



BASKETBALL
ARBITRAL TRIBUNAL

ARBITRAL AWARD

(BAT 0611/14)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Klaus Reichert SC

in the arbitration proceedings between

Mr. DaJuan Summers

- Claimant -

represented by Mr. Andy Shiffman, Priority Sports and Entertainment,
325 N La Salle Drive, Suite 650, Chicago, IL 60654, USA

vs.

BSC Budivelnyk

Bulgakova 16, 02134 Kiev, Ukraine

- Respondent 1 -

Budivelnyk Basketball Properties Inc.

Craigmuir Chambers, P.O. Box 71, Road Town,
Tortola, British Virgin Islands

- Respondent 2 -

AWARD

Upon providing all parties with an opportunity to be heard, having ascertained his jurisdiction and considered the factual and legal arguments as well as the requests for relief submitted in this case, the Arbitrator decides as follows:

- 1. BSC Budivelnyk and Budivelnyk Basketball Properties Inc. are ordered, jointly and severally, to pay to Mr. DaJuan Summers USD 56,000.00 net in respect of unpaid salary and USD 15,000.00 net in respect of unpaid bonuses, together with interest at 5% per annum on both amounts from 20 July 2014.**
- 2. BSC Budivelnyk and Budivelnyk Basketball Properties Inc. are ordered, jointly and severally, to pay to Mr. DaJuan Summers EUR 2,000.00 and USD 4,860.00 as contribution to his legal fees and expenses.**
- 3. The costs of this arbitration until the present Award, which were determined by the President of the BAT to be in the amount of EUR 5,300.00, shall be borne, jointly and severally, by BSC Budivelnyk and Budivelnyk Basketball Properties Inc. The balance of the Advance on Costs, in the amount of EUR 700.00, will be reimbursed to Mr. DaJuan Summers by the BAT. Accordingly, BSC Budivelnyk and Budivelnyk Basketball Properties Inc. are ordered, jointly and severally, to pay to Mr. DaJuan Summers EUR 5,300.00.**
- 4. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**
- 5. Any other or further-reaching requests for relief are dismissed.**



BASKETBALL
ARBITRAL TRIBUNAL

Geneva, seat of the arbitration, 2 February 2015

Klaus Reichert
Klaus Reichert
(Arbitrator)

Notice about Request for Reasons

in accordance with Articles 16.2.1 and 16.2.2 of the BAT Rules:

“16.2.1 By agreeing to submit their dispute to arbitration under these Rules, the Parties agree that,

- a) where the value of the dispute does not exceed EUR 30,000, the Arbitrator will issue an award without reasons.*
- b) where the value of the dispute is between EUR 30,001 and EUR 200,000, and a Respondent fails to pay its share of an advance on costs, upon request by a Claimant the Arbitrator may decide to issue an award without reasons and reduce the advance on costs in accordance with Article 9.3.1 above.*

16.2.2 If Article 16.2.1(a) applies or if the Arbitrator decides to issue an award without reasons in accordance with Article 16.2.1(b), the Arbitrator shall deliver reasons only if a party

- a) files a request to that effect at any stage from when the Request for Arbitration is filed until no later than ten (10) days after the notification of the award without reasons; and*
- b) pays the respective advance on costs as determined and within the time limit set by the BAT Secretariat.”*

On 7 November 2014, the BAT Secretariat informed the Parties that the amount of the advance on costs to be paid for a reasoned award in this case is EUR 6,000.00. The time limit for payment thereof shall be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.