



**BASKETBALL**  
ARBITRAL TRIBUNAL

## **ARBITRAL AWARD**

**(BAT 1519/20)**

by the

**BASKETBALL ARBITRAL TRIBUNAL (BAT)**

**Mr. Rhodri Thomas**

in the arbitration proceedings between

**Mr. Lluis Tunez Garcia**

**- Claimant 1 -**

**Mr. Sergiu Valentin Gherdan**

**- Claimant 2 -**

represented by Mr. Alexandru Corpodean, attorney at law,  
str. Dorobantilor, no. 14-16, office 210,  
Cluj-Napoca, Cluj, Romania

vs.

**Gigantes de Carolina**  
Calle 4 D48 Rosa Maria Carolina, 00985, Puerto Rico

**- Respondent -**

## **AWARD**

Upon providing the 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. Gigantes de Carolina shall pay Mr. Lluís Tunez Garcia and Mr. Sergiu Valentin Gherdan USD 740.00 net jointly as compensation for unpaid agent fees, plus interest of 5% p.a. from 3 March 2020 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 2,825.00 shall be borne by Gigantes de Carolina alone. Accordingly, Gigantes de Carolina shall pay EUR 2,825.00 jointly to Mr. Lluís Tunez Garcia and Mr. Sergiu Valentin Gherdan as reimbursement of their arbitration costs. The balance of the advance on costs in the amount of EUR 675.00 shall be reimbursed to Mr. Lluís Tunez Garcia and Mr. Sergiu Valentin Gherdan by the BAT.**
- 3. Gigantes de Carolina shall pay Mr. Lluís Tunez Garcia and Mr. Sergiu Valentin Gherdan EUR 3,000.00 jointly as a contribution towards their legal fees and expenses (including the handling fee of EUR 1,500.00).**
- 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.**

Geneva, seat of the arbitration, 30 September 2020

Rhodri Thomas  
(Arbitrator)

### **Notice about Request for Reasons**

in accordance with Articles 16.2 and 16.3 of the BAT Rules (version of 1 December 2019):

*“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 3,000.00, 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.