

09cv621 stip

5-21-10

FILED

2010 MAY 21 A 10:58

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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STEPHANIE BIEDIGER, KAYLA LAWLER,	:	
ERIN OVERDEVEST, KRISTEN	:	CIVIL ACTION NO:
CORINALDESI, and LOGAN RIKER,	:	
individually and on behalf of all those	:	3:09-CV-00621 (SRU)
similarly situated; and	:	
ROBIN LAMOTT SPARKS, individually,	:	STIPULATION AND PROPOSED
	:	ORDER RE BIFURCATION
Plaintiffs,	:	
	:	May 12, 2010
against	:	
	:	
QUINNIPIAC UNIVERSITY,	:	
	:	
Defendant.	:	
-----	X	

WHEREAS, this action was filed on April 16, 2009; and

WHEREAS, on May 22, 2009 the Court granted Plaintiffs' Motion for Preliminary Injunction; and

WHEREAS, pursuant to a Scheduling Order entered by the Court, Plaintiffs filed their First Amended Complaint on December 9, 2009, setting forth five claims; and

WHEREAS, the first claim in Plaintiffs' First Amended Complaint is based on alleged unequal allocation of athletic participation opportunities; and

WHEREAS, the second through fifth claims in Plaintiffs' First Amended Complaint allege unequal allocation of athletic financial assistance, unequal allocation of athletic treatment and benefits, discrimination against Plaintiff Robin Sparks in terms and conditions of employment and termination, and retaliation against all Plaintiffs; and

WHEREAS, the Court has set the first date of trial as June 21, 2010; and

WHEREAS, Plaintiffs seek a bench trial on their first claim regarding alleged unequal allocation of athletic participation opportunities; and

WHEREAS, all parties recognize that it is in the mutual best interests of the Plaintiffs, the Defendant University, and prospective Quinnipiac University students and volleyball team members to obtain a speedy decision on Plaintiffs' first claim so that all interested parties can know before the next academic year begins whether the University will maintain a varsity volleyball program, while Plaintiffs' remaining claims need not be resolved as expeditiously; and

WHEREAS, to conserve valuable time and resources for the parties and the Court, the parties agree that the claims should be tried in different phases, as described below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for Plaintiffs and Defendant, with the permission of the Court, that the following trial procedure shall be implemented:

A. Evidence regarding Plaintiffs' first claim alleging unequal allocation of athletic participation opportunities shall be heard in a bench trial before Judge Underhill beginning on June 21, 2010;

B. Evidence regarding Plaintiffs' other four claims in Plaintiff's First Amended Complaint, alleging unequal allocation of athletic financial assistance, unequal allocation of athletic treatment and benefits, discrimination against Plaintiff Robin Sparks in terms and conditions of employment and termination, and retaliation against all Plaintiffs shall be heard in a separate trial (the "second trial"), after a decision

is rendered with respect to Plaintiffs' first claim alleging unequal allocation of athletic participation opportunities;

C. Evidence regarding Plaintiffs' damages on all claims shall be heard exclusively in the second trial;

D. The parties shall have a reasonable time after the first trial, the exact parameters of which shall be agreed by the parties or decided by the Court, to complete discovery or make further disclosures pertaining solely to Plaintiffs' second through fifth claims.

Dated: May 12, 2010

By: /s/ Edward A. Brill
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Dated: May 12, 2010

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ORDER

Good Cause Appearing, IT IS SO ORDERED.

DATED: 5/20/10

/s/ Stefan R. Underhill
Stefan R. Underhill, U.S.D.J.

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