

Defendants Exhibit List

Hearing May 11, 2009

10. DEPOSITION TESTIMONY: N/A

11. EXHIBITS: Each party shall identify all exhibits that it may present at trial, by providing a brief description of each exhibit, and by separately listing the exhibits that the party: (a) expects to offer at trial; and (b) may offer at trial if the need arises. Exhibits not listed will not be admitted at trial except for good cause shown.

Biediger v. Quinnipiac Univ.

03:09 CV 621 (SRU)

Plaintiffs: Proposed Exhibit List is attached.

Defendants:

- FULL 5/11/09 A. Letter from Janet Judge to Jonathan Orleans.
- FULL 5/11/09 B. 1996 OCR Clarification of the Three Part Test, dated January 16, 1996.
- FULL 5/11/09 C. U.S. Department of Education Frequently Asked Questions.
- D. Letter to Suzanne Martin from Harry A. Orris.
- FULL 5/11/09 E. Letter to David V. Stead from Dr. Mary Frances O'Shea, dated April 11, 2000.
- FULL 5/12/09 for purposes stated more clearly on the record F. Letter to Gerald Reynold from Deborah A. Yow, dated September 29, 2003.
- G. Letter from David H. Haglund, dated May 2006.
- FULL 5/11/09 H. Sample Schedule from College National Competitive Cheer Championship for April 9, 2009.
- I. E-mail from David Haglund to Quinnipiac, *et. al.* dated September 28, 2006, regarding Maryland's Competitive Cheer Program.
- J. Article from Issue of American Cheerleading, regarding Quinnipiac's Competitive Cheer Team, dated April 2009.

FULL 5/11/09 K. Quinnipiac Bobcats.com Article "Cheerleaders Place Sixth At National Championships."

FULL 5/11/09 L. E-mail from Robin Sparks to Quinnipiac student on the Competitive Cheer Team.

FULL 5/11/09 M. Video of Quinnipiac Competitive Cheer team found at <http://www.youtube.com/watch?v=VIGnrQkuX7U>.

" " N. NCAA 2008-2009 Division I Manual

" " O. NCAA Sports Participation 1981-82-2006-07 Division I Men's Teams Average Squad Size.

" " P. 2007-08 High School Athletics Participation Survey.

" " Q. 2008-2009 Women's Indoor Track Squad List.

" " R. 2007-2008 Women's Indoor Track Squad List.

" " S. 2008-2009 Women's Outdoor Track Squad List.

" " T. 2007-2008 Women's Outdoor Track Squad List.

" " U. 2008-2009 Men's Indoor Track Squad List.

" " V. 2007-2008 Men's Indoor Track Squad List.

" " W. 2007-2008 Men's Outdoor Track Squad List.

" " X. 2008-2009 Men's Outdoor Track Squad List.

In event the Court permits the testimony of Dr. Lopiano Defendant's may introduce

the following exhibits:

Articles contain quotes w/ Lupiano :

Y. New York Times Article "Thanks to Title IX: Cheerleading Is Sport at Maryland."

- Z. New York Times Article “Off the sidelines: cheerleading is now a varsity sport at the University of Maryland, but not everyone is cheering.”
- AA. Washington Times Article “No longer on the sidelines; Maryland team competes, but doesn’t cheer.”
- BB. CBSSports.com Article “College give cheerleading a sporting chance.”

ANTICIPATED EVIDENTIARY PROBLEMS/ MOTIONS IN LIMINE:

Plaintiffs: Plaintiffs received Defendant’s proposed Exhibit List shortly before 12:40 p.m. on this date and have not yet determined whether they will object to any of Defendant’s proposed Exhibits.

Defendant: Defendant objects to the testimony of Dr. Donna Lopiano in its entirety and submits herewith a motion in limine.

Defendant will also object to the admission of all evidence submitted that is irrelevant, too remote in time and which has minimal probative value which does not outweigh the undue prejudice to Defendant. This includes all testimony concerning Defendant’s compliance with Title IX for prior years. Defendant also objects to Plaintiff’s exhibits nos. 1, 2, 4, 5, 6, 8, 9, 10, 11, 13, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 37. Defendant reserves the right to further object at trial based upon Plaintiffs’ presentation of the evidence.

12. **STIPULATIONS OF FACT AND LAW:**

1. Plaintiffs Stephanie Biediger, Kayla Lawler, Erin Overdevest and Kristen Corinaldesi are female student athletes (“Student Plaintiffs”) who attend Defendant Quinnipiac University in Hamden, Connecticut (“QU”). They are members of the Defendant’s varsity women’s volleyball team.