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September 26, 2025

## PRESS RELEASE

### **Female Athlete Lawsuit is ON Against the NCAA!**

*Federal Judge Denies NCAA Motion to Dismiss Title IX Case Over Transgender Eligibility Policy*

LAS VEGAS, Nv. – After nearly a year and a half since *Gaines vs. NCAA* lawsuit was filed, the NCAA has failed in its attempt to dismiss the landmark Title IX lawsuit brought by 19 female athletes, including former NCAA All-American swimmer **Riley Gaines**. In a major step forward, U.S. District Judge **Tiffany Johnson** ruled that the case may proceed to discovery.

The lawsuit challenges the NCAA's transgender eligibility policies, which permitted male swimmer Lia Thomas to compete at the 2022 NCAA Women's Swimming & Diving Championships in Atlanta, GA, costing female swimmers competitive opportunities and podium placements.

In her ruling, **Judge Johnson** wrote:

*"Plaintiffs' allegations, if proven, would be sufficient to bring the NCAA under the purview of Title IX... Therefore, the NCAA's motion to dismiss Plaintiffs' Title IX claims on this basis is DENIED."*

This decision clears the path for the plaintiffs to hold the NCAA accountable for its policies and practices under federal law.

Plaintiffs' legal counsel **William Bock** responded:

"We agree with the aspects of Judge Johnson's order that permit this important lawsuit to proceed against the NCAA. The NCAA has for years

erroneously claimed it cannot be held accountable under Title IX, even though the NCAA controls significant aspects of college athletics for colleges and universities which receive federal funding. Judge Johnson's ruling is a significant step forward for Plaintiffs in this lawsuit, and we are pleased to be able to move forward with the lawsuit. We will now move on to the discovery phase and look forward to proving that the NCAA is fully accountable under Title IX."

Lead plaintiff **Riley Gaines** also shared her reaction:

"I've never thought the NCAA's excuse that it doesn't have to follow Title IX has made any sense. The NCAA runs college sports for more than a thousand schools, and nearly all of them are federally funded. So how could they possibly think they're above the law?

I'm really encouraged by Judge Johnson's decision because it means we're one step closer to proving what so many of us have known all along. Letting men compete in women's sports is not only unfair, it's illegal under Title IX. This ruling gives me hope that real change is coming, not just for me, but for every girl and woman who deserves a level playing field."

The case is being funded and supported by **The Independent Council on Women's Sports (ICONS)**, a nonpartisan, nonprofit network of female athletes and their supporters that advocates for sex-protected categories in women's athletics. ICONS has provided both legal and grassroots support to make this lawsuit possible.

**Kim Jones**, co-founder of ICONS, said:

"We are backing this important lawsuit because it is long past time that the NCAA, college athletic conferences, and federally funded colleges and universities be held accountable for flagrantly discriminating against women and allowing men on women's college teams.

Policies like those of the NCAA and many other sports organizations are undermining Title IX, harming women, and decreasing women's opportunities in sport. This ruling is a critical step forward in restoring fairness for female athletes across the country."

**Marshi Smith**, fellow ICONS co-founder and former NCAA champion swimmer, added:

"We are incredibly grateful for the grassroots support and donations from thousands of people nationwide who care about protecting women's sports. Their support made this crucial step to a legal victory possible.

With their continued help, and the help of many more, we will keep fighting until women's sports are once again reserved for women only. We won't stop until men no longer compete on women's teams, violate girls' locker room privacy, or jeopardize their safety. This is just the beginning."

While the female athletes would have liked to have seen a ruling that also held Georgia Tech University accountable, because the judge dismissed the University System of Georgia from the case *without prejudice*, the plaintiffs remain hopeful that further accountability may be achieved later in the proceedings.

For now, all focus is on the NCAA, as the women leading this lawsuit push forward into discovery and take the fight straight to college sports' biggest governing body.

### **Support the Fight for Female Athletes**

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