



## PRESS RELEASE

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## FOR IMMEDIATE RELEASE

### COMPREHENSIVE SETTLEMENT REACHED IN TITLE IX LAWSUIT AGAINST DELAWARE STATE UNIVERSITY

*Athlete: "The significance for the women on campus can't be overstated."*

**Philadelphia, PA (October 22, 2010)** – A settlement has been reached in a class action Title IX lawsuit filed against Delaware State University (DSU) by members of its women's equestrian team. The parties filed a joint motion today requesting that the United States District Court for Delaware preliminarily approve the terms of the settlement and schedule a fairness hearing for final approval. The settlement is aimed at achieving gender equity in an athletic program that has short-changed female athletes for decades.

"Without the courage and passion of the young women who came forward to assert the rights of all women who attend DSU now and in the future, DSU women would not be getting the opportunities that come from this settlement, said **Terry L. Fromson**, managing attorney of the Women's Law Project and co-counsel for the plaintiffs. This settlement achieves what we set out to do – it assures long term gender equity in sports at DSU," stated **Abbe Fletman**, a shareholder at the law firm of Flaster/Greenberg PC and co-counsel for plaintiffs.

After DSU announced the elimination of the women's equestrian team in January 2010, 15 team members sued the University for violating Title IX by failing to provide equal athletic opportunities and equal recruitment support for DSU women. The student-athletes filed a motion for a preliminary injunction, which was settled in April 2010 when the Court approved a consent order to extend the equestrian team until the end of the 2010-11 academic year. Settlement of the litigation in its entirety was reached on the eve of a trial scheduled to commence on October 18, 2010.

"The significance of this settlement for women on campus cannot be overstated. We are very thankful that DSU has made a commitment to meet its obligations under Title IX," said Caroline Foltz, a DSU junior and a member of the equestrian team and a plaintiff in the lawsuit. "We are looking forward to continuing to ride for DSU for as long as we can and seeing women get more

opportunities to experience being on a team and playing for our school,” added Amanda Hotz, a senior at DSU and a member of the equestrian team and a plaintiff in the lawsuit.

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in federally funded educational programs, and specifically applies to athletic programs. Title IX requires equity in scholarships, accommodation of athletic interests and abilities, and treatment.

The settlement requires DSU to comply with Title IX’s requirements to provide equitable participation opportunities and recruitment support to women’s athletics. Under the terms of the settlement, DSU has agreed to:

- Comply with Prong 1 of Title IX’s participation requirements by providing varsity athletic opportunities for women that are substantially equal (within 2.5 percentage points) to the proportion of full-time female undergraduate students no later than June 30, 2013;
- Maintain the women’s equestrian team as a varsity sport with funding, staffing, and other benefits commensurate with its status as a varsity sport until DSU becomes compliant with Prong 1 of Title IX’s participation test, without including the number of equestrian team members in calculating compliance with Prong 1;
- Increase the allocation of funding for recruiting participants in women’s athletic teams over the next five years until DSU allocates the same amount of recruitment funds to women’s athletics as it allocates to men’s athletics beginning in the 2014-15 academic year;
- Provide plaintiffs’ counsel and the members and coaches of the women’s equestrian team advance notice of DSU’s intention to achieve Prong 1 compliance without the equestrian team members no later than November 30 of the academic year in which it expects to achieve compliance and the opportunity to verify and contest DSU’s compliance before eliminating the team;
- In the event DSU eliminates the equestrian team, provide athletic scholarships after the elimination of the equestrian team to those students who are members of the team as of the date the Court enters a consent decree memorializing the settlement terms for the duration of each eligible equestrian team member’s four-year undergraduate education; and
- Require all members of its Athletic Department, all varsity coaches and all varsity athletes to attend a Title IX training session to be conducted by a recognized expert from outside the DSU community.

DSU has agreed to provide documentation to allow plaintiffs’ counsel to monitor compliance.

The student-athletes are represented by Terry Fromson of the Women’s Law Project, Abbe Fletman of Flaster/Greenberg PC. and **Joanne Pinckney** of the Wilmington law firm, Pinckney, Harris & Weidinger, LLC.

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**ABOUT THE WOMEN'S LAW PROJECT:** The Women's Law Project (WLP) is a non-profit public interest law firm with offices in Philadelphia and Pittsburgh, Pennsylvania. Founded in 1974, the WLP works to abolish discrimination and injustice and to advance the legal and economic status of women through high impact litigation, systems change advocacy, and education. The WLP has helped countless women and girls gain equality and opportunity. [www.womenslawproject.org](http://www.womenslawproject.org).

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