

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

CHESTER WEBER,	)	
	)	
Complainant,	)	
	)	SCHEDULING ORDER
v.	)	
	)	
UNITED STATES EQUESTRIAN	)	
FEDERATION,	)	November 30, 2020
	)	
Respondent.	)	

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I. BACKGROUND

1. On July 24, 2020, Chester Weber (“Weber” or "Complainant") filed a Complaint with the United States Olympic & Paralympic Committee (“USOPC”) against the United States Equestrian Federation ("USEF" or "Respondent”) (individually referred to as “Party” and collectively 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 USOPC Bylaws.

2. Section 10.2 of the USOPC Bylaws require that Section 10 complaints be signed by the individual making the complaint. Weber signed the Section 10 Complaint on August 6, 2020. Additionally, Section 10.1.2 of the USOPC Bylaws require that a complaint be served on the applicable NGB and Section 10.3 of the USOPC Bylaws require that the complainant pay a filing fee. The Complaint was served on USEF on July 24, 2020, and the filing fee was received on August 7, 2020. Therefore, August 7, 2020, is considered the proper filing date for the Complaint.

3. Weber is a member of USEF.

4. USEF is recognized as the National Governing Body ("NGB") for the sport of equestrian pursuant to Section 220521 of the Act and Section 8 of the USOPC Bylaws.

II. COUNSEL

5. Howard L. Jacobs of the Law Offices of Howard L. Jacobs and Lisa Lazarus of Morgan Sports Law, represent Complainant Weber.

6. Steve Smith, Suzanne Crespo, and Brent Rychener of the firm Bryan Cave Leighton Paisner LLP represent Respondent USEF.

III. HEARING PANEL APPOINTMENT

7. In accordance with Section 220527(a)(2) of the Act and Section 10 of the USOPC Bylaws, USOPC Chair, Susanne Lyons, appointed a Hearing Panel of three members for the purpose of hearing this matter. The individuals appointed were:

Vivek Murthy, Hearing Panel Chair and USOPC Board member;  
Marc Norman, Chief Executive Officer of USA Climbing and member of the National Governing Bodies Council;  
Ryan Bedford, Speedskating athlete and Athletes' Advisory Council representative.

8. The Parties were notified of the composition of the Hearing Panel by letter from Susanne Lyons on August 25, 2020.

9. The Parties received a disclosure from Ryan Bedford<sup>1</sup> on September 15, 2020, and were advised that any objections to the appointment of the Hearing Panel needed to be made by September 21, 2020.

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<sup>1</sup> The other two Hearing Panel members did not have any disclosures to make.

10. On September 16, 2020, USEF raised an objection relating to a potential conflict of interest concerning Ryan Bedford.

11. On September 23, 2020, Ryan Bedford responded to the parties and stated he had no direct involvement with the issues raised in the objection, that if he remained on the Hearing Panel he would be fair and impartial, and that he did not have any bias in favor of or against any party to this proceeding. However, he also indicated that he did not want there to be any potential perception of partiality, and so, he withdrew as a member of the Hearing Panel.

12. On October 6, 2020, Susanne Lyons sent a letter to the Parties notifying them that she had appointed Morgan Fuller Kolsrud to replace Ryan Bedford.

13. The Parties were given until October 9, 2020, to object to the appointment of Morgan Fuller Kolsrud.

14. On October 8, 2020, Weber raised an objection related to prior work Morgan Fuller Kolsrud had completed.

15. On October 13, 2020, Morgan Fuller Kolsrud responded to the Parties and stated she had no direct involvement with the issues raised in the objection, that if she remained on the Hearing Panel she would be fair and impartial, and that she did not have any bias in favor of or against any party to this proceeding. However, she also indicated that she did not want there to be any potential perception of partiality, and so, she withdrew as a member of the Hearing Panel.

16. On November 13, 2020, Susanne Lyons sent a letter to the Parties notifying them that she had appointed Adam Watson to replace Morgan Fuller Kolsrud.

17. The Parties were given until November 18, 2020, to object to the appointment of Adam Watson.

18. Neither Party objected to the appointment of Adam Watson. Therefore, as of November 18, 2020, the Hearing Panel was seated without objection.

#### IV. MOTION TO DISMISS

19. USEF filed a Motion to Dismiss on September 8, 2020, pursuant to Section 10.12 of the USOPC Bylaws.

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

i. September 23, 2020 – Response to the Motion to Dismiss by Weber due by 5pm MT.

ii. October 2, 2020 – Reply by USEF due by 5pm MT.

21. Weber filed a Response to the Motion to Dismiss on September 23, 2020.

22. USEF filed a Reply in Support of the Motion to Dismiss on October 2, 2020.

#### V. SCHEDULING AND PROCEDURAL ORDER FOR ORAL ARGUMENT

23. The Hearing Panel originally scheduled the oral argument for 10:30am MT on October 15, 2020. Due to the objections received on October 8, 2020, the oral argument was cancelled.

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

a. The oral argument is set for 10:00am MT on December 9, 2020.

- b. The oral argument will be held by video 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. Weber shall then have an opportunity to respond. USEF can then use any of its remaining time to reply.
- e. The Hearing Panel may ask questions of the Parties at any time.

VI. ORDER

25. It is so ordered.

Dated this 30th day of November, 2020.



for

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Vivek Murthy, Chair

Marc Norman, Panel member  
Adam Watson, Panel member