

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Shannon Miller,  
Jen Banford, and  
Annette Wiles,

Case No. 15-cv-3740 (RHK/LIB)

Plaintiffs,

**PLAINTIFFS' STATEMENT  
OF THE CASE**

vs.

The Board of Regents of the  
University of Minnesota,

Defendant.

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Plaintiffs Shannon Miller, Jen Banford and Annette Wiles respectfully submit this Statement of the Case per the Court's December 18, 2015 Amended Pretrial Notice and Order.

**A. Concise Statement of Facts**

Plaintiffs, three former athletics coaches for the University of Minnesota-Duluth, bring this action against the University alleging illegal discrimination on the basis of their gender, sexual orientation, age and/or national origin, discrimination by an educational institution receiving federal assistance, reprisal because of their reporting of that discrimination, creation of a hostile work environment, violation of federal and state equal pay statutes, and violation of the Minnesota Whistleblower Act. Plaintiffs Miller and Banford were notified in December of 2014 that their respective coaching positions would not be renewed, and Plaintiff Wiles was forced by the University to resign from her respective coaching position. These adverse employment actions occurred as a result of Plaintiffs' gender, sexual orientation, age, and/or national origin.

During the time that Plaintiffs were employed by the University of Minnesota-Duluth, each was subjected to numerous instances of discrimination, hostility, retaliation and unfair practices by the University based on their gender, sexual orientation, age and/or national origin. There were also multiple instances of unfair and unlawful practices involving funding disparities between the women's and men's athletic teams at the University of Minnesota-Duluth.

Plaintiffs raised concerns regarding the discrimination and illegal practices to officials at the University of Minnesota-Duluth to no avail. In fact, after notifying University officials, each Plaintiff was retaliated against based on their reporting of the infractions and the University took no remedial action.

**B. Listing of Particularized Facts Supporting Claimed Liability**

Plaintiff Shannon Miller is a woman from Canada, is 51 years old, and identifies as gay. Plaintiff Jen Banford is also a woman from Canada, is 34 years old, and identifies as gay. Plaintiff Annette Wiles is a woman, is 46 years old, and identifies as gay. The University of Minnesota-Duluth was aware of these characteristics and, because of them, took adverse employment actions against Plaintiffs and created a discriminatory and hostile work environment for each Plaintiff.

Prior to Plaintiffs Miller and Banford being notified that their coaching contracts with the University of Minnesota-Duluth would not be renewed in December of 2014, allegedly due to "strictly financial reasons," each had achieved a high level of success in regards to their teams' performance. Shannon Miller, the first ever head coach of the University's women's hockey team, had amassed a .707 winning percentage over 16

seasons and won five NCAA Division I national championships. Jen Banford, the head coach of the women's softball team and part-time director of the women's hockey team, had accomplished a .639 winning percentage over the span of ten seasons. Prior to resigning due to the hostile and discriminatory work environment created by the University of Minnesota-Duluth, Annette Wiles' cumulative winning percentage for her women's basketball team was .559. This complimented her team's 100% graduation rate and her team had the highest team GPA in six out of the seven years she served as head coach.

Based on Plaintiffs' gender, sexual orientation, age and/or national origin, each Plaintiff experienced and reported separate and distinct instances of discrimination to University of Minnesota-Duluth Athletics Department and Human Resource officials at different times before December of 2014. None of these reported violations resulted in remedial action by the University of Minnesota-Duluth. In fact, after they reported the illegal conduct, each Plaintiff was subjected to additional, heightened instances of discriminatory and retaliatory action by University of Minnesota-Duluth officials.

Each Plaintiff also experienced funding disparities between their programs, as compared to the comparable men's programs at the University of Minnesota-Duluth. As limited examples, Miller had a yearly coaching salary at least \$93,241 less than the men's coach, Scott Sandelin. Nonetheless, prior to being notified her coaching contract would not be renewed, and although Miller was willing to take a pay reduction, she was not asked to do so. Banford had her team's equipment "held hostage" without good cause during a highly competitive time during their season. Wiles' team was allotted funds to

play a 26-game schedule, while the men's basketball program was given funding to allow for a 28-game schedule. Wiles' players also wore uniforms for 4-5 seasons, while the men's program received new uniforms each year. Further, economic data has shown an average disparity of \$47,667 between men's and women's coaches of similar teams.

Although Plaintiffs Miller and Banford were non-renewed in their respective coaching positions, and although Plaintiff Wiles was forced to resign due to the hostile work environment, no male, straight, and/or under 40 year old Division I or II coaches were terminated at the University of Minnesota-Duluth.

### **C. Itemization of Damages**

Because Defendant's conduct has caused ongoing damages for each Plaintiff, it is not possible to provide an accurate itemization of damages at this time. However, Plaintiffs' have reasonably calculated their aggregate losses to be approximately \$18,000,000. This figure represents damages to Plaintiff Miller in the amount of \$8,000,000; damages to Plaintiff Banford in the amount of \$5,000,000; and damages to Plaintiff Wiles in the amount of \$5,000,000.

[SIGNATURE PAGE FOLLOWS.]

Respectfully submitted,

Dated: January 20, 2016

**FAFINSKI MARK & JOHNSON, P.A.**

By:           s/Donald Chance Mark, Jr.            
Donald Chance Mark, Jr. (#67659)  
Andrew T. James (#0390982)  
Christopher R. Sall (#0395633)  
Flagship Corporate Center  
775 Prairie Center Drive, Suite 400  
Eden Prairie, MN 55344  
Phone (952) 995-9500  
Fax (952) 995-9577  
*donald.mark@fmjlaw.com*  
*andrew.james@fmjlaw.com*  
*christopher.sall@fmjlaw.com*

**Attorneys for Plaintiffs**

*AND*

**SIEGEL & YEE**

Dan Siegel  
Jane Brunner  
Jalle Dafa  
499 14th Street, Suite 300  
Oakland, California 94612  
Phone (510) 839-1200  
Facsimile (510) 444-6698  
*dansiegel@siegelyee.com*  
*janebrunner@siegelyee.com*  
*jalle@siegelyee.com*

**Attorneys Pro Hac Vice for Plaintiffs**