



**UNITED STATES POSTAL SERVICE
OFFICE OF INSPECTOR GENERAL
MAJOR FRAUD INVESTIGATIONS DIVISION
PO BOX 34493
BETHESDA, MD 20817-0493**

Date: June 10, 2011

Lance E. Armstrong
C/O John Keker
Keker & Van Nest LLP
710 Sansome Street
San Francisco, CA 94111

Mr. Keker,

Pursuant to the attached federal Subpoena Duces Tecum 110576, the U.S. Postal Service (USPS), Office of Inspector General (OIG), Major Fraud Investigations Division (MFID) hereby grants approval for Lance E. Armstrong to provide subpoena production directly to the U.S. Department of Justice, Civil Division, Washington, DC, instead of the USPS OIG, as required by the subpoena. For your convenience, please provide responsive records to:

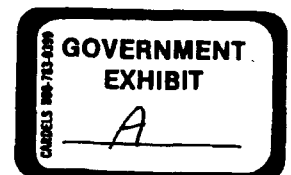
Robert E. Chandler, Trial Attorney
U.S. Department of Justice
Civil Division
Commercial Litigation Branch, Fraud Section
601 D. Street, NW
9th Floor
Washington, DC 20004

If you should have any questions concerning this matter, please contact me directly by telephone at (301) 968-0419.

Sincerely,

A handwritten signature in black ink, appearing to read "M.J. Pugliese", written over a circular stamp.

M.J. Pugliese
Special Agent
Major Fraud Investigations Division
US Postal Service, Office of Inspector General





OFFICE OF THE INSPECTOR GENERAL
UNITED STATES POSTAL SERVICE

JUN 10 2011

**PRODUCTION OF RECORDS IN RESPONSE TO A
SUBPOENA DUCES TECUM ISSUED BY THE U.S. POSTAL
SERVICE OFFICE OF INSPECTOR GENERAL**

You have been served with an Office of Inspector General (OIG) subpoena duces tecum issued under the Inspector General Act, 5 U.S.C. app. 3 § 6(a)(4). This subpoena is enforceable by order of a federal district court. *Id.* To comply, produce originals. Fully legible and complete copies are acceptable if the originals will be made available to an OIG Special Agent, upon request. The required items must be produced on the date, time, and at the location specified in the subpoena. Deliver or mail the required items to the address indicated in the subpoena. Required items must be received on or before the specified due date. The person who has custody of the records must complete the enclosed certificate attesting that the records produced comply completely with the subpoena and that the records produced are originals or copies of authentic and genuine original records.

If you have any questions about this subpoena, please contact Special Agent Michael Pugliese at (301) 968-0419 or Assistant Special Agent in Charge Samuel Simpkins at (201) 595-4494.

Attachments

110576

**UNITED STATES OF AMERICA
UNITED STATES POSTAL SERVICE
OFFICE OF INSPECTOR GENERAL**

SUBPOENA DUCES TECUM

TO: Lance E. Armstrong

YOU ARE HEREBY COMMANDED PURSUANT TO THE AUTHORITY OF THE INSPECTOR GENERAL ACT OF 1978, AS AMENDED (5 U.S.C. app. 3), TO DELIVER TO Special Agent Michael Pugliese, an official of the Office of Inspector General, at 10421 Motor City Drive, in the City of Bethesda, in the State of Maryland, on the 29th of June 2011, at 10:00 a.m., in connection with an official investigation relating to programs and operations of the United States Postal Service, to wit:

a U.S Postal Service contract.

You are required to bring with you and produce at said time and place all information pertaining to

(see attached sheet incorporated herein as part of this subpoena)

Such information is necessary in the performance of the responsibility of the Inspector General under the Inspector General Act of 1978, as amended, to conduct and supervise audits, investigations, and other activities to promote economy, efficiency and effectiveness in the administration of, and to prevent and detect fraud and abuse in and relating to, the programs and operations of the United States Postal Service.

June 10, 2011

U.S. Postal Service
Office of Inspector General



**ELIZABETH P. MARTIN
GENERAL COUNSEL**

RETURN OF SERVICE

I hereby certify that a duplicate original of this subpoena was duly served on the person named herein.

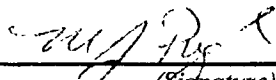
- In Person
- Via FAX Number _____
- By Mail
 - Certified _____
 - Express _____
 - Regular
 - Other By Email to JOHN KEENE AT JKEENE@KUN.COM

By leaving at principal office or place of business on this date:

June, 10, 2011
(Month, day, year)

M. J. PUGLISE
(Name of person making service)

SPECIAL AGENT
(Official title)


(Signature)

Attachment

Required Documents

Subpoena Number: 110576

TO: Lance E. Armstrong

A. Definitions Used in this Subpoena

The following definitions (both in the singular and in the plural) shall apply:

1. The term "you" and "your" shall refer to Lance Armstrong, along with all entities in which Mr. Armstrong is or has been an officer, director, or owner (in whole or in part, but excluding Mr. Armstrong's ownership in companies whose shares are traded on a major national stock exchange) and any other entities over which Mr. Armstrong may exercise control.
2. The term "documents" shall have the same meaning as set forth in Federal Rule of Civil Procedure 34(a)(1)(A) and shall mean and refer to electronically stored information, as that term is defined in the 2006 Advisory Committee Note to Rule 34(a) ("Rule 34(a)(1) is expansive and includes any type of information that is stored electronically"), paper documents, and any other information that is printed, micro-filmed, re-produced by any process, or written or produced by hand. Paper documents shall include, but not be limited to, correspondence, e-mails, communications, reports, studies, memoranda, directives, policies, agendas, minutes, resolutions, worksheets, graphs, charts, addenda and attachments, written, graphic, and photographic matter, sound recordings, however, produced or reproduced, of every kind and description, including, but not limited to, all copies and drafts thereof that have annotation, notes, modifications or other alterations.
3. "USPS" shall mean and refer to the United States Postal Service.
4. "USPS team" shall mean and refer to the professional cycling team sponsored by USPS from 1996 through 2004.
5. "Government" shall mean and refer to all agencies, divisions, and branches of the United States Government (whether located within or outside of the United States), including, but not limited to, the United States Postal Service.
6. "Tailwind" shall mean and refer to Tailwind Sports LLC, and any and all of its agents, predecessors in interest, successors in interest, parents, and subsidiaries, including but not limited to Tailwind Sports Corporation, Montgomery Sports, Disson Furst & Partners, and DFP Cycling.
7. "CSE" shall mean and refer to Capital Sports and Entertainment LLC, and any and all of its agents, predecessors in interest, successors in interest, parents, and subsidiaries.

8. "UCI" shall mean and refer to Union Cycliste Internationale, and any and all of its agents, predecessors in interest, successors in interest, parents, and subsidiaries.
9. "WADA" shall mean and refer to the World Anti-doping Agency, and any and all of its agents, predecessors in interest, successors in interest, parents, and subsidiaries.
10. "USADA" shall mean and refer to the United States Anti-doping Agency, and any and all of its agents, predecessors in interest, successors in interest, parents, and subsidiaries.
11. "Prohibited substances or methods" shall mean and refer to any substance or practice that appears or has ever appeared on the WADA Prohibited List; violates the World Anti-doping Code or the rules of the UCI, WADA, USADA, the Federation Internationale du Cyclisme Professionel, the United States Cycling Federation, USA Cycling or any other organization that governs the sport of professional cycling; or any substance, the possession, use or sale of which is prohibited by the laws of the United States or any state.
12. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
13. "Concerning" means relating to, referring to, describing, evidencing, or constituting.
14. "Relevant Time Period" means January 1, 1996 through the present day and continuing into the future.

B. Instructions

This subpoena requests that you produce documents that are maintained as electronically stored information in native electronic format. This subpoena also requests that you produce all electronically stored information in a logically unitized format. Logical unitization of documents requires you to ensure, among other things, that a particular document captures all of its respective pages and that document relationships, such as a "parent" document (e.g., a fax cover sheet) and "children" attachments (e.g., a faxed letter and attachment to the letter), are preserved.

C. Requests

1. Produce all records or communications relating to any interest (financial, voting or other) you hold or have ever held in Tailwind.
2. Produce all records or communications relating to any agreements between you and Tailwind.

3. Produce all records or communications relating to any agreements between Tailwind and USPS.
4. Produce all records relating to communications between Tailwind and USPS.
5. Produce all records or communications relating to rules of conduct or competition applicable to the teams operated by Tailwind.
6. Produce all records or communications relating to any interest (financial, voting or other) you hold or have ever held in CSE and any agreements between you and CSE.
7. Produce all documents relating to meetings or communications with the following persons:
 - a. Michele Ferrari;
 - b. any employee or agent of WADA or USADA;
 - c. any employee or agent of any laboratory or other organization that has conducted tests related to the use of banned substances or methods by athletes;
 - d. any employee or agent of USPS;
 - e. any person (including any companies or other organizations) that at any time manufactured or distributed any substance believed to have the potential to enhance an athlete's ability to compete in endurance sports.
8. Produce all communications relating to prohibited substances or methods between you and any other person, including any employee or agent of UCI, USA Cycling or any trainer, medical personnel or other person from whom you have received information or advice related to your training or performance as a cyclist.
9. Produce all calendars or similar documents that reflect meetings with (i) UCI, (ii) USA Cycling, or (iii) any trainer or medical personnel or any other person from whom you have received information or advice related to your training or performance as a cyclist.
10. Produce all records of payments made by you to UCI, USA Cycling, WADA or USADA.
11. Produce all records of payments made by you to any employee or agent of the USPS team, including, but not limited to, other team riders.
12. Produce all records of payments made by USPS to you.
13. Produce all records of payments made by you to Michele Ferrari.
14. Produce all of your medical records that reflect your use of any prohibited substances or methods.

15. Produce any records that reflect the purchase of any prohibited substances.
16. Produce all documents related to any analysis of your blood that determined your hematocrit level.
17. Produce all documents related to any analysis of your testosterone levels or testosterone-epitestosterone ratio.
18. Produce all documents related to the use of banned substances or methods by members of the USPS team, and any documents related to allegations that members of the USPS team used prohibited substances or methods.
19. Produce all documents related to your use of banned substances or methods (including but not limited to training journals or other documents that reflect your use or scheduled use of prohibited substances or methods), and any documents related to allegations that you used prohibited substances or methods.
20. Produce all documents related to litigation between you and Mike Anderson.
21. Produce any and all communications preserved through an audio or video recording on which any prohibited substance or method is discussed or the use of any prohibited substance or method by any person is discussed.



OFFICE OF THE INSPECTOR GENERAL
UNITED STATES POSTAL SERVICE

CERTIFICATE OF COMPLIANCE

I, _____, _____, of _____
Name Title
_____, certify that the Company records
provided to _____ are accurate, complete, and in full
Name of Special Agent/Inspector
compliance with the United States Postal Service Office of Inspector General Subpoena Duces
Tecum dated _____.
Date

If the records are not complete, the records as set forth below have not been produced:

(USE ATTACHMENT IF NECESSARY)

The records described above and/or on the attached sheet will be provided by

Date

SIGNATURE OF CUSTODIAN

DATE

SIGNATURE OF SPECIAL AGENT/INSPECTOR
(If available)



U.S. Department of Justice

Civil Division

JRB:MDG:REChandler
DJ 46-16-3005

Tel. (202) 514-4678

Washington, D.C. 20530

July 13, 2011

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

John W. Keker, Esq.
Keker & Van Nest LLP
710 Sansome Street
San Francisco, CA 94111-1704

Re: Lance E. Armstrong/Subpoena Duces Tecum 110576

Dear Mr. Keker:

I have received your letter of July 7, 2011. As I understand your position, Mr. Armstrong will not respond to the subpoena issued by the United States Postal Service because you are concerned about assumed leaks by the Civil Division and the District of Columbia United States Attorney's Office, and because you are concerned about the possibility that this office has received information in violation of Rule 6(e). Your concerns lack any basis in fact and, in any event, neither of them relieves Mr. Armstrong of his obligation to respond to a validly issued administrative subpoena.

We hope that you will reconsider your position and that Mr. Armstrong will respond to the subpoena so that we may avoid the need for enforcement proceedings. You mentioned in your letter that you are interested in meeting with us in order to discuss your concerns, and we would be willing to do that any day next week other than Monday, July 18, in Washington D.C. Our agreement to meet with you next week would be conditioned on the understanding that the



subpoena deadline is not being extended and that our decision to have the meeting does not operate as a waiver of our ability to assert any appropriate argument in support of a subsequent enforcement action.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert E. Chandler". The signature is fluid and cursive, with a long horizontal stroke at the end.

ROBERT E. CHANDLER
Trial Attorney
Commercial Litigation Branch
Civil Division

cc: Darrell Valdez, Esq., Assistant United States Attorney (via email)
Mercedeh Momeni, Esq., Assistant United States Attorney (via email)

From: [Chandler, Robert \(CIV\)](#)
To: [John Keker](#)
Cc: [Valdez, Darrell \(USADC\)](#); [Momeni, Mercedeh \(USADC\)](#)
Subject: RE: Lance E. Armstrong/Subpoena Duces Tecum 110576
Date: Thursday, July 21, 2011 9:55:16 AM

As I explained in my letter to you of June 30, 2011, the Civil Division is not in a position to confer any type of immunity on Mr. Armstrong. If you are seeking act of production immunity, you will need to submit your request directly to the prosecutors in the Central District of California. You have been aware of our position on this issue for three weeks now, and to my knowledge you have not sought act of production immunity from the CDCA prosecutors. If you intend to make such a request now, please inform me of that fact as soon as possible. If you do not intend to make such a request, then we will expect a timely response to our email below.

From: John Keker [mailto:JKeker@KVN.com]
Sent: Wednesday, July 20, 2011 9:48 PM
To: Chandler, Robert (CIV)
Cc: Valdez, Darrell (USADC); Momeni, Mercedeh (USADC)
Subject: RE: Lance E. Armstrong/Subpoena Duces Tecum 110576

Are you offering act of production immunity--yes or no?

From: Chandler, Robert (CIV) [mailto:Robert.Chandler@usdoj.gov]
Sent: Wednesday, July 20, 2011 1:23 PM
To: John Keker
Cc: Valdez, Darrell (USADC); Momeni, Mercedeh (USADC)
Subject: Lance E. Armstrong/Subpoena Duces Tecum 110576

John,

Based on our recent correspondence and our conversation yesterday, I believe I understand your position regarding the USPS subpoena, but I want to be sure. Please confirm that Mr. Armstrong will not produce documents responsive to the subpoena, will not invoke his Fifth Amendment right not to produce documents, and will not state any other valid objection to the subpoena. If Mr. Armstrong does intend to invoke the Fifth Amendment, then please send me a letter formally invoking that right as soon as possible.

Best regards,

Robert E. Chandler
United States Department of Justice
Civil Division
Fraud Section
601 D Street NW
Washington, DC 20004
(202)514-4678
robert.chandler@usdoj.gov

