

Via email and First Class Mail

Mr. Thomas Frank, President
US SPEEDSKATING
5662 Couger Lane
Kearns, UT 84118

CODE OF CONDUCT VIOLATIONS: JAE SU CHUN

Dear Mr. Frank:

We are the attorneys for, and authorized representatives of, the athlete members of US Speedskating listed in the attachment hereto (hereinafter the "Complainants").

This letter is directed to you, as President of USS, in accordance with Article XVIII, Section 18.1, to request that you initiate Code of Conduct proceedings against Coach Jae Su Chun for the following:

- a) Code of Conduct violation by Jae Su Chun of USS Bylaw Article XVIII, Section 18.2 A (1), as follows:

"Neglect of duty and conduct that impairs his usefulness"

- b) Code of Conduct violation by Jae Su Chun of Section 2(g) of US Speedskating's Code of Conduct, as follows

"... physical abuse or harm, mental abuse, intimidation, coercion, or the threat of physical abuse or harm to a U.S.Speedskating member by any person who, in the context of speedskating, is in a position of authority over that U. S. Speedskating member...."

The facts which support these allegations of violation of the aforementioned USS Bylaw pertaining to the Code of Conduct, and Section 2(g) of the USS Code of Conduct. are as follows:

- a) Jae Su slammed an athlete up against a wall and repeatedly hit him for “disrespecting him,” causing the athlete physical injury and distress;
- b) Jae Su told another athlete that he had roughed up an athlete (referring to the above incident) and stated: “I want to break you down and re-build you the way I want you to be.” Upon information and belief, Jae Su said this (including that he had roughed up the other athlete) to intimidate the athlete and to have him (and the other athletes) believe that if the athletes did not follow Jae Su’s instructions, they too would be roughed up by Jae Su.
- c) Jae Su threw a notebook binder at a skater, causing the skater to be fearful of his safety;
- d) Jae Su banned an athlete from a team dinner the night before a World Championship race for “disrespecting him”;
- e) Jae Su told USS team members to be “obnoxious” towards Canadian skaters in a shared locker room at the World Team Competition in Warsaw, Poland in March, 2011, causing great distress among the USS skaters who were fearful as to what would happen to them if they did not follow Jae Su’s highly inappropriate direction;
- f) Jae Su doused an athlete with water from a water bottle (over his head) in the presence of USS staff and other athletes; and then did not speak to, and ignored the athlete, not only for the rest of that day, but also into the following week;
- g) Jae Su repeatedly screamed insults at skaters, in front of USS staff and other athletes, telling them that they were “worthless, “disgusting”; and he used other demeaning and harsh words in “coaching” the Claimants that could never be deemed to serve a productive training or motivational purpose (e.g., likening a female athlete to a “fat cow”);
- h) Jae Su repeatedly told the female skaters that they were “fat”, “disgusting” and that they should “not eat,” all without regard to any scientifically accepted nutritional standards with respect to ,or knowledge and appreciation of, what constitutes a healthy weight, thereby causing severe mental anguish and body image issues for the female athletes, which caused some of them to seek professional psychological assistance;
- i) The night before the World Cup competition in Dresden, Germany, in February, 2011, Jae Su took the entire team out to a restaurant for a team dinner. It was a restaurant which primarily served pizza. At the end of the meal, Jae Su noted that many of the athletes (both men and women) had eaten pizza, and ordered “the girls” to walk for an hour outside the restaurant

because they were “heavy.” None of the men were directed to do this. The women, upset with his actions but fearful of the consequences if they did not follow Jae Su’s command, complied.

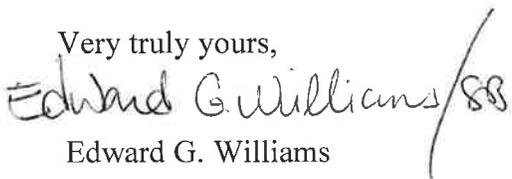
- j) Jae Su found it appropriate to evidence his disapproval of athletes’ performances by screaming at them and by throwing sports equipment, water bottles and chairs at, or in the presence of, the athletes, with the purposeful intent (which was achieved) to intimidate the athletes;
- k) Jae Su has pushed athletes past the point of “overtraining” with the result that they could barely skate at all, and thereby suffered injury, some requiring surgery;
- l) Jae Su has told athletes who are suffering from injury to resume training without prior clearance from a medical professional;
- m) Doctor’s notes concerning injuries have been thrown out and skaters directed by USS Coaches to push through injuries to the point they suffered further injury requiring surgery (the cost of which was not covered by USS) following which the athlete was dropped from the program;
- n) Jae Su told an athlete to keep skating, and not leave the rink, when the athlete told him he felt sick to his stomach and had to go to the bathroom, which led to the athlete defecating in his skating suit while on the ice;
- o) Jae Su has demeaned and degraded an Olympic athlete, in the presence of other athletes, by telling her “You are the worst skater on this Team”;
- p) Jae Su has told athletes that “You are no good”; “You will never get better”; and “You should go home,” all in the presence of USS staff and other athletes;
- q) Jae Su has belittled and humiliated athletes who were on the National Racing Program, in public, when they did not meet his out-sized expectations;
- r) Jae Su has “assessed” athletes’ performance in an arbitrary and unhelpful way, such as by telling an athlete: “You are terrible.” One result of this verbal abuse is that athletes have become fearful of training sessions and anxious; and question whether they should continue to participate in the Program that does not provide them with a safe training environment (the result of which was the on-going short track skaters’ boycott of the USS National Racing Program.);
- s) Jae Su repeatedly ignores athletes for extended periods of time, and refuses to coach/train athletes, without explanation;

- t) For example (and this is not an isolated incident), Jae Su became angry with an Olympic short track athlete and stopped communicating with her. She was not told why she was being shunned and ignored. After a long period of time, when the athlete demanded a meeting with him to demand an explanation, Jae Su told her he was “mad at [her] “with her but “did not know why ” (his words). This was not an apology, but rather a statement;
- u) Jae Su told athletes they had to train, even when they were sick and had a scheduled Doctor’s appointment later in the day; and
- v) Jae Su believes in, and imposes, “punishment training” on athletes, that is, forcing an athlete, when he or she cannot keep up at practice to his satisfaction, to remain on the rink after the end of the scheduled practice, and to skate back and forth, and to do sudden stops, at his whim (evidenced by him blowing a whistle).

We respectfully request that, in view of the seriousness of these allegations which pertain to the health and safety of USS Speedskating athletes, these Code of Conduct violations be dealt with in an expedited fashion. More specifically, we ask that you/USS come to a conclusion with respect to these allegations prior to the start of the Fall World Cup Qualifier which is scheduled to commence on September 26, 2012. If you do not foresee acting on this matter prior to that time, please let me know so that the athletes we represent can consider pursuing other and more direct and expeditious relief in other forums.

Please let me know if you have any questions. If you would like us to provide a list of witnesses who we would call to testify to substantiate these allegations, other than the athletes we represent herein, please let me know.

Finally, we would be grateful if you would acknowledge, by return email, your receipt of this communication

Very truly yours,

Edward G. Williams

Cc: Mark Greenwald, CEO USS
Scott Blackmun, CE) USOC
Rana Dershowitz, General Counsel, USOC
Rick Adams, Managing Director, USOC

Attach (list of complainants)

CERTIFICATE OF SERVICE

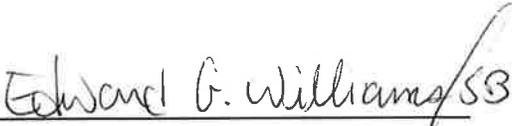
I hereby certify, pursuant to Section 1746 of Title 28 United States Code that I have personally served a true and correct copy of the foregoing CODE OF CONDUCT VIOLATION on Mr. Thomas Frank, the President of USS on this 13 day of September, 2012, by emailing a copy to Mr. Frank as his known email address, **tfrank@usspeedskating.org**, and also by depositing a true and correct copy of the same in a postal box maintained by the US Postal Service, with proper prepaid postage thereon, addressed to Mr. Frank as follows:

Mr. Thomas Frank, President
US SPEEDSKATING
5662 Cougar Lane
Kearns, UT 84118

I also served copies of the foregoing by mail and email on Mark Greenwald, CEO of USS; and Scott Blackmun, Rana Dershowitz, Esq., and Rick Adams, all of the USOC

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Montclair, N.J., on this 13 day of September, 2012.



Edward G. Williams