

**BEFORE THE AMERICAN ARBITRATION ASSOCIATION  
Commercial Tribunal**

Melissa Merson	)	
	)	
Claimant	)	
	)	
v.	)	<b>AAA No. 01-14-0001-6464</b>
	)	
USA Triathlon	)	<b>Case Management Order</b>
	)	
Respondent	)	
	)	

To: Michael Straubel (*michael.straubel@valpo.edu*)  
Valparaiso University Law Clinic  
510 Freeman Street  
Heritage Hall  
Valparaiso, IN 46383-7897

Steve Smith (*steve.smith@hro.com*)  
Holme Roberts & Owen  
90 South Cascade Avenue  
Suite 1300  
Colorado Springs, CO 80903

cc: Gary Johansen (*gary.johansen@usoc.org*)  
United States Olympic Committee  
1 Olympic Plaza  
Colorado Springs, CO 80909-5780

Jennifer Nilmeier (*JenNilmeier@adr.org*)  
Manager of ADR Services  
American Arbitration Association  
Western Case Management Center  
6795 North Palm Ave, 2nd Floor  
Fresno, CA 93704

A telephonic conference was held on Friday, January 9, 2015, in which Mr. Smith for USA Triathlon and Mr. Straubel for Melissa Merson participated. The parties have not at this time identified any disputes involving document or information exchange. During that conference all dates discussed were agreed upon. Subsequently, Mr. Straubel requested that pre-hearing briefs be scheduled as well. Both parties agreed that written briefing in addition to the hearing itself would be advisable, but were unable to agree on the timing. The schedule is set as follows:

USA Triathlon will file with the arbitrator by **January 19, 2015**, a complaint setting out the allegations against Ms. Merson upon which the originally scheduled disciplinary hearing would have been based, which will be served directly on counsel for Ms. Merson simultaneously with filing.

Counsel for Ms. Merson will file her Answer and Defenses by **February 9, 2015**, along with any motion which her counsel wishes the arbitrator to consider at this early stage of the action.

USA Triathlon will file by **February 23, 2015**, its opposition or other response to any motions which may be filed on behalf of Ms. Merson.

Requests for information or documents may be served on the opposing party commencing on **January 26, 2015**. In responding to such a request, the receiving party shall serve on the requesting party any **objections within fifteen (15) days of service**, and substantive responses **within 30 days of service**. Information requests should be served sufficiently in advance of the close of discovery that the receiving party has 30 days in which to respond.

Expert reports, if any shall be served no later than **March 9, 2015**, and the receiving party may take the deposition of an expert at any time thereafter through the close of all discovery.

All discovery shall close **March 23, 2015**.

The parties may serve and file pre-hearing briefs on or before **April 6, 2015**, not to exceed 15 pages.

The Hearing shall be completed in a single day, and the Hearing Date is **April 14, 2015**, commencing at 9:30 a.m., at the offices of Kenyon & Kenyon LLP, **1500 K Street, N.W., 7<sup>th</sup> Floor, Washington, D.C. 20005**. For security purposes the parties are to provide the arbitrator with the name of all persons attending the hearing by at least the day before the hearing.

The parties may apply at any time for assistance of the arbitrator in resolving disputes or requesting other relief.

Date: January 22, 2015

---

Edward T. Colbert  
Kenyon & Kenyon  
1500 K Street, N.W.  
Washington, D.C. 20005