

UNITED STATES OLYMPIC COMMITTEE

UNITED STATES EQUESTRIAN TEAM, INC.)	
)	
Petitioner,)	
)	
v.)	DECISION
)	
AMERICAN HORSE SHOWS ASSOCIATION, INC)	
)	
Respondent.)	May 31, 2001

I. BACKGROUND

The American Horse Shows Association, Inc. ("AHSA") is the National Governing Body ("NGB") for the sport of equestrian in the United States, recognized by the United States Olympic Committee ("USOC") pursuant to Article IV and Article VI of the USOC Constitution¹ and pursuant to the Ted Stevens Olympic and Amateur Sports Act (36 USC § 220501 *et seq.*), (the "Act").

On February 26, 2001, United States Equestrian Team, Inc. ("USET") filed a Challenge against AHSA pursuant to Article VIII, Section 3 and Chapter VII of the USOC Bylaws,² and Section 220528 of the Act, seeking to replace AHSA as the NGB for the sport of Equestrian. On March 20, 2001, pursuant to Chapter VII, Section 2, AHSA filed a Motion to Dismiss the Challenge. Instead of responding to the Motion to Dismiss the Challenge, USET filed an Amended Challenge on April 12, 2001. AHSA then filed a Motion to Dismiss the Amended Challenge ("Motion to Dismiss") on May 2, 2001. On May 16, 2001, USET

¹ Hereinafter any reference to "Article" refers to the USOC Constitution.

² Hereinafter any reference to "Chapter" refers to the USOC Bylaws.

filed a Memorandum in Opposition to AHSA's Motion to Dismiss. AHSA requested oral argument on its Motion to Dismiss.

In accordance with Chapter VII, Sections 3 and 9, USOC President Sandra Baldwin appointed a Hearing Panel of five voting members of the USOC Board of Directors, which were approved by the USOC Executive Committee. After appointment, Herb Perez resigned from the Hearing Panel. Subsequently, President Baldwin appointed Mary McCagg as Mr. Perez's replacement. Ms. McCagg's appointment was also approved by the USOC Executive Committee.

The Hearing Panel members appointed for the purposes of hearing the Challenge, as well as to hear any ancillary matters, are:

William Stapleton, Chair
USOC Vice President and USOC Board of Directors
Steve Locke
USOC Board of Directors, USA Triathlon
Mary McCagg
USOC Board of Directors, AAC Representative - Rowing
Tom Osborne
USOC Board of Directors, National Congress of State Games
Lisa Voight
USOC Board of Directors, USA Cycling

On May 22, 2001, the Hearing Panel met by conference call to hear oral argument on the Motion to Dismiss. Neither the AHSA nor the USET requested that oral argument on the Motion to Dismiss be stenographically recorded. All Hearing Panel members were present on the call. Ira A. Finkelstein, Peter C. Alkalay and William A. Roos were present on the call and presented argument on behalf of the AHSA. Edward G. Williams was present on the call and presented argument on behalf of the USET. Jeffrey G. Benz, Legal Advisor to the Panel, Gary L. Johansen, USOC Associate General Counsel, and Jennifer Gabrius, USOC Staff Attorney were also present on the call. On May 22, 2001, after conclusion of oral

argument, the Hearing Panel convened by conference call to consider the Motion to Dismiss. All members of the Hearing Panel reviewed and approved this written Decision.

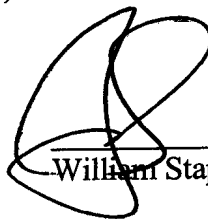
II. DECISION

The applicable standard for review for a motion to dismiss is set forth in Chapter VII, Section 2(A), which states that a respondent may move to dismiss a challenge on the basis that the jurisdiction of the challenge is improper or that there is some other procedural or jurisdictional defect that would preclude a hearing on the merits. Chapter VII, Section 3(A) states that the burden to sustain the validity of a motion to dismiss lies with the respondent.

After considering all of the pleadings and briefs served by the parties in this matter as well as all arguments raised at the oral argument on this Motion, and after due deliberation, the Hearing Panel, by unanimous decision, hereby DENIES the Motion to Dismiss for the reason that the AHSA has failed to sustain its burden by demonstrating either: 1) that the jurisdiction of the challenge is improper; or 2) there is some other procedural or jurisdictional defect that would preclude a hearing on the merits.

Accordingly, pursuant to Chapter VII, Section 3(B), the AHSA is directed to file an Answer to the Challenge not later than twenty (20) days after the date of this Decision.

Dated this 31st day of May, 2001.



William Stapleton, Chair

Steve Locke, Panel Member
Mary McCagg, Panel Member
Tom Osborne, Panel Member
Lisa Voight, Panel Member