

# AMERICAN ARBITRATION ASSOCIATION

IN THE MATTER OF:

KELLEY FARMER and DAVID “LARRY” GLEFKE

Claimants

and

UNITED STATES EQUESTRIAN FEDERATION, INC.

Respondent

Case #: 01 17 0004 6306

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## INTERIM RULING

A telephonic conference was held in the above captioned matter on January 2, 2018. Participating in the hearing was:

Arbitrator: Lawrence A. Saichek, Esq.

Claimants: Kelly Farmer  
David “Larry” Glefke

Counsel for Claimants: John J. Pappas, Sr., Esq.  
Bonnie Navin, Esq.  
Paul Regensdorf, Esq.

Counsel for Respondent: Brent E. Rychner, Esq.  
Suzanne Crespo, Esq.  
Alan Foreman, Esq.

United States Equestrian Federation: Sonya Keating, Esq.

AAA Case Administrator: Brandy Shourds

The purpose of the hearing was to address Claimant’s Motion for Interim Ruling to reinstate Claimants and to address any remaining issues regarding confidentiality of deposition testimony.

Claimant's Motion is GRANTED in part. The decision of the USEF Hearing Panel in this matter is hereby stayed and its enforcement enjoined until further order of this Arbitrator. Until further Order of this Arbitrator, any monies earned by or awarded to Claimants in any events shall be held in escrow by counsel for Claimants. During the telephonic hearing, Counsel for Claimants was asked about escrowing such monies. His response was that Claimants would want to cover their entrance fees and costs. This request was considered and, in the view of this Arbitrator, if Claimants wish to participate, they can pay their own entrance fees and costs.

To grant a preliminary injunction or comparable interim measures, the law requires the moving parties to demonstrate: (1) the likelihood of ultimate success on the merits; (2) irreparable injury to them absent granting of the preliminary injunction; and (3) a balancing of equities. It is the finding and conclusion of this Arbitrator that the Claimants have now demonstrated a substantial likelihood of ultimate success on the merits.

At the end of the August 15 hearing in this matter, this Arbitrator was left with a concern as to the anomalous results coming from the testing of the subject "A" and "B" samples. Without an explanation for the "off the charts" testing results and relying on the testimony of industry experts, this Arbitrator determined that the Hearing Panel had not acted arbitrarily or capriciously in making its prior ruling. Subsequent discovery has now provided new information that was not considered by the Hearing Panel and was not previously considered by this Arbitrator that has tipped the scale in Claimant's favor as to their likelihood of success on the merits. Claimants have been able to demonstrate the irreparable injury they face in not being able to participate in ongoing competitions. USEF will not suffer any damage if Claimants are allowed to participate in competitions from this date through the rendering of a final decision after the scheduled hearing in February. Respondent previously argued and this Arbitrator notes that a competitor may lose an opportunity to compete in an event if Claimants are allowed to participate. However, in the view of this Arbitrator, a balancing of equities would favor Claimants.

As to remaining issues regarding confidentiality of deposition testimony, the deposition testimony will remain confidential, provided, however, that the parties will confer and work out language so that certain deposition testimony can be shared with potential witnesses.

This Order shall continue in effect unless and until amended by subsequent order of the Arbitrator.

Dated: January 3, 2018

Lawrence A. Saichek, Esq.  
Arbitrator