

**United States Curling Association  
September 10, 2001 Executive Committee Special Meeting  
Minutes (meeting via conference call)**

Present

Peggy Hatch  
Andy Anderson  
Geoff Broadhurst  
Grayland Cousins  
Bob Fenson  
Pam Finch  
Warren Lowe  
Richard Maskel  
Jack McNelly  
Chris Moore  
Ann Swisshelm  
Jane Thompson

Not present

Amy Becher  
Donna Purkey

Also present

David Garber, Executive Director  
Gerald O'Brien (USCA counsel)  
Chris Campbell (Counsel for Team Larway) 10:15 am-10:37 am  
Rich Ruuhonen (Co-counsel for Team Larway) 10:16 am-10:37 am  
John Ruger (USOC Ombudsman) 10:37 am-11:02 am

President Hatch called the meeting to order and noted that there is a quorum present. Hatch asked Gerald O'Brien to explain why Chris Campbell had asked to address the committee. O'Brien related two reasons: first, that Campbell believed the settlement approved by the committee would be outside the scope of the arbitration and thus subject to further complaints and possibly court action from athletes; second, Campbell listed up to \$57,000 in added expenses that could be borne by USCA if the issue went to the arbitration hearing scheduled for Wednesday in Seattle. Swisshelm said she had not heard that anyone will file suit, however she believes that the six trials teams decided not to participate because they felt the only two options were an arbitrator's decision or a settlement with Larway awarded a 7<sup>th</sup> Trials berth. They did not expect a 7<sup>th</sup> team selection playdown to identify the 7<sup>th</sup> Trials team.

Chris Campbell, Team Larway Counsel, joined the call. He thanked everyone for allowing him to speak at this meeting. He stated that the \$57,000 figure included attorney's fees, athlete funding, arbitrator's fees, travel expenses and case administration fees. He briefly presented aspects of the merits of Team Larway's case, including language in Article IX of the USOC Constitution as it relates to athletes rights to compete. He felt that the October 12, 2000 Notice to USCA athletes of the possible Worlds/NQ date conflict was defective because it was included with other materials, and stated that Team Larway now claims they did not see the Notice. The Notice went out before January 13, 2001, the date of USOC approval of the USCA Olympic Team Selection Procedures, therefore no "expectation" was created. Further, Article IX relates to denying athletes rights, not team rights. The USCA-approved settlement offer of last week is outside the scope of the arbitration: if other athletes were brought into the settlement, USCA would have to go to the other athletes (outside the six men's trials teams) for approval.

Committee members asked Campbell for his opinion about ramifications of several settlement options. Campbell and Co-counsel Ruuhonen left the call at 10:37.

USOC Ombudsman John Ruger joined the call at 10:37 am. He stated that USOC supports mediation and settlement. He stated his opinion that there is no one correct answer for the issue at hand. In response to Moore's question about why a three team playoff for a 7<sup>th</sup> spot was acceptable in June but not now, Ruger stated that we were not in arbitration then. Maskel spoke to the principle of not giving Larway an advantage over those who played down. Ruger reiterated that there is no perfect answer. In answer to O'Brien's question, Ruger stated that he was not a party to the interaction, during the USOC approval process for Selection Procedures, between the USOC International Games Preparation Committee and the USOC Executive Committee. Ruger acknowledged that the USCA relies on USOC for its seal of approval, and did not act in bad faith. Ruger signed off at 11:02am.

Lowe stated that he felt new information has now been made available. Hatch asked O'Brien to review the comments of the other attorneys. O'Brien addressed fee awards, scope of the arbitration and the relationship between USOC Games Prep and Executive Committees.

**Motion by Swisshelm, Lowe second, to offer Team Larway a 7<sup>th</sup> Trials berth, a 5<sup>th</sup> player per USCA rules, and Trials hotel and airfare per USCA policy, with no other expenses.** Extensive discussion, both philosophically and about aspects of the settlement at issue. Discussions of principles to stick by USCA decision, not let a team directly in. **Approved, 7-5.**

Moore raised issue of communicating a settlement if finalized. Hatch would work with Garber, O'Brien, and Swisshelm on the language.

Meeting adjourned at 11:42 am.

Respectfully submitted,  
David Garber, Recording Secretary

Reviewed and authorized,  
R. Chris Moore, Secretary