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Michael A. Caddell (SBN 249469)  
Cynthia B. Chapman (SBN 164471)  
Amy E. Tabor (SBN 297660)  
CADDELL & CHAPMAN  
628 East 9th St.  
Houston, TX 77007-1722  
Tel.: (713) 751-0400  
Fax: (713) 751-0906  
E-mail: mac@caddellchapman.com  
E-mail: cbc@caddellchapman.com  
E-mail: aet@caddellchapman.com

Arthur H. Bryant (SBN 208365)  
Bailey & Glasser, LLP  
1999 Harrison Street, Suite 660  
Oakland, CA 94612  
Tel.: (510) 272-8000  
Fax: (510) 436-0291  
E-mail: abryant@baileyglasser.com

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

TAYLOR ANDERS, HENNESSEY  
EVANS, ABBIGAYLE ROBERTS,  
MEGAN WALAITIS, and TARA WEIR,  
individually and on behalf of all those  
similarly situated

*Plaintiffs,*

v.

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

*Defendants.*

Case No. [Case No.]

**MOTION  
FOR PRELIMINARY  
INJUNCTION**

**PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**  
**(EXPEDITED RELIEF REQUESTED)**

1. The named Plaintiffs, current students at Fresno State and members of the varsity women’s lacrosse team, hereby move this Court for the entry of a preliminary injunction, pursuant to Fed. R. Civ. P. 65, against Fresno State, its Director of Athletics, its Former President, and its

1 Interim President (together “Defendants”), that preserves the women’s varsity lacrosse team and  
2 all other women’s varsity teams at Fresno State while this case is proceeding.

3 2. Plaintiffs seek the entry of a preliminary injunction requiring Defendants, their  
4 agents, officers, directors, trustees, employees, and anyone acting in concert with them, while this  
5 case is proceeding, to:  
6

7 a. continue the women’s varsity lacrosse team and all other women’s  
8 intercollegiate athletic varsity teams at Fresno State;

9 b. treat the women’s varsity lacrosse team at least as well as all other varsity  
10 intercollegiate athletic teams at Fresno State;

11 c. provide the women’s varsity lacrosse team with coaching and academic  
12 support, assignments, and compensation at least as good as that provided to all other varsity  
13 intercollegiate athletic teams at Fresno State;

14 d. provide the women’s lacrosse team with locker rooms and facilities, access to  
15 locker rooms and facilities, practice and competitive uniforms, equipment, supplies, meals  
16 and dining support, travel and per diem allowances, practice and competitive schedules,  
17 recruiting and recruiting support, medical and training services, housing and dining facilities  
18 and services, COVID-related treatment and support, and publicity and media support at least  
19 as good as that provided to all other varsity intercollegiate athletic teams at Fresno State;  
20

21 e. provide the women’s lacrosse team with a budget and support sufficient to  
22 meet the above requirements; and  
23

24 f. not retaliate in any way against the Plaintiffs, any member of the women’s  
25 lacrosse team, anyone connected to the women’s lacrosse team, any female student-athlete,  
26 or anyone else connected to Fresno State or its intercollegiate athletic program for seeking to  
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1 enforce, cooperating with Plaintiffs' efforts to enforce, or supporting in any way Plaintiffs'  
2 efforts to enforce their rights under Title IX.

3 3. In support of this motion for a preliminary injunction, Plaintiffs have filed a  
4 Complaint, Declarations of Plaintiffs Taylor Anders (Exhibit 1), Hennessey Evans (Exhibit 2),  
5 Abbigayle Roberts (Exhibit 3), Megan Walaitis (Exhibit 4), Tara Weir (Exhibit 5), Feb. 9, 2016,  
6 OCR Letter to D. Milutinovich (Exhibit 6), the Preliminary Expert Report of Dr. Donna Lopiano  
7 (Exhibit 7), the Declaration of attorney Arthur H. Bryant (Exhibit 8), and a Memorandum of Law.  
8

9 4. Plaintiffs state that, as set forth in the supporting memorandum of law, (a) Plaintiffs  
10 are likely to succeed on the merits of their claims, (b) Plaintiffs are suffering and will continue to  
11 suffer irreparable injury in the absence of a preliminary injunction, (c) the balance of equities is  
12 in the Plaintiffs' favor, and (d) the injunction Plaintiffs seek is in the public interest.  
13

14 5. Counsel for Plaintiffs and Defendants have been in contact since December 3,  
15 2020, and Defendants had notice of Plaintiffs' intent to file this lawsuit and a motion for a  
16 preliminary injunction.

17 6. Plaintiffs respectfully request that this matter be scheduled for a prompt hearing,  
18 and that such hearing be held by March 15, 2021, so the status of the Fresno State varsity women's  
19 lacrosse program may be determined in accordance with Plaintiffs' motion for preliminary  
20 injunction.  
21

22 6. In support of this request for a prompt hearing, Plaintiffs state that the elimination of the  
23 women's lacrosse team at Fresno State will increase and compound Defendants' discriminatory  
24 treatment of female athletes, deny the members and potential members of the team equal  
25 opportunities to participate in intercollegiate athletics at Fresno State, and prevent the Plaintiffs  
26 and members of the proposed class from both receiving equal treatment during the 2020-2021  
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1 spring season of this academic year and competing altogether in the 2021-2022 season. Such  
2 discrimination and denial of opportunity constitutes irreparable harm. Plaintiffs will be further  
3 irreparably harmed emotionally and psychologically by being deprived of the opportunity to  
4 compete and having their reasonable expectations of competing in lacrosse for Fresno State  
5 destroyed by the Defendants' illegal action.  
6

7 **WHEREFORE**, Plaintiffs respectfully request that this Motion for Preliminary Injunction  
8 be granted and/or that a hearing be set on or before March 15, 2021.

9 Respectfully submitted,

10 /s/Michael A. Caddell  
11 Michael A. Caddell (SBN 249469)  
12 Cynthia B. Chapman (SBN 164471)  
13 Amy E. Tabor (SBN 297660)  
14 Caddell & Chapman  
15 628 East 9th St.  
16 Houston, TX 77007-1722  
17 Tel.: (713) 751-0400  
18 Fax: (713) 751-0906  
19 E-mail: mac@caddellchapman.com  
20 E-mail: cbc@caddellchapman.com  
21 E-mail: aet@caddellchapman.com

22 Arthur H. Bryant (SBN 208365)  
23 Bailey & Glasser, LLP  
24 1999 Harrison Street, Suite 660  
25 Oakland, CA 94612  
26 Tel.: (510) 272-8000  
27 Fax: (510) 436-0291  
28 E-mail: abryant@baileyglasser.com

Cary Joshi (*Pro Hac admission application  
forthcoming*)  
Bailey & Glasser LLP  
1055 Thomas Jefferson Street NW, Suite 540  
Washington, DC 20007  
Tel: 202.463.2101  
Fax: 202.463.2103  
E-mail: cjoshi@baileyglasser.com  
*ATTORNEYS FOR PLAINTIFFS*

**CERTIFICATION**

A copy of this Motion for Preliminary Injunction, Memorandum in Support, and Exhibits have been emailed to Defendants at dhamm@calstate.edu on this date and shall be served on the named Defendants in accordance with the Plaintiffs' service obligations under Federal Rule of Civil Procedure 4.

February 12, 2021

/s/Michael A. Caddell  
Michael A. Caddell