

ARBITRAL AWARD

(BAT 1426/19)

by the

BASKETBALL ARBITRAL TRIBUNAL (BAT)

Ms. Amani Khalifa

in the arbitration proceedings between

Mr. Trevor Mbakwe

- First Claimant -

Mr. Benjamin Pensack

- Second Claimant -

both represented by Mr. Benjamin Pensack, attorney at law,
1000 Shelter Bay Ave. Suite #1109, Mill Valley, CA 94941, USA

vs.

AEK NEA KAE 2014
466 Irakliou Avenue, 14122 Athens, Greece

- Respondent -

AWARD

Upon providing all parties with an opportunity to be heard, having examined her 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. AEK NEA KAE 2014 shall pay Mr. Trevor Mbakwe a total of USD 22,500.00 net of Greek income taxes for outstanding salary plus interest at a rate of 5% *per annum* as follows:**
 - a. On USD 15,000.00 starting from 31 May 2019 until the date of full payment; and**
 - b. On USD 7,500.00 at starting from 16 June 2019 until the date of full payment.**
- 2. AEK NEA KAE 2014 shall pay Mr. Benjamin Pensack a total of USD 782.00 plus Greek VAT for outstanding agent fees plus interest at a rate of 5% *per annum* as follows:**
 - a. On USD 32.00 starting from 21 May 2019 until the date of full payment; and**
 - b. On USD 750.00 starting from 21 June 2019 until the date of full payment.**
- 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 3,850.00, shall be borne by AEK NEA KAE 2014 alone. Accordingly, AEK NEA KAE 2014 shall pay EUR 3,850.00 jointly to Mr. Trevor Mbakwe and Mr. Benjamin Pensack. The balance of the Advance on Costs, in the amount of EUR 2,114.34 will be reimbursed jointly to Mr. Trevor Mbakwe and Mr. Benjamin Pensack by the BAT.**
- 4. AEK NEA KAE 2014 shall pay EUR 1,581.00 jointly to Mr. Trevor Mbakwe and Mr. Benjamin Pensack in respect of 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.**
- 6. Any other or further-reaching requests for relief are dismissed.**



BASKETBALL
ARBITRAL TRIBUNAL

Geneva, seat of the arbitration, 27 January 2020

Amani Khalifa
(Arbitrator)

Notice about Request for Reasons

in accordance with Articles 16.2 of the BAT Rules:

“By agreeing to submit their dispute to arbitration under these Rules, the Parties agree that, where the value of the dispute does not exceed EUR 100,000, the Arbitrator shall issue an award without reasons, provided, however, that the Arbitrator shall deliver reasons 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.”*

The Parties are herewith informed that the amount to be paid as an advance on costs for a reasoned award in this case has been set by the BAT Secretariat to **EUR 5,000.00**. The time limit for payment thereof will be set by the BAT Secretariat upon receipt of the Request for Reasons, if any.