

Fired Fresno State coach wins \$19M in sex-discrimination lawsuit

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A former Fresno State women's basketball coach was awarded \$19.1 million Thursday in a sexual discrimination lawsuit that alleged she was fired because she advocated for women's rights.

The university argued that Stacy Johnson-Klein was fired because she was abusive, violated NCAA rules and received pain medication from one of her players.

Johnson-Klein told the Fresno Bee the jury's unanimous verdict was a victory for women in general and proof the legal system works.

"It's long, it's hard, it's not for the weak of heart," Johnson-Klein said outside court. "But it works, and I'm just very thankful it worked today."

After an eight-week trial, jurors deliberated about four hours Thursday before returning their verdict.

Fresno State President John Welty said the university plans to appeal.

"This fundamentally has always been an employment case," Welty said in a statement. "The university will always act when the health and welfare of its students is endangered."

The university's lawyer portrayed Johnson-Klein as a self-centered manipulator who ignored her players' welfare and ran roughshod over university policies in her pursuit of money, fame and power.

Johnson-Klein was fired in March 2005 after less than three seasons as the coach of the Bulldogs. She had more than three years left on her contract.

The university said an investigation revealed Johnson-Klein obtained a half-full bottle of Vicodin in September 2004 from one of her players and acknowledged taking one of the pills.

One of her attorneys, Warren Paboojian, said Johnson-Klein had a prescription for the medication because of a car accident, and had run out when she asked the player for the pills.

Johnson-Klein sued, alleging the investigation was launched only after she complained about gender discrimination, sexual harassment and Title IX violations at the school.

Johnson-Klein's lawyers did not immediately return calls from The Associated Press on Thursday.

Thursday's verdict was the second judgment against Fresno State in a sexual discrimination lawsuit this year.

In July, a jury awarded former volleyball coach Lindy Vivas \$5.85 million - which a judge later reduced to \$4.52 million - in a lawsuit claiming she was fired because of her advocacy for gender equity and her perceived sexual orientation.

Vivas was fired in 2004, two years after coaching her team to its best season in history.

University officials had argued Vivas was fired because she didn't meet performance goals and ran a team that often played in empty arenas.



KURT HEGRE / THE FRESNO BEE

Flanked by attorneys Dan Siegel, left, and Warren Paboojian, Stacy Johnson-Klein celebrates her victory Thursday in her civil case against Fresno State. The jury awarded her \$19.1 million.

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Trial shocker: \$19m

Jury says CSUF discriminated against Stacy Johnson-Klein.

By **George Hostetter and Bryant-Jon Anteola / The Fresno Bee**
12/06/07 23:02:58

A jury Thursday awarded \$19.1 million to former Fresno State women's basketball coach Stacy Johnson-Klein in a verdict that was stunning as much for its speed as its size.

After eight weeks of testimony in Johnson-Klein's sexual discrimination trial, the jury of 11 women and one man needed less than four hours of deliberations to unanimously decide the university had discriminated and retaliated against her.

The jurors embraced her lawyers' explanation for her firing nearly three years ago: She's a woman, she was an unrelenting champion of women's equality and Fresno State couldn't tolerate such an employee.

"Vindicated," Johnson-Klein said of her reaction to the jury's verdict while standing in a hall at Fresno County Superior Court. "... For women in general, I think it's a victory to see that there's a justice system in America. You can use it. It's long. It's hard. It's not for the weak of heart. But it works."

Fresno State President John Welty said in a statement: "This fundamentally has always been an employment case. The university will always act when the health and welfare of its students is endangered.

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How the jury in the Stacy Johnson-Klein trial against Fresno State reached its award:

Past economic losses:

\$634,254

Future economic losses:

\$4,440,419

Past noneconomic suffering:

\$3 million

Future noneconomic suffering:

\$11 million

Total:

"I disagree with the decision. We will appeal. But we are determined not to be distracted by it and will continue with the essential work of the university. I am personally committed, and this university is committed, to the well-being of all our students."

\$19,074,673

 [Columnist Jim Boren blogs about a "stunning" verdict](#)

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In his Fulton Mall office an hour after the verdict, Fresno State lawyer Mick Marderosian said he was upset with the verdict.

"I'm embarrassed for my community and for my hometown," Marderosian said.

Thursday's verdict was the third time in five months that the central San Joaquin Valley's largest institution of higher learning suffered an expensive and high-profile blow to its reputation for gender equity.

In July, former volleyball coach Lindy Vivas' sexual discrimination trial ended in a \$5.85 million verdict, later reduced to \$4.52 million. And in October, the university settled the sexual discrimination lawsuit of former associate athletic director Diane Milutinovich for \$3.5 million.

Johnson-Klein lawyer Warren Paboojian said Johnson-Klein several weeks before the trial offered to settle her case for \$950,000, but the university's top offer was \$550,000.

As eye-opening as the Vivas judgment and Milutinovich settlement were, neither came close to matching the jaw-dropping shock of Thursday's verdict.

The jury was charged with answering yes or no to nine questions, ranging from whether Johnson-Klein was a victim of gender discrimination to whether she was sexually harassed because she's a woman.

In the hushed courtroom of Judge Donald S. Black, the court clerk read the jury's decision: Yes.

Nine times.

Johnson-Klein responded with a barely perceptible cry after each affirmative answer.

Then the court clerk read the damages.

Economic losses from Johnson-Klein's firing on March 2, 2005, to the trial's start: \$634,254.

Future economic losses if she hadn't been fired: \$4,440,419.

Noneconomic suffering from the date of the firing to the trial's start: \$3 million.

Noneconomic suffering Johnson-Klein will suffer for the rest of her life: \$11 million.

Total: \$19,074,673.

A bailiff had warned spectators against making any sound when the verdict was read, but the size of these figures overwhelmed the reticence of many Johnson-Klein supporters. Their gasps and the creaking of benches as they shook a neighbor's hand or patted a loved one's back drifted across the courtroom.

The court clerk then polled each juror on all nine legal questions and each individual award of damages. The result was 156 yes votes and not a single no.

Fresno State lawyers Marderosian and Dawn Theodora and university vice president for administration Cynthia Teniente-Matson sat expressionless. To their right, Johnson-Klein wiped away tears with a tissue.

In the hall after the verdict, Johnson-Klein said she couldn't believe what she was hearing from the court clerk.

"I started thanking God. I started thanking my savior," Johnson-Klein said.

It was fitting that the verdict should be the biggest surprise in a trial full of them.

It was only late Wednesday afternoon that the jury received the case after a day filled with closing arguments and instructions from Black. Jurors didn't begin deliberations until 9 a.m. Thursday, then broke for lunch shortly before noon and returned an hour later.

Shortly before 2 p.m., court officials announced a verdict had been reached.

Johnson-Klein lawyers Paboojian and Dan Siegel, who have more than a half-century of legal experience between them, said their hearts dropped when they got the call.

Siegel said conventional courthouse wisdom is a quick verdict bodes well for the defense.

The Johnson-Klein team entered the courtroom as if going to a funeral. Johnson-Klein sat at the plaintiff's table with a stricken expression. A scowling Siegel swiveled several times in his chair to disgustedly shake his head at Chuck Klein, Johnson-Klein's husband.

Minutes later, there was only joy.

"Next to [losing] one's family, there's nothing worse than destroying a career," Paboojian said. "I think the jury sympathized and understood that."

Fresno State had portrayed Johnson-Klein as a cruel manipulator who had abused her charge as a teacher. The prime example of her unacceptable behavior, the university said, was the October day in 2004 when Johnson-Klein took a half-bottle of prescription painkillers from a player.

Johnson-Klein countered that Fresno State had a long history of treating women in the athletic department as second-class citizens. She said she put up with sexual harassment from her superiors because she didn't want to lose her job, but drew the line when the university refused to treat her program as it did the men's basketball team.

When she talked about filing a complaint with the federal government, Johnson-Klein said, the university concocted a biased investigative report into her alleged transgressions and used it as justification to fire her.

The jury Thursday said history must record Johnson-Klein's version of events as the truth.

Johnson-Klein was an immensely popular coach at Fresno State, filling the tiny North Gym with fans during her first season as coach in 2002-2003 and consistently drawing good crowds to games at the new Save Mart Center in the next season-and-a-half.

She remained a source of admiration Thursday.

"Thank you, Stacy," supporters yelled as she walked from the courtroom to speak with the media.

"I'm just thankful that these people stood by me, and that this man [husband Chuck] put up with a difficult woman at times," Johnson-Klein said. "But we did it."

Fresno State's appeal of the Vivas verdict continues to work its way through the legal system, and Johnson-Klein said she expects more of the same with her judgment.

Milutinovich said she hoped the Cal State University system makes changes in light of Fresno State losing two cases and settling a third in five months.

"I hope the days of discriminatory treatment of women athletes, coaches and staff members are over with today's verdict," Milutinovich said.

Two former Johnson-Klein players who testified for Fresno State were in tears as they exited the courthouse.

"You would think people would have a heart with what we went through and what we testified," Angelica Lopez said. "All the crap that we went through under her was for nothing, and for the jury to give her that much money was absolutely absurd. It doesn't make sense."

Kendra Walker-Roche said incidents that happened under Johnson-Klein were just as painful to relive in testimony. But the trial experience was "even worse" because of "more new rumors and allegations."

"We know how we were treated and how the other coaches were treated, and it was upsetting to see that none of that seemed to matter," Walker-Roche said. "I don't know how she can claim to care about us and allow that to happen."

"It was a harsh situation to deal with. We thought we were coming here to learn more about basketball and become better people. It was flipped on us."

On the Fresno State campus, students and teachers were shocked more by the amount of the judgment than the verdict.

Guy Decatrel, a marketing instructor at Fresno State, said discussing the topic on campus is taboo.

"No one really spoke about the case, but I know everyone wanted to know the outcome," Decatrel said.

A key theme throughout the trial was Johnson-Klein's love for basketball. She and her mother made their own basketball court out of rocks when she was a little girl in Oklahoma, and she grew up to be a high-scoring star in high school and college.

Now 37, Johnson-Klein admits her direct influence on the college basketball industry is probably at an end.

"I don't think you can take basketball out of me," Johnson-Klein said. "I'm going to pursue it through my children. And I'll always have it in my heart."

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Stacy Johnson- Klein looks at her husband, Chuck Klein, after a court victory over Fresno State on Thursday.

No winners, no matter what verdict is reached

Stacy Johnson-Klein trial has led to a series of ugly revelations.

12/05/07 22:32:58

Whatever the jury's verdict in Stacy Johnson-Klein's sexual discrimination suit against Fresno State, the former women's basketball coach emerges from the trial the big loser.

Witness after witness regaled the jurors with allegations of a team meeting that turned into a bizarre sex counseling session, a coach who took prescription drugs from one of her players, financial irregularities, missed practices and other erratic behavior.

Johnson-Klein parried on Tuesday with the charge that a male former assistant coach offered to spin his testimony in her favor in exchange for sex.

It's one of the ugliest pictures to emerge from an athletic department that had patented sordid and scandalous behavior in past years, and Johnson-Klein will likely be the poster child for that unfortunate image, regardless of the outcome of the trial.

Fresno State itself will finish a close second in this battle of losers. The absence of institutional control over the athletic department -- apparent in many past episodes before Johnson-Klein ever hit town -- has led to one ugly revelation after another.

In a previous case, we heard about athletic department officials organizing a party around the theme of "Ugly Women Athletes," and this time we were treated to the grotesque story of several male and female department employees sprawled together across out-of-town hotel beds, sleeping off an evening of dinner and drinking.

Thankfully, the athletic department now seems headed in the right direction.

But in that other era, Johnson-Klein did what the university hired her to do: She brought attention to the women's basketball program and put fans in the seats at the ball games. At some point, she crossed a line, but the university had drawn that line far beyond the normal limits on professional behavior.

So, as we wait for the Superior Court jury's verdict, it's already clear that this costly and ugly episode has nothing but losers. Stacy Johnson-Klein is the winner in that sweepstakes, but the university administration will need years to scrub the stain it has left on itself.

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Today's News

Friday, December 7, 2007

Jury Awards \$19.1-Million to Former Fresno State Coach in Sexual-Discrimination Case

By [BRAD WOLVERTON](#)

A state jury in California awarded \$19.1-million on Thursday to a former women's basketball coach at California State University at Fresno who sued the university, alleging sexual discrimination.

The award, believed to be one of the largest ever to an individual in a discrimination case, represents the third black eye for Fresno State's athletics department in the past five months. In July, a jury awarded \$5.85-million to a former volleyball coach who sued for sexual discrimination; a judge later reduced that award to \$4.5-million ([The Chronicle](#), July 11). In October, Fresno settled a sex-discrimination case filed by a former athletics official for \$3.5-million ([The Chronicle](#), October 15).

Legal experts say the latest ruling sends a clear warning to colleges across the country to treat women equally and to adhere to federal gender-equity law.

The coach, Stacy Johnson-Klein, who was fired in 2005, near the end of her third season, argued that she lost her job because she advocated for women's rights. In an interview on Thursday, she said she felt vindicated by the jury's ruling.

"Oh gosh, it feels so good, it's been such a long battle," she said. "I think for women across the country, this sends a signal that they don't have to tolerate being discriminated against or harassed in the workplace. They have somewhere to go and a system that will help them."

During the eight-week trial, lawyers for Fresno State argued that Ms. Johnson-Klein was fired because she verbally abused her players and violated university policies.

In a written statement, Fresno State said it would appeal the ruling. "This fundamentally has always been an employment case," said John D. Welty, the university's president. "The university will always act when the health and welfare of its students is endangered."

Ms. Johnson-Klein offered Fresno State a chance to settle the case three months ago for \$950,000, said Dan Siegel, one of her lawyers. The university countered with an offer of \$550,000, he said, and the coach decided to take her chances at trial.

In the courtroom, lawyers for Ms. Johnson-Klein described an athletics department in disarray, with top officials repeatedly making sexually discriminatory comments and then firing her after she complained about her program's lack of resources.

Lawyers for the California State University system saw it differently. In her quest for power and fame, they argued, Ms. Johnson-Klein mistreated her players and subordinates and cheated on her expense reports.

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The 12-member jury, which included 11 women, took four hours to decide where they stood. On all 13 counts against the university, they sided unanimously with the coach.
