

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

STEPHANIE BIEDIGER, KAYLA LAWLER)
 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 all those similarly situated; and)
 ROBIN SPARKS, individually,)
)
 Plaintiffs.)
)
 v.)
)
 QUINNIPIAC UNIVERSITY;)
)
 Defendant.)
)

Case No. 3:09-CV-00621
(SRU)

PLAINTIFFS' INITIAL
DESIGNATION
OF EXPERT WITNESS
TESTIMONY

Plaintiffs hereby designate and ask the Court to review the following portions of the examination of their expert witness, Donna Lopiano, Ph.D.:

- 7:10-13:8 Expert background
- 13:25-17:19 Expert background
- 17:20-22:6 Expert background re OCR & Women's Sports Foundation
- 22:7-31:6 Expert background
Sports Management Resources
- 31:7-34:19 Prior expert testimony
- 34:20-36:6 Title IX background
- 37:10-38:15 Title IX background

38:16-38:24 OCR materials

38:25-40:19 NCAA gender equity materials

41:2-42:1 NCAA gender equity materials

42:4-51:8 Title IX three-part test

51:9-53:2 Recruiting

53:3-53:25 Application of three-part test to QU

55:23-56:14 OCR EADA report

58:17-61:25 Explanation of EADA

62:12-63:25 Discussion of 2008-2009 interim EADA

64:2-68:7 Discussion re EADA

69:2-75:16

75:17-77:6 Discussion re QU rosters

77:7-84:3 Discussion re counting

84:4-90:1 Discussion re schedules

90:2-95:6 Discussion re comparisons

95:7-96:9 Discussion re EADA signature

96:10-96:19 Discussion re Title IX coordinator

96:20-98:15 Discussion re Assurance of Compliance
required by Title IX

98:16-103:20 Discussion re Janet Judge letter and
squad sizes

104:6-104:14 Opinion re prong 1

104:15-108:1 Opinion re prong 2

- 108:2-112:18 Discussion & opinion re prong 3
- 113:14-114:16 Athletic director knowledge
Year-round training
- 114:20-121:21 Discussion re QU proposal for next year
Janet Judge letter dated April 16, 2009
- 121:22-123:3 Discussion re cheer
- 121:22-132:1 Discussion re cheer
- 132:2-133:2 Discussion re cheer & AACCA
- 133:3-134:1 Discussion re cheer & WSF
- 134:2-138:14 Discussion re cheer
- 138:15-138:25 Opinion re cheer

Direct examination ends at 139:19

Cross-examination begins at 139:20

- 151:7-151:23 Law classes taught by Dr. Lopiano
- 159:13-159:25 Response to hypothetical
- 177:5-181:1 Discussion re QU misunderstanding of prong 2 in NCAA self-
study
- 185:14-196:3 Rosters can change for acceptable and unacceptable reasons; track
as one sport
- 200:12-200:19 Dispute over outdoor track
- 203:1-204:15
- 241:14-244:1
- 276:23-281:24

Redirect examination begins at 286:25

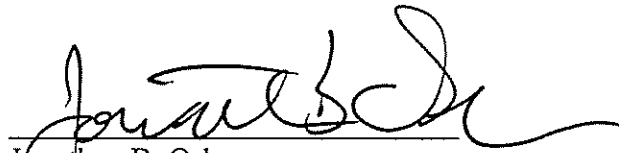
Exhibits:

1. 7:24-25 Lopiano CV
2. 35:17-19 1979 OCR Policy Interpretation
3. 37:15-16 1996 OCR Policy Clarification
4. 41:12-14 NCAA gender equity manual
5. 56:2-4 2007-2008 EADA report from OCR
6. 58:23-25 2007-2008 EADA report from QU
7. 61:3-6 NCAA EADA worksheets
8. 62:19-21 2008-2009 interim EADA provided by QU
NO objection
9. 64:11-13 EADA summary chart
10. 75:17-21 QU rosters
11. 84:4-9 QU schedules
12. 90:2-6 Lopiano comparison chart
13. 96:23-25 U.S. Department of Education Assurance of
Compliance form
14. 100:5-7 Chart comparing QU, NCAA, & NEC squad sizes
NCAA average squad size chart from QU
NEC average squad size chart from QU
15. 107:2-4 Northeast Conference list of sponsored sports
16. 108:22-24 NCAA list of sponsored sports
17. 114:20-22 Janet Judge letter dated April 16, 2009
18. 122:14-17 OCR 1975 memo and OCR 1990 investigators manual re OCR
position on cheer

- 19. 123:1-3 OCR "Dear Colleague" letters re OCR position on cheer
- 20. 124:10-12 OCR "Dear Colleague" letter to Minnesota State High School League re cheer
- 21. 132:4-7 American Association of Cheerleading Coaches and Administrators - position paper on cheer as a sport
- 22. 133:3-5 Women's Sports Foundation position paper on cheer as a sport;
- A. 193:25-194:2 National Federation of High Schools participation survey
- C. 209:12-14 OCR "Dear Colleague" letter to Minnesota State High School League re cheer
- K. 276:16-18 D00244; NCAA average squad sizes

Dated: May 13, 2009

Respectfully submitted by:



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CERTIFICATION

A copy of this Initial Designation of Expert Witness Testimony has been emailed to Defendant on this date, and shall be served on the named Defendant in accordance with the Plaintiff's service obligations under Federal Rule of Civil Procedure 4.

Dated: May 14, 2009

/s/ Jonathan B. Orleans
Jonathan B. Orleans (ct05440)