

UNITED STATES OLYMPIC COMMITTEE

TERESSA KANDIANIS and)	
LESLIE BERNDL,)	
)	
Complainants)	
)	SCHEDULING ORDER
v.)	
)	
UNITED STATES EQUESTRIAN)	
FEDERATION,)	
)	
Respondent.)	May 15, 2019

I. BACKGROUND

1. On March 28, 2019, Teressa Kandianis and Leslie Berndl (“Complainants”) filed a Complaint with the USOC against the United States Equestrian Federation (“USEF” or “Respondent”) (hereinafter referred to as “Parties”) 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. Complainants are members of USEF.

3. USEF is recognized as the National Governing Body (“NGB”) for the sport of Equestrian pursuant to the Act and Section 8 of the USOC Bylaws.

II. HEARING PANEL APPOINTMENT

4. In accordance with Section 220527(a)(2) of the Act and Section 10 of the USOC Bylaws, USOC Chief Executive Officer, Sarah Hirshland, appointed a Hearing

Panel of three members for the purpose of hearing this matter. The Panel members are:

Brad Snyder, Hearing Panel Chair and USOC Board Member;
Phil Andrews, CEO of USA Weightlifting and Member of the National
Governing Bodies Council (“NGBC”);
Allysa Seely, Paratriathlete and athlete representative of the USOC
Athletes’ Advisory Council (“AAC”).

III. COUNSEL

5. The Parties were notified of the composition of the Hearing Panel by letter from Sarah Hirshland on April 24, 2019. Complainants are represented by Rachel Kosmal McCart of the firm Equine Legal Solutions, PC.

6. USEF is represented by Suzanne Crespo of the firm Bryan Cave Leighton Paisner, LLP.

IV. MOTION TO DISMISS

7. USEF filed a Motion to Dismiss on April 26, 2019, pursuant to Section 10.12 of the USOC Bylaws.

8. In response to the Motion, the Hearing Panel directed the following briefing schedule, as communicated to the Parties via email.

i. May 16, 2019 (5:00 p.m. MT). Deadline for Complainants to submit a Response to the Motion.

ii. May 21, 2019 (5:00 p.m. MT). Deadline for USEF to submit its Reply.

9. On May 8, 2019, USEF requested a two-day extension to to file its Reply. The Hearing Panel granted the request for USEF to submit its Reply on May 23, 2019 (5:00 p.m. MT).

V. SCHEDULING AND PROCEDURAL ORDER FOR ORAL ARGUMENT

10. The Hearing Panel sets the following scheduling and procedural order for oral argument on the Motion.

- a. The oral argument is set for 3:00 p.m. MT on May 29, 2019.
- b. The oral argument will be held telephonically and will be for a total of one hour. Dial in information will be provided to the Parties.
- c. Each Party will have 20 minutes to present their argument to the Hearing Panel.
- d. USEF, the Party bringing forth the Motion, shall present its argument first. Complainants shall then have an opportunity to respond. USEF can then use any of its remaining time to reply.

VI. WAIVER OF HEARING DEADLINE

11. Section 220527 of the Act provides that a hearing on the merits of a Section 10 Complaint shall be held within 90 days of its filing.

12. Due to the filing of the Motion and to afford the Parties with an appropriate amount of time to respond and present on the Motion, the timeframe encroaches on the 90-day period. Accordingly, the Hearing Panel requests that each Party provide a written waiver of the 90-day deadline. Such waiver should be received by 5:00 p.m. MT on May 17, 2019.

13. If a waiver is not received and if the Motion is denied, the Hearing Panel will be forced to expedite a hearing which may inhibit the ability to provide the Parties with the adequate time needed for subsequent submissions, discovery, and/or preparation.

VII. ORDER

14. It is so ordered.

Dated this 15th day of May, 2019.

A handwritten signature in blue ink, appearing to be 'BS', written over a horizontal line. To the right of the signature, the word 'For' is written in blue ink.

Brad Snyder, Chair

Phil Andrews, Panel Member
Allysa Seely, Panel Member