

UNITED STATES OLYMPIC COMMITTEE

UNITED STATES JUDO ASSOCIATION, INC.	)	
	)	
Applicant,	)	
	)	
v.	)	INITIAL ORDER
	)	
UNITED STATES JUDO, INC.	)	
	)	
Respondent.	)	September 21, 2009

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I. THE PARTIES

1. United States Judo Association, Inc. (“USJA”) is an amateur sports organization conducting judo activities in the United States.

2. United States Judo, Inc. (“USA Judo”) is the National Governing Body (“NGB”) for judo in the United States as recognized by the United States Olympic Committee (“USOC”) pursuant to the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”).

3. USJA is a Group A (Amateur Judo Sports Organization) member of USA Judo.<sup>1</sup>

II. COMMENCEMENT OF PROCEEDING

4. USJA filed an Application, dated August 12, 2009,<sup>2</sup> pursuant to Section

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<sup>1</sup> Although not a party to this proceeding, there exists a third judo organization, United States Judo Federation (“USJF”), which also is a Group A (Amateur Judo Sports Organization) member of USA Judo.

<sup>2</sup> Accompanying the application was a Proof of Service dated August 12, 2009. The Application was received by the USOC on August 13, 2009.

220528 of the Act and Section 11 of the USOC Bylaws seeking to replace USA Judo as the NGB for the sport of Judo in the United States.<sup>3</sup>

### III. PANEL COMPOSITION

5. In accordance with Section 11.8 of the USOC Bylaws USOC Chief Executive Officer, Stephanie Streeter, appointed a Hearing Panel of three members to hear this matter. The Panel members are:

Robert Latham, Chair

USA Rugby, Multisport Organizations Council, Olympic Assembly

Atif Siddiqi, Panel Member

USA Modern Pentathlon, National Governing Bodies Council, Olympic Assembly

Trischa Zorn-Hudson, Panel Member

U.S. Paralympics (Swimming), Athletes Advisory Council, Olympic Assembly

6. Neither USJA, nor USA Judo, has objected to the composition of the Panel.

### IV. JURISDICTION

7. The Hearing Panel has authority to hear this Application pursuant to Section 220528 of the Act and Section 11 of the USOC Bylaws.

### V. MOTION TO DISMISS

8. USA Judo filed a Motion to Dismiss on September 11, 2009.

9. USA Judo's Motion to Dismiss is based on two grounds. The first is that USJA's Application was not filed within the required filing period as set forth in Section

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<sup>3</sup> An Application seeking to replace an NGB is commonly referred to as a Section 11 proceeding.

220528(c) of the Act and Section 11.3 of the USOC Bylaws.<sup>4</sup> Those provisions require that an Application to replace an NGB must be filed within the one-year period after the final day of the previous Olympic Games in which the sport governed by the NGB was competed. Since the closing ceremonies of the 2008 Beijing Olympic Games occurred on August 24, 2008, USA Judo asserts that USJA's Application had to be filed by August 24, 2009. Even though the Application was received by the USOC on August 13, 2009, USA Judo asserts that it was not properly filed (specifically, that it did not meet the filing requirements of Sections 220528(b) and (c) of the Act and Section 11.4 of the USOC Bylaws), and thus the filing is ineffective. The filing requirements that USA Judo asserts were not met are i) that the Application was not properly signed and ii) that a copy of USJA's organic documents were not appended to the Application.

10. The second ground for dismissal is that the USJA is seeking to have the Hearing Panel consider and determine the same issues that are the subject of an administrative hearing convened by USA Judo, pursuant to Section 5.4 of its Bylaws, to terminate USJA's membership in USA Judo. USA Judo asserts that it is therefore premature and improper for the issues that are the subject of USA Judo's administrative hearing to be heard, considered and dealt with by this Hearing Panel in this Section 11 proceeding.

## VI. ORDER CONCERNING MOTION TO DISMISS

11. Regarding the Motion to Dismiss, the Hearing Panel issues the following schedule:

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<sup>4</sup> This issue was first raised by USA Judo in a letter dated August 25, 2009, addressed to the USOC Office of General Counsel.

a. USJA shall have until October 9, 2009, 5 PM MDT, in which to respond to USA Judo's Motion to Dismiss.

b. USA Judo shall have until October 23, 2009, 5 PM MDT, to reply to USJA's response.

c. USJA and USA Judo shall each inform the Hearing Panel by October 23, 2009, 5 PM MDT, as to whether or not they desire argument on the Motion to Dismiss. Any request for argument may or may not be granted.

12. In addition to any other points that USJA and USA Judo wish to raise in their response and reply briefs, they shall address the following questions/issues, as indicated:

a. To be answered by USJA. Why didn't the CEO of USJA sign the Application?

b. To be answered by USJA. Was the application authorized by USJA, and if so, by whom (was the application authorized by USJA's Board of Directors)? Please provide documentation attesting to the authorization.

c. To be answered by USJA. Why didn't USJA affix a copy of its Bylaws and Articles of Incorporation to the Application?

d. To be answered by USJA and USA Judo. Should a party to a proceeding be allowed to correct a filing deficiency after the filing deadline? An analysis of other filing deadlines, and the ability to correct a filing, or relate back to the date an improper filing was made, may be helpful.

e. To be answered by USJA and USA Judo. What prejudice or undue harm has occurred to USA Judo because of USJA's alleged filing deficiencies?

13. Brevity and clarity are strongly encouraged in the submission of briefs pertaining to the Motion to Dismiss.<sup>5</sup>

VII. ORDER CONCERNING ADDITIONAL BACKGROUND INFORMATION

14. Additionally, the Hearing Panel requests additional background information from USJA and USA Judo. This information shall be submitted to the Panel by USJA and USA Judo by October 23, 2009, 5 PM MDT, in a document separate from any filing related to the Motion to Dismiss. Brevity and clarity are strongly encouraged in preparing such a document.

15. The information requested is:

a. Explain the current relationship among USA Judo, USJA and United States Judo Federation, Inc. (“USJF”).

b. Provide an historical account relating to USA Judo, USJA and USJF and their relationships with each other since each organization’s inception.

c. Provide an historical account of how USA Judo, rather than USJA or USJF, became the NGB for judo.

d. Indicate whether there are agreements currently in affect, or whether such agreements existed in the past, among USA Judo, USJA and USJF dealing with judo activities and programs? If so, please provide a brief summary of those agreements.

e. Indicate whether athlete members of USJA and USJF are currently allowed to participate in USA Judo competitions. Indicate whether athlete

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<sup>5</sup> The Hearing Panel already has USA Judo’s letters of August 25, 2009 and September 1, 2009 and USJA’s letters of August 31, 2009 and September 3, 2009 concerning the issues raised in the Motion to Dismiss.

members of USA Judo and USJF are currently allowed to participate in USJA competitions. Indicate whether athlete members of USJA and USA Judo are currently allowed to participate in USJF competitions.

f. Indicate whether there have been repercussions affecting judo athletes because of the current dispute between USJA and USA Judo over USJA's membership in USA Judo?

g. Indicate whether there have been repercussions affecting judo athletes because of this Section 11 proceeding initiated by USJA?

h. Indicate whether USJA athletes will be allowed to participate in USA Judo competitions if USJA is terminated from USA Judo's membership.

i. Indicate whether USA Judo athletes will be allowed to participate in USJA competitions if USJA is terminated from USA Judo's membership.

j. Section 11.10 of the USOC Bylaws provides that the Hearing Panel may adjourn a Section 11 proceeding in order to allow the parties an opportunity to mediate the controversy. Are the parties currently attempting to mediate this matter? If not, do the parties wish to attempt to mediate this matter? If current mediation efforts are taking place or if the parties would like to mediate this matter, what is the time frame suggested by the parties for mediation efforts?

k. Indicate whether or not USJA and USA Judo have in the past attempted to mediate their differences? If so, what was the outcome of that mediation?

VIII. ADDITIONAL SCHEDULING ORDER

16. An additional scheduling order, if necessary and appropriate, will be issued after considering the Motion to Dismiss and the submissions of the parties noted above.

  
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Robert P. Latham, Chair

Atif Siddiqi, Panel Member,  
Trischa Zorn-Hudson, Panel Member

Dated this 21<sup>st</sup> day of September, 2009