



Tribunal Arbitral du Sport  
Court of Arbitration for Sport

**CAS 2007/A/1257 Giovanni Menchi v/FEI**

**TERMINATION ORDER**

Rendered by the

**COURT OF ARBITRATION FOR SPORT**

Sitting in the following composition

President: Mrs Carole Barbey, Judge, Geneva, Switzerland

Arbitrators: Mr Massimo Coccia, Professor, Rome, Italy  
Mr Olivier Carrard, Attorney-at-law, Geneva, Switzerland

In the dispute between

**Mr Giovanni Menchi**, Firenze, Italy

Represented by Mrs Sara Navari, Attorney-at-law in Camaione Frazione Capezzano Pianore,  
Italy

and

**Fédération Equestre Internationale (FEI)**, Lausanne, Switzerland

Represented by Dr Xavier Favre-Bulle and Mr Charles Sulmoni, Attorneys-at-Law in  
Geneva, Switzerland

Whereas the rider Giovanni Menchi (hereinafter the “Appellant”) filed an appeal on 5 April 2007 against the decision issued on 7 March 2007 by the Judicial Committee of the Fédération Equestre Internationale (hereinafter the “FEI” or the “Respondent”), whereby the FEI imposed a four-month ban on the Appellant;

Whereas the Appellant paid the minimum Court Office fee of CHF 500 pursuant to articles R48 and R65.2 of the Code of Sports-related Arbitration (Code), into the CAS bank account on 5 April 2007;

Whereas the CAS Court Office initiated an appeal arbitration procedure under the reference CAS 2007/A/1257;

Whereas in his statement of appeal the Appellant made an application to suspend immediately the present procedure until the legally valid termination of the resumption proceedings before the FEI;

Whereas by letter of 5 April 2007 the CAS Court Office invited the Respondent to declare whether it agreed with the Appellant’s application to suspend the arbitration procedure;

Whereas on 12 April 2007, the FEI replied that it did not agree with the suspension of the proceedings;

Whereas by letter of 13 April 2007, the Appellant filed a request for an extension of the deadline to submit his appeal brief, along with further arguments regarding the necessity for the Appellant to have the execution of the challenged decision stayed;

Whereas by Order on provisional measures issued on 16 April 2007, the Deputy President of the Appeals Arbitration Division of the CAS decided to admit the application for a stay filed by the Appellant;

Whereas by letter of the same date, the FEI appointed Mr Olivier Carrard, attorney-at-law in Geneva, Switzerland, as arbitrator;

Whereas on 17 April 2007, the CAS Court Office confirmed to the parties that the deadline for the Appellant to submit his appeal brief was extended until 27 April 2007;

Whereas by letter dated 25 April 2007, the parties were informed of the composition of the Panel: Mrs Carole Barbey (President), Mr Massimo Coccia and Mr Olivier Carrard (co-arbitrators);

Whereas on 26 April 2007, the Appellant filed his appeal brief;

Whereas by letter of 27 April 2007, the CAS Court Office invited the Respondent to submit a reply according to article R55 of the Code;

Whereas on 9 July 2007, the Respondent filed its answer;

Whereas on the same date, the CAS Court Office fixed a hearing for 10 September 2007;

Whereas on 20 July 2007, the Appellant informed the CAS Court Office of the following:

*"Referring to the above subject, I regret to tell You that Mr Menchi has decided to forsake the Appeal Proceedings because of serious family's problem.*

*You will find attached a copy of Mr Menchi's decision.*

*I apologize for this trouble, but I know that Mr Menchi has good and heavy grounds to take this resolution.*

*I thank You, the Panel and the Respondent for Your comprehension and, above all, Your seriousness and Your professional conduct."*

Considering that, in the light of the above, the withdrawal of the appeal shall be recorded and the procedure shall be deleted from the CAS roll, without costs, except for the minimum Court Office fee of CHF 500, which has already been paid by the Appellant and which is retained by the CAS;

Considering that, further to the withdrawal of the appeal by the Appellant, the decision on the request for stay issued on 16 April 2007 by the Deputy President of the Appeals Arbitration Division of the CAS is revoked and the decision of the Judicial Committee of the FEI dated 5 April 2007 comes into force;

Considering that, pursuant to article R65.3 of the Code, the Appellant is ordered to pay an amount of CHF 2,000 to the Respondent for its legal costs incurred with the present procedure.

**ON THESE GROUNDS**

The President of the Panel, ruling in camera:

1. Duly notes the withdrawal of the appeal filed by Mr Giovanni Menchi on 5 April 2007.
2. Terminates the procedure CAS 2007/A/1257, which shall be deleted by the CAS from its roll.
3. States that the decision rendered by the Deputy President of the Appeals Arbitration Division of the CAS on 16 April 2007 is revoked and the decision issued on 5 April 2007 by the Judicial Committee of the FEI comes into force.
4. States that the CAS shall keep the minimum Court Office fee of CHF 500 paid by the Appellant.
5. Orders the Appellant to pay the Respondent the amount of CHF 2,000 for its legal costs incurred by the present procedure within 30 days after notification of the present order.

Thus done in Lausanne, 10 August 2007

**THE COURT OF ARBITRATION FOR SPORT**

**The President of the Panel**



Carole Barbey