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6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF LOS ANGELES**

9 HALEY VIDECKIS and LAYANA WHITE,  
10 individuals,

11 Plaintiffs,

12 vs.

13 RYAN WEISENBERG, an individual, and  
14 PEPPERDINE UNIVERSITY, a corporation  
15 doing business in California,

16 Defendants.  
17  
18  
19  
20  
21

Case No.:

**COMPLAINT FOR DAMAGES**

**1<sup>ST</sup> CAUSE OF ACTION: BROUGHT BY  
PLAINTIFFS AGAINST ALL  
DEFENDANTS, VIOLATION OF RIGHT  
OF PRIVACY UNDER CALIFORNIA  
CONSTITUTION, ARTICLE 1, §1**

**2<sup>ND</sup> CAUSE OF ACTION: BROUGHT BY  
PLAINTIFFS AGAINST ALL  
DEFENDANTS, VIOLATION OF  
CALIFORNIA AB 537 INCLUDING BUT  
NOT LIMITED TO CALIFORNIA  
EDUCATIONAL CODE §220, 221, 66251,  
66270**

**3<sup>RD</sup> CAUSE OF ACTION: BROUGHT BY  
PLAINTIFFS AGAINST ALL  
DEFENDANTS, VIOLATION OF TITLE  
IX**

22 **I. PARTIES**  
23

24 1. Plaintiff HALEY VIDECKIS, (“Haley”), is a resident of California and a 20-year-  
25 old, Caucasian woman, playing basketball at Pepperdine University. She is a transfer student  
26 from Arizona State University. She was one of the outstanding players at Arizona State  
27 University and earned PAC 12 All-Freshman honorable mention notice during the 2012-2013  
28 season. In July 2013, she was highly recruited by the University and its coaches and transferred

1 to Pepperdine University to seek better education and further her career to become a WNBA  
2 basketball player.

3 2. Plaintiff LAYANA WHITE, (“Layana”) is a resident of California and a 21-year-  
4 old, African American woman, playing basketball at Pepperdine University. She is a transfer  
5 student from University of Arizona where she played basketball as one of its top players. She was  
6 highly recruited by the University and its coaches and transferred to Pepperdine University in  
7 January 2014. She believed that transferring to Pepperdine University would provide her better  
8 education and further her career to become a WNBA player.

9 3. Defendant PEPPERDINE UNIVERSITY, (“University”) is a university located in  
10 California and is believed to be a corporation. The University and its students receive funds from  
11 the federal government and the state of California.

12 4. Defendant, RYAN WEISENBERG, (“Coach Ryan”), is a resident of California, a  
13 Caucasian man, and the head coach of the women’s basketball team at Pepperdine University at  
14 all time mentioned herein.

15  
16 **II. SUMMARY OF THE CASE**

17  
18 5. Plaintiffs incorporate by reference each and every allegation contained in  
19 paragraphs 1 through 4 as though set forth fully herein.

20 6. Pepperdine University is a bible-based institution that admits lesbians as students  
21 but believe that, if students have premarital sex, it is a sin and the University will expel them.  
22 During the Plaintiffs’ attendance at the University, they developed a lesbian relationship. Having  
23 a relationship would not violate the university’s biblical beliefs as long as they were not having  
24 sex. The Plaintiffs wished to keep this relationship private because they were aware of the  
25 University’s ambivalent attitude toward lesbian relationships. Shortly after their relationship  
26 began, various members of the University including Defendant Coach Ryan and his assistant  
27 coaches, trainers and Academic Coordinator Adi Conlogue (“Adi”) tried to find out the nature of  
28

1 the Plaintiffs' sexual orientation and their relationship. In order to avoid rumors that they were  
2 lesbians, the Plaintiffs denied that their relationship was more than friends. The Plaintiffs asked  
3 for Coach Ryan's help to stop the rumors and the unfair treatment they had been receiving from  
4 the trainers and the academic coordinator. Coach Ryan refused to help because he believed that  
5 the Plaintiffs were in a lesbian relationship and, unlike a friendship, would by in its inherit nature  
6 cause damage to the team. Therefore, Coach Ryan wanted the Plaintiffs off the team.

7  
8 7. On September 5, 2014, as a result of the continued harassment based on sexual  
9 orientation, Layana attempted to commit suicide. Shortly thereafter, Coach Ryan refused to allow  
10 Haley to play basketball based upon the pretext that Haley did not provide the doctor's file notes  
11 and did not provide her's and Layana's gynecology reports. This was nonsense as the MRI report  
12 was complete and the gynecology reports have nothing do with basketball and her injury. Haley  
13 requested help to allow her to play basketball from the Athletic Director, the team's doctor and  
14 the President of University. They all refused to help Plaintiffs because they supported Coach  
15 Ryan's position that the Plaintiffs' lesbianism was detrimental to the team and that they should  
16 not be allowed to play basketball. At no time herein, did Coach Ryan nor Pepperdine University  
17 accuse the Plaintiffs of having sex.

18 **III. FACTS**

19 8. Plaintiffs incorporate by reference each and every allegation contained in  
20 paragraphs 1 through 7 as though set forth fully herein.

21  
22 9. In the beginning of February, the Academic Coordinator, Adi -who was selected  
23 by the University to help female basketball players maintain good grades, pulled Haley into her  
24 office to talk. In this meeting, Adi asked Haley if there were any gay or bisexual players on the  
25 team. Haley said no. Although she was aware of multiple girls on the team that were gay and  
26 bisexual, she could not answer this question honestly because Pepperdine is extremely  
27 discriminatory against the LGBT (Lesbian, Gay, Bisexual and Transgender) community.  
28

1 Furthermore, Adi asked Haley if she was gay. Haley said no. The next week, Adi asked Haley to  
2 come into her office. The following dialogue occurred.

3           Adi: "I noticed that you and Layana have become very close."

4           Haley: "Yeah, Layana and I have become good friends."

5           Adi: "How close? Like bffs or more than that?"

6           Haley: "We are just friends."

7           In the study hall room, Adi asked Haley what she was doing for spring break.

8 Haley told her that she was going home to Chicago and that Layana was going to visit Arizona.

9 Adi said "You aren't going to take Layana home with you?" Haley said no. Adi said, "Aren't you

10 going to miss her?" When Haley and Layana returned from Vegas where they spent their break,

11 Adi continued asking both Haley and Layana about their trip. These questions include but are not

12 limited to: What did you do? Where did you sleep? Did you share a bed? Layana told Adi that

13 she did not go to Vegas with Haley. Adi then told Layana that she did not believe Layana and

14 that she knew that Layana was with Haley. Neither Haley nor Layana admitted to Adi that they

15 went to Vegas together.

16           10.     In March, every time Haley would see Adi, she asked Haley about Layana. Adi  
17 would ask, "How are you and Layana?" She would ask this question in a way suggesting Haley  
18 and Layana were in a relationship. Adi never asked Haley how any of her other teammates were  
19 doing. Adi would ask Haley if she was going places with Layana on the weekends and ask  
20 personal questions about what they did together. On March 18, 2014, Adi asked Haley if Layana  
21 bought her anything for her birthday. When Haley said no, Adi seemed surprised. She asked if  
22 Layana took Haley anywhere for her birthday. Haley said no. Adi suggested a restaurant that  
23 Layana and Haley go together on a date. Haley told Adi that she wouldn't be going with Layana  
24 anywhere on a date. Haley asked Adi very politely to stop asking her about Layana.  
25

26           March 18 was the first leadership meeting. After the 2013-2014 season, Coach Ryan had  
27 a new idea for the team. He chose 6 of his teams best "leaders" and began "Leadership Meetings"  
28 to discuss the team's "Core Covenants". The Leadership Council was made up of the best leaders

1 on the basketball team: Krista, Bria, Ea, and Keitra as well as the Plaintiffs. Every leadership  
2 meeting occurred with only Coach Ryan in his office. No other coaches were there. Coach Ryan  
3 would have them watch videos, write their ideas and opinions discussing how to make the team  
4 more “successful”, and have group discussions. He would also discuss his beliefs on what the  
5 negatives and positives to their specific team were.

6 11. Towards the end of the spring semester, Adi began asking Haley whom she would  
7 be living with in the summer. Adi always asked, “Are you going to be living with Layana?”  
8 There are four people in each dorm and two people in each room. Adi would ask “Is Layana  
9 going to be sleeping in the same room as you?” “Do you guys push your beds together?” “Do you  
10 sleep together?”

11 12. During March and April, Adi was also asking Layana very similar questions. Adi  
12 would ask Layana these questions during every weekly academic meeting and every time she was  
13 in study hall. Layana told Adi that Haley was her best friend and “no, we are not dating.” Adi  
14 asked Layana if she “hung out and did things with her other best friends the same way she does  
15 with Haley.” Layana told her “yes, because Haley is just my friend.” Also, every meeting Layana  
16 had with Adi she would always say “so how are you and Haley doing?” Adi would ask this  
17 question in the tone as if Layana and Haley are dating. Layana told Adi these questions were  
18 inappropriate and to “please stop.”

19 20 13. On April 16 at 9 am, Coach Ryan had a leadership meeting in which he offended  
21 many of the girls on the leadership council. Coach Ryan spoke on the topic of “lesbianism.”  
22 Coach Ryan specifically said the word “lesbianism” stating the following: “Lesbianism is not  
23 tolerated on this team. It is the reason why teams lose.” “Lesbianism is a big concern in women’s  
24 basketball.”

25 At the end of April, Layana reported to Coach Ryan (no other coaches present) that Adi  
26 was constantly attempting to retain personal information from her regarding her private life.  
27 Coach Ryan assured Layana that other teammates had also complained about Adi not focusing on  
28 academics and he would soon be having a coach monitor the meetings with Adi. Layana told

1 Coach Ryan that these questions occurred not only in her academic meetings but when she was in  
2 study hall as well.

3           Haley had to report to Adi before she left Pepperdine to turn in her books from the spring  
4 semester. Adi and Haley were alone in the academic room, and that is when the questioning  
5 began. Adi asked if Haley and Layana were going on a trip before break. Haley admitted that they  
6 were going together to Vegas.

7  
8           14.     In May, Adi continued to ask Layana about Haley. Layana told Adi that her  
9 constant questions about Haley were irritating her, and she asked Adi why she always questioned  
10 her about Haley’s friendship. Layana recalls Adi responding in a sarcastic way saying, “Because  
11 you and Haley are BFFs.” Adi then questioned Layana saying “Right? You guys are just bffs,  
12 right? Or are you closer than that?” Layana still told Adi that “Haley and I are just friends” and to  
13 “please stop asking these questions.”

14           The day after Adi’s birthday, Adi was telling Layana how she celebrated the night. Adi  
15 told Layana she went to a nice restaurant and then said sarcastically “You should take Haley  
16 there sometime for a date, that would be cute.” Before Haley came back to school from May  
17 break, Adi would ask Layana in study hall “Are you excited for Haley to come back?” “Are you  
18 picking her up from the airport?” “Will you guys be staying in the same dorm room for the  
19 summer?”

20  
21           At the end of May, Keitra, one of the teammates, warned Layana due to a meeting she just  
22 had with Coach Ryan. Keitra confided the content of the meeting to Layana. Coach Ryan asked  
23 Keitra the following questions with no other coaches present. “Are you dating Sahara?” “Are  
24 Haley and Layana dating?” Sahara is a female student at Pepperdine, and by Coach Ryan asking  
25 if Keitra is dating Sahara, he was implying she was lesbian. Keitra denied these questions and  
26 asked Coach Ryan where he heard these rumors. Coach Ryan said he heard it from a staff  
27 member that the players were with everyday. Keitra told Layana to watch what she says around  
28 the staff members. Keitra told Layana that she thought the “staff member” was Adi or Karissa,

1 the athletic trainer. When Haley returned to the University, she confirmed with Keitra, that  
2 Coach Ryan asked her “Are Haley and Layana dating?” Keitra told him no. Keitra also confided  
3 to Haley that Adi had also asked Keitra if she was dating Sahara.

4 In May, Layana called a meeting with Coach Ryan to discuss beginning to file her appeal  
5 to NCAA. Transfer students are not allowed to play basketball for an entire year without the  
6 appeal. Coach Ryan told Layana that he would be “starting the process right away” and he would  
7 also “be in contact with Pepperdine’s athletic director, Dr. Potts and the head of compliance,  
8 Brian Barrio to push the appeal through.” Layana received no response from Coach Ryan about  
9 her appeal or progress towards filing the appeal. Layana, as all NCAA athletes, cannot submit  
10 their appeal on their own. The athlete requires assistance from the University’s athletic  
11 department (Coach, athletic director, and compliance).

12  
13 15. On June 4, Coach Ryan called individual meetings regarding the training room  
14 and athletic trainer Karissa with the entire coaching staff present. In Haley’s meeting, Karissa  
15 falsely accused Haley of breaking many rules in the training room dating all the way back in  
16 April. Haley said the accusations were not true, but Coach Ryan cut Haley off and told her she  
17 was lying and that she was wrong. Haley then told the coaches that Karissa is very  
18 unprofessional. Coach Ryan asked her how, so Haley told them about how Karissa was asking  
19 Haley if she ever dated girls and that Karissa told her that coach Trisha was gay which made  
20 Haley feel uncomfortable. Coach Trisha laughed and said, “That is not true!” She proceeded to  
21 let Coach Ryan yell at Haley and accuse her of lying.

22 On June 12, Layana met with Dr. Potts. In the meeting with Dr Potts, Layana said, “I had  
23 a meeting with Coach Ryan in May about filing my appeal to play right away. But I have not seen  
24 any progress. I wanted to know what is going on with the process.” Dr Potts responded to Layana  
25 saying, “I had no idea about your appeal.” Layana was very confused and she said, “I don’t  
26 understand why Coach Ryan doesn’t want to do my appeal. I feel like he doesn’t want me to play  
27 right away. I don’t understand why and I don’t know who can help me if Coach Ryan doesn’t  
28 want to file my appeal.” Then Dr Potts said, “I’ll take care of it. Just send me your NCAA appeal

1 letter.” Although Layana sent information regarding her appeal to Dr.Potts through email after  
2 the meeting, Layana did not receive any follow up of her appeal to this day. The University  
3 announced news this summer that their men’s basketball player A.J. Lapray had received NCAA  
4 approval from his appeal to play immediately after transferring from Oregon. Furthermore,  
5 Layana arrived to Pepperdine six months before A.J. arrived to Pepperdine, yet his appeal was  
6 filed and approved first.

7  
8 Later in the month of June, Coach Ryan made another comment referring to intra-team  
9 dating. Coach Ryan made the following statement. “When I was coaching for the LA Sparks, two  
10 of our players were dating and they broke up in season. That was the reason our team fell apart  
11 and lost.” Coach Ryan’s comments about lesbians were becoming obsessive and very strange.  
12 Both Layana and Haley’s coaches at their previous PAC 12 School would never have  
13 conversations about intra-team dating and never did they use the word lesbianism. Women’s  
14 basketball is stereotyped for having many lesbians, -and it is more expected than prevented.  
15 When, Haley and Layana heard Coach Ryan’s statement that he was against the lesbian lifestyle  
16 within his team, it made them think Coach Ryan would pull their scholarships if he confirmed  
17 their relationship. At this point, Layana began to suffer from severe depression.

18 During June, the following events took place. Adi asked Layana “So do you guys push  
19 your beds together in the dorm room? Do you guys sleep together?” and whenever Layana saw  
20 Adi on Fridays in study hall she would ask her “Are you taking your girl home with you this  
21 weekend?” referring to Haley. One Friday she asked Layana what she was going to do over the  
22 weekend and she told Adi she was going to Disneyland. Adi then asked Layana “Oh are you  
23 taking Haley to Disneyland?” Layana said “No, I’m taking my sister with me” and she asked Adi  
24 why she wanted to know if she was going to take Haley. Adi replied sarcastically, “Because you  
25 guys are BFFs”. These comments occurred when Layana was in study hall supervised by Adi.

26  
27 When Layana achieved 3.0 GPA , the team rule required her to study in study hall for 2  
28 hours instead of 5 hours per week. Because of Adi’s questions into Layana’s sexual orientation,



1 she was looking forward to the reduction of study hall hours. However, Coach Ryan changed up  
2 to the requirement from 3.0 to 3.2 immediately after Layana reached a 3.0. Notwithstanding,  
3 Coach Ryan knew Adi's continued questioning during study hall was upsetting to Layana. This  
4 increased requirement only applied to Layana since the other teammates had either below 3.0 or  
5 above 3.2.

6  
7 When Layana and Haley were the only two practicing, Bria, one of Plaintiffs' teammates,  
8 came up to Haley and Layana and asked if they had a minute to talk. Bria said, "Hey guys. I just  
9 want to let you know, be careful what you tell Adi because she tells Coach Ryan everything."  
10 Bria would not say why she made this statement to only Haley and Layana, but she warned them  
11 to be very careful, as if Adi had told Coach Ryan something bad about Haley and Layana. After  
12 Bria left, Layana and Haley believed that Adi told Coach Ryan that they were dating. They did  
13 not say anything to Bria because they were keeping their relationship very secret. Haley and  
14 Layana agreed to make a more conscious effort to keep their relationship confidential. Haley and  
15 Layana were very afraid that if Coach Ryan found out they were dating, he would take away their  
16 scholarships, especially after the leadership meeting when he stated, "lesbianism is not tolerated  
17 here."

18 16. On July 28, Coach Ryan sent a text message to Krista, Plaintiffs' teammate, that  
19 he was disappointed that she wanted to live off-campus with Haley and Layana. Robie, another  
20 teammate, also told Haley and Layana that she was told by Coach Ryan not to live with Haley  
21 and Layana off-campus because they were bad influences. Robie warned Haley and Layana that  
22 Coach Ryan is defaming them and trying to turn their teammates against them. Robie said she  
23 was confused as to why he was doing this. Robie did not know that Haley and Layana were  
24 dating.

25  
26 17. On August 25, Pepperdine commenced the fall semester and it was the first day of  
27 school. Haley and her teammate Allie were practicing in the gym. Allie told Haley that Coach  
28 Jordan had asked her if Layana and Haley were dating. Later that same night, Haley asked Bria if

1 Coach Ryan had asked her whether Layana and Haley were dating. Bria confirmed that it was  
2 true.

3  
4 On August 26, Layana had a meeting with Coach Ryan and Coach Mallorie. In this  
5 meeting, she asked Coach Ryan if he had been asking several teammates if Haley and her were  
6 dating. He denied these allegations. Layana told Coach Ryan two players on the team said that he  
7 had asked them if she and Haley were dating. Layana also told him that Coach Jordan asked Allie  
8 if they were dating. Coach Ryan said "I know for a fact that that's not true. My staff doesn't  
9 gossip. And gossip is what gets people fired." Coach Ryan continued to deny that he asked any  
10 girls, and he claimed that the players were making up these rumors to start drama. Coach Ryan  
11 suggested that Layana call a team meeting and address this rumor. Layana said she did not think  
12 that was necessary when she could end the rumor in his office right then and there. Then Coach  
13 Ryan called Allie into this meeting to confirm her statement. Allie confirmed that Coach Jordan  
14 asked her. Coach Ryan then called Coach Jordan on speakerphone. Coach Jordan admitted that  
15 she asked Allie if Layana and Haley were dating. Coach Ryan asked Allie to leave and then kept  
16 asking Layana who were the other two girls who said he asked about Haley and Layana dating.  
17 Layana did not release any names. Layana told Coach Ryan that she promised her teammates she  
18 would not get them involved, and all she wanted to do was end the rumor. Coach Mallorie asked  
19 Layana why this situation bothers her so much. Layana answered, "Because I don't want that  
20 reputation at this Christian school." Then, Coach Mallorie asked, "So what is really going on  
21 between you and Haley? Are you dating?" Layana told Coach Mallorie they were not dating.

22 18. On September 3, Layana went to the academic room with her teammates, Keitra,  
23 Kelsey, Whitney, to do their study hall but there were no more seats left. The players all signed in  
24 together and did their homework in the locker room. Adi went into the study hall room and saw  
25 that they all signed in but were not in the study hall room. Adi called Coach Ryan and told him  
26 that specifically Layana checked in for study hall but was not in the study hall room.

27  
28 On September 5, Coach Ryan called a meeting with Coach Mallorie, Adi, and Layana. In

1 the meeting, Coach Ryan justified Adi's accusations that Layana was not in the study hall room  
2 on September 3. Coach Ryan said he discussed it with Adi, and Layana would be receiving a  
3 punishment. Out of all of the players that were studying in the locker room, Layana was the only  
4 one to get punished by Coach Ryan and Adi for not being in the academic room for study hall.  
5 The other girls were not punished because Adi claimed that they all left her a note on her desk  
6 before going to the locker room. Layana was with the girls the entire time and she knew for fact  
7 that they all did not leave any notes. The punishment was extra study hall hours the following  
8 week.

9  
10 After the meeting, Layana was sitting outside the coaches' office with Haley finishing her  
11 homework. Adi walked up to Layana's desk with a book she needed for class. Instead of handing  
12 it to Layana, Adi slammed the book on the desk in front of her face. Layana packed up her  
13 backpack and told Haley that she needed to leave. That night Layana attempted to commit  
14 suicide.

15 On September 9, Haley told Coach Ryan that she would not be at practice on Friday  
16 September 12<sup>th</sup> because she is getting tested for cervical cancer.

17  
18 On September 16, Haley met with Dr. Green at 2 pm. He told her that she was cleared for  
19 her condition. During the days leading up to this doctor's appointment, Haley was harassed by  
20 Karissa to release all medical records as she claimed, "it is obvious you are hiding and lying  
21 about something". These comments were not true. Before Haley left the appointment, Dr. Green  
22 told her that he would need to run a mandatory urine test to check if she had a urine infection.  
23 Haley requested Dr. Green's notes from the visit to see exactly what she was tested for, but the  
24 Pepperdine Health Center did no provide her with any of Dr. Green's notes from her visit.

25 Within hours after leaving the health center, Haley received an email from Karissa  
26 stating, "You will not be cleared for participation until the documentation from the spine  
27 specialist has been brought to the athletic medicine center." As Haley had already left campus,  
28 she provided the documentation the following day to the training room.

1 On September 17, Haley called the health center and asked to speak with Dr. Green. The  
2 front desk would not release his contact information or the documentation from the visit. Instead,  
3 the front desk contacted Dr. Green on Haley's behalf with her question as to why she was not  
4 cleared. He responded via email to the front desk that he did clear Haley because he was unaware  
5 of her spine condition and Haley could not be cleared until she brought documentation to  
6 Karissa. That same day Haley brought her MRI, Diagnosis, and treatment of prescription to the  
7 athletic training room. Within hours, she received back-to-back emails from Karissa and Kevin.

8  
9 Karissa's email at 1:38 pm: "The documents that you have provided regarding your doctor's  
10 visit at the Southern California Orthopedic Institute do provide us with enough information. What we  
11 need is a diagnosis, treatment plan, and any treatment recommends that the physician has prescribed."

12 Kevin at 2:34 pm: "In order for medical clearance to be considered at Pepperdine you  
13 have been asked to provide the athletic training center details of a recent physician visit regarding  
14 your sacrum. Today you provided an MRI report to the athletic training center... Please get us the  
15 following information regarding your sacrum; All the physician notes on diagnosis and plan for  
16 treatment."

17  
18 Haley called Coach Ryan and explained that her doctor's office already released all of the  
19 documentation they have on file for her. She asked Coach Ryan if he can come with her to the  
20 training room to speak with Kevin and Karissa about her seeing the basketball team orthopedic if  
21 it is necessary, to be cleared for her tailbone injury. Coach Ryan told her that he would not help  
22 her. Then, Haley sent an email to Kevin and addressed Kevin's request to a diagnosis and  
23 treatment. "Regarding your concerns for the diagnosis not being in the documentation, please note  
24 page 3 of my paperwork. Located above the prescription note is "DX" (diagnosis): "Coccygeal"  
25 (tailbone) pain." Neither Kevin nor Karissa responded to Haley's email that the diagnosis was on page 3.

26 On September 18, Haley met with Karina who is an assistant for the Athletic Director,  
27 Dr. Potts. She told Karina that she felt Coach Ryan did not want her on the team anymore. She  
28 explained that Coach Ryan had told her there was nothing he could do about it and that neither

1 Dr. Potts nor President Benton could help her. Karina told Haley that Dr. Potts was not there, but  
2 he could meet with her at 9 a.m. the next morning.

3  
4 On September 19, Haley met with Dr. Potts and Karina in his office. Dr. Potts was  
5 extremely rude in this meeting and he would not let her explain her side of the story. Within  
6 minutes, Haley was in tears by the way he was yelling at her for bringing this issue to his  
7 attention. Not only did Haley complain to Dr. Potts about not being cleared, Haley told him that  
8 Layana was also not cleared and hadn't been cleared to practice since May. Haley told Dr. Potts  
9 that it felt like the staff was trying to keep both Haley and Layana off the court and get them  
10 kicked out of the school. After class that day, Haley called Coach Ryan. On the phone, Haley said  
11 she needed to take the weekend to decide if she could be a part of the team. She said "I am very  
12 unhappy with the way I have been treated here". Coach Ryan did not ask her why, but he said he  
13 wanted a decision by Sunday morning at 8 am because he did not want to "drag it on." Haley told  
14 him that she needed until Monday to make a good decision.

15 On Monday September 22, Haley called Coach Ryan and told him "I am not ready to  
16 make a decision today and I want to talk to you when you return from Florida on Thursday to  
17 give me enough time to think". Coach Ryan became very angry and said "No, I do not want to  
18 drag this on. You will give me a decision by 5 pm." Haley told Coach Ryan "You can say  
19 whatever you want but I will not sign papers that I voluntarily quit. If you want to kick me off the  
20 team just because I need more time to make a decision, that's your choice". Coach Ryan refused  
21 and told Haley to give him a decision by 5 pm. He said he would send an email to Dr. Potts  
22 saying that Haley would voluntarily quit if she did not give Coach Ryan a decision by that time.

23  
24 On September 24, Haley sent Dr. Potts the following email. "I would like to inform you  
25 of my last communication with Coach Ryan over text. On Monday, September 22, I  
26 stated to him that "I have not made a decision to quit. I would like to discuss the situation when  
27 you come back from Florida. I have not voluntarily quit nor did I ever agree to Coach Ryan's  
28 deadline."

1 Dr. Potts replied to Haley on the same day, "I understand that you have expressed  
2 concerns regarding your participation as a student-athlete here and that an investigation into  
3 those concerns has begun." "Until then, as you requested, you are relieved from all activities  
4 related to our women's basketball team."

5  
6 On November 7, Haley received the following letter from the Title IX investigator  
7 Tabatha. "I have conducted a thorough investigation of your claims and have attached a letter,  
8 which represents the conclusion to the investigation." "After thoroughly investigating the  
9 allegations, I have found that there is insufficient evidence to conclude that harassment or sexual  
10 orientation discrimination occurred." "According to the team doctor, Dr. Gary Green has not  
11 received this documentation to medically assess your fitness to play."

12 19. On December 1, Haley sent to the University the following note from her doctor.  
13 "Based on her previous MRI findings, the patient's diagnosis and treatment plan remain  
14 unchanged. It is acceptable for the patient to return to basketball without restriction. No/more  
15 notes/treatment are necessary at this time." Notwithstanding neither Haley nor Layana have been  
16 cleared to play basketball.

17 **IV. 1<sup>ST</sup> CAUSE OF ACTION: BROUGHT BY PLAINTIFFS AGAINST ALL**  
18 **DEFENDANTS, VIOLATION OF RIGHT OF PRIVACY UNDER CALIFORNIA**  
19 **CONSTITUTION, ARTICLE 1, §1**

20 20. Plaintiffs incorporate by reference each and every allegation contained in  
21 paragraphs 1 through 19 as though set forth fully herein.

22 21. Plaintiffs had a reasonable expectation of privacy as to their sexual orientation  
23 while attending Pepperdine University from intrusion into their privacy by Defendant Pepperdine  
24 University, Defendant Coach Ryan, his assistant basketball coaches, academic coordinator, and  
25 trainers.

26  
27 22. Defendant Pepperdine University, Defendant Coach Ryan, his assistant basketball  
28 coaches, academic coordinator, and trainers intentionally intruded on their right of privacy at the

1 University by asking questions relating to or to determine Plaintiffs' sexual orientation and  
2 demanded that they provide unlimited access to their gynecology medical records. Defendant  
3 Pepperdine University was aware of Coach Ryan and his assistant basketball coaches, academic  
4 coordinator and trainers' intrusion into plaintiffs' right of privacy and did nothing to stop and/or  
5 prevent the intrusions but instead ratified it.

6  
7 23. Plaintiffs were harmed, including but not limited to, emotional distress, which in  
8 the case of Plaintiff Layana, caused her to attempt suicide, to leave the University and to give up  
9 her scholarship, and in the case of Plaintiff Haley, to give up basketball, to leave the University  
10 and to give up her scholarship. Defendants' intrusion into Plaintiffs' right of privacy were  
11 substantial factors in causing Plaintiffs' aforesaid harm.

12 24. Defendant Coach Ryan is responsible for his own conduct and for that of his  
13 assistant coaches, trainers and academic coordinator who were under his control and direction  
14 and he was aware of the aforesaid conduct but refused to stop it and/or prevent it, and instead he  
15 condoned it. Defendant Pepperdine University ratified the conduct of Defendant Coach Ryan, his  
16 assistant coaches, trainers and academic coordinator. The athletic director and the president were  
17 aware of the above conduct but failed to make a meaningful investigation and to remedy the  
18 situation.

19 25. Defendants' conduct was severe, pervasive and objectively offensive. Therefore,  
20 the Plaintiffs are entitled to punitive damages.  
21

22 V. **2<sup>ND</sup> CAUSE OF ACTION: BROUGHT BY PLAINTIFFS AGAINST ALL**  
23 **DEFENDANTS, VIOLATION OF CALIFORNIA AB 537 INCLUDING BUT NOT**  
24 **LIMITED TO CALIFORNIA EDUCATIONAL CODE §220, 221, 66251, 66270**

25 **Disparate Treatment - Discrimination**

26 26. Plaintiffs incorporate by reference each and every allegation contained in  
27 paragraphs 1 through 25 as though set forth fully herein.

28 27. Defendant Coach Ryan intentionally discriminated against the Plaintiffs by  
including but not limited to the following. He continually asked the Plaintiffs and others

1 questions about Plaintiff's sexual orientation. He encouraged his assistant coaches, academic  
2 coordinator and trainers to ask questions about Plaintiffs' sexual orientation. The trainers  
3 demanded that Plaintiffs furnish their complete current and future gynecology medical records.  
4 Haley was pressured to sign a release form that would allow the trainers access the her  
5 gynecology records for the next seven years. Defendant Coach Ryan punished the Plaintiffs  
6 unfairly for minor violations. He refused to allow Layana to attend basketball practice because of  
7 her injury. He refused to process Layana's appeal to the NCAA so that she can play immediately.  
8 He refused to allow Haley to play basketball on the basis that she had not provided sufficient  
9 medical information on her non-basketball injury. He refused to help Haley to get medical  
10 clearance from the trainers.

11           28. Pepperdine University was aware of Coach Ryan and his assistant basketball  
12 coaches, academic coordinator and trainers' discrimination and ratified it.

13  
14           29. The plaintiffs received disparate treatment as they were treated differently than the  
15 other students in the University including but not limited to the following. Other students were  
16 not subject to pervasive questioning about their sexual orientation. No other team players were  
17 required to submit their gynecology medical records. Other players were not punished unfairly  
18 for minor violations and/or given lesser punishments. Other injured players were allowed to  
19 attend basketball practice. Appeals to the NCAA so that the basketball players could play  
20 immediately were routinely and immediately processed for other players. Haley did provide  
21 sufficient medical information to the trainers about her non-basketball injury. Other players were  
22 not required to provide more than minimal amount of medical documentation for non-basketball  
23 injuries. Other players would have the support of their coaches in getting medical clearance from  
24 the trainers.

25           30. Defendants' motive in the discrimination was to get the Plaintiffs off the  
26 basketball team because they were lesbians who were in a relationship. Defendant Coach Ryan  
27 believed that this would cause the basketball team to lose games. This discriminatory and  
28



1 wrongful belief was a substantial factor in causing Plaintiffs' harm.

2  
3 31. As a result, the Plaintiffs were harmed. This included, among other things, the  
4 emotional distress, which resulted in the attempted suicide of Layana, giving up her scholarship  
5 and leaving the University and the extreme emotional distress of Haley and the disqualification  
6 of Haley from the basketball team which caused her to give up her scholarship and to leave the  
7 University.

8 32. Defendant Coach Ryan is responsible for his own conduct.

9  
10 33. Defendant Pepperdine University ratified the conduct of Defendant Coach Ryan.

11 34. The University, at the request of Haley and Layana, investigated the  
12 discriminatory and harassing treatment of Plaintiffs. The report found that there was no evidence  
13 supporting Plaintiffs' complaint. The investigation was a cover up. It was not done by an outside  
14 independent investigator. Important witnesses were either not questioned or not asked the  
15 revealing questions.

16 35. Defendants' conduct was severe, pervasive and objectively offensive. Therefore,  
17 the Plaintiffs are entitled to punitive damages.

18  
19 **Harassment**

20  
21 36. Defendant Coach Ryan intentionally harassed the Plaintiffs because they were  
22 lesbians who were having a relationship by including but not limited to the following. He  
23 continually asked questions about their sexual orientation. He encouraged his assistant coaches,  
24 academic coordinator and trainers to ask questions about Plaintiffs' sexual orientation. He  
25 punished the Plaintiffs unfairly for minor violations. The trainers demanded the Plaintiffs furnish  
26 their complete current and future gynecologist medical report for no legitimate reason. He  
27 refused to allow Layana to attend basketball practice because of her injury. He refused to process  
28 Layana's appeal to the NCAA so that she can play immediately. He refused to allow Haley to

1 play basketball on the basis that she had not provided sufficient medical information on her non-  
2 basketball injury. He refused to help Haley to get medical clearance form the trainers.

3  
4 37. The harassing conduct was so severe, widespread, and persistent that a reasonable  
5 person in Plaintiffs' circumstances would have considered the university's environment to be  
6 hostile or abusive.

7 38. The Plaintiffs considered the university's environment to be hostile and abusive.

8  
9 39. The Plaintiffs were harmed as a result of the harassment. This included, among  
10 other things, the emotional distress that resulted in the attempted suicide of Layana, giving up her  
11 scholarship and leaving the University. The harassment caused Haley the extreme emotional  
12 distress, prevented her from playing basketball and forced her to give up her scholarship and to  
13 leave the University.

14 40. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

15  
16 41. Defendant Coach Ryan is responsible for his own conduct and for that of his  
17 assistant coaches and trainers and academic coordinator who were under his control and  
18 direction.

19 42. Defendant Pepperdine University ratified the conduct of Defendant Coach Ryan,  
20 his assistant coaches, trainers and academic coordinator.

21  
22 43. The University at the request of Haley investigated the discriminatory and  
23 harassing treatment of Plaintiffs. The report found that there was no evidence supporting  
24 Plaintiffs' complaint. The investigation was a cover up. It was not done by an outside  
25 independent investigator. Important witnesses were either not questioned or not asked the  
26 revealing questions.

27 44. Defendants' conduct was severe, pervasive and objectively offensive. Therefore,  
28 the Plaintiffs are entitled to punitive damages.

1           **Retaliation**

2           45.     Defendant Coach Ryan believed that the Plaintiffs were lesbians who were in a  
3 relationship and would cause the team to lose games, and therefore, he wanted them off the team.  
4 The Plaintiffs complained to the athletic director that Defendant Coach Ryan had harassed and  
5 discriminated against them because he believed that the Plaintiffs were lesbians and who were  
6 dating.  
7

8           46.     The Plaintiffs' reporting of Defendant Coach Ryan's conduct to the athletic  
9 director was a motivating factor for the Defendant Coach to disqualify Haley from the team,  
10 which would result in Layana quitting the team.

11          47.     The Plaintiffs were harmed. This included, among other things, the emotional  
12 distress which resulted in the attempted suicide of Layana, giving up her scholarship and leaving  
13 the University. The harassment caused Haley the extreme emotional distress, prevented her from  
14 playing basketball and forced her to give up her scholarship and to leave the University.  
15

16          48.     Defendants Coach Ryan's retaliatory conduct was a substantial factor in causing  
17 Plaintiffs' harm.

18          49.     Defendant Coach Ryan is responsible for his own conduct and Defendant  
19 Pepperdine University ratified the conduct of Defendant Coach Ryan.  
20

21          50.     The University, at the request of Haley and Layana, investigated the  
22 discriminatory and harassing treatment of Plaintiffs. The report found that there was no evidence  
23 supporting Plaintiffs' complaint. The investigation was a cover up. It was not done by an outside  
24 independent investigator. Important witnesses were either not questioned or not asked the  
25 revealing questions.

26          51.     Defendants' conduct was severe, pervasive and objectively offensive. Therefore,  
27 the Plaintiffs are entitled to punitive damages.  
28

1 **VI. 3<sup>RD</sup> CAUSE OF ACTION: BROUGHT BY PLAINTIFFS AGAINST ALL**  
2 **DEFENDANTS, VIOLATION OF TITLE IX**

3 **Disparate Treatment - Discrimination**

4 52. Plaintiffs incorporate by reference each and every allegation contained in  
5 paragraphs 1 through 51 as though set forth fully herein.  
6

7 53. Defendant Coach Ryan intentionally discriminated against the Plaintiffs by  
8 including but not limited to the following. He continually asked the Plaintiffs and others  
9 questions about Plaintiff's sexual orientation. He encouraged his assistant coaches, academic  
10 coordinator and trainers to ask questions about Plaintiffs' sexual orientation. The trainers  
11 demanded that Plaintiffs furnish their complete current and future gynecology medical records.  
12 Haley was pressured to sign a release form that would allow the trainers access to her  
13 gynecology records for the next seven years. Coach Ryan punished the Plaintiffs unfairly for  
14 minor violations. He refused to allow Layana to attend basketball practice because of her injury.  
15 He refused to process Layana's appeal to the NCAA so that she can play immediately. He refused  
16 to allow Haley to play basketball on the basis that she had not provided sufficient medical  
17 information on her non-basketball injury. He refused to help Haley to get medical clearance form  
18 the trainers.

19 54. Pepperdine University was aware of Coach Ryan and his assistant basketball  
20 coaches, academic coordinator and trainers' discrimination and ratified it.  
21

22 55. The plaintiffs received disparate treatment as they were treated differently than the  
23 other students in the University including but not limited to the following. Other students were  
24 not subject to pervasive questioning about their sexual orientation. No other team players were  
25 required to submit their gynecology medical records. Other players were not punished unfairly  
26 for minor violations and/or given lesser punishments. Other injured players were allowed to  
27 attend basketball practice. Appeals to the NCAA so that the basketball players could play  
28 immediately were routinely and immediately processed for other players. Haley did provide

1 sufficient medical information to the trainers about her non-basketball injury. Other players were  
2 not required to provide more than minimal amount of medical documentation for non-basketball  
3 injuries. Other players would have the support of their coaches in getting medical clearance from  
4 the trainers.

5  
6 56. Defendants' motive in the discrimination was to get the Plaintiffs off the  
7 basketball team because they were lesbians who were in a relationship. Defendant Coach Ryan  
8 believed that this would cause the basketball team to lose games. This discriminatory and  
9 wrongful belief was a substantial factor in causing Plaintiffs' harm.

10 57. As a result, the Plaintiffs were harmed. This included, among other things, the  
11 emotional distress, which resulted in the attempted suicide of Layana, giving up her scholarship  
12 and leaving the University and the extreme emotional distress of Haley and the disqualification  
13 of Haley from the basketball team which caused her to give up her scholarship and to leave the  
14 University.

15 58. Defendant Coach Ryan is responsible for his own conduct.

16  
17 59. Defendant Pepperdine University ratified the conduct of Defendant Coach Ryan.

18  
19 60. The University, at the request of Haley and Layana, investigated the  
20 discriminatory and harassing treatment of Plaintiffs. The report found that there was no evidence  
21 supporting Plaintiffs' complaint. The investigation was a cover up. It was not done by an outside  
22 independent investigator. Important witnesses were either not questioned or not asked the  
23 revealing questions.

24 61. Defendants' conduct was severe, pervasive and objectively offensive. Therefore,  
25 the Plaintiffs are entitled to punitive damages.

26  
27 **Harassment**

28 62. Defendant Coach Ryan intentionally harassed the Plaintiffs because they were

1 lesbians who were having a relationship by including but not limited to the following. He  
2 continually asked questions about their sexual orientation . He encouraged his assistant coaches,  
3 academic coordinator and trainers to ask questions about Plaintiffs' sexual orientation. He  
4 punished the Plaintiffs unfairly for minor violations. The trainers demanded the Plaintiffs furnish  
5 their complete current and future gynecologist medical report for no legitimate reason. He  
6 refused to allow Layana to attend basketball practice because of her injury. He refused to process  
7 Layana's appeal to the NCAA so that she can play immediately. He refused to allow Haley to  
8 play basketball on the basis that she had not provided sufficient medical information on her non-  
9 basketball injury. He refused to help Haley to get medical clearance form the trainers.

10  
11 63. The harassing conduct was so severe, widespread, and persistent that a reasonable  
12 person in Plaintiffs' circumstances would have considered the university's environment to be  
13 hostile or abusive.

14 64. The Plaintiffs considered the university's environment to be hostile and abusive.

15  
16 65. The Plaintiffs were harmed as a result of the harassment. This included, among  
17 other things, the emotional distress that resulted in the attempted suicide of Layana, giving up her  
18 scholarship and leaving the University. The harassment caused Haley extreme emotional distress,  
19 prevented her from playing basketball and forced her to give up her scholarship and to leave the  
20 University.

21 66. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

22  
23 67. Defendant Coach Ryan is responsible for his own conduct and for that of his  
24 assistant coaches and trainers and academic coordinator who were under his control and  
25 direction.

26 68. Defendant Pepperdine University ratified the conduct of Defendant Coach Ryan,  
27 his assistant coaches, trainers and academic coordinator.  
28

1           69.     The University, at the request of Haley and Layana, the discriminatory and  
2 harassing treatment of Plaintiffs. The report found that there was no evidence supporting  
3 Plaintiffs' complaint. The investigation was a cover up. It was not done by an outside  
4 independent investigator. Important witnesses were either not questioned or not asked the  
5 revealing questions.

6           70.     Defendants' conduct was severe, pervasive and objectively offensive. Therefore,  
7 the Plaintiffs are entitled to punitive damages.  
8

9           **Retaliation**

10          71.     Defendant Coach Ryan believed that the Plaintiffs were lesbians who were in a  
11 relationship and would cause the team to lose games, and therefore, he wanted them off the team.  
12 The Plaintiffs complained to the athletic director that Defendant Coach Ryan had harassed and  
13 discriminated against them because he believed that the Plaintiffs were lesbians and who were  
14 dating.  
15

16          72.     The Plaintiffs' reporting of Defendant Coach Ryan's conduct to the athletic  
17 director was a motivating factor for the Defendant Coach to disqualify Haley from the team,  
18 which would result in Layana quitting the team.

19          73.     The Plaintiffs were harmed. This included, among other things, the emotional  
20 distress which resulted in the attempted suicide of Layana, giving up her scholarship and leaving  
21 the University. The harassment caused Haley the extreme emotional distress, prevented her from  
22 playing basketball and forced her to give up her scholarship and to leave the University.  
23

24          74.     Defendants Coach Ryan's retaliatory conduct was a substantial factor in causing  
25 Plaintiffs' harm.

26          75.     Defendant Coach Ryan is responsible for his own conduct and Defendant  
27 Pepperdine University ratified the conduct of Defendant Coach Ryan.  
28

