



Swiss Cricket Association

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Berne, Sunday 6th January 2012

SCA vs SCV update

Dear SCA member,

This is a short accompanying note to the agreed letter of intent from the courts and the statement from our solicitor, regarding the court hearing that took place at the Bülach District Court on Thursday 20th December 2012.

I reiterate the three options before us:

1. We can proceed with our complaint through the courts.
At great cost ("main hearing and hearing for evidence") and unfortunately, although chances are slightly in our favour, there is no guarantee we will win.
2. We could try to bring the two associations together by adjudication as defined by the courts (see attached & confirmed as an accurate translation by our solicitor)
3. We could cut out losses and withdraw the complaint.

I have agreed with the court that at our AGM on 26.1.2013 we will put these options to our members and inform them of our decision by the end of January.

The reason for this decision is:

- i) the cost of a court case may bankrupt the SCA;
- ii) I did not have a mandate to start another round of adjudication;
- iii) Adjudication efforts this time are determined by the courts and by an independent sports expert.

Despite everything that has happened in the last two/three years, I believe the most logical way forward is option two. My reasons are relatively straight forward:

a. Court case

I believe Davesh Mathur will hang on to a 1% chance of winning (which incidentally he may do), despite the costs as he will simply declare the SCV bankrupt.

This option is also potentially the longest way, as there is nothing preventing an appeal and taking this to a supreme court (Obergericht) and dragging out for another 2 years.

b. Adjudication

I realise we have attempted this twice, and failed, but this time the court is behind us and so are our solicitors. Although no guarantee, and at much greater cost (we would have to share 70% of the cost, calculated by the courts on the number of clubs associated to each party), I believe this is the quickest route back to the international fold.

Also, I believe the SCV is cash strapped and has no resources. As all the evidence suggests, the SCV do not run an effective association with membership fees and any active cricket, so where does the money come from?

Swiss Cricket Association Executive Committee

A.Mackay (President & Chairman), D.Milne (vice-President), K.McKeown (Honorary Secretary), N.Gandhi (Treasurer),
A.Koshy (Competitions Chairman), A.Lakkaraju (International Manager), P.Vijayadas (Sponsorship & Publicity), P.Henderson (Development)



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I also suspect that effectively there are only 3 or 4 clubs from the six the SCV claim to represent, so therefore, and hypothetically, if they have to raise CHF3'000 each club would have to pay CHF750. So the SCV may decide they have nothing to gain on this route and liquidate, something that they would have to do anyway as soon as instructed to do so by the independent sports' expert.

(* Mathur forgot to include Geneva CC. Whether they have had a falling out is unknown to me. Perhaps it was just a way of reducing the cost calculation, but if that is so then we will insist they increase their share in order to have Geneva included.)

c. Withdraw the case

This option is open to us at anytime, however, if the SCV could stay in existence indefinitely...on paper.

Also, the route to the SOC/ICC would be more difficult all the time there is a second association impersonating us.

Ken McKeown has already added this to the agenda for our AGM on 26.1.2012.

Kind regards,
Alex.

PS: Whatever option we chose, this will still not be resolved overnight. We therefore intend to proceed with the AGM, and all the arrangements for our 2013 season, parallel to these activities.

Yours sincerely,


Alexander Mackay
President
Swiss Cricket Association

- Letter of intent from the District Court Bülach (with English translation)
- Statement from Frau Dr. Gehrig (with English translation)

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