

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

HOPE SOLO,)	
)	
Complainant)	
)	
)	2ND AMENDED
)	SCHEDULING ORDER
)	
v.)	
)	
U.S. SOCCER FEDERATION,)	January 21, 2021
)	
Respondent.)	

I. BACKGROUND

1. On November 9, 2020, the Hearing Panel in this Section 10 proceeding issued an Order staying all deadlines from November 6, 2020, on, as were set forth in the Scheduling Order and Amended Scheduling Order. This included a stay for the hearing, which was previously scheduled to take place on December 14 and 15, 2020. The Hearing Panel ordered the stay because the Parties had outstanding discovery issues that needed to be resolved before the case could proceed.

2. The Hearing Panel issued an Order on November 18, 2020, appointing the Honorable William G. Bassler, as the special master, to assist the Hearing Panel in ruling on the various discovery issues pertaining to this proceeding, including whether documents should be designated as “Attorney’s Eyes Only” or “Confidential.”

3. Judge Bassler entered a ruling on the discovery issues by Memorandum and Order of Special Master on December 26, 2020. In that, Judge Bassler determined that the 43 disputed documents labeled as “Highly Confidential – Outside Counsel Only” did not

warrant that designation and ordered U.S. Soccer Federation (“Soccer”) to re-designate those documents as “Confidential.”

4. The Hearing Panel reviewed and approved Judge Bassler’s decision and issued an Order Adopting the Memorandum and Order of Special Master on December 28, 2020.

5. Within this Order, the Hearing Panel further reminded the Parties that the directives of the November 18 Order were still in effect. In particular, that the Parties must (i) conclude exchange of documents by 5pm MST on December 31, 2020 and (ii) the Parties provide a Joint Report, including recommendations to a revised scheduling order, by 5pm MST on January 4, 2021.

6. On December 30, 2020, Hope Solo (“Solo”) requested an extension of time in order to produce documents until January 18, 2021. Soccer did not provide a joint agreement to Solo’s extension request.

7. On December 31, 2020, the Parties were notified via e-mail that the Hearing Panel agreed to extend the completion on exchange of documents from December 31, 2020, until January 8, 2021. Additionally, the Hearing Panel extended the deadline for the Joint Report from January 4, 2021, until January 13, 2021. Both extended deadlines were to be adhered to by 5pm MST.

8. On January 13, 2021, instead of submitting a Joint Report as was ordered, the Parties filed separate submissions to the Hearing Panel regarding their individual recommendations of a revised scheduling order and hearing date. The Hearing Panel finds it very unfortunate that the Parties could not come to an agreement as to the scheduling and date of the hearing.

9. Additionally, included in Solo’s submission of her proposed scheduling order, Solo noted that Soccer had not yet provided the 43 disputed documents, previously designated as “Highly Confidential—Outside Counsel Only” to be re-designated as “Confidential.” Solo requested that the Hearing Panel order the re-designation of the documents.

10. Subsequently, each party submitted additional responses with explanations for the disagreement in the timing for the hearing, along with arguments for the re-designation of the 43 disputed documents.

II. DETERMINATION ON RE-DESIGNATION OF DOCUMENTS

11. The Hearing Panel determines that Soccer must physically re-designate the 43 documents labeled as “Highly Confidential – Outside Counsel Only” to “Confidential” and provide them to Solo no later than 5pm MT on January 26, 2021.

12. To be clear, this means that Soccer must produce to Solo a set of the 43 documents Bates stamped and marked as “Confidential.”

III. REVISED SCHEDULING ORDER

13. The Hearing Panel issues the below revised scheduling order. Except for the dates and any additional particulars as noted, all scheduling details and procedures remain in effect from the May 8, 2020, Preliminary Hearing Report, Mediation and Scheduling Order. The Parties should review that Order carefully.

14. The Hearing Panel will not entertain any objections to the dates listed below or allow any additional submissions related thereof. In an effort to move this case to conclusion, the Hearing Panel will not consider any further requests for extensions and the hearing date will stand as ordered. The Parties had an opportunity to jointly propose

a schedule that worked for both of them, which the Hearing Panel would have preferred. The fact that the Parties couldn't find a single agreed upon date to hold the hearing is discouraging as to their collaborative efforts.

15. The Hearing Panel understands that the newly scheduled date for the hearing might not be ideal for everyone but believes there is ample time for the Parties to make accommodations to be available for hearing and have competent representation present for the hearing.

16. All deadlines herein will be strictly enforced and shall be adhered to in order to avoid unnecessary delay and to ensure an expedient and fair resolution of this matter. The Hearing Panel may order sanctions if deadlines are not adhered to.

17. The Hearing Panel reminds the Parties to be cordial to one another in this proceeding.

18. The date, time, and location of the hearing are set as follows:

- a. The hearing is scheduled to take place on March 15, 2021, by videoconference.
- b. The hearing is scheduled to last a maximum of three (3) days, to end no later than 6:00pm MT on March 17, 2021.
- c. Each day of the hearing will commence at 9:00am MT.
- d. A link will be provided to the Parties for participation in the videoconference hearing.
- e. Separate links for confidential breakout rooms for the Parties will be provided.

- f. Details as to the presentation of the case remain in effect from the May 8, 2020, Order, except that each Party now has a total of ten (10) hours each to present their case, not including the opening and closing statements.

19. Additionally, the following submissions are to be sent via email and served simultaneously on the other Party by 5:00pm MT on the deadline listed below:

- a. Expert Witness designations – February 1, 2021
- b. Rebuttal Witness designations – February 15, 2021
- c. Joint Statement of Uncontested Facts and Stipulations – February 22, 2021
- d. Submission of Exhibits and Witness Lists – March 1, 2021
- e. Pre-Hearing Briefs – March 1, 2021
- f. Objection to Exhibits – March 8, 2021
- g. Party Representative designation – March 8, 2021
- h. Stenographer/Court Reporter notification – March 8, 2021

20. On March 1, 2021, when the Exhibits and Witness Lists are submitted, the Parties should overnight four (4) hard copies of the exhibits in appropriately marked binders for use at the hearing by the Hearing Panel and counsel for the Hearing Panel. The four hard copies of the binders shall be sent to Lucy Denley at the USOPC, 1 Olympic Plaza, Colorado Springs, CO 80909 for delivery no later than March 3, 2021. The Parties will be responsible to distribute the exhibits to their witnesses in a condensed and effective manner so as not to distract or delay the hearing when being referred to.

IV. ORDER

21. It is so ordered.

Dated this 21st day of January, 2021.

A handwritten signature in black ink, appearing to be 'RW', written in a cursive style.

for

Robert Wood, Chair

Alex Natt, Panel member

Mark Ladwig, Panel member