

UNITED STATES OLYMPIC COMMITTEE

|                      |   |                  |
|----------------------|---|------------------|
| WALTON ELLER, et al. | ) |                  |
|                      | ) |                  |
| Complainants         | ) |                  |
|                      | ) |                  |
| v.                   | ) | ORDER            |
|                      | ) |                  |
| USA SHOOTING         | ) |                  |
|                      | ) |                  |
| Respondent.          | ) | October 27, 2015 |

---

I. BACKGROUND

1. USA Shooting (“USAS”) is the National Governing Body for the sport of shooting 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.

2. On August 13, 2015, Walton Eller and five (5) other individuals<sup>1</sup> filed a Complaint against USAS pursuant to Section 220527 of the Act and Section 10 of the USOC Bylaws.

3. On September 11, 2015, thirty-eight (38) additional individuals joined in the Complaint as Complainants.<sup>2</sup>

4. On September 25, 2015, the Hearing Panel ordered the Parties to attempt mediation pursuant to Section 10.8 of the USOC Bylaws. Scott Blackmun, USOC CEO, appointed Paul George, of the law firm Kellogg & George, as mediator. The Hearing

---

<sup>1</sup> For a list of the five individuals in addition to Eller who filed the original complaint, see the Hearing Panel’s Order of September 25, 2015.

<sup>2</sup> For a list of the thirty-eight individuals who joined the Complaint on September 11, 2015, see the Hearing Panel’s Order of September 25, 2015.

Panel ordered the Parties to conduct their first mediation session by October 2, 2015, and conclude their mediation efforts by October 23, 2015.

5. On October 19, 2015, ten (10) additional individuals joined in the Complaint as Complainants.<sup>3</sup>

6. On October 21, 2015, Mr. George informed the Hearing Panel that the Parties had agreed to a Memorandum of Understanding, which among other things set forth a process for resolving the issues raised in the Complaint. As part of this process a seven-member “Blue Ribbon” working group will be appointed to make recommendations and assist the Parties in developing and implementing a plan to review and revise USAS governance to ensure best practices and transparency. The Parties have one hundred and twenty (120) days from the appointment of the working group to conclude this process.

7. One of the items in the Memorandum of Understanding requested the Hearing Panel “retain jurisdiction and provide oversight over the Section 10 Complaint” until a final resolution has been reached.

## II. DISCUSSION AND ORDER

8. Since the Complaint is not being dismissed at this time, the Hearing Panel will retain jurisdiction over this proceeding.

9. The Parties should use their best efforts to work together in good faith to find a mutually agreeable solution to the issues raised in the Complaint, and to carry out the mediated agreement to revise USAS governance to ensure best practices and

---

<sup>3</sup> The ten (10) additional Complainants include Brad Basely, Dan Carlisle, Dave Carlson, Michael Liuzza, Jon M McGrath, Jackson M. (“Chip”) Miles, Michael T. Nies, Randy Shikashio, Brenda Silva and John F. Wolfington.

transparency. The Parties should refrain from posturing and approaching discussions with an adversarial intent. Likewise the Parties should refrain from dwelling in the past, finding fault, blaming others or righting past wrongs. Discussions should be collaborative and focus on developing a framework within which Parties can work collaboratively to support the mission of USAS and the mediated agreement.

10. The Parties shall cooperate fully with the “Blue Ribbon” working group and shall adhere to schedules, requests and orders issued by the working group.

11. The Parties shall report periodically to the Hearing Panel on their efforts to find a final resolution. Such reports shall not disclose the details of the Parties respective positions, of their discussions or of the recommendations of the “Blue Ribbon” working group, but shall report on whether progress is being made and an estimate of when a final resolution may be reached. Such reports shall be provided to the Hearing Panel on the following dates: December 4, 2015; January 8, 2016; February 5, 2016; and March 4, 2016.

12. Although approximate thirty (30) day reporting intervals have been scheduled, the Hearing Panel encourages the Parties to come to a final resolution prior to the 120-day period set out in the Memorandum of Understanding. The sooner this matter can be fully resolved, the better for all concerned. The Hearing Panel is fully aware that the Rio Olympic Games will occur in July 2016 and lingering disputes between the Parties take away from preparation for and participation in those Games. Come 2016, the shooting community should be focused on the Games, and not concerned with continuing disputes.

13. USA Shooting has a Board meeting scheduled for March 12, 2016. The Hearing Panel understands that if the Parties agree on a final resolution of the issues in the Complaint, USA Shooting's Board may have to take action to approve various policies and Bylaw amendments that result from the agreed upon resolution. Thus, March 12 is an end date for final resolution and Board action.

14. Accordingly, if this matter is not fully resolved by March 12, the matter will be heard on March 17-18, 2016. The Parties should be prepared to present their cases in full on those dates.

15. Except as provided above, this Section 10 proceeding is stayed while the Parties attempt to find a final resolution.

Dated this 27<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Bob Wood, Chair

Jack Gierhart, Panel Member  
Jessica Cloy, Panel Member