

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

CHESTER WEBER,)	
)	
Complainant,)	
)	MEDIATION ORDER
v.)	
)	
UNITED STATES EQUESTRIAN)	
FEDERATION,)	March 15, 2021
)	
Respondent.)	

I. BACKGROUND

1. On July 24, 2020¹, Chester Weber (“Weber” or "Complainant") filed a Section 10 Complaint against the United States Equestrian Federation ("USEF" or "Respondent") (Collectively, "Parties").
2. On December 29, 2020, the Hearing Panel denied the Motion to Dismiss through a written Decision.
3. Additionally, the Chair of the Hearing Panel, Vivek Murthy, withdrew as a Hearing Panel member on January 5, 2021.
4. On January 7, 2021, the Chair of the USOPC, Susanne Lyons, appointed Dexter Paine as a Hearing Panel member and to serve as Chair to the Hearing Panel.

¹ There were initial filing deficiencies. The complainant corrected those deficiencies as of August 7, 2020. Therefore, August 7, 2020, is considered the proper filing date.

5. On January 14, 2021, Mr. Paine disclosed to the Parties that he briefly sat on a USOPC working group² with Sonja Keating, General Counsel of USEF, in early 2020.

6. On January 20, 2021, Weber objected to Mr. Paine's appointment to the Hearing Panel.³

7. The Hearing Panel discussed the objection and made a determination that Mr. Paine would remain as Chair to the Hearing Panel. In the Hearing Panel's due diligence review of the objection, it reasoned that very limited and minimal interactions with others in the Olympic and Paralympic Movement should not preclude someone from sitting on a hearing panel, and in this instance was not a conflict. Although the Hearing Panel is receptive to allowing a Party to voice their objection(s), the Hearing Panel determined that it did not warrant a removal in this instance. The Hearing Panel desires to move this proceeding along in an efficient manner and this objection only prolonged that objective and distracted from the issues at hand. Mr. Paine reiterated that he would remain fair, objective and impartial and would not have any bias in favor of or against any party in the case. The Parties were notified of this determination on January 28, 2021. Therefore, the Hearing Panel is now seated.

8. USEF filed an Answer to Weber's Complaint on January 28, 2021, denying all allegations.

² The working group was tasked to provide recommendations on USOPC Bylaw reforms and included numerous stakeholders. Ms. Keating joined the working group late into the process as she replaced another individual who stepped down. Mr. Paine and Ms. Keating only had minimal discussions and/or interactions in the context of a large group setting.

³ Counsel on both sides have repeatedly made objections to the appointed hearing panel members in this case, which has accounted for much of the delay in this proceeding.

II. PRELIMINARY HEARING

9. A preliminary hearing with the Parties was held by videoconference on March 1, 2021.

10. At the outset of the preliminary hearing, the Hearing Panel inquired whether the Parties would be open to mediation. Both Parties stated they would be agreeable to mediation, so mediation was the only topic that was discussed at the preliminary hearing.

III. MEDIATION

11. Pursuant to Section 10.8 of the USOPC Bylaws, a Hearing Panel in a Section 10 proceeding may allow for mediation at the request of a party. The Chair of the USOPC appoints a mediator after consultation with the parties.

12. Considering that both Parties jointly requested mediation, and welcomed going in that direction, the Hearing Panel approved the mediation request. The Hearing Panel believes that mediation can be a useful mechanism to resolve the disputes in a case when the Parties are open and receptive to the process, which was indicated in this case. The Hearing Panel encourages the Parties to remain open and cooperate with one another in the mediation process.

13. The cost of the mediation will be borne equally by the Parties.

14. The Hearing Panel requested the Parties provide a suggestion of mediator(s), and preferably to come to mutual agreement of a single mediator.

15. On March 10, 2021, counsel for USEF e-mailed that the Parties had agreed to a single mediator, Jeff Benz.

16. The recommendation by the Parties was presented to Susanne Lyons, the Chair of the USOPC, and on March 11, 2021, Susanne Lyons appointed Jeff Benz as the mediator.

17. Complainant requested that during the mediation, the appropriate USEF executives with decision-making authority be in attendance. USEF confirmed that Sonja Keating, the General Counsel of USEF, would be in attendance at the mediation with the CEO of USEF in attendance or immediately available to participate when needed.

18. The Hearing Panel orders that mediation be completed by May 15, 2021. No later than this date, the Parties shall inform the Hearing Panel whether mediation efforts were successful.

19. The Hearing Panel will work with the Parties to schedule a date the first week of June for a 2nd preliminary hearing, in case the mediation is unsuccessful.

IV. ORDER

20. It is so ordered.

Dated this 15th day of March, 2021.



for

Dexter Paine, Chair

Marc Norman, Panel member

Adam Watson, Panel member