

AMERICAN ARBITRATION ASSOCIATION
Commercial Arbitration Tribunal

In The Matter of the Arbitration between:

TOMMY O'HARE

and

U.S. SPEEDSKATING

Case No. 30 190 0000422

ORDER DISMISSING ARBITRATION WITH PREJUDICE

This matter came on for an arbitration hearing commencing January 22, 2002. On January 24, 2002, Claimant Tommy O'Hare moved to withdraw his demand for arbitration and all related complaints with prejudice. No party objects to the motion to withdraw, therefore, it is hereby ordered that the demand for arbitration and all related complaints are hereby dismissed with prejudice.

The arbitrator makes the following specific findings in dismissing this arbitration:

1. The 1000 Meter Men's A Final at the U.S. Speedskating Olympic Trials held on December 22, 2001 (the "Race") was fairly run, fairly officiated and not subject to challenge.

2. Apolo Ohno did not violate any USOC, ISU or U.S. Speedskating Rules or Codes of Conduct in connection with the Race.

3. Rusty Smith did not violate any USOC, ISU or U.S. Speedskating Rules or Codes of Conduct in connection with the Race.

4. Shani Davis did not violate any USOC, ISU or U.S. Speedskating Rules or Codes of Conduct in connection with the Race.


5. U.S. Speedskating did not deny Mr. O'Hare the opportunity to participate in the Olympic Games, nor did it violate Article IX of the USOC Constitution.

6. The chief referee provided testimony that he observed irregularities in the Race. While he claims to have been powerless to do anything, the rules applicable to the competition provide that the chief referee may restart or rerun a Race if there are irregularities. The chief referee and all four of his assistant referees certified the Race at the time it was run without noting irregularities. The arbitrator has viewed the video of the Race and observed no irregularities.

7. The testimony of various witnesses claiming to have overheard statements about the Race was called into question by attorneys for the parties. Some statements contained in affidavits submitted in this proceeding were admittedly inaccurate. The evidence presented to the arbitrator does not support any finding that the Race was fixed.

Therefore, Tommy O'Hare's demand for arbitration is dismissed with prejudice, and the results of the Race stand as posted with Shani Davis, first; Rusty Smith, second; Apolo Ohno, third and Ron Biondo, fourth.

Dated this 24th day of January 2002


James R. Holbrook, Arbitrator