

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

August 29, 2000

Before

Hon. FRANK H. EASTERBROOK, Circuit Judge

Hon. DANIEL A. MANION, Circuit Judge

Hon. DIANE P. WOOD, Circuit Judge

MATT LINDLAND,
Plaintiff-Appellee,

No. 00-3220

v.

UNITED STATES OF AMERICA WRESTLING
ASSOCIATION, INC., and UNITED STATES
OLYMPIC COMMITTEE,
Defendants-Appellants.

} Appeal from the United
States District Court
for the Northern
District of Illinois,
Eastern Division.

} No. 00 C 5151
James B. Zagel, Judge.

Order

After this court issued a writ of mandamus ensuring that USA Wrestling would nominate Matt Lindland for the Olympic team in Greco-Roman wrestling, the United States Olympic Committee (USOC) announced that it would ignore USA Wrestling's nomination and send Keith Sieracki to the Games. Judge Zagel, the third district judge to be assigned to this case, then issued an injunction requiring the USOC to withdraw its designation of Sieracki and replace him with Lindland, no later than 5 p.m. Chicago time today.

Judge Zagel's order was entered yesterday, with the delay until this afternoon designed to give the USOC time to seek a stay from this court. At 2:30 p.m. today the USOC filed papers seeking an expedited appeal. Oddly the USOC did not ask for a stay. A handwritten application for a stay arrived at about 3:50 p.m. and is denied. One hour for this court to consider the issue is inadequate; the USOC easily could have sought a stay this morning rather than late this afternoon.

Moreover, a quick review of the USOC's papers does not suggest to us that the district judge has made a clear error. The USOC relies heavily on the 21-day window in 36 U.S.C. §220509(a), but Judge Zagel observed that this is not a dispute that developed fewer than 21 days before the Olympic Games. It was raised and resolved earlier; controversy has lingered only because USA Wrestling failed to implement Arbitrator Burns's award, and because both USA Wrestling and the USOC failed to carry out the Burns Award immediately following its enforcement by the federal judiciary. Judge Zagel also observed that the USOC has not provided a sworn statement that, in the language of §220509(a), "its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games." (Emphasis added.) This dispute was resolved earlier; only the willingness of USA Wrestling and the USOC to abide by that resolution is in question.

Judge Zagel's order therefore will take effect, and we assume that the USOC will comply with it at 5 p.m. today. Nonetheless, in the event that some live issues remain, we grant the USOC's motion

for an expedited appeal and direct all parties to file simultaneous briefs, no later than the close of business tomorrow. In addition to any issues the parties believe appropriate, these briefs should address these questions:

1. Whether the dispute is moot because Lindland now has been designated, or for any other reason.

2. Whether (and, if so, under what circumstances) the USOC's constitution or rules permits it to reject a nomination submitted by a national governing body.

3. Whether injunctive relief against USA Wrestling is binding on the USOC as a person "in active concert or participation with [USA Wrestling] who receive[d] actual notice of the order by personal service or otherwise." Fed. R. Civ. P. 65(d).