

UNITED STATES OLYMPIC COMMITTEE

JAMES SALISBURY,)	
)	
Complainant)	
)	
v.)	ORDER
)	
US BOWLING CONGRESS, INC.)	
)	
Respondent.)	April 27, 2018

I. INITIATION OF THE COMPLAINT AND PARTIES

1. James Salisbury (“Salisbury or Complainant”) submitted a Complaint on March 20, 2018, and an Amended Complaint on March 22, 2018, against US Bowling Congress, Inc. (“USBC or Respondent”) pursuant to Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (36 USC §§ 220501-220529) (the “Act”) and Section 10 of the USOC Bylaws. Since the filing fee was not received until March 23, 2018, the Complaint was considered filed on that date.

2. Salisbury is a member of USBC.

3. USBC is the National Governing Body (“NGB”) for the sport of Bowling in the United States, as recognized by the United States Olympic Committee (“USOC”) pursuant to the Act and Section 8 of the USOC Bylaws.

4. Individually, Salisbury and USBC may also be referred as a Party and collectively they may also be referred to as Parties.

II. APPOINTMENT OF THE HEARING PANEL

5. The Parties were notified by letter from Susanne Lyons, Acting Chief Executive Officer, on April 18, 2018, of the appointment of Hearing Panel members pursuant to Section 10.6 of the USOC Bylaws.

6. The Panel members are:

- Bill Marolt, Hearing Panel Chair and USOC Board Member;
- Keith Bryant, Chief Executive Officer of USA Judo and Member of the National Governing Body Council (“NGBC”); and,
- Han Xiao, Table Tennis athlete and Chair of the USOC Athletes’ Advisory Council (“AAC”).

7. The Hearing Panel members attest that they have no conflicts that would prevent them from rendering a fair and impartial decision on matters coming before them.

8. If either Party has an objection to the appointment of a Hearing Panel member, the Party should so voice its objection by 5:00 pm MDT May 4, 2018. If no objection is made, the Hearing Panel is seated as appointed.

III. REQUIRED SIGNATURE OF COMPLAINANT

9. Section 220527 of the Act states that the USOC “shall establish procedures for the filing and disposition of complaints” seeking to compel an NGB to comply with its requirements as set forth in the Act and USOC Bylaws. The USOC has established such procedures through the adoption of Section 10 of its Bylaws.

10. Section 10.2 of the USOC Bylaws require that a “complaint shall be ... signed by the individual ... making the complaint.”

11. In this proceeding, the Hearing Panel observes that Salisbury did not sign the Complaint, it was signed by Edward Williams, Mr. Salisbury’s attorney. Although this may seem like an insignificant omission, especially as court procedures normally

allow an attorney to sign pleadings on behalf of his or her client, Section 10.2 is clear and unambiguous. Section 10 Complaints must be signed by the Complainant. *Solo v US Soccer Federation*, Order March 12, 2018, Para. 13 (Jim Benson, Alex Natt and Nicholas LaCava, Pnl. Mbrs.).

12. Further, as noted in *Solo*, filing a Section 10 complaint against an NGB is a serious matter, not to be taken lightly. There should be no doubt as to who the complainant is, validation that the complaint is being brought by the complainant and an understanding by the complainant of his or her actions. *Id.* at Para. 14.

13. Accordingly, Salisbury shall sign and submit to the Hearing Panel by May 4, 2018, a declaration that he has reviewed the Complaint and is filing it as his own. If no declaration is filed, then the Hearing Panel will consider that the Complaint has not been properly filed and the Complaint will be subject to dismissal.

IV. MATTERS RELATED TO MOTION TO DISMISS AND SCHEDULING

A. Motion to Dismiss

14. On April 23, 2018, USBC filed a Motion to Dismiss the Complaint. The Motion is based on two grounds.

15. The first ground is that the Complaint is premature as Salisbury has not exhausted his administrative remedies as is required by Section 220527(b)(1) of the Act and Section 10.11 of the USOC Bylaws.

16. The second ground is that the Complaint fails to state a claim as required by Section 10.12 of the USOC Bylaws.

B. Scheduling of Briefing and Argument on Motion to Dismiss

17. Since a Motion to Dismiss has been filed, the Hearing Panel has determined to set the following briefing schedule.

18. Salisbury shall file his response to the Motion to Dismiss by 5:00 pm MDT May 11, 2018.

19. USBC shall file its reply to Salisbury's response by 5:00 pm MDT May 18, 2018.

20. Oral argument on the the Motion to Dismiss is set for 2:00 pm MDT May 21, 2018. If a Party has a conflict with that date or time, it should notify the Hearing Panel immediately.

21. Each Party will be given twenty minutes to present argument. USBC shall proceed first with argument, followed by Salisbury. USBC may then respond. USBC may divide its 20 minutes between its argument and response as it determines appropriate.

C. Hearing Deadline

22. Section 220527 of the Act provides that a hearing on the merits of a Section 10 Complaint shall be held within 90 days of its filing. This case was filed on March 23, 2018, which means that a hearing would have to occur by June 21, 2018.

23. Provided that the Motion to Dismiss is denied and the matter goes to a hearing on the merits, which may not be the case as the Motion to Dismiss may be granted, the Hearing Panel requests that the Parties consider an extension of time to hold the hearing.

24. After ruling on the Motion to Dismiss, the Hearing Panel will revisit this issue, if necessary, and may request a waiver of the 90-day provision.

V. CASE ADMINISTRATION

25. The Parties shall submit all briefs and other materials electronically. Hard copies should only be submitted if requested by the Hearing Panel.


26. All communications to the Hearing Panel, including submission of briefs and other materials, shall be sent to USOC Legal, addressed to Lucy Denley (lucy.denley@usoc.org). Ms. Denley shall distribute all such communications, briefs and other materials to the Hearing Panel.

27. The Parties are cautioned to have no ex-parte communications with the Hearing Panel relating to this case or to any other matter, as such communications could be perceived as improper and an attempt to influence the Hearing Panel.

VI. ORDER

28. It is so ordered.

Dated this 27th day of April 2018.


Bill Marolt, Chair

Keith Bryant, Panel Member
Han Xiao, Panel Member

