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Jordan Chiles Prevails in Challenge to Arbitration Ruling That Revoked Bronze Medal

Firm News | January 29, 2026

Gibson Dunn, along with its co-counsel Homburger AG, announced today that it has successfully persuaded the Federal Supreme Court of Switzerland to overturn a decision by the Court of Arbitration for Sport ("CAS") that stripped Gibson Dunn client Jordan Chiles, a two-time U.S. Olympic gymnast, of the bronze medal she earned in the women's gymnastics floor event following the Summer 2024 Olympic Games. The Swiss Court's historic decision confirms that Chiles's bronze medal was unjustly revoked through a rushed arbitration process that deprived Chiles of the critical opportunity to present key video evidence confirming that her bronze medal was rightfully earned. The Court ruled that the video evidence in question "is conclusive" and if considered by the CAS, may have "le[d] to a modification of the award in favor of" Chiles. Chiles will now have the opportunity to fully prepare and present her defense of the bronze medal—for the first time—in a new arbitration proceeding in the coming months.

In August 2024, Chiles earned an Olympic bronze medal in the women's gymnastics floor event—joining Brazilian gymnast Rebeca Andrade and Chiles' U.S. teammate Simone Biles on the podium as part of a historic and much-celebrated medal ceremony in Paris. That victory was facilitated by a scoring change by event judges, who accepted an inquiry by Chiles' coach that boosted Chiles' score from 13.666 to 13.766—thus putting her in third place. But Chiles's victory was short-lived: the Romanian Federation of Gymnastics, whose athletes had placed fourth and fifth in the event, initiated an arbitration in which they argued for the revocation of Chiles' medal. Due to issues with the notification process, Chiles, the U.S. Olympic and Paralympic Committee (USOPC), and U.S.A. Gymnastics were given less than a day's notice of the arbitration and they received no notice of key information, including a timekeeping report that purported to show that a scoring inquiry by Chiles' coach had been recorded 64 seconds after the official posting of Chiles' score. The CAS erroneously concluded that Chiles' scoring inquiry had been submitted four seconds too late, despite acknowledging that the available evidence was inconclusive.

The day after the CAS issued its ruling rescinding Chiles' bronze medal, Chiles and U.S.A. Gymnastics obtained and submitted to the CAS video evidence that conclusively showed that Chiles' coach had made the scoring inquiry on time. The evidence in question—footage from a documentary crew associated with the production company Religion of Sports, which was recording the women's gymnastics floor finals in connection with a documentary series on Chiles' teammate Simone Biles—proves that the CAS's prior decision rested on a critical factual error regarding the timeliness of the coach's verbal inquiry.

In its decision, the Swiss Federal Supreme Court confirmed that its five-judge panel had watched the new video evidence and considered it "conclusive" on the issue of whether Chiles' scoring inquiry was submitted on time. The Swiss Federal Supreme Court also recognized the inconclusive nature of the evidence that the CAS ruling had relied on, including the timekeeping report that reflected only the time at which the inquiry was

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recorded, rather than the time at which it was lodged. The Swiss Federal Supreme Court recognized that Chiles was unable to present that video evidence at the arbitration proceeding in August 2024 because she was subjected to “extraordinary time pressure” and deprived of fair notice of the Romanian Federation of Gymnastics’ arguments and evidence due to a “major and repeated notification error attributable to the CAS” that “not only caused an imbalance between the parties, but also significantly aggravated the time constraints on” Chiles and U.S.A. Gymnastics.

Today’s decision by the Swiss Federal Supreme Court vacates the arbitration award by the CAS and sets the stage for a new arbitration proceeding—one at which Chiles will have a full and fair opportunity to present her case, including the “conclusive” video evidence that establishes her scoring inquiry was submitted on time, thereby confirming that her bronze medal was rightfully earned and unjustifiably revoked.

Maurice M. Suh, a Gibson Dunn partner and counsel for Chiles, said: “We are delighted that the Swiss Federal Supreme Court has righted a wrong and given Jordan the chance she deserves to reclaim her bronze medal. As the Court recognized, there is ‘conclusive’ video evidence that Jordan was the rightful winner of the bronze medal.

We also appreciate the Court’s recognition that ‘extraordinary time pressure’ and notification defects prevented Jordan from presenting this important evidence in August 2024. We appreciate that Jordan will receive a full and fair opportunity to defend her bronze medal. She is ready to fight vigorously, and we look forward to helping her achieve that result.”

Chiles is represented by Maurice M. Suh, Al Suarez, and Zachary C. Freund of Gibson, Dunn and Crutcher LLP and Gabrielle Nater Bass of Homburger AG.

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