

Exhibit 6

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 PENNING

I, Elizabeth Penning, hereby declare:

1. I am 20 years old and a sophomore at Slippery Rock University, where I am on the women's swim team.
2. I have been swimming since fifth grade. I went to Gar-field High School, a public high school in Woodbridge, Virginia. I was on three swimming teams in high school: the high school varsity swim team, a club swim team, and a summer league team.

3. I received a lot of recognition for my swimming in high school. In tenth grade, I was in the National Training Group, the highest ranking group for my club swim team. I received the High Point Award for accumulating the most points of any female 15-18 year old swimmer and also the Coach's Award for my club team. I was Most Valuable Player my freshman and junior years for my high school swim team, and I qualified for the state team three out of the four years. I was also a Washington Post All-Area Selection, for which approximately ten of the best swimmers in the Washington area are chosen.

4. I was recruited to come to Slippery Rock. I emailed a bunch of schools and told them my swim times. Andy Waeger, who was the head coach at Slippery Rock, invited me to come visit the school. I stayed with a member of the swim team, and we all went out to dinner and the movies. They showed me around campus and took my parents to breakfast. I really liked them.

5. I was recruited by two other schools: Iona in New York and Adelphi University in New York. I visited both schools. I met the coaches, had dinner with the teams, and went to parties at both schools. I got scholarship offers from both of them and also from Slippery Rock. Slippery Rock's offer was the smallest. It was maybe \$1,700 or \$2,000. Iona offered me more than \$15,000. I pay reduced tuition at Slippery Rock because I have over a 3.00 grade point average. The reduction in tuition costs amounts to about \$4,000 per year.

6. Plenty of other schools offer my major, which is Exercise Science and Physical Therapy. But I chose Slippery Rock because I liked the coach and the other swimmers the best.

7. At Slippery Rock, I continued my swimming career. I have two years of remaining NCAA eligibility. I qualified for the Pennsylvania State Athlete Conference (PSAC) Championship meet both my freshman and sophomore years because my times for the 200 meter breaststroke and 200 meter backstroke were good. I have very much enjoyed my time on the swim team.

8. The swim team members are my best friends. I eat with them, party with them, and work out with them. We are really close, and both Andy and Coach Yeamans have been great.

9. I play a leadership role on the team at Slippery Rock. I organized other members of the swim team to volunteer after the Butler flood in the fall of 2004.

10. Last summer, I had a paid job coaching a summer league swim team in Virginia. This summer, I will be the head coach of a summer league swim team of 150 swimmers aged four to eighteen. I will be the youngest coach in a league of more than 20 teams. I would never have gotten this job if I had not been a college swimmer.

11. Next fall, I'll be volunteering to teach swimming to delinquent kids who have been committed by a court or their parents at a center known as Vision Quest. This whole swimming program was my idea, and I set it up. I'm really excited about it.

12. In the late fall of 2005, we started hearing rumors about athletic teams getting cut at Slippery Rock. But I honestly never believed it would happen to swimming. Almost every college has a swim team.

13. There was a meeting on January 30th that Coach Yeamans called at noon. It was to talk about the future of the teams and to meet with the President, Athletic Director and Vice President. I was in class at the time, so I arrived a little late. I got there for the second half of the meeting. All of the aquatics teams were there.

14. I asked a lot of questions, and none of the answers made sense. I wanted to know exactly how much it would cost to stop the cuts. I said we would try to raise money. The President said that we should not even try. He said we would need to raise \$5 million by July 1, 2006, to stop the cuts. The meeting left a bad taste in my mouth because we saw that our questions wouldn't be answered. For years and years we had been in a facility needing renovations. Why did it have to be fixed this very moment? Why would it cost more than \$5 million to keep our team?

15. After the meeting, some of the athletes had meetings trying to work out what to do. We formed a group called Student Athletes for Reconsideration. We held a rally, meetings, and a petition drive. But the whole thing happened so fast, and the decision had already been made before we were told about it. The coaches had been told not to get involved. Besides, we have been told that no matter what we do, there is no way we will ever get our teams back.

16. My dad wants me to transfer, but I do not want to leave because all of my friends and my college experiences are here. I am worried that if I transfer to another school, some of my credits will not be accepted. Besides, some schools require people in my major to take courses I have not taken, which Slippery Rock

does not require, such as calculus, extra math, and extra science courses. Having to take those courses would get in the way of my graduating on time.

17. Slippery Rock has a unique program. The Exercise Science/Physical Therapy major consists of three undergraduate years of exercise science, followed by three years of an accelerated graduate program of physical therapy. This six-year program would get me a graduate degree in physical therapy in one year less than it would take if I transferred to a different school. I do not want to go to school for a whole extra year that would not be necessary if I stay at Slippery Rock.

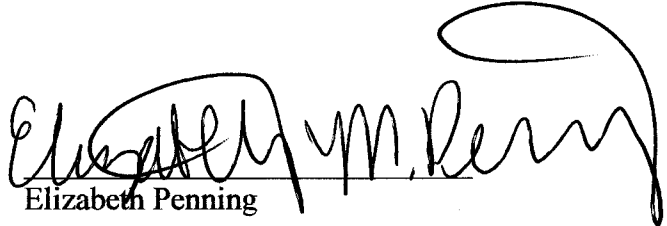
18. I am very upset and shocked by the cuts. Swimming was my whole life in high school, and in college it is a big part of my life. Swimming helped me get a better job and more respect, and even brought me closer to my brother, who likes to hear about my stats and who now coaches under me in the summer. I plan to work as a swimming coach at least part-time for the rest of my life. I will lose a lot of credibility as a coach if I cannot say that I am a college varsity swimmer.

19. It is really important to me to know as soon as possible whether there is any chance that I might be able to swim competitively next fall. To fill up the time that I would have spent swimming, I took a job as a community assistant for the fall, and I am also going to try to work at the Rec Center. I am also thinking about double-majoring. If too much time goes by, I might not be able to swim in the fall even if the school were to reinstate the swimming team because I will

have accepted other commitments.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9, 2006.


Elizabeth Penning