¶ j.

³⁹⁴ Judgment of Bologna Court (English translation) provided in Appendix **V**; Affidavit of Marco Consonni, ¶¶ 4-5.

Armstrong had told the press that he would discontinue his professional relationship with Dr. Ferrari if Ferrari were found to have violated the law.³⁹⁵ Therefore, on October 1, 2004, Lance Armstrong issued the following statement through Capitol Sports & Entertainment:

Lance Armstrong is issuing the following statement in response to an Italian court's acquittal of Dr. Michele Ferrari of distributing doping products and his conviction for sporting fraud and illegally acting as a pharmacist. Dr. Ferrari, who is broadly recognized as a pioneer and leading authority in sports medicine and high-altitude training, has been on trial since 2001 for allegedly providing professional cyclists with illegal performance-enhancing drugs. **Dr. Ferrari has served as a conditioning consultant to the U.S. Postal Service (USPS) team since 1999** under the direction of team coach Chris Carmichael and team physician Dr. Pedro Celaya.

I was disappointed to learn of the Italian court's judgment against Dr. Michele Ferrari. **Dr. Ferrari has been a** longtime friend and **trusted adviser to me and the USPS team**, during which time he never suggested, prescribed or provided me with any performance-enhancing drugs. I was pleased to hear that Dr. Ferrari was acquitted of the charge of providing illegal drugs to athletes. I am not surprised by that verdict. However, I have always said that I have zero tolerance for anyone convicted of using or facilitating the use of performance-enhancing drugs. **As a result of today's developments, the USPS team and I have suspended our professional affiliation with Dr. Ferrari** as we await the release of the full verdict, which will contain Judge Maurizio Passerini's reasoning. In the meantime, I personally wish the very best for Dr. Ferrari and his family during this difficult time.³⁹⁶

When later testifying about this announcement, Armstrong's agent Bill Stapleton stated, "we had said all along that if you were convicted, we were going to sever that relationship."³⁹⁷ In legal proceedings in late 2005 Stapleton testified clearly and unequivocally that Armstrong's professional relationship with Ferrari ended when Ferarri was convicted on October 1, 2004.³⁹⁸ Indeed, on April 15, 2010, Armstrong spokesman Mark Fabiani claimed, "Lance has not had a

³⁹⁵ Deposition of Bill Stapleton, pp. 77-78.

³⁹⁶ Statement of Lance Armstrong, October 1, 2004, Appendix Z.

³⁹⁷ Deposition of Bill Stapleton, p. 77

³⁹⁸ Deposition of Bill Stapleton, pp. 74-79 (testimony of September 1, 2005).

professional relationship with Ferrari since 2004.”³⁹⁹ As discussed in the following section, this statement was untrue.

8. 2005

Three (3) eyewitnesses from the 2005 Discovery Channel cycling team have provided testimony to USADA regarding doping on the team in 2005.⁴⁰⁰ Three (3) additional professional cyclists, Levi Leipheimer, Floyd Landis and David Zabriskie, also provided eyewitness testimony regarding relevant events occurring in 2005. USADA has also received testimony and other evidence from Frankie and Betsy Andreu pertaining to relevant events in which they personally participated in 2005.⁴⁰¹

a. Armstrong’s use of blood transfusions in 2005

USADA has direct evidence, including admissions to, and eyewitness testimony from, his teammate George Hincapie that Armstrong was blood doping in 2005. Hincapie has testified that, “[f]rom my conversations with Lance Armstrong and experiences with Lance and the team I am aware that Lance used blood transfusions from 2001 through 2005.”⁴⁰² His testimony is corroborated by Levi Leipheimer who testified that in 2006 or 2007, long before any USADA investigation had occurred, that George Hincapie told Leipheimer that Armstrong had “only used a single bag of blood during [the 2005] Tour.”⁴⁰³ There was certainly no motive for Hincapie to lie to Leipheimer about Armstrong’s blood doping in this conversation in 2006 or 2007 after Armstrong had retired.

³⁹⁹ Report: Lance Armstrong, doctor met, ESPN, April 15, 2011.

⁴⁰⁰ Cyclists George Hincapie, Michael Barry, and Tom Danielson.

⁴⁰¹ The Andreu’s testimony and evidence concerning events in 2005 is discussed in the Addendum to USADA’s Reasoned Decision.

⁴⁰² Affidavit of George Hincapie, ¶ 78.

⁴⁰³ Affidavit of Levi Leipheimer, ¶ 73.

b. Possession, use and administration of EPO

Hincapie has also provided first hand eyewitness testimony that Armstrong possessed EPO in 2005 and that in 2005 Armstrong administered EPO to Hincapie, in violation of sport anti-doping rules. Hincapie testified that, “[s]hortly before the 2005 Tour de France I was in need of EPO and I asked Lance Armstrong if he could provide some EPO for me. Lance said that he could, and he gave me two vials of EPO while we were both in Nice, France.”⁴⁰⁴ Armstrong’s possession of EPO in 2005 is also strong circumstantial evidence that Armstrong was using EPO in 2005. In any case, possession and trafficking are just as much doping violations as use so it is plain that Armstrong violated the rules in 2005.

Moreover, this was not the first time that Armstrong had provided EPO to Hincapie. As Hincapie recalled, “Lance had previously provided EPO to me on another occasion following a training camp in Santa Barbara, California. Lance and I had stayed after the camp a few days to train and I asked him if he had any EPO I could use. Lance thereafter provided me with EPO.”⁴⁰⁵

c. Hincapie’s post Tour drug sweep of Armstrong’s apartment

Lance Armstrong would claim his seventh Tour title on July 24, 2005. Armstrong would then return to the United States without going back to his apartment in Girona. Consequently, after the 2005 Tour Johan Bruyneel asked George Hincapie to, “go over to Lance’s apartment to go through the apartment and the closets to make sure that nothing was there.”⁴⁰⁶ Hincapie understood that Johan wanted him “to make sure there were no doping materials in the

⁴⁰⁴ Affidavit of George Hincapie, ¶ 82.

⁴⁰⁵ Affidavit of George Hincapie, ¶ 83 (The date of this incident is not set forth in Hincapie’s affidavit).

⁴⁰⁶ Affidavit of George Hincapie, ¶ 89.

apartment.”⁴⁰⁷ Thus, Hincapie conducted a drug sweep of Armstrong’s apartment after the 2005 Tour.

Bruyneel’s request for a drug sweep is a clear statement that Bruyneel believed Armstrong was using performance enhancing drugs in 2005. Bruyneel, of course, knew on a daily basis the hematocrit level and fitness of every rider on his team.⁴⁰⁸ It is unthinkable that Bruyneel would not know whether Armstrong was using doping products in 2005, and Bruyneel’s request for a drug sweep is unambiguous confirmation that Bruyneel knew that Armstrong was still using.

Thus, there exists powerful direct and circumstantial evidence that in violation of the applicable rules Lance Armstrong possessed, used, and provided to George Hincapie, banned performance enhancing drugs in 2005.

d. Ferrari fabrication

In 2005 Lance Armstrong sought his seventh straight Tour de France title, having promised the world on October 1, 2004, that he would no longer work with Dr. Michele Ferrari in pursuit of this title.⁴⁰⁹ However, USADA has uncovered evidence establishing that Armstrong’s representation to the public concerning Ferrari was broken soon after it was made. USADA’s witnesses and bank records obtained from Ferrari’s company demonstrate that for Lance Armstrong it was business as usual with Ferrari in 2005.

Ferrari continued to work with Armstrong and Armstrong’s teammates George Hincapie and Tom Danielson through 2005. Hincapie, Danielson and Levi Leipheimer have testified that in 2005 Ferrari provided them advice regarding the use of performance enhancing drugs, just as

⁴⁰⁷ Affidavit of George Hincapie, ¶ 89.

⁴⁰⁸ See, e.g., Affidavit of Tom Danielson, ¶¶ 57-58, 76; Affidavit of Floyd Landis, ¶ 39; Affidavit of George Hincapie, ¶ 46; Affidavit of Jonathan Vaughters, ¶¶ 53-54, 73.

⁴⁰⁹ Statement of Lance Armstrong, dated October 1, 2004, included in Appendix Z.

other athletes had testified Ferrari had done for them in 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004.⁴¹⁰

Armstrong and Tom Danielson did testing with Dr. Ferrari in Girona early in 2005. Tom said that he and Lance “did a three hour ride and then did repeats up the same climb, and Michele would prick our fingers for blood to check lactate levels and other measurements.”⁴¹¹

On March 29, 2005, Armstrong wired Ferrari one hundred thousand dollars (\$100,000.00) to the Swiss account of Health & Performance.⁴¹² Also in March 2005, Armstrong attended a training camp with Dr. Ferrari on the island of Tenerife. Armstrong invited Levi Leipheimer to Tenerife and introduced Leipheimer to Ferrari.⁴¹³ Leipheimer became a client of Ferrari at this time and immediately began receiving doping advice from Dr. Ferrari.⁴¹⁴

If there was nothing illicit in Armstrong’s continuing relationship with Dr. Ferrari, then why did he need to lie about it? Armstrong’s false representation to the public that he had stopped working with Ferrari and Armstrong’s continuing relationship with Ferrari create a doubly strong adverse implication that Armstrong was doping just as just as he had done at Dr. Ferrari’s direction in the past, and just as Ferrari clients George Hincapie, Tom Danielson, and Levi Leipheimer admit they were doing under the direction of Dr. Ferrari in 2005.

⁴¹⁰ Witness Statement of Filippo Simeoni, ¶¶ c-d; Affidavit of Tyler Hamilton, ¶¶ 37, 39, 40-42, 69-75, 84-86; Affidavit of Christian Vande Velde, ¶¶ 71-84, 108-121; Affidavit of George Hincapie, ¶¶ 60-65, 79-81, 91; Affidavit of Levi Leipheimer, ¶¶ 57-62, 68-69; Affidavit of Tom Danielson, ¶¶ 45-48, 57, 71, 76, 78, 89, 120.

⁴¹¹ Affidavit of Tom Danielson, ¶ 61.

⁴¹² Affidavit of Jack Robertson, Exhibit B (bank records and accounting records pertaining to Health & Performance, SA obtained from Italian Carabinieri NAS).

⁴¹³ Affidavit of Levi Leipheimer, ¶¶ 57-58.

⁴¹⁴ Affidavit of Levi Leipheimer, ¶¶ 57-62, 68-69.

e. SCA Testimony of Bill Stapleton and Lance Armstrong regarding Dr. Ferrari

Lance Armstrong's agent Bill Stapleton testified under oath at his deposition in the SCA arbitration proceedings on September 1, 2005, that Armstrong no longer had a professional relationship with Dr. Ferrari.⁴¹⁵ Stapleton also testified at that time that Dr. Michele Ferrari did not help Mr. Armstrong in connection with his training for the 2005 Tour de France.⁴¹⁶ Lance Armstrong *was* a named party in this legal proceeding.

As explained above, this testimony by Lance Armstrong's agent was untrue. There can be no mistake that Armstrong's agent clearly knew the significance of this issue when he testified. It had been less than a year since Stapleton had participated in issuing the public statement of October 1, 2004, on Armstrong's behalf which stated unequivocally that the professional relationship between Armstrong and Ferrari had been severed.

Moreover, Bill Stapleton is the same man who went into corporate boardrooms around America seeking sponsor dollars, looked top executives in the eye and told them Lance Armstrong was not doping. These were not new issues, and if anyone knew what was going on between Armstrong and Ferrari it was Stapleton.⁴¹⁷ The Ferrari issue and doping issues in general were topics that Stapleton had been dealing with for years. For instance, Stapleton has testified:

During the period of time that this French Investigation was going on [2000 – 2001], we had a renewal conversation going on with Coca-Cola. . . . I got a phone call from the – a guy named Bill Ferguson who I had been negotiating the deal with, and his senior people at Coke wanted to have a meeting. And they wanted

⁴¹⁵ Deposition of Bill Stapleton, p. 74.

⁴¹⁶ Deposition of Bill Stapleton, p. 75.

⁴¹⁷ Stapleton said, for instance, if Armstrong was doping Stapleton would know it, that “it could not be hidden” from Stapleton. SCA Transcript, pp. 1788-89 (“it is impossible for me to believe that that could go on without my knowledge. . . if he was taking drugs and there was a systematic way to do that within the team, I would know that. They – it could not be hidden from me.”).

me to look them in the eyes and tell them what I thought about this. So we actually flew to Dallas. We met at the American Airlines Admiral's Club in the conference room, and the senior guy at Coke asked me: I need you to look me in the eye; I need you to tell me that I don't have anything to worry about here, and I need you to give me what I need in terms of your word. And I said, I'll do better than that. I'll give you a contractual provision that gives you a total and complete out, and I'll offer to refund the money you've paid us if this investigation ever turns anything up in terms of a positive test or if it ever happens in any other setting.⁴¹⁸

Like his agent, Lance Armstrong plainly knew the importance of the issues surrounding whether he was doping and the true nature of his relationship with Dr. Michele Ferrari. In the fall of 2005 a primary focus of the SCA arbitration proceeding in which Mr. Armstrong found himself embroiled was whether or not Mr. Armstrong had ever used performance enhancing drugs. SCA's entire legal theory was that it could avoid paying Mr. Armstrong's cycling team a \$5 million dollar performance bonus for Mr. Armstrong winning the 2004 Tour de France by establishing that Mr. Armstrong had used performance enhancing drugs. Due to Dr. Ferrari's recent conviction for sporting fraud and his prevalent reputation for doping athletes the extent of Mr. Armstrong's involvement with Ferrari was a big issue. Mr. Armstrong clearly knew that at his deposition he would be questioned under oath about his relationship with Dr. Ferrari. Therefore, he had the opportunity to closely consider whether he would tell the truth.

On November 30, 2005, three months after Mr. Stapleton testified in his deposition in the SCA arbitration proceeding, Lance Armstrong testified under oath and subject to the penalties of perjury in his deposition and was asked the following questions, and gave the following answers:

Q: . . . Now, Doctor Ferrari was convicted, was he not?

A: Yeah. Or - - whatever you call that over there.

⁴¹⁸ SCA Hearing Transcript, p. 1710 (testimony of Bill Stapleton).

Q: Okay. And then you severed your relationship with him based upon that conviction. Is that – is that true?

A: True. No, we suspended it. Yeah.

Q: Suspended it. But did you use Doctor Ferrari for anything after he was convicted?

A: Of course not.

Q: Okay. You say you suspended it. It's not been reinstated. Your relationship with Doc -- was never reinstated.

A: No, not till the appeal is finished. But there would be no need to consult with him now.

Q: Of course. But for example, for the 2005 Tour de France, you had no contact with Doctor Ferrari?

A: Of course not.⁴¹⁹

The extreme sensitivity of the doping issue in general, and the Ferrari issue in particular, as well as the awareness of the impact it would have if he were caught in a lie makes it even more telling that Armstrong promptly (but surreptitiously) broke his public promise made on October 1, 2004, to suspend his professional relationship and that of his team with Ferrari. Thereafter, as made clear by the statements of both Mr. Armstrong and his agent at their depositions, Mr. Armstrong engaged in a carefully calculated effort to continue his sporting fraud and cover up his relationship with Ferrari.

The repeated efforts by Armstrong and his representatives to mischaracterize and minimize Armstrong's relationship with Ferrari are indicative of the true nature of that

⁴¹⁹ Deposition of Lance Armstrong, p. 66-67.

relationship. If there is not something to hide, there is no need to hide it and certainly no need to repeatedly lie about it.

9. 2009 - 2012⁴²⁰

On September 9, 2008, Lance Armstrong announced that he was making a comeback from retirement and would return to professional cycling. During 2009 Armstrong rode for the Astana Cycling Team which was coached by Johan Bruyneel and finished third in the Tour de France. In 2010 Armstrong rode for the newly organized RadioShack team and finished 23rd in the Tour. Armstrong retired again from professional cycling on February 16, 2011.

a. Continuing Ferrari fabrication

During his comeback Armstrong continued to propagate the ruse that he no longer had a professional relationship with Michele Ferrari. Indeed, on April 15, 2010, Armstrong spokesman Mark Fabiani said, “**Lance has not had a professional relationship with Ferrari since 2004**, but he remains friends with the doctor’s family and sees them every once in a while. **Lance last saw Dr. Ferrari about a year ago.**”⁴²¹ The truth, however, was that Armstrong had met in person with Michele Ferrari and Johan Bruyneel about a month prior to this statement by Fabiani⁴²² and that Armstrong would meet with Dr. Ferrari again a month after the statement.⁴²³

⁴²⁰ USADA’s case against Mr. Armstrong does not turn on evidence of Armstrong’s doping during the 2009 – 2012 timeframe. However, the evidence from this period provides strong corroboration for the already overwhelming evidence of Armstrong’s doping from the period from 1998 through 2005.

⁴²¹ Report: Lance Armstrong, doctor met, ESPN, April 15, 2011 (emphasis added).

⁴²² See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00040 – 00041 (Armstrong’s flight from U.S. to land in Nice at noon on Tuesday, May 25, 2010 and Armstrong plans to meet with Schumi at 4 pm).

⁴²³ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00032 – 00035 (Armstrong and Stefano Ferrari discuss arrangements and ultimately agree to meeting at the house where Armstrong was staying in Cap Ferrat on Wednesday, March 17, 2009, at 4:00 p.m., to be attended by Schumi, Stefano, Armstrong and Johan Bruyneel who “will fly in from Madrid”).

Moreover, Ferrari had provided professional assistance to Armstrong throughout the 2009 cycling season and had already agreed to do so for Armstrong in 2010.

In 2009 Levi Leipheimer asked Armstrong whether he was still working with “Schumi.” Armstrong said that he was, “through a middle person.”⁴²⁴ Through the assistance of Italian authorities USADA has discovered that this middle person was Ferrari’s son, Stefano Ferrari, who regularly forwarded to Armstrong Michele’s training plans for Armstrong. Many of these communications took place via email, and the emails obtained by USADA plainly reflect that Stefano Ferrari merely served as a conduit for his father’s training advice. The emails also indicate that from time to time Armstrong communicated directly with Dr. Ferrari, including, as noted above, participating in meetings with him. There can be no doubt that the training plans developed for Armstrong were developed by Michele and that Armstrong was engaged in a professional relationship with Michele Ferrari as indicated in the following sample of excerpts from emails exchanged between Armstrong and Ferrari’s son Stefano:

⁴²⁴ Affidavit of Levi Leipheimer, ¶ 90.

Date	Period	Content ⁴²⁵
April 9, 2009	Altitude training	To LA: "That's good watts for the altitude. Very good in fact. However, Schumi advises being prudent at those altitudes, Ok?"
April 25, 2009		To LA: "Schumi is thinking of something cool to do before the Giro then. Some cool race simulation stuff for you guys . . . Schumi advises trying to relax . . . He suggests not getting obsessed with aerodynamics"
May 2, 2009		To LA: "Just reported to Schumi, he says ok for June for flying low somewhere to do some kick ass high intensity work"
May 24, 2009	During Giro	From LA: "Question: what does schumi think that june looks like? To LA: "For June, you'll do about 6 days of recovery right after the Giro" From LA: "Only 6 days? You guys are crazy. . ." To LA: "Schumi says no more than 9 days though. You won't have much time to train for the Tour then!"
June 17, 2009	Pre Tour training	To LA: "thinking about the numbers Schumi wrote, he has a correction to make: . . . Schumi thinks it's unlikely you can 'gain' some more edge by lowering body weight now, but he thinks it's possible to gain some more in terms of threshold in the next 10 days of training."
June 29, 2009	Shortly before Tour	To LA: "just spoke with Schumi about this. . . it's good, the numbers are 1714m/h which is equal to 5.93 w/kg on that gradient (8.9%). . . that's good numbers!"
June 30, 2009		From LA: "Question is how good? What do we need to win the TdF??"

The ubiquitous references to "Schumi" demonstrate that Stefano is the middle man and go between for Armstrong to receive professional advice from his father. The advice and questions from Schumi to Armstrong continue to flow even during the Tour. For instance, on July 6, 2009 Armstrong receives the advice that, "Schumi suggests raising the saddle by 2 mm – try in the am and let us know how it feels?"⁴²⁶ On July 22, 2009, Armstrong is told, "Schumi asks if your TT bike has the same height as the road bike? If yes, he suggests raising it 2 mm.

⁴²⁵ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00004 – 00023.

⁴²⁶ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00018.

And, since you still look low on the road bike, only for the Ventoux stage, raise it another 2 mm. Tomorrow keep taking ibuprofen.”⁴²⁷

On September 1, 2009, Stefano writes, “Schumi asked me if you could process the payment (25.000 EUR) for the season as agreed last March. You can forward the payment when’s best for you to my account in MC [Monte Carlo].”⁴²⁸ To which Armstrong responds, “Can I pay it in cash when I see you?”⁴²⁹

On November 4, 2009, Stefano inquires, “Schumi asks if you’d like [t]o continue the cooperation for next year too – if so, then it [w]ould be good to start thinking about some specifics already (gym + [s]ome bike).”⁴³⁰ On November 15, 2009, Armstrong is looking ahead to the next year’s Tour, and he writes: “Yes, let’s continue . . . what we have started. I’m curious to know what Schumi [t]hinks for 2010 and what we need to do differently in terms of training . . .”⁴³¹ Stefano responds, “Great! Schumi says it’s obviously a [T]our for light climbers. . . .”⁴³²

As noted above, on March 17, 2010, Armstrong, Stefano, Schumi and Johan met at Armstrong’s villa in Cap Ferrat.⁴³³ On March 24, 2010, Armstrong emailed his schedule for the

⁴²⁷ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00023

⁴²⁸ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00025 (September 1, 2009 email).

⁴²⁹ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00025. (September 7, 2009 email).

⁴³⁰ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00030. (November 4, 2009 email).

⁴³¹ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00030. (November 15, 2009 email).

⁴³² See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00029. (November 16, 2009 email).

⁴³³ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00032 – 00035.

next two months, and on that same day Stefano emailed Armstrong's schedule to Schumi.⁴³⁴ Armstrong's schedule included the notation: "May 8 -15 Aspen or California."⁴³⁵ The very next day Stefano sent Armstrong an email saying, "Schumi advises from May 8 – 15 is better to go to California. . ."⁴³⁶

The foregoing examples from 2009 and 2010 constitute only a small sample of the communications (including emails, meetings and phone calls) which occurred between Armstrong and Michele Ferrari before April 15, 2010, when Mark Fabiani, acting on behalf of Lance Armstrong, issued his unambiguous denial of a professional relationship between Armstrong and Ferrari and said that Armstrong and Ferrari had not seen each other in a year. Fabiani's statement on behalf of Armstrong was a lie. Indeed, Armstrong's professional relationship with Ferrari continued even into preparation for Armstrong's new career in triathlon.⁴³⁷

b. Evidence of blood doping

In addition to Dr. Ferrari, during 2009 and 2010 Armstrong surrounded himself with many of the key pieces in the U.S. Postal Service blood doping program, including Johan Bruyneel, Pedro Celaya and in 2009 Pepe Marti. Each of these individuals had an extensive background in, and experience with, blood doping Armstrong and his teammates.

⁴³⁴ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00036.

⁴³⁵ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00036.

⁴³⁶ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00038.

⁴³⁷ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00058 – 00067.

Moreover, there is evidence that by 2009 Dr. Ferrari was advising clients to switch from EPO use to blood doping in order to diminish the risk of a positive drug test.⁴³⁸

Finally, as more fully discussed in Section V.A., below, an expert examination of Armstrong's blood parameters establish that the likelihood of Armstrong's blood values from the 2009 and 2010 Tours de France occurring naturally is less than one in a million, and build a compelling argument consistent with blood doping.

10. Weight to be given to Lance Armstrong's refusal to testify

In addition to the above evidence, Article 3.2.4 of the Code provides for an adverse inference to be imposed against an individual fails or refuses to testify on any relevant matter on which USADA seeks to question him. Long before Article 3.2.4 was adopted in the 2009 version of the Code, CAS Panels recognized the propriety of imposing an adverse inference against a respondent in an anti-doping case who invoked the Fifth Amendment to avoid testifying or otherwise failed to appear and respond to the charges against the respondent. For instance, in the case of *Lazutina v. IOC* an athlete failed to appear and, as a result, the panel drew the adverse inference that she had intentionally ingested the prohibited substance found in her blood. The panel held:

Ms. Lazutina did not give evidence and there has been no explanation from her as to how that prohibited substance came to be in her blood. In the light of that failure to explain, the Panel concludes that the prohibited substance was in Ms. Lazutina's blood as a result of the intentional exogenous ingestion by her.

Lazutina v. IOC, CAS 2002/A/370 ¶ 9.10.

In addition to the overwhelming evidence of Lance Armstrong's doping it should not be forgotten that Lance Armstrong refused to confront the evidence against him in an in person

⁴³⁸ Affidavit of Renzo Ferrante, ¶¶ 26-27 (Ferrari advised Italian cyclist Leonardo Bertagnolli to begin blood doping in 2007.).

hearing in front of neutral arbitrators. Armstrong's refusal to testify and his refusal to confront the evidence against him leads to a strong inference that Armstrong doped exactly as charged by USADA.

C. Overwhelming Proof that Lance Armstrong's Support Staff Participated in Doping

Consideration of whether Lance Armstrong doped must give due regard to the question of whether Armstrong surrounded himself with support staff who engaged in doping. As the top rider and team leader on the U.S. Postal Service and Discovery Channel Teams, Armstrong had great influence regarding the makeup of the key support staff on his team⁴³⁹ and particularly those who played a role in what was euphemistically called, the "program."⁴⁴⁰

Important insights into the likelihood that U.S. Postal Service riders doped can be gained from considering the extent to which team support staff was involved in doping.⁴⁴¹ Studying what the support staff was doing with other team members as well as the familiarity of Armstrong's teammates with doping is also important to fully appreciate the meaning of observations of Armstrong's conduct when interacting with team support staff. For instance, as described above in 2003 shortly before the Tour de France, Lance Armstrong asked to use

⁴³⁹ Deposition of Bill Stapleton, p. 86 (Q: who assembles these individuals, the nutritionist, the – team doctor, that kind of thing? A: Primarily Lance and Johan.); Deposition of Bill Stapleton, p. 28 (Armstrong's U.S. Postal Service contract states, "Armstrong will have extensive input into rider and staff composition."). Armstrong's contract is Exhibit 2 to the Deposition of Mark Gorski which is part of Appendix Y (SCA materials). Additionally, Armstrong was an owner of Tailwind Sports. *See* Tailwind corporate records (reflecting Armstrong's team ownership.)

⁴⁴⁰ Affidavit of Christian Vande Velde, ¶ 123. ("Lance called the shots on the team, he was very aware of what went on on the team and what Lance said went. Johan Bruyneel was the team director but if Lance wanted him out he would be gone in a minute.")

⁴⁴¹ Armstrong himself recognized the relevance of whether or not the team operated in a manner above reproach. For instance, he defended himself by saying, "[w]e run a very clean and professional team that has been singled out due to our success. . . . I can assure everyone we do everything in the highest moral standard." Doping digest: Armstrong and Pantani maintain their innocence, Associated Press (2000).

George Hincapie's Girona apartment to do something Armstrong could not do at his own apartment because Armstrong had house guests.⁴⁴² Hincapie observed Dr. del Moral and Armstrong and Hincapie's experience and background allowed him to understand that what was happening was blood doping. This example illustrates how important it is to understand the experience of a witness with doping in evaluating the likelihood that suspicious conduct observed by the witness may be incident to doping.

Moreover, a demonstration that support staff members were familiar with doping and that they regularly engaged in doping with other teammates of Armstrong corroborates the extensive first hand testimony that Armstrong doped. This is because it is more likely that a witness actually observed doping when it is shown that the persons involved in the transaction have been involved in other incidents of doping. Further, showing that support staff participated in doping and that Armstrong controlled the hiring and retention of those support staff is evidence of Armstrong's motive(s), opportunity to dope, and the degree to which he did not oppose doping by other team members, all of which are relevant considerations in evaluating the evidence of his own doping. As well, on numerous occasions Armstrong asserted publically that he knew that no one on his team was doping.⁴⁴³ Therefore, it can and should be inferred that Armstrong was familiar with the regular activities of his teammates, just as he (and they have) claimed that he was.⁴⁴⁴

⁴⁴² Affidavit of George Hincapie, ¶ 74.

⁴⁴³ See, e.g., SCA Hearing Transcript, p. 1417-18 (testimony of Lance Armstrong) (claiming teammates did not dope); Doping Claims 'Absolutely Untrue' Armstrong Says, *Associated Press*, June 29, 2004 (Lance Armstrong says, "I can absolutely confirm that we don't use doping products."); Armstrong Comes Out Swinging, *Velo News*, June 15, 2004 ("I've gone on record many, many times and talked about this team and our approach to cycling"); Armstrong Aims for Third Tour Victory, *Los Angeles Times*, July 1, 2001 ("I welcome the continued testing that there will be no doubt that either I or any member of my team did anything illegal").

⁴⁴⁴ Indeed, Armstrong's teammates testify that he was very aware of their training programs and

As discussed in this Section, there exists overwhelming evidence that Lance Armstrong surrounded himself with a team of doctors and other key support staff members who were themselves heavily involved in doping. It is clear that Armstrong had strong influence, and in many cases absolute veto power, over whether these people were hired and retained.⁴⁴⁵ The fact that the evidence demonstrates that the U.S. Postal Service team was a haven for doping doctors, and a team director and other key employees who embraced doping is indicative of much more than tone deafness when it comes to doping. Armstrong's employment of drug dealers and doping doctors on his support team strongly supports the conclusion that Armstrong doped himself, as well as demonstrating Armstrong's round-the-clock access to banned drugs, doping doctors and the facilitators of a team wide doping conspiracy.

1. Dr. Michele Ferrari's involvement in doping⁴⁴⁶

USADA has found overwhelming proof that Dr. Michele Ferrari facilitated doping for numerous members of the U.S. Postal Service and Discovery Channel Cycling Teams. George Hincapie, Tyler Hamilton, Floyd Landis, Christian Vande Velde, Tom Danielson and Levi Leipheimer, six (6) top cyclists, all worked with Dr. Ferrari within the period 1999 – 2005. Each

of what substances they were using. For instance, Tom Danielson said, "Lance seemed to be very familiar with all aspects of my training program" and warned Danielson to be careful because target testing was increasing. Affidavit of Tom Danielson, ¶ 65. Hincapie spoke with Armstrong "about beginning on the blood doping program." Affidavit of George Hincapie, ¶ 71. When Christian Vande Velde was not faithfully following the doping regimen prescribed by Dr. Ferrari, Armstrong called him to his apartment and conveyed the message that Vande Velde would be removed from the team if he did not more faithfully follow the doping program outlined by Dr. Ferrari. Affidavit of Christian Vande Velde, ¶¶ 118-121.

⁴⁴⁵ Affidavit of Christian Vande Velde, ¶ 123 ("Lance called the shots on the team, he was very aware of what went on on the team and what Lance said went. Johan Bruyneel was the team director but if Lance wanted him out he would be gone in a minute.")

⁴⁴⁶ A further discussion of evidence relating to Dr. Ferrari's involvement in doping can be found in Section IV.B. (Chronological Review of Evidence of Lance Armstrong's Possession, Use, Trafficking and Administration of Banned Performance Enhancing Drugs and Other Relevant Events and in Section IV.E. (How Lance Armstrong and the USPS Team Avoided Positive Drug Tests).

of these cyclists provided USADA sworn statements⁴⁴⁷ detailing Dr. Ferrari's involvement in their doping in violation of the prohibition against the administration of prohibited substances and methods.

The testimony of these six U.S. riders is corroborated by evidence from three (3) Italian professional cyclists who were also clients of Dr. Ferrari: Filippo Simeoni, Volodymyr Bileka, and Leonardo Bertagnolli. USADA has obtained the written witness statement of Mr. Simeoni in which he testifies that Dr. Ferrari advised him regarding use of the drugs EPO and Andriol in the 1990s. Mr. Bileka and Mr. Bertagnolli provided statements to Italian law enforcement, and Mr. Renzo Ferrante of the Italian Carabinieri NAS has described the content of their witness statements. Mr. Bileka and Mr. Bertagnolli confirm Dr. Ferrari's involvement in doping, including through advice regarding the use of EPO and blood doping, in 2007, 2008, 2009 and 2010.⁴⁴⁸ Thus, in combination with Mr. Simeoni, the witness statements described by Mr. Ferranted and the U.S. riders from whom USADA has obtained affidavits USADA has first hand eyewitness evidence establishing Dr. Ferrari's involvement in doping in each year relevant to the case involving Mr. Armstrong as follows: 1998,⁴⁴⁹ 1999,⁴⁵⁰ 2000,⁴⁵¹ 2001,⁴⁵² 2002,⁴⁵³ 2003,⁴⁵⁴ 2004,⁴⁵⁵ 2005,⁴⁵⁶ 2006,⁴⁵⁷ 2007,⁴⁵⁸ 2008,⁴⁵⁹ 2009,⁴⁶⁰ 2010.⁴⁶¹

⁴⁴⁷ In addition to the consistency of the testimony provided by these witnesses and the significant evidence corroborating their testimony it should be noted that admitting working with the notorious Dr. Ferrari is strongly against the reputational and financial interests of these individuals.

⁴⁴⁸ Affidavit of Renzo Ferrante, ¶¶ 21-28.

⁴⁴⁹ 1998: Filippo Simeoni.

⁴⁵⁰ 1999: Filippo Simeoni, Tyler Hamilton.

⁴⁵¹ 2000: Filippo Simeoni, Tyler Hamilton, George Hincapie, Christian Vande Velde.

⁴⁵² 2001: George Hincapie, Christian Vande Velde.

⁴⁵³ 2002: George Hincapie, Christian Vande Velde, Floyd Landis.

⁴⁵⁴ 2003: George Hincapie, Christian Vande Velde, Floyd Landis.

⁴⁵⁵ 2004: George Hincapie, Floyd Landis.

⁴⁵⁶ 2005: George Hincapie, Tom Danielson, Levi Leipheimer.

Dr. Ferrari was previously convicted in Italy of providing advice regarding the use of Andriol and EPO largely based upon the compelling testimony of Filippo Simeoni. In that earlier Italian judicial proceeding, which resulted in a judgment against Dr. Ferrari in 2004 for sporting fraud, Ferrari was charged by Italian authorities with dealing with numerous riders, including Kevin Livingston, Filippo Simeoni, and Eddy Mazzoleni. During the proceeding, the judge credited the testimony of Mr. Simeoni. An English translation of the official court transcript states:

Well, SIMEONI, without any hesitation nor misunderstandings, has expressly declared, and repeated many times that, upon FERRARI's indications and prescriptions, during the time in which he was followed-up by the defendant, he has taken erythropoietin (better known as EPO), and Andriol (testosterone based drug with anabolic effects) SIMEONI has clarified that FERRARI did not personally supply the EPO and Andriol (even though he made him understand that he would have been able to do it), he just prescribed them, during the training programs that the same FERRARI organized. It is to be noted that SIMEONI has explained that the asterisks on the training plans prepared by FERRARI, meant to mark the ingestion of Andriol.⁴⁶²

According to the judge's opinion, the defense attempted to attack Simeoni's credibility. However, the judge concluded that, "[n]one of the arguments of FERRARI's defense is capable of shaking the credibility of SIMEONI, whose declarations find comfort and are supported by a series of other elements collected along the duration of the process. . . That statement that SIMEONI wrongly accused FERRARI only to achieve some personal gain . . . simply is not

⁴⁵⁷ 2006: George Hincapie, Tom Danielson.

⁴⁵⁸ 2007: Volodymyr Bileka, Leonardo Bertagnolli.

⁴⁵⁹ 2008: Volodymyr Bileka, Leonardo Bertagnolli.

⁴⁶⁰ 2009: Leonardo Bertagnolli.

⁴⁶¹ 2010: Leonardo Bertagnolli.

⁴⁶² See Judgment of the Bologna court provided in Appendix V (English translation).

supported by any evidence.”⁴⁶³ Largely on the basis of Filippo Simeoni’s evidence, Dr. Ferrari was convicted of sporting fraud.

As explained in the affidavit of Italian lawyer, Marco Consonni, Dr. Ferrari’s case eventually went to the Italian Supreme Court and Dr. Ferrari’s conviction was eventually overturned on the basis of the statute of limitations. However, in ruling on Dr. Ferrari’s case the Italian Supreme Court stated that, “there were clear ‘objective’ evidences of Dr. Ferrari’s liability for sporting fraud and violation of anti-doping rules with specific reference of prescription of doping medications to athletes.”⁴⁶⁴ In other words, even while dismissing the case against Dr. Ferrari, the Italian Supreme Court found objective evidence that Dr. Ferrari had prescribed banned performance enhancing drugs to athletes. Therefore, the testimony of Filippo Simeoni regarding Dr. Ferrari’s involvement in doping has been found to be highly credible in the Italian legal system.

In all material respects what Filippo Simeoni experienced with Dr. Ferrari in the late 1990s corroborates the experiences that six U.S. Postal Service Team riders had with Dr. Ferrari during 1999-2005. All seven (7) of these riders used EPO and Andriol under Ferrari’s guidance. Moreover, the evidence from Mr. Bileka and Mr. Bertagnolli confirms that Dr. Ferrari continued to dope athletes through at least 2010.

In the SCA arbitration proceedings Mr. Armstrong cagily refused to acknowledge that he ever encouraged any teammates to train with Dr. Ferrari. In response to the question of whether he referred teammates to Ferrari, Armstrong responded both in his deposition and at the hearing that he “recommend[ed] that they train smart.”⁴⁶⁵ In response to a specific question

⁴⁶³ Judgment of the Bologna court provided in Appendix V (English translation).

⁴⁶⁴ Affidavit of Marco Consonni, ¶ 5.

⁴⁶⁵ Deposition of Lance Armstrong, p. 43; SCA Hearing Transcript, p. 1468 (“I recommended

about whether Armstrong had encouraged his friend Frankie Andreu to use Dr. Ferrari, Armstrong gave the same canned response, “I recommended that Frankie train smarter. I never specifically said you should go see Ferrari.”⁴⁶⁶

Yet, there is compelling evidence contradicting these statements made under oath by Armstrong about purportedly not attempting to refer any teammates to Dr. Ferrari. As acknowledged by Armstrong’s agent, Bill Stapleton, Lance and the team director Johan Bruyneel called the shots regarding who the team doctors were going to be.⁴⁶⁷ Therefore, the fact that, as described below, Michele Ferrari was brought to USPS team training camps, including camps in Austin, Texas, St. Moritz, Switzerland, and Alicante, Spain, and the fact that the riders at these camps were encouraged to use Ferrari is good evidence that Armstrong encouraged his teammates to work with Ferrari. In addition, several riders have directly testified that Armstrong personally arranged their introduction to Ferrari.⁴⁶⁸

According to the Andreus, for years Armstrong tried to get Frankie to use Ferrari, saying Ferrari would help Andreu “get results.”⁴⁶⁹ At the U.S. Postal Service team training camp in 1999 Armstrong had told Frankie Andreu he needed to start using Ferrari and it was “time to get serious.”⁴⁷⁰ However, Andreu said he did “not want to put that shit in my body,”⁴⁷¹ referring to EPO, and refused to work with Ferrari.

that they train smart.”) (testimony of Lance Armstrong).

⁴⁶⁶ Deposition of Lance Armstrong, p. 43.

⁴⁶⁷ Deposition of Bill Stapleton, p. 86 (Q: who assembles these individuals, the nutritionist, the – team doctor, that kind of thing? A: Primarily Lance and Johan.); Deposition of Bill Stapleton, p. 28 (Armstrong’s contract with Tailwind gave him extensive input into rider and staff composition).

⁴⁶⁸ Affidavit of Tyler Hamilton, ¶ 37; Affidavit of Levi Leipheimer, ¶ 58; Affidavit of George Hincapie, ¶ 60.

⁴⁶⁹ Affidavit of Frankie Andreu, ¶ 48; Affidavit of Betsy Andreu, ¶¶ 34-35.

⁴⁷⁰ Affidavit of Frankie Andreu, ¶ 53.

⁴⁷¹ Affidavit of Betsy Andreu, ¶ 34.

Not only did Armstrong encourage riders to work with Ferrari, but, as Christian Vande Velde testified in Section IV.B.5.e., in 2002, Armstrong played the enforcer for Ferrari's doping advice. When Armstrong learned that Vande Velde was not strictly adhering to the doping regimen prescribed by Ferrari (including regular use of EPO and testosterone), Armstrong came down hard on Vande Velde in a meeting involving Armstrong, Vande Velde and Ferrari in Armstrong's Girona, Spain apartment, following the 2002 Tour de France.⁴⁷² Armstrong made it very clear to Vande Velde that if he did not shape up and conform to Ferrari's doping program that Vande Velde would soon be kicked off the team.⁴⁷³ Vande Velde got the message and immediately stepped up his Ferrari-developed doping program.⁴⁷⁴

Frankie Andreu was likely one of the first cyclists that Lance Armstrong attempted to introduce to the notorious Dr. Ferrari, and Andreu is the only rider of which USADA is aware that rebuffed Armstrong's invitation for the rider to begin working with Ferrari. Andreu was aware that Armstrong became a Ferrari client in 1995, the year after Ferrari made well publicized statements downplaying the health risks of EPO.⁴⁷⁵ Ferrari who was working for the Swiss cycling team Gewiss in 1994, was quoted at the time⁴⁷⁶ saying, If I were a rider, I would use the products which elude doping controls if they helped to improve my performances and allowed me to compete with others." Specifically, with respect to EPO, Ferrari was quoted as follows: "EPO is not dangerous. Only excessive consumption of EPO is dangerous, as the excessive

⁴⁷² Affidavit of Christian Vande Velde, ¶¶ 118-120.

⁴⁷³ Affidavit of Christian Vande Velde, ¶ 120.

⁴⁷⁴ Affidavit of Christian Vande Velde, ¶¶ 124-125.

⁴⁷⁵ Chris Carmichael has claimed that he introduced Armstrong to Ferrari in 1995 and Bill Stapleton confirmed that the relationship with Ferrari began in 1995.

⁴⁷⁶ The quotes were given immediately after riders on the Gewiss team had taken all three podium spots at the 1994 La Fleche Wallone cycling race.

consumption of orange juice is dangerous.”⁴⁷⁷ These 1994 comments about EPO by Ferrari were not hidden, obscure or unknown to Armstrong. Indeed, they have been termed “the most famous thing Ferrari had ever been known for” by Bill Stapleton, Armstrong’s agent.⁴⁷⁸

Ferrari had long worked as an assistant to the Italian researcher Francesco Conconi who has been linked to blood doping cyclists and other athletes.⁴⁷⁹ Conconi received funding to develop a test to detect the use of EPO in sport, however, Italian authorities found that Conconi doped professional cyclists with EPO in 1993, while supposedly working on a method to detect EPO. Conconi claimed in his research that EPO had only been given to amateur athletes. However, the Italian investigation demonstrated otherwise, establishing that he used the EPO to dope pro cyclists. Ferrari is reported to have worked with Conconi until the mid 1990s.⁴⁸⁰

Ferrari’s background and connections likely explain Armstrong’s extensive knowledge of the mechanics behind EPO testing. In 2001 Armstrong gave Jonathan Vaughters a detailed description of the scientific principles underlying the urine EPO test.⁴⁸¹ Armstrong also told Vaughters cryptically that Armstrong had connections to someone close to Conconi who had developed the EPO test.⁴⁸² Vaughters testified that Armstrong had an awareness of the aspects of the molecular structure of the EPO product Aranesp that would make that product easy to detect.⁴⁸³ Vaughters’ conversation with Armstrong on these topics preceded the positive drug

⁴⁷⁷ *Belgium’s Wauters wins second stage*, CNNSI.com, July 9, 2001. The 1994 comments about EPO by Ferrari were termed “the most famous thing Ferrari had ever been known for” by Bill Stapleton, Armstrong’s agent.

⁴⁷⁸ SCA Transcript, p. 1943.

⁴⁷⁹ Affidavit of Renzo Ferrante, ¶ 9.

⁴⁸⁰ Had it been necessary to document the Ferrari-Conconi relationship at the hearing USADA would have done so, among other ways, through the testimony of Mr. Ferrante.

⁴⁸¹ Affidavit of Jonathan Vaughters, ¶¶ 93-94.

⁴⁸² Affidavit of Jonathan Vaughters, ¶ 94.

⁴⁸³ Affidavit of Jonathan Vaughters, ¶ 96.

tests for Aranesp (also known as Dynepo) involving several athletes at the 2002 Winter Olympic Games.⁴⁸⁴

While as a close friend of Armstrong, Frankie Andreu was aware of Armstrong's close and ongoing relationship with Dr. Ferrari, until late June of 2001 most of the world was not. Despite what USADA has found was a very close relationship between Armstrong and Ferrari beginning in 1995,⁴⁸⁵ Armstrong did *not* mention Ferrari in Armstrong's first biography *It's Not About the Bike*, published in 2000. In fact, former Olympic gold medal winning cyclist Mark Gorski, who was the General Manager of the U.S. Postal Service Cycling Team from 1999 through 2003, was not even aware of Armstrong's relationship with Ferrari until December of 2000.⁴⁸⁶ Although not aware of Ferrari's relationship with Armstrong and the team, Gorski, a cycling insider, was well aware of Ferrari's nefarious reputation for involvement in doping and did not want him anywhere close to the team.⁴⁸⁷

Yet, despite Gorski's strong misgivings, which he testified he also conveyed to Johan Bruyneel,⁴⁸⁸ Dr. Ferrari did at that point commence a very extensive relationship with several members of the U.S. Postal Service Cycling Team, serving from that point on as a doping advisor for George Hincapie and Christian VandeVelde (he was already working with Armstrong, Kevin Livingston and Tyler Hamilton). Over time Ferrari would work with others on the team. The close working relationship between Ferrari and the team was also

⁴⁸⁴ Affidavit of Jonathan Vaughters, ¶ 96.

⁴⁸⁵ In addition to Frankie Andreu recalling that Armstrong's relationship with Ferrari began in 1995, *see* Affidavit of Frankie Andreu at ¶ 27, Armstrong confirmed it in his testimony in the SCA arbitration. SCA Transcript, p. 1441 (testimony of Lance Armstrong). Chris Carmichael has said that he introduced Armstrong to Ferrari in 1995. *Armstrong's adviser taints Tour efforts*, USA Today, by Sal Ruibal, July 13, 2004, provided in Appendix **W**.

⁴⁸⁶ Deposition of Mark Gorski, p. 78.

⁴⁸⁷ Deposition of Mark Gorski, p. 78.

⁴⁸⁸ Deposition of Mark Gorski, p. 80 ("certainly I talked to Johan about it").

demonstrated through Ferrari's involvement in a subsequent team training camp that year in Alicante, Spain⁴⁸⁹ and by the fact that Ferarri actively worked to recruit new talent for the team,⁴⁹⁰ among other things.⁴⁹¹

Ferrari's relationship with Armstrong was first given wide exposure by journalist David Walsh in a July 8, 2001, London *Sunday Times* article. When Armstrong and his agent Bill Stapleton learned about Walsh's imminent article they worked to preempt the impact of the story by disclosing that Lance was working with Ferrari to another publication several days before the *Sunday Times* article was to run.⁴⁹²

Ferrari is referred to on only two pages in Armstrong's second autobiography, *Every Second Counts* which was published after the *Sunday Times* article brought knowledge of Armstrong's relationship with Ferrari to a wider group.⁴⁹³ In *Every Second Counts*, published in 2003, Armstrong addressed criticism of his association with Ferrari but continued to try to minimize the extent of their professional association, saying, "I knew Michele Ferrari well; he was a friend and *I went to him for occasional advice* on training, I said. *He wasn't one of my major advisors*, but he was one of the best minds in cycling, and sometimes I consulted him."⁴⁹⁴ The evidence obtained by USASDA, however, reflects that this 2003 characterization by Armstrong was not true.

⁴⁸⁹ Affidavit of David Zabriskie, ¶ 21.

⁴⁹⁰ Affidavit of Tom Danielson, ¶¶ 34-39.

⁴⁹¹ As explained in Section IV.B.4.a., Ferrari participated in numerous formal and informal team functions over the years.

⁴⁹² Deposition of Mark Gorski, p. 81; Deposition of Bill Stapleton, p. 109 ("And David Walsh tried to make a big scandal out of it and sent us some questions by email, that he was going to make a big story about Ferrari . . . And we preempted that in order to – to – to put it out there, outside of his publication.").

⁴⁹³ *Every Second Counts*, pp. 120 – 121.

⁴⁹⁴ *Every Second Counts*, p. 120 (italics added).

As Armstrong's agent Bill Stapleton would be forced to admit just a few years later, Lance had had a "professional relationship" with Ferrari "for a long time."⁴⁹⁵ According to Stapleton, Ferrari was "in this group of people" including Johan Bruyneel and Chris Carmichael "that helped Lance."⁴⁹⁶ According to Carmichael, "[t]here [were] only four people who really know what's going on with Lance's body: me, Michele, Johan and Freddy [Viaene, Armstrong's massage therapist]."⁴⁹⁷ In an email interview with USA Today in 2004 Ferrari himself wrote that his annual training program for Armstrong involved about half the year and included numerous high altitude camps with Armstrong.⁴⁹⁸ Moreover, email communications between Armstrong and Ferrari reveal that it was to the advisor he called "Schumi" that Armstrong looked to determine how to prepare, and whether he was prepared, for the Tour de France.⁴⁹⁹

Much more than "occasional advice on training" is also reflected in payments made by Armstrong to a Swiss company controlled by Dr. Ferrari known as "Health & Performance SA." Included among the records for this company is an invoice to Lance Armstrong for "Training and osteopath consulting."⁵⁰⁰ Bank statements and corporate accounting records for the company document payments from Armstrong totaling more than a million dollars.

Tyler Hamilton worked with Michele Ferrari in 1999, 2000 and 2001 while a member of the U.S. Postal Service Cycling Team. Hamilton recounted his understanding that Armstrong

⁴⁹⁵ Deposition of Bill Stapleton, p. 75.

⁴⁹⁶ Deposition of Bill Stapleton, p. 81.

⁴⁹⁷ *Armstrong's adviser taints Tour efforts*, USA Today, by Sal Ruibal, July 13, 2004.

⁴⁹⁸ *Id.*

⁴⁹⁹ See June 28, 2004, email from Armstrong to Allison Anderson ("tests are good (even schumi is psyched) and we're all ready to go for 6!"); Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00020 (email dated June 30, 2009) ("What do we need to win the TdF??").

⁵⁰⁰ See Affidavit of Jack Robertson, Exhibit B (bank and accounting records of Health & Performance, SA obtained from Italian Carabinieri NAS).

was paying Ferrari to train both him and Hamilton.⁵⁰¹ Also, George Hincapie, Christian Vande Velde, Levi Leipheimer and Floyd Landis and Tyler Hamilton in 2001 all paid Dr. Ferrari for his services, although these payments were not recorded in the records of Health & Performance, SA obtained by USADA.

As one of the climbers who trained closely with Lance in preparation for the mountain stages during the lead up to the Tour de France Hamilton and Armstrong would meet Dr. Ferrari at various locations in Europe where Ferrari would generally weigh the athletes, conduct a climbing test or series of climbing tests and measure their blood parameters and lactate level.⁵⁰²

Hamilton recalled the first time he met Dr. Ferrari was in 1999 at a rest stop on the side of a road that runs between Monaco and Genoa, Italy, and Ferrari put Hamilton and Armstrong through a test on a stationary bike and then measured their body weight, lactate and blood levels.⁵⁰³ Hamilton's description of his first meeting with Ferrari mirrored the description given by Tom Danielson of his first meeting with Ferrari five years later in 2004.⁵⁰⁴ Hamilton and Danielson provided USADA these parallel descriptions of first meetings with Ferrari in separate interviews weeks apart despite never having been teammates and never having talked together about Ferrari.⁵⁰⁵

Hamilton attended a training camp in 2001 with Armstrong and Ferrari on the island of Tenerife.⁵⁰⁶ Levi Leipheimer told USADA he attended a training camp on the same island with

⁵⁰¹ Affidavit of Tyler Hamilton, ¶¶ 37.

⁵⁰² Affidavit of Tyler Hamilton, ¶¶ 37-39.

⁵⁰³ Affidavit of Tyler Hamilton, ¶ 38.

⁵⁰⁴ Affidavit of Tom Danielson, ¶ 29-37.

⁵⁰⁵ None of USADA's witnesses were told the identities of the other witnesses in the case prior to shortly before issuance of this Reasoned Decision. Thus, there was no opportunity for witnesses to collaborate or compare stories.

⁵⁰⁶ Affidavit of Tyler Hamilton, ¶ 39.

Lance and Ferrari in 2005.⁵⁰⁷ Hamilton and Leipheimer were never teammates after 2001 and never had occasion to discuss these training camps. Armstrong's attendance at other training camps with Ferrari on Tenerife have been documented elsewhere.

Hamilton also described injections of EPO that he received from Dr. Ferrari.⁵⁰⁸ And, like other cyclists who worked with Ferrari, Hamilton reported that Dr. Ferrari came up with an olive oil – testosterone mixture called the “oil” which was to be squirted under the tongue to get a recovery boost after races.⁵⁰⁹

Hamilton described Dr. Ferrari’s involvement in the U.S. Postal Service team’s first group foray into blood doping which had taken place in 2000.⁵¹⁰ Numerous other Postal Service and Discovery Channel cyclists would confirm Dr. Ferrari’s involvement in blood doping.⁵¹¹

Both Hamilton and the Andreus told USADA of U.S. Postal Service teammate Kevin Livingston’s involvement with Dr. Ferrari.⁵¹² These observations by Hamilton and the Andreus are corroborated by records from an Italian investigation of Dr. Ferrari that reflect that Kevin Livingston, who along with Tyler Hamilton was a key climber who paced Armstrong through the mountains in the 1999 and 2000 Tours, was a client of Dr. Ferrari.⁵¹³ The Andreus observed that Armstrong and Livingston regularly traveled to Italy to meet with Ferrari because Ferrari was reluctant to come to France. These observations are supported by blood test records of Kevin Livingston that were obtained during the first investigation of Dr. Ferrari. As indicated in these

⁵⁰⁷ Affidavit of Levi Leipheimer, ¶¶ 57-58.

⁵⁰⁸ Affidavit of Tyler Hamilton, ¶ 39.

⁵⁰⁹ Affidavit of Tyler Hamilton, ¶ 40.

⁵¹⁰ Affidavit of Tyler Hamilton, ¶¶ 69-77.

⁵¹¹ Affidavit of George Hincapie, ¶ 60-65; Affidavit of Floyd Landis; Affidavit of Levi Leipheimer, ¶ 58-60, 69; Witness Statement of Volodymyr Bileka; Witness Statement of Leonardo Bertagnolli; Affidavit of Renzo Ferrante, ¶¶ 21.

⁵¹² Affidavit of Tyler Hamilton, ¶ 43, 46, 48; Affidavit of Betsy Andreu, ¶ 54; Affidavit of Frankie Andreu, ¶ 49.

⁵¹³ See Annex B to the Affidavit of Renzo Ferrante, pp. 682-695.

records, Kevin Livingston had his blood drawn in an Italian laboratory located in Dr. Ferrari's hometown of Ferrarra, Italy, on at least eleven (11) occasions during the eighteen (18) month period from January 28, 1997, until July 7, 1998.⁵¹⁴

Multiple handwritten training plans for Kevin Livingston were found in Dr. Ferrari's files during a search of his residence in the first investigation of Dr. Ferrari. The cyclists who have worked with Dr. Ferrari describe handwritten training plans prepared by Dr. Ferrari, and have testified that he placed notations on their plans to indicate the dates on which they were supposed to use performance enhancing drugs.⁵¹⁵ Multiple asterisks are an evident feature on all of the training plans in the file for Kevin Livingston.⁵¹⁶ Another feature on one of the plans in the file is a series of two dots side by side immediately prior to the workout description on three consecutive days and a single dot on the fourth day.⁵¹⁷ Italian cyclist Filippo Simeoni who worked with Dr. Ferrari during the late 1990s testified that on his training plans an asterisk referred to Andriol.⁵¹⁸ Hincapie, Leipheimer and Vande Velde have testified that on their training plans dots were references to days on which EPO was to be administered.⁵¹⁹

Christian Vande Velde became a client of Dr. Ferrari in late 2000 at the training camp in Austin, Texas. He would continue as a Ferrari client until 2003 when he left the U.S. Postal Service Team.⁵²⁰ Vande Velde recalls that Ferrari was introduced to the team by Johan Bruyneel

⁵¹⁴ See Annex B to the Affidavit of Renzo Ferrante.

⁵¹⁵ See, e.g., Affidavit of George Hincapie, ¶ 79; Affidavit of Levi Leipheimer, ¶ 60; Affidavit of Christian Vande Velde, ¶ 77.

⁵¹⁶ See Annex B to the Affidavit of Renzo Ferrante, pp. 671-679.

⁵¹⁷ See Annex B to the Affidavit of Renzo Ferrante, p. 675.

⁵¹⁸ Witness Statement of Filippo Simeoni, ¶ d.

⁵¹⁹ Affidavit of George Hincapie, ¶ 79; Affidavit of Levi Leipheimer, ¶ 60; Affidavit of Christian Vande Velde, ¶ 77.

⁵²⁰ Affidavit of Christian Vande Velde, ¶¶ 71, 118-125, 133.

and each rider present was given the opportunity to work with Ferrari.⁵²¹ Vande Velde was told that Armstrong was working with Ferrari and that Ferrari's nickname was "Schumi."⁵²² Ferrari provided Vande Velde training plans that set forth his workouts and the amount of EPO to be used was indicated on the plan.⁵²³ The symbol Ferrari used on the plan was a period to indicate 500 international units of EPO.⁵²⁴ A period with a circle around it indicated 1000 international units of EPO. Ferrari also advised that the EPO was to be injected in the vein in order to reduce the likelihood of detection as this would cause the EPO to stay in your system a shorter period of time.⁵²⁵ Also, part of the plan was the testosterone olive oil mixture known as the "oil."⁵²⁶

George Hincapie also began working with Dr. Ferrari at this training camp which he recalled taking place in late 2000 or early 2001.⁵²⁷ At this camp Hincapie asked Ferrari about blood transfusions and was told by Ferrari that transfusions would improve Hincapie's performance.⁵²⁸

Dr. Ferrari provided Hincapie training plans which included notations for when he was to take EPO, blood transfusions and testosterone.⁵²⁹ Hincapie recalled that Dr. Ferrari would place a dot on some days and a circle on other days to indicate the amount of EPO to be taken⁵³⁰ and that Dr. Ferrari was present on occasion when Hincapie received injections of EPO.⁵³¹ Dr. Ferrari instructed Hincapie that EPO should be injected directly into the vein to reduce the risk of

⁵²¹ Affidavit of Christian Vande Velde, ¶ 73.

⁵²² Affidavit of Christian Vande Velde, ¶ 74. "Schumi," was a reference to Michael Schumacher, the famous race car driver who used to drive for the Ferrari team.

⁵²³ Affidavit of Christian Vande Velde, ¶ 77.

⁵²⁴ Affidavit of Christian Vande Velde, ¶ 77.

⁵²⁵ Affidavit of Christian Vande Velde, ¶ 80.

⁵²⁶ Affidavit of Christian Vande Velde, ¶ 82.

⁵²⁷ Affidavit of George Hincapie, ¶ 60-64.

⁵²⁸ Affidavit of George Hincapie, ¶ 63.

⁵²⁹ Affidavit of George Hincapie, ¶ 79.

⁵³⁰ Affidavit of George Hincapie, ¶ 79.

⁵³¹ Affidavit of George Hincapie, ¶ 80.

detection.⁵³² Ferrari said that if taken this way that EPO should clear the system and not be detectable within 12 hours.⁵³³ Hincapie also discussed the use of the “oil” with Dr. Ferrari.⁵³⁴

Floyd Landis began working with Dr. Ferrari in 2002 when Landis was training with Armstrong at one of Armstrong’s pre-Tour alpine training sessions.⁵³⁵ Dr. Ferrari provided Landis with testosterone patches and assisted Landis with EPO use and blood transfusions.⁵³⁶ Landis also noted his use of the Andriol – olive oil mixture.⁵³⁷ Armstrong told Landis about Ferrari’s involvement in Armstrong’s EPO use and use of blood transfusions.⁵³⁸

In his deposition in the SCA case Armstrong initially tried to minimize his pre-2004 involvement with Ferrari. In response to the question, “How frequently did you go to see Doctor Ferrari between the ’99 and 2003 time period?” Armstrong said, “Not very often. . . Maybe a few times a year.”⁵³⁹ This response, however, was not accurate. Ultimately, at the SCA arbitration hearing Armstrong was forced to concede meeting with Ferrari on at least a monthly basis during the pre-season and in connection with the racing season.⁵⁴⁰

Tom Danielson first worked with Dr. Ferrari in 2004 when Ferrari put him through a series of hill climbs and body and blood measurements. After being impressed with Danielson’s score on this testing Ferrari contacted Johan Bruyneel, and Danielson was soon thereafter hired by Bruyneel to join what would become the Discovery Channel team in 2005.

⁵³² Affidavit of George Hincapie, ¶ 81.

⁵³³ Affidavit of George Hincapie, ¶ 81.

⁵³⁴ Affidavit of George Hincapie, ¶¶ 49, 79, 85.

⁵³⁵ Affidavit of Floyd Landis, ¶ 15.

⁵³⁶ Affidavit of Floyd Landis, ¶ 1415, 24, 26, 39.

⁵³⁷ Affidavit of Floyd Landis, ¶ 31.

⁵³⁸ Affidavit of Floyd Landis, ¶¶ 16-17.

⁵³⁹ Deposition of Lance Armstrong, p. 42.

⁵⁴⁰ SCA Hearing Transcript, p. 1469.

Levi Leipheimer became a client of Dr. Ferrari in March of 2005 when introduced to him by Lance Armstrong at a training camp on the island of Tenerife to which Armstrong had invited Leipheimer.⁵⁴¹ Leipheimer learned that Ferrari's nickname was "Schumi" and that nickname was used by Lance.⁵⁴² Ferrari wrote training plans for Leipheimer which incorporated EPO and Andriol, which was to be mixed in olive oil and administered sublingually.⁵⁴³ On the training plans Ferrari used a code for EPO with a dot representing 500 international units of EPO and a dot with a circle around it standing for 1000 international units of EPO.⁵⁴⁴ Ferrari also gave Leipheimer advice regarding the use of blood transfusions.⁵⁴⁵ In 2005 Leipheimer attended three training camps at which riders working with Ferrari attended. At a minimum, Armstrong attended the first camp on Tenerife.⁵⁴⁶ In addition to Armstrong and Leipheimer, riders in attendance at those camps included Andrey Kashechkin,⁵⁴⁷ Alexandre Vinokourov,⁵⁴⁸ and Eddy Mazzoleni.⁵⁴⁹

The evidence of Ferrari's extensive involvement with the U.S. Postal Service and Discovery Channel Teams and of his direct and regular involvement in doping numerous members of the U.S. Postal Service team is consistent and strongly corroborated by other

⁵⁴¹ Affidavit of Levi Leipheimer, ¶¶ 57-58.

⁵⁴² Affidavit of Levi Leipheimer, ¶ 59.

⁵⁴³ Affidavit of Levi Leipheimer, ¶¶ 60-63.

⁵⁴⁴ Affidavit of Levi Leipheimer, ¶ 60.

⁵⁴⁵ Affidavit of Levi Leipheimer, ¶ 68.

⁵⁴⁶ Affidavit of Levi Leipheimer, ¶¶ 57-58.

⁵⁴⁷ Kashechkin tested positive for blood doping at the 2007 Tour de France. The Health and Performance accounting records confirm Kashechkin was a paying client of Dr. Ferrari. *See* Affidavit of S. Jack Robertson, Exhibit B.

⁵⁴⁸ Vinokourov tested positive for blood doping at the 2007 Tour de France. The Health and Performance accounting records confirm Vinokourov was a paying client of Dr. Ferrari. *See* Affidavit of S. Jack Robertson, Exhibit B.

⁵⁴⁹ Mazzoleni was found to be a Ferrari client in the Italian investigation of Ferrari. Eddy Mazzoleni and his wife Elisa Basso, sister of Giro d'Italia winner Ivan Basso, plea-bargained for lighter sentences for their role in a drug-dealing ring in northern Italy. Mazzoleni received a two year suspension in 2008 for his role in the Italian Oil for Drugs investigation.

evidence, including records from an Italian law enforcement investigation. Moreover, the testimony of each of USADA's witnesses, as well as three Italian cyclists who have given statements to Italian law enforcement officials,⁵⁵⁰ establishes that Dr. Ferrari's relationship with cyclists with whom he worked was marked by several uniform factors such as his incorporation of banned drugs, including EPO and Andriol into his training regimen, and his advice regarding methods for avoiding the detection of EPO use. Five of the six USPS cyclists and two of the three Italian cyclists who used Ferrari report Ferrari's involvement in their blood doping programs as well.⁵⁵¹ Taken together, a fair appraisal of this evidence can reasonably lead only to the conclusion that Dr. Ferrari participated in doping these athletes exactly as they claim.

Evidence of Mr. Armstrong's payments to Dr. Ferrari's Swiss company is summarized in the following chart:

⁵⁵⁰ Witness Statement of Filippo Simeoni, ¶¶ b-c, e; Statement of Volodymyr Bileka; Statement of Leonardo Bertagnolli.

⁵⁵¹ Ferrari clients Christian Vande Velde and Filippo Simeoni did not engage in blood doping.

Date	Amount (U.S.)	Item Notation ⁵⁵²
2/21/1996	\$14,089.65	CREDITO SWIFT NATIONSBANK NA 1, NATIONS HEADQUA O-LANCE ARMSTRONG AC- XXXXXX RE F. XXXXXXXX USD 13615 – LESS CO USD 14'089.65 (bank record)
5/9/1996	\$28,582.33	CREDITO SWIFT LANCE ARMSTRONG AC/XXXXXXX ./ SPESEN/SKA US 7.32 USD 28'582.33 (bank record)
7/24/1996	\$42,082.33	CREDITO SWIFT LANCE ARMSTRONG . LINDA WALLING /RFB/XXXXXXX/ CABLE ADV AT NOC USD 42'082.33 (bank record)
5/6/2002	\$75,000.00	Armstrong L. – US\$ 75'000. - (Journal entry)
8/29/2002	\$75,000.00	Armstrong L. – US\$ 75'000. - (Journal entry)
6/5/2003	\$100,000.00	Lance Armstrong US\$ 100'000. - (Journal entry)
9/10/2003	\$75,000.00	Lance Armstrong US\$ 75'000. - (Journal entry)
10/6/2003	\$300,000.00	Lance Armstrong US\$ 300'000. - (Journal entry)
7/2/2004	\$110,000.00	AVIS DE CREDIT DONNEUR D'ORDRE: /LANCE ARMSTRONG XXXXXXXXX AUSTIN TEXAS 78703 USD 110,000.00 (bank record)
3/29/2005	\$100,000.00	Avviso di accredito D'ORDINE DI LANCE ARMSTRONG USD 100 000.00 (bank record)
12/31/2006	\$110,000.00	Lance Armstrong US\$ 110'000. - (Journal entry)
Total	\$1,029,754.31	

2. Johan Bruyneel's involvement in doping

Lance Armstrong was instrumental in bringing Johan Bruyneel to the U.S. Postal Service team as its new Director Sportif, i.e., Team Director, for the 1999 season, replacing Jonny Weltz with whom Armstrong had clashed.⁵⁵³ Bruyneel had retired from his career as a professional cyclist at the end of the 1998 season, leaving the Spanish ONCE team.

This is how Bruyneel described himself at that time:

In 1998 I was thirty-four, freshly retired from a twelve-year pro racing career whose highlights—I won two stages of the Tour de France, and once wore the

⁵⁵² References to possible account numbers or addresses have been intentionally replaced in this chart with x's.

⁵⁵³ Affidavit of Christian Vande Velde, ¶ 123 ("Johan Bruyneel was the team director but if Lance wanted him out he would be gone in a minute.")

yellow jersey given to the race leader—arose more from cunning and tactics than from sheer physical ability. I had the mind and heart of a champion, but not the engine; at my best, I could sometimes beat the best, but the hard truth was that winning the Tour de France was simply beyond my physical capabilities. . . To those who'd tried to become a pro at that level but failed, I was living the dream. I knew that. I appreciated that. But in another sense I was also aware that I hadn't left my imprint on the sport the way I'd dreamed of doing when I was a kid.⁵⁵⁴

Based on the previous year's record of the U.S. Postal Service crew, the team that Bruyneel was agreeing to manage was far from being at the top level of the UCI pro tour teams. As Bruyneel explained, “[e]ven if I'd had experience, I probably wouldn't have put Lance's team . . . at the top of my list. They were, as Lance himself once described it, ‘the Bad News Bears, a mismatch of bikes, cars, clothing, equipment.’”⁵⁵⁵

One of Bruyneel's first acts was to replace Dr. Celaya, the U.S. Postal team physician in 1997 and 1998, with Dr. Luis Garcia del Moral who had provided services to the ONCE team.⁵⁵⁶ At the end of the 1998 season Lance had complained to Jonathan Vaughters that Celaya was too conservative in the way he dispensed doping products.⁵⁵⁷ Armstrong's comment about Dr. Celaya was along the lines of, the team “might as well race clean, he wants to take your temperature to give you even a caffeine pill.”⁵⁵⁸ “Dr. del Moral was far more aggressive than Dr. Celaya in providing doping products to riders.”⁵⁵⁹

One of the first things the riders noticed about Bruyneel was how focused he was on their blood values.⁵⁶⁰ He was always up to date on everyone's hematocrit level and aware of the

⁵⁵⁴ *We Might As Well Win*, Johan Bruyneel, (2008), p. 2.

⁵⁵⁵ *We Might As Well Win*, p. 4.

⁵⁵⁶ Affidavit of Tyler Hamilton, ¶ 32; Affidavit of Christian Vande Velde, ¶¶ 40-43.

⁵⁵⁷ Affidavit of Jonathan Vaughters, ¶ 42.

⁵⁵⁸ Affidavit of Jonathan Vaughters, ¶ 42.

⁵⁵⁹ Affidavit of Jonathan Vaughters, ¶ 52.

⁵⁶⁰ Affidavit of George Hincapie, ¶ 46; Affidavit of Jonathan Vaughters, ¶ 53.

program that Dr. Ferrari had put certain riders on.⁵⁶¹ Tom Danielson said, “Johan . . . stayed on top of my hematocrit level and seemed to be communicating with Pepe and Dr. Ferrari about my doping and my training program. When I would talk to Johan he would state that Pepe had kept him informed about my program.”⁵⁶² Bruyneel “would ask [Danielson] to go to the blood lab in Girona to get blood work done before nearly every race so that Johan could keep track of [Danielson’s] blood parameters.”⁵⁶³

Bruyneel wanted to be advised on what doping products the riders were using.⁵⁶⁴ He became displeased when he learned a rider was doping without his knowledge.⁵⁶⁵ Levi Leipheimer realized this was because doping unsupervised by the team doctor put the team at a higher risk of a positive drug test.⁵⁶⁶

The overwhelming evidence in this case is that Johan Bruyneel was intimately involved in all significant details of the U.S. Postal team’s doping program. He alerted the team to the likely presence of testers.⁵⁶⁷ He communicated with Dr. Ferrari about his stars’ doping

⁵⁶¹ Affidavit of Tom Danielson, ¶ 57; Affidavit of George Hincapie, ¶ 46; Affidavit of Tyler Hamilton, ¶ 33; Affidavit of Levi Leipheimer, ¶ 85; Affidavit of Jonathan Vaughters, ¶¶ 53-54, 72-73.

⁵⁶² Affidavit of Tom Danielson, ¶ 57.

⁵⁶³ Affidavit of Tom Danielson, ¶ 58.

⁵⁶⁴ Affidavit of Tom Danielson, ¶ 76 (“After the EPO arrived I spoke with Johan Bruyneel and told him the EPO had arrived.”); Affidavit of Tyler Hamilton, ¶ 48 (“Lance and Johan would come to Kevin and my room so that we could openly talk about doping.”); Affidavit of Levi Leipheimer, ¶¶ 37-38.

⁵⁶⁵ Affidavit of Levi Leipheimer, ¶¶ 37-38; Affidavit of Tom Danielson, ¶ 76 (“Johan was involved in every aspect of the team’s training and doping program; he was very controlling, and I never did anything significant without Johan knowing about it.”).

⁵⁶⁶ Affidavit of Levi Leipheimer, ¶ 38.

⁵⁶⁷ Affidavit of David Zabriskie, ¶ 36 (“Johan always seemed to know when drug testers were coming at races. His warning that ‘they’re coming tomorrow’ came on more than one occasion.”); Affidavit of Jonathan Vaughters, ¶ 76 (“The Postal Service staff, including Johan . . . seemed to have an outstanding early warning system regarding drug tests. We typically seemed to have an hour’s advance notice prior to tests. There was plenty of time in advance of tests to use saline to decrease our hematocrit level. There were at least 3 or 4 occasions during the year

programs.⁵⁶⁸ He was on top of the details for organizing blood transfusion programs before the major Tours, and he knew when athletes needed to take EPO to regenerate their blood supply after extracting blood.⁵⁶⁹ He was present when blood transfusions were given.⁵⁷⁰ He even personally provided drugs to the riders on occasion.⁵⁷¹

Most perniciously, Johan Bruyneel learned how to introduce young men to performance enhancing drugs, becoming adept at leading them down the path from newly minted professional rider to veteran drug user. After talking with Dr. del Moral in early 2000 young pro Christian Vande Velde was nervous about embarking on the doping program that del Moral recommended and brought his concerns to Bruyneel. Bruyneel told Vande Velde, “not to worry if I felt bad at first that I would feel good at the end.”⁵⁷² This was part of the indelible “imprint”⁵⁷³ Bruyneel would soon leave on his sport and upon the lives of many young riders.

In June of 2000 at the end of the Dauphiné Libéré Johan Bruyneel explained the process of blood doping to a young Tyler Hamilton.⁵⁷⁴ Changes in EPO testing required a change in the way the team was preparing for the Tour.⁵⁷⁵ According to Bruyneel, five hundred cc’s of blood would be withdrawn from each rider to be re-infused the following month during the Tour de

where I and other riders used saline after receiving advance warning of a doping control.”).

⁵⁶⁸ Affidavit of Tom Danielson, ¶ 57. Affidavit of Floyd Landis, ¶ 24, 26, 39

⁵⁶⁹ Affidavit of Tom Danielson, ¶¶ 96-106; Affidavit of George Hincapie, ¶ 66, Affidavit of Floyd Landis, ¶¶ 12-13, 24, 26, 29-30, 32-34, 37, 39; Affidavit of Levi Leipheimer, ¶¶ 78-84.

⁵⁷⁰ Affidavit of Tyler Hamilton, ¶ 79; Affidavit of Floyd Landis, ¶¶ 21

⁵⁷¹ Affidavit of George Hincapie, ¶¶ 51-52; Affidavit of David Zabriskie, ¶¶ 36-39; Affidavit of Michael Barry, ¶¶ 52-55; *see also* Affidavit of Christian Vande Velde, ¶ 131 (Bruyneel offered Vande Velde cortisone during 2002 Vuelta); Affidavit of Emma O'Reilly, ¶¶ 79-92 (describing delivery of pills from Bruyneel to Armstrong).

⁵⁷² Affidavit of Christian Vande Velde, ¶ 63.

⁵⁷³ *We Might As Well Win*, p. 4.

⁵⁷⁴ Affidavit of Tyler Hamilton, ¶¶ 69-77.

⁵⁷⁵ Affidavit of Tyler Hamilton, ¶ 68.

France.⁵⁷⁶ The re-infused blood would boost the oxygen carrying capacity of the riders' blood and help them much like EPO had improved their endurance during the previous Tour.⁵⁷⁷

However, there was no test for blood transfusions so this method of cheating would be as undetectable as using EPO had been the previous year.⁵⁷⁸

A few days later Johan accompanied Lance, Tyler and Kevin Livingston for a private flight to Valencia.⁵⁷⁹ Upon arrival in Valencia the trio of young riders was driven to a hotel.⁵⁸⁰ Joining Bruyneel and the cyclists at the hotel were doctors Michele Ferrari and Luis Garcia del Moral and the team's trainer Jose "Pepe" Marti.⁵⁸¹ Ferrari and del Moral supervised the blood extraction process.⁵⁸² Marti and del Moral would be responsible for re-infusing the blood during the Tour.⁵⁸³ Bruyneel has acknowledged that "the Tour has always brought out the worst as well as the best in humankind."⁵⁸⁴ That morning in Valencia, Johan Bruyneel reached a dark new low.⁵⁸⁵

In early 2003 David Zabriskie was 23 years old, a young man who had postponed a college education to see what he could make of himself in cycling.⁵⁸⁶ He must have felt fortunate to be on Lance Armstrong's U.S. Postal Service Cycling Team.

⁵⁷⁶ Affidavit of Tyler Hamilton, ¶ 70.

⁵⁷⁷ Affidavit of Tyler Hamilton, ¶ 71.

⁵⁷⁸ Affidavit of Tyler Hamilton, ¶ 72.

⁵⁷⁹ Affidavit of Tyler Hamilton, ¶ 69.

⁵⁸⁰ Affidavit of Tyler Hamilton, ¶ 73.

⁵⁸¹ Affidavit of Tyler Hamilton, ¶ 74.

⁵⁸² Affidavit of Tyler Hamilton, ¶ 75.

⁵⁸³ Affidavit of Tyler Hamilton, ¶ 76.

⁵⁸⁴ *We Might As Well Win*, p. 112.

⁵⁸⁵ Bruyneel personally advised George Hincapie on how the USPS team supported doping program would work. Affidavit of George Hincapie, ¶ 63. In 2006 Bruyneel would similarly introduce a young Tom Danielson to blood doping. Affidavit of Tom Danielson, ¶¶ 96-106.

⁵⁸⁶ Affidavit of David Zabriskie, ¶¶ 17.

Zabriskie was, no doubt, happy to be walking to a meeting at a café in Girona, Spain with Team Director Johann Bruyneel, Team Doctor Luis del Moral and Zabriskie's roommate at competitions, and a somewhat older cyclist named Michael Barry.⁵⁸⁷ Zabriskie was away from home, a young man in an unfamiliar environment, he did not know Spanish and frequently felt lonely, one of the younger cyclists on a team of hardened professionals.⁵⁸⁸ However, on this day one would not have been surprised to find him expectant, hopeful.

Zabriskie had recently shown success in the early season Four Days of Dunkirk, a four day stage race in which he had finished in a surprising fifth place.⁵⁸⁹ The result, accomplished from May 7-11, placed him in front of some well known racers at the time, men like Richard Virenque, Nicolas Jalabert and Laurent Brochard. Zabriskie had been warmly congratulated by the assistant team director and perhaps sensed that Bruyneel might have important plans for him.⁵⁹⁰

Bruyneel was respected by Zabriskie whose father had died a few years before, his life shortened by drug addiction.⁵⁹¹ Zabriskie had sought refuge in cycling.⁵⁹² Long hard training rides were cathartic and provided an escape from the difficult home life associated with a parent with an addiction.⁵⁹³ He had vowed never to give in to the temptation to use, never to end up like his father, furtively using drugs to feed his dependency and eroding his physical health.⁵⁹⁴

⁵⁸⁷ Barry was about five years older than Zabriskie; however, Zabriskie had been on the USPS team a year longer.

⁵⁸⁸ Affidavit of David Zabriskie, ¶ 25.

⁵⁸⁹ Affidavit of David Zabriskie, ¶ 33.

⁵⁹⁰ Affidavit of David Zabriskie, ¶ 33.

⁵⁹¹ Affidavit of David Zabriskie, ¶¶ 19, 30.

⁵⁹² Affidavit of David Zabriskie, ¶ 13.

⁵⁹³ Affidavit of David Zabriskie, ¶ 13.

⁵⁹⁴ Affidavit of David Zabriskie, ¶¶ 13, 17, 38, 41.

The group met at or near a café, and the conversation proceeded in English. Bruyneel got right to the point.⁵⁹⁵ He and del Moral had brought two injectable products for Zabriskie and Barry, something known as “recovery” and the banned oxygen booster, erythropoietin (known as “EPO”).⁵⁹⁶ Zabriskie was shocked.⁵⁹⁷

This was the beginning of David’s third year on the team and he had not realized he would be required to dope.⁵⁹⁸ He realized, of course, that some cyclists in the peloton and likely some teammates fueled their success with banned substances.⁵⁹⁹ However, until now he had been largely shielded from the reality of drug use on the U.S. Postal Service Team.⁶⁰⁰

Zabriskie began to ask questions.⁶⁰¹ He was fearful of the health implications of using EPO, and he had a slew of questions: would he be able to have children? would it cause any physical changes? Would he grow larger ears?⁶⁰² The questions continued. Bruyneel responded, “everyone is doing it.”⁶⁰³ Bruyneel assured that if EPO was dangerous no professional cyclists would be having kids.⁶⁰⁴

David was cornered.⁶⁰⁵ He had embraced cycling to escape a life seared by drugs and now he felt that he could not say no and stay in his mentor’s good graces.⁶⁰⁶ He looked to Barry for support but he did not find it.⁶⁰⁷ Barry’s mind was made up.⁶⁰⁸ Barry had decided to use

⁵⁹⁵ Affidavit of David Zabriskie, ¶¶ 36; Affidavit of Michael Barry, ¶ 53.

⁵⁹⁶ Affidavit of David Zabriskie, ¶ 36.

⁵⁹⁷ Affidavit of David Zabriskie, ¶ 36.

⁵⁹⁸ Affidavit of David Zabriskie, ¶ 35.

⁵⁹⁹ Affidavit of David Zabriskie, ¶ 35.

⁶⁰⁰ Affidavit of David Zabriskie, ¶ 35.

⁶⁰¹ Affidavit of David Zabriskie, ¶ 36.

⁶⁰² Affidavit of David Zabriskie, ¶ 36.

⁶⁰³ Affidavit of David Zabriskie, ¶ 37.

⁶⁰⁴ Affidavit of David Zabriskie, ¶ 37.

⁶⁰⁵ Affidavit of David Zabriskie, ¶ 38.

⁶⁰⁶ Affidavit of David Zabriskie, ¶¶ 13, 35-39.

⁶⁰⁷ Affidavit of David Zabriskie, ¶ 38.

EPO, and he reinforced Bruyneel's opinions that EPO use was required for success in the peloton.⁶⁰⁹

The group retired to Barry's apartment where both David and Barry were injected with EPO by Dr. del Moral.⁶¹⁰ Thus began a new stage in David Zabriskie's cycling career – the doping stage. Cycling was no longer David's refuge from drugs. When he went back to his room that night he cried.⁶¹¹

Levi Leipheimer was plainly one of Bruyneel's favorite riders. As noted above, Bruyneel's relationship with Leipheimer is described with familiarity and respect in *We Might As Well Win*. In that book Bruyneel described how, as a young pro, Leipheimer eagerly lapped up Bruyneel's advice.⁶¹² So, when Bruyneel learned of Leipheimer's use of EPO in 2001 Bruyneel had a significant opportunity to steer Leipheimer in the right direction. Instead, a few minutes after confirming to Bruyneel that he had been using EPO Leipheimer got a phone call from Dr. del Moral instructing Leipheimer on how to use the drug in a way that would not be detectable.⁶¹³ Leipheimer came away understanding "that Johan's concern and Dr. del Moral's concern was not necessarily that I had used EPO but that because they had not been told of my use, and I might not be doing it safely, that I could have had a positive test which could have led to problems for the team."⁶¹⁴ Thus, Leipheimer was thrice disserved—first by the coach who first got him EPO and then by Dr. del Moral who instructed him how to use it without being caught and finally by Bruyneel, who could have tried to turn a young man in the right direction,

⁶⁰⁸ Affidavit of David Zabriskie, ¶ 38; Affidavit of Michael Barry, ¶ 53.

⁶⁰⁹ Affidavit of David Zabriskie, ¶ 38; Affidavit of Michael Barry, ¶ 53 ("I had . . . resigned myself to the fact that I would need to start doping in order to be competitive.").

⁶¹⁰ Affidavit of David Zabriskie, ¶ 40; Affidavit of Michael Barry, ¶¶ 53-54.

⁶¹¹ Affidavit of David Zabriskie, ¶ 42.

⁶¹² *We Might As Well Win*, p. 92.

⁶¹³ Affidavit of Levi Leipheimer, ¶ 38.

⁶¹⁴ Affidavit of Levi Leipheimer, ¶ 38.

but instead accepted the drug use and looked only to his own selfish interest in reducing the risk of one of his riders getting a positive drug test by having the team doctor advise to inject EPO in the vein.⁶¹⁵

Tyler Hamilton, David Zabriskie, Levi Leipheimer, Christian Vande Velde. Four young men at the outset of their careers were among those Johan Bruyneel ushered down the road toward performance enhancing drug use. Bruyneel's relationship with these young riders tell us much, both about the character of the man who served as Lance Armstrong's handpicked Team Director for nine seasons and about the pervasiveness of the doping on the USPS and Discovery Channel teams, affording as well additional insight into the people Armstrong surrounded himself with and their familiarity with, openness toward, and involvement in doping.

3. Dr. Luis Garcia del Moral's involvement in doping

As noted above, Bruyneel brought Dr. del Moral with him from the ONCE operation,⁶¹⁶ and del Moral and Bruyneel worked hand in hand in implementing the team-wide doping program on the U.S. Postal Service team during the period from 1999 through 2003. Christian Vande Velde recalled Dr. del Moral as "gruff, aggressive and always seemed in a hurry."⁶¹⁷ Vande Velde said, del Moral "would run into the room and you would quickly find a needle in your arm."⁶¹⁸

⁶¹⁵ Leipheimer's EPO use clearly did not cause Bruyneel to not want Leipheimer on the team. Indeed, he personally called Leipheimer to bring him back to the team after the 2006 season.

⁶¹⁶ Bruyneel acknowledged to Jonathan Vaughters extensive drug use on the ONCE team. Affidavit of Jonathan Vaughters, ¶ 84. The team director for ONCE was Manolo Saiz who would be caught up in the Operacion Puerto doping scandal. Christian Vande Velde and Jörg Jaksche experienced doping on Saiz's teams. Affidavit of Christian Vande Velde, ¶ 132. Affidavit of Jörg Jaksche, ¶¶ 23-27. According to Vande Velde, Saiz's team "had an organized doping program in which the team doctors were very involved in providing performance enhancing drugs." Affidavit of Christian Vande Velde, ¶ 132.

⁶¹⁷ Affidavit of Christian Vande Velde, ¶ 48.

⁶¹⁸ Affidavit of Christian Vande Velde, ¶ 48.

Every one of the nine (9) riders⁶¹⁹ from the team during this period who have provided affidavits to USADA described Dr. del Moral's involvement in doping. Jonathan Vaughters explained that Dr. del Moral was "far more aggressive than Dr. Celaya in providing doping products to riders" and in 1999 "came into the early season training camp in Solvang, California, with an Excel spreadsheet, on which, after meeting with each rider and discussing their schedule, he had developed a doping plan, and he would tell us, 'this is when you use growth hormone, this is when to start EPO.'"⁶²⁰

Frankie Andreu,⁶²¹ David Zabriskie⁶²² and Michael Barry⁶²³ received EPO injections from Dr. del Moral. Tyler Hamilton received EPO from Dr. del Moral,⁶²⁴ including during the 1999 Tour de France,⁶²⁵ and Dr. del Moral also assisted Lance Armstrong and Kevin Livingston with EPO and the disposal of syringes during this race.⁶²⁶ Likewise, Jonathan Vaughters received EPO from Dr. del Moral.⁶²⁷ Dr. del Moral gave Levi Leipheimer advice on using EPO in 2001.⁶²⁸

George Hincapie also received saline infusions⁶²⁹ and testosterone from Dr. del Moral⁶³⁰ and Floyd Landis⁶³¹ and Christian Vande Velde⁶³² received testosterone from him. Levi

⁶¹⁹ Tom Danielson did not join the team until late 2004 or early 2005 after Dr. del Moral had left.

⁶²⁰ Affidavit of Jonathan Vaughters, ¶ 52.

⁶²¹ Affidavit of Frankie Andreu, ¶ 55. George Hincapie observed one of the EPO injections given to Andreu. Affidavit of George Hincapie, ¶ 58.

⁶²² Affidavit of David Zabriskie, ¶ 40.

⁶²³ Affidavit of Michael Barry, ¶ 54.

⁶²⁴ Affidavit of Tyler Hamilton, ¶ 44.

⁶²⁵ Affidavit of Tyler Hamilton, ¶ 56.

⁶²⁶ Affidavit of Tyler Hamilton, ¶ 56; see also Affidavit of Christian Vande Velde, ¶¶ 56-58.

⁶²⁷ Affidavit of Jonathan Vaughters, ¶ 59.

⁶²⁸ Affidavit of Levi Leipheimer, ¶ 38.

⁶²⁹ Affidavit of George Hincapie, ¶ 47.

⁶³⁰ Affidavit of George Hincapie, ¶¶ 48-49.

⁶³¹ Affidavit of Floyd Landis, ¶ 31.

⁶³² Affidavit of Christian Vande Velde, ¶¶ 54-55.

Leipheimer received a saline infusion from him prior to the 2001 Vuelta, and Jonathan Vaughters received saline from him prior to the 1999 Tour.⁶³³

Dr. del Moral would authorize cortisone for the riders for fictitious injuries;⁶³⁴ Tyler Hamilton said this was a frequent practice.⁶³⁵

Dr. del Moral developed a doping program for Christian Vande Velde that focused on human growth hormone and cortisone injections.⁶³⁶ Dr. del Moral provided hGH to Vande Velde⁶³⁷ and injected him with hGH and cortisone.⁶³⁸

Dr. del Moral would also inject the riders with substances without telling the riders what they were receiving, even when asked.⁶³⁹ At times he was apparently using the riders as “guinea pigs,” investigating the impact of these substances on the riders.⁶⁴⁰

George Hincapie,⁶⁴¹ Tyler Hamilton,⁶⁴² and Floyd Landis,⁶⁴³ all reported that Dr. del Moral was deeply involved in the blood doping program. Dr. del Moral participated in extracting and transfusing blood in and out of competition in Belgium⁶⁴⁴ France,⁶⁴⁵ and Spain⁶⁴⁶

⁶³³ Affidavit of Jonathan Vaughters, ¶ 75.

⁶³⁴ Affidavit of Tyler Hamilton, ¶ 53; Affidavit of Jonathan Vaughters, ¶ 66.

⁶³⁵ Affidavit of Tyler Hamilton, ¶ 53.

⁶³⁶ Affidavit of Christian Vande Velde, ¶ 62.

⁶³⁷ Affidavit of Christian Vande Velde, ¶ 65.

⁶³⁸ Affidavit of Christian Vande Velde, ¶¶ 64, 66-67.

⁶³⁹ Affidavit of Frankie Andreu, ¶ 56 (mysterious injection of everyone at 1999 Tour de France); Affidavit of Christian Vande Velde, ¶ 99 (injection of Vande Velde and Hincapie with unknown substance); Affidavit of Jonathan Vaughters, ¶ 65 (injection of what del Moral called a “testosterone stimulant”); *see also* Affidavit of David Zabriskie, ¶ 23 (describing injections of a substance known as “recovery” that was said by the team doctors to be “vitamins” but which appeared at various times to be “greenish,” at others to be “yellowish” at still others to be “reddish” and at other times to be “clear.”).

⁶⁴⁰ Affidavit of Christian Vande Velde, ¶ 99.

⁶⁴¹ Affidavit of George Hincapie, ¶¶ 66-67

⁶⁴² Affidavit of Tyler Hamilton, ¶¶ 75-76, 79.

⁶⁴³ Affidavit of Floyd Landis, ¶¶ 21, 29, 30, 32, 36.

⁶⁴⁴ Affidavit of George Hincapie, ¶ 66

⁶⁴⁵ Affidavit of Tyler Hamilton, ¶¶ 76, 79; Affidavit of Floyd Landis, ¶¶ 21, 29, 30.

and during stages of the Tour de France⁶⁴⁷ and Vuelta a Espana.⁶⁴⁸ Dr. del Moral assisted Lance Armstrong in re-infusing a bag of blood at George Hincapie's apartment in Girona in 2003.⁶⁴⁹ Dr. del Moral was witnessed participating in Lance Armstrong's blood doping program by Tyler Hamilton,⁶⁵⁰ George Hincapie⁶⁵¹ and Floyd Landis.⁶⁵² The heavy involvement of Dr. del Moral in the team doping program on the U.S. Postal Service team during 1999 through 2003 corroborates this direct evidence of Lance Armstrong's doping and strongly supports the conclusion that Lance Armstrong engaged in doping as charged by USADA.

4. Dr. Pedro Celaya's involvement in doping

Dr. Pedro Celaya replaced Dr. Prentice Steffen as team physician for the U.S. Postal Service team for the 1997 season.⁶⁵³ It is acknowledged by those who were on the team at this time that the organized team doping program for the U.S. Postal Service Cycling team began at this point.⁶⁵⁴ One of the first things that Celaya did upon meeting the riders was to measure their hematocrit.⁶⁵⁵

In contrast to Dr. del Moral, who was described as impatient and gruff, Dr. Celaya was generally viewed as kind and caring.⁶⁵⁶ Most of the riders felt that Dr. Celaya truly cared about

⁶⁴⁶ Affidavit of George Hincapie, ¶ 67; Affidavit of Tyler Hamilton, ¶ 75.

⁶⁴⁷ Affidavit of Tyler Hamilton, ¶¶ 76, 79; Affidavit of Floyd Landis, ¶¶ 21, 29, 30.

⁶⁴⁸ Affidavit of Floyd Landis, ¶¶ 32, 36.

⁶⁴⁹ Affidavit of George Hincapie, ¶ 74.

⁶⁵⁰ Affidavit of Tyler Hamilton, ¶¶ 74-76, 79.

⁶⁵¹ Affidavit of George Hincapie, ¶ 74.

⁶⁵² Affidavit of Floyd Landis, ¶¶ 21, 29.

⁶⁵³ Affidavit of Tyler Hamilton, ¶¶ 17-19.

⁶⁵⁴ See, e.g., Affidavit of Emma O'Reilly, ¶¶ 26 (describing staff involvement, including that of Celaya, in the doping program in 1997), 28.

⁶⁵⁵ Affidavit of Tyler Hamilton, ¶ 20.

⁶⁵⁶ Christian Vande Velde said, "Dr. del Moral was gruff, aggressive and always seemed in a hurry. . . Dr. Celaya would take the time to explain things." Affidavit of Christian Vande Velde, ¶ 48.

the rider's health⁶⁵⁷ and even shielded some of the younger riders from drugs at the outset of their careers, waiting until they were more established before suggesting that they begin to use performance enhancing drugs.⁶⁵⁸ Nonetheless, it was recognized that Celaya was not as conservative as some other team doctors in the sport.⁶⁵⁹

Celaya's affable nature was also an asset in helping him to convince some young riders to try new drugs. For instance, when Dr. Celaya gave testosterone⁶⁶⁰ to Tyler Hamilton for the first time Celaya said, "this is not doping, this is for your health."⁶⁶¹ Similarly, after the Tour of Basque Country in 2005 Celaya approached Tom Danielson about receiving a cortisone injection.⁶⁶² Celaya said, "I can give you cortisone for the Tour of Georgia, we'll just say it is for your knee."⁶⁶³ Danielson responded that he was alright and did not need the drug.⁶⁶⁴ Initially, Danielson did not want to use cortisone as he did not know its potential side effects.⁶⁶⁵ However, Celaya responded, "it is good for your muscles, it will give you more power."⁶⁶⁶ As a consequence, Danielson said he "relented and had intramuscular injections of cortisone for the Tour of Georgia."⁶⁶⁷

Moreover, once a cyclist was on the "program"⁶⁶⁸ Dr. Celaya became an active participant in the doping. Supplying and injecting (or supervising the injection of) a

⁶⁵⁷ See, e.g., Affidavit of Jonathan Vaughters, ¶ 43.

⁶⁵⁸ Affidavit of Jonathan Vaughters, ¶ 43.

⁶⁵⁹ Affidavit of Frankie Andreu, ¶ 44.

⁶⁶⁰ Celaya also introduced Hamilton to EPO. Affidavit of Tyler Hamilton, ¶ 27.

⁶⁶¹ Affidavit of Tyler Hamilton, ¶ 25.

⁶⁶² Affidavit of Tom Danielson, ¶ 63.

⁶⁶³ Affidavit of Tom Danielson, ¶ 63.

⁶⁶⁴ Affidavit of Tom Danielson, ¶ 63.

⁶⁶⁵ Affidavit of Tom Danielson, ¶ 63.

⁶⁶⁶ Affidavit of Tom Danielson, ¶ 63.

⁶⁶⁷ Affidavit of Tom Danielson, ¶ 63.

⁶⁶⁸ "The term 'program' was a euphemism but one with a very specific and well understood meaning on the team. The terms 'program' and 'preparation' were specifically used to refer to

pharmacopeia of banned performance enhancing drugs such as EPO,⁶⁶⁹ testosterone,⁶⁷⁰ human growth hormone⁶⁷¹ and cortisone,⁶⁷² and assisting with the blood doping operation.⁶⁷³

In 1998 Dr. Celaya advised riders like Jonathan Vaughters, “how [EPO] was used and injected].”⁶⁷⁴ At that time, prior to the development of the EPO test, EPO injections were given subcutaneously (i.e., under the skin, as opposed to in the vein).⁶⁷⁵ At the beginning of 1998, prior to the Festina doping scandal, the use of EPO on the team was quite open among those riders using the drug, and EPO was even distributed in U.S. Postal Service water bottles. As Jonathan Vaughters described:

Dr. Celaya would deliver EPO to riders on the team in U.S. Postal Service water bottles with EPO vials packed in ice in the bottles. On the side of the bottle would be the name of the rider and the doses of EPO in the bottle. For instance, I might receive a bottle that would say “Jonathan – 5 x 2” meaning that the bottle held 5 vials of EPO containing 2,000 international units each.⁶⁷⁶

This degree of openness would change somewhat following the Festina scandal which prompted a bit more caution on the team about drug related communications. Nonetheless, amongst the initiated on the team, the use of drugs was well understood, accepted, and frequently discussed, albeit in somewhat euphemistic, but well understood, terminology whereby doping

combining drugs and training to bring the rider to a level of peak performance.” Affidavit of Christian Vande Velde, ¶ 61.

⁶⁶⁹ Affidavit of Tom Danielson, ¶ 72; Affidavit of Tyler Hamilton, ¶ 27; Affidavit of George Hincapie, ¶ 37; Affidavit of Jonathan Vaughters, ¶¶ 26, 28; Affidavit of David Zabriskie, ¶ 49.

⁶⁷⁰ Affidavit of Tyler Hamilton, ¶ 25.

⁶⁷¹ Affidavit of George Hincapie, ¶ 38.

⁶⁷² Affidavit of Tom Danielson, ¶¶ 63, 117.

⁶⁷³ Affidavit of Tom Danielson, ¶ 104 (took out two bags of blood).

⁶⁷⁴ Affidavit of Jonathan Vaughters, ¶ 26.

⁶⁷⁵ Affidavit of Jonathan Vaughters, ¶ 26.

⁶⁷⁶ Affidavit of Jonathan Vaughters, ¶ 28.

was referred to as the “program” or “preparation”⁶⁷⁷ and drugs were referred to as “Poe,”⁶⁷⁸ “Edgar,”⁶⁷⁹ the “oil,”⁶⁸⁰ and “Giaca”⁶⁸¹ among other things.

As the Festina scandal mushroomed at the 1998 Tour de France and police raids were feared, Dr. Celaya’s easygoing nature disappeared, and he became very nervous.⁶⁸² Team employee Emma O’Reilly believed “Dr. Celaya was frantic because he knew he would be held responsible if the U.S. Postal Service team was busted and found to be in possession of banned performance enhancing substances during the Tour de France.”⁶⁸³ Dr. Celaya’s anxiety was only relieved when at a stage in the middle of the Tour the team staff flushed tens of thousands of dollars of doping products down the toilet of the team camper.⁶⁸⁴

By 1998 the UCI had implemented a rule that riders with a hematocrit (i.e., percentage of red blood cells) at 50% or over would be kept out of races. The effect of EPO is to raise hematocrit through stimulating the production of red blood cells. Therefore, it was necessary to measure the riders’ hematocrit levels to ensure that they did not lose eligibility by exceeding the hematocrit threshold; this was done through use of a centrifuge. In the event that a rider was at or over the hematocrit threshold due to EPO use it was necessary to administer a saline infusion so that the rider’s hematocrit value would be reduced.

⁶⁷⁷ Affidavit of Christian Vande Velde, ¶ 61.

⁶⁷⁸ Referring to EPO. Affidavit of Tyler Hamilton, ¶ 50. Or as “Po.” Affidavit of George Hincapie, ¶ 59; Affidavit of Christian Vande Velde, ¶ 88. Lance’s favorite term for EPO was “Po.” Affidavit of Jonathan Vaughters, ¶ 58.

⁶⁷⁹ Referring to EPO. Affidavit of Christian Vande Velde, ¶ 88.

⁶⁸⁰ Referring to an Andriol (testosterone) and olive oil mixture that was taken under the tongue. Affidavit of Christian Vande Velde, ¶¶ 82, 89, 94.

⁶⁸¹ Affidavit of George Hincapie, ¶ 59.

⁶⁸² Affidavit of Emma O’Reilly, ¶¶ 49-51

⁶⁸³ Affidavit of Emma O’Reilly, ¶ 50.

⁶⁸⁴ Affidavit of Emma O’Reilly, ¶¶ 51-57. Unbeknownst to Dr. Celaya, however, the staff had missed some vials of EPO in a thermos in the refrigerator of the team camper and these vials remained in the refrigerator through the end of the Tour. Affidavit of Emma O’Reilly, ¶¶ 58-62.

At the 1998 Vuelta, at which Lance Armstrong, Jonathan Vaughters and Christian Vande Velde competed, Dr. Celaya brought a centrifuge to measure the riders' hematocrit levels.⁶⁸⁵ Jonathan Vaughters described most of the riders' values being near the threshold throughout the race, likely indicating EPO use.⁶⁸⁶

At the 1998 World Championships Dr. Celaya pulled off a daring maneuver to get Lance Armstrong a saline infusion practically under the eyes of a UCI tester. Celaya smuggled a bag of saline under his rain coat, getting it past the tester and administering saline to Armstrong before Armstrong was required to provide a blood sample.⁶⁸⁷ Later, Celaya and Vaughters chuckled about the close call.⁶⁸⁸

Despite the ready support Celaya provided to the EPO doping program going on within the U.S. Postal Service team at the time, Armstrong did not feel that Celaya was aggressive enough in running the “program,” i.e., in supplying performance enhancing drugs.⁶⁸⁹ Dr. Celaya was replaced as the team physician for the start of the 1999 season, and Dr. Celaya moved on to the Spanish team ONCE which, like the U.S. Postal Service team, had a well organized doping program in which the team doctors were heavily involved.⁶⁹⁰

Dr. Celaya continued his doping practices with the ONCE team.⁶⁹¹ Former ONCE rider Jörg Jaksche has testified to Dr. Celaya’s involvement in doping while Jaksche was on the ONCE team during the 2001 through 2003 time period.⁶⁹²

⁶⁸⁵ Affidavit of Jonathan Vaughters, ¶ 39.

⁶⁸⁶ Affidavit of Jonathan Vaughters, ¶ 39.

⁶⁸⁷ Affidavit of Jonathan Vaughters, ¶ 46; see also Affidavit of Christian Vande Velde, ¶ 38.

⁶⁸⁸ Affidavit of Jonathan Vaughters, ¶ 47.

⁶⁸⁹ Affidavit of Jonathan Vaughers, ¶ 42.

⁶⁹⁰ Affidavit of Jörg Jaksche, ¶¶ 22-27; Affidavit of Christian Vande Velde, ¶ 133 (Liberty Seguros, the successor to the ONCE team, had “an organized doping program in which the team doctors were very involved in providing performance enhancing drugs”).

⁶⁹¹ Affidavit of Jörg Jaksche, ¶ 23.

Five years after his departure from the U.S. Postal Service team, Dr. Celaya returned to the U.S. Postal Service team for the 2004 season after Dr. del Moral fell out of favor with Armstrong, apparently due in part to Armstrong feeling like del Moral had some blame for Armstrong's weaker performance in the 2003 Tour than in his previous Tour winning performances. After returning to the team in 2004 Dr. Celaya picked up where he had left off, continuing his involvement in providing banned drugs to riders⁶⁹³ and his participation in the team blood doping program.⁶⁹⁴ Also, like Dr. del Moral before him, Celaya continued the practice of injecting the riders with substances he would not identify even when asked.⁶⁹⁵

The heavy involvement of Dr. Celaya in the team doping program on the U.S. Postal Service/Discovery Channel team during 1997 through 1998 and 2004 through 2005 corroborates USADA's substantial direct evidence of Lance Armstrong's doping and strongly supports the conclusion that Lance Armstrong engaged in doping as charged by USADA.

5. Jose "Pepe" Marti's involvement in doping

Jose "Pepe" Marti was given the title of "Team Trainer." However, the evidence is that Pepe was the principal drug runner for the U.S. Postal Service team. Because of this Marti was known to the riders as "The Courier."⁶⁹⁶

George Hincapie said, "Pepe Marti provided me testosterone and EPO in 1999. On more than one occasion, he delivered EPO to my residence, and I paid him for it."⁶⁹⁷ Hamilton

⁶⁹² Affidavit of Jörg Jaksche, ¶¶ 23-27.

⁶⁹³ Affidavit of David Zabriskie, ¶ 50 (injections of EPO); Affidavit of Tom Danielson, ¶¶ 63, 86, 117 (injections of cortisone), 72, 116 (EPO injections); Affidavit of Michael Barry, ¶ 63 (providing testosterone patches); *see also* Affidavit of George Hincapie, ¶ 84 (EPO use was still common on team in 2004 – 2007).

⁶⁹⁴ Affidavit of Tom Danielson, ¶¶ 103-116 (Celaya assisted Danielson with blood doping in 2006); Affidavit of George Hincapie, ¶ 68 (Celaya assisted Hincapie with blood doping in 2004 and 2005); Affidavit of Floyd Landis, ¶ 40 (Celaya assisted Landis with blood doping in 2004).

⁶⁹⁵ Affidavit of Tom Danielson, ¶ 84 ("hormone booster").

⁶⁹⁶ Affidavit of Christian Vande Velde, ¶ 85.

recalled, “At this time⁶⁹⁸ when in Girona I got my EPO from Dr. del Moral’s clinic in Valencia.⁶⁹⁹ Either I would drive down to pick it up or Pepe Marti the team trainer would deliver it to me in Girona.”⁷⁰⁰ Emma O’Reilly confirmed that in 1999, “Jose “Pepe” Marti was added to the staff as a coach/trainer but his primary responsibility by the end of the season was to obtain and transport doping products for the team.”⁷⁰¹ According to O’Reilly, [s]ome of the product that Pepe transported would end up on the U.S. Postal Service team truck and some of it would go directly to the riders.”⁷⁰²

Betsy Andreu recalled a dinner at the Villa d’Este Restaurant in Nice in 1999, involving Lance and Kristin Armstrong, Betsy Andreu,⁷⁰³ Kevin Livingston and his fiancé, and Pepe and his girlfriend Isabella. Dinner was later than usual because the purpose of Pepe’s attendance in Nice was to bring EPO to Lance, and it was safer to cross the border at night.⁷⁰⁴ After the dinner the Armstrong’s took Andreu home.⁷⁰⁵ Pepe gave Lance Armstrong a brown paper bag and as Armstrong opened the car door for Andreu he smiled, held up the bag and commented, “liquid gold.”⁷⁰⁶

Christian Vande Velde,⁷⁰⁷ Tom Danielson,⁷⁰⁸ Michael Barry,⁷⁰⁹ George Hincapie,⁷¹⁰ Tyler Hamilton,⁷¹¹ and Levi Leipheimer,⁷¹² among others,⁷¹³ also got EPO from Marti. Soon

⁶⁹⁷ Affidavit of George Hincapie, ¶ 54; *see* Affidavit of Christian Vande Velde, ¶ 94 (confirming that George got EPO from Pepe).

⁶⁹⁸ The year was 1999.

⁶⁹⁹ According to the riders, Marti, like Dr. del Moral, also lived in Valencia, Spain.

⁷⁰⁰ Affidavit of Tyler Hamilton, ¶ 44.

⁷⁰¹ Affidavit of Emma O’Reilly, ¶ 76.

⁷⁰² Affidavit of Emma O’Reilly, ¶ 76.

⁷⁰³ Frankie Andreu was not in attendance as he was away at a race.

⁷⁰⁴ Affidavit of Betsy Andreu, ¶ 33.

⁷⁰⁵ Affidavit of Betsy Andreu, ¶ 33.

⁷⁰⁶ Affidavit of Betsy Andreu, ¶ 33.

⁷⁰⁷ Affidavit of Christian Vande Velde, ¶ 94.

⁷⁰⁸ Affidavit of Tom Danielson, ¶¶ 72, 76, 103.

after he went to Europe after joining the Discovery Channel team in 2005, Tom Danielson got a call from Pepe about his EPO supply. When he received the call Danielson had just arrived in Girona, Spain where he would live for the season.⁷¹⁴ Danielson recalled the moment:

The way it happened was I got a call on my cell phone from Pepe. He had driven up from Valencia, was near the bus station and asked me to meet him. Pepe had EPO which I paid him for. Pepe then provided some instructions on the use of EPO. I was to inject the EPO intravenously in the evening and never to take it subcutaneously. I was to always try to hide from testers and was to try not to get tested. But, if I was tested I was to try to pee before providing a sample.⁷¹⁵

In 2006 Marti even shipped EPO to Tom Danielson in Durango, Colorado, for Danielson's use in preparation for the Tour of California.⁷¹⁶ Marti provided testosterone to Danielson,⁷¹⁷ Landis,⁷¹⁸ and Hincapie,⁷¹⁹ and Marti provided hGH to Danielson,⁷²⁰ and Landis.⁷²¹

Marti was clearly tied directly into the team doping operation. Marti was aware of when Dr. Ferrari was prescribing doping products as he would sometimes provide the product even

⁷⁰⁹ Affidavit of Tom Danielson, ¶¶ 55-56, 76; Affidavit of Levi Leipheimer, ¶ 55; Affidavit of Michael Barry, ¶¶ 57, 62, 65.

⁷¹⁰ Affidavit of George Hincapie, ¶ 54; *see* Affidavit of Christian Vande Velde, ¶ 94; Affidavit of Levi Leipheimer, ¶ 55.

⁷¹¹ Affidavit of Tyler Hamilton, ¶ 44.

⁷¹² Affidavit of Levi Leipheimer, ¶¶ 47-48, 53-55.

⁷¹³ Affidavit of Levi Leipheimer, ¶ 47.

⁷¹⁴ Girona was the residence of many of the U.S. Postal Service and Discovery Channel riders during the racing season. At the time in 2005 Lance Armstrong also resided there. In addition to Armstrong, at various times Floyd Landis, Tyler Hamilton, George Hincapie, Christian Vande Velde, Jonathan Vaughters, David Zabriskie, Tom Danielson and Levi Leipheimer, among others, would live in Girona.

⁷¹⁵ Affidavit of Tom Danielson, ¶¶ 51-52.

⁷¹⁶ Affidavit of Tom Danielson, ¶¶ 75-76.

⁷¹⁷ Affidavit of Tom Danielson, ¶¶ 78 (Pepe supplied the "oil" – Andriol/olive oil mixture to Danielson), 81 (Pepe said he could get testosterone patches for Danielson).

⁷¹⁸ Affidavit of Floyd Landis, ¶ 35.

⁷¹⁹ Affidavit of George Hincapie, ¶ 54.

⁷²⁰ Affidavit of Tom Danielson, ¶ 82.

⁷²¹ Affidavit of Floyd Landis, ¶ 35.

before the rider asked for it.⁷²² It was clear that there was regular communication about doping on the team amongst Johan Bruyneel, Michele Ferrari and Pepe Marti.⁷²³ As Tom Danielson described it:

I understood that Dr. Ferrari was in regular contact with Johan or Pepe or both. Dr. Ferrari and Pepe both seemed to know things I had told the other one, and Dr. Ferrari knew my race schedule without me ever having to tell him. Johan always seemed to be aware of what I was doing with both Pepe and Dr. Ferrari.⁷²⁴

Hincapie testified that Pepe Marti was regularly involved in the team blood doping program, “helping [Hincapie] with the extraction and re-infusion process from 2001 through 2005.”⁷²⁵ Tyler Hamilton confirmed that Marti was present at his first blood extraction in Valencia in 2000 where Lance Armstrong, Kevin Livingston, Johan Bruyneel, Michele Ferrari and Luis del Moral were present⁷²⁶ and that Pepe assisted with re-infusing the blood at the 2000 Tour de France.⁷²⁷ Similarly, Marti assisted Tom Danielson with blood doping in preparation for the 2006 Vuelta a España.⁷²⁸ Marti likewise assisted Levi Leipheimer with the blood doping process in 2007 when Leipheimer was on the Discovery Channel team.⁷²⁹

Marti also surreptitiously sold banned performance enhancing drugs to athletes who were not at the time on the U.S. Postal Service or Discovery Channel Cycling teams.⁷³⁰ Beginning in 2003 Levi Leipheimer began purchasing EPO from Pepe Marti.⁷³¹ At that time Leipheimer was

⁷²² Affidavit of Christian Vande Velde, ¶¶ 84, 95; *see also* Affidavit of Tom Danielson, ¶ 45.

⁷²³ Affidavit of Tom Danielson, ¶ 45; *see also* Affidavit of Christian Vande Velde, ¶¶ 84, 95.

⁷²⁴ Affidavit of Tom Danielson, ¶ 45.

⁷²⁵ Affidavit of George Hincapie, ¶ 69.

⁷²⁶ Affidavit of Tyler Hamilton, ¶ 74.

⁷²⁷ Affidavit of Tyler Hamilton, ¶¶ 76, 79.

⁷²⁸ Affidavit of Tom Danielson, ¶¶ 103-110.

⁷²⁹ Affidavit of Levi Leipheimer, ¶ 81.

⁷³⁰ Affidavit of Levi Leipheimer, ¶ 48.

⁷³¹ Affidavit of Levi Leipheimer, ¶ 48.

on the Rabobank cycling team.⁷³² Marti sold EPO to Leipheimer again in 2005 and in 2006 on numerous occasions⁷³³ while Leipheimer was on the Gerolsteiner cycling team.⁷³⁴ Leipheimer also received testosterone from Marti.⁷³⁵ When Leipheimer approached Marti about purchasing EPO in 2005 Marti asked Leipheimer “not to tell Johan that Pepe was providing drugs to a rider from a rival team.”⁷³⁶

The evidence is clear that one of Jose “Pepe” Marti’s principal roles on the U.S. Postal Service and Discovery Channel cycling teams was to assist with the team’s doping operation. The fact that the cycling team, of which Armstrong was a part owner and over which he had extensive control over the selection and retention of employees, employed a drug courier⁷³⁷ corroborates USADA’s substantial direct evidence of Lance Armstrong’s doping and strongly supports the conclusion that Lance Armstrong engaged in doping as charged by USADA.

D. Consideration of the Credibility and Reliability of USADA’s Fact Witnesses

A tactic of Armstrong and his representatives, documented below, has been to relentlessly criticize and bash in the media anyone who dared to question Armstrong’s performances or to bring out evidence against him. As discussed further in Section VI, before USADA initiated its proceeding this had been the tactic that Armstrong employed against Betsy Andreu, Tyler Hamilton, Floyd Landis, and Filippo Simeoni, among others.

Therefore, it was consistent with Armstrong’s prior methods of operation that even before USADA publicly identified its witnesses that Armstrong and his lawyers went on the offensive challenging the character and credibility of individuals that had not even yet been

⁷³² Affidavit of Levi Leipheimer, ¶ 12.

⁷³³ Affidavit of Levi Leipheimer, ¶ 54.

⁷³⁴ Affidavit of Levi Leipheimer, ¶¶ 53, 12.

⁷³⁵ Affidavit of Levi Leipheimer, ¶ 54.

⁷³⁶ Affidavit of Levi Leipheimer, ¶ 53.

⁷³⁷ Several of the riders told USADA that Marti was sometimes referred to as the “Courier.”

identified. As explained below, however, any effort to discredit the many prominent members of the USPS and Discovery Channel teams listed below who have come forward to testify regarding doping on those teams is itself not credible.

Coming forward to testify in this case has been at considerable cost and substantial risk for virtually everyone who has provided testimony to USADA. As a consequence, many of USADA's witnesses have had years of their competitive results disqualified, they have risked their employment, a number have accepted suspensions, and five lost the opportunity to compete on the 2012 United States Olympic team.⁷³⁸ These individuals were well aware of the consistent Armstrong tactic of attacking his accusers, most had been on his team when he went after Christophe Bassons and/or Filippo Simeoni, they saw how he and his press team and lawyers had attacked Betsy Andreu, Tyler Hamilton and Floyd Landis, among others, and they knew that testifying for USADA would likely subject them to intense criticism and efforts by Armstrong and others trying to uphold cycling's Code of Silence – the omerta.

None of these individuals came forward lightly or easily. Every one of USADA's witnesses struggled to some degree with the decision to come forward. Virtually all were subject to cycling's omerta at one time or another. For all, there existed a strong self interest in NOT coming forward, in keeping their heads down and hoping the storm would pass. Most had almost certainly, as Tyler Hamilton confessed, at one time contemplated holding onto their secrets until the grave.

It is a recognized legal principle that testimony against one's personal self interest is a factor to be weighed in favor of the credibility of a witness's testimony. Given the recognized resources of Mr. Armstrong and his demonstrated willingness to aggressively attack anyone

⁷³⁸ The acceptance of sanction agreements for these riders are provided as part of Appendix AA.

raising issues regarding his conduct, all of USADA’s witnesses have come forward in the face of significant pressure. Each of the six (6) witnesses who were still active cyclists at the outset of their cooperation with USADA has voluntarily accepted a sanction of six (6) months ineligibility and loss of competitive results as a consequence of his own rule violations.⁷³⁹ As provided in the rules, up to a three-quarters (3/4) reduction in the otherwise applicable period of ineligibility is appropriate where a sanctioned athlete has provided “substantial assistance” to an anti-doping organization.⁷⁴⁰ Accordingly, the sanctions accepted by each of the six (6) active cyclists are appropriate and provided for in the rules. Acceptance of these sanctions, including loss of results and a six month suspension, demonstrate an acceptance of responsibility that should be considered favorably in assessing their testimony.

Some additional background information and individual factors that may be considered in assessing each witness’s credibility are set forth in Part 1 of the Addendum to this Reasoned Decision.

E. How Lance Armstrong and the USPS Team Avoided Positive Drug Tests

Lance Armstrong, his teammates and the doctors and employees of the U.S. Postal Service and Discovery Channel teams employed a wide variety of techniques to attempt to avoid a positive drug test. It has been a frequent refrain of Armstrong and his representatives over the years that Lance Armstrong has never had a positive drug test. As discussed in the affidavit of Dr. Larry Bowers, that does not mean, however, he did not dope. Nor has Armstrong apparently had nearly as many doping tests as his representatives have claimed.

⁷³⁹ Michael Barry, Tom Danielson, George Hincapie, Levi Leipheimer, Christian Vande Velde and David Zabriskie.

⁷⁴⁰ Code, Art. 10.5.3.

Mr. Armstrong's counsel stated on the television show *Nightline* after his retirement in 2005 that Armstrong had successfully completed more than 300 doping tests over the course of a fourteen year career in professional cycling. Armstrong was retired until late 2008 and then came out of retirement to compete again for a little over two years. Yet, by the time of his second retirement his lawyers' claims about the number of tests completed by Armstrong had mushroomed to "500 to 600 tests." During his lawsuit Mr. Armstrong refused to respond to USADA's requests for information about the number of tests he claimed to have had.

USADA has tested Mr. Armstrong on less than sixty occasions.⁷⁴¹ The UCI has been quoted as saying their records indicate slightly over 200 tests for Mr. Armstrong.⁷⁴² Thus, the number of actual controls on Mr. Armstrong over the years appears to have been considerably fewer than the number claimed by Armstrong and his lawyers.

Moreover, it appears likely that the UCI blood draws for their health test program and for the biological passport program have been included in their test number estimates. These blood draws, however, are not true drug tests in the sense that the UCI has never traditionally tried to detect prohibited substances such as testosterone, EPO or corticosteroids in these blood samples.⁷⁴³ Rather, the UCI has simply used the blood samples to measure blood parameters such as hemoglobin, hematocrit and reticulocytes. Of course, this information has value when the measurements obtained over a period of time are compared. However, counting these blood

⁷⁴¹ Armstrong's USADA testing history is provided as part of Appendix T.

⁷⁴² It appears to have contributed to the confusion that in media interviews about this case UCI President Pat McQuaid and UCI Management Committee Member Hein Verbruggen have quoted the number of tests asserted by Armstrong rather than the number of tests actually administered by the UCI. The UCI has recently said that it collected blood or urine samples from Armstrong about 215 times during his career. *See, e.g., Verbruggen won't take legal action against Hamilton*, *Cycling News*, September 21, 2012, (Quoting Mr. Verbruggen as follows: "He has been controlled 500 times, maybe 200 times other than us.").

⁷⁴³ Affidavit of Larry Bowers.

draws in a number of successfully completed tests is misleading because the tests do not attempt to directly test for any prohibited substance.

In any case, as described below, the risk of Lance Armstrong ever testing positive was always relatively low and could be, and was, managed through precautions and evasive measures that were regularly employed by him and his team. Therefore, the contention that an absence of positive drug tests is proof that a cyclist is clean does not bear serious scrutiny.⁷⁴⁴

1. Avoiding testers during window of detection

The most conventional way that the U.S. Postal riders beat what little out of competition testing there was, was to simply use their wits to avoid the testers. Tyler Hamilton summarized:

We also had another time honored strategy for beating the testing – we hid. At the time, the whereabouts programs of drug testing agencies were not very robust, the UCI did not even have an out of competition testing program. If a tester did show up, you typically would not get a missed test even if you decided not to answer the door. In any case, there was no penalty until you had missed three tests. So, avoiding testing was just one more way we gamed the system.⁷⁴⁵

The first rule of EPO use was to inject intravenously, the second rule was to use the drug in the evening and the third rule “was to always try to hide from testers and . . . try not to get tested.”⁷⁴⁶ The riders were advised to not answer the door if a tester came after they had used EPO.⁷⁴⁷ David Zabriskie was also told that it was better to inject at his friend’s residence than at his own because Zabriskie, a U.S. rider, was more likely to be tested in Europe by USADA than were most riders from other countries.⁷⁴⁸

⁷⁴⁴ See Affidavit of Larry Bowers.

⁷⁴⁵ Affidavit of Tyler Hamilton, ¶ 87.

⁷⁴⁶ Affidavit of Tom Danielson, ¶ 52.

⁷⁴⁷ Affidavit of David Zabriskie, ¶ 43.

⁷⁴⁸ Affidavit of David Zabriskie, ¶ 42. Being aware that advance notice can undermine effective testing USADA has been careful since USADA initiated out of competition testing in 2001 to avoid providing notice of testing.

The adequacy of unannounced, no notice testing taking place in the sport of cycling remains a concern. For instance, at the 2010 Tour de France on two occasions the WADA independent observer (I.O.) team reported surveillance by cycling teams on the lookout for UCI testers. The WADA I.O. team reported they “could clearly see two persons watching the parking [lot] from their room windows half hidden behind the curtain as well as a team member seated in front of the hotel who immediately used his mobile phone when he saw the UCI [drug testing] team.”⁷⁴⁹ In the Independent Observer report insufficient efforts to ensure the confidentiality of test planning were also noted.⁷⁵⁰ Further, the elementary recommendations of suggesting that testers not wear prominent I.D. badges and Tour-branded clothing and not arrive in a Tour-branded car were made because the arrival of testers was at times so conspicuous as to provide advance notice to those about to be tested.⁷⁵¹

If a rider became aware that another had recently used drugs and learned that the drug testers were around they would warn their teammate. An example of this was when George Hincapie was aware that Lance Armstrong had recently used testosterone and Hincapie learned that testers were at the hotel.⁷⁵² Hincapie texted Armstrong who dropped out of the race to avoid being tested.⁷⁵³

Johan Bruyneel told Tom Danielson that when Lance Armstrong needed to avoid drug testing he would simply go stay at the Hotel Fontanals Golf in Puigcerdà, Spain, where Armstrong was virtually certain not to be tested.⁷⁵⁴ In 2006 Bruyneel recommended Danielson

⁷⁴⁹ 2010 Tour de France WADA Independent Observer Report, p. 22, provided in Appendix Z.

⁷⁵⁰ 2010 Tour de France WADA Independent Observer Report, p. 22, provided in Appendix Z.

⁷⁵¹ 2010 Tour de France WADA Independent Observer Report, p. 22, provided in Appendix Z.

⁷⁵² Affidavit of George Hincapie, ¶ 50.

⁷⁵³ Affidavit of George Hincapie, ¶ 50.

⁷⁵⁴ Affidavit of Tom Danielson, ¶ 106.

go to Puigcerdà in order to use EPO.⁷⁵⁵ Floyd Landis also testified that in 2004, before Danielson was on the team, the team went to Puigcerdà to train and use EPO and testosterone in advance of the 2004 Tour de France.⁷⁵⁶

Also, the team staff was good at being able to predict when riders would be tested and seemed to have inside information about the testing. For instance, according to David Zabriskie, “Johan [Bruyneel] always seemed to know when drug testers were coming at races. His warning that ‘they’re coming tomorrow’ came on more than one occasion.”⁷⁵⁷ Jonathan Vaughters said, “[t]he Postal Service staff, including Johan and the soigneurs seemed to have an outstanding early warning system regarding drug tests. We typically seemed to have an hour’s advance notice prior to tests. There was plenty of time in advance of tests to use saline to decrease our hematocrit level.”⁷⁵⁸ At the 2009 Tour de France the AFLD conducted joint testing with UCI testers and recorded in their official report that “the Astana team, of which Lance Armstrong was a member, benefited from privileged information or timing advantages during doping control tests.”⁷⁵⁹ For instance, on one testing mission doping control testers were delayed by UCI officials for at least 30 minutes in testing the Astana team. On another occasion, appropriate confidentiality regarding the timing of intended testing was not maintained. These documented instances merely point out that the alleged lack of positive tests pointed to by Mr. Armstrong do not, for these reasons and many others, establish that he did not dope.

Moreover, the record contains strong evidence of Armstrong’s personal efforts to avoid doping control. George Hincapie testified that Armstrong dropped out of a race in order to avoid

⁷⁵⁵ Affidavit of Tom Danielson, ¶ 106.

⁷⁵⁶ Affidavit of Floyd Landis, ¶ 39.

⁷⁵⁷ Affidavit of David Zabriskie, ¶ 36.

⁷⁵⁸ Affidavit of Jonathan Vaughters, ¶ 76

⁷⁵⁹ Declaration of Jean-Pierre Verdy, Testing Director French Anti-Doping Agency (AFLD) submitted in Appendix A.

testing.⁷⁶⁰ Johan Bruyneel admitted to Tom Danielson that Armstrong hid from testers in Puigcerdà, Spain, when he was using EPO.⁷⁶¹ Armstrong warned Danielson to be cautious about testers.⁷⁶²

USADA has also learned that at least in the second quarter of 2010 Lance Armstrong was providing untimely and incomplete whereabouts information to USADA, thereby making it more difficult to locate him for out of competition testing.⁷⁶³ Moreover, even when he was

⁷⁶⁰ Affidavit of George Hincapie, ¶ 50.

⁷⁶¹ Affidavit of Tom Danielson, ¶ 106.

⁷⁶² Affidavit of Tom Danielson, ¶¶ 65-66.

⁷⁶³ An out of competition testing program only works if riders diligently provide their whereabouts information to testing authorities. USADA has learned that, while Armstrong stated publicly on many occasions that he was ready to be tested anytime, anywhere, in fact, in the second quarter of 2010 he was not timely providing USADA his complete up to date whereabouts information.

On March 24, 2010, Armstrong sent an email to Stefano Ferrari with his racing and training calendar for the next two months through May 23, 2010. The calendar Armstrong provided to Ferrari on March 24, 2010, setting forth his whereabouts for the next two months was highly accurate. Among other things, the calendar sent to Ferrari set forth three (3) trips to Aspen, Colorado and competition in the Tour of Gila (a race in the vicinity of Silver City, New Mexico on April 28 – May 2, 2010. However, the calendar that Armstrong provided to USADA six (6) days later on March 30, 2010, when his quarterly whereabouts filing was due, omitted all four of these trips, stating instead that his primary location was Austin, Texas on each of the dates he was really planning on being in either Aspen, Colorado or in New Mexico. Thus, Armstrong was content to allow USADA to plan his testing for the quarter based on inaccurate whereabouts data that Armstrong knew was wrong.

On March 24, 2010, Armstrong had informed Ferrari that he would be in Aspen Colorado on April 16 – 22, 2010. However, Armstrong did not inform USADA he would be in Aspen until April 15, the day he traveled to Aspen and at least three weeks after he knew his plans.

On March 24, 2010, Armstrong had informed Ferrari that he would be in Aspen Colorado on April 24 – 27, 2010. However, Armstrong did not inform USADA he would be in Aspen on these dates until April 22, nearly four weeks after he knew his plans.

On March 24, 2010, Armstrong had informed Ferrari that he would compete in the Tour of Gila on April 28 – May 2, 2010. However, Armstrong did not inform USADA he would be in Silver City, New Mexico until April 27, 2010, the day he traveled to Silver City and more than a month after he knew his plans.

located for testing there were occasions when Armstrong did not immediately submit to testing. For instance, on one occasion in France in 2009 he left the tester for 20 minutes, ignoring requests to stay within an area that permitted observation.⁷⁶⁴ Avoiding testers was a very effective and easily implemented technique used by Postal Service riders to avoid a positive drug test and one in which Mr. Armstrong engaged.

2. Using undetectable substances and methods

The most frequently used prohibited substances and methods employed by the U.S. Postal Service and Discovery Channel cycling teams were blood doping, EPO, testosterone (the “oil” and patches), human growth hormone and cortisone. During the period from 1998 through 2005 there was no available testing methodology to detect either blood doping or human growth hormone.⁷⁶⁵ Thus, these doping methods could be used without fear of getting caught. A slight risk in using blood doping was going over the 50% UCI “no-start” hematocrit threshold, but even that was not a doping violation.⁷⁶⁶ However, this risk was relatively minimal as it could be easily managed through the use of saline infusions.⁷⁶⁷

Finally, On March 24, 2010, Armstrong had informed Ferrari that he would be in Aspen Colorado on May 2 – 6, 2010. However, Armstrong did not inform USADA he would be in Aspen until May 2, 2010, the day before he ultimately traveled to Aspen and well after a month after he knew his plans. The forgoing information can be reviewed by comparing the March 24, 2010 email forwarded from Stefano Ferrari to Michele Ferrari (Exhibit A to the Affidavit of Jack Robertson) to Lance Armstrong’s whereabouts filings for the second quarter of 2010, available in Appendix Z.

⁷⁶⁴ Declaration of Jean-Pierre Verdy, Testing Director French Anti-Doping Agency (AFLD) submitted in Appendix A.

⁷⁶⁵ Affidavit of Larry Bowers.

⁷⁶⁶ Even if a rider went over the 50% threshold it was not considered a positive drug test. The rider would merely be required to sit out of races for two weeks. [citation]

⁷⁶⁷ Affidavit of Larry Bowers.

EPO was not detectable until 2000⁷⁶⁸ and, even now, the testing window in which EPO can be detected is very narrow,⁷⁶⁹ and for U.S. Postal Service riders this window was narrowed further because, as described below, Dr. Ferrari was aware that by injecting EPO in the vein rather than subcutaneously a rider would only potentially test positive for a matter of hours.⁷⁷⁰

As described below, the delivery methods for testosterone (sublingually through an Andriol-olive oil mixture or through wearing patches for a few hours⁷⁷¹) were also specifically chosen to limit the window of detection. Because testosterone is naturally produced by the human body it is difficult to detect synthetic testosterone taken in low doses.⁷⁷² Therefore, the risk of detection for testosterone administered in the forms used by U.S. Postal Service riders was quite low.

Finally, cortisone could be taken without risk of a positive drug test because its use was only prohibited if the rider did not have a medical need for it. The U.S. Postal Service/Discovery Channel doctors would simply provide false declarations of medical need to use the cortisone so that there was never risk of a positive test.⁷⁷³

⁷⁶⁸ It was reported that an rEPO test was implemented by the 2000 Olympic Games; however, it was not widely implemented until 2001. Affidavit of Larry Bowers.

⁷⁶⁹ Affidavit of Larry Bowers.

⁷⁷⁰ Affidavit of George Hincapie, ¶ 81; Affidavit of Tyler Hamilton, ¶ 85.

⁷⁷¹ Johan Bruyneel told Floyd Landis that testosterone patches could “be worn two out of three days after hard training for eight to ten hours at night, which would be relatively free of risk of detection.” Affidavit of Floyd Landis, ¶ 13. Landis observed Lance Armstrong lying on a massage table wearing a transdermal testosterone patch on his shoulder at a 2004 team training camp in Puigcerdà, Spain. Affidavit of Floyd Landis, ¶ 42. As noted above, Puigcerdà was a location chosen in order to avoid testing.

⁷⁷² Affidavit of Larry Bowers.

⁷⁷³ Affidavit of Tom Danielson, ¶¶ 63, 117; Affidavit of Tyler Hamilton, ¶ 53; Affidavit of George Hincapie, ¶¶ 86-87; Affidavit of Christian Vande Velde, ¶¶ 62-63; Affidavit of Jonathan Vaughters, ¶ 66.

For these reasons and for the reasons set forth below, the odds of a U.S. Postal Service rider ever testing positive, even if they were doping regularly, was relatively low.⁷⁷⁴

3. Understanding limitations to the testing methods

Dr. Ferrari recognized that the EPO testing method works through separating and measuring the quantity (known as “intensity”) of various types of EPO and comparing the ratio of EPO bands in what is known as the “basic” region (where the bands tend to be caused by the administration of synthetic EPO) to bands in the acidic region (where the bands are naturally produced).⁷⁷⁵ However, because the test operates by measuring a ratio, the test can be fooled to a degree by increasing the amount of EPO in the acidic region (i.e., those produced naturally), which can be accomplished by stimulating natural production of EPO either through going to altitude or by sleeping in an altitude tent (also known as a “hypoxic chamber”).⁷⁷⁶ Dr. Ferrari advised the use of hypoxic chambers to reduce the effectiveness of the EPO test in detecting the use of synthetic EPO.⁷⁷⁷ Regular training at altitude (such as at St. Moritz, Tenerife or Aspen) would achieve a similar result.⁷⁷⁸

Drug tests are also influenced by the amount of the drug that is excreted in the urine and how long the banned substance or its metabolites will continue to be excreted by the athlete.⁷⁷⁹ EPO was not detectable in testing until 2000.⁷⁸⁰ Even then, Dr. Ferrari recognized that EPO injected directly in the vein, as opposed to subcutaneously (i.e., merely injecting the drug under

⁷⁷⁴ Affidavit of Larry Bowers.

⁷⁷⁵ See, e.g., Affidavit of Jonathan Vaughters, ¶¶ 93-94; Affidavit of Larry Bowers.

⁷⁷⁶ Affidavit of Larry Bowers.

⁷⁷⁷ Affidavit of Tyler Hamilton, ¶ 84.

⁷⁷⁸ Affidavit of Larry Bowers.

⁷⁷⁹ Affidavit of Larry Bowers.

⁷⁸⁰ Affidavit of Larry Bowers.

the skin) would be excreted from the body much more quickly.⁷⁸¹ Therefore, he told his clients to inject EPO directly in the vein to narrow the window of detection.⁷⁸² As a result, the riders knew that if they used EPO in the evening and avoided testers during the night (when testers rarely if ever came) they would not test positive by morning.⁷⁸³ George Hincapie was not fearful that samples from the 2000 Tour would turn up positive for EPO because by then the team was employing the strategy of intravenous injections of EPO.⁷⁸⁴ Even now, the odds of detecting EPO in small doses (micro-dosing) injected into the vein is very low, and can be eliminated entirely by avoiding testers during a twelve hour period after administration.⁷⁸⁵

A similar strategy was employed with testosterone.⁷⁸⁶ Small doses were taken sublingually or through testosterone patches and the detection window was substantially narrowed.⁷⁸⁷ Again, with this drug as well, the athletes knew they could use in the evening and be clear on a drug test taken the following morning.⁷⁸⁸

⁷⁸¹ Affidavit of Tyler Hamilton, ¶ 85; Affidavit of Christian Vande Velde, ¶ 80; Affidavit of Larry Bowers.

⁷⁸² Affidavit of Tyler Hamilton, ¶ 85; *see also* Affidavit of Jonathan Vaughters, ¶ 95; Affidavit of Christian Vande Velde, ¶ 80.

⁷⁸³ Affidavit of Christian Vande Velde, ¶ 80.

⁷⁸⁴ Affidavit of Jonathan Vaughters, ¶ 90.

⁷⁸⁵ Affidavit of Dr. Larry Bowers.

⁷⁸⁶ Affidavit of Tyler Hamilton, ¶ 86; Affidavit of Floyd Landis, ¶ 13; Affidavit of Christian Vande Velde, ¶ 83; Affidavit of Tom Danielson, ¶ 78. Danielson explained the process involving the testosterone product known as the “oil”:

In 2006 Dr. Ferrari told me about a recipe for mixing small testosterone balls known as Andriol in olive oil. I was instructed to place the mixture in a container and extract 1 ml with a syringe and squirt the liquid under my tongue. This was supposed to be done at night, and I was told that by morning I would not test positive. This product was known as the ‘oil,’ and I would get it as needed from Pepe Marti.

⁷⁸⁷ Affidavit of Tyler Hamilton, ¶ 86; Affidavit of Christian Vande Velde, ¶ 83.

⁷⁸⁸ Affidavit of Christian Vande Velde, ¶ 83; Affidavit of Floyd Landis, ¶ 13; Affidavit of Tom

4. Use of saline infusions and micro-doping of EPO

The USPS team made regular use of saline infusions,⁷⁸⁹ a prohibited method, which permits a rider to quickly reduce his hematocrit level in order to beat the UCI's health check 50% hematocrit threshold and to fool the biological passport program.⁷⁹⁰ One of the bolder examples of the use of saline to fool the testers was at the 1998 World Championships when Armstrong's doctor literally smuggled past a UCI official a liter of saline concealed under his rain coat and administered it to Armstrong to lower his hematocrit right before a blood check.⁷⁹¹ As long as the riders had adequate advance notice of a blood test (and only about twenty minutes was needed) a saline infusion could eliminate almost entirely any potential for a negative consequence from a blood transfusion.⁷⁹² A simple strategy at races was to "have the guys with lower hematocrit be tested first. By the time the testers got to those with a higher hematocrit there would be plenty of time for a saline infusion and the opportunity to drink plenty of water to dilute the urine sample and reduce hematocrit."⁷⁹³

V. SCIENTIFIC EVIDENCE THAT CORROBORATES LANCE ARMSTRONG'S DOPING VIOLATIONS

The core of USADA's case against Mr. Armstrong is the witness testimony and documentary evidence described in the preceding sections. That evidence standing alone is overwhelming proof of Mr. Armstrong's doping. This section describes analytical evidence which further corroborates USADA's proof of Mr. Armstrong's doping.

Danielson, ¶ 78; Affidavit of Larry Bowers.

⁷⁸⁹ Affidavit of Levi Leipheimer, ¶ 86 (saline infusion at 2007 Tour de France); Affidavit of Jonathan Vaughters, ¶ 75 (use of saline prior to 1999 Tour de France).

⁷⁹⁰ Affidavit of Larry Bowers.

⁷⁹¹ This event is described in more detail above in Sections IV.B.1.c. and IV.C.4., and in the Affidavits of Jonathan Vaughters, ¶¶ 46-47 and Christian Vande Velde at ¶¶ 38.

⁷⁹² Affidavit of Larry Bowers.

⁷⁹³ Affidavit of Jonathan Vaughters, ¶ 77.

A. Armstrong's Blood Test Results During the 2009 and 2010 Tours de France are Consistent with His Continued Use of Blood Doping

USADA collected nine blood samples from Armstrong between February 13, 2009, and April 30, 2012. The WADA database, ADAMS, contains results from another 29 Armstrong blood samples collected by UCI between October 16, 2008 and January 18, 2011.⁷⁹⁴

At USADA's request, these blood test results were examined by Professor Christopher J. Gore, Head of Physiology at the Australian Institute of Sport.⁷⁹⁵ Prof. Gore observed that a cluster of five Armstrong samples during the 2009 Tour de France and his two samples during the 2010 Tour de France contained an unusually low percentage of reticulocytes.

Reticulocytes are immature red blood cells created naturally by the body. When an athlete adds additional red blood cells to his circulation by transfusing his own stored blood, the body's production of reticulocytes is suppressed. This is reflected by a decrease in the athlete's reticulocyte percentage. When Prof. Gore compared the suppressed reticulocyte percentage in Armstrong's 2009 and 2010 Tour de France samples to the reticulocyte percentage in his other samples, Prof. Gore concluded that the approximate likelihood of Armstrong's seven suppressed reticulocyte values during the 2009 and 2010 Tours de France occurring naturally was less than one in a million.

Prof. Gore also compared Armstrong's blood plasma volumes measured during the 2009 Tour de France with his plasma volumes during the 2009 Giro d'Italia (the "Giro"). (Blood's major components include red blood cells, white blood cells, and a yellowish liquid called

⁷⁹⁴ WADA provided these 29 test results to USADA pursuant to Article 14.5 of the Code. Armstrong had also previously published these results online.

⁷⁹⁵ In evaluating the sample data, Dr. Gore rejected four of the test results, either because the transport time to the laboratory was too long (3), or collection occurred too soon after competition (1) in violation of WADA's Athlete Biological Passport Guidelines. These rejected samples included one of the six samples collected during the 2009 Tour de France.

plasma.) During prolonged periods of strenuous exercise, such as the Giro or Tour de France, it is well-documented that the percentage of plasma (plasma volume) in an athlete's blood increases and consequently the concentration of red blood cells decreases. During the 2009 Giro, that is precisely what happened to the plasma volume in Armstrong's blood—it continued to rise throughout the race. During the 2009 Tour de France, Armstrong's plasma volume also increased over the first seven days of the race. However, over the next three days of the race, his plasma volume decreased back to pre-race levels.⁷⁹⁶ This would not happen naturally, but would happen if Armstrong engaged in blood transfusion during this period.

Collectively, the grouping of low reticulocyte percentage during the 2009 and 2010 Tours de France, coupled with his unusual decrease in calculated plasma volume during the middle of the 2009 Tour de France, build a compelling argument consistent with blood doping.

USADA has requested laboratory and collection information from UCI appropriate to validate the accuracy of the UCI blood test results given to Prof. Gore. UCI has refused to provide USADA laboratory data without Mr. Armstrong's consent, which he has refused to give.⁷⁹⁷ Had Mr. Armstrong elected to go forward with the American Arbitration Association hearing, then either the laboratory and collection data required to verify the accuracy of his blood test results would have been provided upon his consent, or if he refused consent, then he would have been precluded from arguing that the laboratory results were not reliable.

⁷⁹⁶ UCI did not collect any blood samples from Armstrong during the last half of the 2010 Tour de France, so plasma volume analysis is not useful to determine whether blood transfusion occurred during that race.

⁷⁹⁷ September 17, 2012, letter from UCI President Pat McQuaid to USADA General Counsel William Bock, ¶ 5 ("We asked for the consent of Mr. Armstrong but he refused"), contained in Appendix D.

B. 1999 Tour de France Samples

In 2004, the French Anti-Doping Laboratory (LNDD) decided, on its own initiative, to start a research project on stored urine samples from the 1999 Tour de France in order to evaluate, among other things, the use of EPO during the 1999 Tour, as a valid test for EPO had not been available until 2000. At the time it conducted this research project, LNDD did not have any way to know or determine the source of any urine samples it tested. The results of this research were sent to WADA by LNDD in August 2005.

On August 23, 2005, *L'Equipe* published an article headlined, “The Armstrong Lie.” The article published six doping control forms pertaining to Armstrong’s urine samples from the 1999 Tour, and a summary of findings from LNDD concerning its research on these samples. The newspaper reported that, on six occasions during the 1999 Tour, Armstrong’s samples showed the presence of EPO. *L'Equipe* had been able to connect these samples to Armstrong by obtaining Armstrong’s 1999 doping control forms from UCI with Armstrong’s consent.

Following this publication linking Armstrong to samples containing EPO, WADA asked UCI to look into the matter. In October 2005, in response to calls by the IOC and WADA for an independent investigation, the UCI appointed Dutch lawyer Emile Vrijman to investigate LNDD’s handling of the urine samples. In May 2006, Vrijman published his report, concluding LNDD had not followed proper anti-doping protocol (*e.g.*, failing to confirm a positive A Sample with analysis of a B Sample) in its testing of the samples and therefore the samples could not constitute proof of anti-doping rule violations by Armstrong.

In the course of the investigation, LNDD confirmed to WADA that the samples in question had been stored in a controlled access zone of the laboratory at -20°C the entire time and there was no scientific basis to believe the samples could have undergone any process of

deterioration that would explain the presence of EPO other than it was present in the samples when originally provided in 1999. As WADA pointed out in its official response to Vrijman's report, his report inappropriately focused solely on whether LNDD had followed established protocol applicable to the analysis of samples for the purpose of making "adverse analytical findings."⁷⁹⁸ As the Code makes clear, however, analytical information which does not otherwise satisfy all requirements to establish "Presence" of a prohibited substance under Article 2.1 may nevertheless constitute "reliable means" to corroborate other evidence establishing an anti-doping rule violation.⁷⁹⁹

Even accepting that LNDD's analysis of Armstrong's 1999 samples would not have met the requirements for establishing the "Presence" of a prohibited substance under Article 2.1 of the Code, this does not take away from the fact that LNDD's findings may be used to corroborate other evidence to support a finding of "Use" of a prohibited substance or other anti-doping rule violation.

USADA recently obtained the chart of LNDD's testing results relating to the 1999 samples. This information was provided to USADA by the French Anti-Doping Agency in accordance with its authority under the French Code of Sport. The chart shows the results for all of the 1999 Tour de France samples tested for EPO by LNDD in 2004 and 2005, including the six samples subsequently identified in the *L'Equipe* article as Armstrong's. According to the chart, each of Armstrong's six samples from the 1999 Tour de France tested positive for the presence of EPO on each of three positivity criteria, including the current EPO positivity criteria.

⁷⁹⁸ Official Statement from WADA on the Vrijman Report, provided in Appendix **P**.

⁷⁹⁹ See, e.g., Comment to Article 2.2: "For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample."

One of the positivity criteria used by LNDD was a percentage of basic isoforms of 85% or higher. Armstrong's six samples produced test results of 100%, 89.7%, 96.6%, 88.7%, 95.2% and 89.4%. These are resoundingly positive values.

As discussed above in this Reasoned Decision, USADA now has numerous affidavits that describe in detail the extensive use of EPO by the U.S. Postal Service team in 1999 as well as specific testimony that Armstrong used EPO during that period of time. While LNDD's analysis of the 1999 samples may not stand alone to establish a positive test under the Code, the analysis is consistent with and corroborates the numerous witness statements recently obtained by USADA.

C. 2001 Tour of Switzerland Samples

The 2001 Tour du Suisse (Tour of Switzerland) was conducted from June 19 – 28, 2001. Dr. Martial Saugy, the Director of the WADA-accredited anti-doping laboratory in Lausanne, Switzerland, has confirmed to both USADA and the media that his laboratory detected a number of samples in the 2001 Tour du Suisse that were suspicious for the presence of EPO. Dr. Saugy also told USADA that upon reporting these samples to UCI, he was told by UCI's Medical Commission head that at least one of these samples belonged to Mr. Armstrong, but that there was no way Mr. Armstrong was using EPO.

On May 27, 2011, Dr. Saugy told *Cycling News* that four of the urine samples taken at the 2001 Tour de Suisse were labeled "suspect" and that a sample was considered "suspect" when it "showed between 70 and 80% of the typical EPO parameters (basic area percentage). That meant the probability of doping was high, but because such a result can also be produced naturally, it was all about excluding false positives."

In the early years after the EPO test was developed, the criteria to call a test positive was conservatively set at a very high level. Under current WADA standards, a sample in the 70 to 80% (basic area percentage) range can be considered positive if other criteria relating to the testing are met.⁸⁰⁰ Dr. Saugy led USADA to understand that, under the current positivity criteria for EPO, the 2001 samples would have been considered “positive” rather than merely “suspicious” as had been the case in 2001.

In order to evaluate whether Mr. Armstrong’s test(s) from the 2001 Tour de Suisse was merely “suspicious” (and therefore the probability of doping was high), or whether using the current EPO positivity criteria Mr. Armstrong’s samples could definitively establish the presence of synthetic EPO standing alone, USADA requested from UCI the test results from Mr. Armstrong’s samples from the Tour de Suisse. UCI denied that request, stating that UCI had asked for Mr. Armstrong’s consent to provide this information to USADA, but that Mr. Armstrong had refused.⁸⁰¹ Mr. Armstrong’s refusal to provide consent for USADA to receive this data is telling. Certainly, Mr. Armstrong’s refusal contains an inference that the information contained in the documents would not be favorable to Mr. Armstrong.

In all events, it is clear from the evidence of Dr. Saugy that Mr. Armstrong’s 2001 Tour de Suisse sample(s) will strongly corroborate the overwhelming additional evidence, including firsthand eyewitness evidence of Mr. Armstrong’s possession and use of EPO.

⁸⁰⁰ Affidavit of Dr. Larry Bowers.

⁸⁰¹ See September 17, 2012 Letter from UCI President Pat McQuaid to USADA General Counsel William Bock, provided as part of Appendix **D**.

VI. EVIDENCE OF ARMSTRONG'S EFFORTS TO SUPPRESS THE TRUTH ABOUT HIS ANTI-DOPING RULE VIOLATIONS

Article 2.8 of the World Anti-Doping Code includes as an anti-doping rule violation, “assisting, encouraging, aiding, abetting, *covering up* or any other type of complicity involving an anti-doping rule violation or any *Attempted* anti-doping rule violation.”⁸⁰² Additionally, proof that an athlete “engaged in *deceptive or obstructing conduct* to avoid the detection or adjudication of an anti-doping rule violation”⁸⁰³ can be grounds for increasing a sanction. Fraudulent concealment or other efforts to subvert the legal process, such as perjury or witness intimidation can also result in suspension or waiver of the statute of limitations. Accordingly, in this section USADA discusses some of the evidence of efforts by Armstrong and his entourage to cover up rule violations, suppress the truth, obstruct or subvert the legal process and thereby encourage doping.

A. Perjury and Other Fraudulent Conduct to Obstruct Legal or Judicial Processes

1. False Statements Under Oath in SCA Arbitration

In arbitration proceedings in the case of *Lance Armstrong and Tailwind Sports, Inc. v. SCA Promotions, Inc.*, an arbitration over whether Mr. Armstrong used performance enhancing drugs to win one or more of his Tour de France victories, Mr. Armstrong stated words to the following effect, under oath and subject to penalties of perjury:

1. That Dr. Ferrari never prescribed, administered or suggested any kind of a drug or doping program for Lance Armstrong.⁸⁰⁴

⁸⁰² Code, Art. 2.8 (emphasis added).

⁸⁰³ Code, Art. 10.6, Comment (emphasis added).

⁸⁰⁴ SCA Hearing Transcript, p. 1411 (testimony of Lance Armstrong; January 12, 2006); Deposition of Lance Armstrong, p. 50 (November 30, 2005).

2. That there was nothing in Lance Armstrong's dealings with Dr. Ferrari that would suggest that Dr. Ferrari was encouraging other athletes to use performance enhancing drugs.⁸⁰⁵
3. That Lance Armstrong had not had any professional relationship with Dr. Ferrari since October 1, 2004.⁸⁰⁶
4. That Lance Armstrong never violated the rules of the UCI or the Tour de France in connection with the Tour de France in 2001, 2002, 2003 or 2004.⁸⁰⁷
5. That Lance Armstrong had never taken any performance enhancing drug in connection with his cycling career.⁸⁰⁸
6. That Lance Armstrong never had any knowledge of Tyler Hamilton using illegal substances when he was Armstrong's teammate.⁸⁰⁹
7. That Tyler Hamilton did not dope while he was on Lance Armstrong's team.⁸¹⁰

As demonstrated by the testimony of numerous witnesses in this case, each of the above statements made under oath and subject to the penalties of perjury were materially false and misleading when made.

2. **False Statements in French Judicial Investigation**

Lance Armstrong has testified regarding the 2000 French law enforcement investigation concerning his team, that "the entire investigation centered in and around the drug called Activogen (sic)." ⁸¹¹ As discussed in the foregoing Section IV.B.3.e., during the course of the French investigation Mr. Armstrong claimed:

(1) that the drug Actovegin was not used by members of his team, when in fact it was, and

⁸⁰⁵ Deposition of Lance Armstrong, p. 50.

⁸⁰⁶ Deposition of Lance Armstrong, pp. 66-67.

⁸⁰⁷ SCA Hearing Transcript, pp. 1413-14 (testimony of Lance Armstrong).

⁸⁰⁸ Deposition of Lance Armstrong, p. 32.

⁸⁰⁹ Deposition of Lance Armstrong, p. 78.

⁸¹⁰ Deposition of Lance Armstrong, p. 79.

⁸¹¹ SCA Hearing Transcript, p. 1377 (testimony of Lance Armstrong).

(2) that Actovegin was not used in an effort to enhance performance, when in fact it was.

Numerous witnesses from Mr. Armstrong's teams at that time have clearly demonstrated the falsity of Mr. Armstrong's statements.⁸¹² Therefore, it has been established that during the French law enforcement investigation in 2000 and/or 2001 Mr. Armstrong made materially false statements regarding the use of the substance Actovegin by members of the U.S. Postal Service Cycling team.

3. Attempts to Procure False Affidavits

In August of 2010, and presumably in response to the pending investigations being conducted by the U.S. Department of Justice and USADA, Mr. Armstrong engaged in an effort to procure false affidavits from potential witnesses.

As reflected in emails sent by Mr. Armstrong,⁸¹³ and as set forth in the affidavit of Michael Barry, Mr. Armstrong contacted, or attempted to contact, former teammates and others, including Dr. Michele Ferarri and Paolo Salvodelli, and asked them to sign affidavits affirming that there was no “systematic”⁸¹⁴ doping on the U.S. Postal Service cycling team.⁸¹⁵ Such affidavits would be materially false as Mr. Armstrong was well aware that systematic doping had occurred on his teams. Consequently, Mr. Armstrong's efforts constituted an attempt to subvert the judicial system and procure false testimony.

⁸¹² See foregoing Section 4.B.3.e.

⁸¹³ See Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00053 – 00057 (emails dated August 16 – 17, 2010).

⁸¹⁴ Armstrong wrote to Stefano: “Hey, will your dad sign a statement that he and I never engaged in ‘systematic’ doping? We are collecting them from anyone and everyone who was involved in the team. Also it would be great if you could ask Salvodelli too.” Affidavit of Jack Robertson, Exhibit A (emails obtained from Italian Carabinieri NAS), USADA 00053 – 00054 (emails dated August 16, 2010).

⁸¹⁵ Affidavit of Michael Barry, ¶ 82.

4. Efforts to Prevent Witnesses From Testifying

As set forth in the Affidavit of George Hincapie, in July 2010 Mr. Hincapie notified Mr. Armstrong that the U.S. Department of Justice desired to question Mr. Hincapie in connection with its investigation of Mr. Armstrong.⁸¹⁶ In response, Mr. Armstrong requested that Mr. Hincapie to remain in Europe in order to avoid or delay testifying.⁸¹⁷ USADA is also aware of efforts by members of Mr. Armstrong's legal team to discourage USADA witnesses from providing affidavits for use in USADA proceedings.

B. Retaliation and Attempted Witness Intimidation

1. Filippo Simeoni

As explained in foregoing Section IV.B.7.d, in July 2004 at the Tour de France Lance Armstrong told Filippo Simeoni, "You made a mistake when you testified against Ferrari . . . I can destroy you."⁸¹⁸ As he and Mr. Simeoni returned to the peloton Mr. Armstrong made a taunting "zip the lips" gesture. Because the event occurred during a stage of the 2004 Tour de France, Mr. Simeoni's recollection is well corroborated and supported by video footage. As explained in Section IV.B.7.d, Mr. Armstrong's statement to Mr. Simeoni in which he referred directly to Mr. Simeoni's testimony in a legal proceeding and said "I can destroy you," and Mr. Armstrong's actions in connection with his threatening statement, constitute acts of attempted witness intimidation.

⁸¹⁶ Affidavit of George Hincapie, ¶ 93.

⁸¹⁷ Affidavit of George Hincapie, ¶ 93.

⁸¹⁸ Witness Statement of Filippo Simeoni, ¶ j.

2. Tyler Hamilton

As set forth in the affidavit of Tyler Hamilton, after Mr. Hamilton had testified about Mr. Armstrong's doping and after Mr. Hamilton's cooperation with federal law enforcement officials had been publicly reported, on June 11, 2011, Mr. Hamilton was physically accosted by Mr. Armstrong in an Aspen, Colorado restaurant.⁸¹⁹ Mr. Hamilton has testified that in connection with this altercation Mr. Armstrong said, "When you're on the witness stand, we are going to fucking tear you apart. You are going to look like a fucking idiot."⁸²⁰ Hamilton further testified that Armstrong said, "I'm going to make your life a living . . . fucking . . . hell."⁸²¹ Mr. Armstrong's statements and actions plainly constitute an act of attempted witness intimidation.

3. Levi Leipheimer

As set forth in his affidavit, after Mr. Leipheimer was subpoenaed and testified truthfully to a federal grand jury in a case involving Mr. Armstrong, in the course of a dinner at which Mr. Armstrong was seated next to Mr. Leipheimer, Mr. Armstrong sent a text message to Mr. Leipheimer's wife stating, "run don't walk."⁸²² As Mr. Armstrong had not communicated with Mr. Leipheimer's wife in several years, this message felt threatening to her.

Thereafter, Mr. Leipheimer returned to the RadioShack cycling team, which Mr. Armstrong had participated in founding, in order to compete during the 2011 season as Mr. Leipheimer was under contract with the RadioShack team for that season. During the course of the 2011 cycling season Mr. Leipheimer experienced a number of threatening and intimidating actions from one or more team employees, including comments such as, "I never forget. One

⁸¹⁹ Affidavit of Tyler Hamilton, ¶¶ 120 – 124.

⁸²⁰ Affidavit of Tyler Hamilton, ¶ 124.

⁸²¹ Affidavit of Tyler Hamilton, ¶ 124.

⁸²² Affidavit of Levi Leipheimer, ¶ 100.

day I will pay back.”⁸²³ Mr. Leipheimer also received information that the Team Director Johan Bruyneel had stated that Mr. Leipheimer would not be re-signed by the RadioShack team because Mr. Leipheimer “had testified to the grand jury in the Lance Armstrong investigation.”⁸²⁴

During the 2012 Tour de France, and shortly after Mr. Leipheimer was interviewed by USADA’s General Counsel in connection with this proceeding, Mr. Leipheimer’s wife received another text from Mr. Armstrong asking, “Are you in CA?” Due to the timing of the message, the fact that Mr. Armstrong was well aware that Mr. Leipheimer was out of the country and competing in the Tour de France, and as Mr. Leipheimer’s wife had not received a text from Mr. Armstrong since the time of the prior intimidating text, Mr. Leipheimer’s wife found the communication to be disturbing and concerning.

C. Retaliation Against Witnesses

1. Frankie and Betsy Andreu

After Betsy Andreu served as source for journalist David Walsh and testified in the SCA arbitration proceedings, Lance Armstrong attacked her in the media as “vindictive,” “bitter,” and “vengeful.” A detailed discussion of this matter demonstrating the baseless nature of Mr. Armstrong’s claims is set forth in Addendum 2.

Further, on December 15, 2003, Mr. Armstrong sent an email to Frankie Andreu warning that “by helping to bring me down is not going to help y’alls situation at all. there (sic) is a direct link to all of our success here and i (sic) suggest you remind her of that.”⁸²⁵ Mr. Armstrong’s statements and actions towards the Andreus in relation to their actual or potential

⁸²³ Affidavit of Levi Leipheimer, ¶ 101-02.

⁸²⁴ Affidavit of Levi Leipheimer, ¶ 103.

⁸²⁵ Affidavit of Frankie Andreu, ¶¶ 67-72. Exhibit G to Affidavit of Frankie Andreu (emails exchanged between Andreu and Lance Armstrong in December, 2003).

disclosure of information concerning Mr. Armstrong's anti-doping rule violations constituted an effort by Mr. Armstrong to conceal, suppress and hide his rule violations and to retaliate for statements and testimony implicating Mr. Armstrong in anti-doping rule violations.

2. **Prentice Steffen**

In October, 2005, the French newspaper *L'Equipe* ran a story on research analysis conducted on samples from the 1999 Tour de France that reported that six of Armstrong's samples from the 1999 Tour were positive for EPO. Dr. Prentice Steffen was quoted in connection with the *L'Equipe* story and Armstrong and his lawyers promptly followed up with TIAA-Cref, the cycling team with which Dr. Steffen was employed at the time. Due to Mr. Armstrong's stature within the sport of cycling, the management of the TIAA-Cref team ultimately concluded that if they did not remove Dr. Steffen from his position with the team that the TIAA-Cref team might suffer repercussions. As a consequence, Dr. Steffen was removed from the team for a period of time.⁸²⁶

3. **Jonathan Vaughters**

In 2005 after Jonathan Vaughters and Frankie Andreu exchanged text messages in which they discussed doping on the U.S. Postal Service team, Mr. Vaughters' texts became an exhibit in the SCA arbitration proceeding. Once Mr. Armstrong became aware of these text messages his lawyers sought an affidavit from Vaughters to attempt to undercut the impact of the text messages.⁸²⁷ As the text messages did not relate to the 2005 Discovery Channel team, the lawyers were able to obtain an artfully worded affidavit from Vaughters in which he affirmed

⁸²⁶ Affidavit of Jonathan Vaughters, ¶¶ 100-103.

⁸²⁷ Affidavit of Jonathan Vaughters, ¶¶ 104-105.

that he had “no personal knowledge that any team in the Tour de France, including the Discovery Team in 2005, engaged in any prohibited conduct whatsoever.”⁸²⁸

Since that time, Mr. Vaughters’ employer, Slipstream Sports, has received several phone calls from Mr. Armstrong suggesting that Mr. Vaughters should be removed from the management of Slipstream Sports.⁸²⁹

4. **Christophe Bassons**

As explained in foregoing Section IV.B.2.l, after Mr. Bassons wrote newspaper columns in which he discussed doping within the peloton during the 1999 Tour de France and after Mr. Bassons wrote that the peloton had been “shocked” by Mr. Armstrong’s performance in the Tour the previous day, Mr. Armstrong publicly berated Mr. Bassons and stated that he should leave cycling.⁸³⁰ This incident constitutes one example of a pattern recognized by those who have dealt with Mr. Armstrong of him attacking those who are critical of drug use in sport.⁸³¹

5. **Floyd Landis**

After Floyd Landis provided testimony to federal law enforcement officials concerning Mr. Armstrong’s doping and made his allegations publicly known, Mr. Landis was accused of being a liar and vilified in the media by Mr. Armstrong and his representatives. As explained in this Reasoned Decision, Mr. Landis’ testimony regarding Mr. Armstrong’s doping is well corroborated by abundant eyewitness, testimonial and scientific evidence.

⁸²⁸ SCA Arbitration Affidavit of Jonathan Vaughters, ¶ 3 (submitted in the SCA Arbitration proceedings by Tailwind Sports, Inc.); Affidavit of Jonathan Vaughters, ¶ 105.

⁸²⁹ Affidavit of Jonathan Vaughters, ¶ 106.

⁸³⁰ See Affidavit of Christian Vande Velde, ¶ 138.

⁸³¹ See Affidavit of Christian Vande Velde, ¶ 138; Affidavit of Jonathan Vaughters, ¶¶ 67, 107.

VII. THE EIGHT-YEAR STATUTE OF LIMITATIONS FOUND IN ARTICLE 17 OF THE CODE WAS SUSPENDED BY MR. ARMSTRONG'S FRAUDULENT CONCEALMENT OF HIS DOPING AND OTHER WRONGFUL ACTS

In its initial notice letter to Mr. Armstrong, which was incorporated into its charging letter USADA specifically informed Mr. Armstrong that USADA was seeking the disqualification of Mr. Armstrong's competitive results from August 1, 1998, onward. Mr. Armstrong could have, but did not, challenge USADA's assertion that the eight year statute of limitations found in the World Anti-Doping Code was suspended by Mr. Armstrong's conduct. The eight-year statute of limitation found in Article 17 of the Code was suspended by Mr. Armstrong's fraudulent concealment of his doping. In asserting anti-doping rule violations and disqualifying results older than the eight year limitation period found in Article 17 of the Code, USADA is relying on the well-established principle that the running of a statute of limitation is suspended when the person seeking to assert the statute of limitation defense has subverted the judicial process, such as by fraudulently concealing his wrongful conduct.

The eight-year statute of limitation found in Article 17 of the Code is not absolute. As the CAS panel in CAS 2005/C/841 CONI found, the "interruption, suspension, expiry or extension of such [eight-year] time-bar should be dealt with in the context of the principles of private law of the country where the interested sports authority is domiciled." (CONI, ¶ 78) As the anti-doping organization conducting results management, USADA is the "interested party" in this case. Thus, the statute of limitations issue should be analyzed according to U.S. law. Under U.S. law, the running of a statute of limitation is suspended when a person has fraudulently concealed his conduct: "one who wrongfully conceals material facts and thereby prevents discovery of his wrong . . . is not permitted to assert the statute of limitations as a bar to an action against him, thus taking advantage of his own wrong, until the expiration of the full

statutory period from the time when the facts were discovered or should, with reasonable diligence, have been discovered.” (Pacific Electric Co., 310 F.2d 271, at 277 (quoting 34 Am.Jur. 188)) As detailed in Section VII above, Mr. Armstrong fraudulently concealed his doping from USADA in many ways, including lying under oath in the SCA case; lying in the 2000 French judicial investigation; intimidating witnesses; and soliciting false affidavits. Mr. Armstrong cannot benefit from the running of a statute of limitation when a violation would have been asserted by USADA earlier but for his fraudulent concealment.

Armstrong’s affirmative actions to cover up his doping and subvert the judicial process clearly constitute the kind of fraudulent concealment sufficient to suspend the running of the statute of limitation under U.S. law. A recent American Arbitration Association decision in a doping case addressed both the general principle that an athlete who fraudulently conceals doping cannot profit from that fraud by claiming that the statute of limitations has run, and the specific situation where the panel suspended the statute of limitation because the athlete denied under oath that he had doped. (*USADA v Hellebuyck*, AAA Case No. 77 190 168 11, Jan 30, 2012) Similarly, under U.S. law, Armstrong should not be allowed to claim the benefit of a statute of limitation where his doping has been concealed, and the judicial process subverted, by his lying under oath and other affirmative actions which precluded the earlier discovery of his doping by USADA.

VIII. USADA’S RESULTS MANAGEMENT AUTHORITY

A. Armstrong is bound by the USADA Protocol.

At all relevant times, Armstrong was required to maintain membership in USA Cycling in order to participate in national and international competition. As a result, he agreed to comply with USA Cycling’s rules, which explicitly incorporate the USADA Protocol. The Protocol, in

turn, gives USADA authority to adjudicate anti-doping rule violations by “any Athlete who is a member or license holder of a NGB” and “any Athlete...who is included in the USADA Registered Testing Pool.” Both the USA Cycling Rule and USADA Protocol comply with the USOC’s National Anti-Doping Policies, which require that every athlete member of an NGB, by virtue of his or her membership or license from the NGB, “agrees to be bound by the USOC National Anti-Doping Policies and the USADA Protocol.” For these reasons, Judge Sparks concluded, “Armstrong agreed to arbitrate with USADA.”

B. USADA discovered the anti-doping rule violations under Article 15.3 of the Code.

The USOC, USADA and UCI are signatories to the World Anti-Doping Code and bound by its provisions. Article 15.3 of the Code provides that “results management and hearings shall be the responsibility of and shall be governed by the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the organization which discovered the violation).” Under this plain language, the Code gives results management responsibility for non-analytical violations to USADA in any case where it “discovered the violation” by a U.S. Athlete.

On the issue of “discovery,” an overview of USADA’s investigation is instructive. As described in its notice letter and Charging Letter to Armstrong, and as further detailed below, USADA’s doping allegations are based on extensive evidence which it gathered independently. USADA began investigating allegations of doping against Armstrong well before Floyd Landis sent his email dated April 30, 2010 to USA Cycling’s Steve Johnson. For example, USADA discovered critical evidence relating to doping violations by Armstrong when it was contacted by Paul Scott, who is not a UCI license holder or in any other way associated with UCI. Thereafter, USADA met with Mr. Scott who provided USADA information about doping on the U.S. Postal

Service team and the involvement of Johan Bruyneel, Michele Ferrari, Lance Armstrong and others in doping.⁸³² Following these contacts, USADA had several discussions and a face-to-face meeting with Landis before he sent his April 30, 2010 email. During this time frame, USADA actively interviewed Mr. Landis and other potential witnesses and conducted other investigative measures, thereby discovering the anti-doping rule violations of Mr. Armstrong and others involved in the USPS Doping conspiracy.

Based on this chronology of events, it is clear USADA and not UCI “discovered” the anti-doping rule violations by Armstrong under any reasonable reading of Article 15.3 of the Code.

C. Armstrong’s assertion that UCI has exclusive jurisdiction is meritless and belied by UCI’s conduct.

In his federal lawsuit, Armstrong asserted that UCI, not USADA, has results management responsibility for two reasons: (1) for purposes of Article 15.3 of the Code, the anti-doping rule violations alleged by USADA involve “Samples” that were initiated and directed by UCI; and (2) UCI “discovered” the alleged anti-doping rule violations based on the definition of discovery contained in UCI’s own anti-doping rules. Neither argument is sufficient to divest USADA’s results management authority under Article 15.3 of the Code.

As detailed in this Reasoned Decision, USADA has charged Armstrong with non-analytical violations under the Code. USADA has not charged Armstrong with any anti-doping rule violation under Article 2.1 of the Code, which would require proof of the presence of a “Prohibited Substance or its Metabolites or Markers in an Athletes’ Sample.” As demonstrated by the detailed facts set forth in this Reasoned Decision, each alleged anti-doping rule violation

⁸³² Affidavit of Paul Scott, ¶¶ 15-23.

by Armstrong is proven by overwhelming evidence that does not relate to, or rely upon, any laboratory analysis of a sample. Although the notice letter sent by USADA to Armstrong on June 12, 2012 discussed facts relating to Armstrong's admission of a positive test in 2001 and data from blood collections in 2009 and 2010, these references were included solely to provide notice regarding potential evidence corroborating the non-analytical doping violations rather than supporting independent violations based on the samples alone.

Armstrong's reliance on the definition of "discovery" in UCI's anti-doping rules is equally without merit. Nothing in the Code grants UCI the unilateral power to adopt an unreasonably broad definition of discovery in order to give itself greater jurisdiction while diminishing the jurisdiction of an athlete's National Olympic Committee or other anti-doping organization. Although UCI did not contribute to, or participate in, USADA's investigation or its witness interviews, Armstrong nevertheless asserts UCI "discovered" the alleged violations based solely on a single email dated April 30, 2010 from Floyd Landis, a U.S. cyclist, to USA Cycling's Steve Johnson, who in turn forwarded the email to Travis Tygart with a copy to UCI. Based on this single fact that USA Cycling copied UCI when it forwarded Landis' email to USADA, Armstrong contends UCI discovered all of the doping violations alleged by USADA (which, again, are based on evidence obtained in USADA's interviews of more than a dozen eyewitnesses) even though UCI immediately dismissed Landis' 2010 email as libelously false and not meriting any further investigation. UCI cannot trump the plain language of the Code by adopting an absurdly expansive definition of discovery to enlarge its own results management authority at the expense of other anti-doping organizations. Furthermore, even under Armstrong's reading of the UCI anti-doping rules, USADA discovered the violations because it

began its investigation and gathered facts related to the violations *before* the April 30, 2010 email from Floyd Landis.

Armstrong's position that UCI, rather than USADA, has results management jurisdiction is also belied by UCI's own conduct and statements. UCI has never claimed it discovered any violation based on the Landis email, but instead has always contended the email was not evidence of anything and sued Landis for defamation based on its content. Not surprisingly, then, UCI did not initiate any investigation based on the Landis email. Indeed, UCI has consistently stated (as recently as July 2012) that it is unable to determine whether or not an anti-doping violation has occurred.⁸³³ UCI cannot claim, on the one hand, that it discovered the violations, while on the other hand taking the position it still does not know whether any violation occurred. Finally, during a videotaped interview conducted on July 11, 2012, UCI's President, Pat McQuaid, stated that UCI is "not involved in this, it's a USADA investigation," and that "it's nothing to do with UCI, and [UCI] will wait and see what the eventual outcome is."⁸³⁴

If there were any doubt concerning USADA's responsibility for results management, it is removed by WADA's interpretation of Article 15.3. In a letter from WADA's Director General, David Howman, to UCI dated August 7, 2012, WADA explained, "there seems to be no question that the [anti-doping organization] which discovered the violations is USADA." WADA

⁸³³ July 13, 2012, letter from UCI President Pat McQuaid to USADA CEO Travis Tygart ("UCI is entitled to receive the complete file of the case and make the consideration whether or not an anti-doping violation has occurred"), provided in Appendix E.

⁸³⁴ See p.2 of Attachment A (Transcript of July 11, 2012, video interview of Pat McQuaid), attached to August 8, 2012, letter from USADA General Counsel William Bock to UCI President Pat McQuaid, provided in Appendix E. The video of the interview is provided in Appendix B.

concluded, “Therefore, USADA’s results management procedure (*i.e.*, the ‘USADA Protocol’) is controlling.”⁸³⁵

Further, UCI is conflicted out of any role in results management in this case because it has publicly prejudged the credibility of the witnesses and the evidence. In 2010 when Mr. Landis publicly raised his allegations of Mr. Armstrong’s doping, in an *Associated Press* article UCI President McQuaid responded before undertaking any investigation whatsoever, contending that Mr. Landis’ allegations in his April 30, 2010 email were “nothing new” and that, “he already made those accusations in the past.”⁸³⁶ Rather than investigate the allegations, instead the UCI sued Mr. Landis.⁸³⁷ Similarly, when Tyler Hamilton publicly explained his knowledge of Mr. Armstrong’s doping in a *60 Minutes* interview nationally telecast in the United States and reported around the world in May, 2011, the UCI’s Honorary President and current UCI Management Committee Member, Hein Verbruggen, stated:

That’s impossible, because **there is nothing. I repeat again: Lance Armstrong has never used doping. Never, never, never.** And I say this not because I am a friend of his, because that is not true. **I say it because I’m sure.**”⁸³⁸

These comments during the pendency of USADA’s investigation by the UCI’s Honorary President, who also currently serves on the UCI Management Committee, are further evidence that even before USADA’s investigation was complete the contention that Mr. Armstrong engaged in doping was pre-judged and rejected by the UCI, despite the fact that neither Mr.

⁸³⁵ August 7, 2012 letter from WADA Director General, David Howman to UCI President Pat McQuaid, provided in Appendix E.

⁸³⁶ Floyd Landis comes clean, accuses Lance Armstrong, *USA Today*, May 21, 2010.

⁸³⁷ It has apparently become UCI policy to sue anyone criticizing the UCI anti-doping program. On September 21, 2012, Hein Verbruggen, confirmed that “everyone that says we have put things under the table or not done our best is sued. Simple. They can come to the court and prove their case. Simple like that. Verbruggen won’t take legal action against Hamilton, *Cycling News*, September 21, 2012

⁸³⁸ Verbruggen says Armstrong “never, never, never” doped, *Cycling News*, May 24, 2011 (emphasis added).

McQuaid, nor Mr. Verbruggen, nor any other representative of the UCI, have met with Mr. Hamilton, Mr. Landis, or apparently, with any other of USADA's numerous witnesses concerning these matters.

As set forth in the affidavit of former professional cyclist Jörg Jaksche, the UCI has responded with similar disdain and disinterest towards other cyclists that have tried to bring forth evidence of the serious extent of doping within the peloton. After coming forward and admitting doping in 2007, Mr. Jaksche spoke with UCI lawyers and officials, including Mr. McQuaid, seeking to explain the level of doping that had been taking place on Team Telekom, ONCE, CSC and Liberty Seguros, however, according to Mr. Jaksche, "the UCI showed zero interest in hearing the full story about doping on these teams and did not seek to follow up with me."⁸³⁹ Rather, Jaksche reports that "McQuaid told me he would have liked me to have handled things differently from which I can only conclude he wished I had not been as forthcoming regarding the degree of doping that was taking place in the peloton."⁸⁴⁰

Similarly, after Italian cyclist Filippo Simeoni testified regarding Dr. Ferrari's involvement in doping and was given a reduced sanction by the Italian cycling federation for his substantial assistance UCI appealed seeking to impose a lengthier sanction upon a rider who had provided invaluable assistance to a law enforcement investigation of doping in cycling.

When the foregoing is combined with the UCI's prejudgment of evidence in this case, it is clear that UCI is conflicted out of any results management role in this case.⁸⁴¹

⁸³⁹ Affidavit of Jörg Jaksche, ¶ 41.

⁸⁴⁰ Affidavit of Jörg Jaksche, ¶ 42.

⁸⁴¹ USADA's position on the UCI's conflict of interest in this case has been fully set forth in correspondence exchanged with the UCI this summer which is included in the Appendices and which is incorporated herein by reference as if fully set forth.

D. Waiver

The UCI has been aware since June 12, 2012, that USADA considered that it had jurisdiction in the Armstrong matter. In addition to receiving a phone call from USADA CEO Travis Tygart to inform him of the initiation of the Armstrong proceeding, on that date Mr. McQuaid received a copy of USADA's letter initiating proceedings against Mr. Armstrong. For the first month after USADA's notice to the UCI, the UCI deferred to USADA's jurisdiction and the President of the UCI, Pat McQuaid gave numerous interviews in which he acknowledged USADA's jurisdiction and stated that the UCI would look to USADA to conduct results management in the case.

It was not until Mr. Armstrong filed his lawsuit against USADA in federal court and asserted in his lawsuit that USADA lacked jurisdiction that the UCI changed its position on jurisdiction. On July 13, 2012, four days after Armstrong filed his lawsuit UCI President McQuaid sent letters to USADA asserting for the first time that UCI and not USADA had jurisdiction over the cases. Thereafter, the UCI and USADA traded numerous letters on the jurisdictional issue. USADA made it clear in those letters that USADA maintained that it had results management jurisdiction over Mr. Armstrong and in response to USADA's clear communications the UCI did not seek to appeal USADA's assertion of results management jurisdiction.

From June 12, 2012, until July 13, 2012, the UCI clearly acquiesced in USADA's assertion of results management jurisdiction. Had the UCI had any basis for challenging USADA's results management jurisdiction it was incumbent upon the UCI to raise that issue within the twenty-one day Court of Arbitration for Sport appeal period following notice of USADA's decision to exercise results management jurisdiction. It was unreasonably dilatory for

the UCI to wait until more than a month had transpired and even then to fail to formally challenge USADA's jurisdiction by appealing to CAS. Even if the UCI's jurisdictional assertions were correct, because the case was brought by USADA under the USADA Protocol the UCI had to exercise its CAS appeal rights on the results management issue within the twenty-one (21) day appeal period provided for in the USADA Protocol and under CAS rules.⁸⁴²

On August 24, 2012, USADA issued public notice of its sanctioning Mr. Armstrong and provided the UCI notice of this decision on that same day. In a letter of September 3, 2012 Pat McQuaid's noted that the UCI was awaiting "USADA's full reasoned decision" before deciding whether to appeal USADA's August 24, 2012, announcement of sanctions against Lance Armstrong. The Code provides that providing a reasoned decision in this contest is the duty of "the Anti-Doping Organization with results management responsibility."⁸⁴³ By calling upon USADA to issue a reasoned decision, therefore, the UCI has confirmed that USADA is the Anti-Doping Organization with results management responsibility and the UCI may not contest USADA's reasoned decision on the grounds that USADA allegedly lacks results management responsibility. Had the UCI wished to challenge USADA's results management responsibility, the UCI was obligated to do so within twenty-one (21) days of USADA asserting its results management authority on June 12, 2012. The UCI cannot challenge USADA's results management authority at this juncture.

⁸⁴² Indeed, even UCI ADR 12 provides that if another anti-doping organization opens a results management process that "UCI may decide to leave the case to the Anti-Doping Organization concerned." The UCI does not have an indefinite amount of time to make this decision. In this case under the USADA Protocol and CAS rules it had 21 days to make its decision and because it did not challenge USADA's results management within that timeframe it is estopped from doing so now.

⁸⁴³ Code, Art. 8.3.

IX. CONCLUSION

USADA exists to enforce the rules against cheating through the use of performance enhancing drugs regardless of whether those rules are broken by the famous or the anonymous.

In this case, as explained above, USADA has found proof beyond a reasonable doubt that Lance Armstrong engaged in serial cheating through the use, administration and trafficking of performance enhancing drugs and methods and that Armstrong participated in running the U.S. Postal Service Team as a doping conspiracy. Armstrong and his co-conspirators sought to achieve their ambitions through a massive fraud now more fully exposed. So ends one of the most sordid chapters in sports history.

For the reasons set forth above and in the accompanying file, the United States Anti-Doping Agency has found that Lance Armstrong violated the applicable anti-doping rules, that his competitive results achieved since August 1, 1998, should be, and are, disqualified and that he is properly and appropriately ruled ineligible for life pursuant to the terms of Article 10.10.1 of the World Anti-Doping Code.

Dated this 10th day of October 2012.



Travis T. Tygart
Chief Executive Officer
UNITED STATES ANTI-DOPING AGENCY



William Bock, III
General Counsel
UNITED STATES ANTI-DOPING AGENCY



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ADDENDUM – PART ONE

ADDITIONAL INFORMATION RELEVANT TO THE CREDIBILITY OF USADA'S FACT WITNESSES

In this section we consider further information regarding some of the key fact witnesses in this case.

1. Frankie Andreu

Frankie Andreu was one of Armstrong's earliest and closest friends in the professional cycling ranks. They were roommates in Como, Italy in Lance's first full professional season and could frequently be found together in the eight years thereafter.¹ Andreu and Armstrong were teammates for parts of nine (9) seasons. During 1992 – 1996 Andreu rode with Armstrong on the Motorola Cycling Team.² In late 1996 Andreu, Armstrong and Kevin Livingston moved to the French team Cofidis for the 1997 season.³ In 1998 Andreu, like Armstrong, moved to the U.S. Postal Service team, and in 1999 and 2000 Andreu and Armstrong were co-captains of the USPS squad.⁴ After retiring from cycling after the 2000 season Andreu was named by Armstrong and Bruyneel the USPS Assistant Team Director, a position which he held during 2001 – 2002.⁵

In his autobiography *It's Not About the Bike*, Armstrong recalled, “Frankie Andreu was a big, powerful sprinter and our captain, an accomplished veteran who had known me since I was a teenager.”⁶ In describing his first Tour de France victory in 1999, Armstrong said, “Frankie [Andreu], George [Hincapie], Christian [Vande Velde], Kevin [Livingston], and Peter [Meinert-

¹ Affidavit of Frankie Andreu, ¶¶ 20-22.

² Affidavit of Frankie Andreu, ¶¶ 17, 20-21.

³ Armstrong did not compete in 1997 due to cancer.

⁴ Affidavit of Frankie Andreu, ¶¶ 17, 43.

⁵ Affidavit of Frankie Andreu, ¶¶ 19, 63.

⁶ *It's Not About the Bike*, p. 217

Nielson] worked the hardest.”⁷ Bill Stapleton acknowledged that while teammates Armstrong and Andreu were “close.”⁸

Second only to Hincapie among Armstrong’s teammates, Andreu’s career was closely linked to Armstrong. Although Andreu had many accomplishments in his own right, including competing in the Tour de France nine (9) times, his association with Armstrong’s first two Tour de France victories was his best known achievements. After his career as a rider Andreu stayed in the sport as a television commentator and team director.⁹ Therefore, it was clearly not in his professional and financial self interest to become involved as a witness in a doping case against his long time friend, the world’s best known rider, and one of the most powerful men in cycling.

It is plain that Andreu has been a reluctant witness against Armstrong. For instance, the transcript of a tape recorded conversation that Andreu had with Armstrong’s assistants Bill Stapleton and Bart Knaggs in 2004 makes clear that Andreu recognized that his success in the sport was linked to Armstrong’s success.¹⁰

It was not until Andreu was subpoenaed and forced to testify in an arbitration proceeding in October, 2005, that Andreu revealed his secrets about Armstrong.¹¹ Even then, none of what Andreu knew made its way into the public domain at that time.

Significantly, Andreu came forward in September, 2006, to admit his own use of EPO and at that time refused to discuss doping by any of his teammates. If Frankie Andreu had had any vindictive motive against Armstrong for testifying it is virtually inconceivable that he could have maintained such a studied silence in the face of numerous public opportunities to tell what he knew.

⁷ *It’s Not About the Bike*, p. 243

⁸ SCA Transcript, pp. 1908-09.

⁹ Affidavit of Frankie Andreu, ¶¶ 3, 19, 63.

¹⁰ Affidavit of Frankie Andreu, ¶¶ 77-83 (Attachment H).

¹¹ Affidavit of Frankie Andreu, ¶¶ 88-90.

Moreover, the utter lack of drama in Andreu's testimony underscores his credibility on the topics about which he has testified. Andreu recalls a hospital room incident in October 1996 when Armstrong admitted the use of performance enhancing drugs, including EPO, testosterone, human growth hormone, steroids and cortisone.¹² Andreu has not attempted to buttress this admission by Armstrong with other accounts of Armstrong's doping. Where Andreu has firsthand knowledge of doping, such as his involvement in the EPO use of Kevin Livingston, Andreu has disclosed it, including any role he had in it.¹³ Andreu's testimony is strong evidence of the EPO use on the 1999 and 2000 Tour teams and of the involvement of team doctor Luis Garcia del Moral in doping.

In addition to his recollection of Lance's confession of doping in an Indiana hospital room, Andreu has a recollection of a number of incidents that corroborate other evidence of Armstrong's doping which USADA has gathered. Armstrong's repeated efforts to get Andreu to work with Dr. Ferrari,¹⁴ an odd meeting with Ferrari on a trip to Milan-San Remo,¹⁵ a hasty cover-up of an injection bruise before the 1999 Tour de France,¹⁶ these and many other recollections are all the more credible because they dovetail so closely with the testimony of other witnesses about whose testimony Frankie could clearly not care less.

The fact that Frankie did not see Lance inject, as other riders have testified they did, is not surprising. The testimony from the five riders on the 1999 Tour team who are USADA witnesses is consistent. There was an "A" team and a "B" team as Frankie termed it.¹⁷ The A team in 1999 was Lance, Tyler Hamilton and Kevin Livingston; they were the climbers who had

¹² Affidavit of Frankie Andreu, ¶ 34.

¹³ Affidavit of Frankie Andreu, ¶¶ 26, 45-46.

¹⁴ Affidavit of Frankie Andreu, ¶¶ 48, 50, 53.

¹⁵ Affidavit of Frankie Andreu, ¶ 48.

¹⁶ Affidavit of Frankie Andreu, ¶ 58.

¹⁷ Affidavit of Tyler Hamilton, ¶ 49.

their own separate camper during the Tour and who spent much of the Spring away from their teammates training in the mountains in preparation for the alpine stages of the Tour.¹⁸ As Tyler Hamilton explained (and as records from Dr. Ferrari seized in an Italian investigation help to corroborate), the A team members were the ones at this time who were working with Ferrari and who during the Tour were benefitting from the surreptitious EPO runs of “Motoman.”¹⁹ Frankie Andreu’s role as a domestique who focused on carrying the pace in the flatter stages of the Tour meant that in 1999 he was not in the camper that was being regularly supplied with fresh EPO and “oil.”²⁰ Frankie Andreu’s long and close relationship with Armstrong and his reluctance over the years to publicly discuss Armstrong’s doping make Andreu a very credible witness.

2. Michael Barry

Michael Barry was Lance Armstrong’s teammate during the time period from 2002 through 2005; first on the USPS team for the 2002 through 2004 seasons and then on the Discovery Channel Pro Cycling team for the 2005 season.²¹ Following Mr. Armstrong’s first retirement, after the 2005 season, Mr. Barry rode one more year for the Discovery Channel team before moving to the T-Mobile/High Road cycling team for the 2007 through 2010 seasons.²² Most recently he has been on Team Sky. Mr. Barry wrote a book during his years with the team entitled *Inside the Postal Bus: My Ride with Lance Armstrong and the U.S. Postal Cycling Team*, Velo Press (2005).

As a member of the U.S. Postal Service team, Mr. Barry was provided with banned performance enhancing drugs by U.S. Postal team doctors and staff, including Dr. Luis del

¹⁸ Affidavit of Tyler Hamilton, ¶¶ 43, 46.

¹⁹ Affidavit of Tyler Hamilton, ¶¶ 51-52.

²⁰ The oil was a testosterone-olive oil mixture advocated by Dr. Ferrari.

²¹ Affidavit of Michael Barry, ¶¶ 26, 48, 56, 70.

²² Affidavit of Michael Barry, ¶¶ 78-79.

Moral, Dr. Pedro Celaya and Jose “Pepe” Marti.²³ Mr. Barry explained that throughout his tenure with the U.S. Postal Service and Discovery Channel Pro Cycling teams, his use of prohibited substances was performed at the direction and with the full knowledge and approval of team director Johan Bruyneel.²⁴ Mr. Barry’s testimony is strongly corroborated by the testimony of George Hincapie, Levi Leipheimer, David Zabriskie and other former teammates and fellow cyclists.

Mr. Barry halted his participation in the U.S. Postal Service team doping program after serious injuries he sustained as a result of a crash at the 2006 Tour of Flanders convinced him that he was risking his life for a team that did not care about his health or wellbeing.²⁵ USADA found Michael Barry’s testimony to be substantially corroborated by the testimony of other witnesses and found him to be truthful and highly credible.

3. Tom Danielson

Tom Danielson was a teammate of Lance Armstrong on the Discovery Channel team in 2005.²⁶ Danielson continued on the Discovery Channel team in 2006 and 2007.²⁷

Danielson was directed to Johan Bruyneel by Dr. Michele Ferrari in 2004 after Ferrari had Danielson undergo a series of tests and found him to have exceptional capacity as a cyclist.²⁸ On Ferrari’s recommendation, Bruyneel signed Danielson to a contract.²⁹ Ferrari explained to Danielson the organized doping program operated by the Discovery Channel team.³⁰ Danielson found that the team operated as Ferrari had said, and Danielson was supplied with drugs,

²³ Affidavit of Michael Barry, ¶¶ 54-59, 62-63, 65.

²⁴ Affidavit of Michael Barry, ¶¶ 51-55.

²⁵ Affidavit of Michael Barry, ¶¶ 68-72.

²⁶ Affidavit of Tom Danielson, ¶¶ 39-41.

²⁷ Affidavit of Tom Danielson, ¶¶ 121-125.

²⁸ Affidavit of Tom Danielson, ¶¶ 28-37.

²⁹ Affidavit of Tom Danielson, ¶¶ 37-39.

³⁰ Affidavit of Tom Danielson, ¶ 48.

including EPO, by Pepe Marti upon returning to Europe with the team in 2005.³¹

Danielson was apparently under consideration for the Tour team in 2005, and he spent a portion of the early part of the year training with Armstrong and Dr. Ferrari.³² Both Bruyneel and Armstrong shared with Danielson their concern that the team was under the microscope from anti-doping officials and of the care that needed to be taken to avoid a positive test.³³

In 2006 Danielson was put on a blood doping program for the Vuelta a España by Johan Bruyneel.³⁴ However, the stress of doping and particularly his fears regarding the risks of the blood doping program eventually got to Danielson.³⁵ He left the team following the 2007 season.³⁶

Mr. Danielson also provided information to federal law enforcement officials as well as USADA. USADA found Tom Danielson's testimony to be substantially corroborated by the testimony of other witnesses and found him to be truthful and highly credible.

4. Renzo Ferrante

Mr. Renzo Ferrante is employed with the Carabinieri NAS, an Italian law enforcement agency.³⁷ Mr. Ferrante has been involved in most of the anti-doping cases in Italy since 1996, including proceedings brought against Prof. Francesco Conconi and Dr. Michele Ferrari.³⁸ Mr. Ferrante has identified and described in his affidavit a number of documents provided to the World Anti-Doping Agency (WADA) by Italian law enforcement officials and which have been provided to USADA by WADA.

³¹ Affidavit of Tom Danielson, ¶¶ 50-58.

³² Affidavit of Tom Danielson, ¶¶ 59-69.

³³ Affidavit of Tom Danielson, ¶¶ 65-66.

³⁴ Affidavit of Tom Danielson, ¶¶ 94-104.

³⁵ Affidavit of Tom Danielson, ¶¶ 105-119.

³⁶ Affidavit of Tom Danielson, ¶¶ 121-127.

³⁷ Affidavit of Renzo Ferrante, ¶ 1.

³⁸ Affidavit of Renzo Ferrante, ¶ 9.

5. Tyler Hamilton

Tyler Hamilton was a teammate of Lance Armstrong for four (4) seasons from 1998 through 2001 while on the U.S. Postal Service team.³⁹ After leaving the USPS team following the 2001 season Hamilton continued to live one floor above Armstrong's apartment in the same historic Girona building.⁴⁰ By the end of his time with the U.S. Postal Service team Hamilton would himself be a potential contender for the top step on the podium in a grand tour. In fact, just months after he left Armstrong's team Hamilton finished in second place in the 2002 Giro d'Italia, the year's first grand tour, and that with a broken shoulder.⁴¹

Hamilton's grit and determination was widely admired. In 2003 Hamilton won one of the most prestigious and toughest of the Spring classics, the 257 kilometer Liège–Bastogne–Liège.⁴² Also in 2003 Hamilton, riding for the Danish team CSC, finished fourth in the Tour de France, riding nearly the entire race with a broken collarbone.⁴³

Hamilton's respectful relationship with Lance Armstrong is also well chronicled. As discussed in Section 4.B.6.c., Armstrong might not have won the 2003 Tour de France were it not for Tyler Hamilton's selflessness and respect for the traditions of the peloton.

As discussed previously, Hamilton was the ultimate insider on Armstrong's first three Tour winning teams. However, since his accusations of Armstrong's doping have become public, Armstrong or his representatives have called Hamilton a "proven liar."⁴⁴ It is, of course, true that Armstrong also doped and, as explained in this Reasoned Decision, USADA has proved that he lied. Therefore, Armstrong's aspersions do not provide any basis for discrediting

³⁹ Affidavit of Tyler Hamilton, ¶¶ 29, 90.

⁴⁰ Affidavit of Tyler Hamilton, ¶¶ 81-82.

⁴¹ Affidavit of Tyler Hamilton, ¶ 94.

⁴² Hamilton was the first American to do so.

⁴³ Affidavit of Tyler Hamilton, ¶ 97.

⁴⁴ See, e.g., Lance Armstrong case thickens, *ESPN*, June 28, 2012.

Hamilton that does not also discredit Armstrong. Moreover, Hamilton's accusations are thoroughly corroborated by many other riders who rode with Armstrong over the years.

In September of 2012, some five (5) months after a two day interview with USADA representatives, Tyler Hamilton published a tell all autobiography titled *The Secret Race* which was co-authored by well known cycling journalist, Daniel Coyle. Several comments about this book are appropriately noted. First, USADA has found nothing in the book that is inconsistent with the account provided by Hamilton in the lengthy interview he gave to USADA five months earlier. Second, it is clear from the book that Hamilton pulled no punches in describing in detail his own doping practices. Moreover, many of the statements he made in the book concerning the doping practices of Spanish doctor Eufemiano Fuentes are corroborated by records from the Operation Puerto investigation. USADA concludes that Hamilton's detailed account of Lance Armstrong's doping is truthful, accurate and well corroborated.

6. George Hincapie

George Hincapie was a teammate of Lance Armstrong for eleven (11) seasons: 1994 – 1996 (Motorola), 1998 – 2005 (USPS/Discovery Channel). Lance Armstrong has called Hincapie a “great friend”⁴⁵ and “true-blue, like a brother to me.”⁴⁶ To date, USADA has been unable to find any published criticisms of George Hincapie from Lance Armstrong.

The career of George Hincapie has been tied to that of Lance Armstrong like no other cyclist. Hincapie was the only cyclist who was with Armstrong on each of his seven (7) Tour de France winning teams. Armstrong credits Hincapie as “one of the most accomplished men in American cycling”⁴⁷ and there can be little doubt his most noted accomplishment was being a

⁴⁵ *Every Second Counts*, p. 35

⁴⁶ *Every Second Counts*, p. 169

⁴⁷ *Every Second Counts*, p. 169

loyal lieutenant to Armstrong as the USPS team ascended to the pinnacle of the sport.⁴⁸ Thus, Hincapie had very much to lose in coming forward to present evidence against Armstrong.

Yet, as explained below, Hincapie has testified that he was aware of Armstrong's use of EPO and blood transfusions.⁴⁹ He reports that Armstrong even provided EPO to Hincapie for Hincapie's own use.⁵⁰ Hincapie explains how he, like Armstrong, was a client of the doping doctor Michele Ferrari who incorporated EPO and blood doping into Hincapie's training program.⁵¹ And, Hincapie admits that he participated in the USPS/Discovery Channel blood doping program.

A close friend of Armstrong and a key member of his team, Hincapie was in a position to know a great deal about what Armstrong was doing throughout the period from 1994 through 2005. As Armstrong wrote:

“There have been times when I’ve practically lived out of the same suitcase with George Hincapie. In cycling we’re on the side of a mountain for weeks, in small hotel rooms, sharing every ache, and pain, and meal. You get to know everything about each other, including things you’d rather not.”⁵²

As indicated in his affidavit, Hincapie remains loyal to Armstrong. While Hincapie felt compelled to tell the truth to USADA, it was clear in discussion with him that he had no axe to grind and still thought highly of Armstrong’s abilities as a cyclist and ability to overcome adversity.

However, what Hincapie also knew about Armstrong and what he has testified to in intimate detail is Armstrong’s immersion in the doping culture on the USPS/Discovery Channel

⁴⁸ Eventually, Hincapie would compete in seventeen (17) Tour de Frances, a record, being on the team of a Tour winner nine (9) times. Throughout his career Hincapie was a noted classics racer with significant success in these tough single day events. Hincapie announced his retirement from competitive cycling effective in September, 2012.

⁴⁹ Affidavit of George Hincapie, ¶¶ 56, 74, 77, 78.

⁵⁰ Affidavit of George Hincapie, ¶¶ 82, 83.

⁵¹ Affidavit of George Hincapie, ¶¶ 60-65, 79-81.

⁵² *Every Second Counts*, pp. 165-166.

teams. Hincapie had no doubt that Armstrong doped and therefore no one else should either.

7. Jörg Jaksche

Jörg Jaksche was a professional cyclist during the period from 1997 through 2007.⁵³ Mr. Jaksche rode on the team of one of Mr. Armstrong's principle rivals Jan Ullrich⁵⁴ and on the ONCE cycling team during 2001 through 2003 when former U.S. Postal Service and Discovery Channel team doctor, Pedro Celaya, was a team doctor for the ONCE team.⁵⁵ Mr. Jaksche rode for the following professional cycling teams: Professional teams: Polti Cycling Team (1997-1998), Team Telekom Cycling Team (subsequently T-Mobile Cycling Team) (1999 – 2000), ONCE Cycling Team (2001 – 2003), CSC Cycling Team (2004), Liberty Seguros Cycling Team (2005-2006), Tinkoff Credit Systems Cycling Team (2007).⁵⁶ He rode in the Tour de France six (6) times.⁵⁷

Mr. Jaksche provided an important understanding of the Operation Puerto and Freiburg University Clinic doping scandals as well as corroborating various aspects of the information USADA received regarding doping on the U.S. Postal Service team as the result of conversations that Mr. Jaksche had with former U.S. Postal Service team riders. USADA found Jörg Jaksche's testimony to be substantially corroborated by the testimony of other witnesses and found him to be truthful and highly credible.

8. Floyd Landis

Floyd Landis, an uncommonly talented cyclist, was a teammate of Lance Armstrong on the U.S. Postal Service team for three seasons during 2002, 2003 and 2004.⁵⁸ Landis is featured

⁵³ Affidavit of Jörg Jaksche, ¶ 1.

⁵⁴ Affidavit of Jörg Jaksche, ¶ 10.

⁵⁵ Affidavit of Jörg Jaksche, ¶ 10, 23.

⁵⁶ Affidavit of Jörg Jaksche, ¶ 10.

⁵⁷ Affidavit of Jörg Jaksche, ¶ 11.

⁵⁸ Affidavit of Floyd Landis, ¶¶ 8, 10, 47.

in Armstrong's second autobiography, *Every Second Counts*, as a precocious raw talent whom Armstrong gave himself credit for quickly developing into a forceful support rider for Armstrong. Armstrong's positive description of Floyd Landis is set forth in Section 4.B.5.a.

As is well known, Floyd Landis tested positive for testosterone during the 2006 Tour de France. Landis denied doping for several years, from 2006 through 2008 while he fought USADA's case against him and even after until early 2010. After Floyd Landis made his allegations of Armstrong's doping public, Armstrong and his representatives described Landis as, among other things, "a bitter and scorned Landis who, quite simply, has zero credibility,"⁵⁹ and "a person with zero credibility and an established pattern of recanting tomorrow what he swears to today"⁶⁰ and more recently as "an admitted, proven liar."⁶¹

It is the case that like every other one of the ten (10) former members of the U.S. Postal Service and Discovery Channel cycling teams that has admitted doping, as well as the numerous others about whom there exists evidence of doping from those teams,⁶² that nearly every rider who has used drugs has, when initially confronted, denied such use. Thus, if the proposition were accepted that merely because a rider previously denied doping his testimony regarding doping should not be accepted then one would virtually never rely on a rider's testimony about doping.

Yet, such an approach would not make much sense. In fact, the World Anti-

⁵⁹ Lance Armstrong's Team RadioShack attacks Floyd Landis, *BBC Sport*, May 21, 2010.

⁶⁰ Lance Armstrong attacks "zero credibility" of latest Floyd Landis allegations, *road.cc*, July 3, 2010.

⁶¹ Armstrong legal team says Landis, Hamilton are part of doping case, *USA Today*, June 29, 2012.

⁶² In addition to the eleven (11) former USPS riders who have admitted doping USADA has acquired evidence concerning more than twenty (20+) additional riders who doped during their time on the U.S. Postal Service team.

Doping Code acknowledges that an athlete's own doping does not necessarily undermine his credibility about the doping of others and authorizes a reduction in a confessing athlete's period of ineligibility for "substantial assistance" that leads to establishing anti-doping rule violations by others.⁶³ It is regularly acknowledged in both civil and criminal cases that a witness's own wrongful, and even criminal, conduct does not necessarily render that witness's testimony unreliable or unusable. Rather, Mr. Landis's history is one factor to be taken into account in evaluating the weight to be placed on his testimony.

It is important to note that even after Floyd Landis had been suspended for doping there were strong disincentives to coming forward with a confession of his own doping that implicated others. In addition to the further harm to his reputation that such an admission would bring, Mr. Landis realized that such an admission would undermine his relationships with many former friends and acquaintances in the peloton.⁶⁴ Moreover, by coming forward and admitting the truth after years of denials, some of which were made under oath, Landis knowingly opened himself up to substantial legal liability.

In fact, as a result of his coming forward and telling the truth about his prior doping the U.S. Attorney's Office for the Southern District of California opened a criminal case against Mr. Landis based on the false statements he had made about his own innocence when soliciting funds for his legal defense against USADA's doping charges.⁶⁵ Recently, Mr. Landis entered into a plea agreement with the San Diego U.S. Attorney's office whereby Mr. Landis was required to repay nearly a half million dollars he raised from donors based on false claims about his lack of doping. Thus, the testimony that Landis has given about doping on the U.S. Postal Service team was

⁶³ See Code, Article 10.5.3.

⁶⁴ Affidavit of Floyd Landis, ¶ 49.

⁶⁵ Affidavit of Floyd Landis, ¶ 56.

squarely against Mr. Landis's personal and financial interest thereby making it more credible. Moreover, his testimony about doping on the USPS cycling team was obviously credited and believed by the U.S. Attorney's Office for the Southern District of California because that office relied upon the truthfulness of Mr. Landis's more recent statements about doping on the USPS team in pursuing the charges the U.S. Attorney brought against Mr. Landis.

Mr. Landis also made these same statements about Mr. Armstrong's doping to federal law enforcement officials during their investigation of criminal activity in connection with the USPS cycling team. As a consequence, his statements about Mr. Armstrong's doping carried potential criminal penalties, including potential jail time, if they turned out to be false.

Moreover, Mr. Landis's testimony has been significantly corroborated by the testimony of many other witnesses. Christian Vande Velde, David Zabriskie, Michael Barry and Levi Leipheimer all testify that long before Floyd Landis tested positive, and while he was still competing in cycling, Landis shared the same accounts about Lance Armstrong's doping that he has more recently provided to USADA and to federal law enforcement officials.⁶⁶ Moreover, Floyd Landis's description of Lance Armstrong's doping is highly consistent with the testimony of other individuals with firsthand knowledge of Mr. Armstrong's anti-doping rule violations such as George Hincapie, Christian Vande Velde, Tyler Hamilton, and Jonathan Vaughters. USADA concludes that these factors combine to make Floyd Landis's account of Mr. Armstrong's doping highly credible.

⁶⁶ Affidavit of Christian Vande Velde, ¶¶ 128-30; Affidavit of Levi Leipheimer, ¶ 64; Affidavit of David Zabriskie, ¶¶ 51-54, 59; Affidavit of Michael Barry, ¶ 66.

9. Levi Leipheimer

Outside of Lance Armstrong and Greg LeMond, Levi Leipheimer may be the most accomplished American stage racer ever. He finished on the podium of grand tours three times (the Vuelta twice and the Tour de France once) more than any other American not named Armstrong or LeMond.⁶⁷ Leipheimer was a teammate of Armstrong during five (5) seasons: 2000 – 2001 (USPS), 2009 (Astana), 2010 – 2011 (RadioShack).⁶⁸ Johan Bruyneel was Levi's team director for seven seasons, the years above when Levi was a teammate of Armstrong, as well as 2007 when Bruyneel directed the Discovery Channel team and 2008 when Bruyneel directed the Astana team.

Levi is one of the most respected racers in the peloton. Although an American, Leipheimer's cycling resume reads like a candidate for the United Nations of cycling. Levi has ridden for three American teams (U.S. Postal, Discovery Channel and RadioShack), a Dutch team (Rabobank), a German team (Gerolsteiner), a Kazak team (Astana) and currently a Belgian team (Omega Pharma-Quick Step).⁶⁹

Leipheimer has ridden in fifteen Tours and was well respected by both Armstrong and Johan Bruyneel. As noted in Levi's affidavit, in 2005 when Levi was on a rival team Armstrong asked Leipheimer and Leipheimer's wife to accompany Armstrong and Sheryl Crow to the island of Tenerife for a training camp.⁷⁰

In a lengthy passage from his autobiography, *We Might As Well Win*, Johan Bruyneel made clear his respect for Levi:

I don't think I'd ever seen Levi Leipheimer outside of race videos or pictures before we signed him to our team for the 2000 season. He was strictly a domestic

⁶⁷ Affidavit of Levi Leipheimer, ¶¶ 13-14.

⁶⁸ Affidavit of Levi Leipheimer, ¶¶ 12, 28, 45, 92, 97, 101.

⁶⁹ Affidavit of Levi Leipheimer, ¶ 12.

⁷⁰ Affidavit of Levi Leipheimer, ¶ 57.

U.S. racer, and our paths had never crossed. But I liked the scouting reports I'd gotten: he was twenty-six, had won the U.S. time-trial championship in 1999, and seemed to be still undeveloped, both physically and in terms of his cycling skill and knowledge. Like with me, it seemed, early lab results showed that he had a pro engine but probably not an exceptional one the way Lance or the other great champions did. When we talked on the phone a few times before he officially joined the team, I thought he was quiet, almost studious, with a polite manner and a questioning nature. At the time, I'd only guided Lance to victory in that one Tour de France, earlier that year, but I could sense in Levi's manner – perhaps the serious questions he asked, or the way he rarely questioned my answers to his questions—a respect but not awe for me and for the sport.

In the spring of 2000, we had our first training camp in Avila Beach, California, near San Luis Obispo. A skinny kid—not muscularly lean in the way the top pros were, but having something more like the stringiness of a teenager—with sandy hair atop pleasantly neutral features walked over to me, stuck out his hand, and said, "I'm Levi." I like him immediately for that small, open gesture. I'm not sure why.

He turned out to be stronger than I'd anticipated but, I think, not as strong as he'd hoped. I kept him almost exclusively on a domestic schedule—I wanted him to get a lot of experience racing, and I thought that if I took him over to Europe too soon he'd simply suffer and get dragged along with the pack rather than being able to try out various strategies. He had a natural, streamlined riding style that made for a good time trialist, and as he added muscle he stared to drop the skinniness without gaining much weight. His power-to-weight ratio was improving, and he started hanging out at the front of the climbs when we trained. There was something else that was more impressive: he was not afraid to ask for advice from anyone he thought might be able to help him. If another rider on the team had ridden a course that was on Levi's schedule, he'd ask about the roads, the climbs, where the breakaways had happened. He'd ask the racers why they ate certain things, then ask the cook how it was prepared. He peppered me with queries about cadence, pedaling styles, various race strategies. He asked Lance about everything. And every answer he got, he took in with that respectful, serious but somehow quietly affable attitude I'd first felt when I talked to him on the phone.

At the end of the first season, he came to me one day and said, "I want to ask you something."

"Okay," I said, smiling because I knew what he was going to ask. Almost all riders asked the same thing eventually.

"What do I have to do to make the Tour de France team next year?"

Although the question was always the same, I always gave each racer a different

answer—a real one, though I tried to be encouraging as well as honest. “The way we are racing,” I said as I placed my hand on Levi’s shoulder, “I don’t see how you can make it next year. The way the team is built I don’t see a hole for you to fill. And I think you need more experience. In the Tour de France I think it would just be trouble for you. You will be better in the Tour of Spain.”

I’d been more honest than encouraging this time, on a hunch, and I looked into Levi’s eyes, but they didn’t waver. He nodded his head. He said, “Thanks,” and I had the feeling that he actually meant it.⁷¹

Bruyneel continues his description of Levi with a discussion of how well Levi had performed in the Tour of Spain⁷² in 2001, unexpectedly finishing in third place. According to Bruyneel, after Levi achieved this podium finish, Bruyneel said:

I was surprised, proud, happy for him—and sad. I knew his time to leave our team had come. Other teams would court him, offering him more money, which we could give him, but there were two things we couldn’t give: a role as the team leader and the chance to ride for the podium in the Tour de France. It was simple: unless Lance happened to crash or somehow couldn’t compete in July, Levi wouldn’t get a shot at the yellow jersey on our team for at least another five years.

He and I acknowledged as much when we spoke before he left to join Rabobank in 2002.

I wished him luck. “But not against us,” I said.

“You know, this is because I want to lead,” he said.

“You’re doing the right thing,” I said, meaning it. “I’d like to have you back some day though.”

“As the leader,” Levi said.

We shook hands, parting just as we’d first met.

Levi finished in the top ten of the Tour de France three times in the next four years. (He crashed out in 2003.) Whenever we’d run into each other at races, he was friendly and funny, and he still regarded me with that initial respect. After Tom Danielson outdueled him on the final half mile of Brasstown Bald to win the Tour de Georgia in 2005, Levi had come over and said, “Nice job. You got me.” He switched teams again, winning the Dauphiné Libéré in 2006—the first American to do so since Lance in ’03. In the Tour de France that year, he had a

⁷¹ *We Might As Well Win*, pp. 91-93.

⁷² Known as the Vuelta a España.

poor time trial and a bad day in the first mountain stage, and ended up thirteenth overall, has lowest finish ever. But to my eye, he was still the same studious, professional, genuine rider I'd noticed so long ago—only stronger. Lance had retired the year before, and I needed a new team leader.

I called Levi. I said, simply, “How would you like to be on the podium of the Tour de France in 2007?”

And I didn’t even have to spend my own money to bring him back.⁷³

In addition to Levi being prominently featured in Bruyneel’s autobiography published in 2009, the back cover of the book is adorned with a picture of Leipheimer and Alberto Contador standing with Bruyneel. During 2009 and 2010 Leipheimer served as a super domestique for Armstrong. Although Leipheimer could have been a Tour contender he set aside personal goals to ride for Armstrong.

Leipheimer plainly had no axe to grind with Bruyneel or Armstrong when Leipheimer was compelled to testify before the federal grand jury in October of 2010.⁷⁴ He went before the grand jury because he had to, and he told of his involvement in doping and of the doping on the U.S. Postal Service and Discovery Channel teams not out of vindictiveness or spite but simply because the law required him to tell the truth.

Nearly two years later when Leipheimer received a call from USADA asking him to tell the truth again, this time to USADA, Leipheimer was ready to do so. Having provided his testimony to a federal grand jury⁷⁵ Leipheimer knew that he would have to tell the truth to USADA and he clearly did so providing great detail about his own doping and the doping by Johan Bruyneel and others on the U.S. Postal Service and Discovery Channel teams of which he was aware. USADA has found Levi Leipheimer’s testimony to be well corroborated and highly credible.

⁷³ *We Might As Well Win*, pp. 93-94.

⁷⁴ Affidavit of Levi Leipheimer, ¶ 99-100.

⁷⁵ Affidavit of Levi Leipheimer, ¶ 99.

10. Emma O'Reilly

Emma O'Reilly was a soigneur with the U.S. Postal Service team from 1996 through 1999.⁷⁶ A “soigneur” is a masseuse with responsibility for assisting the riders with tasks of daily living such as laundry, equipment, food preparation and other tasks related to training, racing and team life on the road.⁷⁷ She was hired by Mark Gorski and Dan Osipow.⁷⁸ O'Reilly was well liked by the riders.

George Hincapie testified that he considered Emma “trustworthy.”⁷⁹ Jonathan Vaughters recalled, “Emma was spunky and knowledgeable, a hard worker and she had a good relationship with Lance.”⁸⁰ In fact, although Gorski, the General Manager for the team in 1999, said he had had some issues with her, Gorski called her “professional” and “the heart and soul of the team.”⁸¹

Emma O'Reilly was the principal soigneur for Lance Armstrong during 1999.⁸² O'Reilly sought to distance herself from the team doping program.⁸³ However, as she was trusted by the riders, O'Reilly was in the position to observe doping activity from time to time. For instance, George Hincapie corroborates O'Reilly's recollection that she was given performance enhancing drugs to transport for him.⁸⁴ Jonathan Vaughters recalled, “that [Emma] was trustworthy and [so] on at least one occasion [he] entrusted her with transporting a vial of EPO . . . although [Vaughters did] not know whether she knew what was in the vial.”⁸⁵

⁷⁶ Affidavit of Emma O'Reilly, ¶ 10.

⁷⁷ Affidavit of Emma O'Reilly, ¶ 12.

⁷⁸ Affidavit of Emma O'Reilly, ¶ 11.

⁷⁹ Affidavit of George Hincapie, ¶ 42.

⁸⁰ Affidavit of Jonathan Vaughters, ¶ 78.

⁸¹ Deposition of Mark Gorski, p. 94.

⁸² Affidavit of Emma O'Reilly, ¶ 74.

⁸³ Affidavit of Emma O'Reilly, ¶ 33-36.

⁸⁴ Affidavit of George Hincapie, ¶ 42.

⁸⁵ Affidavit of Jonathan Vaughters, ¶ 78.

O'Reilly did not spend a great deal of time with Armstrong outside of races and training camps, however, as a result of her position, which provided her access to Lance Armstrong in connection with races in 1998 and 1999, on several occasions she observed evidence of Armstrong's drug use. O'Reilly's testimony provides persuasive corroboration for the extensive evidence of Lance Armstrong's doping in 1998 and 1999. Moreover, her treatment at the hands of Armstrong after she publicly disclosed information about his doping is additional testimony regarding his consistent pattern of seeking to suppress evidence of his doping by publically attacking and maligning the witnesses against him.

11. Filippo Simeoni

Filippo Simeoni was the 2008 Italian national road race champion and won stages in the Vuelta a España in 2001 and 2003. Throughout his career, which lasted from 1995 through 2009, he rode for a number of Italian professional cycling teams.

USADA met with Mr. Simeoni, and through an interpreter, Mr. Simeoni provided to USADA a detailed account of his experiences with Dr. Michele Ferrari and Lance Armstrong.

As discussed in Section IV.B.7.d., Filippo Simeoni has provided to USADA forceful and corroborated testimony of a clear act of attempted witness intimidation by Armstrong, which is relevant both to assess and evaluate Armstrong's claim not to have participated in doping with Dr. Ferrari and in consideration of whether Armstrong has waived his right to seek the shelter of the statute of limitations.

12. Christian Vande Velde

Christian Vande Velde was a teammate of Lance Armstrong on the U.S. Postal Service team for five years during 1998 through 2003.⁸⁶ Vande Velde rode on two Tour de France teams with Armstrong in 1999 and 2001. In 1999 Armstrong called Vande Velde "one of the

⁸⁶ Affidavit of Christian Vande Velde, ¶¶ 13, 133.

most talented rookies around.”⁸⁷ In 2001 Vande Velde would crash and break his arm and have to abandon the Tour.

Vande Velde is an accomplished cyclist having ridden in twenty (20) grand tours.⁸⁸ As described in his affidavit, he was a somewhat reluctant doper who nonetheless worked with Dr. Ferrari and submitted to his doping regimen of EPO and the “oil” for several seasons.⁸⁹ In 2002 Vande Velde experienced a dressing down from Armstrong in Armstrong’s apartment during which Armstrong threatened Vande Velde that if he did not more strictly adhere to Michele Ferrari’s doping program that Vande Velde would lose his place on the team.⁹⁰

Vande Velde has had no history of disputes with Armstrong, Bruyneel, Celaya, del Moral, Ferrari or Marti and it was clearly not in his interest to admit to their involvement in his doping on the U.S. Postal Service team. Vande Velde also admitted doping for a period of time after he left the U.S. Postal Service team and accepted disqualification of results from this time frame.⁹¹ USADA found Vande Velde’s testimony regarding doping on the U.S. Postal Service team during the period from 1998 through 2003 to be highly credible.

13. Jonathan Vaughters

Jonathan Vaughters was a teammate of Lance Armstrong on the U.S. Postal Service team in 1998 and 1999 and he was on the 1999 Tour de France team with Armstrong.⁹² Armstrong described Vaughters as being part of a group of “loyal domestiques who would ride at high speed for hours without complaint.”⁹³ Vaughters and Armstrong were friends from the time they

⁸⁷ *It’s Not About the Bike*, p. 217

⁸⁸ Affidavit of Christian Vande Velde, ¶ 1.

⁸⁹ Affidavit of Christian Vande Velde, ¶¶ 108-113.

⁹⁰ Affidavit of Christian Vande Velde, ¶¶ 115-121.

⁹¹ Acceptance of Sanction Agreements are submitted as part of Appendix AA.

⁹² Affidavit of Jonathan Vaughters, ¶¶ 12, 24, 86.

⁹³ *It’s Not About the Bike*, p. 217

competed against each other in junior cycling.⁹⁴ In 1998 Vaughters and Armstrong rode together in many races.⁹⁵

In order to support his friend Frankie Andreu who publicly admitted doping in September, 2006, Vaughters confessed his doping to *New York Times* reporter Juliet Macur at that time but did so on the condition she would not publish his name.⁹⁶ During the thirteen (13) years after he left the U.S. Postal Service team Vaughters showed no inclination to share the full extent of what he knew about doping on the U.S. Postal Service team and by Lance Armstrong.

It was only when Vaughters was called by federal investigators that he provided the full story of what he knew about doping on that team. When Vaughters later agreed to provide his testimony to USADA he did so at substantial personal risk. Although his doping conduct occurred more than eight years ago, and there was no evidence of any concerted effort by Vaughters to use fraudulent means to conceal that conduct, Vaughters is currently the director of the Garmin-Slipstream professional cycling team⁹⁷ and public disclosure of his admissions created a potential risk of financial repercussions from his team and amongst its sponsors.

Nonetheless, Jonathan Vaughters was ultimately willing to come forward and testify fully and truthfully regarding all aspects of his doping and that of others of which he was aware. USADA found his testimony to be substantially corroborated by the testimony of other witnesses and found him to be truthful and highly credible.

⁹⁴ Affidavit of Jonathan Vaughters, ¶¶ 16-18.

⁹⁵ Affidavit of Jonathan Vaughters, ¶¶ 24, 29, 32-33, 36.

⁹⁶ Affidavit of Jonathan Vaughters, ¶¶ 111-12.

⁹⁷ Affidavit of Jonathan Vaughters, ¶¶ 106, 110, 116.

14. David Zabriskie

David Zabriskie was a teammate of Lance Armstrong on the U.S. Postal Service team for four years during the period from 2001 through 2004.⁹⁸ Mr. Zabriskie also provided information to federal law enforcement officials as well as to USADA.

Mr. Zabriskie testified credibly about the doping climate on the team and how he was introduced to doping by Johan Bruyneel and Dr. del Moral who approached him about using testosterone and EPO.⁹⁹ Mr. Zabriskie grew up in a family torn apart by his own father's involvement with drugs and Zabriskie had sought in cycling an escape from a troubled home life brought about by his father's addiction.¹⁰⁰ Although David Zabriskie succumbed to the pressure from Mr. Bruyneel to use drugs, he testified credibly that the decision to use drove him to tears.¹⁰¹ Other athletes confirmed Zabriskie's account that Zabriskie felt severe guilt over using drugs and entertained the thought that somehow serious, life threatening, crashes he experienced in 2003 and 2004 were punishment for breaking his vow made as a youth to never use drugs.

David Zabriskie has a dry but apparent sense of humor. In his interview with USADA he described a funny and, at the same time, revealing anecdote of life on the U.S. Postal Service team bus. Zabriskie recounted being at the front of the bus singing to Johan Bruyneel about EPO use to the tune of Jimi Hendrix's song *Purple Haze*. Johan laughed along as Zabriskie sang:

EPO all in my veins
Lately things just don't seem the same
Actin' funny, but I don't know why
'Scuse me while I pass this guy¹⁰²

⁹⁸ Affidavit of David Zabriskie, ¶ 20-21, 56.

⁹⁹ Affidavit of David Zabriskie, ¶¶ 26, 36, 40.

¹⁰⁰ Affidavit of David Zabriskie, ¶ 13.

¹⁰¹ Affidavit of David Zabriskie, ¶ 42.

¹⁰² Affidavit of David Zabriskie, ¶ 32.

Zabriskie also recalled an occasion when on the team bus during the Tour of Luxembourg the riders were told that police were at the team hotel and a team official advised that if any rider had any drugs in his bag that he should get rid of the drugs. After a rider's drugs were buried in the woods, a team employee commented that, "those trees will be big in a few years."¹⁰³

It can be useful to learn what individuals find humorous. Jokes are generally funny only if the intended audience understands what is being joked about, therefore, humor often is directed towards the frequent and the familiar. The evidence in this case reveals broad and regular participation by many of David Zabriskie's teammates in an extensive team wide doping program that provided a common background for understanding the topics David recalled joking about.

USADA found David Zabriskie to be highly credible and his testimony to be substantially corroborated by the testimony of other witnesses.

¹⁰³ Affidavit of David Zabriskie, ¶ 46.

ADDENDUM – PART TWO

ANALYSIS REGARDING INDIANA HOSPITAL ROOM INCIDENT

In this section of the Addendum, we address the evidence gathered on the question of whether Lance Armstrong admitted the use of performance enhancing drugs in an Indiana Hospital room in late October, 1996.

Analysis of the evidence on this point is significant not so much because it could add much to, or take anything away from, the evidence of Lance Armstrong’s doping from 1998 through 2010 that is discussed in the Reasoned Decision. Rather, the evidence is analyzed for other reasons, including to assess whether the evidence can provide any useful insight into the credibility of Lance Armstrong, Frankie Andreu, and Betsy Andreu, three of the persons in the hospital room that day.

Late in 2003 Frankie and Betsy Andreu were contacted by journalist David Walsh who was seeking information regarding Lance Armstrong. At the request of Walsh, Betsy Andreu had called Kevin Livingston’s wife Becky asking for contact information for Lisa Shiels, a former girlfriend of Lance Armstrong, who had been present in an Indiana hospital room in 1996 when the Andreus heard Armstrong tell doctors that he had previously used performance enhancing drugs.

According to Andreu, soon after Betsy Andreu’s call Livingston had called back, loudly saying, “He’ll bring everybody down” and “You can’t do that.” This is Frankie’s livelihood, this is my livelihood. Are you crazy?!¹ Betsy Andreu’s communications with the Livingstons evidently got back to Lance Armstrong. On December 15, 2003, Mr. Armstrong sent an email to Frankie Andreu warning that “by helping to bring me down is not going to help y’alls situation at

¹ Affidavit of Betsy Andreu, ¶ 70.

all. there (sic) is a direct link to all of our success here and i (sic) suggest you remind her of that.”²

Both Frankie and Betsy Andreu have testified under oath that in the Indiana hospital room they witnessed a confession of performance enhancing drug use by Lance Armstrong. In response, Armstrong and his representatives have vilified Betsy Andreu, insisting in numerous forums and to many journalists that her testimony about Armstrong is motivated by “bitterness, jealousy and hatred” due, allegedly, to Frankie having not been re-signed to the USPS squad for the 2001 season. There is also evidence that the hospital room incident may have adversely impacted Frankie Andreu’s prospects for employment in cycling. USADA has sought to assess Lance Armstrong’s contention that Betsy and/or Frankie Andreu’s testimony was concocted as part of a scheme to get back at Armstrong.

USADA has found that there is substantial undisputed evidence that in October, 1996, when the hospital room incident is alleged to have occurred, and for years thereafter, the Andreus were very close to Armstrong. Numerous photos, videos, email communications and other information which USADA has viewed depict a strong friendship between the Andreus and the Armstrongs that extended for years after 1996. The Andreus strongly supported Armstrong during his convalescence in 1997. During 1998, 1999 and 2000 the Armstrongs and Andreus lived in Nice where they regularly socialized.³ Betsy Andreu became friends with Kristin Armstrong and they traveled together, shopped together, went to the beach together. Indeed, according to Kristin Armstrong, when they socialized Betsy would sometimes make Lance’s favorite dish: risotto.⁴

² Affidavit of Frankie Andreu, ¶¶ 70-72. Exhibit G to Affidavit of Frankie Andreu (emails exchanged between Andreu and Lance Armstrong in December, 2003).

³ See, e.g., Kristin’s Korner entries for March 1999 provided in Appendix N.

⁴ Kristin’s Korner entry for March 4, 1999, provided in Appendix N.

Thus, there is no apparent evidence that Betsy Andreu had a motive to plant fabricated evidence about the hospital room incident back in 1996. But Armstrong's contention is not that the Andreus did not like him in 1996, it is that after Frankie was not brought back to the USPS team as a rider in 2001 the hospital room incident was created in order to get back at Armstrong.

Therefore, as the hospital room incident allegedly occurred in October, 1996, the most obvious way to assess whether events from during or after 2001 played into the Andreu's recollection of events from 1996 is to see whether any evidence exists that the Andreus told anyone about Armstrong's hospital room confession before they had any reason to be biased against Armstrong. In fact, USADA has discovered that there is abundant evidence that Betsy Andreu told numerous people about the hospital room confession in October and November of 1996, within days after it is alleged to have occurred.

USADA has interviewed three witnesses who have verified under oath and subject to penalties of perjury that Betsy Andreu told them about the hospital room confession in October and November of 1996, within hours or days after she claims to have heard it.⁵ These witnesses have each independently testified that Armstrong's confession mattered so much to Betsy Andreu at the time because she had recently (the month before) become engaged to marry Frankie and their wedding date (December 31) was fast approaching.⁶ According to these witnesses, Betsy had been shocked by Armstrong's confession and become deeply worried that her fiancé might also be involved in using performance enhancing drugs.⁷ Each of the three witnesses testified that Betsy sought counsel from them about whether she should continue with her wedding plans and about her concern that even if Frankie had not yet succumbed to the

⁵ See Affidavits of Piero Boccarossa, Dawn Polay and Lory Testasecca.

⁶ Affidavit of Piero Boccarossa, ¶ 14; Affidavit of Dawn Polay, ¶ 12; Affidavit of Lory Testasecca, ¶¶ 12-14.

⁷ Affidavit of Piero Boccarossa, ¶ 14; Affidavit of Dawn Polay, ¶ 12; Affidavit of Lory Testasecca, ¶ 12.

pressure to use drugs he might do so in the future.⁸

The testimony of each of these three witnesses strongly corroborates Betsy Andreu's account of the hospital room confession, and the testimony of these witnesses is imminently believable. None of the witnesses has any apparent relationship with Lance Armstrong, nor have any of the witnesses ever been involved in cycling. Their recollections are consistent, and USADA can discern no motive for them to testify falsely.

In light of the testimony of these witnesses, as well as the many other witnesses in this case who have provided first hand evidence of Armstrong's doping or of his admission of doping, it is most plausible to conclude that the hospital room confession occurred much as described by the Andreus. Armstrong's alternative hypothesis, that the Andreus concocted the story in 1996 and told numerous people about it at a time when they were still quite close to Lance Armstrong, is not persuasive. It simply does not make sense that the Andreus would have maliciously planted a story about the hospital room confession in the winter of 1996 at such a busy time in their lives, when they were certainly pre-occupied with their upcoming wedding and at a time when Frankie and Lance were teammates.

Moreover, other evidence provides corroboration for the Andreu's recollection of the hospital room incident. The hospital room incident was a hotly disputed issue in the SCA arbitration. By the time of the arbitration hearing, however, one matter that was not in question was the date on which the incident, if it happened, occurred. Everyone questioned in the SCA proceedings on this topic marked the event by the fact that a Dallas Cowboys football game was on the television, and Mr. Armstrong and his visitors had gathered in an especially reserved conference room at the hospital to watch it. Mr. Armstrong's agent Bill Stapleton confirmed that

⁸ *Id.*

the date of the football game was Sunday, October 27, 1996.⁹

Stapleton contended that by Sunday, October 27, 1996, Armstrong had already had brain surgery and it therefore “defie[d] logic” that on October 27 two doctors would question Armstrong about drugs he had previously used because “his medical history [would] have already been taken.”¹⁰ However, one of Armstrong’s doctors, Craig Nichols, confirmed that the very next day, October 28, 1996, Armstrong was set to begin chemotherapy consisting of the intravenous administration of “an aggressive combination of cisplatin, etoposide, and infosfamide.”¹¹ In his affidavit Dr. Nichols also acknowledged that hospital personnel visited Armstrong about his medical history prior to the start of chemotherapy on October 28 and that Armstrong’s medical file indicates that Armstrong was asked questions about his medical history *more than 20 times* at the Indiana University Medical Center,¹² thereby effectively discounting the theory that it would have been unusual for medical personal to have asked Armstrong about his medical history after Armstrong’s initial surgery on October 23, 1996.

When Lance Armstrong was questioned about the events of October 27, 1996, under oath in his deposition he said that he recalled being in the room with the Andreus and Stephanie McIlvain and watching the football game.¹³ However, Armstrong also said he remembered that his mother, his agent, Bill Stapleton, and his good friend Jim Ochowicz were in the room at all times.¹⁴ Armstrong said he did not recall any medical professionals coming into the conference room that day. As for two doctors having come in to discuss his medical treatment, Armstrong

⁹ SCA Hearing Transcript, p. 1761 (testimony of Bill Stapleton).

¹⁰ SCA Hearing Transcript, p. 1753 (testimony of Bill Stapleton).

¹¹ Affidavit of Dr. Craig Nichols, ¶ 3 (SCA Arbitration Materials).

¹² Affidavit of Dr. Craig Nichols, ¶ 12 (SCA Arbitration Materials).

¹³ Deposition of Lance Armstrong, p. 19 (“Oh, I think we can all remember that.”)

¹⁴ Deposition of Lance Armstrong, p. 20.

said unequivocally, “That didn’t happen.”¹⁵

In Stephanie McIlvain’s account,¹⁶ which is entirely consistent with the Andreus’ recollection, Stapleton, Ochowicz and Armstrong’s mother are left out during the conversation at issue. McIlvain testified, just as the Andreus did, that she recalled being in the room with Armstrong, the Andreus, Lisa Shiels and Chris and Paige Carmichael.¹⁷ In contrast to Mr. Armstrong, and consistent with the Andreus’ testimony, McIlvain testified that she recalled two gentlemen coming into the room and speaking with Mr. Armstrong.

McIlvain testified she did not hear the conversation with the two gentlemen, saying, “I don’t know who was saying what.”¹⁸ However, the fact that she recalled the two men being in the room and talking with Armstrong is noteworthy. McIlvain’s testimony convincingly rebuts Armstrong’s contention that a conversation with two doctors did not, and could not have, occurred. Her testimony also discredits Armstrong’s claim that Stapleton, Ochowicz and Armstrong’s mother were in his room at all times. Particularly in light of the testimony from three additional witnesses that Betsy Andreu spoke with them about the incident only days later, the evidence USADA has reviewed weighs strongly in favor of the conclusion that the hospital room incident occurred along the lines recalled by Frankie and Betsy Andreu.

Additionally, there is powerful evidence outside of the hospital room confession that

¹⁵ Deposition of Lance Armstrong, p. 20.

¹⁶ Stephanie McIlvain worked for Oakley, the sunglasses and athletics apparel manufacturer, and served as Armstrong’s liaison from Oakley. In addition, McIlvain’s husband was the Vice President of Sports Marketing for Oakley. SCA Transcript, pp. 1863-64 (testimony of Bill Stapleton). Therefore, McIlvain would seem to have had every reason to be cooperative with Armstrong and to come forward and provide Armstrong an affidavit for use in the SCA proceedings, confirming her recollection of the events in the Indiana hospital room. However, Bill Stapleton testified that when he approached her about making a statement, McIlvain “said she didn’t want to be involved and she never agreed to make a statement[.]” SCA Transcript, p. 1842. As a result she was deposed by SCA.

¹⁷ Deposition of Stephanie McIlvain, p. 22-23.

¹⁸ Deposition of Stephanie McIlvain, p.24

confirms Lance Armstrong had begun doping by 1996. There is no dispute that Armstrong began seeing Dr. Michele Ferrari, a forceful promoter of EPO use, in 1995. As explained in the Reasoned Decision, numerous athletes have described how involvement with Dr. Ferrari generally has meant involvement with EPO. Stephen Swart testified that Armstrong advocated EPO use on the Motorola team after the team was soundly beaten at the Milan-San Remo race in 1995.¹⁹ George Hincapie recalled coming home with Lance from Milan-San Remo in 1995; Hincapie said:

... coming home from the race Lance Armstrong was very upset. As we drove home Lance said, in substance, that, "this is bull shit, people are using stuff" and "we are getting killed." He said, in substance, that he did not want to get crushed anymore and something needed to be done. I understood that he meant the team needed to get on EPO.²⁰

Armstrong's Motorola cycling team teammates George Hincapie, Frankie Andreu, Kevin Livingston, Stephen Swart (a teammate from 1995) and others had all used EPO by 1996.²¹ George Hincapie believed that Armstrong was using EPO by 1996 as well, as in discussions with Armstrong, Andreu, Livingston and another roommate, these riders acknowledged that their performances had improved through the use of EPO.²² Swart believed that Armstrong's EPO use began in 1995.²³

USADA's investigation of Armstrong's hypothesis that Betsy Andreu concocted the hospital room incident demonstrates that Armstrong's contention is untenable. There is strong evidence that Armstrong was using performance enhancing drugs by 1996. Moreover, the testimony of three witnesses confirms the Andreus' account of the hospital room confession,

¹⁹ Affidavit of Stephen Swart, ¶¶ 6-8.

²⁰ Affidavit of George Hincapie, ¶ 27. Andreu testified, "I recall Lance saying he was getting his ass kicked and was in favor of doing something about it." Affidavit of Frankie Andreu, ¶ 25.

²¹ Affidavit of George Hincapie, ¶¶ 30, 32 – 33; Affidavit of Stephen Swart, ¶ 9; Affidavit of Frankie Andreu, ¶ 24, 26, 29.

²² Affidavit of George Hincapie, ¶¶ 30, 32-33.

²³ Affidavit of Stephen Swart, ¶¶ 6-9.

Betsy Andreu's imminently understandable motivation of wanting to ensure her fiancé was not a drug user, as well as other evidence corroborating the Andreus' account, undermines Armstrong's bitterness and bias theory, and provides powerful corroboration for the Andreus' testimony that the hospital confession occurred.

The conclusion that the hospital room confession occurred leads inexorably to the further conclusion that Lance Armstrong intentionally maligned Betsy Andreu, falsely accusing her of making up the confession out of alleged bitterness over her husband's termination as a rider, (an event that would not occur for five years after Betsy Andreu reported the confession to her friends), in order to attempt to impeach Andreu's credibility and distract the public from her evidence that Armstrong used performance enhancing drugs.

Lance Armstrong's contention that Betsy Andreu was bitter over her husband's termination as a rider in 2001 suffers from several other defects. First, as confirmed by email correspondence between Armstrong and Frankie Andreu, Lance Armstrong actually requested that Frankie Andreu come back to the team as a rider in the Spring of 2001 and Frankie declined.²⁴ Second, the Armstrongs and Andreus remained friends in 2001. In the summer of 2001 Betsy and Kristin spent time hanging out with their young kids in Europe while their husbands had responsibilities in connection with the Tour de France, Lance as a rider and Frankie as a television commentator. After the Tour the Andreus and Armstrongs had dinner together in Villefranche, France.²⁵ This evidence provides a strong indication that Armstrong intentionally vilified a long time friend and his friend's wife merely to protect himself.

As stated above, the hospital room incident is not necessary in any respect in establishing

²⁴ Affidavit of Frankie Andreu, ¶64; Attachment E to Frankie Andreu Affidavit (email thread from April 2001); Attachment F (April 21, 2001, email from Christian Vande Velde suggestion comeback).

²⁵ Affidavit of Frankie Andreu, ¶ 65; Affidavit of Betsy Andreu, ¶¶ 59-64.

USADA's case against Lance Armstrong. Had this matter gone to a final hearing on USADA's charges the hospital room confession would not have been a primary focus at the hearing. The evidence that the hospital room confession occurred is certainly corroborative of the overwhelming evidence that Lance Armstrong doped, however, as discussed above, USADA has evidence of numerous other confessions by Armstrong and evidence of his doping that is far more current.

For purposes of USADA's proceeding involving Mr. Armstrong, the hospital room confession is significant for other reasons than proving that Lance Armstrong's doping began more than a decade and a half ago. Mr. Armstrong's response to the hospital room incident once it was publicly exposed in 2004 provides insight into his tactics in addressing potential witnesses who dared to come forward with evidence of his doping. As a result of their truthful testimony about this incident, Frankie and Betsy Andreu paid a significant price in terms of repeated media attacks by Armstrong and his representatives and efforts to discredit them within the cycling community. Thus, Armstrong's efforts to discredit the Andreus, beginning in July 2004, may constitute the cover up of anti-doping rule violations in violation of Article 2.8 of the Code.

Second, the incident convincingly undermines Armstrong's claim of the Andreus' alleged bias. As explained above, it took nearly a decade and some fairly aggressive investigative journalism for the hospital room confession to make it into the public domain. The Andreus fought having to testify in the SCA proceedings and only allowed themselves to be publicly identified as witnesses to the confession after they had been compelled to testify and after Armstrong and his representatives embarked on a systematic campaign to attempt to discredit them. The Andreus certainly had grounds to be upset over Armstrong's attacks on them, however, there is no evidence that any anger over Armstrong's mistreatment of them has led

them to falsify evidence as claimed by Armstrong.

Thus, although the hospital room incident occurred many years ago, Armstrong's far more recent efforts to retaliate against and impugn those who have testified about it is highly relevant. The evidence of Mr. Armstrong's retaliation is consistent with a recurring pattern of efforts by Mr. Armstrong to suppress the truth and prevent those with evidence against him from coming forward.