

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELIZABETH LAURA CHOIKE, ASHLEY
GUINEVERE STONER, HEATHER
WALBRIGHT, JESSICA STUDENT, JENNIFER
VENET, ELIZABETH PENNING, LAURA A.
SANFORD, EMILY C. CAMPBELL, REBECCA
ZINN, ALISON NICOLE NUCKOLS, SARAH S.
SANDER, and RACHEAL BIENIAS, on behalf of
themselves and all similarly situated individuals;
and JAMES V. YEAMANS,

Plaintiffs,

v.

SLIPPERY ROCK UNIVERSITY OF
PENNSYLVANIA OF THE STATE
SYSTEM OF HIGHER EDUCATION;
ROBERT SMITH, in his official capacity as
President of Slippery Rock University; and
PAUL LUEKEN, in his official capacity as
Director of Athletics of Slippery Rock University,

Defendants.

Civil Action No. _____

DECLARATION OF ELIZABETH CHOIKE

I, Elizabeth Choike, hereby declare:

1. I am a sophomore at Slippery Rock University. I'll be 20 years this month.
2. My father is a Marine, and I've lived in 12 different places in 19 years. My most recent hometown was Fort Leonard Wood in Missouri. I went to three different high schools: Mt. Carmel in San Diego for my freshman and sophomore years; Cumberland Valley in Mechanicsburg, Pennsylvania, for my junior year; and Twentynine Palms High School in Twentynine Palms, California, for my senior year. I had been

looking forward to coming to college and staying in one place for four whole years and not having to say goodbye to anyone.

3. I have been on the swim team and the water polo team for both years I have been at Slippery Rock. I started swimming when I was eight years old. I started playing water polo as a freshman in high school. I love water polo even better than swimming. I like the teamwork. I played both sports in high school, all four years, except I did not play water polo in my senior year of high school because Twentynine Palms did not have a water polo team. That year, I started a recreational water polo team at the Marine base pool, and I played with the Marines.

4. I swam varsity all four years in high school. In my freshman year, I made it to the California Interscholastic Federation level, which only the top swimmers achieve. I repeated that achievement in my senior year.

5. In my junior year, I made the varsity water polo team, and that year our team won the Pennsylvania State Championship.

6. I was recruited to come to Slippery Rock University. It was a very pleasant process. A friend of mine on my junior year water polo team told me about the school and that it had a water polo team, so I decided to check into it. I emailed Coach Yeamans, and my dad helped me talk to him. We knew we were going to be moving to Missouri soon, but we still lived in California at that time, so I was not able to tour the school before making my decision. I turned down offers from other schools—Marymount in Virginia and Purdue. Marymount had even offered me a \$10,000 scholarship for swimming.

7. I decided on Slippery Rock because it had a water polo team. I am a Communications/PR major, and this major can be found almost anywhere, but that is not the case with water polo. Marymount did not offer water polo, and Purdue only has water polo as a club sport. If Slippery Rock had not offered water polo, I never would have known about the school, and I never would have come here.

8. Last year, Slippery Rock gave me a \$400 swimming scholarship and a \$2,500 water polo scholarship. This year, I got a \$1,500 swimming scholarship and a \$2,500 water polo scholarship. In addition, both years I qualified for a \$4,800 reduction in tuition given to out-of-state students for maintaining at least a 3.0 grade point average.

9. I am a captain of the swim team this year. I feel that I am just an average swimmer—I didn't make it to the conference championship this year or last year—but the coach felt that I had personal qualities of leadership that he was looking for in a captain.

10. I am better at water polo than swimming. I am a driver, and I was a starter on the team both years. Our season is going well this year.

11. Last year, the members of the swim team got good grades and got an award for it from Slippery Rock.

12. I would definitely continue to play water polo if the school changed its mind about cutting the team. I want water polo to be a part of my life forever.

13. Slippery Rock has put a lot of money into football, baseball, and basketball. They have built big stadiums and new locker rooms for football and baseball, but our pool was never renovated and our locker rooms are pretty gross. The nickname for the pool area is the Dungeon. It is downstairs, and it is cold, and only three showers in our

locker room have really warm water. The other showers only get a little warm. The locker room is really old and worn out.

14. The school gives us only the bare necessities to play our sport.

15. I found out that water polo and swimming were getting cut on January 30 of this year. It was a complete shock to me.

16. I found out that the school has been talking about cutting sports since 2001, but I was not informed before I decided to turn down other athletic opportunities to come to Slippery Rock. It was unfair not to tell the incoming students. Knowing that water polo was going to be cut after my sophomore year definitely would have influenced my decision about where to go to college.

17. Since I moved around so much throughout my childhood, playing sports was a life-saver. It was the only consistent thing in my life. No matter where I moved, I found a way to continue playing. Now, I can only remain on a varsity water polo team if I transfer and move to a new place again.

18. Even though I really love water polo, I am planning to stay at Slippery Rock. I need to graduate in four years, and I am afraid that some of my credits wouldn't be accepted if I transfer to another school.

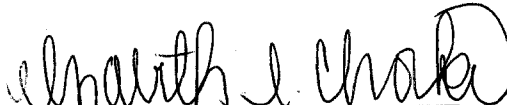
19. It breaks my heart to have to choose between transferring and possibly messing up my education or staying and not getting to do the thing I love. I wanted to tell my kids I played varsity water polo in college.

20. Playing water polo could have been an asset on my resume. I'm going into Public Relations. Being the co-captain of the water polo team means that you are an

achiever, you can get along well with others, and you know how to work hard. Now, my resume is going to raise the question, what happened to you after your sophomore year?

21. A while ago, I researched the Slippery Rock mission statement. It said it had a diverse and unique student body. With all the cuts in athletics, the school is going against its own mission. Twelve out of the 17 girls on the water polo team are from out of state. The school is cutting opportunities for diversity by eliminating this sport.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 9, 2006.


Elizabeth Choike