

PART IX

Appeals

- 12.1 Initiation of an Appeal** - Any member or License holder who is entitled to appeal pursuant to Section 14 of the By-Laws may submit a written Notice of Appeal, but any such action shall not be stayed because appeal is taken.
- 12.2 Content of the Appeal** - The Notice of Appeal must contain reference to the specific action by USAC from which an appeal is taken, the date of the occurrence, the reasons why the member or License holder is appealing, and specific reference to any Rules and/or Bylaws allegedly violated and the relief requested.
- The Notice of Appeal must be accompanied by copies of all written documents pertaining to the appeal, such as protests, responses, rulings, announcements, etc.
- The Notice of Appeal must clearly and explicitly state the appeals classification under which it is submitted and must be accompanied by the appeal fee required for that classification. The appeal fee shall be in addition to any monetary penalty previously assessed.
- The original Notice of Appeal must be received at the USAC offices, 4910 West 16th Street, Speedway Indiana 46224 by the designated recipient and within the time limit for the class of appeal.
- 12.3 Classification of the Appeal** - USAC recognizes the following classes of appeals:
- A. Conduct or Result of a Competition - Appeal from a decision of a Chief Steward's Protest Hearing under Part XI of the Official Competition Rules.
 - 1. Appeal Fee - \$1,000 or 5% of any award claimed, whichever is larger
 - 2. Recipient - Director of Competition (include a copy of the original protest)
 - 3. Time Limit - by 5 p.m. EST of the third business day following the release of the cited decision
 - B. Discipline of a Participant - Appeal from a decision of the Director of Competition under Section 12.02 of the By-Laws.
 - 1. Appeal Fee - \$1,000 or 10% of any associated monetary penalty, whichever is larger.
 - 2. Recipient - President
 - 3. Time Limit - by 5 p.m. EST of the fifth business day following the release of the cited decision
 - C. Discipline of a Member - Appeal from a decision of the President under Section 12.03 of the By-Laws.
 - 1. Appeal Fee - \$1,000 or 10% of any associated monetary penalty, whichever is larger
 - 2. Recipient - President
 - 3. Time Limit - by 5 p.m. EST of the fifth business day following the release of the cited decision
 - D. Action or Inaction of the Corporation - Appeal from circumstances not otherwise classified, and falling within the scope of Article 13 of the By-Laws.
 - 1. Appeal Fee - \$1,000 or 25% of any monetary damages claimed, whichever is larger
 - 2. Recipient - President
 - 3. Time Limit - by 5 p.m. EST of the tenth business day following the date of the action or alleged inaction
- 12.4 Adjudication of the Appeal** - The recipient of the Notice of Appeal may dismiss appeals or portions thereof on the basis of procedural noncompliance. Any appeal or portion thereof not so dismissed shall be submitted by the recipient to a Court of Appeals for adjudication. The submission to the Court of Appeals may specify the issues to be heard by the Court, including the issue of procedural compliance. The jurisdiction of the Court is limited to those matters and issues submitted to it by the recipient.
- 12.5 The Court of Appeals** - The Court of Appeals shall be selected by the Chairman of the Board. The Chairman of the Board or his designate shall serve as Chief Judge. Two other judges may be selected to serve with him. The other judges may or may not be Board members, but shall not have actively participated in the circumstances cited in the Notice of Appeal, or have a personal interest in the outcome.
- 12.6 Hearing of the Appeal** - The Court of Appeals may cause an investigation to be made into the matters surrounding the appeal and shall convene a hearing within thirty (30) days of receipt of the appeal unless mutually extended. The appellant and any member in interest shall be given adequate notice of the hearing and shall be entitled to be heard and call witnesses.
- 12.7 Conduct of the Appeal Hearing** - The hearing will be conducted according to the following procedures:

- A. A Court of Appeals hearing is not open to the public and admittance to the hearing is at the sole discretion of the Chief Judge.
- B. The Chief Judge shall enumerate the parties and other necessary participants in the proceedings. The executive race officials shall be regarded as a party to an appeal from a Chief Steward's Protest Hearing.
- C. The Chief Judge shall exclude from the hearing room or from further participation in the proceedings any person who engages in improper conduct in relation to the hearing.
- D. The Court of Appeals shall conduct the hearing in an informal manner.
- E. The Court of Appeals shall not be limited to the technical common law rules of evidence required in judicial proceedings but shall be satisfied the evidence submitted is of a type on which it can rely.
- F. All parties to the proceedings shall be allowed to present and cross-examine witnesses and to submit evidence, both oral and documentary.
- G. The Judges of the Court of Appeals and the Counsel for the Court of Appeals may examine witnesses.
- H. The Chief Judge shall exclude irrelevant, immaterial or unduly repetitious evidence.
- I. The Court of Appeals shall consider only evidence introduced during the hearing and there shall be no transcript of the hearing unless the Court determines otherwise.
- J. The Court of Appeals, in an appeal from a Chief Steward's Protest Hearing, shall not consider matters appealed but not assigned as protestable error in the original protest, nor shall it consider matters not assigned as protestable error in the original protest.
- K. The Court of Appeals shall not consider matters outside the scope of the submission by the recipient of the Notice of Appeal, except for procedural rulings by the recipient.

12.8 Structure of the Appeal Hearing - The Chief Judge shall ensure that the following structure is observed:

- A. Opening Statements - The parties to the proceedings will be permitted to make opening statements, with the member making the appeal being the first to make an opening statement. In particular each party should be asked to state the issue(s) before the Court of Appeals and a brief summary of the position of the party with respect to such issue(s).
- B. Order of Proof - The evidence shall be received by the Court of Appeals in the following order:
 - 1. The member making the appeal shall first submit and present evidence in support of the appeal, both oral and documentary.
 - 2. Upon the completion of direct examination, each witness shall be subject to cross-examination by the other parties, or by any judge of the Court of Appeals or Counsel for the Court of Appeals.
 - 3. Parties representing USAC and other parties, if any, against whom the appeal is taken shall then be allowed to present evidence, both oral and documentary.
 - 4. Any witnesses thus presented shall likewise be subject to cross-examination by the appellant, by other parties, and by any member of the Court of Appeals or Counsel for the Court of Appeals.
- C. Closing Arguments - Upon completion of the evidentiary portion of the hearing, all parties, beginning with the appellant, will be provided with the opportunity to make closing arguments.

12.9 Powers of the Court of Appeals - The Court of Appeals shall have the following powers:

- A. To call, examine and cross-examine witnesses;
- B. To receive and rule upon relevant evidence;
- C. To regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel for contemptuous conduct and to strike and disregard all testimony of witnesses refusing to answer proper questions;
- D. To dispose of procedural requests, motions or similar matters;
- E. To dismiss appeals or portions thereof;
- F. To require a party at any time to state its position concerning any issue in the appeal or its theory in support thereof;
- G. To pronounce a just remedy within the USAC By-Laws and Official Competition Rules for the penalty, result or circumstance at issue, but it shall not be empowered to order any completed competition to be rerun;
- H. To order the appellant against whom a final decision is rendered to pay all costs and expenses, including a reasonable attorney's fee, incurred by USAC;

- I. To make such order as to the return or forfeiture of the appeal fee as it may think fit;
- J. To take any other action deemed appropriate for a just and expeditious conclusion of the hearing.

12.10 Limitations - The Court of Appeals may interpret the rules and regulations and apply them to the particular facts presented to it, but it shall have no authority or power to create, add to, subtract from or in any way modify any of the rules and regulations or any of the supplements thereto, nor shall it have the authority to change a mandatory penalty, to modify the terms of the penalties authorized in Part X, or to create penalties not listed in Part X.

12.11 Publication of Judgment - The United States Auto Club shall have the right to publish or cause to be published a judgment on appeal, and to state the names of all parties interested. The persons referred to in such publication shall have no right of action against the United States Auto Club or against any person publishing such notice.

12.12 USAC Appeal Procedure Final - Decisions of USAC executive race officials on interpretation of rules, scoring of positions and penalties shall be final unless such decisions and penalties are protestable under these rules and are protested and appealed within the time limitations and other procedures prescribed by these rules. Any unappealed protest decision by a USAC executive race official or any appeal decision by a USAC Court of Appeals on these or any other matters to come before it shall be final and binding. No court action of any kind may be taken.

Any participant in a USAC sanctioned race meeting waives any rights such participant may have to be a party or to take any action in court seeking legal or equitable relief against any decision or action of any kind by USAC or any of its race officials. A participant's exclusive right to contest a decision or the rules or regulations of USAC is within the protest and appeal procedure of USAC, and any decision reached within this procedure is final.

12.13 Compliance With Procedures - Any appeal, which fails to comply with the foregoing requirements, may be dismissed and disregarded. Any error not specifically raised in the appeal shall be deemed to have been waived. Errors not specifically set forth in a Chief Steward's Protest Hearing may not be considered on appeal.

12.14 Jurisdiction of the FIA

- A. The Federation Internationale de l'Automobile, hereinafter referred to as the "FIA" is the international authority entitled to make and enforce rules and regulations for the encouragement and control of automobile competitions (including records). Except as provided in Paragraph (C) of this Section, FIA is the final international court of appeal for appealable disputes arising out of the FIA recognized World Championship Events.
- B. The Automobile Competition Committee for the United States-FIA is recognized by the FIA as the National Sporting Authority (ASN) of the U.S.A., and is referred to as ACCUS-FIA. USAC is a member of ACCUS-FIA.
- C. USAC is the sole and final authority for the development, maintenance, and distribution of USAC prize funds, championship point funds, the awarding of USAC championship points, and the naming of manufacturer or series-sponsored USAC champions in the manner set forth in USAC Competition Rules. Notwithstanding that a particular series competition may be listed on the FIA calendar, USAC reserves sole authority to settle finally any dispute (insofar as the dispute would effect any of the above listed determinations), which may arise during a USAC competition, through the procedures set forth in these rules.