

UNITED STATES OLYMPIC COMMITTEE

BERNARD ROBINSON	)	
	)	
Complainant, and	)	
	)	
BRUCE C.K.W. HARRIS, BARBARA	)	
WAKEFIELD, VALERIE LONG, ANNE G.	)	
CHASE, LEON PRESTON AND	)	
JEANNETTE WOODARD	)	
	)	
Complainants	)	ORDER
v.	)	
	)	
USA TAEKWONDO	)	
	)	
Respondent.	)	November 28, 2011

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I.     INTRODUCTION

A.     Initiation and Consolidation of Complaints

1.     This matter results from two complaints filed against USA Taekwondo (“USAT”) pursuant to Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (the “Act”) and Section 10 of the USOC Bylaws. One complaint was filed by Bernard Robinson (“Robinson”) on August 5, 2011, and amended on August 30, 2011. A second complaint was filed by Bruce C.K.W. Harris, Barbara Wakefield, Valerie Long, Anne G. Chase, Leon Preston and Jeannette Woodard (collectively referred to as “Harris”) on August 10, 2011, and amended on August 30, 2011.

2.     The Hearing Panel issued an Order on September 16, 2011, consolidating the two complaints.

B. Mediation

3. At the request of USAT, and with the concurrence of Robinson and Harris, the Hearing Panel in its September 16, 2011, Decision and Order, ordered that the parties attempt to mediate issues raised in the complaints pertaining to the election and composition of USAT's Board of Directors and pertaining to USAT's compliance with the Act and USOC Bylaws. In addition to USAT and the complainants, those individuals who had filed administrative grievances against USAT pursuant to USAT's grievance process and those individuals who were candidates for USAT Board seats were invited to participate in the mediation.

4. The mediation was held on November 11, 2011.

5. The mediation proved unsuccessful.

C. Answer and Denial of Claims

6. The Hearing Panel in its September 16 Decision and Order, citing Sections 10.12 and 10.13 of the USOC Bylaws, provided that USAT would have thirty (30) days from the date of its September 16 Decision and Order in which to file an answer to the complaints, or if no answer was filed, the claims would be deemed to be denied by USAT.

7. USAT did not file an answer to the complaints.

8. Therefore, the claims set forth in the Robinson and Harris complaints are denied by USAT.

D. Readiness for Hearing

9. As mediation has not proven successful and as USAT denies the allegations of the complaints, this matter is ready for hearing.

10. Additionally, certain outstanding issues remain concerning discovery.

11. This Order sets forth procedures dealing with the hearing process and finalizing discovery.

## II. DISCOVERY

### A. Documents Requested by the Hearing Panel

12. In its September 16 Decision and Order the Hearing Panel requested that USAT produce certain documents that the Hearing Panel wished to review relating to the issues raised in the complaints. The documents were also to be produced to the complainants, unless USAT objected.

13. USAT produced documents to the Hearing Panel. However, USAT objected to producing and did not produce certain of the documents to the complainants.

14. The Hearing Panel has considered USAT's objections to producing documents to the complainants. The Hearing Panel has also considered complainants need to have such documents in order to prepare for presentation of their case at the hearing.

15. The Hearing Panel finds that such documents are relevant to the issues raised in this proceeding.

16. Accordingly, the Hearing Panel orders that USAT produce the documents to complainants.

17. Additionally, the Hearing Panel requests that USAT update by December 14, 2011, 5:00 p.m. MDT, its production of documents to include any further materials that might be responsive to the Hearing Panel's request. Those documents include:

- a) further and additional responses made by USAT to the USOC Audit Report;
- b) USAT's finalized 2010 audited financial statements and management letter;
- c) updates to USAT's 2011 budget and forecast of financials;
- d) any draft or finalized 2012 budget;
- e) further updates or amendments to USAT's financial policies and procedures;
- f) a copy of the internal grievance filed with USAT by Harris, Wakefield, Long, Chase, Preston and Woodard, which was not produced;
- g) a summary of the date of filing and action taken with regard to each of the internal grievances filed relating to USAT's Board election (included should be copies of any final orders or decisions rendered by USAT's hearing panel or panels).

B. USOC Audit Report

18. On July 20, 2011, the USOC Audit Division issued an audit report of USAT for the years 2009 and 2010.

19. By this Order, the Hearing Panel requests that the USOC Audit Division do a follow-up review of USAT's finances and management, including a review of USAT's progress in complying with the USOC Audit Division's recommendations, which were set forth in the audit report.

20. It is also requested that the USOC Audit Division issue a report and be prepared to provide testimony at the hearing on its follow-up review.

C. Discovery by Parties

21. On September 2, 2011, Robinson served a Document Request on USAT. Robinson served a second Document Request on USAT on September 12, 2011. In responding to the requests, USAT produced certain documents and objected to the production of other documents. On November 7, 2011, Robinson filed a Motion to Compel Production of certain documents that Robinson considered relevant to the issues

relating to USAT's Board election and necessary for mediation. By Order of November 8, 2011, the Hearing Panel ordered that such documents be produced. USAT produced documents in response to the Hearing Panel's Order.

22. On November September 22, 2011, USAT served a document request on Robinson. Robinson produced documents in response to USAT's request.

23. Further motions to compel the production of documents not produced by a party in response to a document request shall be filed by December 9, 2011.

24. Additionally, any further requests for production of documents shall be served by December 9, 2011. Such documents shall either be produced or objected to by December 14, 2011. If documents are not produced in response to the request, a motion to compel production shall be filed by December 16, 2011.

### III. HEARING PROCEDURES

#### A. Time and Location of Hearing

25. After conferring with the parties as to an agreeable hearing date, the Hearing Panel orders that the hearing shall commence on Thursday, January 5, 2012, at 8:00 a.m. MST, and if necessary, continue on Friday, January 6, 2012.

26. The hearing will be held in Colorado Springs, Colorado in the President's Room at the U.S. Olympic Training Center.

27. The parties should be prepared to present their cases in full at the hearing.

In particular, the parties should focus on the following issues:

- a) USAT's financial capabilities.
- b) USAT's managerial capabilities.
- c) USAT's Board composition and nomination/election process.
- d) USAT's capabilities for administering and hearing internal grievances.

- e) USAT's athlete success in international competitions and in qualifying athletes for the 2012 London Olympic Games.

B. Submission of Exhibits

28. The parties shall have until January 3, 2012, 5:00 p.m. MST, to submit any exhibits that they wish the Hearing Panel to consider as evidence. All exhibits submitted shall also be served on other parties on January 3.

29. Exhibits shall be submitted electronically, unless not possible.

30. So as to reduce having duplicate exhibits submitted, the parties shall confer prior to January 3 and if there are duplicate exhibits, the parties shall submit such exhibits beginning with the number 1, continuing sequentially.

31. If Robinson and Harris wish to jointly submit certain exhibits, they shall submit such exhibits beginning with the number 100, continuing sequentially.

32. Robinson shall submit exhibits beginning with the number 200, continuing sequentially.

33. Harris shall submit exhibits beginning with the number 300, continuing sequentially.

34. USAT shall submit exhibits beginning with the number 400, continuing sequentially.

C. Witness Testimony

35. Each party shall submit a list of its witnesses to the Hearing Panel by January 3, 2012, 5 p.m. MST. Witness lists shall also be served on the other parties on January 3.

36. Witness testimony may be submitted through live testimony or through written sworn affidavit. However, the Hearing Panel requests that where possible and

practicable, the parties submit witness testimony by written sworn affidavit. Such affidavits shall be submitted to the Hearing Panel by January 3, 2012, 5 p.m. MST. Testimony affidavits shall also be served on the other parties on January 3.

37. Any party who submits witness testimony by affidavit shall make the witness available January 5 - 6, 2012, for cross-examination by the other party.

38. The Hearing Panel may call witnesses not identified or called by the parties, as it considers appropriate.

D. Prehearing Briefs

39. The parties shall provide prehearing briefs to the Hearing Panel by January 3, 2012, 5 p.m. MST.

40. Such briefs shall address the following issues:

- a) USAT's financial capabilities.
- b) USAT's managerial capabilities.
- c) USAT's Board composition and nomination/election process.
- d) USAT's capabilities for administering and hearing internal grievances.
- e) USAT's athlete success in international competitions and in qualifying athletes for the 2012 London Olympic Games.

41. Prehearing briefs shall be no more than ten (10) pages double spaced in length.

E. Transcript of Hearing

42. If a party desires that the hearing be recorded by a stenographer, the party making such request shall notify the Hearing Panel by January 3, 2012, 5 p.m. MST. The party requesting that the hearing be recorded shall arrange for the stenographer. The party requesting that the hearing be recorded shall pay for the cost of the stenographer, unless other parties also want the hearing recorded, then the cost of the stenographer shall be equally divided. A party requesting a transcript of the hearing shall pay for the cost of


the transcript. A transcript ordered by a party, shall also be made available to the Hearing Panel.

F. Submission of Materials

43. All communications to the Hearing Panel, all exhibits and all affidavit testimony shall be sent to the USOC Office of General Counsel, addressed to Lucy Denley ([lucy.denley@usoc.org](mailto:lucy.denley@usoc.org)). All communications, exhibits and affidavit testimony shall be sent electronically, unless not possible. The Office of General Counsel shall distribute all such communications, exhibits and affidavit testimony to the Hearing Panel.

44. With regard to any materials or documents produced in response to discovery or submitted for the hearing, the parties shall send the actual document, and not just provide a web address for locating the document.

Dated this 28th day of November, 2011.

  
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Susanne Lyons, Chair

Sarah Konrad, Panel Member  
Glenn Merry, Panel Member