

# **EXHIBIT 4**

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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  
MEGAN WALAITIS**

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21 I, Megan Walaitis, am over 18 years of age and competent to make the following statement. All  
22 of the statements below are based on my personal knowledge.

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

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

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

4           4.       My family and I have been involved with the Fresno State women’s lacrosse team since  
5 its inception during my elementary school years. In fact, my father was employed at Fresno State, engaged  
6 in fundraising, and my parents were among the first of the team boosters. As a child, I was the “ball girl”  
7 for the team, assisting the women’s team by recovering balls during games and practices.

8           5.       I started playing lacrosse with my father when I was five years old. At the age of eleven, I  
9 began playing competitively, traveling two hours to Stockton, California, to play for a club team there. I  
10 played for the Northern Cal club team for about seven years. I was named “Most Valuable Player” for my  
11 high school team all four years.

12           6.       During my sophomore year of high school, I was recruited for the Fresno State team by  
13 our previous head coach, Jessica Giglio. I was attracted to the familiarity Fresno State provided, having  
14 lived in Clovis, and due to my family’s longtime involvement with the women’s lacrosse team. But the  
15 ultimate deciding factor in choosing Fresno State was the team’s close-knit and supportive atmosphere.  
16 Over the past three years, my teammates have become my best friends.

17           7.       It was a dream come true for me, as the former “ball girl,” to mature into a Fresno player,  
18 proudly wearing my own Bulldog uniform.

19           8.       As a Fresno State student-athlete, I was awarded a full scholarship to cover the expenses  
20 of tuition, fees, and books. I also received a monthly stipend that covered my housing and food expenses.

21           9.       During my three years of play, both the team and I enjoyed notable success. I was named  
22 the Mountain Pacific Sports Federation (“MPSF”) Rookie of the Week, and I was third on our team for  
23 scoring the most goals. The Fresno team was awarded All-MPSF Academic Team during my sophomore  
24 year, which recognizes teams with exceptional team GPAs. Our team is on track for this honor in the  
25 current season as well.

26           10.       However, these successes have not been without challenges. While our team steadily  
27 improved its level of talent and wins, we were also consistently outcoached by the other teams in our  
28

1 conference. My teammates and I raised numerous concerns to the Athletic Department about our previous  
2 head coach. This coach was eventually dismissed, but, since then, we have lacked full and qualified  
3 coaching staff and have had no access to position-specific coaching. Instead, Fresno State substituted our  
4 assistant coach as head coach without any official job posting, promotion, or pay increase.

5 11. In contrast to this situation faced by women's lacrosse, to my knowledge, men's teams,  
6 such as football and basketball, remain fully staffed with qualified assistant coaches and head coaches.

7 12. Unlike most women's sports, the men's football and basketball teams have been approved  
8 to practice, use the weight rooms, and play during the COVID restrictions, which have severely limited  
9 most other sports activities at the university.

10 13. More broadly, the men's football and basketball teams also have much larger budgets,  
11 which provide them with perks like flying out of the local Fresno airport, receiving much higher per diem  
12 amounts for meals while traveling and receiving much more marketing attention from the Athletic  
13 Department than the women's teams at Fresno State.

14 14. For example, the women's lacrosse team was forced to wake up at 2:00 a.m. to travel out  
15 of the San Jose airport, which resulted in us often having 17-hour travel days. Furthermore, we are only  
16 given a \$7 airport per diem, which is barely enough to buy snacks at the airport, let alone meals.

17 15. As far as I know, the Fresno State Athletic Director has never attended any of our games,  
18 and the Athletic Department does not promote our games as it does men's sports. For instance, between  
19 August 2019 and March 2020, there were approximately 180 posts on the Fresno State Athletics Instagram  
20 account dedicated to men's sports, while only about 116 for women's sports and of that, only two for  
21 women's lacrosse.

22 16. Our 2019-2020 senior captains presented a notebook filled with complaints such as these  
23 to Fresno State's administrators, but all were ignored. Parents of many athletes, including my own, have  
24 also made complaints and received no response.

25 17. On October 16, 2020 at 8:17 in the morning, my teammates and I were notified by email  
26 of a mandatory Zoom call with Terrance "Terry" Tumey, Fresno State's Athletic Director, scheduled for  
27 12:00 p.m. on the same day.

1 18. During that call, Mr. Tumey announced the elimination of women's lacrosse beginning in  
2 the 2021-2022 season and took very few questions before closing the meeting after only ten minutes. I  
3 was shocked by Fresno's decision to cut a women's team that is the best, academically, at the school.

4 19. This decision has undermined all the hard work and dedication I put into excelling as an  
5 athlete throughout my career and while at Fresno State. My life-long goal was to play lacrosse for Fresno,  
6 and I did not seriously consider other schools because of my commitment to this university. In return,  
7 Fresno's decision forces our players to choose between transferring away from our friends and the  
8 successful team we built together or continuing our studies at Fresno State without the sport that drew us  
9 here.

10 20. Since the decision was announced this fall, we have been excluded from athletic facilities  
11 and even our own locker room. In fact, the football team was given access to our lockers while we were  
12 completely locked out of the locker room. We were not even allowed to recover our personal items, which  
13 were discarded and thrown randomly into the showers. We were not able to practice or play our fall season  
14 from August through December while the football team, which is now off-season, is being allowed to train  
15 and practice with a coach and still gets preferential treatment in the weight room.

16 21. When a varsity athlete tests positive for COVID, the teams are required to quarantine.  
17 When this occurs on the football team, the players are provided housing and are delivered three meals per  
18 day. In contrast, when the lacrosse team had to quarantine, we were not provided any meals but were given  
19 snacks with past-due expiration dates and were told to order in food at our own cost.

20 22. During the off season in fall and winter 2020, the Athletics Department promised that the  
21 lacrosse team would have an approved "COVID-return-to-play" plan based on the status of the pandemic.  
22 The team never received a plan, we were not permitted to practice, and we were not allowed to train or  
23 use the weight room. We were not allowed to "return to play" until we were scheduled to start practices  
24 for the regular season at the end of January 2021.

25 23. But even as we return to play, the lacrosse team is being treated as if we are already gone.  
26 Unlike other varsity sports, we are being required to use old, outdated gear, such as old lacrosse sticks and  
27 goggles.

1           24.     Our current team practice uniforms just say “Fresno State Bulldogs,” instead of identifying  
2 our sport like all other varsity practice gear does.

3           25.     Our freshman players received their official Fresno State equipment and we received our  
4 cold weather gear after the season had already started.

5           26.     On media day, when the varsity teams get photos and videos taken for use in promoting  
6 the team on social media and the school website, other varsity sports were allowed to bring the whole  
7 team for the event. Women’s lacrosse was limited to just the four seniors on the team and the coverage of  
8 the team was limited.

9           27.     As a result of the school’s announcement that it was eliminating the team and the poor  
10 treatment the team has received since then, more than seven women’s lacrosse players have  
11 transferred, which harms our team even further.

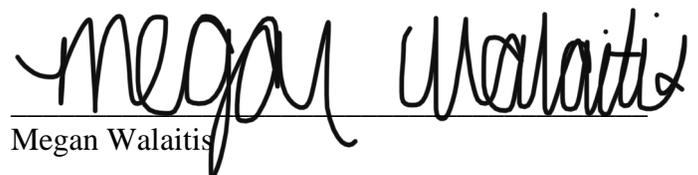
12           28.     The announced elimination of our team has also placed a heavy burden, personally, on me.  
13 I am deeply saddened by the realization that I may never play lacrosse at Fresno State again, and it has  
14 been extremely stressful to weigh whether to stay or transfer. I have lost some of my best friends and  
15 teammates, and it angers me that the school so carelessly eliminated the sport we all trained most of our  
16 lives to play with excellence.

17           29.     However, there is still an opportunity for further harm to be averted. Preserving our team  
18 immediately would retain team members who might otherwise transfer and would still provide us adequate  
19 time to rebuild for next season.

20           30.     I respectfully urge and ask the Court to preserve the women’s varsity lacrosse team and  
21 prevent any further irreparable harm to me and my teammates. Fresno State should not be allowed to  
22 violate Title IX by eliminating our team and treating us as athletes who are second-class to men’s teams.

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

24  
25 Dated: February 3, 2021

  
Megan Walaitis