

ARBITRAL AWARD

(BAT 1491/20)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Ms. Annett Rombach

in the arbitration proceedings between

Ms. Diane Rebecca Tobin

- Claimant -

represented by Mr. Sergiu Gherdan, attorney at law,
Str. Vasile Stroescu nr. 8, 41054 Oradea City, Bihor county, Romania

vs.

Bendigo Stadium Ltd ("Bendigo Spirit")
91 Inglis St, West Bendigo VIC 3550, Australia

- Respondent -

represented by Ms. Rima Newman and Ms. Zoe Brick, attorneys at law,
Level 12, 575 Bourke Street, Melbourne, VIC, 3000, Australia

AWARD

Upon providing all parties with an opportunity to be heard, having examined her 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. Bendigo Stadium Ltd (“Bendigo Spirit”) shall pay Ms. Diane Rebecca Tobin AUD 22,146.31, plus interest on such amount at 5% per annum from 12 December 2019 until payment.**
- 2. 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 4,400.00, shall be borne by Bendigo Stadium Ltd (“Bendigo Spirit”) alone. Accordingly, Bendigo Stadium Ltd (“Bendigo Spirit”) shall pay Ms. Diane Rebecca Tobin EUR 4,400.00. The balance of the Advance on Costs, in the amount of EUR 600.00, will be reimbursed to Ms. Diane Rebecca Tobin by the BAT.**
- 3. Bendigo Stadium Ltd (“Bendigo Spirit”) shall pay Ms. Diane Rebecca Tobin EUR 4,500.00 as a contribution to her legal fees and expenses.**
- 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.**

Geneva, seat of the arbitration, 2 July 2020

Annett Rombach
(Arbitrator)

Notice about Request for Reasons

in accordance with Articles 16.2 and 16.3 of the BAT Rules:

“16.2 By agreeing to submit their dispute to arbitration under these Rules, the parties agree that, subject to Article 16.3, the Arbitrator shall issue an award without reasons if the sum in dispute does not exceed EUR 50,000.

16.3 In cases falling under Article 16.2, the Arbitrator shall issue an award with reasons (which shall substitute in full for any previously-issued award without reasons) only if

- a) a party (i) 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 (ii) pays, within the deadline set by the BAT Secretariat, an amount of EUR 3,000 into the bank account indicated in Article 17.1, failing which the request shall be deemed withdrawn; or*
- b) the BAT President determines in his sole discretion, before the award is issued, that it shall be rendered with reasons, taking into account the issues raised by the case as well as the public interest in a sufficient body of publicized awards with reasons.”*

Please note that the time limit for payment of the amount of EUR 3,000, in accordance with Article 16.3(a) of the BAT Rules, will be set by the BAT Secretariat upon receipt of the request for reasons, if any.