

BEFORE THE UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE,)
)
<i>Complainant</i>)
)
v.)
)
USA BADMINTON,)
)
<i>Respondent.</i>)

PRELIMINARY HEARING REPORT AND SCHEDULING ORDER

On October 9, 2024, 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 Sections 220505(c)(4), 220505(b)(8), and 220521 of the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “**Act**”) and Section 8.1 of the USOPC Bylaws. USAB, through its counsel, Howard L. Jacobs and Leah M. Bernhard of the Law Offices of Howard L. Jacobs, filed its Answer to the Complaint on November 8, 2024.

In accordance with Section 220521 of the Act and Section 1(F) of the USOPC Dispute Resolution Policy, the USOPC Board Chair, Gene Sykes, in consultation with leadership from the Team USA Athletes’ Commission (“**Team USA AC**”) and the National Governing Bodies Council (“**NGBC**”), appointed an independent Hearing Panel of three members to hear the *Complaint*. The Hearing Panel members are: Daria Schneider (Hearing Panel Chair and USOPC Board member), Matt Sicchio (CEO of USA Weightlifting and NGBC member), and Greta Neimanas (Para-Cycling athlete and Team USA AC representative) (collectively “**Panel**”). The Parties were notified of the composition of the Panel on November 6, 2024, and supplemental disclosures of Matt Sicchio and Daria Schneider were provided to the Parties on November 13, 2024. Greta Neimanas had nothing to disclose. Neither Party objected to the appointment and service of the Panel. Accordingly, the Panel has been seated without objection.

The preliminary hearing was held through Zoom on December 9, 2024, before the Panel. Attending the preliminary hearing were: Mike McGinnis and Holly Shick for the USOPC; Howard L. Jacobs and Leah M. Bernhard as counsel for USAB and John Ruger as party representative for USAB; and Katherine DeStefano, Associate General Counsel, Litigation and Dispute Resolution, Lucy Denley, Associate Director, Dispute Resolution at the USOPC, and Christian Dennie, counsel to the Panel.

By agreement of the Parties and Order of the Panel, the following is now in effect:

1. Mediation: The parties are directed to complete any mediation regarding this matter by **February 7, 2025**. USOPC DRU will appoint the mediator in consultation with the parties. The parties agree that mediation does not otherwise suspend or stay the deadlines identified below.

2. Hearing: The hearing in this matter shall take place in-person in Colorado Springs, CO and shall commence before the Panel at **9:00 a.m. MT on April 22-24, 2025**. If additional time is required and requested for the hearing, the Panel may approve such request in its discretion, not to be unreasonably withheld. To the extent additional hearing time is necessary and approved by the Panel, the continuation of the hearing shall be conducted via Zoom. The hearing shall be a closed hearing. Witnesses shall be allowed to attend via videoconference or in-person during the duration of their testimony. Except for the designated party representative, witnesses will be sequestered. This is a firm setting, and will not be changed or continued absent exceptional circumstances and upon a showing of good cause. The Parties shall follow the deadlines, to be complied with by 5:00 p.m. MT on each corresponding date unless otherwise noted, as set forth below:

April 1, 2025

Exchange of Exhibits, Exhibit Lists, and Witness Lists: No later than this date, the Parties shall exchange witness lists, exhibit lists, and copies of (or, where appropriate, make available for inspection) all exhibits to be offered at the final hearing. Any affidavit and/or declaration shall be made under oath and signed by the testifying party before a notary. Any witness testifying via affidavit or declaration, shall be made available for cross-examination. Each proposed exhibit shall be pre-marked for identification.

A brief explanation of the testimony to be offered by each witness shall be provided as a part of the witness list.

April 8, 2025

Joint Exhibits, Joint Witness Lists, Joint List of Issues, and Joint Stipulations: No later than this date, the Parties shall file a joint list of exhibits expected to be offered at the hearing, a joint list of witnesses to be offered at the hearing, a joint list of issues to be decided by the panel, and a joint statement of uncontested facts and stipulations.

Each proposed exhibit shall be pre-marked using the following designations:

<u>PARTY</u>	<u>EXHIBIT #</u>	<u>TO EXHIBIT #</u>
Complainant	C1	C__
Respondent	R1	R__

If the exhibits are agreed upon by the Parties, then they shall be numbered consecutively. By this date each Party shall provide the exhibits electronically to lucy.denley@usopc.org. Each party shall provide hard copies of the exhibits to the Panel (four copies). A copy of all exhibits shall also be provided to the Panel's counsel, Christian Dennie. The exhibits shall be provided in a tabbed and indexed binder.

Each Party shall bring sufficient copies to the hearing for opposing parties and the witness. Any disputes regarding exhibits and/or witnesses will be decided by the Panel per a Party's request.

The joint statement of uncontested facts and stipulations may be supplemented at any time.

April 15, 2025

Briefs on the Issues and Substantive Law: No later than this date, the Parties shall serve and file a brief addressing all disputed issues. The Panel requests that briefs not exceed twenty (20) double-spaced pages, excluding copies of any authorities that the Parties may submit at the same time. The Parties are invited to highlight any authorities as they deem appropriate.

2. Pre-Hearing Conference: A pre-hearing conference is scheduled for **March 31, 2025, at 10:00 a.m. MT** before the Panel. A Zoom invitation will be provided. The Parties shall confer regarding a proposed agenda and shall submit a proposed agenda for the pre-hearing conference and a proposed timeline for the Hearing no later than **March 24, 2025, at 5:00 p.m. MT**.

3. Discovery: The Parties agree to comply with the following discovery schedule. Any discovery tool that is not expressly provided below shall be presented to the Panel for consideration (*i.e.*, depositions, interrogatories, etc.). Any dispute regarding the exchange of information shall be brought to the attention of the Panel in writing no later than **February 10, 2025**. The Panel reserves the right to appoint a special master to address any presented discovery disputes.

a. ***Written Discovery:***

i. The Parties shall exchange disclosures and all relevant documents by no later than **January 21, 2025**.

ii. The Parties may serve Requests for Production by no later than **December 20, 2024**.

b. **Expert Designations:** No later than **April 1, 2025**, the Parties shall file and designate their expert witnesses, if any, along with their expert reports. Expert reports shall set forth each expert's opinions and the reasons for them. The substance of each expert's direct testimony must fairly and reasonably be addressed in the expert's report. Any dispute regarding expert witnesses shall be raised with the Panel by **March 18, 2025**.

c. **Electronic Discovery:** The Parties have expressed that there will be no issues with electronic discovery. If the Parties identify the exchange of electronic discovery will be required, then the Parties shall contact the Panel, if necessary, to issue orders relating to the same.

4. Confidentiality: A Party or the Parties may make a request to the Panel for any measures required to protect confidential information.

5. Communication: There shall be no direct oral or written communication between the Parties and the Panel. All documents and/or correspondence shall be filed with Lucy Denley (Lucy.Denley@usopc.org).

6. Deadline Enforcement: All deadlines stated herein will be strictly enforced and adhered to in order to avoid unnecessary delay and to ensure an expedient and fair resolution of this matter. This order shall continue in effect unless and until amended by subsequent order of the Panel.

7. Court Reporters/Recordings: The parties may request a court reporter for the final hearing of this matter by submitting the request to the Panel. Any such request shall be made by **April 11, 2025**. If only one Party requests a court reporter or other recording of the final hearing, then the requesting party shall pay the court reporter's costs and/or recording costs but each Party will be responsible for purchasing their own copy of the transcript. If both Parties request a court reporter, then the Parties will split the court reporter's costs equally. A copy of the transcript and/or recording shall be provided to the Panel at no cost within ten (10) days of the close of the hearing. The transcript of the hearing shall not be used outside the proceeding until the Panel has issued its Report and Recommendation and upon final approval of the Report and Recommendation by the USOPC Board of Directors.

December 12, 2024
Date

Daria Schneider, Chair

Matt Sicchio, Panel member
Greta Neimanas, Panel member