



FRESNO BEE FILE

Margie Wright complained of gender discrimination.

## Fresno State settles with softball coach for \$605k

By George Hostetter / The Fresno Bee

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Tackling a contentious and expensive gender-discrimination complaint for the fourth time in a year, Fresno State announced Friday that it has reached a settlement with softball coach Margie Wright.

The settlement's cost is \$605,000, raising the pending bill to Fresno State and the California State University system from a series of gender-discrimination legal victories by current or former female employees to nearly \$16 million.

Nor is the university's long and tumultuous journey through the legal system at an end. Fresno State wants a new trial in the gender-discrimination lawsuit of former volleyball coach Lindy Vivas, who has a \$4.52 judgment in her favor.

It's not clear the precise nature of Wright's concerns. She never filed a lawsuit, and neither side revealed many details on Friday, with Wright's lawyer citing a confidentiality agreement.

But enough emerged to make clear that Wright was upset with many of the same issues that angered former athletic department colleagues so much that they did file suit: alleged differences in pay between male and female coaches, unequal treatment for female athletes and fear of retaliation for advocating gender equity.

Fresno State's settlement with Wright, signed June 24 after two days of negotiations orchestrated by a professional mediator, apparently concludes a legal fight that threatened to erupt into yet another high-profile lawsuit against the university.

### MORE INFORMATION

 [Archive of stories about lawsuits brought against Fresno State by female coaches and athletics staff.](#)

The conflict became public only in January when Oakland lawyer Dan Siegel said Wright had retained him to press her concerns.

On Friday, Fresno State and Wright said they see only bright days ahead.

"I am pleased to have these issues behind me," Wright said in a written statement released by Fresno State. "I trust the administration's assurances of support, including facilities improvements for the softball program. I look forward to continued success with the Fresno State softball program in the coming years."

In a written statement, Fresno State athletic director Thomas Boeh said he is pleased with a settlement that enables Bulldogs softball and the university's athletics program to move forward.

"Coach Wright is a tremendous asset to the athletics program and our community, and we believe it to be important to support this financial resolution that closes those issues for good," Boeh said.

Wright leads National Collegiate Athletic Association Division I softball coaches with 1,307 career wins. Her 1998 squad won the 1998 College World Series, the university's first Division I team championship.

The settlement's cost is divided into four areas:

Approximately \$157,000 cash paid to Wright.

\$250,000 for an annuity that will pay Wright beginning in September about \$2,500 per month for 10 years.

Approximately \$153,000 to purchase an additional five years of service credit in Wright's retirement program.

\$45,000 in fees for Wright's attorneys.

"I think everybody is happy that this case is settled," Siegel said.

Added Susan Westover, a lawyer for the California State University system who represented Fresno State: "We are all very happy to be able to avoid litigation with Coach Wright and move forward in a positive direction. We are encouraged that what is in the past is really in the past."

Westover said in an e-mail that indoor batting cages for the softball program are being designed and construction will begin soon.

Wright signed a three-year contract extension in December, giving her a five-year deal running through the 2012 season. The university at the time did not reveal terms of the contract.

Both sides declined to say why Wright's salary concerns were not settled prior to signing the contract extension.

After the extension was signed, Westover said on Friday, Wright again raised the issue of her salary. That is why it became part of settlement talks, Westover said.

In an e-mail, Westover said Fresno State "did not feel a salary increase based on gender-equity concerns was warranted because Coach Wright continues to be in the top 5 highest paid softball coaches in the NCAA. She is close to the top of the market for softball coach compensation."

To resolve the dispute, Westover said, Fresno State agreed to pay Wright some money now and some in the future, and to increase her retirement benefits, "all in a showing of our good faith and to show Coach Wright that we view her as a valuable and integral part of the Fresno State athletics program."

Siegel said Wright's concern was that her salary was not equivalent to "similarly situated male coaches" at Fresno State.

Siegel said Wright's concerns "were nearly identical to claims of [former volleyball coach] Lindy Vivas and [former associate athletic director] Diane Milutinovich regarding her treatment in the athletic department going back to 1992."

Vivas and Milutinovich did file lawsuits, and they painted a picture of a male-dominated Fresno State athletic department that allegedly short-changed female athletes, female coaches and women's sports, despite federal law mandating gender equity.

These abuses, Vivas and Milutinovich alleged in lawsuits and trial testimony, included retaliation for their gender-equity advocacy plus unequal facilities and financial support for women's sports.

Vivas' lawsuit went to trial and in July 2007 a jury awarded her \$5.85 million. A judge later reduced the award to \$4.52 million, which Vivas accepted. Fresno State's appeal remains active.

Fresno State reached a \$3.5 million pre-trial settlement with Milutinovich.

A third lawsuit making similar allegations was filed by former women's basketball coach Stacy Johnson-Klein. In December, a jury awarded Johnson-Klein \$19.1 million, later reduced by a judge to \$6.6 million. The two sides reached a settlement in June worth \$9 million to Johnson-Klein, but the cost to Fresno State is \$7.3 million because a portion will be spread over 23 years.

Vivas said she was fired in 2004; the university said her contract was not renewed. Milutinovich left the university in 2006, saying she had been fired; the university said she had been placed on administrative leave. Johnson-Klein was fired in 2005; Fresno State said she had violated university policies, while Johnson-Klein said she was a victim of retaliation.

Fresno State denied the allegations in all three lawsuits.

If Wright had sued and gone to trial, the testimony most likely would've been dramatic, if familiar.

Testifying in June 2007 at Vivas' trial, Wright said she came upon a party going on in a university office in June 2000 that included a poster saying "Ugly women's athletes day." The poster had stick figures of female athletes with photos of school administrators' heads pasted on top.

The "Ugly women's athletes day" issue was also raised during the Johnson-Klein trial.

At the Vivas trial, Wright was on the verge of testifying that Fresno State baseball players in the era before current coach Mike Batesole allegedly called the Bulldogs softball team "dykes on spikes."

Fresno State's attorney objected, and the judge did not allow Wright to make the allegation. Outside the courtroom, Wright confirmed she wanted to tell the jury what the baseball players allegedly had called her players.

Wright also said outside the courtroom: "There were so many things that went on that was just unbelievable, and really affected whether the women were treated equally."

All this was the background during the June mediation between Wright and Fresno State.

"I'm sure [Fresno State] didn't want to be in litigation with such a popular and successful and highly respected coach," said Siegel, who also represented Vivas, Milutinovich and Johnson-Klein.

Said Westover: "We came out [of mediation] with this very positive resolution."

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