

**ARBITRAL AWARD**

**(BAT 0628/14)**

by the

**BASKETBALL ARBITRAL TRIBUNAL (BAT)**

**Mr. Quentin Byrne-Sutton**

in the arbitration proceedings between

**Mr. Dainius Salenga**

**- Claimant 1 -**

**Mr. Mantas Ignatavicius**

**- Claimant 2 -**

both represented by Mr Antanas Paulauskas, attorney at law,  
Gynėjų g. 16, 01109 Vilnius, Lithuania

vs.

**Budivelnyk Basketball Properties Inc.**

Craigmuir Chambers, P.O. Box 71, Road Town, 4208 Tortola,  
British Virgin Islands

**- Respondent 1 -**

**Basketball Club “Budivelnyk”**

Bulgakova 16 (Zlatoustivska str. 10-12), 02134 Kiev, Ukraine

**- Respondent 2 -**

represented, respectively, by Mr. Vetvitsky Alexander  
and Mr. Vyacheslav Ievstratenko

## **AWARD**

Upon providing the 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. Budivelnyk Basketball Properties Inc. and Basketball Club “Budivelnyk” are held jointly and severally liable to pay Mr. Dainius Salenga the following amounts:**
  - **EUR 13,500.00, net, as salary compensation, plus interest on such amount at 5% per annum from 16 May 2014 onwards.**
  - **EUR 7,000.00, net, as bonus compensation, plus interest on such amount at 5% per annum from 14 June 2014 onwards.**
- 2. Budivelnyk Basketball Properties Inc. shall pay to Mr. Mantas Ignatavicius, as compensation for agency fees, an amount of EUR 9,500.00, net, plus interest on such amount at 5% per annum from 16 December 2013 onwards.**
- 3. 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 4,310.00, shall be borne jointly by Budivelnyk Basketball Properties Inc. and Basketball Club “Budivelnyk”. Accordingly, Budivelnyk Basketball Properties Inc. and Basketball Club “Budivelnyk” shall pay Mr. Dainius Salenga and Mr. Mantas Ignatavicius jointly EUR 4,310.00. The balance of the Advance on Costs, in the amount of EUR 669.73, will be reimbursed to Mr. Dainius Salenga and Mr. Mantas Ignatavicius by the BAT.**
- 4. Budivelnyk Basketball Properties Inc. and Basketball Club “Budivelnyk” shall pay Mr. Dainius Salenga and Mr. Mantas Ignatavicius jointly an amount of EUR 3,950.00 as compensation for their legal fees and expenses.**
- 5. Any arbitration costs associated with a Request for Reasons (see attached Notice) shall be advanced and borne by the requesting party.**



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**6. Any other or further-reaching requests for relief are dismissed.**

Geneva, seat of the arbitration, 17 February 2015

Quentin Byrne-Sutton  
(Arbitrator)

### **Notice about Request for Reasons**

in accordance with Articles 16.2.1 and 16.2.2 of the BAT Rules:

*“16.2.1 By agreeing to submit their dispute to arbitration under these Rules, the Parties agree that,*

- a) where the value of the dispute does not exceed EUR 30,000, the Arbitrator will issue an award without reasons.*
- b) where the value of the dispute is between EUR 30,001 and EUR 200,000, and a Respondent fails to pay its share of an advance on costs, upon request by a Claimant the Arbitrator may decide to issue an award without reasons and reduce the advance on costs in accordance with Article 9.3.1 above.*

*16.2.2 If Article 16.2.1(a) applies or if the Arbitrator decides to issue an award without reasons in accordance with Article 16.2.1(b), the Arbitrator shall deliver reasons only if 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 10 December 2014, 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 5,000.00. The time limit for payment thereof shall be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.