

UNITED STATES OLYMPIC COMMITTEE

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|---------------|---|-----------------|
| Michael Farry |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | SCHEDULING |
| |) | ORDER |
| US Rowing |) | |
| |) | |
| Respondent. |) | August 11, 2006 |

I. BACKGROUND

On August 1, 2006, the Hearing Panel issued a Scheduling and Procedural Order in this matter. The Order provided that US Rowing would have until 5:00 PM MDT on Thursday, August 3, 2006 to file a motion to dismiss on procedural or jurisdictional grounds. The Order also provided that if US Rowing filed a motion to dismiss, then Mr. Farry would have until 5:00 PM MDT on Monday, August 7 to file a response. Further, if a motion to dismiss was filed, argument on the motion was scheduled by conference call for 3:00 PM MDT on Wednesday, August 9.

US Rowing filed a motion to dismiss and Mr. Farry filed an opposition to the motion within the time limits set forth in the Order. On August 8, the day prior to oral argument, Mr. Farry notified the Panel by email that he could not attend the conference call.¹ Mr. Farry did not provide an alternate time when he would be available, but he

¹ The Hearing Panel attempted to reach Mr. Farry by email to determine if an alternate time would be available for him, but Mr. Farry did not respond. Further, Mr. Farry has never provided the Panel with his telephone number, so there was no other way to contact him. Mr. Farry also did not provide the AAA with his telephone number.

indicated that the Panel could decide the motion on the papers submitted by the parties, if the Panel chose to do so.

On August 9, at the time scheduled, the Panel convened by conference call to consider how to proceed. US Rowing was also on the conference call. After discussion, the Panel determined that it would not proceed with the motion to dismiss.² The Panel's determination was based on its opinion that the participation of Mr. Farry's would be beneficial in making a ruling on the motion. The Panel also did not want to proceed unless Mr. Farry had been provided with every opportunity to have his arguments heard.

The Panel notified the parties by email on August 9 that it was rescheduling the conference call for Wednesday, August 16 at 3:00 PM MDT. The Panel also instructed the parties to confirm their availability for the call by 8:00 AM MDT, Friday, August 16. If a party was not available for the conference call, then that party was to provide the Panel with three dates, with times, when it would be available. US Rowing and Mr. Farry have both indicated, by phone and email respectively, that they will be represented on the August 16 conference call.

² The Panel is cognizant that by not proceeding, it would not be able to accommodate the AAA hearing panel's request, as stated in its order of July 1, 2006, that a ruling be issued on US Rowing's motion to dismiss by August 14. In the Panel's Order of August 1, 2006, the Panel instructed the parties that if there was any reason that would prevent a party from complying with the scheduling requirements of the Panel's August 1 Order, and therefore prevent the Panel from meeting the August 14 date, then that party should promptly file an appropriate request with the AAA hearing panel seeking relief from the AAA hearing panel's July 1 order and the August 14 date. US Rowing indicated on the August 9 conference call that it had met all of the Panel's scheduling requirements and that it was not seeking relief from the AAA hearing panel's July order or requesting an extension of the August 14 date. Since it is due to Mr. Farry's unavailability for the conference call that the August 14 date can not been met, it would be appropriate for Mr. Farry to so file a motion with the AAA hearing panel for relief from the July 1 order.

II. SCHEDULING ORDER

Oral argument on US Rowing's motion to dismiss shall be heard on Wednesday, August 16, 2006 at 3:00 PM MDT. The hearing will last for no more than one hour. Each party shall have 20 minutes to present argument, with 5 minutes for rebuttal.

Dated this 11th day of August, 2006.


James McCarthy, Chair

Ron Radigonda, Panel Member
Virginia Jasontek, Panel Member
Robert Latham, Panel Member
Courtney Johnson, Panel Member