



Social Justice Tribunals Ontario

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October 23, 2014

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Re: **Wambach et. al. v. Canadian Soccer Association**
HRTO File Number: 2014-18923-1

Please find enclosed a case assessment direction from the Tribunal in this matter, dated October 23, 2014.

5 pages including this cover sheet.

Child and Family Services Review Board
Custody Review Board
Human Rights Tribunal of Ontario
Landlord and Tenant Board Ontario
Special Education (*English*) Tribunal Ontario
Special Education (*French*) Tribunal Ontario
Social Benefits Tribunal

Commission de révision des services à l'enfance et à la famille
Commission de révision des placements sous garde
Tribunal des droits de la personne de l'Ontario
Commission de la location immobilière
Tribunal de l'enfance en difficulté de l'Ontario (*anglais*)
Tribunal de l'enfance en difficulté de l'Ontario (*français*)
Tribunal de l'aide sociale



HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

**Abby Wambach and Players on National Teams Participating in the FIFA
Women's World Cup Canada 2015 Listed on Schedule "A"**

Applicants

-and-

**Canadian Soccer Association and
Fédération Internationale de Football Association**

Respondents

CASE ASSESSMENT DIRECTION

Adjudicator: Jo-Anne Pickel

Date: October 23, 2014

File Number: 2014-18923-I

[1] This Case Assessment Direction (“CAD”) directs the parties to file written submissions on whether the respondent, Fédération Internationale de Football Association (“FIFA”) has received effective legal notice of this Application.

[2] The applicants filed the Application with the Tribunal on October 1, 2014, along with a Request to Expedite the Application.

[3] On October 2, 2014, the Tribunal delivered a Notice of Application and Request to Expedite Application (“Notice”) as well as a copy of the Application and the Request to Expedite Proceedings to both respondents. The Tribunal sent the Notice and enclosed documents to the Canadian Soccer Association (“CSA”) by courier and facsimile and to FIFA by mail and facsimile.

[4] By letter dated October 3, 2014, Jérôme Valcke, FIFA’s Secretary General, advised that FIFA was refusing acceptance of the Notice and enclosed documents on the basis that the procedure for delivery provided for by relevant international treaties had not been complied with in the present case.

[5] By letters dated October 5 and 7, 2014, one of the applicants’ counsel advised that it was the applicants’ position that international service treaties do not apply in the present case. The applicant’s counsel also submitted that FIFA’s due process rights have been protected via the delivery of the Application materials.

[6] In his letter dated October 8, 2014, counsel for the CSA took the position that FIFA had not yet been properly served with the Application.

[7] In light of the above, the Tribunal directs the parties to file written submissions on the issue of whether FIFA has received effective legal notice of this Application. It is not necessary for the parties to repeat any of the submissions they have already made in their correspondence with the Tribunal. The parties’ written submissions must be filed with the Tribunal, and copied to the other parties, no later than **November 6, 2014**.

[8] The Tribunal notes that FIFA's Response to the Application is also due November 6, 2014. The Tribunal calls FIFA's attention to Rule 5.5 of the Tribunal's Rules of Procedure which states as follows:

Where an Application is delivered to a Respondent who does not respond to the Application, the Tribunal may:

- i. deem the Respondent to have accepted all of the allegations in the Application;
- ii. proceed to deal with the Application without further notice to the Respondent;
- iii. deem the Respondent to have waived all rights with respect to further notice or participation in the proceeding;
- iv. decide the matter based only on the material before the Tribunal.

DIRECTION

[9] The Tribunal directs the parties to file written submissions on the issue of whether FIFA has received effective legal notice of this Application. These written submissions must be filed with the Tribunal, copied to the other parties, no later than **November 6, 2014**.

Dated at Toronto, this 23rd day of October, 2014.



Jo-Anne Pickel
Vice-chair

Schedule A

Camille Abily

Jackie Acevedo

Katherine Alvarado

Nadine Angerer

Verónica Boquete

Elise Bussaglia

Fabiana Da Silva Simões

Abby Erceg

Caitlin Foord

So-Yun Ji

Samantha Kerr

Alexandra Morgan

Teresa Noyola

Yuki Ogimi

Heather O'Reilly

Diana Saenz

Abby Wambach

Hannah Wilkinson