

UNITED STATES OLYMPIC COMMITTEE

WALTON ELLER, et al.)	
)	
Complainants)	
)	
v.)	DISMISSAL
)	ORDER
USA SHOOTING)	
)	
Respondent.)	April 7, 2016

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, Janet Raab, Joshua Richmond, Bret Tecklenburg, Jason Turner, and Mary Weeks filed a Complaint against USAS pursuant to Section 220527 of the Act and Section 10 of the USOC Bylaws.

3. On September 11, 2015, the following individuals joined as Complainants: Edward V. Arrighi, Lance Bade, Brad Balsley, Sarah Beard, Brian Burrows, Matt Chezem, Haley Dunn, Buddy Duvall, Glenn Eller, Matt Emmons, Amber English, Ana English, Mike English, Amanda Furrer, Henry Luther Gray, Lisette Grunwell, Ryan Hadden, Derek Haldeman, Vincent Hancock, Joe Hein, Jeff Holguin, Seth Inman, Joel Martin, Rachel Martin, Sean Mclelland, Richard Mungia, Austin Odom, Eric Pueppke, Marcus Raab, Alex Rennert, Keith Sanderson, Phillip Sarofim, Mark Staffen, Hayden Stewart, Dustan Taylor, Eric Uptagrafft, Mark Weeks and Collin Wietfeldt.

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.

5. On October 19, 2015, the following individuals joined as Complainants: Dan Carlisle, Dave Carlson, Michael Liuzza, Jon M McGrath, Jackson M. (“Chip”) Miles, Michael T. Nies, Randy Shikashio, Brenda Silva and John F. Wolfington.¹

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 the Memorandum called for the creation of a seven member Blue Ribbon Working Group consisting of three independent members, two members appointed by USAS and two athlete members. The seven members of the Working Group were Chair, Mark Muedeking, Esq. of the law firm DLA Piper (independent member); Paul George, of the law firm Kellogg & George (independent member) (Mr. George had also served as the mediator); Dionne L. Koller, Professor of Law at the University of Baltimore School of Law (independent member); Robert Mitchell, CEO of USAS (USAS representative); Kae Rader of Rader Consulting (appointed by USAS); Mary Weeks (Complainant and athlete member); and Jason Turner (Complainant and athlete member). The Working Group was charged with making recommendations and assisting the Parties in

¹ The Hearing Panel’s Order of October 27, 2015, indicated that “Brad Basely” had joined the Complaint on October 19 as an additional Complainant. This was based on a submission by the Complainants informing the Hearing Panel of new individuals who had joined in the Complaint. However, it is now known that in their submission, Complainants were referring to “Brad Balsley” not “Brad Basely.” Brad Balsley joined as an additional Complainant on September 11, 2015. It appears that this mistake by Complainants occurred because of a spelling error. In any event, the list of Complainants in this proceeding is now corrected with this Dismissal Order.

developing and implementing a plan to review and revise USAS governance to ensure best practices and transparency.

7. The Memorandum of Understanding also requested the Hearing Panel “retain jurisdiction and provide oversight over the Section 10 Complaint” until a final resolution was reached.

8. As requested by the Hearing Panel in its Order of October 27, 2015, both USAS and the Complainants reported periodically to the Hearing Panel on whether progress was being made in finding a final resolution.

II. DISCUSSION AND ORDER OF DISMISSAL

9. In addition to holding conference calls and communicating through emails, the Working Group met in-person on two occasions. In March of 2016 the Working Group recommended the adoption by USAS of Amended and Restated Bylaws and related Governance Implementing Provisions.

10. On March 12, 2016, the USAS Board met and approved the Amended and Restated Bylaws and the Governance Implementing Provisions.

11. As a result, the Complainants and USAS agreed to dismissal, with prejudice, of the Section 10 Complaint against USAS and of all counterclaims asserted by USAS.

12. On March 31, 2016, a Stipulation of Dismissal was submitted to the Hearing Panel signed by the Complainants and by USAS.

13. Accordingly, the Hearing Panel orders that the Section 10 Complaint and all counterclaims are dismissed, with prejudice.

Dated this 7th day of April, 2016.



Bob Wood, Chair

Jack Gierhart, Panel Member

Jessica Cloy, Panel Member