

ARBITRAL AWARD

(BAT 0163/11)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Mr. Stephan Netzle

in the arbitration proceedings between

Mr. Roni Lupu

- Claimant -

represented by Mr. Jul Bardos, attorney-at-law, J. Bardos & Co.,
Grand Netter Bld., Pob. 3816, Kfar Netter 40593, Israel

vs.

Mr. Aaron Deshon McGhee

c/o Maccabi Rishon Lezion, "Beit Maccabi", Golda Meir st. 9, Pob. 25002
Rishon Lezion 75025, Israel

- Respondent -

represented by Mr. Joseph Gayer, attorney-at-law,
Zysman, Aharoni, Gayer & Co. Law Offices, Rotschild Blv. 41-45,
Tel Aviv 65784, Israel

AWARD

Upon providing both parties with an opportunity to be heard, having ascertained his jurisdiction and considered the factual and legal arguments as well as the requests for relief submitted in this case, the Arbitrator decides as follows:

- 1. The claims of Mr. Roni Lupi as against Mr. Aaron Deshon McGhee are dismissed in their entirety.**
- 2. Mr. Roni Lupu shall bear his own legal costs and expenses.**
- 3. The costs of this arbitration until the present Award, which were determined by the President of the BAT in the amount of EUR 4,955 and which include the costs associated with the Order on Request for Provisional and Conservatory Measures dated 24 March 2011, shall be borne by Mr. Roni Lupu alone.**
- 4. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**

Geneva, seat of the arbitration, 08 July 2011

Stephan Netze
(Arbitrator)

Notice about Request for Reasons

in accordance with Article 16.2 of the BAT Rules:

“By agreeing to submit their dispute to arbitration under these Rules, the Parties agree that, where the value of the dispute does not exceed EUR 30,000, the Arbitrator will issue an award without reasons. The Arbitrator shall deliver reasons only in the case where a party

- a) files a request to that effect at any stage from when the Request for Arbitration is filed until no later than ten (10) days after the notification of the award without reasons; and*
- b) pays the respective advance on costs as determined and within the time limit set by the BAT Secretariat.”*

On 19 May 2011 the BAT Secretariat informed the Parties that the amount of the advance on costs to be paid for a reasoned award in this case is EUR 5,000.00. The time limit for payment thereof shall be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.