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1/20/2024

Maurice M. Suh
Gibson, Dunn & Crutcher LLP
333 S. Grand Avenue
Los Angeles, CA 90071

Re: *Grievance – US Sailing Ethics Committee (Complainant) / Paul Cayard and William Ruh (Respondents)*

Dear Mr. Suh:

On behalf of the US Sailing Review Board, I am writing to you in your capacity as counsel for Respondents William Ruh ("Ruh") and Paul Cayard ("Cayard") in the above-referenced matter ("Grievance").

The Review Board has received and reviewed the Ruh and Cayard Response dated January 14, 2024 ("Response"). In accordance with Sections 15.03.B.2 and 15.03.C.2 of the US Sailing Regulations ("USSR"), and as more fully set forth below, the Review Board has determined that a hearing in this matter is no longer necessary, notwithstanding that reasonable grounds exist to proceed with one.

While the Review Board, at this juncture, makes no final determination on the competing factual assertions or legal claims asserted by US Sailing Ethics Committee (as Complainant) or by Ruh or Cayard (as Respondents), the Review Board, at this time, concludes that US Sailing's Ethics Committee could establish the following at a hearing:

1. The alleged misconduct by Ruh and Cayard was not legally protected activity under any applicable law.
2. The Grievance and related proceedings (a) do not violate US Sailing's Bylaws and (b) otherwise satisfy all applicable measures of due process.
3. The Grievance is timely under Section 15.02 of the USSR.





4. Ruh and Cayard have received sufficient notice of their alleged misconduct and the rules allegedly violated.
5. As US Sailing's records reflect, Ruh and Cayard were still members of US Sailing at the time of the alleged misconduct, which took place after Ruh and Cayard resigned their respective positions at US Sailing.
6. Ruh and Cayard engaged in the alleged misconduct which merits disciplinary action.

The Review Board takes note of Respondents' assertion that US Sailing has "prejudged" the charges against them. To the extent that assertion is directed at the Review Board, it is denied.

Notwithstanding the foregoing, the Review Board will not proceed to a hearing on the Grievance. In the Response, Cayard submits that he was not a member of US Sailing at the time of the alleged misconduct. The facts may prove otherwise as noted above. Nevertheless, the Review Board accepts this submission by Cayard (and by extension Ruh) as a request to cancel any existing membership in US Sailing, effective immediately. As revocation of membership in US Sailing is a primary, although not exclusive, potential remedy in this Grievance proceeding, the Review Board declines to proceed to a hearing as Respondents are no longer members of US Sailing.

Finally, the Review Board acknowledges receipt of your letters dated January 3 and 14, 2024, in which you demand production of evidentiary materials. As a threshold matter, that request is now moot. For the record, however, Respondents were timely sent all materials and information in accordance with the USSR, including, specifically, Section 15.03.C.1.

US Sailing's Ethics Committee is copied here given its right to appeal this decision under Section 15.03.B.2 of the USSR.

Sincerely,

Jim Walsh
Chair
US Sailing Review Board

cc: US Sailing (Ethics Committee)