

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

HOPE SOLO,)	
)	
Complainant,)	PRELIMINARY HEARING
)	REPORT, MEDIATION
)	&
)	SCHEDULING ORDER
v.)	
)	
U.S. SOCCER FEDERATION,)	May 8, 2020
)	
Respondent.)	

I. BACKGROUND

1. On October 31, 2019, Hope Solo (“Solo” or “Complainant”) filed an Amended Section 10 Complaint against US Soccer Federation (“USSF” or “Respondent”) (Collectively, “Parties”). On February 21, 2020, the Hearing Panel issued a Decision on USSF’s Motion to Dismiss the Amended Complaint. In the Decision, some of the issues were dismissed, some of the issues were stayed, and some of the issues are now proceeding forth to a hearing on the merits. USSF submitted an answer to Solo’s Amended Complaint on March 23, 2020, denying all allegations.

II. PRELIMINARY HEARING

2. The Hearing Panel held a preliminary hearing conference call with the Parties on April 17, 2020, to discuss details surrounding the hearing process.

3. At the outset, USSF raised a request to the Hearing Panel that the Parties engage in mediation. Solo asked for additional time to consider the mediation request to provide a response as to whether she was in agreement with proceeding to mediation.

4. The Parties mutually offered to submit a proposed scheduling order to the Hearing Panel by April 28, 2020. The Hearing Panel agreed and considered the proposed scheduling order from the Parties. The Hearing Panel issues the following Order.

III. MEDIATION REQUEST

5. Pursuant to Section 10.18 of the USOPC Bylaws, a Hearing Panel in a Section 10 proceeding may allow for mediation at the request of a Party. The CEO of the USOPC appoints a mediator after consultation with the Parties.

6. USSF has made a request for mediation and Solo agreed to engage in mediation. The Parties stated that mediation will not delay the Section 10 process, and could be held by video conference, if necessary.

7. The Hearing Panel approves the mediation request. As long as it does not delay the Section 10 proceeding, mediation can be conducted either in-person, if feasible, or through tele/video conference. The cost of the mediation will be borne by the Parties.

8. Prior to appointing a mediator, the Hearing Panel requests the Parties provide suggestions of mediators, and preferably to come to mutual agreement of a single mediator.

9. Therefore, the Hearing Panel orders the Parties to submit a joint suggestion of a mediator(s), if any, by May 20, 2020.

10. The CEO of the USOPC will take the suggestion(s) into consideration when appointing a mediator.

11. The Hearing Panel orders that mediation be completed by August 31, 2020. No later than this date, the Parties shall inform the Hearing Panel whether mediation efforts were successful.

IV. HEARING SCHEDULE AND PROCEDURES

A. Date, Time and Location of Hearing

12. An in-person hearing is set for December 14, 2020, subject to feasibility from the COVID-19 pandemic. If the circumstances change due to the COVID-19 pandemic, the Hearing Panel reserves the right to reconsider holding the hearing by video conference, or at another time. The Hearing Panel will confer with the Parties prior to making a change, if any.

13. The hearing is scheduled to last for a maximum of two (2) days, to end no later than 6:00pm MT on December 15, 2020.

14. Each day of the hearing will commence at 9:00am MT.

15. The hearing will be held at the USOPC Headquarters, located at: 27 S. Tejon St., Colorado Springs, CO 80903.

16. Separate confidential breakout rooms for the Parties will be provided.

B. Presentation of Case

17. The Parties should be prepared to present their case in full at the hearing.

18. The Parties will each have thirty (30) minutes for opening statements.

19. In addition, the Parties will have an equal allocated amount of time to present their case, with a total of six (6) hours each. Opening and closing statements will not be counted towards that total. Witness cross-examination shall be allotted to the time of the Party conducting the cross-examination.

20. The Parties will each have thirty (30) minutes for closing statements.

21. The Parties and their counsel should be cordial to each other at all times during the hearing.

C. Exchange of Information

22. The Parties shall exchange document requests no later than May 15, 2020.

23. The Parties shall have until June 15, 2020, to exchange objections to the document requests.

24. Any disputes, if any, to discovery issues must be presented to the Hearing Panel in writing by July 6, 2020. The Hearing Panel will make the final determination to resolve any issues.

25. Discovery shall be concluded no later than September 15, 2020.

26. The exchange of information shall be limited to written document discovery. Depositions will not be allowed. Rather, witnesses may appear during the hearing to offer their testimony.

D. Expert Witness Designations

27. The Parties shall designate their expert witnesses, if any, and provide the Hearing Panel with a report no later than November 2, 2020.

28. The Parties shall designate rebuttal expert witnesses, if any, and provide the Hearing Panel with a report no later than November 16, 2020.

29. Expert reports shall set forth a brief explanation of the 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.

E. Submission of Exhibits and Witness Lists

30. The Parties will have until November 30, 2020, to submit any exhibits they wish the Hearing Panel to consider as evidence and a list of witnesses they intend to call at the

hearing. All exhibits and witness lists will also be served on the other Party when submitted to the Hearing Panel.

31. 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_

32. Any objection to an exhibit must be submitted to the Hearing Panel in writing no later than December 7, 2020. The Hearing Panel will decide on the admissibility of exhibits.

33. On the day of the hearing, the Parties shall provide five (5) hard copies of the exhibits in appropriately marked binders for use at the hearing by the opposing Party, the Hearing Panel, counsel for the Panel, and the witness.

34. In the witness list, each Party shall include a brief statement of what the witness is anticipated to present during the hearing.

35. Witnesses will be subject to the exclusionary rule.

F. Party Representatives

36. One party representative for each Party will be allowed to be in attendance during the entire hearing, irrespective of whether they are also called as a witness.

37. The Parties have until December 4, 2020, to designate their party representative and notify the Hearing Panel.

G. Pre-Hearing Briefs

38. The Parties will simultaneously provide pre-hearing briefs to the Hearing Panel by November 30, 2020. Pre-hearing briefs will be filed on the other Party when submitted to the Hearing Panel.

39. Pre-hearing briefs will be no more than twenty (20) pages in length, double spaced.

40. The Parties will set forth their positions as to the allegations contained in the Complaint in a precise and straightforward manner that will enable the Hearing Panel to have a focused understanding of the issues to be decided and the evidence that will be presented.

H. Joint Stipulations

41. The Parties shall file a joint statement of uncontested facts and stipulations to the Hearing Panel no later than October 2, 2020.

I. Closed Hearing

42. The Hearing Panel orders that this hearing remain a closed hearing, not open to the public.

J. Recording of Hearing

43. The Parties shall notify the Hearing Panel if they wish to have the hearing recorded by a stenographer no later than December 7, 2020. No other use of recording shall be allowed, including video.

44. Any Party that requests a stenographer shall be responsible to pay for the stenographer and any cost associated with obtaining a transcript. If both Parties request a court reporter, then the Parties will split the cost of the court reporter equally.

45. A copy of the transcript shall be provided to the Hearing Panel at no cost within fifteen (15) days of the close of the hearing.

46. The transcript shall not be released to the Parties until the Report and Recommendation has either been accepted or denied by the USOPC Board of Directors.

V. COMMUNICATION

47. There shall be no direct oral or written communication between the Parties and the Panel in relation to this matter.

48. All documents and/or correspondence shall be filed with Lucy Denley, Manager of Dispute Resolution at: Lucy.Denley@usopc.org.

49. All submissions must simultaneously be served on the other Party.

VI. DEADLINE ENFORCEMENT

50. All deadlines 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. The Hearing Panel may order sanctions if deadlines are not adhered to.

51. All deadlines for filings will be set for 5:00pm MT, unless otherwise noted.

VII. ORDER

52. It is so ordered.

Dated this 8th day of May, 2020



for

Bob Wood, Chair

Alex Natt, Panel Member
Mark Ladwig, Panel Member