

JURISDICTION & VENUE

1. This Court has subject matter jurisdiction over this matter pursuant to the Indiana Constitution, Article 7, section 8, and Indiana Code § 33-28-1-2.
2. Venue is proper in Marion County under Indiana Trial Rule 75(A)(1) and 75(A)(4).

PARTIES

3. Plaintiff James Estes (“Estes”) is domiciled in El Paso County, Colorado.
4. Defendant USA Track & Field, Inc. (“USATF”) is a Virginia nonprofit corporation with its principal place of business located in Marion County at 130 E. Washington Street, Suite 800, Indianapolis, Indiana 46204.
5. At all times relevant herein, Plaintiff James Estes was a member of the USATF Board of Directors (“Board”).
6. Defendant Max Siegel (“Siegel”), at all times relevant hereto, was employed by USATF as its Chief Executive Officer.
7. Defendant Max Siegel resides and is domiciled in Hamilton County, Indiana.
8. Defendant Renee Washington (“Washington”), at all times relevant hereto, was employed by USATF as its Chief Operating Officer.
9. Defendant Renee Washington resides and is domiciled in Marion County, Indiana.

FACTUAL ALLEGATIONS RELEVANT TO ALL CLAIMS

A. James Estes’ USATF Board Member Service.

10. Estes has worked in various capacities in the running sport industry, including 12 years as a staff member at the USATF National Office.

11. Estes was elected to serve as a USATF Board Member, beginning in January 2021, by the Long Distance Running Division of USATF (“LDR”).
12. Estes has remained a USATF Board Member from January 2021 through the present time.
13. At all times relevant to this complaint, USATF’s Code of Ethics placed an affirmative duty on individuals, that duty being that individuals must disclose any conflict of interest (Code of Ethics Section IV. Duty to Disclose).
14. Estes, at all times, has met the obligation of his affirmative duty pursuant to the USATF Code of Ethics and disclosed all conflicts of interest to USATF.

B. Estes’ Involvement with Chattanooga’s 2024 U.S. Olympic Marathon Team Trials Bid

15. In May of 2022, Estes finalized an agreement to consult the Chattanooga Sports Commission (“Chattanooga”) for their 2024 U.S. Olympic Marathon Team Trials bid.
16. Estes’ scope of work with Chattanooga included technical, competition, and athlete services.
17. Estes never had, nor has ever had, access or insight into opposing bids for the 2024 U.S. Olympic Marathon Team Trials.
18. Estes was not entitled to any type of bonus or commission if Chattanooga won the bid for the 2024 U.S. Olympic Marathon Team Trials.
19. On or about May 24, 2022, Estes sent an updated Code of Ethics Conflict Reporting Statement (“COI Disclosure”) via email to Washington and Mike Conley, Chair of the USATF Board of Directors (“Conley”).
20. Estes’ May 24, 2022, COI Disclosure stated, in part, “Chattanooga Sports Commission- Contractor: Consulting for Chattanooga Sports Commission Olympic Trials Marathon Bid, related to technical, competition and athlete services items.”

21. Estes' May 24, 2022, email to Washington and Conley stated, in part, "I've attached an updated COI that notes some consulting work that I've taken on with the Chattanooga Sports Commission and their bid for the Olympic Trials Marathon (I filled a similar role for their 2020 bid). I don't believe the Board would have any role in the ultimate decisions on the Olympic Trials but I would of course recuse myself if it did get to that point."
22. Estes never received a reply to his May 24, 2022, email to Washington and Conley, nor did Estes receive any type of follow-up communication from USATF regarding his May 24, 2022, COI Disclosure.
23. The USATF Code of Ethics requires USATF Legal Counsel, National Office, the Board Chair, and the Ethics Committee to review the COI Disclosures of Board Members.
24. Estes' May 24, 2022, COI Disclosure was never reviewed by any required party at USATF.
25. On or about June 24, 2022, Siegel, had a conversation with Kevin Hanson, Elite Marathon Athlete Coach and LDR Committee Member, regarding the LDR's potential reaction if USATF took the 2024 U.S. Olympic Marathon Team Trials to Orlando, Florida.
26. On or about July 29, 2022, Estes sent an updated COI Disclosure via email to Washington and Conley.
27. Estes' July 29, 2022, COI Disclosure stated, in part, "Chattanooga Sports Commission- Contractor: Consulting for Chattanooga Sports Commission Olympic Trials Marathon Bid, related to technical, competition and athlete services items."
28. On or about July 31, 2022, through about August 2, 2022, USATF staff communicated with the United States Olympic and Paralympic Committee ("USOPC") regarding Estes' July 29, 2022, COI Disclosure.

29. The July and August 2022 communication between USATF and USPOC regarding Estes' July 29, 2022, COI Disclosure was focused on Estes accepting a role as Chief Operating Officer for USA Badminton.
30. In July and/or August 2022 USATF was provided guidance by the USOPC that Estes' conflicts would need to be managed quite carefully.
31. In July and/or August 2022 USOPC did not communicate to USATF a finding of violation regarding conflicts of interest or Code of Ethics violations by Estes.
32. In July and/or August 2022 there were no findings or recommendations by USOPC to USATF regarding conflicts of interest or Code of Ethics violations by Estes specifically relating to Estes' work with Chattanooga.
33. On or about August 1, 2022, Washington emailed Richard Manson ("Manson"), Chair of the USATF Ethics Committee, Norman Wain ("Wain"), USATF Legal Counsel, and copied Siegel, regarding Estes' July 29, 2022, COI Disclosure.
34. On or about August 2, 2022, Washington emailed Conley, and copied Siegel and Wain, regarding Estes' July 29, 2022, COI Disclosure and stated that it was Conley's role to "led (sic) this discussion with the board," as it related to managing, disciplining, or removing a member of the board of directors.
35. In the August 2, 2022, email, Washington identified herself as the "initial reviewer" of Estes' July 29, 2022, COI Disclosure.
36. Washington's August 2, 2022, email listed Estes' disclosed conflicts that she believed would require Estes to recuse himself from participation on the USATF Board of Directors.
37. Washington's August 2, 2022, email cited approval for her recommendations from the "Chair of the Ethics Committee."

38. On or about August 3, 2022, Manson emailed Conley and copied Washington agreeing with Washington's recommendations regarding Estes' July 29, 2022, COI Disclosure.
39. USATF Code of Ethics (Section V. Part B.) states, "Prior to any recommendation on the part of the Ethics Committee, the 'Responsible Person' will be given a reasonable opportunity to be heard on the matter, either in writing or in person, as determined by the Ethics Committee."
40. Estes is a considered a "Responsible Person" for the purposed of USATF Code of Ethics (Section V. Part B.).
41. The USATF Ethics Committee never provided an opportunity for Estes to be heard on the matter of Chattanooga or his COI Disclosure, either in writing or in person, prior to making an ethics recommendation to Conley on August 3, 2022.
42. On or about August 6, 2022, Conley emailed and called Estes to inform him of internal discussions regarding Estes' COI Disclosure.
43. On or about August 7, 2022, a teleconference occurred between Estes, Washington, Wain, and Conley regarding Estes' July 29, 2022, COI Disclosure.
44. The teleconference on August 7, 2022, only provided the direction that Estes was to communicate with Conley if information about the 2024 U.S. Olympic Marathon Team Trials were to be discussed at board meetings.
45. The teleconference on August 7, 2022, resulted in Conley summarily stating that USATF staff, Estes, and Conley would regroup to discuss conflicts as they arise.
46. At no point during the August 7, 2022, teleconference was Estes advised or admonished that his involvement with Chattanooga was a conflict of interest that could not be managed.

47. At no point during the teleconference on August 7, 2022, was Estes advised that his involvement with Chattanooga would or could result in the disqualification of the Chattanooga bid for the 2024 U.S. Olympic Marathon Team Trials.
48. On or about August 17, 2022, Estes sent an updated COI Disclosure via email to Washington and Conley.
49. Estes' August 17, 2022, COI Disclosure stated, in part, "Chattanooga Sports Commission- Contractor: Consulting for Chattanooga Sports Commission Olympic Trials Marathon Bid, related to technical, competition and athlete services items."
50. On or about September 26, 2022, USATF staff had concerns about Estes' presence and involvement with Chattanooga during a site visit with USATF.
51. On or about September 26, 2022, Siegel and Washington made the decision that Estes could not be involved with Chattanooga during a site visit with USATF.
52. On or about September 27, 2022, a USATF staff member informed Tim Morgan, Chattanooga Representative, that Estes could not be involved with Chattanooga during a site visit with USATF.
53. On or about September 27, 2022, Estes was requested to and immediately departed the Chattanooga site visit with USATF.
54. USATF staff never notified Conley of the issues with Estes' involvement in the Chattanooga site visit neither before nor during the site visit.
55. Conley was only informed of the Chattanooga site visit issues once Estes departed the site visit and proceeded to have a telephone conversation with Conley.
56. On or about September 27, 2022, USATF, for the first time, notified USOPC of Estes' involvement with Chattanooga.

57. The USOPC opened an investigation into Estes' involvement with Chattanooga immediately following USATF's site visit with Chattanooga.
58. On or about October 9, 2022, the USATF Board of Directors met in Miami Beach, Florida, and Estes joined the meeting remotely via Zoom.
59. At the October 9, 2022, USATF Board of Directors meeting, the 2024 U.S. Olympic Marathon Team Trials was part of the agenda as an advisory vote by the Board.
60. Estes recused himself and left the room/Zoom call during the USATF Board of Directors meeting when the 2024 U.S. Olympic Marathon Team Trials was discussed by the Board and while an advisory vote was conducted.
61. The USATF national office maintained ultimate and independent authority and approval of the bid selection for the 2024 U.S. Olympic Marathon Team Trials.

C. The USOPC Investigation into Estes' Involvement with Chattanooga

62. On or about September 27, 2022, USATF, for the first time, notified USOPC of Estes' involvement with Chattanooga.
63. The USOPC opened an investigation into Estes' involvement with Chattanooga immediately following USATF's site visit with Chattanooga.
64. On or about October 19, 2022, Conley informed Estes of the USOPC investigation into Estes' involvement with Chattanooga.
65. On or about October 25, 2022, USATF made the final decision to disqualify the Chattanooga bid due to Estes' involvement.
66. Between October 25, 2022, and November 5, 2022, the USATF Board of Directors were instructed to cease communication with Estes.

67. The USATF Board of Directors were instructed to cease communication with Estes due to Estes' involvement with Chattanooga.
68. Between October 25, 2022, and November 5, 2022, the USATF Board of Directors were not informed that Estes met the obligation of his affirmative duty pursuant to the USATF Code of Ethics by disclosing all conflicts of interest regarding Chattanooga to USATF on May 24, 2022, July 29, 2022, and August 17, 2022.
69. Between October 25, 2022, and November 5, 2022, the USATF Board of Directors were not informed of nor about the August 7, 2022, teleconference between Estes, Washington, Wain, and Conley regarding Estes' July 29, 2022, COI Disclosure.
70. Siegel, on at least one occasion, publicly stated that Estes did not disclose his involvement with Chattanooga on his COI Disclosure.
71. On or about November 4, 2022, Washington initiated a conversation with Jon Hughes ("Hughes"), Orlando Olympic Trial Organizing Committee.
72. Hughes told Washington that he previously knew of Estes' involvement with Chattanooga and never believed it to be a problem.
73. On or about November 8, 2022, Chattanooga received a letter from Siegel disqualifying Chattanooga's bid for the 2024 U.S. Olympic Marathon Team Trials due to Estes' involvement.
74. Siegel's November 8, 2022, bid disqualification letter to Chattanooga stated in part that "the circumstances were neither created by USATF nor condoned by USATF."
75. On or about November 9, 2022, USOPC contacted Estes to request a meeting regarding a potential conflict of interest that arose during the bid process for the Olympic Trials Marathon.

76. On or about November 15, 2022, Estes was interviewed by USOPC as part of its investigation into his involvement with Chattanooga.
77. The USOPC investigation was not tied to USATF's previous decision to disqualify Chattanooga's bid for the 2024 U.S. Olympic Marathon Team Trials due to Estes' involvement.
78. On or about December 16, 2022, Runner's World Magazine published an article regarding USATF disqualifying Chattanooga's bid for the 2024 U.S. Olympic Marathon Team Trials due to Estes' involvement.
79. On January 31, 2023, USOPC issued a letter to USATF with its final findings and recommendations regarding its investigation into Estes' involvement with Chattanooga.
80. USOPC's January 31, 2023, letter found that "Mr. Estes properly disclosed his work for Chattanooga in accordance with USATF's Code of Ethics, but USATF did not provide adequate guidance in response. Notwithstanding USATF's inaction, Mr. Estes failed to satisfy his duty as a Board member to avoid conflicts of interest."
81. USOPC's January 31, 2023, letter contained a required reform in that USATF was to follow its existing procedures by having the appropriate party review Estes' most recent COI Disclosure and provide Estes with any decisions and/or directions regarding his conflicts.

D. Post USOPC Investigation

82. On or about March 17, 2023, Manson emailed Conley with the USATF Ethics Committee recommendations.
83. Manson's March 17, 2023, recommendations to Conley were the same recommendations Manson sent to Conley on August 3, 2022, which were originally drafted by Washington on August 1, 2023.

84. USATF Code of Ethics (Section V. Part B.) states, “Prior to any recommendation on the part of the Ethics Committee, the ‘Responsible Person’ will be given a reasonable opportunity to be heard on the matter, either in writing or in person, as determined by the Ethics Committee.”
85. Estes is a considered a “Responsible Person” for the purposed of USATF Code of Ethics (Section V. Part B.).
86. USATF was required by the USOPC on January 31, 2023, to follow its existing procedures regarding Estes’ most recent COI Disclosure.
87. The USATF Ethics Committee never provided an opportunity for Estes to be heard on the matter of Chattanooga or his COI Disclosure, either in writing or in person, as required by the USOPC on January 31, 2023.
88. On March 23, 2023, Estes, through counsel, demanded that the USATF Ethics Committee immediately retract its recommendations sent to Conley on both August 3, 2022, and March 17, 2023, and follow USATF Code of Ethics (Section V. Part B.).
89. On or about April 6, 2023, the USATF Ethics Committee declined to retract its recommendations sent to Conley on both August 3, 2022, and March 17, 2023.
90. On or about April 2023, USATF modified its Code of Ethics Conflict Reporting Statement to include a quadruple signature block at the end of the form.
91. On or about April 2023, USATF modified its Code of Ethics Conflict Reporting Statement to include new language regarding conflicts of board members.
92. On or about May 23, 2023, Conley requested that the LDR Division review the March 17, 2023, Ethics Committee recommendations regarding Estes’ COI Disclosure.

93. On or about June 2, 2023, Washington emailed the USATF Board of Directors requesting that the Board discuss the USATF Ethics Committee recommendation regarding Estes.
94. In June of 2023, the USATF Board of Directors Bylaw Committee prepared a proposal to update Bylaws to allow the USATF Board of Directors to remove a Board Member without cause and without required input or agreement from the elected board member's constituents/division.
95. On or about June 12, 2023, the LDR Division Chair notified Conley that the LDR Executive Committee voted unanimously that Estes should remain on the USATF Board of Directors as the LDR representative.

CLAIMS FOR RELIEF

COUNT I

DEFAMATION PER SE – Max Siegel

96. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.
97. Defendant, Max Siegel, intentionally and repeatedly made false verbal and written statements asserting professional misconduct by the Plaintiff.
98. Defendant, Max Siegel, intentionally made a false written statement by inducement asserting professional misconduct by the Plaintiff.
99. Defendant, Max Siegel's statements were intentionally communicated to third parties who understood them.
100. Defendant Max Siegel's statements imputed misconduct in Plaintiff's profession and have caused professional and reputational damage, and constitute libel and slander per se.

101. Defendant Max Siegel's statements were of the nature of defamatory by imputation.
102. Defendant Max Siegel's statements were of a kind that lowered Plaintiff's professional and personal reputation and discouraged other from interacting with Plaintiff.
103. Defendant Max Siegel's statements were made with malice or reckless disregard for the truth and willful or wanton disregard for the consequences.
104. As a direct and proximate results of Defendant Max Siegel's false statements, Plaintiff has suffered damages, including but not limited to: personal humiliation, mental anguish and suffering, physical harm, and financial damages – current and prospective.
105. Defendant, Max Siegel, was within the course and scope of his employment at USATF when he made repeated, verbal and written, false statements about Plaintiff.
106. Defendant USATF is responsible for the action of its employee, Defendant Max Siegel.

COUNT II

INVASION OF PRIVACY – Max Siegel

107. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.
108. Defendant, Max Siegel, intentionally gave publicity to a matter concerning the Plaintiff.
109. Defendant, Max Siegel, intentionally placed the Plaintiff before the public in a false light.
110. Defendant, Max Siegel, attributed actions to the Plaintiff that Plaintiff did not take.
111. Defendant Max Siegel's actions regarding the Plaintiff were highly offensive.
112. Defendant, Max Siegel, had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the Plaintiff would be placed.

113. Defendant, Max Siegel, unreasonably placed the Plaintiff in a false light before the public.

114. Plaintiff has experienced injuries to emotions and mental suffering as a result of Defendant, Max Siegel's actions.

115. Defendant, Max Siegel, was within the course and scope of his employment at USATF when he placed the Plaintiff before the public in a false light.

116. Defendant USATF is responsible for the action of its employee, Defendant Max Siegel.

COUNT III

NEGLIGENCE – Renee Washington

117. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

118. Defendant, Renee Washington, had a duty to review Plaintiff's COI Disclosures.

119. On at least one (1) occasion, Defendant Renee Washington failed to review Plaintiff's COI Disclosure.

120. On at least one (1) occasion, Defendant Renee Washington failed to properly act on Plaintiff's COI Disclosure.

121. Defendant, Renee Washington, had a duty to ensure USATF complied with its own USATF Code of Ethics (Section V. Part B.) regarding the USATF Ethics Committee Recommendation regarding the Plaintiff.

122. Defendant Renee Washington's failure to meet her duties put Plaintiff against an unreasonable risk of injury.

123. Defendant, Renee Washington, breached her duties to Plaintiff regarding Plaintiff's COI Disclosures and USATF Ethics Committee Recommendation regarding the Plaintiff.

124. Plaintiff has been damaged by Defendant Renee Washington's breach of duties.
125. Defendant Renee Washington's breach of duties were the actual and proximate cause of Plaintiff's injuries.
126. Defendant, Renee Washington, acted with malice, gross negligence, and oppressiveness.
127. Defendant, Renee Washington, was within the course and scope of her employment at USATF when she breached her duties owed to Plaintiff and caused the Plaintiff damages.
128. Defendant USATF is responsible for the action of its employee, Defendant Renee Washington.

COUNT IV

NEGLIGENCE - USATF

129. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.
130. Defendant, USATF, had a duty to review Plaintiff's COI Disclosures.
131. On at least one (1) occasion, Defendant USATF failed to review Plaintiff's COI Disclosure.
132. On at least one (1) occasion, Defendant USATF failed to properly act on Plaintiff's COI Disclosure.
133. Defendant, USATF, had a duty to ensure it complied with its own USATF Code of Ethics (Section V. Part B.) regarding the USATF Ethics Committee Recommendation regarding the Plaintiff.
134. Defendant USATF's failure to meet its duties put Plaintiff against an unreasonable risk of injury.

135. Defendant, USATF, breached its duties to Plaintiff regarding Plaintiff's COI Disclosures and USATF Ethics Committee Recommendation regarding the Plaintiff.
136. Plaintiff has been damaged by Defendant USATF's breach of duties.
137. Defendant USATF's breach of duties were the actual and proximate cause of Plaintiff's injuries.
138. Defendant, USATF, acted with malice, gross negligence, and oppressiveness.

WHEREFORE, Plaintiff respectfully requests this Court to enter judgment in his favor and order that the Defendants:

1. Pay him compensatory damages;
2. Pay him punitive damages;
3. Pay him damages for pain and suffering;
4. Pay him damages for mental and emotional distress;
5. Pay him presumed damages;
6. Pay him special damages;
7. Pay him economic and financial damages, including attorney fees;
8. Pay him liquidated damages;
9. Pay him for other expenses and or losses;
10. Pay him pre- and post- judgment interest; and,
11. Submit to any other relief the court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial for all claims and issues deemed so triable.

Respectfully submitted,

/s/ Brock B. Hagerman

Brock B. Hagerman, Attorney No. 36128-48

Hulse, Lacey, Hardacre, & Austin, P.C.

911 Meridian Street

Anderson, Indiana 46016

Email: brock@hulse-lacey.com

Phone: (765) 649-3434

Fax: (765) 641-1317

www.hulse-lacey.com

Attorney for Plaintiff James Estes