

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

STEPHANIE BIEDIGER, KAYLA LAWLER)	
ERIN OVERDEVEST, KRISTEN)	
CORINALDESI, and LOGAN RIKER,)	Case No. 3:09-CV-621(SRU)
individually and on behalf of all)	
those similarly situated;)	
and)	
ROBIN LAMOTT SPARKS, individually,)	
)	
Plaintiffs,)	
v.)	
QUINNIPIAC UNIVERSITY,)	
)	
Defendant.)	April 7, 2010

SUPPLEMENTAL DECLARATION OF ALEX V. HERNANDEZ
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

I, ALEX V. HERNANDEZ, declare as follows:

1. I am over the age of 18 and am competent to testify about the matters set forth herein.
2. I am one of the attorneys for the plaintiffs in the above-captioned action. I submit this supplemental declaration to supplement the Plaintiffs' Motion for Class Certification pursuant to Fed. R. Civ. P. 23.
3. This Declaration is also submitted in support of the Plaintiff's Reply to the Defendant's Memorandum in Opposition to the Plaintiffs' Motion for Class Certification ("Reply," Document Number 129).
4. Discovery materials have been exchanged among the parties to this lawsuit and the discovery process is on going. Among the materials exchanged were the Plaintiffs' Requests for Admissions and the Defendant's Responses thereto.

5. Exhibit A appended hereto is a true and exact copy of Requests for Admission and Responses to Requests for Admission Numbers 50 through 94 exchanged by the parties to this action.

I declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge and recollection.

Executed this 7th day of April, 2010, in Bridgeport, Connecticut.

By: /s/ Alex V. Hernandez
Alex V. Hernandez

CERTIFICATION of SERVICE

I hereby certify that on the date hereon, a copy of the foregoing *SUPPLEMENTAL DECLARATION OF ALEX V. HERNANDEZ IN SUPPORT OF MOTION FOR CLASS CERTIFICATION* was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Alex V. Hernandez

Alex V. Hernandez (ct08345)

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EXHIBIT A

QU ADMISSIONS RELEVANT TO CLASS CERTIFICATION

Request No. 50

By continuing to recruit high school varsity volleyball players, the University could enroll enough female students with the interest and ability to play varsity, intercollegiate volleyball to maintain a team both next school year and indefinitely.

Response to Request No. 50

Defendant admits that, by continuing to recruit high school varsity volleyball players, the University could enroll enough female students with the interest and ability to play varsity, intercollegiate volleyball to maintain a team next school year. Defendant denies knowledge or information sufficient to form a belief as to what may or may not be possible “indefinitely.”

Request No. 60

The NEC sponsors conference championships in women’s bowling, golf, and swimming.

Response to Request No. 60

Defendant admits that the NEC sponsors conference championships in women’s bowling, golf, and swimming.

Request No. 62

The NCAA sponsors national championships in women’s gymnastics, swimming, bowling, golf, water polo, fencing, rifle, and crew.

Response to Request No. 62

Defendant admits that the NCAA sponsors national championships in women’s gymnastics, swimming, bowling, golf, water polo, fencing, rifle, and rowing.

Request No. 64

Some NEC schools sponsor varsity women’s teams in water polo, fencing, equestrian, and rowing.

Response to Request No. 64

Based upon the contents of the schools' websites, Defendant admits that Wagner College and St. Francis College (NY) sponsor water polo teams; Sacred Heart University and Fairleigh Dickinson University sponsor fencing teams; Sacred Heart University sponsors an equestrian team; and Robert Morris University and Sacred Heart University sponsor rowing teams.

Request No. 72

The University enrolls students from all 50 states and the District of Columbia.

Response to Request No. 72

Defendant admits that it enrolls students from all 50 states and the District of Columbia.

Request No. 73

The Connecticut Interscholastic Athletic Conference, which runs interscholastic sports in Connecticut sponsors state championships in girls' interscholastic gymnastics, golf, swimming, and volleyball.

Response to Request No. 73

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and based upon information available on the Connecticut Interscholastic Athletic Conference ("CIAC") website, Defendant admits that the CIAC sponsors state championships in girls' interscholastic gymnastics, golf, swimming, and volleyball, among other sports.

Request No. 74

Connecticut high schools participate in girls' interscholastic gymnastics, golf, swimming, and volleyball.

Response to Request No. 74

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon

information and belief, that Connecticut high schools participate in girls' interscholastic gymnastics, golf, swimming, and volleyball, among other sports.

Request No. 75

The Massachusetts Interscholastic Athletic Association sponsors, and high schools in Massachusetts participate in, girls' interscholastic gymnastics, golf, swimming, and volleyball.

Response to Request No. 75

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon information and belief, that the Massachusetts Interscholastic Athletic Association sponsors, and high schools in Massachusetts participate in, girls' interscholastic gymnastics, golf, swimming, and volleyball among other sports.

Request No. 76

The Rhode Island Interscholastic League sponsors, and high schools in Rhode Island participate in, girls' interscholastic gymnastics, swimming, and volleyball.

Response to Request No. 76

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon information and belief, that the Rhode Island Interscholastic League sponsors, and high schools in Rhode Island participate in, girls' interscholastic gymnastics, swimming, and volleyball, among other sports.

Request No. 77

The New Hampshire Interscholastic Athletic Association sponsors, and high schools in New Hampshire participate in, girls' interscholastic gymnastics, golf, swimming, and volleyball.

Response to Request No. 77

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon

information and belief, that the New Hampshire Interscholastic Athletic Association sponsors, and high schools in New Hampshire participate in, girls' interscholastic gymnastics, golf, swimming, and volleyball, among other sports.

Request No. 78

The Vermont Principals Association sponsors, and high schools in Vermont participate in, girls' interscholastic gymnastics and golf.

Response to Request No. 78

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon information and belief, that the Vermont Principals Association sponsors, and high schools in Vermont participate in, girls' interscholastic gymnastics and golf, among other sports.

Request No. 79

The Maine Principals' Association sponsors, and high schools in Maine participate in, girls' interscholastic swimming and volleyball.

Response to Request No. 79

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon information and belief, that the Maine Principals' Association sponsors, and high schools in Maine participate in, girls' interscholastic swimming and volleyball, among other sports.

Request No. 80

The New York State Public High School Athletic Association sponsors, and high schools in New York participate in, girls' interscholastic bowling, gymnastics, golf, swimming, and volleyball.

Response to Request No. 80

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon information and belief, that the New York State Public High School Athletic Association

sponsors, and high schools in New York participate in, girls' interscholastic bowling, gymnastics, golf, swimming, and volleyball.

Request No. 81

The New Jersey State Interscholastic Athletic Association sponsors, and high schools in New Jersey participate in, girls' interscholastic bowling, fencing, gymnastics, golf, swimming, and volleyball.

Response to Request No. 81

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon information and belief, that the New Jersey State Interscholastic Athletic Association sponsors, and high schools in New Jersey participate in, girls' interscholastic bowling, fencing, gymnastics, golf, swimming, and volleyball, among other sports.

Request No. 82

The Pennsylvania Interscholastic Athletic Association sponsors, and high schools in Pennsylvania participate in, girls' interscholastic bowling, gymnastics, golf, swimming, rifle, water polo, and volleyball.

Response to Request No. 82

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon information and belief, that the Pennsylvania Interscholastic Athletic Association sponsors, and high schools in Pennsylvania participate in, girls' interscholastic bowling, gymnastics, golf, swimming, rifle, water polo, and volleyball.

Request No. 83

The Maryland Public Secondary Schools Athletic Association sponsors, and high schools in Maryland participate in, girls' golf, swimming, and volleyball.

Response to Request No. 83

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, Defendant admits, upon information and belief, that the Maryland Public Secondary Schools Athletic Association sponsors, and high schools in Maryland participate in, girls' golf, swimming, and volleyball, among other sports.

Request No. 84

The University does not annually survey enrolled students or prospective students about their interests in participating in varsity intercollegiate sports not already sponsored by the University.

Response to Request No. 84

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, Defendant admits that it does not annually survey enrolled students or prospective students about their interests in participating in varsity intercollegiate sports not already sponsored by the University.

Request No. 85

The University has never surveyed enrolled students or prospective students about their interests in participating in varsity intercollegiate sports not already sponsored by the University.

Response to Request No. 85

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence.

Request No. 90

There are female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' gymnastics.

Response to Request No. 90

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, Defendant states that there are

female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' gymnastics.

Request No. 91

There are female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' golf.

Response to Request No. 91

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, Defendant states that there are female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' golf.

Request No. 92

There are female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' bowling.

Response to Request No. 92

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, Defendant states that there are female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' bowling.

Request No. 93

There are female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' swimming.

Response to Request No. 93

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, Defendant states that there are female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' swimming.

Request No. 94

There are female high school students in Connecticut and other states from which the University enrolls students who participate in high school volleyball.

Response to Request No. 94

Defendant objects to this request on the ground that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, Defendant states that there are female high school students in Connecticut and other states from which the University enrolls undergraduate students who participate in high school girls' volleyball.

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