

UNITED STATES OLYMPIC COMMITTEE

WALTON ELLER, et al.)	
)	
Complainants)	
)	
v.)	ORDER
)	
USA SHOOTING)	
)	
Respondent.)	September 25, 2015

I. COMMENCEMENT OF PROCEEDING AND PRELIMINARY FILINGS

1. On August 13, 2015, Walton Eller, Janet Raab, Joshua Richmond, Bret Tecklenburg, Jason Turner, and Mary Weeks filed a Complaint against USA Shooting (“USAS”) pursuant to Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”) and Section 10 of the USOC Bylaws.

2. The Complaint alleges that USAS is not in compliance with certain National Governing Body (“NGB”) obligations as delineated in the Act and the USOC Bylaws.

3. On September 11, 2015, the following individuals joined in the Complaint 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. The individuals listed above are collectively referred to in this Order as Complainants. Complainants attest that they are members of USAS.

5. USAS is the NGB for the sport of shooting in the United States, as recognized by the United States Olympic Committee (“USOC”) pursuant to the Act and Section 8 of the USOC Bylaws.

6. USAS filed an Answer to the Complaint on September 14, 2015. Included in the Answer was an affirmative defense and counterclaim.

7. On September 21, 2015, Complainants responded to the Answer, including the affirmative defense and counterclaim. Additionally, Complainants requested that the Hearing Panel hold a preliminary conference.

II. HEARING PANEL APPOINTMENT

8. 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:

Bob Wood, Chair
USOC Board of Directors
Jack Gierhart
National Governing Bodies Council, US Sailing
Jessica Cloy
USOC Athletes Advisory Council, Paralympic Track and Field

9. 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.

10. Complainants responded that they had no objection to the Hearing Panel members.

11. USAS responded that it had no objection to the composition of the Hearing Panel.

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

III. MEDIATION

13. Section 10.8 of the USOC Bylaws provides that the Hearing Panel may order mediation upon the request of a Party.

14. On September 16, 2015, the Parties were asked if they were amenable to attempt mediation of their dispute.

15. Claimants responded that they “would be pleased to attempt to resolve the issues of non-compliance as set forth in their Section 10 complaint by mediation”.

16. USAS replied that it “is certainly willing to be appropriately cooperative in participating in mediation if the Hearing Panel orders the parties to mediate”.

17. 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 or at the very least narrow the issues before the Hearing Panel. Accordingly, the Hearing Panel orders the following:

- USAS and Complainants shall enter into mediation.
- Section 10.8 of the USOC Bylaws provides that the USOC CEO shall appoint a mediator to assist the Parties in their mediation efforts. Scott Blackmun, USOC CEO, has appointed Paul George, of the law firm Kellogg & George, as mediator.
- The Parties shall conduct their first mediation session by October 2, 2015.
- The Parties shall conclude their mediation efforts by October 23, 2015.

- Mr. George has full authority to set mediation dates within the parameters set forth above and to confer with the Parties as he considers appropriate. He also has full authority to request that the Parties provide him with documents and other materials that may assist him in conducting the mediation. The Parties shall fully cooperate with Mr. George.
- The Parties shall report to the Hearing Panel on whether or not mediation has been successful by October 26, 2015. In making such report, the Parties shall not disclose to the Hearing Panel any information concerning mediation discussions or negotiations, including the actions of the Parties, positions taken in mediation, issues considered during the mediation, or any other matter that should remain confidential to the mediation efforts.
- If the Parties believe that further mediation efforts after October 23 would be productive, they may request in their October 26 report that mediation be continued.

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


IV. HEARING

19. If mediation is not successful to fully resolve the issues presented in the Complaint, the Hearing Panel puts the Parties on notice that it intends to hold a hearing on the merits of the Complaint during the period of November 30 through December 4, 2015.

V. ORDER

20. It is so ordered.

Dated this 25th day of September, 2015.



Bob Wood, Chair

Jack Gierhart, Panel Member
Jessica Cloy, Panel Member