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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES AKIYAMA, LEILANI AKIYAMA,
JAY DRANGEID, and UNITED STATES
JUDO TRAINING CENTER,

Plaintiffs,

v.

UNITED STATES JUDO
INCORPORATED, UNITED STATES
JUDO FEDERATION, INTERNATIONAL
JUDO FEDERATION, UNITED STATES
JUDO ASSOCIATION, KENJI YAMADA,
HAROLD YAMADA, JAMES HARAI, and
SAMIKO HARAI,

Defendants.

Case No. C97-286D

ORDER DENYING RELIEF
FROM STAY

THIS MATTER comes before the Court on plaintiffs' motion for relief from the stay imposed in this case May 13, 1997. Because the Court finds plaintiffs have not complied with that order by exhausting their administrative remedies, the motion is hereby denied.

C97-286D

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1 Plaintiffs, participants in the international sport of judo, seek an end to defendants'
2 requirement that they bow to inanimate objects such as portraits and tatami mats prior to judo
3 matches. Plaintiffs claim the requirement violates their freedom of religion by forcing them
4 either to relinquish deeply-held beliefs against idol worship or to cease their practice of judo.
5 They also challenge defendants' bowing rules as violations of the Amateur Sports Act (ASA),
6 36 U.S.C. §§ 317-396.
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8 On May 13, 1997 the Court found that under the ASA, plaintiffs should follow the
9 grievance procedures offered by defendant United States Judo Incorporated (USJI), which is
10 the "national governing body" for judo under the Act. *See* 36 U.S.C. § 391. The Court also
11 entered a preliminary injunction against defendants, forbidding them to disqualify plaintiffs
12 from judo tournaments for refusing to bow outside the contest area. Thereafter, plaintiffs filed
13 a complaint with USJI, which appointed a panel and held a hearing on the complaint on June
14 21, 1997. The panel found no religious discrimination or any other violations by defendants.
15 Plaintiffs then chose to appeal to the United States Olympic Committee (USOC), the
16 corporation empowered to oversee organized amateur sports in the United States. *See* 36
17 U.S.C. § 374. The USOC did not respond for over 90 days, so plaintiffs filed this motion for
18 relief from the stay. Shortly thereafter, plaintiffs' counsel received what appears to be an
19 opinion letter from USOC's general counsel, rejecting their appeal for failure to exhaust USJI
20 procedures.
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23 The USJI bylaws provide for an internal complaint procedure followed by arbitration
24 through the American Arbitration Association (AAA). Plaintiffs assert that they have
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1 exhausted USJI procedures, since the arbitration provisions are permissive, not mandatory.
2 This Court, however, did not order plaintiffs to pursue mandatory administrative procedures
3 but rather "arbitration and other remedies" through USJI. Prel. Inj. Order, May 13, 1997. This
4 is also required by the ASA prior to appealing to the USOC. 36 U.S.C. § 395(a)(1).
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6 Plaintiffs also complain that further appeal within USJI would be futile since USJI
7 refuses to address their concerns. Plaintiffs' argument is not convincing, as it is based on the
8 statements of USJI's advocate, not of its hearing panel. Moreover, the next and final internal
9 step is arbitration, where the decision-maker will not be affiliated with USJI at all.

10 Plaintiffs assert that the failure of the USOC to provide a timely hearing necessitates a
11 relief from the stay in this case. The Court disagrees. First, while the USOC was non-
12 responsive, in direct violation of its statutory mandate, *id.* at § 395(a)(2), that mandate does not
13 provide plaintiffs a private cause of action. *See Oldfield v. Athletic Congress*, 779 F.2d 505,
14 508 (9th Cir. 1985). Second, as noted above, the USOC cannot hear complaints against
15 national governing bodies until all available internal avenues have been exhausted. 36 U.S.C.
16 § 395(a)(1). Plaintiffs' claim that USJI's bylaws allow earlier complaints to the USOC is
17 unavailing in the face of the statute's clear directive.
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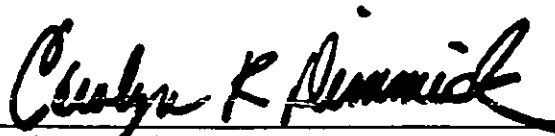
19 Plaintiffs must pursue their claims that defendants violated the ASA, including their plea
20 that USJI be replaced as the national governing body for judo, through USJI's arbitration
21 procedure, USOC's complaint process, and finally USOC's own arbitration procedure. *See id.*
22 at § 395(c). This Court will not ever have jurisdiction to decide these claims under the ASA.
23 *See Oldfield* at 508. Plaintiffs' freedom of religion claims may properly be before the Court
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1 only after all of the administrative procedures have been exhausted as to their claims under the
2 ASA.

3 THEREFORE, plaintiffs' motion for relief from stay is DENIED.

4 The Clerk of the Court is directed to send copies of this order to all counsel of record.

5 DATED this 7th day of January, 1998.

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Carolyn R. Dimmick
United States District Judge