

AMERICAN ARBITRATION ASSOCIATION
COMMERCIAL ARBITRATION TRIBUNAL

Case Number: 01-20-0002-1264

ORDER GRANTING USAK's MOTION TO DISMISS

In the matter of the Arbitration between:

Ashley Hill

-vs-

USA National Karate-do Federation, Inc.

I, JAMES R. HOLBROOK, THE UNDERSIGNED ARBITRATOR ("Arbitrator"), was duly appointed and sworn, as the Arbitrator herein in accordance with the arbitration provisions in the Ted Stevens Olympic and Amateur Sports Act ("Sports Act"), and the Expedited Procedures of the Commercial Arbitration Rules ("Association Rules") of the American Arbitration Association ("Association"), to decide the claims brought by Claimant Ashley Hill ("Ms. Hill"), represented by William Hilder of Hilder Law & Consulting, against Respondent USA National Karate-do Federation, Inc. ("USAK"), represented by Stephen Hess of Sherman and Howard, under Section 9.1 of the USOC Bylaws. Ms. Hill and USAK collectively are "the Parties" herein. The Parties have agreed that Elisa Au ("Ms. Au") is the only other party affected by this arbitration.

1. USAK filed a Motion to Dismiss on March 23, 2020.
2. Ms. Hill filed a Response on March 25, 2020.
3. USAK filed a Reply thereto on March 25, 2020.
4. The Arbitrator has considered the Parties' arguments and hereby grants USAK's Motion to Dismiss for the following reasons:
 - a. The World Karate Federation Karate Competition Rules (January 1, 2020) ("WKF Rules") do not grant a right to video review in the 2020 Senior National Team Trials, contrary to Ms. Hill's claim that she has a protected right for a meaningful video review.
 - b. In the absence of a meaningful video review in Ms. Hill's final match in the 2020 Senior National Team Trials, a rematch is not a remedy authorized by the WKF Rules to be awarded by the Arbitrator.

- c. The decisions of the Judges not to award points to Ms. Hill – for two separate techniques for which she asked for video reviews – are field-of-play decisions and therefore are not reviewable by the Arbitrator under WKF Rules.
 - d. An athlete who believes she has been affected by an administrative malfunction or a misapplication of the rules is required to file a formal protest in accordance with WKF Rules Article 11:
 - i. A competitor’s coach and authorized representative are the only persons allowed to make a protest.
 - ii. The protest must be made no later than one minute after the bout.
 - iii. The protest must be submitted to the Tatami Manager on a completed protest form within four minutes.
 - iv. The Tatami Manager must immediately hand the completed protest form to a representative of the Appeals Jury that will have five minutes to render a decision.
 - e. Neither Ms. Hill’s coach nor an authorized representative lodged a protest within one minute of the conclusion of her match against Ms. Au, as required by the WKF Rules.
 - i. Ms. Hill’s father (“Mr. Hill”) spoke with the Tatami Manager who told Mr. Hill that a protest would be futile. However, Mr. Hill is neither Ms. Hill’s coach nor an authorized representative.
 - ii. Therefore, nothing Mr. Hill did can be construed by the Arbitrator as making an official protest on behalf of Ms. Hill, as required by the WKF Rules.
5. The one-day hearing in this case scheduled for 8:00 am PT on May 5, 2020, is hereby vacated as being moot.
6. The Parties shall each bear their own fees and costs.
7. The Association’s administrative fees totaling \$1,000.00 shall be borne as incurred by the Parties.
8. The Arbitrator’s fees totaling \$2,000.00 shall be borne as incurred by the Parties.

9. This Order is in full settlement of all claims and defenses submitted to this Arbitration. All claims and defenses not expressly granted herein are hereby denied.

DATED: March 31, 2020

SIGNED: James R. Holbrook
James R. Holbrook, Arbitrator