

UNITED STATES OLYMPIC COMMITTEE

ESTHER FREEMAN and)	
KENNETH RICHARDS,)	
)	
Complainants)	
)	SCHEDULING ORDER
v.)	
)	
USA DANCE, INC.,)	
)	
Respondent.)	March 14, 2019

I. BACKGROUND

1. On October 29, 2018, Esther Freeman and Kenneth Richards (“Complainants”) filed a Complaint with the USOC against USA Dance (“USAD”) (hereinafter collectively referred to as “Parties”) pursuant to Section 220527 of the Act and Section 10 of the USOC Bylaws. USAD is a Recognized Sport Organization (“RSO”) member of the United States Olympic Committee (“USOC”) pursuant to the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”) and Section 8 of the USOC Bylaws.

II. HEARING PANEL APPOINTMENT

2. In accordance with Section 220527(a)(2) of the Act and Section 10 of the USOC Bylaws, USOC Chief Executive Officer, Sarah Hirshland, appointed a Hearing

Panel of three members for the purpose of hearing this matter. The Panel members are:

Kikkan Randall, Hearing Panel Chair and USOC Board Member;
Christopher Parker, President and CEO of the National Junior College
Athletic Association and member of the Multisport Organization
Council (“MSOC”);
Sarah Gascon, Team Handball athlete and Athletes’ Advisory Council
 (“AAC”) representative.

3. The Parties were notified of the composition of the Hearing Panel by letter from Sarah Hirshland on December 7, 2018. The Parties did not object to the appointment of the Hearing Panel members.

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

III. COUNSEL

5. Complainants are represented by Ellen M. Zavian, Esq.

6. USAD is represented by Jesse A. Salen of the firm Sheppard, Mullin, Richter & Hampton LLP.

IV. MOTION TO DISMISS

7. USAD filed a Motion to Dismiss on November 28, 2018, pursuant to Section 10.12 of the USOC Bylaws.

8. On December 12, 2018, Complainants submitted a Response to the Motion to Dismiss.

9. The Hearing Panel convened and after discussion on the Motion to Dismiss, determined that it wanted additional submissions from the Parties to address whether the exhaustion of remedies requirement pursuant to the Act and USOC Bylaws had been met. The Hearing Panel directed the following briefing schedule, as communicated to the Parties via email.

- i. December 28, 2018. Deadline for USAD to submit a Reply in Support of its Motion to Dismiss.
 - ii. January 4, 2019. Deadline for both Parties to submit briefs on the exhaustion of remedies requirement.
 - iii. January 11, 2019. Deadline for both Parties to submit responses to the exhaustion of remedies requirement briefs.
10. USAD filed its Reply in Support of the Motion on December 28, 2018.
11. Both Parties submitted their exhaustion of remedies requirement brief on January 4, 2019.
12. On January 8, 2019, the Parties jointly requested an extension until January 28, 2019, to submit their response briefs on the exhaustion of remedies. The Hearing Panel granted this request.
13. On January 25, 2019, the Parties jointly requested that all deadlines be stayed until March 1, 2019, to allow the parties time to negotiate a settlement. The Hearing Panel granted this request.
14. On February 28, 2019, Complainants notified the Hearing Panel that settlement could not be reached and asked to continue with the matter.
15. On March 1, 2019, USAD submitted its response brief on the exhaustion of remedies.
16. On March 6, 2019, the Hearing Panel ordered Complainants to submit their response brief by March 13, 2019.
17. On March 13, 2019, Complainants submitted their response brief.

V. SCHEDULING AND PROCEDURAL ORDER FOR ORAL ARGUMENT

18. The Hearing Panel sets the following scheduling and procedural order for oral argument on the Motion.

- a. The oral argument is set for March 27, 2019, at 3:30 p.m. MT.
- b. The oral argument will be held telephonically and will be for a total of one hour. Dial in information will be provided to the Parties.
- c. Each Party will have 20 minutes to present their argument to the Hearing Panel.
- d. USAD, the Party bringing forth the Motion, shall present its argument first. Complainants shall then have an opportunity to respond. USAD can then use any of its remaining time to reply.

VI. ORDER

19. It is so ordered.

Dated this 14th day of March, 2019.



Kikkan Randall, Chair

Christopher Parker, Panel Member
Sarah Gascon, Panel Member