

UNITED STATES OLYMPIC COMMITTEE

|               |   |                    |
|---------------|---|--------------------|
| BARBARA WALLY | ) |                    |
|               | ) |                    |
| Complainant   | ) |                    |
|               | ) | ORDER              |
| v.            | ) |                    |
|               | ) |                    |
| USA DANCE     | ) |                    |
|               | ) |                    |
| Respondent.   | ) | September 17, 2015 |

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I. BACKGROUND

1. This matter was commenced on June 16, 2015, when Barbara Wally (“Wally”) filed a Section 10 Complaint against USA Dance (“USAD”).

2. On July 17, 2015, USAD filed a Motion to Dismiss. On September 4, 2015, the Hearing Panel issued an Order denying USAD’s Motion to Dismiss. In the Order the Hearing Panel also requested that the Parties report to the Hearing Panel 1) on the matter of their representation by legal counsel and 2) on whether they were inclined to attempt mediation as a mechanism to resolve their differences. The Parties were asked to respond by September 14, 2015, and both responded.

II. LEGAL REPRESENTATION

3. As to the matter of its legal representation, USAD stated that if the Parties were able to successfully resolve this matter through mediation the necessity for a hearing would be negated. Thus, USAD requested that the matter concerning its representation at the hearing be revisited “if mediation does not resolve the Complaint.”

4. Although the Hearing Panel believes that legal representation is advisable during the entire course of a proceeding, it is willing to defer this issue until after mediation is concluded.

5. As to Wally's representation by legal counsel, Stephen Hess of the firm Sherman and Howard entered an appearance on Wally's behalf. Mr. Hess indicated that he would represent Wally going forward.

### III. MEDIATION

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

7. In its response to the September 14 Order, USAD requested "mediation under USOC Bylaws Section 10.8."

8. Likewise, in her response Wally indicated that she "would welcome the opportunity to mediate prior to any further formal proceedings."

9. Accordingly, the Hearing Panel orders the following:

- a) USAD and Wally shall enter into mediation.
- b) Mediation shall initially be informal. USAD and Wally shall first meet without the benefit of a mediator and in good faith attempt to resolve the issues in the Complaint.
- c) If during informal mediation it appears that the services of a mediator would be beneficial, either USAD or Wally can request that a mediator be appointed. If it appears that a mediator would be beneficial, the Hearing Panel suggests that it is in the Parties interest to obtain the services of the mediator early in the process.
- d) If the service of a mediator is requested, the USOC CEO shall appoint the mediator in accordance with Section 10.8 of the USOC Bylaws. However, USAD and Wally may recommend a mediator for appointment. USAD and Wally shall be responsible for paying the mediator's fees and associated costs on an equal basis.
- e) USAD and Wally shall conduct their first mediation session by September 25, 2015.

- f) USAD and Wally shall have until October 16, 2015, to conclude their mediation efforts.
- g) By October 19, 2015, the Parties shall report to the Hearing Panel on whether or not mediation has been successful.

10. During the pendency of the mediation, this proceeding is stayed.

IV. ORDER

11. It is so ordered.

Dated: September 17, 2015.

Handwritten signature of Bill Marolt in black ink, consisting of a stylized 'B' and 'M' followed by a horizontal line and the initials 'FLR'.

Bill Marolt, Chair

Glen Schorr, Panel Member

Katie Holloway, Panel Member