

UNITED STATES OLYMPIC COMMITTEE

LYNN PEARCE WOOLDRIDGE-THURSBY)	
)	
Complainant)	
)	ORDER
v.)	
)	
USA JUDO)	
)	
Respondent.)	May 11, 2015

I. THE PARTIES

1. Lynn Pearce Wooldridge-Thursby (“Wooldridge-Thursby”) is a member of USA Judo (“USAJ”).

2. USAJ is the National Governing Body (“NGB”) for the sport of judo in the United States, as recognized by the United States Olympic Committee (“USOC”) pursuant to the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”) and Section 8 of the USOC Bylaws.

II. COMMENCEMENT OF PROCEEDING

3. On February 27, 2015, Wooldridge-Thursby filed a Complaint against USAJ pursuant to Section 220527 of the Act and Section 10 of the USOC Bylaws. Wooldridge-Thursby claims that USAJ is not complying with certain NGB obligations as delineated in the Act and the USOC Bylaws.

4. USAJ filed an answer to the Complaint on March 25, 2015, denying Wooldridge-Thursby’s claims.

III. HEARING PANEL APPOINTMENT

5. In accordance with Section 220527(a)(2) of the Act and Section 10 of the USOC Bylaws, USOC Chief Executive Officer, Scott Blackmun, appointed a Hearing Panel of three members for the purpose of hearing this matter. The Panel members are:

Max Cobb, Chair
USOC National Governing Bodies Council, US Biathlon
Steve Mesler
USOC Board of Directors
James Gillenwater
USOC Athletes Advisory Council, USA Rugby

6. The Parties were provided with a list of Hearing Panel members. Panel members also made disclosures of conflicts, if any. The Parties were invited to voice any objections to the composition of the Hearing Panel.

7. USAJ responded that “USA Judo has no objections.”

8. Wooldridge-Thursby responded that “Claimant also has no objections.”

9. Accordingly, the Hearing Panel is seated without objection.

IV. PRELIMINARY HEARING

10. The Hearing Panel scheduled a Preliminary Hearing conference call with the Parties, which was held on April 29, 2015.

11. Wooldridge-Thursby was represented by her legal counsel, Howard Jacobs, of the Law Offices of Howard L. Jacobs. Ms. Wooldridge-Thursby was also present on the call.

12. USAJ was represented by its legal counsel, Thomas M. James, of the Law Office of Thomas M. James. Jose Rodriguez, CEO of USAJ, was also present on the call.

13. A variety of matters were discussed during the Preliminary Hearing.

Those that require Hearing Panel attention are discussed below.

V. AMENDMENT OF COMPLAINT

14. During the Preliminary Hearing Wooldridge-Thursby notified the Hearing Panel that she was not proceeding with Article XII of the Complaint, which alleged a violation of Section 8.7 of the USOC Bylaws. Section 8.7 requires an NGB to post on its website its IRS Form 990 for the three most recent years.

15. Wooldridge-Thursby acknowledged that USAJ had corrected this alleged violation.

16. The Hearing Panel orders that the Complaint is amended accordingly and that Article XII is no longer at issue in this proceeding and withdrawn.

VI. ANSWER AND REQUEST FOR DISMISSAL

17. Sections 10.12 and 10.13 of the USOC Bylaws allow a respondent to file either an answer or a motion to dismiss within thirty (30) days from receipt of the complaint by the respondent.¹

18. USAJ filed an Answer on March 25, 2015.

19. At the Preliminary Hearing USAJ requested that the Hearing Panel dismiss the Complaint with prejudice based on the Complaint (and attached Exhibits) and the Answer (and attached Exhibits). Stated briefly, USAJ asserted that it had demonstrated a “good faith, diligent and cooperative” effort to work with the USOC and others in dealing with the matters raised by Wooldridge-Thursby. As a result, USAJ

¹ Section 10.13 also states that if no answer is filed within the thirty day timeframe, then the complaint is deemed to have been denied.

represented that it had “taken action” to address “such matters in all material respects and in a reasonable manner” and that it was in compliance with the requirements for an NGB as set forth in the Act and USOC Bylaws. USAJ also requested that if the Complaint is dismissed, the Hearing Panel award USAJ payment of its attorney fees and costs.

20. In the alternative, if the Complaint is not dismissed, USAJ requested that the Hearing Panel refer this matter to the USOC for continued evaluation and monitoring of USAJ’s compliance with the Act and USOC Bylaws. USAJ cited no provision in Section 10 of the USOC Bylaws that would provide the Hearing Panel with the authority to take this action.

21. Wooldridge-Thursby responded that she disagreed with USAJ’s assertion that it had addressed the matters raised in the complaint. Wooldridge-Thursby further objected to any action that would deprive her of an opportunity to have this matter heard by the Hearing Panel.

22. Further, Wooldridge-Thursby responded that USAJ’s request to have this matter dismissed at this juncture is improper. Citing Sections 10.12 and 10.13 of the USOC Bylaws, Wooldridge-Thursby argued that USAJ had thirty (30) days to file a motion to dismiss. However, USAJ forewent such a filing and instead filed an answer. Thus, Wooldridge-Thursby argued that USAJ is procedurally precluded from attempting to have the matter dismissed at this stage of the proceeding.

23. USAJ responded that its request for dismissal is proper. USAJ argued that when it filed its Answer it complied with the procedural requirements of Sections 10.12 and 10.13 for seeking dismissal. USAJ contended that not only did the Answer set forth grounds for dismissal, in the Request for Relief portion of the Answer USAJ requested

that the matter be dismissed. USAJ pointed to the specific language in the Request for Relief that requested that the “[c]omplaint be dismissed, with prejudice, for the reasons stated in this Answer.”

24. Without ruling on the procedural objection raised by Wooldridge-Thursby, the Hearing Panel denies USAJ’s request to dismiss the Complaint. Also, without ruling on whether or not the Hearing Panel has the authority to refer this matter to the USOC, the Hearing Panel denies USAJ’s request to do so. The Hearing Panel leaves the Parties to present their evidence and accompanying arguments on the merits of the Complaint when this matter is heard.

VII. EXCHANGE OF INFORMATION

25. Section 10.15 of the USOC Bylaws provides that “[e]ither on its own directive or at the request of a party, the hearing panel may direct the production of documents and other information.”

26. Accordingly, the Hearing Panel generally discussed a timeframe for discovery with the Parties.

27. On April 27, 2015, Wooldridge-Thursby filed a Request for an Order Directing Production of Documents and Other Information pursuant to Section 10.15 of the USOC Bylaws.

28. During the Preliminary Hearing USAJ indicated that it reserved its right to file, and that it most likely would file, a Request for Production pursuant to Section 10.15 of the USOC Bylaws.

29. The Hearing Panel wishes to move this case along as expeditiously as possible. Therefore, it is necessary for the Parties to complete their discovery on a timely basis. Accordingly, the Hearing Panel orders the following discovery schedule:

- a) USAJ shall file its Request for Production, if any, by May 29, 2015.
- b) If there are discovery issues, the Parties shall meet and confer by June 12, 2015, in an attempt to resolve them.
- c) If there are any outstanding discovery issues after the Parties meet and confer, the Parties shall notify the Hearing Panel by June 19, 2015, with accompanying reasons why production is objected to or should be compelled.

30. The Hearing Panel will not allow this matter to become sidetracked by disputes over discovery. The Parties should be reasonable in their discovery requests and use their best efforts to come to agreement over whether a document is produced. Thus, the Hearing Panel instructs the Parties to meet in earnest and diligently and responsibly attempt to resolve any issues.

VIII. MEDIATION

31. Section 10.8 of the USOC Bylaws provides that the Hearing Panel may order mediation upon the request of a Party. The mediator is appointed by the USOC CEO.

32. At the Preliminary Hearing, USAJ indicated that if the Complaint was not dismissed or referred to the USOC, it would request that the Parties attempt to mediate their differences.

33. Wooldridge-Thursby responded that although she had doubts about the success of mediation, she would participate in good faith if the Hearing Panel ordered mediation to take place.

34. USAJ and Wooldridge-Thursby also indicated that if mediation was ordered they would attempt to come to a mutual agreement on a mediator.

35. The Hearing Panel believes that an attempt to mediate the issues raised in the Complaint could be beneficial, and may resolve those issues alleviating the necessity to have a hearing on the merits. Accordingly, the Hearing Panel orders the following:

- a) The Parties shall enter into mediation.
- b) By May 26, 2015, the Parties shall report to the Hearing Panel if they have mutually agreed upon a mediator that is willing to mediate this case. If so, the Hearing Panel shall provide the mediator's name to the USOC CEO for appointment. If the Parties cannot agree on a mediator, the Hearing Panel will request that the USOC CEO appoint a mediator of his choosing to conduct the mediation.
- c) The Parties shall pay for the mediator's fees and associated costs on an equal basis.
- d) The Parties shall have until August 14, 2015, to conclude their mediation efforts. By August 21, 2015, the Parties shall report back to the Hearing Panel on whether or not mediation has been successful.

36. The Hearing Panel encourages the Parties to make every effort to resolve their differences through the mediation process.

IX. HEARING

37. Because of possible scheduling conflicts, the Hearing Panel requested that the Parties provide input on possible dates for the hearing. The Hearing Panel was also mindful that the Pan American Games, the ParaPan American Games and other international judo competitions are being conducted during the summer of 2015. The Hearing Panel indicated that it did not want this matter to interfere with USAJ's preparation for and participation in those events.

38. The Hearing Panel also discussed with the Parties the estimated amount of time needed for the hearing and whether the Parties wanted an in-person or telephonic hearing. If in-person, the Hearing Panel inquired whether the Parties had a preference for the hearing location.

39. After considering the Parties' input, the Hearing Panel determined that the hearing would be scheduled for one day, with a possible extension to a second half-day. Thus, the hearing shall take place on September 23, 2015, and if a second half-day is needed the hearing shall be extended to the morning of September 24, 2015. The hearing will be in-person and held in Colorado Springs, Colorado. If requested by a Party and approved by the Hearing Panel, a witness may testify telephonically.

40. The Hearing Panel also requested to know the Parties' position on submitting witness statements setting forth the direct testimony of witnesses, provided the witnesses would be available for cross-examination at the hearing. The Parties indicated that they would rather have witnesses appear for direct examination and not utilize witness statements. Unless the Hearing Panel considers a change is necessary, the Hearing Panel will not require the use of witness statements.

41. The Hearing Panel also indicated that it would most likely request that the Parties file pre-hearing briefs.

42. Wooldridge-Thursby indicated that pursuant to Section 10.16 of the USOC Bylaws she would most likely have the hearing recorded by a court reporter.

43. The Hearing Panel will set forth a more detailed order concerning the filing of pre-hearing briefs and the conduct of the hearing prior to commencement of the hearing.

X. ORDER

44. It is so ordered.

Dated this 11th day of May, 2015.

A handwritten signature in black ink that reads "Max Cobb". The signature is written in a cursive style with a large, prominent initial "M".

Max Cobb, Chair

Steve Mesler, Panel Member
James Gillenwater, Panel Member