

CUBU coming or not coming, that is the question. I will attempt to better than Hamlet did.

The overriding goal of this meeting was to have a non board of review which is a quasi legal meeting by which the clubs who are in cross LSC boarder situations or have substantially planned cross border situations could have an opportunity to work out the differences that existed. This was to be done within the confines of existing USA Swimming Rules and Regulations. If, as a result of the discussion there were proposed changes to USA Swimming Rules and Regulations that was fine. If an agreement within existing rules and regulations could be worked out that would be fine. In addition, it was the goal to work something out based on a facilitated process whereby everyone would walk away either equally happy or unhappy but in any event with something all could live and work with. In addition, it was my hope, although not a requirement, that if an agreement was facilitated that both Potomac Valley and Virginia would go back to their respective houses of delegates for explanation and affirmation. With respect to these goals nothing has changed.

This meeting is a chance to work something out collectively or have something imposed through a board of review and if the board of review makes people unhappy, then legal action. It will be a lot less expensive with time, effort and dollars if this is done. I should also point out, that the Amateur Sports act intends for internal sport disputes to be worked through the sport developed procedures completely before going to the legal system.

If this process does not work, there is likely to be plenty of opportunities for the attorneys to be involved. As such, at this point and with the goals in mind and with one person from each club as well as the two reps from the LSC's I do not think SNOW or any club should bring their attorney.

With respect to SNOW and CUBU being present, my thoughts are as follows. Since SNOW is already in this situation, they obviously should attend. I do not think anyone is questioning their participation. With respect to CUBU having influence in USA Swimming for this meeting that issue does not appear to have merit since the only role USA Swimming has is to facilitate the discussion among all the parties at one time in one place (something which to the best of my knowledge has not been done before). At this point the outcome will be by determined by the parties and not by USA Swimming. Peter Carney as facilitator is committed to making the meeting process work and not to a particular outcome. No one is trying to limit a teams ability to grow and/or compete with others (we already have anti-recruiting discussions).

If CUBU has substantially moved ahead with their plans for cross border activity, e.g draft agreements with pools, contacting their parents about possible new pools which may be used, discussion at their board about a possible use of pools in Virginia, etc then it seems they should be present. If the nature has been more of the sitting around the table over drinks and talking about doing it, then there is a different situation and CUBU should probably not be there. I defer to your judgment as to where they stand.

My bias is towards inclusiveness but I will defer to your judgment as to how far along CUBU was and how it compares to the other clubs present at the meeting. My additional advice is for CUBU and SNOW to take a deep breath and relax and step back and look at what is trying to be accomplished with this process. We may end up exactly where we are now, albeit with greater understanding by all the parties, we may end up with proposed rule changes for USA Swimming, we may end up with a proposal for redrawing LSC boundary lines, we may end up with something else, we may end up with combined championships, etc.

My apologies for going on for so long. I hope this helps.

As always, please feel free to share this e-mail with anyone you think is appropriate.

Jeff

-----Original Message-----

**From:** Jim Garner [mailto:garner@garnerjim.net]

**Sent:** Sunday, January 09, 2005 6:31 PM

**To:** 'George Homewood'; Jeff Gudman

**Subject:** Teams invited to the Meeting

I just got off the phone with Snow, they are pretty upset over CUBU being there. I've already sent a separate note to CUBU to find out exactly how far along they are in plans to move into Virginia, and I guess we'll see what they say.

Snow obviously views CUBU as a major competitive threat, and as such, has threatened to bring legal counsel to the meeting.

I am going to send a separate note asking you both about this and copy Snow on it.

We're in uncharted territory here as the rule book says nothing about this type of activity (that is existing clubs in one LSC establishing practice site in another LSC), which PM (Potomac Marlins) just went through before opening a new site in Virginia (the Woodbridge one I think) that Wells had signed off on.

Anyway, I need to tell CUBU to either come or not come, if they come Snow will be ballistic.

If CUBU is not already signed stuff to move, then I will un-invite them. If they are beyond that, then we may need to huddle.

Happy New Year (I'm looking for something else to do),

JIm