

ARBITRAL AWARD

(BAT 0944/16)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Klaus Reichert SC

in the arbitration proceedings between

Mr. Petar Arsic

- Claimant 1 -

Mr. Mario Austin

- Claimant 2 -

Mr. Chris Smith

- Claimant 3 -

all represented by Mr. Sébastien Ledure and Mr. Wouter Janssens,
attorneys at law, Place Flagey Plein 18, 1050 Brussels, Belgium

vs.

KB Peja

Palestra Sporteve Karagaci c/c
30000 Peja, Kosovo

- Respondent -

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. KB Peja is ordered to pay Mr. Petar Arsic the following net amounts:**
 - a. USD 634.00, net, as compensation for unpaid agency fees in respect of the Rubin Contract, together with interest at 5% per annum from 30 December 2016 until payment;**
 - b. USD 2,400.00, net, as compensation for unpaid agency fees in respect of the Austin Contract, together with interest at 5% per annum from 30 December 2016 until payment; and**
 - c. USD 5,400.00, net, as compensation for unpaid agency fees in respect of the Smith Contract, together with interest at 5% per annum from 30 December 2016 until payment.**
- 2. KB Peja is ordered to pay Mr. Mario Austin the following net amounts:**
 - a. USD 11,200.00, net, as compensation for unpaid salary together with interest at 5% per annum from 30 December 2016 until payment; and**
 - b. USD 4,000.00, net, as compensation for unpaid bonuses together with interest at 5% per annum from 30 December 2016 until payment.**
- 3. KB Peja is ordered to pay Mr. Chris Smith USD 25,500.00, net, as compensation for unpaid salary together with interest at 5% per annum from 30 December 2016 until payment.**
- 4. KB Peja is ordered to provide certificates to the Claimants of all tax payments made by it in respect of sums already paid and ordered to be paid.**
- 5. 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 5,000.00 shall be borne by KB Peja alone. Accordingly, KB Peja is ordered to pay to**

Mr. Petar Arsic EUR 5,000.00.

- 6. KB Peja is ordered to pay Mr. Petar Arsic, Mr. Mario Austin, and Mr. Chris Smith jointly the amounts of EUR 13,797.50 as compensation for their legal fees and expenses.**
- 7. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**
- 8. Any other or further-reaching requests for relief are dismissed.**

Geneva, seat of the arbitration, 29 June 2017

Klaus Reichert
(Arbitrator)

Notice about Request for Reasons

in accordance with Article 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 6 April 2017 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 5,000.00. The time limit for payment thereof shall be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.