

## **ARBITRAL AWARD**

**(BAT 1438/19)**

by the

**BASKETBALL ARBITRAL TRIBUNAL (BAT)**

**Dr. Stephan Netzle**

in the arbitration proceedings between

**Mr. Derek Wright**

**- Claimant -**

represented by Ms. Ntimi Papadopoulou, attorney at law,  
7 Agiou Demetriou Str, 3090 Limassol, Cyprus

vs.

**BC Rilski Sportist**

1 Dimitar Dimov Str, 2000 Samokov, Bulgaria

**- Respondent -**

represented by Mr. Vassil Baichev, attorney at law,  
8 Alabin Str, 7th floor, 1301 Sofia, Bulgaria

## **AWARD**

Upon providing both 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. BC Rilski Sportist is ordered to pay to Mr. Derek Wright an amount of USD 21,000.00 net of social charges and income tax as severance payment for the termination of the contract plus interest of 5% p.a. on this amount since 4 February 2019 until payment.**
- 2. BC Rilski Sportist is ordered to pay to Mr. Derek Wright a contribution to the costs of his planned hip surgery of USD 10,000.00 including VAT within 30 days after receipt of this BAT Award. Mr. Derek Wright is obliged to undergo the hip surgery within 12 months upon receipt of the aforementioned payment. In case Mr. Derek Wright fails to do so, BC Rilski Sportist is entitled to request the repayment of USD 10,000.00. In case the hip surgery will cost less than USD 20,000.00, BC Rilski Sportist is entitled to the repayment of the difference between the paid USD 10,000.00 and half of the actual costs of the surgery.**
- 3. BC Rilski Sportist is ordered to provide Mr. Derek Wright with a declaration on a form provided by Mr. Derek White within 60 days upon receipt of this Award by which it confirms having paid all taxes and social charges on all net amounts paid to Mr. Derek Wright under the employment contracts for the 2017/2018 season and for the 2018/2019 season.**
- 4. 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 6,021.00, shall be borne 70% by BC Rilski Sportist and 30% by Mr. Derek Wright. Accordingly, BC Rilski Sportist is ordered to pay to Mr. Derek Wright a total amount of EUR 1,183.70 as a reimbursement of the advance on arbitration costs.**

5. **BC Rilski Sportist is ordered to pay to Mr. Derek Wright an amount of EUR 4,577.86 as a contribution to his legal fees.**
6. **Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**
7. **Any other or further-reaching requests for relief are dismissed.**

Geneva, seat of the arbitration, 6 April 2020

Stephan Netzle  
(Arbitrator)

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

in accordance with Article 16.2 of the BAT Rules (1 January 2017 version):

*“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. The time limit for payment thereof will be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.