

**ARBITRAL AWARD**

**(BAT 0388/13)**

by the

**BASKETBALL ARBITRAL TRIBUNAL (BAT)**

**Mr. Quentin Byrne-Sutton**

in the arbitration proceedings between

**UAB Omega Action**

J. Zemgulio Str. 46, 35239 Panevezys, Lithuania

represented by Mr. Linas Jakas, attorney at law, ADLEX law firm,  
Gynėjų Str. 16, 01109 Vilnius, Lithuania

**- Claimant -**

vs.

**Basketball Club Kyiv**

Chervonoarmiiska Str. 42, of.1, 01004 Kiev, Ukraine

represented by its General Manager, Mr. Vitalii Khomenko

**- Respondent -**

## **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. Basketball Club Kyiv shall pay to UAB Omega Action an amount of compensation of USD 25,000.00, plus interest at 5% per annum on such amount from 7 February 2013 onwards.**
- 2. The costs of this arbitration until the present Award, which were determined by the President of the BAT to be in the amount of EUR 3,245.00, shall be borne by Basketball Club Kyiv alone. Accordingly, Basketball Club Kyiv shall pay to UAB Omega Action EUR 3,245.00. The balance of the Advance on Costs, in the amount of EUR 755.00, will be reimbursed to UAB Omega Action by the BAT.**
- 3. Basketball Club Kyiv shall pay UAB Omega Action an amount of EUR 4,950.00 as compensation for its legal fees and expenses.**
- 4. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**
- 5. Any other or further-reaching requests for relief are dismissed.**

Geneva, seat of the arbitration, 23 September 2013

Quentin Byrne-Sutton  
(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 13 May 2013 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. The time limit for payment thereof shall be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.