

ARBITRAL AWARD

(BAT 1416/19)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Ms. Annett Rombach

in the arbitration proceedings between

Mr. Benjamin J. Pensack

- Claimant -

represented by Mr. Benjamin J. Pensack, attorney at law
1000 Shelter Bay Ave. Ste. 1109, Mill Valley, CA 94941, USA

vs.

San Lorenzo de Almagro

Av. La Plata 1794, CP11300CA, Buenos Aires, Argentina

- Respondent -

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. San Lorenzo de Almagro shall pay Mr. Benjamin J. Pensack unpaid agent fees of USD 41,500.00 net, plus interest at 5% per annum from 9 August 2019 until payment.**
- 2. San Lorenzo de Almagro shall pay Mr. Benjamin J. Pensack late payment penalties of USD 1,740.00.**
- 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 4,981.07, shall be borne by San Lorenzo de Almagro alone. Accordingly, San Lorenzo de Almagro shall pay Mr. Benjamin J. Pensack EUR 4,981.07.**
- 4. San Lorenzo de Almagro shall pay Mr. Benjamin J. Pensack USD 2,000.00 and EUR 1,500.00 as a contribution to his 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, 18 February 2020

Annett Rombach
(Arbitrator)

Notice about Request for Reasons

in accordance with Articles 16.2 of the BAT Rules:

“By agreeing to submit their dispute to arbitration under these Rules, the Parties agree that, where the value of the dispute does not exceed EUR 100,000, the Arbitrator shall issue an award without reasons, provided, however, that the Arbitrator shall deliver reasons 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.”*

The Parties are herewith informed that the amount to be paid as an advance on costs for a reasoned award in this case has been set by the BAT Secretariat to **EUR 5,000.00**. The time limit for payment thereof will be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.