UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

STEPHANIE BIEDIGER, KAYLA LAWLER : Civil Action No. 09 CV 621

(SRU)

individually,

ERIN OVERDEVEST, and KRISTEN :

CORINALDESI, 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,

v.

:

PLAINTIFFS,

:

DEFENDANT.

:

QUINNIPIAC UNIVERSITY,

MAY 5, 2009

DEFENDANT'S MOTION TO DISMISS COMPLAINT BY PLAINTIFFS OVERDEVEST AND SPARKS

Defendant, Quinnipiac University (hereinafter "Quinnipiac" or the "Defendant'), hereby, by and through undersigned counsel, moves to dismiss that portion of the Complaint by Plaintiffs Erin Overdevest and Robin Lamott Sparks (hereinafter "Coach Sparks"), pursuant to Fed. R. Civ. Proc. 12(b)(6). Specifically, Defendant respectfully requests that the claims asserted against it by these Plaintiffs be dismissed as these Plaintiffs lack standing. In summary, the grounds for this Motion are as follows:

1. All claims asserted by Plaintiff Overdevest must be dismissed as Ms. Overdeverst, by her own allegations did not suffer any present or past injury; cannot establish future injury as she is graduating this year, and thus, in short, lacks standing to bring her Title IX claim now.

2. Likewise, Coach Sparks lacks judicially recognized standing to maintain her Title IX based claims. First, it is clear that Coach Sparks' sole discrimination claim arises from the alleged violation of the rights of her students. Riding the coattails of her students' potential claims is legally insufficient, as a matter of law, to maintain her own Title IX claim. Moreover, to the extent Coach Sparks is asserting that her contract is not being renewed, and her position as coach is being eliminated based upon the gender of her students, such a claim is actually a claim of employment discrimination preempted by Title VII.

In further support thereof, Defendant incorporates by reference its accompanying Memorandum of Law in Support of its Motion to Dismiss Complaint By Plaintiffs Overdevest and Sparks.

WHEREFORE, Defendant respectfully requests that this Court grant its Motion to Dismiss Complaint By Plaintiffs Overdevest and Sparks.

REQUEST FOR HEARING

Defendant hereby requests a hearing on its Motion To Dismiss.

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2009 the foregoing Defendant's Motion to Dismiss the Complaint By Plaintiffs Overdevest and Sparks was filed electronically, and notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing, and specifically to the following counsel of record:

Jonathan Orleans, Esq. Pullman & Comley, LLC 850 Main Street P.O. Box 7006 Bridgeport, CT 06601 203-330-2000 Counsel for Plaintiff

Jonathan Bardavid, Esq.

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