

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE,)	
)	
Complainant)	
)	
v.)	SCHEDULING ORDER
)	
USA BADMINTON,)	
)	
Respondent.)	December 12, 2019

I. BACKGROUND

1. On November 12, 2019, the United States Olympic & Paralympic Committee (“USOPC” or “Complainant”) filed a Complaint against USA Badminton (“USAB” or “Respondent”) (hereinafter referred to as “Parties”) pursuant to Section 220521(d) of the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”) and Section 8 of the USOPC Bylaws.

2. USAB is recognized as the National Governing Body (“NGB”) and an Olympic Sport Organization member of the USOPC for the sport of Badminton pursuant to the Act and Section 8 of the USOPC Bylaws.

3. USAB is also designated as the NGB for the sport of Para-Badminton in the United States.

4. As the NGB for Badminton and Para-Badminton in the United States, USAB is a member of the Badminton World Federation (“BWF”).

5. The USOPC is a federally chartered corporation authorized by the Act and recognized by the International Olympic Committee and International Paralympic Committee

as the National Olympic Committee and National Paralympic Committee, respectively, for the United States.

II. HEARING PANEL APPOINTMENT

6. In accordance with Section 220521 of the Act and Section 8.20.1 of the USOPC Bylaws, in consultation with the USOPC Board Chair, Chair of the Athletes' Advisory Council ("AAC") and Chair of the National Governing Bodies Council ("NGBC"), the USOPC Chief Executive Officer, Sarah Hirshland, appointed an independent Hearing Panel of three members to hear the Complaint. The Hearing Panel members are:

Beth Brooke-Marciniak, Hearing Panel Chair and USOPC Board member;
Rocky Harris, CEO of USA Triathlon and NGBC member; and
Will Groulx, Paracycling athlete and athlete representative on the AAC.

7. The Parties were notified of the composition of the Hearing Panel by letter from Sarah Hirshland on November 20, 2019. Beth Brooke-Marciniak and Rocky Harris provided disclosures to the Parties. Will Groulx had nothing to disclose. The Hearing Panel provided the Parties with an opportunity to object to any Panel member's appointment. Neither Party objected to the appointment of the Hearing Panel members.

8. Accordingly, the Hearing Panel was seated without objection.

III. COUNSEL

9. Complainant is represented by Onye Ikwuakor, USOPC Associate General Counsel, Litigation and Compliance.

10. USAB is represented by Jonathan Little of the law firm Saeed & Little, LLP.

11. The Hearing Panel is represented by independent counsel, Christian Dennie, of the law firm Barlow Garsek & Simon, LLP.

IV. SCHEDULING ORDER


12. The Hearing Panel communicated the following scheduling order to the Parties on November 27, 2019,¹ via email:

- a. Answer. USAB will have until Thursday, December 12, 2019, at 5pm MT to provide an answer to the Complaint. If no answer is filed within that timeframe, USAB will be deemed to have denied the claim.
- b. Preliminary Hearing. A preliminary hearing was set for December 20, 2019, at 2pm MT. Counsel for USAB had a conflict with that date. Therefore, the preliminary hearing was rescheduled to January 3, 2020, at 2pm MT. At the preliminary hearing, matters such as discovery requests, pre-hearing statements, dates for the hearing and general hearing procedures will be discussed.
- c. Meet and Confer. The Parties are ordered to meet and confer prior to the preliminary hearing to discuss potential dates, proposed deadlines and any further matters.

V. ORDER

13. It is so ordered.

Dated this December 12, 2019.


Beth Brooke-Marciniak, Chair

Rocky Harris, Panel member
Will Groulx, Panel member

¹ The Hearing Panel met telephonically on November 26, 2019, to discuss matters for this proceeding, including setting this scheduling order.