UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, *ex rel.* FLOYD LANDIS, Plaintiffs, v. TAILWIND SPORTS CORP., *et al.*, Defendants.	Civil Action No. 1:10-cv-00976-CRC **ECF**

LANCE ARMSTRONG'S OPPOSITION TO RELATOR'S MOTION TO COMPEL NON-PARTY WILLIAMS & CONNOLLY LLP TO COMPLY WITH SUBPOENA

I. INTRODUCTION

Relator Floyd Landis' motion to compel is a thinly veiled attempt to eviscerate the attorney-client privilege. It not only shows a complete disregard for one of the most sacred and absolute privileges, but also rests on an inadequate factual showing, a misunderstanding of the relevant law, and an overbroad and imprecise application of the law to the facts. Landis equates violating the rules of cycling races in Europe with a "crime or fraud." Yet he makes no showing to justify that broad and conclusory assertion and even cursory scrutiny establishes that it is wrong. Defendant Lance Armstrong has admitted to transfusing blood. That practice is neither a crime nor a fraud. It is perfectly legal. Armstrong has admitted to using EPO, a substance which stimulates the body's production of red blood cells. EPO was legally sold over-the-counter in several European countries during the time period at issue. Armstrong has never been prosecuted for a crime and is not accused of fraud. The unproven (and incorrect) allegations in this case do not even depend on proving a crime or a fraud. Instead, this action is based on the notion that Armstrong's denials of using banned substances or methods in connection with cycling races caused other persons to submit impliedly false certifications to the government. Moreover, the specific instances Landis focuses in on involve no wrongdoing of any sort, and certainly none that could justify application of the crime-fraud exception.

Landis also asks the Court to ignore clear legal precedent that extends the attorney-client privilege to confidential communications between an attorney and a client's agent made for the purpose of seeking or providing legal advice. Landis boldly asserts that the law should not here apply based on Landis' assumption that Armstrong's agents did not know that he was doping. Landis fails to provide any authority to justify this dramatic re-writing of privilege law.

However eager Landis may to be cash in on his own dishonest actions via his role as relator, and however willing he may be to ignore years of precedent regarding the attorney-client privilege, his frontal assault on that privilege via this motion should not be tolerated. Armstrong

is entitled to protection of the attorney-client privilege, just as is any person who seeks legal advice to address complex legal problems. Landis' motion is baseless and should be denied.

II. BACKGROUND

Armstrong first retained Mark Levinstein of Williams & Connolly LLP ("W&C") in 2003. Levinstein represented Armstrong for a decade, until 2013, advising him on a wide range of legal issues. A well-recognized expert in sports law, Levinstein counseled Armstrong on issues relating to Armstrong's charitable foundation, sponsorships, and cycling career. By 2013, Armstrong was no longer riding professionally and was involved in this litigation, in which he is represented by other counsel.

On May 8, 2015, Landis served Levinstein and W&C with a subpoena, requesting twelve broad categories of documents.[1] In W&C's May 29, 2015 response to the subpoena, it agreed to produce all non-privileged responsive documents.[2] It also asserted objections to each request, including the six requests at issue in this motion.[3] On June 4, 2015, Armstrong's counsel confirmed that Armstrong planned to assert the attorney-client privilege with respect to privileged communications responsive to those six requests. Prior to any production of non-privileged documents, a log of withheld privileged documents, or any well-informed meet and confer process, Landis filed this overbroad motion to compel[4], asserting that no valid attorney-client privilege exists and requesting that the Court force Armstrong to produce a decade's worth of attorney-client communications.[5] Armstrong opposes that request.

---

[1] Declaration of Paul Scott, Ex. 1, ECF No. 348-2 (under seal).

[2] *Id.* at Ex. 2, ECF No. 348-3.

[3] To comply with its ethical obligations, W&C informed Landis that it would turn over all responsive documents to Armstrong's current counsel, with the understanding that Armstrong's counsel would review the documents and produce all "non-privileged, non-work-product documents" to Landis.

[4] Armstrong notes that the government, whose interests Landis is purportedly protecting, has not joined this motion.

[5] The irony should not be lost on the Court that while demanding production of all *privileged* communications between Armstrong and a reputable law firm based on crime/fraud, Landis

III. ARGUMENT

A. Crime-fraud exception to the attorney-client privilege requires a *prima facie* showing of an ongoing crime of fraud and evidence that the attorney's services furthered the criminal activity.

The attorney-client privilege protects communications between clients and their attorneys "made for the purpose of securing primarily either (i) an opinion on law or (ii) legal services or (iii) assistance in some legal proceeding." *In re Lindsey*, 158 F.3d 1263, 1270 (D.C. Cir. 1998) (internal quotations and citations omitted). The privilege is "essential to preservation of liberty against a powerful government." *U.S. v. Chen*, 99 F.3d 1495, 1499 (9th Cir. 1996). Once the privilege is established, it is as absolute as any known in law. *Coleman v. American Broadcasting Cos.*, 106 F.R.D. 201, 204 (D.D.C. 1985).

An exception to the attorney-client privilege is that attorney-client communications are not privileged if they are made in furtherance of a crime or fraud. *In re Sealed Case*, 754 F.2d 395, 399 (D.C. Cir. 1985). In recognition of the importance of the attorney-client privilege, courts have held a proponent of the crime-fraud exception must make a *prima facie* showing of two elements:

First, the proponent must offer evidence that, if believed by the trier of fact, would establish the elements of an ongoing or imminent crime or fraud. *Id.* The crime or fraud must be "a violation sufficiently serious to defeat the privilege." *Id*. Attorney-client communications concerning past criminal conduct do not fall within the crime-fraud exception. *Coleman*, 106 F.R.D. at 206-07. The exception only applies to communications relating to ongoing or future misconduct. *Id*.

---

himself has refused to produce to Armstrong *non-privileged* documents relating to Landis' actual prosecution for crimes he unquestionably committed. Landis was prosecuted by the Department of Justice for defrauding contributors to a legal defense fund based on his claims that he was being wrongfully accused of using performance enhancing drugs during his cycling career (which he later admitted). In other words, when being asked to produce documents, those related to his own false denials of doping are irrelevant. But when seeking Armstrong's documents, not only are the same categories of documents relevant, but they also cannot be privileged because the conduct amounts to crime fraud. The Court should not endorse such a double standard.

Second, the proponent must present evidence that "supports a reasonable inference" that the attorney's services helped to carry out the wrongful scheme. *In re Sealed Case*, 754 F.2d at 402. "[I]t is only when a client seeks advice to further a crime or fraud that the societal interest in preventing that crime or fraud trumps the societal interests that underlie the attorney-client and work-product privileges." *Nesse v. Pittman*, 202 F.R.D. 344, 351 (D.D.C. 2001). This requirement may not be assumed. *Clark v. United States*, 289 U.S. 1, 15 (1933). "Showing temporal proximity between the communication and the crime is not enough." *In re Sealed Case*, 107 F.3d 46, 50 (D.C. Cir. 1997).

B. Landis fails to make a *prima facie* showing of either a crime or fraud.

Because there can be no crime-fraud exception without a crime or fraud, Landis' attempt to invoke the crime-fraud exception is a non-starter. To make the required *prima facie* showing, Landis alleges briefly yet broadly, and in a conclusory fashion, that Armstrong committed a crime or fraud. He never specifies what crime or what fraud, or even which he is alleging.

Landis recites the well-known and oft repeated fact that Armstrong used performance enhancing methods and denied allegations of doping. But Landis fails to specify how or why those performance enhancing methods were criminal. And they weren't. Transfusing is not a crime. Using EPO is not a crime. To the extent Landis is attempting to establish a fraud, it is unclear how any of Landis' allegations could constitute fraudulent conduct. *See Bennett v. Kiggins*, 377 A.2d 57, 59 (D.C. 1977), *cert. denied*, 434 U.S. 1034 (1978) ("The essential elements of common law fraud are: (1) a false representation, (2) in reference to a material fact, (3) made with knowledge of its falsity, (4) with the intent to deceive, and (5) action is taken in reliance upon the representation.") Landis appears to focus on an allegation that Armstrong "attacked" those who accused him of doping. But without alleging how, why, or whether anyone relied on such denials of doping—however energetic they may have been—Landis' allegations do not establish a fraud.

By failing to any present evidence of an actual crime, identify a criminal statute violated, or satisfy the elements of an actionable fraud, Landis waives this argument[6] and provides the Court sufficient reason, on this basis alone, to deny his motion.

C. Landis fails to make a *prima facie* showing that Levinstein's assistance was sought "in furtherance" of any crime.

In an attempt to meet the second required crime-fraud element, Landis lists three examples in which Armstrong allegedly "used his counsel Williams & Connolly, LLP, including John Cuddihy and Mark Levinstein, to further his scheme."[7] Here, again, Landis fails to present *any* evidence supporting "a reasonable inference" that W&C's services helped carry out a crime or fraud. *Sealed Case I*, 754 F.2d at 402.

1. Vrijman report

With respect to the Vrijman report, Landis appears to take issue with the conduct of Dutch lawyer Emile Vrijman, rather than that of either Armstrong or Levinstein. On August 23, 2005, the French newspaper *L'Equipe* reported that recent testing performed on six-year-old urine samples by the French laboratory Laboratoire Nationale De Dépistage Du Dopage ("LNDD")[8] had tested positive for EPO. LNDD conducted this testing as part of research into EPO testing methods, and in disregard of all accepted protocols for preserving athletes' rights over their bodily fluids. A controversy erupted over whether the Union Cycliste Internationale ("UCI") should take action based on *L'Equipe's* reporting of a positive test attributable to Armstrong. On October 6, 2005, the UCI announced that it had appointed Vrijman to investigate the probity of LNDD's conclusion. Vrijman's report, released on May 31, 2006, determined that

---

[6] "Generally, new arguments asserted in reply are waived." *Zuza v. Office of the High Representative*, 2015 U.S. Dist. LEXIS 72217, *12 n.5 (D.D.C. June 4, 2015).

[7] Relator's Motion to Compel Non-Party Williams & Connolly, LLP to Comply with Subpoena ("Relator's Motion to Compel"), ECF No. 349 at 4.

[8] Landis Request No. 1 asks for communications relating to an allegedly positive test for EPO in Arsmtrong's blood sample. Armstrong assumes that Landis is requesting documents about a urine sample, as *L'Equipe* did not make reports about testing of Armstrong's blood.

LNDD's tests were conducted improperly and the "failure of the underlying research to comply with any applicable standard . . . render it completely irresponsible . . . to even suggest that the analyses results that were reported constitute evidence of anything."[9] The report thus established that the LNDD's conclusions could not form the basis for any action by UCI against Armstrong.

During Vrijman's investigation, he communicated with Levinstein, as he was entitled to do, and apparently accepted some of Levinstein's observations about why the LNDD's testing failed to meet the standards of protocols established by worldwide anti-doping agencies. While certainly advocating on Armstrong's behalf, as he was not only entitled, but ethically obligated to do, *see United States v. Hurt*, 543 F.2d 162, 167-68 (D.C. Cir. 1976) ("The first essential element of effective assistance of counsel is counsel able and willing to advocate fearlessly and effectively . . . ."), Levinstein was also 100% correct regarding LNDD's methods. Far from furthering a crime or fraud, Levinstein's contributions to Vrijman's report amounted to proper representation of Armstrong's interests. *See Chen*, 99 F.3d at 1501 (9th Cir. 1996) ("For a lawyer . . . to be his client's spokesman, is a traditional and central attorney's function as an advocate."). In addition, because LNDD acknowledged that its testing was solely for research, no chain of custody of the samples had been maintained, there was no dispute that a sanction could be imposed on Armstrong as a result of Vrijman's report. That Levinstein's excellent legal work may have helped Armstrong does not implicate the crime-fraud doctrine any more than a lawyer arguing the reasonable doubt standard to a federal jury furthers a fraud if his client is later acquitted.

2. Missed tests

Landis' alleges that Armstrong "used his counsel" with respect to "[f]alse statements in the context of fighting 'missed test' sanctions." Landis fails to allege that missing a drug test is

---

[9] Report, Independent Investigation, Analysis Samples from the 1999 Tour de France 17 (2006), *available at* http://www.cyclisme-dopage.com/actualite/2006-05-31-Rapport%20HR%20zonder.pdf.

a crime or fraud, and we all know that it is not. Indeed, while Landis presents evidence that W&C sent letters to USADA opposing sanctions for missed drug tests, he does not and cannot allege that sending such a letter was a crime or involved a fraud. Among the critical components missing from Landis' showing are: (1) any evidence of false statements; (2) a relationship between missed tests and an ongoing crime or fraud; or (3) how Armstrong's communications with counsel relating to missed testing facilitated or concealed criminal activity.

As the correspondence attached to Landis' motion demonstrates, W&C, on behalf of Armstrong, wrote letters to USADA requesting that it not impose a "missed test" determination on Armstrong. Landis submits no evidence showing that these letters, or the attached declaration of Armstrong, contain false statements. Instead, Landis mischaracterizes one of W&C's letters by quoting it out of context.[10] The letter actually states that "[Recent] tests confirmed what every test has confirmed—that Mr. Armstrong has not taken any prohibited substances."[11] But there is no evidence that this statement is false: it is undisputed that USADA's testing of Armstrong in 2004 and 2005 did not confirm that he had taken prohibited substances.

3. SCA arbitration

Perhaps the most surprising of Landis' baseless allegations is that Levinstein's representation of Armstrong in his arbitration against SCA Promotions, Inc. ("SCA") furthered a crime or fraud. This is because—although Landis attempts to conceal this from the Court, referring to Levinstein as having "helped litigate"—Levinstein was not Armstrong's counsel in the SCA arbitration. Instead, lawyers Timothy J. Herman and Sean E. Breen[12], both of the firm

---

[10] Relator's Motion to Compel, ECF No. 349 at 5 (Landis writes, "Mr. Cuddihy repeated the assertion that 'Mr. Armstrong has not taken any prohibited substances.'").

[11] Declaration of Paul Scott, Ex. 7, ECF No. 349-16 (12/10/04 letter to USADA) at 1.

[12] *See id.* at Ex. 14, ECF No. 349-13 (Final Arbitration Award) at 2 ("Participating, subject to continuing objection to the Tribunal's jurisdiction over Tailwind Sports, Inc. and Mr. Lance Armstrong, were the former counsel for Tailwind Sports, Inc. and **previous and current counsel for Mr. Lance Armstrong, Messrs. Timothy J. Herman, Esq. and Sean Breen, Esq**. and the Respondents through counsel, Mr. Jeffrey Tillotson, Esq.") (emphasis added).

Howry, Breen & Herman LLP, represented Armstrong in the SCA arbitration.[13] As Armstrong's longtime counsel, Levinstein participated in the arbitration by cross-examining an anti-doping expert[14], which he agreed to do because of his expertise regarding the applicable anti-doping regulations and protocols under the World Anti-Doping Agency ("WADA") Code.

Additionally, documents relating to the SCA arbitration are not clearly responsive to Landis' requests to W&C. The only request that comes close is No. 9, which asks for a broad swath of documents—all communications "RELATING TO DOPING" by Armstrong.

D. Landis has not established a basis for *in camera* review of Armstrong's attorney-client privileged communications.

Here, where Landis has made no substantive attempt to meet either required prong of the crime-fraud exception, the Court should not bless his disregard for the attorney-client privilege by reviewing *in camera* Armstrong's attorney-client communications. "If legal advice loses its privileged status merely because the opponent claims that the advice was sought to conceal a fraud, the privilege quickly evaporates. If that were the law, few clients would dare talk to lawyers, because the privilege would disappear the moment their opponent charged a cover-up." *Nesse*, 202 F.R.D. at 351. Because Landis has not made a *prima facie* showing of a crime or a fraud, or that Armstrong used Levinstein's services to further a crime or fraud, this is not a case where it is "impossible to know, without reviewing the documents *in camera*," *Tri-State Hosp. Supply Corp. v. U.S.*, 226 F.R.D. 118, 134 (D.D.C. 2005), whether crime-fraud applies.

E. W&C's privileged communications with Armstrong's agents are protected from disclosure.

Communications between an attorney and a client's agent are privileged if they would be privileged when made by the client. *See In re Lindsey*, 158 F.3d at 1279-80 ("[I]n considering

---

[13] Even as to Herman and Breen, the arbitration panel "affirmatively conclude[d]" that the lawyers did not know of or participate in Armstrong's misrepresentations during the arbitration. *See id.*at 18.

[14] Levinstein also prepared an expert to testify at the SCA arbitration, but Armstrong's counsel ultimately determined that the expert's testimony was unnecessary.

whether a client's communication with his or her lawyer through an agent is privileged . . . the critical factor is that the communication be made in confidence for the purpose of obtaining legal advice from the lawyer." (internal citations and quotations omitted)). The attorney-client privilege also applies to communications from a client's agent to the attorney "in response to the client's attorney's request for information for the purposes of rendering legal services to the client," *FTC v. Boehringer Ingelheim Pharm., Inc*., 286 F.R.D. 101, 108 (D.D.C. 2012), and when the agent is acting as an intermediary between the attorney and the client. *In re Lindsey*, 158 F.3d at 1279-80. Further, sharing privileged communications with an agent does not waive privilege if the agent needs the information to perform its functions. *See FTC v. GlaxoSmithKline*, 294 F.3d 141, 147-48 (D.C. Cir. 2002).

The law is thus clear that Levinstein's communications with Armstrong's agents—William Stapleton, Barton Knaggs, and Capital Sports and Entertainment Holdings, Inc. ("CSE")—are privileged to the extent they would be privileged if exchanged between Levinstein and Armstrong.[15] Stapleton started acting as Armstrong's agent in 1995.[16] Stapleton is also a graduate of The University of Texas School of Law and was for many years of his career a licensed lawyer.[17] Armstrong, who has no formal legal training, and only a high school education, has relied on Stapleton to communicate with Armstrong's lawyers and convey to

---

[15] Landis argues that if Armstrong's agents did not know whether Armstrong was using performance enhancing methods, they "were mere pawns in Armstrong's efforts to use W&C to further his ongoing fraudulent scheme . . . ." Relator's Motion to Compel, ECF No. 349 at 9. It is not at all clear, however, how their knowledge of Armstrong's actions would impact the existence of an agency relationship. While Landis claims that Armstrong would have "fundamentally breached his duties to them as his agents" if he did not disclose everything he was doing, neither this motion nor this action relates to duties Armstrong owed to Stapleton, Knaggs, or CSE.

[16] ECF No. 311-15 (Declaration of William J. Stapleton in support of Defendants Capital Sports & Entertainment Holdings, Inc., William J. Stapleton, and Barton B. Knaggs' Motion for Summary Judgment) at ¶ 3.

[17] Armstrong is not withholding documents subject to the attorney-client privilege or attorney work product doctrine based on an attorney-client relationship between Armstrong and Stapleton.

Armstrong necessary information relating to his legal interests. Similarly, beginning in 2001, Knaggs and CSE served as Armstrong's agents.[18] Throughout the period in which Armstrong has been represented by counsel, Knaggs and CSE have frequently assisted Armstrong's attorneys by providing information relevant to Armstrong's legal representation. *See FTC*, 286 F.R.D. at 108. Accordingly, Armstrong and his counsel are entitled to review communications between W&C and Stapleton, Knaggs, and CSE, and assert the attorney-client privilege over those which, in confidence, furthered the provision of legal advice to Armstrong by W&C.

F. Attorney-client privilege extends to all communications "intertwined" with legal strategies, including those relating to the *L'Equipe* article, the Vrijman report, a missed doping test and any lobbying efforts.

Landis moves to compel four broad categories of communications[19] between W&C and Armstrong based on the blanket (and blatantly incorrect) assertion that none can relate to "legal advice." These categories include all communications relating to an allegedly positive doping test for EPO as reported in the 2005 *L'Equipe* article; the Vrijman report; an April 2004 missed doping test; and attempts to lobby or influence elected officials.

The scope of privileged "legal advice", however, is defined by the law and certainly includes communications that fall under these broad categories. As the law allows, Armstrong should be entitled to withhold on the basis of privilege communications that are "intertwined with [] litigation and legal strategies." *FTC*, 294 F.3d at 148 (attorney-client privilege extends to communications with public relations consultants that are "completely intertwined with [] litigation and legal strategies" (internal citations omitted)). Although Armstrong's counsel cannot know what communications are privileged until it receives and reviews W&C's documents, communications responsive to Landis' requests that are "intertwined with . . . legal

---

[18] ECF No. 311-14 (Declaration of Barton B. Knaggs in support of Defendants Capital Sports & Entertainment Holdings, Inc., William J. Stapleton, and Barton B. Knaggs' Motion for Summary Judgment) at ¶ 3.

[19] This includes Landis' requests to W&C numbered 1, 3, 8, and 12.

strategies" are protected by the attorney-client privilege. *See, e.g., Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1043 (1991) ("An attorney's duties do not begin inside the courtroom door. He or she cannot ignore the practical implications of a legal proceeding for the client. . . . [A]n attorney may take reasonable steps to defend a client's reputation . . . including an attempt to demonstrate in the court of public opinion that the client does not deserve to be tried."); *In re Grand Jury Subpoenas*, 179 F. Supp. 2d 270, 285 (S.D.N.Y. 2001) ("The fact that a lawyer occasionally acts as a lobbyist does not preclude the lawyer from acting as a lawyer and having privileged communications with a client who is seeking legal advice.").

Through this motion, Landis attempts to subvert the tried and true practices of civil discovery—an attorney who receives a subpoena first reviews the documents, produces those which are not privileged, and properly asserts a privilege over the rest. Without citing any authority, Landis presumes that his request for documents merits a different procedure. The Court should deny Landis' motion and allow Armstrong's counsel to review the communications produced to it by W&C and then turn over responsive, non-privileged documents—just as Armstrong has done with the 44,135 pages he has produced thus far in this case.[20]

G. The Court's Order allows for categorical logging of communications between W&C and Stapleton, Knaggs, and CSE.

In an effort to waste even more of Armstrong's time and money, Landis suggests that this Court should require Armstrong to individually log communications between W&C and Stapleton, Knaggs, and CSE. Landis fails to provide any reason an individual log is necessary—or even preferable to a categorical log. The Court previously ordered that "[c]ommunications between any party and their current or former counsel who is not counsel of record in this case (along with such attorney's work product) may be logged categorically." Court's Order Regarding Privilege Logs (ECF. No. 220). The attorney-client privilege applies to Armstrong's

[20] Landis, on the other hand, has still only produced 278 documents, most of which are not responsive to any of Armstrong's requests for production

agents, including Stapleton, Knaggs, and CSE, just as it applies to Armstrong. *See United States ex rel. Barko v. Halliburton Co.*, 2014 U.S. Dist. LEXIS 162680, *5 (D.D.C. Nov. 20, 2014) ("In general, the attorney-client privilege shelters confidential communications between an attorney and client, including their agents, made with a primary purpose of seeking or providing legal advice."). Thus, there is no reason Armstrong should log communications between W&C and his agents differently than he logs those for himself. Further, individual logging is not necessary to evaluate any claim of privilege, as Landis asserts. Courts routinely hold that categorical logs are sufficient to enable other parties to assess privilege claims. *See, e.g., St. John v. Napolitano*, 274 F.R.D. 12, 21 (D.D.C. 2011).

Accordingly, the Court should allow Armstrong to prepare a categorical log of all privileged communications—in other words, to follow the procedure it already ordered in this case nearly a year ago.

H. Landis' subpoena to W&C seeks inadmissible, irrelevant evidence.

Landis' subpoena to W&C is a fishing expedition. Armstrong long ago admitted to using performance enhancing substances. He also admitted to denying doping. Why is Landis seeking a decade's worth of confidential communications with Armstrong's longtime counsel relating to topics Armstrong does not dispute? There is little doubt that this motion's sole purpose is to harass Armstrong, and it should not be tolerated. *See* 31 U.S.C. § 3730(c)(2)(D) ("Upon a showing by the defendant that unrestricted participation during the course of the litigation by the [relator] would be for purposes of harassment . . . , the court may limit the participation by the [relator] in the litigation.").

IV. CONCLUSION

For the foregoing reasons, Armstrong respectfully requests that the Court deny the relator's motion to compel.

Respectfully submitted,

KEKER & VAN NEST LLP

Dated: June 16, 2015

By: */s/ Elliot R. Peters*

JOHN W. KEKER (*pro hac vice*)
ELLIOT R. PETERS (*pro hac vice*)
R. JAMES SLAUGHTER (*pro hac vice*)
SHARIF E. JACOB (*pro hac vice*)
TIA A. SHERRINGHAM (*pro hac vice*)
633 Battery Street
San Francisco, CA 94111-1809
Telephone: 415 391 5400
Facsimile: 415 397 7188

ROBERT D. LUSKIN (D.C. Bar # 293621)
PAUL HASTINGS LLP
875 15TH St., NW
Washington, DC 20037
Telephone: (202) 551-1966
Facsimile: (202) 551-0466

Attorneys for Defendant
LANCE ARMSTRONG