

Saiber Wins Summary Judgment for University in Title IX Lawsuit

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Saiber attorneys William F. Maderer and Ryan E. San George earned a key victory on behalf of a major state university in connection with a Title IX lawsuit filed by a former student against the university and two former members of the university's football team.

In the lawsuit, the plaintiff alleged that the university failed to take appropriate actions to protect the plaintiff against alleged serious misconduct by the two football players, and that the university was therefore liable under federal and state laws including Title IX, the NJ Law Against Discrimination, and negligence. Saiber argued that the evidence developed in discovery showed that the university properly responded to prior misconduct by one of the football players, supported the plaintiff, investigated the incident, and ultimately removed the two former football players from the university.

In a written opinion by United States District Court Judge Michael A. Shipp dated February 1, 2021, the court found that, based upon the undisputed evidence, no reasonable jury could find the university liable. The court also found that the university was entitled to charitable immunity under New Jersey's Charitable Immunity Act.

The court's decision comes after four years of litigation in which Saiber attorneys Maderer and San George took and defended over a dozen witness depositions. Saiber attorney Jeffrey W. Lorell took the lead in all expert discovery issues, including taking and defending the depositions of the plaintiff and university's liability experts.