

UNITED STATES OLYMPIC COMMITTEE

KEITH SANDERSON AND)	
MICHAEL TAGLIAPIETRA,)	
)	
Complainants,)	
)	
v.)	ORDER
)	
USA SHOOTING,)	
)	
Respondent.)	June 4, 2018

I. INITIATION OF THE COMPLAINT AND PARTIES

1. Keith Sanderson and Michael Tagliapietra (“Complainants”) submitted a Complaint on April 24, 2018, against USA Shooting (“USAS” or “Respondent”) pursuant to Section 220527(a)(1) of the Ted Stevens Olympic and Amateur Sports Act (36 USC §§220501-220529) (the “Act”) and Section 10 of the USOC Bylaws. The filing fee was received on April 30, 2018, therefore, the Complaint was considered received on that date.

2. Complainants are members of USAS.

3. USAS is the National Governing Body (“NGB”) for 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.

4. Individually, Complainants and USAS may also be referred to as a Party and collectively they may also be referred to as Parties.

II. APPOINTMENT OF THE HEARING PANEL

5. Susanne Lyons, Acting Chief Executive Officer, notified the Parties by letter on May 21, 2018, of the appointment of Hearing Panel members pursuant to Section 10.6 of the USOC Bylaws.

6. The Panel members are:

- Bob Wood, Hearing Panel Chair and USOC Board Member;
- Mike Cavanaugh, Chief Executive Officer of USA Team Handball, and Member of the National Governing Body Council (“NGBC”); and
- Stephen Lambdin, Taekwondo Athlete and member of the USOC Athletes’ Advisory Council (“AAC”).

7. The Hearing Panel members attest that they have no conflicts of interest that would prevent them from rendering a fair and impartial decision on matters coming before them.

8. If either Party has an objection to the appointment of a Hearing Panel member, the Party should so voice its objection by 5:00 pm MDT, June 8, 2018. If no objection is made, the Hearing Panel is seated as appointed.

III. REQUIRED SIGNATURE OF COMPLAINANT

9. Section 220527 of the Act states that the USOC “shall establish procedures for the filing and disposition of complaints” seeking to compel an NGB to comply with its requirements as set forth in the Act and USOC Bylaws. The USOC has established such procedures through the adoption of Section 10 of its Bylaws.

10. Section 10.2 of the USOC Bylaws require that a “complaint shall be ... signed by the individual ... making the complaint.”

11. In this proceeding, the Hearing Panel observed that Complainants did not sign the Complaint, rather the Complaint was signed by Edward Williams, Complainants’ attorney. Although the Complainants signature may seem like an insignificant omission, especially as

court procedures normally allow an attorney to sign pleadings on behalf of his or her client, Section 10.2 of the USOC Bylaws is clear and unambiguous. Section 10 complaints must be signed by the complainants. *Solo v US Soccer Federation*, Order March 12, 2018, Para. 13 (Jim Benson, Alex Natt and Nicholas LaCava, Pnl. Mbrs.); *Salisbury v US Bowling Congress*, Order April 27, 2018, Para. 11 (Bill Marolt, Keith Bryant and Han Xiao, Pnl. Mbrs.).

12. Filing a Section 10 complaint against an NGB is a serious matter, not to be taken lightly. There should be no doubt as to who the complainant is, validation that the complaint is being brought by the complainant and an understanding by the complainant of his or her actions. *Solo* at Para. 14.

13. Accordingly, Complainants shall sign and submit to the Hearing Panel by June 8, 2018, a declaration that they have reviewed the Complaint and are filing it as their own. If no declaration is filed, then the Hearing Panel will consider that the Complaint has not been properly filed, and the Complaint will be subject to dismissal.

IV. MATTERS RELATED TO MOTION TO DISMISS AND SCHEDULING

A. Motion to Dismiss

14. On May 24, 2018, USAS filed a Motion to Dismiss the Complaint.

15. The Motion is based on the ground that the Complaint was filed prematurely because the Complainants have not exhausted their legal remedies, as required by Section 220527(b)(1) of the Act and Section 10.12 of the USOC Bylaws.

B. Scheduling of Briefing and Argument on Motion to Dismiss

16. Since a Motion to Dismiss has been filed, the Hearing Panel set the following briefing schedule.

17. Complainants shall file their response to the Motion to Dismiss by 5:00 pm MDT, June 8, 2018.

18. USAS shall file its reply to Complainants response by 5:00 pm MDT, June 15, 2018.

19. Oral argument on the Motion to Dismiss is set for June 20, 2018, at 9:00 am MDT. If a Party has a conflict with that date or time, it should notify the Hearing Panel immediately.

20. Each party will be given twenty minutes to present argument. USAS shall proceed first with argument, followed by Complainants. USAS may then respond. USAS may divide its twenty minutes between its argument and its response as it determines appropriate.

C. Hearing Deadline

21. 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. This case was filed on April 30, 2018, therefore, a hearing must occur by July 30, 2018.

22. In the event that the Motion to Dismiss is denied and the matter goes to a hearing on the merits, the Hearing Panel requests that the Parties consider an extension of time to hold the hearing.

23. After ruling on the Motion to Dismiss, the Hearing Panel will revisit the timing issue, if necessary, and may request a waiver of the 90-day provision.

V. CASE ADMINISTRATION

24. The Parties shall submit all briefs and other materials electronically. Hard copies should only be submitted if requested by the Hearing Panel.

25. All communications to the Hearing Panel, including submission of briefs and other materials, shall be sent to USOC Legal, addressed to Lucy Denley (lucy.denley@usoc.org). Ms. Denley shall distribute all such communications, briefs, and other materials to the Hearing Panel.

26. The Parties are cautioned to have no ex-parte communications with the Hearing Panel relating to this case or to any other matter, as such communications could be perceived as improper and an attempt to influence the Hearing Panel.

VI. ORDER

27. It is so ordered.

Dated this 4th day of June 2018.



Bob Wood, Chair

Mike Cavanaugh, Panel Member
Stephen Lambdin, Panel Member