

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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STEPHANIE BIEDIGER, ET AL : No. 3:09CV-621 (SRU)
 : 915 Lafayette Boulevard
 vs. : Bridgeport, Connecticut
 :
 : October 22, 2009
 QUINNIPIAC UNIVERSITY :

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STATUS CONFERENCE

B E F O R E:

THE HONORABLE STEFAN R. UNDERHILL, U. S. D. J.

A P P E A R A N C E S:

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1 eliminated.

2 MS. GALLES: Your Honor, I would completely
3 disagree on two points. First of all, in order to decide
4 whether the volleyball team should stay reinstated, as a
5 point of legal analysis, it requires a program-wide
6 analysis, which means that even if this were only about
7 volleyball, it would require us to do the very
8 fact-intensive analysis of what's going on in particular
9 with the track and the cheer programs. We might agree
10 that in terms of the numbers manipulation in the other
11 sport, what goes on early in the season may be what is
12 most important, although, again, we would indicate what
13 they showed for lacrosse, like the men's lacrosse, they
14 were not reporting the men and it took us to see the
15 entire year of schedule and NCAA data to find out that,
16 oh, indeed, these men had played many times throughout the
17 season and had not been counted. How would we know that
18 until after that lacrosse season was over?

19 And the same in terms of -- more important, in
20 terms of the track team, yes, we are alleging that the
21 indoor and outdoor track teams are not legitimate teams.
22 We have always alleged that and that means can they be
23 counted for prong one purposes? Our position is no, they
24 cannot be counted for prong one purposes because they are
25 not legitimate teams and that means we do have to have an

1 intense analysis and intense review of what's going on in
2 the track program in order to decide whether the
3 university meets prong one for purposes of the volleyball
4 team.

5 So that's why this -- when he keeps saying, you
6 know, about volleyball, no, you have to look at how the
7 numbers are counted in every single sport and the reality
8 of what's going on underneath those numbers. That's why I
9 keep using the auditing analogy. Those numbers have to be
10 audited and examined in order to decide what to do in
11 terms of the volleyball program.

12 But then, in addition to that, we would disagree
13 that this case is only about volleyball. This case is
14 about equal opportunity and making sure that Quinnipiac
15 indeed complies with all three prongs. They've admitted
16 they are not relying on prongs two and three. We believe
17 we have shown that they did not and have never complied
18 with prong one in the 37 years of Title IX, and so,
19 therefore, hey, they need to be. And they can't cut any
20 more men's teams in order to remain at the Division I
21 level. They are sort of stuck with what they have.

22 And so, in order to comply with prong one, they
23 are going to need, we believe, to add more women's teams.
24 And part of our, why we wanted time for the motion to
25 amend, although there is clearly case law that our

1 particular plaintiff can represent a class of all female
2 students who want to add a sport or participate in a sport
3 not offered by the school, in order to remove all doubt,
4 you know, we are expecting to have plaintiffs come in who
5 indeed are particular to those sports and, again, they all
6 have to end up being in the same lawsuit to decide, all
7 right, Quinnipiac, did you comply with prong one? You
8 know, if you do, fine. If you don't, then you're going to
9 have to add all these sports.

10 And I would say that Quinnipiac keeps talking
11 about the burden of volleyball. Well, you know,
12 Quinnipiac for 37 years has gone without complying with
13 Title IX, has gone without providing its female athletes
14 with an equal opportunity to participate, and so what they
15 claim is a burden is really compliance with what has long
16 been federal law. And, again, it presumes that they keep
17 counting a cheer team that has not even competed in a
18 single event yet. So you're looking at the balancing of
19 the inequities and the public interest. Obviously keeping
20 the volleyball team is of utmost importance.

21 THE COURT: Let me inquire whether Quinnipiac
22 would be prepared to provide within 48 hours every
23 intercollegiate contest, a certified roster of the
24 participants in the sporting event for the rest of this
25 case through the trial date?