

**BEFORE A HEARING PANEL  
OF  
THE UNITED STATES OLYMPIC COMMITTEE**

REGARDING A COMPLAINT UNDER SECTION 10 OF THE USOC BYLAWS  
IN THE MATTER OF:

WALTON ELLER, JANET RAAB, JOSHUA RICHMOND, BRET TECKLENBURG,  
JASON TURNER AND MARY WEEKS, et al.

Complainants,

v.

USA SHOOTING,

Respondent.

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**ANSWER OF USA SHOOTING**

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Respondent, USA Shooting, Inc. (“USA Shooting”), by and through its counsel, Thomas M. James, of The Law Office of Thomas M. James, P.C., pursuant to the provisions of Section 10.13 of the Bylaws of the United States Olympic Committee (the “USOC”), respectfully submits its Answer:

**I. BACKGROUND AND INTRODUCTORY MATTERS**

1. By an email dated August 13, 2015 addressed to Scott Blackmun, CEO of the USOC (the “Submittal Email”), counsel for Complainants attached a Complaint dated August 13, 2015 filed under Section 10 of the USOC Bylaws, making various claims of non-compliance against Respondent, including alleged non-compliance by Respondent with provisions of the Ted Stevens Olympic and Amateur Sports Act (the “Sports Act”), provisions of the USOC Bylaws, various USOC policies, and provisions of USA Shooting’s Bylaws.

2. The Submittal Email, with the Complaint attached, was received by USA Shooting on August 13, 2015 by virtue of USA Shooting representatives being copied on the Submittal Email.

3. By a letter dated August 19, 2015 addressed to USA Shooting Executive Director, Bob Mitchell, and a letter dated August 19, 2015 addressed to counsel for Complainants, the USOC acknowledged receipt of the Complaint.

## **II. RESPONSE TO COMPLAINANTS' CLAIMS AND ALLEGATIONS**

1. USA Shooting denies all claims and allegations asserted by Complainants in the Complaint; provided, however, that USA Shooting acknowledges that certain provisions of its Bylaws, including those which pertain to processing of grievances and complaints, may be in need of review and improvement.

2. USA Shooting reserves the right to:

- a. Revise, supplement and amend this Answer.
- b. Submit information and evidence, both documentary and testimonial, as a part of any exchanges of information and in any hearing held in connection with the administration of the Complaint under Section 10 of the USOC Bylaws.

## **III. AFFIRMATIVE DEFENSES AND COUNTERCLAIMS**

1. For all intents and purposes, the allegations set forth in the Complaint criticize (a) the governance of USA Shooting, the responsibility of which rests with the USA Shooting Board of Directors, and (b) the management of USA Shooting, the oversight of which rests with the USA Shooting Board of Directors.

2. The Complainants named in the caption to the Complaint have considerable experience as members of USA Shooting's Board of Directors.

3. The subject Complainants made no effort in the past to raise their allegations at the Board of Directors level and, thus, as Directors with fiduciary duties owed to USA Shooting, took no action to deal with the alleged non-compliance issues they now raise.

4. Assuming, for arguments sake, that one or more of the non-compliance allegations has any merit, as the subject Complainants claim, then these individuals are in effect criticizing themselves and acknowledging their own failings in their service as members of the USA Shooting Board of Directors.

5. Therefore, one of two propositions appears to be true - either:

- a. The subject Complainants are incorrect in their allegations, thus proving that they are not entitled to the relief they request; or

b. The subject Complainants are correct in their allegations and they bear responsibility for their participation in allowing the matters of non-compliance and not seeking to prevent them.

6. USA Shooting believes that the first proposition is true, thus supporting the request by USA Shooting that the relief requested by the Complainants be denied. In this regard, USA Shooting asserts that the subject Complainants are not acting in good faith by bringing the Complaint and are motivated by ulterior motives that are not in the interests of USA Shooting.

7. By serving on the USA Shooting Board of Directors and not raising their concerns with the Board of Directors, as articulated in the allegations set forth in the Complaint, the subject Complainants effectively acquiesced in the manner in which USA Shooting was being governed and fulfilling relevant obligations and responsibilities under the Sports Act, the USOC Bylaws, applicable USOC policies, and the USA Shooting Bylaws.

8. For these reasons, USA Shooting asserts that the subject Complainants should be sanctioned and appropriate relief be granted in favor of USA Shooting.

#### **IV. RELIEF**

USA Shooting respectfully requests that the Hearing Panel decide and order as follows:

1. The relief requested by Complainants be denied in full, including the Findings of Fact and Recommendations proposed by Complainants in their requested relief.

2. Complainants be ordered to pay all attorney's fees and costs incurred by USA Shooting in defending the Complaint.

3. Such other and further relief in favor of USA Shooting as the Hearing Panel deems just and equitable.

**[The signature page appears on the following page.]**

Dated: September 14, 2015.

Respectfully submitted,

The Law Office of Thomas M. James, P.C.

By: \_\_\_\_\_



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**ATTORNEY FOR RESPONDENT USA  
SHOOTING, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of September, 2015, a true and correct copy of the foregoing Answer was delivered:

Via email, addressed as follows:

Edward G. Williams	<a href="mailto:egwilliams@somlaw.com">egwilliams@somlaw.com</a>
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Via Federal Express, addressed to:

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