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**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
URBANA DIVISION**

**Amarah Coleman, Alexis Smith, Taylor  
Tuck, Nia Oden, Sarah Livingston,  
Taylor Gleason, and Jacqui Grant,**

Plaintiffs,

v.

**The Board of Trustees of the  
University of Illinois Urbana-  
Champaign, a Body Politic and  
Corporate, Mike Thomas, Matt Bollant  
and Mike Divilbiss,**

Defendants.

No.:

Honorable  
Courtroom:

**COMPLAINT**

NOW COME the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, by and through their attorneys, Ekl, Williams & Provenzale LLC, and complaining of the Defendants, the Board of Trustees of the University of Illinois Urbana-Champaign (hereinafter "Defendant University"), Mike Thomas (hereinafter "Thomas"), Matt Bollant (hereinafter "Bollant") and Mike Divilbiss (hereinafter "Divilbiss"), upon information and belief, state as follows:

**Introduction**

1. This action is brought to secure damages as redress for violations of the Plaintiffs' rights under federal and state laws and the Fourteenth Amendment

to the United States Constitution prohibiting racial discrimination, retaliation and invidious, intentional discrimination against protected persons based upon the color of their skin. Plaintiffs' collective rights under the Constitution and laws of the land were violated by the defendants through a racially hostile environment and retaliation maintained within the University's intercollegiate Women's NCAA Division I Basketball Program from the time the Defendants, Matt Bollant and Mike Divilbiss, were hired, until the Plaintiffs graduated, resigned their scholarships and/or transferred to other post-secondary educational institutions due to the defendants' acts of discrimination and retaliation.

### **Jurisdiction and Venue**

2. This Court has original jurisdiction over the Plaintiffs' federal claims brought under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, et seq., 42 U.S.C. §1983 and 42 U.S.C. §1981 pursuant to 28 U.S.C. §1331 and/or §1343. The Court has supplemental jurisdiction over the Plaintiffs' pendent state law claims pursuant to 28 U.S.C. §1367(a) as the facts forming the basis of such claims arise out of the same nucleus of operative facts that form the basis of the Federal claims.

3. Venue is appropriate in this District pursuant to 28 U.S.C. §1391(b) as the facts giving rise to this suit occurred within this district and, upon information and belief, the Defendant University, Thomas and Bollant reside in this District.

### **Parties to the Suit**

4. Amarah Coleman is and was, at all times relevant hereto, a citizen of the United States of America of African-American descent who enjoyed all the

rights, freedoms and liberties as afforded under the Constitution of the United States of America, the Laws of the United States and the Laws of the State of Illinois, and residing in the State of Illinois. Amarah, a world-class athlete, was enrolled as a student with the Defendant University for the 2014-2015 academic calendar year, and was under athletic scholarship with the Defendant University providing her talents to the Defendant University in its Division I Women's Basketball Program during that time.

5. Alexis Smith is and was, at all times relevant hereto, a citizen of the United States of America of African-American descent who enjoyed all the rights, freedoms and liberties as afforded under the Constitution of the United States of America, the Laws of the United States and the Laws of the State of Illinois, and residing in the State of New York. Alexis, a world-class athlete, was enrolled as a student with the Defendant University for the 2011-2014 academic calendar year, and was under athletic scholarship with the Defendant University providing her talents to the Defendant University in its Division I Women's Basketball Program during that time.

6. Taylor Tuck is and was, at all times relevant hereto, a citizen of the United States of America of African-American descent who enjoyed all the rights, freedoms and liberties as afforded under the Constitution of the United States of America, the Laws of the United States and the Laws of the State of Illinois, and residing in the State of Illinois. Taylor, a world-class athlete, was enrolled as a student with the Defendant University for the 2011-2015 academic calendar year,

and was under athletic scholarship with the Defendant University providing her talents to the Defendant University in its Division I Women's Basketball Program during that time.

7. Nia Oden is and was, at all times relevant hereto, a citizen of the United States of America of African-American descent who enjoyed all the rights, freedoms and liberties as afforded under the Constitution of the United States of America, the Laws of the United States and the Laws of the State of Illinois, and residing in the State of New York. Nia, a world-class athlete, was enrolled as a student with the Defendant University for the 2011-2015 academic calendar year, and was under athletic scholarship with the Defendant University providing her talents to the Defendant University in its Division I Women's Basketball Program during that time.

8. Sarah Livingston is and was, at all times relevant hereto, a citizen of the United States of America of African-American descent who enjoyed all the rights, freedoms and liberties as afforded under the Constitution of the United States of America, the Laws of the United States and the Laws of the State of Illinois, and residing in the State of Illinois. Sarah, a world-class athlete, was enrolled as a student with the Defendant University for the 2013-2014 academic calendar year, and was under athletic scholarship with the Defendant University providing her talents to the Defendant University in its Division I Women's Basketball Program during that time.

9. Taylor Gleason is and was, at all times relevant hereto, a citizen of the United States of America of who enjoyed all the rights, freedoms and liberties as afforded under the Constitution of the United States of America, the Laws of the United States and the Laws of the State of Illinois, and residing in the State of Michigan. Taylor, a world-class athlete, was enrolled as a student with the Defendant University for the 2013-2015 academic calendar year, and was under athletic scholarship with the Defendant University providing her talents to the Defendant University in its Division I Women's Basketball Program during that time.

10. Jacqui Grant is and was, at all times relevant hereto, a citizen of the United States of America who enjoyed all the rights, freedoms and liberties as afforded under the Constitution of the United States of America, the Laws of the United States and the Laws of the State of Illinois, and residing in the State of Illinois. Jacqui, a world-class athlete, was enrolled as a student with the Defendant University for the 2013-2015 academic calendar year, and was under athletic scholarship with the Defendant University providing her talents to the Defendant University in its Division I Women's Basketball Program during that time.

11. The Defendant University is and has been at all times relevant herein a body politic land grant institution incorporated under the Laws of the State of Illinois, 110 ILCS 305/1, providing, operating, maintaining and controlling facilities and instructors of higher education at the Urbana-Champaign campus, and was at all times relevant hereto operating, maintaining and/or controlling an NCAA

Division I Division of Intercollegiate Athletics, including therein an NCAA Division I Women's Basketball Program and team (hereinafter "the Women's Basketball Program" or "Program"), which Division and Women's Basketball Program have been and continue to be overseen, managed, coached, directed and/or controlled by a Director of Athletics, the Defendant, Thomas, and a head basketball coach, the Defendant, Bollant, and their staffs. At all times relevant hereto, the Defendant University has received and continues to receive federal assistance as described in and defined by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d.

12. The Defendant, Thomas, at all times relevant herein is and since his hire by the Defendant University in 2011 has been the Director of Athletics of the Defendant University's Division of Intercollegiate Athletics, including therein the Women's Basketball Program, acting at all times in such capacity under color of law and within the scope of his employment with the Defendant University. In such capacity, the Defendant, Thomas, directly oversaw, managed, supervised and controlled the Defendant University's men's and women's intercollegiate sports programs' coaches, assistant coaches, the student-athletes, including the Plaintiffs herein above, and medical / sports injury training staff. In this capacity and role the Defendant, Thomas, was in a position to address the racially hostile environment described herein and to take corrective action on the Defendant University's behalf to end it. Defendant, Thomas, is named in his individual capacity.

13. The Defendant, Bollant, at all times relevant herein is and since his hire by the Defendant University and/or Thomas in 2012 has been the head women's basketball coach for the Defendant University's Women's Basketball Program acting under color of law and within the scope of his employment with the Defendant University. In such capacity, the Defendant, Bollant, directly managed, supervised and controlled his assistant coaches, including the Defendant, Divilbiss, the student-athletes, including the Plaintiffs herein above, and medical / sports injury training staff. In this capacity and role the Defendant, Thomas, was in a position to address the racially hostile environment described herein and to take corrective action on the Defendant University's behalf to end it. Defendant, Bollant, is named in his individual capacity.

14. The Defendant, Divilbiss, at all times relevant herein was hired by the University and/or the Defendant, Bollant, in 2012 and acted in the capacity of associate head basketball coach until his resignation in 2015, acting under color of law and within the scope of his employment with the Defendant University. In such capacity and during such time, the Defendant, Divilbiss, directly managed, supervised and controlled the Women's Basketball Program, its student-athletes, including the Plaintiffs herein above, and medical / sports injury training staff. Defendant, Divilbiss, is named in his individual capacity.

**Facts Common to All Counts of the Complaint**

15. Plaintiffs incorporate ¶¶ 1 through 14, above, as if fully set forth herein.

16. From 2007 until 2012, the Defendant University's Women's Basketball Program was under the direction and supervision of former head basketball coach, Jolette Law, a woman of African-American descent. In such capacity, former coach Law recruited and received commitments from the Plaintiffs, Alexis Smith, Taylor Tuck and Nia Oden to the 2011-2012 academic class, to participate as student athletes in the Women's Basketball Program under an athletic scholarship for the Defendant University.

17. In 2012, Jolette Law was fired by the Defendant, Thomas, and the Defendant, Bollant, was hired. Thereafter, he initiated and/or continued the recruitment of and received commitments from the Plaintiffs, Sarah Livingston, Amarah Coleman, Taylor Gleason and Jacqui Grant, to participate as student athletes in the Women's Basketball Program under an athletic scholarship for the Defendant University.

18. The aforementioned NCAA Division I athletic scholarships offered and accepted by the Plaintiffs above were and are written contractual agreements whereby, in exchange for the student athlete's commitment to and participation in the Defendant University's Women's Basketball Program, the Defendant University would and did provide each Plaintiff with financial assistance in form of the costs of tuition, costs of room and board, and costs of certain education materials, with the



expectation of continuation of such agreement for the successive academic years until the Plaintiff's graduation or depending on the exhaustion/elimination otherwise of the Plaintiff's eligibility.

19. At some time around the beginning of, prior to and/or during the 2013-2014 academic year and/or basketball season, and continuing on thereafter until the end of this 2014-2015 academic year, the Defendants, Bollant and Divilbiss, began and continued to mistreat and abuse the Plaintiffs physically, psychologically and/or mentally in the context of Women's Basketball Program games, practices and/or activities in such a manner as to create a racially hostile environment within the program, and otherwise in such a manner as to treat the Plaintiffs in a negative and adverse manner in contrast to the treatment of persons similarly situated.

20. Specifically, the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of the employment of each with the Defendant, University, engaged in the following misconduct that created and/or constituted a racially hostile environment and/or discrimination based upon race:

- a. Instituted segregated practices singling out the black Plaintiffs, Alexis Smith, Nia Oden and Taylor Tuck, as "crabs" because one crab can climb out of a bucket, but more than one pull each other down in and none can get out;
- b. Referred to the black Plaintiffs, Alexis Smith, Nia Oden and Taylor Tuck, as "toxic."

- c. Referred to these segregated practices as "the dog pound," indirectly labeling the black Plaintiffs, Alexis Smith, Nia Oden and Taylor Tuck, dogs;
- d. Appointed a white player captain without a team vote and even though the majority of players at the time were black;
- e. Relegated and/or threatened relegation of the white Plaintiffs, Taylor Gleason and/or Jacqui Grant, to the "dog pound" in retaliation for these Plaintiffs' continued association with and support of the black Plaintiffs against the racially hostile environment created by the Defendants, and labeled the white Plaintiff in the segregated practices as a "mascot;"
- f. Instituted segregated travel room assignments, prohibiting white players from rooming with black players, including among the white and black Plaintiffs;
- g. During team preparations for games against other schools whose teams were predominantly made of black players, singled out the black Plaintiffs and other black teammates to ask what the players on the other team were thinking or going to do, implying that blacks think differently than whites;
- h. During team preparations for games against other schools whose teams were predominantly made of white players, and in the context of subpar. (g), above, did not ask the black players

what the other team's white players were thinking or going to do;

- i. During team preparations for games, referred to opposing teams predominantly made of black players as undisciplined and unintelligent, and referred to opposing teams predominantly made of white players as disciplined and intelligent;
- j. Directly labeled or implied that one or more of the black Plaintiffs were unintelligent, undisciplined, "west-side ghetto" street-ball players on account of their race and stereotyping a community of origin;
- k. Leveled discipline against the black players more severe than as against white players despite the same or similar conduct;
- l. Re-constituted the team roster in favor of recruiting and signing white players over black players, increasing the number of white players and decreasing the number of black players each year since 2012;
- m. Other actions which, in their totality or individually, created a racially hostile environment.

21. In addition to the above discriminatory statements and/or misconduct of the Defendants, Bollant and/or Divilbiss, acting under color of law and in the scope of the employment of each with the Defendant University, the Defendants, Bollant and/or Divilbiss, also engaged in a discriminatory campaign of statements

and/or misconduct of treating black players and white players who associated and/or supported the black players differently than the favored and/or non-associating white players, where if a non-associating or favored white girl played poorly or made mistakes, the Defendants, Bollant and/or Divilbis, encouraged the white girl or coached her for improvement; yet if a black girl or associating white girl played poorly or made a mistake, the black and/or associating white player was insulted, denigrated, demeaned, demoralized and/or embarrassed in front of the rest of the team or other observers in a manner so as to publicly humiliate and disparage that player, and otherwise in a manner that exhibited an intent to discriminate against that player based on race or that player's association.

22. The aforementioned campaign of statements and/or misconduct had the intention and/or design to compel and/or coerce the Plaintiffs to quit the team, surrender their scholarship and/or transfer from the Defendant University, and which conduct was otherwise negative and adverse in contrast to the treatment of persons similarly situated otherwise.

23. More specifically, the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of the employment of each with the Defendant, University, engaged in the following campaign of statements and/or misconduct that created and/or constituted a racially hostile environment and/or discrimination based upon race:

- a. Publicly and/or privately addressed Amarah Coleman during games, practices and/or in meetings in such a manner that was

designed and/or intended to embarrass, denigrate, demoralize and/or demean Amarah Coleman in front of others and to discourage her from continuing to participate in the Program and team;

- b. Publicly and/or privately addressed Alexis Smith during games, practices and/or in meetings in such a manner that was designed and/or intended to embarrass, denigrate, demoralize and/or demean Alexis Smith in front of others and to discourage her from continuing to participate in the Program and team;
- c. Publicly and/or privately addressed Nia Oden during games, practices and/or in meetings in such a manner that was designed and/or intended to embarrass, denigrate, demoralize and/or demean Nia Oden in front of others and to discourage her from continuing to participate in the Program and team;
- d. Publicly and/or privately addressed Sarah Livingston during games, practices and/or in meetings in such a manner that was designed and/or intended to embarrass, denigrate, demoralize and/or demean Sarah Livingston in front of others and to discourage her from continuing to participate in the Program and team;
- e. Publicly and/or privately addressed Taylor Tuck during games, practices and/or in meetings in such a manner that was

designed and/or intended to embarrass, denigrate, demoralize and/or demean Taylor Tuck in front of others and to discourage her from continuing to participate in the Program and team;

- f. Publicly and/or privately addressed Sarah Hartwell, a black player, during games, practices and/or in meetings in such a manner that was designed and/or intended to embarrass, denigrate, demoralize and/or demean Sarah Hartwell in front of others and to discourage her from continuing to participate in the Program and team;

24. In the context of such public and/or private addresses directed toward the team's black players to the systematic exclusion of the team's non-associating and/or favored white players, the Defendants also singled out white players who associated with and/or supported their black teammates who were being verbally and/or psychologically mistreated and abused on account of their race, through retaliatory actions such as:

- a. Publicly and/or privately addressing Jacqui Grant in such a manner during games, practices and/or in meetings in a manner that was designed and/or intended to embarrass, denigrate, demoralize and/or demean her in front of others in retaliation for her association and/or support for her black teammates who were being treated discriminatorily, and to discourage her from associating with and/or supporting her black teammates, and to

discourage her from continuing to participate in the Program and team, including on one or more occasions referencing a personal and confidential condition protected from disclosure by federal and state confidentiality;

- b. Publicly and/or privately addressing Taylor Gleason in such a manner during games, practices and/or in meetings in a manner that was designed and/or intended to embarrass, denigrate, demoralize and/or demean her in front of others in retaliation for her association and/or support for her black teammates who were being treated discriminatorily, and to discourage her from associating with and/or supporting her black teammates, and to discourage her from continuing to participate in the Program and team.

25. The above described conduct constituted and created a racially hostile environment that existed from approximately 2013 through the end of the academic year 2015, and otherwise amounted to disparate and divisive treatment of black players and white players who associated and/or supported the black players, including the Plaintiffs herein, in contrast to the positive and productive treatment of those similarly situated but for the race and/or association of the person.

26. During the time period set forth in ¶25, above, the Defendant, Bollant, was actually aware of the racially hostile environment, was in a position to address the racially hostile environment, was in a position to take measures to end it and

was deliberately indifferent to the racially hostile environment and its consequences on the Plaintiffs. Also, the Plaintiffs believe that, after a reasonable opportunity for further investigation or discovery, they will likely have evidentiary support that the Defendant, Thomas, during the time period set forth in ¶25, above, was actually aware of the racially hostile environment, was in a position to address the racially hostile environment, was in a position to take measures to end it and was deliberately indifferent to the racially hostile environment and its consequences on the Plaintiffs

27. After the 2014-2015 season, as a direct result of the aforementioned statements, misconduct and campaign of the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of the employment of each with the Defendant University, amounting to a racially hostile environment, the Plaintiff, Amarah Coleman, surrendered her scholarship and transferred out of the Defendant University.

28. After the 2014-2015 season, as a direct result of the aforementioned statements, misconduct and campaign of the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of the employment of each with the Defendant University, amounting to a racially hostile environment, the Plaintiff, Alexis Smith, surrendered her scholarship and transferred out of the Defendant University.

29. After the 2013-2014 season, as a direct result of the aforementioned statements, misconduct and campaign of the Defendants, Bollant and/or Divilbiss,



acting under color of law and within the scope of the employment of each with the Defendant University, amounting to a racially hostile environment, the Plaintiff, Sarah Livingston, surrendered her scholarship and transferred out of the Defendant University.

30. After the 2014-2015 season, as a direct result of the aforementioned statements, misconduct and campaign of the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of the employment of each with the Defendant University, amounting to a racially hostile environment, the Plaintiff, Taylor Gleason, surrendered her scholarship and transferred out of the Defendant University.

31. After the 2014-2015 season, as a direct result of the aforementioned statements, misconduct and campaign of the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of the employment of each with the Defendant University, amounting to a racially hostile environment, the Plaintiff, Jacqui Grant, surrendered her scholarship and transferred out of the Defendant University.

32. Furthermore, as the proximate result of the above referenced racially hostile environment and/or intentional discrimination and/or retaliation occurring as a result of the aforementioned statements, misconduct and/or campaign of the Defendants, Bollant and/or Divilbis, acting under color of law and within the scope of employment of each with the Defendant University, each Plaintiff has suffered and will continue in the future to suffer injuries of a personal and pecuniary nature.

**COUNT I**

**RACIALLY HOSTILE ENVIRONMENT IN EDUCATION  
42 U.S.C. §2000d (Title VI of the Civil Rights Act of 1964)**

33. Plaintiffs incorporate ¶¶1 through 32 as if fully set forth herein.

34. At all times relevant herein, the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, were enrolled as student athletes under athletic scholarships in the Defendant University and enjoyed at all times those protections and freedoms from racial discrimination set forth in Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, specifically the prohibition against discrimination on ground of race from participation in and/or benefit of an educational institution's programs and/or activities.

35. At all times relevant hereto, the Defendants, Thomas, Bollant, Divilbiss and Defendant University, operated, managed, maintained and/or controlled a program or activity, being the Women's Basketball Program, that received, directly and/or indirectly, federal assistance and accepted such.

36. As described above, the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of employment of each with the Defendant University, created and maintained a severe, pervasive and objectively offensive racially hostile environment within the Women's Basketball Program that constituted racial discrimination in violation of 42 U.S.C. §2000d and operated to exclude, deny and/or deprive the Plaintiffs, of participation in and/or the benefits of same.

37. As described hereinabove, the Defendants, Thomas and/or Bollant, being in a position to address and take measures to correct the racially hostile environment, were deliberately indifferent to the racially hostile environment and its consequences on the Plaintiffs despite actual knowledge of it.

38. As a proximate result of the aforementioned racially hostile environment and intentional racial discrimination, the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, each suffered personal and economic injuries, including but not limited to emotional, mental and/or psychological suffering and distress.

WHEREFORE, the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, each demand judgment against the Defendants, Board of Trustees of the University of Illinois Urbana-Champaign, Mike Thomas, Matt Bollant and Mike Divilbiss, jointly and severally, for compensatory and punitive damages in a total sum in excess of Ten Million Dollars (\$10,000,000.00), plus attorney's fees and costs of this suit on such judgments pursuant to 42 U.S.C. §1988(b) and Federal Rule of Civil Procedure 54, and any other legal or equitable relief this Court deems just and appropriate.

**COUNT II**

**RACE DISCRIMINATION AGAINST RIGHT TO CONTRACT  
42 U.S.C. §1981(a) (Civil Rights Act of 1991)**

39. Plaintiffs incorporate ¶¶1 through 38, above, as if fully set forth herein.

40. At all times relevant herein, the Plaintiffs, Amarah Coleman, Alexis Smith, Sarah Livingston, Taylor Gleason and Jacqui Grant, were enrolled as student athletes under athletic scholarships in the Defendant University and enjoyed at all times those protections and freedoms from racial discrimination in the making of contracts set forth in 42 U.S.C. §1981. Each had at least one year of Women's Division I Basketball athletic eligibility remaining.

41. At all times relevant herein, the Defendants, the Board of Trustees of the University of Illinois Urbana-Champaign, Matt Bollant and Mike Divilbiss, offered to each Plaintiff, Amarah Coleman, Alexis Smith, Sarah Livingston, Taylor Gleason and Jacqui Grant, athletic scholarships to attend the Defendant University in exchange for each respective Plaintiff providing her services and talents for participation in and play on the Defendant University's Women's Basketball Program. Each Plaintiff and the Defendants entered into the respective contractual agreement with the expectation that such would continue for the duration of each Plaintiff's undergraduate career barring exhaustion or other termination of the Plaintiff's eligibility under NCAA rules or otherwise.

42. As a proximate result of the above referenced racially discriminatory statements, misconduct and campaign of the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of their employment with the Defendant University, each Plaintiff was denied and/or deprived of her existing and/or expected benefit of the athletic scholarship contractual agreement, in violation of 42 U.S.C. §1981(a).

WHEREFORE, the Plaintiffs, Amarah Coleman, Alexis Smith, Sarah Livingston, Taylor Gleason and Jacqui Grant, each demand judgment against the Defendants, Matt Bollant and Mike Divilbiss, jointly and severally, for compensatory and punitive damages in a total sum in excess of Ten Million Dollars (\$10,000,000.00), plus attorney's fees and costs of this suit on such judgments pursuant to 42 U.S.C. §1988(b)-(c) and Federal Rule of Civil Procedure 54, and any other legal or equitable relief this Court deems just and appropriate.

**COUNT III**  
**EQUAL PROTECTION VIOLATION**  
**42 U.S.C. §1983 (Civil Rights Act of 1871)**

43. Plaintiffs incorporate ¶¶1 through 42, above, as if fully set forth herein.

44. At all times relevant hereto, the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, enjoyed all the rights, privileges and freedoms of the Fourteenth Amendment to the United States Constitution, including specifically the right to Equal Protection of the Laws and the correlative right thereunder to be free from intentional and invidious discrimination on the basis of race and association.

45. As described above, the Defendants, Bollant and/or Divilbiss, intentionally and invidiously discriminated against the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden and Sarah Livingston, motivated on ground of the race of these Plaintiffs, and in a manner contrary to their treatment of others similarly situated in all respects other than race, and otherwise in such a

manner and under such circumstances that reveal an impermissible discriminatory purpose in violation of the Fourteenth Amendment's guarantee to Equal Protection of the Laws.

46. Additionally as described above, the Plaintiffs, Taylor Gleason and Jacqui Grant, were retaliated against by the Defendants, Bollant and/or Divilbiss, in a manner and under such circumstances as amounting to intentional and invidious discrimination on the ground of race for their association with the black Plaintiffs, and otherwise in such a manner and under such circumstances that reveal an impermissible discriminatory purpose in violation of the Fourteenth Amendment's guarantee to Equal Protection of the Laws.

WHEREFORE, the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, each demand judgment against the Defendants, Matt Bollant and Mike Divilbiss, jointly and severally, for compensatory and punitive damages in a total sum in excess of Ten Million Dollars (\$10,000,000.00), plus attorney's fees and costs of this suit on such judgments pursuant to 42 U.S.C. §1988(b) and Federal Rule of Civil Procedure 54, and any other legal or equitable relief this Court deems just and appropriate.

**COUNT IV**  
**ILLINOIS CIVIL RIGHTS ACT VIOLATIONS**  
**740 ILCS 23/5**

47. Plaintiffs incorporate ¶¶1 through 46, above, as if fully set forth herein.

48. At all times relevant herein, the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, were enrolled as student athletes under athletic scholarships in the Defendant University and enjoyed at all times those protections and freedoms from racial discrimination set forth in 740 ILCS 23/5(a)(1), specifically the prohibition against discrimination on ground of race from participation in and/or benefit of an educational institution's programs and/or activities.

49. At all times relevant hereto, the Defendants, Bollant, Divilbiss and Defendant University, operated, managed, maintained and/or controlled a program or activity, being the University of Illinois Women's NCAA Division I Basketball Program and Team.

50. As described above, the Defendants, Bollant and/or Divilbiss, acting under color of law and within the scope of the employment of each with the Defendant University, created and maintained a racially hostile environment within said program and team that constituted racial discrimination in violation of 740 ILCS 23/5 and operated to exclude, deny and/or deprive the Plaintiffs, of participation in and/or the benefits of same.

51. As a proximate result of the aforementioned racially hostile environment and racial discrimination, the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, each suffered actual personal and economic injuries, including but not limited to emotional, mental and/or psychological suffering and distress.

WHEREFORE, the Plaintiffs, Amarah Coleman, Alexis Smith, Taylor Tuck, Nia Oden, Sarah Livingston, Taylor Gleason and Jacqui Grant, each demand judgment against the Defendants, the Board of Trustees of the University of Illinois Urbana-Champaign, Matt Bollant and Mike Divilbiss, jointly and severally, for compensatory and actual damages in a total sum in excess of Ten Million Dollars (\$10,000,000.00), a mandatory injunction pursuant to 740 ILCS 23/5(b) ordering the Defendant, Board of Trustees of the University of Illinois Urbana-Champaign and Matt Bollant, to remediate the racially hostile environment and to institute such policies and/or measures as to correct and reform the Women's Division I Basketball Program, any other legal and/or equitable relief this Court deems just and appropriate, and attorney's fees and costs of this suit pursuant to 740 ILCS 23/5(c) and 735 ILCS 5/5-108, and any other legal or equitable relief this Court deems just and appropriate.

*Plaintiffs demand a trial by jury on all issues and claims so triable.*

Respectfully submitted by:

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