



BASKETBALL
ARBITRAL TRIBUNAL

ARBITRAL AWARD

(BAT 0822/16)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Quentin Byrne-Sutton

in the arbitration proceedings between

Ms. Victoria Elisabeth McIntyre

- Claimant 1 -

Mr. Giovanni Funciello

775 W. Basin Street Suite A, San Pedro, CA 90731, USA

- Claimant 2 -

both represented by Mr. Giuseppe Cassi, attorney at law,
Via Archimede 18, 97100 Ragusa, Italy

vs.

Heilongjiang Shenda Woman Pro Basketball Club

No. 73 Heping Road, Harbin 150040, Heilongjiang Province,
PR China

- Respondent -

AWARD

Upon providing all parties with an opportunity to be heard, having examined 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. Heilongjiang Shenda Woman Pro Basketball Club shall pay Ms. Victoria Elisabeth McIntyre:**
 - **USD 16,000.00 net, plus interest on such amount at 5% per annum from 1 October 2015 onwards, as unpaid salary.**
 - **USD 16,000.00 net, plus interest on such amount at 5% per annum from 21 October 2015 onwards, as unpaid salary.**
 - **USD 32,000.00 net, plus interest on such amount at 5% per annum from 21 November 2015 onwards, as unpaid salary.**
 - **USD 32,000.00 net, plus interest on such amount at 5% per annum from 21 December 2015 onwards, as unpaid salary.**
 - **USD 32,000.00 net, plus interest on such amount at 5% per annum from 21 January 2016 onwards, as unpaid salary.**
 - **USD 5,953.00 plus interest on such amount at 5% per annum from 26 September 2015 onwards, as reimbursement for plane tickets.**
 - **USD 200.00, plus interest on such amount at 5% per annum from 27 September 2015 onwards, as reimbursement of extra-baggage fee.**
 - **USD 395.00, plus interest on such amount at 5% per annum from 16 October 2015 onwards, as reimbursement of visa-service fees.**
 - **USD 751.00 plus interest on such amount at 5% per annum from 12 December 2015 onwards, as reimbursement of the charge for changing plane tickets.**
- 2. Heilongjiang Shenda Woman Pro Basketball Club shall pay Mr. Giovanni Funiciello, as unpaid agent fees, USD 14,000.00 net, plus interest on such amount at 5% per annum from 16 October 2015 onwards.**
- 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 4,145.00, shall be borne by Heilongjiang Shenda Woman Pro Basketball Club. Accordingly, Heilongjiang Shenda Woman Pro Basketball Club shall pay EUR 4,145.00 jointly to Ms. Victoria Elisabeth McIntyre and to Mr. Giovanni Funicello. The balance of the Advance on Costs, in the amount of EUR 2,305.00, will be reimbursed jointly to Ms. Victoria Elisabeth McIntyre and Mr. Giovanni Funicello by the BAT.

- 4. Heilongjiang Shenda Woman Pro Basketball Club shall pay Ms Victoria Elisabeth McIntyre and Mr. Giovanni Funicello EUR 5,500.00 as a contribution to their legal fees and expenses.**
- 5. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**
- 6. Any other or further-reaching requests for relief are dismissed.**

Geneva, seat of the arbitration 2 August 2016

Quentin Byrne-Sutton
(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 31 May 2016, 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 4,500. The time limit for payment thereof shall be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.