

United States *ex rel.* Landis v. Tailwind, *et al.*  
Case No. 1:10-cv-00976-RLW (D.D.C.)

# EXHIBIT H

Declaration of Paul D. Scott in Support of Relator's Motion to Compel  
Responses to Relator's First Sets of Requests for Production of Documents  
to Defendants Thomas Weisel and Ross Investments, Inc.



LAW OFFICES  
**MCGINNIS, LOCHRIDGE & KILGORE, L.L.P.**

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# FAX COVER SHEET

**FROM:** Stephen Orsinger **DIRECT DIAL:** 512-495-6088  
**DATE:** November 13, 2013 **PAGES SENT:** 9  
(INCL. THIS PAGE)  
**Re:** Cause No. D-1-GN-13-000761; *Acceptance Insurance Company v. Lance Armstrong and Tailwind Sports Corp.*, in the 126<sup>th</sup> Judicial District Court of Travis County, Texas

**COMMENTS:** Please see attached. Thank you.

<b>TO:</b>	<b>FAX NUMBER</b>	<b>PHONE NUMBER</b>
Mark L. Kincaid	(512) 499-0094	(512) 495-1400

**Cause No. D-1-GN-13-000761**

**ACCEPTANCE INSURANCE  
COMPANY,**

**Plaintiff,**

**v.**

**LANCE ARMSTRONG and  
TAILWIND SPORTS CORP.,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**126th JUDICIAL DISTRICT**

**TRAVIS COUNTY, TEXAS**

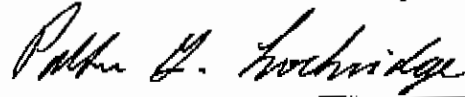
**LANCE ARMSTRONG'S SECOND SUPPLEMENTAL ANSWERS  
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

TO: Plaintiff, ACCEPTANCE INSURANCE COMPANY, by and through its counsel of record, R. James George, Jr., et al., GEORGE, BROTHERS, KINCAID & HORTON, L.L.P., 114 W. 7th St. ste. 110, Austin, Texas 78701-3015.

LANCE ARMSTRONG, Defendant, provides the following Second Supplemental Answers to Plaintiff's First Set of Interrogatories to Defendant Lance Armstrong, and states under oath that all answers are true, subject to the following qualifications:

1. Answers to interrogatories inquiring about persons with knowledge of relevant facts, trial witnesses, and legal contentions are not made under oath.
2. These answers are based on Defendant's present knowledge after a reasonable investigation and on his interpretation and construction of Plaintiff's First Set of Interrogatories.
3. Armstrong will amend or supplement these answers when, if, and as required by the Texas Rules of Civil Procedure.
4. This supplement to Armstrong's answers is made pursuant to the Trial Court's ruling on Defendant's objections to Plaintiff's First Set of Interrogatories, signed by Judge Sulak on September 16, 2013.

Respectfully submitted,



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Patton G. Lochridge  
State Bar No. 12458500  
Douglas D. Dodds  
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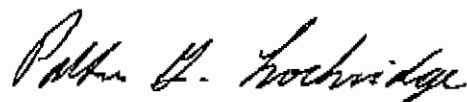
ATTORNEYS FOR DEFENDANT  
LANCE ARMSTRONG

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above was served on the following attorneys of record in accordance with the Texas Rules of Civil Procedure on November 13, 2013.

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Douglas D. Dodds

**OBJECTIONS TO DEFINITIONS**

1. Armstrong objects to definition number one because it states that the Policy in question was issued by Acceptance Insurance Company ("Acceptance"); on its face, however, the Policy appears to have been issued by Redland Insurance Company ("Redland") only. Armstrong further objects to definition number one because he is not able to verify that the Policy in question is what it purports to be – namely an insurance contract between Redland and Disson Furst & Partners ("Disson"). Armstrong was not involved in negotiating or drafting any insurance contract between Redland or Acceptance, and Disson, nor is he a party to any such contract. Armstrong is, therefore, unable to verify that the policy is what Plaintiff claims it to be.
  
2. Armstrong objects to definition number two because the phrase "substances that were banned in professional cycling" is overly broad and vague; this phrase is not limited by time period or event, and does not define the term "professional cycling," or delimit which governing body, agency or committee in which country would be "bann[ing]" the substances.
  
3. Armstrong further objects to definition two because it denotes that a "drug" or substance is "performance-enhancing" simply because it is "banned" in "professional cycling." For the same reason, Armstrong objects to the use of the term "performance-enhancing drugs" in definition three.

### INTERROGATORIES

1. In which races did you cheat by using performance-enhancing drugs, from 1995 to 2010?

#### ANSWER

Armstrong confirms that, as described below, he violated the competitive cycling rules of the UCI and/or the organizing entities responsible for professional cycling events in various races. He acknowledges that the violation of those rules constituted "cheating" as used in Interrogatory No. 1. Armstrong also confirms that the use of the substances and methods described below was prevalent, if not pervasive, among competitors in professional cycling during the periods inquired about.

During 1997, Armstrong did not compete in any races because he was recuperating from testicular cancer and brain surgery.

During 2006, 2007 and 2008, Armstrong did not compete professionally in any races because he was retired. (Armstrong participated in several non-professional events in 2008, such as the Tour de Gruene in New Braunfels, but did not compete professionally.)

During 2009 and 2010, Armstrong did not violate the rules in any races.

The following races are, to the best of Armstrong's recollection, those in which he competed between 1995 and 2010. Armstrong cannot recall for certain during which of these races he used PEDs from 1995-2005. Armstrong does recall using EPO at the Tour de France races in which he competed in 1995, 1996 and 1999; Armstrong does not recall using EPO, however, during stage races after 2000. Armstrong also recalls participating in numerous races from 1995 to 2005 (including the Dauphine Libere and the Tour de France) in which he used PEDs, such as small doses of testosterone. Armstrong also recalls using blood transfusions on multiple occasions between 2000 and 2005.

#### **1995**

##### Belgium

Ronde Van Vlaanderen  
Fleche Wallonne  
Luik Bastenaken Luik

##### France

Tour de France

##### Spain

Clasica San Sebastian

Switzerland  
Zuri Metgette

Unites States  
Tour DuPont

**1996**

Belgium  
E3 Prijis Vlaanderen  
Ronde Van Vlaanderen  
Fleche Wallonne  
Luik Bastenaken Luik

Netherlands  
Amstel Gold

France  
Paris Nice  
Tour de France

United States  
Tour DuPont

Spain  
Clasica San Sebastian

Switzerland  
Zuri Metgette

**1998**

Spain  
Clasica San Sebastian  
Tour of Spain

Switzerland  
Zuri Metgette

Luzembourg  
Tour of Luxembourg

France  
Paris Tours



**1999**

France

Circuit de la Sarthe  
Criterium Dauphine  
Tour de France  
Route du Sud

Netherlands

Amstel Gold

**2000**

France

GP des Nations  
Tour de France  
Criterium Dauphinee  
Paris Cambert

Belgium

GP eddy Merckx

Australia

Olympics

Switzerland

Zuri Metgette  
GP Argoive

**2001**

France

Tour de France  
Paris Cambert

Switzerland

Tour de Suisse

Netherlands

Amstel Gold

**2002**France

GP Midi Libre  
Tour de France  
Criterium Dauphine  
Paris Cambert

Netherlands

Profonde van Stiphout  
Amstel Gold

Belgium

Luik Bastenaken Luik  
Ronde Van Vlaanderen

Spain

Clasica San Sebastian

**2003**France

Tour de France  
Criterium Dauphine

Belgium

Luik Bastenaken Luik

Netherlands

Amstel Gold

**2004**Netherlands

Profonde van Stiphout

France

GP Midi Libre  
Tour de France

United States

Tour of Georgia

Portugal

Volta Algarve

**2005**

France  
Criterium Dauphine  
Tour de France

United States  
Tour of Georgia

**2009**

Australia  
Tour Down Under

United States  
Tour of California  
Tour of Gila  
Nevada City Classic

Italy  
Giro d'Italia

France  
Tour de France

Spain  
Castilla Leon

Ireland  
Tour of Ireland

**2010**

Spain  
Vuelta Murcia

France  
Criterium International  
Circuit Sarthe  
Tour de France

Belgium  
Tour of Flanders

United States  
Tour of California

Luxembourg  
Tour of Luxembourg

Switzerland  
Tour de Suisse

2. Which teammates of yours cheated by using performance-enhancing drugs from 1995 to 2010?

**ANSWER**

In 1997, 2006, 2007, and 2008, Armstrong did not have any “teammates” because he did not compete professionally during those years.

Armstrong does not know whether any of his teammates used PEDs in 2009 or 2010.

Several of Armstrong’s teammates have submitted sworn affidavits in several different proceedings admitting, or have otherwise publicly confirmed, that they used PEDs between 1995 and 2005; this information is publicly available, including in the USADA Reasoned Decision. Armstrong is not in a position to detail exactly what PEDs each one of his teammates used and exactly when each teammate used PEDs. However, based on observation, and because the use of PEDs was so prevalent within professional European cycling between 1995 and 2005, Armstrong believes that most of his teammates (and competitors) were regularly using PEDs or other banned methods during this time period, including, but not necessarily limited to: George Hincapie, Floyd Landis, Christian Vande Velde, Jonathan Vaughters, Levi Leipheimer, Michael Barry, Tyler Hamilton, and David Zabriskie.

3. In which races did your teammates cheat by using performance-enhancing drugs, from 1995 to 2010?

**ANSWER**

Armstrong did not have any “teammates” in 1997, 2006, 2007, or 2008 because he did not compete professionally during those years.

Armstrong does not know whether any of his teammates used PEDs in 2009 or 2010.

Several of Armstrong’s teammates have submitted sworn affidavits in several different proceedings admitting, or have otherwise publicly confirmed, that they used PEDs between 1995 and 2005; this information is publicly available, including in the USADA Reasoned Decision. Armstrong is not in a position to detail exactly what PEDs each one of his teammates used and exactly when each teammate used PEDs. However, based on observation, and because the use of PEDs was so prevalent within professional European cycling between 1995 and 2005, Armstrong believes that most of his teammates (and competitors) were regularly using PEDs during this time period.

4. **Who provided the performance-enhancing drugs you used to cheat in any races from 1995 to 2010?**

**ANSWER**

At various points in time, the following persons provided performance-enhancing drugs that were used by Armstrong: Pepe Marti, Dr. Pedro Celaya, Dr. del Moral, and Dr. Michele Ferrari. There may have been additional persons, but Armstrong does not recall any others at this time.

5. **Who was paid for the performance-enhancing drugs you used to cheat in any races from 1995-2010?**

**ANSWER**

At various points in time, the following persons were paid for performance-enhancing drugs that were used by Armstrong: Pepe Marti, Dr. Pedro Celaya, Dr. del Moral, and Dr. Michele Ferrari. There may have been additional persons, but Armstrong does not recall any others at this time.

6. **Who paid for the performance-enhancing drugs you used to cheat in any races from 1995 to 2010?**

**ANSWER**

Armstrong generally paid for the substances he used. There may have been additional persons, but Armstrong does not recall any others at this time.

7. **Who delivered the performance-enhancing drugs you used to cheat in races from 1995 to 2010?**

**ANSWER**

During 1997, Armstrong did not compete in any races because he was recuperating from testicular cancer and brain surgery.

During 2006, 2007 and 2008, Armstrong did not compete professionally in any races because he was retired. (Armstrong participated in several non-professional events in 2008, such as the Tour de Gruene in New Braunfels, but did not compete professionally.)

During 2009 and 2010, Armstrong did not violate the rules of any races.

At various points in time, the following persons delivered performance-enhancing drugs that were used by Armstrong: Pepe Marti, Emma O'Reilly (on one occasion which Armstrong can recall), Philippe Maire, Julian de Vriese and all persons listed in Armstrong's Answer to Interrogatory #4. There may have been additional persons, but Armstrong does not recall any others at this time.

8. **Who administered the performance-enhancing drugs you used to cheat in any races from 1995 to 2010?**

**ANSWER**

Armstrong would typically self-administer any PEDs that he used, but on certain occasions, the PEDs were administered by Dr. Celaya, Dr. del Moral, or Dr. Ferrari. There may have been additional persons, but Armstrong does not recall any others at this time.

9. **Who supervised the use of the performance-enhancing drugs you used to cheat in any races from 1995 to 2010?**

**ANSWER**

Armstrong would typically supervise his own use of PEDs, but on certain occasions, the use of PEDs was supervised by Dr. Celaya, Dr. del Moral, or Dr. Ferrari.

10. **Who determined the types and amounts of performance-enhancing drugs you used to cheat in any races from 1995 to 2010?**

**ANSWER**

These determinations, at various points in time, were made by Armstrong, Dr. Celaya, Dr. del Moral, or Dr. Ferrari.

11. **Who knew you were doping at any time from 1995 to 2010, and how did they know?**

**ANSWER**

Armstrong objects to this interrogatory because it constitutes an invasion of the attorney-client privilege and the spousal privilege. Armstrong has withheld information responsive to this interrogatory subject to these privileges.

Subject to and without waiving these assertions of privilege, Armstrong responds to this interrogatory as set forth below.

Armstrong cannot, of course, read the mind of another person; for that reason, it is difficult for him to state what another person "knew," or how they "knew," or when they "knew" or learned about any of Armstrong's use of performance-enhancing drugs.

Nevertheless, based upon personal observation and discussions with employees and representatives of Tailwind and its predecessors, and on information and belief, Armstrong believes that the following persons became aware, at various points in time, of the practices of the team, including Armstrong, as well as other competitors in European professional cycling: Dr. del Moral, Johan Bruyneel, Dr. Ferrari, Emma O'Reilly, Pepe

Marti, and Dr. Pedro Celaya. Dr. del Moral, Dr. Ferrari, and Dr. Celaya's knowledge of Armstrong's use of PEDs is addressed in answers to Interrogatories numbers 4, 5, 7, 8, 9 and 10 above. Pepe Marti's knowledge of Armstrong's use of PEDs is addressed in answers to Interrogatories numbers 4, 5 and 7. Emma O'Reilly's knowledge of Armstrong's use of PEDs is addressed in the answer to Interrogatory number 7 above, as well as in the various testimony she has given in other matters. Johan Bruyneel participated in or assisted with Armstrong's use of PEDs, and knew of that use through their conversations and acts.

On information and belief, many of Armstrong's teammates also were aware of the practices of the team regarding PEDs, including: George Hincapie, Floyd Landis, Christian Vande Velde, Jonathan Vaughters, Levi Leipheimer, Michael Barry, Tyler Hamilton, and David Zabriskie. With respect to the question of how these individuals knew of Armstrong's use of PEDs, please also see the affidavits they submitted in connection with the USADA Reasoned Decision.

On information and belief, Mr. Weisel was aware of doping by the USPS team and in professional cycling in general. Armstrong's belief is based on, *inter alia*, the following information: in early 1997, the year before Armstrong joined the USPS team, under Weisel's management, the team doctor was fired and Dr. Pedro Celaya and Jonny Weltz were hired to make sure the USPS team qualified for the Tour de France. Scott Mercier and Tyler Hamilton described Weisel's conscious decision to implement a program on the USPS team in order to successfully compete with other elite European teams, virtually all of which had similar doping programs.

As for Mr. Gorski, it is Armstrong's belief that he was aware of doping by the USPS team because, in addition to the information listed above, Mr. Gorski was also a rider at one time, and thus likely knew about doping through his prior experience in cycling.

Mr. Armstrong told Chris Carmichael in 1995 of his use of PEDs.

Because of the prevalence of the use of performance-enhancing drugs and banned methods, Armstrong, upon information and belief, believes that many other persons, including persons affiliated with Tailwind, knew of his practices, as well as those of his teammates and competitors.

In answering this Interrogatory, Armstrong has assumed that, because the methods used by his team were pervasive in European professional cycling, Armstrong's competitors were likely aware of the conduct of the Tailwind team. In fact, many members of the Tailwind team were employed by other teams such as Phonak, T-Mobile, Rabobank and others either before or after their affiliation with Tailwind, and probably engaged in the same or similar methods on those other teams. Armstrong was not employed by the USPS team until 1998 when he returned to the sport of professional cycling from testicular and brain cancer and, by that time, when he joined the team in 1998, many of the USPS riders were already using PEDs and banned methods.

12. **When and how did the following people learn that you were doping at any time before October 10, 2012?**
- a. Johan Bruyneel
  - b. Chris Carmichael
  - c. Thomas Weisel
  - d. Michele Ferrari
  - e. Kristin Armstrong
  - f. Pat McQuaid
  - g. Bill Stapleton
  - h. Each of your lawyers (including Tim Herman, Sean Breen, Bryan Daly, Robert Luskin, Matthew Himsworth, Donald Manasse, Christina Charrière-Bournazel, and any others).

**ANSWER**

Armstrong objects to this interrogatory because, on its face, it constitutes an invasion of the attorney-client privilege and the spousal privilege. Armstrong has withheld information responsive to this interrogatory subject to these privileges.

Subject to and without waiving these assertions of privilege, Armstrong's knowledge of when the people named in this Interrogatory learned of his use of performance enhancing substances and banned methods is contained in his answer to Interrogatory 11.

13. **Identify each person or organization that you lied about, bullied, tried to intimidate, unjustly sued, retaliated against, or made false accusations against, in response to them speaking out against doping or accusing you of doping, including but not limited to:**
- |                       |                    |
|-----------------------|--------------------|
| a. Mike Anderson      | k. Greg LeMond     |
| b. Betsy Andreu       | l. Kathy LeMond    |
| c. Frankie Andreu     | m. <i>L'Equipe</i> |
| d. Pierre Ballester   | n. Emma O'Reilly   |
| e. Christophe Bassons | o. Dick Pound      |



- |                   |                          |
|-------------------|--------------------------|
| f. Bill Bock      | p. SCA Productions, Inc. |
| g. Alan English   | q. Filippo Simeoni       |
| h. Tyler Hamilton | r. Sunday Times          |
| i. Paul Kimmage   | s. Travis Tygart         |
| j. Floyd Landis   | t. USADA                 |
| u. Willy Voet     | w. any other person      |
| v. David Walsh    | x. any other entity      |

**ANSWER**

Throughout his career, until January of 2013, Armstrong publicly denied the use of performance enhancing drugs. To the extent a person accused Armstrong of the use of such drugs, and to the extent he responded, he denied the accusation. Armstrong has publicly disputed accusations made by the persons and entities identified above in subparts a-l.

Armstrong engaged in litigation with the *Sunday Times* and Walsh in one matter, SCA in another matter, and *L'Equipe* and Emma O'Reilly in another matter.

14. **Identify every person and entity you have ever paid or offered any incentive to keep your doping secret.**

**ANSWER**

Armstrong has not paid or offered to pay someone to keep his or others' doping a secret. However, Armstrong has, on occasion, provided benefits or made contributions to many people and institutions, some of whom may have been aware of, or suspected Armstrong's use of performance-enhancing drugs and banned methods. Armstrong never provided any such benefits or contributions with the intent for it to be a payoff to keep doping a secret.

15. **If you contend that any of Plaintiff's claims are time-barred, explain when Plaintiff should have known of facts giving rise to a cause of action, and how.**

**ANSWER**

Armstrong objects to this interrogatory because it seeks to require Armstrong to provide more than a basic statement of his legal contentions and the factual bases for those contentions. Armstrong is not required to marshal his evidence in response to a written interrogatory. Tex. R. Civ. P. 192.3(j), 192 cmt. 5.

Plaintiff should have known of facts, or at least suspected a factual basis, giving rise to its causes of action starting in 1999, by means of items including, but not limited to, the allegations and information contained in the publicly-available documents listed by Plaintiff in its Original Petition, pages 6-11.

16. **List every period of time you were absent from Texas from July 1, 1999, until February 28, 2013.**

**ANSWER**

Armstrong further objects to the entirety of this interrogatory because it is not relevant to the subject matter of the suit and will not lead to the discovery of admissible evidence. Tex. R. Civ. P. 192.3(a). The proposed discovery goes beyond the subject matters of the case and reasonable expectations of obtaining information that will aid resolution of the dispute. Tex. R. Civ. P. 192 cmt. 1. Whether and when Armstrong has been absent from Texas has no bearing on any issues in the suit, and the information sought subjects Armstrong to undue burden, unnecessary expense, harassment, or annoyance. Tex. R. Civ. P. 192.6(b).

Based on the foregoing objections, no answer has been provided to this interrogatory.

**VERIFICATION**

STATE OF TEXAS

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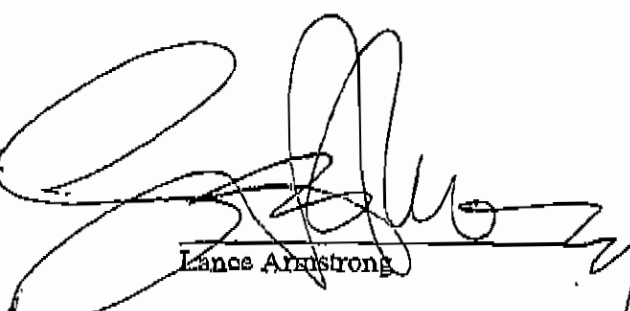
COUNTY OF TRAVIS

I, Lance Armstrong, being first duly sworn upon oath, depose and state as follows:

1. "My name is Lance Armstrong;
2. I have read Defendant's Answers and Second Supplemental Answers to Plaintiff's First Set of Interrogatories to Defendant Lance Armstrong;
3. With the exception of answers that were based on information obtained from other persons and answers to interrogatories that asked about persons with knowledge of relevant facts, trial witnesses and legal contentions, Defendant's Answers to Plaintiff's First Set of Interrogatories and Second Supplemental Answers to Defendant Lance Armstrong are true and correct to the best of my knowledge and belief."

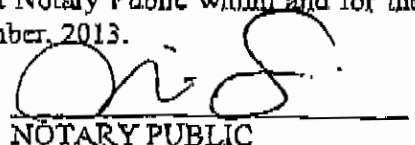
FURTHER AFFIANT SAYETH NOT.

Dated this 12 day of November, 2013.

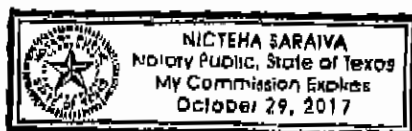


Lance Armstrong

SUBSCRIBED AND SWORN to before me, a Notary Public within and for the county and state aforesaid, on this 12 day of November, 2013.



NOTARY PUBLIC



My Commission Expires:

10/29/2017