Date:

To the: **BASKETBALL ARBITRAL TRIBUNAL**

c/o
Martens Rechtsanwälte
Agnesstr. 14, 80797 Munich, Germany
E-mail: bat@martens.legal
Facsimile: +49 89 452 44 22 99

*[Please note: The Request for Arbitration and any accompanying exhibits shall be submitted by email only to the above mentioned email address (unless a transmission by email is not technically feasible). The Request for Arbitration shall be filed as a clearly legible PDF document that includes a list of exhibits. Any exhibits should be either submitted in the same PDF file as the Request for Arbitration itself (with each exhibit clearly numbered/marked in the document) or as separate PDF files (with the file names indicating the exhibit number). Also, e-mails sent to the BAT Secretariat should not exceed 10 MB in size. If you need to send documents by regular mail or fax, please use the address respectively fax number indicated above.]*

**The Claimant(s)**

|  |  |  |
| --- | --- | --- |
| Contact details(mandatory) | **Claimant 1** | **Claimant 2** (if applicable) |
| Name: |       |       |
| Full Address: |            |            |
| Telephone: |       |       |
| Facsimile: |       |       |
| E-Mail: |       |       |

|  |  |  |
| --- | --- | --- |
| Contact details(mandatory) | **Claimant 3** (if applicable) | **Claimant 4** (if applicable) |
| Name: |       |       |
| Full Address: |            |            |
| Telephone: |       |       |
| Facsimile: |       |       |
| E-Mail: |       |       |

**Claimant(s) Counsel** (if applicable) (*if represented by counsel, please complete the attached Power of Attorney on page 5)*:

*Please note: In the event that Claimant(s) is/are represented by more than one counsel or engage different counsel, please attach an additional page providing relevant contact details of counsel.*

|  |  |
| --- | --- |
| Name: |       |
| Company: |       |
| Full Address: |            |
| Telephone: |       |
| Facsimile: |       |
| E-Mail: |       |

**hereby request(s) that an arbitration be commenced against**

**the Respondent(s)**

[*Please note: It is the responsibility of the Claimant(s) to provide sufficient contact details for the Respondent(s), in particular a physical address and phone number, in order for the BAT to be able to serve the Request for Arbitration and any documents on the Respondent(s). If the Claimant(s) do(es) not provide sufficient contact details, the arbitration may need to be terminated. In such case, the handling fee (see number 5 of this form) will not be reimbursed.]*

|  |  |  |
| --- | --- | --- |
| Contact details(mandatory) | **Respondent 1** | **Respondent 2** (if applicable) |
| Name: |       |       |
| Full Address: |            |            |
| Telephone: |       |       |
| Facsimile: |       |       |
| E-Mail: |       |       |
| Contact person of the Respondent(s): |       |
| Counsel for the Respondent(s) (if known):  |       |

 **according to the Arbitration Rules of the Basketball Arbitral Tribunal ("BAT Rules") in force at the time of the filing of this Request for Arbitration.**

* The parties have the following positions and nationality(ies):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Player | Agent | Coach | Club | Other\* | Nationality/ies |
| Claimant 1 | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |       |
| Claimant 2 | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |       |
| Claimant 3 | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |       |
| Claimant 4 | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |       |
| Respondent 1 | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |       |
| Respondent 2 | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |       |

\* If other, please specify:

* The Claimant(s) and the Respondent(s) are parties to an arbitration agreement dated      , according to which this dispute shall be submitted to the BAT. *[Please note: Any such written arbitration agreement* ***must*** *be attached hereto.]*
* The Claimant(s) request(s) that any communication to him/her/it/them concerning this arbitration be made as per the BAT Rules (*please note that this can be changed at any time by request to the BAT Secretariat):*

[ ]  to the Counsel specified above.

[ ]  to the Counsel and the Claimant(s) specified above.

[ ]  to the Claimant(s) specified above, if the Claimant(s) do not have Counsel.

# Facts and Legal Arguments

*[Please note: Depending on the next procedural steps as will be decided by the arbitrator, the Claimant(s) might not have a further opportunity to make submissions. Therefore, the Claimant(s) should include in this Request for Arbitration all factual and legal arguments on which the Claimant(s) seek(s) to rely.*

*Mitigation: If a Claimant is a player and is seeking monies for a period of time after the relevant contract with the Respondent was terminated early, please specify (i) what steps the player took to find alternative employment for the remainder of the contract period and (ii) any income the player generated from such alternative employment during the remainder of the contract period. Copies of any contracts related to such alternative employment shall be submitted together with any other evidence of the player’s efforts to mitigate his or her damages. For the avoidance of doubt, the submission of such information and documents will not prevent the player from arguing that any alternative income should not be deducted from his/her claim for monies.]*

# Request for Relief

[*Please note*: *The Claimant(s) shall include any and all relief sought, e.g. salary(ies), agent fees, damages, late payment penalties, interest (please specify the start date and interest rate according to which interest should be calculated), advance on costs paid by the Claimant(s), existing or future legal fees and expenses incurred by the Claimant(s) including the non-reimbursable handling fee. The Claimant(s) shall indicate the total amount of interest (calculated on the basis of the specified start date and interest rate) or late payment penalties sought in relation to any period prior to the date of filing of this Request for Arbitration.*]

Claimant(s) request(s):

**Total amount in dispute**:

[*Please note: The total amount in dispute shall be the aggregate amount of all claims made by the Claimant(s) in the Request for Arbitration. This includes any interest or late payment penalties sought for periods prior to the filing of the Request for Arbitration. Any legal/arbitration costs shall not be taken into account for the determination of the total amount in dispute.*]

# Evidence

*[Please note: The Claimant(s) should list below all written evidence on which the Claimant(s) seek(s) to rely. Please number all exhibits that are submitted in support of the claim and list them here using the same numbering as on the exhibits themselves (for example, Exhibit 1 should correspond with item number 1 on this list). If an exhibit is not in the English language, it must be accompanied by a translation into English. Depending on the next procedural steps as will be decided by the arbitrator, the Claimant(s) might not have a further opportunity to introduce additional evidence.]*

1. [name of the document] dated       and signed containing the arbitration agreement
2.
3.

[etc.]

# Request for Hearing and for Examination of (a) witness(es) [not mandatory]

The Claimant(s) request(s):

[ ]  that a hearing be held

[ ]  that the witness(es) listed below is/are heard

**Witness: [Second Witness, if applicable]**

|  |  |  |
| --- | --- | --- |
| Name: |       |        |
| Full Address: |            |            |
| Telephone: |       |       |
| Facsimile: |       |       |
| E-Mail: |       |       |

# Costs

The Claimant(s) recognise(s) that, in accordance with Article 9.2 of the BAT Rules, the arbitration will not proceed until the applicable non-reimbursable handling fee (as determined by Article 17.1 of the BAT Rules, excluding any bank fees) is received in the FIBA bank account provided below:

Beneficiary: **FIBA (Basketball Arbitral Tribunal)**Bank: **UBS, Bahnhofstr. 45, 8098 Zurich, Switzerland**IBAN: **CH480024324350938460F**Swift: **UBSWCHZH80A**

[ ] A copy of the bank transfer receipt (which must include the names of the parties involved) is attached to the Request of Arbitration.

The advance of the arbitration costs will be fixed by the BAT Secretariat at a later point in time (see Article 9.3 of the BAT Rules).

Signature(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name(s) &
position(s)
in print:
 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**POWER OF ATTORNEY**

The undersigned hereby appoints

Mr / Ms ..........................................................................
[name(s) of representative(s)]

each individually to fully and generally represent the undersigned, including the right to grant sub-power of attorney, vis-à-vis third parties and courts / courts of arbitration in the matter of

**[Claimant(s) vs. Respondent(s)]**

**before the Basketball Arbitral Tribunal (BAT)**

This power of attorney can be transferred and continues to be valid in case of death or legal incapacity of the undersigned. It shall include, but not be limited to, the authority to

* make and receive communications, statements and declarations of any nature, in particular, to receive service of process;
* represent the undersigned in any litigation / arbitration as well as enforcement and ancillary proceedings;
* enter into settlement agreements; and
* accept on behalf of the undersigned money and other valuables.

.........................................................................................................

Place, Date

.........................................................................................................

Signature

.........................................................................................................

Name of the Undersigned in Print