

# Female Athletes Add Unequal Treatment, Retaliation Claims to Title IX Sex Discrimination Class Action Against San Diego State University

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Seventeen female varsity athletes who sued San Diego State University (SDSU) for depriving women of equal athletic financial aid in February charged the school today with denying women athletes equal treatment and benefits, too—and retaliating against them for trying to make SDSU comply with Title IX. Their Amended Complaint, filed in federal court in San Diego, seeks court orders requiring the school to treat its female and male student-athletes equally and prohibiting SDSU from retaliating against its female athletes in the future. It seeks damages from SDSU for retaliating against its women athletes. And it continues to seek over \$1.2 million for the equal athletic financial aid the women athletes were deprived of in the last two years, the additional money they are illegally being denied this year, and a court order requiring SDSU to provide equal athletic financial aid in the future.

Title IX of the Education Amendments of 1972 prohibits all educational institutions that receive federal funds, including SDSU, from discriminating on the basis of sex. It requires schools to provide male and female student-athletes with equal athletic financial aid and equal treatment and

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benefits. And it prohibits all schools from retaliating against anyone for speaking out about or challenging sex discrimination at the school.

“SDSU seems to be aiming for the Title IX sex discrimination trifecta,” said Arthur H. Bryant of Bailey & Glasser, LLP, in Oakland, CA, lead counsel for the women. “It has been cheating its female student-athletes out of hundreds of thousands of dollars in equal athletic financial aid each year. It is giving its male student-athletes far better treatment and benefits than its female student-athletes. And now it has blatantly retaliated against its female student-athletes for standing up for their rights and trying to hold the school accountable. This is not the way SDSU should be marking Title IX’s 50<sup>th</sup> anniversary.”

"I wish I could say I'm shocked -- but it's been clear since we began investigating this case that SDSU is bent on treating its female student athletes like second-class citizens," said Jenna Rangel, partner at Haeggquist & Eck, LLP, in San Diego and co-counsel in the case. "We remain firm in our commitment to these incredible plaintiffs, and we commend them for their ongoing courage and grit."

The original SDSU Title IX lawsuit was filed on February 7, 2022, charging the school with depriving women of over half a million dollars annually in equal athletic financial aid. At that time, SDSU knew the women were preparing to file a claim to require SDSU to provide equal treatment and benefits going forward, unless SDSU agreed to do so. It also knew that such a claim could only be pursued by current female varsity student-athletes, that the only current athletes who had sued for equal athletic financial aid were five women on the women’s track and field team, and that those women had sued on behalf of all of the past and current female student-athletes at the school.

On February 16, 2022, a previously-unscheduled Zoom meeting of the women’s varsity track and field team was called on short notice to discuss the team’s upcoming meet, held, and recorded. At the start of that meeting, SDSU made clear to the five women and over 40 of their teammates that it was disappointed with the team members who had filed the Title IX suit. That was blatantly illegal retaliation. It adversely affected the five women athletes and their ability to pursue their claims. It also had a chilling effect on the other women athletes, making them wary of pursuing their claims and helping the women who had filed suit prove their claims on behalf of all women athletes. When the women who had sued asked SDSU to take specific steps to minimize the harm caused by this illegal retaliation, SDSU refused.

“SDSU needs to take Title IX seriously and give its women athletes the equal athletic financial aid and treatment they deserve,” said women’s track and field team member Kailin Heri. “We’re being taught to think and stand up for ourselves, but, when we do so, SDSU retaliates against us—and refuses to fix it—even though SDSU is violating the law. We’re going to keep fighting for equality. SDSU needs to stop discriminating and comply with Title IX.”

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In addition to Heri, the lawsuit was filed by past and current SDSU student-athletes Madison Fisk, Raquel Castro, Greta Viss, Clare Botterill, Maya Brosch, Olivia Petrine, Aisha Watt, Helen Bauer, Carina Clark, Natalie Figueroa, Erica Grotegeer, Kamryn Whitworth, Sara Absten, Eleanor Davies, Alexa Dietz, and Larisa Sulcs.

In addition to Bryant and Rangel, the women are represented by Bailey Glasser's Lori Bullock in Des Moines, IA, and Cary Joshi and Joshua Hammack in Washington, DC, along with co-counsel Amber Eck of Haegquist & Eck, LLP, and David S. Casey, Jr., and Gayle Blatt of Casey Gerry in San Diego.

Bryant has successfully represented more female (and male) athletes and potential athletes in Title IX litigation against schools and universities than any lawyer in the country. He leads the Bailey Glasser Title IX team that has recently won groundbreaking settlements for female student-athletes at eight universities that announced they were eliminating women's varsity intercollegiate athletic teams: Brown University, the College of William & Mary, the University of North Carolina at Pembroke, East Carolina University, Dartmouth College, the University of St. Thomas, La Salle University, and Dickinson College. The team also won a historic settlement – the first Title IX victory ever for male student-athletes – with Clemson University after the school became the first facing class actions suits by both its male and female student-athletes for violating Title IX by discriminating against them in different ways.

To see the Amended Complaint filed by the SDSU women, [click here](#).

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Bailey Glasser was founded in 1999 by Ben Bailey and Brian Glasser in Charleston, West Virginia. Now a national firm with 18 offices, Bailey Glasser handles our clients' most challenging and consequential legal issues, in litigation and in corporate matters.

We bring a trial-focused approach to litigation for plaintiffs and defendants that vigorously protects the interests of our clients – businesses in many industries and of all sizes (from Fortune 500 companies to family offices), individuals, governmental entities and government servants, and even law firms that call upon us to help them in matters because of our unique blend of resources and trial experience. Some of our areas of particular litigation focus include complex commercial litigation, in finance and energy; class action and mass tort cases; multi-district litigation involving medical devices, pharmaceuticals and automobiles; bankruptcy and insolvency proceedings; and individual negligence cases.

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### **About Haeggquist & Eck, LLP**

Founded in 2008, Haeggquist & Eck is proud to be San Diego's definitive employee and consumer rights advocates, dedicated to seeking justice for marginalized communities. When you hire the team at Haeggquist & Eck, you are choosing a woman-owned business that knows what it means to be underestimated. We pride ourselves on our fearlessness: No defendant is too large or powerful for us to tackle. We have successfully pursued class actions against corporations for a wide range of unlawful practices including deceptive advertising, product defect, securities fraud, and wage/hour violations, as well as represented hundreds of individual plaintiffs against their employers for sexual harassment and employment discrimination based on gender, race, religion, age, and disability. This fight for equality and social justice is what drives the team at Haeggquist & Eck. For more information, please visit [www.haelaw.com](http://www.haelaw.com).

### **About CaseyGerry**

With a history of precedent-setting successes, San Diego-based plaintiffs' law firm, Casey Gerry Schenk Francavilla Blatt & Penfield LLP (CaseyGerry) has represented individuals in a range of cases, including class actions and mass torts, serious and catastrophic personal injury, e-commerce liability, aviation, maritime, highway design litigation, and more since 1947.

The firm has held numerous leadership roles in coordinated cases at both the state and federal level and continue to garner local, regional, and national recognition for their work.

For more information, please visit [www.caseygerry.com](http://www.caseygerry.com).

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Title IX