

answer is filed, then also pursuant to Section 10.13 of the USOC Bylaws, the allegations of the Complaint shall be deemed to have been denied.

4. On June 5, 2013, the Hearing Panel scheduled a conference call with the Complainants and USS (collectively referred to as the “Parties”). The Parties were notified that they should be prepared to discuss how they wish to proceed going forward, including a time frame for a hearing on the merits. The Hearing Panel informed the Parties that in light of the upcoming 2014 Olympic Winter Games, the Hearing Panel was concerned that athletes may be hindered in their preparation for the Games if this matter is not dealt with expeditiously or adjourned until after the Games. On the conference call the Hearing Panel also inquired if the Parties had discussed mediation as a mechanism to resolve this matter.

5. The Parties indicated that they were open to mediation, but both wished to place conditions on entering into mediation.

II. MEDIATION

6. Section 10.8 of the USOC Bylaws provides that upon the request of a party the Hearing Panel may order mediation. Section 10.8 also provides that if mediation is ordered, the USOC Chief Executive Officer shall appoint a mediator.

7. After considering the responses of the Parties, the Hearing Panel believes that mediation of the issues raised in the Section 10 Complaint would be beneficial. However, considering the contentiousness displayed on the conference call, the Hearing Panel has some reservations.

8. The Hearing Panel is also concerned with the attempt by the Parties to place conditions on entering into mediation. Those issues should be raised with the

mediator. It is not for the Hearing Panel to become engaged in endless negotiations between the Parties as to how mediation should proceed.

9. Further, some of the issues that were raised, and attempted to be made a part of the mediation, are not within the jurisdiction of this Hearing Panel. The Hearing Panel would like to make it clear that only issues specifically raised in the Complaint will be heard by the Hearing Panel.

10. The Hearing Panel is also mindful of the time that mediation can take. This is worrisome to the Hearing Panel since the 2014 Olympic Winter Games are fast approaching. The Hearing Panel does not intend to let this matter drag on and adversely affect athlete preparation for those Games.

11. The Hearing Panel encourages the Parties to attempt mediation in good faith and make every effort to resolve their differences. Over lawyering, aggressive tactics and making unwarranted demands are not conducive to bringing this matter to resolution. The Parties need to consider the larger picture and not get caught up with trivial matters that will not address their differences, but only increase their enmity. Hostility between the Parties must come to an end. Personality differences should not get in the way of fruitful discussions.

12. The Parties need to think of ways to advance the sport of Speedskating in the United States. This involves not only what is best for Speedskating athletes, but also what is best for USS. That will require putting aside real or perceived wrongdoings, and looking to the future.

13. If mediation is to be successful, the Parties must commit themselves to the mediation process. They need to consider and be open to all options, even though

that may lead to abandoning past positions and giving in on issues that are important to them. If mediation fails, it will be a failure of the Parties.

III. ORDER

14. The Parties are ordered to enter into mediation immediately.

15. The mediation shall address the issues raised in the Complaint.

16. The Parties shall have thirty (30) days from the date the mediator is appointed in which to conclude their mediation efforts. At the end of thirty (30) days the Parties shall report back to the Hearing Panel on whether or not mediation has been successful. If mediation talks are productive, but have not concluded in resolution of the issues raised in the Complaint, the Parties may request that the time for mediation be extended.

17. USS's time to file an Answer is extended until after conclusion of the mediation process. If necessary, a new date for filing an Answer will be set by the Hearing Panel after the Parties report back to the Hearing on their mediation efforts.

Dated this 6th day of June, 2013.

Kelly Hartnett For
Mary McCagg, Chair

Steve Johnson, Panel Member
Andrew Johnson, Panel Member