

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

**STEPHANIE BIEDIGER, KRISTEN
CORINALDESI, KAYLA LAWLER
and ERIN OVERDEVEST, individually and
on behalf of those similarly situated;
LESLEY RIKER on behalf of her minor
daughter, L.R. , individually and on
behalf of those similarly situated; and
ROBIN LAMOTT SPARKS, individually,**

Civil Action No.

PLAINTIFFS

v.

QUINNIPIAC UNIVERSITY

DEFENDANT.

April 16, 2009

AFFIDAVIT OF JOHN MCDONALD

STATE OF CONNECTICUT)
) ss: Hamden, CT
COUNTY OF NEW HAVEN)

The undersigned, having been duly sworn, hereby deposes and says:

1. I am over the age of eighteen and believe in the obligations of an oath. I am the Director of Athletics and Recreation of the Defendant, Quinnipiac University. I make this statement in support of Defendant's opposition to Plaintiffs' Request for Entry of a Temporary Restraining Order.
2. Attached hereto is a true and accurate copy of a letter sent by Defendant's counsel, Janet P. Judge, on April 15, 2009. I have reviewed the content of this letter, and verify that it

sets forth true and accurate data concerning participation offerings in Defendant's athletic programs. These participation offerings represent actual opportunities that Defendant is confident will be filled, especially given the input elicited from the coaches of the teams represented.

3. I further affirm that Plaintiff Robin Lamott Sparks will continue to be paid through June 30, 2009.
4. Finally, I affirm that the scholarships referenced in the Plaintiffs' affidavits are being honored by the University.



JOHN McDONALD

The foregoing was subscribed and sworn to before me this 16th day of April 2009.



NOTARY PUBLIC 4/16/09

MY COMMISSION EXPIRES:

CINDIA. BARRETT
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2012



JANET P. JUDGE
ATTORNEY
jjudge@sportslawassociates.com

PO BOX 486
97 RANGE ROAD
CUMBERLAND, MAINE 04021
207-776-4551 • FAX 888-316-6757

April 15, 2009

**CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE**

Jonathan B. Orleans, Esq.
850 Main Street
P.O. Box 7006
Bridgeport, CT 06601-7006

RE: Letter Dated March 27, 2009

Dear Mr. Orleans:

Thank you for your letter of March 27, 2009. Please be advised that I am representing Quinnipiac University with regard to this matter and ask that all correspondence and communication be directed to my attention.

As a result of the recent reorganization of the Department of Athletics, Quinnipiac University is able to demonstrate that its athletics program is in compliance with Prong I of Title IX's three part participation test. In short, as detailed below, Quinnipiac University will have approximately 165 male and 280 female student athletes in 2009-2010 which translate into 37.1% males and 62.9% females. These percentages clearly are in substantial compliance with this year's full time undergraduate population of 38.3% males and 61.7% females. The roster management numbers set forth below represent the target squad numbers. Roster management is an accepted practice that has been approved by the Office for Civil Rights. As you will see, all are in keeping with reasonable squad numbers for the particular sports and, in my dealings with the Office for Civil Rights, have been deemed to be acceptable squad numbers.

In your analysis, you did not include the elevation of Women's Competitive Cheer to varsity status. As you may know, Quinnipiac Women's Competitive Cheer has been a national contender for a number of years and just recently came in 6th place nationally. The department has decided to elevate competitive cheer to varsity status and is providing all services and support directed to varsity teams in keeping with relevant OCR guidance regarding the sport. The elevation of competitive cheer, along with the discontinuation of women's volleyball and the men's indoor track and golf teams place the overall program in the safe harbor of Prong I

April 15, 2009

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compliance. As noted in the Brown University decision, schools have the right to decide which programs to offer provided the overall participation offerings are in compliance with the law.

Team	Men	Women
Basketball	15	15
Baseball	25	
Field Hockey		24
Soccer	23	26
Softball		22
Tennis	10	12
Lacrosse	36	30
Cross Country	14	25
Ice Hockey	28	26
Indoor Track	14	30
Outdoor Track	0	30
Cheerleading		40
		0
TOTAL	165	280
%	37.08%	62.92%

With regard to your claims challenging the institution's EADA reporting, Quinnipiac is reviewing its submissions and will correct any errors if they exist. I do not see, however, how the EADA reporting issues you have alleged will have any impact on your clients' claims. They participated during the years you allege there to have been errors in the reports and would not provide them any avenue for a Title IX claim. I would also remind you that OCR and EADA participation definitions differ and that EADA numbers are not dispositive for purposes of a Title IX cause of action.

Reorganizations in the face of challenging economic times are difficult. While I appreciate your concern and the disappointment of those student-athletes and coaches involved, I do not agree that your clients have a viable Title IX claim. If you have any further questions, feel free to contact me at 207 776-4551.

Sincerely yours,

Janet P. Judge, Esq.
Sports Law Associates LLC.

cc. J. McDonald
L. Marottolo



JANET P. JUDGE
ATTORNEY
jjudge@sportslawassociates.com

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