



NOW THEREFORE, the Court makes the following findings of fact and conclusions of law and enters the following order, to which all parties have consented:

**FINDINGS OF FACT**

1. Plaintiffs, 12 members of the women's swim, water polo, and field hockey teams of defendant Slippery Rock filed this action on May 9, 2006, charging Slippery Rock with intentional discrimination for "failure to provide equitable athletic opportunities for [SRU's] female students and equitable treatment of its female student athletes, including its announced elimination of three viable women's athletic teams." Pl. Compl. ¶¶ 1-3, 25-34 (Docket #1).
2. On August 8, 2007, the Court approved two settlement agreements entered into by the parties. Findings of Fact, Conclusions of Law and Consent Order (Docket #115).
3. On June 30, 2009, the plaintiffs filed a Motion to Reopen Litigation and to Enforce Settlement Agreement. (Docket #140).
4. On July 16, 2009, the Court referred the parties to Magistrate Judge Lisa P. Lenihan to supervise the parties' settlement negotiations of the Motion to Reopen Litigation and to Enforce Settlement Agreement. (Docket #142).
5. The parties reached a settlement on the Motion to Reopen Litigation and to Enforce Settlement Agreement on December 15, 2009.
6. On December 18, 2009, the parties filed a Joint Motion For Entry of Stipulation and Order Granting Preliminary Approval of Amendments to Settlement Agreements. (Docket #147).
7. On December 21, 2009, the Court preliminarily approved the parties' Stipulation of Amendments to Settlement Agreements, scheduled a fairness hearing, and set a deadline for class members to notify the Clerk of Court, class counsel and Slippery Rock's counsel of any

objections to the settlement and interest in attending the hearing. The Court also approved the form and methods of notice to be given to the class. (Docket #148).

8. No objections or notices of attendance were timely received.

9. On February 15 and 16, 2010, plaintiffs' counsel and defense counsel filed declarations establishing that notice of the settlement and fairness hearing properly had been given to the plaintiff class. Such notice included emailing the settlement notice to each member of the class whose email address was in Slippery Rock's possession or control, posting the notice on the websites of Slippery Rock and class counsel Women's Law Project, publishing the notice twice in the Pittsburgh Post-Gazette and the Erie Daily Times/Morning News and weekly in the university paper *The Rocket*, issuing a joint press release over the PR Newswire, and Slippery Rock coaches giving notice to members of each of its varsity teams.

10. On February 16, 2010, the parties appeared at the fairness hearing and explained to the Court why, in their view, the proposed amendments to settlement agreements are fair, reasonable and adequate.

### **CONCLUSIONS OF LAW**

11. Having previously determined that the settlement agreements in this matter merited approval, this Court finds nothing in the proposed amendments to the settlement agreements that alters its conclusion that the settlement is fair, reasonable, and adequate under the criteria articulated in *Girsh v. Jepson*, 521 F.2d 153, 157 (3d Cir. 1975).

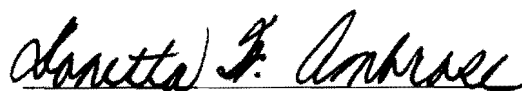
12. The proposed amendments to the settlement agreements merit final approval as fair, reasonable, and adequate.

13. The proposed amendments to settlement agreements were the product of informed negotiations, having included the participation of representatives of the plaintiff class and the

university administration, including Slippery Rock President Robert Smith. In addition, the settlement negotiations were supervised by Magistrate Judge Lisa P. Lenihan. Furthermore, the settlement discussions did not include discussion of attorneys' fees.

For all the above-stated reasons, the Court holds that the proposed amendments to the settlement agreements in this matter are fair, adequate and reasonable and enters the following consent order.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Donetta W. Ambrose". The signature is written in a cursive style with a horizontal line underneath the name.

Donetta W. Ambrose  
U.S. District Judge