

**FORMER SAN DIEGO STATE WOMEN'S BASKETBALL COACH BETH BURNS  
FILES SUIT AGAINST UNIVERSITY FOR UNLAWFUL FIRING  
Complaint Details School's Lack of Cause For Firing, and Retaliation After She  
Demanded Equality in Athletics**

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February 19, 2014, San Diego – Attorneys for former San Diego State University (SDSU) coach Mary Elizabeth “Beth” Burns filed suit against the university today in the Superior Court of California, County of San Diego.

The complaint details Burns’ unlawful termination by the California State University (CSU) and SDSU in April 2013, following 16 years of success as head coach of the Aztec women’s basketball team. Burns is the winningest coach in SDSU women’s basketball history, with an overall 295-186 record that includes six conference championships, four tournament titles, seven NCAA tournament appearances, nine twenty win seasons, and a trip to the Sweet 16 in 2010.

Burns is represented in the matter by Edward D. Chapin, Kenneth M. Fitzgerald and Jennifer Arnold of Chapin Fitzgerald LLP, and Allison Goddard of San Diego.

“San Diego State fired Coach Burns without good cause, and without any legitimate reason,” said Chapin. “Although she provided exceptional leadership to the team and her staff on and off the court and was committed to excellence in every facet of its women’s basketball program, she was forced to resign solely because of her unwavering insistence that the institution put women’s basketball on an equal footing with the athletic resources and opportunities provided to men at the university.”

The filing asserts that SDSU fabricated a false explanation for Burns’ termination that has been intentionally and devastatingly harmful to her career. Despite an exceptional record as a NCAA Division I coach, she has not been able to secure another coaching position because of the university’s unlawful actions.

“The university made a feeble attempt to cover up its real reason for firing Beth Burns by trumping up a charge that she intentionally struck a subordinate,” said Fitzgerald. “An objective view of the incident relied on by the university as the purported cause for her firing shows nothing warranting the termination of her employment contract. Indeed, public reaction after seeing video of the incident has been to question what the *real* reason was for her dismissal, since the video shows nothing coming close to a firing offense. The video evidence produced by the university shows Burns’ excited reactions to a defensive breakdown and a ‘Hail Mary’ shot - harmless contact with an assistant coach.”

The complaint further states that Richel Thaler, SDSU’s associate vice president, and Jim Sterk, SDSU’s athletic director, threatened to terminate Burns and withhold her retirement benefits if she did not voluntarily resign.

“Faced with the loss of her hard-earned retirement benefits, she had little choice but to step down,” said Chapin “As a result, her coaching career and her reputation have suffered irreparable damage. She is filing this action to ensure her side of the story is heard, and that SDSU is held accountable for its misconduct and the lasting harm that has resulted from it.”

Burns first headed the Aztec women’s basketball program from 1989 to 1997. She left the school to serve in a similar position at The Ohio State University, and later as the strength and conditioning coach at Stanford University. In 2005, she returned to SDSU, where she resumed her position as head women’s basketball coach.

At the time of her termination in 2013, Burns was in the first year of a 5-year employment contract with the university that extended her head coaching responsibilities through June 30, 2017.

Throughout her employment at SDSU, Burns and members of her staff repeatedly challenged the institution’s disparate treatment of its women’s basketball program compared to men’s sports, such as football and basketball. Working under five athletic directors during her second stint as head women’s basketball coach, she regularly confronted these athletic directors with evidence of significant disparities in the provision of equipment and supplies, budgets, personnel resources, compensation of coaches and tutors, practice facilities, housing support and publicity for the women’s team.

The complaint details how Burns had to fight for her team to have academic support, including supervised study time, tutors, class schedules, clean gear and equipment, a strength coach and facility time during the off-season, even though the Aztec’s male basketball players regularly received these resources. Numerous specific instances of disparity are detailed. In addition, the university required Burns to count male practice players as females in her annual report to the U.S. Department of Education.

At the time she was forced to retire, Burns had recently completed a record-setting season for which she had received recognition as Mountain West Coach of the Year, WBCA NCAA Division I Region 7 Coach of the year, and a finalist for NCAA Division I National Coach of the Year.

Days after she was forced to retire from the Aztec’s women’s basketball program, SDSU reluctantly provided her with a copy of the February 2013 video that university officials claim documents their “sole cause” for her termination; however, the incident on the film does not support a termination decision. The complaint describes how the university’s overreaction to the incidental physical contact between Burns and a member of her staff is a stark contrast to SDSU’s handling of an incident in which former football coach Tom Craft slapped a freshman player in 2002.

Burns was awarded the right to sue SDSU in this matter by the California Department of Fair Employment and Housing in October. CSU rejected the coach’s tort claim related to her firing in November.

The complaint alleges the Board of Trustees of CSU and SDSU breached Burns' employment contract and that SDSU breached the implied covenant of good faith and fair dealing as well as retaliated against her in violation of the California Fair Employment and Housing Act.

General, compensatory and special damages, punitive and exemplary damages, interest at the highest legal rate, attorneys fees, and reimbursement of all Burns' legal costs, including expert witness fees are requested by Burns' attorneys and a jury trial is requested.

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