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FRESNO STATE

Fresno State loses latest round in Title IX lawsuit filed by former women's lacrosse players

BY ROBERT KUWADA

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Coming up: Athletes File Lawsuit Against NCAA Over Transgender Policies



A senior U.S. District Court judge has granted a motion for class certification by the plaintiffs in a Title IX lawsuit brought against Fresno State by members of its former women's lacrosse program, while denying the university's latest motion to dismiss a case that started in 2021.

"I think this is an important victory for the women athletes at Fresno State," said the plaintiff's attorney Arthur Bryant, with the Malibu-based Clarkson Law Firm. "It has taken a long time to get this case moving forward, but the time has finally arrived and now we're going to be able to discover the facts and make sure Fresno State complies with Title IX and stops discriminating against its female student-athletes."

The university issued a brief statement on the ruling by the senior U.S. District Court judge Kimberly J. Mueller, which was released on Monday. "Fresno State has no further comment. We are reviewing the court decision," a university spokesperson said.

TOP VIDEOS

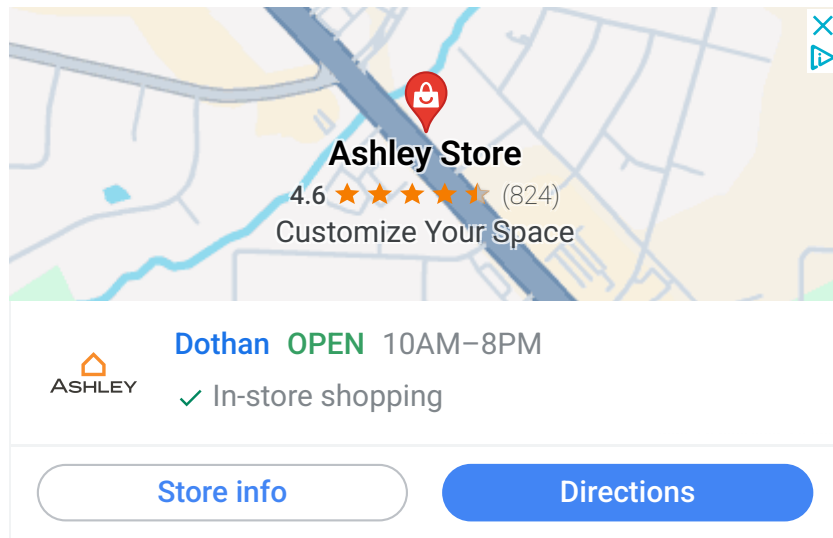
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Fresno State had filed a motion to dismiss the case, arguing that plaintiffs Taylor Anders and Courtney Walburger have graduated and their claims are now moot. The women's lacrosse program was [eliminated at the end of the 2020-21](#) academic year, along with the wrestling and men's tennis programs. [The Bulldogs' final lacrosse game](#) or match was before a COVID-19 shutdown in March 2020, when spring sports seasons were canceled.

The original complaint in the case was filed in February 2021, alleging [Fresno State violated Title IX](#) by failing to provide its female student-athletes effective accommodation by not allowing them an opportunity to equally participate in varsity athletics, and failing to provide female student-athletes with an equal allocation of financial aid and to provide female student-athletes with the same benefits given to male athletes.

The plaintiffs at that time sought a preliminary injunction, asking the district court to stay elimination of the women's lacrosse program and for the university to treat it equally with the Bulldogs' other sports program.



The judge who was previously assigned to the case [did not block Fresno State](#) from eliminating the program, but did impose a preliminary injunction mandating the university treat women’s lacrosse equally for the remainder of the academic year, setting off nearly four years of amended complaints, motions and rulings. The case was assigned to Mueller in the U.S. District Court for the Eastern District of California in October 2024.

The plaintiffs now seek an injunction that requires Fresno State to abide by Title IX, the federal civil rights law passed in 1972 to ensure male and female students and employees are treated equally and fairly and provide protection from sex-based discrimination in educational programs or activities that receive federal funding.

“Fresno State has delayed judgment day, but judgment day is still coming,” Bryant said. “We hope to ensure that it gets into compliance with Title IX as soon as possible.”

Mueller, the senior U.S. District Court judge, has set a status conference for April 10. The plaintiffs and the university are to file a joint status report with a proposed schedule for the case moving into the merits

phase no later than 14 days before the status conference.

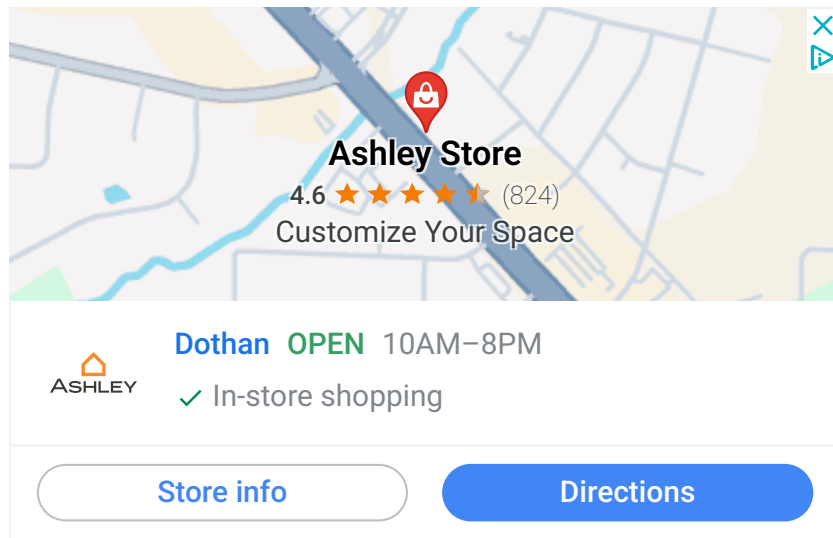


TITLE IX COMPLIANCE QUESTIONED IN LAWSUIT

The plaintiffs sought to certify two classes, and both were granted by Mueller.

The first is for an effective accommodation claim that includes current and future female Fresno State students who have lost membership on a women's varsity intercollegiate athletics team at Fresno State; have sought but not achieved membership on a women's varsity intercollegiate athletics team at Fresno State; and/or are able and ready to seek membership on a women's varsity intercollegiate athletics team at Fresno State but have not done so due to a perceived lack of opportunity.

The second class is based on an equal treatment claim that includes current and future female students who participate or have participated in women's varsity intercollegiate athletics at Fresno State; and/or are able and ready to participate in women's varsity intercollegiate athletics at Fresno State but have been deterred from doing so by the treatment received by female varsity intercollegiate student-athletes at Fresno State.



Fresno State listed 451 student-athletes in 2023-24 with 252 or 55.9% women and 44.1% men, according to the annual athletics revenue and expenses report it submitted to the NCAA. It awarded 210 female student-athletes more than \$4.2 million in scholarship aid and 161 male student-athletes \$3.6 million.

The university enrollment in the fall of the 2023-24 academic year was 59.1% female, according to university data.

“We have said all along that Fresno State needs to comply with Title IX,” Bryant said. “If it needs to add women’s teams or expand women’s teams to do that, then that is what it has to do.

“Fresno State is claiming that is not necessary, and it’s going to be in compliance with Title IX anyway. If that’s true, great. What we want is for it to provide gender equity to the male and female student-athletes and if that’s Fresno State’s goal, then we agree on that goal. We just want to make sure it happens.”

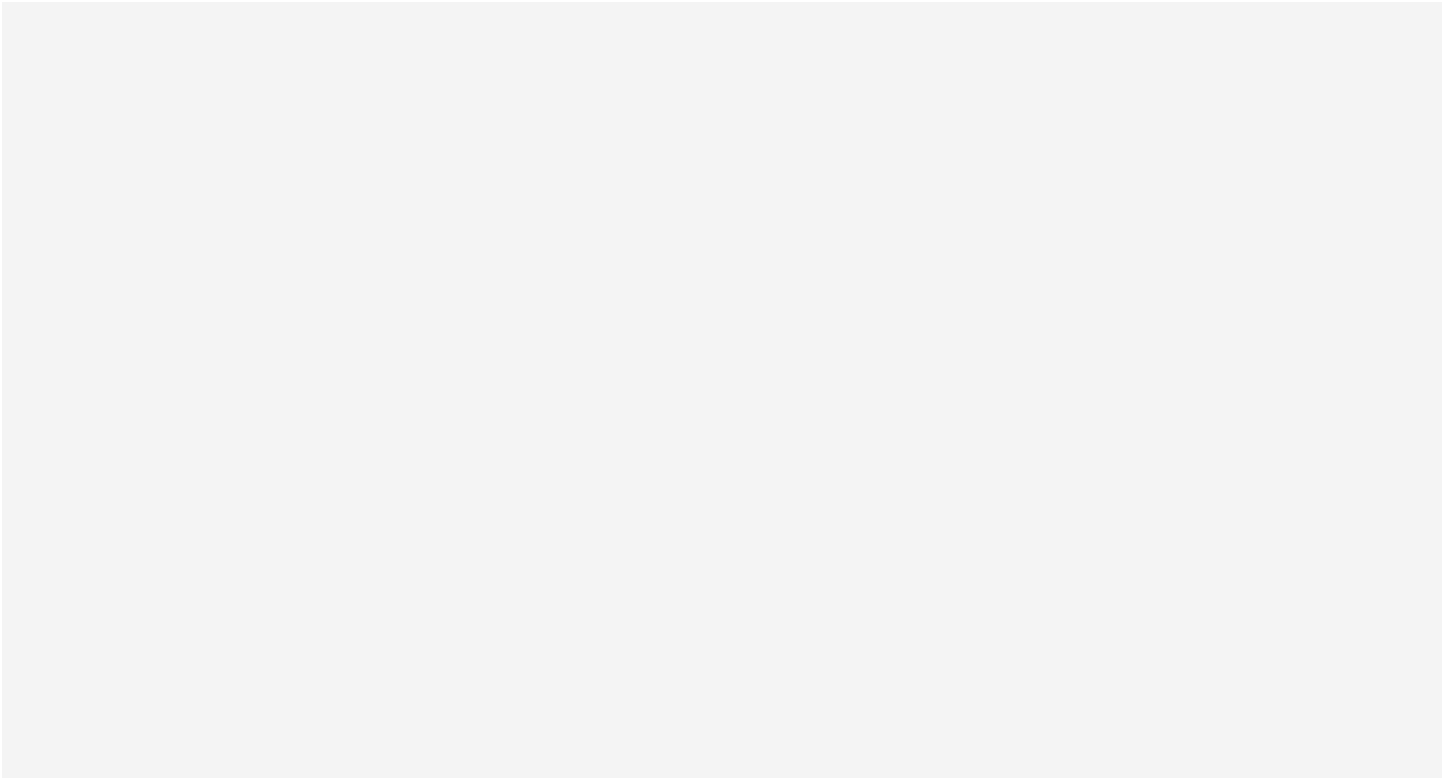


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RK

ROBERT KUWADA
THE FRESNO BEE





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