

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

JAMES GIORGIO, ET AL.,	)	
	)	
Complainants,	)	
	)	SCHEDULING ORDER
v.	)	
	)	
UNITED STATES EQUESTRIAN	)	
FEDERATION,	)	August 17, 2020
	)	
Respondent.	)	

---

I. BACKGROUND

1. On June 12, 2020, James Giorgio, N.D., Mitchell Steege, Eduardo Zavala Sanchez, Dylan Harries, Thomas Navarro, and the Estate of Robert Gage ("Complainants") filed a Complaint with the United States Olympic & Paralympic Committee ("USOPC") against the United States Equestrian Federation ("USEF" or "Respondent") (hereinafter referred to as "Parties") pursuant to Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (36 USC §§220501-220529) (the "Act") and Section 10 of the USOPC Bylaws.

2. Section 10.2 of the USOPC Bylaws require that Section 10 complaints be signed by the individual making the complaint. Lead Complainant signed the Section 10 Complaint on June 30, 2020. Therefore, June 30, 2020, is considered the proper filing date for the Complaint.

3. On July 20, 2020, counsel for Complainants filed an Agreed Motion to Add Party Tommy Serio and stated that USEF had agreed to add Tommy Serio as a party to the Section 10 without requiring him to first exhaust his administrative remedies within USEF, so long as no further amendments to the Complaint were made. On July

20, 2020, USEF confirmed that they agreed to the Motion to Add Party Tommy Serio. On July 21, 2020, the Hearing Panel granted the motion to add Tommy Serio as a Complainant.

4. Complainants are former or current members of USEF.

5. USEF is recognized as the National Governing Body ("NGB") for the sport of Equestrian pursuant to the Act and Section 8 of the USOPC Bylaws.

## II. COUNSEL

6. Tamera L. Tucker of the Tucker Law Firm, PLC, represents James Giorgio, and N.D.; Michael R. Romm of Michael R. Romm, P.A. represents Mitchell Steege, Eduardo Zavala Sanchez, Dylan Harries, and Thomas Navarro; and Bonnie Navin of Bonnie Navin Law represents the Estate of Robert Gage and Tommy Serio.

7. Steve Smith and Suzanne Crespo of the firm Bryan Cave Leighton Paisner LLP represents USEF.

## III. HEARING PANEL APPOINTMENT

8. In accordance with Section 220527(a)(2) of the Act and Section 10 of the USOPC Bylaws, USOPC Chair, Susanne Lyons, appointed a Hearing Panel of three members for the purpose of hearing this matter. The Panel members are:

David Haggerty, Hearing Panel Chair and USOPC Board member;  
Pat Kelleher, Executive Director of USA Hockey and member of the National Governing Bodies Council;  
Natalie McCarthy, Para athlete and Athletes' Advisory Council, General Paralympic representative.

9. The Parties were notified of the composition of the Hearing Panel by letter from Susanne Lyons on July 9, 2020.

10. The Parties were notified by e-mail on July 15, 2020, that the Hearing Panel members had no disclosures to make and that any objections to the appointment of the Hearing Panel needed to be made by July 22, 2020.

11. On July 22, 2020, Complainants requested a twenty-four hour extension for the objection deadline. The Hearing Panel agreed to the extension until July 23, 2020.

12. Neither Party objected to the composition of the Hearing Panel<sup>1</sup>. Therefore, the Hearing Panel was seated without objections on July 24, 2020.

#### IV. MOTION TO DISMISS

13. USEF filed a Motion to Dismiss on July 30, 2020, pursuant to Section 10.12 of the USOPC Bylaws.

14. In response to the Motion, the Hearing Panel directed the following briefing schedule, as communicated to the Parties via email.

- i. August 14, 2020 (5:00p.m. MT). Deadline for Complainants to submit a Response to the Motion.
- ii. August 21, 2020 (5:00 p.m. MT). Deadline for USEF to submit its Reply.

15. Additionally, the Hearing Panel offered four proposed dates at the end of August 2020, to hold Oral Argument on the Motion.

16. On August 6, 2020, USEF requested an extension to its Reply until August 27, 2020.

---

<sup>1</sup> Although Complainants did not object to the composition of the Hearing Panel, on July 23, 2020, Complainants voiced concerns about the forum of the proceeding in general. These concerns were acknowledged by the USOPC.

17. On August 7, 2020, Complainants requested an extension of the entire briefing schedule, including a proposal to hold Oral Argument at a much later date.<sup>2</sup>

18. On August 7, 2020, USEF responded to Complainants' extension request and held the position that the requested extension was far too long. However, USEF stated they were amendable to an extension of the Response and Reply by one week each. The same day, Complainants responded that they would be agreeable to a one week extension for both the Response and Reply.

19. The Hearing Panel granted the Parties request for extension and the amended briefing schedule is as follows.

- i. August 21, 2020 (5:00p.m. MT). Deadline for Complainants to submit a Response to the Motion.
- ii. August 28, 2020 (5:00 p.m. MT). Deadline for USEF to submit its Reply.

---

<sup>2</sup> Complainants requested that their response be extended from August 14 to September 2, that USEF's reply be extended until September 16, and that Oral Argument be held at the end of September.

V. SCHEDULING AND PROCEDURAL ORDER FOR ORAL ARGUMENT

20. The Hearing Panel sets the following scheduling and procedural order for the oral argument on the Motion.

- a. The oral argument is set for 10:00a.m. MT on September 4, 2020.
- b. The oral argument will be held telephonically and will be for a total of one hour. Dial in information has been provided to the Parties.
- c. Each Party will have 20 minutes to present their argument to the Hearing Panel.
- d. USEF, the Party bringing forth the Motion, shall present its argument first. Complainants shall then have an opportunity to respond. USEF can then use any of its remaining time to reply.
- e. The Hearing Panel may ask questions of the Parties at any time.

VI. WAIVER OF HEARING DEADLINE

21. Section 220527 of the Act provides that a hearing on the merits of a Section 10 complaint shall be held within 90 days of its filing.

22. Due to the filing of the Motion and to afford the Parties with an appropriate amount of time to respond and present on the Motion, the timeframe encroaches on the 90-day period. The Hearing Panel wants to ensure that the Parties will have adequate time to prepare for a hearing on the merits, if the Motion is denied.

Accordingly, the Hearing Panel requests that each Party provide a written waiver of the 90-day deadline. Such waiver should be received by 5:00p.m. MT on August 19, 2020.

VII. ORDER

23. It is so ordered.

Dated this 17<sup>th</sup> day of August, 2020.



for

---

David Haggerty, Chair

Pat Kelleher, Panel member

Natalie McCarthy, Panel member