

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Taylor Anders, et al. v. California State University, Fresno, et al.

No. 1:21-cv-00179 KIM BAM (E.D. Cal. Mar. 7, 2025) · No. No. 1:21-cv-00179 KIM BAM · Decided March 10, 2025

SUMMARY

The United States District Court for the Eastern District of California considers Fresno State’s motion to dismiss a Title IX putative class action as moot and the plaintiffs’ renewed motion for class certification. The court holds that the claims are not moot under the inherently transitory and relation-back principles and addresses the requirements for certifying classes concerning effective accommodation and equal treatment in women’s varsity intercollegiate athletics. The excerpt indicates that the court denies the motion to dismiss and grants the motion for class certification.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 10, 2025
DOCKET	No. 1:21-cv-00179 KIM BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought a putative class action alleging that Fresno State violated Title IX by failing to effectively accommodate female varsity athletes and by denying them equal treatment. The court considered Fresno State's motion to dismiss for mootness and plaintiffs' renewed motion for class certification.
STANDARD OF REVIEW	Mootness and Article III justiciability were addressed as jurisdictional issues. Class certification was evaluated under Federal Rule of Civil Procedure 23 through the required rigorous analysis, with adequacy reviewed for actual rather than speculative conflicts.
PRECEDENTIAL VALUE	unpublished
PARTIES	Taylor Anders, Courtney Walburger, putative class members v. California State University, Fresno, Fresno State defendants

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the named plaintiffs' graduation mooted the putative class action and required dismissal under Article III.
2. Whether the claims related back to the filing of the complaint under the inherently transitory exception to mootness.
3. Whether plaintiffs' motion for class certification was timely.
4. Whether the proposed effective-accommodation and equal-treatment classes satisfied Rule 23(a)'s numerosity, commonality, typicality, and adequacy requirements.
5. Whether the proposed classes satisfied Rule 23(b)(2), including whether ascertainability is a prerequisite to certification.
6. Whether the proposed class counsel satisfied Rule 23(a)(4) and Rule 23(g).

HOLDINGS

1. The effective-accommodation claim was not moot because the challenged injury was inherently transitory and capable of repetition yet evading review.
2. The equal-treatment claim was not moot because the named plaintiffs retained an interest in appealing the initial denial of class certification, and the claim was also inherently transitory.
3. Plaintiffs' motion for class certification was timely because it complied with the scheduling order and the district's local rules.
4. Both the effective-accommodation class and the equal-treatment class satisfied Rule 23(a)'s numerosity, commonality, and typicality requirements.
5. Anders and Walburger were adequate representatives of both proposed classes because no actual conflict existed between their interests and those of the class, and they demonstrated sufficient knowledge and willingness to prosecute the action vigorously.
6. The Clarkson Law Firm and Caddell & Chapman satisfied the adequacy requirements and were appointed as class counsel and co-counsel.
7. Both proposed classes satisfied Rule 23(b)(2) because the alleged Title IX violations constituted conduct generally applicable to the classes and plaintiffs sought classwide injunctive relief.
8. Ascertainability is not an independent prerequisite to certification under Rule 23(b)(2).

KEY QUOTATIONS

“The court finds the inherently transitory principle applies to the effective accommodation claim.” (at 3)

“For these reasons, the court finds the class claims relate back to the original date of the filing of the complaint and are not moot.” (at 16)

“The court finds that Anders and Walburger are adequate named representatives for both the effective accommodation class and the equal treatment class.” (at 24)

“All that is required is that plaintiffs meet the demands of Rule 23(a), 23(g) and Rule 23(b).” (at 31)

FACTUAL BACKGROUND

Fresno State eliminated men's wrestling, men's tennis, and women's lacrosse at the end of the 2020-2021 academic year. Female lacrosse players alleged that Fresno State failed to provide effective accommodation and equal treatment to female varsity athletes in violation of Title IX. The named plaintiffs later graduated, but the litigation and class-certification proceedings continued for several years. Plaintiffs sought injunctive relief requiring Fresno State to comply with Title IX for current and future female student-athletes, rather than reinstatement of the women's lacrosse team.

PROCEDURAL HISTORY

Plaintiffs filed the action in February 2021 and obtained a preliminary injunction requiring equal treatment of the women's lacrosse team for the remainder of the 2020-2021 academic year, although the court did not block elimination of the team. The court dismissed the financial-aid claim with prejudice but allowed the effective-accommodation and equal-treatment claims to proceed. The court initially denied class certification without prejudice, and later denied reconsideration. The Ninth Circuit vacated that denial and remanded for further consideration. After the named plaintiffs graduated, Fresno State moved to dismiss as moot, and plaintiffs renewed their motion for class certification. The district court denied dismissal, certified both proposed Rule 23(b)(2) classes, and appointed Clarkson Law Firm and Caddell & Chapman as class counsel.

DISPOSITION

other

CASES CITED

- United States v. Sanchez-Gomez, 138 S. Ct. 1532, 1537 (2018)
- Belgau v. Inslee, 975 F.3d 940, 949 (9th Cir. 2020)
- Sosna v. Iowa, 419 U.S. 393, 402 (1975)
- U.S. Parole Comm'n v. Geraghty, 445 U.S. 388, 403-04 (1980)
- Gerstein v. Pugh, 420 U.S. 103, 110 n.11 (1975)
- Pitts v. Terrible Herbst, Inc., 653 F.3d 1081, 1090, 1093 (9th Cir. 2011)
- Johnson v. Rancho Santiago Cmty. Coll. Dist., 623 F.3d 1011, 1019 (9th Cir. 2010)
- Biodiversity Legal Found. v. Badgley, 309 F.3d 1166, 1173 (9th Cir. 2002)
- Greenpeace Action v. Franklin, 14 F.3d 1324, 1329 (9th Cir. 1993)

- Fisk v. Bd. of Trs. of the Cal. State Univ., No. 22-cv-173, 2023 WL 6051381, at *12 (S.D. Cal. Sept. 15, 2023)
- A.B. by C.B. v. Haw. State Dep't of Educ., 334 F.R.D. 600, 605 (D. Haw. 2019), rev'd and remanded on other grounds, 30 F.4th 828 (9th Cir. 2022)
- In re NCAA Athletic Grant-in-Aid Cap Antitrust Litig., 311 F.R.D. 532, 539 (N.D. Cal. 2015)
- Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 350-51 (2011)
- Gen. Tel. Co. of Sw. v. Falcon, 457 U.S. 147, 161 (1982)
- Hanlon v. Chrysler Corp., 150 F.3d 1011, 1020 (9th Cir. 1998)
- Soc. Servs. Union, Local 535 Serv. Emps. Int'l Union, AFL-CIO v. Santa Clara County, 609 F.2d 944, 947 (9th Cir. 1979)
- Cummings v. Connell, 316 F.3d 886, 896 (9th Cir. 2003)
- Moeller v. Taco Bell Corp., 220 F.R.D. 604, 611 (N.D. Cal. 2004)
- Sali v. Corona Reg'l Med. Ctr., 909 F.3d 996, 1007 (9th Cir. 2018)
- Kaur v. Things Remembered
- Rodriguez v. Hayes, 591 F.3d 1105, 1125 (9th Cir. 2010)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Diaz v. Garland, 53 F.4th 1189, 1199 (9th Cir. 2022)
- Briseno v. ConAgra Foods, Inc., 844 F.3d 1121, 1125, 1133 (9th Cir. 2017)
- Campbell v. Facebook Inc., 315 F.R.D. 250, 259 (N.D. Cal. 2016)
- Anders v. Cal. State Univ., Fresno, No. 23-15265, 2024 WL 177332, at *2-*3 (9th Cir. Jan. 17, 2024)