

# **EXHIBIT 3**

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8 **IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

9 TAYLOR ANDERS, HENNESSY EVANS,  
10 ABBIGAYLE ROBERTS, MEGAN WALAITIS, and  
11 TARA WEIR, individually and on behalf of  
all those similarly situated

12 *Plaintiffs,*  
13 v.

14 CALIFORNIA STATE UNIVERSITY, FRESNO,  
TERRENCE TUMEY, in his official capacity as  
15 Director of Athletics at California State University, Fresno,  
JOSEPH CASTRO, in his official capacity as  
16 former President of California State University,  
Fresno, DR. SAÚL JIMÉNEZ-SANDOVAL,  
17 in his official capacity as Interim  
President of California State University, Fresno

18 *Defendants.*

Case No. \_\_\_\_\_

**DECLARATION OF  
ABBIGAYLE ROBERTS**

19  
20 I, Abbigayle Roberts, am over 18 years of age and competent to make the following  
21 statement. All of the statements below are based on my personal knowledge.

22 1. I am currently enrolled at California State University, Fresno (“Fresno State”). I am  
23 a senior majoring in psychology. I expect to graduate in 2021.

24 2. I am a member of the women’s lacrosse team at Fresno State and I have two years  
25 of athletic eligibility left.

1           3.       I make this declaration in support of this Court preserving the women’s varsity  
2 lacrosse team at Fresno State. Preserving our team is necessary to prevent continuing injury to me  
3 and my teammates and to ensure future equal opportunities for female athletes at Fresno State.

4           4.       I am originally from Memphis, Tennessee, and I have been playing lacrosse since  
5 I was in seventh grade. I immediately fell in love with this sport, which came very naturally to me,  
6 as I love running and the dynamic of playing on a team.

7           5.       I played for my high school team, was named “Most Valuable Player” in my league,  
8 was named “All Conference,” and I broke six girl’s lacrosse records at my high school.

9           6.       By summer of my sophomore year in high school, I was also playing on a summer  
10 travel team, called Eagle Stix, based out of Atlanta, Georgia. Many times, I had to drive more than  
11 five hours for tournaments. From my participation on that team, I was recruited to play Division I  
12 lacrosse.

13          7.       I also tried out and made Team Tennessee both my freshman and sophomore years  
14 in high school. This team played at the National Tournament.

15          8.       I committed to Fresno State on August 27th, 2015. I had just started sophomore  
16 year of high school. I chose Fresno State because it was everything that I was looking for in a  
17 university. It gave me the opportunity to further my lacrosse career and it had a large student body,  
18 something that I did not experience in high school. And, being from the South, football game days  
19 were important to me, something Fresno State believes in as well.

20          9.       During my time as a member of the Fresno State women’s lacrosse team, I attained  
21 the honor of “All-Conference,” designating me as one of the best players in our conference. I also  
22 achieved the “All-Academic” distinction along with a number of other players on my team.

23          10.       In the time that I have played for Fresno State, our team has never been provided  
24 the resources necessary to be successful, which has resulted in our low conference ranking. Our  
25 record does not reflect the talent on our team, but rather the Athletic Department’s failure to  
26 provide qualified coaching and basic amenities required by any team.

1           11. For example, we have been consistently outcoached by our opponents. We were  
2 given poor direction and had such a profound lack of strategic knowledge on the coaching staff  
3 that we often lost games after leading by multiple goals.

4           12. We complained to the Athletic Department for years about the poor coaching.  
5 Finally, our head coach was let go last year, and the school then promoted our assistant coach Kara  
6 Concheck to “interim head coach,” and put a hodgepodge of inexperienced and unqualified people  
7 into the assistant coaching positions. It has been very disappointing that, after we, as female  
8 athletes, continually gave our best, the school did not invest any effort or financial resources into  
9 recruiting qualified staff to coach us.

10           13. Unlike other teams, our team does not have a designated field for off-season  
11 practice. Instead, we practice on the “White Lot,” which is also the tailgating parking lot during  
12 football games. On Mondays in the fall, before our practice begins, we are required to clean the  
13 field ourselves, which is often covered with bottle caps, glass, food, and other discarded trash.

14           14. When we travel for games, we are given just \$7-\$10 per person for food, which  
15 only covers a small portion of the cost of a healthy meal in the airport. When we have home games,  
16 we are not provided meals before or after the games.

17           15. By sharp contrast, the men’s basketball and football programs receive the best  
18 resources. The men’s teams enjoy pristine fields and dedicated practice space, both pre-game and  
19 post-game meals, and sufficient per diems to cover the costs of meals during travel for all the  
20 players on their extremely large rosters. The men’s teams are also provided with the best coaching  
21 staff. This unequal treatment sends the obvious message that the Fresno State Athletic Department  
22 cares more about its men’s teams than the women’s teams.

23           16. This disregard was even more apparent in the school’s manner of announcing that  
24 our team was being cut. On the morning of October 16, 2020, we were emailed about a mandatory  
25 meeting with our Athletic Director scheduled for that afternoon. As I heard tweets and speculation  
26 that our team was being cut, I started developing physical pain in the pit of my stomach. I  
27  
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1 immediately called our coach, Kara, who was equally uninformed and worried by the news I gave  
2 her.

3 17. Our meeting with the Athletic Director, Terrance “Terry” Tumey, was scheduled  
4 for just ten minutes. Mr. Tumey attended the meeting for approximately seven minutes, made the  
5 announcement that our team was cut, and then left it to his assistant, David Hall, to handle a few  
6 follow up questions. During those seven minutes, Director Tumey not only mispronounced our  
7 head coach’s name, but also called me by the wrong name – after all I have sacrificed to play for  
8 this school for three years. During the meeting, I gave a statement expressing my disappointment  
9 in the treatment of the women’s lacrosse team by the Athletic Department over the years, and the  
10 University’s decision to ultimately cut our team.

11 18. After this announcement, I immediately entered the transfer pool to preserve all  
12 options to continue playing varsity lacrosse. I would prefer to continue playing lacrosse at the  
13 school I love, but, if the team is not reinstated, I plan to attend Durham University in the United  
14 Kingdom and play lacrosse for my final year of eligibility next year, while pursuing my master’s  
15 degree. Several of my teammates also entered the transfer pool, and some have already transferred  
16 for this school year.

17 19. I am deeply saddened and disappointed that the women’s lacrosse program was cut.  
18 My teammates and I strived for years to build our award-winning team and to proudly represent  
19 our school on the field, and in return, our school did nothing to sustain us. In fact, Fresno State  
20 normalized our substandard treatment and only invested in teams that brought it revenue, i.e.,  
21 men’s basketball and football.

22 20. Fighting for basic rights as a female student-athlete at age twenty-two takes a  
23 significant emotional toll, especially while enduring a global pandemic, trying to maintain good  
24 grades and complete the academic pre-requisites to be admitted into my graduate program of  
25 choice.

26 21. Playing lacrosse has helped me to become the person I am today, and I cannot  
27 imagine my life nor my college experience without it. It saddens me that, unless my team is  
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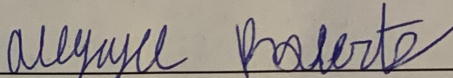
1 preserved, no other women will get to experience the awesome program our lacrosse team  
2 promised to be and should have been.

3 22. The decision to cut this program means first that our current players must transfer  
4 schools if they want to continue their lacrosse careers or give up those dreams altogether. Beyond  
5 that, if our team is not preserved soon, there is less chance of a women's team next season, due to  
6 the lack of recruiting, conditioning, and game schedules.

7 23. I respectfully request that this Court preserve the women's varsity lacrosse team so  
8 that this dilemma and any further irreparable harm to me and my teammates can be averted.

9 I declare under penalty of perjury that the foregoing is true and correct.

10  
11 Dated: February 1, 2021

  
Abbigayle Roberts