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On behalf of ACLU FOUNDATION OF OREGON

Attorneys for Plaintiffs

(Additional counsel listed on following page)

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

ASHLEY BELLUM, by her next friend RICK)
BELLUM; STEPHANIE FRANKLIN, by her)
next friend, BARBARA FRANKLIN;)
KRYSTIN JANTZER, by her next friend)
GARY JANTZER; KATHERINE RICHARD,)
by her next friend JEFF RICHARD;)
KARYNE SANDER, by her next friend)
CYNTHIA SANDER; and BRIN TAMBLIN,)
by her next friend, LAURA ANN TAMBLIN;)
Individually and on behalf of all those)
similarly situated,)

Plaintiffs,

vs.

CITY OF GRANTS PASS; WILLIAM)
PETERSON, Grants Pass City Manager;)
MARTIN SEYBOLD, Director of Field)
Operations, City of Grants Pass; RICHARD)
OLSON, Recreation Manager, City of Grants)
Pass; in Their Official and Individual)
Capacities, and Their Successors,)

Defendants.

CASE NO.

**FIRST AMENDED COMPLAINT
FOR INJUNCTIVE AND
DECLARATORY RELIEF**

[CLASS ACTION; CIVIL RIGHTS
VIOLATIONS]

1 LENORA M. LAPIDUS
2 EMILY J. MARTIN
3 AMERICAN CIVIL LIBERTIES UNION FOUNDATION
4 WOMEN'S RIGHTS PROJECT
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JURISDICTION AND VENUE

1. This is an action for injunctive and declaratory relief for violations of plaintiffs' rights under the United States Constitution, as well as rights guaranteed under the Constitution and laws of Oregon. Plaintiffs seek redress for the violation of their federal constitutional and statutory rights under color of state law pursuant to, inter alia, 42 U.S.C. § 1983. The defendants' policies and practices amount to unlawful gender discrimination and denial of equal access to public facilities on the basis of gender, entitling plaintiffs to relief under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and to relief under the Equal Privileges and Immunities Clause of the Oregon Constitution, Article I, Section 20, and the Oregon Public Accommodation Act, O.R.S. §659A.403. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4). Plaintiffs invoke this Court's jurisdiction over their state law claims pursuant to 28 U.S.C. § 1367(a).

2. Declaratory relief is authorized pursuant to 28 U.S.C. § 2201 and 28 U.S.C. § 2202 for the purpose of determining a question of actual controversy between the parties as hereinafter more fully appears. There is a present and actual controversy between the parties to this action. A declaration that actions taken by the defendants in denying equal and adequate access to city-owned and operated recreational facilities to plaintiffs violate the federal and state constitutions and the state law is warranted. Plaintiffs further seek a preliminary and permanent injunction against future violations of plaintiffs' constitutional and statutory rights.

3. Venue is proper because the alleged wrongs occurred within the District of Oregon. All plaintiffs reside in the City of Grants Pass and defendants are located within the District of Oregon's Southern Division.

INTRODUCTION

4. This case seeks to redress the denial of equal and adequate access to publicly-owned and operated recreational facilities by the City of Grants Pass (the "City") to girls who desire to participate in a competitive community softball program through their neighborhood public parks. Individual plaintiffs and the proposed plaintiff class are members of the Grants Pass Blaze ASA Girls Fastpitch Softball organization (the "Blaze" or "ASA Blaze"), a non-profit, competitive

1 community softball league organized pursuant to the requirements of the national Amateur Softball
2 Association (“ASA”). As of the 2002 season, the ASA Blaze league consists of approximately
3 sixty-five (65) girls ranging in age from 8 to 18 years, who, because of their gender, are being and
4 have been denied equal and adequate access to City-owned athletic facilities made available to
5 selective boys’ baseball leagues. The ASA Blaze was organized as a competitive, tournament level
6 softball league intended to prepare and enhance the skills of players for future scholastic, inter-
7 collegiate and professional competition. The ASA Blaze is a selective fastpitch softball league that
8 requires its members to try-out prior to the start of the softball season.

9 5. The ASA Blaze was founded in 1997 in the City of Grants Pass. It is the only girls'
10 selective community fast pitch softball program operating in the City, and it utilizes the City's public
11 park facilities. The ASA Blaze is not affiliated with any scholastic softball program sponsored or
12 otherwise operated by the Grants Pass Unified School District.

13 6. Riverside West All Sports Park (“ASP”), built in phases with municipal and
14 community support commencing in 1990, is the City's premier athletic facility for youth sports
15 programs. It contains fields adequate for baseball and softball, as well as facilities for various other
16 competitive and individual sports such as soccer, horseshoes and cycling. Two of the dedicated field
17 facilities located in ASP are utilized exclusively by selective boys' baseball leagues – the American
18 Legion and Babe Ruth programs -- for games and practices.

19 7. The American Legion league is a selective, competitive-level boy's baseball league.
20 It contains a single team, the Grants Pass Nuggets, consisting of fifteen members ranging in ages
21 16 to 18. American Legion engages in regional and state competition outside of Grants Pass. The
22 Babe Ruth league is a selective, competitive-level baseball league consisting of nine teams and
23 approximately 70 to 80 boys ranging in ages 13 to 15.

24 8. In addition to the two dedicated baseball fields, All Sports Park contains a shared
25 field area, consisting of four diamonds utilized by various scholastic, youth and adult programs,
26 including the Little League program and the ASA Blaze.

27 9. The Little League organization operates a 700-member youth baseball program that
28 includes T-ball divisions for younger players and softball divisions starting at age nine. The Little

1 League organization is recreational in nature. As such, Little League differs from the selective,
2 competitive-level baseball and softball programs that require members to try out and to engage in
3 national and regional competition. Little League has been granted de facto control of the four shared
4 fields, a concession facility and related amenities at ASP.

5 10. For several seasons, the ASA Blaze has been granted access to one or two fields,
6 during limited days and hours, at the ASP shared field area. One of the ASP fields made available
7 to the ASA Blaze is inadequate for competitive fastpitch softball, insofar as it lacks the appropriate
8 ASA-regulated outfield dimensions. The ASA shared fields utilized by the Blaze members lack the
9 abundant and exclusive amenities made available to selective boys' baseball leagues at ASP.

10 11. The selective boys' baseball programs, American Legion and Babe Ruth, have had
11 continuous and exclusive access to state-of-the-art fields at ASP since the park's inception. These
12 facilities have numerous amenities, including: ample covered bleachers; fully-fenced dug-outs;
13 bullpens; regulation-appropriate outfield dimensions; smooth and well-maintained infield and
14 outfield areas; exclusive fee-generating concession facilities; changing facilities for team members;
15 permanent outfield fencing suitable for corporate sponsorship; functioning electronic scoreboards;
16 well-maintained restrooms; permanent batting cages; a dedicated parking lot; an announcer during
17 games; and game coverage in the local newspaper and radio. Because the American Legion and
18 Babe Ruth leagues have exclusive access to dedicated "home" fields, they are able to schedule
19 games and practices, at their sole convenience, without being required to share such fields with any
20 other youth or adult users. Because these leagues, amounting to approximately ten teams, are
21 dramatically smaller in number than the 200 teams required to share the remaining four ASP fields,
22 the American Legion and Babe Ruth fields are not utilized to their full capacity.

23 12. The ASA Blaze never has been permitted to use the American Legion or Babe Ruth
24 boys' baseball fields for either practice or games.

25 13. The City's Riverside Park ("Riverside"), an outlying facility separate from the ASP,
26 has been made available to some of the Blaze league divisions for practices and games during prior
27 seasons, including the 2001 softball season. Like the shared ASP fields made available to the ASA
28

1 Blaze on a limited basis, the Riverside field lacks the abundant field amenities made available to
2 selective boys' baseball leagues in their dedicated fields.

3 14. ASA Blaze representatives have made persistent public requests to City officials,
4 including the City's Recreation Manager, for equal and adequate access to City-owned playing fields
5 at All Sports Park. When the ASA Blaze has sought permission from City officials for equal access
6 to City-owned recreational facilities, such as those historically and exclusively made available to
7 the selective boys' baseball leagues at ASP, Blaze members have been denied the same access and
8 comparable quality of fields consistently granted to the American Legion and Babe Ruth boys'
9 baseball leagues.

10 15. On a persistent and ongoing basis, defendants City of Grants Pass, its recreational
11 field officials and its agents, have discriminated against plaintiffs by refusing to grant them equal
12 and adequate access to public recreational facilities, including refusing to make available public
13 playing fields of quality comparable to those made available abundantly and exclusively to the
14 selective local boys' baseball leagues. This is so despite persistent written and oral requests by ASA
15 Blaze representatives seeking equal accommodation and attempts to engage in discussions with City
16 officials toward that purpose. These requests and attempts have not been met with any
17 corresponding written response. Indeed, the City has failed to grant the ASA Blaze equal and
18 adequate access to field use at ASP, a public sports facility historically created for the benefit of, and
19 utilized almost exclusively by, selective boys' baseball leagues.

20 16. In particular, the ASA Blaze made numerous specific written and oral requests for
21 equal and adequate field access in advance of the 2002 Spring/Summer softball season. ASA Blaze
22 representatives conducted face-to-face meetings with City representatives as early as August 2001.
23 Although City representatives have acknowledged that the selective boys' baseball leagues,
24 American Legion and Babe Ruth, are granted exclusive use of and control over city-owned baseball
25 fields, they have failed to provide any equal and adequate field accommodation to the ASA Blaze
26 league.

27 17. ASA Blaze representatives made a written request for the City's provision of equal
28 and adequate field facilities in September 2001, stating: "We believe that if the city intends to

1 continue to permit exclusive control of the ASP facilities by boys-only athletic programs, then it
2 must make comparable facilities available to girls at the ASP.” (See Letter to Ulys J. Stapleton from
3 James R. Dole, dated September 28, 2001, attached hereto as Exhibit 1.) The City never issued a
4 written response to this request. The ASA Blaze made a second, written request to discuss the issue
5 of equal and adequate field allocation on January 16, 2002, in advance of a January 23, 2002, field
6 scheduling meeting (“the January 23 meeting”) organized by the City. (See Letter to Dick Olson,
7 Grants Pass Recreation Manager, from James R. Dole, dated January 16, 2002, attached hereto as
8 Exhibit 2.) The City did not issue a written response in advance of the scheduling meeting. Instead,
9 the City held the January 23 scheduling meeting and issued a letter on February 12, 2002, informing
10 the ASA Blaze that it would be granted two to four hours a week, per team, on the shared ASA fields
11 for its use during the 2002 season. (See Letter to Clay Rounsaville from Dick Olson, Recreation
12 Manager, dated February 12, 2002, attached hereto as Exhibit 3.) This availability amounts to
13 almost half of the field space allocated to the ASA Blaze during the 2001 season and is nowhere
14 near the full-time, exclusive access to dedicated fields made available to the American Legion and
15 Babe Ruth leagues. Moreover, the City failed to respond to the ASA Blaze's requests that it be
16 provided equal and adequate access to the field facilities made available exclusively to the selective
17 boys' baseball leagues.

18 18. The ASA Blaze league has made continuous and ongoing attempts to negotiate with
19 City representatives for equal and adequate access to playing field space up to the commencement
20 of the 2002 softball season. Such efforts have been futile. As of March 27, 2002, City
21 representatives confirmed that the ASA Blaze would have only minimal access to the shared ASP
22 fields of inferior quality, that lack the numerous field amenities made available exclusively to
23 selective boys' baseball leagues at ASP. Moreover, the City failed to provide the ASA Blaze with
24 any access to utilize the American Legion or Babe Ruth fields for practice or play.

25 19. The American Legion and Babe Ruth leagues were not required to participate in the
26 ASA field scheduling process discussed during the January 23 meeting. These two selective boys'
27 baseball leagues were once again granted exclusive use of their “home” fields at ASP during the
28 2002 Spring/Summer season. Thus, these fields will remain available to the American Legion and

1 Babe Ruth leagues, respectively, twenty-four hours a day, seven days a week. In fact, however, the
2 single American Legion team only uses its field for approximately one-half of its games, amounting
3 to about two dozen a year, and Babe Ruth only uses its field to house its home games, while
4 practicing elsewhere; the remainder of the time these fields lie open and unused.

5 20. As a result of the City's discriminatory allocation of public field space to the ASA
6 Blaze, its members are relegated to playing softball at ASP in crowded conditions, during limited
7 days and hours, and primarily on fields not suitable to competitive fastpitch softball requirements.
8 The ASA Blaze's limited access to the ASP fields occurs simultaneously with, and side-by-side to,
9 thriving competitive boy's baseball leagues, granted exclusive access to state-of-the-art field
10 facilities at ASP. Crowded and inadequate playing conditions increase the girls' risk of injury and
11 prevent them from maximizing their athletic skills in order to prepare them for future competition
12 and the breadth of educational and professional opportunities that flow from such athletic
13 participation. Such conditions further deprive the ASA Blaze from valuable, income-generating
14 opportunities available to the selective boys' baseball leagues, such as exclusive concession sales
15 and corporate advertisements on dedicated outfield fencing. Moreover, being limited to inferior
16 fields at undesirable times brands female ASA Blaze members as less important and unworthy of
17 enjoying and benefitting from the City's public athletic facilities. By contrast, the City has granted
18 the selective boys' baseball leagues exclusive and continuous access to their own "home" fields with
19 abundant amenities not available to ASA Blaze members.

20 21. The gender-based discrimination against the ASA Blaze by defendants City of Grants
21 Pass and senior City officials is symptomatic of the historic denial of equal opportunities in athletics
22 to girls. The Blaze girls, who desire to play selective, competitive-level softball on an equal basis
23 to the boys' selective baseball leagues within the City, but are precluded from doing so due to the
24 denial of equal and adequate access to recreational facilities in the City's premier public park, rely
25 on the opportunity to participate in a competitive, tournament-level league as a logical stepping
26 stone to improving their skills for high school competition, competing and excelling in college
27 softball programs, attaining access to educational scholarships, and possibly even competing on a
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1 professional team or on a women's Olympic softball team. Such opportunities in softball are as
2 valuable to girls as those that historically have been available to male baseball players.

3 22. In addition, it is well established that equal opportunity to participate in girls'
4 athletics contributes to girls' and young women's health -- including their physical and psychological
5 well-being and their self-esteem -- as well as educational, personal and professional accomplishment
6 in later life.

7 23. There can be no justification for defendants' denial of equal access to City-owned
8 facilities to the ASA Blaze girls as is provided to comparable selective boys' baseball leagues, and
9 the consequential denial of educational and professional opportunities to these young athletes,
10 simply because they are female.

11 24. As such, plaintiffs seek to temporarily and permanently enjoin defendants' persistent
12 and discriminatory denial of equal and adequate access to public recreational facilities to ASA Blaze
13 members on the basis that such denial serves to perpetuate gender-based stereotypes that historically
14 have denied women equal protection of the laws. As the United States Supreme Court consistently
15 has recognized, the denial of equal opportunity or differential treatment based on gender must not
16 rely on overbroad generalizations about the different talents, capacities, or preferences of males and
17 females.

18 25. Moreover, by providing selective boys' baseball leagues access to athletic fields and
19 facilities of much higher quality than those provided to plaintiffs' selective girls' softball league,
20 defendants have violated plaintiffs' rights under the Equal Privileges and Immunities Clause of the
21 Oregon Constitution. The Oregon Supreme Court has interpreted the Oregon Constitution more
22 broadly than the United States Supreme Court has interpreted the United States Constitution,
23 adopting a more demanding level of scrutiny to gender-based classifications challenged under the
24 Equal Privileges and Immunities Clause. Such gender classifications, reflecting stereotypical
25 assumptions about personal characteristics or social roles that are based solely on individuals'
26 gender, are inherently suspect and impermissible under the Oregon Constitution.

27 26. Finally, by providing accommodations, advantages, facilities, and privileges of much
28 higher quality to the selective boys' baseball leagues than to the ASA Blaze, the City has

1 discriminated against plaintiffs on the basis of gender in violation of the Oregon Public
2 Accommodation Act.

3 27. Plaintiffs therefore bring this action to end defendants' ongoing and systemic
4 violations of the basic civil rights of girls who participate, or desire to participate, in a competitive-
5 level community softball program in the City of Grants Pass utilizing City-owned facilities. These
6 violations are symptomatic of pervasive, systemic and longstanding practices and policies of
7 defendants that deny girls equal opportunity to participate in sports programs and enjoy the breadth
8 of educational, health and professional benefits that flow from such participation.

9 28. By denying the ASA Blaze treatment equal to that provided to similarly situated
10 boys' athletic programs, despite plaintiffs' persistent requests for such accommodation, defendants
11 promote systemic, longstanding and discriminatory gender-based government policies and practices
12 for which there is no compelling need and no exceedingly persuasive justification. In addition, the
13 gender-based government policies and practices complained of herein fail to serve an important or,
14 indeed, any legitimate government objective and are not substantially related to any purported
15 objective. Indeed, there can be no justification for such gender-based classifications insofar as they
16 are not based on any specific biological differences between males and females and thus are
17 inherently suspect. Instead, defendants' acts and omissions foster unjustified and unreasonable fixed
18 notions concerning the roles and abilities of males and females that relegate women and girls to
19 inferior status and second-class citizenship. Finally, the defendants' policies and practices rely on
20 over-broad generalizations about the different talents, capacities, or preferences of males and
21 females, and are based on judgments about males and females that perpetuate gender-based
22 stereotypes that historically have denied women and girls equal protection of the laws, equal
23 privileges and immunities and equal public accommodations.

24 **PARTIES**

25 **Plaintiffs**

26 29. Plaintiffs are individuals who are girls and are members of the Grants Pass Blaze
27 ASA Fastpitch Softball organization, a non-profit, competitive-level selective softball league
28 operating in the City of Grants Pass. The ASA Blaze consists of approximately sixty-five (65) girls,

1 ranging in ages 8 to 18, who compete in local and regional games and tournaments governed under
2 the rules of the Amateur Softball Association. Plaintiffs participate, or would participate given the
3 opportunity to do so, in this competitive-level community softball league on City-owned athletic
4 facilities within the City of Grants Pass.

5 30. Plaintiff **Ashley Bellum** is sixteen (16) years old and is a member of the ASA Blaze
6 softball league. She plays the positions of outfield and third base in the league's 16 and Under
7 division. Ms. Bellum is in her sixth season playing girls' softball with the ASA Blaze. She is also
8 a member of the Grants Pass High School's varsity softball team. Ms. Bellum would like to play
9 softball at the primary local sports park, ASP, under adequate conditions equal to those enjoyed by
10 selective boys' baseball leagues. She would like to do so without the need to travel to outlying City
11 fields for games and practices, or outside the City to participate in competitive tournaments. Ms.
12 Bellum will continue to compete in softball team sports until she completes high school in two years
13 and hopes to obtain an athletic scholarship to play college softball. For Ms. Bellum, softball is a
14 significant part of her life that builds skills and self-confidence. Ms. Bellum, a minor, is proceeding
15 in this action by her next friend, her father Rick Bellum.

16 31. Plaintiff **Stephanie Franklin** is seventeen (17) years old and is a member of the ASA
17 Blaze softball league. She plays the positions of outfield and second base in the league's 18 and
18 Under division. Ms. Franklin is in her fifth season playing girls' softball with the ASA Blaze. She
19 is also a member of the Grants Pass High School's varsity softball team. Ms. Franklin would like
20 to play softball at the primary local sports park, ASP, under adequate conditions equal to those
21 enjoyed by selective boys' baseball leagues. She would like to do so without the need to travel to
22 outlying City fields for games and practices, or outside the City to participate in competitive
23 tournaments. Ms. Franklin will continue to compete in softball team sports until she completes high
24 school in 2002, and hopes to obtain an athletic scholarship to play college softball. For Ms.
25 Franklin, softball is a significant part of her life that builds character, teamwork and responsibility.
26 Ms. Franklin, a minor, is proceeding in this action by her next friend, her mother Barbara Franklin.

27 32. Plaintiff **Krystin Jantzer** is nine (9) years old and is a member of the ASA Blaze
28 softball league. She plays the positions of pitcher and second base in the league's 10 and Under

1 division. Ms. Jantzer is in her second season playing girls' softball with the ASA Blaze. Ms.
2 Jantzer would like to play softball at the primary local sports park, ASP, under adequate conditions
3 equal to those enjoyed by selective boys' baseball leagues. She would like to play softball without
4 the need to travel to outlying elementary school fields for practices, or outside the City to participate
5 in competitive tournaments. Ms. Jantzer will continue to compete in softball team sports through
6 the ASA Blaze and hopes to compete on the high school softball team when she is old enough. For
7 Ms. Jantzer, softball is a significant part of her life that brings her many challenges and teaches her
8 new skills. Ms. Jantzer, a minor, is proceeding in this action by her next friend, her father, Gary
9 Jantzer.

10 33. Plaintiff **Katherine Richard** is seventeen (17) years old and is a member of the ASA
11 Blaze softball league. During the 2001 softball season, she played the position of catcher in the
12 league's 16 and Under division. Ms. Richard will be playing in the league's 18 and Under division
13 during the 2002 season. Ms. Richard is in her fifth season playing girls' softball with the ASA
14 Blaze. She is also a member of the Grants Pass High School's varsity softball team. Ms. Richard
15 would like to play softball at the primary local sports park, ASP, under adequate conditions equal
16 to those enjoyed by selective boys' baseball leagues. She would like to do so without the need to
17 travel to outlying City fields for games and practices, and outside the City to participate in
18 competitive tournaments. Ms. Richard will continue to compete in softball team sports until she
19 graduates from high school in 2002 and hopes to obtain an athletic scholarship to play college
20 softball. Thereafter, Ms. Richard hopes to continue her involvement with softball by serving as a
21 professional girls' softball coach or playing on a community softball team. Playing softball is an
22 important part of Ms. Richard's life. Participating in softball has increased her self-confidence and
23 provided her the opportunity to form important bonds with her fellow team members. Ms. Richard
24 believes that softball is an important activity for girls because it provides them with many positive
25 opportunities. Ms. Richard, a minor, is proceeding in this action by her next friend, her father Jeff
26 Richard.

27 34. Plaintiff **Karyne Sander** is sixteen (16) years old and is a member of the ASA Blaze
28 softball league. She plays the positions of first base, second base and catcher in the league's 16 and

1 Under division. Ms. Sander is in her fifth season playing girls' softball with the ASA Blaze. She
2 is also a member of the Grants Pass High School's varsity softball team. Ms. Sander would like to
3 play softball at the primary local sports park, ASP, under adequate conditions equal to those enjoyed
4 by selective boys' baseball leagues. She would like to do so without the need to travel to outlying
5 City fields for games and practices, and outside the City to participate in competitive tournaments.
6 Ms. Sander will continue to compete in softball team sports until she graduates from high school in
7 2004, and hopes to obtain an athletic scholarship to play college softball. Thereafter, Ms. Sander
8 hopes to continue her involvement with softball by serving as a professional girls' softball coach.
9 Ms. Sander values softball because it improves her problem-solving skills and work ethic. Ms.
10 Sander believes that softball teaches her important life lessons, such as resourcefulness and
11 teamwork, that will benefit her in all aspects of her everyday life. Ms. Sander, a minor, is
12 proceeding in this action by her next friend, her mother Cynthia Sander.

13 35. Plaintiff **Brin Tamblin** is seventeen (17) years old and is a member of the ASA Blaze
14 softball league. She plays the position of shortstop in the league's 18 and Under division. Ms.
15 Tamblin is in her sixth season playing girls' softball with the ASA Blaze. She is also a member of
16 the Grants Pass High School's varsity softball team. Ms. Tamblin would like to play softball at the
17 primary local sports park, ASP, under adequate conditions equal to those enjoyed by selective boys'
18 baseball leagues. She would like to do so without the need to travel to outlying City fields for games
19 and practices, and outside the City to participate in competitive tournaments. Ms. Tamblin will
20 continue to compete in softball team sports until she graduates from high school in 2002, and hopes
21 to obtain an athletic scholarship to play college softball. Her dream is to play softball for the United
22 States Olympic team. For Ms. Tamblin, softball is a significant part of her life and is an important
23 avenue to obtaining a college scholarship. Ms. Tamblin, a minor, is proceeding in this action by her
24 next friend, her mother, Laura Ann Tamblin.

25 Defendants

26 36. The **City of Grants Pass** ("City") is the legal and political entity responsible for the
27 actions of the City Manager and the City's recreation officials, complained of herein, under the laws
28 of Oregon and the Charter of the City of Grants Pass, with all powers specified and necessarily

1 implied by the laws of the State of Oregon and exercised by a duly elected City Council and its
2 agents and officers. All of the unlawful acts, omissions and procedures complained of herein were
3 committed by the agents and employees of defendant City. At all times relevant herein, the agents
4 and employees of the defendant City were acting under color of law.

5 37. Defendant **William Peterson** is the Grants Pass City Manager and the individual
6 responsible for enforcing the City's policies and practices, including those relating to the use of
7 public facilities owned and operated by the City, such as Riverside West All Sports Park. At all
8 times relevant to these proceedings, he resided in the District of Oregon. He is sued in his official
9 and individual capacities.

10 38. Defendant **Martin Seybold** is Director of Field Operations for the City of Grants
11 Pass and the individual responsible for establishing and enforcing policies and practices relating to
12 the use of public facilities owned and operated by the City, including the City's public recreational
13 facilities such as those at Riverside West All Sports Park. At all times relevant to these
14 proceedings, he resided in the District of Oregon. He is sued in his official and individual capacities.

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16 39. Defendant **Richard Olson** is the City's Recreation Manager and the individual
17 responsible for enforcing policies and practices relating to the use of public recreational facilities
18 owned and operated by the City, including those at Riverside West All Sports Park. At all times
19 relevant to these proceedings, he resided in the District of Oregon. He is sued in his official and
20 individual capacities.

21 **CLASS ACTION ALLEGATIONS**

22 40. Definition. The named individual plaintiffs bring this action on behalf of themselves
23 and the plaintiff class pursuant to Fed. R. Civ. P. Rules 23(a) and (b)(2). The class consists of all
24 present, potential and future members of the ASA Blaze Girls Fastpitch Softball league who
25 participate, or desire to participate, in a selective, competitive-level community softball program
26 utilizing City-owned or operated recreational facilities of equal quality, and under equal conditions,
27 to the facilities made available to similarly situated selective boys' baseball leagues.

1 41. Numerosity. The size of the class is indefinite, and includes over sixty-five (65)
2 present female members of the ASA Blaze. In addition, an indefinite number of future and potential
3 ASA Blaze members who are girls will be the victims of discrimination based on their gender so
4 long as the City's current policies regarding field allocation continue.

5 42. Adequacy of Representation. The named plaintiffs will represent fairly and
6 adequately the interests of the class defined above. Plaintiffs' attorneys are experienced civil rights
7 counsel who have litigated cases, including class actions, involving similar issues and claims.

8 43. Common Questions of Law and Fact. Common questions of law and fact affecting
9 the class are involved, including but not limited to actions and omissions by defendants City Of
10 Grants Pass and senior City officials, who have denied the plaintiff class equal and adequate access
11 to public facilities on the basis of gender, in particular athletic fields and related amenities owned
12 and administered by the City at Riverside West All Sports Park.

13 44. Typicality of the Claims of Class Representatives. The claims of the named plaintiffs
14 are typical of the claims of the class as a whole. The named plaintiffs are members of the class
15 defined herein and have suffered, and will continue to suffer, discriminatory denial of equal and
16 adequate access to public recreational facilities and other rights due to the discriminatory municipal
17 policies and practices complained of in this action. All named plaintiffs allege that they and the
18 members of the class they seek to represent have been, are and will be subject to discrimination
19 based on gender due to the discriminatory system complained of in this action.

20 45. Injunctive and Declaratory Relief. The defendants have acted or refused to act on
21 grounds generally applicable to the class, thereby making appropriate preliminary and permanent
22 injunctive relief and corresponding declaratory relief with respect to the class as a whole.

23 **GENERAL ALLEGATIONS**

24 **COMMON TO ALL CLAIMS**

25 The Benefits of Girls' Participation in Sports

26 46. Research indicates that participation in athletics is a vital avenue for the social and
27 personal development of psychologically and physically strong children and young adults. It
28

1 increases self-esteem in all children and young adults, including girls and young women, and
2 contributes to educational, personal, and professional accomplishment in later life.

3 47. Girls' participation in sports helps to eradicate the stereotype that girls should not
4 enjoy the full breadth of life's activities. When girls are denied equal participation in athletics
5 programs, those stereotypes are strongly reinforced in the minds and bodies of the girls, of boys, and
6 of the public in general, thus limiting the participation of women in all areas -- mentally, physically,
7 emotionally, professionally, civically, and athletically.

8 48. Research indicates that there are myriad benefits for girls who are given the
9 opportunity to develop athletic skills and participate in competitive sports. Girls who participate in
10 athletics throughout their lives have been shown to be happier, healthier, more active, and more
11 successful in their personal and professional pursuits.

12 49. Experts have found that participation in sports can have tremendous health and
13 psychological benefits. Sports are a cultural resource that builds girls' confidence, self-esteem, and
14 social recognition within the school and community in a safe and positive environment. Female
15 athletes are more likely to receive better grades, graduate from high school and avoid social risks
16 such as pregnancy, drug use, and eating disorders.

17 50. Sports participation has numerous social benefits as well. When girls are excluded
18 from sports programs and competitions they are denied the skills that boys derive from teamwork,
19 goal-setting, and dedication. Athletic participation not only develops these practical skills but also
20 fosters self-reliance, integrity, and a positive self-image.

21 51. When girls are given unequal resources and facilities they are forced to play in
22 environments that may be detrimental to their health, safety, and psychological well-being. Being
23 relegated to play sports in unequal and inadequate facilities effectively makes girls feel as though
24 they are second-rate themselves. This perpetuation of gender inequality sends the message that girls
25 are not only inferior athletes but unworthy of equal access to the same facilities, programs,
26 opportunities and positive reinforcement that historically have been available to males.

27 The Unique Benefits of Softball for Girls
28

1 52. Softball is an official National Collegiate Athletic Association (“NCAA”) women’s
2 sport, as well as an Olympic sport. Softball provides girls with distinct advantages that are clearly
3 distinguished from any flowing from play in a baseball league. Softball offers girls the opportunity
4 to seek and be offered a college scholarship and a spot on an Olympic team. Becoming an
5 accomplished and experienced softball player thus provides girls with a chance to finance their
6 college education, play in college on a national level, and compete on an international level in the
7 Olympics. Such opportunities are not available to girls or young women in the sport of baseball.

8 53. Baseball is considered a premier boys' and men's sport, and generally is viewed as
9 the traditional, “all-American” pastime. Baseball historically has provided boys and young men
10 with opportunities to play and compete in municipal leagues within their communities, in high
11 school and college athletics, internationally on an Olympic team, and in lucrative careers in
12 professional and semi-professional leagues. Baseball historically has provided boys and young men
13 with the opportunity to earn college scholarships, which in turn place collegiate athletes in venues
14 with the potential for high visibility and recruitment by professional teams.

15 54. If girls play baseball, they will have little chance to qualify for college athletic
16 scholarships in baseball and will not have access to valuable softball scholarships at the college
17 level, or develop the necessary skills to compete on the Olympic or professional level. There are
18 opportunities for women to participate in professional softball as a career, such as participating in
19 the professional softball league for women, the Women’s Pro Softball League. There are no
20 professional softball leagues for males.

21 Defendants' Denial of Equal Access to Public Facilities

22 55. The defendants, through their actions and omissions, have engaged and continue to
23 engage in gender-based discrimination against girls who desire to play competitive-level softball in
24 the City's principal sports park and to attain equal and adequate access to the City's recreational
25 facilities, including those girls who are members of the ASA Blaze league. The defendants'
26 discriminatory policies and practices have denied ASA Blaze members equal and adequate access
27 to City-owned recreational facilities made available abundantly and exclusively to selective boys'
28 baseball leagues. Through their acts and omissions, set forth more fully in the paragraphs that

1 follow, defendants have served to perpetuate gender-based stereotypes that historically have
2 discriminated against women and branded them as inferior, second-class citizens.

3 The City's Allocation of Public Playing Fields at Riverside West All Sports Park

4 56. The City of Grants Pass operates four public parks throughout the local community
5 that contain softball and baseball fields shared by youth and adult users. Only one of these facilities,
6 the All Sports Park, contains a regulation-length playing field at all suitable for the team sport of
7 fastpitch softball.

8 57. Riverside West All Sports Park, completed in phases commencing in 1990, is the
9 City's premier athletic facility for youth sports. It contains fields adequate for baseball and softball,
10 as well as facilities for various other competitive and individual sports such as soccer, horseshoes
11 and cycling. Two of the field facilities located in ASP are controlled exclusively by selective boys'
12 baseball leagues – the American Legion and Babe Ruth programs -- for games and practices. ASP
13 also contains a shared field area, consisting of four diamonds utilized by the Little League program
14 and shared among various scholastic, youth, and adult users, including the ASA Blaze.
15 Approximately 200 teams are expected to utilize the ASP shared fields during the 2002
16 Spring/Summer season.

17 58. The ASA Blaze is the only independent, selective and competitive-level girls' fast
18 pitch softball organization in Grants Pass that utilizes the City's public recreational facilities. For
19 the past several seasons, the ASA Blaze typically has had access to one or two of the four shared
20 ASP diamonds on a Sunday, or during other limited times, that are less desired by other sports
21 programs.

22 59. The City's Riverside Park, an outlying facility separate from the ASP, has been made
23 available to some of the Blaze league teams for practices and games during prior seasons, including
24 the 2001 softball season. The City denied the Blaze such use for its 2002 season.

25 60. The selective boys' baseball programs have had continuous and exclusive access to
26 their home fields at ASP, and to all related field amenities, including ample covered bleachers;
27 adequate dug-outs; bullpens; regulation-appropriate outfield dimensions; smooth and well-
28 maintained infield and outfield areas; exclusive fee-generating concession facilities; changing

1 facilities for team members; permanent outfield fencing suitable for corporate sponsorship;
2 permanent, surrounding fencing suitable for charging admission to the general public; functioning
3 electronic scoreboards; well-maintained restrooms; permanent batting cages; a dedicated parking
4 lot; an announcer during games; and game coverage in the local newspaper and radio.

5 61. The ASA Blaze never has been permitted to use the American Legion or Babe Ruth
6 boys' baseball fields for either practice or games.

7 The Grants Pass Blaze ASA Girls' Fastpitch Softball League

8 62. The Grants Pass Blaze ASA Girls' Fastpitch Softball league was organized in or about
9 1997. Approximately sixty-five (65) girls, whose ages range from 8 to 18 years, participate annually
10 in the team sport of softball through the ASA Blaze league. The Blaze teams participate in
11 tournament level fastpitch softball and compete with ASA-sponsored teams from other cities and
12 states. The ASA Blaze typically competes in approximately twenty (20) to twenty-five (25)
13 tournaments and plays one-hundred fifty (150) to two-hundred (200) league games each year. The
14 league's five divisions are: "10 and Under," "12 and Under," "14 and Under," "16 and Under" and
15 "18 and Under."

16 63. The ASA Blaze is an unincorporated association governed under the requirements
17 of the national Amateur Softball Association. The league's goals and purposes are to enhance girls'
18 skills in competitive level softball and to help build strong teams for the future.

19 64. In contrast to recreational youth softball programs like Little League that are intended
20 to permit all interested community youth to participate, the ASA Blaze requires potential members
21 to try-out prior to the start of each season, and to engage in ongoing and escalating competition
22 ranging from inter-league games to regional, state, and national tournaments. The selective and
23 competitive nature of the ASA Blaze is intended to provide its members with the highest level of
24 athletic skills in order to prepare girls for future scholastic, inter-collegiate, professional and
25 possibly Olympic softball competition, and the myriad benefits that flow to girls and young women
26 engaged in competitive sports.

27 65. The ASA Blaze is not a school-affiliated league, and receives no funding from the
28 Grants Pass Unified School District.

1 66. The ASA Blaze's Spring/Summer softball season normally extends from
2 approximately April through July or August of each year. The season includes league-competition
3 games leading to State, Regional, and National tournaments.

4 ////

5 The Grants Pass Boys' Selective Baseball Leagues

6 67. The American Legion league is a selective baseball program for boys ages 16 to 18
7 that engages in local, regional, and state competitions. The American Legion program is comprised
8 of a single team, the Grants Pass Nuggets, consisting of approximately fifteen (15) boys. The league
9 plays approximately fifty (50) games per year, about two dozen of these at its home field. The
10 American Legion league is considered to be the most prestigious selective boys' baseball league in
11 Grants Pass. As discussed further below, the City has provided the American Legion league with
12 a state-of-the-art, dedicated “home” field at ASP with numerous amenities not available to the ASA
13 Blaze.

14 68. The Babe Ruth league is a selective, competitive-level baseball league for boys
15 between the ages of 13 to 15. Approximately 70 to 90 boys play in the Babe Ruth league. As
16 discussed further below, the City has provided the Babe Ruth league with a state-of-the-art,
17 dedicated “home” field at ASP with numerous amenities not available to the ASA Blaze.

18 The Disparities in Field Access and Quality of Field Facilities

19 Fields Made Available to ASA Blaze Girls' Softball League

20 69. The ASA Blaze softball league does not have an exclusive “home” field. Each
21 season, the ASA is relegated to competing with several youth and adult baseball and softball users
22 for public field time in which it can hold practices and games.

23 70. The ASA league requests a permit for the use of City Parks, including ASP, at the
24 start of each Spring/Summer softball season. For several years since the ASA Blaze's inception, the
25 City has provided the league a permit for use of one or two of the four shared diamonds at ASP, and
26 the field at Riverside Park during limited times. Field schedules have changed throughout the
27 softball season.

1 71. The fields available to ASA Blaze members – both at ASP and Riverside – are shared
2 among several youth and adult users.

3 72. The City has provided de facto control over the scheduling of the four shared ASP
4 fields to the Little League organization.

5 73. During the 2001 season, some of the younger ASA Blaze teams had access to field
6 number two at ASP only on Sundays. Sunday is considered to be the least desirable day for youth
7 sports programs because the players' families typically set aside that day for family activities and
8 religious observances.

9 74. ASP Field number two is inadequate for fastpitch softball insofar as its outfield fence
10 does not meet the required ASA dimensions, and thus prevents the ASA Blaze from playing on
11 fields that are of the required caliber for high-level tournament competition with other ASA fastpitch
12 softball teams. It also lacks the many amenities available to the boys' selective baseball leagues,
13 American Legion and Babe Ruth.

14 75. The ASA Blaze only had access to field number one for four hours on Sunday during
15 the 2001 season. ASP field number one, the only regulation-sized fastpitch softball field, is the most
16 desirable of the four shared fields. (See photograph of ASP field #1 (color photocopy), attached
17 hereto as Exhibit 4.) It is well-maintained by the primary user, the Grants Pass High School girls'
18 varsity softball team, while the school year is in session. However, this field, too, lacks the many
19 amenities available to the boys' selective baseball leagues, American Legion and Babe Ruth.

20 76. In past seasons, ASA Blaze members have been required to request field use at the
21 ASP shared fields through the Little League organization. On some occasions, Little League teams
22 and other users have continued to play on the fields to which the ASA Blaze had access past their
23 scheduled time. This has forced ASA Blaze teams to start their games up to one hour behind
24 schedule. ASA Blaze softball players frequently have been displaced from the shared ASP fields
25 before they were able to finish their practices or games.

26 77. The ASA Blaze's older girls' divisions -- 18 and Under and 16 and Under – did not
27 have access to the shared ASP fields during the 2001 season for practice or games. These ASA
28 divisions were forced to hold practices and games at Riverside Park during the 2001 season. The

1 ASA players had limited access to the single diamond at Riverside field, and generally held one
2 practice and one game per week. They attempted to play “double-header” games whenever the field
3 space was available.

4 78. ASA Blaze divisions assigned to Riverside Park have been provided the least
5 desirable times of day for practice and games. During the summer, ASA Blaze players have been
6 provided field access for practice during the remaining time slots that have not been provided to
7 other youth or adult programs. The ASA teams typically practice during early morning hours or
8 between 2:00 p.m. and 5:00 p.m., at the peak of the heat. The heat affects players' ability to remain
9 alert and energized, and thus prevents them from fully developing their competitive softball skills.
10 When school is in session, the ASA Blaze league is provided practice time between 6:00 p.m. and
11 10:00 p.m. in the evenings. On many occasions, practices begin during later evening hours, yet must
12 be completed by 10:00 p.m., because the City requires park lights to be shut off. These hours are
13 inconvenient to ASA Blaze players' families, insofar as they disrupt traditional meal times, and
14 further interrupt the girls' ability to conduct school work following their practice.

15 79. The ASA Blaze's older division teams have played at the shared ASP fields only
16 during their annual Boatnick softball tournament held on Memorial Day weekend.

17 80. The ASA Blaze does not have access to a concession stand at either the ASP or
18 Riverside Park fields. Instead, ASA Blaze family members and spectators must patronize the
19 concession facility adjacent to the shared field area at ASP. (See photograph of concession stand
20 at ASP shared fields (color photocopy) attached hereto as Exhibit 5.) The City has granted the Little
21 League program exclusive control of this concession facility, although these fields are shared by
22 various users. The ASA Blaze has had limited access to the ASP concession facility only during its
23 annual weekend Boatnick tournament. In past seasons, the ASA Blaze was required to coordinate
24 its use of the concession facility during the Boatnick tournament weekend with Little League and
25 turn over approximately 60% of its proceeds. Last season, the ASA purchased its own supplies and
26 was able to keep more, but not all, of the proceeds. The ASA Blaze does not get any portion of the
27 proceeds from the concession stand at any time that it utilizes the ASP shared fields during the
28

1 regular softball season. The lack of these proceeds impairs the Blaze members' ability to raise funds
2 necessary for the league to travel out of state to compete in national tournaments and other activities.

3 81. The fields available to the ASA Blaze at ASP and Riverside lack many amenities
4 available to the American Legion and Babe Ruth boys' baseball leagues at ASP. Amenities to which
5 the ASA Blaze members are denied include the following:

6 (a) The ASA Blaze league never has been provided access to the batting cages
7 or pitching machines located at ASP that are available to the selective boys' baseball leagues,
8 American Legion and Babe Ruth. When ASA Blaze players have made specific requests to utilize
9 these facilities, they have been denied such use by the selective boys' baseball leagues.

10 (b) The ASA Blaze does not have access to a batting cage at either the Riverside
11 or ASP fields. As a result, in order to conduct hitting practice, the league must take its pitching
12 machine, stored at ASP, to Grants Pass High School four to five times a week. This requires one
13 of the coaches to drive the pitching machine to the high school for the league. The ASA Blaze
14 members assemble the pitching machine in portable batting cages stored at the high school
15 gymnasium. In so doing, the Blaze members must connect the pitching machine to the wall, drop
16 the batting cage nets that hang from the ceiling, and assemble them at the appropriate distance from
17 the machine.

18 (c) The ASA league does not have access to a permanent storage facility to hold
19 its equipment at either the ASP or Riverside fields. Instead, the league must store its equipment in
20 a small, portable storage shed that is maintained in the outfield area of the ASP fields. (See
21 photograph of ASA Blaze storage shed (color photocopy) attached hereto as Exhibit 6.) The ASA
22 Blaze's storage shed does not provide enough room to hold all of the league's equipment. As a
23 result, ASA Blaze members must stuff their largest and heaviest items into the shed -- such as
24 maintenance equipment and the pitching machine -- and carry much of their equipment themselves
25 to and from practices and games. The limited size and temporary nature of its storage shed further
26 prevents the ASA Blaze from purchasing new or additional equipment.

1 (d) The lack of a permanent storage facility requires those ASA Blaze members
2 who practice and play at Riverside field to arrive for their practices and games earlier in order to
3 travel to ASP, retrieve and transport their equipment to Riverside field.

4 (e) For several seasons, the ASA Blaze has been required to dismantle and
5 remove its storage shed from ASP at the end of the softball season. The storage shed, because of
6 its temporary nature, also has been subject to vandalism on the ASP field.

7 (f) The shared ASP fields made available to the ASA Blaze are in poor condition.
8 The outfield at ASP field number one contains holes and dips. These uneven field conditions subject
9 ASA Blaze players to being hit in the face or to twisting their ankles while trying to field ground
10 balls that bounce off the field.

11 (g) The chain link fence and gates framing the shared ASP fields made available
12 to the ASA Blaze are in disrepair.

13 (h) The backstop boards at the shared ASP fields made available to the ASA
14 Blaze are broken and splintered. ASA Blaze members have run directly into large splinters at ASA
15 field number one's backstop.

16 (i) The ASA Blaze is not provided access to the scoreboards located at the shared
17 ASP fields. Such scoreboards are controlled by the Little League organization.

18 (j) The dugout areas at the shared ASP fields made available to the ASA Blaze
19 often are filled with trash. The wooden bleachers are splintered and contain peeling paint. (See
20 photograph of ASP field bleachers (color photocopy) attached hereto as Exhibit 7.)

21 (k) The shared ASP fields do not have dedicated, or otherwise sufficient, parking
22 to accommodate players and spectators.

23 (l) ASA Blaze members do not have access to changing rooms at the shared ASP
24 fields.

25 (m) The outfield fencing at Riverside Park is inadequate for the ASA Blaze
26 insofar as it is not the appropriate regulation distance for fastpitch softball. The outfield fence
27 currently in place thus is too low and fails to catch fly-balls, requiring ASA Blaze players to retrieve
28

1 stray softballs from the adjacent road. As a result, ASA Blaze members have been required to draw
2 an outfield chalk “line” to mark the correct distance.

3 (n) The Riverside Park field is sandy and often is filled with water. The infield
4 area is raised on a slope. The entire field area is marked with holes and uneven playing surfaces.
5 The Riverside field is not well-maintained; sometimes it is not mowed at all and is full of weeds.
6 The field typically is filled with bark chips, rocks and glass that ASA Blaze members are required
7 to remove. Pets get onto the field and leave waste.

8 (o) The ASA Blaze is not given access to the electronic scoreboard at Riverside
9 Park. As a result, ASA Blaze coaches and spectators must assist the Blaze teams by keeping score
10 manually.

11 (p) The Riverside Park field contains two sets of uncovered bleachers on each
12 side, with five rows each. These bleachers are unsteady and made of fiberglass.

13 (q) The field at Riverside Park lacks dug-out areas for ASA Blaze members and
14 their equipment. Instead, each team is provided a bench with front fencing but without any
15 protective back or top fencing.

16 (r) The backstop at Riverside field is positioned incorrectly and contains a pole
17 in the center.

18 (s) The restrooms at Riverside field are not cleaned or well-maintained. They
19 lack mirrors and paper products. The water is either too hot or too cold and the stalls have no locks.
20 ASA Blaze members and their supporters are deterred from using the restrooms at Riverside Park.

21 (t) ASA Blaze players and spectators share access to a small parking lot adjacent
22 to the Riverside field. This lot is insufficient to accommodate ASA Blaze members, their coaches,
23 families and spectators during games.

24 82. The younger Blaze teams utilize local elementary school grounds for practice. These
25 fields consist of a grassy area with a backstop, but otherwise do not have any field markings for
26 bases, or an outfield. None of the elementary school fields contain outfield fencing. These fields
27 are poorly maintained and typically contain holes, rocks and granite that create safety risks for
28 younger Blaze members.

1 83. None of the fields to which the ASA Blaze members have access provide an area for
2 players to change, an announcer during games, and clean, well-maintained restrooms available to
3 spectators. These amenities are widely available to the selective boys' baseball leagues at ASP.

4 84. ASA Blaze members and supporters expend valuable time and resources prior to and
5 throughout the softball season maintaining the ASP and Riverside fields. On designated weekends,
6 they remove rocks and pull weeds; “chalk” lines on the field; and drag the infields to remove grass.
7 The ASA Blaze is required to conduct ongoing maintenance of its fields due to the numerous
8 number of users from both youth and adult leagues.

9 Exclusive and Priority Fields Available to Boys' Baseball Leagues

10 85. For nearly a dozen years, the American Legion and Babe Ruth boys' baseball leagues
11 have been provided with exclusive access to quality, City-owned fields at ASP.

12 The American Legion Field

13 86. The American Legion baseball field, also known as the Agnew-Lytle Field, is an
14 exclusive, dedicated stadium for the 15-member Grants Pass Nuggets. It sits on 5.17 acres of land
15 in Riverside West All Sports Park. The field's perimeter is surrounded by a nine-foot fence closed
16 to the general public. (See Photograph of American Legion Field (color photocopy), attached hereto
17 as Exhibit 8.) The American Legion field's amenities include the following:

18 (a) It contains an outfield wall suitable for corporate sponsorship funds that are
19 paid to the American Legion. The wall is covered with permanent corporate advertisements,
20 estimated to cost thousands of dollars each, money that goes directly to the American Legion to be
21 used by the league. (See Photograph of American Legion Field (color photocopy), attached hereto
22 as Exhibit 9.)

23 (b) The field contains a covered grandstand area consisting of twenty-five rows
24 of aluminum bleachers and stadium-sized seats with backs suitable to accommodate 400 spectators.
25 (See Photograph of American Legion Field (color photocopy), attached hereto as Exhibit 10.)

26 (c) The field is equipped with fully-fenced backstops and dugouts for team
27 members.
28

1 (d) The field contains a bullpen area that enables players to warm-up prior to and
2 during games.

3 (e) A two-story building is located on the field's east side adjacent to the
4 bleachers. This structure contains concession sales for spectators, public restrooms, and private
5 changing areas for baseball players. An announcer's booth with a public address system is located
6 at the top of the building. (See Photograph of American Legion field (color photocopy), attached
7 hereto as Exhibit 11.)

8 (f) The field is surrounded by stadium lights, enabling the American Legion
9 baseball team to conduct evening baseball games. The lighting system is estimated to have cost the
10 City \$68,000 to install.

11 (g) A functioning electronic scoreboard displaying the American Legion team's
12 name and showing the score throughout the games, is located on the outfield wall.

13 (h) The field is adequately groomed and consistently maintained by the City. The
14 American Legion field has access to the City's dragging equipment.

15 (i) Two sets of batting cages are located adjacent to the principal field area, yet
16 within the outfield wall. These cages have offered the American Legion league exclusive hitting
17 practice without the need to travel to outlying facilities.

18 (j) A large parking lot dedicated exclusively to spectators attending American
19 Legion games is located adjacent to the field area. This lot is not available to other leagues.

20 87. The American Legion league charges \$3.00 admission for games. This money is kept
21 entirely by American Legion and is available for the league for its own use.

22 88. The American Legion field historically has been available for the American Legion
23 baseball league's exclusive use.

24 89. The American Legion baseball league does not have to compete with other youth or
25 adult leagues for field space at ASP. It was not required to participate in the field scheduling
26 meeting for ASP users prior to the start of the 2002 season and it never has had to request field use
27 at the City's ASP facility. Instead, it may use its designated, exclusive field whenever it likes for
28

1 practices or games. When the American Legion is not using its field, no other league may use it and
2 the field lies empty and unused.

3 90. The American Legion baseball players are not required to conduct any field
4 maintenance.

5 91. The American Legion baseball games are broadcast on a local radio station, KAJO-
6 AM..

7 92. The American Legion league draws revenue from several sources, including
8 concession sales, a public entrance fee and corporate sponsorship.

9 93. The American Legion baseball games are covered in detail in the local newspaper's
10 sports section. Feature stories recounting the league's competition often appear on the section's front
11 page.

12 94. No girls' softball program, including the ASA Blaze, has been permitted to use the
13 American Legion field, or any of its related facilities such as the batting cages, concession area,
14 changing rooms or parking lot, for practice or games.

15 The Babe Ruth Field

16 95. The Babe Ruth league has access to a dedicated baseball field, for its exclusive use,
17 at ASP. The Babe Ruth facility has several field amenities, including the following:

18 (a) It contains a permanent outfield fence suitable for corporate advertisements.
19 (See Photograph of Babe Ruth field (color photocopy), attached hereto as Exhibit 12.)

20 (b) The field contains well-maintained bleachers.

21 (c) The field is equipped with fully-fenced backstops and dugouts for team
22 members.

23 (d) The field contains a functioning electronic scoreboard on its outfield wall.

24 (e) The field is adequately groomed and consistently maintained by the City. The
25 Babe Ruth league has access to the City's dragging equipment.

26 (f) A large parking lot dedicated exclusively to spectators attending American
27 Legion games is located adjacent to the field area. This lot is not available to other leagues.

28 The Significance of Softball for ASA Blaze Members

1 96. The sport of softball, and participating in a community softball league, is a significant
2 aspect of the ASA Blaze members' lives.

3 97. Despite their unequal access and inadequate field conditions, ASA Blaze players
4 recognize that playing softball builds their self-confidence and helps them develop positive qualities
5 that will benefit them later in life. It teaches them teamwork, responsibility, a positive work ethic,
6 and the opportunity to raise their voices and be heard. It enables them to interact consistently with
7 coaches and other adults and learn how to navigate the rigors of competitive sport. Playing softball
8 and competing in tournaments provides ASA Blaze members with a window to the world beyond
9 their own community.

10 98. Participating in a community softball league promotes close bonds among ASA Blaze
11 team members who share the experience of competitive team sports for years. The players and their
12 coaches become an extended family and frequently travel together to tournament competitions in
13 outlying cities and counties.

14 99. ASA Blaze members expect to continue playing softball after the 2002 season. The
15 older Blaze members hope to receive enough recognition from college scouts to apply for an athletic
16 scholarship and play inter-collegiate softball. ASA Blaze members believe they are entitled to have
17 an equal opportunity to compete in a selective girls' softball league and have access to college
18 scholarships. Many ASA Blaze members cannot afford to attend college otherwise.

19 100. Some ASA Blaze members plan to pursue professional softball coaching careers.
20 Others hope to compete for the U.S. Olympics women's softball team, and expect to continue to be
21 involved with softball throughout their personal and professional lives.

22 101. The younger ASA Blaze members hope to gain enough skills to compete when they
23 reach high school. They look to the league's older members as role models, and learn from their
24 playing skills. It is difficult for the younger and older divisions to watch each other's games and
25 lend support without access to a single field on which all ASA Blaze teams could play.

26 The City's Role in Sponsoring and Facilitating Baseball Field Development at ASP

27 102. The All Sports Park was developed, in part, to replace existing baseball fields in the
28 City that were eliminated in order to construct a public bridge. The previously-existing fields were

1 utilized by the American Legion, Babe Ruth and Little League baseball programs. They included
2 regulation-sized fields and T-ball fields for the youngest players.

3 103. The City contributed funds and land for the ASP's development in conjunction with
4 a non-profit organization that coordinated community support and private fundraising.

5 104. The City purchased land to construct the American Legion field and its adjacent
6 parking facility.

7 105. The City owns the ASP property and continues to contribute to the ASP's ongoing
8 maintenance needs.

9 The Blaze Softball League's Repeated Efforts Through the 2002 Season to Seek Equal and
10 Adequate Access to Playing Fields and The City's Failure to Address and Respond to
11 Gender-Based Field Disparities

12 106. For several seasons, ASA Blaze representatives have made numerous requests to City
13 officials, including the City's Recreation Manager and the City Attorney, for equal and adequate
14 access to City-owned playing fields at the Riverside West All Sports Park.

15 107. Whenever the ASA Blaze has sought to obtain permission from City officials for
16 equal access to City-owned recreational facilities, such as those historically and exclusively made
17 available to the selective boys' baseball leagues at ASP, Blaze members have been denied the same
18 access and comparable quality of fields consistently granted to the American Legion and Babe Ruth
19 boys' baseball leagues.

20 108. In particular, ASA Blaze representatives made numerous specific written and oral
21 requests for equal and adequate field access in advance of the 2002 Spring/Summer softball season.
22 Such requests yielded inadequate responses, if any.

23 109. ASA Blaze representatives conducted face-to-face meetings with City and
24 Department representatives as early as August 2001.

25 110. In September 2001, ASA Blaze representatives made a written request for the City's
26 facilitation of equal and adequate field facilities, stating: "We believe that if the city intends to
27 continue to permit exclusive control of the ASP facilities by boys-only athletic programs, then it
28 must make comparable facilities available to girls at the ASP." (See Letter to Ulys J. Stapleton from

1 James R. Dole, dated September 28, 2001, attached hereto as Exhibit 1.) The City never issued a
2 written response to this request.

3 111. On January 16, 2002, the ASA Blaze made a second, written request to discuss the
4 issue of equal and adequate field allocation in advance of a January 23, 2002, field scheduling
5 meeting organized by the City. (See Letter to Dick Olson from James R. Dole, dated January 16,
6 2002, attached hereto as Exhibit 2.) The City did not issue a written response in advance of the
7 scheduling meeting, nor did it respond to the ASA Blaze's request to postpone the January meeting
8 for further discussion prior to the season's scheduling process.

9 112. On January 23, 2002, the City held a scheduling meeting for athletic programs that
10 would be requesting to use the shared ASP fields during the Spring/Summer 2002 season. This was
11 the first time that the City has ever held a scheduling meeting with ASP field users.

12 113. ASA Blaze representatives attended the January 23 meeting and raised, once again,
13 their proposal and request for equal and adequate field space at ASP during the 2002 softball season.

14 114. The American Legion and Babe Ruth selective boys' baseball leagues were not
15 required to participate in the ASA field scheduling process discussed during the January 23 meeting,
16 but instead were guaranteed unfettered access to their respective "home" fields for use at any times
17 that they desired.

18 115. On February 12, 2002, ASP's Recreation Manager issued a letter on behalf of the City
19 informing the ASA Blaze that it would be granted two to four hours a week, per team, on the shared
20 ASP fields for its use during the 2002 season. (See Letter to Clay Rounsaville from Dick Olson,
21 Recreation Manager, dated February 12, 2002, attached hereto as Exhibit 3.) This availability
22 amounts to almost half of the field space allocated to the ASA Blaze during the 2001 season.
23 Moreover, the City's February 12 letter failed to respond to the ASA Blaze's requests that it be
24 provided equal and adequate access to the field facilities made available exclusively to the selective
25 boys' baseball leagues.

26 116. Upon being given such a limited weekday time on the shared ASP fields – and no
27 time at all on the American Legion and Babe Ruth fields – for the 2002 Spring/Summer softball
28 season, the ASA Blaze representatives renewed their attempts to be provided additional amount of

1 field time at ASP during the weekend. The ASA Blaze offered to exchange some of its weekday
2 time for additional field time on Sundays. The City did not respond with a definitive answer.

3 117. Just days prior to the start of the 2002 Spring/Summer softball season, ASA Blaze
4 representatives received a memorandum from the City concerning the “Use of ASP Field #1 & #2.”
5 (See Memorandum from Dick Olson, GP Parks & Recreation, to ASA Girls Fastpitch, dated March
6 27, 2002, attached hereto as Exhibit 13.) The City informed the ASA Blaze that it would provide
7 the league with access to field number two on Sundays only “as needed for games and tournaments
8 when played simultaneously with games on field #1.”

9 118. The two selective boys' baseball leagues were once again granted exclusive use of
10 their “home” fields at ASP during the 2002 Spring/Summer season.

11 119. The ASA Blaze league has made continuous and ongoing attempts to negotiate with
12 City representatives for equal and adequate access to playing field space up to the commencement
13 of the 2002 Spring/Summer softball season. All such efforts have been futile. As of March 27,
14 2002, City representatives confirmed that the ASA Blaze would have only minimal access to the
15 shared ASA fields of inferior quality, that lack the numerous field amenities made available
16 exclusively to selective boys' baseball leagues at ASP. Moreover, the City failed to provide the ASA
17 Blaze with any access to the American Legion or Babe Ruth fields for practice or play.

18 The Effect of the City's Gender-Based Field Allocation Policy

19 120. Being forced to play during limited times, and under inferior field conditions at both
20 ASP and Riverside fields curtails the ASA Blaze girls' ability to develop essential athletic skills on
21 an equal basis to selective boys' baseball leagues, which have ample field time and space. The
22 development of such skills at an early age is a critical factor in preparing girls for athletic
23 competition in high school, college and beyond, and thereby allowing girls to benefit from the
24 breadth of personal, educational and professional opportunities that flow from such participation.

25 121. As a result of the ASA Blaze league's need to schedule games tightly for its five
26 softball divisions during its limited hours on two fields, ASA Blaze girls are forced to play in
27 crowded conditions. This overcrowding in and around the playing field area increases girls' risk of
28 injury.

1 122. ASA Blaze members, particularly the younger players, have been injured on the
2 fields that they are provided. Some have tripped on rocks and in holes, hit their faces and chipped
3 their front teeth. These hazardous field conditions have contributed to ASA Blaze members'
4 reluctance to play competitively out of concern that they will injure themselves.

5 123. The ASA Blaze league increased its enrollment by one team for the 2002 season.
6 Because it has limited access to public playing field space, however, the Blaze league has been
7 forced to curtail its recruitment and enrollment of new members and therefore stunt its future
8 growth.

9 124. The lack of a dedicated “home” softball field prevents ASA Blaze members from
10 installing a permanent outfield fence where they would have the opportunity to display corporate
11 sponsors' names. The inability to recruit corporate sponsors deprives the ASA Blaze from a valuable
12 revenue source. It further denies ASA Blaze members from the sense of pride associated with
13 having access to a home field.

14 125. The lack of a dedicated concession stand for ASA Blaze supporters and spectators,
15 as is available to selective boys' baseball leagues at ASP, deprives the ASA Blaze league from a
16 valuable benefit stream and deters some members of the community from attending Blaze games.

17 126. The denial of proceeds from concession sales and corporate advertising revenue
18 further prevents the ASA Blaze softball league from raising sufficient funds to travel to the national
19 “college exposure” tournament, typically held in Colorado. This, in turn, denies the ASA Blaze the
20 competition and exposure provided to selective softball players at a national ASA-sponsored
21 championship. Such proceeds could also be used to facilitate ASA Blaze members' local and
22 regional tournament costs.

23 127. The lack of a dedicated softball field denies the ASA Blaze the opportunity to host
24 prestigious statewide and regional tournaments as are conducted in other Oregon cities with premier,
25 city-operated softball fields.

26 128. The City has denied or failed to respond to ASA Blaze softball players' requests to
27 host a regional or state tournament at the existing ASP fields. The ASA Blaze specifically
28 requested the use of the ASP shared fields in order to host a state tournament in 2002. The City

1 failed to respond to the ASA Blaze request until long after the deadline for responding to the ASA
2 association's invitation to host a state tournament had passed. The inability to host a competitive
3 softball tournament deprives the ASA Blaze league from valuable and broad exposure to college
4 athletic scouts who frequent such events. The ASA Blaze members are thus prevented from hosting
5 such athletic scouts in their hometown during tournaments as is the practice of other ASA softball
6 leagues with dedicated fields appropriate for tournament-level competition.

7 129. The lack of field-generated proceeds and funds forces the ASA Blaze players to
8 spend a significant amount of time fundraising, rather than honing their softball skills. The ASA
9 members thus sell an assortment of items, including suckers, stickers, and garden supplies. They
10 sponsor car washes that last up to six hours in one day.

11 130. The ASA Blaze players expend much of their time and energy to maintain the fields
12 to which they are provided access, yet are provided none of the many benefits that the selective
13 American Legion and Babe Ruth baseball leagues enjoy. Instead, these competitive boys' baseball
14 leagues are provided access to exclusive, high quality facilities and enjoy the benefits of a home
15 field while generating vast attention and prestige in the eyes of the community. The selective boys'
16 baseball games are broadcast on the local radio and covered in detail in the local newspaper.

17 131. ASA Blaze softball players have been taunted by baseball players and other
18 community members because they are required to contribute to field upkeep and conduct consistent
19 fundraising. By contrast, the selective boys' baseball leagues provided fields at ASP have no field
20 maintenance duties, enjoy abundant concession sales and permanent corporate sponsorship on their
21 home fields.

22 132. ASA Blaze softball players have been told that softball is not as serious, or as
23 important, as baseball because the softball facilities to which they are relegated are inferior to those
24 provided to the comparable competitive boys' baseball leagues -- American Legion and Babe Ruth.
25 Spectators prefer to watch a sports competition in a quality field with abundant and comfortable
26 amenities. The perception that the ASA Blaze softball league is of lesser quality than the selective
27 boys' baseball leagues deprives Blaze members of potential supporters who have never seen the level
28 of their athletic competition.

133. The absence of a permanent home field prevents all ASA Blaze members from playing in one location and thus supporting each other. A dedicated softball field would also provide the league's younger members with the opportunity to see the older girls play, and to look to them as role models.

135. The unequal access to public playing fields makes ASA Blaze softball players feel inadequate and unworthy to share public resources.

137. There is no justification for any member of the ASA Blaze league to be denied equal and adequate access to the City's public playing facilities provided to selective male baseball leagues.

CLAIMS FOR RELIEF

139. Plaintiffs and the proposed plaintiff class restate and incorporate by reference, as though fully set forth herein, the allegations contained in paragraphs 1 through 138 above.

1 of comparable quality made available abundantly and exclusively to similarly situated male athletes,
2 as a direct result of defendants' gender-based policies and practices described above.

3 141. Defendants' acts and omissions foster unjustified and unreasonable fixed notions
4 concerning the roles and abilities of males and females that relegate women and girls to inferior
5 status and second-class citizenship. Moreover, defendants' policies and practices rely on over-broad
6 generalizations about the different talents, capacities, or preferences of males and females, and are
7 based on judgments about males and females that perpetuate gender-based stereotypes that
8 historically have denied women and girls equal protection of the laws.

9 142. By denying plaintiffs equal treatment provided to similarly situated male athletes,
10 despite plaintiffs' persistent requests for such equal and adequate accommodation, defendants
11 promote systemic, longstanding and discriminatory gender-based government policies and practices
12 for which there is no compelling need and no exceedingly persuasive justification. Moreover, the
13 gender-based government policies and practices complained of herein fail to serve an important or,
14 indeed, any legitimate government objective and are not substantially related to any purported
15 objective.

16 143. Because defendants' gender-based policies and practices described above promote
17 the unjustified differential treatment of plaintiffs, and unjustifiably deny plaintiffs equal
18 opportunities, they violate the Fourteenth Amendment to the United States Constitution.

19 **SECOND CAUSE OF ACTION**
20 **Oregon Constitution, Article I, Sec. 20**
21 **(Denial of Equal Privileges and Immunities)**
22 **(By All Plaintiffs Against All Defendants)**

23 144. Plaintiffs and the proposed plaintiff class restate and incorporate by reference, as
24 though fully set forth herein, the allegations contained in paragraphs 1 through 143 above.

25 145. Defendants' gender-based policies and practices provide similarly situated male
26 athletes exclusive access to athletic fields and related facilities of much higher quality than those
27 provided to plaintiffs. Such gender-based classifications, reflecting stereotypical assumptions about
28 personal characteristics or social roles that are based solely on individuals' gender, foster unjustified
and unreasonable fixed notions concerning the roles and abilities of males and females that relegate
women and girls to inferior status and second-class citizenship.

146. There can be no justification for the gender-based classifications described above insofar as they are not based on any specific biological differences between males and females. As such, they are inherently suspect and impermissible.

147. Because defendants' gender-based classifications described above unjustifiably deny plaintiffs equal opportunities provided to comparable male athletes, they violate plaintiffs' rights under the Equal Privileges and Immunities Clause of the Oregon Constitution, Article I, Section 20.

THIRD CAUSE OF ACTION
Violation of The Oregon Public Accommodation Act
Oregon Revised Statutes § 659A.403
(Gender Discrimination)
(By All Plaintiffs Against All Defendants)

148. Plaintiffs and the proposed plaintiff class restate and incorporate by reference, as though fully set forth herein, the allegations contained in paragraphs 1 to 147 above.

149. Plaintiffs and the proposed plaintiff class each are of the female sex under the meaning of O.R.S. §659A.403.

150. Defendants' recreational facilities, including those that plaintiffs have sought and requested to use on an equal and adequate basis to those provided to comparable male athletes, constitute a "place of public accommodation" under the meaning of O.R.S. §659A.400(1).

151. By providing comparable male athletes exclusive use of public recreational facilities of much higher quality than those provided to plaintiffs, defendants have denied and continue to deny plaintiffs full and equal accommodations, advantages, privileges, and services, on the basis of gender.

152. Defendants' acts and omissions, resulting in denial of equal access and unequal treatment of plaintiffs on the basis of gender, violate the Oregon Public Accommodation Act.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, on behalf of themselves and the proposed plaintiff class, respectfully seek judgment and relief against defendants as follows:

Permanent Injunctive Relief

1. For injunctive relief that defendants City of Grants Pass, its City Manager, its Director of Field Operations, its Recreation Manager, and its agents, employees, and all persons in

1 active concert or participation with them, including any successors and assigns, be permanently
2 enjoined from implementing the discriminatory system complained of herein, and specifically from:

3 A. failing or refusing to provide plaintiffs with exclusive and permanent access
4 to public recreational facilities dedicated to the sport of softball, on an equal basis with such
5 exclusive and permanent access to public recreational facilities dedicated to the sport of baseball that
6 are provided to selective boys' baseball leagues in the City's parks, specifically the exclusive and
7 permanent recreational facilities provided to American Legion and Babe Ruth boys' baseball leagues
8 in the City's Riverside West All Sports Park; and

9 B. failing or refusing to provide plaintiffs access to public recreational facilities
10 and related amenities dedicated to the sport of softball, that are equal in scope, quality and
11 convenience to public recreational facilities dedicated to the sport of baseball that are provided to
12 selective boys' baseball leagues in the City's parks, specifically those public recreational facilities
13 and related field amenities provided to the American Legion and Babe Ruth boys' baseball leagues
14 in the City's Riverside West All Sports Park.

15 2. For injunctive relief requiring defendants City of Grants Pass, its City Manager, its
16 Director of Field Operations, its Recreation Manager, and its agents, employees, and all persons in
17 active concert or participation with them, including any successors and assigns, to provide plaintiffs
18 with a dedicated field in the City of Grants Pass' All Sports Park of comparable quality and
19 comparable amenities to any dedicated field or fields provided to the selective boys' baseball
20 leagues in such park commencing with the Spring/Summer 2004 season. Such relief may include,
21 but is not limited to: (a) constructing a new dedicated softball field of comparable quality and
22 comparable amenities to any dedicated field or fields provided to the selective boys' baseball
23 leagues in an agreed upon location of the All Sports Park, over which plaintiffs will have exclusive
24 scheduling control and authority, which will be to be completed no later than the 2004
25 Spring/Summer season; or (b) crafting a permanent arrangement on the existing fields located at the
26 All Sports Park commencing with the 2004 Spring/Summer softball season that will provide a field
27 dedicated to selective girls' softball of comparable quality and comparable amenities to any
28 dedicated field or fields provided to the selective boys' baseball leagues, over which plaintiffs will

1 have exclusive scheduling control and authority. As used herein, “comparable quality and
2 comparable amenities” includes, at minimum, the following:

- 3 A. An immediately adjacent concession stand over which Plaintiffs have
4 exclusive control and authority. Plaintiffs will be charged no rent or royalties
5 for this concession stand, but will be responsible for the actual cost of
6 utilities.
- 7 B. Lights for evening play over which plaintiffs have control and authority.
8 Plaintiffs will be responsible for the actual cost of electricity.
- 9 C. Permanent fencing of the appropriate height and dimension for regulation
10 fastpitch softball, over which plaintiffs will have exclusive control and
11 authority and access to which plaintiffs may sell to sponsors for advertising.
- 12 D. Permanent fencing surrounding the field and bleachers making it possible to
13 control access to the field and charge admission for such access.
- 14 E. Permanent, covered metal bleachers with back supports that provide an equal
15 amount of seating to that currently provided at the Babe Ruth Field at the All
16 Sports Park.
- 17 F. Immediately adjacent batting cages over which plaintiffs will have exclusive
18 scheduling control and authority.
- 19 G. An immediately adjacent bullpen over which plaintiffs will have exclusive
20 scheduling control and authority.
- 21 H. Immediately adjacent permanent storage facilities over which plaintiffs have
22 exclusive authority and to which plaintiffs have exclusive access.
- 23 I. Immediately adjacent restrooms to which plaintiffs have access at all times
24 during practice and play.
- 25 J. Adjacent parking facilities dedicated for the use of field users and spectators.
- 26 K. An electronic scoreboard, over which plaintiffs will have exclusive control
27 and to which Plaintiffs will have exclusive access.
- 28 L. Dugouts below field level of equal quality to those currently in place at the
Babe Ruth Field at All Sports Park.

1 M. City maintenance and City provision of maintenance equipment equivalent
2 to that currently provided by the City to the American Legion or Babe Ruth
3 Fields.

4 N. A correctly positioned backstop.

5 O. An immediately adjacent announcer's booth and sound system, over which
6 plaintiffs will have exclusive control and authority.

7 4. For injunctive relief requiring defendants City of Grants Pass, its City Manager, its
8 Director of Field Operations, its Recreation Manager, and its agents, employees, and all persons in
9 active concert or participation with them, including any successors and assigns, to give priority
10 scheduling on Field One or any other field at the All Sports Park of regulation size for fastpitch
11 softball to girls' softball teams, including both plaintiffs and other community girls' softball teams.
12 Plaintiffs do not seek scheduling control and authority over Field One.

13 5. For injunctive relief requiring defendants City of Grants Pass, its City Manager, its
14 Director of Field Operations, its Recreation Manager, and its agents, employees, and all persons in
15 active concert or participation with them, including any successors and assigns, to ensure gender
16 equity in softball and baseball field allocation and usage on an ongoing basis and to make
17 adjustments in field allocation and usage as necessary to ensure gender equity, consistent with the
18 number of softball and baseball players seeking access to fields.

19 Declaratory Relief

20 6. For a declaration and judgment that defendants' discriminatory policies and practices
21 violate plaintiffs' rights to equal protection of the laws under the Fourteenth Amendment to the
22 United States Constitution; deny plaintiffs equal privileges and immunities in violation of Article
23 I, Section 20 of the Oregon Constitution; and deny plaintiffs full and equal accommodations,
24 advantages, privileges and services on the basis of gender, in violation of §659A.403 of the Oregon
25 Public Accommodation Act.

26 Further Relief

27 7. For an order certifying the proposed plaintiff class.

28 8. For reasonable attorneys' fees and costs pursuant to 42 U.S.C. §1988 and any other
applicable federal and Oregon state laws.

9. For such other and further relief as this Court deems just and proper.

Respectfully submitted this 9th day of June, 2003.

SCHULTZ, SALISBURY, CAUBLE & DOLE

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