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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ALAMEDA**
12

13 KATHERINE TOUHEY, NATALIE MEYER,
14 KATHERINE MITCHELL, ERIN COFFMAN,
15 JENNA S. RAIS, WHITNEY ROCKWELL,
16 NADIA RENNER, LEANN TOOMEY,
LINDSEY LONCARIC, URSULA DAILEY,
TAYLOR YOUNG, SOPHIA BATCHELOR,
17 CELINA LI, CIERRA BURNELL, ANINA
LUND, CHENOA DEVINE, DANIELLE
18 CARTER, and ANNA KALANDADZE,
individuals,

19 Plaintiffs,

20 v.

21 THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, a California constitutional
22 corporation, and DOES 1–50,

23 Defendants.
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Superior Court of California,
County of Alameda

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By: Damekia Oliver,
Deputy Clerk

Case No. **23CV032249**

COMPLAINT FOR DAMAGES

- 1. Negligence**
- 2. Negligent Supervision or Retention**
- 3. Negligent Failure to Warn, Train, or Educate**
- 4. Negligent Infliction of Emotional Distress**
- 5. Violations of the California Equity in Higher Education Act**
- 6. Ratification**

DEMAND FOR JURY TRIAL

1 Plaintiffs Katherine Touhey, Natalie Meyer, Katherine Mitchell, Erin Coffman, Jenna S.
2 Rais, Whitney Rockwell, Nadia Renner, Leann Toomey, Lindsey Lončarić, Ursula Dailey, Taylor
3 Young, Sophia Batchelor, Celina Li, Cierra Burnell, Anina Lund, Chenoa Devine, Danielle Carter,
4 and Anna Kalandadze (“Plaintiffs”), by and through their attorneys, based upon personal knowledge
5 with respect to their own circumstances and based on information and belief and/or investigation of
6 their counsel as to all other allegations, allege the following against Defendant The Regents of the
7 University of California (“UC Regents” or “Defendant”).

8 **I. NATURE OF THE CASE**

9 1. Plaintiffs are alumni of the University of California, Berkeley (“Cal”) NCAA
10 Division I women’s swimming and diving team. All Plaintiffs were gifted swimmers who dreamed
11 of becoming Olympians. Several Plaintiffs qualified for Olympic Trials as high schoolers and had
12 experience competing in international championships prior to arrival at Cal. Being recruited by Cal
13 was a dream for Plaintiffs.

14 2. Plaintiffs were recruited by several top university swim programs but ultimately
15 chose Cal for the opportunity of a lifetime: to study at a world-class academic institution while
16 swimming for one of the nation’s most successful collegiate programs.

17 3. Plaintiffs, and their parents, were explicitly told that Head Coach Teri McKeever and
18 Cal cared for their overall success—not just as an athlete—as a student and young adult preparing
19 to enter the professional world. Plaintiffs were primed and ready to have a challenging experience
20 at Cal, juggling intense athletic training and demanding academic coursework.

21 4. Plaintiffs were not prepared for the verbal, emotional, and psychological abuse
22 inflicted on them by Coach McKeever, assistant coaches, and deputized senior swimmers. Plaintiffs
23 found that the women’s swimming program at Cal was based on unquestioning loyalty, public
24 shaming, intimidation, isolation, exclusion, and fear.

25 5. Plaintiffs experienced self-doubt, blame, and uncertainty about their treatment by
26 Coach McKeever. Plaintiffs assumed they were struggling to meet her expectations, and reasonably
27 believed UC Regents’ and Cal’s statements that Coach McKeever was a “maker of Olympians” who
28 was lauded by the public and swimming community as a “pioneer.”

1 6. Plaintiffs were left with three decisions: (1) continue swimming and endure the
2 McKeever treatment; (2) end their swimming career and lose their scholarship; or (3) attempt to
3 transfer and join a program outside of Cal.

4 7. Plaintiffs' stress and fear manifested in numerous physical, emotional, and
5 psychological injuries while on the team. They were deprived of their ability to make the most of
6 the academic opportunities. All Plaintiffs left Cal traumatized and disempowered, wrongfully
7 believing that they had failed as athletes. Plaintiffs have endured years of pain and suffering that
8 has affected the trajectory of their lives.

9 8. As early as spring 1994, Defendant UC Regents knew of Coach McKeever's
10 propensity for abusive coaching. Coach McKeever's wrongful behavior was witnessed by her
11 assistant coaches and trainers, coaches for other Cal teams, and Athletics Department administrators.
12 Defendant UC Regents provided inadequate supervision and continuously renewed Coach
13 McKeever's employment contract, including providing significant financial raises. Further,
14 Defendant UC Regents publicly misrepresented Coach McKeever as an exemplary coach.
15 Defendant UC Regents failed to use reasonable care to prevent the abuse of Plaintiffs and other
16 student-athletes. Plaintiffs suffered injuries as a result of Defendant UC Regents' negligence.

17 9. Despite a high swimmer attrition rate and several complaints, Defendant ignored the
18 severity of Coach McKeever's harassment and abuse, and if at all, offered only empty gestures
19 designed to give the appearance of action. Defendant UC Regents disregarded its own policies to
20 shield Coach McKeever from accountability at the expense of Plaintiffs' wellbeing and safety.

21 10. Two generations of Plaintiffs have felt frustration and abandonment after Defendant
22 offered no meaningful protection from Coach McKeever's abusive conduct and continued to praise
23 the coach's record and legacy.

24 11. Until publication of an investigative news article in May 2022 and the release of a
25 heavily redacted personnel investigation report in January 2023, Plaintiffs could not have suspected
26 that what they experienced was abuse, that their injuries were due to the abuse, and that the abuse
27 was continuous, widespread, and left unabated by Defendant UC Regents for over twenty years.

28

1 **II. PARTIES**

2 **A. Plaintiffs¹**

3 12. Plaintiff **Katherine Touhey** is resident of the Commonwealth of Virginia. She was
4 a member of the Cal women’s swimming and diving team for seasons 2000–2001 and 2001–2002.
5 She was a 2000 U.S. Olympic Trials Qualifier, high school All-American, and Pac-10 finalist.

6 13. Plaintiff **Natalie Meyer, NP** is a resident of the Commonwealth of Massachusetts.
7 She was a member of the Cal women’s swimming and diving team for seasons 2000–2001, 2001–
8 2002, 2002–2003, and 2003–2004, and served as team captain. She was a 2000 U.S. Olympic Trials
9 Qualifier, Pac-10 Finalist, NCAA Finalist, and All-American.

10 14. Plaintiff **Katherine Mitchell** is a resident of the State of New York. She was a
11 member of the Cal women’s swimming and diving team for seasons 2000–2001 and 2001–2002.
12 She was a Pac-10 Qualifier and received Pac-10 academic honors.

13 15. Plaintiff **Erin Coffman** is a resident of the State of Texas. She was a member of the
14 Cal women’s swimming and diving team for seasons 2001–2002, 2002–2003, 2003–2004, and
15 2004–2005. She was a Pac-10 and NCAA Qualifier.

16 16. Plaintiff **Jenna S. Rais** is a resident of the State of California. She was a member of
17 the Cal women’s swimming and diving team for seasons 2001–2002, 2002–2003, and 2003–2004.
18 She was a Pac-10 Qualifier and received student-athlete honors at Cal.

19 17. Plaintiff **Whitney Rockwell** is a resident of the State of Maine. She was a member
20 of the Cal women’s swimming and diving team for seasons 2002–2003 and 2003–2004. She was a
21 2000 U.S. Olympic Trials Qualifier and placed seventh in the 50-meter freestyle in the 2002 U.S.
22 National Championships. Whitney was an NCAA Qualifier and All-American.

23
24 _____
25 ¹ Throughout this Complaint, NCAA refers to the National Collegiate Athletic Association, an
26 organization that regulates student athletics among 1,100 schools in the United States, Canada, and
27 Puerto Rico. Pac-10 refers to the Pacific-10 Conference, a collegiate athletic conference, within
28 which Cal was a member university. In summer 2010, Pac-10 converted to Pac-12 as it admitted
additional universities to the conference. Qualifier refers to an athlete qualifying for and competing
in a particular championship. Finalist refers to an athlete whose results in the preliminary heats of
the championships qualified them for the final heats.

1 18. Plaintiff **Nadia Renner, DPT** is a resident of the State of Ohio. She was a member
2 of the Cal women’s swimming and diving team for seasons 2003–2004, 2004–2005, 2005–2006,
3 and 2006–2007. She was a Pac-10 Qualifier and earned Pac-10 All-Academic honors.

4 19. Plaintiff **Leann Toomey** is a resident of the State of Illinois. She was a member of
5 the Cal women’s swimming and diving team for seasons 2004–2005, 2005–2006, and 2006–2007.
6 She was a 2004 and 2008 U.S. Olympic Trials Qualifier, member of the 1999–2000 Junior National
7 and 2003–2004 National Teams, Pac-10 Qualifier, and three-time NCAA All-American.

8 20. Plaintiff **Lindsey Lončarić** is a resident of the State of Texas. She was a member of
9 the Cal women’s swimming and diving team for the 2006–2007 season. She was an NCAA
10 Qualifier and 2012 U.S. Olympic Trials Qualifier.

11 21. Plaintiff **Ursula Dailey** is a resident of the State of California. She was a member of
12 the Cal women’s swimming and diving team for seasons 2008–2009, 2009–2010, 2010–2011, and
13 2011–2012. She was a 2008 and 2012 U.S. Olympic Trials Qualifier and Pac-10 Finalist.

14 22. Plaintiff **Taylor Young** is a resident of the State of California. She was a member
15 of the Cal women’s swimming and diving team for the 2013–2014 season. She was a 2012 U.S.
16 Olympic Trials Qualifier and a high school All-American.

17 23. Plaintiff **Sophia Batchelor** is a New Zealand citizen, currently residing in the United
18 Kingdom. She was a member of the Cal women’s swimming and diving team for the 2013–2014
19 season. She was a member of the 2010–2015 New Zealand National Team. Sophia had three top-
20 three finishes at the 2011 Youth Commonwealth Games, qualified for four FINA World
21 Championships, and was ranked third globally in the 200-meter backstroke in 2010. She achieved
22 a FINA B qualifying time for the 2012 Summer Olympics after winning the 100-meter butterfly and
23 breaking the New Zealand national record. She broke New Zealand records on more than one-
24 hundred and fifty occasions. Sophia earned NCAA All-American honors.

25 24. Plaintiff **Celina Li** is a resident of the Commonwealth of Massachusetts. She was a
26 member of the Cal women’s swimming and diving team for seasons 2013–2014, 2014–2015, 2015–
27 2016, and 2016–2017. She was a 2012 U.S. Olympic Trials Finalist and 2016 Olympic Trials
28 Qualifier, member of the 2011 U.S. Junior National Team, member of the 2013–2014 U.S. National

1 Team, Pac-12 Champion, and NCAA All-American. She represented Team USA at the 2012 FINA
2 World Cup in Berlin and Moscow, and at the 2015 World University Games in Seoul.

3 25. Plaintiff **Cierra Burnell** is a resident of the State of Arizona. She was a member of
4 the Cal women's swimming and diving team for the 2014–2015 season. She represented the U.S.
5 and earned a Gold Medal at the 2016 Summer Olympics in Rio de Janeiro and is a two-time World
6 Championship Gold Medalist, 2014 Pan Pacific Games Silver Medalist, five-time U.S. National Team
7 member, four-time NCAA record holder, and former American record holder among other honors.

8 26. Plaintiff **Anina Lund** is a resident of the State of New York. She was a member of
9 the Cal women's swimming and diving team for seasons 2016–2017 and 2017–2018. She was a
10 high school All-American, CSCAA Honorable Mention All-American Scholar, and competed at the
11 2013, 2014, and 2015 U.S. Nationals in several events. She was a 2016 U.S. Olympic Trials
12 Qualifier and Pac-12 Qualifier. She competed for Denmark at the 2017 FINA World
13 Championships and qualified for the European Championships.

14 27. Plaintiff **Chenoa Devine** is a resident of the State of California. She was a member
15 of the Cal women's swimming and diving team for seasons 2016–2017, 2017–2018, and 2018–
16 2019. She received the Most Improved Swimmer Award her freshman season at Cal. She was a
17 member of the 2016 U.S. Junior National Team for open water swimming and was a 2016 Olympic
18 Trials Qualifier. She was a Pac-12 and NCAA Qualifier.

19 28. Plaintiff **Danielle Carter** is a resident of the State of California. She was a member
20 of the Cal women's swimming and diving team for the 2019–2020 season. She is a two-time FINA
21 World Cup Finalist, having competed in Hong Kong (2016), Eindhoven (2017), and Budapest (2018).
22 She was named Women's Freshman of the Year for 2021 by Mountain Pacific Sports Federation.

23 29. Plaintiff **Anna Kalandadze** is a resident of the Commonwealth of Pennsylvania.
24 She was a member of the Cal women's swimming and diving team for the 2019–2020 season. She
25 is a four-time Pennsylvania Interscholastic Athletic Association champion in the 500-yard freestyle
26 and two-time participant in USA Swimming's Open Water Nationals 10k. She is a two-time Ivy
27 League Champion, Ivy League record holder, and NCAA All-American.

28

1 30. All Plaintiffs were recruited by Cal while Plaintiffs were in high school. All
2 Plaintiffs signed contracts—National Letters of Intent (“NLI”)—to indicate their commitment to
3 participate as part of Cal’s D1 women’s swimming and diving team during the early and regular
4 signing periods.

5 31. At all times relevant in this Complaint, Plaintiffs were full-time undergraduate
6 students enrolled at Cal, residing either on or near campus, in Alameda County.

7 **B. Defendants**

8 32. Defendant **The Regents of the University of California** (“UC Regents”) is a
9 corporation established under the Constitution of the State of California and is charged with the duty
10 under Section 9 of Article IX of the Constitution of the State of California to administer the
11 University of California as a public trust, and is operating and doing business throughout California.
12 Defendant UC Regents has a principal place of business at 1111 Franklin Street, 12th Floor,
13 Oakland, California 94607.

14 33. Claims against Defendant UC Regents are exempt from the claims presentation
15 requirement under Cal. Gov. Code, section 905.6.

16 34. The University of California, Berkeley (“Cal”) is a subsumed entity of UC Regents.
17 Cal includes the entire university, Office of the Chancellor, Cal Athletics, Cal’s Office for the
18 Prevention of Harassment & Discrimination (“OPHD”), University Health Services Tang Center,
19 and any other schools, departments, centers, and/or entities operating under the same or similar
20 name with the same or similar principal place of business. At all times material, Cal was and
21 continues to be under the direct authority, control, and province of Defendant UC Regents. Cal is
22 located in Berkeley, California, within Alameda County.

23 35. Defendants **Does 1 through 50** are sued using fictitious names until their true names
24 and capacities are known to Plaintiffs. Plaintiffs are informed and believe, and on that basis allege,
25 that Does 1 through 50 are legally responsible in some manner for the actions and inactions alleged
26 herein and that injuries suffered by Plaintiffs as alleged throughout this Complaint were proximately
27 caused by these actions and inactions. Plaintiffs further allege, based upon information and belief,
28 that Does 1 through 50 sued herein were acting as the agent and/or employee of UC Regents, and

1 in doing the acts alleged herein were acting within the course and scope of such agency and/or
2 employment, and/or aided, abetted, cooperated with, and/or conspired with one another to perform
3 the acts alleged herein.

4 **III. JURISDICTION AND VENUE**

5 36. This Court has personal jurisdiction because Defendant UC Regents is a California
6 corporation existing pursuant to the California Constitution, Article IX, Section 9.

7 37. Plaintiffs seek relief under California law, and the amount in controversy exceeds
8 this court’s jurisdictional minimum. There are no federal questions pending.

9 38. Venue is proper in Alameda County because a substantial part of the acts or
10 omissions that give rise to Plaintiffs’ claims occurred in or near Alameda County, California.
11 Further, Defendant UC Regents’ principal place of business is in Alameda County. Cal. Code Civ.
12 Proc. § 395(a).

13 **IV. COMMON FACTUAL ALLEGATIONS**

14 **A. Life as a Student-Athlete on the Cal Women’s Swim Team**

15 39. Cal is a Division 1 (“D1”) university within the National Collegiate Athletic
16 Association (“NCAA”). D1 offers the highest level of competition within NCAA. D1 universities
17 recruit high school athletes who have already demonstrated extraordinary achievement in their sport.

18 40. To be competitive for recruitment by a D1 swim program, athletes likely trained and
19 competed in their sport for ten (10) to fifteen (15) years. Swimmers recruited by D1 programs
20 competed with their high school and club team, often 20+ hours per week. These swimmers were
21 dedicated to their sport, and happily trained during early morning and evening practices, training
22 upwards of 8,000 to 10,000 yards per day in the pool. They had years of experience traveling for
23 meets, invitationals, and championships.

24 41. Many swimmers recruited by Cal had already qualified for and competed in Olympic
25 Trials prior to matriculation. These swimmers had years of experience working closely with coaches
26 who continuously pushed them to perform at their best. These swimmers’ parents had invested
27 extensive resources in their children’s swimming career and were dedicated to their continued success.

28

1 42. From 1992 to 2023, Defendant UC Regents employed Teri McKeever as the full-
2 time permanent Head Coach of the Cal women’s swimming and diving team.² As such, Coach
3 McKeever was required to lead the team during practices, competitions, recruiting trips, fundraising,
4 and other activities and travel.³ In her role, Coach McKeever was required to comply with all
5 NCAA and Pac-12 policies and bylaws and all policies and regulations applicable to Cal employees.
6 Coach McKeever was responsible for supervising assistant coaches, operational staff, and others,
7 while she was directly responsible to and under the supervision of the Cal Director of Intercollegiate
8 Athletics (“Athletics Director” or “AD”).⁴

9 43. Many universities operate combined men’s and women’s swim teams that train
10 together and often share coaching staff. Until recently, Cal’s teams were separated administratively
11 and generally, geographically. The two teams rotated training between the various pools on campus,
12 only occasionally coinciding in the same pool for training.

13 44. Plaintiffs were recruited by many of the top D1 swim programs. Recruits are
14 permitted to take five official visits to prospective universities, with the expenses paid for by the
15 various athletics programs. Many parents accompanied their children on these visits—thus the
16 universities were charged with enticing both the student and their parents. By the time a recruit
17 comes on an official visit to Cal, they had already exchanged several emails and phone calls with
18 Cal’s coaching staff.

19 45. During the recruitment process, Coach McKeever and other Cal officials expressed
20 to Plaintiffs and their parents that they cared for Plaintiffs’ overall development—not just as an
21 athlete—but as a student and young adult preparing to enter the professional world. For example,
22

23 ² The Director of Intercollegiate Athletics is the executing official on behalf of UC Regents for
24 Coach McKeever’s employment contract.

25 ³ NCAA rules allow collegiate teams to train and compete as a team only during a limited pre-season
26 period and during the official competition season in the fall and spring semesters. During the
27 summers, many swimmers trained under Coach McKeever through Cal Club, a club team formed
28 under the bylaws of USA Swimming.

⁴ Directors of Intercollegiate Athletics: Steve Gladstone (2001–2004), Sandy Barbour (2004–2014),
H. Michael “Mike” Williams (2014–2018), Jim Knowlton (2018–current).

1 Coach McKeever told parents that she would “take good care of their daughter.” Cal officials
2 described Coach McKeever as a ‘mother’ and someone whom the athletes could go to for support.
3 Many Plaintiffs were lured by these claims.

4 46. Coach McKeever also made promises to support swimmers who participated in
5 international competitions and/or on their national teams.

6 47. Plaintiffs chose to attend Cal for various reasons. Plaintiffs liked the fact that the
7 head coach was a woman, and someone who competed in swimming in college. Plaintiffs looked
8 forward to joining a renowned team. Plaintiffs were keen to attend a top-10 university—the top
9 public university in America—with a top-10 swimming program.

10 48. While participating in NCAA collegiate competition, Plaintiffs were considered
11 amateurs, and only permitted to receive grants-in-aid. By accepting offers to join the Cal team, most
12 Plaintiffs rejected more generous athletics scholarships from other universities.⁵

13 49. Plaintiffs committed to Cal by signing a contract known as a National Letter of Intent
14 in exchange for an athletic scholarship. The athletic scholarship could cover tuition, room and
15 board, and/or books, in exchange for the athlete’s promise to remain eligible to participate in
16 athletics. The university cannot unilaterally modify a scholarship during the term of the contract.

17 50. UC Regents and Cal had a special duty to Plaintiffs based on their comparative
18 vulnerability and dependency on the university for a safe environment. A special relationship
19 existed between the university and recruited student-athletes based on the nature of the university’s
20 efforts in bringing the athletes to campus with a promise to provide them with an athletic
21 scholarship. Cal had an attendant duty to refrain from unreasonably increasing the risk of harm
22 above that which is inherent to competitive swimming.

23 51. Athletics training at Cal is demanding. Athletes generally complete several hours of
24 swim sets per day, in the early morning and afternoon, and supplement that training with ‘dryland’
25 activities such as weightlifting or yoga. Athletes train approximately forty-nine (49) weeks per year,
26

27 ⁵ During the recruiting process, Coach McKeever asked some Plaintiffs, “what’s the bare minimum
28 [scholarship] I can give you to come to Cal?”

1 with one week off after championships in the spring, one week after summer nationals, and a few
2 days' break over the winter holidays. NCAA bylaws require that "athletically related activities"
3 shall be limited to no more than twenty (20) hours per week, with a maximum of four (4) hours per
4 day when a student-athlete's sport is in-season.

5 52. Plaintiffs primarily focused their training on their individual competition events. As
6 such, Plaintiffs were generally divided into 'sprinter' and 'distance' lanes in the pool with unique
7 swim sets during practice. However, this arrangement wasn't always optimal, especially for those
8 competing in the individual medley events.⁶

9 53. During competition at dual meets and invitationals, an athlete earns points for the
10 Cal team when they earn top finishes in their individual events. Swimmers—primarily the sprinters,
11 middle-distance, and stroke specialists—also compete and can earn points as part of four-person
12 relays. Swimmers could earn different championship honors based on their individual performance,
13 performance on a relay, or as a member of the overall team.

14 54. By the time athletes began swimming at Cal, they are so deeply dedicated to the sport
15 that it had become a key part of their identity. They were primed and ready to put in the effort to
16 reach their full potential in competitive swimming.

17 55. While swimming was a key part of the Cal experience for Plaintiffs, their official
18 title was 'student-athlete' to highlight the nominal emphasis on education. Coach McKeever's
19 employment contract included language that though her role was "sport-related, the primary purpose
20 of the University and its intercollegiate athletics program is education." As Plaintiffs experienced,
21 their role as a student was often subordinated to their role as an athlete.⁷

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23 _____
24 ⁶ Individual medley events require an athlete to swim all four strokes: butterfly, backstroke,
breaststroke, and freestyle.

25 ⁷ See, e.g., John I. Jenkins & Jack Swarbrick, Opinion, *College Sports Are a Treasure. Don't Turn*
26 *Them Into the Minor Leagues.*, N.Y. TIMES, Mar. 23, 2023, [https://www.nytimes.com/2023/03/23/
27 opinion/college-sports-student-athletes-education.html](https://www.nytimes.com/2023/03/23/opinion/college-sports-student-athletes-education.html) ("College athletics is a treasured national
28 institution. Professionalizing teams, treating athletes more as employees than as students and
weakening the vital connection with the educational mission of their colleges will rob college
athletics of its special character.").

1 **B. The Coach-Athlete Power Dynamic Inherent to Elite Athletics**

2 56. Athletes training and competing at an elite level spend considerable time with their
3 coach. Because of this time commitment, college athletes have fewer opportunities to develop
4 relationships outside of their teams. The coach maintains a structural power advantage over the
5 athlete. In many cases, the athlete comes to see the coach as a second mother or father. Societal
6 expectations dictate that college athletes have a special love for their university, dedication to their
7 team, and deep trust in the leadership of their coach. College athletes, more than average students,
8 feel a sense of community and desire to believe the best of their university.

9 57. Often, college athletes are expected to follow an unwritten code that prohibits them
10 from talking with outsiders on issues that could hurt the team.⁸

11 58. At the collegiate level, the coach controls what type of financial scholarship the
12 athlete receives, whether and in which events the athlete competes, and has an outsize role on
13 whether the athlete advances to the national team and/or turns professional. Coaches and athletics
14 staff advise athletes on nutrition, sleep, injury care, and leadership. Athletes are conditioned to trust
15 and defer to the judgment of others.

16 59. Because of the power differential in the relationship, athletes are at risk of
17 psychological, physical, and sexual abuse by their coach.⁹ The risk of experiencing such abuse
18 increases “as the athlete progresses up the talent ladder and performance pathway, and that exposure
19 to an abusive elite sport culture can lead to a range of mental health difficulties and other negative
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23 ⁸ Erin Hatton, *Colleges Expect Athletes to Work But Not to Air Any Grievances—Here’s Why That’s*
24 *Wrong*, THE CONVERSATION, July 21, 2020, <https://theconversation.com/colleges-expect-athletes-to-work-but-not-to-air-any-grievances-heres-why-thats-wrong-142800>.

25 ⁹ See John Leland, *The Fierce Life and Sudden Death of America’s Strongest Woman*, N.Y. TIMES,
26 Jan. 20, 2023, <https://www.nytimes.com/2023/01/20/nyregion/rebecca-lorch-strongwomansuicide.html>
27 (“Coaches, like teachers and psychotherapists, enjoy an unequal power relationship with the athletes
28 in their care. They instill self-worth and motivation and grant approval. But they can also withhold these to serve their own ends.”).

1 impacts.”¹⁰ Abusive coaching can take the form of belittling, humiliating, shouting, scapegoating,
2 rejecting, isolating, and threatening.

3 60. There is no evidence that abusive conduct produces optimal athletic performance.
4 Instead, such conduct leads to athletes leaving the sport.¹¹

5 61. Research indicates that the normalization of psychologically abusive coaching, along
6 with inactive bystanders, prevents athletes from reporting the conduct and seeking help.¹² When
7 abusive conduct is treated as normal conduct by university officials, it confirms the athlete’s
8 assumption that the behavior is acceptable.

9 62. Athletes are trained to endure challenge and become comfortable in discomfort.
10 Culturally, elite athletes are trained not to complain and are praised for persevering in the face of
11 hardship. This dynamic makes it difficult for athletes to realize they are victims of abusive conduct.

12 63. Athletes who have endured abusive coaching can suffer negative impacts on their
13 physical, social, and psychological wellbeing long after they left the team and/or sport.
14 Psychological abuse from a coach can manifest as deficits in self-esteem, disordered eating, self-
15 harm, suicide, somatic illnesses, and detriments to academic performance. Athletes have self-
16 reported feelings of anxiety, depression, low self-esteem, poor body image,¹³ and ultimately
17 dropping out of the sport.

20 ¹⁰ Int’l Olympic Committee Consensus Statement: Harassment and Abuse (Non-accidental
21 Violence) in Sport.

22 ¹¹ Anthony Battalia, Gretchen Kerr, & Katherine Tamminen, *A Grounded Theory of the Influences*
23 *Affecting Youth Sport Experiences and Withdrawal Patterns*, 34 JOURNAL OF APPLIED SPORT
24 PSYCHOLOGY, 780–802 (2021).

24 ¹² IOC Consensus Statement.
25 Psychological abuse is defined as a pattern of deliberate, prolonged, repeated non-contact behaviors
26 within a power differentiated relationship.

26 ¹³ Alanis Thames & Jonathan Abrams, *Female College Athletes Say Pressure to Cut Body Fat is*
27 *Toxic*, N.Y. TIMES, Nov. 10, 2022, [https://www.nytimes.com/2022/11/10/sports/college-athletes-](https://www.nytimes.com/2022/11/10/sports/college-athletes-body-fat-women.html)
28 [body-fat-women.html](https://www.nytimes.com/2022/11/10/sports/college-athletes-body-fat-women.html) (discussing the culture in women’s college sports in which weight, body
image, and body composition are discussed in harmful ways, often without regard to actual athletic
performance).

1 64. When abusive coaches are supported and backed by large or powerful institutions,
2 athletes suffer from betrayal trauma. Often, the athlete cannot easily confront or sever ties with the
3 institution and thus are forced to either ignore or accept the abuse in order to preserve the necessary
4 relationship. As such, the athlete remains in a position to continuously be abused. Athletes may
5 develop necessary coping mechanisms, such as becoming ‘blind’ or unaware in order to maintain
6 the necessary relationship.

7 65. An institution’s actions and inactions in relation to an abusive coach contribute to
8 the athlete’s traumatic experience. An institution can either become a source of justice, support, or
9 healing, or it can worsen the posttraumatic outcomes. An organization’s tolerance for harassment,
10 lack of standards or serious sanctions, and management not taking reports of harassment seriously
11 create additional harms to athletes by devaluing their perceptions of their own traumatic experience.

12 66. Large institutions are often protective of reputation and will go to great lengths to
13 ensure damage control in the face of any allegations of abuse rather than admit to negligence or
14 wrongdoing. For the institution, the primary goal is often maintaining appearances.¹⁴ An institution
15 may take the stance that because they have produced ‘winning athletes,’ there is no reason to
16 change.¹⁵ An institution may wrongfully infer that investigating allegations of abuse is more
17 harmful to cohesion than the abuse itself.

18 67. Within a team, conformity is highly valued, and often enforced by the coach and
19 more senior teammates. Athletes resisting abusive conduct may be painted as dissenters, othered,
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25 ¹⁴ During the investigation into Penn State’s cover-up of abuse, Jerry Sandusky’s winning record
26 was mentioned in much of the news coverage of his abuse allegations.

27 ¹⁵ For decades, Béla Károlyi used fear, intimidation, and was critical of gymnasts’ weight and body
28 type, causing several to develop disordered eating and low self-esteem, yet was lauded for his
winning record. Today, his conduct is understood for the abuse it truly was.

1 and ostracized. The abused athlete suffers a double trauma: the abuse by the coach and a loss group
2 identity.¹⁶

3 **C. The Cycle of Abuse on the Cal Women’s Swim Team**

4 68. Plaintiffs arrived at Cal excited and ready to train and compete with a top-tier D1
5 squad. From the recruiting process, Plaintiffs come away with the impression that joining the Cal
6 team would be an empowering, positive experience. While considering university offers, most
7 Plaintiffs took a recruiting trip to Cal. Coach McKeever and Defendant UC Regents put on a ‘dog
8 and pony show’ for the recruits, taking them to nice meals and presenting the team as a positive,
9 close-knit group.

10 69. Plaintiffs were excited to build upon their already successful swimming careers and
11 perform at their best with Coach McKeever’s program. Instead, within the first week of practice,
12 Plaintiffs found that Defendant and Coach McKeever had misrepresented her overall demeanor and
13 approach to coaching. Plaintiffs felt that they were misled and victims of a bait-and-switch regime.

14 **1. Athletics Over Academics**

15 70. While at Cal, Plaintiffs felt that they were *athlete-students*, rather than student-
16 athletes. Student-athletes were assigned academic advisors to help navigate their role as both a
17 student and athlete. However, the academic advisors were not equipped to provide proper support
18 and often pushed them toward generic majors such as Interdisciplinary Studies or American Studies.

19 71. Plaintiffs were encouraged to take courses that would not interfere with athletic
20 training and were scolded and penalized when they asked to miss practices for a lecture, lab, and/or
21 exam. In some cases, the coaches told Plaintiffs to “use your judgment” when deciding on attending
22 practice or preparing for an exam. When Plaintiffs chose the latter, they were berated.

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26 ¹⁶ “It is this very trust and dependency that leads to a conflict when abuse is occurring: to stay in the
27 institution means enduring more abuse, but to report the abuse would mean potentially losing an
28 important relationship. This is a particularly potent dilemma for many victims of abuse in organized
sports, as they are more likely to have a poor family bond and to look up to their coaches as parental
figures.” Carly Parnitzke Smith & Jennifer J. Freyd, *Institutional Betrayal*, 69 AMERICAN
PSYCHOLOGIST, 575, 580 (2014).

1 72. Plaintiffs were pushed to take two-unit pass/fail classes, such as DeCals, which were
2 often not intellectually challenging. Many athletes had to take the five-year route to complete their
3 bachelor’s degree.

4 73. In fall 2016, Coach McKeever sent an email advising the team on her planned
5 schedule for the spring semester.

6 Try not to schedule an 8:00am class; especially MWF. I plan to start
7 mornings at 6:30am or later. M afternoon will be at Legends 1:15-3:45pm,
8 TTH 1-2:00pm then 2-4:00pm pool time at Spieker, F will be 1:15-3:30pm.
As a bonus, try to keep some 1:30-3:30pm open on Wednesdays.

9 74. Given that so much of the day was devoted to the team, Plaintiffs had to scramble to
10 find classes that fit into the small windows between practices. Plaintiffs were often forced to leave
11 classes early to attend practices. Coach McKeever defined ‘on time’ as fifteen minutes earlier than
12 actual practice time, further cutting into the time that Plaintiff could devote to academics.

13 75. As freshmen, student-athletes were required to attend study group within the Athletics
14 Department. However, these sessions were simply perfunctory and did not include access to a tutor.

15 76. Given the geography of campus, many student-athletes stayed close to Haas Pavilion
16 between practices. At one point there was a student-athlete computer lab. Once the lab was phased
17 out, the only printer student-athletes could access was located within Mohamed Muqtar’s office.¹⁷

18 77. Between events at a dual meet, swimmers were yelled at by Coach McKeever if they
19 were seen studying with flashcards.

20 78. Those who left the team before graduating Cal received no form of integration or
21 transition support on campus. Many former student-athletes had missed out on mandatory courses for
22 several majors due to swimming and struggled to navigate the academic system to meet their goals.

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25 ¹⁷ Mohamed (“Mo”) Muqtar was the Assistant Director of Student Services in the Athletics
26 Department. During recruiting trips, recruits’ agendas included one-on-one meetings with Mo.
27 Rather than resolve issues swimmers were experiencing, Coach McKeever often told the team, “Go
28 talk to Mo.” Student-athletes would go to Mo in a vulnerable state. He sexually harassed and
assaulted several student-athletes, including Plaintiffs. OPHD opened an investigation into Mo after
a former student-athlete filed a lawsuit against the UC Regents for sexual battery, negligence, and
intentional infliction of emotional distress. He was formally terminated in May 2018.

1 2. **Dangerous Training Environment**

2 79. On the pool deck at Cal, general safety precautions were ignored, thereby putting
3 Plaintiffs in danger. A lifeguard was never on duty while the swimmers trained.

4 80. Coach McKeever took great pride in her unconventional training regime. She had
5 the swimmers do dryland gymnastics exercises, such as handstands, cartwheels, jumping jacks, and
6 jump rope on the pool deck without any sort of rubber mat. The training gave the swimmers blisters.
7 Several swimmers fell or twisted their ankles. Coach McKeever had the swimmers run and dive
8 into the pool and do so in repetition, thereby causing the swimmers to run on a wet pool deck—a
9 known safety hazard.

10 81. Coach McKeever had the swimmers do ‘seal dives’ over the pool bulkhead, so that
11 their abdomens hit the top of the bulkhead, bruising their hips.

12 82. During a winter training trip to Hawaii,¹⁸ Coach McKeever had the team do an
13 exercise whereby they were required to do three somersaults on the shore, followed by a dive into
14 the ocean. One swimmer followed Coach McKeever’s dictated instructions, injuring two of her
15 neck vertebrae when she struck the ocean floor.

16 83. During several training trips to the beach, swimmers were stung by jellyfish, sending
17 at least one swimmer to the hospital. Coach McKeever accused the student-athletes of faking their
18 injuries. Swimmers often cut the bottom of their feet on coral or rocks, causing open wounds. Coach
19 McKeever repeatedly accused swimmers of overreacting and forced them to train and race with
20 lacerated feet. When the injured athletes performed poorly, Coach McKeever chastised them.
21 Plaintiffs were forced to limp on their injured feet and often had to clean and bandage their own
22 wounds.

23 84. As freshmen, Plaintiffs were required to come to the pool extra early in the morning
24 to set-up all equipment—lane lines and backstroke flags—something that facility employees do at
25 other universities. Installing the backstroke flags in the appropriate location is especially important

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27 ¹⁸ Each winter, the team went on a training trip to either Australia or Hawaii. Though the training
28 was mandatory, the costs were not fully covered by Athletics Department, nor accounted for in
student-athletes’ financial aid packages. The cost was a great burden for some families.

1 as the flags indicate to swimmers when to turn over for a flip turn at the wall. On at least one
2 occasion, the flags were installed incorrectly, causing a swimmer to turn over too close to the wall,
3 causing her to shatter her wrist.

4 85. Though Cal issued all swimmers parkas, Coach McKeever forbid them from wearing
5 them on the pool deck before morning practice. When swimmers crouched early in the mornings
6 due to the cold, they were yelled at to “fix their posture.” They were not allowed to cross their arms.
7 If there was a storm, the swimmers would huddle in an alcove until it passed but were disallowed
8 from donning their parkas in the meanwhile. The team was forced to train through hailstorms.

9 86. Plaintiffs never saw Athletics Department administrators do walk-throughs on the
10 pool deck, though did witness Mohamed Muqtar leering down at them from his office window.

11 3. **Outsize Control and Enforced Isolation**

12 87. Coach McKeever exercised outsized control over Plaintiffs’ lives. She ordered that
13 they not join sororities, clubs, other extracurriculars, and advised that they take an ‘easy’ academic
14 load so that all their energy and focus was devoted to the team. Plaintiffs were largely unable to
15 complete internships, thereby making their transition into the professional world post-graduation
16 difficult. Coach McKeever communicated to Plaintiffs’ her disapproval of tattoos and piercings and
17 chastised those who had either. Coach McKeever preferred that Plaintiffs only socialized with other
18 student-athletes.

19 88. Coach McKeever demanded Plaintiffs to share with her where and with whom they
20 were living. She highly discouraged Plaintiffs from living with non-swimmers. “You are
21 abandoning the team and not being loyal.” Coach McKeever also wanted all swimmers to live close
22 to the university—and the pool—thereby limiting their rental options to the most expensive units.

23 89. Coach McKeever routinely held swimmers late after morning practice—often to yell
24 at them—seemingly unfazed by the fact that she was forcing many swimmers to be late to morning
25 classes and to miss breakfast. Plaintiffs felt shamed for the early morning, albeit unnecessary,
26 reprimanding, and felt embarrassed to show up to their classes late. Their professors often glared at
27 them for arriving late, with wet hair, in their athletic gear.

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1 90. After attending morning classes, Plaintiffs generally had to attend another practice
2 session, thereby missing lunch as well.

3 91. While Coach McKeever communicated that she wanted to know all details about a
4 swimmers' life, she often reprimanded swimmers for coming to her with an issue. When swimmers
5 called her to ask a question, she responded, "Don't ever call me unless you are dying or in jail."

6 92. Coach McKeever generally only granted 72 hours away from campus for
7 Thanksgiving and Christmas. Swimmers who lived on the East Coast often only had 36 hours with
8 their families between flying. Coach McKeever often scheduled swim practices on the travel days,
9 further limiting the travel options for the team. Those experiencing flight delays on the return trip
10 were admonished for arriving tardy to practice and "letting the team down."

11 93. Through all her exercise of power, Coach McKeever controlled when Plaintiffs
12 trained, slept, ate, studied, where they lived, with whom they associated, whether they had free time,
13 how they stood, or which facial expressions they had. She conditioned Plaintiffs to seek her
14 approval for everything. Plaintiffs were willing to do anything to gain her approval.

15 4. **Incessant Verbal Abuse**

16 94. While on the pool deck, Coach McKeever came off as incredibly intense and
17 unpleasant. She was prone to violent outbursts and short talk with Plaintiffs and other swimmers.
18 Plaintiffs felt that they could not make small talk amongst the team in the presence of Coach
19 McKeever. The atmosphere was one of constant dread and fear. Very quickly, being on the pool
20 deck was a negative experience for Plaintiffs.

21 95. Though every swimmer on the team had been directly recruited by Coach McKeever,
22 or by an assistant coach and approved by her, each season she chose a few swimmers that she
23 specifically targeted for degrading treatment. Coach McKeever routinely yelled at swimmers and
24 attacked their character in front of the whole team. Swimmers regularly broke down in tears during
25 or after practice and at competitions due to Coach McKeever's belittling treatment.

26 96. Through her actions, Coach McKeever isolated her targets. Fellow swimmers were
27 conditioned not to associate with those who were on the "shit list" lest they also come under Coach
28

1 McKeever’s wrath. The targeted swimmers were attacked by Coach McKeever *and* abandoned by
2 teammates. Plaintiffs were not able to feel a true sense of camaraderie in the team environment.

3 97. Coach McKeever deputized some swimmers, often the captains and senior
4 swimmers, to act as her enforcers on the team. These swimmers would police the other swimmers,
5 pushing them to get in line with Coach McKeever’s regime. They also served as her eyes and ears.
6 Some swimmers would report information back to the coach about swimmers’ weekend activities.

7 98. Coach McKeever frequently yelled at Plaintiffs and other swimmers in front of the
8 team—at times bending down to the pool’s edge to yell in their face—and kicked them out of
9 practice for what she perceived was a lack of effort or perceived offense. Her most repeated refrain
10 was that Plaintiffs and other swimmers “looked like shit” or “weren’t trying hard enough.”

11 99. When a Plaintiff was having an off day, Coach McKeever chided them for “not
12 showing up” or “letting down the team.” She told the swimmers they were “ungrateful” for her
13 coaching. “How can you expect to be a valuable asset to the team?”

14 100. Some Plaintiffs maintained stone faces, hoping not to give the coach the satisfaction
15 that her words were so harmful. In return, these swimmers would endure nonstop tirades.
16 Swimmers who cried generally did not endure as much yelling but suffered from embarrassment.

17 101. As with most college students, some swimmers gained weight their freshman year
18 due to stress, change in lifestyle, or other health conditions. Coach McKeever frequently made
19 derogatory comments to swimmers about their waistline or physique, despite how they were
20 performing athletically. Coach McKeever often accused swimmers of not training when they were
21 at home for holidays or breaks, while visually inspecting their bodies.

22 102. Given how much Coach McKeever was promoted within the swimming community
23 and the constant reminders of Cal’s Olympic heritage, Plaintiffs felt that enduring her abuse was the
24 price they paid to be on an elite team. Plaintiffs began to believe that they subjected to degrading
25 treatment because they were not living up to the Cal standards of excellence.

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1 5. **An Environment of Fear and Intimidation**

2 103. Because of the ways that Coach McKeever treated student-athletes, Plaintiffs
3 operated in a hyper state of paranoia and anxiety. They all feared making mistakes. They did not
4 see her as a leader to whom they could bring their problems. They saw her as an authoritarian with
5 whom they tried to minimize their interactions at all costs.

6 104. During one instance, several swimmers attended a weekend party. One swimmer
7 over-consumed alcohol and passed out. Several of her teammates attempted to care for her but
8 realized that she needed medical care. The swimmers hesitated to call an ambulance out of fear that
9 Coach McKeever would find out and fly off the rails. The swimmers eventually called for services.
10 The emergency technicians remarked that had the young woman not received medical attention, she
11 might have perished from alcohol poisoning.

12 105. In another instance, a swimmer was so nervous about arriving to the airport at Coach
13 McKeever’s prescribed time to travel to a dual meet that she overzealously ran after a taxi, resulting
14 in a twisted ankle that thereafter affected her competition swim.

15 6. **Psychological Exploitation**

16 106. At the beginning of each fall semester, Coach McKeever and her assistant coaches
17 took Plaintiffs on an off-site team retreat. The retreats took place in rural counties, often in locations
18 with little cellular reception. Cal did not provide transportation, so the swimmers had to scramble
19 to find teammates with cars who could drive. For the freshman swimmers, the retreat was their first
20 introduction to the coaches and the team. Coach McKeever designed a jam-packed schedule for the
21 team, and shamed swimmers who expressed needing breaks from the activities.

22 107. At the retreats, Coach McKeever forced Plaintiffs to become unreasonably
23 vulnerable under the guise of fostering closer interpersonal connections that would serve them
24 during challenging times. Plaintiffs came to believe that the retreats were intended to supply Coach
25 McKeever with swimmers’ deepest fears and trauma history which she could offensively wield over
26 them later.

27 108. Coach McKeever forced Plaintiffs to do exercises such as writing down their biggest
28 fault and talk about it with the team. Several Plaintiffs were visibly uncomfortable with the exercise.

1 They were told by senior swimmers and assistant coaches to change their demeanor lest they “piss
2 off” Coach McKeever.

3 109. During a retreat, swimmers were forced to share their past sexual trauma. During
4 the exercise, swimmers broke down crying.

5 110. Coach McKeever set up the team to see themselves as an elite, tight-knit family. She
6 presented herself as their conferrer of all things. If they followed her directions, they could achieve
7 their highest goals as she had their best interests at heart, so she claimed. When swimmers did well,
8 it could all be credited to Coach McKeever.

9 111. Coach McKeever established clear dichotomies for the team. Cal swimmers were
10 better than all other teams. Student-athletes were better than non-athletes. Coach McKeever and
11 her unconventional training regime was better than the coaching establishment, and especially male
12 coaches. Those who accepted the team culture were better than those who didn’t comply with the
13 agenda. The needs of the team trumped an individual’s personal goals.

14 112. Swimmers were led to believe that when they struggled with their swimming, they
15 were not trying hard enough and were not following Coach McKeever’s sound direction. In a chat
16 message to a friend while on the team, Plaintiff Celina Li wrote,

17 If I really wanted to make the Olympic team, I would show up everyday acting
18 like it and racing like it in practice and at meets, but every time I go to a meet,
19 I sabotage my swims. And if I were really enjoying Cal, I would be happy no
20 matter what with my teammates, give my best effort at practice and school and
21 stop throwing everything away.

22 113. Coach McKeever introduced Kathie Wickstrand Gahen to the team as her long-time
23 friend and personal “life coach.” In 2015, Kathie shifted into the Assistant Coach role. Coach
24 McKeever told the team Kathie was a ‘safe space’ for the swimmers—someone with whom they
25 could confide. Plaintiffs and other swimmers shared with Kathie their frustrations and secrets only
26 to find out that Kathie was sharing everything with Coach McKeever.

27 114. While Kathie was with the team, she facilitated the discussions during the off-site
28 retreats as Coach McKeever recorded swimmers’ deepest traumas in a small black notebook.
Swimmers inferred that Coach McKeever would reference her notebook during the season, as many
of her belittling comments referenced their specific vulnerabilities.

1 115. Coach McKeever often raged at swimmers for mistakes or innocent slights. After
2 swimmers forgot the designated swimsuit or swim cap, Kathie would push the swimmers to write a
3 formal apology to Coach McKeever and promise to “do better” and not let the team down. Kathie
4 often drafted these emails for the swimmers, including overly apologetic language to describe their
5 innocent mistakes.

6 116. While Kathie was with the team, she prepared a worksheet— “CAL Women’s
7 Swimming – Weekly Assessment.” Each week, swimmers were required to fill out the sheet to turn
8 into the coaches rating themselves spiritually, emotionally, mentally, and physically. The worksheet
9 required that they list ten (10) things accomplished each week, realizations or insights, challenges
10 and problems, things for which they are grateful, and a “SuccessWork” or stretch for the following
11 week. When the swimmers filled out the forms to the coaches’ liking, they received stickers.

12 117. The coaches also forced Plaintiffs to read assigned books and prepare book reports.
13 Swimmers were forced to rate each other’s personalities and to take tests such as the Myers-Briggs
14 Type Indicator. The swimmers believed that such exercises were used to put a veneer of ‘science’
15 to the abusive conduct of ranking and dividing the team.

16 118. The American Swimming Coaches Association endorsed the Coach McKeever-
17 Kathie Wickstrand Gahen approach, not understanding the trauma and damage they were really
18 inflicting on the team.¹⁹

19 119. In or around 2012, Coach McKeever hired two individuals as “sports psychologists”
20 to work with certain swimmers that she selected. The individuals did not have any sort of license
21 to practice psychology or counseling from the State of California. One of the individuals went by
22 ‘Dr.’ however his advanced degree was in education. Several swimmers found out that the
23 individuals were sharing with Coach McKeever everything said during the one-on-one sessions.

24 120. Coach McKeever did not explain to the swimmers that the individuals were mental
25 performance coaches, not clinicians, and that they had no duty of confidentiality.

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27 ¹⁹ See *Team Dynamics by Kathie Wickstrand Gahen & Teri McKeever*, AMERICAN SWIMMING
28 COACHES ASSOCIATION (Dec. 12, 2016), <https://legacy.swimmingcoach.org/team-dynamics-by-kathie-wickstrand-gahen-teri-mckeeper/>.

1 121. On at least one occasion, Coach McKeever had all the swimmers turn their swim
2 caps inside out, so that the printed side with the Cal logo was against their head. In a long diatribe,
3 she told the team that they were not deserving of the Cal moniker, needed to prove that they deserved
4 to be on the team, and could wear their caps in the correct fashion only once they “earned it.”
5 Thereafter, either Coach McKeever or Assistant Coach Kristen Cunnane would assess the swimmers
6 during practices and decide when they deserved to reverse their caps. Plaintiffs were terrified to be
7 the last person selected to reverse their caps. Having a visual representation of their ‘unworthiness’
8 was particularly harmful for those swimmers already regularly targeted by Coach McKeever.

9 7. **Torturous Workouts**

10 122. Coach McKeever often designed overcomplicated swim workouts. Within the
11 twenty-five-yard pool, Coach McKeever expected Plaintiffs to swim several yards of one stroke,
12 switch to another, ad nauseam, on strict time intervals, despite that fact that there are no such
13 distance markings on the bottom of the pool to serve as a guide. As Plaintiffs struggled with the
14 complicated instructions, Coach McKeever would stop the workout, berate the offending
15 swimmer(s), and make the whole team start the swim set over. This not only caused the targeted
16 swimmer to feel embarrassed, they felt guilty for causing the rest of the team to endure the
17 complicated set again.

18 123. Coach McKeever had the swimmers do hypoxic training sets. Such sets generally
19 involve swimming under the surface of the water for extended periods in order to improve
20 performance with a deficit of oxygen. Coach McKeever’s sets involved fifty (50) yards of
21 underwater swim with only a few seconds’ rest between sets.²⁰ Swimmers felt as though they were
22 being waterboarded. The hypoxic sets were unnecessary and unduly dangerous considering that
23 there was rarely a lifeguard on duty. If a swimmer came to the surface for air, they were berated,
24 and the whole team was forced to start the set over. The night before such sets, Plaintiffs
25 experienced anxiety and panic attacks in anticipation for the exercise.

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28 ²⁰ Experts advise that swimmers are given at least twenty (20) seconds of rest between laps.

1 124. Periodically, the team conducted weight training, followed by spinning (stationary
2 bike), and then transitioned to a pool workout. In the pool, the swimmers often experienced muscle
3 cramps from the rapid transition of exercises. Swimmers were yelled at if they stopped to stretch.

4 125. The team atmosphere was so nerve-wracking that on several occasions, swimmers
5 had to run out of team meetings or swim practices to throw up. Swimmers often held back for as
6 long as they could, anticipating a negative reaction from Coach McKeever. When one Plaintiff got
7 out of the pool to throw up, Coach McKeever yelled at her for not having thrown up in the pool gutter.
8 Coach McKeever never expressed concern for the swimmers' health or wellbeing after such episodes.

9 **8. Inadequate Concern for Injuries and Medical Conditions**

10 126. Injuries are a common occurrence for elite athletes, especially those who have been
11 training and competing for over a decade. Years of high-yardage training can cause degeneration
12 of the muscles and cartilage and require rehabilitation and modified exercises for proper healing.

13 127. During the recruitment process, Plaintiffs informed the coaches of their pre-existing
14 injuries and/or medical conditions. Once on the team, when swimmers communicated the need for
15 modifications in training, they were often accused of not disclosing their condition, accused of not
16 truly having an injury or medical condition, and told to train as normal. When swimmers went to
17 see the trainers in the Athletics Department, they were often given insufficient rehabilitation, not
18 referred for an expert evaluation, and received little follow-up.

19 128. While the official message from Defendant was that utilization of mental health care
20 was encouraged, the informal message from Coach McKeever discouraged such care. If swimmers
21 did access care, it should be brief and not interfere with their training schedule. Requests to miss
22 practice were highly discouraged. Swimmers requiring ongoing mental health care were viewed as
23 defective and unworthy of their slot on the team roster.

24 **9. Obsession with Image**

25 129. Coach McKeever was hyper focused on how the team was perceived by outsiders
26 and took great pains to develop an image of success even when the environment she created proved
27 otherwise.

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1 130. During key dual meets or championships, swimmers who were not competing were
2 expected to cheer loudly for their colleagues and make numerous public posts through social media.
3 When swimmer failed to sufficiently “support the team,” they were ridiculed by Coach McKeever.
4 In one episode, Coach McKeever pulled Plaintiff Taylor Young to the alcove on the pool deck
5 following a dual meet and demanded that she share to whom she sent congratulatory messages and
6 why she didn’t make public posts on social media.

7 131. When a swimmer required crutches due to a foot injury (caused by the
8 unconventional dryland exercises), Coach McKeever suggested that the swimmer get her own ride
9 to the dual meet at Stanford, so that she was not seen stepping off the team bus with crutches.

10 132. Coach McKeever and Defendant forced Plaintiffs to cooperate in building a façade
11 to attract potential recruits and donors. Plaintiffs were required to write solicitations to donors and
12 were trained to give campus tours. Plaintiffs were required to participate in the highly scripted
13 recruitment weekends—the same weekends that caused them to fall for the bait-and-switch. In some
14 cases, Plaintiffs helped recruit swimmers who later ended up targeted by Coach McKeever.

15 10. **Threats to Scholarships and Fear of Retaliation**

16 133. Coach McKeever consistently threatened the scholarships swimmers received,
17 treating it as her own money to dole out. “What am I paying you for?” “You are a bad investment.”
18 “You aren’t upholding your end of the business deal.”

19 134. Coach McKeever represented that one’s contributions to the team—primarily
20 through points scored during dual meets—should be proportional to the value of their scholarship.
21 She told one Plaintiff that because she was awarded the fifth-highest scholarship on the team, she
22 needed to be in the top-five in everything the team did in training.

23 135. Swimmers who hoped to transfer to another program had to be careful not to cross
24 Coach McKeever as she held the power to ‘release’ them within NCAA’s transfer portal. If they
25 were not officially released, they could transfer universities but would have to sit out the following
26 athletic competition season.

27 136. Swimmers who were members of the U.S. National Team, or aspired to be, similarly
28 were fearful of upsetting Coach McKeever given her involvement with Team USA.

1 137. Overall, while at Cal, Plaintiffs shared only a sanitized version of their experiences,
2 if at all, to their parents—primarily out of fear that if their parents called the university in a rage,
3 they would face retaliation.

4 11. **One-Way Communications**

5 138. When tension grew between Coach McKeever and swimmers, she often called
6 meetings. Swimmers always felt anxious before such meetings. In the meetings, Coach McKeever
7 often went through her list of grievances and seemingly built a case why the swimmer was not suited
8 to remain on the team or was not meeting her expectations. Coach McKeever rarely let the
9 swimmers get a word in edgewise. The meetings had an interrogation-like feel and swimmers left
10 the meetings feeling emotionally hungover for days.

11 139. Upon information and belief, other officials with offices in Haas Pavilion could hear
12 when Coach McKeever was yelling at swimmers. On several occasions, Athletics Department staff
13 saw swimmers leave Coach McKeever’s office, often in tears.

14 140. When swimmers requested that others attend the meetings, such as their parents, they
15 were shut down. Often, the assistant coach and/or Jennifer Simon-O’Neill were present during these
16 “meetings.” They never intervened as the swimmers were berated, and often cussed at, by Coach
17 McKeever.

18 141. When parents of swimmers reached out to Coach McKeever or other Athletics
19 Department officials, they were often rebuffed.

20 142. Plaintiffs were never issued any sort of organizational chart or informed of officials
21 they could go to within the Athletics Department. Coach McKeever kept Plaintiffs isolated from
22 any officials who might have served as a check on her abusive conduct. Because Athletics
23 Department officials rarely visited the team during practices, swimmers had little insight into the
24 appropriate leaders to seek for assistance. And because Coach McKeever had her ‘eyes and ears’
25 everywhere, sneaking to file a complaint was an insurmountable task for most swimmers.

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1 **D. UC Regents Were on Notice of Coach McKeever’s Abusive Conduct**

2 1. **Early Warnings About Coach McKeever’s Conduct**

3 143. Coach McKeever assumed the position of Head Coach in fall 1992 after her
4 predecessor Karen Moe Humphreys²¹ moved into a leadership role within the Athletics Department.
5 Coach McKeever did not want to work with Ms. Humphreys during the transition and explicitly
6 asked her not to spend time on the pool deck except to attend swim meets.

7 144. Soon after accepting the role as Head Coach, Coach McKeever’s leadership
8 deficiencies were noted by the Cal Athletics Department. Several student-athletes would sneak to
9 hold meetings with Assistant Athletics Director Karen Moe Humphreys. Upon information and
10 belief, Athletics Department leadership advised Coach McKeever to take anger management
11 courses and to bring on assistant coaches to help her manage the program.

12 145. In spring 1994, after NCAA Championships, three team captains met with Acting
13 Athletics Director Bob Driscoll to convey their concerns about the abusive conduct by Coach
14 McKeever and the assistant coach. The swimmers shared that they were concerned about whether
15 the younger swimmers would be targeted after they graduated. AD Driscoll responded that he took
16 their allegations seriously, would monitor Coach McKeever, and would ensure that her coaching
17 program did not continue to be abusive.

18 146. Eventually, Coach McKeever hired an assistant coach who was very skilled in
19 recruiting. Cal recruited Olympians and began increasing the team’s national profile. The
20 achievements and success of the swimmers masked the fact that Coach McKeever had never
21 managed her anger and continued her abusive conduct toward swimmers on each year’s team.

22 147. Upon information and belief, Coach McKeever’s supervisor(s) knew of her conduct
23 and included it in her annual evaluation for at least one year: “personalized attacks,” “students afraid
24 to go to practice,” “afraid to talk to Teri,” “student-athletes are so anxious going into every practice,”

25 _____
26 ²¹ First woman head coach of the Cal women’s swimming and diving team, serving from 1978 to
27 1992. In 1987, she was named the NCAA Division I Women’s Swimming Coach of the Year. She
28 earned a gold medal in the 200-meter butterfly at the 1972 Summer Olympics in Munich and served
as the team captain at the 1976 Summer Olympics in Montreal.

1 “very negative coaching style,” “fear of retaliation,” “gotten worse this year,” and “picking on
2 individual people.”²²

3 148. Upon information and belief, Athletics Directors Steve Gladstone, Sandy Barbour,
4 Mike Williams, and Jim Knowlton had actual knowledge of Coach McKeever’s propensity for
5 abusive coaching practices.

6 **2. High Attrition Rate Among Swimmers**

7 149. In general, collegiate swimmers have among the lowest attrition and transfer rates.
8 Less than 5% of athletes participating in women’s swimming and diving transfer from their D1
9 program. To stay with the national average within D1 programs, only one swimmer would have
10 left the Cal team each season. There were seasons where a quarter of the team left. Several
11 swimmers left before the conclusion of the season. Frequently, a freshman class consisted of ten
12 (10) swimmers, of which two-thirds would depart the team by the time of graduation.

13 150. The Cal Athletics Department has a robust roster of employees, including some
14 whose responsibility is processing NCAA transfer requests and tracking statistics. Cal was on notice
15 of the high attrition rate on the women’s swimming and diving team.

16 151. Despite processing paperwork for those who prematurely left the team, the Athletics
17 Department rarely asked for exit interviews from Plaintiffs.

18 **3. High Attrition Rate Among Assistant Swim Coaches**

19 152. Assistant coaches on average stayed with the team about the same length of time as
20 the student-athletes. One assistant coach was so offended by Coach McKeever’s abusive conduct
21 that they left the position in the middle of the season. The assistant coach told Teresa Kuehn Gould,
22 the Deputy Athletic Director and Coach McKeever’s supervisor, their reason for leaving. Teresa
23 responded, “We know about Teri McKeever. We have wanted her to go to anger management
24 classes.”

25
26
27

²² See Head Coach Performance Evaluation Form, pp. CALINT-000370_0001 – 0009 (evaluation
28 year redacted upon public release of *Report of Investigation Regarding Teri McKeever*).

1 153. The assistant coaches who worked with Coach McKeever witnessed her abuse
2 toward Plaintiffs on the pool deck and within meetings. Several put their heads down, completed
3 their two years, and moved on to opportunities at other universities. Many assistant coaches likely
4 feared damage to their own career prospects if they reported Coach McKeever, given her reach
5 within the swimming community. The assistant coaches never intervened or spoke up on behalf of
6 the swimmers. Plaintiffs sensed that many assistant coaches were just as scared of Coach McKeever
7 as they were.

8 154. A few assistant coaches seemed to buy into Coach McKeever's methods and was
9 complicit in her abusive conduct, often acting as her enforcer.

10 4. **Direct Complaints**

11 155. Plaintiffs and/or their parents attempted to lodge complaints with Defendant. When
12 they did so, they were either met with silence, told that Coach McKeever was a good coach, or
13 received a mild response years after the fact. Plaintiffs who took the extraordinary step to come
14 forward to share their traumatic stories were met with inaction and platitudes.

15 156. Upon information and belief, in or around 2018, several Cal swimmers submitted a
16 joint letter to the National Collegiate Athletic Association and Pac-12 describing the abusive
17 atmosphere fostered by Coach McKeever. These governing bodies forwarded the letter to Cal
18 leadership.

19 **E. UC Regents Continuously Endangered Plaintiffs by Not Only Retaining, But**
20 **Also Rewarding and Promoting Coach McKeever**

21 157. Defendant UC Regents had constructive and actual notice of Coach McKeever's
22 propensity for abusive coaching. Defendant failed to prevent Coach McKeever's ongoing
23 harassment and abuse of Plaintiffs and other student-athletes. Instead, Defendant continued to
24 reward and promote Coach McKeever.

25 1. **Defendant Publicly Misrepresented Coach McKeever as an Exemplary**
26 **Coach**

27 158. Upon information and belief, Cal failed to place Coach McKeever on an appropriate
28 performance improvement plan. Alternatively, Cal failed to enforce any performance improvement
plan and meted out no meaningful escalation of discipline.

1 159. Defendant, to Plaintiffs and any reasonable observer, continuously rewarded and
2 promoted Coach McKeever as a good coach.

3 160. In July 2008, just before the summer Olympics in Beijing, Cal Athletics sent out a
4 fundraising solicitation with a byline from Cal alum and Olympian Natalie Coughlin. In the
5 solicitation, Natalie praised Coach McKeever for helping her “heal and rekindle[] [her] passion for
6 swimming.”

7 161. After Coach McKeever was named Head Coach of the U.S. Women’s Olympic Swim
8 Team for the 2012 Summer Olympics in London, an Athletics Department official approached a
9 professor at the Haas School, requesting that they write a case study on McKeever’s leadership.²³

10 162. In 2014, Chancellor Nicholas Dirks named Coach McKeever to the search committee
11 for a new Athletic Director following the resignation of AD Sandy Barbour.

12 163. In November 2017, Cal Athletics Fund organized and hosted a 25th Coaching
13 Anniversary Celebration in honor of Coach McKeever. At the celebration, Cal formally announced
14 the creation of the Teri McKeever Women’s Swimming Scholarship.

15 164. In 2018, Cal inducted Coach McKeever into the California Athletics Hall of Fame.

16 165. In 2019, *California*, the Cal Alumni Association magazine, featured an article on
17 Coach McKeever titled, “Freestylin’: Coach Teri McKeever on How to Swim Like a Girl.”

18 **2. Defendant Continued to Employ Coach McKeever Despite Her**
19 **Conduct**

20 166. Upon information and belief, since 1992, Defendant UC Regents renewed Coach
21 McKeever’s employment contracts in full, without a meaningful evaluation of whether her past
22 conduct warranted renewal. Upon information and belief, Defendant kept incomplete and
23 inadequate personnel records for Coach McKeever. Upon information and belief, Defendant
24 ignored documentation of allegations of misconduct, actively concealed such allegations, and/or
25 ignored any reference to such allegations when evaluating her fitness for renewal of contract.

26 _____
27 ²³ Holly A. Schroth, *Coach McKeever: Unorthodox Leadership Lessons from the Pool*, 56 CALIF.
28 MGMT. REV. (2013).

1 167. By January 2020, Defendant was on notice of several swimmers leaving the team
2 after experiencing depression, anxiety, and suicidal ideations.²⁴ Despite such troubling information,
3 Athletics Director Jim Knowlton executed a contract extension with Coach McKeever to continue
4 as the head coach through 2024. In a public statement, AD Knowlton said,

5 Teri McKeever is an iconic coach with an international reputation that
6 is second to none. As much as she develops student-athletes to reach
7 their potential in the pool, Teri also cares deeply about them as
8 individuals and works just as hard to ensure they graduate from Cal
prepared to be leaders in their post-collegiate careers. We look
forward to having Teri lead our program for years to come.²⁵

9 168. Until termination on January 31, 2023, Defendant paid Coach McKeever a base
10 salary of \$242,500 per year. Her employment agreement included several performance bonuses
11 based on the competition results of individual athletes and the team.

12 **F. UC Regents Could Have Prevented Plaintiffs' Injuries, But Unreasonably**
13 **Failed to Act**

14 169. Plaintiffs were not only harmed by the harassment and abusive environment that
15 Coach McKeever fostered, they were further traumatized by Defendant's empty gestures and lack
16 of meaningful action.

17 170. Coach McKeever was supervised by Jennifer Simon-O'Neill. As the Executive
18 Senior Associate Athletics Director, Ms. Simon-O'Neill oversaw administration of all sports and
19 had direct administration of the women's swimming and diving team. Ms. Simon-O'Neill was also
20 dual-hatted as the Senior Woman Administrator (SWA), a position designated by the NCAA in 1981
21 to, in part, create a visible woman role model for student-athletes and staff.

22 171. Though Ms. Simon-O'Neill supervised Coach McKeever, they had an unusually
23 close relationship. Coach McKeever is the godmother to one of Ms. Simon-O'Neill's children.

24 172. Ms. Simon-O'Neill sat in numerous meetings as Coach McKeever berated and
25 threatened Plaintiffs. She never contemporaneously intervened nor admonished Coach McKeever

26 _____
27 ²⁴ See ¶¶ 433–437, 445–455.

28 ²⁵ Press Release, Cal Athletics, Teri McKeever Agrees to Contract Extension (Jan. 13, 2020).

1 as she threatened Plaintiffs. Plaintiffs did not see Ms. Simon-O’Neill as an administrator they could
2 go to for assistance. They lost confidence in the system.

3 173. Several Plaintiffs had interviews with Cal’s Office for the Prevention of Harassment
4 and Discrimination (“OPHD”) about Coach McKeever’s conduct. Such interviews either led to
5 informal discussions with Coach McKeever about ‘bullying’ or no action at all.²⁶

6 174. Plaintiffs’ parents’ attempts to contact Athletics Directors over the years were futile.
7 Some parents avoided making phone calls in fear that their daughter may face direct retaliatory
8 action by Coach McKeever or others. Those who highly depended on the scholarship funding to
9 attend Cal were further incentivized to remain silent, given Coach McKeever’s consistent threats to
10 scholarships.

11 175. Plaintiffs were at a loss of where else to turn. Many Plaintiffs could not imagine any
12 administrator taking their word over that of an award-winning woman Olympic coach. Plaintiffs
13 and parents felt helpless and hopeless.

14 **G. The Scale and Scope of Coach McKeever’s Abuse Emerges**

15 176. On May 24, 2022, the *Orange County Register* published an investigative report
16 alleging years of widespread and continuous abuse by Coach Teri McKeever and Defendant UC
17 Regents’ inaction.²⁷

18
19
20 ²⁶ In February 2018, the U.S. Department of Education, Office of Civil Rights (“OCR”), concluded
21 that OPHD was out of compliance with Title IX and its implementing regulation and that OPHD
22 had several policies which did not provide for a reasonably prompt process nor adequate notice of
23 the outcome to complainants. OCR determined that where students alleged unwelcome sexual
conduct and/or comments by faculty members, OPHD had been on notice of previous complaints
concerning the same faculty member and went forward with a second/third/fourth round of
alternative resolution, rather than formal discipline.

24 *See* Resolution Agreement with the U.S. Department of Education Office for Civil Rights (OCR),
25 [https://compliance.berkeley.edu/news/resolution-agreement-us-department-education-office-civil-
rights-ocr](https://compliance.berkeley.edu/news/resolution-agreement-us-department-education-office-civil-rights-ocr).

26 ²⁷ Scott M. Reid, *UC Berkeley Swimmers Allege Coach Teri McKeever Bullied and Verbally Abused*
27 *Then for Years*, ORANGE COUNTY REGISTER, May 24, 2022, [https://www.ocregister.com/
28 2022/05/24/cal-swimmers-allege-coach-teri-mckeever-bullied-and-verbally-abused-them-for-years/](https://www.ocregister.com/2022/05/24/cal-swimmers-allege-coach-teri-mckeever-bullied-and-verbally-abused-them-for-years/).

1 177. Despite the serious allegations, on May 25, 2022, Defendant UC Regents allowed
2 Coach McKeever to conduct morning practice, unaccompanied by any other officials from the
3 Athletics Department. Members of the Cal swim team walked out of morning practice after having
4 a brief meeting with Coach McKeever. Later that day, Cal placed Coach McKeever on paid
5 administrative leave.²⁸

6 178. Upon reading the May 24, 2022 news article, several Plaintiffs experienced a
7 physical reaction to the totality of reporting. Plaintiffs felt a sense of validation—that their years of
8 anguish were not just ‘in their head,’ but rather a shared reality.

9 179. Upon reading the article, Plaintiffs learned that Coach McKeever’s abusive conduct
10 was widespread, continuous, and not something they imagined.²⁹ Because of their years of training
11 as elite athletes who were pushed not to recognize pain or discomfort, Plaintiffs had never
12 considered themselves victims of abuse.

13 180. Several Plaintiffs and other swim team alums reached out to one another, apologizing
14 for not being sufficiently supportive of one another during their time on the team. The magnitude
15 of the allegations in the article led many Plaintiffs to require time off from work due to the memories
16 it triggered.

17 181. For years, Plaintiffs wrongfully believed that they were the problem, not how they
18 were treated by Cal. Only upon reading the news article did Plaintiffs contemplate that the abuse
19 they suffered could form the basis of a legally cognizable claim.

24 ²⁸ On May 25, 2022, the United States Center for SafeSport (“SafeSport”) announced initiation of
25 an investigation into the abuse allegations. SafeSport is a nonprofit organization established in 2017
26 under the auspices of the Protecting Young Victims from Sexual Abuse and Safe Sport
Authorization Act, Pub. L. No. 115-126.

27 ²⁹ Like Plaintiffs, many women gymnasts finally felt vindicated and learned of the magnitude of the
28 Dr. Larry Nassar’s abuse upon publication of the investigative piece by the *Indianapolis Star* in
September 2016.

1 **H. UC Regents-directed Investigation Substantiated the Allegations of Abuse**
2 **Contained in the Orange County Register Article**

3 182. On January 31, 2023, Cal released a heavily redacted version of the *Report of*
4 *Investigation Regarding Teri McKeever* (January 17, 2023) (hereinafter “McKeever Investigation”),
5 produced by the law firm Munger Tolles & Olson LLP.

6 183. The McKeever Investigation concluded that by a preponderance of the evidence
7 Coach McKeever created a hostile environment for swimmers on the basis of race, national origin,
8 and disability. The investigation determined that Coach McKeever’s persistent use of abusive,
9 insulting, and hostile language violated Cal’s policies against bullying and abusive conduct.

10 184. The McKeever Investigation made no factual findings on Cal’s handling of previous
11 complaints to the university about Coach McKeever’s conduct.

12 185. Coinciding with release of the investigation report, Cal terminated Coach
13 McKeever.³⁰

14 186. Public pressure grew for Cal to investigate Cal leaders’ knowledge of Coach
15 McKeever’s persistent abusive conduct. In March 2023, Cal announced that it had launched a
16 formal investigation into AD Jim Knowlton and Executive Senior AD Jennifer Simon-O’Neill’s
17 knowledge of the abuse over the years.

18 **V. FACTS SPECIFIC TO PLAINTIFFS**

19 **A. Katherine Touhey**

20 187. Plaintiff Katherine Touhey chose Cal over a university closer to home because she
21 wanted a new experience at a school that had both top academics and top athletics. In high school,
22 Katherine was the Virginia state champion and record holder in the 100-yard fly and 200-yard free
23 and competed in two events at the 2000 U.S. Olympic Trials.

24 188. Katherine attended a large, diverse public high school outside of Washington, D.C.
25 She came to Cal confident, positive, and excited to be at the university and on the team. In spring
26 of her freshman season, Katherine missed qualifying for NCAA Championships by a tenth of a

27 _____
28 ³⁰ Press Release, Cal Athletics, Cal Parts Ways With Teri McKeever (Jan. 31, 2023).

1 second. She ranked in the top 30 collegiate swimmers nationwide in the 100-yard fly. She had
2 every expectation of continuing to build her speed and competitiveness. However, she was quickly
3 targeted by Coach McKeever.

4 189. Shortly after Katherine joined the team, Coach McKeever began kicking her out of
5 practices and prohibited her from attending team events, thereby excluding her from some of the
6 earliest opportunities to develop as an athlete and build connections. Before Katherine had a chance
7 to prove herself, Coach McKeever identified her as a ‘bad apple’ and encouraged others to avoid
8 her.

9 190. Katherine was recruited to swim butterfly, freestyle, and backstroke events. Once
10 on the team, Coach McKeever made it clear that Katherine was required to compete in the individual
11 medley events, which includes breaststroke. On the advice of past coaches, Katherine had adjusted
12 her breaststroke technique over several years to accommodate a chronic knee condition. Coach
13 McKeever forced Katherine to train breaststroke with the team, which slowly caused a tear in her
14 meniscus muscle.

15 191. Katherine earned a 2.99 GPA her first semester at Cal. Early in the spring semester,
16 Coach McKeever publicly shamed Katherine in front of other athletes during a team meeting,
17 berating her for her “unacceptable” grades and not living up to the team’s high academic
18 expectations.

19 192. In spring of her freshman year, Katherine was doing dryland circuit training with the
20 team when she heard a pop, followed by her knee locking. The assistant coach saw Katherine
21 wincing in pain. She went to the Tang Center, completed tests, and was diagnosed with a torn
22 meniscus. She had surgery that summer at home in Virginia. After the surgery, Katherine
23 rehabilitated her knee on her own, receiving no direction from Cal medical staff.

24 193. The following fall, Katherine returned to the pool right away. Coach McKeever
25 yelled at Katherine for not doing flip turns during training and kicked her out of the practice session.
26 She was doing modified wall turns because she did not yet have full range-of-motion in her knee
27 and was not medically cleared to do flip turns.

28

1 194. When the terrorist attacks occurred on September 11, 2001, Coach McKeever did
2 not cancel practices nor the scheduled off-site team retreat. Katherine struggled to reach friends and
3 family in Northern Virginia after the attacks. The team retreat, as customary for the Cal team,
4 occurred in a location without cell signal nor access to the internet. Growing up in the nation’s
5 capital, Katherine had family friends who worked at the Pentagon, which was hit in the attack.
6 Coach McKeever discouraged Katherine and the team from talking about the attacks as not to
7 distract from swimming.

8 195. Due to overuse and insufficient rehabilitation, Katherine torn her meniscus again that
9 fall. She received a second surgery at Cal.

10 196. Just three semesters into her collegiate swimming career, Katherine met with Coach
11 McKeever before winter break to resign from the team. Katherine’s parents had significant concerns
12 about her decision to leave the program and feared that she would be isolated and without the support
13 system they had expected her to have on the swim team. In a call with Katherine’s parents, Coach
14 McKeever expressed that she did not “have room in the lanes to rehab Katherine,” and that it was
15 best if Katherine stopped swimming.

16 197. The decision to leave the team was a major break in Katherine’s trajectory. In the
17 matter of fifteen (15) months, her confidence was decimated. She had promise of being a national-
18 caliber swimmer and now was floundering academically, socially, and personally. After Katherine
19 left the team, no one from the Athletics Department reached out for any sort of exit interview. She
20 also received no follow-up care on her sports-related injuries.

21 198. Katherine was roommates with Plaintiff Katherine Mitchell at the time. She took
22 efforts not to share her frustrations with the end of her swimming career with Ms. Mitchell, as she
23 wanted her to have a positive experience on the team.

24 199. The abrupt transition off the team caused anguish for Katherine. She experienced
25 gastrointestinal pain and anxiety. She went to the Tang Center for her pain and presented with a
26 high white blood count. She was transferred to the emergency room at a local hospital. Her doctors
27 instructed her to rest her body and assessed that her symptoms were likely induced by physical and
28 emotional stress.

1 200. Katherine didn't access mental health counseling until six years after graduating,
2 when she was newly married and became a parent. She did not raise her experience with Coach
3 McKeever with therapists because she had been convinced by Coach McKeever's narrative that
4 Katherine was toxic, was not worthy of being on the team, and that her body failed her thus ending
5 her swimming career.

6 201. In the years following graduation, Katherine pushed herself to compete in the most
7 intense individual sports to prove to herself that she was a capable athlete. She ran three marathons,
8 qualified for the Boston Marathon, and completed an Ironman triathlon. During this time, she
9 suffered from anxiety, depression, irritable bowel syndrome, and ongoing knee pain from her
10 injuries at Cal. From the intense hypoxic training Coach McKeever had her do, Katherine has an
11 irrational fear of drowning. She has felt shame about the end of her swimming career and doesn't
12 voluntarily share with others that she used to swim. For two decades, she has suffered from
13 reoccurring flashbacks and nightmares about how Coach McKeever treated her and how it made her
14 feel.

15 202. As a result of her experiences on the team, Katherine has not felt proud of her degree,
16 has never attended a reunion or sporting events, and avoids travel to the East Bay. She has a strong
17 fear of rejection which has led her to avoid risks in her career. She has gotten very little use from
18 her degree nor been able to build a career. When Katherine had a supervisor who was a Cal alum,
19 she avoided spending time in his office alone as an unconscious safety mechanism based on her
20 experience being emotionally manipulated in Coach McKeever's office on campus.

21 203. Until publication of the news article detailing decades of abuse in May 2022,
22 Katherine had never understood Coach McKeever's actions as abuse nor herself as a victim. She
23 has since reconnected with her friends Plaintiffs Natalie Meyer and Katherine Mitchell and started
24 the process of healing from her experiences at Cal, thereby experiencing for the first time a sense of
25 camaraderie and support in the Cal swimming community. Katherine hopes her three young
26 children will have athletic experiences that support their development and help them thrive in and
27 out of competition.

28

1 **B. Natalie Meyer**

2 204. Plaintiff Natalie Meyer committed to Cal during early signing in fall of her senior
3 year. She had been named the 1999 Virginia Swimmer of the Year and held state records in several
4 events. Natalie was excited to have a woman coach.

5 205. As a middle-distance swimmer, Natalie committed to Cal under the assumption that
6 the assistant coach who recruited her would remain on staff. However, he had already planned to
7 leave Cal and was told not to tell recruits that he was leaving.

8 206. Being on the team was not at all as it was presented during recruitment. Coach
9 McKeever yelled at swimmers in front of the team, instilled fear, and mocked and berated others.

10 207. Natalie’s freshman roommate was Plaintiff Katherine Mitchell. She witnessed
11 Katherine’s daily fear due to the abuse from Coach McKeever. Natalie was also close friends with
12 Plaintiff Katherine Touhey, also a target of Coach McKeever. Watching both of her friends’ injuries
13 be ignored and to be abused deeply affected Natalie both physically and mentally. Natalie did not
14 perform at her best. She feared that her association with both would cause her to be on Coach
15 McKeever’s “shit list” as well. This eventually caused a strain on the friendships.

16 208. Natalie and other swimmers were encouraged to go to Mohamed Muqtar if they had
17 issues. Natalie saw him leering at the swimmers on the pool deck from his office. She never felt
18 comfortable around him.

19 209. When things became overwhelming, Natalie went to the Tang Center. She was
20 never offered a regime of talk therapy but was prescribed an antidepressant medication.

21 210. Natalie watched as a majority of her freshman cohort eventually left the team,
22 causing her to feel isolated. She felt a sense of jealousy that they were able to escape. Natalie felt
23 she had great talent. Because of Coach McKeever’s reputation, she stuck it out on the team for all
24 four seasons, hoping the environment might improve.

25 211. Natalie felt further isolation given that Coach McKeever granted very brief breaks
26 for the Thanksgiving and Christmas holidays. The truncated trips home to Virginia did not ease the
27 sense of homesickness, depression, and loneliness that Natalie felt while at Cal.

28

1 212. After graduating Cal, Natalie physically avoided getting into a pool for six (6) years.
2 Attempting to swim regularly brought back bad memories and took years to overcome. Natalie
3 avoided watching the Olympic Games for years, especially the years when Coach McKeever was
4 affiliated with Team USA.

5 213. Natalie has required therapy since graduating Cal. She maintained few friendships
6 with those from the swim team. She has never been to a Cal reunion nor any Cal sporting events.

7 214. Since publication of the May 2022 news article, Natalie has reconnected with her
8 friends Plaintiffs Katherine Touhey and Katherine Mitchell and started the process of healing from
9 her experiences at Cal.

10 **C. Katherine Mitchell**

11 215. Cal was the family school for Plaintiff Katherine Mitchell. She grew up in Orinda,
12 a neighboring town of Berkeley, and had significant exposure to the university growing up. Her
13 mother, uncle, and grandfather are Cal alums. Her uncle was the head coach of the Cal men’s golf
14 team for more than thirty years.

15 216. Katherine was recruited by Cal’s assistant coach. He advised her at the conclusion
16 of the recruiting process that he was leaving the program and that she should attend a different
17 school if she could. Katherine met Coach McKeever once in-person as a recruit and was alarmed
18 by her cold demeanor. Despite the assistant coach’s warning and this initial impression of Coach
19 McKeever, Katherine remained optimistic about joining the team and the university’s academic
20 opportunities and committed to Cal.

21 217. Katherine’s mother wanted her to consider joining Greek life for additional support
22 and a social network outside of swimming. Her mother inquired about sororities to Coach
23 McKeever, who responded, “My girls don’t join sororities.”

24 218. Within weeks of Katherine joining the team, Coach McKeever told another teammate
25 to stay away from Katherine as “she’s trouble.” The teammate felt the remarks were baseless,
26 ignored them, and eventually became one of Katherine’s closest friends.

27 219. Coach McKeever regularly bullied and disparaged Katherine in front of the team.
28 She was jeered at for feeling stress during finals week, mocked for her inability to catch her breath

1 during hypoxic sets, and frequently snapped at for harmless small talk. When Katherine achieved
2 the same accomplishments as other swimmers, such as qualifying for Pac-10 academic honors, she
3 was ignored while her teammates received praise and recognition.

4 220. Coach McKeever occasionally held “optional” practices, but punished swimmers for
5 not attending. Following the Pac-10 Championships in 2001, Coach McKeever told swimmers not
6 traveling to NCAAs that practices were option and there would be no repercussions for opting out.
7 Having not qualified for NCAAs and feeling burned out, Katherine informed Coach McKeever that
8 she would like to take a break. Coach McKeever responded to Katherine by angrily accusing her of
9 being selfish, inferior to her teammates, and mandated that she not take time away from the pool.

10 221. Katherine continued to train with Coach McKeever through the spring and summer
11 following her freshman year and experienced significant hair loss due to the stress.

12 222. Katherine experienced back, neck, and shoulder pain throughout her two seasons on
13 the team which progressively worsened. At one point, Katherine was physically unable to lift her
14 arms above her shoulders and felt pain with deep breaths, necessitating that she skip practice. She
15 went to the trainers in the Athletic Department seeking care. The trainers did not take her injury
16 seriously and failed to provide her with any referral for an expert assessment. Once Katherine
17 returned to training, Coach McKeever did not inquire about her injury. Katherine looked to the
18 assistant coach for support but was not provided any.

19 223. Katherine left the team after competing in the Pac-10 Championships her sophomore
20 year. Many in her cohort had already departed the team by then. Leaving the sport was very hard
21 as Katherine had invested over fifteen (15) years into competitive swimming. Katherine never got
22 to reach her full potentially athletically.

23 224. Katherine was never referred to an orthopedic specialist by the Athletic Department
24 during her time as a student-athlete. After leaving the team, Katherine’s parents circumvented the
25 normal processes to make an appointment with a university physician on her behalf. The physician
26 was alarmed by Katherine’s condition and referred her to physical therapy. Katherine’s father spoke
27 with the physician, seeking answers as to why she had not been seen sooner. Shortly after that
28

1 conversation, Coach McKeever called Katherine's parents feigning concern and claiming she was
2 unaware of any injury.

3 225. Katherine contemplated filing a complaint about Coach McKeever's abusive conduct
4 but assumed that no one would believe the word of a twenty-year-old. Her parents also considered
5 filing a complaint with the Athletic Department but decided against it out of fear of repercussions
6 for her uncle and his employment with the department.

7 226. Coach McKeever's treatment toward Katherine made her feel unworthy of medical
8 care. After leaving the team, Katherine endured chronic shoulder, neck, and back pain for nineteen
9 (19) years. She declined to see an orthopedic specialist and instead sought more mild treatment via
10 physical therapy. Her pain and loss of mobility became so great that she finally met with an
11 orthopedist in 2021 who performed a major shoulder surgery that same year, finally alleviating the
12 pain she had lived with since college.

13 227. Katherine has not swum a lap since leaving the team. She was unable to watch any
14 interviews of Coach McKeever during the 2012 London Olympics. Katherine feels no emotional
15 connection to Cal.

16 228. Katherine suffered from low self-esteem and had difficulty speaking up for many
17 years as a result of her experiences on the team. She has been treated by a therapist for depression
18 and anxiety.

19 229. Katherine felt physically and emotionally overwhelmed upon reading the May 2022
20 news article detailing the years of abusive conduct by Coach McKeever.

21 230. After leaving the team, Katherine did not maintain friendships with many teammates
22 due to the traumatic memories. Since release of the articles, she has rebuilt her friendship with
23 former roommate Plaintiff Katherine Touhey after nearly twenty years without contact.

24 **D. Erin Coffman**

25 231. In high school, Plaintiff Erin Coffman held a school record and was undefeated in
26 competition in the 100-yard breaststroke. Coach McKeever visited Erin while she swam in a
27 California Interscholastic Federation (CIF) championship and thereafter invited her to visit Cal for
28 a recruiting trip. Erin was excited about the prospect of having a woman coach.

1 232. Erin struggled her freshman season on the Cal team. By her sophomore season, she
2 began to experience the ‘wrath’ of Coach McKeever. With over a decade of swimming under her
3 belt at that point, Erin did not know how to quit. She remained on the team all four years, despite
4 being one of Coach McKeever’s targets.

5 233. The team walked on eggshells. Everyone was constantly wincing, hoping that they
6 would not become the next person targeted by Coach McKeever.

7 234. Erin attempted to access mental healthcare at the Tang Center. Her provider passed
8 her off to another provider. Erin was very off put and never returned for care.

9 235. While on the team, Erin experienced anxiety attacks in the middle of the night.
10 Fortunately, Erin’s brother, a fellow Cal student-athlete, would come to her apartment and provide
11 comfort during such episodes.

12 236. During a winter training trip to Hawaii, Erin injured her ankle and was issued
13 crutches at the local hospital through her insurance plan. Coach McKeever yelled at her about the
14 crutches during the trip. Erin still has nightmares about Coach McKeever’s yelling.

15 237. Erin achieved a qualifying time for NCAAs her junior year. After her swim, Erin went
16 to Coach McKeever hoping to receive congratulations. Coach McKeever did not acknowledge her.

17 238. Erin sobbed during her last swim meet her senior year. She was relieved that it was
18 finally over.

19 239. After graduating, Erin did not maintain friendships with her teammates as it was too
20 triggering. She suffers from low trust in others, a short temper, and always plans for the worst
21 scenario. It took Erin over a decade to get over her anger from her experiences at Cal.

22 240. Erin does not swim and does not spend time around water.

23 241. Erin felt that all her anger was validated upon reading the news article detailing the
24 years of abusive conduct that was published on May 24, 2022. It was her first step in healing.

25 242. Erin wants her daughter to play sports in a safer system.

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1 **E. Jenna S. Rais**

2 243. Plaintiff Jenna Rais first met Coach McKeever when she came to her family’s home
3 in Reno to recruit her older sister. Jenna’s sister ultimately attended Stanford, but Jenna started to
4 aim toward Cal. In high school, Jenna was the Nevada state champion in three separate events.

5 244. Issues with Coach McKeever began not long after joining the team. Coach
6 McKeever kept Jenna from competing in the team’s first home dual meet after Jenna got an eyebrow
7 piercing. There were no competition rules against such piercings—Coach McKeever just didn’t like
8 it. Jenna cried as she watched her lane go empty and teammates swam their first races of the season.

9 245. Jenna sent numerous emails to Coach McKeever requesting to leave practice early
10 to attend certain classes. Coach McKeever never responded. Science courses generally began at 8
11 a.m. After morning practices, Jenna had to race up hill on campus to make her classes.

12 246. During her freshman season, Coach McKeever brought Jenna into the equipment
13 room and yelled at her so close to her face that Jenna could feel the coach’s spit. “What are you
14 doing here? You don’t deserve to be here! No point in being here.”

15 247. Whenever Jenna felt upset, she would skip practice to see Mohamed (“Mo”) Muqtar.
16 Mo showed Jenna kindness as she shared her frustrations. However, over time, he asked her
17 questions about her sex life and pressed his body against hers. Mo was a Cal grad and long-time
18 staff member of the Athletics Department. At the time, Jenna felt that reporting Mo’s harassment
19 would have ostracized her.

20 248. Jenna’s sophomore season mildly improved. She felt more comfortable in the
21 training and her competition results showed improvement. She also felt less of a target by Coach
22 McKeever, who by then had new freshmen to attack.

23 249. At the beginning of her junior season, Jenna was sexually assaulted by an employee
24 of the Athletics Department while at an off-campus party. After graduating from Cal, Jenna reported
25 the assault to Berkeley Police and Cal’s Office for the Prevention of Harassment and Discrimination
26 (OPHD). Teresa Kuehn Gould, Deputy Athletic Director, attended Jenna’s interview with OPHD.
27 In the end, Cal said they could not fire the assaulter because at the time of the assault he was not yet
28 a full-time employee of the department.

1 250. Jenna’s mental health greatly declined. She was in a constant state of anxiety, had
2 withdrawn from social circles, and was having panic attacks. However, she didn’t think that mental
3 healthcare was an option.

4 251. During a team training trip to Australia, Jenna hit her foot on the bottom of the pool.
5 The coaches sent Jenna to see an athletic trainer, ignoring her request to see a licensed physician.
6 Upon return to Cal, Jenna received an official diagnosis of a fracture from a doctor. She brought a
7 doctor’s note to Coach McKeever explaining that she could not do flip turns while her foot healed. No
8 one from the Athletics Department followed up with Jenna after her injury during the Australia trip.

9 252. After competing in Pac-10s her junior year, Jenna went to Coach McKeever’s office
10 notifying her that she was leaving the team. Coach McKeever showed no response, other than
11 asking Jenna to return her issued parka, warmups, fins, board, and pull buoy.

12 253. While finishing her degree at Cal, Jenna actively avoided the aquatics center on
13 campus during team practices. She did occasionally swim with a master’s team.

14 254. Jenna only told her parents about her experiences at Cal years after she graduated.
15 Her parents had noticed the change in her demeanor. She was dropped off at Cal as a confident,
16 independent, happy young woman, but graduated a changed person.

17 255. Due to her experiences at Cal, Jenna has suffered from insomnia, night terrors,
18 flashbacks, digestive issues, headaches, and fatigue. She has been diagnosed with anxiety,
19 depression, and post-traumatic stress, and requires medication and ongoing therapy.

20 **F. Whitney Rockwell**

21 256. Prior to arriving at Cal, Plaintiff Whitney Rockwell attended a private college
22 preparatory boarding school with a nationally regarded swimming program. She had tough women
23 coaches and competed in Olympic Trials while in high school. Whitney was undefeated in dual
24 meet races all four years of high school.

25 257. Whitney committed to Cal during early signing in fall of her senior year.

26 258. While on the Cal team, Whitney was the top sprinter, and therefore had to compete
27 in all swim meets for the team. Coach McKeever was focused on developing the skills of the
28 middle-distance athletes and had Whitney swim sets with higher yardage than normally advised for

1 sprinters. She did not perform at her best. The higher yardage resulted in both shoulder and knee
2 injuries that still affect her today.

3 259. Whitney was an A student during the fall semester of her freshman year. However,
4 by spring semester, her academic performance precipitously dropped due to the stress caused by the
5 abusive conduct by Coach McKeever. Because of the onerous demands of the team, Whitney had
6 three absences in one of her classes and was given a failing grade.

7 260. Evenings before planned hypoxic swim sets, Whitney cried in anticipation for the
8 following morning's exercise and struggled through the sets. At the directive of Cal Athletics
9 trainers and her Cal physician, she was given an inhaler for her perceived issue of lung incapacity.

10 261. After her first semester, Whitney applied to Harvard. Harvard's swim coach stated
11 that in order for her to transfer, they would need to talk with Coach McKeever and have her officially
12 'release' Whitney within the NCAA transfer portal. Whitney was so scared to approach Coach
13 McKeever that she abandoned her plans to transfer.

14 262. Whitney had a shoulder injury while on the team. Cal Athletics Department gave
15 her two days of physical therapy and then told her to train through the injury.

16 263. After her freshman season, Whitney gained five pounds. Coach McKeever remarked
17 to her, "I can't trust that you'll train when you go home [for the summer]."

18 264. The swim schedule was so onerous that Whitney had no time to pursue mental health
19 resources. She also believed that she would have been shunned had it been found out that she
20 accessed such medical care.

21 265. During her sophomore year, Whitney started considering leaving the team.
22 Whitney's father flew out to Cal from Maine. He met with the Athletics Department seeking
23 information on how her scholarship would be affected if she left the team. Coach McKeever told
24 Whitney and her father that she would "only accept Whitney back if she agrees to certain terms. I
25 really had to fight to put you on the team. You weren't smart enough to get into Cal. You aren't
26 holding up your part of the contract."

27 266. Whitney's father contacted the Athletics Director, who responded dismissively.
28

1 267. When Whitney left the team, Coach McKeever accused her of plotting to quit just
2 far enough into the season that she had already secured her scholarship funding for the semester.

3 268. Whitney had to take out loans to cover her tuition her junior and senior year.

4 269. Once Whitney left the team, she finally saw a physician for the depression and
5 anxiety that had developed. She also joined Cal's crew team. Her crew coach called Coach
6 McKeever to have Whitney officially released from the swim team. Coach McKeever provided a
7 'bad report' about Whitney, but the crew coach dismissed the comments. Whitney had a great
8 experience on the highly ranked crew team. Her grades also improved.

9 270. By leaving the team, Whitney lost the opportunity to qualify for the 2004 Olympics.
10 She has been unable to watch any Olympic coverage since, as it is too painful.

11 271. Upon leaving the team, Whitney lost her social network as the athletes primarily
12 associated with one another. She became close with another woman and man who had also left their
13 athletics teams.

14 272. After leaving the team, Whitney used to cry whenever she saw a pool. It took her
15 seven (7) years before she felt comfortable getting into a pool. For the past fifteen years, Whitney
16 has been healing from the trauma of being on the Cal swim team under Coach McKeever. She is
17 still working through the trauma and her difficulty dealing with authority figures.

18 273. After publication of the May 24, 2022 news article, several former teammates
19 reached out to Whitney. They all broke down together and several apologized to Whitney for
20 abandoning her after she left the team.

21 **G. Nadia Renner**

22 274. Plaintiff Nadia Renner was an Arizona state champion in the 100- and 200-yard
23 backstroke. She received several full ride offers from universities, but ultimately chose Cal.

24 275. While on the team, Coach McKeever made comments about Nadia's weight,
25 intelligence, effort, and character, often in front of the whole team. Swimmers were often weighed
26 before completing weight training. Based on Coach McKeever's frequent comments, Nadia often
27 limited her fluids and nutrition on days in which they were weighed.

28

1 276. Coach McKeever constantly threatened Nadia’s scholarship and made remarks
2 insinuating that Nadia didn’t even enjoy swimming or was only at Cal due to the scholarship. Once
3 it became clear that Nadia was not going to simply quit the team, Coach McKeever slightly eased
4 with the berating comments and moved on to her next target.

5 277. Even though distance events were not Nadia’s specialty, she eventually opted to train
6 in the distance lane under the assistant coach just to reduce her interactions with Coach McKeever.

7 278. Nadia watched as nearly twenty of her teammates left the team due to Coach
8 McKeever’s abusive coaching.

9 279. Under the stress of Coach McKeever, Nadia did not perform at her best. Nadia went
10 into survival mode to remain on the team. She put all her attention on swimming, subordinating her
11 academic studies. After Cal, Nadia had to take thirteen classes at a community college in order to
12 qualify for a graduate program.

13 280. Coach McKeever told Nadia that she was not sufficiently contributing to the team—
14 by scoring points at dual meets—and thus she needed to contribute a lot to recruiting efforts in order
15 to “earn her spot on the team.” “You bring nothing to the team.”

16 281. During Nadia’s sophomore season, Coach McKeever called her in for a meeting,
17 questioning her dedication and told her she was at risk of losing her position on the team. Nadia
18 had attended all practices and worked hard academically while coping with the sudden death of a
19 close family member. Nadia felt distraught by Coach McKeever’s threats to her role on the team
20 and thus the risk to her scholarship.

21 282. To cope with Coach McKeever, Nadia’s mother suggested that she work with a
22 therapist with expertise to work with athletes. During weekly sessions between fall 2005 to spring
23 2007, the therapist determined that Nadia was over-trained and over-stressed by Coach McKeever.
24 He gave her tools to ‘survive’ her time with Coach McKeever and encouraged her to find ways to
25 get out of practices periodically.

26 283. After her junior season, Nadia spent the summer back home in Arizona. She trained
27 with her club team, ran five miles each day, and did weight training. That August, Coach McKeever
28 called Nadia, accusing her of not training and indicated that her position on the team was in jeopardy.

1 Nadia's mother wrote a letter to Athletic Director Sandy Barbour informing her of the series of
2 threatening communications from Coach McKeever and her concern for her daughter's emotional
3 wellbeing. Nadia's mother also sent a copy of the letter to Coach McKeever.

4 284. Though Nadia completed all four years on the team, she left Cal feeling like a failure.
5 She felt that she was robbed of reaching her full potential.

6 285. Nadia coached swimming at a U.S. military academy for a period, but constantly
7 second-guessed her ability to lead swimmers based on what she felt was a disappointing swimming
8 career. She also did not see the long-term viability in coaching given that she was constantly asked
9 about or reminded of Coach McKeever and her time at Cal.

10 286. For a brief period, Nadia participated in masters swimming and swam faster than
11 ever under their coaching. However, hypoxic swim sets induced trauma responses.

12 287. After all these years, and even after earning a doctorate, Nadia still feels a strong
13 sense of self-doubt as a result of her time on the team. She struggles with decision-making and
14 avoids confrontation at all costs. Coach McKeever's comments about Nadia's weight has caused
15 her great body insecurity, leading her to exercise excessively in order to feel content.

16 **H. Leann Toomey**

17 288. Plaintiff Leann Toomey came to Cal knowing that it was going to be a challenging
18 experience. She was happy to attend to college on the west coast, continue her swimming, and
19 potentially have a chance of qualifying for the Olympics. The summer before matriculating at Cal,
20 Leann swam the 100-meter fly at U.S. Olympic trials.

21 289. Leann has a certified learning disability and with proper tools, excels. Upon joining
22 the team, Leann struggled to remember Coach McKeever's complicated swim sets. Whenever
23 Leann got confused about the exercise, Coach McKeever would yell at her and kick her out of
24 practice. "Why can't you count to eight?" "You claim to have a learning disability...you're just
25 not making enough effort to learn," Coach McKeever would shout.

26 290. Eventually, Leann's mother reported the treatment to Cal administrators. Thereafter,
27 the swim sets were written on a whiteboard on the pool deck, which helped all swimmers
28 immensely.

1 291. Leann suffers from sleep apnea. Coach McKeever made comments to Leann, “I have
2 to bribe teammates to bunk with you.” Fellow swimmers felt compelled to laugh at Coach
3 McKeever’s comments, further embarrassing Leann.

4 292. As a freshman, Leann was sexually assaulted by a fellow student, resulting in several
5 physical injuries. During a team meeting, the girls were told “this is what happens when you drink.”
6 Coach McKeever required Leann to get cleared by a psychologist before returning to training.
7 Leann took a month away from the pool. Coach McKeever told the team that Leann was weak.

8 293. Leann’s parents spent a few weeks with her in Berkeley. Leann’s mother spoke with
9 Cal administrators who discouraged her from considering pressing charges for the assault. No one
10 informed Leann about her other rights.

11 294. Despite all the challenges, Leann qualified for NCAA Championships her freshman
12 year. She felt that she had to prove the team wrong after having to take a break.

13 295. By fall of her sophomore year, the stress started to affect Leann’s academic
14 performance, necessitating that she be placed on academic probation. Leann was able to train with
15 the team but could not compete. Coach McKeever told Leann, “You don’t deserve to be here.”
16 Leann improved her grades and was able to compete during the spring semester.

17 296. At one point, Leann contemplated stepping in front of a bus in order to break her leg
18 and therefore get a break from the team practices that had become unbearable.

19 297. Leann swam with her club team her freshman summer but remained in Berkeley to
20 swim with Cal Club her sophomore and junior summers. During her junior summer, the team
21 traveled to Southern California for the Janet Evans Invitational. On the pool deck, in front of scores
22 of people, Coach McKeever yelled at Leann: “Why can’t you be more like Natalie [Coughlin]? You
23 aren’t taking this seriously. You don’t look professional.” Coach McKeever also made comments
24 about Leann’s weight.

25 298. Another club coach had witnessed the insults and came over to Leann to see if she
26 was okay. For the rest of invitational, Leann was in survival mode. Leann’s race results qualified
27 her for the 2008 U.S. Olympic Trials. Coach McKeever’s response: “I don’t want to pay for you if
28 you only make one event.”

1 299. In August before her senior year, Leann collected her gear from locker at the Cal
2 aquatics center, returned the loaned equipment, and left a voicemail for Coach McKeever stating
3 that she was leaving the team.

4 300. Leann was an All-American and held a top-10 time for Cal, yet no one from the
5 Athletics Department followed up with her after she left the team.

6 301. Coach McKeever’s abuse continued to impact Leann for years. She has experienced
7 suicidal ideations, resulting in a hospitalization in December 2008. She has experienced dissociation
8 and goes into flight mode when a boss calls her into their office. She requires ongoing therapy.

9 302. After publication of the May 24, 2022 news article, several former teammates sent
10 Leann messages, apologizing for not stepping in to stop the abusive treatment.

11 **I. Lindsey Lončarić**

12 303. Plaintiff Lindsey Lončarić arrived at Cal after setting Oregon state records in the
13 100-yard and 200-yard backstroke. She chose Cal because of the school’s profile and recent
14 successes, especially for backstroke specialists. The team was presented as a close-knit group.

15 304. Once on the team, it was apparent to Lindsey that everyone walked on eggshells.

16 305. Lindsey asked Coach McKeever if she had noticed the hitch in her backstroke.
17 Coach McKeever responded, “You haven’t earned the right to get my opinion on your stroke yet.
18 You’re a freshman; put your head down.”

19 306. Coach McKeever yelled and cursed at Lindsey during practices.

20 307. Coach McKeever told Lindsey that she didn’t deserve to swim in the team’s first dual
21 meet that season. Lindsey felt crushed and embarrassed. When the team returned from the meet,
22 Lindsey was excited to hear about the meet from her teammates. While running to meet up with her
23 returning teammates, Lindsey tripped and broke her foot.

24 308. By the next practice, Lindsey’s foot was swollen, and she was unable to get into the
25 pool. Coach McKeever showed no interest in Lindsey’s injury and sent her to see the trainers in the
26 Athletic Department. The trainers did not send Lindsey to radiology or any other expert.

27 309. While at home during Thanksgiving, Lindsey saw her family doctor, who was
28 flabbergasted by the Athletic Department’s inaction.

1 310. Once Lindsey was cleared to return to the pool, Coach McKeever expected her to be
2 performing at 100%. Lindsey pushed herself so much that she ended up in the emergency room.
3 Her blood work and urine samples showed that she was not healed. Her doctor instructed her to
4 stop practice immediately and allow her body to rest. Lindsey did not receive any follow-up from
5 the Athletic Department.

6 311. Coach McKeever disallowed Lindsey from training with the team for the rest of the
7 year and ignored Lindsey's repeated phone calls. Eventually, Lindsey went to Coach McKeever's
8 office. Coach McKeever told her, "Girls on the team think you are a nice person, but this just isn't
9 going to work out. You can stay at Cal for your education, but you won't be swimming for me."

10 312. Lindsey's father called Coach McKeever who told him, "Lindsey will never make it
11 at a Division 1 school."

12 313. Lindsey went home for winter break. In January, Lindsey and her parents drove to
13 Cal to pick up her belongings from the dorms. It was hard for Lindsey to say goodbye to her
14 teammates and friends. She spent the spring semester at home in Oregon, rehabilitating her foot
15 and working with a coach on her stroke.

16 314. Within the space of one semester, Lindsey had transformed from a bubbly, excited
17 individual, to someone who was withdrawn, depressed, and considering quitting swimming.

18 315. After leaving Cal, Lindsey felt worthless and wondered if any school would want
19 her. Fortunately, Lindsey found a new home at Texas A&M. Because Coach McKeever had kept
20 her from competing, Lindsey still had all four years of NCAA eligibility. Athletic Director Sandy
21 Barbour helped Lindsey and her parents through the transfer process but was not interested in
22 discussing Coach McKeever's conduct. Lindsey's mother put in calls to the Chancellor's office to
23 discuss her concerns about Coach McKeever, but those calls were never returned.

24 316. Lindsey transferred to Texas A&M in fall 2007. Due to the lingering effects of
25 Coach McKeever's abuse, Lindsey continued to second-guess herself. She did not share with any
26 of her new teammates what she had experienced out of embarrassment.

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1 317. With A&M, Lindsey competed in three NCAA Championships and set several
2 school records. In 2012, after graduating college, Lindsey qualified for Olympic Trials. She
3 wonders what she could have achieved without Coach McKeever’s voice in her head.

4 318. Over the years, Lindsey has required therapy and has suffered from anxiety,
5 depression, panic attacks, and self-doubt as a result of her experiences on the Cal team.

6 **J. Ursula Dailey**

7 319. As an East Bay local, Cal was Plaintiff Ursula Dailey’s dream school. Both of her
8 parents are Cal alums. Ursula attended a swim camp at Cal when she was twelve years old.

9 320. Like many Plaintiffs, Ursula forwent a full ride offer in order to attend Cal.

10 321. Ursula arrived at Cal as a seventeen-year-old freshman. Her first introduction to the
11 team atmosphere was during a retreat to Napa before the fall semester began. The schedule was so
12 jam-packed with activities that Ursula and others were shamed for taking bathroom breaks or not
13 looking “attentive enough” during each activity. Ursula was told by senior swimmers to change her
14 demeanor lest she “piss Teri off.”

15 322. During fall of her freshman year, Coach McKeever threatened to kick Ursula off the
16 team for having forgotten to collect a restaurant to-go receipt while hosting a high school recruit.
17 Days later, Coach McKeever handed Ursula her gear bag and joked, “You didn’t think I would kick
18 you off, did you?” Coach McKeever threatened to kick Ursula off the team twice more for not
19 attending an ‘optional’ practice during the final exam period and for not meeting the coach’s
20 expectations during a specific race.

21 323. During her sophomore season, Coach McKeever told Ursula that she needed to see
22 a therapist for what she perceived was Ursula’s inability to balance being both a student and an
23 athlete. Believing she had no choice, Ursula went to Cal’s Tang Center for an appointment. The
24 counselor she was assigned was still a graduate student and had no understanding of the various
25 stressors for elite athletes. Ursula saw the provider only a few times before getting frustrated. She
26 attended the sessions out of fear of being reprimanded by Coach McKeever. Ursula also feared that
27 anything she shared would make its way to Coach McKeever. After completing the mandated
28 sessions, Ursula stopped attending therapy and deferred therapy for years.

1 324. Coach McKeever routinely kicked Ursula out of practice for what she perceived was
2 less than full effort in the swim sets.

3 325. While on the team, Ursula suffered from anxiety, insomnia, and often skipped classes
4 to catch up on sleep. Her weight dropped to an unhealthy body mass index (BMI) level.

5 326. At several points during her time at Cal, Ursula wished she could get in an accident
6 so that she could get some time off from swimming under Coach McKeever.

7 327. Ursula's parents encouraged her several times to leave the team. They had assumed
8 that Ursula had done something to earn Coach McKeever's ire. Because Cal was her dream school
9 and the swim team was her only community, Ursula decided to stick it out on the team. She went
10 into survival mode for four years. She felt low self-confidence, constant fear, and great loneliness.
11 Ursula assumed that no one would have believed her if she were to make a formal complaint about
12 Coach McKeever.

13 328. After graduating Cal, Ursula attended a few dual swim meets to support her friends
14 remaining on the team. Coach McKeever wouldn't acknowledge Ursula when passing by her.

15 329. While remaining in the Bay Area after graduation, Ursula used to run into former
16 coaches and club swimming teammates who all assumed that her experience at Cal was nothing but
17 positive. Ursula eventually went to great lengths to remove herself from her broader swimming
18 community to avoid awkward conversations about her experiences at Cal.

19 330. Ursula no longer swims. She continues to have swimming nightmares where she is
20 late for a swim meet and is being yelled at by Coach McKeever. Ursula often wakes up shaking,
21 with heart palpitations.

22 331. Since being on the Cal team, Ursula has suffered from depression, has found it hard
23 to trust those in positions of authority, and has strong reactions to change in work settings. Ursula's
24 experiences on the team with Coach McKeever continue to affect her today.

25 **K. Taylor Young**

26 332. Plaintiff Taylor Young was an accomplished breaststroke swimmer. In high school,
27 she set nine school records and competed in two events at the 2012 U.S. Olympic Trials. She was
28 drawn to Cal because Coach McKeever and the assistant coach had touted the program as a place

1 to be your best in the water and to cultivate yourself as a person. The coaches said that they would
2 train her to be a responsible, strong woman and that she would be surrounded and led by other strong
3 women. When Taylor committed to Cal, *SwimSwam* wrote that she was an important addition to
4 the team.

5 333. Taylor’s first impressions of the team environment occurred during the off-site
6 retreat at the beginning of the fall semester. During the ‘cult-like’ experience, the swimmers were
7 forced to share their deepest fears and worst life experiences while sitting in a circle. Taylor had
8 not experienced a deep trauma at that point but felt pressured to present an exaggerated story.

9 334. Soon after joining the team, Coach McKeever instructed senior swimmers to tell the
10 newer swimmers to stop asking questions and FIO—‘figure it out.’ Taylor was shocked that she
11 and the others were essentially deterred from going to their coach with inquiries.

12 335. Customarily, swimmers go see their coach for feedback after swimming an event in
13 competition. After races, Taylor would make her way to Coach McKeever on the pool deck but
14 was more often met with silence.

15 336. Coach McKeever had the team do unconventional dryland exercises such as
16 cartwheels and handstands. Taylor struggled with these exercises and it must have shown on her
17 face. The assistant coach told Taylor to “get that look off your face.” Coach McKeever routinely
18 yelled at other teammates, “wipe that fucking look off your face.”

19 337. Taylor was part of the group of swimmers who Coach McKeever would dismiss from
20 the pool for not, as she perceived, giving 100% effort in their swim sets.

21 338. Due to the stress from being on the team, Taylor experienced depression, anxiety,
22 gastrointestinal issues, acne, shortness of breath, insomnia, amenorrhea, and weakness. The
23 assistant coach noticed a change in Taylor’s weight. Instead of asking if she was feeling okay, the
24 assistant coach accused Taylor of poor nutrition and eating habits.

25 339. Taylor’s symptoms caused her such difficulty that she began skipping classes to rest,
26 so that she had the energy to survive practices. She often procrastinated going to sleep at night, as
27 waking up meant having to face Coach McKeever for morning practice. Taylor had to call in sick
28

1 for a few practices and was overwhelmed with fear as she had few physical signs to show Coach
2 McKeever how poorly she was feeling.

3 340. During dryland exercises on the pool deck, Taylor tripped and fell. No one
4 approached her to see if she was okay. Taylor was in pain but continued to exercise out of fear. By
5 the time the team got in the water that day, a swollen lump had formed on Taylor's foot. The fact
6 that there was a visible sign of her injury was a relief to Taylor, because it was evidence that she
7 could show to Coach McKeever, who had a habit of questioning swimmers' injuries and illnesses.
8 Taylor did not swim that day. No one escorted her as she limped back to her dorm room alone.

9 341. Taylor had to take a break from swim practices once she was diagnosed with a broken
10 foot. She was not given any modified exercises to complete. The time away from training helped
11 Taylor realize how much the experience had affected her physical and mental health.

12 342. Taylor requested to have a meeting with Coach McKeever and the assistant coach to
13 inform them that she was leaving the team. Coach McKeever yelled at Taylor and demanded that
14 she share where she was planning to go lest she not release her in the NCAA transfer portal. Taylor
15 left the meeting shaking and unsure if she had a future as a collegiate swimmer. Taylor's parents
16 avoided getting involved, afraid that Coach McKeever would retaliate and ruin Taylor's chances of
17 joining any other team.

18 343. Taylor moved home to Santa Rosa to concentrate on her health. She took classes at
19 the local junior college and swam with her former club team. Coach McKeever had called Taylor's
20 club coach and badmouthed her. Taylor's club coach never treated her the same, which was
21 especially hurtful given how foundational he had been to her development as a swimmer.

22 344. Taylor competed in two swim meets with her club team. Taylor felt ill and nervous
23 to run into Coach McKeever and other Cal swimmers who were also attending the meet. Taylor
24 prayed that she wouldn't have an interaction with Coach McKeever.

25 345. Taylor worked with a team of physicians to improve her health. Despite the rules of
26 confidentiality in therapy, Taylor was still hesitant to talk in detail about her experiences on the team
27 out of fear of the information getting back to Coach McKeever. Taylor also lacked the vocabulary
28 to adequately describe the hostile environment that the coach fostered.

1 346. While working with doctors, it became clear that all of Taylor’s symptoms while at
2 Cal was the start of Hashimoto’s Thyroiditis. Taylor’s doctors believe that the immense stress from
3 Coach McKeever triggered onset of the autoimmune condition which normally does not present in
4 women until their 30s or 40s.

5 347. In addition to grappling with an early onset of an autoimmune disease, Taylor has
6 suffered from post-traumatic stress, dissociation, depression, anxiety, low self-esteem, distrust of
7 authority figures, and difficulty making and keeping friendships.

8 348. After leaving Cal, Taylor spent one year at San Diego State before stepping away
9 from college to concentrate on her health. She was the picture of health when she arrived at Cal.
10 Taylor was unable to reach her full potential as both a swimmer and a student. She still struggles to
11 reply when people ask her about her college experience and time as a D1 swimmer.

12 **L. Sophia Batchelor**

13 349. Plaintiff Sophia Batchelor began swimming at age ten. She raced in the 2010 FINA
14 World Championships in Dubai, 2011 FINA World Championships in Shanghai, 2012 Pan Pacific
15 Games, and based on her performance, was approached by coaches from several American
16 universities, including Coach McKeever. Thereafter, Sophia went on a recruiting trip to Cal.

17 350. Sophia and her mother were put up in the swanky Claremont Hotel. During the trip,
18 Coach McKeever took Sophia and her mother to the Olympians board which records all Cal
19 swimmers who competed at Olympic Games, and specifically pointed to Lauren Boyle’s name on
20 the list. Lauren is a fellow Kiwi and Olympian who swam for Cal. Coach McKeever told Sophia
21 and her mother that, “I make Olympians,” and “I travel and support swimmers.” This piqued
22 Sophia’s interest. Based on Coach McKeever’s various statements, Sophia felt that Coach
23 McKeever could help her achieve her goal of competing in the 2016 Summer Olympics in Rio de
24 Janeiro. Sophia accepted a full athletic scholarship to attend Cal.

25 351. Upon arriving at Cal, the shiny image quickly began to fade. Coach McKeever
26 banned Sophia from the pool deck until she completed additional health screening with the Athletics
27 Department. Sophia had to train in public pools on her own. Once Sophia was cleared to practice
28

1 with the team, Coach McKeever berated her for accidentally wearing the wrong-colored swim cap
2 or for going the wrong pool for practice.³¹

3 352. During one practice, Coach McKeever had everyone get out of the pool to watch
4 Sophia do a flip turn and then proclaimed, “This is exactly what I don’t want you to do.” During
5 another practice, Sophia left the wall one second early for the interval. Coach McKeever yelled at
6 Sophia, pulled her out of the water, and continued to yell at her before throwing a kickboard at her.

7 353. During other practices, Coach McKeever would scream at Sophia and kick her out
8 of practice. Sophia’s ‘big sister’ on the team asked her if she knew why she was kicked out of
9 practice. When Sophia didn’t know why, the big sister told her, “FIO”—figure it out, and hung up
10 the phone.

11 354. When Sophia had been vomiting from a stomach bug, she asked Coach McKeever if
12 she could be excused from practicing that day. “I don’t believe you,” Coach McKeever responded.
13 Sophia trained in the pool that day and later became very ill during a chemistry exam. A teacher’s
14 assistant took Sophia to the Tang Center, where she was given intravenous fluids and antiemetics.
15 Sophia shared with Coach McKeever what had occurred after practice and was met with, “that’s
16 something a baby would do” and that it was “pathetic.”

17 355. At various points, Coach McKeever threatened Sophia: “I’m paying for you to be at
18 Cal. If you aren’t on the ‘A’ team, I’m not going to pay for you to be here.”

19 356. During the fall off-site retreat, Sophia had shared that during the 2011 Christchurch
20 earthquake, her family had lost their home and she had seen bodies in the rubble. Later in the season,
21 Coach McKeever made a comment, “No wonder you are so fucked up.”

22 357. Like many college freshmen, Sophia struggled a bit her first semester. Coach
23 McKeever called her into her office and remarked, “You are supposed to be smart.”

24 358. Coach McKeever kept Sophia from racing in a dual meet against the University of
25 Washington. “There is something wrong with you. I don’t want to see you until you figure out
26

27 ³¹ At the start and end of the semester, the team alternated holding practices at Hearst, Strawberry
28 Canyon, and Speiker pools.

1 what's wrong." Sophia went to the Tang Center and was referred for an evaluation in Oakland.
2 Sophia had five sessions with a psychologist; Coach McKeever required that she report back after
3 all her appointments. The psychologist recognized that Sophia was suffering from anxiety due to
4 the stress caused by Coach McKeever.

5 359. Coach McKeever told Sophia, "You have to take meds before I'll let you back [on
6 the team]." Coach McKeever wanted Sophia to take Adderall, which is normally prescribed as a
7 medication for attention-deficit/hyperactivity disorder. Because Sophia was a member of New
8 Zealand's National Team, Cal Athletics submitted a petition for a Therapeutic Use Exemption
9 ("TUE") to follow anti-doping rules. New Zealand Swimming did not find enough evidence for an
10 ADHD diagnosis and rejected the TUE application. In the end, Sophia did not take any medication.

11 360. The stress and anxiety of Coach McKeever's abusive conduct continued to impact
12 Sophia's ability to train and concentrate in her classes. She feared being removed from the team at
13 any time. Coach McKeever had told Sophia that if she was off the team, she couldn't remain at Cal
14 or in the U.S. She frequently suffered from nightmares and only slept four to six hours per night.
15 Sophia often had panic attacks in the locker room.

16 361. One day on the pool deck, as the team stood in circle formation, Coach McKeever
17 told Sophia to step forward so that everyone could see her, and posited that Sophia looked like she
18 had gained ten pounds. After that practice, Coach McKeever called Sophia into her office and
19 informed her that she was putting on too much weight and looked fat in her swimsuits. Thereafter,
20 she required that Sophia give her and the assistant coach weekly food reports. Sophia began
21 drinking laxative teas. She experienced amenorrhea for several months.

22 362. As Coach McKeever's abuse toward Sophia was widely recognized, the team began
23 to ostracize her. Customarily, the team set up group cellphone chats to coordinate social events.
24 Once the team saw that Sophia was on Coach McKeever's "shit list," they had one group chat that
25 included Sophia, and one that was the whole team except for Sophia.

26 363. Sophia qualified for NCAA Championship in spring of her freshman season. Her
27 mother traveled to the meet from New Zealand, but Coach McKeever forbade Sophia from seeing
28 her. "Maybe I'll let you see her at the end of competition."

1 364. While at the championship in Minnesota, Cal parents in attendance witnessed Coach
2 McKeever forcefully grab Sophia on the pool deck. In response, Sophia’s mother stood up in the
3 stands, but the other parents told her that getting involved would only make it worse for Sophia.
4 Several Cal Athletics officials were also in attendance, including Teresa Kuehn-Gould, Herb
5 Benenson, Mohamed Muqtar, and Aaron Schulman.

6 365. At the beginning of her sophomore season, the Athletics Department hosted a
7 compliance briefing for all student-athletes in Wheeler Hall. Sophia arrived at the briefing ten
8 minutes tardy and sat in the back of the auditorium for the rest of the briefing. Afterward, Coach
9 McKeever screamed at Sophia in front of others, until the assistant coach told McKeever not to do
10 so in public. Coach McKeever brought Sophia to a more secluded area on campus, and then to her
11 office where she continued to yell at her. Sophia called her mother that day distraught. Sophia’s
12 mother emailed and called Coach McKeever, who did not return the calls. Coach McKeever later
13 told Sophia to “control” her mother.

14 366. A secondary meeting was scheduled by Coach McKeever and Jennifer Simon-
15 O’Neill. Sophia asked if she could have a representative and was told that there was no need for
16 anyone to be present, no need to prepare anything for the meeting, and that she should attend alone.
17 Coach McKeever berated Sophia and kicked her off the team. When Sophia began crying, neither
18 Coach McKeever nor Jennifer Simon-O’Neill showed any reaction.

19 367. In a follow-up meeting, Coach McKeever told Sophia that if she spoke ill of Cal, she
20 would “blacklist” Sophia, making it so she would not be able to join any other team.

21 368. Sophia completed the fall semester at Cal while training in community pools. In the
22 spring, she transferred to the University of Florida and joined their swim team. However, her panic
23 attacks and anxiety persisted. She was hospitalized for suicidal ideations. Her father flew from
24 New Zealand to Florida to bring her back home.

25 369. Sophia spent the following two years working with a therapist in New Zealand. Her
26 competitive swimming career was over. She continued to experience panic attacks triggered by the
27 smell of chlorine.

28

1 370. In fall 2017, Sophia returned to Cal to complete her degree and graduated in Spring
2 2019. Whenever she saw an Audi near campus, like Coach McKeever’s car, she got nervous.

3 371. In April 2018, Sophia received an email from Cal’s Office for the Prevention of
4 Harassment and Discrimination (OPHD) stating that the office had learned of allegations of
5 misconduct by the swim coach and had been given Sophia’s name as a potential witness. Sophia
6 was taken aback to be contacted several years after leaving the team. She shared with the OPHD
7 officer her trepidation: “I have no intention of standing alone in any discussion, especially when it
8 comes to the Cal Athletics Department...I also do not have confidence in this being a battle we can
9 win...I had honestly thought that we did not have strong enough support and therefore it had been
10 left alone.”

11 372. In June 2018, Sophia and another former swimmer met with three OPHD officers
12 and shared their experiences on the team. In September 2018, the OPHD officer informed Sophia
13 that the office had resolved the matter through “informal, preventative measure procedures.” The
14 OPHD official had a “productive conversation” with Coach McKeever to discuss “power dynamics,
15 how words and actions can have a profound impact regardless of their intent, and ways to improve
16 on the retreat in the coming years, among other things.”

17 373. Today, Sophia carries the shame of the abuse she suffered and how her swimming
18 career ended. Sophia still struggles with the emotional and psychological trauma from her time
19 swimming under Coach McKeever, despite working with a therapist for nearly a decade. In addition
20 to the shame of being subjected to such treatment, the damage to Sophia’s self-image and self-
21 confidence have left a persistent impact on her ability to perform well in situations where she is
22 being watched or judged such as job interviews, presentations, and public speaking.

23 374. Sophia avoids attending Cal alumni events out of fear of seeing Coach McKeever.
24 She has only sought career opportunities outside of the Bay Area, despite the ways that limits her
25 career trajectory.

26 375. Sophia feels incredibly fortunate not to have developed a full-blown eating disorder
27 considering the unhealthy culture Coach McKeever fostered around body image. Even so, Sophia
28

1 actively struggles with her diet, weight, and self-image daily. She continues to have a strained
2 relationship with exercise and actively avoids pools.

3 **M. Celina Li**

4 376. Plaintiff Celina Li attended high school and competed with a club team in the East
5 Bay, not far from Cal. Her high school coach was a Cal swimming alumna and recommended the
6 program. As a teenager, Celina enjoyed several top-three finishes in international competitions in
7 fly and individual medley events.

8 377. Celina received a full-ride scholarship to Cal, which was a big help for her family.

9 378. Celina enjoyed good relations with Coach McKeever initially. Celina earned All-
10 American honors with a third-place finish at NCAA Championships her freshman year. However,
11 after several of her friends left the team, Celina was shell-shocked by the team culture of how some
12 women were pushed off the team by Coach McKeever. She began to struggle with her racing.
13 Thereafter, she became one of Coach McKeever's targets.

14 379. Coach McKeever constantly yelled belittling, humiliating, and demeaning comments
15 to Celina during practice. She repeatedly told Celina to "fix her fucking face." Celina began to
16 experience panic attacks and often would escape to the locker room bathrooms just to breathe.

17 380. By her sophomore year, Celina's parents noticed the change in her demeanor. She
18 shared with them that she was unhappy but didn't go into details about the abusive conduct. Celina's
19 father recommended that she not quit and continue to push through. She didn't feel that she could
20 quit or transfer and thus lose her scholarship.

21 381. As Coach McKeever's abuse continued, Celina noticed that she was ostracized from
22 her teammates and she became withdrawn from others, experienced depression, weight gain, and
23 diminishing academic performance.

24 382. During a group 'Secret Santa' gift exchange in the winter, Celina found her gift to
25 be a plastic trophy labeled "Most Likely to Be Yelled at by Teri." Celina was humiliated as her
26 teammates immediately burst out in laughter when she opened her gift and read the label aloud.

27 383. During Celina's sophomore season, the team traveled to the University of Arizona
28 for a dual meet. Celina accidentally missed packing the designated swimsuit for the meet. Rather

1 than borrow a suit from a teammate, Coach McKeever withdrew Celina from all her races as a form
2 of punishment. In a post-race press release, Coach McKeever stated that Celina was held out of the
3 meet for “violating team rules.” Celina’s absence in the meet was covered by *SwimSwam*. When
4 Celina’s former teammate Plaintiff Sophia Batchelor heard the news, she called Celina to check in.
5 Celina was so afraid of getting into further trouble and experiencing additional repercussions from
6 Coach McKeever that she did not tell Sophia the details of why she was banned from the meet.

7 384. Shortly after the Arizona dual meet, Kathie Wickstrand Gahen drafted an apology
8 email for Celina to send to Coach McKeever. It read, in part, “I did not live up to CAL social
9 currency....I am really sorry Teri, and I want you to know I appreciate the culture we have here at
10 CAL and will continue to grow and learn under your tutelage.”

11 385. During Celina’s junior year, she experienced insomnia and ruminating thoughts
12 caused by the stress of McKeever’s abuse. Celina confided in her close friend multiple times about
13 her concerns with Coach McKeever. Celina remained on the team, not wanting to be a quitter.

14 386. Celina graduated Cal feeling that she did not reach her full potential in both
15 academics and swimming. During Celina’s freshman season, the assistant coach had shared that
16 she believed Celina would make the Rio team. But the hostile environment impacted Celina’s
17 mental wellbeing and overall athletic performance leading up to and at the 2016 U.S. Olympic
18 Trials. Under a better training environment, Celina would have been competitive for making the
19 U.S. squad for the 2016 Summer Olympics in Rio de Janeiro.

20 387. While visiting family in the Bay Area years after graduation, Celina took her
21 boyfriend on the Cal campus for a tour. When they passed by the East Asian Library, Celina had a
22 painful flashback of a past phone call when Coach McKeever was yelling at her.

23 388. Now as Celina works full-time in healthcare and goes to graduate school, she is still
24 impacted by her experience on the team. She fears having women supervisors like Coach
25 McKeever, experiences anxiety whenever she asks anyone of authority a question, and struggles to
26 advocate for herself. She regrets not considering transferring universities while at Cal.

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1 **N. Cierra Burnell**

2 389. Plaintiff Cierra Burnell was ranked as the number five high school recruit nationwide
3 by *Collegeswimming.com*. She was enticed by the representations that the Cal team was ‘like a
4 family’ and that the coaches would cultivate strong women. During the recruitment process, Cierra
5 had spoken to Coach McKeever about eventually taking a gap year to train toward the 2016
6 Olympics in Rio de Janeiro. Coach McKeever said that they would have a working relationship,
7 and that swimmers could come to her for anything.

8 390. In November of her freshman season at Cal, Cierra went to Coach McKeever to
9 discuss redshirting the following season to focus on training for Rio. Coach McKeever responded
10 by yelling at Cierra, accusing her of being selfish and lacking commitment to the team. Cierra left
11 the meeting crying and missed her classes that day. Later that day, Coach McKeever called Cierra
12 into her office, stating that they would discuss the issue after NCAAs in the spring.

13 391. In the spring, Cierra was named Pac-12 Swimmer of the Meet for winning the 500-
14 yard freestyle, winning the 1,650-yard freestyle, placing forth in the 200-yard freestyle, and as part
15 of the winning 800-yard freestyle relay. At NCAA Championships, Cierra placed second in the
16 500-yard freestyle, second in the 1650-yard freestyle, fourth in the 200-yard freestyle, and was a
17 member of the winning 800-yard freestyle relay.

18 392. After returning from NCAAs, Cierra asked for another meeting with Coach
19 McKeever to discuss taking a gap year to train full time. Coach McKeever responded by throwing
20 Cierra off the team for a few hours. Later that day, Coach McKeever called Cierra back in, and
21 suggested that she train at whichever facility she chose but fly back to Cal to take exams and compete
22 for the team in dual meets. That was not a viable option to Cierra.

23 393. Soon thereafter, during a team meeting, Coach McKeever caught Cierra off guard by
24 announcing that Cierra had something to share with the team. Cierra shared with her teammates
25 that she would be absent the following season. Coach McKeever forced the team to get in circle
26 around Cierra and share why they were disappointed in her decision. For ninety (90) minutes, the
27 team berated Cierra’s decision while she cried the whole time. “You will be nothing without us.”

28

1 “How will you survive when you fail because we won’t be there for you when you do.” Coach
2 McKeever and the assistant coaches watched silently.

3 394. Thereafter, Cierra felt ill, struggled to eat, threw up, and experienced dry heaving.

4 395. Cierra’s father spoke with Jennifer Simon-O’Neill, Executive Senior Associate
5 Athletics Director, about transferring universities. Jennifer told him that for Coach McKeever to
6 release Cierra within the NCAA transfer portal, Cierra had to agree not to transfer to a Pac-12 school
7 or any top-10 program. Cal Athletics only permitted Cierra the ability to speak with the Universities
8 of Florida, North Carolina, Wisconsin, Virginia, and Northwestern about transferring. Cierra’s
9 father shared with Jennifer details of Coach McKeever’s abusive conduct and how she used team
10 captains to bully Cierra. Jennifer showed no reaction.

11 396. After Cierra left Cal and was no longer on the roster, she released a civil statement
12 on her transfer. Cierra and her parents feared that sharing anything about Cierra’s experiences could
13 jeopardize her standing with USA Swimming and the U.S. National Team, organizations within
14 which Coach McKeever had influence. Some media outlets covered Cierra’s transfer as her failure
15 to keep up academically.

16 397. That summer, Cierra competed as part of the U.S. national team at the 2015 FINA
17 World Championships in Kazan, Russia. She was a member of the winning 800-meter freestyle
18 relay. Cierra actively avoided Coach McKeever during the events.

19 398. Cierra’s gap year focused on training paid off. She garnered a fifth-place finish in
20 the 200-meter freestyle at the 2016 U.S. Olympic Trials and earned a slot on Team USA for a relay.
21 In Rio, Cierra was a member of the gold-medal-winning 800-meter freestyle relay team.

22 399. Thereafter, Cierra transferred to the University of Wisconsin. A U.S. Olympic Team
23 psychologist called Cierra’s parents after noticing that she was struggling. Cierra’s mother spent a
24 month with Cierra, who took a four-month break from swimming. Though she was away from
25 Coach McKeever, Cierra was suffering from post-traumatic stress, depression, and anxiety
26 stemming from her time on the Cal team.

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1 400. Cierra later transferred to Arizona State University (“ASU”) where her former club
2 coach led the team. She continued to set records, but her enthusiasm for swimming was dwindling.
3 ASU’s dual meets against Cal were always traumatic experiences for Cierra.

4 401. Cierra had arrived at Cal as an extroverted young woman. She left Cal introverted,
5 afraid of authority figures, and distrusting of people in general. Even after leaving Cal, Cierra feared
6 speaking up about her experiences as she was afraid that Coach McKeever could impact her role as
7 a member of the national team. Seeing or hearing anything about Cal is still a traumatic experience.
8 She actively avoids anyone associated with the university.

9 402. Cierra no longer enjoys swimming. She still suffers from lingering symptoms of
10 post-traumatic stress, anxiety, distrust, and struggles in her relations with authority figures.

11 **O. Anina Lund**

12 403. Plaintiff Anina Lund enjoyed both national and international success at a young age.
13 She was a top-ranked age group swimmer for the metropolitan New York area. She was selected to
14 train at the U.S. Olympic Training Center, USA Swimming national select camp, and the U.S. Open
15 Water select camp. She competed at both Danish Nationals and U.S. Nationals.

16 404. During the recruiting trip to Cal, Anina and her father were promised by Coach
17 McKeever and Kathie Wickstrand Gahen that the team was focused on creating an environment
18 where she could develop as a whole person. Anina and her father were given a campus tour by two
19 members of the team who shared that they were supported both academically and as athletes. Anina
20 had considered larger scholarship offers from other universities but was sold on what Cal was
21 portraying.

22 405. Anina came to Cal having only ever swam for men coaches and was excited to join
23 a program led by a woman. Anina’s parents had hoped she would attend university on the East
24 Coast but supported their daughter as she followed her dream.

25 406. Not long after joining the team, Anina realized the team culture was such that you
26 did not speak unless one had “earned” it and were to otherwise remain silent. Early on, Coach
27 McKeever held a meeting with Anina to ask her what she brought to the team. Anina was caught
28

1 off guard by the question. Coach McKeever told Anina that the team was a business and that so far,
2 Anina was proving to be a bad investment.

3 407. Coach McKeever began kicking Anina out of swim practices for the slightest mistake
4 or for not having the ‘right face.’ During ‘over-under’ drills, Anina would get anxious under Coach
5 McKeever’s yelling, causing her exercise-induced asthma to flare up. Coach McKeever would kick
6 her out of practice.

7 408. Coach McKeever would shout at Anina: “What do you bring to the team? This is a
8 business. You are a bad investment.” Coach McKeever directed senior swimmers, “big sisters,” to
9 tell Anina to “figure it out” and find specific ways to improve. Anina tried inquiring further but was
10 often met with mocking and laughter.

11 409. While on the team, Anina experienced anxiety, panic attacks, gastrointestinal
12 discomfort, sleep issues, and headaches. Before races, Anina always threw up. During one dual
13 meet, Anina saw that Coach McKeever was in the adjacent bathroom stall. Anina held back her
14 throw up until Coach McKeever had left.

15 410. In the spring, Anina’s mother wrote Coach McKeever. She pleaded: “I have never
16 seen Anina [cry] so much and I can’t do anything.” She continued, “Forgive me for this e-mail but
17 it is so hard to be a parent and not be able to understand. I am getting very sick again and it is harder
18 with this feeling of hopelessness.” After receiving the email, Coach McKeever told Anina that her
19 mother is not to contact her again.

20 411. Anina did not qualify for NCAA Championships her freshman season. Coach
21 McKeever did not allow swimmers to train with the team after the Pac-12 Championship if they are
22 not moving forward to NCAA. Anina was training to compete in Danish Nationals and informed
23 Coach McKeever of her plans. Because Coach McKeever would not allow her to train with the
24 team, she had to find another pool on campus to train.

25 412. At the summer 2017 FINA World Championships in Budapest, Hungary, Anina was
26 on a relay team for Denmark. On the day of the event, Coach McKeever stopped Anina as she made
27 her way to the ready room. Anina was aware that Coach McKeever was attending the competition
28 but had hoped not to run into her. Coach McKeever remarked, “I heard you’re anchoring. Don’t

1 mess up.” The shock of seeing Coach McKeever and her biting comment affected Anina right
2 before her most important competition event, resulting in a disappointing race for Anina. Anina
3 threw up before her race—a physical reaction she had been able to cure while training in Denmark.

4 413. For the rest of the summer, Anina’s Danish coaches helped her rebuild her self-
5 confidence. Anina had the best summer of her swimming career. Despite Coach McKeever’s
6 comment, she returned to Cal in the fall wishful that the environment might be different.

7 414. In an early fall meeting with Coach McKeever, Anina shared that she had qualified
8 for the European Championships and needed to be away for a few weeks. Coach McKeever told
9 Anina that there was no way she could leave the team for a short period and needed to consider
10 transferring or quitting the team.

11 415. Anina’s parents became worried about her wellbeing and urged her to see a
12 psychologist. The clinician she saw explained that there was a world beyond swimming, however
13 that seemed impossible to Anina. Swimming had been her whole life.

14 416. Increasingly, Coach McKeever made it obvious that Anina was unwelcome. Coach
15 McKeever started a war of attrition on Anina, constantly kicking her out of practices for every small
16 thing. Anina’s parents saw the stress she was enduring and assured her that leaving the team, and
17 thus losing her scholarship, was something they could overcome.

18 417. Anina made the decision to leave the team and informed Coach McKeever who
19 replied that she was proud of her. After telling the whole team at practice, Anina collected her
20 things from her locker, left the pool, called her parents, and cried. Anina was both relieved and felt
21 in shock to lose something that had been such a key part of her identity.

22 418. After leaving the Cal team, Anina was not able to train herself to remain on the
23 Danish national team. Competing for Denmark had been Anina’s best avenue to qualify for the
24 Olympics. Anina called her Danish coach to communicate that she had ended her swimming career.
25 Anina could have moved to Denmark to continue training, but by that time, Coach McKeever’s
26 incessant comments had destroyed her self-esteem. Her Danish coach was disappointed and did not
27 understand the dynamics of the hostile environment at Cal.

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1 419. Anina turned all her energy toward her academic studies, taking up to twenty units
2 per semester. Her grades suffered due to the lack of transition assistance from Cal. She considered
3 shifting to a pre-med track, but because she had been so focused on swimming, her grades in the
4 lower level courses were not strong enough.

5 420. She felt anxiety anytime she passed the aquatics complex and feared running into
6 Coach McKeever on campus. After leaving the team, Anina had to rebuild her social network.
7 Because of swimming, she had never been able to join any clubs or a sorority.

8 421. In July 2020, seemingly out of nowhere, Anina received an email from OPHD stating
9 that the office had received a report about allegations of misconduct by Coach McKeever and were
10 inviting her to share her experiences. Even though she was no longer under Coach McKeever's
11 control, Anina was afraid to put anything in writing. She still feared repercussions from Coach
12 McKeever. She left a phone message with OPHD, but never received a follow-up.

13 422. In spring 2022, a Danish Cal swimmer called Anina to share how bad the team
14 environment was. Anina had tried to put the experiences behind her but hearing that the abuse
15 continued helped her realize that she in fact wasn't the problem. Anina agreed to anonymously
16 share her experiences on the team with an investigative journalist.

17 423. Even though Anina was anticipating publication, reading the totality of the
18 allegations caught her off guard when the news article was published in May 2022. Anina was
19 working in a lab at the time and cried and shook as she read the article. She experienced a flood of
20 memories of feeling worthless and like an object. She had to take the day off to process the article.
21 Anina had assumed that she had healed, but the article brought up a lot of trauma.

22 424. Coach McKeever's repeated refrain of "you're a bad investment" continues to harm
23 Anina. She never feels like she or her work is ever good enough. Based on her experiences, she
24 struggles to trust others.

25 425. Since graduating Cal, Anina has avoided travel to the Bay Area and does not watch
26 any Cal sports and did not watch the 2021 Summer Olympics. She still feels great shame for not
27 having been "tough enough" to survive on the team all four years. She grieves for what she might
28

1 have achieved in swimming had she been truly supported. She continues to have nightmares about
2 Coach McKeever and swimming.

3 426. While Anina continues to compete—she recently completed a half Ironman and two
4 half-marathons within six months—she actively avoids pools. She maintained few friendships from
5 the swimming community. Her time on the Cal team continues to impact her life today.

6 **P. Chenoa Devine**

7 427. Plaintiff Chenoa Devine committed to Cal during early signing in fall of her senior
8 year. The summer before beginning at Cal, Chenoa had competed in three events at U.S. Olympic
9 Trials and earned an eleventh-place finish at the FINA World Junior Open Water Championships.

10 428. Chenoa qualified for NCAA Championships her freshman year in three events. She
11 was named the team’s Most Improved Swimmer for the season.

12 429. After two other swimmers departed the team, Chenoa was the lone distance
13 swimmer. She swam in a lane alone—often a half hour longer than the rest of the team—and had
14 no one to challenge her. The coaching staff never coordinated for her to train with the men’s
15 distance swimmers, despite being asked by Chenoa, or any other arrangement.

16 430. During Chenoa’s sophomore season, Coach McKeever began to take out her
17 frustration on Chenoa immediately after his distance training partner, Plaintiff Anina Lund, left the
18 team. Despite performing well in training and in meets, Coach McKeever threatened Chenoa’s
19 athletic scholarship if she didn’t continuously drop time in her events. “If you aren’t going to
20 improve, what are we paying you for?” Chenoa felt like a piece of machinery.

21 431. Chenoa started to question why she was swimming. Despite achieving her athletic
22 goals, Chenoa was experiencing anxiety, depression, panic attacks, and disturbed sleep while on the
23 team, all of which were undiagnosed until departure from the team. For a long time, she did not
24 allow herself to contemplate quitting the team, afraid that Coach McKeever or others would
25 somehow know what she was thinking. Chenoa feared that if she accessed mental healthcare on
26 campus, someone would see her and report back to Coach McKeever.

27 432. In August 2018, Chenoa injured her left ankle while on the way to Summer Nationals
28 in Southern California. At the time, Chenoa believed it was only a severe sprain, but a later exam

1 revealed it was a tendon tear and fracture. When the injury occurred, Chenoa told the Cal trainer,
2 but did not mention it to Coach McKeever, as she felt that the coach would demand that she compete,
3 injured or not. Chenoa raced in the meet with a bruised, swollen ankle, writhing in pain the whole
4 time.

5 433. By fall of her junior year, Chenoa was struggling and barely able to function. Getting
6 out of bed was a struggle. Chenoa's grades in several classes were declining. Coach McKeever
7 told Chenoa to take a break from training for several weeks. Chenoa's parents worried about her
8 wellbeing. Chenoa's parents reached out to a former Cal assistant coach hoping for some insight
9 into why Coach McKeever might be putting so much pressure on Chenoa. They confided that
10 Chenoa felt bullied, tormented, and stressed by Coach McKeever. Two weeks after the email, Coach
11 McKeever confronted Chenoa.

12 434. The night before meeting with Coach McKeever, Chenoa couldn't sleep due to a
13 racing heartbeat and cold sweats. Chenoa met with Coach McKeever and the assistant coach to
14 discuss her participation on the team, but the meeting went awry.

15 435. In a follow-up meeting in October 2018, Chenoa met with Coach McKeever, the
16 assistant coach, and Jennifer Simon-O'Neill to formally depart the team. Coach McKeever
17 expressed her disappointment and remarked that Chenoa was a "failed experiment." She also grilled
18 Chenoa: "What are you going to do not? Are you transferring? How are you going to be okay with
19 yourself?" Jennifer's presence at the meeting seemed just to be a formality. She did not show any
20 concern for Chenoa's wellbeing nor question Coach McKeever. Chenoa was never offered an exit
21 interview by any administrators within the Athletics Department.

22 436. After leaving the team, Chenoa was prescribed anti-anxiety medication, which she
23 continues to take today.

24 437. In May 2019, Chenoa was classified as an 'exempted player' by reason of depression
25 and anxiety. Through an NCAA rule, Chenoa was entitled to maintain her financial aid because her
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1 medical condition prevented her from further participation in intercollegiate athletics.³² Chenoa
2 experienced a personal crisis after leaving the team. Although she was removed from the stressful
3 environment, her fifteen-year athletic career came to a screeching halt. Coach McKeever told those
4 remaining on the team to stay away from Chenoa, not to interact with her, and not to speak her name
5 or refer to her on the pool deck.

6 438. Chenoa remained at Cal to finish her studies after leaving the team. She felt panic
7 whenever she passed the aquatics complex on campus. Every October, she feels triggered by
8 memories of the events leading to the end of her swimming career, and experiences a significant
9 increase in symptoms of anxiety, depression, and post-traumatic stress, for which she requires
10 continued therapy.

11 439. In July 2020, after Chenoa had graduated, she received an email from OPHD stating
12 that the office had received a report about allegations of misconduct by Coach McKeever and were
13 inviting her to share her experiences. That summer, Chenoa had a phone call with an OPHD official
14 and shared that she had experienced harassment and bullying by Coach McKeever, resulting in her
15 own suicidal ideations. Chenoa felt incredibly disappointed to have shared her most vulnerable
16 experiences and to see that nothing came of it.

17 440. Chenoa and her parents continue to receive solicitations for donations from Cal
18 Athletics Fund, including requests for the McKeever Women's Swimming Scholarship.

19 441. Chenoa no longer swims in pools, and the last time she tried in 2022, she experienced
20 a panic attack on the deck before entering the water. She now coaches open water swimming in the
21 Berkeley Marina.

22 **Q. Danielle Carter**

23 442. Bay Area native Plaintiff Danielle Carter was a four-time state high school
24 championships finalist and was recruited by several universities. Cal's assistant coach actively
25 recruited Danielle and her club coach recommended the program. Danielle and her parents were so

26 _____
27 ³² Chenoa's medical exemption certificate was signed by Dr. Kent Scheff, associate team physician
28 for Cal Athletics. In December 2021, Cal placed Dr. Scheff on leave to investigate complaints of
misconduct by Dr. Scheff toward women athletes.

1 impressed by Cal at the recruitment weekend that she barely entertained offers from other
2 universities. Danielle committed to Cal during early signing in fall of her senior year.

3 443. Not long after joining the team, Danielle shared with a teammate that she felt a
4 seizure coming during a morning practice. Danielle informed Coach McKeever, who then told
5 Danielle to leave practice and go home. Later that week, Coach McKeever called a meeting with
6 Danielle, accusing her of not disclosing her epilepsy during the recruiting process. Danielle had
7 shared her condition with the assistant coach who recruited her.

8 444. Being on the Cal pool deck was a negative experience from the beginning. Coach
9 McKeever was prone to violent outbursts and short talk with the swimmers. Coach McKeever
10 routinely attacked Danielle, which made other teammates afraid to associate with her. Danielle felt
11 bullied and ostracized. The stress from the environment was affecting Danielle's epilepsy and her
12 overall mental health.

13 445. Danielle experienced suicidal ideations. One evening, she sat in her dormitory
14 bathroom with an Xacto knife and contemplated acting on her ideations. She texted a teammate
15 who talked her out of it and contacted Danielle's roommate. Several teammates came to Danielle's
16 dorm room that evening to check on her. The next morning, Danielle went to practice and was met
17 by Coach McKeever who said, "Did you try to kill yourself?" Coach McKeever then claimed that
18 Danielle had 'ruined' the day of the teammate she had called.

19 446. Danielle was taken to the Tang Center. A physician bandaged her cuts, but she was
20 not admitted for observation. She was sent back to her dormitory alone. No one from Cal called a
21 friend or family member to stay with Danielle.

22 447. Danielle began to see a therapist on campus. Coach McKeever told her that she had
23 to "pull a lot of strings" to get her the appointments. Coach McKeever threatened to suspend
24 Danielle from the team if she didn't text after each of her therapy appointments.

25 448. Because Danielle was missing a lot of practices, Coach McKeever did not permit her
26 to compete during dual swim meets. When Danielle did attend practice, Coach McKeever often
27 threw her out of practice. "You're not fast enough. You look like shit. Get out of the pool."
28

1 449. At several point, Danielle’s parents begged her to leave the team as they understood
2 how miserable she was. Danielle’s parents attended a meeting with Coach McKeever. At one point,
3 Coach McKeever remarked, “I’m not dealing with this shit for the next four years.” By that time,
4 Coach McKeever saw Danielle as a ‘distraction’ on the team and become tired of hearing concerns
5 for her mental health from several of her teammates.

6 450. Danielle’s parents called Athletics Director Jim Knowlton on several occasions and
7 were given myriad excuses by his executive assistance. When he finally answered a call, he
8 responded, “are you alumni? I don’t meet parents, unless on the Cal field during graduation. Teri
9 is a phenomenal coach. Are you calling to make a donation?”

10 451. In or around November of her freshman year, Danielle caught a bad case of influenza
11 and ended up hospitalized. By this time, Danielle only had bad experiences with swimming at Cal
12 under Coach McKeever. As Danielle focused on her health and classes, away from the pool deck,
13 she started to see how miserable she felt while on the team. Danielle’s academic advisor helped
14 Danielle brainstorm the best way to resign from the team so as not to set off Coach McKeever.

15 452. Danielle sent an email to Coach McKeever, who did not respond. Before swim
16 practice, Coach McKeever pulled her aside, telling her, “grab your things from your locker. I don’t
17 want to see you on the pool deck. You’re done.” A day later, Coach McKeever emailed Danielle
18 requesting a meeting.

19 453. Danielle arranged for her mother to attend the meeting, which upset Coach
20 McKeever. Danielle and her mother met with Coach McKeever and Jennifer Simon-O’Neill.
21 During the meeting, Coach McKeever berated Danielle, falsely asserted that she was failing multiple
22 classes and was lying about having epilepsy. Jennifer failed to intervene when Coach McKeever’s
23 tone became harassing.

24 454. Coach McKeever’s closing comment: “You should be thanking me for not putting
25 you in a meet because now you have four years of eligibility. You’re never going to be good enough
26 for a Division I school due to your epilepsy.”

27 455. Danielle entered the NCAA transfer portal in December of her freshman year.
28 Danielle left Cal at the end of the fall semester. She spent time focused on her health and took

1 classes at a community college at home. Thereafter, she enrolled as a student-athlete at the
2 University of California, Santa Barbara (“UCSB”).

3 456. In January 2020, Danielle was overwhelmed to read that Coach McKeever’s
4 coaching contract had been renewed at Cal.

5 457. At UCSB, Danielle has coaches who accommodate her different medical needs. She
6 still suffers from anxiety and negative memories from her time on the Cal team, but is beginning to
7 heal with the supportive community at UCSB. She had an outstanding freshman season, earning
8 the title of Women’s Freshman of the Year by Mountain Pacific Sports Federation.

9 **R. Anna Kalandadze**

10 458. Plaintiff Anna Kalandadze began swimming at age six. For over twelve years, she
11 awoke on her own at 5 a.m., woke up her mother, and went to morning club team practice—never
12 once missing a session. Her coaches always praised her for being hardworking and a role model on
13 the team. Anna specialized in distance freestyle events and was lauded for her technique.

14 459. Beginning at age twelve, Anna dreamed of swimming for Cal as she had heard of
15 Coach McKeever’s reputation for fostering great swimmers. During a recruiting trip, the Cal team
16 appeared close-knit and Coach McKeever told Anna that her philosophy was to develop not only
17 great swimmers, but strong young women.

18 460. During the recruitment process, Anna and her mother disclosed that Anna has a
19 diagnosis of social anxiety disorder and inattentive attention-deficit/hyperactive disorder (ADHD),
20 and thus has difficulty communicating at times. Coach McKeever shared that she has worked with
21 many swimmers with these conditions and would help Anna get a Therapeutic Use Exemption
22 (“TUE”) so that she could continue her medication. Anna’s mother felt confident that Anna would
23 be in good hands.

24 461. Anna passed on full-ride offers at other universities and accepted a books-only
25 athletic scholarship at Cal because she was convinced it was the right program for her.

26 462. In July, before Anna arrived at Cal, Anna’s mother sent a follow-up email to Coach
27 McKeever with further details on Anna’s disabilities. She explained that with proper
28 accommodations, Anna has excelled. Anna’s mother expressed that she believed Anna would

1 perform best academically and athletically if she could continue use of her prescribed medication.
2 Anna’s mother asked for Coach McKeever’s advice on preparing the documentation for a TUE,
3 given that NCAA considers medication for ADHD to be ‘performance-enhancing.’

4 463. In August, Anna submitted full documentation to the Disabled Students Program
5 office at Cal to receive accommodations. Anna’s mother made several phone calls to follow-up.
6 Anna never received a response and therefore never took her medication, afraid of a potential doping
7 violation by NCAA.

8 464. Within a week after Anna’s arrival at Cal, Coach McKeever began targeting her. In
9 front of the whole team, Coach McKeever made comments about Anna’s weight, told her she was
10 ‘too heavy’ to be swimming, and asked about her eating habits. Anna’s ADHD medication had an
11 appetite suppressant effect. Because she was never awarded the TUE, she discontinued use of her
12 medication. The stress of being under Coach McKeever also caused Anna to stress eat.

13 465. During practices, Coach McKeever would shout that Anna was a “piece of shit” and
14 frequently kicked her out.

15 466. Anna shared with her mother the trouble she was having with Coach McKeever.
16 Anna’s mother knew that because of Anna’s social anxiety, she might have facial reactions that
17 might confuse or upset Coach McKeever.³³ Anna tried altering how she acted around Coach
18 McKeever. After that seemed to be futile, Anna’s mother suggested that she ask Coach McKeever
19 for a meeting to seek constructive criticism. Coach McKeever ignored all of Anna’s requests.

20 467. Eventually Anna was recognized as being on Coach McKeever’s “shit list” and her
21 teammates didn’t associate with her.

22 468. The stressful environment caused Anna to experience amenorrhea for months.

23 469. At a winter invitational in Minnesota, Anna’s finish in the 1650-yard freestyle
24 qualified her to compete in NCAA Championships—an extraordinary early achievement for a
25 freshman. Anna was beaming with pride and looked to Coach McKeever for recognition. In front
26

27 ³³ A person with inattentive ADHD may have difficulty sustaining focus, following detailed
28 instructions, and can be easily distracted. They are often mischaracterized as lazy or apathetic.

1 of other teams and coaches, Coach McKeever exclaimed, “I’m surprised you swam so well. You
2 did not work hard enough to deserve that time.”

3 470. During a team training trip to Hawaii over winter recess, Anna sustained large gashes
4 on her feet, likely from coral while doing ocean training. The trainer on the trip bandaged her feet
5 but did not take her to a clinic for further care. Coach McKeever yelled at Anna for having bandages
6 on her feet for the remainder of the trip. The trainer watched as Coach McKeever berated Anna and
7 did nothing to intercede.

8 471. During a dual meet hosted at Cal, Anna had a panic attack in the locker room before
9 her race—a completely new experience for the seasoned competitor. Anna told Coach McKeever
10 that she was unable to race and was yelled at in response.

11 472. In February, Anna’s mother reached out to Coach McKeever requesting a phone call
12 to discuss the apparent conflict between the coach and Anna. Coach McKeever responding stating
13 that she would be “happy to connect” but Anna and the assistant coach would need to be on the call,
14 which would take place at 8:30 a.m. Anna’s mother responded that Anna had a 9:00 a.m. class so
15 could not attend and was also hesitant to come into the coach’s office. Coach McKeever wrote,
16 “Sorry but I will not speak with a parent without a student present.... If she feels she can’t attend,
17 then I’m sorry I [sic] not comfortable speaking with you.”

18 473. The next morning, Anna joined the phone call with her mother, Coach McKeever,
19 and the assistant coach. Coach McKeever acted civil with Anna’s mother on the phone. During the
20 conversation, Coach McKeever avoided answering Anna’s mother’s questions, instead redirected
21 the inquiries to Anna. Anna was put on the defensive. Once Anna’s mother hung up, Coach
22 McKeever tore into Anna. “You’ve got to fucking be kidding me. There’s no chance in hell you’re
23 going to NCAAs if you don’t perform the way I want at Pac-12s.”

24 474. In a phone call in the spring, Anna informed Coach McKeever that she would transfer
25 to a different university the following year but would race at Pac-12s and NCAAs to contribute to
26 the team. Coach McKeever responded, “Good. You’re done. Don’t bother coming back to
27 practice.” Anna demurred, again offering to contribute at the Pac-12 conference meet. Coach
28

1 McKeever replied, “I never want to see your ugly face again. You are a piece of shit. You shit on
2 me. You shit on the team. You shit on your mom. Your mom would be ashamed of you.”

3 475. Anna did not travel with the team to the Pac-12 championships. The NCAA
4 Championships were canceled due to COVID-19. Anna finished the spring semester at Cal, much
5 of which had converted to online classes by then. Anna was unable to see a psychologist or primary
6 care physician for over a year, as such services were severely limited due to COVID-19 restrictions.

7 476. After leaving the team, Anna’s self-esteem dropped. She assumed that she was the
8 problem, unaware that Coach McKeever had a pattern of abusive conduct. When Anna returned
9 home to Philadelphia, her mother noticed the change in her demeanor.

10 477. The following fall, Anna transferred to the University of Pennsylvania. Her first
11 year’s instruction was completely virtual, and the Ivy League cancelled intercollegiate competition.
12 Anna considered quitting swimming entirely. She struggled to eventually get back in the pool after
13 her traumatic experience at Cal. Once she joined the Penn team, she was much more withdrawn
14 than normal and required constant reassurances from her coach.

15 478. Anna’s coach at Penn eventually helped her overcome her post-traumatic stress and
16 fall back in love with swimming. He challenges Anna in the pool and gives her positive
17 reinforcement.

18 479. During her first season at Penn, Anna qualified for NCAA Championships for the
19 500-yard and 1650-yard freestyle. On race day, Coach McKeever was in attendance with the Cal
20 team and stood over Anna’s lane as she raced the 1650. The stress from Coach McKeever’s presence
21 caused Anna to swim much slower than her norm.

22 480. In May 2022, after the article outlining Coach McKeever’s long history of abuse was
23 published, Anna received messages from several former teammates expressing regret for not doing
24 more to stop the abuse. Anna, not normally a tweeter, released a Twitter thread detailing her
25 experiences at Cal. Publication of the tweets was a way for Anna to reclaim her voice.

26 481. Anna continues to flourish with her Penn coach and team. In 2023, she garnered a
27 tenth-place finish in the 1650-yard free, earning NCAA All-American honors. She is slated to
28 compete in three events at the World University Games in Chengdu in summer 2023.

1 482. While Anna is happy at Penn, it has certainly come at a cost. Anna had to retake
2 several courses as the Cal credits were not accepted. Anna lost all scholarships opportunities she
3 had, and the Ivy League does not provide any form of athletic scholarship. Because of her
4 experience at Cal and the resulting transfer, it will take Anna five years to complete her bachelor's
5 degree.

6 **VI. AGENCY, ALTER EGO, AND CONSPIRACY ALLEGATIONS**

7 483. At all times relevant, Coach Teri McKeever was an employee, agent, and/or servant
8 of Defendant UC Regents and/or Does 1–50, assigned to Cal, was under Defendants' complete
9 control and active supervision, and operated within the scope of her employment by them.

10 484. Defendant UC Regents and/or Does 1–50 engaged in, joined in, and conspired with
11 other wrongdoers in carrying out the tortious and unlawful activities described herein. Defendant
12 UC Regents and/or Does 1–50 are legally responsible for the occurrences alleged herein, and
13 Plaintiffs' damages, as alleged herein, were proximately caused by Defendant UC Regents and/or
14 Does 1–50.

15 485. At all times relevant, there existed a unity of interest and ownership among
16 Defendant UC Regents and Does 1–50 such that any individuality or separateness between or among
17 them ceased to exist. Defendants and each of them were the alter egos of all the other Defendants,
18 in that they dominated and controlled each other without any separate identity, observation of
19 formalities, or other manner of division.

20 486. At all times relevant, each Defendant was the agent, representative, and/or employee
21 of each of the other Defendants. In engaging in the conduct alleged herein, Defendants, and each
22 of them, were acting within the course and scope of that alternative personality, capacity, identity,
23 agency, representative, and/or employment and were within the scope of their authority, whether
24 actual or apparent.

25 487. At all times relevant, each Defendant was the trustee, partner, servant, joint venture,
26 shareholder, contractor, and/or employee of each and every other Defendant, and the acts and
27 omissions herein alleged were done by them through such capacity and within the scope of their
28 authority, and with the permission and consent of each and every other Defendant. Such conduct

1 was ratified by each and every other Defendant, and each of them is jointly and severally liable to
2 Plaintiffs.

3 **VII. TOLLING OF THE STATUTES OF LIMITATIONS**

4 **A. Discovery Rule**

5 488. The accrual of the statute of limitations for each of Plaintiffs’ causes of action was
6 postponed until the publication of the first investigative article in the *Orange County Register* on
7 May 24, 2022, and release of Cal’s *Report of Investigation Regarding Teri McKeever* on January
8 31, 2023. Until that point, Plaintiffs could not have suspected that what they experienced was abuse
9 and that their injuries were due to the abuse.

10 489. Plaintiffs believed, and were led to believe, by Defendant UC Regents that Coach
11 McKeever was simply a ‘tough’ coach who did not commit any violations of policy or law. Coach
12 McKeever was lauded by UC Regents, Cal, and the swimming community as a “pioneer” and
13 “maker of Olympians.”

14 490. Plaintiffs and their parents reached out to officials and administrators of Defendant
15 UC Regents, and were either ignored, rebuffed, or told that Coach McKeever was a ‘good coach’
16 and that her coaching methods were an accepted practice for an elite D1 program. Defendant UC
17 Regents continuously renewed Coach McKeever’s employment contract over the course of three
18 decades, thereby preventing Plaintiffs from understanding that Coach McKeever’s conduct was in
19 fact abusive.

20 491. While at Cal and after leaving Cal, Plaintiffs experienced self-doubt, blame, and
21 uncertainty about their treatment by Coach McKeever. While at Cal, Plaintiffs were conditioned to
22 believe that when they performed well athletically, it was *because of* Coach McKeever’s coaching.
23 When Plaintiffs underperformed, it was *because of* their failure to follow Coach McKeever’s sage
24 coaching.

25 492. Largely, because of the trauma associated with their time at Cal, Plaintiffs did not
26 associate with one another after leaving the team and/or graduating. Plaintiffs were unable to
27 confide in one another and learn that their negative experiences on the team were widely shared and
28 not a figment of their imagination. Upon reading the investigative news article, Plaintiffs learned

1 that the abuse was not simply ‘in their heads,’ but rather was a systemic and continuous cycle of
2 abuse against athletes.

3 493. Due to Defendant’s actions and inactions, Plaintiffs had no reason to know that their
4 injuries could form the basis of a lawsuit. The statute of limitations for each of Plaintiffs’ causes of
5 actions were tolled until Plaintiffs had reason to know that their injuries could form the basis of the
6 lawsuit.

7 **B. Equitable Tolling**

8 494. The accrual of the statute of limitations for each of Plaintiff’s causes of action was
9 equitably tolled, and Defendant is equitably estopped from asserting the statute of limitations as a
10 defense, by reason of their wrongful conduct and unclean hands.

11 495. Defendant UC Regents engaged in conduct designed to convince Plaintiffs, their
12 parents, and any bystanders, that they lacked meritorious claims.

13 496. Defendant UC Regents actively engaged in a public relations campaign and
14 reputation laundering of Coach McKeever’s image. Defendant UC Regents actively concealed and
15 misrepresented Coach McKeever’s conduct as Head Coach of the Cal women’s swimming and
16 diving team, including, but not limited to:

- 17 1. Naming Coach McKeever to the search committee for a new Athletic
18 Director;
- 19 2. Creating the Teri McKeever’s Women’s Swimming Scholarship;
- 20 3. Naming Coach McKeever to the California Athletic Hall of Fame; and
- 21 4. Continuously renewing her contract and publicly calling Coach McKeever
22 “iconic.”

23 497. Defendant UC Regents knew about Coach McKeever’s abusive conduct and did not
24 address it in an effort to convince Plaintiffs and their parents that what they experienced at the hands
25 of Coach McKeever was simply a ‘tough’ coach, isolated incidents, and not actionable, systemic
26 violations of the law. By these actions, Defendant violated their own promulgated policies on
27 conduct, reporting, and investigation.

28

1 498. Coach McKeever used manipulative tactics and coopted other athletes to serve her
2 means to intimidate Plaintiffs. Coach McKeever sowed anxiety and self-doubt among Plaintiffs,
3 further discouraging them from speaking up about the abuse.

4 499. Plaintiffs reasonably relied on the representations made by Defendant UC Regents.
5 Until publication of the *Orange County Register* article on May 24, 2022, and release of Cal's
6 *Report of Investigation Regarding Teri McKeever* on January 31, 2023, Plaintiffs were not aware
7 that they should disregard Defendant UC Regents' statements and pursue legal remedies.

8 **VIII. CAUSES OF ACTION**

9 **FIRST CAUSE OF ACTION**

10 **NEGLIGENCE**

11 **(Gov. Code § 815.2(a))**

12 **(All Plaintiffs)**

13 500. Plaintiffs reallege and incorporate by reference herein each and every allegation
14 contained above as though fully set forth and brought in this cause of action.

15 501. Plaintiffs were all full-time undergraduate students enrolled at Cal and members of
16 the university-operated women's swimming and diving team.

17 502. While enrolled at Cal, Plaintiffs were under the care and supervision of Defendant
18 UC Regents and its employees, including administrators and supervisory personnel. Plaintiffs' care,
19 welfare, and physical custody were entrusted to UC Regents.

20 503. College students, including Plaintiffs, have the inalienable right to attend campuses
21 which are safe, secure, and peaceful.

22 504. Defendant UC Regents, including Cal, had a special relationship with students,
23 including Plaintiffs, while they were engaged in activities that are part of the school's curriculum or
24 closely related to its delivery of educational services.

25 505. Defendant UC Regents, including Cal, had a special relationship with students,
26 including Plaintiffs, to refrain from unreasonably increasing the risk of harm above that which is
27 inherent to collegiate athletics.
28

1 506. Defendant UC Regents, including Cal, owed a duty of care not to increase the risk of
2 injury to a student, including Plaintiffs.

3 507. Defendant UC Regents, including Cal, breached its duty of care by failing to
4 implement and enforce reasonable safety protocols for training and coaching.

5 508. Defendant UC Regents breached its duties of care to each Plaintiff by:

- 6 1. Allowing Coach McKeever to subject Plaintiffs to dangerous training
7 conditions;
- 8 2. Allowing Coach McKeever to isolate Plaintiffs from other students, staff,
9 faculty, administrators at Cal;
- 10 3. Allowing Coach McKeever to psychologically and emotionally manipulate
11 Plaintiffs;
- 12 4. Allowing Coach McKeever to incessantly verbally abuse, intimidate,
13 humiliate, shame, and threaten Plaintiffs;
- 14 5. Failing to appropriately train Coach McKeever;
- 15 6. Failing to appropriately monitor and supervise Coach McKeever;
- 16 7. Continuing to employ Coach McKeever after reports of improper conduct;
- 17 8. Failing to sufficiently investigate reports of abusive conduct by Coach
18 McKeever;
- 19 9. Failing to take necessary preventative and remedial actions in response to
20 complaints regarding Coach McKeever;
- 21 10. Failing to disclose Coach McKeever's propensity for abusive coaching;
- 22 11. Allowing Coach McKeever to continue in a position of trust and authority,
23 in which she could, and foreseeably would, do great damage to student-
24 athletes, even after being alerted to her past wrongdoing; and
- 25 12. Holding Coach McKeever out to Plaintiffs as being an exemplary coach.

26 509. Defendant UC Regents', including Cal, conduct was an extreme departure from what
27 reasonably careful university leaders would do in the same situation to prevent abuse of student-
28 athletes under their care at university facilities.

29 510. Defendant UC Regents' actions and inactions proximately caused Plaintiffs' injuries.
30 Had Defendant UC Regents implemented and enforced proper safety protocols for training and
31 coaching, Plaintiffs would not have suffered multiple physical and emotional injuries, including
32 depression, anxiety, weight gain/loss, stomach problems, fear, isolation, intimidation, sleeplessness,

1 emotional distress, humiliation, embarrassment, stress, psychological injury, inability to
2 concentrate, and impairment of personal relationships.

3 511. As a result of Defendant UC Regents' actions, Plaintiffs suffered bodily injuries,
4 severe emotional distress, pain and suffering, and out of pocket expenses. Defendant UC Regents
5 is liable to Plaintiffs under Government Code section 815.2 (a).

6 **SECOND CAUSE OF ACTION**

7 **NEGLIGENT SUPERVISION OR RETENTION**

8 **(Gov. Code § 815.2(a))**

9 **(All Plaintiffs)**

10 512. Plaintiffs reallege and incorporate by reference herein each and every allegation
11 contained above as though fully set forth and brought in this cause of action.

12 513. Plaintiffs were all full-time undergraduate students enrolled at Cal and members of
13 the university-operated women's swimming and diving team.

14 514. While enrolled at Cal, Plaintiffs were under the care and supervision of Defendant
15 UC Regents and its employees, including administrators and supervisory personnel.

16 515. Defendant UC Regents employed Coach Teri McKeever as full-time Head Coach of
17 Cal's women's swimming and diving team from 1992 to 2023.

18 516. Defendant UC Regents controlled the terms and conditions of Coach McKeever's
19 employment, including evaluation of her performance.

20 517. Coach Teri McKeever was unfit to be the Head Coach.

21 518. Defendant UC Regents, including but not limited to the Cal Athletics Director(s),
22 knew or should have known that Coach McKeever was unfit.

23 519. Coach McKeever's actions alleged herein harmed Plaintiffs. While under the care
24 of Defendant UC Regents, Plaintiffs suffered multiple physical and emotional injuries, including
25 depression, anxiety, weight gain/loss, stomach problems, fear, isolation, intimidation, sleeplessness,
26 emotional distress, humiliation, embarrassment, stress, psychological injury, inability to
27 concentrate, and impairment of personal relationships.

28

1 Coach McKeever and assistant coaches. Defendant failed to warn Plaintiffs of Coach McKeever's
2 propensity for abusive coaching, failed to inform Plaintiffs of proper coach-athlete boundaries, and
3 failed to educate Plaintiffs on avenues to report such coaching misconduct. Defendants allowed
4 Coach McKeever to isolate Plaintiffs and other student-athletes.

5 527. As a direct and/or proximate result of Defendant UC Regents' actions and/or
6 inactions, Plaintiffs were suffered multiple physical and emotional injuries, including depression,
7 anxiety, weight gain/loss, stomach problems, fear, isolation, intimidation, sleeplessness, emotional
8 distress, humiliation, embarrassment, stress, psychological injury, inability to concentrate, and
9 impairment of personal relationships.

10 528. Defendant UC Regents is liable to Plaintiffs under Government Code section 815.2
11 (a).

12 **FOURTH CAUSE OF ACTION**
13 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
14 **(Gov. Code § 815.2(a))**
15 **(All Plaintiffs)**

16 529. Plaintiffs reallege and incorporate by reference herein each and every allegation
17 contained above as though fully set forth and brought in this cause of action.

18 530. Defendant UC Regents' conduct negligently caused emotional distress to Plaintiffs.

19 531. Defendant UC Regents could reasonably foresee that its actions would have caused
20 emotional distress to Plaintiffs.

21 532. Plaintiffs were in a specific zone of danger while on the team under Head Coach Teri
22 McKeever.

23 533. On a reoccurring basis, Plaintiffs suffered distress and emotional harm after attending
24 retreats, training trips, practices, and competitions with the team under the control of Head Coach
25 Teri McKeever. Plaintiffs continue to suffer serious emotional distress after leaving Cal.

26 534. Plaintiffs suffered and continue to suffer from multiple physical and emotional
27 injuries, including depression, anxiety, weight gain/loss, stomach problems, fear, isolation,
28

1 intimidation, sleeplessness, emotional distress, humiliation, embarrassment, stress, psychological
2 injury, inability to concentrate, and impairment of personal relationships.

3 535. Head Coach Teri McKeever's conduct was committed within the scope of her
4 position as an employee of Defendant UC Regents.

5 536. A causal nexus existed between (i) Coach McKeever's abusive coaching; (ii)
6 Defendant UC Regents' negligence in the face of Coach McKeever's ongoing abusive coaching;
7 and (iii) Plaintiffs' serious emotional distress.

8 537. Holding UC Regents liable furthers the policy goals of respondeat superior, including
9 the prevention of future injuries and the assurance of compensation of victims.

10 538. Defendant UC Regents is liable to Plaintiffs under Government Code section 815.2 (a).

11 **FIFTH CAUSE OF ACTION**

12 **VIOLATIONS OF THE CALIFORNIA EQUITY IN HIGHER EDUCATION ACT**

13 **(Cal. Edu. Code § 66270)**

14 **(All Plaintiffs)**

15 539. Plaintiffs reallege and incorporate by reference herein each and every allegation
16 contained herein above as though fully set forth and brought in this cause of action.

17 540. "No person shall be subjected to discrimination on the basis of... gender... in any
18 program or activity conducted by any postsecondary educational institution that receives, or benefits
19 from, state financial assistance or enrolls students who receive state student financial aid." Cal.
20 Edu. Code § 66270.

21 541. Section 66281.5 of the California Equity in Higher Education Act provides in
22 pertinent part:

23 (a) It is the policy of the State of California, pursuant to Section 66251, that
24 all persons, regardless of sex, should enjoy freedom from discrimination of
25 any kind in the postsecondary educational institution of the state. The purpose
26 of this section is to provide notification of the prohibition against sexual
harassment as a form of sexual discrimination and to provide notification of
available remedies.

27 542. Upon information and belief, UC Regents, including Cal, receive state financial
28 assistance and enrolls students who receive state student financial aid.

1 550. At all relevant times, Teri McKeever was acting, or purporting to act, as an agent of
2 and on behalf of Cal.

3 551. During instances of Teri McKeever’s abusive coaching practices, including toward
4 Plaintiffs, McKeever purported to act on behalf of UC Regents.

5 552. Defendant UC Regents learned of Teri McKeever’s pattern of abusive coaching
6 practices, improper actions, and learned of the material facts associated with the relevant incidents
7 at or close to the time they occurred.

8 553. Defendant UC Regents ratified all acts and omissions described herein. Many Cal
9 administrators and employees, including Athletics Department officials, knew that Teri McKeever
10 was abusing student-athletes on the women’s swimming and diving team. They failed to take
11 appropriate actions to stop her. They actively minimized and concealed her transgressions. The
12 inaction of Defendant UC Regents enabled the abuse of Plaintiffs and other student-athletes.

13 554. In failing to take corrective action to prevent further misconduct by Teri McKeever,
14 UC Regents voluntarily retained pecuniary benefits accruing from McKeever’s misconduct after it
15 learned of it.

16 555. Imputing liability to Defendant UC Regents advances the purposes of respondeat
17 superior. It is unjust for UC Regents to disclaim responsibility for injuries occurring during the
18 course of Teri McKeever’s activities as the Head Coach of the women’s swimming and diving team.
19 Imputing liability to UC Regents will prevent future harm and assure compensation for the victims.

20 556. Defendant UC Regents bears legal responsibility for Teri McKeever’s wrongful acts.
21 Plaintiffs are entitled to damages from UC Regents in an amount to be determined at trial.

22 557. Defendant UC Regents is liable to Plaintiffs under Government Code sections 815.2 (a)
23 and 815.6.

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1 **IX. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs respectfully request that the Court enter an order against Defendants
3 as follows:

- 4 1. For past, present, and future general damages in an amount to be determined at
5 trial;
- 6 2. For past, present, and future special damages, including but not limited to past,
7 present, and future lost earnings, economic damages, and others, in an amount to be
8 determined at trial;
- 9 3. Any appropriate statutory damages, including attorneys' fees;
- 10 4. For costs of suit;
- 11 5. For pre- and post-judgment interest as allowed by law;
- 12 6. For attorney's fees pursuant to California Code of Civil Procedure § 1021.5;
- 13 7. For such other and further relief as the court may deem proper.

14
15 DATED: May 1, 2023

BOUCHER LLP
RAYMOND P. BOUCHER
KELSEY L. CAMPBELL

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18 By:



RAYMOND P. BOUCHER
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Attorneys for Plaintiffs

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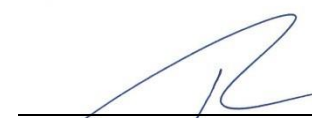
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DEMAND FOR TRIAL BY JURY

Plaintiffs respectfully demand a trial by jury on all issues so triable.

DATED:

BOUCHER LLP
RAYMOND P. BOUCHER
KELSEY L. CAMPBELL

By: 

RAYMOND P. BOUCHER
KELSEY L. CAMPBELL

Attorneys for Plaintiffs