

UNITED STATES OLYMPIC COMMITTEE

LYNN PEARCE WOOLDRIDGE-THURSBY)	
)	
Complainant)	
)	PRE-HEARING
v.)	ORDER
)	
USA JUDO)	
)	
Respondent.)	September 4, 2015

I. BACKGROUND

1. This matter was commenced on February 27, 2015, when Lynn Pearce Wooldridge-Thursby (“Wooldridge-Thursby”) filed a Section 10 Complaint against USA Judo (“USAJ”).

II. MEDIATION

2. On May 11, 2015, the Hearing Panel ordered the Parties to attempt mediation. The Hearing Panel also ordered the Parties to report back on the efforts of their mediation by August 21, 2015.

3. The Parties attended an all-day mediation session on August 3, 2015, before mediator Jeff Benz. On August 20, 2015, the Parties informed the Hearing Panel that “although the Parties made significant progress, they were unable to resolve all matters and therefore did not reach a settlement by the end of the mediation session.” The Parties also indicated that they intended to have further communications through Mr. Benz to determine if a mediated settlement could be reached.

4. If through mediation the Parties are able to resolve some matters, thereby narrowing the issues in contention, they should notify the Hearing Panel as to the matters resolved by September 15, 2015, 5 p.m. MDT.

5. If the Parties are able to resolve all matters set forth in the Complaint, thereby allowing for dismissal of the Complaint, they should inform the Hearing Panel as soon as such resolution is achieved.

III. HEARING PROCEDURES

A. Presentation of Case

6. The Parties should be prepared to present their cases in full at the hearing.

7. The Parties shall each have thirty (30) minutes for opening statements.

8. The Parties shall each have five (5) hours to present their case. Witness cross-examination shall be allotted to the time of the Party conducting the cross-examination.

9. The Parties and their counsel should be cordial to each other at all times during the hearing.

B. Time and Location of Hearing

10. The hearing will commence on September 23, 2015, at 8:30 a.m. MDT and may continue to a second half-day. If a second half-day is needed the hearing shall continue the morning of September 24, 2015.

11. The hearing will be in-person and held in Colorado Springs, Colorado at the United States Olympic Committee headquarters.

C. Pre-hearing Briefs

12. The Parties shall simultaneously provide pre-hearing briefs to the Hearing Panel by September 17, 2015, 5 p.m. MDT. Pre-hearing briefs shall be served on the other Party when submitted to the Hearing Panel.

13. Pre-hearing briefs shall be no more than 15 pages double spaced in length.

D. Submission of Exhibits

14. The parties shall have until September 17, 2015, 5:00 p.m. MDT to submit any exhibits that they wish the Hearing Panel to consider as evidence. All exhibits submitted shall also be served on the other parties on September 17, 2015.

15. Exhibits shall be submitted electronically, unless not possible.

16. Wooldridge-Thursby shall submit exhibits beginning with the number 100, continuing sequentially.

17. USAJ shall submit exhibits beginning with the number 500, continuing sequentially.

18. In order to reduce confusion at the hearing, if each Party submits the same document as an exhibit, the Parties shall confer and by September 21, 2015, 1:00 p.m. MDT inform the Hearing Panel which exhibits are duplicates. If possible, duplicate exhibits should be renumbered beginning with the number 1, continuing sequentially.

19. Prior to the hearing the Parties shall determine if there are objections to any exhibit submitted by the other Party. If there are no objections to an exhibit, then it will be admitted at the commencement of the hearing to save time and provide an orderly flow of evidence. If a Party has an objection to an exhibit, the Party shall so notify the Hearing Panel by September 21, 2015, 1:00 p.m. MDT.

20. The Hearing Panel may request documents for consideration not submitted as exhibits by the parties, as it considers appropriate.

E. Witness Testimony

21. Each Party shall submit a list of its witnesses to the Hearing Panel by September 17, 2015, 5 p.m. MDT. Witness lists shall also be served on the other Party on September 17, 2015.

22. If a Party intends on calling an expert witness, the name of the witness, a biographical background, and a brief description of the expert's testimony shall be submitted to the Hearing Panel by September 17, 2015, 5 p.m. MDT. This information shall also be served on the other party on September 17, 2015.

23. Witness testimony may be submitted through live testimony or through written sworn affidavit.

24. If requested by a Party and approved by the Hearing Panel, a witness may testify telephonically.

25. If testimony is submitted through affidavit, such affidavits shall be submitted to the Hearing Panel by September 17, 2015, 5 p.m. MDT. Testimony affidavits shall also be served on the other parties on September 17, 2015.

26. Any Party who submits witness testimony by affidavit shall make the witness available at the hearing for cross-examination by the other Party.

27. The Hearing Panel may call witnesses not identified or called by the Parties, as it considers appropriate.

F. Transcript of Hearing

28. If a Party desires that the hearing be recorded by a stenographer, the Party making such request shall notify the Hearing Panel by September 17, 2015, 5 p.m. MDT. The Party requesting that the hearing be recorded shall arrange for the stenographer.

29. The Party requesting that the hearing be recorded shall pay for the cost of the stenographer, unless the other Party also wants the hearing recorded, then the cost of the stenographer shall be equally divided.

30. A Party requesting a transcript of the hearing shall pay for the cost of the transcript. A transcript ordered by a Party, shall also be made available to the Hearing Panel.

G. Submission of Materials

31. All communications to the Hearing Panel, including prehearing briefs, all exhibits and all affidavit testimony shall be sent to the USOC Office of General Counsel, addressed to Lucy Denley (lucy.denley@usoc.org). All communications, including prehearing briefs, exhibits and affidavit testimony shall be sent electronically, unless not possible. The Office of General Counsel shall distribute all such communications, pre-hearing briefs, exhibits and affidavit testimony to the Hearing Panel.

32. With regard to any materials or documents submitted for the hearing, the parties shall send the actual document, and not just provide a web address for locating the document.

IV. ORDER

33. It is so ordered.

Dated this 4th day of September, 2015.

A handwritten signature in black ink that reads "Max Cobb". The signature is written in a cursive style with a large, stylized "M" and "C".

Max Cobb, Chair

Steve Mesler, Panel Member
James Gillenwater, Panel Member