

UNITED STATES OLYMPIC COMMITTEE

UNITED STATES EQUESTRIAN TEAM, INC.	)	DECISION ON
	)	AHSA'S MOTION
Petitioner,	)	TO RECONSIDER
	)	MOTION TO
v.	)	DISMISS
	)	
USA EQUESTRIAN, INC.	)	
	)	
Respondent.	)	October 5, 2001

I. BACKGROUND

The American Horse Shows Association, Inc., now known as USA Equestrian, 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 Constitution 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, of the USOC Constitution and Chapter VII of the USOC Bylaws,<sup>1</sup> 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

<sup>1</sup> Hereinafter any reference to "Article" refers to the USOC Constitution and any reference to "Chapter" refers to the USOC Bylaws.

Dismiss") on May 2, 2001. On May 16, 2001, USET filed a Memorandum in Opposition to AHSA's Motion to Dismiss. On May 31, 2001, the Hearing Panel denied AHSA's Motion to Dismiss. AHSA filed a Motion for Reconsideration of its Motion to Dismiss the Challenge Proceeding ("Motion for Reconsideration") on September 6, 2001. On September 11, 2001, USET filed a Response to the AHSA's Third, September 5 Motion to Dismiss. On September 17, 2001, AHSA filed a Reply Brief in Support of its Motion for Reconsideration. AHSA requested oral argument and preparation of a transcript on its Motion for Reconsideration.

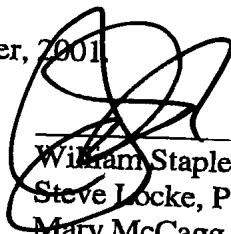
On October 4, 2001, the Hearing Panel met by conference call to hear oral argument on the Motion for Reconsideration. The AHSA and the USET agreed that the oral argument would not be stenographically or otherwise recorded, and waived any rights or objections relating to recordation of the oral argument. All Hearing Panel members were present on the call. AHSA counsel Ira Finkelstein and Peter Alkalay were present on the call and presented argument on behalf of the AHSA. USET counsel Ed Williams and Mike Shaw were present on the call and presented argument on behalf of the USET. The oral argument lasted approximately one hour. Jeff Benz, USOC General Counsel, Gary L. Johansen, USOC Associate General Counsel, and Jennifer Gabrius, USOC Staff Attorney were also present on the call. On October 4, 2001, after conclusion of oral argument, the Hearing Panel convened by conference call to consider and to deliberate upon the Motion for Reconsideration. All members of the Hearing Panel reviewed and approved this written Decision.

DECISION

The applicable standard of 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. The present motion is styled as a "Motion for Reconsideration" of a prior motion to dismiss, so the Hearing Panel applied the same standard of review as for a motion to dismiss.

After considering all of the written pleadings and briefs served by the parties in this matter, all arguments raised at the oral argument on this motion, all relevant and admissible evidence contained in the written materials and the oral argument, as well as the relevant standard of review, the Hearing Panel, by unanimous decision, hereby DENIES the Motion to Dismiss.

Dated this 5<sup>th</sup> day of October, 2001.



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William Stapleton, Chair  
Steve Locke, Panel Member  
Mary McCagg, Panel Member  
Tom Osborne, Panel Member  
Lisa Voight, Panel Member