

**NOTICE OF PROPOSED AMENDMENT TO CLASS-ACTION SETTLEMENT  
AGREEMENTS AND HEARING**

**ATTENTION: ALL PRESENT AND FUTURE FEMALE STUDENTS OF SLIPPERY  
ROCK UNIVERSITY WHO PARTICIPATE, SEEK TO PARTICIPATE, OR HAVE  
BEEN DETERRED OR PREVENTED FROM PARTICIPATING IN SLIPPERY ROCK  
UNIVERSITY ATHLETICS**

**PLEASE READ THIS NOTICE CAREFULLY AS IT ADDRESSES A LAWSUIT THAT  
MAY AFFECT YOUR RIGHTS.**

**I. INTRODUCTION**

The purpose of this notice is to inform you of a proposed amendment to the settlement agreements in a class action lawsuit brought against Slippery Rock University (“SRU”) on behalf of all present and future female students of SRU (including currently enrolled female students, female students admitted for the 2010-11 academic year, and prospective female students) who participate, seek to participate, or have been deterred or prevented from participating in, or obtaining the benefits of, intercollegiate athletics at SRU. On August 8, 2007, the United States District Court for the Western District of Pennsylvania approved two settlement agreements in this class action, which is captioned or otherwise referred to as *Choike, et al. v. Slippery Rock University of Pennsylvania*, Civil Action No. 2:06-cv-00622-DWA (the “Litigation”).

The plaintiff class in the Litigation alleged that SRU violated Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88 (“Title IX”) by: (1) failing to provide equitable athletic opportunities for its female students (the “Participation Claims”); and (2) failing to provide equitable treatment to its female student athletes (the “Treatment Claims”). The settlement agreements approved by the Court on August 8, 2007, addressed both the Participation Claims and the Treatment Claims.

On June 30, 2009, the plaintiff class filed a Motion to Reopen Litigation and to Enforce the Settlement Agreement, alleging that SRU has failed to comply with the Settlement Agreement in several respects involving coaching, facilities, and scholarship funds as well as SRU’s “Additional Fund” expenditures. The “Additional Fund” is defined by the Settlement Agreements as a fund of \$100,000 per year for three years to be expended by SRU on women’s athletics “to overcome the effects of historical conditions that have limited women’s participation in varsity athletics” for expenditures “above and beyond monies Slippery Rock spends or has spent to bring the University into compliance with Title IX.” SRU has denied and continues to deny any liability or wrongdoing. SRU argues in its defense of the Litigation that it has complied with the Settlement Agreements and with the relevant requirements of Title IX.

**The parties to the Litigation have now entered into a proposed agreement to amend the Settlement Agreements (“Proposed Amendment”) in settlement of plaintiffs’ Motion to Reopen Litigation and to Enforce the Settlement Agreement.**

**THIS NOTICE SUMMARIZES THE PROPOSED AMENDMENT TO THE SETTLEMENT AGREEMENTS AND ADVISES YOU OF:**

**The status of the Litigation and the opportunity to file with the Court an objection to the Proposed Amendment to the Settlement Agreements and to appear at the Fairness Hearing addressing the approval of the Proposed Amendment.**

**II. DEFINITIONS OF THE CLASS**

The plaintiff class, which was certified by the Court on April 9, 2007, is defined as:

All present and future female students of SRU, including currently enrolled female students, female students admitted for the 2006-07 academic year, and prospective female students who participate, seek to participate, or have been deterred or prevented from participating in or obtaining the benefits of intercollegiate athletics sponsored by SRU (the "Class").

The Court has appointed plaintiffs Elizabeth Laura Choike, Ashley Guinevere Stoner, Heather Walbright, Jessica Student, Jennifer Venet, Elizabeth Penning, Laura A. Sanford, Emily C. Campbell, Rebecca Zinn, Alison Nicole Nuckols, Sarah S. Sander, and Racheal Bienias as representatives of the Class.

**III. REASONS FOR THE PROPOSED AMENDMENT**

After extensive negotiations, which were supervised by U.S. Magistrate Judge Lisa Pupo Lenihan, Class Counsel (Terry L. Fromson, Esq. and Susan Frietsche, Esq. of the Women's Law Project and Abbe F. Fletman, Esq. and Lizanne V. Hackett, Esq. of the law firm of Flaster/Greenberg P.C.) have concluded that the terms and conditions of the Proposed Amendment are fair, reasonable, and in the best interests of the Class. In reaching this conclusion, Class Counsel have analyzed the benefits of the Proposed Amendment, the possible outcome of further litigation, and the expense and length of continued proceedings necessary to prosecute the Motion to Reopen Litigation and Enforce the Settlement Agreement through trial and possible appeals.

By agreeing to adopt the Proposed Amendment, SRU does not admit any fault or wrongdoing. SRU denies any and all liability to the Class and the representatives of the Class and denies that it has violated the terms of the Settlement Agreements or Title IX.

**IV. SUMMARY OF PROPOSED AMENDMENT**

As a benefit to the Class, SRU has agreed to do the following, as set forth in the Proposed Amendment:

1. Make alterations or improvements to the softball home and visitor dugouts so spectators seated on the bleachers can see all the bases on the softball field.
2. Stabilize the chairback seating at the softball field.
3. Give the softball team equal access to the enclosed batting cage at the baseball stadium.
4. Buy batting helmets for the softball team.
5. Verify through a sworn statement that the baseball team maintains its own field.
6. Restore and make available all Hunkler Scholarship Funds for the benefit of the water polo club team.
7. Upgrade the soccer field.
8. Supply lighter weights equipment for the Morrow Field House and the NKT stadium weight rooms in the sizes and amounts requested by coaches of women's teams.
9. Provide the coaches of women's teams with professional training in the use of Dartfish software.
10. Buy and install nets around the hockey and lacrosse fields.
11. Provide plaintiffs' counsel with records of actual expenditures and copies of electronic invoice records of items purchased with Additional Fund monies, and provide documents reflecting athletic aid and Additional Fund scholarships.
12. Notify the coaches of women's teams, plaintiffs' counsel, and the Senior Woman Administrator of various budget items and other matters related to athletic aid and Additional Fund scholarship monies.
13. Open a new weight room/plyometrics facility for women in the Morrow Field House by February 1, 2010.
14. Ensure that female athletes have equal access to weight rooms.
15. Provide a job description for the Senior Woman Administrator that designates her as a spokesperson for the needs and interests of female student-athletes, ensures that she participates in decisions about the athletic department budget, and makes her responsible for monitoring SRU's Title IX compliance.
16. Provide training on Title IX for all student-athletes, athletic department staff, and coaches.

## **V. BINDING EFFECT**

The Proposed Amendment, if finally approved by the Court, will bind all members of the Class.

## **VI. HEARING ON PROPOSED AMENDMENT**

The Court has scheduled a Fairness Hearing for February 16, 2010, at 1:00 p.m. in the Courtroom of the Honorable Donetta W. Ambrose, Chief Judge of the United States District Court for the Western District of Pennsylvania, to determine whether the Proposed Amendment is fair, reasonable, and adequate and should be finally approved and to address any other matters related to plaintiffs' Motion to Reopen Litigation and to Enforce the Settlement Agreement.

It is not necessary for you to appear at the hearing. You may, however, choose to appear at the hearing, either in person or through an attorney. If you wish to appear at the hearing in person or

through your own attorney, you or your attorney **must** notify the Clerk of the Court, Robert V. Barth, Jr., U.S. Post Office & Courthouse, Seventh Avenue & Grant St., Pittsburgh, PA 15219 and the following attorneys **in writing** by **January 22, 2010**:

Susan Frietsche, Esq.  
Women's Law Project  
425 Sixth Avenue, #1860  
Pittsburgh, PA 15219

Scott Bradley, Esq.  
Office of the Attorney General  
6th Floor, Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

Requests to be heard at the Fairness Hearing filed by attorneys should be filed pursuant to the Electronic Case Filing Procedures for the Western District of Pennsylvania, which are available online at <http://www.pawd.uscourts.gov/Pages/cmecf.htm>.

## VII. OPT-OUT

You may not "opt out" of the provisions of the Proposed Amendment. You may, however, voice objections to the Proposed Amendment as discussed below.

## VIII. OBJECTIONS TO THE PROPOSED AMENDMENT

If you believe that the Court for any reason should not finally approve the Proposed Amendment, you may object to it. You may object through an attorney but need not retain an attorney to object. If you want to object to the Proposed Amendment, you or your attorney must file an objection in writing with:

Clerk of the Court  
Robert V. Barth, Jr.  
U.S. Post Office & Courthouse  
Seventh Avenue & Grant St.  
Pittsburgh, PA 15219

with copies to:

Susan Frietsche, Esq.  
Women's Law Project  
425 Sixth Avenue, #1860  
Pittsburgh, PA 15219

Scott Bradley, Esq.  
Office of the Attorney General  
6th Floor, Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

**All objections must be in writing and must be received by the Clerk of the Court on or before January 22, 2010.** All objections must state the name and number of the Litigation, which are *Choike, et al. v. Slippery Rock University of Pennsylvania*, Civil Action No. 2:06-cv-00622-DWA. Objections filed by attorneys should be filed pursuant to the electronic Case Filing

Procedures for the Western District of Pennsylvania, which are available online at <http://www.pawd.uscourts.gov/Pages/cmecf.htm>.

Only Class members who have filed written objections or their attorneys shall have the right to present objections orally at the Fairness Hearing, and they will only have the right to do so if they expressly seek it in their written objection.

Unless otherwise ordered by the Court, any Class members who do not make their objections or opposition to the Proposed Amendment in the manner described above shall be deemed to have waived all objections and opposition to the fairness, reasonableness, and adequacy of the Proposed Amendment and any other matters pertaining to the Motion to Reopen Litigation and to Enforce the Settlement Agreement.

### **IX. ADDITIONAL INFORMATION**

This Notice is a summary and does not describe all of the details of the Proposed Amendment. The Proposed Amendment, the Settlement Agreements, and all other papers filed in the Litigation, are available for inspection in the offices of the Clerk of the Court, U.S. Post Office & Courthouse, Seventh Avenue & Grant St., Pittsburgh, PA 15219. The documents may be examined by any Class member or by counsel during normal court hours.

Further information about and copies of this Notice, the Proposed Amendment, and the Settlement Agreements are available at [www.womenslawproject.org](http://www.womenslawproject.org). If you have additional questions, you may also call Class Counsel at (412) 227-0301.

**PLEASE DO NOT CONTACT THE JUDGE DIRECTLY ABOUT THE PROPOSED AMENDMENT OR THIS NOTICE.**