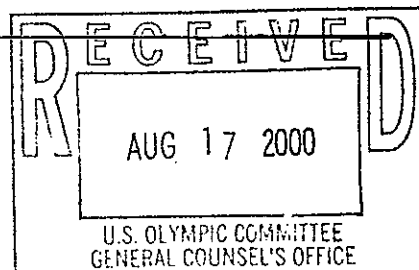


# AMERICAN ARBITRATION ASSOCIATION

In the Matter of the Arbitration between

Re: 30 190 00483 00

Keith Sieracki  
-And-  
USA Wrestling  
and  
Matthew Lindland



ADMINISTRATOR: Ernestine M. Dunning

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## FINDINGS, CONCLUSIONS AND RULING ON PRELIMINARY MATTERS

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Preliminary conferences and a preliminary evidentiary hearing were conducted in this matter at 9:00 a.m. and 5:00 p.m. Mountain Daylight Time (MDT) on August 16, 2000, and at 10:00 a.m. and 2:00 p.m. MDT on August 17, 2000. All such conferences were conducted by conference call initiated by the American Arbitration Association. Present at each conference were Claimant Sieracki and Respondents Lindland and USA Wrestling by principals and/or counsel. Representatives of the United States Olympic Committee ("USOC") were present at each conference with the consent of all parties. The first two conferences were preliminary status conferences to frame issues. The third conference was an evidentiary hearing at which testimony was offered by Claimant Keith Sieracki, John Ruger of USOC, and Executive Director Schear of Respondent USA Wrestling. Respondent Lindland testified briefly at the fourth hearing which was primarily devoted to summation following the taking of evidence on preliminary issues relating to the scope of what would ultimately be arbitrated in this matter.

Based upon the evidence and argument presented at the referenced preliminary hearings, the Arbitrator makes the following findings, conclusions and preliminary rulings:

1. Mr. Sieracki was not a party to American Arbitration Association, Arbitration No. 30 190 443 00 captioned Matthew Lindland v. USA Wrestling (the "First Arbitration Proceeding"). Mr. Sieracki was not a participant in the First Arbitration Proceeding, nor was he given notice of the First Arbitration Proceeding or otherwise invited to participate therein.

2. Customarily, in a USOC Article IX arbitration brought by an athlete against a National Governing Body ("NGB") concerning protest or grievance procedures relating to the outcome of an athletic contest, the competing athlete who does not initiate the arbitration, but who may be vitally affected, is not a participant and not considered a necessary party by the USOC.

3. Mr. Sieracki did not consent to be bound or waive any objection to being bound by the award in the First Arbitration Proceeding by reason of participating in a re-wrestle on August 14, 2000.

4. Mr. Sieracki is not bound by the award in the First Arbitration Proceeding.

5. Exhibits admitted by agreement of the parties in the course of the preliminary evidentiary hearing conducted in this matter on August 17, 2000 are as follows:

- (a) USOC Grievance Procedures and Code of Conduct;
- (b) Arbitration award from the First Arbitration Proceeding;
- (c) USA Wrestling Memo to USOC dated August 15, 2000, nominating Mr. Lindland for the US Olympic Greco-Roman wrestling team;
- (d) July 28, 2000 Certification of Athletes by USA Wrestling; and
- (e) USOC Memo dated August 17, 2000, to Ms. Dunning of the AAA relating to deadline for USOC to submit team roster to IOC.

6. This arbitration proceeding will continue at a hearing set for 8:00 a.m. MDT at the offices of Otten, Johnson, Robinson, Neff & Ragonetti, P.C., 950 17<sup>th</sup> Street, Suite 1600, Denver, Colorado, on Wednesday, August 23, 2000, at which hearing the Arbitrator will consider de novo the objections raised by Mr. Lindland to the result of the June 24, 2000 Bout No. 244 of the Greco-Roman Olympic trials between Mr. Lindland and Mr. Sieracki, and the USA Wrestling protest and grievance procedures following that bout.

(a) The parties shall exchange lists of witnesses they intend to call and lists of exhibits they intend to offer at the August 23, 2000 hearing by 4:00 p.m. MDT on Friday, August 18, 2000. Copies of proposed exhibits shall be exchanged among parties with a copy to be provided directly to the Arbitrator by noon MDT on Monday, August 21, 2000.

(b) Hearing briefs, which are optional and which may not exceed ten pages, may be filed with the Arbitrator and served on other parties by 5:00 p.m. MDT Tuesday, August 22, 2000.

(c) Unless the parties agree before the start of the August 23, 2000 hearing, the order in which parties will present their cases will be the first matter considered by the Arbitrator at the August 23, 2000 hearing.

DATED August 17, 2000, at Denver, Colorado.

  
A. Bruce Campbell, Arbitrator