

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

ROBERT GRISWOLD, both personally
and as Beneficiary or Subrogee of the
UNITED STATES OLYMPIC &
PARALYMPIC COMMITTEE,

Plaintiffs

v.

THE UNITED STATES CENTER
FOR SAFESPORT, INC., THE
UNITED STATES OLYMPIC &
PARALYMPIC COMMITTEE,
Named Co-Conspirator Laura
Egbert, and unnamed Co-
Conspirators 1-25

Defendants

Ct. No.

JURY TRIAL DEMANDED

ROBERT GRISWOLD’S COMPLAINT AT LAW AND EQUITY

Plaintiff, Robert Griswold, both personally and as Beneficiary or Subrogee of the United States Olympic & Paralympic Committee (USOPC) by his attorneys, Patterson Law Firm, LLC and Prince Sports Law PA, for his Complaint against the United States Center for SafeSport, Inc., the United States Olympic & Paralympic Committee, Named Co-Conspirator Laura Egbert, and unnamed potential Co-Conspirators 1-25 (collectively called “Co-Conspirators”, individually “SafeSport”, and “USOPC”) states and alleges as follows.

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I. Nature of the Case

1. Before others attacked and maligned him as asserted in other litigation, Robert Griswold was a model Paralympian (called Plaintiff or Robert).¹
2. In contrast, the United States Center for SafeSport (SafeSport) is a rogue agency operating contrary to federal and state constitutions, contrary to its statutory charter, and anathema to the most cherished protections found in our justice system.
3. Together, Defendants and Co-Conspirators demonstrate the adage that it is easier to destroy than build. Employing the terrorism of an ill-advised, public, smear campaign, Defendants and the Co-Conspirators intentionally targeted Robert for personal destruction.
4. Other litigation alleged in part that the case "... is a horrific tragedy, where a young man who defied all odds to become a world-class Paralympic swimmer had his life utterly shattered ..." See Ct. No. 24-cv-01745, Docket #1, ¶ 21, referencing Ct. No. 22-cv-02943, Docket #58, ¶ 1.
5. Contrary to other allegations, the young man who defied the odds to become a world-class Paralympic swimmer that had his life shattered is Robert Griswold.
6. Due to unfounded allegations in the other litigation that continue to this day, Robert's life is shattered - sacrificed, abandoned, and repeatedly vilified in the court

¹ For descriptive reference, "other litigation" refers to Egbert v. the USOPC and Griswold, Ct. No. 22-cv-02943 and Ct. No. 26-cv-00593 both in the USDC CO, and administrative hearings at Defendant SafeSport, Case No. 2022-02853, *In re: Robert Griswold*. The other litigation is currently pending in various stages.

of public opinion without a finding of guilt according to standards customary to our Constitutional system of justice.

7. Testifying in front of the United States Congress in March 2024, then CEO for SafeSport, Ju'Reise Colón, admitted that Robert is and was suspended without a hearing or completed investigation as required by statutory and contractual obligations. Referring to the complaint in the underlying litigation in an exchange with Representative Jeff Duncan, Colón said:

I read the pleading ... we are in the middle of an investigation on the SafeSport side and I can't really disclose too much there because we are in the middle of that investigation ... SafeSport investigation began in early 2023 after Colorado Springs Police closed the case.

Rep. Duncan. Why have almost two years gone by without a word from SafeSport investigation?

Colón. Because we're coordinating with the parties in the civil suit to get access to depositions and discovery to avoid the need to re-interview potential trauma victims.

8. If it is possible to continue to make things worse with Defendants and Co-Conspirators intentionally destroying lives, as of the date of this document, they are still trying to manipulate the court system, and the alleged SafeSport process remains open and ongoing. Robert remains pre-determined as guilty, listed as "permanently ineligible" on SafeSport's public, disciplinary database.

II. A Paralympian

9. Despite his own physical disability, Robert earned his Eagle Scout rank while also being voted team captain and Most Valuable Player of his high school swim team.

10. Robert competed in his first international swim meet in 2014 and won his first world championship bronze medal in 2015.

11. At the 2017 World Championships he led Team USA, chosen as the flagbearer at the opening ceremonies, and became the most decorated American male, winning two gold medals and two silver medals.

12. At the 2020 Tokyo Olympics, Robert won two gold medals and set a world record in the 100 meter backstroke.

13. Robert was a member of the 2016 and 2020 USOPC Paralympic Swim Teams and the 2022 USOPC Paralympic National Team.

14. In his last international competition in 2022, Robert won three more individual gold medals. Thereafter, Defendants and the Co-Conspirators burned him on the coals of public opinion without a hearing or a meaningful opportunity to respond.

15. Robert's vocation as a member and representative of the USOPC Paralympic National Team came with medical and health insurance benefits, a stipend, award money, housing benefits, coaching, and residence at the Olympic Training Center.

16. Without a due process hearing, the USOPC suspended Robert and terminated all benefits, income, stipends, and awards.

17. Robert denies, and continues to deny, the scurrilous allegations of the underlying complaints from the other litigation.

18. This Complaint is brought in the alternative. Robert is not waiving any denial, answer, affirmative defense, or claim, and all rights, claims or defenses are reserved in this and any other litigation.

19. Plaintiff Robert Griswold is entitled to indemnity and damages from Defendants and others for the scandal and destruction they forced upon him.

III. An Unconstitutional Rogue Agency

20. In a case of overreach and vicious prosecution, with the participation of the named and unnamed Co-Conspirators, SafeSport ruined Robert's career and his future.

21. Employing anti-competitive, illegally deceptive practices, SafeSport supplanted itself as a prosecutor, judge, and jury. Relying on arbitrary practices and inflammatory allegations, SafeSport publicly pronounced Robert guilty of misconduct without any semblance of a hearing recognizable to our system of justice before imposing what turned into a life-altering sentence.

22. SafeSport suspended Robert, trumpeting the penalty on its public disciplinary website list. SafeSport's CEO publicly vilified Robert based on bare allegations without a complete investigation or hearing.

23. Branding people through a rogue entity, without a real hearing, with no right to appeal, and with no accountability does not fit our system of justice.

24. The system used by Defendants and the Co-Conspirators to condemn Robert is not only damaging to the wrongly accused but is a public injury to the entire community and other victims.

The fact that the technique of guilt by association was used in the prosecutions at Nuremberg does not make it congenial to our constitutional scheme. When we make guilt vicarious we borrow from systems alien to ours and ape our enemies. Those short-cuts may at times seem to serve noble aims; but we depreciate ourselves by indulging in them. When we deny even the most degraded person the rudiments of a fair trial, we endanger the liberties of everyone. We set a pattern of conduct that is dangerously expansive and is adaptable to the needs of any majority bent on suppressing opposition or dissension.

Joint Anti-Fascist Refugee Comm. v. McGrath, 341 U.S. 123, 178-179 (1951).

25. The Center for Prosecutorial Integrity referenced a survey with over 20 million people being falsely accused. “False allegations harm the social standing, career prospects, and mental health of the accused; diminish the credibility of future victims; and undermine the integrity of our legal system.” (Center for Prosecutor Integrity Press Release, attached as **Exhibit 2**).

26. Defendants and the Co-Conspirators assumed a role similar to the Orwellian “Ministry of Truth,” where clandestine officials appoint themselves responsible for disseminating propaganda to manipulate predetermined outcomes. *Missouri v. Biden*, 2023 U.S. Dist. LEXIS 114585, page 69, 22-cv-01213, Document 293, Page 154 (WD La, 07/04/2023); *aff’d in part, rev’d in part*, 83 F.4th 350 (5th Cir. 2023). Such behavior is not only reckless but also works to foster mistrust in the system by undermining due process, other constitutional, statutory, and common law rights.

27. As alleged in this Complaint, Robert’s claims include, but are not limited to the Defendants and Co-Conspirators:

- (a) Violated, and continue to violate the Colorado State Antitrust Act entering into a contract in restraint of trade or commerce (the CSAA);
- (b) Conspired to engage in restraint of trade in violation of the CSAA;
- (c) Violated, and continue to violate the Colorado Consumer Protection Act holding themselves out as an administrative agency with unilateral disciplinary authority without due process and other constitutional protections (the CCPA);
- (d) Violated the Colorado Constitution preventing Robert from his rights to a speedy remedy in open court;
- (e) Violated the Colorado Constitution right to be free from injury to his person, property, or character;
- (f) Violated Robert's right to be free from deprivation of life, liberty, or property without due process of law;
- (g) Violated Robert's right to a jury trial;
- (h) Breached the Master Service Agreement between the USOPC and SafeSport;
- (i) Engaged in malicious, public, social media prosecution;
- (j) Engaged in a civil conspiracy depriving Robert of constitutional, statutory, common law, and equitable rights and protections; and
- (k) Tortiously interfered with contracts.

28. The greatness of Americans “does not simply consist in their being more enlightened than other nations, but in their being able to repair the faults they may commit.” *Democracy in America*, Alexis de Tocqueville, pg. 250, (1835).

29. Robert seeks equitable relief to repair the faults, stop the Defendants' and Co-Conspirators' conduct and substantial money damages for the injuries inflicted.

30. The standards currently in place are for everyone's protection, especially victims. Unfortunately, when standards are not applied fairly to one person, then the process does not work for, or protect, anyone.

IV. Parties, Agents & Co-Conspirators

31. Plaintiff Robert Griswold is an individual who currently resides in Texas. At times relevant he submitted himself to the jurisdiction of this court, in the State of Colorado.

32. Established under 36 USC § 220541, Defendant United States Center for SafeSport, Inc., presents itself to the public as a private entity engaged in trade or commerce, organized under the laws of Colorado. SafeSport is domiciled in Colorado, operates, and submits itself to the jurisdiction of every state.

33. The USOPC is a corporation created under a federal statute, 36 USC §§ 220501-220529. The principal place of business is at One Olympic Plaza, Colorado Springs, Colorado. The USOPC also submitted itself to the jurisdiction of this court in the other litigation.

34. SafeSport has theoretical authority under federal law to investigate and resolve allegations of physical, emotional, or sexual abuse and other misconduct concerning individuals who participate in the Olympic & Paralympic Movement, including those events, programs, activities, or competitions under the oversight of the U.S. Olympic & Paralympic Committee (the “USOPC”), the national governing bodies (the “NGBs” or “NGB”), and their local affiliated organizations.

35. SafeSport acts as an administrative agency imposing penalties without a trial, attempting to supersede existing state and federal, civil and criminal justice systems, and other existing protections for claimants, victims, and respondents.

36. As currently structured, participants in a covered Olympic sport in the United States have no choice and no option but to submit to SafeSport oppression.

Athletes, coaches, and participants are stripped of the ability to control or choose organization affiliation, as SafeSport asserts that submission to SafeSport is mandatory for any participant in a covered Olympic sport.

37. A portion of the federal statute is supposed to protect individuals against SafeSport. Any action against an individual within its jurisdiction is required to be “carried out in a manner that provides procedural due process to the individual.” 36 U.S.C. § 220541 (a)(1)(H).

38. A Master Service Agreement (the MSA) between the USOPC and SafeSport provides additional protection. Although the MSA contains confidentiality terms, and SafeSport deplors transparency about its duties, obligations, or operations, a party filed the MSA without restriction in the public court record in a case titled: USA Swimming v. SafeSport, District Court, Denver, Colorado, Ct. No. 24 CV 307248, Exhibit 1.

39. Among other terms and obligations, the MSA requires that SafeSport “... will provide at least the comprehensive policies and procedures, intake, investigatory, adjudicatory, hearing, and other response and resolution services (the “R&R Services), as set forth on Exhibit A.” MSA, Part III. A. Response & Resolution Services. Referenced portions of the MSA are attached as **Exhibit 1.**

40. Other than publication on a centralized public database and some ability to threaten an NGB charter, SafeSport does not have authority to enforce sanctions.

41. Enforcement is delegated to an NGB or in this case to the USOPC. In this case, and every case where SafeSport tries to determine sanctions, an NGB and the USOPC retain independent duties to members such as Robert.

42. Named Co-Conspirators include Laura Egbert both personally and as an alleged *guardian ad litem* for her son, Parker Egbert.

43. Laura Egbert and Parker Egbert reside in Iowa. Both Laura Egbert and Parker Egbert submitted themselves to the jurisdiction of the court in other litigation.

44. The Defendants, the Named and Unnamed Co-Conspirators 1-25 and others are identified in communications, investigation material (and elsewhere) that SafeSport attempts to keep hidden under the rubric of confidentiality, participated in a conspiracy against Robert, committed overt acts in support of a conspiracy against Robert, or committed tortious and illegal acts against Robert within the jurisdiction of this court.

45. Defendants' officers, agents, employees, and representatives authorized, ordered, or performed the acts alleged in this Complaint while managing Defendants' business affairs and furthering their deceptive, conspiratorial, and illegal activities, all while actively engaged in the management and operation of Defendants' business or affairs, and in furtherance, aiding, or assisting in the deceptions, conspiracy, or other illegal activities.

46. Plaintiff anticipates there may be other potential people or entities not named as defendants who participated or may have participated, performed acts, or

made statements as co-conspirators in the schemes alleged, in furtherance, aiding, or assisting in the deceptions, monopoly, conspiracy, or other illegal activities.

Those people or entities are currently identified as the Unnamed Co-Conspirators.

47. The Defendants and Co-Conspirators purposely participated in the schemes, causing, or assisting in the damage imposed in the State of Colorado. Additional co-conspirators will be named, or added as defendants, as events and information are further developed, as appropriate or necessary to the allegations of the Complaint, and any amendments or supplements.

V. Jurisdiction & Venue

48. The subject matter in controversy and damages is within the jurisdictional limits of this court. This is a suit for damages in excess of \$750,000, equitable relief, for court costs, and attorney's fees.

49. This court has jurisdiction over the parties and claims. Acts complained of occurred, and real or personal property is or was located, in whole or in part in the District of Colorado.

50. The MSA also allows jurisdiction and venue in any Colorado state or federal court (called "Designated Courts"). SafeSport and the USOPC each waived all claims of immunity from jurisdiction and any objection to jurisdiction or venue in a Designated Court. **Ex. 1**, MSA, Part XI. General Terms. 11. Governing Law; Venue.

51. Jurisdiction and venue over Defendants is pursuant to 28 USC § 1331, 28 USC § 1343, 28 USC § 1367, 28 USC §1391, and 28 USC §§ 2201-2202 because:

- (a) the case arises under the laws of the United States, the U.S. Constitution, the Due Process Clause of the Fifth Amendment to the Constitution, and the Equal Protection Clause of the Constitution;
- (b) an actual controversy exists among the parties;
- (c) any state law claims are so related that they form part of the same case or controversy under Article III of the United States Constitution; and
- (d) direct action claims are allowed according to *Axon Enterprise v FTC*, 598 US 175 (2023) and *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024).

VI. Facts Supporting All Claims

A. Recent Developments Regarding SafeSport's Defective Operations

52. SafeSport's operations can now be publicly shared and considered in context of SafeSport's illegal and inequitable conduct.

53. An American Arbitration Association panel (whose membership included a retired appellate court justice) ruled that an NGB has independent duties to its members to ensure that those members are provided basic due process before any Center-inspired public (and highly damaging) accusation of abuse can be made public.

54. The arbitration panel harshly dismissed the same stance presumably taken by SafeSport here; that independent duties and protections to citizens are swept away once SafeSport assumes jurisdiction.

55. The arbitration decision posted the week of February 26, 2024, on the U.S. Olympic Committee (USOPC) website, Governance/Section-10.² The arbitration

² *Giorgio v. United States Equestrian Fed.*, Case Number: 01-20-0015-8031, American Arbitration Association.
<https://www.usopc.org/governance/section-10>
https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blte91288d0112f4740/65e0cc942568ef2d326cc03a/Giorgio_et_al_v._Equestrian_12.27.23_Final_Award_UA.pdf

panel's findings illustrate the fallacy of SafeSport's existence, operations, and actions when it said:

SUMMARY

Our ruling is a comprehensive evaluation of a jurisdictional issue that has not been directly addressed by any prior court or administrative authority. The question asked is simple but frustrating. What administrative or judicial body has the jurisdictional authority to address a conflict between the rules and procedures of the U.S. Center for SafeSport (CSS and the SafeSport Code) and the conflicting due process protection identified in Section 220522(a)(8) and potentially Section 220541(a)(1)(H) of the Ted Stevens Olympic and Amateur Sports Act, 26 U.S.C. 220501, et seq. (the Ted Stevens Act) ... *Giorgio*, Final Decision, pg. 1.

For nearly ten years, Respondent [the NGB] and the USOPC have failed to take the steps necessary to address the conflict between the due process rights provided by the CSS/SafeSport Code and the [predetermination hearing] right identified in Section 220522(a)(8) and potentially Section 220541(a)(1)(H) of the Ted Stevens Act ... *Id.*, pg. 3.

The issue is whether Claimants could prevail in federal court regarding the legal conflict between the rules and procedures of [SafeSport] and the SafeSport Code and the conflicting due process protection identified in Section 220522(a)(8) and other sections of the Ted Stevens Act. As discussed in the analysis above, Claimants clearly have a valid procedural due process claim to adjudicate and this Panel agrees that Claimants could prevail when this conflict of law issue is eventually addressed in federal court (emphasis in original) ... *Id.*, pg. 13.

The USOPC and [SafeSport] efforts to diminish or minimize this right to procedural due process has been set up for a rebuke by a federal court since the passage and implementation of the original version of the SafeSport Code in 2017 ... In the meantime, hundreds of accused Olympic participants may continue to be inappropriately deprived of a legal right to a PDH in their cases ... *Id.*, pg. 16.

56. Subsequent enforcement of the *Giorgio* AAA findings occurred in the US District Court, Western District of Virginia, Ct. No. 3:24cv00030 and appealed at Ct. No. 25-115, U.S. Court of Appeals, Fourth Circuit, published opinion dated April

27, 2026 (rev'd in part, and aff'd in part). There is not a requirement to exhaust SafeSport or USOPC administrative remedies. The Fourth Circuit acknowledged that Constitutional challenges may be brought in court.

57. A Florida state court found that SafeSport violated the defendant's right to due process intentionally withholding exculpatory evidence in violation of state and federal constitutions (captioned In The County Court Of The Eighteenth Judicial Circuit In And For Seminole County, Florida IN RE UNITED STATES CENTER FOR SAFESPORT, INC., CASE NUMBER: 2022-MM-002950-A 2022-MM-001423-A) (A certified copy of the Supplemental Order is attached for ease of reference, marked as **Exhibit 3**) (referred to as *In Re SafeSport*).

58. Judicial notice can and should be taken of the certified order in the *In Re SafeSport* case. Findings made there apply to this case as well.

Therefore, the court finds that it is clear, convincing, and beyond doubt:
A. That the United States Center for SafeSport, Inc., perpetrated a fraud upon the court, the People of the State of Florida, the Sheriff's Office, the State's Attorney Office, and defendant... Order, **Ex. 3**, ¶ 27.

59. "The United States Center for SafeSport, Inc., violated defendant's constitutional right to due process, intentionally withholding exculpatory evidence from the court, the State's Attorney, and the defendant." Order, **Ex. 3**, ¶ 30.

60. The incongruity of Defendant SafeSport's existence and operations is found in a *Petition for Writ of Certiorari* filed March 27, 2025, challenging the *In re SafeSport* Supplemental Order, **Ex. 3**.

Such an order cries out for certiorari relief. The trial court entered the void Supplemental Order without affording SafeSport the basics of procedural due process: notice of the hearings where the issues concerning SafeSport were

discussed and adjudicated, and an opportunity to be heard before the trial court entered sanctions against it.

In Re SafeSport Petition at page 2.³

61. December 15, 2025, the Florida Court of Appeals succinctly disposed of SafeSport’s cry. “The Petition for Writ of Certiorari, filed March 27, 2025, is dismissed.” A certified copy of the dismissal is attached for ease of reference, marked as **Exhibit 4**.

62. Here, Plaintiff asserts similar rights to due process that SafeSport concedes in its cry in Florida, along with other claims. The arbitration panel invited a court to rebuke SafeSport and its hasty, ill-advised attacks against individuals such as Robert Griswold.

63. The Florida courts supported the invitation for rebuke, went further finding that SafeSport perpetrated a fraud upon the court, and that if SafeSport asserts entitlement to due process in court, then SafeSport also “violated defendant’s constitutional right to due process.”

64. SafeSport and the other co-conspirators predetermined guilt, purposely disregarding rules, or duties in place to protect an investigation or conduct a proper investigation.

65. Although events depicted by SafeSport are all substantively wrong, specifics include, but are not limited to:

- no pre-sanction hearing occurred;
- no in person cross-examination occurred or was allowed;

³ In the District Court of Appeal, Fifth District of Florida, *In Re: United States Center For SafeSport, Inc.*, Case No. 5D2025- L.T. Nos. 2022-MM-002950 2022-MM-001423

- respondent was not allowed to see original evidence or test the truth, falsity, or reliability;
- no presumption of innocence but rather a presumption that false accusations were true;
- the burden of proof is shifted to the respondent;
- the accusers' information was accepted without question while the respondent's information and response was ignored;
- there was a conflict of interest combining investigation of alleged violation and sanction by one person or agency;
- no right to appeal was provided or is available prior to sanction or sentence;
- no ability to appeal prior to sanction or sentence;
- the sanctions or findings were publicly declared and final without prior notice or the ability to appeal; and
- the sanctions are arbitrary and capricious, imposing irreparable injury on Plaintiff.

B. Legislative History of the U.S. Olympic Movement

66. In 1978, Congress passed the Ted Stevens Olympic and Amateur Sports Act (the "Ted Stevens Act"), 36 U.S.C. § 220501, *et seq.*, which governs Olympic and amateur sports in the United States. Under the Ted Stevens Act, the USOPC is responsible for governing the Olympic movement in the United States.

67. Since 1978, the number of athletes under the "Olympic umbrella" has grown exponentially and includes hundreds of thousands of amateur athletes who have no Olympic aspirations or chance at competing at the Olympic level.

68. Under the statutory framework of the Ted Stevens Act, the USOPC recognizes an NGB for each Olympic sport, and each NGB is a member of the USOPC.

69. The Ted Stevens Act sets forth specific eligibility criteria and conditions that an entity must meet to serve as an NGB. 36 U.S.C. § 220522 states in part:

§ 220522. Eligibility requirements

An amateur sports organization, a high-performance management organization, or a paralympic sports organization is eligible to be certified, or to continue to be certified, as a national governing body only if it—

(5) demonstrates that it is autonomous in the governance of its sport, except with respect to the oversight of the organization, in that it—

(A) independently decides and controls all matters central to governance;

(B) does not delegate decision-making and control of matters central to governance; and

(C) is free from outside restraint;

(8) provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate ...

70. 36 U.S.C. § 220524 states: “Nothing in this section shall be construed to preempt or otherwise abrogate the duty of care of a national governing body under State law or the common law.”

71. Eligibility criteria include a requirement that an NGB independently assure "notice and a hearing" before declaring a member of the Olympic movement ineligible to participate. 36 U.S.C. § 220522(8).

72. Under the original Ted Stevens Act, NGBs, and the USOPC, were responsible for policing emotional, physical, and sexual abuse in their sports. In past situations,

NGBs and the USOPC provided members notice and a hearing before ruling on their eligibility to participate due to allegations of emotional, physical, or sexual abuse.

73. It is axiomatic that the MSA repeats the independent duties that apply to SafeSport, the USOPC, and the NGBs. “The Parties acknowledge that federal law imposes certain obligations on both the Center and the USOPC.” **Ex. 1**, MSA, Part XI. General Terms. 1. Federal Legislation.

74. “In connection with its performance hereunder, each Party will, at its own expense and at all times, comply with all laws and ordinances ...” **Ex. 1**, MSA, Part XI. General Terms. 14. Compliance with Laws.

C. History of SafeSport and the SafeSport Code

75. Before 2014, the USOPC began the process of creating SafeSport as an entity within its authority.

76. In 2014, SafeSport was incorporated with the principal office address at One Olympic Plaza, Colorado Springs, Colorado (the same address as the USOPC at the time).

77. The original registered agent was Malia Arrington, a USOPC Director.

78. SafeSport is managed by a board of directors. According to the Center's Articles of Incorporation, "The number of directors, their term of office and manner of their selection and election shall be determined according to the Bylaws of the [Center] from time to time in force."

79. According to SafeSport's Bylaws, Directors have total control over the make-up of the Board of Directors. The Bylaws provide: "Directors shall be elected by the Board of Directors at the annual meeting of the Board of Directors ... Any vacancy in the Board of Directors shall be filled by the Board of Directors, [and] ... Any director may be removed with or without cause by the affirmative vote of at least two-thirds (2/3) of the directors then in office."

80. SafeSport's Board of Directors also controls SafeSport's governance and affairs. The Articles of Incorporation provide that "The initial Bylaws of the [Center] shall be adopted by the [Center's] board of directors. Except to the extent otherwise provided by the Bylaws, the board shall have the power to alter, amend or repeal the Bylaws from time to time in force and to adopt new Bylaws. Such Bylaws may contain any provision for the regulation or management of the affairs of the [Center] which are not inconsistent with law or these Articles of Incorporation, as the same may from time to time be amended."

81. The USOPC formed a working group with NGBs to draft policies and procedures governing emotional, physical, and sexual abuse, including the complaint, investigation, and adjudication process for claims. These policies and procedures came to be known as the "SafeSport Code."

82. From the outset, the USOPC attempted to deny participants a pre-determination hearing as a matter of course despite the statutory right to a due process hearing granted to participants under the Ted Stevens Act federal legislation.

83. The October 10-11, 2013, USOPC Board Minutes state, "The new entity would focus on sexual misconduct (and any related behaviors) and have the authority to investigate, make findings and issue disciplinary measures. The entity would be focused on an investigation-based procedure rather than a criminal-type process. While due process must be respected, with the process contemplating the possibility of a hearing before the AAA upon request, the primary goal of the structure is to ensure that as much accurate information is collected as possible."

84. While drafting the original SafeSport Code, officials at USOPC circulated a draft that failed to provide notice and a hearing before SafeSport issued a final decision on a participant's eligibility. Instead, the draft Code only provided for a hearing after appealing a final decision to an arbitrator – and at the participant's expense.

85. An NGB General Counsel involved with the working group recognized the apparent conflict between the draft Code's failure to provide a hearing before a final decision, and the statutory requirement that NGBs provide a hearing before ruling on a participant's eligibility contained in 36 U.S.C. § 220522(8). The NGB General Counsel raised this issue to the working group leader via email. The General Counsel specifically pointed out that under the Code, participants would be deprived of a hearing that they are afforded in every other context of sport, including anti-doping cases that are adjudicated through the U.S. Anti-Doping Agency (USADA).

86. Despite being aware of the NGBs' statutory requirement to provide a pre-determination hearing to participants, the USOPC didn't include a pre-determination hearing in the original Code.

87. The original Code became effective on March 3, 2017. At that time, Safe Sport was under the jurisdiction of the USOPC.

88. The original Code included three separate sections: (1) SafeSport Code for the U.S. Olympic and Paralympic Movement; (2) SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement; and (3) Supplemental Rules for U.S. Olympic and Paralympic Movement Arbitration.

89. The original Code governed anyone within the Olympic movement, including but not limited to athletes, coaches, trainers, team staff, medical or paramedical personnel, administrators, officials, other athlete support personnel, NGB employees, and volunteers.

90. The original Code provided that SafeSport had exclusive authority to investigate and resolve allegations of sexual misconduct.

91. The original Code provided that SafeSport had discretionary authority over other allegations as follows: "On the written request of the NGB or USOPC, [SafeSport] may, in its discretion, accept authority over alleged violations of any prohibited conduct under the [SafeSport] Code."

92. This discretionary authority included allegations of emotional or physical misconduct, including bullying behaviors, hazing, and harassment. If the NGB or

USOPC didn't request SafeSport to accept authority over alleged violations of the SafeSport Code, then an NGB would investigate using their own rules.

93. The investigation and resolution procedures in the original Code did not provide a hearing before SafeSport issued a decision on whether a violation occurred and the sanctions issued. Instead, the original Code only provided a limited opportunity for an accused to provide limited evidence to an investigator. The original Code also called for SafeSport to remove the identity of witnesses from the written decision so they could not be identified by an accused.

94. Under the original Code, to get a limited post-determination hearing, an accused was required to request arbitration within five (5) business days and to pay a fee of \$5,200.00. In addition, the accused was also charged a "room fee" of \$400.00, which was not identified in the Code.

95. The original Code limited the scope of arbitration as follows: "Arbitration shall resolve only whether a Responding Party violated the SafeSport Code for the U.S. Olympic and Paralympic Movement (Code) and/or the appropriate sanction (if any). Challenges to, or complaints about, any organizational practices or procedures shall not be addressed, and the arbitrator shall be limited to evaluating whether a Covered Individual violated the Code, and, if so, the appropriate sanction."

96. Thus, the original Code procedures did not provide any opportunity for an accused to be heard on the issue of whether the Code, or SafeSport's policies and practices, violated his or her rights under the Ted Stevens Act or any other source.

97. Despite an obligation to protect members' rights and to provide a hearing before declaring them ineligible, neither the USOPC nor any NGB took any action to protect members' rights under the Ted Stevens Act.

98. Instead, the NGBs acquiesced to the "workaround" drafted by the USOPC and SafeSport to avoid their obligation to provide a hearing before declaring someone ineligible to participate.

99. At the time, the USOPC created SafeSport and the first version of the Code, the USOPC and SafeSport were aware that the Ted Stevens Act required NGBs to provide a hearing before declaring participants ineligible yet they ignored that statutory requirement in the Code.

100. In March 2018, Congress passed the United States Center for Safe Sport Authorization Act of 2018 (the "2018 Amendment"), which amended the Ted Stevens Act in several respects. The 2018 Amendment made SafeSport independent from the USOPC and gave SafeSport considerable legislative, regulatory, administrative, and judicial powers, creating a governmental prosecutorial agency under cover of a private entity using secret, clandestine methods.

101. The 2018 Amendment declared that SafeSport "**shall ... serve as the independent national safe sport organization** and be recognized worldwide as the independent national safe sport organization for the United States," and "**exercise jurisdiction** over the [USOPC], each national governing body, and each paralympic sports **organization with regard to safeguarding athletes against**

abuse, including emotional, physical, and sexual abuse, in sports." 36 U.S.C. § 220541 (a)(l)(A)-(B). (Emphasis added).

102. The 2018 Amendment also provided broad regulatory and enforcement powers to SafeSport, including mandating that SafeSport shall "maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution ... of alleged sexual abuse in violation of the Center's policies and procedures," and "ensure that the [these] mechanisms ... provide fair notice and an opportunity to be heard" 36 U.S.C. § 220541(a)(l)(D)-(E).

103. In the 2018 Amendment, Congress not only gave federal regulatory and enforcement authority to SafeSport but also gave it federal legislative authority. The 2018 Amendment provides that the policies and procedures in the SafeSport Code "shall apply as though they were incorporated in and made a part of section 220524 of this title." 36 U.S.C. § 220541(b).

104. SafeSport's policies codified in 36 U.S.C. § 220524 were issued by SafeSport without ever being reviewed by Congress or any proper federal agency.

105. The Code ostensibly governs the conduct of every participant in Olympic and amateur sports in the entire United States.

106. In the 2018 Amendment, Congress required that SafeSport publicly identify people found to violate the Code on its website.

107. Although the 2018 Amendment also included a requirement that

SafeSport "ensure that the mechanisms" for reporting, investigating, and resolving SafeSport allegations provide "fair notice and an opportunity to be heard," SafeSport never changed the Code to provide a pre-determination hearing to participants before making a final decision.

108. While granting federal legislative, executive, and judicial authority to the Center, Congress did not provide for any substantive oversight of the Center's activities by a federal administrative agency or department of the Executive Branch. The only oversight of the Center was a minimal reporting obligation to the Government Accounting Office ("GAO"), which is an independent agency created by Congress to assist Congress, and its oversight only pertained to fiscal issues and ensuring the Center remained independent from the USOPC and NGBs.

109. The only other review called for in the 2018 Amendment is a requirement that SafeSport "submit an annual report to Congress." 36 USC § 220543(b).

110. After Congress passed the 2018 Amendment, SafeSport revised or edited the Code but did not provide for a hearing before issuing a final decision.

111. Instead, the SafeSport Code still provided for an appeal to an arbitrator at the expense of the accused and limited the scope of the appeal to whether the accused violated the Code and, if so, whether the sanctions were appropriate.

112. In or around March 2017, the USOPC changed its arrangement with SafeSport to a contractual relationship. Terms applicable to Plaintiff are reflected in the MSA between the USOPC, SafeSport [the Center], and the NGBs, **Ex. 1**.

113. The MSA attempts to delegate all responsibility for the adjudication and determination of SafeSport violations to SafeSport by the USOPC and the NGBs.

114. Despite the stated and obvious requirement that the parties comply with the law, the MSA documents the USOPC's intentional participation with SafeSport trampling and circumventing our intertwined legislative, executive, and judicial system of justice.

115. In 2020, Congress passed the Empowering Olympic and Amateur Athletes Act of 2020, which amended the Ted Stevens Act in several respects.

116. A significant change under the 2020 Amendment, is that Congress added § 220541(a)(l)(h), which requires SafeSport to provide "procedural due process" to an accused in every step of its investigation and resolution process.

117. SafeSport revised or amended the Code effective April 15, 2019.

118. SafeSport revised or amended the Code effective April 1, 2020.

119. SafeSport revised or amended the Code in 2021-2023.

120. SafeSport revised or amended the Code yet again effective April 1, 2024.

121. None of these revisions included participation or oversight by Congress, provided an opportunity for public comment or participation in the rule-changing process, or otherwise followed a legal, constitutional, or statutory process.

122. Although the 2022 version of the SafeSport Code added the language from the clarifying and superseding due process provisions contained in the 2020 Amendment to the Ted Stevens Act, SafeSport did not change its operations to provide a hearing to participants before issuing a final decision.

123. Notably in all the machinations with various SafeSport versions, no change was made to the USOPC or an NGB's independent duties to provide due process to its members, and to be free from the outside, oppressive, restraint imposed by SafeSport's operations. 36 U.S.C. § 220522 (5).

124. To Plaintiff's knowledge, SafeSport has never provided a full, proper, pre-determination hearing to a participant before issuing a final decision in direct violation of the due process required by the statute, § 220541(a)(l)(h).

125. SafeSport also does not provide any notice of pending amendments to the Code. Instead, SafeSport includes the following provisions:

The Code is administered by the Center. The USOPC, NGBs, and Local Affiliated Organizations (LAOs) must comply, in all respects, with these policies and procedures and shall be deemed to have incorporated the provisions into their relevant policies as if they had set them out in full therein.

Participants are responsible for knowing the information outlined herein and, by virtue of being a Participant, have expressly agreed to the jurisdiction of the Center and this Code's policies and procedures, including those governing arbitration. The Center reserves the right to make changes to the Code as necessary. Once posted online, notice has been provided and changes are effective immediately unless otherwise noted.

See, e.g., SafeSport Code (effective April 1, 2023), pg. 1.

126. Each version of the Code has severely restricted the scope of issues upon which an accused could be heard, thereby denying accused participants any meaningful opportunity to be heard. The Code has never provided a pre-determination hearing and has always provided for a post-determination arbitration at the accused's expense.

127. The Code has limited the scope of authority of an arbitrator to the substantive issues of whether the Code was violated or whether the penalty is appropriate.

128. The Code has always denied the right to appeal the arbitrator's decision.

129. Despite providing no due process safeguards, the Code has always contained a provision that people found in violation without a hearing will be publicly identified on SafeSport's website.

130. Defendants have been able to deprive participants of their rights to a pre-determination hearing since 2017 by manipulating the procedures in the SafeSport Code to avoid any adjudication of the lawfulness of the Code procedures by a court or a proper, neutral, arbitrator.

131. For years, the Code provided that issues relating to SafeSport's policies and procedures are not within the scope of the arbitrator or any other method of accountability. Accordingly, when participants contested the lawfulness of the procedures during an arbitration, SafeSport successfully argued that the arbitrator lacked the authority to rule on these issues.

D. SafeSport Persecution Methods

132. At the start of SafeSport's persecution, Robert Griswold was a member of the USOPC's national team. His job, vocation, goals, future, income, and career were as a representative of the USOPC.

133. Based upon the same allegations from some of the other litigation, the Colorado Springs Police Department did an investigation according to customary standards and protections.

134. The investigation was closed and the District Attorney's office declined either arrest or prosecution for lack of probable cause.

135. Despite that knowledge, SafeSport and the Co-Conspirators pronounced Robert guilty and continues to pronounce Robert guilty in the court of public opinion.

136. Under the circumstances of SafeSport's secret, fraudulent, and illegal processes, the unilateral suspension and pronouncement of guilt destroyed Robert's career causing the loss of medical and health insurance benefits, a stipend, award money, housing benefits, coaching, residence, future coaching opportunities, N.I.L. (name, image, likeness), other benefits, other income, and damages over \$750,000. The losses continue to date.

137. Under the current posture and circumstances of SafeSport's secret, fraudulent, and illegal processes Robert is prohibited from going back into a swimming pool for the rest of his life if it is theoretically a sanctioned facility or sanctioned event. That prohibition continues to date.

138. Under the circumstances of SafeSport's secret, fraudulent, and illegal process, the damage inflicted by all the Defendants and Co-Conspirators interfering with Robert's rights will last the rest of his life.

139. SafeSport is required to follow due process. 36 U.S.C. § 220541 (a)(1)(H).

140. Examples and standards of common concepts of procedural due process applicable to administrative action such as SafeSport's operations can be found at 5 U.S.C. § § 554-557, regardless of any characterization as either public or private action.

141. Fundamental, minimal standards include:

(b) Persons entitled to notice ... shall be timely informed of—

- (1) the time, place, and nature of the **hearing**;
- (2) the legal authority and jurisdiction under which the **hearing** is to be held; and
- (3) the matters of fact and law asserted

When private persons are the moving parties, other parties to the proceeding shall give prompt notice of issues controverted in fact or law; and in other instances agencies may by rule require responsive pleading. In fixing the time and place for **hearings**, due regard shall be had for the convenience and necessity of the parties or their representatives.

(c) The agency shall give all interested parties opportunity for—

- (1) the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment when time, the nature of the proceeding, and the public interest permit; ...

(d) The employee who presides at the reception of evidence pursuant to section 556 of this title [internal cites omitted] shall make the recommended decision or initial decision required by section 557 of this title, unless he becomes unavailable to the agency. Except to the extent required for the disposition of ex parte matters as authorized by law, such an employee may not—

- (1) consult a person or party on a fact in issue, unless on notice and opportunity for all parties to participate; or
- (2) be responsible to or subject to the supervision or direction of an employee or agent engaged in the performance of investigative or prosecuting functions for an agency.

5 U.S.C. § 554 (emphasis added).

142. Further example of standards includes those found at 5 U.S.C. § 556:

(d) Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof... A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(e) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 of this title [internal cite omitted] and, on payment of lawfully prescribed costs, shall be made available to the parties. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

143. The American Bar Association also provides guidance to appropriate prosecution and investigation conduct in *ABA Standards for Criminal*

Justice: Prosecutorial Investigations.

STANDARD 1.2 GENERAL PRINCIPLES

(a) An individual prosecutor is not an independent agent but is a member of an independent institution the primary duty of which is to seek justice.

(b) The prosecutor's client is the public, not particular government agencies or victims.

(c) The purposes of a criminal investigation are to:

(i) develop sufficient factual information to enable the prosecutor to make a fair and objective determination of whether and what charges should be brought and to guard against prosecution of the innocent, and

(ii) develop legally admissible evidence sufficient to obtain and sustain a conviction of those who are guilty and warrant prosecution.

(d) The prosecutor should:

(i) ensure that criminal investigations are not based upon premature beliefs or conclusions as to guilt or innocence but are guided by the facts;

(ii) ensure that criminal investigations are not based upon partisan or other improper political or personal considerations and do not invidiously discriminate against, nor wrongly favor, persons on the basis of race, ethnicity, religion, gender, sexual orientation, political beliefs, age, or social or economic status;

(iii) consider whether an investigation would be in the public interest and what the potential impacts of a criminal investigation might be on subjects, targets and witnesses; and

(iv) seek in most circumstances to maintain the secrecy and confidentiality of criminal investigations.

https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjust_standards_pinvestigate

144. When SafeSport opens a case against a respondent such as Robert, SafeSport withholds and hides documents and investigation material. SafeSport does not allow a respondent access to hard copies to either investigate, respond, or defend against charges. SafeSport does not identify witnesses, a complaining witness, or allegation details. SafeSport does not allow cross-examination as may be required for full and true disclosure of the facts.

145. Although SafeSport publicly acknowledges a duty to follow common expectations of fairness, in daily operation it ignores the essential elements, instead attempting to override our existing criminal and civil justice system, replacing it with arbitrary operations where the ends justify the means persecuting activity or individuals deemed undesirable.

146. The SafeSport Code references due process, yet it purposely skips the elements brazenly conceding that it combines investigation, prosecution,

adjudication, and sanction functions unlike any other public or private administrative agency in the country.

147. For example, the SafeSport Code memorializes systemic defects in section XI,

Resolution Procedures:

A Formal Resolution occurs after the Center has completed an investigation and either closes the matter or, if a violation is found, issues its Decision. A Respondent may request a hearing of the Center's Decision. (XI, I. 3.) (no hearing until after sanction, combining investigation, prosecution, sanction);

Throughout the resolution process, Claimant(s) and Respondent(s) each have the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation or hearing. The Claimant and Respondent may be accompanied by their respective advisors at any meeting or proceeding related to the investigation, hearing and resolution of a report under these procedures. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the Claimant or Respondent, or otherwise participate in such meetings and/or proceedings except as provided herein. (XI, J. 2.) (preventing and interfering with any defense, representation, and the attorney/client relationship);

No audio or video recording of any kind is permitted during interviews or meetings, except as authorized and conducted by the Center. (XI, K.) (failing to preserve evidence, preventing any transcript, or record for review at any hearing or appeal);

The investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of opinion as to any person's general reputation for any character trait, rather than direct observations or reasonable inferences from the facts. (XI, M.) (investigator replacing or eliminating any independent finder of fact, combining investigation, prosecution, sanction); and

The Center will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding that Respondent violated the Code. If there is a finding that the Respondent violated the Code, the Decision will note the violation and identify an appropriate sanction(s). The Claimant and Respondent will be notified of the Decision. Such Notice of Decision will set forth any violation(s) of the Code, as supported by the

rationale set forth in the Decision and Investigation Report; the sanction(s) imposed against the Respondent (if applicable); and the rationale for any sanction(s) imposed. The Notice of Decision is considered confidential, however, the outcome reflected in the Decision—including whether a violation was found, the nature of the underlying misconduct, and any sanctions imposed—is not. (*XI, O.*) (no hearing until after sanction, combining investigation, prosecution, sanction, eliminating concepts of due process).

148. There is (or was) an anonymous whistleblower or whistleblowers inside SafeSport. Referring to a typical investigation against one of the NGBs and a respondent targeted by SafeSport in March 2021 an email circulated that stated as follows:

We work inside of SafeSport in Denver. We must remain anonymous. We fear for our jobs. You were targeted by SafeSport because you gave favorable evidence in support of another Respondent in another ...case. As you now know, SafeSport is fundamentally unfair. There is no actual due process of law. Your name was destroyed without any notice or hearing. You're not alone. Ask [redacted]. We understand from our media contacts that a group of female gymnasts in Texas have hired a lawyer to pursue their own complaints against SafeSport, but they need your help. Please ask around and find out about that group. Their eventual lawsuit might help put an end to SafeSport tyranny before anyone else gets hurt. SafeSport fires anyone who raises concerns about the unfairness of the process ... SafeSport is led by unqualified people who have neither the experience or discretion to guide the agency. If you knew the actual education and experience of the SafeSport leadership, you'd be shocked. The organization is overwhelmingly led by angry [people] with a social agenda ... [redacted]. Please don't share this with anyone, not even attorney [redacted]. We don't know what he might tell [SafeSport] attorney [redacted] and that might start another witch hunt. Like we said, we fear for our jobs. We know that leadership monitors e-mails and phone calls for leaks. Our paranoia is justified.

149. Subsequent emails circulated from the whistleblower(s) between May 7 and May 17, 2021, reveal additional information about SafeSport's malice and intentional illegal, and unfair practices. Referring to other case or cases and standard operations at SafeSport, the whistleblower(s) said:

- "Regardless of who you hire, and you need to hire someone, and when that lawyer starts digging, the truth will come out quickly."
- "Many of us here at SafeSport are lawyers. We know bad things and we see them. Many of us said that the way you were treated was what we call a tort. We really hope you muster the courage and the resources, hire the right lawyer, and go after this place."
- "You simply do not understand who you are dealing with. Most of our leaders do not care if you are innocent. They only care that you are a wealthy male and that you must be diminished. Heather O'Brien is a man-hating, power-hungry zealot. She makes all decisions. She has eliminated any who oppose her. She'd fire us if she knew we were in contact with you. We've told you all that we know. Your choice is clear. Fight or succumb."
- "Ask yourself one more thing. How many other people must be hurt before someone stands up and fights back?"

150. SafeSport is a fraudulent business that targets participation in sports by a person's status contrary to concepts of justice or standards.

E. SafeSport and the Co-Conspirators' Help Trigger a Congressional Hearing

151. SafeSport's existence and operations undermining over two hundred years of our judicial system finally caught the attention of the United States Congress. The Commission on the State of U.S. Olympics and Paralympics (CUSOP) was created in 2020 with the goal of addressing systemic challenges, including The Movement at SafeSport.⁴

152. Hearings were held and testimony was received in September 2023.

153. The CUSOP Final Report issued and was published in March 2024.

154. Since enactment of the Ted Stevens Act, the CUSOP recognized that:

⁴ See <https://www.csusop.org/>, Commission on the State of U.S. Olympics and Paralympics, "Passing the Torch," Final Report, page 7.

Today, this movement is again in dire need of systemic change. In recent years, it has faced a reckoning over widespread abuse of athletes and associated cover-ups, over disparities in access and accessibility, **and over deficiencies in accountability and due process**. It is again time to re-envision how Olympic and Paralympic sports ought to be organized and governed so we can protect and empower athletes to reach for their best and, in so doing, help demonstrate America's best (emphasis added).⁵

155. Over six years ago, The Movement was publicly alerted to the serious problems in the manner in which it trampled rights.

Han Xiao, then Chair of the AAC and later a Co-Chair of this Commission, warned that SafeSport “*could still fail in its mission to protect athletes. For example, SafeSport efforts could be derailed by the stories we’re hearing suggesting that **the rights of the accused are not being appropriately protected**. In other cases,*” he continued, “*we hear that SafeSport complaints are being used by staff against athletes, as yet another way to exercise power over them.*”⁶

156. The CUSOP Final Report revealed that SafeSport is a quasi-governmental entity without adequate oversight or accountability. One of the key findings of the study was:

... a lack of transparency, accountability, and due process by USOPC, governing bodies, and SafeSport. This is detrimental both to the movement and to the millions of Americans who participate in it. Congress took it upon itself in 1978 to create quasi-governmental entities to oversee movement sports and to look after the well-being of athletes. However, as has been pointed out, USOPC, as a private, quasi-governmental entity, does not have sufficient incentives or resources to be its own public watchdog over the system and the organizations falling under its purview. The same can be said for SafeSport.⁷

157. Emphasizing the lack of accountability and transparency the Final Report said the Commission “encountered great difficulty soliciting voluntary disclosure of

⁵ Final Report at pages 6-7.

⁶ Final Report at page 45.

⁷ Final Report at page 136.

key documents from USOPC, governing bodies, and SafeSport.” One of the key findings and recommendations was that quasi-governmental organizations such as The Movement at SafeSport should not have the ability or excuses to hide information from Congress or people such as Plaintiff.⁸

158. Discussing the broken system, the Commission also emphasized additional frustrations that are at the core of the illegal conduct foisted upon Plaintiff as in these cases. The Commission asked for documents. USOPC, SafeSport, and NGBs refused to provide requested information. The decision “not to furnish ... requested financial documents detailing spending, as well as those covering certain safety policies, reflect a lack of transparency built into the structure of the current system, one that hinders the movement’s accountability to Congress [and the public].”⁹

159. In the appearances testifying before Congress, noting that SafeSport is not fully meeting its mission and has lost significant trust, CEO Colón acknowledged SafeSport’s shortcomings and pledged to do better.¹⁰

160. CEO Colón conceded that SafeSport is struggling to fulfill its statutory mission and demanded more money from Congress and the USOPC to ensure SafeSport’s continued existence.

161. Empty platitudes to continue avoiding personal and organizational accountability, shortly after distracting the Commission, CEO Colón publicly declared they are and will continue unilaterally breaking the law. In a statement to

⁸ Final Report at page 138.

⁹ Final Report at page 8.

¹⁰ Final Report at page 76.

USA Today Sports in May 2024, CEO Colón said: “Culture change is happening ... Actions that were once tolerated or ignored are no longer accepted, and accountability is taking root ... Those who cling to toxic tactics will be left behind and on the wrong side of history.”

162. Thereafter, CEO Colón embarked on what can only be described as a fraudulent and wasteful boondoggle to the Paris Olympic Games, ostensibly to “champion respect” via videos posted to SafeSport or Colón’s social media accounts.

163. Another blatant example apparently misconstruing SafeSport’s mission to: “Resolve abuse and misconduct reports and to developing and enforce policies, procedures, and training to prevent abuse and misconduct” in American athletics under the aegis of the USOPC; CEO Colón included at least two other senior members of the SafeSport administration (Ms. Hannah Hinton, Vice President of Organizational Development and Compliance and Ms. Monica Rivera, Vice President of Education and Research) on the unnecessary, expensive, wasteful, boondoggle to the Paris Olympics.

164. The disgusting public images of SafeSport’s leadership diverting resources from the children and adult constituents of sports in the United States – the same people that SafeSport is supposed to be protecting – encapsulates the fraudulent scheme that is “The Movement” at SafeSport.

165. SafeSport repeatedly attempts to declare legal and cultural independence from the USOPC, lest anyone complain about an appearance of impropriety, that SafeSport is beholden to, or influenced by, the USOPC.

166. Yet, there was CEO Colón and the most senior administrators spending SafeSport funds or resources to openly fraternize with USOPC officials at the Paris Olympics.

167. In this case, it is the Defendants' actions that cannot be tolerated or accepted. "On the wrong side of history" (to quote CEO Colón), eviscerating the numerous protections guaranteed by our Constitutional system of justice, "The Movement" at SafeSport is broken. Defendants and the Co-Conspirators should be accountable according to established law and precedent.

VII. Applicable Law, Statutes, Policies, or Procedures

168. Article I, Section I of the United States Constitution states: "All legislative Powers granted herein shall be vested in a Congress of the United States." U.S. Const. Art. I, § 1.

169. Article II, Section 1 of the United States Constitution states: "The Executive power shall be vested in a President," who must "take Care that the Laws be faithfully executed." U.S. Const. Art. II, § 1, cl. 1; U.S. Const. Art. II, § 3.

170. Article III, Section 1 of the United States Constitution states: "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." U.S. Const. Art. III, § 1.

171. Article III, Section 2 of the United States Constitution states: "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States..." U.S. Const. Art. III, § 2.

172. The Fifth Amendment to the United States Constitution provides that no person shall be “be deprived of life, liberty, or property, without due process of law.”

173. The Fourteenth Amendment to the United States Constitution provides that no state shall deprive any person of “life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

174. 42 U.S.C. § 1983 allows a civil action for deprivation of rights. “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”

175. Action by SafeSport must be “carried out in a manner that provides procedural due process to the individual.” 36 U.S.C. § 220541(a)(l)(H).

176. The Colorado Constitution states: “Courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and right and justice should be administered without sale, denial or delay.” Colorado Const. Art. II, § 6.

177. The Colorado Constitution states: “The right of trial by jury shall remain inviolate ...” Colorado Const. Art. II, § 23.

178. The Colorado Constitution states: “The people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of

government for redress of grievances, by petition or remonstrance.” Colorado Const. Art. II, § 24.

179. The Colorado Constitution states: “No person shall be deprived of life, liberty, or property without due process of law.” Colorado Const. Art. II, § 25.

180. The Colorado State Anti-Trust Act (the CSAA) prohibits entering into or engaging in a conspiracy or contract in restraint of trade or commerce, facilitating, aiding, or abetting any person in restraint of trade. C.R.S. 6-4-101, *et seq.*

181. The Colorado Consumer Protection Act (the CCPA) prohibits unfair, unconscionable, deceptive, misleading, false, or fraudulent practices in trade or commerce. C.R.S. 6-1-101, *et seq.*

182. SafeSport identifies and confirms operational defects and probable due process shortcuts in its annual reports. In 2022, SafeSport publicly declared that it operates contrary to the federal charter, compromising independence, and improperly mixing investigation, adjudication, and sentencing in hundreds – if not all – of the cases opened by SafeSport:

To fulfill its **federal mandate** to safeguard athletes in amateur sport from abuse and misconduct, the Center works to prevent inappropriate activity by:

- Accepting and facilitating reports through a **confidential online portal**
- Investigating and adjudicating alleged violations of the **SafeSport Code**
- Determining and issuing sanctions, including **public sanctions**, based on findings of abuse or misconduct, as well as process violations such as retaliation and failure to report ...

In 2022, 520 cases proceeded to informal and formal resolutions, reflecting the Center’s commitment to timely resolutions and fair and full investigations of evidence. While thorough investigations can be time-

intensive and laborious, procedural refinements and efficiencies enabled cases to be resolved in less time, on average, than in prior years. And for the second consecutive year, the Center resolved more cases than it opened—surpassing the 12,000-case milestone for lifetime case resolutions—reflecting a substantial reduction, despite the sharp increase in reports, in case backlog that the Center experienced in earlier years.

In 2022, 482 individuals were sanctioned based on a SafeSport Code violation, which in some cases led to a listing on the Centralized Disciplinary Database (CDD)—published on the Center’s website since 2017 and now listing more than 1,800 adult individuals restricted from sport participation.

The Center continues to explore new ways to increase efficiencies and better leverage its unique dataset to advance its mission. To this end, the Center has begun the process of developing its own customized internal case management system to improve not only case efficiencies, but also the collection of data to analyze trends and inform education and training.

SafeSport Annual Report 2022, page 9.

183. The reference to increased efficiencies and leveraging a unique dataset is a deceptive business practice describing SafeSport taking shortcuts circumventing the obligation to adhere to concepts of due process contrary to the mission imposed by the enabling statute.

184. The reference to “fair and full investigations of evidence” is a lie, intended to deceive and hide how SafeSport operates in reality, prejudging, rushing to judgment, and otherwise operating contrary to fundamental concepts of fairness, justice, due process, transparency, or equity.

185. From at least 2021, SafeSport, its senior management, inside and certain outside counsel, operate the agency and investigations in a clandestine environment where the ends justify the means, arbitrarily picking targets to prosecute.

186. *Axon Enterprise v FTC*, 598 US 175 (2023) provides for a direct action against an administrative agency or a body such as SafeSport acting as an administrative

agency when “the agencies, as currently structured, are unconstitutional in much of their work.”

187. A direct action against an administrative agency was bolstered by *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024). *Loper* affirmed that Article III of the U.S. Constitution assigns the power and responsibility to adjudicate “Cases” and “Controversies” to the judiciary, not a rogue agency like The Movement at SafeSport.

188. As currently structured, Defendants’ operations are unconstitutional in application, unfair, and deceptive in much of their work.

VIII. Basis For Recovery

189. The facts alleged support claims including, but not limited to:

- (a) breach of the CSAA restraining trade;
- (b) entering into a contract in restraint of trade or commerce;
- (c) conspiring to engage in restraint of trade;
- (d) facilitating, aiding, or abetting violations of the CSAA;
- (e) breach of the CCPA holding themselves out as an administrative agency with disciplinary authority following due process and the law when SafeSport does not;
- (f) deceptive business practices;
- (g) multiple breaches of the United States Constitution;
- (h) breach of the Colorado Constitution preventing Robert from his rights to a speedy remedy in open court;
- (i) breach of the Colorado Constitution violating Robert’s right to be free from injury to his person, property, or character;
- (j) breached the Colorado Constitution violating Robert’s right to be free from deprivation of life, liberty, or property without due process of law;
- (k) breached the Colorado Constitution violating Robert’s right to a jury trial; breached the MSA between the USOPC and SafeSport;
- (l) breached the MSA and By Laws right to indemnity;
- (m) malicious prosecution;
- (n) civil conspiracy; and
- (o) tortious interference with contract.

190. All claims listed, or potential claims not listed, are in the alternative.

IX. Count One – Declaratory Judgment

191. Paragraphs 1 through 190 are incorporated into this Count One as though fully set forth.

192. There is an actual controversy requiring a declaration of the rights and legal relations between the Plaintiff, Defendants, and other interested parties.

193. Defendants violated Plaintiff's rights under the Fifth and Fourteenth Amendments of the U.S. Constitution, 42 U.S.C. § 1983, the Colorado Constitution, the CSAA, and the CCPA.

194. Defendants acted under color of state and federal law.

195. Plaintiff is injured in fact; the injuries are and were proximately caused by Defendants' conduct; and it is likely that Plaintiff's injuries will be redressed by a favorable decision. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014).

196. Plaintiff and other interested parties have personal stakes in the outcome of the controversy. The past, present, and future harm is concrete, actual, imminent, impending, and there is a substantial risk that further harm will occur without correction of SafeSport and the USOPC's operations.

197. SafeSport's operations are unconstitutional as applied.

198. Both prosecutorial and adjudicative activities are housed in the same agency by design. *Axon Enterprise*, 598 US at 189.

199. Defendants' operations subject Plaintiff (and every other respondent) to illegitimate proceedings, by illegitimate and unknown decision makers, and decision

makers that are unaccountable. As currently structured, SafeSport's operations are "impossible to remedy once the proceeding is over." *Axon Enterprise*, 598 US at 191.

200. SafeSport's operations are unfair, deceptive, a breach of the statute and other duties requiring due process.

201. As of the date of the posting of the SafeSport suspension, and persistent reference to guilt in public by SafeSport, the harm is irreparable, and Plaintiff does not have an adequate remedy at law.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) Declare and enter judgment requiring Defendants' compliance with due process in all operations;
- (b) Declare and enter judgment that Plaintiff has a right to a full and proper due process pre-determination hearing before being announced guilty of misconduct, suspended, or ruled ineligible, and that Defendants violated, and are continuing to violate, those rights by enforcing any suspension or sanction against Plaintiff;
- (c) Declare and enter judgment that the Ted Stevens Act requires notice and a hearing to Plaintiff before ruling on allegations and as a result of Defendants' failure to provide those rights any findings, rulings, suspension, or sanctions imposed are void;
- (d) Declare and enter judgment that Defendants violated Plaintiff's rights to due process, that a post-deprivation hearing is, or was, insufficient to remedy the harm, and that any findings, rulings, suspension, or sanctions imposed are void;
- (e) Declare and enter judgment that SafeSport is an illegitimate agency, engaged in illegitimate proceedings, and that any actions against Plaintiff are void;
- (f) Declare and enter judgment that Defendants violated Plaintiff's right to a jury trial;
- (g) Declare and enter judgment that Defendants cease and desist all attempts or representations at supplanting existing investigation, prosecution, judicial, and administrative agency functions;
- (h) Declare and enter judgment that Defendants cease and desist all attempts or representations of any right or ability to publicly discipline individuals outside existing civil or criminal justice systems;

- (i) Declare and enter judgment that Defendants cease, desist, and correct all unfair, unconscionable, deceptive practices;
- (j) Revoke SafeSport's corporate charter;
- (k) That Plaintiff be awarded all costs, expenses, attorney's fees, or damages; and
- (l) For such other, different, or additional relief as the Court may find appropriate.

X. Count Two – Unconstitutional Delegation of Power and Violation of the Separation of Powers

202. Paragraphs 1 through 201 are incorporated into this Count Two as though fully set forth.

203. Article I, Section I of the United States Constitution states: "All legislative Powers granted herein shall be vested in a Congress of the United States." U.S. Const. Art. I, § 1.

204. Article II, Section 1 of the United States Constitution states: "The Executive power shall be vested in a President," who must "take Care that the Laws be faithfully executed." U.S. Const. Art. II, § 1, cl. 1; U.S. Const. Art. II, § 3. See also *Seila Law, LLC v. Consumer Financial Protection Bureau*, 591 U.S. 207, 140 S. Ct. 2183, 2197 (2020). "The entire 'executive Power' belongs to the President alone." *Id.*

205. Article III, Section 2 of the United States Constitution states: "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States..." U.S. Const. Art. III, § 2. Accord, *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024).

206. With exclusive legislative authority vested in Congress, executive authority vested in the Executive Branch, and legal and statutory authority vested in the Judicial Branch, Congress cannot circumvent the separation of powers attempting

to shift responsibility to other entities, especially entities operating in combination like SafeSport and the USOPC - whether they are characterized as private or governmental.

207. The Supreme Court consistently recognizes that the United States Constitution does not permit Congress to delegate exclusive authority of a branch of the federal government to a private entity.

208. "The nondelegation doctrine is rooted in the principle of separation of powers that underlies our tripartite system of Government." *Mistretta v. United States*, 488 U.S. 361,371 (1989).

209. "That Congress cannot delegate legislative power ... is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution." *Marshall Field & Co. v. Clark*, 143 U.S. 649, 692 (1892).

210. Likewise, "[f]ederal lawmakers cannot delegate regulatory authority to a private entity. To do so would be 'legislative delegation in its most obnoxious form.'" *Ass'n of Am. Railroads v. U.S. Dep't of Transp.*, 721 F.3d 666, 670 (D.C. Cir. 2013) (quoting *Carter v. Carter Coal Co.*, 298 U.S. 238, 311 (1936)). See also *Dep't. of Transp. v. Ass'n of Am. Railroads*, 575 U.S. 43, 64 (2015) (Alito, concurring) (also quoting *Carter v. Carter Coal Co.*, 298 U.S. 238, 311).

211. The Ted Stevens Act expressly grants executive authority to SafeSport in violation of the nondelegation doctrine.

212. "As Madison explained, 'If any power whatsoever is in its nature Executive, it is the power of appointing, overseeing, and controlling those who execute the laws.'" *Seila Law, LLC*, 591 U.S. 207, 140 S. Ct. at 2197 (citing 1 Annals of Cong. 463 (1789)).

213. In *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123 (1951), the Supreme Court eloquently explained why branding people through a rogue agency, without a hearing, with no right to appeal, and with no accountability does not fit our system.

Man being what he is cannot safely be trusted with complete immunity from outward responsibility in depriving others of their rights. At least such is the conviction underlying our Bill of Rights ... Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness ... No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it ... *Id.*, at 171-172.

214. Although Congress declared in the Ted Stevens Act that Defendant SafeSport is not a "state actor," the Supreme Court warned courts that this language is a red flag. "One way the Government can regulate without accountability is by passing off a Government operation as an independent private concern. Given this incentive to regulate without saying so, everyone should pay close attention when Congress 'sponsors corporations that it specifically designates **not** to be agencies or establishments of the United States Government.'" *Dep't. of Transp. V. Ass'n of Am. Railroads*, 575 U.S. 43, 57 (2015) (Alito, concurring) (Emphasis in original). "Perhaps the most telling indication of a severe constitutional problem with an executive entity is a lack of historical precedent to support it." *Seila Law, LLC*, 591

U.S. 207, 140 S. Ct. at 2201 (citing *Free Enterprise Fund v. Public Accounting Oversight Board*, 561 U.S. 477,483 (2010) (internal quotations omitted)).

215. SafeSport and USOPC structure unconstitutionally vests significant governmental power in the hands of private corporations managed by a board of directors unaccountable to anyone but themselves. The SafeSport board is not elected by the people, nor meaningfully controlled by someone who is elected or accountable. Yet the board may unilaterally attempt to amend federal statutes, issue final regulations, oversee adjudications, set enforcement priorities, initiate prosecutions, and determine penalties to impose on private parties.

216. The Ted Stevens Act unconstitutionally grants SafeSport – a private, independent, self-regulatory, corporation - the power to draft, implement, administer, and enforce federal law and policy regarding emotional, physical, and sexual abuse in Olympic and amateur sports.

217. As drafted, SafeSport has regulatory control over virtually anyone participating in amateur sports in the United States, including players, coaches, administrators, referees, and other officials.

218. SafeSport is charged with developing programs and promulgating rules covering all facets of emotional, physical, and sexual abuse in Olympic and amateur sports in the United States.

219. Further, the Ted Stevens Act grants SafeSport the authority to enforce alleged rules violations and requires SafeSport to publicly identify anyone found to be in violation.

220. SafeSport is funded by the USOPC, NGBs, and receives a grant from the United States Department of Justice.

221. Plaintiff seeks a declaration that the Congressional grants of authority to Defendants contained in The Ted Stevens Act are unconstitutional grants of legislative, executive, and judicial power in violation of the nondelegation doctrine.

222. In addition, Plaintiff seeks a declaration that Defendants were, and are, without authority to create a SafeSport Code or enforce the rules and regulations contained in the SafeSport Code, that each of the penalties issued by SafeSport and enforced by the USOPC be stricken, and that each of the Defendants be enjoined from continuing to enforce any sanctions against Plaintiff.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) Declare and enter judgment that the Congressional grants of authority to Defendants contained in The Ted Stevens Act are unconstitutional grants of legislative, executive, and judicial power in violation of the nondelegation doctrine;
- (b) Declare and enter judgment that Defendants were, and are, without authority to create a SafeSport Code or enforce the rules and regulations contained in the SafeSport Code, that any findings, rulings, suspension, sanctions, or penalties issued by SafeSport and enforced by the USOPC be stricken and expunged;
- (c) Declare and enter judgment that each of the Defendants be prohibited from enforcing, or attempting to enforce, any suspension or sanction against Plaintiff;
- (d) That Plaintiff be awarded all costs, expenses, attorney's fees, or damages; and
- (e) For such other, different, or additional relief as the Court may find appropriate.

XI. Count Three – Violation of the Appointments Clause

223. Paragraphs 1 through 222 are incorporated into this Count Three as though fully set forth.

224. If it should be found that the grant of power makes SafeSport a public entity, it would still be unconstitutional because appointment of its Board of Directors violates the Appointments Clause of the United States Constitution.

225. Under the Appointments Clause, only the president, a head of a department, or a court of law may appoint an officer of the United States. *U.S. Const.* Art. II, Sec. 2, Cl.2.

226. If SafeSport is deemed public, the Board of Directors would be officers of the United States because they "occupy a continuing position established by law" and exercise "significant authority pursuant to the laws of the United States." *Lucia v. SEC*, 585 U.S. ___, 138 S. Ct. 2044, 2051 (2018)(internal quotation marks omitted).

227. SafeSport's Board members are not appointed by the president, a head of a department, or a court of law. Instead, they are elected by Board members *i.e.*, themselves.

228. Thus, SafeSport's structure and operations violate the Appointments Clause.

229. Plaintiff and other participants are harmed by the unconstitutional appointment of SafeSport because they are subjected to policies and procedures that violate the Ted Stevens Act and the United States Constitution. Plaintiff and other participants are further harmed by the unconstitutional appointment of the Center because the dues and fees paid by them have financed the Center.

230. Plaintiff seeks a declaration that the Ted Stevens Act, specifically SafeSport's existence, operation, or authority, violates the Appointments Clause of the United States Constitution.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) Declare and enter judgment that the Ted Stevens Act and SafeSport's existence, operation, or authority, violates the Appointments Clause of the United States Constitution;
- (b) That Plaintiff be awarded all costs, expenses, attorney's fees, or damages; and
- (c) For such other, different, or additional relief as the Court may find appropriate.

XII. Count Four – Violation of the Ted Stevens Act

231. Paragraphs 1 through 230 are incorporated in this Count Four as though fully set forth.

232. The Ted Stevens Act granted the right to a pre-determination hearing to participants since at least 1978.

233. Congress reiterated this right when it amended the Ted Stevens Act in 2018. The 2018 Amendment granted authority to Safe Sport to draft, implement, investigate, and adjudicate allegations of emotional, physical, and sexual abuse of athletes in Olympic and amateur sports. The 2018 Amendment did not in any way abrogate or amend the requirement set forth in 36 U.S.C. § 220522(8).

234. In fact, the statute authorizing the Center, 36 U.S.C. § 220541, reinforces the requirement in 36 U.S.C. § 220522(8) and mandates that SafeSport's procedures must give fair notice and opportunity to be heard. 36 U.S.C. § 225041(a)(5).

235. The two provisions must be read in harmony with one another given that they are both within the Ted Stevens Act and that Congress did not create an exception to § 220522(8) when it enacted § 220541(a)(5). *United States v. Banker*, 876 F.3d 530 (4th Cir. 2017) (absent an indication that we should do otherwise, the Court should interpret statutes *in pari materia*, that is, in a consistent manner in which adjacent statutory subsections that refer to the same subject matter are read harmoniously to ensure that a statutory scheme is coherent and consistent).

236. Congress again reiterated the right to a pre-determination hearing when it amended the Ted Stevens Act in 2020. In the 2020 Amendment, Congress expressly required SafeSport to provide "procedural due process" in every action it takes against a participant. Also in the 2020 Amendment, Congress did not remove the pre-determination right granted to participants under § 220522(8).

237. When Congress required SafeSport to provide "notice and an opportunity to be heard, and "procedural due process," it meant that SafeSport was required to provide procedural due process within the meaning of the Fifth Amendment to the United States Constitution.

238. Congress found that the statutory benefits granted in the Ted Stevens Act, either separately or in combination with the potential stigma and harm to a participant's name, honor, integrity, and reputation as a result of identifying them on SafeSport's public website, required the protections of due process in SafeSport's policies and procedures to deprive them of those rights.

239. When Congress grants statutory rights to individuals and directs an agency to establish a procedure affecting those rights, "it can be assumed that Congress intends that procedure to be a fair one." *Marincas v. Lewis*, 92 F.3d 195,203 (3rd Cir. 1996) (also stating doubt that Congress intended to provide a procedure that fails to provide basic due process).

240. Congress adopted the language contained in the Ted Stevens Act, the 2018 Amendment, and the 2020 Amendment in light of the history of American jurisprudence defining "notice and an opportunity to be heard," and "procedural due process." "Many controversies have raged about the cryptic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and an opportunity for hearing appropriate to the nature of the case." *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306,313 (1950). "We have described 'the root requirement' of the Due Process Clause as being 'that an individual be given an opportunity for a hearing **before** he is deprived of any significant property interest." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532,542 (1985) (emphasis in original) (quoting *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971)).

241. Fair notice and opportunity to be heard for USOPC athletes has a meaning that is set forth in the Act in §220522(8), and in the USOPC's long-established hearing process rules which include but are not limited to the following rights: each party will have the right to appear personally and through a representative;

Respondents will receive written notice of any alleged violation or complaint against them, along with a reference to potential consequences;

- (a) Respondents will be given a reasonable time before a hearing in which to prepare a defense;
- (b) a Hearing Panel will hold the hearing in as prompt and timely a manner as is practicable under the circumstances. The Hearing Panel will strive to schedule a hearing within ninety (90) days of the determination that a Complaint is properly filed, and to issue its written decision within thirty (30) days after a hearing;
- (c) parties will be given a reasonable opportunity to present and examine evidence, cross-examine witnesses, and present argument;
- (d) The parties may present live witnesses or affidavits or other witness statements and documentary proof to support their arguments subject to limiting rulings by a Hearing Panel. The Hearing Panel will typically give less weight to affidavits or witness statements when the author is not subject to cross-examination at the hearing;
- (e) all parties will receive a written decision from the Hearing Panel, which will include notice of the applicable appeal procedures;
- (f) subject to applicable provisions related to Temporary Measures, individuals will be provided with fair notice and opportunity for a hearing before being declared ineligible to participate; and
- (g) in cases where a temporary measure is implemented, the opportunity for a hearing will be provided on an expedited basis so as to hear the matter as soon as practicable.

242. The legislative history of the 2018 Amendment indicates that SafeSport is modeled on the USADA, an independent body authorized to adjudicate athlete doping cases. (Senate Report 115-443).

243. Unlike SafeSport, the USADA's adjudication process provides for a pre-determination hearing by a neutral arbitrator, which allows determinations of ineligibility without potentially risking breach of the numerous Constitutional, statutory, and other duties.

244. The Ted Stevens Act requires that SafeSport provide notice and a pre-determination hearing to participants.

245. Plaintiff seeks a declaration that the Ted Stevens Act grants participants, including Plaintiff, the right to a hearing before SafeSport can issue a decision on allegations against him; that SafeSport's policies and procedures violated Plaintiff's rights by failing to provide a hearing before SafeSport issued a decision on allegations against Plaintiff; that SafeSport' s provision of an arbitration hearing does not comply with the Ted Stevens Act; and that any suspension or sanction imposed by SafeSport against Plaintiff is void.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) Declare and enter judgment that the Ted Stevens Act grants participants, including Plaintiff, the right to a hearing before SafeSport can issue a decision on allegations against him;
- (b) Declare and enter judgment that SafeSport's policies and procedures violated Plaintiff's rights by failing to provide a hearing before SafeSport announced a decision against Plaintiff;
- (c) Declare and enter judgment that SafeSport' s provision of an arbitration hearing does not comply with the Ted Stevens Act;
- (d) Declare and enter judgment that any suspension or sanction imposed by SafeSport against Plaintiff is void;
- (e) That Plaintiff be awarded all costs, expenses, attorney's fees, or damages; and
- (f) For such other, different, or additional relief as the Court may find appropriate.

XIII. Count Five – Due Process Violations under the Fifth Amendment

246. Paragraphs 1 through 245 are incorporated in this Count Five as though fully set forth.

247. The Ted Stevens Act and the SafeSport Code violate Plaintiff's rights to Due Process under the Fifth Amendment to the United States Constitution by failing to provide a pre-determination hearing.

248. "While the legislatures may elect not to confer a property interest ... it may not constitutionally authorize the deprivation of such an interest, once conferred, without appropriate procedural safeguards The adequacy of statutory procedures for deprivation of a statutorily created property interest must be analyzed in constitutional terms." *Logan v. Zimmerman Brush Co.*, 455 U.S. 422,432 (1982) (internal quotations and citations omitted).

249. "The fifth amendment enjoins the federal government from depriving any person of 'life, liberty, or property, without due process of law.'" *McNeill v. Butz*, 480 F.2d 314, 318 (4th Cir. 1973).

250. The Supreme Court of the United States has long held that "[w]here a person's good name, reputation, honor, or integrity are at stake because of what the government is doing to him, notice and an opportunity to be heard are essential." *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971). When a governmental action deprives an individual "of a right previously held under state law," or "a right or status previously recognized by state law is distinctly altered or extinguished," the government must provide a hearing. *Paul v. Davis*, 424 U.S. 693 (1976) .

251. In other words, "'liberty' is implicated and procedural due process is required when government action threatens an employee's good name, reputation, honor, or integrity." *McNeill v. Butz*, 480 F.2d 314, 319 (4th Cir. 1973) (citing *Bd. of Regents v. Roth*, 408 U.S. 564, 573 (1972); *Wisconsin v. Constantineau*, 400 U.S. 433,437 (1971); *Wieman v. Updegraff*, 344 U.S. 183 (1952)).

252. "An essential principle of due process is that a deprivation of life, liberty, or property 'be preceded by notice and an opportunity for hearing appropriate to the nature of the case." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (quoting *Mullane v. Cent. Hanover Bank Trust Co.*, 339 U.S. 306, 313 (1950)).

253. "Due process requires, as a general matter, an 'opportunity to be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

254. "We have described 'the root requirement' of the Due Process Clause as being 'that an individual be given an opportunity for a hearing **before** he is deprived of any significant property interest." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (emphasis in original)(quoting *Boddie v. Connecticut*, 401 U.S. 371,379 (1971)).

255. The Ted Stevens Act grants constitutionally protected property and liberty interests to participants, including Plaintiff. Robert is or was a member of the USOPC pursuant to the federal rights granted under the Ted Stevens Act, and eligible to participate in USOPC events.

256. The Ted Stevens Act mandates the procedural requirements under which

participants, including Plaintiff, may be deprived of constitutionally protected rights granted by the Act.

257. SafeSport alters or extinguishes rights afforded under the Act to participants, including their status under the Act, and publication of names of people allegedly found to be in violation of the SafeSport Code without any pre-determination hearing.

258. As a direct, proximate, intentional, cause, such actions stigmatize and threaten Plaintiff's reputation, honor, good name, and integrity, as well as causing other harm and damage.

259. As a direct, proximate, intentional, cause, such actions damage Plaintiff's life, liberty, property, business, ability to work, and earn a living.

260. A post-determination hearing is inadequate and does not provide a meaningful opportunity to be heard, as required by the Fifth Amendment of the United States Constitution.

261. If the Ted Stevens Act and the SafeSport Code fail to require a hearing before depriving Plaintiff and other participants of their constitutionally protected rights, then the Act, the Code, and SafeSport violate the Fifth Amendment of the United States Constitution.

262. Plaintiff seeks a declaration that the Ted Stevens Act, the Code, and SafeSport all violate Plaintiff's Fifth Amendment rights to due process, that a post-deprivation hearing is, or was, insufficient to remedy the harm to Plaintiff, and that the sanctions imposed by the Center are void. Plaintiff further requests that

SafeSport be permanently enjoined from continuing to enforce any suspension or sanction against Plaintiff.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) Declare and enter judgment that the Ted Stevens Act the Code, and SafeSport all violate Plaintiff's Fifth Amendment rights to due process, that a post-deprivation hearing is, or was, insufficient to remedy the harm to Plaintiff, and that any suspension or sanction imposed by SafeSport is void;
- (b) Declare and enter judgment that each of the Defendants be prohibited from enforcing, or attempting to enforce, any suspension or sanction against Plaintiff
- (c) That Plaintiff be awarded all costs, expenses, attorney's fees, or damages; and
- (d) For such other, different, or additional relief as the Court may find appropriate.

XIV. Count Six – Due Process Violations under the Fifth Amendment (alternate)

263. Paragraphs 1 through 262 are incorporated in this Count Six as though fully set forth.

264. If SafeSport should be found to be a federal, governmental actor for purposes of the Constitution, SafeSport and the SafeSport Code violate the Plaintiff's rights to Due Process under the Fifth Amendment to the United States Constitution.

265. "The Constitution constrains governmental action 'by whatever instruments or in whatever modes that action may be taken.'" *Lebron v. National Railroad Passenger Corp.*, 513 U.S. 374, 392 (1995) (citing *Ex parte Virginia*, 100 U.S. 339, 346-47 (1880)).

266. Plaintiff is or was a member of the USOPC.

267. SafeSport found Plaintiff to be in violation of the Code, suspended him, and published his name on websites, without providing notice or an opportunity to be heard.

268. The Code allegedly prohibits conduct that is abhorrent by its very nature.

269. Being investigated for a violation of the Code threatens a person's reputation, honor, integrity, and good name, as well as other harms.

270. SafeSport found him in violation of the Code and did not give notice of the decision before declaring Plaintiff suspended and ineligible.

271. SafeSport assumed jurisdiction over the allegations made against Plaintiff.

272. As a direct, proximate, intentional, cause, such actions stigmatize and threaten Plaintiff's reputation, honor, good name, and integrity, as well as causing other harm and damage.

273. As a direct, proximate, intentional, cause, such actions damage Plaintiff's life, liberty, property, business, ability to work, and earn a living.

274. Safe Sport deprived Plaintiff of his protected property interests.

275. SafeSport deprived Plaintiff of protected liberty interests.

276. Because publication and sanction occur without hearing a post-determination hearing is inadequate and does not provide a meaningful opportunity to be heard.

277. Plaintiff seeks a declaration that SafeSport violated Plaintiff's Fifth Amendment rights to due process, that a post-determination hearing is, or was, insufficient to remedy the harm to Plaintiff, and that any suspension or sanction imposed by SafeSport is void. Plaintiff further requests that SafeSport and the

USOPC be permanently enjoined from continuing to enforce any suspension or sanction against Plaintiff.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) Declare and enter judgment that the Ted Stevens Act the Code, and SafeSport all violate Plaintiff's Fifth Amendment rights to due process, that a post-deprivation hearing is, or was, insufficient to remedy the harm to Plaintiff, and that any suspension or sanction imposed by SafeSport is void;
- (b) Declare and enter judgment that each of the Defendants be prohibited from enforcing, or attempting to enforce, any suspension or sanction against Plaintiff
- (c) That Plaintiff be awarded all costs, expenses, attorney's fees, or damages; and
- (d) For such other, different, or additional relief as the Court may find appropriate.

XV. Count Seven – Breaches of the U.S. Constitution, the Colorado Constitution, and 42 U.S.C. § 1983

278. Paragraphs 1 through 277 are incorporated in this Count Seven as though fully set forth.

279. Defendants violated Plaintiff's rights under Article I, Section I of the U.S. Constitution; Article II, Section 1 of the U.S. Constitution; the Fifth and Fourteenth Amendments of the U.S. Constitution; 42 U.S.C. § 1983; and the Colorado Constitution.

280. Defendants deprived, and continue to deprive, Plaintiff of his rights to due process and a right to a jury trial under both state and federal law.

281. Defendants acted under color of state and federal law.

282. Defendants had official policies, customs, and practices to eliminate discretionary authority. The Ted Stevens Act (as amended), the Master Services Agreement, and the Code all required Defendants to follow the law, including specific adherence to due process.

283. Defendants breached Article I, Section I of the U.S. Constitution; Article II, Section 1 of the U.S. Constitution; the Fifth and Fourteenth Amendments of the U.S. Constitution; 42 U.S.C. § 1983; and the Colorado Constitution in one or more or all the following ways:

- (a) Depriving Plaintiff of his reputation, honor, good name, and integrity, as well as causing other harm and damage without due process of law contrary to the Fifth and Fourteenth Amendments of the U.S. Constitution;
- (b) Depriving Plaintiff of his life, liberty, property, business, ability to work, and earn a living, as well as causing other harm and damage without due process of law contrary to the Fifth and Fourteenth Amendments of the U.S. Constitution;
- (c) Violated the Colorado Constitution preventing Robert from the right to redress grievances in open court, Colorado Const. Art. II, § 6;
- (d) Violated the Colorado Constitution denying access to open court for redress of injury, Colorado Const. Art. II, § 6;
- (e) Violated the Colorado Constitution right to a jury trial, Colorado Const. Art. II, § 23;
- (f) Violated the Colorado Constitution preventing Robert from the right to peaceably assemble in public places, Colorado Const. Art. II, § 24;
- (g) Violated the Colorado Constitution depriving Robert of his liberty and property without due process of law, Colorado Const. Art. II, § 25;
- (h) Violated, and continue to violate the Colorado State Anti-Trust Act engaging in an unlawful contract, combination, or conspiracy in restraint of trade or commerce in the state;
- (i) Engaged in a civil conspiracy depriving Robert of constitutional, statutory, common law, and equitable rights and protections; and
- (j) Tortiously interfered with contracts and economic advantage.

284. As a direct and proximate result of the breaches by Defendants, Plaintiff suffered damages in an amount to be proven at trial. Plaintiff's damages include

lost earnings; lost earning capacity; lost employment opportunities; lost business opportunities; past, present, and future economic damages; physical and emotional injury; loss of privacy; loss of a normal life; attorney's fees; costs; and expenses. The damages, fees, costs, and expenses continue to accrue.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) For all damages in an amount in excess of the jurisdictional limits to be proven at trial including lost earnings, lost earning capacity, lost employment opportunities, lost business opportunities, past, present, and future economic damages, and physical and emotional injury;
- (b) For all costs, expenses, and attorney's fees; and
- (c) For such other, different, or additional relief as the Court may find appropriate.

XVI. Count Eight – Breach of the Colorado State Anti-Trust Act

285. Paragraphs 1 through 284 are incorporated in this Count Eight as though fully set forth.

286. The CSAA states: "Entering into or engaging in any of the following in restraint of trade or commerce is illegal: (a) A contract; (b) A combination in the form of a trust or other form of combination; or (c) A conspiracy." C.R.S. 6-4-104.

287. The CSAA states that: "It is illegal for any person to monopolize, attempt to monopolize, or combine or conspire with any other person to monopolize any part of trade or commerce." C.R.S. 6-4-105.

288. The CSAA states that: "It is unlawful to facilitate or aid and abet another person in violating this article 4." C.R.S. 6-4-108.

289. The CSAA allows damages: “(1) Any person injured, either directly or indirectly, in its business or property by reason of any violation of this article 4 may sue and, if successful, is entitled to recover any actual damages that the person sustained. If the violation alleged and proved is determined by the court to be a *per se* violation of this article 4, the person may recover three times the actual damages that the person sustains. (2) In any action brought pursuant to this section, the court, in its discretion, may award the prevailing party its expert fees, the costs of the action, and reasonable attorney fees.” C.R.S. 6-4-115

290. The CSAA states that: “Any contract or agreement that a person makes while a member of any combination, conspiracy, trust, or pool prohibited under this article 4 that is founded upon, is the result of, grows out of, or is connected with any violation of this article 4, either directly or indirectly, is void, and the person may not recover based on or benefit from the contract or agreement.” C.R.S. 6-4-121.

291. Defendants and the Co-Conspirators breached the CSAA , their duties, and obligations in one or more or all the following ways:

- (a) Engaging in an unlawful contract, combination, or conspiracy in restraint of trade or commerce in the state;
- (b) Violated, and continue to violate the CSAA monopolizing, attempting to monopolize, combining, or conspiring to monopolize any part of trade or commerce in the state;
- (c) Violated, and continue to violate the CSAA restraining Robert (and others) from exercising his lawful profession, trade, or business by unilaterally imposing contract terms in restraint of trade that are *void ab initio*;
- (d) Entering into a contract or agreement (including the MSA) while a member of a combination or conspiracy that is the result of, grew out of, or is connected to a violation of the CSAA.
- (e) Combining in restraint of trade or commerce through an exclusive, mandatory, contract or agreement;

- (f) Conspiring to combine in restraint of trade or commerce through an exclusive, mandatory, contract or agreement;
- (g) Combining in restraint of trade or commerce through mandatory, illegal administrative disciplinary proceedings;
- (h) Conspiring to combine in restraint of trade or commerce through exclusive, mandatory, illegal administrative disciplinary proceedings;
- (i) Aiding or abetting others in violating the CSAA.

292. Plaintiff is a person whose business or property has been injured because of conduct declared unlawful by the CSAA.

293. Plaintiff is a person whose business or property has been, or continues to be, injured because of conduct declared unlawful by the CSAA and requiring injunctive relief to stop the Defendants' and Co-Conspirators unlawful conduct.

294. As a direct result of Defendants' and Co-Conspirators actions or failure to act, Plaintiff, the market, and the public have sustained actual damages, attorney's fees, costs, and expenses, and continue to be damaged in amounts to be shown at trial.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) For all actual damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For three times actual damages for *per se* violations of the CSAA;
- (c) For all costs, expenses, expert fees, and attorney's fees; and
- (d) For such other, different, or additional relief as the Court may find appropriate.

XVII. Count Nine – Breach of the Colorado Consumer Protection Act

295. Paragraphs 1 through 294 are incorporated in this Count Nine as though fully set forth.

296. C.R.S. 6-1-102, the Colorado Consumer Protection Act (the CCPA) states:

As used in this article 1, unless the context otherwise requires:

(6) “Person” means an individual, corporation, business trust, estate, trust, partnership, unincorporated association, or two or more thereof having a joint or common interest, or any other legal or commercial entity.

(8) “Property” means any real or personal property, or both real and personal property, intangible property, or services.

(10) “Sale” means any sale, offer for sale, or attempt to sell any product, good, or property for any consideration.

297. C.R.S. 6-1-105, the CCPA states:

(1) A person engages in a deceptive trade practice when, in the course of the person’s business, vocation, or occupation, the person:

(h) Disparages the goods, services, property, or business of another by false or misleading representation of fact;

(i) Advertises goods, services, or property with intent not to sell them as advertised;

(rrr) Either knowingly or recklessly engages in any unfair, unconscionable, deceptive, deliberately misleading, false, or fraudulent act or practice;

(2) Evidence that a person has engaged in a deceptive trade practice shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

(3) The deceptive trade practices listed in this section are in addition to and do not limit the types of unfair trade practices actionable at common law or under other statutes of this state.

298. C.R.S. 6-1-113, the CCPA states that:

(1) The provisions of this article shall be available in a civil action for any claim against any person who has engaged in or caused another to engage in any deceptive trade practice listed in this article. An action under this section shall be available to any person who:

(a) Is an actual or potential consumer of the defendant’s goods, services, or property and is injured as a result of such deceptive trade practice...; or

(c) In the course of the person’s business or occupation, is injured as a result of such deceptive trade practice.

(2) Except in a class action ... any person who, in a private civil action, is found to have engaged in or caused another to engage in any deceptive trade practice listed in this article 1 is liable in an amount equal to the sum of:

(a) The greater of:

(I) The amount of actual damages sustained, including prejudgment interest of either eight percent per year or at the rate provided in **section 13-21-101**, whichever is greater, from the date the claim under this article 1 accrued; or

(II) Five hundred dollars; or

(III) Three times the amount of actual damages sustained, if it is established by clear and convincing evidence that such person engaged in bad faith conduct; plus

(b) In the case of any successful action to enforce said liability, the costs of the action together with reasonable attorney fees as determined by the court.

299. Plaintiff Robert Griswold is a “person” engaged in a “business, vocation, or occupation.”

300. SafeSport is a “person, corporation, legal or commercial entity” engaged in the “sale, offer for sale ... of property.”

301. The USOPC is a “person” engaged in a “business, vocation, or occupation.”

302. Defendants and the Co-Conspirators breached the CCCP, unlawfully engaging in unfair, unconscionable, deceptive, misleading, false, or fraudulent practices in trade or commerce in one or more or all the following ways:

- (a) Passing off goods or services as those of another referencing, employing, or attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (b) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services regarding a SafeSport Code;
- (c) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services regarding a judicial, administrative agency that provides a predetermination hearing according to due process;
- (d) Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another regarding functioning as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (e) Representing that goods or services have sponsorship, approval, characteristics, uses, or benefits which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection with a valid SafeSport Code which the person does not have;

- (f) Representing that goods or services have sponsorship, approval, characteristics, uses, or benefits which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not have regarding providing fair notice and opportunity for a hearing before declaring an individual ineligible to participate;
- (g) Representing that goods or services are of a particular standard, quality, or grade, if they are of another regarding a SafeSport Code;
- (h) Representing that goods or services are of a particular standard, quality, or grade, if they are of another regarding attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (i) Disparaging the goods, services, or business of another by false or misleading representation of facts asserting that Robert was guilty of any misconduct;
- (j) Disparaging the goods, services, or business of another by false or misleading representation of facts publishing that Robert was guilty of any misconduct;
- (k) Advertising goods or services with intent not to sell them as advertised regarding a SafeSport Code;
- (l) Advertising goods or services with intent not to sell them as advertised regarding attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (m) Representing that an agreement confers or involves rights, remedies, or obligations which it does not have, or which are prohibited by law regarding a SafeSport Code;
- (n) Representing that an agreement confers or involves rights, remedies, or obligations which it does not have, or which are prohibited by law regarding attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (o) Engaging in unconscionable actions or course of actions to Robert's detriment

- (p) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting the Colorado Constitution right to a remedy in open court prior to passing judgment and imposing sentence;
- (q) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting the Colorado Constitution right to be free from injury to goods, person, or reputation;
- (r) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting the Colorado Constitution right to a remedy by due course of law prior to passing judgment and imposing sentence;
- (s) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting the Colorado Constitution right to a jury trial prior to passing judgment and imposing sentence;
- (t) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting or abrogating the duty of care under State law or the common law; and
- (u) Otherwise engaging in unfair, unconscionable, deceptive, misleading, false, or fraudulent practices.

303. As a direct result of Defendants' and the Co-Conspirators actions or failure to act, Plaintiff and the public sustained actual damages, attorney's fees, costs, and expenses, and continue to be damaged in amounts to be shown at trial.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) For all actual damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For prejudgment interest;
- (c) For three times the amount of actual damages proven at trial for Defendants' bad faith conduct;
- (d) For all costs, expenses, and attorney's fees; and
- (e) For such other, different, or additional relief as the Court may find appropriate.

XVIII. Count Ten – Indemnity and Breach of the Master Services Agreement

304. Paragraphs 1 through 303 are incorporated in this Count Ten as though fully set forth.

305. At all times relevant, SafeSport and the USOPC agreed and were operating according to the terms of the MSA, **Ex 1**.

306. The MSA, Part XI. General Terms. 5. Indemnification states in relevant part:

The Center [SafeSport] agrees to indemnify, defend and hold harmless the USOPC, its officers, directors, employees, volunteers and agents from any against any and all liability, loss, expense (including reasonable attorneys' fees) **or claims for injury or damage sustained by any person(s)** arising out of (i) the Center's performance or non-performance hereunder, ...unless such liability, loss, expense was caused by the gross negligence or willful misconduct of the USOPC (emphasis added).

307. At all times relevant, the parties acknowledged receipt and sufficiency of good and valuable consideration entering into the mutual terms and conditions of the MSA.

308. Plaintiff was an agent of the USOPC and is a direct beneficiary of the terms and conditions of the MSA.

309. Under either law or equity, as a result of the payments, and other good and valuable consideration, Plaintiff is subrogated to certain rights of recovery against SafeSport, including the right to indemnity.

310. As described in detail in the paragraphs incorporated by reference, Plaintiff is “any person” claiming “injury or damage ... arising out of (i) the Center’s performance or non-performance hereunder” to whom the Center [SafeSport] agreed to indemnify, defend, and hold harmless from “any against [sic] any and all liability, loss, expense, (including reasonable attorneys’ fees).”

311. To the extent that any condition applies to Plaintiff's exercise of the right to indemnity, defense, fees or any other loss, Plaintiff met or meets all conditions as required by the MSA and SafeSport's non-performance is not excused by law or equity.

312. At all times relevant, Section 17 of the Bylaws of the USOPC (the Bylaws) also provided for indemnification.

313. At all times relevant, Section 17.1 of the Bylaws stated in part:

Section 17.1 Indemnification Right. The corporation will indemnify each of its present or former directors, officers, employees, committee members or official representatives, ... against all expenses actually and reasonably incurred by such person (including, but not limited to, judgments, costs and counsel fees) in connection with the defense of any pending or threatened litigation to which such person is, or is threatened to be made, a party because such person is or was serving in such capacity. This right of indemnification will also apply to expenses of litigation that is compromised or settled, including amounts paid in settlement, if the corporation will approve such settlement as provided in Section 17.2 of these Bylaws. Such person will be entitled to be indemnified if they acted in good faith and in a manner they reasonably believed to be in, and not opposed to, the best interests of the corporation. The termination of any litigation by judgment, order, settlements, conviction, or upon a plea of nolo contendere or its equivalent, will not, of itself, create a presumption that the person did not act in good faith and in a manner reasonably believed to be in, and not opposed to, the best interests of the corporation.

314. At all times relevant, Section 17.2 of the Bylaws stated in part: "Any amount payable as indemnification under this Section 17 will be determined and paid by the corporation pursuant to a determination by a majority vote of a quorum of the corporation Board, consisting of members of the corporation Board who have not incurred expenses in connection with the litigation for which indemnification is

sought, that such person seeking indemnification has met the standards of conduct set forth in this Section 17.”

315. At all times relevant, Section 17.3 of the Bylaws stated in part: “Any expenses incurred by such person in connection with the defense of any litigation may be made by the corporation in advance of a final disposition of such litigation upon receipt of an undertaking by such person to repay such amount if it is determined under Section 17.2 of these Bylaws that such person is not entitled to be indemnified under this Section 17.” A full copy of the Bylaws can be obtained at [https://www.usopc.org/governance-documents/USOPC Bylaws Effective April 2, 2024](https://www.usopc.org/governance-documents/USOPC%20Bylaws%20Effective%20April%202024).

316. At all times relevant, Plaintiff was an employee or official representative of the USOPC.

317. As a direct and proximate result of Plaintiff’s status as an employee or official representative, he incurred and continues to incur expenses actually and reasonably incurred in good faith (including, but not limited to, judgments, costs and counsel fees) in connection with the defense of the pending and threatened litigation to which Plaintiff was made a party because he is or was serving in such capacity.

318. Plaintiff incurred and continues to incur in excess of \$750,000 in expenses, costs, and attorney’s fees.

319. Plaintiff incurred and continues to incur damages, lost wages, awards, benefits, and expenses in excess of \$750,000.

320. On March 22, 2024, a demand was tendered to counsel for the USOPC for Plaintiff to be indemnified “according to the terms of the USOPC Bylaws, his membership, applicable statutes, and common law rights to indemnity. As soon as possible, please begin the process to reimburse all the money already advanced and confirmation of coverage for all expenses actually and reasonably incurred ... (including, but not limited to, judgments, costs and counsel fees) in connection with the defense of the pending litigation.”¹¹

321. On April 8, 2024, counsel of record for the USOPC declined the request for indemnification.¹²

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendant SafeSport as follows:

- (a) Declare and enter judgment that Plaintiff is a person injured or damaged as a direct or proximate result of the Center’s [SafeSport’s] performance or non-performance under the Master Service Agreement;
- (b) Declare and enter judgment that the Center [SafeSport] must indemnify, defend, and hold Plaintiff harmless from all liability, loss, expense, injury, damage, and reasonable attorney’s fees;
- (c) For all loss, expense, costs, damages, and reasonable attorney’s fees in the past, present, and future proximately caused by any breach of the Master Service Agreement by the Center [SafeSport] in an amount in excess of \$750,000 and to be proven at trial or hearing;
- (d) That judgment be entered in his favor and against the USOPC;
- (e) That an order be entered declaring and requiring the USOPC to provide Plaintiff both indemnity and defense;
- (f) That the USOPC be ordered to reimburse Plaintiff for all costs, expenses, damages, benefits, and attorney’s fees incurred to date;

¹¹ The demand was in a letter that also asserted privileged matters pursuant to Federal Rule of Evidence 408. To preserve the privileged aspects, only the reference to the demand is included.

¹² The denial was also in a letter that also asserted privileged matters pursuant to Federal Rule of Evidence 408. To preserve the privileged aspects, only the reference to the denial is included.

- (g) That Plaintiff be awarded all past and future damages, lost wages, awards, benefits, costs, expenses, and attorney's fees incurred in an amount in excess of \$750,000 according to the proofs at trial or hearing; and
- (h) For such other, different, or additional relief as the Court may find appropriate.

XIX. Count Eleven - Civil Conspiracy

322. Paragraphs 1 through 321 are incorporated in this Count Eleven as though fully set forth.

323. Defendants, the named, and unnamed potential Co-Conspirators, all combined to conspire against Robert.

324. The objectives to be accomplished included, but are not limited to:

- (a) Destruction and damage to Robert's career, vocation, ability and right to work, tangible and intangible property, reputation, his person, his character, his physical, and mental health;
- (b) Violations of the CSAA restraining trade and commerce;
- (c) Violations of the CCPA holding themselves out as an illegal administrative agency with unilateral disciplinary authority;
- (d) Violations of the Colorado Constitution preventing or interfering with Robert's rights to a remedy in open court;
- (e) Violations of the Colorado Constitution right to be free from injury to Robert's person, property, or character;
- (f) Violations of Robert's right to remedy by due process of law;
- (g) Violations of Robert's right to a jury trial;
- (h) Depriving Robert of constitutional, statutory, common law, and equitable rights and protections; and
- (i) Tortiously interfering with contracts.

325. Each of the Defendants and Co-Conspirators combined, participated, aided, or assisted one or more or all of the unlawful acts alleged.

326. As a direct and proximate result, Plaintiff suffered damages.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) For all damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For all costs, expenses, and attorney's fees; and
- (c) For such other, different, or additional relief as the Court may find appropriate.

XX. Count Twelve - Tortious Interference with Contract

327. Paragraphs 1 through 326 are incorporated in this Count Twelve as though fully set forth.

328. Prior to Defendants' unlawful conduct as alleged, Robert enjoyed multiple contracts, contractual relationships, and prospective economic advantages including but not limited to medical and health benefits, stipends, award money, housing benefits, coaching, residence at the Olympic Training Center, sponsorships, endorsements, N.I.L. (name image likeness), and employment opportunities.

329. Defendants and the Co-Conspirators willfully, maliciously, and intentionally interfered with Robert's contracts, contractual relationships, and prospective economic opportunities in one or more, or all of the following ways:

- (a) Misrepresenting use or application of a SafeSport Code;
- (b) Attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;

- (c) Misrepresenting that Defendants provide fair notice and opportunity for a hearing before declaring an individual ineligible to participate;
- (d) Misrepresenting that Defendants function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (e) Disparaging his reputation publishing false statements that Robert was guilty of any misconduct;
- (f) Failing to provide a predetermination due process hearing before imposing a sentence;
- (g) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting his Colorado Constitution right to a remedy in open court prior to passing judgment and imposing sentence;
- (h) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting his Colorado Constitution right to be free from injury to person, property, or character without a predetermination hearing;
- (i) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting his Colorado Constitution right to a remedy by due process of law prior to passing judgment and imposing sentence;
- (j) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting his Colorado Constitution right to a jury trial prior to passing judgment and imposing sentence;
- (k) Engaging in unconscionable actions or course of actions to Robert's detriment, preempting or abrogating the duty of care under federal, state, or the common law;
- (l) Depriving Robert of constitutional, statutory, common law, and equitable rights and protections; and
- (m) Otherwise tortiously, illegally, interfering with Robert's contracts and contractual relationships.

330. As a direct and proximate cause of the Defendants' and Co-Conspirators' acts as alleged, Plaintiff suffered damages in an amount in excess of \$750,000 to be shown at trial.

WHEREFORE, Plaintiff Robert Griswold respectfully requests the Court enter judgment in his favor and against Defendants as follows:

- (a) For all past, present, and future damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For all costs, expenses, and attorney's fees; and
- (c) For such other, different, or additional relief as the Court may find appropriate.

XXI. Jury Demand

Plaintiff demands a trial by jury on all claims to which he is entitled.

Dated: April 30, 2026

Respectfully Submitted,

/s/ Steve C. Silvey

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