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**Ninth Circuit Court of Appeals Finds Sweetwater Union High School District in Violation of
Title IX**

Girls at Castle Park High School Will Now Have Equal Access to Sports Opportunities

(San Diego, CA) Today, the Ninth Circuit Court of Appeals affirmed the trial court's ruling that Sweetwater Union High School District is out of compliance with Title IX of the 1972 Education Amendments, which bars sex discrimination in education, including athletic programs. By affirming the lower court's decision, the Ninth Circuit ensured that girls at Castle Park High School will finally be given the equal access to athletics that they deserve.

The student plaintiffs in the class action lawsuit *Ollier v. Sweetwater Union High School, et al.*, which was filed in 2007 by the Legal Aid Society-Employment Law Center (LAS-ELC), the California Women's Law Center (CWLC), and Manatt, Phelps & Phillips, LLP, sued Sweetwater Union High School District for injunctive and declaratory relief under Title IX.

In 2009, U.S. District Court Judge M. James Lorenz found that the School District violated Title IX by failing to provide girls with equal athletic participation opportunities at Castle Park High School in the Sweetwater Union High School District.

In February 2012, after a ten-day trial, Judge Lorenz also found that the School District violated Title IX by failing to provide girls with equal athletic facilities, coaching and publicity, among other things. Judge Lorenz further found that the School District unlawfully retaliated against the girls by, among other things, terminating the well-liked softball coach.

The School District had urged the appellate court to reverse all the District Court's rulings and had advanced a novel, wholly unsupported approach to the way Title IX is applied to determine compliance with its mandate to provide equal participation opportunities to girls. The Court of Appeals rejected the School District's argument and affirmed longstanding Title IX guidance from the U.S. Department of Education.

In addition, the Court of Appeals affirmed the lower court's finding that the School District retaliated against the class of female athletes when it fired their softball coach and took other adverse actions against them. This type of retaliation claim has rarely been brought and this decision is an important recognition of the breadth of Title IX's anti-retaliation protections.

Ninth Circuit Court of Appeals Judge Gould's 46-page unanimous opinion issued today concludes: "We reject Sweetwater's attempt to relitigate the merits of its case. Title IX levels the playing fields for female athletes. In implementing this important principle, the district court committed no error."

"I believe the outcome of this case has major implications for girls throughout the country who are being denied the benefits of equal athletic opportunities," said Elizabeth Kristen, LAS-ELC Senior Staff Attorney, who argued the case in the Ninth Circuit. "The skills that young women gain from sports participation, including teamwork, leadership and discipline, are crucial to their later success in higher education and employment. The Ninth Circuit's ruling shows school districts throughout the country that Title IX violations will not be tolerated."

"I am so happy to have played a role in ensuring that other young women will have a fair opportunity to participate in athletic programs at their schools and experience the same growing sense of pride, self-respect and confidence that I did from playing competitive sports," said Veronica Ollier, one of the student plaintiffs in the case.

"This is an important victory that hopefully sends a clear message to high school administrators everywhere that unfair, second-class treatment of female athletes must be eliminated," said Cacilia Kim, CWLC Senior Staff Attorney. "All athletes, no matter their gender, deserve and are guaranteed an equal playing field under Title IX. We are proud to support our courageous student plaintiffs in this fight and are happy they got their day in court and won."

"The Ninth Circuit's decision today is a significant victory, not only for the plaintiffs in this case and current and future female athletes at Castle Park High School, but also for all students seeking to take advantage of the equal athletic opportunities that Title IX requires," said Joanna S. McCallum, a partner with Manatt, Phelps & Phillips, LLP. "The decision confirms that schools cannot evade Title IX's requirements by relying on irrelevant numbers and inadequate efforts to ensure equal participation opportunities and equal facilities for all student athletes."

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About the Legal Aid Society-Employment Law Center

The Legal Aid Society-Employment Law Center protects the rights and economic self-sufficiency of low-income workers and their families throughout the Bay Area, California, and nationwide. Within LAS-ELC, Fair Play for Girls in Sports aims to ensure that girls in grades K-12 participate equally in school and community sports so they may reap the lifelong rewards of athletic involvement. For more information, visit www.las-elc.org.

About the California Women’s Law Center

Since its founding in 1989, the California Women’s Law Center (CWLC) has worked to eliminate the barriers that keep women and girls in poverty. CWLC advances systemic reforms through gender discrimination, health, violence against women, and reproductive justice initiatives, ensuring that life opportunities for women and girls are free from unjust social, economic, and political constraints. CWLC is a leader in Title IX education and enforcement in California at the high school level. For more information, visit www.cwlc.org.

About Manatt, Phelps & Phillips, LLP

Manatt, Phelps & Phillips, LLP, is one of the nation’s leading law and consulting firms, with offices strategically located in California (Los Angeles, Orange County, Palo Alto, San Francisco and Sacramento), New York (New York City and Albany) and Washington, D.C. The firm represents a sophisticated client base — including Fortune 500, middle-market and emerging companies — across a range of practice areas and industry sectors. For more information, visit www.manatt.com.