

UNITED STATES OLYMPIC COMMITTEE

HOPE SOLO,	)	
	)	
Complainant	)	
	)	
v.	)	ORDER
	)	
US SOCCER FEDERATION, INC.	)	
	)	
Respondent.	)	March 12, 2018

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I. INITIATION OF THE COMPLAINT AND PARTIES

1. Hope Solo (“Solo or Complainant”) filed a Complaint on January 29, 2018, against US Soccer Federation, Inc. (“USSF or Respondent”)<sup>1</sup> 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.

2. Solo is a member of USSF.

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

II. APPOINTMENT OF THE HEARING PANEL

4. The Parties were notified by letter from Larry Probst, Chair of the USOC Board of Directors, on February 19, 2018, of the appointment of Hearing Panel members pursuant to Section 10.6 of the USOC Bylaws.

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<sup>1</sup> Individually Solo and USSF may also be referred to in this Order as a Party, and collectively they may also be referred to as Parties.

5. The Panel members are:

- Jim Benson, Hearing Panel Chair and USOC Board Member;
- Alex Natt, Chief Legal Officer of US Ski and Snowboard and Member of the USOC National Governing Body Council; and,
- Nicholas LaCava, Rowing Athlete and Member of the USOC Athletes' Advisory Council.

6. 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.

7. If either Party has an objection to the appointment of a Hearing Panel member, the Party should so voice its objection by March 16, 2018. If no objection is made, the Hearing Panel is seated as appointed.

### III. MATTERS RELATED TO THE MOTION TO DISMISS AND SCHEDULING

#### A. Motion to Dismiss

8. On March 1, 2018, USSF filed a Motion to Dismiss the Complaint. The Motion is based on two grounds.

9. The first ground is that the Complaint is procedurally defective for two reasons. One, Solo did not sign the Complaint as required by Section 10.2 of the USOC Bylaws. Two, Solo did not exhaust her administrative remedies as is required by Section 220527(b)(1) of the Act and Section 10.11 of the USOC Bylaws.

10. The second ground is that the Complaint does not state a claim as required by Section 10.2 of the USOC Bylaws, which provides that a Section 10 complaint "shall ... set forth ... factual allegations" and "shall contain ... supporting evidence or documentation forming the basis of the complaint."

B. Signing the Complaint

11. 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.

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

13. In this proceeding, Solo did not sign the Complaint, it was signed by attorneys acting on her behalf. This may seem like an insignificant omission, especially in light of common court procedures that normally allow attorneys to sign pleadings on behalf of their clients. However, Section 10.2 is clear that a Section 10 complaint be signed by the complainant.

14. Further, filing a Section 10 complaint against an NGB is a serious matter and could result in grave consequences for the NGB. There should be no doubt that the complaint is being filed at the direction of the complainant and that the complainant understands the significance of his or her actions. This substantiates for all that the complainant is standing behind the allegations submitted and is not merely a surrogate for the actions of another.<sup>2</sup>

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<sup>2</sup> USSF states that Solo shares common legal counsel with the North American Soccer League who brought and is engaged in federal court litigation against USSF. USSF suggests that Solo’s “strategy may be led from afar” and this may explain why the Complaint was not personally signed by her.

15. Additionally, having Solo sign the Complaint will address one of the procedural grounds for dismissal set forth by USSF in its Motion to Dismiss and will render that matter moot.

16. Accordingly, Solo shall sign and submit to the Hearing Panel by March 23, 2018, a declaration that she has reviewed the Complaint and is filing it as her own. If no declaration is filed, then the Section 10 Complaint will be dismissed.

C. Bifurcation of Motion to Dismiss

17. The Parties have requested that the Motion to Dismiss be bifurcated, with the Hearing Panel first considering USSF's assertion that the Complaint is procedurally defective as Solo has not exhausted her administrative remedies in accordance with Section 220527(b)(1) of the Act and Section 10.11 of the USOC Bylaws. The Parties also suggest that once that issue is decided, and if necessary, the Hearing Panel will then consider USSF's assertion that the Complaint does not state a claim for relief.

18. The Hearing Panel agrees and orders bifurcation of the Motion to Dismiss.

D. Scheduling

19. The Hearing Panel reached out to the Parties and requested that they each provide input on how much time should be allotted for filing a response to the Motion to Dismiss and for filing a reply to the response. Solo indicated that she would like 30 days from the filing of the Motion to Dismiss to file her response. USSF indicated that it would like 20 days from the filing of the response to file a reply. Since the Motion to Dismiss has been bifurcated, the response and reply will only address the procedural ground set forth in the Motion.

20. Accordingly, the Hearing Panel orders that Solo file her response to the procedural aspect of the Motion to Dismiss by 5:00 pm MDT April 2, 2018. USSF is

ordered to file its reply to the procedural aspect of the Motion to Dismiss by 5:00 pm MDT April 23, 2018.

21. Both Parties also requested oral argument on the Motion to Dismiss.

22. Accordingly, the Hearing Panel orders that oral argument on the procedural aspect of the Motion to Dismiss is set for 1:00 pm MDT April 25, 2018. If a Party has a conflict with that date or time, it should notify the Hearing Panel immediately. Each Party will be given twenty minutes to present argument.

E. Waiver of Hearing Deadline

23. 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.

24. Due to the requests of the Parties concerning bifurcation of the Motion to Dismiss, and scheduling deadlines associated with the Motion, and assuming the Motion to Dismiss is denied, it is impossible for this matter to be heard on the merits within the 90-day time period.

25. Accordingly, the Hearing Panel requests that each Party provide a written waiver of the 90-day deadline. Such waiver should be received by March 16, 2018. If the waiver is not received, then the Hearing Panel will be forced to revisit this Order.

F. Pre-Hearing Conference

26. On February 28, 2018, Solo requested a preliminary conference to set various dates, including a date for the hearing, and discuss procedural and other issues.

27. USSF responded on March 1, 2018, that in view of it having filed a Motion to Dismiss, which is now before the Hearing Panel, that scheduling a preliminary conference would be premature.

28. The Hearing Panel agrees that there is no need to schedule a preliminary conference at this juncture of the proceeding. The Hearing Panel is agreeable to having a preliminary conference with the Parties at a later date, if necessary.

IV. CASE ADMINISTRATION

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

30. 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](mailto:lucy.denley@usoc.org)). Ms. Denley shall distribute all such communications, briefs and other materials to the Hearing Panel.

31. The Parties are cautioned to have no ex parte communications with the Hearing Panel.

V. ORDER

32. It is so ordered.

Dated this 12th day of March 2018.



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Jim Benson, Chair

Alex Natt, Panel Member  
Nicholas LaCava, Panel Member