

PROCEDURAL AND FILING TIMELINE

1-06-05

Anderson files 1st Amended answer/Original Counterclaim

Includes pleading re Anderson asking for raise based on need, performance and increased responsibilities; alleges he received the precise raise he requested

Contains veiled pleadings re a *troubling discovery* by Anderson

IIED

Defamation

Original Petition is defamatory

Comments to newspaper reporter re suit defamatory

Breach of Contract

Salary

Bike shop

Fraud

Re help fund bike shop



3-08-05

2nd Amended Answer/ 1st Amended Counterclaim

Identical salary increase language still there – Anderson swears that is true

Veiled “discovery” language remains

IIED

Promise broken
Hypo glycemic pass out
Forced to sign release/confidentiality part of scheme
Demand by attys for laptops back

Defamation

Original Petition is defamatory
Comments to newspaper reporter re suit defamatory

Breach of Contract

Salary
Bike shop

Fraud

Re help fund/open bike shop

3-09-05

Hearing on Special Exceptions- IIED and Defamation claims struck

3-09-05

Armstrong’s attys write letter following special exception hearing urging that struck pleadings not be re-added by Anderson

3-10-05

Anderson’s attys reply that they will re-plead and will add increased “specific outrageous acts” and that when they do Armstrong “will be locked into defending this case no matter how long it takes and no matter how much it costs...” and inquire if Armstrong wants to mediate before they replead.

3-17-05

Order Granting Special Exceptions and striking pleadings signed

3-30-05

Mike Anderson deposed (appears on ESPN "Sportscenter," accuses Armstrong of wrongdoing and announces his alleged 2/04 discovery)

3-31-05

Anderson files 3rd Amended Answer/2nd Amended Counterclaim

Keeps salary/raise paragraph
Adds outrageous discovery allegations re steroids/cover up etc

IIED

Adds "troubling discovery" allegations, outrageous language:

Defamation

Vague allegations that third parties were told he was terminated for stealing
Complains of Herman interview on Celebrity Justice

Breach of Contract

Salary
Bike shop

Fraud

Re help fund/open bike shop

7-21-05 Armstrong files Summary Judgment re Breach of Contract and Fraud claims

7-27-05 Second Special Exceptions hearing – Judge grants from bench and strikes with prejudice IIED and defamation claims and allows one defamation claim to be re plead with specificity by 8-22

8-04-05 Anderson files 4th Amended Answer/3rd Amended Counterclaim
(7 days before MSJ hearing)

Keeps salary/raise paragraph

Keeps outrageous discovery allegations re steroids/cover up etc

IIED

Keeps discovery additions etc

Defamation

Vague allegations that third parties were told he was terminated for stealing

Complains of Herman interview on celebrity justice

Breach of Contract

Salary

Bike shop

New- Not terminated for cause-terminated for PED cover

up

New- Alternative pleading that contract is ambiguous

New- Alternative pleading that if contract terms are uncertain, the conduct of the parties made it clear

Fraud – now alternative pleading

Added fraud in the inducement – induced him into the contract with the promise to help him fund/open a bike shop

Quantum Meruit (1st appearance in suit)(alternative pleading)

Defendants unjustly enriched by 250k

Wants 300 k (150k per year in addition to salary and bonus)

8-11-05

MSJ Hearing on Contact and Fraud claims

8-22-05

Deadline for re pleading Defamation per order granting special exceptions and striking pleadings

8-22-05

5th Amended Answer/4th Amended Counterclaim

Keeps salary/raise paragraph

Deletes outrageous discovery allegations re steroids/cover up etc

IIED - *Deleted*

Defamation

Vague allegations that third parties were told he was terminated for stealing *specified to be his wife and Derek Russey*

Breach of Contract

Salary

Bike shop

Not terminated for cause-terminated for PED cover up

Alternative pleading that contract is ambiguous

Alternative pleading that if contract terms are uncertain, the conduct of the parties made it clear

Fraud – alternative pleading

Re fraud in the inducement – induced him into the contract with the promise to help him fund/open a bike shop

Quantum Meruit -

Defendants unjustly enriched by 300k

Wants 300 k (150k per year in addition to salary and bonus)

10-4-05

6th Amended Answer/5th Counterclaim
(7 days before MSJ hearing)

Keeps salary/raise paragraph

IIED – Stays Deleted

Defamation - *changed*

allegations that third parties were told he was terminated
for stealing specified to be his wife and Derek Russey

*adds previous outrageous allegations that were struck from
IIED claim back in as "motive" for alleged defamation*

Breach of Contract - deleted

Fraud – deleted

Quantum Meruit -

Adds language that Armstrong committed to more than just salary
– “committed “ that he would “help fund” and that “help fund”
was a “promise”

Herman Howry & Breen

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March 9, 2005

Via Facsimile

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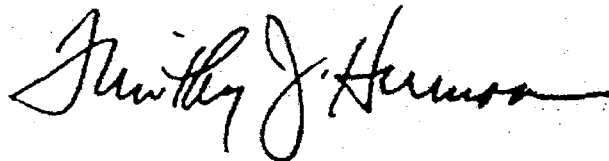
RE: Cause No. GN404061; *Luke David LLC and Lance Armstrong v. Mike Anderson*;
In the 200th Judicial District Court, Travis County, Texas

Dear Mr. Gillespie:

In January, we requested you dismiss the defamation and intentional infliction of emotional distress claims as they were neither viable nor permitted by law. You declined. Today, Judge Lowry granted our special exceptions on your pleading of those two causes of action, agreeing with us that they were neither viable nor permitted by law. While the rules called for Judge Lowry to give you an opportunity to replead, we are reiterating our request that the defamation and intentional infliction claims be dropped or not replead for all the reasons set out in our previous letter, our special exceptions and our brief in support. There is no basis in law or fact for those claims and no basis for the extension, modification or reversal of the existing law that led to the claims being struck today.

We hope you will consider this additional request.

Very truly yours,



Timothy J. Herman

TJH/jkm

cc: David Davis

Via Facsimile

LUKE DAVID LLC and
LANCE ARMSTRONG

v.

MIKE ANDERSON

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200th JUDICIAL DISTRICT

ORDER GRANTING PLAINTIFFS' SPECIAL EXCEPTIONS

FILED

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M. J. ...

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

On March 9, 2005, this Court held a hearing on Plaintiffs' Special Exceptions. The Special Exceptions asserted that the allegations pleaded in Defendant's First Amended Answer and Original Counterclaim against Luke David LLC and Armstrong alleging Intentional Infliction of Emotional Distress and Defamation failed as a matter of law and as pled did not constitute viable causes of action or claims permitted by law and Plaintiffs requested the allegations be stricken. The parties appeared by and through their respective counsel. Having heard the arguments of counsel, having reviewed the pleadings in question, and having considered the authority presented, this court has concluded and finds that the special exceptions should be sustained, that Anderson's Causes of Action E(1) and E(2) of Defendant's First Amended Answer and Original Counterclaim are therefore struck, and Defendant should be permitted the opportunity to replead and adequate time to do so.

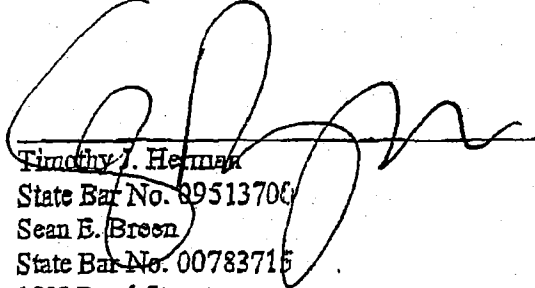
IT IS, THEREFORE, ORDERED that the special exceptions made by Plaintiffs' Luke David LLC and Lance Armstrong are sustained and that Anderson's Causes of Action E(1) and E(2) of Defendant's First Amended Answer and Original Counterclaim are therefore struck. IT IS FURTHER ORDERED that Anderson may amend his pleadings within twenty-one (21) days. All further relief requested but not herein granted is denied.

Signed and entered this 17 day of March, 2005

[Signature]
JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

HERMAN, HOWRY & BREEN, L.L.P.



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ATTORNEYS FOR DEFENDANT

CAUSE NO. GN404061

LUKE DAVID LLC and
LANCE ARMSTRONG

v.

MIKE ANDERSON

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200th JUDICIAL DISTRICT

ORDER GRANTING PLAINTIFFS' SPECIAL EXCEPTIONS

On July 27, 2005, this Court held a hearing on Luke David LLC and Lance Armstrong's Special Exceptions to Anderson's Third Amended Answer and Second Amended Counterclaim. The parties appeared by and through their respective counsel. Having heard the arguments of counsel, having reviewed pertinent pleadings, and having considered the authority presented, this court concludes and finds that the special exceptions should be sustained as set out below.

IT IS ORDERED that the special exceptions asserted by Plaintiffs' Luke David LLC and Lance Armstrong to cause of action E(1) in the Second Amended Counterclaim, "Intentional Infliction of Severe Mental Distress" are sustained. The cause of action and allegations of Intentional Infliction of Severe Mental Distress explicitly stated and incorporated by reference in E(1) are struck and dismissed with prejudice.

IT IS ORDERED that the special exceptions asserted by Plaintiffs' Luke David LLC and Lance Armstrong to cause of action E(2) in the Second Amended Counterclaim, "Defamation" are sustained. The cause of action and allegations of Defamation explicitly stated and incorporated by reference in E(2) are struck and dismissed with prejudice, with the exception of the allegations in Paragraph 56, to which the Court sustains the special exceptions, strikes Paragraph 56, and grants Anderson until August 8, 2005 to re-plead the allegation in Paragraph 56 to plead specifically the details of the

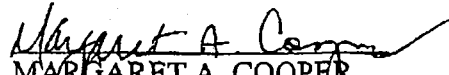
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MLZ

alleged slander, including the time frame of the allegedly slanderous statements and to whom the statements were allegedly made.

All further relief requested but not herein granted is denied.

Signed ~~and entered~~ this 10th day of August, 2005.


MARGARET A. COOPER
JUDGE PRESIDING

COPY

CAUSE NO. GN404061

Filed In The District
of Travis County, Texas
on 9/20/2005
at 2:00 P.M.
Amalia Rodriguez-Mendoza, Clerk

LUKE DAVID LLC and
LANCE ARMSTRONG

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IN THE DISTRICT COURT OF

v.

TRAVIS COUNTY, TEXAS

MIKE ANDERSON

200th JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFFS/COUNTER-DEFENDANTS
LANCE ARMSTRONG AND LUKE DAVID LLC'S
MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO
COUNTER-PLAINTIFF ANDERSON'S
BREACH OF CONTRACT AND FRAUD CLAIMS**

On August 11, 2005, came on for hearing Plaintiffs/Counter Defendants Lance Armstrong and Luke David LLC's Motion for Partial Summary Judgment as to Counter-Plaintiff Anderson's Breach of Contract and Fraud Claims. After considering the motion, the response, the objections, the evidence and all related pleadings and arguments of counsel, the Court grants the motion.

It is therefore ORDERED, ADJUDGED AND DECREED that Plaintiffs/Counter-Defendants' Motion for Partial Summary Judgment as to Counter-Plaintiff Anderson's Breach of Contract and Fraud Claims is granted. All further relief requested but not granted herein is denied.

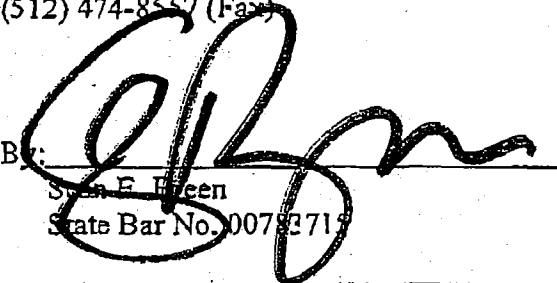
SIGNED this 20 day of September, 2005.

MARGARET A. COOPER
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JUDGE PRESIDING

APPROVED AS TO FORM ONLY:


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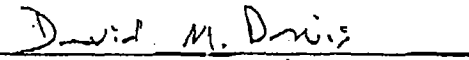
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MIKE ANDERSON**



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353RD DISTRICT COURT

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October 25, 2005

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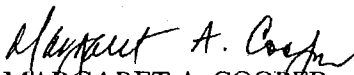
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Re: Cause No. GN4-04061; *Luke David LLC and Lance Armstrong v. Mike Anderson*; in
the 200th Judicial District Court, Travis County, Texas

Dear Counsel:

Counter Defendants Lance Armstrong and Luke David LLC's Motion for Partial Summary Judgment as to Counter Plaintiff Anderson's Quantum Meruit Claim came on for hearing on October 11, 2005. Having considered the motion, response, summary judgment evidence and arguments of counsel, the Court grants the motion. The Court overrules Plaintiffs' Objections to Defendant's Response to the Motion for Partial Summary Judgment as to the Quantum Meruit Claims. Counsel should prepare an appropriate order, circulate to opposing counsel for approval as to form and submit to the Court for signature.

Yours very truly,


MARGARET A. COOPER
Judge, 353rd District Court
Travis County, Texas

xc: Ms. Amalia Rodriguez-Mendoza, District Clerk