

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

HOPE SOLO,)	
)	
Complainant)	
)	SCHEDULING ORDER
v.)	
)	
US SOCCER FEDERATION,)	
)	
Respondent.)	September 17, 2019

I. PROCEDURAL BACKGROUND

1. On January 31, 2018, Hope Solo (“Complainant”) filed a Complaint with the United States Olympic & Paralympic Committee (“USOPC”) against US Soccer Federation (“USSF” or “Respondent”) (hereinafter referred to as “Parties”) pursuant to Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”) and Section 10 of the USOPC Bylaws.

2. On March 1, 2018, USSF filed a Motion to Dismiss based on two grounds: (i) Solo did not exhaust her administrative remedies as is required by Section 220527(b)(1) of the Act and Section 10.11 of the USOPC Bylaws, and (ii) the Complaint failed to state a claim as required by Section 10.2 of the USOPC Bylaws.

3. At the request of the Parties, the Section 10 Hearing Panel bifurcated the Motion to Dismiss. As part of the request, the Parties stipulated that the exhaustion issue would be heard first, and the failure to state a claim assertion would only be considered, if necessary, after the exhaustion issue was determined.

4. On July 9, 2018, the Section 10 Hearing Panel heard oral argument on the Motion to Dismiss for failure to exhaust administrative remedies.

5. In its July 24, 2018, Decision on the Motion to Dismiss, the Section 10 Hearing Panel granted the Motion to Dismiss on the grounds that Solo had failed to exhaust her administrative remedies.

6. On August 23, 2018, Solo filed a demand for arbitration with the American Arbitration Association (“AAA”) seeking de novo review of Solo’s failure to exhaust.

7. A three-person AAA Hearing Panel was appointed to hear the matter, consisting of arbitrators Hon. Connie L. Peterson, Hon. Rebecca A. Albrecht, and Carolyn B. Witherspoon, Esq.¹

8. The AAA Hearing Panel determined to consider the issue of Solo’s exhaustion requirement de novo. The issue was briefed by the Parties and oral argument was held on May 7, 2019.

9. In its May 28, 2019, Final Award, the AAA Hearing Panel determined that Solo was not required to exhaust her administrative remedies.

10. Thus, Solo’s Section 10 Complaint is back in front of the Section 10 Hearing Panel.

II. HEARING PANEL

11. The original Section 10 Hearing Panel consisted of:

- Jim Benson, Hearing Panel Chair and USOPC Board member;
- Alex Natt, Chief Legal Officer of US Ski and Snowboard and member of the USOPC National Governing Bodies Council; and
- Mark Ladwig, Figure Skating Athlete and member of the USOPC Athletes’ Advisory Council.²

¹ This panel will be referred to as the AAA Hearing Panel.

² Mark Ladwig replaced Nicholas LaCava, a Rowing Athlete and member of the USOPC Athletes’ Advisory Council after Solo objected to the appointment of Mr. LaCava and Mr. LaCava voluntarily recused himself.

12. On June 11, 2019, after the AAA award had been rendered, Jim Benson voluntarily resigned from the Section 10 Hearing Panel.

13. By letter of July 29, 2019, USOPC Chief Executive Officer Sarah Hirshland notified the Parties that she was appointing Robert Wood, USOPC Board member, to replace Jim Benson as panel member and Chair.

14. The Parties were given until August 9, 2019, to provide any objections to the appointment of Robert Wood.

15. Neither Party objected.

16. Accordingly, the Hearing Panel consisting of Robert Wood (Chair), Alex Natt and Mark Ladwig has been seated without objection.³

III. STATUS CONFERENCE

17. On August 15, 2019, the Hearing Panel held a status conference with the Parties.

18. Present on the status conference were Michael Calhoon and Brian Kerr of the firm Baker Botts representing Solo; Russell F. Sauer, Jr. and Sarah F. Mitchell of the firm Latham & Watkins representing USSF; Greg Fike, Staff Attorney at USSF; Robert Wood and Alex Natt of the Hearing Panel; and Sara Pflipsen, USOPC Senior Counsel and counsel to the Hearing Panel and Lucy Denley, USOPC Senior Paralegal and liaison to the Hearing Panel.

19. During the status conference, two issues were raised: (i) Solo requested to amend her Complaint, and (ii) USSF requested to stay the Section 10 proceeding *if* USSF decides to file a petition to challenge the AAA arbitration award. USSF indicated that a

³ This panel will be referred to as the Hearing Panel.

petition to challenge would be required to be filed in court by August 26, 2019, and that it would make a decision as to whether it would request a stay of this Section 10 proceeding at that time.

20. The Hearing Panel held a conference call immediately after the status conference⁴ and had another call on August 21, 2019, to discuss the issues raised by the Parties during the Status Conference.

21. On August 27, 2019, the Parties notified the Hearing Panel that they had come to an agreement on the issues raised in the Status Conference and proposed a scheduling deadline.

22. The Hearing Panel approved the agreed upon deadlines on September 4, 2019.

IV. DETERMINATION

23. In the August 27, 2019, notification from the Parties which provided an agreed upon scheduling deadline for an amendment to the Complaint, USSF invariably agreed that Solo could amend her Complaint.

24. Due to the mutual agreement of the Parties to allow an amendment, the Hearing Panel has no objection to this request and provides that Solo may amend her Complaint. In line with Solo's position that amendments are necessary only to align with the changed landscape since the initial filing of the Complaint, the Hearing Panel trusts that Solo's amendments will be contained in scope.

⁴ Although Hearing Panel member Mark Ladwig was unable to join the status conference, he was able to join the conference call held by the Hearing Panel immediately after. At that time, he was briefed as to the issues presented and comments made by the Parties.

25. In the August 27, 2019, notification from the Parties which provided an agreed upon scheduling deadline in the event that USSF filed a petition to challenge the AAA award, the Parties invariably agreed that a stay of the Section 10 proceeding would be appropriate.

26. The Hearing Panel agrees and provides that if USSF files a petition to challenge the AAA award, the Section 10 proceeding will be stayed until a final disposition is rendered on that matter.

V. SCHEDULING ORDER

27. Despite not wanting this matter to languish, the Hearing Panel gave deference to the Parties mutual agreement with their proposed deadlines. Accordingly, the following scheduling order will be followed:

- a. USSF shall have until September 30, 2019, to file a petition to challenge the AAA Award.⁵
- b. USSF will advise both the Hearing Panel and counsel for Solo no later than October 1, 2019, whether a petition to challenge the AAA Award has been filed.
- c. If USSF files a petition to challenge the AAA Award, then the Parties are required to provide a status update of that proceeding to the Hearing Panel every three months starting December 31, 2019, and upon final disposition.

⁵ Any petition to challenge the AAA award will not be before the Hearing Panel and thus, the Hearing Panel has no authority to make any determination as to the acceptance of any agreed upon extension to file such petition.

- d. Solo shall have until October 30, 2019, or 30 days after final disposition of USSF's petition to challenge the AAA Award, whichever is later, to file such amended Complaint.

VI. ORDER

28. It is so ordered.

Dated this September 17, 2019.



Robert Wood, Chair

Alex Natt, Panel Member
Mark Ladwig, Panel Member