Report of the Independent Investigation to the U.S. Soccer Federation Concerning Allegations of Abusive Behavior and Sexual Misconduct in Women's Professional Soccer

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EXECUTIVE SUMMARY

On April 21, 2021, the Head Coach of Racing Louisville, Christy Holly, requested that a player, Erin Simon, attend a game film session with him alone. She knew what to expect. When she arrived, she recalls Holly opened his laptop and began the game film. He told her he was going to touch her "for every pass [she] fucked up." He did. Simon reports that he pushed his hands down her pants and up her shirt. She tried to tightly cross her legs and push him away, laughing to avoid angering him. The video ended, and she left. When her teammate picked her up to drive home, Simon broke down crying.

Holly is not the only coach to have abused an NWSL player, and Erin Simon is not the only NWSL player to have been abused.

About five months later, on September 30, 2021, *The Athletic* published an article about Paul Riley—one of the winningest coaches in the League[1]—entitled "'This guy has a pattern': Amid institutional failure, former NWSL players accuse prominent coach of sexual coercion."[2] The article reported that Riley left the Portland Thorns in 2015 following an investigation of a complaint by Meleana Shim, a player whom Riley sexually pursued for months and benched after she declined his advances. The League reportedly knew of both Shim's report and the investigation that led to Riley's departure from the Thorns. The article reported further that the League failed to investigate a 2021 complaint against Riley by another player, Sinead Farrelly, whom Riley coerced into a sexual relationship in a prior professional league.

The article brought the NWSL to an immediate standstill. The North Carolina Courage ("NC Courage" or "Courage"), Riley's new team, terminated him; the weekend's games were quickly canceled; NWSL's commissioner and general counsel resigned within days. Players demanded accountability from a league that "failed to protect its own players from this abuse."[3]

By the end of the 2021 season, half of the League's teams had parted ways with their head coaches following player complaints.[4]

On October 2, 2021, the U.S. Soccer Federation ("USSF" or "the Federation"), the official governing body of the sport of soccer in the United States, retained Sally Q. Yates and King & Spalding LLP to conduct an independent investigation into allegations of abusive behavior and sexual misconduct in women's professional soccer.

Our investigation has revealed a league in which abuse and misconduct—verbal and emotional abuse and sexual misconduct—had become systemic, spanning multiple teams, coaches, and victims. Abuse in the NWSL is rooted in a deeper culture in women's soccer, beginning in youth leagues, that normalizes verbally abusive coaching and blurs boundaries between coaches and players. The verbal and emotional abuse players describe in the NWSL is not merely "tough" coaching. And the players affected are not shrinking violets. They are among the best athletes in the world. They include members of the U.S. Women's National Team ("National Team"), veterans of multiple World Cup and Olympic tournaments, and graduates of legendary NCAA Division I soccer programs. In well over 200 interviews, we heard report after report of relentless, degrading tirades; manipulation that was about power, not improving performance; and retaliation against those who attempted to come forward. Even more disturbing were the stories of sexual misconduct. Players described a pattern of sexually charged comments, unwanted sexual advances and sexual touching, and coercive sexual intercourse.

Teams, the League, and the Federation not only repeatedly failed to respond appropriately when confronted with player reports and evidence of abuse, they also failed to institute basic measures to prevent and address it, even as some leaders privately acknowledged the need for workplace protections. As a result, abusive coaches moved from team to team, laundered by press

releases thanking them for their service, and positive references from teams that minimized or even concealed misconduct. Those at the NWSL and USSF in a position to correct the record stayed silent. And no one at the teams, the League, or the Federation demanded better of coaches.

Investigation Process and Scope

USSF retained our firm to conduct an independent investigation concerning allegations of sexual abuse and other misconduct in the NWSL. Our mandate was to follow the facts wherever they led and issue recommendations geared toward ensuring that the misconduct does not recur. Our investigation was independent of interference or influence, and our findings and recommendations are our own.

Although our investigation was broad, its focus was the NWSL. As a result, when we received information related to other parts of the soccer landscape—for example, youth soccer—we pursued those facts only to the extent they were relevant to our investigation concerning the NWSL.[5]

We had no power to compel compliance from third parties, including teams or coaches, whether for the purpose of collecting documents or conducting interviews. Certain witnesses—including the former Commissioner of the NWSL, Jeff Plush—never responded to our outreach. Others refused to be interviewed, some because they feared retaliation. Still others—including former USSF Chief Executive Officer Dan Flynn—agreed only to respond to written questions, rather than sit for an interview. Certain teams did not fully cooperate, notwithstanding public statements to the contrary.[6] The Portland Thorns interfered with our access to relevant witnesses and raised specious legal arguments in an attempt to impede our use of relevant documents. Racing Louisville FC refused to produce documents concerning Christy Holly and would not permit witnesses (even former employees) to answer relevant questions regarding Holly's tenure, citing

non-disclosure and non-disparagement agreements it signed with Holly. The Chicago Red Stars unnecessarily delayed the production of relevant documents over the course of nearly nine months.

Despite those challenges, our investigation was broad and thorough. Our investigation's most significant sources were the more than 100 interviews with current and former NWSL and National Team players who shared their stories with us. We are grateful for their bravery, candor, time, and the trust they placed in us to tell their stories. We also thank the U.S. Women's National Team Players Association ("USWNTPA") and NWSL Players Association ("NWSLPA"), whose work on behalf of players has been a driving force for change, and who helped us bring certain conduct to light.

We conducted well over 200 interviews in total, including of current and former players, coaches, owners, and front office staff from eleven current and former League teams; former League employees; representatives from both the NWSLPA and the USWNTPA; current and former Federation personnel and representatives of certain Organization Members; representatives from the U.S. Center for SafeSport ("SafeSport"); and others with relevant information. We also collected over sixty document productions from roughly two dozen entities and individuals. The Federation provided access to millions of documents, and we conducted searches to identify and review over 89,000 documents most likely to be relevant. Finally, we created a hotline number and email address to allow anyone with relevant information to provide it anonymously.

Summary of Findings

1. **From the League's inception, teams, the NWSL, and USSF failed to put in place basic measures for player safety.**

USSF founded the NWSL in 2012 and the League played its first games in the spring of 2013. By all accounts, the League came together quickly, and largely as a result of USSF's singular

focus on reconstituting a women's professional league on the heels of the National Team's enormous success at the 2012 Summer Olympics. "But the infrastructure and planning that would be expected when starting any professional sports league was not in place," including a vision of who would actually run it.[7]

Typically, USSF's role with respect to professional leagues is merely to certify their compliance with certain professional standards. It plays no role in the day-to-day operations of the leagues and does not govern the teams or owners in the leagues. In founding the NWSL, however, USSF adopted a different role.

From 2012 through 2020, the Federation served as Manager of the League, providing legal, human resources, communications, finance, and other support to augment the League's underfunded front office. USSF also footed the bill for some of the League's expenses, and until 2017, the NWSL shared office space with USSF. At various points, USSF's leadership was in regular—and in certain periods, near daily—communication with the League's leadership.[8] The Federation was involved in nearly all the League's significant decisions, but it chose where to exercise its influence, fearing that some owners would abandon the League if pushed too hard.[9]

There was wide disparity in the financial viability of the prospective owners and some in USSF questioned whether each of the teams would be sufficiently capitalized.[10] The League operated on a shoestring; at various points, it had only two or three employees and operated without a commissioner.[11]

Verbal and emotional abuse and sexual misconduct were widespread problems in women's soccer prior to the NWSL, in both prior women's professional leagues and even elite youth soccer. Fraternization—between players, players and coaches, and players and staff—was common.[12] The NWSL's predecessor league—Women's Professional Soccer ("WPS")—had failed amidst legal

battles with an owner who reportedly bullied and threatened players.[13] But despite this backdrop, the NWSL was not set up with these concerns in mind.

The new League (through the owners who governed it) and the Federation (which acted as its Manager) failed to take any steps to protect players from these problems. They did not institute the most basic of workplace protections. For most of the League's history, there was no anti-harassment policy, no anti-retaliation policy, and no anti-fraternization policy.[14] Nor were there independent reporting lines, coaching codes of conduct, or any guidelines regarding the due diligence necessary to hire a coach. Most teams did not have human resource functions, and if they did, some teams did not believe those services were available to players. Until the NWSL instituted an anti-harassment policy in 2021—at the players' insistence—the League held only two workplace harassment trainings.[15] Ultimately, teams, the League, and the Federation gave little thought or attention to basic player protections. The focus was keeping eight teams on the field to ensure the League's survival.[16]

2. Abuse in the NWSL was systemic.

Without basic protections in place, what followed, almost inevitably, was the systemic abuse of players. Last season, half of the League's ten teams separated from coaches following player allegations of misconduct;[17] we address three of those circumstances in depth below. Yet our investigation revealed numerous other incidents of misconduct, including verbal and emotional abuse, sexually charged remarks, and coercive sexual contact. Some of the misconduct dates to predecessor leagues and some to youth soccer. The roots of abuse in women's soccer run deep and will not be eliminated through reform in the NWSL alone.

This report focuses in detail on events concerning three coaches—Paul Riley, Rory Dames, and Christy Holly—to illustrate the gravity and breadth of the misconduct at issue and institutional failures that perpetuated it.

Paul Riley[18]

Paul Riley was one of the winningest coaches in the NWSL, owned a successful youth club, and ran a soccer school for youth players. Behind his success on the field is a history of verbal and emotional abuse and sexual misconduct. He leveraged his position as Head Coach at the Philadelphia Independence (WPS) to coerce Sinead Farrelly and two other players into sexual relationships. We also received credible reports of sexual misconduct with other players, but we did not sufficiently corroborate those accounts to include them here. Although allegations of sexual misconduct against Riley were brought to the attention of leadership at the League and/or the Federation every year from 2015 through 2021, much of Riley's misconduct remained under wraps until *The Athletic* article was published. Numerous players reported that Paul Riley created a sexualized workplace throughout his tenure in the NWSL. Riley frequently talked with players about sex and encouraged them to do the same. He fixated on players' sexual orientations and targeted players with grooming behavior that included late night texts, drinking, and flirtatious comments about their appearance. Riley's abusive conduct was considered an "open secret," but it never prompted an institutional response.

In 2014, after Riley's first season as Head Coach of the Thorns, the NWSL issued an anonymous player survey in which players identified Riley as "verbally abusive," "sexis[t]," "destructive," and stated he "shit on [the] players every day."[19] The survey results were shared with NWSL Executive Director Cheryl Bailey, USSF President Sunil Gulati and Flynn, but no one provided them to the team and no action was taken. That same year, National Team players reported to Gulati and Jill Ellis, National Team Head Coach, that Riley "created a hostile environment," and "belittle[d]" and "verbally abuse[d]" players. The feedback was distributed to

Flynn, Lisa Levine (NWSL General Counsel), and Bailey. Bailey distributed the feedback to the Thorns' Owner and President, but no action was taken in response to those comments either.

The following year, in 2015, Meleana Shim emailed the Portland Thorns' front office and Jeff Plush, NWSL Commissioner, reporting Riley's persistent and unwanted advances and his retaliation against her when she asked him to stop. Plush shared Shim's email with USSF leadership (Gulati, Flynn, Gleason,[20] and Levine). Levine was regularly apprised of the review conducted by the Thorns into Shim's allegations and received a copy of the resulting report ("2015 Thorns Report"). While the 2015 Thorns Report did not address the most serious of Shim's allegations, it concluded that Riley sent "inappropriate texts," served alcohol to players, invited "a player to his hotel room," and danced "with a player and touch[ed] her while doing so," among other things. Although the team terminated Riley, it announced publicly that it had elected not to renew his contract and thanked him for his service. The Federation and the League did not discipline Riley (whether by suspending his license or otherwise) or prevent him from coaching in the NWSL. Nor did the Federation separately inform his youth club of his conduct.

Within a few months of being terminated from the Thorns, in early 2016, Riley was coaching again in the NWSL, this time at the Western New York Flash ("WNY Flash" or "the Flash"). In an email to Gulati, Flynn, and Levine, Plush conveyed his understanding that Gavin Wilkinson (Thorns General Manager) told the Flash that Riley was "put in a bad position by the player," and that Wilkinson would "hire [Riley] in a heartbeat." Although Plush, Gulati, Flynn, and Levine all had received Shim's detailed complaint—and Plush and Levine received the 2015 Thorns Report—none appeared to provide the Flash with additional information.

The Federation was again warned about Riley's misconduct in 2018 by the USWNTPA, and once more in 2019 when his name was published on a short list of those reportedly under

consideration as head coach of the National Team. Lydia Wahlke, Chief Legal Officer of the Federation, was told that Riley had a "relationship with a Portland player" and "cannot be the new WNT coach." Following at least fourteen conversations among eleven people at the Federation, the League, the Portland Thorns, and the NC Courage, Riley publicly withdrew himself from consideration. But during those conversations, Wahlke never conveyed the report that Riley had a "relationship with a Portland player" to the League, others at the Federation, or the Courage.

In the spring of 2021, the NWSL received a series of four complaints about Riley in quick succession. The League largely ignored the complaints, and instead, weeks before the publication of *The Athletic* article, NWSL Commissioner Lisa Baird was actively trying to keep Riley from resigning over his anger about the post-season schedule.

Rory Dames[21]

Rory Dames coached for the Chicago Red Stars ("CRS" or "Red Stars") from the League's founding until his resignation on November 21, 2021. During Dames's first few years with the team, he was an unpaid volunteer. The team never performed a background check and did not undertake any due diligence prior to his hire, relying instead on the reputation of his youth club, the Eclipse Select Soccer Club.

As successful as his youth soccer club was, Dames was equally renowned for his tirades against the young girls who played for him. Former players recalled him screaming and calling them "cunts," "fat ass," "pussy," "retarded," and "bitches." Separately, former Eclipse players informed us that Dames's sexualized team environment—in which he spoke to players about foreplay, oral sex, and their sex lives—crossed the line to sexual relationships in multiple cases, though those relationships may have begun after the age of consent. A former Eclipse player recalls Dames "ask[ed] for massages, things like that." Natalie Ramello, who also played for Eclipse,

remembers Dames making comments to another coach "about the age of consent" and "how it was lower in some places."

Soon after he began coaching in the NWSL, several players attempted to raise their own concerns regarding Dames with the Red Stars, the League, and the Federation. For example, in 2014, National Team players reported to Gulati and Ellis that Riley and Dames "created a hostile environment for players" and verbally abused them during games. The feedback was distributed to Flynn, Levine, and Bailey. Bailey distributed the feedback about Dames to Arnim Whisler, owner of the Red Stars, who complained that the National Team players wanted "this league to shut down" and simply had an "axe to grind" with Dames.

In 2014 and 2015, in player surveys distributed to NWSL and USSF leadership, Red Stars players reported that Dames was "abusive" and "unprofessional," warning that players would not "be as honest out of fear." Whisler acknowledged hearing complaints from other players and several staffers over the years, but players and staff reported that he chalked them up to "Rory being Rory."[22]

In 2018, a National Team player formally complained to USSF, which prompted USSF to hire outside counsel to investigate. Although the investigation into Dames's conduct was limited in its scope, the resulting report substantiated many of the players' core complaints. Lydia Wahlke, USSF Chief Legal Officer, received the investigation report, but she did not distribute the report within the Federation or convey its findings in detail to the NWSL or Whisler.

Following media reports of Riley's treatment of players in 2021, the Red Stars retained a sports psychologist to interview each Red Stars player anonymously and compile a report on the team environment. The report further corroborated the 2014, 2015, and 2018 player complaints, and concluded that Dames created "a culture of fear" and was emotionally and verbally abusive.

Players described him as "condescending," "manipulative," "aggressive," "insulting," and "an intimidator." The psychologist observed that 70% of the players interviewed (including most starting players) reported emotionally abusive behaviors and that many players failed to recognize certain behaviors as abusive because they were so ubiquitous in women's soccer. Dames was permitted to resign from the Red Stars but continues to own his youth club, the Eclipse Select Soccer Club.

Christy Holly[23]

Unlike Dames and Riley, who were prominent coaches before they began to coach in the League, Holly rose from relative obscurity as a volunteer reserve-team coach at Sky Blue Football Club ("Sky Blue") to become the team's Head Coach in 2016. His tenure was short-lived, however, as his time was plagued with complaints of verbal abuse and mistreatment ("paranoid, ultra-aggressive, short-tempered, nasty, mean, patronizing, humiliating," "angry, disorganized, erratic," and "abrasive on the sidelines") and allegations of a relationship with a player that caused a toxic team environment. Ultimately, Holly was asked to leave the club abruptly, midseason, because of his "verbal abuse" and his "relationship with a player." Publicly, however, the club stated the team and Holly had "mutually agreed" to part ways and thanked him.

By 2018, he was doing limited per diem contract work for USSF, including opposition scouting and talent identification for the National Team, and assistant coaching for the Under-17 (U-17) and Under-23 (U-23) teams. We found no evidence that anyone at USSF sought to determine the reason for his departure from Sky Blue or conducted any vetting prior to Holly's work for USSF.

In August 2020, Holly was hired by Racing Louisville as Head Coach; the team cited his experience with the National Team as a source of "great confidence" in their decision. At Racing

Louisville, Holly repeated the same pattern of misconduct—verbal and emotional abuse of players and a relationship with a staff member that caused problems. And then, a more serious report emerged that Holly also sexually coerced a player, Erin Simon. While at Louisville, Holly sent her sexually explicit photos and messages, and demanded that she do the same. He requested that she meet him to review game film at his house, and showed her pornography instead, masturbating in front of her before she left. In another incident, again under the pretense of watching game film, he touched her genitals and breasts each time she made an errant pass in the video. In other circumstances, he grabbed and groped her in public, but out of view.

Louisville terminated Holly following a swift investigation. Although the team stated publicly that it terminated him for cause, it declined to say more. Louisville has also declined to provide our investigation with any information concerning Holly's employment, claiming that mutual non-disclosure and non-disparagement agreements signed with Holly prevent them from providing any information at all about his tenure with the team. As a result, Holly's misconduct has remained largely unknown, including to anyone who might seek to employ him as a coach.

3. Teams, the League, and the Federation failed to adequately address reports and evidence of misconduct.

Players repeatedly raised concerns in anonymous player surveys and through direct complaints, but teams, the League, and the Federation failed to adequately address reports and evidence of misconduct. They either minimized the reports—claiming players were trying to kill the League, or that a coach was "put in a bad position"—or they ignored them entirely.[24]

For example, Riley provoked a steady drumbeat of player and staff complaints of verbal and emotional abuse, both to his teams and the NWSL and USSF. And player backlash against Holly was almost immediate at both Sky Blue and Louisville. When players complained in

anonymous NWSL-solicited player feedback surveys, the NWSL and USSF generally did nothing about them and players' comments regarding their coaches were hardly ever provided to teams.[25]

The few investigations that occurred also failed to successfully root out misconduct. The League and the Federation failed to establish investigation policies and protocols establishing how and by whom investigations of abuse would be conducted and how results would be communicated. And before the NWSL adopted its anti-harassment policy in early 2021, very few player complaints resulted in investigations. The few investigations that materialized often narrowly focused on whether a coach's conduct was "unlawful," rather than whether it was abusive or even appropriate for a coach of professional women athletes. In addition, the investigations frequently minimized or siloed allegations rather than looking for patterns of misconduct.

Moreover, overlapping "jurisdiction" among teams, the NWSL, and USSF, and as of 2017, SafeSport, enabled each organization to avoid taking independent responsibility for player safety. Although USSF established and served as Manager of the NWSL for much of its history, coaching misconduct and other disciplinary issues were viewed as "local" problems for the leagues or individual teams to solve. The NWSL's institutional weakness made it an ineffective check on teams that were unwilling to remove abusive coaches. Teams and individuals occasionally "checked the box" by providing information to others, such as USSF, the NWSL, or SafeSport, but they failed to ensure that information was acted upon or that other players were protected—even when the coach moved on to other teams in the League (like Paul Riley and Christy Holly) or simultaneously coached or managed youth clubs (like Rory Dames and Paul Riley).

4. Abusive coaches moved from team to team, and even to USSF, because teams, the League, and USSF failed to identify and inform others of coaches' misconduct.

Teams repeatedly failed to adequately or accurately disclose the reasons for a coach's separation, generally issuing misleading press releases thanking the departing coach for their

service even when a coach was fired for abusive misconduct.[26] In addition, when contacted by teams considering hiring the departed coach, some teams compounded the obfuscation by downplaying the coach's misconduct.

Even where the Federation and/or the League was aware of the misconduct, it typically did nothing to correct the team's inaccurate description or minimized the coach's misconduct. For example, the Portland Thorns, the Federation, and the League failed to ensure Riley's conduct was accurately disclosed to Western New York Flash or North Carolina Courage. When the Courage reached out to Gulati regarding Riley in connection with their purchase of the team, Gulati simply referred the Courage to the Thorns, although he was informed that Portland Thorns GM Wilkinson had told Western New York that Riley "was put in a bad position by the player."[27]

In general, teams, the NWSL, and USSF appear to have prioritized concerns of legal exposure to litigation by coaches—and the risk of drawing negative attention to the team or League—over player safety and well-being. Certain teams also cloaked information about coach misconduct in attorney-client privilege, non-disclosure agreements, and non-disparagement clauses. For example, the Portland Thorns vigorously attempted to prevent our investigation from using the 2015 Thorns Report—which had been in USSF's possession since 2015—on the grounds that it was protected by attorney-client privilege and common-interest privilege, despite all evidence to the contrary. Similarly, even as it terminated Christy Holly for cause, Louisville entered a mutual non-disclosure and non-disparagement agreement with Holly. The team insists that the NDA prohibits anyone associated with the team—even former employees—from speaking at all about Holly's tenure with the team, including in connection with this investigation.

5. A culture of abuse, silence, and fear of retaliation perpetuated the misconduct.

The ubiquity of certain kinds of sexist or demeaning remarks as "tough coaching" normalized verbal and emotional abuse. Overwhelming numbers of players, coaches, and USSF staff observed that women players are conditioned to accept and respond to abusive coaching behaviors as youth players. By the time they reach the professional level, many do not recognize the conduct as abusive. Notably, Riley and Dames maintained their influence in elite youth soccer programs during their tenures as head coaches in the NWSL.

Intimate relationships between coaches and adult players also were normalized. Some coaches, like Riley, Dames, and Holly, are married to former players—some are even married to former youth or college players—which desensitized the system about power imbalances. The League's failure to adopt an anti-fraternization policy until 2018—and its failure to educate players and coaches about it—meant that many players, staff, and coaches did not know when certain relationships crossed a line, and many failed to recognize the impact a power imbalance can have on consent.

Soccer's culture of protecting "open secrets" that many have heard, but few feel responsible to report, also normalized coaching misconduct and permitted teams, the NWSL, and USSF to avoid addressing the misconduct. Although certain players doggedly reported misconduct, other players and staff were hesitant to report because it was "not their story to tell" and they did not want to report "rumors." The teams', League's, and Federation's repeated failure to address misconduct that seemed to be widely known—or at least widely suspected—also caused some to believe that reporting would be futile. Many assistant coaches, front office staff, and others feared retaliation for coming forward, both in connection with their current roles as well as opportunities they may have in the future. They feared the consequences that might result from

their elimination from a network that seemed to create professional or college soccer careers. Many expressed these concerns even in connection with their participation in this investigation.

Players were also repeatedly enlisted in the effort to keep the League afloat by protecting it from scandal and were told to be grateful that they had an opportunity to play professional soccer at all. The threat of team or league failure was acute and persistent. The NWSL was the third attempt to field a women's professional league and was established with low capital requirements to ensure the league had eight teams. Many teams seemed to be one bad season away from shuttering. Players reported being told by Federation leadership and certain team owners that the League was not commercially successful enough to warrant further financial investment, and that the only way to ensure the League's survival was for players to support the League.

6. Players lacked job security and protection from retaliation, further chilling reports of misconduct.

Against the backdrop of widespread misconduct, institutional failures, and individual inaction, a number of factors chilled player reports of misconduct. As with any professional league, players simply wanted to play, and sought to maximize their chances of being called up to the National Team. They did not want to be seen as troublemakers. In addition, until the new collective bargaining agreement, about 75% of the players in the League earned less than $31,000 per year. Many lived in housing provided by their teams. And in some instances, some coaches served as both coach and general manager, or effectively did so by virtue of their power in the club, solidifying further the power imbalance between coaches and players.

The players who did report misconduct or participate in investigations were often traded, met with skepticism or ridicule, or both. For example, players who voiced concerns about Dames were traded (in some cases unfavorably) following their complaints. Other players viewed those trades as retaliatory (as do certain of the players who were traded), which in turn caused them to

stay silent regarding their own concerns. Dames also reportedly joked about player complaints—even about the 2018 USSF Investigation into his conduct—which chilled players from coming forward.[28]

Many players told us that even if they had felt safe reporting misconduct, they did not know how or where to make their report. Most teams did not have Human Resources officers, and no one at the League or USSF was responsible for player safety. Importantly, until the fall of 2021, neither the League nor teams had independent, anonymous reporting lines, underscoring the message that complaints or concerns were not welcome.

7. Teams, the League, and USSF should supplement SafeSport's efforts to keep players safe.

Congress empowered SafeSport to assert exclusive jurisdiction over sexual misconduct allegations of abuse by coaches licensed by USSF, but there are serious limitations to its effectiveness in professional soccer. Importantly, SafeSport's jurisdictional mandate does not preclude the NWSL or the teams from independently investigating and resolving sexual misconduct allegations.

Many in the NWSL environment wrongly believe SafeSport applies only to youth players, and few report misconduct allegations to SafeSport. Moreover, SafeSport is not sufficiently resourced to expeditiously investigate and resolve sexual misconduct allegations involving Federation-licensed coaches in the League.

There has also been an understanding, which SafeSport has itself promulgated, that USSF either need not (or cannot) act once SafeSport has exercised exclusive jurisdiction. If SafeSport asserts jurisdiction, USSF faces barriers to independently investigating and unilaterally prohibiting offenders from coaching, even where it determines the coach's behavior is disqualifying. But the Federation can do more in sexual misconduct investigations. USSF's anti-abuse efforts historically

have focused on establishing processes and policies to comply with SafeSport, rather than the broader question of how to eliminate abusive coaches. Although the SafeSport Code permits USSF to implement temporary measures, safety plans, and/or make employment determinations, USSF historically has declined to take independent action for fear of Congressional rebuke or negative precedent in a SafeSport proceeding.

In recent years, and particularly amidst recent media reports of coaching misconduct, USSF has moved more aggressively to implement sanctions, demonstrating that such measures are possible and effective.

8. USSF's, the NWSL's, and certain team's failure to adequately respond to reports and evidence of misconduct put additional players at risk and created a toxic tone from the top.

When teams, the NWSL, and USSF failed to adequately respond to player complaints, they created the impression that certain types of misconduct were acceptable. In doing so, they not only failed to address reported misconduct, they left other players who could be future victims at risk. Moreover, inadequate discipline for coaching misconduct emboldened offenders and created opportunities for retaliation.

9. Abuse in women's professional leagues appears rooted in youth soccer.

The culture of tolerating verbal abuse of players goes beyond the NWSL. While the scope of our investigation was limited to allegations of misconduct in the League, some of the coaches whose conduct we examined had significant connections to youth soccer, and, in Dames's case, were also reported to have been abusive as youth coaches. During the course of our investigation, we confronted multiple historical reports of verbal and sexual abuse of youth soccer players. Players also told us that their experiences of verbal abuse and blurred relationships with coaches in youth soccer impacted their ability to discern what was out of bounds in the NWSL.

Recommendations

At the end of this report, we make a series of recommendations aimed at preventing abuse in the future, holding wrongdoers accountable, enhancing transparency, addressing safety in youth soccer, and fostering a professional environment where players are treated with respect. These recommendations are not exhaustive. Rather, they are intended to provide a framework to confront the institutional failures that perpetuated misconduct and provide a safe and respectful environment for professional women soccer players.

1. THE INVESTIGATION

On October 2, 2021, the Federation announced that it had retained Sally Q. Yates, a Partner at King & Spalding LLP, to lead an independent investigation into the allegations of sexual misconduct and other abusive behavior in women's professional soccer. Our mandate was broad: conduct an investigation into public and nonpublic allegations of misconduct; identify structural and cultural aspects of the National Women's Soccer League ("NWSL" or "the League") that may have allowed, facilitated, or perpetuated such behavior; and issue a public report that addresses the underlying facts and makes recommendations to prevent similar issues from recurring.

1.1 Independence

At the outset, USSF pledged to provide King & Spalding with full autonomy to follow the facts and evidence wherever they may lead. USSF delivered on its commitment. Neither USSF nor any other party has influenced the content of this report.

King & Spalding designed and conducted the investigation without interference from the Federation. USSF fully cooperated and provided us with prompt access to documents, employees, and information.

To further ensure the independence of our investigation, USSF retained separate counsel to represent its interests in connection with the NWSL/NWSL Players Association ("NWSLPA") joint investigation ("NWSL/NWSLPA Joint Investigation").

1.2 Investigative Team

Our investigation team was led by Sally Q. Yates, Partner at King & Spalding and former Deputy Attorney General of the United States. The all-women investigation team included former federal prosecutors and former college athletes, including a former NCAA Division I soccer

player.[29] The team has significant experience conducting both internal and government investigations, including investigations concerning allegations of sexual misconduct.[30]

1.3 Scope of Engagement

Given the breadth of our mandate, the scope of our investigation was broad. Not only did we investigate allegations of abusive behavior and sexual misconduct, but we also evaluated organizational awareness and action (or inaction) regarding abuse, and developed recommendations for reform. We conducted over two hundred interviews of current and former Federation personnel, players, coaches, owners, front office employees, and others with relevant information from eleven current and former League teams. Our investigative team reviewed over 89,000 documents and other materials produced by USSF, NWSL, teams, players, and other external sources. We also reviewed voluminous public sources and other publicly available materials, including, but not limited to, legislative materials, press releases, news articles, court filings, books, open letters, social media posts, podcasts, and documentaries.

While the scope of our investigation was broad, it was not boundless. For example, we did not investigate standalone allegations of abusive behavior and misconduct in the NWSL's predecessor leagues, the Women's United Soccer Association ("WUSA") and Women's Professional Soccer ("WPS"). Nor did our mandate include a review of youth soccer.

This report does not purport to serve as a record of every single fact, document, or witness statement that we have gathered in the course of our investigation, but rather focuses on key events and information.

We benefitted immeasurably from the assistance and cooperation of multiple individuals and organizations. Above all, we thank the players who contributed their stories for their bravery, candor, time, and trust. We would also thank the NWSLPA and USWNTPA for their contributions to our investigation, including by providing us with documents, sitting for interviews, and helping

us bring certain conduct to light. We also acknowledge the contributions of SafeSport. We had numerous conversations about the organization's overall mandate and investigative processes, including how those processes applied to USSF and the NWSL in particular, and how they could be improved to identify, investigate, and prevent abuse.

1.4 Methodology

1.4.1 Confidentiality and Anonymity

We established two dedicated email addresses (Yates_SoccerInvestigation@kslaw.com and SoccerInvestigation@kslaw.com), as well as an independent and confidential telephone reporting line (1-877-KS-INFO-9), for individuals who believed that they had relevant information. Only members of the investigative team have access to complaints and inquiries submitted through these email addresses and reporting line.

To mitigate witnesses' concerns of retaliation and encourage candor, we assured certain witnesses that they could remain anonymous and have taken steps to protect their identities from disclosure. In some instances, we have described specific events and incidents in a manner so as to not reveal those sources.

1.4.2 Witness Interviews

During the course of our investigation, we conducted well over 200 interviews of key stakeholders in women's professional soccer, including current and former USSF personnel; former NWSL personnel; current and former team ownership, team front-office and technical staff; USWNTPA leadership; current and former NWSLPA leadership; current and former NWSL players; SafeSport investigators; and other stakeholders.

Certain individuals did not agree to be interviewed. Dan Flynn, the former CEO of USSF, declined to be interviewed but provided written responses to our questions through counsel. Rory Dames did not agree to be interviewed but provided through counsel written statements concerning

certain topics. Paul Riley likewise never agreed to be interviewed and, despite agreeing to provide written responses, failed to do so. Jeff Plush, former Commissioner of the League, and B.J. Snow, former Head Coach of the U-23 National Team and Director of Talent Identification for the National Team, did not respond to our repeated outreach.

Our investigative team worked to corroborate witnesses' recollections with contemporaneous records, including, but not limited to, emails, electronic documents, personal notes, and calendars. However, in certain circumstances, we were unable to identify or locate such material. Under those circumstances, the investigative team relied upon witnesses' memories. During our conversations with witnesses, we took care to ask open-ended questions and avoid leading questions. Finally, in making factual findings, our investigative team assessed witness credibility by taking into account demeanor, candor, potential biases, experience, and personal motivations.

1.4.3 Document Collections and Review

The investigative team reviewed roughly 89,000 documents and other materials produced by USSF, the NWSL, teams, players, and other sources.

1.4.3.1 USSF

We collected a significant volume of electronic records, including emails, electronic documents, and Microsoft Teams messaging data, from twenty-eight current and former USSF employees, and three former NWSL employees. Because USSF served as the League's Manager pursuant to the Management Agreement entered into by USSF and the NWSL in 2012 through 2020, it maintained certain NWSL emails on its servers. Accordingly, we collected all records available for NWSL personnel.

1.4.3.2 The NWSL

During the course of the investigation, the NWSL produced to us over 1,000 electronic records in response to requests for documents produced to the NWSL/NWSLPA Joint Investigation; documents concerning any other investigation or review related to any NWSL team, player, coach, owner, or affiliate; documents concerning NWSL ownership, corporate governance, and organization, including bylaws, agreements, and/or charters, including any amendments; organizational charts and other documents sufficient to show NWSL's ownership, management structure, and personnel, including membership of the Board of Directors and/or Governors, and any committees; documents sufficient to show all policies, protocols, and/or Codes of Conduct, including employee handbooks, anti-harassment policies, training programs, operating agreements, and/or other requirements, applicable to: (1) NWSL personnel, agents, and/or affiliates; (2) NWSL players; and (3) NWSL team ownership and/or personnel, including coaching, front office, and other staff; and documents and communications concerning complaints, concerns, or the elevation of issues related to player treatment and/or environment.

1.4.3.3 Teams

Eleven current and former NWSL teams produced to us over 3,800 electronic records, including email, electronic documents, and text messages in response to our requests for documents and other relevant materials. The Chicago Red Stars ("Red Stars" or "CRS"), Houston Dash, Kansas City Current, NJ/NY Gotham (f/k/a Sky Blue Football Club) ("Gotham" or "Sky Blue"), North Carolina Courage ("Courage"), Orlando Pride, Portland Thorns Football Club ("Portland Thorns" or "Thorns"), Seattle OL Reign ("OL Reign"), the Racing Louisville Football Club ("Racing Louisville" or "Louisville"), Washington D.C. Spirit ("Spirit"), and the Western New York Flash ("WNY Flash" or "Flash") complied with our requests and to varying degrees produced responsive documents including, but not limited to: documents concerning the teams'

ownership, corporate governance, organization, management structure and personnel; player rosters and other documents relating to teams' player rosters; documents concerning all policies, protocols, and/or codes of conduct; documents concerning reporting, review, and investigation of complaints and concerns regarding teams' management, personnel, and players; documents concerning complaints, concerns, or elevation of issues related to player treatment and/or environment; documents and communications concerning team management and coaches, including, but not limited to, due diligence and background investigation performed prior to employment, the terms of employment, and complaints and allegations; documents concerning mental health and support resources provided to players and staff; non-disclosure agreements concerning players, employees, affiliates, or agents of the teams; documents concerning document retention policies; documents concerning guidance, policies, and/or procedures regarding employment decisions; documents concerning salaries, bonuses, and total compensation for all employees; and other custodial documents from owners, management, front office, coaches, and human resources and administrative personnel.

Most teams ultimately cooperated with our investigation, including by engaging our investigative team through counsel in meaningful discussions regarding the scope of our document requests and producing responsive materials on a reasonable timeline. However, as described below, despite statements committing to transparency and cooperation with our investigation, some of which were made publicly, certain teams—including the Portland Thorns, the Chicago Red Stars, and Racing Louisville—have taken certain actions that have hindered our investigation.

Portland Thorns

Merritt Paulson published an open letter on October 4, 2021, in which he "disavow[ed] the culture of silence that may have allowed for additional victimization by a predatory coach,"

pledged to be "transparent" going forward, "welcom[ed]" our investigation, and committed to "fully cooperate" so that our inquiry might shed "much needed light . . . on the facts."[31] The Thorns refused to produce relevant documents for months, making specious arguments that the materials were protected by the attorney-client and attorney work product privileges, causing months of delay and impeding interviews of key witnesses. Ultimately, after wasting time and resources, the Thorns withdrew their privilege assertions.

The Thorns also impeded our access to certain witnesses. For example, although the team's former human resources director initially agreed to be interviewed, we understand she rescinded her agreement following her communication with counsel for the Thorns. In addition, the Thorns declined to make Mike Golub, president of the club, available for an interview, although we understand he spoke to the NWSL/NWSLPA Joint Investigation.

The Thorns' lack of cooperation delayed our investigation.

Chicago Red Stars

Despite receiving an initial request for documents from our investigation on December 13, 2021, the Red Stars did not make its first substantial production until May 6, 2022, and continued to produce documents as recently as September 13, 2022. In addition, the Red Stars initially sought to narrow the scope of our investigation by declining to produce documents beyond those relating directly to Rory Dames. The Red Stars have partially retreated from that position, but we have had to obtain documents from other cooperating sources to supplement their incomplete production.

Racing Louisville

Racing Louisville's cooperation was limited. Louisville refused to provide any information concerning Christy Holly's tenure with the team, claiming that a purported non-disclosure and non-disparagement agreement between the team and Holly prohibited them from doing so. The

team also claimed the agreement bound former employees and prohibited the production of any documents whatsoever concerning Holly. Though Louisville made management and staff available for interviews, counsel prohibited witnesses from discussing any details of Holly's employment. Louisville ultimately produced only forty-one documents.

While Louisville essentially told us that their "hands were tied" by the non-disparagement and non-disclosure agreements, we learned through our interview of Christy Holly that Louisville never attempted to modify those agreements with Holly to facilitate cooperation with our investigation.

1.4.3.4 Witnesses and Other External Sources

We collected documents from numerous third-party witnesses.

2. THE U.S. SOCCER FEDERATION

The Federation serves as the designated National Governing Body ("NGB") for the sport of soccer in the United States.[32] In that role, it represents the United States as the national association member of the Federation Internationale de Football Association ("FIFA") and as a member of the Confederation of North, Central America and Caribbean Association Football ("Concacaf").[33]

USSF is one of the country's largest and most complex NGBs. It not only includes the U.S. men's and women's national teams, but also Olympic teams, professional leagues, including the NWSL, Major League Soccer ("MLS") and the United Soccer League ("USL"), amateur adult soccer, numerous levels of youth national teams for girls and boys, youth soccer organizations in every state, training centers and other development academies, coaching centers, "high performance" programs, and referee training and development programs.[34] It oversees millions of soccer participants (including players, coaches, officials, and administrators), and before the pandemic, had an operating budget of $165 million.[35] USSF also devotes time and resources to brand development, fan outreach, sponsorships, national and international tournaments and other events, as well as retail and other revenue generating activities.[36]

USSF faces legal and stakeholder demands that most other NGBs do not: an international governing body (FIFA); a domestic governing body (USOPC); professional and non-professional stakeholders (*e.g.*, state soccer associations); significant youth organization participation; and a complex framework of federal regulations (*e.g.*, Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (*i.e.*, the "SafeSport Act"); the Ted Stevens Act). The Federation exercises authority over soccer through its Organization Members, which include professional leagues, amateur adult soccer, state associations, and youth organizations.[37]

2.1 Governance

The Federation has three key leadership positions: President, Vice President, and Secretary General. Both the President and Vice President are unpaid elected positions with four-year terms.[38] Sunil Gulati served as USSF's President from 2006 through 2017; he was replaced by Carlos Cordeiro in 2018.[39] In 2020, Cordeiro stepped down as President and was replaced by then-Vice President Cindy Parlow Cone, who was reelected President in March 2022.[40] USSF's Secretary General serves as Chief Executive Officer of the Federation and oversees day-to-day operations.[41] From 2000 until 2019, USSF's CEO was Daniel Flynn.[42] Will Wilson succeeded Flynn in March 2020, and as of September 26, 2022, J.T. Batson now serves as CEO.[43]

2.2 The Federation's Oversight of Professional Leagues

The Federation exercises oversight over the NWSL and other professional leagues through the Professional League Standards (the "Standards"), which set forth minimum requirements for the certification of professional leagues and teams.[44] USSF does not have the authority to discipline league personnel, fine teams, or impose discipline on team personnel or owners. It can, however, suspend, fine, or terminate the membership of the League itself.[45]

The Standards also govern other areas of League operations, such as the size of competition fields and basic coach and referee qualifications,[46] but do not include any guidelines for coaching behavior. As to professional teams, the Standards require only that each team demonstrate an "on-going commitment to the promotion of soccer";[47] that each owner only own one professional team;[48] and that each team have certain staff positions.[49] If a team fails to meet any of these criteria, the League may seek from the Federation a temporary waiver, specifying why the waiver is necessary and the steps taken toward compliance.[50] Although the Standards provide that waivers are only available for "good cause,"[51] in practice, USSF has granted virtually every waiver request that it has received,[52] leading some in the NWSL to view the process as a formality.[53]

The Standards are enforced by the Professional League Task Force, which is staffed by Federation Board Members and personnel.[54] Since 2017, the Federation has engaged an outside consultant to conduct an annual review of each professional league and team to determine their compliance with the Standards.[55] Based on the results of that review, the Professional League Task Force provides recommendations to USSF's Board of Directors outlining which leagues' teams are non-compliant, whether they should be granted a waiver, and whether each league should be fully or provisionally sanctioned (*i.e.*, certified).[56] This sanctioning power is the Federation's most direct mechanism to exercise oversight of its professional leagues and teams.

Since 2013, USSF's bylaws have, among other things, required that every Organization Member—including professional leagues—adopt policies prohibiting sexual and physical abuse.[57] USSF policies also require each professional league to adopt a rules and discipline program that includes a Rules and Discipline Committee and a written plan for developing and enforcing rules surrounding in-game disputes, disputes between team management, and complaints about the League or game officials, but complaints about coach conduct are not included.[58]

The Federation's Bylaws outline a number of ways that USSF can ensure that its Organization Members, including the NWSL, are satisfying these requirements. These include the authority to suspend, fine, or terminate membership if the USSF Board determines that the Member acted contrary to the "best interests of soccer" or "has not complied with the requirements of its membership in the Federation."[59] USSF also has the authority to audit Organization Members to ensure they comply with the responsibilities laid out in USSF's Bylaws;[60] the authority to review disciplinary decisions rendered by professional leagues;[61] and the authority to compile a record of all individuals who have been disciplined by any Organization Member and publish that record to all Federation Members.[62] Apart from several ad hoc reviews of Organization Member policies

and procedures, our investigation did not find any examples of the Federation exercising these powers.

2.3 The U.S. Center for SafeSport

Historically, the Federation's role in addressing coaching or other misconduct that occurred on a local level was limited, unless the conduct was serious enough to warrant inclusion on USSF's risk management list.[63] That changed dramatically in 2017 when Congress passed the Safe Sport Act in the wake of revelations concerning "the decades of abuse that occurred within USA Gymnastics" by Larry Nassar and in light of "the shocking failure of anyone to report accusations [of abuse] to law enforcement or even keep track of complaints internally."[64] The Safe Sport Act created the U.S. Center for SafeSport ("SafeSport") and empowered SafeSport to investigate and resolve abuse allegations in Olympic and Paralympic sports, including those that may arise concerning USSF "participants," which is defined to include USSF licensed coaches and others authorized to have regular contact with minors (among others).[65]

The Safe Sport Act effected two critical changes to the Federation's orientation toward sexual misconduct, in addition to a host of education and other requirements.

First, the Act requires USSF, its employees (including National Team players), and licensed coaches to report information concerning sexual misconduct or child abuse to SafeSport and to law enforcement, making them mandatory reporters.[66]

Second, SafeSport can assert exclusive jurisdiction over six categories of cases: (1) sexual misconduct and child sexual abuse, (2) criminal charges related to sexual misconduct and child sexual abuse, (3) misconduct related to reporting, (4) aiding and abetting, (5) misconduct related to the process, and (6) other inappropriate conduct under the SafeSport Code, including an intimate relationship where a power imbalance exists.[67] In those cases, USSF and its Organization Members

may institute temporary safety measures (including a license suspension) to address allegations of misconduct, but "may not investigate or resolve those allegations."[68]

In short, USSF oriented its compliance infrastructure toward ensuring that all allegations of sexual misconduct were appropriately reported to SafeSport and refraining from any independent investigation of those allegations. In our Recommendations, we describe the complications presented by these changes in greater detail.

3. THE NATIONAL WOMEN'S SOCCER LEAGUE

3.1 A Brief History

The NWSL represents the third attempt to form a professional women's soccer league in the United States. The first two attempts—WUSA and WPS—both failed after three seasons.

Soon after the failure of WPS, and amidst the National Team's Gold Medal run at the 2012 Summer Olympics, USSF and its President, Sunil Gulati, mobilized to reinstate a women's professional league. In the view of many at the Federation, having a robust domestic league was critical to maintaining the National Team's dominance in international competitions,[69] and also represented an important opportunity to continue to grow the sport domestically.[70] Invested in the success of the League, USSF made significant early capital investments in the NWSL, including paying certain player and NWSL staff salaries.[71] Gulati recruited owners—including several from the failed WPS—and the Federation agreed to support the League operations in certain key respects.[72]

By all accounts, without the Federation and its leadership, the NWSL would not have launched.[73]

3.2 League Governance and Operations

The League's relationship with the Federation was a source of both confusion and consternation. In the haste to get the League off the ground, the Federation conducted limited financial due diligence on the new league's prospective owners and did not put in place the infrastructure or planning necessary to support the League over the long haul.[74] Instead, the focus was on putting eight teams on the field.[75]

The primary governing body of the NWSL is the team owners.[76] Each team owner, whether an individual or an ownership group, is a "Member" of the NWSL and, as such, must meet the

financial thresholds set forth in the Standards.[77] Specifically, teams must designate one principal owner with an individual net worth of at least $15,000,000, and each team ownership group must have a combined net worth of at least $25,000,000.[78] Each team also is required to annually post a performance bond of $100,000 to secure salaries, stadium lease commitments, and vendor obligations, primarily for the purpose of insuring the League in the event the owner were to walk away mid-season.[79] The Standards do not specify how much operating capital owners must dedicate to the team.

As USSF recruited the teams that eventually would comprise the NWSL, it remained unclear who would actually run the new league. To solve that problem—and protect its investment—USSF contracted with the NWSL to serve as the League's Manager and provide the League with "all management, governance, operational, administrative, and advisory services" that the Federation deemed necessary.[80] Separately, pursuant to an amended LLC agreement signed shortly before the League's inaugural season, the Federation was granted numerous other powers, including the authority to appoint various officers (subject to the approval of the owners) and create other officer positions it deemed "necessary or desirable."[81] USSF was also required to be present in order to establish a quorum for any meeting and its vote was required to affirm any vote by the Members.[82] The Federation also paid the salaries of League personnel,[83] managed the NWSL's payroll and accounting,[84] and paid National Team player salaries.[85] Key functions—such as human resources, legal, and finance—were provided by USSF personnel or simply not staffed at all. [86] Until 2017, the NWSL's handful of employees worked out of USSF's offices.[87] Owners and League staff reported that Federation leadership, including Gulati, Levine, and Flynn, regularly attended NWSL Board meetings.[88]

Notwithstanding this broad authority and functional involvement, Flynn, Levine, and Jay Berhalter (USSF Chief Commercial Officer) disagree that USSF managed the League's operations [89] and insist the Federation only intervened "when asked."[90] But others—whether at teams, the League, or the Federation—agree that, particularly in the League's early years, the Federation managed the strategic direction of the League and weighed in on any issue of significance.[91]

The Federation balked at the prospect of carrying the weight of the League's financial survival alone.[92] Most teams struggled operationally and financially,[93] and some resisted putting additional money towards League operations, or even their own teams.[94]

Yet owners also chafed when USSF sought to assert itself in League strategic decision-making.[95] Many at the League and the Federation believed the owners wanted the Federation's money but not its input.[96]

The result was that some owners opposed the imposition of any standards that would increase their operating costs.[97] The Federation, for its part, felt as though it could only push owners so far or risk them pulling their teams from the League.[98] Even internally, owners "had disagreements at every level,"[99] and getting the owners to agree on standard League conditions and operating procedures was a challenge."[100] The owners failed to appoint a full-time Commissioner,[101] and even when they did, they failed to impart sufficient authority for the role to have a meaningful impact on the League's strategic direction or operations.[102]

3.3 The NWSL and USSF Failed to Institute Basic Workplace Policies

Despite requirements outlined in USSF's own Bylaws and Policies—and broad recognition that fraternization and even sexual misconduct were not uncommon—the League and USSF failed to implement basic workplace protection policies. Although USSF's own workplace policies applied to National Team players, the League's other players are employed by the League itself.[103]

In the wake of Paul Riley's dismissal from the Portland Thorns—and as the League and USSF decided not to intervene to prevent the WNY Flash from hiring Riley—Flynn noted "the need for a league policy and training."[104] In 2016, NWSL Commissioner Jeff Plush and Levine took initial steps to devise a set of workplace policies, including an anti-harassment policy, and engaged an external firm to provide initial drafts.[105] Over the course of the next year, there is no evidence that any movement occurred on adopting a League-wide policy, although the law firm followed up several times[106] and the issue was presented at several board meetings.[107] In 2017, Levine and the firm agreed to a narrow set of policies and procedures that did not include a stand-alone anti-harassment policy.[108] Instead, the policy was incorporated into two draft employee handbooks—one for NWSL front-office employees located in Illinois, and one for NWSL Media employees.[109] The investigation has not found any evidence that these two handbooks were ever finalized, implemented, or distributed, and in any event, there is no evidence that any policy was intended to apply to players.

In addition, in the first eight years of the League's history, we found evidence of only two workplace conduct training sessions, one in 2017 (which lasted only thirty minutes for players)[110] and one in 2019 (which extended player training to one hour).[111] It was not until 2018 that the NWSL adopted an anti-fraternization policy,[112] even though iterations of the policy were proposed at multiple Board meetings.[113] When the policy was eventually adopted, it was included in the 2018 NWSL Operations Manual.[114] The NWSL did not implement a written policy governing anti-harassment, anti-retaliation, and bullying until 2021.[115]

Nor did the Federation implement clear procedures for reporting player safety concerns or investigating allegations of wrongdoing. Players and team staff lacked a formal means to voice concerns and expressed general confusion about to whom they were meant to report player safety

issues without risk of retaliation.[116] Until the NWSLPA was created in 2017, concerns were frequently brought to the teams' general managers or coaches, or even National Team players.[117]

In 2013, Sunil Gulati, USSF President, directed the League to develop and distribute player surveys in order to receive "direct feedback" from players.[118] The surveys asked players to rate their experience from 1 to 5, with 1 being very poor and 5 being excellent. Topics ranged from the quality of the training facilities (locker rooms, showers, etc.) to the quality of training fields, match fields, laundry services, coaching, medical staff, travel, and housing. The surveys also provided a comments section for players to discuss the best and worst parts of their experience. Although the surveys were intended to be annual, the League only appears to have distributed them from 2013 through 2017, and again in 2020. Federation leadership—including Gulati, Flynn, and Levine—only received copies of these surveys for the first three years.[119]

Survey results from each year raised red flags about multiple teams, ranging from poor playing conditions and low salaries, to allegations of emotional and verbal abuse, and toxic work environments. Many comments included complaints regarding several of the coaches discussed in this report. Yet although both League and Federation officials received the information, the players' concerns regarding their coaches were generally not addressed.[120] Although Gulati reviewed the results from the first three years,[121] Flynn does not recall viewing the comments and does not believe he would have.[122] In most cases, survey results were scrubbed of comments before being distributed to teams.[123] As a result, the teams—and, by extension, the individuals who were the subject of certain allegations—did not receive the players' written complaints.[124]

3.4 Poor Conditions at the League

The failure of the Federation to impose any uniform standards on the NWSL teams meant that conditions among teams varied widely.[125] Ownership was empowered to invest however much or little they wanted to into facilities and player accommodations, resulting in some teams failing

to provide basic necessities.[126] Owners, the League, and the Federation were aware of these disparities but struggled to rectify them.[127]

Lack of Staff. Most teams lacked a human resources representative,[128] and some even lacked adequate medical staff.[129] Even when teams did have qualified staff, they were occasionally overruled by coaches, as many teams lacked a functional team hierarchy to navigate disputes concerning player safety.[130]

Poor Facilities. From the start, players expressed concerns about the conditions at their respective teams. In 2013, Sky Blue consistently ranked "poor" or "very poor" for training and match facilities, such as locker rooms, showers, weight rooms, and fields.[131] Multiple players expressed concerns that both the training facility and the match day facility lacked locker rooms, showers, and laundry services.[132] These results were compiled by NWSL Executive Director Cheryl Bailey and distributed to Gulati and Flynn.[133] Only quantitative data—in other words, the average ratings relative to other teams but not individual player comments—was shared with the owners.[134]

Player complaints continued into 2014: "no locker room, training fields, no support . . . the club is extremely cheap, never felt professional"; "Our training facilities were not fit for a professional level soccer team"; "We . . . don't have showers at our home games."[135] Players also raised concerns about facility conditions at FC Kansas City: "For training room, used one of the players living room in apartment for first 4 months"; "training room started in one of our apartments, then went to a trailer . . . no AC."[136] At the Chicago Red Stars, one player commented that the team had "no laundry, no training room, no showers, unacceptable match field."[137] Again, the quantitative results were shared with ownership,[138] with Gulati ultimately discussing the

situation at Sky Blue with Sky Blue's Owners and President.[139] As both witnesses and later survey results attest, this conversation had little impact on the overall conditions at Sky Blue.[140]

By 2015, some teams had started to rectify their inadequate facilities, but problems persisted at the Chicago Red Stars ("No laundry, no locker room, no showers"), and numerous complaints emerged regarding playing fields: "We trained on turf nearly every day, despite being told we would be training mostly on grass" (FC Kansas City); "Training fields were poor, but at times very poor," "Trained on too many different surfaces including an elementary school with horrible grass" (Sky Blue); "We should not be allowed to play on such terrible turf fields for our games," and "WNY stadium is the worst quality field in the league" (Western NY Flash).[141]

In 2017, a small number of players still ranked FC Kansas City's training and match facilities and match fields as "poor" or "very poor," and similar results were reported for Sky Blue.[142] One player commented, "I feel blessed to play in this league. Things seem to be turning a little lopsided at this point though. And it all has to do with money. Some teams struggle and some teams don't. I think the NWSL should be harder on teams that aren't cutting it."[143]

Even in 2020, players reported inadequate conditions. At the NC Courage, one player stated that male coaches had only a curtain separating their office from the locker room, and that the coaches "have to walk through the locker room to get out to the field."[144] Players at OL Reign complained about the lack of practice fields and facilities, noting that they "should not be in a high school or on a baseball field."[145]

Witnesses repeated these observations during our investigation. When asked about New York Flash, one player noted that the team "lacked professionalism in a way I've never witnessed."[146] Another player observed that at one time, the Red Stars had no locker rooms but rather were using the basement of a youth club soccer organization.[147] The situation was so

egregious at Sky Blue that it attracted media attention.[148] One assistant coach noted that on "match days, there w[ere] no showering facilities, none of our own space."[149] Players stated that the team had no locker rooms, so they had to show up and leave in clothes.[150] In 2018, the team trained at a club field that had no bathrooms, only porta-johns, and no showers, so the club brought in a trailer with bathrooms in it.[151] And news articles from 2018 described Sky Blue's poor training facilities, with no running water, no air conditioner, no showers, ice baths in trash cans, and an inadequate treatment room.[152]

Housing. Until the 2022 NWSL CBA mandated minimum requirements for housing, teams had discretion regarding the type and quality of housing they provided players.[153] Much of the team-provided housing was inconvenient or unsuitable. At times, it was even uninhabitable.

The most egregious examples were at Sky Blue. Players reported living in houses with broken windows, cracked floors, leaking ceilings, dried mucus on the walls, and, in one instance, a whole human toenail siting on a windowsill.[154] One player stated that her housing was so abysmal that she believed the house had been abandoned.[155] Another player even reported finding a bag of cocaine in her bedsheets.[156] Others reported being placed in houses that were too small, with players sharing rooms or sleeping in common areas.[157]

Sky Blue players also reported being forced to live in inappropriate situations. One player moved into a house with her teammates only to find that there was an older man still living in it, who expected to continue living there with the players.[158] Other players reported owners and owners' family members showing up at their rentals unexpectedly.[159] Another player lived with a man, his wife, and their daughter and was scolded by the father that she was not spending enough time caring for his daughter.[160]

Sky Blue was not alone in providing untenable living conditions. Players at the Red Stars lived in housing owned by the Red Stars owner, Arnim Whisler, who also served as property manager.[161] Players reported problems with mice, leaking water, and mold, and expressed hesitation about raising concerns about their living conditions to the owner of the team, who also served as General Manager.[162] Boston Breakers players were placed in housing that had no furniture and had to demand funds from the team to buy it.[163] Even when housing quality was sufficient, many players found that it was inconveniently located, sometimes up to ninety minutes away from training or match facilities.[164]

3.5 League Culture

The investigation found that inappropriate and abusive behavior permeated the culture of the League as a whole. Abuse in professional sports can cover an array of behaviors, and the SafeSport Code provides a useful benchmark for identifying abusive conduct. It emphasizes that sexual misconduct goes beyond just unwanted physical touching and includes any unwelcome conduct of a sexual nature, such as nonconsensual sexual contact or intercourse, sexual exploitation, bullying or hazing, or requests for sexual favors.[165] In the women's soccer environment, power imbalances among players, coaches, and staff make intimate relationships particularly fraught. A power imbalance may exist where one person has supervisory, evaluative, or other authority over another;[166] when abuse occurs in the context of a power imbalance, it can lead to silencing of the recipient in fear of additional retribution.[167] Emotionally abusive conduct is similarly broad, and generally is characterized as conduct that has a negative emotional impact on an individual, such as belittling, threatening, humiliating, scapegoating, rejecting, isolating, and ignoring players.[168]

Women in the League—players, coaches, and front office staff—reported deep frustration working in a women's professional league in which misogynistic behavior was widespread and

broadly tolerated. Several teams in the League—and a number of its owners—have publicly confronted allegations of misconduct.[169]

Recent press has reported employee complaints regarding the Portland Thorns organization, alleging that Mike Golub, the Portland Thorns and Portland Timbers' President of Business, created "an atmosphere of disrespect and intimidation towards women and working mothers employed at the club over a span of 11 years."[170] Women who left those organizations reported "multiple instances of inappropriate comments or jokes in office settings, unwanted physical contact, and hostile behavior they say goes beyond the typically demanding atmosphere or working in sports."[171] Cindy Parlow Cone reported that in 2013, while serving as coach of the Portland Thorns, Golub asked her, "what's on your bucket list besides sleeping with me?"[172] Parlow Cone told Golub never to speak to her like that again, and she reports that he did not. Several months later, when she was leaving the Thorns, she reported the incident to Thorns' owner Merritt Paulson, who told her he wished she had told him about the remark at the time it happened. Per the Thorns, "there was no formal complaint made, and the concerns were addressed with Golub at the time."[173] The Thorns have reported that an internal review uncovered "three concerns on the business side of the organization relating primarily to three then-current employees;" Paulson "acknowledged that Golub was part of that inquiry" and is currently undergoing "remediation."[174] The Thorns declined to make Golub available for an interview with our investigation, citing his "limited involvement in the 2015 investigation into Paul Riley" and "limited interaction with the coaching staff and the players."[175] The Thorns advised us that Golub was recently interviewed by the joint NWSL/NWSLPA investigative team.[176]

Players recalled Thorns' owner Paulson making inappropriate comments, including trying to talk with a player about Hope Solo's nude pictures.[177] "[The Thorns] strongly deny the

allegations against Merritt Paulson."[178] Concerns were also raised about Thorns' General Manager Gavin Wilkinson. One player recalled how Wilkinson would jokingly ask her "why can't you just stop being a bitch" when she would ask him for things on behalf of the team,[179] while another player recalled Wilkinson cautioning her not to be vocal about "off the field" matters after she had publicly come out.[180] Wilkinson denied that he had been critical of the player's decision to speak publicly regarding her sexuality and also denied calling any player a "bitch."[181]

Multiple players also reported frustration at the League's longstanding failure to adequately address racism and racially insensitive remarks. Players reported witnessing the use of racist slurs[182] as well as routinely encountering racially insensitive remarks[183] and microaggressions.[184] One player noted that many in the League are uncomfortable with race and do not know how to connect with Black players at the player, coach, and GM level.[185] Women's soccer has been criticized for its lack of diversity, and even the League's logo—featuring the silhouette of a woman kicking a ball—clearly represents a white player.[186] This lack of diversity traces back to a pipeline of players that have been traditionally limited by the sport's inaccessibility and "young Black girls experience [of] racism first hand from teammates and parents," an issue that the Black Women's Player Collective has sought to address by "confronting actions that deny access, limit representation and deepen inequality in all aspects of society."[187]

In May 2020, in the wake of George Floyd's murder, issues of race and racism were front and center across the nation and many players in the League chose to kneel to show their support of the Black Lives Matter movement. Kneeling, however, was not universally popular and at least one team simply stopped coming out during the anthem to avoid the issue all together.[188] Players of color reported feeling stress and a lack of support.[189]

In August and September 2020, public allegations surfaced of racist behavior, front office sexism, and a toxic work environment at the MLS franchise, Real Salt Lake, and the former NWSL team, Utah Royals FC.[190] In late August, multiple complaints of racist remarks were raised about the owner, Dell Loy Hansen.[191] More than one individual also described him as "touchy," stroking their cheeks and holding their hands.[192] One of these women felt so uncomfortable that she contacted League personnel about Hansen's conduct in 2019.[193] Hansen also asked this individual about her sexuality and whether she was dating a player.[194] She commented that Hansen's behavior was acknowledged by owners as a liability, but until she complained, she assumed that because it was an "open secret, . . . maybe it's more tolerated because he's putting money into women's soccer."[195] Hansen put up the team for sale shortly after the allegations surfaced,[196] and the team was sold later that year to Kansas City.[197]

Our investigation also received reports regarding inappropriate discussions of employees' sexual orientation in the front office of the Chicago Red Stars,[198] which Arnim Whisler has denied. We also learned—consistent with public reporting—that the environment at Washington Spirit exacerbated the abusive behavior of its Head Coach, Richie Burke.[199] Separately, numerous women working in technical roles (for example, on coaching staffs) expressed frustration regarding disparities in their roles relative to male coaches and the disparagement of ownership and coaching staffs.[200]

3.6 Systemic Abuse

Over the nearly ten-year history of the League, numerous coaches have verbally or emotionally abused players. Several are also alleged to have committed serious sexual misconduct during and/or before their time in the League. Our report details the reports of three coaches—Paul Riley, Rory Dames, and Christy Holly—to illustrate the gravity of the misconduct at issue and the institutional failures that contributed to it. But Riley, Dames, and Holly are not the only

coaches who mistreated players. By the end of the 2021 season, five of the League's ten teams had separated from their head coaches in the wake of player complaints.

In many cases, some of the misconduct at issue was not behind closed doors—it was on the sidelines at games, videotaped at practices, and, in some cases, already the subject of public reports. One such coach is Richie Burke, the former Head Coach of the Washington Spirit. Reports of Burke's verbally abusive conduct date back to 2015, during his tenure as Head Coach of D.C. United's U-23 PDL squad. As was publicly reported by a former player, Burke was "insulting and aggressive," and prone to "belligerent, violent outbursts."[201] Burke stated that while he was demanding as a coach, he did not attack players.[202] But an individual who worked with Burke at D.C. United confirmed the public allegations about Burke's conduct.[203]

NWSL players and personnel raised concerns about Burke's behavior at the Spirit. In the NWSL's 2020 player surveys, one player described Burke as someone who played "major psychological games with none[sic] starters, using demeaning language and also threatens to waive us." [204] One Spirit employee described Burke's treatment of players as "battered wife syndrome," where Burke would "lose his shit" one day, and then apologize the next.[205] Players described the same dynamic, also noting that Burke cultivated divisions on the team, reserving his worst treatment for those who were not in the starting eleven.[206] Burke denied that he was abusive to players, said he was careful about which players he could push, and that while there were times when he was harsh, he never crossed the line, while adding that within the League the line was never clearly defined.[207] On August 10, 2021, reports were published in *The Washington Post*[208] and concerns about the overall culture at the Spirit were raised to the NWSL. The Spirit and the NWSL engaged an outside law firm to investigate Burke's conduct, which concluded that the conduct violated the NWSL's Anti-Harassment Policy.[209]

Player surveys revealed serious concerns about other coaches as well. In 2015, players described a "completely toxic environment" at WNY Flash, saying that the Head Coach Aaran Lines created an "absolute hell hole" where "everyone is motivated by fear" and the "head coach has no respect for players as people."[210] One player described the coach's style as "fear based instead of motivational" while another described the environment as "dehumanizing and dangerous."[211] As one player noted to us, the environment was hostile, and Lines thought he could do whatever he wanted.[212] Lines declined our request for an interview and remains a member of the organization, continuing to serve as director of the program's top girls' team, which is a member of the Elite Clubs National League ("ECNL").[213]

A third coach, Farid Benstiti of OL Reign in Tacoma, Washington, resigned in July 2021. When Benstiti's departure was announced, OL Reign's CEO, Bill Predmore, thanked Benstiti for his "contributions" to the team and said the club "wish[ed] him the best in all his future endeavors."[214] In October 2021, Predmore confirmed that he had requested Benstiti's resignation after he became aware of inappropriate comments by Benstiti to players regarding their fitness and nutrition.[215] Similar allegations had been raised about Benstiti's tenure at Paris Saint-Germain."[216] Benstiti firmly denied that he "mismanaged [his] team and some players when tackling their fitness and their nutrition problems" at either OL Reign or Paris-Saint Germain, and stated that "saying to a player that she is not fit for the competition and that she shall take care of her nutrition is not 'inappropriate.'"[217]

Inappropriate conduct was not just directed at players. For example, allegations surfaced that, while at the Utah Royals, former Head Coach Craig Harrington made inappropriate sexualized jokes and comments to staff, contributing to a toxic environment at the club. During his tenure, Harrington told an employee a "joke" about her having sex in a minivan she had recently

purchased, which the employee reported to human resources.[218] A player also described an incident in which Harrington commented to both the player and a female assistant coach that "taking care of kids is a woman's job." [219] Harrington explained that the above comments (the second of which he did not specifically recall) were made flippantly and were not meant to be hurtful. Harrington also noted that he apologized to the employee about the minivan comment.[220] In September 2020, the Royals placed Harrington on administrative leave, and subsequently dismissed him in November 2020.[221] The club did not provide the basis for its decision, only that it was unrelated to the broader Royals investigation.[222]

Our investigation also uncovered examples of inappropriate conduct by club personnel. In June 2021, on behalf of a Gotham FC player, the Club's Director of Operations submitted to the NWSL a complaint alleging that Gotham's General Manager Alyse LaHue had harassed a player.[223] A third-party investigator conducted an investigation, and on July 8, 2021, the League concluded that "Ms. LaHue's behavior in connection with [the player] was improper and inappropriate, and a violation of league policies . . . ."[224] Gotham subsequently terminated the GM's employment.[225]

3.7 Recent Allegations

Even after recent media attention subjected the League to the bright lights of public scrutiny, there are reports that misconduct is still occurring.

In April 2022, the Houston Dash suspended Head Coach James Clarkson at the recommendation of the NWSL/NWSLPA Joint Investigation, pending the conclusion of an investigation into alleged violations of the NWSL's anti-harassment policy.[226]

On June 6, 2022, Orlando Pride coaches Amanda Cromwell and Sam Greene were placed on temporary administrative leave at the recommendation of the NWSL/NWSLPA Joint

Investigation, pending an investigation into a violation of the NWSL discrimination, harassment, and bullying policy for "alleged retaliation."[227]

Finally, in August 2022, the Washington Spirit fired Head Coach Kris Ward following an incident with players at training. News reports of the incident quoted the club president Mark Krikorian, who stated that it was "apparent to [him]—and to all—that a change was necessary."[228] These allegations are also currently subject to an investigation by the NWSL and the NWSLPA.

4. PAUL RILEY

4.1 "If everyone knows and no one does anything about it, then how bad can it be?"[229]

Until September 30, 2021, Paul Riley was considered "invincible" in U.S. women's soccer.[230] The Head Coach of NWSL's North Carolina Courage, Riley led the club to back-to-back league championships in 2018 and 2019, secured the NWSL Shield for three consecutive years from 2017 through 2019, and received NWSL Coach of the Year honors in 2017 and 2018.[231] Before coaching the Courage, Riley had coached two other NWSL teams (the Portland Thorns and the Western New York Flash) and a team in a prior league (the Philadelphia Independence). Riley was also the owner and manager of one of the country's leading youth franchises and regularly funneled players to top collegiate programs.[232] By the end of 2021, Riley was one of the winningest coaches in the NWSL's history.[233]

Then, *The Athletic* published a story—"This Guy Has a Pattern"—alleging that Riley had sexually harassed two players, coercing one into a sexual relationship.[234]

The misconduct described in *The Athletic* article was not isolated. Paul Riley's abuse was prolonged and wide-ranging. It spanned multiple leagues, teams, and players. It included emotional misconduct, abuse of power, and sexual misconduct.[235] Until *The Athletic* article laid bare two players' experiences, Riley's conduct was generally ignored or accepted. As one team owner noted, "if everyone knows and no one does anything about it, then how bad can it be?"[236]

4.2 Sexual misconduct: "There was no way out"[237]

In *The Athletic* article, two players—Mana Shim and Sinead Farrelly— came forward to publicly share their experiences with Riley's sexual misconduct, emotional and verbal abuse, and retaliation for speaking out.[238] We corroborated these players' accounts and found evidence that they were not alone.

4.2.1 Mana Shim

Mana Shim played for Riley during his tenure at the Thorns. As a self-described "fringe" player, she recalled that Riley did not pay much attention to her first and made negative comments about her body and weight.[239] Nevertheless, she "was just happy to be back in Portland" and felt like she "owed him" for getting her back after she was traded to the Houston Dash for a brief period in the 2014 season.[240] And she was sure that he felt she owed him too.[241]

Shim recalled that Riley started to give her more attention during her third season at the Thorns. The changes in their interactions were gradual. It began, according to Shim, with positive comments about her body and her weight.[242] She was also playing better, and Riley began to give her positive feedback.[243] He started talking to Shim every few days, and began to text her as well.[244] Shim recalled that eventually he began to text her constantly and would change plane seats so they would sit together.[245] He also began to invite her to one-on-one meetings: to his office to watch film, to get coffee.[246]

Riley began asking personal questions about Shim's life and his invitations became more intimate.[247] The meetings to watch film in his office gradually shifted to his apartment, sometimes at night.[248] And one evening, Riley invited Shim to dinner alone; to her, the meal seemed more like a date than a meal with her coach.[249] (Riley ordered for her, poured her wine, and they did not talk about soccer.) Shim recalled Riley told her he wanted her "to go home with him" and asked her to give him a ride.[250] She did not go home with him and "he was cold until [she] started responding to texts again."[251]

Increasingly, Riley made sexualized comments to Shim. Shim and her teammates recall that Riley seemed "obsessed" with her sexuality and the fact that she dated women.[252] Shim recalled that he told her she was "too pretty to be dating women," and then wondered aloud if she

slept with her roommate, whom he also found attractive.[253] Shim recalled that, when she walked through the locker room, Riley would make comments such as "don't do that to me," which she interpreted as him telling her he was turned on.[254] Shim said Riley sent her text messages that he was "horny" or "turned on."[255] He was "trying to engage with me," Shim recalled, and "there [was] no way out."[256] She could not avoid the conversation; in part because "he just might not start me."[257]

More and more, according to Shim, Riley talked about sex. Shim recalled that he would tell her when he was "turned on," and that she was "sexy" and "hot."[258] It escalated to the point that Riley told Shim that he wanted to "fuck" her.[259] He asked her to come to his hotel room to watch game film, and to bring him potato chips.[260] She tried to deflect, but he insisted. She remembered he came to his door only in his underwear.[261] He told her to get on the bed.[262] When she realized that there was no game film on the television, she left—but said she did so politely, so as not to upset her coach.[263]

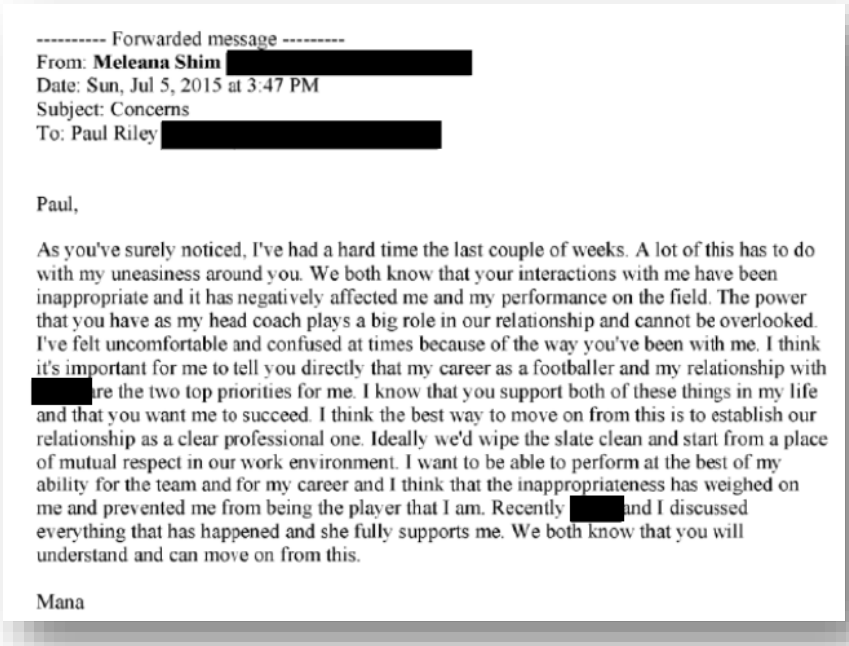
In May 2015, Riley went drinking with his players after a game.[264] At the time, Riley had assigned Shim to be roommates with another player, Sinead Farrelly.[265] Riley, Shim, and Farrelly went to Riley's apartment where Riley induced the two women to kiss in front of him, promising that the team could avoid a dreaded "suicide drill" in exchange.[266] In June 2015, Riley invited Shim to attend the World Cup in Vancouver, and to stay with him in his hotel room.[267] He forwarded his hotel room information to her; a room with one king-sized bed.[268] He continued to push when she said no. [269]

Shim said that Riley's sexual advances made her uncomfortable, and afraid. "I just didn't feel safe. I didn't enjoy playing. It was a bad situation."[270] She recalled that Riley would get upset and take his anger out on her in training when she would not respond quickly or give him the

answer he wanted.[271] Shim felt as though he took his anger towards her out on others: "he would attack others and look at me, he knew I was emotional and fe[lt] defensive."[272] Shim was concerned about her career, and "gave him just enough to feel like my position wasn't compromised."[273]

As Riley's verbal advances became more aggressive, Shim felt as though his conduct would soon become physical. She decided she needed to push back.[274] On July 5, 2015, Shim sent Riley an email to his Portland Thorns account regarding her "concerns."[275]

When Riley received this email, he deleted it, and then went into his trash folder and selectively deleted it again, effecting a permanent deletion from his Thorns account.[276] He reached out to Shim via text to set up a one-on-one meeting, but she demurred.[277]



---------- Forwarded message ---------
From: **Meleana Shim** [redacted]
Date: Sun, Jul 5, 2015 at 3:47 PM
Subject: Concerns
To: Paul Riley [redacted]

Paul,

As you've surely noticed, I've had a hard time the last couple of weeks. A lot of this has to do with my uneasiness around you. We both know that your interactions with me have been inappropriate and it has negatively affected me and my performance on the field. The power that you have as my head coach plays a big role in our relationship and cannot be overlooked. I've felt uncomfortable and confused at times because of the way you've been with me. I think it's important for me to tell you directly that my career as a footballer and my relationship with [redacted]re the two top priorities for me. I know that you support both of these things in my life and that you want me to succeed. I think the best way to move on from this is to establish our relationship as a clear professional one. Ideally we'd wipe the slate clean and start from a place of mutual respect in our work environment. I want to be able to perform at the best of my ability for the team and for my career and I think that the inappropriateness has weighed on me and prevented me from being the player that I am. Recently [redacted]nd I discussed everything that has happened and she fully supports me. We both know that you will understand and can move on from this.

Mana

And then, her fears were realized. "On the field, he wasn't playing me."[278]

Teammates close to Shim recalled Shim sharing her experience, and her fear and confusion at the time. Alex Morgan, for example, recalled hearing about the time Riley answered the door in his underwear and tried to counsel her friend—but smartly.[279] She recalled thinking, "she's fighting for a spot, how do I help her stay on the field?"[280] Later, Morgan went to great lengths to help Shim find a way to report, even devising a pretext to obtain the contact information of the

Thorns' human resources professional.[281] Finally, at the end of the 2015 season, Shim decided to report Riley's conduct to the Thorns and to the League.[282] "I felt like I had a responsibility to my team and I knew I couldn't play for him again."[283]

4.2.2 Sinead Farrelly

Several players on the Independence and the Thorns recalled that Riley's focus on Sinead Farrelly was clear. One teammate at the Independence reflected, "I knew Paul had a 'thing' for her. He would pull me aside to 'watch' her and said that I should tell her 'the gay thing she was doing' wasn't good for her or her game. That I should keep my eye on what she does outside of soccer, she is 'fragile' he said."[284] A Thorns staff member stated, "we all knew Sinead was his girl, because she had played for him before. We knew there was a closeness, we knew that he just loved Sinead."[285]

Farrelly stated that Riley had sex with her on four separate occasions over the course of two years.[286] The first time occurred in 2011, when Farrelly was 21 and Riley was 46, while he was coaching her at the Philadelphia Independence.[287] Her teammates recalled that Riley was out drinking with the players after the last game of the season.[288] They recalled Riley pushing Farrelly around on a luggage cart in the lobby of the hotel late in the evening.[289] They recalled Riley and Farrelly disappearing from the lobby at about the same time.[290] Farrelly's roommate recalled clearly that Farrelly did not come home that night.[291] Farrelly noted that the last time Riley had sex with her, it was a threesome with another player, prior to Sinead being drafted to the Thorns.[292]

While Shim ultimately decided to report Riley's conduct shortly after it occurred in 2015, Farrelly found the thought of reporting "so scary" and did not do so until 2021.[293] "I was so scared [reporting] would hurt my career, my reputation, my standing with these people. . . . I just wanted to not rock the boat, just do what they expected me to do so I could continue" playing soccer.[294]

4.2.3 North Carolina Courage Player A

Player A, a player at the Courage who wishes to remain anonymous, reported experiences similar to Shim's, beginning in 2017.[295] When *The Athletic* article recounting Shim's experiences was published, Player A texted a Courage staff member to disclose her experience: "it [felt] like a weight being lifted off my chest . . . frankly, for the last 4 years I've thought I was crazy."[296]

Player A reported that Riley gave and withheld attention, telling her she was "good enough for the national team but he was the coach to get me there" and then "tearing me down, then telling me I'm fat."[297] She described Riley's questions about her sex life, his insistence that she needed to improve her sex life because he could tell she was not happy, and his stories about his own sex life.[298] "I always thought I was at fault for my feelings because especially after he called me chubby in 2019 that year all I wanted was the mans [sic] approval and to be seen by him."[299] Team management confirmed that Player A had reported feeling "uncomfortable" due to Riley's comments about her weight and body.[300]

Other players observed the dynamic between Riley and Player A. One teammate reflected that Riley seemed to "zero in" on her, asked her about her personal life, asked her to lunch, and told her he could help her to advance.[301] They observed that her playing time increased along with Riley's attention.[302] When Player A ultimately shared her experience on an NWSLPA and NWSL conference call following *The Athletic* article, her teammates were not surprised. [303] "We can see how he did that."[304]

4.2.4 Philadelphia Independence Player B

Another player at the Independence who chose not to participate in our investigation told others of Riley's sexual coercion.[305] After *The Athletic* article was published, Player B reached out to Farrelly and wrote: "Paul did many bad things to me. [He] did exactly the same to me and you." It started with "screaming and screaming" at me in trainings, and then he would suddenly be the

"good guy." She recounted that Riley eventually invited her to his room to watch film and they had sex. "And then there was no way back for me."[306]

Player B wrote that Riley slept with her for over a year, until shortly before she left the team. Player B explained, "Paul took control over me in 2010 until I left the club."[307] When she started dating someone else, Riley got "so mad and [she] had to stop dating [her new boyfriend]."[308] She said if she stopped responding to Riley's texts, he told her he would trade her.[309] She said he made sure they lived in the same apartment complex.[310] She recalled, "crying in her room every night for weeks" and ultimately leaving the team to escape the situation because "it was a nightmare."[311] "He took control of me so easy. And the way out was so hard."[312]

One teammate reached out to Player B in 2012, after she left the team, to ask: "I heard that u and Paul maybe had a relationship that went beyond a player and a coach . . . is that true?"[313] The team owner reached out to her following the publication of *The Athletic* article, after she told him why she had left the team: "I am so very sorry about your involvement with Paul…I feel awful for you, Sinead or any others that were mistreated by Paul in any way. This whole thing has to stop."[314]

4.2.5 An "open secret"

Riley's sexual misconduct was considered by many to be an "open secret" in the League.[315] Witnesses from each part of the professional landscape—players, a coach, an owner, an assistant general manager—recalled hearing stories about his "relationships" with specific players, or just generally that Riley "sleeps with his players."[316]

Players and staff recounted information they had heard regarding other women who may have been subjected to similar conduct, but those accounts are not to date sufficiently corroborated to include in this report. The individuals who have shared their experiences establish that

allegations of Riley's misconduct are credible and reflect that Riley's conduct was recurring throughout his tenure in professional soccer.

4.3 "That's just Paul"[317]

Players described Paul Riley's pattern of abuse and harassment. His conduct spanned decades, teams, and individuals. This pattern of misconduct was intertwined with Riley's success. Riley's extreme control, mean-spirited yelling, and erosion of boundaries between himself and his players were all widely accepted as part of the package: "that's just Paul."[318] The general feeling was, "[w]hen you're winning, it doesn't matter what happens off the field."[319]

4.3.1 Club control: "It was Paul's show"[320]

Riley was known for asserting "total control"[321] over all aspects of his teams. By many accounts, he inserted himself into matters that are inappropriate for a coach to interfere with—like his players' personal lives, their housing and cars, and their weight.[322] A longtime member of his coaching staff stated, "It was Paul's show. Everybody else had input, but Paul was the decisionmaker."[323] Even though he had a coaching and technical team, all decisions and communications went through him.[324] "The gateway [to communicate with players] was never there. It was Paul and nothing else."[325] Riley did not like if coaches and staff attempted to speak to players without his blessing.[326] If a player or staff member did reach out to management or other coaches, "they would just go to Paul [anyway]. It was his word over anybody else."[327]

Riley appeared to wield control over salary and management decisions as well. A Courage staff member recounted how Riley would discuss salaries with certain players, either guilting them to accept less money for the team's benefit or using their salaries against them at practice ("You make how much money?!").[328] He signaled control over player contracts ("I helped you get that contract")[329] or roles on the National Team ("I did that").[330] At the Flash, internal email communications showed that he dominated discussions of who would be waived.[331]

Riley also actively interfered with medical decisions concerning players.[332] At the Thorns, the Head Athletic Trainer said that Riley "would blatantly go against medical recommendations. He would put players at risk."[333]

The medical team rehabilitated players in secret so that Riley would not see them and prematurely declare them ready to play.[334] At the Courage, a witness recalled that he would sometimes receive medical diagnoses and updates before the trainers and even the players themselves.[335] He "control[led] the narrative of the injuries" and the players' return to play.[336]

Players recall feeling pushed or shamed to play despite injuries. One player reported that Riley argued with her when she reported that her doctor told her not to travel.[337] Riley blamed the player's reticence to travel on her "ego" after returning from the World Cup team.[338] She felt that she had to do what Riley wanted, or else he "would get rid of me."[339] Behind her back, Riley told her teammate that the player was "a cancer to the team," who only wanted to "stay home because her girlfriend was in town."[340] That player left the Thorns because she felt Riley's insistence that she play despite her injury would end her career.[341]

As a captain of one of his teams explained, "Paul structured himself as if he was more so a dictator than a coach. You felt as if you didn't have an option or that you couldn't let this person down, so even if we did feel uncomfortable, we couldn't do anything."[342] And, as another player on Riley's youth and professional teams explained, there were consequences for speaking out against Riley. "If anyone complained about Paul, he just got rid of them. There was this idea that players were disposable—if you don't want to be here, you don't have to be."[343]

Both team management and USSF were on notice of Riley's interference with medical advice. The Head Athletic Trainer at the Thorns recalled speaking to Wilkinson several times in 2014 and 2015 and reporting to Wilkinson, "I have a coach who is endangering players."[344]

Another time she and the medical staff approached Wilkinson as a group and stated, "Paul is going against" our advice.[345] The team responded by mandating that the head athletic trainer from the men's team, the Portland Timbers, be included in medical discussions, but did not appear to admonish Riley's interference with medical treatment.[346]

The Federation's former President, Sunil Gulati, and the Thorns' owner, Merritt Paulson, were aware that Riley chafed at directions regarding rehabilitation from USSF medical staff.[347] In 2014, Riley asked an injured player to travel even when explicitly told not to by USSF medical personnel.[348] While the issues prompted multiple emails and "offline" conversations between Gulati and Paulson, ultimately Riley prevailed: the player travelled.[349]

4.3.2 Emotional manipulation: "He made you believe he knew you, so he knew what was best for you"[350]

Players and staff across Riley's professional teams consistently remarked on Riley's ability to make them crave his approval. Many described not only his sharp criticism, but also his charm. A player who played with him on multiple teams stated, "it was obvious that he was in charge of my playing time and career. But there was this deeper layer. He was close with people. It felt like you were letting him down in a personal relationship and you were disappointed in yourself for not doing what he wanted, because he knew best."[351] She further noted, "he made you believe he knew you, so he knew what was best for you."[352]

A Philadelphia Independence player stated: "I'm sure you've heard that his general ability to manipulate into wanting to please him was extraordinary" and that "He's good at preying on people's insecurities."[353] Another Thorns player noted how Riley would "tear down players" to the point where "they didn't have confidence without him."[354] And yet another player who played on multiple teams Riley coached noted, "it is like an abusive relationship. He will be so good to

you, compliment you—give, give, give—and then he would take it away. Paul was so good at giving confidence and taking it away."[355]

4.3.2.1 Verbal attacks: "With Paul, the attacks were personal."[356]

When you were in his favor, Riley was, by all accounts, charming. But when he ran "cold," players on each of his professional teams described the attacks as "abusive."[357] This conduct put players and staff on edge: "any moment you could be demoralized in front of everyone."[358] Players made clear that this was not simply tough coaching, explaining that it's normal to yell and scream but it was the personal nature of his attacks that made it "not okay."[359] "With Paul, the attacks were personal."[360]

Players recounted how he used the things he knew were important to them against them.[361] For example, several witnesses recounted one instance early in the 2015 season when Riley "brutalized" and "ripped" a player in the locker room after a scrimmage loss.[362] They remember Riley screaming, blaming the loss on her need to bring her infant son on the trip.[363] The incident was impactful; players remembered it clearly years later.[364] Likewise, a Courage player described a "culture of fear" in which the "players were not allowed to have an opinion and were berated [by Riley] for making mistakes."[365]

For the most part, this culture was "just accepted."[366] One player reported that "as female athletes, we want to pride ourselves on being strong. So, it's hard to decipher where's the line between 'I'm strong, I can take it' and 'is this okay?' He made me undermine my gut instinct."[367] Another player noted "we're all strong women," but they were "all scared of who would be next."[368]

4.3.2.2 Player feedback: "We got used to being called dumb, stupid, slow, idiotic, retarded, we have no balls, we will never be better than the average 16 year old boy, worthless, and the list goes on."[369]

Over the years, players and staff complained about Riley's verbal abuse, in response to the NWSL and USSF player surveys in 2014 while he coached the Thorns, and various complaints by staff members at both the Thorns and the Courage. These complaints generally went unheeded.

After the 2014 season, the NWSL sent players a survey to solicit information about their experiences in the League.[370] Completed surveys contain a number of complaints about Riley:

- "Head coach ripped/yelled at players in a hurtful, non-productive way. It hurt their confidence and made the team lose respect for him."
- "Verbally abussive [sic] head coach."
- "Being subject to verbal abuse and sexism shouldn't exist in this league by any coach."
- "The staff was not good. Sexism and manipulation highlighted the negative category for me. The combination of poor coaching and a destructive leader sums up our season."
- "Head coach is verbally abussive [sic], in any other job he would be fires [sic] for how he treats his employees.
- "It was a bad start from the beginning, personally verbally attacking [player] at halftime of the first NWSL game in Houston. … As [the] season wore on, we got used to being called dumb, stupid, slow, idiotic, retarded, we have no balls, we will never be better than the average 16 year old boy, worthless, and the list goes on."[371]

Neither the League nor USSF acted in response to the player surveys. The surveys were emailed to Gulati, Flynn and Levine at USSF, but they do not believe they reviewed them.[372] USSF President Gulati viewed the surveys as important feedback but could not recall reading these particular comments, surmising that he overlooked them because he assumed Portland was squared away.[373] USSF General Counsel Levine viewed the surveys as the primary vehicle for players to register complaints, but she stated that she only reviewed survey results if they were escalated to

her—these particular comments were not.[374] USSF CEO Dan Flynn and stated, "I do not believe I ever personally reviewed them."[375] NWSL Executive Director Bailey also did not recall reading the comments, but thought she likely would have reviewed them.[376]

The League did not provide the Thorns with the comments.[377] In any event, it does not appear that the players' complaints of "verbal abuse and sexism" generated any attention at all.

Also in 2014, National Team representatives from each NWSL team provided the League and USSF with feedback regarding their experiences. Counsel for the USWNTPA provided the feedback to USSF President Sunil Gulati to provide to the team owners at his discretion. The comments regarding Riley include:

> [T]he head coach created a hostile environment for players – he personally verbally attacked players during/after games. During half-time, he belittles players and verbally abuses players. The team has never come back to win a game if they are losing at the half and this has a lot to do with the negative environment he creates at half time. His half time speeches are not productive and personally attack people. This happened over and over again all season.[378]

These complaints were received by leadership at USSF,[379] the NWSL,[380] and the Thorns.[381] And yet, again, no one from USSF nor the NWSL—Gulati, Flynn, Levine, or Bailey—have a recollection of reading or discussing the concerns regarding Riley.[382] There is no evidence to suggest that the Thorns, who received the feedback, reviewed or acted upon it.[383]

4.3.2.3 Comments regarding weight: "You can't afford to eat that."[384]

Riley frequently shamed players for their weight, commented on their physiques, and complimented those who "look[ed] good."[385] Several players recalled how Riley directly connected his willingness to field them in a game to their weight on the scale, rather than their fitness or athletic skill.[386]

His comments criticizing weight were direct, public, and even directed toward his youth players. For example, a woman who played for Riley on his youth teams recalled him saying "you

would win that header if you didn't have a refrigerator on your ass."[387] A staff member recalled an incident after one Courage scrimmage loss in which Riley "sat all the players down," went down the line, and told each player how much weight they had to lose.[388]

Players and staff on both the Thorns and the Courage commented that the way Riley spoke about weight promoted eating disorders.[389] A Courage player recalled how she showed up in her second season under Riley thinner than the last, due to a crash diet and daily running in the off-season: "an insane calorie deficit."[390] She remembered Riley was pleased. "He said, 'You look good. Last year you looked like you were hit by a bus."[391] When she subsequently gained weight again, he "punished" her, making her weigh herself and text her weight to him every day for two months, telling her she would not play again until she made the goal weight he set.[392] The player finally lied to him so that he would field her.[393]

Both staff and players reported this treatment.[394] The Head Athletic Trainer at the Thorns recalled speaking to Wilkinson about Riley's constant comments about players' bodies and weights.[395] She recalled that Wilkinson's response was simply, "we'll look into it."[396] Players at the Courage reported this treatment twice—once to the League and once to Courage team management.[397] In both instances, Riley was simply counseled on "better ways to approach nutrition" or how to pick his words better.[398]

4.3.3 Sexualized workplace: "[W]e shouldn't have been that friendly"[399]

Many of the individuals we interviewed described an environment in which Riley made, endorsed, and encouraged explicit or sexually suggestive dialogue. Players and staff consistently recounted Riley's comments regarding players' personal relationship status and their sexuality.[400] Several players on the Thorns separately recalled instances in which Riley told a player she was "too hot to be a lesbian," or "what is she doing, she's not gay," or she "isn't a real lesbian."[401] Another player recalled Riley telling her she was "too feminine" to be gay and "looked straight."[402]

A witness recalled Riley saying in a staff meeting that one player who was dating a woman "liked to wear a strap-on."[403] Several players on the Flash and Courage recalled Riley encouraging the players to share "sexual stories" or jokes with the team before practice each day.[404]

The sexualized comments were integrated into the famously "fun" social culture Riley cultivated at his teams, which created an atmosphere in which the boundaries between coach and player blurred.[405] Several players on each of his teams noted that Riley would "take us to get drinks," "would always get the first round," and "partied with players."[406] One Philadelphia Independence player recalled a late-night text at 1:30 am, after they had been out drinking. In hindsight, this text felt to her like a "feeler" to see how she would react.[407]

Riley also hosted "retreats" at his large home (described as a "castle") in New York while at the Thorns, the Flash, and the Courage.[408] One player explained that at the time she "didn't question it," thinking "what a cool coach."[409] After leaving the team, one player realized the required retreat was "strange" and "cult-y."[410] Another player reflected that "[t]his blurring of professional lines made it so personal. Like we were friends, but we shouldn't have been that friendly."[411]

By all player accounts, this environment was "normalized" and "accepted."[412] And players described this feeling, and Riley's sense of invincibility, growing with his winning record and accolades. As one Courage player stated, "as [the team] got better, he got worse."[413]

4.4 2015 Complaint and Thorns Investigation: "We believe the matter is now closed"

As noted, Shim reported Riley's sexual misconduct to the Thorns and the League at the end of the 2015 season. The Thorns immediately launched an internal investigation into the complaint, with the League and USSF remaining "in the loop."[414] After a one-week investigation that culminated in a report written by the Thorns Director of Human Resources, Nancy Garcia

(Ford),[415] the Thorns terminated Riley for violating his contract by, among other things, committing "gross negligence or willful misconduct in performing his duties."[416] The League and USSF were advised of Riley's termination, and were provided a copy of the Thorns' investigation report.

Publicly, however, the Thorns announced only that Riley would "not be retained" for the 2016 season and thanked him for his service. Within five months of Shim's complaint, Riley was again coaching in the League.

4.4.1 Shim complaint

On September 16, 2015, Shim sent an email to Merritt Paulson (Owner of the Thorns), Gavin Wilkinson (General Manager), and Riley reporting Riley's "sexual harassment" and informing them of events that impacted Shim "emotionally, physically and mentally."[417] Shim explained that she waited until the end of the season so as not to distract the team, but felt compelled to report.[418] She "had a responsibility" to the team and she knew she "could not play for [Riley] again."[419] Shim said she felt she needed to provide detail so that Paulson and Wilkinson would take it seriously.[420] Her prior interactions with them, the general environment of the team, and confusion surrounding the appropriate procedure for reporting all made her concerned that they would not.[421] Shim forwarded her email complaint to NWSL Commissioner Jeff Plush a few hours after sending.[422] Within minutes of receiving the email, Plush forwarded it to Levine, commenting: "See below. Not good."[423] An hour later, Plush forwarded the complaint to Gulati and Flynn; the following day, he forwarded it to USSF CFO Eric Gleason.[424] All agreed it was important to monitor the situation.[425] Plush spoke with the Thorns (with Paulson) the evening he received the complaint, and the following morning (with Wilkinson).[426] Plush emailed Paulson:

"Let's stay in close communication going forward."[427]

On September 18, 2015, Levine spoke by telephone with the Thorns' counsel, who noted that the investigation would be conducted by an "inexperienced" human resources director at the Thorns.[428] Per Levine's notes of the call, she was told that the "player was very upset, seemed very genuine. Had emails, text messages."[429] The notes reflect that one of the texts discussed was: "I am so horny I want to fuck you."[430] The "most egregious" conduct, per the Thorns' counsel, was that Riley asked two players to kiss in front on him and the "'fuck' text."[431] Moreover, Levine learned that there were "suggestions in Meleana [Shim]'s interview that Paul Riley's relationship with Sinead [Farrelly] was more extensive that Meleana's/Riley's."[432]

4.4.2 2015 Thorns Report: Shim accused Riley of "inappropriate behavior"

The Thorns human resources director finalized a seven-page written report on September 23, 2015, seven days after Shim sent her complaint (attached as Appendix A). The Report omits key information reflected in the contemporaneous investigation notes and Shim's complaint. It does not use the word "sexual" or "harassment," despite Shim's explicit use of those terms in her complaint. Instead, it describes the allegations generally as "Meleana Shim accused Paul Riley of inappropriate behavior."[433] The report purports to set out "all the incidents mentioned in the original email and additional incidents that were raised via interviews,"[434] but omits (1) Shim's report of retaliation, and fear of future retaliation;[435] (2) Shim's report that Riley cut her playing time after she sent him the July 5, 2015 email asking to keep their relationship professional; (3) Shim's complaint that Riley texted her that he wanted to "fuck her" and that she "really turned him on" and then instructed her to delete those texts;[436] and (4) Riley's encouragement of Shim and Farrelly to kiss in his apartment.[437]

The NWSL and USSF assumed that the Thorns would conduct the investigation into Shim's complaint.[438] While Levine acknowledged that Shim was an employee of the League, she

did not recall any discussion about whether the League would run the investigation.[439] In Gulati's view, it made sense for the Thorns to handle the investigation because the team was well resourced.[440]

The 2015 Thorns Report includes a "Summary of evidence" that purports to "confirm[] or deny[] each allegation," but its presentation of the evidence collected by the investigation is misleading. For example, the report states that Riley, Shim, and Farrelly all confirmed that Shim and Farrelly kissed, but "no one could pinpoint who came up with the idea."[441] The Report does not set forth why that particular question was relevant in light of the consistency in Shim's and Farrelly's accounts that Riley encouraged them to kiss, or the evidence that he cancelled the suicide mile at practice the next day.[442]

Notably, the Thorns did not investigate Shim's allegations of Riley's escalating sexual harassment and hostile work environment, his retaliation against Shim when she asked him to stop, or his harassment against Farrelly or any other player. The Thorns did not investigate whether Farrelly may have also been subject to harassment or had a relationship with Riley that involved sexual misconduct, despite suggestions in both interviews and documentary evidence that this may be the case.[443]

Shim and Farrelly recall their interviews appeared to a focus on identifying potential legal claims against the Team and "what [they] knew so it could be kept within the club."[444] Farrelly recalls, "they just wanted to know what I knew and who I told."[445] Her understanding was that this information "needed to stay within the club."[446]

4.4.3 Thorns terminate Riley for "cause" and notify the NWSL

The Thorns' report determined that (1) Riley violated management instructions by socializing with players when alcohol was involved; (2) Riley engaged in "inappropriate and unprofessional behavior and exercised poor judgment;" and (3) these "failures constitute likely

violations" of his employment contract.[447] In an email directed to Riley, the Thorns' owner Paulson wrote: "This is very serious stuff . . . Even if we have found no proof verifying the extent of the accusations, at a minimum its [sic] apparent some bad judgment has been exercised and unprofessional behavior has occurred. Nowhere . . . do you acknowledge that fact."[448]

On September 23, 2015, the Thorns informed Riley that they were terminating his employment as a result of the investigation.[449] Thorns' General Manager Wilkinson wrote to Riley: "As you know, we have conducted an investigation as a result of statements made by a player. While our investigation did not reveal any unlawful conduct by anyone, we did confirm that, on occasion, you exercised poor judgment in your interaction with one or more players."[450] The Thorns cited violations of several provisions of Riley's employment contract for cause:

- Neglect, refusal or willful failure to render services;
- Gross negligence or willful misconduct;
- Committing an action or involvement in an occurrence that brings Riley into public disrepute, scandal or ridicule, or reflects in a materially adverse manner on the integrity or reputation of the Club or the Team, including, without limitation, dishonest, fraudulent, unethical or inappropriate conduct; and/or
- Breach of fiduciary duty.[451]

The Thorns notified the NWSL of its decision to terminate Riley. On September 22, 2015, the Thorns' external counsel left a voicemail for Levine advising that the Thorns had decided to terminate Riley "as a result of what the investigation revealed," and that Riley would be informed the following day.[452]

4.4.4 "Paul got to leave because it was best for Paul."[453]

Beyond Riley and the League, however, the Thorns did not inform the team staff, the players, other NWSL teams, or the public of Riley's termination for cause. The Thorns' counsel advised Levine by email specifically that Shim was "not informed that Coach Riley's employment

was terminated, as that is a personnel matter that will not be disclosed outside leadership of Peregrine [Sports, the Thorns' parent company], other than to you."[454]

The Thorns' and Riley's public statements fed player and public assumptions that the Thorns' decision to release Riley was based on poor results.[455] On September 8, 2015, the *Oregonian* reported in an article entitled "Paul Riley's future with the Portland Thorns is unclear"[456] that Wilkinson told the media that the decision to bring Riley back for the following season was something the Thorns were "evaluating."[457] The *Oregonian* reported that Wilkinson explained that the organization expects to be in the play-offs year after year and that Riley did not meet such expectations.[458] And when the Thorns ultimately terminated Riley, it issued a public statement thanking Riley for his services and announcing that he would "not be retained" for the 2016 season.[459]

Consistent with the Thorns' public messaging, many Thorns players and staff we spoke to understood that Riley's departure was a mutual decision or based on the team's failure to make the playoffs, or Riley's own wish to move on.[460] "It was a feeling that Paul got to leave because it was best for Paul."[461]

Shim stated that when she saw the announcement Riley's contract was not being renewed, she "hoped" it may have been related to her complaint.[462] But she was "disappointed" in the lack of public messaging.[463] She "felt betrayal to the team and to the fans. People should know about it."[464]

4.4.5 October 2015 trades: "They sent me away"

The Thorns contemplated trading both Shim and Farrelly following their investigation, but only proceeded to trade Farrelly. Levine's notes from her September 18, 2015 call with the Thorns' outside counsel indicates that the Thorns considered trading Shim away, but were advised by counsel not to do so.[465] The Thorns instead traded Farrelly to the Boston Breakers in October 2015,

just weeks after she participated in the investigation interview.[466] Part of the reason Farrelly did not report her full history with Riley to the Thorns was because, "in [her] mind, I would be traded away and Paul would have his job."[467] After she was traded away, Farrelly stated it was "more of a silencing than I already felt….It felt like I was a problem and they sent me away."[468] Farrelly said she was "shocked" and "really upset" by the trade; in her view, she felt she had earned a spot with the Thorns for the next season.[469]

Farrelly communicated these concerns to Thorns management. On October 23, 2015, Farrelly sent an email to Thorns General Manager Wilkinson to "let [him] know how disappointed I am in how the Thorns organization have [sic] handled the last few months."[470] Farrelly wrote, "I can't help but think that the events that took place that week regarding [Shim] and Paul have drastically changed my life and career . . . . It's issues such as this that continue to be swept under the rug."[471]

4.5 Riley's success "speaks for itself"[472]

Riley was quickly approached by other NWSL clubs.

4.5.1 Interest from Sky Blue: "This changes direction for us"

On September 22, 2015, the day before Riley was terminated from Portland, Sky Blue expressed interest in hiring him.[473] When Paulson informed Wilkinson that Sky Blue had reached out to Mike Golub to ask to interview Riley, Paulson responded: "Good and thanks."[474] That same day, Plush (NWSL) emailed Dan Flynn (USSF), Sunil Gulati (USSF), and Lisa Levine (USSF) regarding "Coaching Updates," and noted that the Sky Blue General Manager, Tony Novo, had asked about approaching Riley.[475] Plush noted, "[o]bviously [Riley's] situation is [] complicated." Gulati responded, "Let's make sure we are up to speed on how the Portland situation is being handled/investigated."[476]

After Riley was terminated, Plush and Levine discussed the need to inform Sky Blue about the reasons for Riley's termination. Levine's notes from the call reflect that a player had "alleged sexual harassment against Riley," as well as the investigation's conclusion that Riley had "engaged in inappropriate conduct" and "violated [a] directive to maintain professional distance from players."[477] That day, Levine called Novo, and shared this "confidential" information. According to Levine's notes, Novo stated that he "think[s] this changes direction for us," and would not share this information beyond his club's ownership.[478]

4.5.2 Riley's hiring at WNY Flash: "Would hire him in a heartbeat"

Several months later, in January 2016, WNY Flash reached out to Riley regarding their open head coach position.[479] Officials from the League and USSF monitored the process. While privately characterizing the hire as "not good news," League and Federation officials generally took the position that there was no role for the League or USSF in a team's hiring decision.[480]

4.5.2.1 Thorns to Flash: "Get [Riley] if we could"

During the hiring process, the Flash sought and received information and positive recommendations from the Thorns regarding Riley.[481] WNY Flash's Vice President Aaran Lines spoke with the Thorns General Manager (Wilkinson). According to the WNY Flash, "the only negative reference made during the conversation was a comment from Mr. Wilkenson [sic] that Mr. Riley did not mesh well with all of the personalities in the locker room."[482] The WNY Flash also reported that Wilkinson "referenced only one incident with a disgruntled player but indicated that an internal investigation resulted in no findings of wrong doing [sic] against Mr. Riley and the investigation was otherwise closed. His comment at that time was to get him if we could."[483]

Wilkinson recalled speaking on the phone with Lines and agreed that his message to Lines was—other than the reason why Wilkinson fired him—Riley was a good coach, and Wilkinson would hire him again.[484]

There is no documentary evidence that the Thorns actually informed WNY Flash that Riley was terminated for cause. Wilkinson recalled that Lines seemed to know Riley was terminated, but WNY Flash only stated awareness of a non-renewal of his contract in documents provided to this investigation. Wilkinson could not recall if Lines asked for the reasons for Riley's departure. In any event, Wilkinson said he did not go into detail, at the advice of legal counsel.[485] Wilkinson did recall mentioning that there was a report that the Federation had. [486]

Thorns owner Paulson did not speak with the WNY Flash prior to the team hiring Riley but afterward congratulated them. Paulson told us he understood the League would share the substance of Shim's allegations and the 2015 Thorns Report with WNY Flash.[487] While he agreed that it would be important for the WNY Flash to know about Riley's conduct, he stated that the Thorns received and followed advice from their counsel to not share the details.[488] Paulson also said he assumed that General Manager Wilkinson would answer any questions about Riley as a coach.[489] The next month (March 2016) Paulson emailed the WNY Flash President Sahlen, "Best of luck this season and congrats on the Riley hire. I have a lot of affection for him."[490]

4.5.2.2 USSF and the NWSL: The Flash Is "Very Comfortable"

On February 16, 2016, Plush emailed Gulati (USSF), Flynn (USSF) and Levine (USSF), stating, "Western New York will announce Paul Riley as head coach on Friday. Not good news."[491] Plush explained that he gave the Thorns President's phone number to the WNY Flash General Manager (Rich Randall) and that his "guess is that Gavin [Wilkinson] helped Paul with Aaron [sic] Lines."[492] Gulati responded, "we need to discuss."[493]

On February 19, 2016, the WNY Flash publicly announced Riley as the newest Head Coach.[494] That same day, Plush followed up with the group of USSF executives to report on his discussion with WNY Flash Vice President Lines.[495] Plush explained that Lines had "spoken in depth" with Thorns General Manager Wilkinson who "specifically brought up the 'human resource

issue.' Gavin [Wilkinson] told [Lines] that he felt Paul 'was put in a bad position by the player' and he 'would hire him in a heartbeat.'"[496] Plush further wrote that "Aaran [Lines] spoke directly with Paul about the situation and Paul said 'I shouldn't have put myself in that situation.' Aaran specifically told him he can not [sic] allow that the of [sic] situation to happen again. They are very comfortable with the situation at this point."[497]

Besides this conversation between Plush and Lines, it does not appear that anyone from the League or the Federation communicated directly with WNY Flash regarding their hire of Riley. Levine noted that she did not recall any requests to provide the 2015 Thorns Report to the WNY Flash, or any consideration that this might be important. (Indeed, she could not recall if it came up or crossed her mind to share the 2015 Thorns Report outside of USSF or NWSL at any point.)[498] Levine did not believe NWSL Commissioner Plush shared the 2015 Thorns Report externally, which she stated was not the responsibility of the League or USSF.[499] Gulati and Flynn both do not recall speaking with anyone at the WNY Flash regarding Riley.[500]

Although neither the 2015 Thorns Report nor the substance of it was shared with the WNY Flash, Levine responded that she intended to draft two letters, one to Riley and one to the WNY Flash. She explained that the "one to Riley will say effectively that you will refrain from entering into any inappropriate situations during your tenure as a coach in the league and we expect all behavior to be professional."[501] The letter to the WNY Flash "will remind them of their obligation to ensure their staff acts in an appropriate and professional manner."[502]

No further action was taken regarding Riley's hire. As Levine recalled, the League's and USSF's collective view at that time was that their role in coach hiring was limited.[503] ("Club staff was club staff.") Dan Flynn (USSF CEO), however, responded to the chain: "didn't we discuss the need for a league policy and training?"[504] Plush confirmed there was a prior conversation, and later

that month Levine began compiling anti-fraternization and anti-nepotism policies from other professional sports leagues for use in the NWSL.[505]

The next month, in March 2016, the topic of an anti-fraternization policy was introduced at a Member Meeting and draft policies exchanged. But an anti-fraternization policy was not actually adopted until two years later when it was incorporated in the 2018 NWSL Operations Manual, and it would take five more years before the NWSL adopted an anti-harassment policy.[506] Levine had no recollection as to what delayed the policy's implementation.[507]

When she learned of Riley's position in Western New York, Shim cried. "I was really upset. I was worried about other players." Shim said, "the way Portland handled the investigation and the way the League responded . . . they were not taking it as seriously as they should. I was sad. I contemplated not playing." Farrelly noted, "it was just extra validation that it didn't matter what Mana said." She explained, "it was like it never happened. And this also solidified for me not to tell, because 'what's the point'? I just felt silenced and unsupported."

4.5.3 Riley's hiring at North Carolina Courage: "Riley was a good fit"[508]

In 2017, the WNY Flash sold the rights to its NWSL franchise to the North Carolina Football Club ("NCFC"), which rebranded the team as the North Carolina Courage.[509] As part of the diligence in obtaining the WNY Flash, NCFC assessed whether Riley should remain as the Head Coach of the rebranded team. In that process, NCFC Chairman and Owner Steve Malik and NCFC President and General Manager Curt Johnson both contacted multiple sources, including representatives of the Thorns, WNY Flash, the League, and USSF. Through those communications, NCFC learned of an alleged incident in which Riley had players up to his apartment, where two women kissed. It does not appear that NCFC received a copy of the 2015 Thorns Report about Shim's complaint, was fully informed of the substance of the report nor Shim's complaint, or was clearly informed that Riley was terminated from the Thorns for cause.

NCFC was told that Riley's conduct at the Thorns demonstrated "poor judgment," but felt this did not counter the generally positive recommendations they received from both WNY Flash management and players, and, according to NCFC, the Thorns. [510]

4.5.3.1 The WNY Flash "raved about Paul" to North Carolina

Johnson spoke directly with Joe Sahlen (WNY Flash Owner), Alex Sahlen (WNY Flash President) and Aaran Lines (WNY Flash Vice President) regarding Riley.[511] According to Johnson, all three strongly recommended Riley.[512] Joe Sahlen raved about Paul and even gave Riley a bonus that was above and beyond what was contractually required.[513] Johnson had multiple conversations with Alex Sahlen and Lines during the transition and noted "they were both very helpful, transparent and openly supported Riley with no hesitation and no concerning information about any issues past or present."[514] Lines gave a "glowing recommendation" and Alex Sahlen was a "big advocate" for Riley.[515] Johnson did not specifically ask WNY Flash for its understanding of why Riley had left the Thorns; however, he said he asked about red flag issues and recalled nothing being raised.[516]

4.5.3.2 USSF and the NWSL to North Carolina: Riley made a "poor decision"

Both Johnson and Dan Flynn (USSF CEO) agree they discussed Riley, but have different recollections. Johnson reported that Flynn informed him that Riley had made a "poor decision" in Portland related to drinking with players.[517] Johnson said Flynn told him that some players ended up at Riley's nearby apartment where they continued to drink, and a player accused Riley of suggesting during that gathering that she kiss another female.[518] Johnson recalled that Flynn told Johnson that Riley denied that it happened, and described it as a case of poor judgment.[519] Johnson said that Flynn did not mention an investigation or any other allegations.[520] Flynn, according to

Johnson, went on to discuss Riley's issues with referees at length, including how Riley had grabbed one referee's arm.[521]

Flynn recalled speaking with Johnson and telling him "he should talk with the ownership group at Portland, as well as other owners in the league, before he and his ownership group made any decision."[522] Flynn said that he does not recall providing details such as Riley made a "poor decision in Portland" nor that Riley was drinking with players at Riley's apartment.[523] Further, Flynn said that he does not recall relaying that Riley had denied any allegations.[524]

Johnson also spoke to NWSL Commissioner Plush early in the process. According to Johnson, Plush (like Flynn) focused on an ongoing issue Riley had with referees that might lead to a "likely" suspension.[525]

4.5.3.3 Thorns to North Carolina: Riley was "cleared" and would be "a good fit"[526]

Sunil Gulati (USSF President) advised Malik that he should speak with Riley's "previous employers."[527] Malik reached out to Plush for Merritt Paulson's number.[528] Malik said he "specifically asked" Paulson why Riley left the Thorns.[529] According to Malik, Paulson told him that Riley was not retained[530] and purportedly went into detail regarding Riley's difficulties managing the roster when national team players were unavailable and working with national team players.[531] Paulson also informed Malik that "players came to Riley's apartment after drinking in a nearby bar and that it was investigated and basically was [a case of] 'poor judgment.'"[532] According to Malik, Paulson told him that Riley was essentially cleared, even though what he did was not smart and exhibited bad judgment.[533]

Malik recalls that he followed up asking "if anything else was ever alleged." Paulson "assured [Malik] that nothing else was reported."[534] According to Malik, Paulson concluded the

conversation with his observation that "Riley was a good fit for the roster Western New York had of young developing players."[535]

Malik stated he followed up with Plush to request a copy of the report that allegedly "cleared" Riley.[536] Malik's best recollection was that Plush either demurred that he would look into it or declined to share the 2015 Thorns Report in light of confidentiality issues.[537] Malik stated he felt comforted that North Carolina had made formal requests to both the League and WNY Flash for any information that "introduced risk to [NCFC] in the acquisition" and received no information.[538]

Paulson does not recall speaking to Malik prior to their hiring of Riley. He does recall speaking with Amanda Duffy (NWSL Managing Director of Operations) to make sure that North Carolina had information regarding the 2015 Thorns Report. From there, Paulson said, it was Duffy's prerogative as to whether to share the report or further information regarding Riley's misconduct at Thorns. [539] Duffy, too, recalled discussions in 2017 with Paulson, Flynn, Gulati, and Plush about whether to share the 2015 Thorns Report with Malik.[540]

Ultimately, Malik and Johnson state that—as of the date of publication—they have still not been advised as to whether Riley was terminated for cause from the Thorns, nor have they seen or learned of the contents of the 2015 Thorns Report or Shim's complaint.

On January 30, 2017, NC Courage announced Riley as Head Coach, stating, "[t]he success that he's had throughout his career speaks for itself."[541]

4.6 Institutional knowledge: "Not sure if they were unaware or if they just did not care."

The Thorns' investigation into Shim's 2015 complaint against Riley did not end the matter. In fact, the issue of Riley's sexual misconduct was brought to the attention of individuals in the League and/or the Federation every year from 2015 until 2021.

4.6.1 2018 USWNTPA Report to USSF

As set forth above, the issue of Riley's misconduct at the Thorns was raised to the League and the Federation in both 2016 and 2017 with Riley's hiring at the WNY Flash and the Courage, respectively. In February 2018, a National Team player brought concerns to a USWNTPA Representative regarding Rory Dames's verbal and emotional abuse of Chicago Red Stars players and about Paul Riley.[542] Contemporaneous notes taken by the USWNTPA Representative reflect that the player relayed that the Thorns terminated Riley for "inappropriate sexual conduct," that Paulson was aware, and that Riley was still hired in the NWSL despite this fact.[543] The player was not at the Thorns and did not have first-hand knowledge; rather the player, and the USWNTPA Representative, wished to raise the concern.[544] To the player, it seemed "obvious" that USSF should consult with Portland and, if true, Riley should not be permitted to coach in the NWSL.

In February 2018, the USWNTPA Representative emailed Lydia Wahlke (USSF Chief Legal Officer) and requested that they "touch base on some potential violations of the USSF prohibited conduct policy occurring in the NWSL." The USWNTPA representative recalled speaking shortly thereafter and conveying that the issue with Riley "needed further investigating."[545] She recalled that Wahlke looked into it, and then reported back that "an investigation occurred and it was consensual."[546] The player recalled hearing—either from the USWNTPA Representative or from someone at USSF—that there had been an investigation into Riley, and that had been opened and closed.[547] A May 2018 summary of a meeting between USWNTPA and USSF reflects that "USSF [will] follow-up on NWSL prohibited conduct / safe sport [sic] education as necessary."[548]

There is no evidence that Wahlke or others took any steps to examine Riley's conduct.

4.6.2 2018 Anonymous Report to USSF

In December 2018, USSF received an anonymous email complaint alleging that Riley fostered an unsafe environment on his Development Academy youth teams and that that one of the coaches in Riley's FC Fury Development Academy girls youth soccer program inappropriately touched a minor player.[549] The complainant expressed fear of reprisal from Riley for speaking out, and stated: "this lack of oversight, open flaunting of the rules, and fear of reprisals create an environment where a sexual predator can (and perhaps does) operate with impunity."[550] The complainant further alleged that Riley failed to report the incident as required, and allowed the coach to continue to have close contact with the girls on the team.[551] The complainant also alleged that Riley "rebuffed" previous attempts by players to complain about this coach, and is "known to be vindictive to anyone who crossed him."[552]

USSF referred the matter to SafeSport. On February 10, 2020, fourteen months later, SafeSport administratively closed their investigation.[553] USSF did not notify the NWSL or the Courage of the complaint. USSF Chief Legal Officer Wahlke did not recall the complaint;[554] USSF Senior Counsel Greg Fike recalled focusing on the allegations of physical conduct by the youth coach, and not on Riley.[555] In hindsight, he agreed that USSF likely should have informed the NWSL and the Courage.[556]

4.6.3 2019 National Team Head Coach search

In August 2019, the National Team undertook a search for a new Head Coach. Riley was included in several media short-lists as a potential candidate.[557] When Riley's name surfaced, individuals who were aware of player reports of sexual misconduct by Riley reached out to contacts at USSF—in two separate channels—to raise concern. This prompted attention from individuals in USSF, the League, the Thorns and the Courage—over a dozen conversations followed in quick succession—but ultimately no action.

4.6.3.1 Agent outreach to Cone

A well-established agent who was aware of Shim's complaint from 2015 and the Thorns' investigation was "shocked" to see Riley among the list of candidates.[558] At the same time, one of his clients, a player with knowledge of the events, also reached out to him to voice her concern.[559] The agent noted they were both "disturbed" when they saw Riley was hired at WNY Flash, but were unable to intervene since the decision was already made.[560] Here, with the decision still pending, they felt compelled to act. The agent called USSF Vice President Cindy Parlow Cone to inform her that Riley should not be considered for the National Team Head Coach position.[561]

The agent recalled being vague ("it was not my information to share") but conveyed that it was serious misconduct.[562] Cone recalled this conversation as well, and also remembered that while the agent did not provide much information, it was enough to set off alarm bells; she believed she surmised that it was sexual misconduct.[563] She also recalled that the agent told her that a player would come forward if Riley was made Head Coach of the National Team.[564] She told the agent that she did not believe Riley was in serious contention but asked the agent to encourage the player to come forward regardless.[565]

4.6.3.2 USWNTPA outreach

Separately, counsel and representatives for the USWNTPA contacted USSF Chief Legal Officer Wahlke.[566] On August 14, 2019, counsel for the USWNTPA spoke with counsel for USSF, who then emailed Wahlke writing, Riley "was having a relationship with a Portland player. There is more history." USSF counsel continued in their email: "This person cannot be the new WNT coach," and "I'm told that people at the Federation are aware of the issues because they were raised when he was at the Thorns."[567] Wahlke recalled speaking with the USWNTPA Representative who gave the message that players would not support Riley as a Women's National Team coach.[568]

4.6.3.3 Institutional response

This outreach prompted renewed internal discussions between the League, USSF, the Thorns and the Courage about Riley.

Cone elevated her conversation with the agent to Carlos Cordeiro (USSF President)[569] (who was with her when she took the agent's call) and then called Kate Markgraf (National Team General Manager), who was responsible for the Head Coach search. Neither Cone nor Markgraf were aware of any complaints of or an investigation at the Thorns prior to these conversations.[570]

On August 15, 2019, NWSL General Counsel Levine forwarded the 2015 Thorns Report and cover email from the Thorns' counsel to NWSL President Duffy, who in turn forwarded it to USSF Chief Legal Officer Wahlke.[571] Neither Duffy nor Wahlke recall reading the 2015 Thorns Report upon receipt.[572] Wahlke reported she likely only read the Thorns' counsel's cover email, which concluded that no "unlawful harassment" had occurred, but that Riley exercised "poor judgment."[573] Wahlke said the cover email would have been enough for her to conclude that Riley should not be the National Team Head Coach.[574] Wahlke said she also spoke with National Team General Manager Markgraf, to communicate that the USWNTPA did not support Riley.

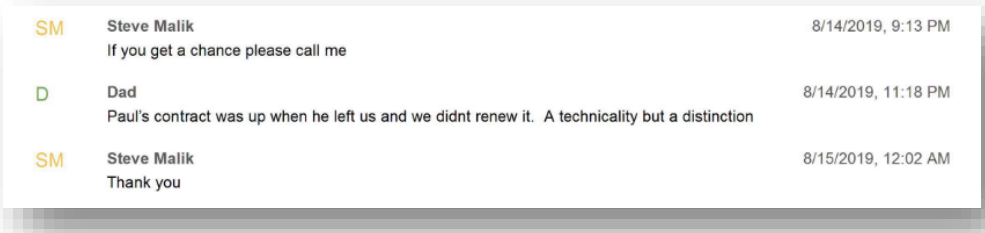
4.6.3.4 Communication with and among clubs

After the agent call, Cone reached out to Courage Owner Malik to convey what she had heard (which was not a lot). Cone remembered that Malik called her back a couple of days later, stating that he talked to Riley, and the issue was, per Cone's recollection, two players kissing.[575]

USSF Chief Legal Officer Wahlke separately communicated with the Thorns. Emails show that on August 14, 2019, the same day USWNTPA counsel reached out to Wahlke, the Thorns began drafting a press release: "While it was determined through this investigation that there was bad judgment involved, but not criminal activity, the club chose not to renew his contract."[576]

Wahlke also spoke with Paulson the next day on August 15, 2019, and Paulson checked in by email again the following day, asking Wahlke if she had "anything new" on the topic.[577]

The Thorns Owner Merritt Paulson and the Courage Owner Steve Malik also discussed Riley's potential candidacy and its implications. Records show the two executives spoke and texted on August 14, 2019, the same day Wahlke received the USWNTPA outreach.[578] Malik recalled speaking with Paulson after concerns about Riley's candidacy were raised to him, and learned that what was referred to as the kissing incident was not a mere rumor, but rather confirmed by Paulson.[579] Malik stated that Paulson did not, however, tell him that Riley was terminated.[580]



Paulson recalled telling Malik that the complaint was out there, that the Thorns terminated Riley, and that it might be questioned as to why the Courage kept him on when Portland had terminated him.[581] But the texts confirm that Paulson did not tell Malik that the Thorns fired Riley, instead: "Paul's contract was up when he left us and we didn't renew it. A technicality but a distinction."[582]

On August 20, 2019, Riley publicly took himself out of the running. [583] Malik promptly retweeted Riley's tweet noting "Courage country should be smiling."[584]



That same day, on a text chain between Malik, Paulson, and NWSL President Duffy, Malik shared Riley's tweet. Paulson commented, "Smart." Malik responded, "Obviously I talked to him."[585]

A week later, on August 28, 2019, Paulson texted Malik a screenshot of an exchange he had with a reporter, in which the reporter stated: "Hey, just had someone credible tell me Paul Riley 'took himself out of USWNT coaching search' because he'd done something shady that caused him to leave Portland. Anything to that?"[586] Paulson stated, "[n]ot planning on responding soon," but "wanted u to know right away." Paulson also noted that he "spoke with Amanda [Duffy]."[587] Malik responded, "Paul's version by the way is pretty solid…he wanted more control than they'd give him and many other reasons."[588] Paulson told Malik that he told the reporter: "You would have to speak to [Riley] on why he pulled himself…not sure of his motivations."[589]

After Riley's public withdrawal, there did not appear to be any discussions in the League, USSF, or at the Courage regarding further action in light of a fresh review of the 2015 Thorns Report, and the apparent consensus that the misconduct it reflected was not appropriate for an National Team Head Coach. Malik, when we spoke to him, agreed that an incident in which two players were asked to kiss is completely unacceptable for a National Team coach and disqualifying, but expressed his view that it did not disqualify Riley from leading an NWSL club.[590]

Wahlke did not consider the USWNTPA concerns to be a new complaint, and insists that USSF did not have the power to control who clubs hired and there was nothing to be done since Riley was an NWSL club Head Coach: Steve Malik has the right to hire a coach that exercises poor judgment.[591]

4.6.4 2020: Notifying the new commissioner

According to Paulson, when Lisa Baird became the NWSL Commissioner in March 2020, he informed her of the 2015 investigation into Paul Riley. [592] There is no indication that this prompted further conversation with other individuals about the 2015 Thorns Report.

4.7 2021: Misconduct Complaints to the NWSL

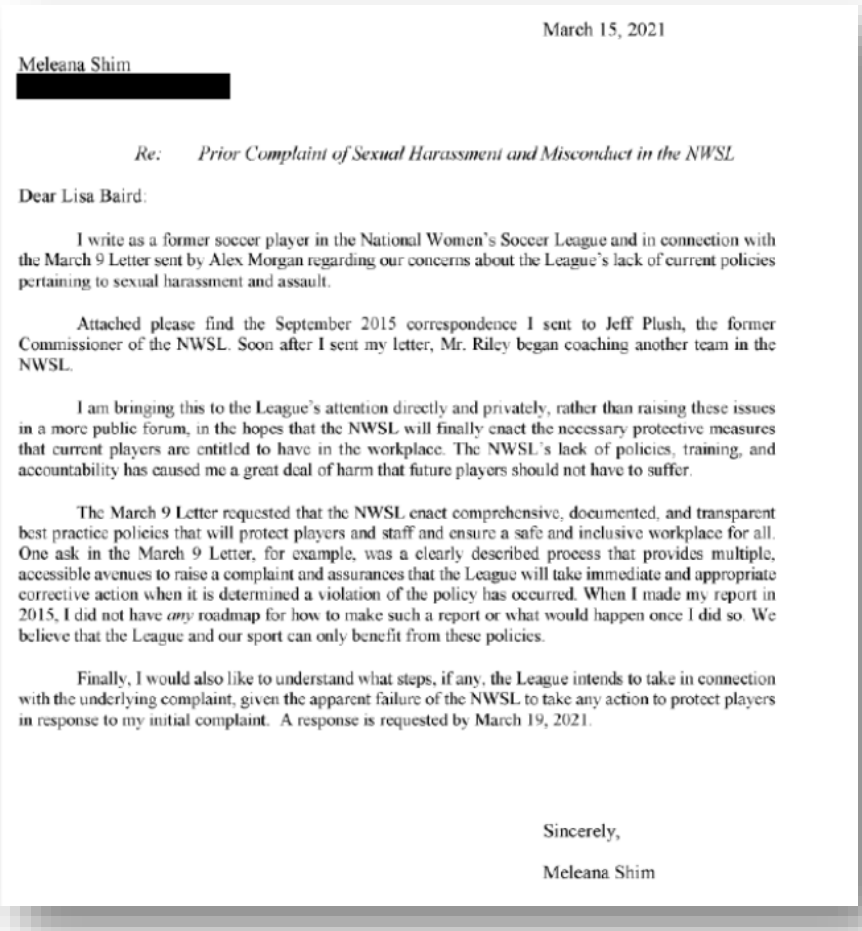
In March, April, and May of 2021 Lisa Baird, NWSL Commissioner, received three complaints—from Shim, Farrelly, and an anonymous complainant—raising again Riley's sexual misconduct at the Thorns. These complaints directly expressed concern that Riley continued to coach in the NWSL and requested investigation by the League into Riley's sexual misconduct.

The NWSL took no action in response to these requests. Instead, the League referred back to the 2015 Thorns internal investigation, and responded to Shim and Farrelly that the League had "reviewed its files" and determined that the matter had been "investigated to conclusion."[593] Shim and Farrelly were both told that the League could not share any further information.[594]

4.7.1 March and April 2021: Shim and Farrelly complaints

In March 2021, NWSL players organized efforts to demand reformed sexual harassment policies. On March 9, 2021, Baird received a letter signed by 240 then-current NWSL players expressing their "deep concerns about the League's treatment of and policies (or lack thereof) related to sexual harassment and assault" and requesting that the League promptly enact better policies.[595]

On March 15, 2021, Shim sent Baird her September 2015 complaint. Shim noted that Riley began coaching another NWSL team shortly after her complaints of sexual harassment. Shim's email expressed that she wanted to raise her concerns, "directly and privately, rather than raising these issues in a more public forum," regarding the enactment of "necessary protective measures … in the workplace." She further requested information on "what steps, if any" the League would undertake "given the apparent failure of the NWSL to take any action to protect players in response to my initial complaint."



March 15, 2021

Meleana Shim
[redacted]

Re: Prior Complaint of Sexual Harassment and Misconduct in the NWSL

Dear Lisa Baird:

I write as a former soccer player in the National Women's Soccer League and in connection with the March 9 Letter sent by Alex Morgan regarding our concerns about the League's lack of current policies pertaining to sexual harassment and assault.

Attached please find the September 2015 correspondence I sent to Jeff Plush, the former Commissioner of the NWSL. Soon after I sent my letter, Mr. Riley began coaching another team in the NWSL.

I am bringing this to the League's attention directly and privately, rather than raising these issues in a more public forum, in the hopes that the NWSL will finally enact the necessary protective measures that current players are entitled to have in the workplace. The NWSL's lack of policies, training, and accountability has caused me a great deal of harm that future players should not have to suffer.

The March 9 Letter requested that the NWSL enact comprehensive, documented, and transparent best practice policies that will protect players and staff and ensure a safe and inclusive workplace for all. One ask in the March 9 Letter, for example, was a clearly described process that provides multiple, accessible avenues to raise a complaint and assurances that the League will take immediate and appropriate corrective action when it is determined a violation of the policy has occurred. When I made my report in 2015, I did not have *any* roadmap for how to make such a report or what would happen once I did so. We believe that the League and our sport can only benefit from these policies.

Finally, I would also like to understand what steps, if any, the League intends to take in connection with the underlying complaint, given the apparent failure of the NWSL to take any action to protect players in response to my initial complaint. A response is requested by March 19, 2021.

Sincerely,

Meleana Shim

Upon receipt, Baird forwarded to Levine (NWSL General Counsel); Levine recalled discussing Shim's email with Baird, and sharing the 2015 Thorns Report.[596] On March 16, Baird responded to Shim thanking her for the email, reinforcing NWSL's commitment to the safety of its players, but not responding directly to Shim's request for League investigation related to her 2015 complaint.[597] Shim responded the next day, on March 17, reiterating her request—"given the League's inaction in response to my complaint from many years ago"—for confirmation that "these issues will be investigated and the

appropriate corrective action will be taken to ensure that abusers are not permitted to coach in the NWSL."[598]

Over three weeks later, having received no response, Shim emailed Baird again. This time Shim offered to make herself available for an interview to assist any investigation that had been initiated.[599] Baird responded to this email in less than two hours, informing Shim that "we reviewed our files and I want to confirm that the complaint you made at the time was investigated to conclusion. Unfortunately, I am not at liberty to share any more with you."[600]

On April 28, 2021, Farrelly separately emailed Baird regarding a "Complaint."[601] Farrelly wrote to report the "extremely inappropriate" conduct by Riley that she witnessed and experienced while at the Thorns. Farrelly further wrote, "in addition to the experiences I reported in the 2015 investigation, Mr. Riley repeatedly made harassing comments about my personal relationships and sexual orientation to other players and directly to myself. No one from either the team or the NWSL ever independently investigated my allegations that I raised in the 2015 investigation, despite their serious nature."[602] Farrelly, like Shim, offered to make herself available for interview. Baird again forwarded the complaint to Levine.[603]



From: Sinead Farrelly [redacted]
Date: April 28, 2021 at 3:43:00 PM EDT
To: Lisa Baird [redacted] HR Office
[redacted]
Subject: Complaint

Dear Lisa Baird,

I write as a former soccer player in the National Women's Soccer League and in connection with the recently enacted policies to protect players and staff and to ensure a safe and inclusive workplace for all.

I am writing to report that when I was player for the Portland Thorns in 2015, I not only witnessed but also experienced firsthand extremely inappropriate conduct by Mr. Riley. In 2015, I described such conduct in an interview with Thorn's staff as part of a separate investigation regarding Mr. Riley. In addition to the experiences I reported in the 2015 investigation, Mr. Riley repeatedly made harassing comments about my personal relationships and sexual orientation to other players and directly to myself. No one from either the team or the NWSL ever independently investigated my allegations that I raised in the 2015 investigation, despite their serious nature. I also note that numerous instances of severe misconduct involving Mr. Riley occurred prior to my time playing for the NWSL. Such conduct should have no place in women's soccer. Upon the conclusion of that 2015 investigation of which I took part, Mr. Riley was removed from the Portland Thorns, but the NWSL soon thereafter announced that he would coach the North Carolina Courage.

I am bringing this to the League's attention so that I can understand what steps, if any, the League intends to take in connection with the inappropriate conduct that was initially reported, given the apparent failure of the NWSL to take any action to protect players in response to the initial complaint. I am deeply concerned for the safety of current players given that Mr. Riley continues to coach in the NWSL. I can also make myself available for an interview if the NWSL would like to discuss further. If the NWSL could respond by April 30, 2021 that would be greatly appreciated.

Sincerely,

On May 5, 2021, Baird sent Farrelly substantially the same response she had provided to Shim: "We reviewed our files and I can confirm that the initial complaint was investigated to conclusion. Unfortunately, I cannot share any additional details."[604]

4.7.2 May 2021: Anonymous complaint re: Thorns

On May 3, 2021, two days prior to Baird's response to Farrelly, the NWSL also received an anonymous report regarding Riley's conduct while at the Thorns. This complaint, submitted through the NWSL's recently-implemented reporting process,[605] stated: "I am writing to report sexual harassment from Paul Riley upon my teammates while at the Portland Thorns."[606] The anonymous claimant identified six specific players with knowledge of the complaint; significantly, four of the six players were not those identified by Shim in 2015. We have not been able to identify a League response to this complaint, and it does not appear that the League notified USSF, the Thorns, the Courage, or SafeSport about the receipt of any of these complaints.

4.7.3 The NWSL's response was "flabbergast[ing]"[607]

In her interview with this investigation, Levine stated that she did not understand why these players were reaching out again about events from 2015. Specifically, Levine said that Shim and Farrelly had been given the opportunity then to speak with the Commissioner (then Plush).[608] She did not recognize—at the time of receipt or the time of our interview—that these complaints raised new concerns.[609] She explained that she knew that Farrelly had been interviewed in 2015, and she relied on the investigation and the conclusion of Portland's counsel.[610] She maintained that there is a reasonable assumption that Farrelly would have shared all relevant information in that 2015 interview.[611]

Shim and Farrelly were not satisfied with the League's response. Shim was "flabbergasted."[612] Both saw it as a missed opportunity. As Farrelly explained, "that was such an opportunity for them to ask me questions about it and to acknowledge that they listened to what I

was actually saying and to do another investigation."[613] Despite Farrelly's efforts to converse with the League, she "couldn't share [her] story."[614] The communications left her "not sure if they were unaware or if they just did not care."[615] Both players felt ignored and compelled to go public with their concerns about Riley.[616]

4.7.4 July 2021: Anonymous complaint re: Courage

In July 2021, the League received a complaint by a Courage player regarding Riley's misconduct in discussing players' weight. Specifically, the player detailed how her teammate was told by Riley she needed to lose weight and Riley made her text him her weight every day for over two months. The reporter said her teammate "expressed that it felt like harassment" and "that it was putting her health at risk, " but "obliged because she wanted to earn playing time."[617] Lisa Levine, responding through the "League Office" email alias, wrote: "we will look into this situation."[618] Two and half months later, on September 21, 2021, Baird called Malik and Riley to advise them that discussions about weight are "better handled by a nutritionist" and asked Riley to be more conscious of how he phrased such comments.[619] Malik recalled that Baird mentioned that the League was preparing a policy to clarify how weight should be handled, but he never saw that policy.[620] The player involved said she felt that she was "treated dismissively" and "no one listened."[621] She believed the League reached out to the Club on the issue, but it was never discussed directly with her or her teammates, so she did not know for certain.

4.8 Awarded Coach of the Year

Riley's career in the NWSL continued to flourish until last year. Riley was voted NWSL Coach of the Year in 2017 and 2018.[622] USSF awarded Riley a Pro License in January 2019, the highest qualification in U.S. Women's soccer.[623] In August 2020, the Courage announced that Riley signed a multi-year coaching contract extension through 2022.[624] Executives at the Thorns and the Courage continued to privately endorse him and publicly praise Riley on social media.[625]

In September 2021, just after receiving four serious complaints of misconduct against Riley in quick succession, the NWSL Commissioner still actively worked to keep Riley in the League. That month, Riley posted angry comments on social media about the League's proposed postseason schedule.[626] On September 7, 2021, Malik texted Baird that Riley had "resigned over his and the Courage's fury with the League."[627] The next day, Baird responded: "I had a long talk with [Riley] and strongly urged him not to resign and am glad you didn't accept it."[628]

Just a few weeks later, on September 29, the text chain between Baird and Malik abruptly turns to Riley's termination.[629] This occurred just a few hours after the Courage forwarded to the NWSL an email from *The Athletic* containing a request for comments on Riley's misconduct the publication reported the following day.

The last text we have between Baird and Malik in this chain is dated October 1, as the Courage players were meeting to discuss Riley's termination, and share their experiences with Riley ("Team meeting still running.").[630] It was the players' turn to talk.

5. RORY DAMES

5.1 Introduction

5.1.1 Rory Dames: "He was like a God."[631]

Rory Dames is the NWSL's longest-tenured coach and one of its winningest.[632] As Head Coach of the Chicago Red Stars, one of the original eight teams to form the NWSL,[633] Dames led the team to the NWSL post-season playoffs every year from 2015 to 2021, earning the team the record for the longest active playoff streak in NWSL history.[634]

Dames is also a current owner and former president and coach of the Eclipse Select Soccer Club (the "Eclipse"), an elite youth soccer organization of boys' and girls' teams in suburban Chicago. He has consistently secured college scholarships for his youth soccer players and helped develop youth teams that would go on to win state championships. As one former Eclipse player noted, Dames "was like a god. Everyone wanted to be on his team."[635]

Dames is equally notorious for his tirades—repeatedly berating, degrading, and humiliating his youth and professional players from the sidelines.[636] When *The Athletic* story broke on September 30, 2021 reporting Paul Riley's misconduct, Dr. George Chiampas, USSF's Chief Medical Officer, "felt it would lead to reporting on Dames" who he had heard was "the same as Riley."[637] Less than two months later, on November 21, 2021, a CRS-retained sports psychologist concluded that Dames had "created a culture of fear and engaged in emotional and verbal abuse which is psychologically and emotionally harmful to players and staff."[638] That same day, Dames resigned from CRS, claiming he was "refocusing [his] attention to [his] family and future endeavors."[639]

Then, the floodgates opened. Allegations surfaced "all across the [soccer] community"[640] that Dames created a sexualized team environment and verbally and emotionally abused players and staff. This conduct was no secret but had gone unaddressed for decades.

5.1.2 "Nobody cares."[641]

On November 22, 2021, *The Washington Post* published an article entitled "'Nobody cares': NWSL players say U.S. Soccer failed to act on abuse claims against Red Stars coach."[642] The article recounted Dames's extensive history of allegations of emotional and verbal abuse—abuse that had been reported but ignored or accepted within the League's "culture of silence."[643] The *Post* article reported that Dames was "controlling and manipulative," constantly "berating and humiliating players" with personal attacks and sexist remarks, and "breaking the boundaries of the player-coach relationship" by asking players to spend significant personal time with him outside of games and practice.[644]

"When the Dames story broke," one interviewee said, "no one [around me] had a response of shock"—instead, "everyone [was] like: 'finally it came out.'"[645]

5.1.3 "Nobody believed those teenagers."[646]

Less than three months later, *The Washington Post* followed-up with an article—"Nobody believed those teenagers"—chronicling decades of Dames's alleged abuse at the youth soccer level.[647] The *Post* reported that Dames engaged in "body-shaming and public humiliation of girls as young as [ten]" years old, calling them "cunt," "fat ass," "pussy," and "retarded."[648] Former youth players also alleged physical and "sexual misconduct," "harassment," and "grooming."[649] Specifically, the *Post* reported that Dames had been accused of spending alone time with youth players outside of soccer; touching a youth player inappropriately on her upper thigh; making degrading and inappropriate sexual comments to youth players about foreplay, "blowjobs," and male climax; pinching a youth player who refused to give him a massage; punching a child in the

stomach; and having sexual intercourse with a player while she was still playing for him at Eclipse.[650]

5.1.4 "Yet another monster operating in plain sight for decades."[651]

Dames's former youth and professional players corroborated these stories and reported that the accounts were not isolated, new, or unique. Dames yelled at them excessively and abrasively; he would "scream his face off,"[652] "at the top of his lungs"[653] "spit[ting] on their faces;"[654] and his highly personal and insulting attacks on players appeared to serve no productive training or motivational purpose.[655] At CRS, for example, he criticized a player's parenting abilities,[656] called players from Ohio and Kentucky "trailer trash,"[657] and referred to Black players as "thugs" and one Black player in particular as a "bodyguard."[658] CRS players and staff also reported that:

- Dames's behavior was unpredictable. His mood vacillated rapidly. On a given day, players and staff did not know what to expect or how Dames might act.[659]
- Dames subjected players to a cycle of emotional abuse and manipulation. He treated players differently and exploited their insecurities to control them.[660]
- Dames failed to maintain professional boundaries with players—texting them frequently outside of normal business hours, making inappropriate comments about their appearance, and spending significant personal time with them outside of practice and games.[661]
- Dames used pejorative and demeaning language toward and about players and staff, including racially insensitive comments.[662]
- Dames cultivated a fear-based culture at CRS where players refrained from speaking out due to fear of retaliation.[663]

We also heard from a player who played for Dames multiple years at both CRS and the Eclipse: the "verbal and emotional abuse [was] way worse" at the youth level.[664] One former Eclipse player recalled: Dames would "yell at us in front of a bench full of college coaches. He'd say, 'You are a piece of shit . . . . I can't believe you made this fucking pass.'"[665] Dames's explosive outbursts scolding adolescent girls—calling them "cunts," "pussies," and "dumb

bitches" was so overt and extreme that opposing teams and other spectators still recall it years later.[666]

Beyond the verbal and emotional abuse, Dames's former youth players also reported that he created a sexualized team environment in which he asked questions about their sex lives;[667] spoke to youth players about foreplay, oral sex, and male climax;[668] spent alone time with youth players at his apartment, in hotel rooms, and in their childhood bedrooms;[669] and touched one youth player inappropriately on her thigh.[670]

Interviewees also reported that Dames has had sexual relationships with multiple players who previously played for him at the youth level, though these relationships may have begun after they reached the age of consent.[671] Many of these allegations date back to 1998.[672]

5.1.5 Dames claims he "has not engaged in any sexual misconduct or abusive behavior or other misconduct"

We sought to interview Dames in connection with our investigation to inquire about these allegations. Dames's counsel stated in correspondence that an interview would "not be possible,"[673] and that:

- the 2018 USSF investigation "resolved any claims of emotional abuse by him and cleared him of any misconduct."[674]
- "Mr. Dames has not engaged in any sexual misconduct or abusive behavior or other misconduct during the time he coached professionally or, for that matter, in youth sports, nor has he engaged in conduct that threatened the safety of any player or team."[675]

Dames's counsel declined to answer questions regarding allegations that Dames had sexual relationships with certain players claiming that it "would be a violation of the statute and SafeSport Code" and "could very easily be construed as an attempt to influence SafeSport's investigation."[676]

5.1.6 CRS Owner Arnim Whisler's "mutually beneficial relationship" with Dames[677]

Arnim Whisler—founder and owner of the Red Stars—says he was not aware of the allegations against Dames related to youth players and, if he had any hint of that kind of behavior, he told us, he never would have hired Dames.[678]

But, neither Whisler nor anyone else at the Red Stars ever conducted a background check on Dames or undertook any due diligence before hiring him, relying instead on the reputation of Eclipse.[679]

Whisler and Dames met in early 2011 when the Red Stars were playing in the Women's Premier Soccer League ("WPSL") and practicing at the Oak Brook Polo Fields in Oak Brook, Illinois—the same facility where the Eclipse practiced. Whisler recalled that he and Dames formed a partnership almost immediately upon meeting, with Dames volunteer coaching for Whisler's Red Stars that year. The team went on to dominate the 2011 WPSL season, finishing with a 10-1 record.

For years, this was a "mutually beneficial relationship" for Whisler.[680] As he put it, Dames provided the Red Stars with top notch players who had come up through his Eclipse club team and needed somewhere to play. Whisler—funding travel, equipment, and uniforms—provided these players with a professional stage. Dames, in turn, benefited from the exposure of coaching a professional team.[681] In the ten years that Dames coached the Red Stars, he never had an employment contract with the organization.[682] Instead, Whisler describes their ongoing arrangement as a "trust-based" relationship[683] in which Dames volunteered as head coach of CRS during the 2011 and 2012 seasons until he became a 1099 contractor in 2013.[684] From 2013 to his departure from the Red Stars in 2021, his pay rose from $36,000 to $108,000.[685]

5.1.7 "Everyone knew" about the misconduct.

Soon after Dames began coaching in the NWSL, several players attempted to raise concerns regarding Dames with the League, the Federation, and at the Red Stars. For example, in 2014, Christen Press, a Chicago Red Stars and National Team player, reported to Sunil Gulati (USSF President) and Jill Ellis (National Team head coach) that Dames "created a hostile environment," verbally and emotionally abused players, had made sexist and racist remarks to players, and had retaliated against her and other players when they spoke out.[686] The complaint was distributed to the USSF CEO Dan Flynn, acting-NWSL General Counsel Lisa Levine, and the NWSL Executive Director Cheryl Bailey.[687] Bailey distributed Press's concerns to Whisler, owner of the Red Stars, who complained that the National Team players wanted "this league to shut down" and simply had an "axe to grind" with Dames.[688] Dames offered to resign in light of the complaints, but Whisler declined to accept.[689]

In 2014 and 2015, NWSL player surveys corroborated Press's complaint, calling CRS a "hostile work environment" with a "volatile coaching staff," reporting Dames was "abusive" and "unprofessional," and warning that players would not "be as honest out of fear."[690] Four years later, in 2018, Press again raised concerns—reporting to Becca Roux, Executive Director for the USWNT Players Association—that Dames "verbally and emotionally" abused players and that players were not in a "safe" or "appropriate" environment.[691] The USWNT Players Association then relayed these concerns to Lydia Wahlke, USSF Chief Legal Officer, which prompted her to hire outside counsel to investigate.[692] Another CRS player, Samantha Johnson, separately reported to NWSL Managing Director Amanda Duffy and acting-NWSL General Counsel Lisa Levine that Dames was "engaging in inappropriate relationships with players."[693] When notified of the investigation, Whisler accused one of the reporting players of "trying to take Rory out."[694]

By October 2018, Wahlke had preliminary findings from an outside investigator that Dames subjected CRS players to "a cycle of emotional abuse and manipulation."[695] The 2018 USSF investigation—which concluded in 2019—ultimately found that Dames singled certain players out for constant criticism and yelled excessively at players.[696] Yet, Wahlke never shared the preliminary findings with NWSL or CRS, nor did she ever recommend any concrete action to remove Dames. Regardless, "[e]veryone knew" about Dames's verbal and emotional misconduct.[697] Numerous witnesses reported Whisler has been aware of Dames's verbal and emotional abuse for decades.[698] Players and staff recall raising complaints about Dames's verbal and emotional abuse nearly every year that Dames coached at CRS.[699] One player, for example, remarked that she raised concerns about Dames to Whisler over multiple years, and every year, Whisler would ask: "Was he a little bit better this year?"[700] Over time, this player became less vocal, realizing that "it was a lost cause."[701]

Whisler acknowledges,[702] and email correspondence confirms, that as early as 2014, he received reports that Dames made "sexist, racist, abusive, and other prejudicial remarks" to players and created a "hostile work environment"[703] at CRS. And still, eight years later, Whisler states that there is "nothing to this day" that he observed or was told about Dames during his tenure as coach of CRS, that he believes constituted abuse or misconduct or required him to take action.[704]

5.1.8 Dames resigns after players report he created a "culture of fear"[705]

Following media reports of Riley's misconduct, the Chicago Red Stars retained a sports psychologist to interview CRS players anonymously and conduct an organizational climate review. The review further corroborated the 2014, 2015, and 2018 player complaints, and concluded that Dames created "a culture of fear" and was emotionally and verbally abusive to players and staff.[706] Players described him as "condescending," "manipulative," "aggressive," "insulting," and "an intimidator."[707] The sports psychologist reported that 70% of the players

interviewed (including most starting players) reported emotionally abusive behaviors and observed that many players failed to recognize certain behaviors as abusive because they were so ubiquitous in women's soccer.[708] Whisler claims the psychologist's report was the "clearest indication" that there was a "pervasive issue" and he had "missed" "a pattern of abuse or bullying behavior."[709] Looking back now, he agrees that the climate review is consistent with the feedback from the 2014 NWSL player surveys and the allegations underlying the 2018 USSF investigation into Dames.[710] On November 22, 2021, just before *The Washington Post* article was published later that day, the Red Stars announced Dames's resignation with no mention of the allegations.[711]

5.2 Dames's "Golden Ticket"[712]: The Eclipse Youth Soccer Club

5.2.1 "He sold the parents"[713]

Ten years ago, Dames was no stranger to the elite youth soccer world, although he was a newcomer to the professional one. By many accounts, Dames had "a monopoly over soccer in the northwest suburb of Chicago"[714] with Eclipse, and he "sold the parents"[715] with promises: "I will win your children state championships. I will get your kids scholarships."[716] He made good on many of his promises,[717] winning state championships and developing a pipeline of players who have secured Division I scholarships, professional contracts, and spots on the National Team.

A former Eclipse player agreed: "parents thought [Dames] was a golden god, holy grail"[718] with the "golden ticket" and rarely questioned or pushed back on his coaching style.[719] Several former Eclipse players reported that some parents failed to address or deliberately overlooked Dames's emotionally and verbally abusive behavior;[720] they were seemingly reluctant to intervene, or they accepted that his brand of coaching was necessary to win state championships and secure college scholarships for their daughters.

5.2.2 Sexualized environment: "we all had to deal with it."[721]

Players reported that against this backdrop, Dames engaged in verbal and emotional abuse and created a sexualized environment at the youth soccer level; he made inappropriate sexual and suggestive remarks to youth female players, asked about their boyfriends and sex lives, and sought information about their personal lives.[722] Megan Cnota, for example, reported that she and another Eclipse player "got the brunt of the sexual" comments.[723] Cnota specifically recalled Dames referring to male climax as "snowing" and talking "a lot about blowjobs."[724] She said, at practice when [Eclipse] players were on their knees for a drill, Dames would say to her, "that's a position [you] would know."[725] Cnota, who played for Dames at both the Eclipse and St. Viator High School, also recounted an instance where Dames gave her a ride after practice and "ask[ed] me all kinds of questions about sex . . . and wouldn't take me home until I answered the questions."[726]

Another former Eclipse player, Natalie Ramello, added that Dames would "give girls tips on sex" and say things like: "you should be shaved and bare down there," and "I hope you are giving your boyfriend a good time."[727] Other former Eclipse players recalled Dames "commenting on girls' butts."[728] Reflecting on why players may have tolerated this treatment, one player said: "all of us wanted scholarships to college so we all had to deal with it."[729]

Separately, Dames's former youth players recalled that the practical reality of their school and club soccer schedules meant some players spent several hours per day, three to four days per week, twelve months a year with Dames.[730] Off the field, it was not uncommon for Dames to be alone with female youth players without adult supervision. Former Eclipse players reported, for example, that Dames held one-on-one meetings with players in their childhood bedrooms:[731] "[W]e would go for team sleepovers at a girl's house and he would call us into the girl's bedroom one at a time for a meeting to speak with us."[732] "Parents would know this was happening."[733] Another former Eclipse and St. Viator High School player reported: "We were in his hotel room

frequently."[734] Multiple former Eclipse players also reported that Dames regularly had young, female players at his apartment without their parents present.[735] One former Eclipse player reported that Dames recruited a female youth player while the two were alone in a hot tub and had another female youth player sit on his lap after a game.[736] Another player recalls that Dames "ask[ed] for massages, things like that . . . . He acted like it was normal."[737] Ramello recalls Dames making comments to another coach "about the age of consent" and "how it was lower in some places."[738]

During these private, intimate, off-the-field moments, former youth players allege that Dames engaged in sexual misconduct.

5.2.3 The 1998 Arlington Heights Police Investigation: He "started rubbing my leg up inside my thigh."

On March 10, 1998, the Arlington Heights Police Department opened an investigation into Dames following an allegation that he touched one of his female youth players inappropriately on her thigh.[739] St. Viator High School placed Dames on administrative leave pending the investigation.[740] The player, a high school senior at the time of the incident, spoke with us on condition of anonymity.

This player reported to us that the incident occurred while she and Dames were sitting on the couch alone at his apartment watching television. Dames began "coaching" the player on how to initiate sexual activity with her boyfriend, saying something to the effect of, "if you're sitting next to your boyfriend, here's kind of what you can do."[741] She recounted: Dames "started rubbing my leg up inside my thigh."[742] The player does not recall exactly how this interaction ended or how she was able to leave, but she left before Dames's touching escalated further.[743] The player reported that, had she not left Dames's apartment when she did, it seemed Dames would have continued his sexual advances.[744] She ultimately reported this incident to her school counselor

because she "did not feel right"[745] about leaving for college with Dames coaching her sister, who was a few years younger and also a player on Dames's teams.

Between March and April 1998, the Arlington Heights Police Department interviewed 150 players and three coaches.[746] The investigative report "identified three incidents": Dames (1) touched a female player's upper thigh; (2) pinched a female player after she refused to give him a massage; and (3) punched a male player in the stomach at a practice session.[747] Witnesses interviewed in connection with the investigation reported Dames's repeated sexually explicit comments and inappropriate interactions with youth players, including comments to players about foreplay, blowjobs, their bodies (including their bottoms and breasts), and referring to male climax as "snowing."[748]

The report indicates that on March 17, 1998, as part of his outreach to youth soccer organizations, the investigating officer contacted Staff Counsel at USSF to determine if any complaints had been filed against Dames.[749] Our investigation did not reveal any follow-up by USSF.

In April 1998, a Department of Children & Family Services caseworker completed an investigation and made a determination that the allegations against Dames were "unfounded."[750] The investigating officer concluded in the police report that, following a discussion of the case with the interviewed players and parents, "it was determined that no complaints would be filed at this time."[751] Notably, the player whose complaint initiated the investigation does not recall ever being presented with the option of pursuing criminal charges against Dames.[752] She instead recalls that she was told that the allegations were "unfounded," and that Dames simply "went back to coaching and nothing happened."[753]

5.2.4 "I did not have the tools in my toolbox to understand it was abuse"[754]

Former Eclipse players also reported that Dames had sexual relationships with multiple players who previously played for him at the youth level.[755] One former player who played for Dames at both the Eclipse and St. Viator High School reported that she had an ongoing sexual relationship with Dames that began "days after [she] graduated high school"[756] and while he remained her coach on the Eclipse. Concerned about the personal and professional repercussions of revealing her identity, she spoke with us on the condition of anonymity.

This former player recalled that she played for Dames from ages fourteen to nineteen, and—between club soccer in the summer, fall, and winter, and then high school soccer in the spring—Dames was her coach year round.[757] From age fourteen, she explained, Dames "groomed" her, which she defined as "breaking a person down and getting them to a point where they are willing to do whatever you say."[758] On the field, she suffered through his "angry tirades and degrading insults."[759] But, off the field, he was "very, very nice" to her—they would spend time at his apartment and watch movies together.[760]

She recalled that he "infiltrated" every part of her life.[761] He was an all-consuming and ever-present figure during her most formative years.[762] So, "at the time it happened," she explained: "I did not have the tools in my toolbox to understand it was abuse."[763]

When she turned 18, she said, Dames used his power over her soccer career and control over aspects of her personal life, to have sex with her as he remained her coach on the Eclipse.[764] Just days after she graduated high school, she recalled, she and Dames were playing a card game at his apartment one night.[765] She recalled that Dames told her to remove one item of clothing at a time as they played the game.[766] She obeyed: "I felt like I didn't have a choice."[767] She reported that they had sex that night and continued to have a sexual relationship thereafter.[768] According to her, Dames would send her AOL instant messages in the middle of the night "under the cloak of

darkness" asking her to come to his apartment to have sex.[769] The player reported that even after she left for college, her sexual relationship with Dames continued each time she returned home on breaks.[770]

Throughout the course of their sexual relationship, Dames asked the player to keep their sexual relationship a secret, saying: "You know why we can't say anything to anyone."[771] In 2010, long after their sexual relationship had ended, the player asked the same of Dames via email, writing: "I know you told [your wife] about what happened between us . . . all I ask is that she keep the information to herself." Per email, Dames responded: "Agreed! I will take care of it. Thanks. Rory."[772]

5.3 The Chicago Red Stars

5.3.1 "Abuse was part of the culture:"[773]

All current and former CRS players that we interviewed reported that Dames engaged in one or more emotionally abusive behaviors: excessive shouting, belittling, threatening, humiliating, scapegoating, rejecting, isolating, or ignoring players.[774] As CRS player Samantha Johnson put it, at the Chicago Red Stars, "[a]buse was part of the culture."[775]

5.3.1.1 Excessive Shouting and Belittling: "Horrific Is The Only Word That Comes To Mind."[776]

Players reported that as head coach of the Red Stars, Dames's behavior was "very unpredictable."[777] On any given day, he was "hot and cold," and his moods changed rapidly.[778] Players reported that the way Dames treated players was "toxic and uncondonable;"[779] he "batter[ed]," "belittled," and "completely demoralized" people with his words.[780] It was "like he was trying to dig into your core to just make you feel horrible."[781] According to another player, "the worst thing about his treatment is how he made [you] feel like [you] had no value."[782]

With Dames, players reported, they were "terrified" of making a mistake in practice.[783] Not just because he is a "screamer" or "barker,"[784] but because his verbal attacks were highly personal, leveraging players' insecurities or other personal information to degrade, demoralize, and tear players down. One current CRS player described it as follows:

> Rory was good at getting to know you as a person and what got to you and what was meaningful to you. He'd take that knowledge to completely shatter your world and use it as leverage. He would tear you down to your core in that way, in such a straight-faced, terrifying way . . . . that gets into your soul.[785]

One glaring example of this behavior—that still resonates with multiple players—is an incident they witnessed one day at training. According to those players, Dames berated and demoralized a player who was the mother of a young child by screaming something along the lines of: "if this is how you communicate on the field, then how do you parent a child?"[786] Speechless, the player left practice "bawling her eyes out," according to her former teammates.[787] Players who witnessed this interaction were "stunned."[788] None dared speak up or intervene in the moment though.[789] When asked why, one player responded, "self-preservation."[790] Another CRS player explained why players were afraid to intervene and confront Dames: "You didn't even want to look at him when he went into these rages because you did not know what would happen."[791] She said: "You would be next" and it could "cause you to not start the next game."[792] Dames "was just so unpredictable, so you didn't want to be that person."[793]

5.3.1.2 You Don't Want to Cross Him"[794]

Dames's verbal abuse also extended off the field to staff. A staff member at CRS reported that the staff "trauma bonded" over the negative work environment.[795] As multiple players noted, it was a controlling environment, where assistant coaches had to run everything by Dames,[796] and he treated coaching staff poorly. He would "put down other coaches" and belittle them in front of players.[797] One staff member described Dames as "difficult to work with," "negative," "critical,"

and "explosive."[798] She advised, "you didn't want to cross him," and worked to "stay on his good side."[799] When asked whether management or ownership ever responded to Dames's treatment of players and staff, one staff member responded: "they did nothing at all."[800]

5.3.2 Manipulative and controlling behavior: he would play "mental games constantly"[801]

Interviewees also reported that Dames was "controlling and manipulative" and flaunted his power over players and their careers. For example, he was "notorious" for "threatening to rip up contracts" when players made a mistake or had a bad performance on the field.[802] As one player put it in connection with the 2018 USSF investigation, "for Rory, it's all about control and power" and "there's a malice behind it all."[803]

When discussing Dames's "abuse of power," multiple players recalled an incident that occurred during a 2017 pre-season trip to Portland where players felt confined to their hotel, unable to leave or eat[804]:

> [A]fter a game in which Dames was upset with the team's performance, Dames demanded an individual meeting with each player at the team hotel. The first meeting was at 12 p.m. and the last meeting was at 11 p.m. Dames would not tell players what time their meetings would be, but said they had to be at the meeting within five minutes of him calling them or they would be cut from the team. In effect, [the player] said that Dames "held us hostage at the hotel" on their day off. [She] estimated that 75% of the players left their individual meetings crying. [805]

Multiple players reported that Dames was also deeply involved in and even controlling over certain aspects of his players' personal lives. One CRS player recalled: "Dames would blatantly threaten players that he was not going to let them play or travel because they had, for example, gone to a concert."[806] Players reported that, on a separate occasion, they were not permitted to see their families and boyfriends "because we lost a pre-season scrimmage."[807] A different player reported that two nights before a game, she went to see her boyfriend, and Dames texted her that she should have asked him for permission.[808]

One player recalled a particular incident where Dames punished her for not playing well by preventing her from seeing her family. CRS had an away game against New York, and the player remembers asking Dames in advance if, after the game, she could go back to her home state with her family that had traveled to the game to see her play.[809] She recalled that Dames made his agreement contingent on her performance at the game and said it would depend on how she played. After she did not play well, Dames said, "needless to say you will be coming home with the team tonight."[810] This player told us that Dames did not permit her to see her family, but after the team returned to Chicago that night, Dames gave everyone the weekend off.[811]

5.3.3 Failure to maintain professional boundaries

Interviewees reported that Dames also crossed boundaries with players in inappropriate and unprofessional ways. Multiple players confirmed that they felt pressured to attend private, mandatory lunches and dinners with Dames at the Cheesecake Factory in Chicago.[812] Players reported that, during these meals, Dames discussed the players' romantic relationships.[813] Two players reported that they "didn't feel comfortable saying no, so they kept going" to these lunches and dinners.[814] Another said players felt pressured to go because Dames determined the starting lineup and "essentially decided if you get paid."[815]

Several interviewees also reported that Dames texted players outside of normal business hours. Multiple players recalled, for example, that Dames would text one player in particular nearly every day, "more than a coach should," "as if he were her boyfriend."[816] Reports include that Dames texted this particular player "late at night," including "you up?" text messages;[817] that she "cleaned up" nicely;[818] and an "I love you"[819] message. Players "described how Dames and this player talk[ed], text[ed], and Facetime[d] frequently, even when [this player] [wa]s out of the country."[820] Separately, one player reported that she has not played for Dames for years and yet he continued to text her regularly up until August of 2021.[821]

Players also recalled Dames making inappropriate comments about players' personal appearances. One player commented that Dames told her that her son's friends are going to want to sleep at her house because "that is what we did when our friend had a hot mom."[822]

Other players explained that Dames would develop a personal relationship with players and then use the information he gained during the relationship as leverage against them on the "business side of things."[823] Dames's relationship with one player in particular highlights his failure to maintain a professional distance in such a way that created a toxic relationship. According to one of Dames's CRS players, since she began playing at CRS, Dames would make comments about her appearance.[824] She told us that Dames called her into his office when she was a rookie and told her he did not understand why she lacked confidence because "she is good at soccer, and she is beautiful."[825] The player reported that Dames asked her to spend time with him outside of soccer four to five times a week,[826] and paid for their meals together, taking advantage of the fact that she was only making $14,000 a year as a rookie.[827] She recalled that throughout her time with the Red Stars and even until August 2021, Dames texted and called her frequently, including late at night.[828] The player said she felt that she "had to answer him," and she would be polite to him in texts because she still "feared him."[829]

This player also recounted another "uncomfortable" encounter with Dames.[830] She recalled that at a Portland game, Dames had the player's *per diem* funds and texted her to come get them from his hotel room (even though dispersing these funds was usually handled by the manager).[831] She recalled that she went to pick up the money in the morning and was wearing a long shirt with pajama shorts.[832] The player says Dames visibly looked her up and down and told her, "nice shorts." When she returned to her room, he texted her "I was not joking; you looked really good. Natural beauty is the best beauty."[833]

Separately, this same player's boyfriend attended a pre-season trip to Portland and met Dames. According to the player, this made Dames "so pissed off"[834] that he benched her for the pre-season game, started benching her in pre-season practices, and made her train with the reserve team.[835] She recalled that Dames told some of her teammates that he was upset about her bringing her boyfriend to Portland.[836] She reported that she met with Dames and he claimed she was having performance issues because she was not as close with him anymore.[837] As she was being traded to a new team, the player said, Dames was very emotional, "had tears in his eyes," and told her "you know I love you; it won't be the same without you."[838]

5.3.4 "Calculated" abuse

Players reported that for those that Dames singled out, he was "extremely calculated" in the way he abused them.[839] He would find the one thing they cared about, their strengths or weaknesses, something they took pride in or their deepest insecurity, and he would exploit and use it to control them.[840] Samantha Johnson, a former CRS player said: "He does an assessment on you [to] gauge your level of trust. Once he has it, he abuses you on a daily basis."[841]

What is more, players described Dames's emotional abuse and psychological manipulation of players as cyclical, not unlike having a "boyfriend that beats you, says sorry, and you go back to him"[842] Indeed, multiple players likened his behavior to the cycle of violence and pattern of behaviors which keeps survivors locked into abusive relationships.[843] As one player put it, "he knew your button and that is how he controls you, then he apologized, then it happens again. It is like when people abuse you."[844]

5.3.5 Demeaning remarks: "thugs" and "trailer trash"

Red Stars players also reported that Dames used pejorative and degrading language and made racially insensitive comments. For example, they said that: In addition to referring to Black players as "thugs" and one Black player in particular as a "bodyguard,"[845] on one occasion, Dames

approached a Black player, pointed to her styled "baby hair" and asked "what is it?"[846] The player explained to him that his question was a microaggression and asked him not to comment on her appearance.[847] Multiple players also reported that Dames called some players "trailer trash" because they were from Kentucky and Ohio,[848] and made inappropriate "math jokes" to an Asian player.[849] A staff member reported that while dining at an "All-American restaurant," Dames asked an Asian player if she wanted chopsticks for her dinner.[850] Another player reported that Dames asked "a Puerto Rican player if her family had their green cards."[851]

5.3.6 Retaliation: a "fear-based culture"

Players also reported that Dames created a "fear-based culture" where they thought reporting his abuse would end their careers or ruin their chances of being called up to the National Team:[852] "If you speak up to Dames, it will ruin [your] career."[853] Interviewees also said that when players did report misconduct or participate in investigations, they often either suffered retaliation or were met with skepticism or silence. CRS players reported that those who did come forward were retaliated against by Dames and Whisler, including through trades or waivers without warning.[854] One player indicated that she had known Dames for nearly a decade but had not spoken out because of "the weight that he carries in the city and the weight he carries in soccer."[855]

5.4 Players described Dames as "abusive" and CRS as a "hostile work environment"

5.4.1 Christen Press's 2014 complaint: Dames creates a "hostile work environment"

Eight years ago, on September 9, 2014, the National Team participated in a Collective Bargaining Agreement ("CBA") call with USSF President Sunil Gulati, where National Team players provided USSF with feedback regarding the NWSL player environment and areas for improvement.[856] During that meeting, Christen Press, a National Team and CRS player at the time, explicitly raised concerns about Dames's abusive behavior. Specifically, she stated that the Red

Stars' "environment is unprofessional" and that Dames "was disrespectful to players and created a hostile work environment."[857] Press states that at the meeting, she explained how Dames was verbally and emotionally abusive, had made sexist and racist remarks to players, and had retaliated against her and other players when they spoke out.[858] Two other players corroborated Press's concerns during the meeting, referring to observations of Dames's sideline behavior.[859]

On September 15, 2014, legal counsel for the National Team, Ballard Spahr, sent Gulati a memorandum (the "Ballard Spahr memo") prepared in advance of a National Team players' meeting that was to take place two days later with Gulati, Jill Ellis (National Team Head Coach), and Cheryl Bailey (NWSL Executive Director) in Rochester, NY.[860] The Ballard Spahr memo memorialized Gulati's conversation with Press, and cautioned Gulati that it was "for your eyes only" and to "use your judgment in determining what and when to share with owners or Cheryl [Bailey]."[861] The memo noted that Press called the Red Stars a "hostile work environment," which other National Team players had corroborated.[862] The memo also captured additional concerns that Dames "used a lot of language that was inappropriate and abrasive" and would make "sexist, racist, abusive, and other prejudicial remarks at the players."[863]

The following season in 2015, Press recalled Dames making back-handed comments to her quoting things she had previously reported.[864] Eventually, she said, Dames revealed that he had seen the report and knew Press was the one who reported him.[865] Consequently, Press felt an "ever present threat" and "a clear message that she should not make a report again."[866] Although they were corroborated by NWSL Player Surveys, Press's complaints did not yield any further inquiry.

5.4.2 2014 Player Survey results: CRS is a "hostile work environment" with a "volatile coaching staff"[867]

The 2014 NWSL Player Surveys corroborated many of Press's complaints. In the fall of that year, Cheryl Bailey (NWSL) distributed to USSF (Gulati and Flynn) NWSL Player Survey

results calling Chicago Red Stars a "hostile work environment" and noting, "volatile coaching staff" and "unprofessional coaching staff."[868]

On October 2, 2014, Bailey emailed Whisler an attachment with "overall comments on the NWSL generally by WNT players as well as comments on your specific team."[869] The attachment appears to have been repurposed and coupled with extractions from the Ballard Spahr memo prepared for Gulati in anticipation of the National Team players' meeting in September 2014.[870] Most notably, it includes additional detail about Dames's abuse: *The head coach was disrespectful to players and created a hostile work environment. He used a lot of language that was inappropriate and abrasive and his coaching style in general was not good, making sexist, racist, abusive, and other prejudicial remarks at the players.*[871]

In response, Whisler got defensive, discounted the feedback, and accused National Team players of wanting to shut down the League.[872] In particular, Whisler wrote that he believed the survey results "shouldn't be shared and paint[ed] a wildly inaccurate picture of our team."[873] Bailey asked that Whisler look for comments that could help the Red Stars "improve and move on."[874] But Whisler doubled down, writing off the players who provided the negative feedback, that "either they aren't truthful to me (and Rory) or had a particular axe to grind that they wanted to share publicly."[875]

Whisler further noted in his response to Bailey that Dames "offered his resignation because of the embarrassment" of the results but that he had rejected it.[876] Whisler believed that the negative feedback was from Christen Press, and he emphasized that her comments should be considered an "outlier."[877] Bailey reassured Whisler via email that the team would be spared any embarrassment from the feedback because it would only be shared with Sunil Gulati and Dan Flynn.[878]

Whisler then copied in Gulati and Flynn.[879] Gulati, who had already discussed Dames with Press, did not take this opportunity to address her concerns with Whisler. Instead, Gulati simply encouraged Whisler to take "to heart"[880] Bailey's comment that the survey results were "a very small sample size and is balanced with the total player survey that was done at the end of the season."[881]

A few months later, on February 25, 2015, Bailey forwarded internally at NWSL (to Jeff Plush, Commissioner) her October 2, 2014 email to Whisler.[882] Then, on March 17, 2015,[883] Gulati forwarded the email exchange internally at USSF to Lisa Levine, General Counsel, and Dan Flynn, CEO, putting them both on notice of Christen Press's 2014 complaints about Dames, the negative NWSL Player Survey feedback, as well as Whisler's response.[884] Gulati, Flynn, and Levine corresponded with counsel for the USWNTPA about outstanding items to be addressed, including "US Soccer will provide a response to the NWSL concerns presented by the players to Sunil."[885] The correspondence culminated in a meeting between Flynn, Levine, and counsel for the USWNTPA on April 3, 2015.[886]

It is unclear whether, and if so, how, the League and USSF addressed the negative player feedback calling out the "hostile work environment" at CRS. Dan Flynn "do[es] not believe [he] ever personally reviewed" the surveys, explaining that "neither USSF nor [he] had involvement in the day-to-day league operations" and that he would have viewed these surveys as the NWSL's responsibility.[887]

5.4.3 2015 Player Survey Results: Dames is "abusive"[888]

In September 2015, NWSL Player Survey results again included feedback from multiple players referring to CRS and Dames as "abusive" and calling attention to players' fear of speaking out, noting that some players would not be as honest out of fear.[889]

These results were distributed internally at USSF. On November 13, 2015, Jeff Plush (NWSL Commissioner) emailed Jay Berhalter (USSF CCO), Jill Ellis (National Team Head Coach), and Dan Flynn (USSF CEO) the 2015 NWSL Player Survey results.[890] Plush stated, "The comments section provides the most specific information . . . some is quite disturbing . . . ."[891] Berhalter did not recall ever seeing the comments section,[892] while Flynn did not recall reviewing player surveys.[893]

Neither the League nor USSF took any action in response to the survey results. Whisler also does not recall ever receiving the 2015 feedback.[894]

5.4.4 2017 Player Survey Results: Dames is rated "very poor" and players fear retaliation[895]

In 2017, NWSL again received negative feedback about the Chicago Red Stars through the player surveys. The team received "very poor" ratings for coaching; "Coach is subpar and doesn't click with any of the team"; and "Love the NWSL and quality of players but haven't loved my team experiences because of coach."[896] In addition, one player noted, "Please be careful in how this feedback gets distributed back to the organization in order to avoid retaliation on players."[897]

Yet again, there is no indication that NWSL or USSF took any action to address this feedback, including by sharing the feedback with Whisler.

5.4.5 Christen Press's 2018 complaint: the abuse continues

In November 2017, after spending three and half years with CRS and the latter two as team captain, Christen Press requested a trade. Press left Red Stars in January 2018.[898] During further trade discussions in March 2018, Press alluded to the team's poor environment.[899] Later that month, Becca Roux, Executive Director of the USWNTPA, reached out to Dan Flynn and Carlos Cordeiro regarding the trade.[900]

According to Press, after she left the Red Stars, she made a second report to USSF again alleging that Dames verbally and emotionally abused Red Stars players. Press noted her concerns to Becca Roux, who connected Press with USSF.[901] This time, Press specifically asked for an investigation regarding the Red Stars' "unhealthy work environment."[902] She reported the mistreatment that she experienced in Chicago and gave USSF the names of other Red Stars players to speak with.[903]

5.5 Pepper Hamilton is retained to conduct an "external review"

Because Christen Press played for the National Team, Lydia Wahlke (USSF Chief Legal Officer) decided to retain an outside firm—Kristin Jones of Pepper Hamilton LLP—to conduct an "external review" of her allegations.[904] According to Jones, her work was directed exclusively by Wahlke, who wanted a balanced approach to the external review.[905] Jones explained that she conducted an interview-based investigation that did not include document collection.[906]

On May 22, 2018, Jones interviewed Press, who reported that Dames "emotionally abused" players at the Red Stars[907] and that she was "very, very concerned about retaliation" from Dames for being so candid and said she had witnessed him retaliate before.[908]

On June 12, 2018, Jones emailed Wahlke and Greg Fike (USSF Senior Counsel) "attaching [her] draft memo summarizing and analyzing [her] interview of Christen Press regarding her allegations of emotional abuse at the Chicago Red Stars[,]" and "recommend[ing] that [they] seek corroboration of Press'[s] allegations from players who are likely to be cooperative."[909] In response, Wahlke instructed Jones: "[L]et's hold off on opening a formal investigation of this one—we have no allegations of sexual misconduct and it's not yet clear whether this is really bad management or something more – I think we need more information."[910]

5.5.1 Samantha Johnson's 2018 Complaint: "Don't Let Arnim Be Ignorant With You . . . . [H]e Is Aware of These Issues."

That same day, on June 12, 2018, another CRS player, Samantha Johnson, emailed NWSL (Natalie McKeough, Events Manager) to report Dames's inappropriate behavior and Whisler's failure to address it.[911] She wrote, "I need some guidance on how to go about reporting my owner for neglecting issues he is aware of that I personally brought to his attention. My head coach is engaging in inappropriate relationships with players and this all needs to be addressed immediately."[912] McKeough responded, copying in Amanda Duffy (NSWL Managing Director of Operations) and Lisa Levine (General Counsel).[913]

Johnson spoke with Levine and Duffy that afternoon and explained that Dames took players out to one-on-one dinners at the Cheesecake Factory; that he texted players at 11 p.m. at night; that after a dinner event he texted a player that he liked her outfit; and that he "pick[ed] on weak willed players and likes to manipulate them."[914] Johnson further explained that she had reported these issues to Whisler, who responded that Dames's behavior was not appropriate.[915] Johnson emphasized: "Don't let Arnim be ignorant with you," noting that Whisler was **"**aware of these issues."[916]

5.5.2 Whisler: They Are Just "Trying to Take Rory Out."

Upon receiving Johnson's complaint, Levine's first move was to call Whisler. Whisler discounted Johnson's concerns and accused her of "trying to take Rory out."[917] Levine reminded Whisler "that there should be no repercussions to a player for reporting her concerns," and asked Whisler not to speak to any of the players about the allegations until she had investigated further.[918] Whisler refused, stating that he needed to speak with at least one of the players because this incident had the potential to "destroy team chemistry."[919] Against Levine's directive, Whisler not only spoke with all of the players involved, but also spoke with Dames about Johnson's report.[920]

Levine eventually forwarded Johnson's complaint to Wahlke and Duffy.[921] On June 18, 2018, just six days after she complained to NWSL, Johnson was traded to the Utah Royals.[922] Per Johnson, while she had previously requested a trade and was ultimately relieved that it went through, it was not until she reported Dames and Whisler to the League that she was immediately traded.[923] Johnson believes the timing was "100%" connected to her report.[924] On June 20, 2018, Wahlke notified Jones that the "trade went through, so hopefully we can get back to the review."[925] On July 6, 2018, Jones notified Wahlke that she had spoken with Johnson and had determined her "concerns were similar to Christen Press['s] concerns."[926]

5.5.3 USSF Investigation Finds "A Cycle of Emotional Abuse and Manipulation of Players"[927]

On October 9, 2018, Pepper Hamilton emailed USSF (Wahlke and Fike) "preliminary findings" from the "external review."[928] Fike did not recall reviewing the preliminary findings and reported that Wahlke led the matter.[929] The findings reported that four CRS players had been interviewed to date, and a "fifth player declined to participate in an interview citing fear of negative repercussions in the soccer community."[930] All four players described "emotional misconduct" by Dames and two of the four identified themselves (and were described by others) as "victims of emotional misconduct" by Dames.[931]

Among other issues, the preliminary findings explained that Dames was demeaning and "insulting" and created "a toxic work environment" at CRS.[932] The findings also described the following misconduct:

- a cycle of emotional abuse in which Dames was unpredictable and "would be friendly, nice, complimentary and joking, then he would suddenly become angry, cruel, and yell at the players"; [933]
- a cycle of manipulation in which Dames developed close relationships with players and then used personal information as leverage to manipulate them;[934]

- failure to maintain professional boundaries with players including texting players unprofessional messages outside of normal business hours and requiring that certain players attend lunches and dinners;[935]

- excessive yelling that involved screaming, cursing, and language serving no productive training or motivational purpose;[936]

- personal insults such as calling players "fucking stupid" and "trailer trash;[937]

- racist comments such as describing Black players as "thugs";[938]

- abuse of power and controlling behavior such as refusing to tell the players their schedule ahead of time and effectively preventing them from leaving their hotel rooms;[939]

- isolation and mistreatment of a player;[940] and

- retaliation against players and the team when players spoke about their concerns.[941]

"All four players interviewed felt it would be better for CRS and the league if Dames was no longer a coach."[942] Wahlke did not take any action in connection with the preliminary findings, including declining to share the findings with the League or the Red Stars.[943] She explained that she had concerns that USSF had not obtained enough information to convince Whisler to take action, and that it was unclear whether Dames was a bad manager or was committing actionable misconduct, such that Whisler might be receptive to listening to the findings.[944]

According to Wahlke, Jones wanted to talk to more players,[945] so the investigation proceeded, and five more players were interviewed. Notably, again players were afraid or reluctant to participate in the investigation because of concerns about potential negative impacts on their soccer careers or experiences at the Red Stars if Dames stayed with the team.[946] One CRS player reported that, at the time, players feared Whisler or Dames would find out who was interviewed and the players would "face Rory's wrath."[947]

On June 10, 2019, Jones interviewed Whisler.[948] Whisler said he received from Jones a verbal readout of a select number of allegations made against Dames.[949] He recalled Jones

"run[ning] these examples past [him]:" (1) Dames texting a player about her appearance; (2) Dames taking a few players to the Cheesecake Factory; and (3) Dames calling a Black player a "thug."[950] That same day, Jones then separately interviewed Dames.[951] According to Whisler, after that, Jones met with Whisler and Dames together and "made it clear [they] would never know the findings."[952] Whisler said that Dames was "contrite and humbled," but the "nature of conversation" with Jones did not indicate anything "dangerous or fireable."[953]

The investigation culminated in a September 30, 2019 Report.[954] The report identified three concerns about Dames's treatment of CRS players that were undisputed and supported by substantial evidence. All of the players interviewed, even the players most supportive and least critical of Dames (1) "described Dames' behavior as unpredictable and said that players did not know what treatment to expect from Dames from one day to the next"[955]; (2) described how "Dames singled certain players out for constant criticism, while other players who are [National Team] and/or Dames' 'favorites' were not yelled at or criticized"[956]; and (3) described Dames yelling at players in excessive ways that involved screaming and cursing that was "not constructive."[957]

The report noted that "Dames acknowledged these behaviors and Whisler was aware of players being singled out and Dames' yelling."[958]

"In addition to the three concerns about Dames' behavior that were universally reported by the players, a number of other concerns about Dames' treatment of players emerged during the course of the player interviews,"[959] including claims of personal insults, abuse of power, failure to maintain professional boundaries, comments on personal appearance, racially inappropriate remarks, inappropriate sharing of personal information, retaliation, use of personal information against players, and mistreatment of a former CRS player.

The report also found that:

> Whisler and many players agree[d] that Dames ha[d] made great strides in the last few years and improved tremendously as a coach. Several players pointed out that Dames now yells less and described how the environment at CRS is now much better. Of course, it cannot be ignored that the departure of Dames' two harshest critics . . . and two undisputed victims . . . likely contributed to this result."[960]

Moreover, "four of the players with the most significant concerns did not, for various reasons, believe Whisler [was] willing to address those concerns."[961] However, the report also noted that "Whisler, as an owner, ha[d] demonstrated a commitment to continuous improvement of the player experience, as well as an intolerance for abusive and insensitive behaviors."[962] Finally, the report noted: "this external review did not identify evidence that Dames'[s] conduct, whether disputed or undisputed, was motivated by gender discrimination."[963]

When interviewed by our investigation, Jones confirmed that the purpose of the CRS investigation was to understand the experience of the professional women soccer players at CRS and provide USSF legal advice with respect to whether the alleged misconduct by Dames, to the extent that it occurred, is acceptable from the perspective of USSF.[964] However, Jones explained that while she thought Dames's conduct constituted abuse, she felt there was no definition of what constitutes misconduct by NWSL coaches. And while the SafeSport Code defines emotional misconduct, Jones believed it was not applicable to NWSL coaches.[965] Jones conceded, however, that Dames's conduct satisfied the definition of emotional misconduct if the SafeSport Code applied.

5.5.4 USSF Investigation: "Keep Doing What You're Doing."[966]

Wahlke and Whisler both report that in approximately late summer or early fall 2019, they had a conversation about USSF's 2018 investigation into Dames.[967] The facts and approximate time period of the conversation are about all that Wahlke and Whisler agree upon.

Wahlke recalls the conversation took place in person in Lincoln Park in Chicago.[968] She reports that she told Whisler that Dames was a problem coach,[969] that she thought the Chicago Red Stars should consider whether he should be a coach,[970] and she otherwise recommended to Whisler that he get Dames into better coaching programs, anger management, and management training.[971] Wahlke states that USSF never finalized the investigative report[972] and that she does not think USSF ever closed the investigation.[973]

Whisler, on the other hand, says that he and Wahlke had a conversation by phone.[974] He reports that Wahlke told him that the investigation was essentially "over"[975] or would "be wrapping up"[976] and to "keep doing what you're doing."[977] He said Wahlke implied that CRS should just "keep improving,"[978] and that Dames needed to continue to work on his tone.[979] Whisler, however, does not recall Wahlke telling him to get Dames any training of any kind[980]; he says that if Wahlke had recommended that, he would have had to comply.[981] Whisler also does not recall Wahlke saying Dames was a problem coach and claims that such characterization is "completely inconsistent" with the report he received at the conclusion of the investigation. [982] He also does not recall meeting with Wahlke in person on the subject.[983]

Whisler maintains that he was never provided a full readout of the breadth of the allegations against Dames nor provided any findings related to the investigation prior to *The Washington Post* article.[984] According to a current Red Stars player, Whisler spoke to the players about the USSF investigation in the wake of Dames's resignation in 2021 and told them that he received only an oral readout from USSF after the investigation and his takeaway was that Dames needed to "change his tone."[985] As Whisler saw it, the 2018 USSF investigation "reaffirmed" that the Red Stars' environment was "clearly trending in the right direction."[986]

After receiving Jones's findings, Wahlke cannot recall any specific discussions she had with anyone at USSF or the NWSL in which she expressed concern regarding Dames; nor have we identified any emails or documents that suggest that such a conversation occurred.[987] Wahlke believes she expressed general concerns to individuals at NWSL and Dan Flynn regarding Rory Dames and the Chicago Red Stars.[988] Wahlke noted that there were many conversations throughout her tenure about a number of issues related to Dames, including his lack of compliance with the license requirements in USSF's Professional League Standards.[989] And while Wahlke claimed she was trying to build a case in order to move Dames out,[990] that was contrary to Kristin Jones's impression.[991] Indeed, Wahlke could not point to any specific action taken by USSF to address Dames's misconduct because, according to Wahlke, USSF did not have the authority to demand that the Red Stars take any particular action concerning Dames.[992] Our investigation did not otherwise uncover any evidence of a recommendation being made to the NWSL or Chicago Red Stars to address Dames's misconduct.

5.5.5 USSF Investigation: "Nothing Was Found"[993]

The 2018 USSF investigation conducted by Pepper Hamilton had no impact at the Red Stars. Interviewees reported that they did not receive any follow-up from the League or USSF, were not informed of the findings or conclusions of the investigation, and were not advised as to next steps.[994] USSF did not take any steps to ensure Dames received additional training. Nor did Wahlke or others at the Federation take steps to remediate the key gap Jones's review identified: "there is no definition of what constitutes misconduct by NWSL coaches."[995]

At the Red Stars, one player said, Dames would make jokes about the investigation—like "don't come close to me I don't want to get reported again or have to go through another investigation."[996] Press also heard from other players that Dames told them she reported him.[997]

One player who identifies as (and was described as) a victim of Dames, said "nothing ever happened and that made me feel like what I said wasn't valid or enough to get him fired."[998] There is also no evidence that USSF ever informed the NWSL—or Dames's youth team, Eclipse—of the results of the investigation.

5.5.6 SafeSport Opens an Investigation

In March 2019, while Pepper Hamilton's "external review" remained pending, SafeSport notified USSF that it "received a report alleging that Responding Party Rory Dames had a relationship with a former player, while she was a player on his team, and subsequently married and had a child with her."[999] A month later, after a "preliminary inquiry" into allegations and "based on all evidence and information currently available," SafeSport "determined that there [wa]s insufficient information to proceed with a formal investigation at th[at] time."[1000] There is no indication that USSF ever informed NWSL, the Red Stars, or the Eclipse of the allegation, and the subject of the SafeSport investigation was not included in USSF's 2018 "external review."

5.6 Arnim Whisler

5.6.1 "He fucking knew"[1001]

Many insist that Whisler knew about Dames's verbal and emotional abuse of CRS players and inappropriate relationships with players for a decade and "did nothing about it:"

- "Whisler will tell you he knew nothing, which is a complete lie."[1002]
- "When Arnim now says I didn't know anything, that's a lie. He fucking knew."[1003]
- Whisler "pretends he doesn't know what is going on" because he does not "want to take accountability."[1004]
- Whisler's apologies and feigning ignorance following the November *Washington Post* article were "bullshit."[1005]
- Whisler "is lying—he did know. He knows the type of person Rory is . . . . He would look into it if he wanted to know."[1006]

- "I think Arnim turned a blind eye towards a lot of things. He was supportive of Rory."[1007]
- Players have been telling Arnim about Dames "for years" and "feel Rory was untouchable" because he and Whisler "were so close."[1008]
- "Arnim Whisler knew Rory was a bad man and had heard everything that he's done but they are friends and didn't want to fire him."[1009]
- "Arnim Whisler would say, 'I know how Rory is.' People in the front office knew. And this all plays a huge role in fostering the toxic environment."[1010]

Player and staff complaints regarding Dames's abuse were provided to Whisler virtually every season of Dames's tenure with the CRS. Each time, Whisler declined to do more than speak to Rory about the complaint.[1011] For example, as early as 2013—following the first NWSL season—Whisler himself reported to Cheryl Bailey that a player had raised "concerns about Rory."[1012] And Whisler received the 2014 National Team player feedback that called CRS a "hostile work environment" and alleged that Dames verbally and emotionally abused and made sexist and racist remarks to players.[1013] Beyond the players' feedback, and as early as 2013 or 2014, a staffer reported that she raised Dames's conduct with Whisler and expressed her desire for him to be removed as a coach.[1014] Later, in 2016, three rookies met with Whisler about Dames; one reported that she had "never been spoken to this way by a coach."[1015] Separately, Samantha Johnson reported to Whisler that Dames had engaged in inappropriate behavior with players, including texting them about their appearance.[1016]

But interviewees reported that Whisler was "just always so defensive of Rory."[1017] In response to some player complaints about Dames's behavior, staff recall that Whisler would say: "He's a good guy underneath it all. You don't know him like I do."[1018] In response to other player complaints, Whisler went on the offense—attacking players' credibility and their motives for reporting Dames's behavior. In response to the 2013 player complaint described above, for example, Whisler told Bailey that he was "not going to waste any more time on this," that the

player was using her concerns as "window dressing" because she wanted "more money from [an international team] or for personal reasons."[1019] He went on to note that the team was "aggressively exploring trades within the league for her."[1020]

One staff member claims, "Arnim is equally as guilty and complicit as Rory and Rory's coaches."[1021] She believes firmly that "he knew everything that was going on" and "he never did anything" to address it."[1022] She also reported that players "stopped going to Whisler with concerns" about Dames's behavior because "nothing was ever done" so "they felt they had to take it."[1023]

Staff members separately reported that Whisler himself engaged in inappropriate behavior. Two reported that Whisler would ask front office staff members about their sexual orientation and, when told he could not make comments like that, he would "shrug[]" or would make jokes like "Oh, HR is here."[1024] When interviewed, Whisler denied these allegations, explaining that the only context in which he would ask about an employees' relationship status would be if he heard concerns that the employee was involved in an inter-office relationship involving a subordinate or superior.[1025]

5.7 Dames's resignation

5.7.1 October 2021 cultural review

Following *The Athletic* article about Riley, CRS players requested an investigation into their own team culture.[1026] That next month, in October 2021, the Red Stars retained a licensed sports psychologist who specializes in clinical sport psychology to conduct an "Organizational Climate Review" related to the culture and climate of the team. The identified purpose was to assess the psychological and emotional safety of the Chicago Red Stars organization for players and other employees. The review process began on October 11, 2021 and concluded on November 12, 2021, during which time the psychologist conducted one-on-one interviews of twenty-two of

the twenty-six players on the team and all eight CRS staff members. The psychologist also reviewed the NWSL Anti-Harassment policy, as well as the processes and procedures for reporting concerns within the league and the club.

In her month-long review, she identified four areas of concern, only two of which the team agreed to permit our investigation to share: (1) Having an assistant coach as a primary pathway for players to report concerns is a negative dual relationship that increases the likelihood of under/non-reporting serious concerns due to the nature of coaching/power dynamics. This is uncomfortable for both the coach and the players; and (2) The head coach [Rory Dames] has created a culture of fear and engaged in emotional and verbal abuse which is psychologically and emotionally harmful to players and staff.

With regard to the latter, the report stated:

> Coach Dames was described as "condescending," "manipulative," "aggressive," "insulting," and "an intimidator" among other things. ***70% of players reported concerning behaviors that are consistent with the generally accepted definition of emotional abuse in sport.***
>
> …
>
> Within these episodes of verbal/emotional attack, players reported examples of Coach Dames degrading player's family members and parenting abilities following an on-field mistake, name calling intended to humiliate and belittle a player, and using threats to incite fear and shame.

When interviewed about her findings, the psychologist stated unequivocally that Dames's screaming, belittling/humiliating, rejecting, and isolating players amounted to sustained emotional and verbal abuse.[1027] She explained that Dames had created a culture where players feared "making a mistake" and were "terrified to mess up," because if they did, they were "going to be belittled or personally attacked or ignored for the rest of practice and not coached."[1028]

The psychologist explained that, during the course of her climate review, she did not consider Dames's behavior a violation of NWSL's anti-harassment policy because of a loophole

in the policy that such behavior was "unacceptable unless in course of generally accepted coaching practices."[1029] She noted that while some coaches see yelling and belittling as a means of motivating players, she disagrees and the scientific literature does not support.[1030] However, the NWSL policy's loophole checked her impulse to report the behavior, notwithstanding that she identified it as abusive.[1031]

For that reason, the psychologist made no recommendation for any specific employment action to be taken against Dames. She did find the resignation appropriate based on her findings.[1032] She also had four additional recommendations for the Red Stars, only two of which the team agreed to share with our investigation: (1) "Remove assistant coach from the role of report recipient for player concerns and identify a more neutral party within the organization to receive concerns/complaints"[1033]; and (2) "Take measurable, concrete steps to remedy fear-based culture and protect athletes from verbal and emotional abuse."[1034]

The psychologist sent her report to the Red Stars, and then within a week or two, conducted readouts with players and with Dames separately. With Dames, she shared a summary of her findings including areas of strengths and concerns and her recommendations. Dames "did not respond favorably."[1035]

5.7.2 Dames resigns

Up until that point, Whisler reports that he believed that while there were always "one or two players" who did not like Dames's style, Dames and CRS were "on a good trend."[1036]

According to Whisler, once he read the sports psychologist's report, "he knew [Dames] shouldn't be the coach and by the end of the day [Dames] wasn't."[1037] Just after midnight on November 22, 2021, the Red Stars announced Dames's resignation, omitting allegations of abuse and misconduct, stating: "Under Rory's leadership we have been a remarkably consistent and excellent club on the field. We continually evaluate our team and front office environment, and

given the dynamic change underway in the league, it is time to begin the next chapter of the Red Stars with a search for new leadership of the team."[1038]

Later that day, *The Washington Post* published its "'Nobody cares" article detailing Dames's extensive history of alleged emotional and verbal abuse. According to one player, Whisler "expressed a lot of shock about the allegations and said he knew nothing about it beforehand."[1039] Indeed, he texted a few players, including Samantha Johnson, Christen Press, and Jen Hoy, apologizing and stating that he was "so sorry for what happened to you at the Red Stars and for not knowing or having procedures that could uncover it."[1040] One of the recipients of the texts reports that Whisler is "lying" when he says he did not know about Rory's abusive behavior and misconduct.[1041] Another former player states that Whisler "should have apologized to all of us for being in this environment. I am doing this investigation because I want him to be out. No one is holding him accountable. He is still not stepping up and being accountable for what everyone has been through."[1042]

In November 2021, after *The Washington Post* article, Whisler asked USSF for a summary of the 2018 USSF investigation report. He called the November 2021 readout "a compendium of yucky stuff."[1043] Whisler emphasized that had he known the "breadth" of what he learned in this 2021 call, he would have acted to remove Dames sooner.[1044]

5.8 The Aftermath

5.8.1 Dames's coaching license is temporarily suspended

On January 6, 2022, USSF sent a letter to Dames stating that it had been "notified of serious allegations of misconduct against [him] and had "reported those allegations to the U.S. Center for SafeSport as required by federal law."[1045] USSF further explained that "[g]iven these allegations," it "made a risk management decision to suspend [his] U.S. Soccer Coaching License during the investigation."[1046] On February 14, 2022, SafeSport modified the suspension such that Dames:

(1) is permitted to coach and/or train athlete(s) while under the direct supervision of other, physically-present SafeSport-trained adult Participants; (2) may not have any one-on-one or unsupervised contact with athlete(s); and (3) is prohibited from communicating in any way with the Claimants.[1047] The temporary suspensions imposed by SafeSport remain in place and will not expire until SafeSport issues a decision in its case. Dames remains the owner of the Eclipse and is not prohibited from coaching soccer.

5.8.2 Impact of Dames's abuse on players

Multiple players stated they are now suffering from mental health issues requiring therapy as a result of Dames's abuse.[1048] For example, one former CRS player reported: "I've been in therapy since I was 22 because of this man. He has affected me for my entire life."[1049] In fact, she found herself in an abusive relationship that mirrored much of her and Dames's relationship and stated that she thought such abuse was "normal" because of how Dames had treated her.[1050] A former youth player who reported that she had a sexual relationship with Dames and was "groomed" by him, explained that she, too, spent her twenties in post-traumatic stress disorder, trauma, and victim therapy because of Dames: "[T]here was a very long period of time where I tried to compartmentalize that there's the Rory that made me an incredible soccer player and I owe him for that, and then there's the terrible Rory that's an abuser and did all of these terrible things . . . it wasn't until my twenties spending time in [therapy] that I learned we don't separate it like that. Yes, he might have helped you, [but] he's still an abuser.'"[1051]

6. CHRISTY HOLLY

6.1 Introduction

6.1.1 Fired for "cause"

On August 31, 2021, Racing Louisville issued a three-sentence press release announcing it had fired Christy Holly, its inaugural Head Coach, "for cause."[1052] The team declined to say more, with the Executive Vice President simply stating, "I'll plead the fifth. I'll take the attorney line on that."[1053] Local media and the NWSL rumor mill briefly swirled with speculation about the reason for the termination, but mostly settled on the fact that "we may never know."[1054] When, just a month later, the soccer world erupted following the allegations in *The Athletic* that Paul Riley had engaged in sexual misconduct and verbal abuse against players, Holly was mentioned only in passing as one of several NWSL coaches who had left their position.[1055] Not much attention was paid to Christy Holly.

Until now. Holly was fired from Racing Louisville after the team determined that he had engaged in long-term and egregious sexual misconduct against a player. The misconduct began prior to his tenure at Racing Louisville and continued throughout. It involved sexual contact, coercive text messages, abuse of power, and retaliation.

6.1.2 He got to "walk away"[1056]

This was not the first time Holly left an NWSL team abruptly and mid-season. In August 2017, Holly was asked to resign from Sky Blue, effective immediately, in the middle of his second year as Head Coach of the club.[1057] Sky Blue General Manager Tony Novo said Holly's departure was necessary after repeated and ongoing complaints by players regarding Holly's verbal and emotional abuse, and because Holly's relationship with the then-team captain Christie Pearce Rampone had become so toxic and disruptive that he had "lost the locker room."[1058]

Sky Blue concealed the reasons for Holly's departure, issuing a warm press release describing a "mutual" parting of ways, praising Holly, and making statements in the media that perpetuated this narrative.[1059] While many heard rumors about Holly's relationship with a player, few outside the club appreciated the toxicity it created among Sky Blue players and staff, and almost none knew about the abuse players experienced. As one player stated, "he just got to walk away."[1060]

In this silence, Holly moved on. When the Federation hired Holly in 2018 to work with the National Team, much of the soccer world understood that any previous concerns were mitigated or resolved. Leveraging the prestige of the Federation, and his skill for self-promotion, Holly was able to become Head Coach at NWSL expansion team Racing Louisville.

6.1.3 The barriers were "low"

The barriers to Holly's advancement through the NWSL were low. Holly walked onto the Sky Blue field as a part-time volunteer reserve team coach in 2013, and despite a marked lack of experience, got the Head Coach job there in just three years.[1061] Although Holly never held the requisite license to be a Head Coach in the NWSL—not in 2016 and not in 2021—this was lost or overlooked in inconsistent efforts to organize and enforce League and USSF standards.[1062] At the time of his hiring at Sky Blue, there were no written anti-harassment or anti-fraternization policies governing the League. And without a clear record of why Holly left Sky Blue, any concern that was raised was dismissed in Racing Louisville's hiring process as a "chemistry" or "human resource" issue.[1063]

But at Racing Louisville, a strikingly similar pattern of behavior emerged quickly. Players at Racing Louisville reported verbal abuse, manipulative behavior, and another relationship (this time with a young staff member) that created a toxic environment. Just as at Sky Blue, there were

efforts by players and a staff member to report this to team management, which management acknowledged but ultimately resolved, giving Holly the benefit of the doubt.

That is, until the club became aware of Holly's sexual misconduct towards a player. Racing Louisville swiftly took action and removed Holly. But the team chose not to share the "cause" of its action with the public, other players in the League, or with our investigation, citing a mutual non-disclosure and non-disparagement agreement it entered with Holly.[1064]

6.2 Sexual Misconduct: "He started pushing the boundaries more"[1065]

6.2.1 "It started with harmless dirty jokes"[1066]

Holly drafted Erin Simon to Sky Blue in 2016 after open tryouts, an avenue through which very few players successfully advance to the professional league.[1067] He gave her opportunities as a young player, and began developing what he would later characterize as a "unique" relationship with her.[1068] She considered Holly a "mentor."[1069]

Simon and Holly remained friendly after Holly left Sky Blue. In the summer of 2018, Holly began training Simon during her off-season. Normally, Pearce Rampone also attended these training sessions (she and Holly were publicly a couple at that point, and the three were friends). But, one day Simon recalled that she showed up and found she and Holly were training alone. Simon recalls she made a "that's what she said" joke (a mild, suggestive joke made popular by *The Office*) as they were leaving.[1070] Holly stopped, Simon told us, and commented that he did not know she had "that side" to her.[1071]

"And then," Simon reported, "he started pushing the boundaries more."[1072] From there, Simon explained that Holly's sexual and suggestive jokes continued and escalated for months, both in person and via text messages. In May 2019, when Simon and Holly were in his kitchen making smoothies with Pearce Rampone, Simon recalls that he grabbed her breasts from behind,

when Pearce Rampone was not looking.[1073] Simon recalled specifically that "Holly looked at me like he was playing a game."[1074]

6.2.2 "He would send me text 'challenges'"[1075]

Simon says that Holly continued texting her more regularly, and the texts grew increasingly sexualized. She recalls that Holly sent her "dick pics," both in briefs and naked, and a video of himself masturbating.[1076] Holly also issued "challenges" to Simon, she recalled to us, asking her to send sexual pictures—and once a video—of herself.[1077] Simon said she felt "guilted" into it, "forced" to send photos.[1078] She recalled that if she said no, he would persist.[1079] Throughout, Simon remembers that Holly constantly reminded her to "loosen up," telling her that having "fun" with him would improve her performance on the field.[1080]

Simon said that in late 2020/early 2021, Holly tried using WhatsApp to contact her, specifically because those messages were encrypted.[1081] Simon says Holly also sent pictures and videos to her via Snapchat, because those messages automatically deleted.[1082] Simon reported that at one point he told her that he "wiped" his phone and laptop every night.[1083]

Simon told us that she would try to ignore his texts, but Holly would "double or triple text me."[1084] She recalled telling him she lost her phone, or that she never received the messages.[1085] She said she would delete them and show him a screenshot to try and prove she never got the "challenge,"[1086] but Holly would resend.[1087] "I tried to deflect in every single way."[1088]

6.2.3 She felt she "owed" him[1089]

In August 2019, Erin Simon was called up to the U-23 camp.[1090] Simon recalled that Holly texted her to tell her that B.J. Snow, who was Head Coach of the U-23 camp, would be calling her; she should stay by the phone.[1091] When she did get the offer to come to camp, Simon was "nervous," suspecting that Holly likely had something to do with her position.[1092] Simon told us

that once she arrived at camp, Holly, who was serving as an assistant coach, repeatedly invited her to his hotel room.[1093] Though she declined, Simon could not shake the feeling she "owed" him.[1094]

Simon states that, during the camp, she met with Holly and Snow to discuss her professional goals.[1095] She recalls they told her that to make the National Team—her lifelong dream—she needed to play in the NWSL (at the time, Simon was playing overseas).[1096] Heeding this advice, Simon was "really surprised and happy" when she later received an offer to play with the Houston Dash.[1097] Simon remembers that Holly told her he "may have talked to some people behind the scenes."[1098]

In looking back, Simon still struggles to reconcile her feelings from this period: "it was a constant battle in my brain."[1099] On the one hand, a part of her truly believed Holly was a friend and mentor who had supported her throughout her soccer career. On the other hand, she "felt guilty in [her] conscience",[1100] suffering under the weight of "how [he] could easily tear down my career."[1101] Now, Simon sees it all as a "fucked up, distorted image of a friendship."[1102]

6.2.4 "I've got until January 1"[1103]

In 2020, Simon recalls she was having a very difficult time at her NWSL team, Houston Dash.[1104] In November, Holly drafted Simon to Racing Louisville in the expansion draft.[1105] Simon was happy,[1106] in part because she "thought that if [Holly] were actually my coach [again], he'd have to stop."[1107] Simon says she texted this to Holly directly: "now you're my boss, I guess you'll have to stop."[1108] She recalls Holly texting back: "I've got until January 1," when he officially became her coach again, this time at Racing Louisville.[1109]

Simon states that his advances only escalated. In the lead up to the move to Louisville, Simon recalls, Holly invited her to his house to watch game film.[1110] According to Simon, Holly instead showed her pornography,[1111] touched her, and told her he wanted to have a threesome with her and another former player (a fantasy he often described to her); that it would be "epic."[1112]

Simon said she tried to leave, but Holly began masturbating in front of her. He grabbed her wrist and forced her to touch his penis.[1113] Simon said she pulled away, and recalled Holly grabbing her arm as she tried to turn the corner and go down the stairs to leave.[1114] She was scared, recalling she "did not know what he was capable of."[1115] Again, Simon felt Holly acted as if it was a game.[1116]

6.2.5 "It did not stop"[1117]

Simon told us that once she joined Racing Louisville, the texting did not stop. Holly lived in the same apartment complex as the players (the only coach at the club who did so) and that he often texted her to come over.[1118] She never went alone, often bringing her friend and teammate, Brooke Hendrix, with her for safety.[1119] Simon told us that Holly called Hendrix a "cock block."[1120] Simon felt the pressure to keep Holly happy, but feared being alone with him.[1121] Hendrix recalled Simon struggling: "What do you say to your Head Coach? No?"[1122]

As before Louisville, Holly continued his advances. Simon recalled Holly groping her butt when she walked through a door in front of him,[1123] and Hendrix recalled Holly telling Simon that she was wearing "too many layers" because he could not see Simon's nipples through her clothing.[1124]

On April 21, 2021, Holly called Simon to a one-on-one film session.[1125] Simon was scared—she had managed not to be alone with him to that point.[1126] Contemporaneous texts with a friend show Simon steeling herself, getting advice.[1127] Hendrix recalled rehearsing with Simon ways that she could try to protect against Holly's anticipated advances.[1128] Simon suggested to Holly that they review the film in the cafeteria (a more public place), but she says that Holly insisted on meeting in a suite upstairs at the stadium where Racing Louisville played.[1129] She said she deliberately wore layers of tight clothing that would be hard for Holly to get his hands under.[1130]

Simon described how Holly opened his laptop and began the game film.[1131] During the filmed game, Simon made several errant passes.[1132] Simon recalled vividly, Holly told her that he was going to touch her "for every pass you fucked up," and he did.[1133] Simon tried to laugh it off, and said she would "not fuck up any more passes."[1134] Then, she recalled, Holly started touching her, repeatedly pushing his hands under her pants to touch her genitals and under her bra to touch her breasts.[1135] She remembers she tightly crossed her legs and pushed his hand away.[1136] Simon said she tried hard "to keep the peace and the balance and to keep [Holly] from getting mad."[1137]

The video ended and she left. Simon says Holly shortly thereafter texted her: "You were drier than the Sahara down there."[1138] After the session ended, Hendrix picked Simon up, and Simon showed her the text.[1139] Hendrix corroborated seeing this text and described how upset and distraught Simon was that day: "she started crying immediately in the car."[1140]

Later, Simon approached the team captain to ask whether all film sessions could be in a public area or in groups.[1141] The captain took the request to Holly and recalled him becoming "defensive" and asking who made that request.[1142] She also remembered Simon's request worried her, and she asked Simon if everything was okay.[1143] Simon quickly demurred.[1144] At the time, Simon was terrified of being "found out."[1145]

6.2.6 "He made an example of me"[1146]

After the film session, Simon says she avoided Holly, but he noticed. Simon said that he pulled her aside, into the same stadium suite where the abuse happened, and she told him "it had to stop."[1147] She said she told Holly that he was "messing with my head, I don't want to be touched like that."[1148] Simon recalled his response clearly: "If you don't want me to touch your tits, I won't touch your tits."[1149] She said he then went into "coach mode" and told her that if it would help her focus on her soccer, he would stop; he just wanted to make sure she was playing well.[1150]

Then, "he stopped physically abusing me but started verbally abusing me."[1151] Simon said that Holly began "ripping into" her and refusing to shake her hand as she came off the field.[1152] He would not speak to her, Simon recalled, or tell her whether she was in the starting line-up or not.[1153] She said Holly targeted her, and other players began to notice. Holly tore her apart in front of others: "he made an example of me in front of the whole team."[1154]

6.2.7 "I was bearing the weight"[1155]

Simon said she was "miserable."[1156] She struggled to play and to function. "I hated myself. I was bearing the weight and shame and guilt, and I thought it was my fault."[1157]

Ultimately, at the end of July 2021, Simon confided in a team chaplain, Taylor Starr.[1158] She made Starr promise not to tell anyone, but felt she needed a spiritual advisor. Starr said she had observed Simon struggling under Holly's backlash.[1159] After one game, Simon ran into the stands and sobbed in Starr's arms.[1160] Starr recalled Holly walking by when Simon was crying on her shoulder, "covering everything up with [a] smile and [a] wave."[1161]

6.2.8 Investigation and Termination: "I was not ready, but I do not regret it"[1162]

Starr said she had difficulty holding this information.[1163] She wanted to respect Simon's clear request for confidentiality, but also understood the danger and severity of the situation.[1164] "With a minor, I knew what I needed to do . . . but I was a little confused with a peer in this situation. Her career was on the line if someone found out."[1165] In looking back, however, Starr noted "I held onto it for a little too long."[1166]

Starr says she sought counsel from the NWSL Volunteer Chaplain Coordinator. While Starr had assumed there would be clear guidance as to how to proceed, she said she was met with similar confusion. The Coordinator, Starr said, told her there were no guidelines, no clear precedent. They offered empathy, but not clarity.[1167]

After seeking counsel from her own church, and watching Simon continue to struggle, Starr felt she needed to say something.[1168] At a regular Monday night meeting, Starr reported to the team's Lead Chaplain and Culture Coach, Garrett Bates, that Holly had been "sexually harassing" a player, but withheld the player's name.[1169]

From there, "things moved really quickly."[1170] Starr and Simon report that Bates called Starr later that evening and pressed her for the player's name.[1171] Starr met Simon at her apartment as the team returned from travel and told Simon that she had reported to the club, but had not yet disclosed her name. Simon asked Starr not to until they received more information, including how the club planned to protect her.[1172]

The following morning, Starr met with team executives: Brad Estes (Racing Louisville President), James O'Connor (Racing Louisville Executive Vice President), Erin Wilkins (Racing Louisville Human Resource Manager) and Bates.[1173] Ultimately, Starr felt pressured to disclose Simon's name because, as she recalls, the team stressed "they had twenty-four other players to protect."[1174]

Within hours, management and human resources met with Simon, who was accompanied by Starr and Hendrix.[1175] Simon said she felt "scared" and "uncomfortable" detailing her experience to this group, but ultimately did not hold anything back.[1176] "I knew it was going to lead to his firing, but I really believed it would protect the players. I was not ready, but I do not regret it."[1177]

At the close of the meeting, Simon told us that management ensured her they would terminate Holly that evening.[1178] Simon recalls that Estes called her[1179] and told her that when Holly was confronted about an inappropriate relationship, Holly identified Simon by name, threw his keys across the table, and left.[1180] Simon said Estes recounted how Holly protested that the

relationship had happened "in New Jersey," but when confronted with the film session incident, he admitted that it might have "carried over" into Louisville.[1181]

Simon said that she received her last text from Holly that night: "I've been fired for an inappropriate relationship with you. I don't want you to be caught off guard tomorrow morning."[1182]

6.3 A Pattern of Conduct: He "said the right things but didn't do the right things"[1183]

Though it was his sexual misconduct that led to his termination, Holly's pattern of abusive coaching behaviors and inappropriate fraternization was a frequent topic among those who fell in his orbit. Players and staff at both Sky Blue and Racing Louisville provided strikingly similar descriptions of Holly's tactics and abusive pattern.

6.3.1 "He sold everyone"[1184]

At both Sky Blue in 2016, and at Racing Louisville in 2021, Holly entered the season with enthusiasm and big plans. Holly seemed to "really care about [the] players."[1185] But he also made a lot of "empty promises."[1186]

Holly was not the first or the "ideal" choice for Sky Blue in 2016.[1187] By all accounts, Holly did not have the experience normally required to lead a professional team.[1188] Prior to his three years serving as a part-time volunteer and assistant coach for Sky Blue, Holly mostly had coached local youth soccer.[1189] But as Holly wrote in an email to Novo during the club's coaching search: "I feel we are too far gone in the off season to get our ideal coach."[1190]

Notwithstanding, Holly entered the 2016 season, his first as Head Coach, with enthusiasm and big plans. Players, staff, and management alike described him as "charismatic," "personable," and "charming," and recalled the initial optimism and hope Holly instilled for the long-suffering club.[1191]

But Holly "made promises he couldn't keep."[1192] He would tell players that they were going to play, and then they would not.[1193] He would show up late, fail to plan training sessions, and wait to prepare a line-up until minutes before a game.[1194] "It was not a professional environment."[1195] Looking back, one assistant coach recalled, "[Holly] said whatever he needed to say to get through the next five minutes."[1196] As the 2017 season (Holly's second as Head Coach) wore on, and the veneer fell away, Holly's charm also began to deteriorate. He became increasingly erratic and aggressive, vacillating between warmth and "rage."[1197] As one assistant coach observed, "he sold everyone, me and the players, a dream. And he failed to deliver to the point where it was very abusive and negative and aggressive."[1198] Another assistant said, "it was disappointing and then it was infuriating."[1199]

In 2020, as Racing Louisville entered the League as an expansion team, they needed a Head Coach. Staffing an expansion team was a difficult sell.[1200] According to Estes, several other options did not come to fruition for one reason or another. Cost remained a factor; Estes noted Louisville had resources, but they also could not outbid higher resourced clubs, like Portland or Los Angeles.[1201] Ultimately, after considering nearly two dozen candidates, they offered the position to Holly. One Federation employee speculated that Holly ended up being the only one that would take the job.[1202]

Like the Sky Blue players, the Racing Louisville players and staff described the "empty promises"[1203] initially delivered by Holly, followed by a sense of disappointment. As one player noted, "going into the season, I had very good interactions. He said everything right . . . ticking all the boxes of what you want for a coach or a team."[1204] But then, "he made a lot of promises he did not keep."[1205]

These promises were both big and small—promises about the potential of the team and the culture, but also smaller statements, such as telling players that he would decide in ten days whether they made the team, and then, in ten days swearing he never said that and continuing to string players along.[1206] When approached about this, he would say he felt bad, but then continue to withhold the decision.[1207] As one staff member said, "it became apparent quickly that [Holly] said the right things but didn't do the right things."[1208]

6.3.2 "Master Manipulator"[1209]

Nearly every player and assistant coach we interviewed from Holly's tenure at Sky Blue and Racing Louisville used a variant of the word "manipulate" to describe Holly's conduct.[1210] Holly took care to get to know players on a personal level, but multiple players explained a feeling that he did that so that "later he [could] manipulate you."[1211]

At Sky Blue, Holly asserted control over the players in both significant and petty ways. One staff member noted that Holly would choose who would receive one of a limited number of GPS monitors—which were needed to track performance— "based on who he liked" on any given day.[1212] Holly also refused to tell players who would be traveling for an away game or who would be on the dressing roster for a home game until the last possible moment, toying with their hopes for playing time and resulting in players begging him to find out.[1213] One player commented, "I see it now that it [was] a power play."[1214] Another player remembered that "Holly was so awful to me. He would joke about ripping up my contract—but it wasn't a joke. This is literally my life."[1215]

At Racing Louisville, Holly's temper ran "hot and cold,"[1216] his anger alternating with charm. "Sometimes he was super there for you, and sometimes he was so mean and angry. He would be so mean and cold in a group meeting, and then thirty minutes later, so caring and charismatic, and tell me he wanted to help me and get me places."[1217] One player recalled feeling like Holly would smile one minute, and then next look like he was going to kill you.[1218] And, like

at Sky Blue, the players noted that Holly used personal information as a weapon.[1219] One player noted that Holly was "manipulative and particular with the things he said." She stressed that she "did not mind being yelled at, soccer-wise", but Holly used personal information against people.[1220]

Holly also asserted control over medical decisions in a way that players found manipulative and unsafe. "You didn't feel like you could speak up if you were injured."[1221] One player recalled when she was injured and could not play, Holly was fuming.[1222] Holly yelled at the player and the trainer (who ordered she rest), and when she still did not play due to injury, Holly would not speak to her. She recalled Holly "would go down the line and high-five every player but [her]".[1223] Another player recalled that when she requested an MRI for a pre-existing injury, Holly "pulled her into a side office" and was "really mad."[1224] He got in this player's face, and told her that it made him feel as if she did not want to play and as if he could not "trust her."[1225] He threatened to take her off the roster.[1226] She ultimately "felt intimidated into not getting the MRI" and "from then on didn't want to say anything about any injury."[1227]

6.3.3 "There was just [this] rage"[1228]

Accounts of Holly's anger were similar among the players from Sky Blue and Louisville. Many described that Holly would go on a "rage attack" for seemingly no reason.[1229] One player noted: "[t]here was just [this] rage . . . . [I]t was not the insulting words, but the way he would say things, like he hated [you]."[1230] Another player stated, "I was scared. I am used to coaches yelling at me, but this felt different because he was [just] so angry."[1231] Players on both teams detailed how Holly "physically grabbed" their shoulders or collar as he screamed at them.[1232] His "eyes would pop out of his head," and his face would get red.[1233] A player at Sky Blue in 2016 and another at Racing Louisville in 2021 both independently described that Holly had "crazy eyes."[1234]

Players, coaches, and team management across both teams referred to Holly as everything from "paranoid, ultra-aggressive, short-tempered, nasty, mean, patronizing, humiliating,"[1235] to "angry, disorganized, erratic, [and] abrasive on the sidelines."[1236] There was a consensus that Holly "lied" to the players, "misled" them, "shouted" at them, and generally tried to "make them feel really small."[1237]

Even Sky Blue General Manager Tony Novo stated: "With Holly, it was degrading someone to the point where [the player] cannot pick themselves up."[1238]

6.3.4 "The whole thing was just toxic"[1239]

In addition to the lies, manipulation, and rage, players and staff also recounted the toxic effect Holly's relationships, or perceived relationships, had on the team. During Holly's second season at Sky Blue, rumors of Holly's relationship with Pearce Rampone, then-Sky Blue captain, had become an omnipresent problem on the team. Sky Blue players and staff almost universally spoke about the "toxic" and "damaging" environment caused by the relationship itself, which was compounded by their hiding of it.[1240] "They were lying to all of us."[1241] It was a constant distraction.

The players reported that the pair would fight often, and the team was left to ride the vagaries of their relationship.[1242] Several people reflected that the escalating dynamic of the relationship—and the purported "cover-up"—seemed to both augment Holly's sense of power, now that he was associated with a soccer superstar, but also his anxiety.[1243] Holly grew quicker to anger and increasingly disorganized.[1244]

At Louisville, players described a similarly "toxic" relationship between Holly and a member of the team's technical staff which, in the players' view, created a dangerous imbalance of power.[1245] The players reported that she would make "unreasonable" edicts, and simply had

"too much control."[1246] When players, including the captain, would approach Holly with their concerns, Holly would get angry, and tell them "not to question" her instructions.[1247]

Importantly, all Louisville players we spoke to felt as though this power imbalance had significant and "negative" impacts on their safety and ability to play soccer.[1248] Some players felt helpless.[1249] "It became Holly and [the staff member] against the world."[1250] Another woman stated, there were "no checks and balances,"[1251] and everything the [staff member] said Holly agreed with.[1252] "It became this toxic environment."[1253]

6.4 Departure from Sky Blue: "These women deserve better"[1254]

6.4.1 "And the team fell to bits"[1255]

The players and staff at Sky Blue described a devolving spiral as the 2017 season wore on, powered by the constant cycle of allegations and denials regarding Holly's relationship with Pearce Rampone and Holly's increasing verbal abuse. One assistant coach described Holly as "unrecognizable in the last few months,"[1256] and another believed that "the hiding [of the relationship] altered his personality."[1257] By all accounts, "the team fell to bits."[1258]

Finally, in August 2017, after returning from a particularly devastating and dysfunctional game in Orlando, one of the assistant coaches approached Novo and told him he had to do something because "[Holly] has lost the locker room."[1259] Before the next game, Novo tried speaking to most of the players and coaches individually. One player recalled Novo calling and asking, "is it bad?", and she responded, "we've been telling you it was bad."[1260] Another assistant coach recalled telling Novo: "These women deserve better."[1261] Novo himself said, "there were plenty of players that stated some type of abusive behavior."[1262]

Novo said these conversations convinced him it was necessary to ask Holly to leave Sky Blue. Novo said he came to this decision both because Holly was "abusive to players" and because "he had a relationship with a player," which Novo viewed as two distinct issues.[1263]

6.4.2 "They just let him walk away"[1264]

Today, Novo is clear that Holly was asked to leave Sky Blue; others in team management (Mary Smoot, CFO) and team ownership (Steven Temares, Tammy Murphy) all agree Holly was let go. At the time, however, the organization said no such thing, and instead publicized another narrative, choosing to keep the true reason for Holly's departure—his misconduct—concealed.

The team's press release stated that it was a "mutual[]" parting of ways, and praised Holly.[1265] In the media, Novo implied that the team's losing record was a factor but reiterated that it was a mutual decision.[1266]



AUGUST 16, 2017

Christy Holly Steps Down as Sky Blue FC Head Coach

Photo by Sam Ortega, ISI Photos.

Tinton Falls, N.J. (Aug. 16, 2017) – Sky Blue FC of the National Women's Soccer League (NWSL) announced today that Christy Holly will be stepping down as head coach, effective immediately.

"First and foremost, we want to thank Christy Holly for everything he has done for Sky Blue FC," said Tony Novo, Sky Blue FC President & General Manager. "From the first day he came to our club as an assistant coach, Christy has always been committed to Sky Blue FC, and we wish him nothing but the greatest of successes in whatever he chooses to do going forward. That said, we know that Sky Blue FC remains in great hands with Jill Loyden, Dave Hodgson, Paul Greig and Maria Dorris as we approach the remainder of the regular season with a full ambition of reaching the NWSL Playoffs."

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Holly came aboard as Sky Blue FC head coach in January of 2016 after previously serving as an assistant coach for the club. The decision to step down was mutually agreed upon by Holly and the team, and he leaves the organization on good terms.

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Kickoff for Saturday's match against Seattle Reign FC is set for 7:00 p.m. kickoff. Individual tickets for that game are available now online or by calling 888-SBFC-TIX (888-723-2849). For all of the latest news on Sky Blue FC, follow us on social media: @SkyBlueFC

Tagged Christy Holly

Internally—and despite Novo's candid conversations with members of the team that led to his decision to ask Holly to leave—the players too were advised that Holly's departure was "mutual," that he left on good terms. Players were also asked to keep the matter of Holly's departure confidential, which left many feeling that their experiences were not validated or

acknowledged.[1267] As one player noted, it "breaks my heart that he could just walk away, [while we took] the brunt of it, and he was able to just get another job."[1268]

6.5 Hired at USSF: The issue "resolved itself"[1269]

Although the soccer community was generally aware of Holly's relationship with his former player, few understood the "toxic" effects that relationship had on the team and how it impacted the team's decision to fire him. At the time, those at the League and the Federation were "confused" about whether they should even address Holly's relationship with Pearce Rampone, and many felt they did not need to after Holly stepped away from Sky Blue.[1270] When the Federation itself hired Holly in 2018 to work with the National Team, much of the soccer world understood any previous concerns had been mitigated or resolved. The silence allowed individuals and institutions to draw their own conclusions, which in part ultimately led Racing Louisville to hire Holly: "Christy was selected primarily because of his involvement with U.S. Soccer and his experience in the NWSL. We took great confidence in the fact that we were going to be able to secure a coach that had been working with the U.S. Soccer Federation."[1271]

6.5.1 USSF and the NWSL Were "Confused" About What to Do[1272]

Novo said he sought the League's guidance in approximately 2016 as to how to handle the Holly/Pearce Rampone relationship.[1273] According to Novo, he asked in a Member Meeting[1274] whether there were rules prohibiting coach/player relationships, and how to address such a situation.[1275] Novo said he did not use names when asking the question, "but it was obvious. Other people had heard about [Holly and Pearce Rampone]. My impression was that the League was fully aware."[1276] Novo recalled, however, that "the bigger concern was the optics of it, rather than the fact of it."[1277]

Notably, the confusion—and ambivalence—regarding a fraternization policy appeared to extend to the League and the Federation as well. None of the individuals with whom our

investigation spoke that were with the NWSL or USSF in 2016/2017 had a clear understanding of whether there was an anti-fraternization policy in place during this time period.[1278]

Even without a policy, individuals at the League and USSF were aware of reports that Holly and Pearce Rampone were in a romantic coach/player relationship. Both Amanda Duffy (NWSL Managing Director of Operations) and Lisa Levine (NWSL General Counsel) recalled learning about the relationship while Holly was coaching at Sky Blue. Duffy recalled being "confused" about how to handle it.[1279] When asked whether she considered it important to address the fact of the coach/player relationship, Duffy stated it was not *un*important.[1280]

Levine, too, recalled becoming aware of Holly's relationship with a player while he was Head Coach of Sky Blue. Similar to Duffy, in her view the issue resolved itself when Pearce Rampone stopped playing, which "obviat[ed]" the need for the League to take any action.[1281] Both Duffy and Levine understood, however, that Sky Blue had dismissed Holly, and that this relationship was at least part of the reason why.[1282]

6.5.2 "I need to know that NWSL is protecting these girls"[1283]

Holly continued to be considered for positions in professional soccer. Just months after Holly was let go from Sky Blue, Dan Flynn (USSF CEO), Lydia Wahlke (USSF General Counsel), and Duffy emailed internally regarding a possible acquisition of the Boston Breakers, and noted that the team had offered an assistant coaching job to Holly.[1284] One of the prospective buyers for the Breakers reached out to Duffy after learning about Holly's relationship with Pearce Rampone.[1285]

> -----Original Message-----
> From: [redacted]
> Sent: January 5, 2018 10:34 AM
> To: Amanda Duffy [redacted]
> Subject: A concern
>
> Amanda
>
> I learned last night that one of the existing owners of the Breakers had a relationship with one of the Breakers last year. I asked him if this was true, and if so, to explain the situation. I have heard rumors that other staff may also have engaged in such behavior.
>
> The owner confirmed that it was true, but he said he contacted the league to let them know but no one objected. I don't know if this is true or not but I am deeply concerned.
>
> When I was told Christy was the best candidate to coach this team. Soon thereafter I then learned he had a relationship with one of his players last year. I was further told that that relationship resulted in the collapse of the team's morale and performance.
>
> The firms I run have a zero tolerance policy when it comes to managers/owners and subordinates. In fact, more than half our staff- half our leaders are women. To have learned in my brief involvement with NWSL that two such incidents occurred is alarming to me.
>
> How pervasive is this problem?
>
> I was motivated to acquire the Breakers partly because I wanted to empower women. Provide opportunities for women. Build an organization of female leaders to run this team.
>
> I expressed concern in Chicago that it seemed as though men run this league (no disrespect intended). Now I am afraid I will place my financial future and my reputation in jeopardy should this kind of conduct be widespread or leveraged against fellow owners or team leaders from my organization or other organizations.
>
> I would appreciate an honest assessment of the extent of this kind of behavior before I complete this transaction. I need to know that NWSL is protecting these girls and is vigilant about preventing such abuses of power in the future.
>
> [redacted]
>
> Sent from my iPhone

In drafting a reply, Duffy sought guidance from Wahlke and Flynn to ensure that their response was "honest" but "did not expose the league."[1286]

From: Amanda Duffy [redacted]
Sent: Friday, January 5, 2018 3:06 PM
To: Lydia Wahlke [redacted]
Subject: RE: A concern

Can you take a look at [redacted] email and my response please. I want to make sure I tackle this honestly but not expose the league at the same time.

Thanks.

Hi [redacted]

First and foremost, thank you for this email and your forthrightness with your concern.

While the Boston situation pre-dates me, I'm aware that the relationship with the Boston owner was confirmed with the league and while the league did not support it, the league did not take the necessary steps to remedy the situation immediately. At the time the league did discuss implementing a league policy to help prevent/police this but unfortunately a policy never became officially documented.

The situation in New Jersey was never reported nor fully supported in the discussions the league had surrounding it after we had some awareness (which was after the coach and player were no longer a part of the team).

To my knowledge these two situations are unique and the only two that the league has any level of awareness of, and I'm happy to discuss any of the details that I'm aware of surrounding either/both incidents.

After learning about this the league does now have an official documented policy that clearly states these relationships are not allowed in NWSL. That being said, enforcement of a rule is the most critical piece of any policy that exists and I can assure you I/we are fully committed to no tolerance.

I do appreciate your attention to this and please let me know if we should discuss further in the coming days.

Amanda

After internal discussion and exchanging of drafts, Duffy simply advised the prospective buyer that the "situation [with] Christy Holly has not been reported to the League, and I have no way to confirm what you state below or whether it is a rumor."[1287] She then referenced the upcoming institution of an anti-fraternization policy in the 2018 Operations Manual.[1288] The prospective buyers ultimately did not move forward with the deal.

To: Amanda Duffy [redacted]
From: [redacted]
Sent: Fri 1/5/2018 9:24:23 PM Eastern Standard Time
Subject: Re: A concern

Thank you Amanda. I will review and appreciate your candor. I am concerned but have not given up.

Sent from my iPhone

> On Jan 5, 2018, at 8:22 PM, Amanda Duffy <aduffy@nwslsoccer.com> wrote:
>
> [redacted]
>
> First and foremost, thank you for this email and your forthrightness with your concern. Your perspective is one of the reasons why we believe you and your organization will be good stewards of this club going forward.
>
> While the Boston situation you reference pre-dates me, I'm aware that a consensual relationship between one of the Boston principals and a Boston player was disclosed to the League in 2016, and while the League did not support this situation, the determination was made that the League's anti-harassment policy did not extend to prohibit consensual fraternization between adults. This player left the League following the 2016 season, and it is my understanding that the consensual relationship continued after the player left the League. We have received no further disclosures or complaints regarding this situation. The situation you reference regarding Christy Holly has not been reported to the League, and I have no way to confirm what you state below or whether it is a rumor. To the extent you are interested in hiring Mr. Holly, we would certainly support further inquiry. The League does, however, have a record of one additional allegation investigated at the club level, multiple years ago. The investigation was completed by an independent third party and the allegation addressed at the club level with no action from the League becoming necessary.
>
> The League has no current pending investigations, and to my knowledge, the disclosures above represent the only issues of which the League is currently aware from recent years.
>
> To help you understand what we have done, prior to the start of the 2017 season, between March 20 and April 13, 2017, Fisher & Phillips, an independent law firm with expertise in the area, presented training regarding, among other things, the NWSL's anti-discrimination and anti-harassment policies and complaint procedure. This training was presented to players, coaches and team staff for all clubs. We plan to continue this effort on a routine basis and I would be glad to share the training materials with you if you are interested in viewing them. In addition, in the 2018 Operations Manual, which is still being finalized, you'll find the below policy, which I plan to review at the next owners' meeting on 1/18/2018 in Philadelphia. I would hope that your transaction will be complete by then, and you will be able to attend and support this policy, and in the meantime, you are getting an advanced look, and I would invite your comments:
>
> "No person in a management or supervisory position with a team or the League shall have a romantic or dating relationship with a League or team employee whom he or she directly supervises or whose terms or conditions of employment he or she may influence (examples of terms or conditions of employment include promotion, termination, discipline and compensation)."
>
> The above conduct of a Boston principal (conduct which we do not condone) does not reflect the values of NWSL or USSF, nor should it be seen as suggestive of where the League is today or where it is headed – after all, this principal is not in good standing with the League, and as you well know, we are actively working to admit a successor member. Our objective is to continually increase the professionalism of this League and to better serve the constituent players, clubs and owners.
>
> As a leader of this League, as a woman, and as a professional, I respect and appreciate your concern, and I would urge you that you can make more of a difference with the League. I've committed this information to email, but I will make myself available by phone to discuss further, should you so wish.
>
> Amanda
>

When questioned about this exchange, Wahlke noted that this prospective buyer (or anyone else) that was interested in hiring Holly would be in a position to investigate the "rumors" further. She explained that if one wanted to hire Holly, they could and should ask those questions.[1289] In fact, the Federation would hire Holly just a few months later.[1290]

6.5.3 "In all honesty, I don't remember how Christy came about"[1291]

Beginning in approximately August 2018, Holly began doing limited per diem contract work for USSF, including opposition scouting for the National Team, talent identification for the U.S. Women's National program, and some assistant coaching for the Under 17 (U-17) and Under 23 (U-23) camps.[1292] Holly never had a contract with USSF and was paid less than $10,000 for his cumulative work over 2018 and 2019.[1293]

Most of the USSF personnel who worked with Holly could not precisely recall how Holly began working for USSF. Kate Markgraf (National Team General Manager), Matt Potter (USSF Scout), Graeme Abel (National Team Assistant Coach), Tracey Kevins (Head Coach U-17), and Mirelle Van Rijbroek (USSF Director of Talent Identification) all surmised that B.J. Snow brought Holly in.[1294] Snow, no longer employed at USSF, did not respond to our investigation's request for information.

Jill Ellis (National Team Head Coach) recalled that Snow, whom she had tasked with developing a scouting network, recommended Holly.[1295] While Ellis ultimately made the decision to hire Holly, she did not undertake any due diligence, background checks, or reference checks before hiring Holly.[1296] Ellis did not know whether any such checks were performed for Holly, or who in the Federation would have been responsible for seeing that they were done.[1297] In terms of due diligence, Ellis said they knew what they read in the papers but did not dig into rumors.[1298]

The lack of clarity as to who, exactly, would be responsible for vetting a new USSF hire extended to others as well. Abel noted that any process was informal, and it was not clear to him that there were any specific requirements before hiring someone to scout.[1299] Kevins noted that ultimately, the process was "relationship based," and "if the National Team employed [Holly], he must be good."[1300]

Kevins said she understood Holly held a USSF A License (he did not), but acknowledged that there was no one who would have been responsible for checking that at the time.[1301] Kevins assumed this because Holly had worked in the NWSL and had been used by the Women's National Team.[1302] To the contrary, throughout his professional coaching career, Holly never held a proper A-license required for NWSL head coaches. In 2016-2017, when Holly was with Sky Blue, USSF began to have discussions about how to bring him into compliance,[1303] but these conversations fizzled when Sky Blue asked Holly to tender his resignation.[1304] In the fall of 2020, while in discussions to become Head Coach of Racing Louisville, Holly contacted USSF Coaching Operations.[1305] They discussed holding a special small-group session to enable Holly to get licensed.[1306] In February 2021, Holly was enrolled in the A-license course, but was fired from Racing Louisville before he completed it.[1307]

6.6 Hired at Louisville: "Glowing Recommendations"[1308]

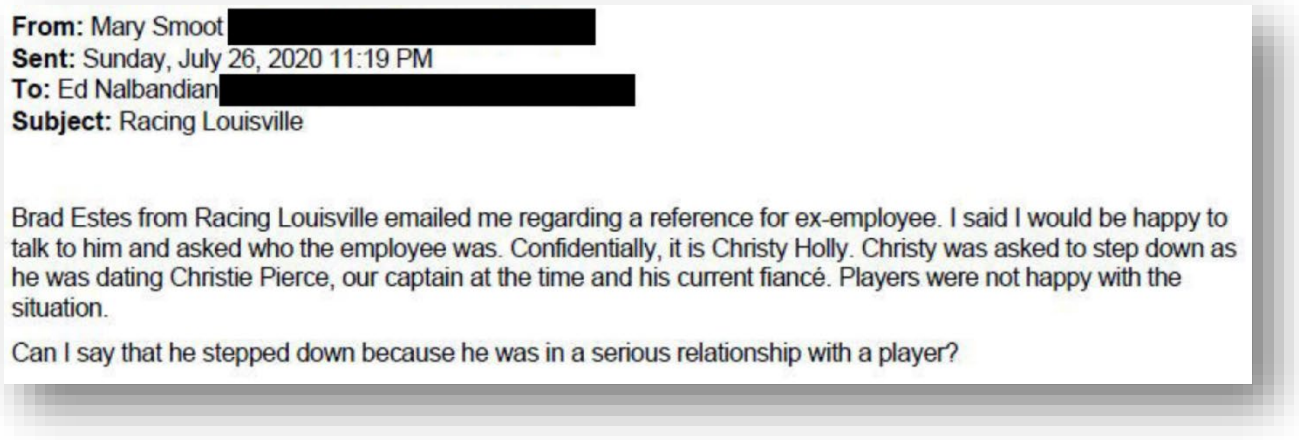
Prior to hiring Holly, the Racing Louisville executive team interviewed him and spoke to several references. Estes and O'Connor called Markgraf and Vlatko Andonovksi (National Team Head Coach), respectively, who provided generally positive referrals regarding Holly's scouting analysis for the National Team.[1309] However, Andonovski recalled that he finished the conversation by cautioning "there is obviously a reason why he got fired from Sky Blue," and recommending that Louisville do their diligence to find out why.[1310] Though Andonovski was not aware of the specific reason for Holly's departure from Sky Blue, he felt it an important part of any diligence process to investigate fully the reasons why a candidate may have been dismissed from a previous position.

Estes and O'Connor reached out to Sky Blue. Both spoke on the phone to owner Temares, who said that he provided an "accurate" reference, including Holly's positive and negative attributes,[1311] although he later conceded to this investigation that he gave what could be

considered a positive reference, but it would be in the "eye of the beholder."[1312] Both Temares and Estes recall that they discussed the "disruption" caused by the "rumors" about Holly's relationship with Pearce Rampone, but also Holly's positive coaching skills.[1313]

Estes recalled that Temares told him that, even with the "relationship issue," Temares would "100%" hire Holly again.[1314] Estes stated that Temares's comments assuaged his concerns about any issues Holly had at Sky Blue.[1315] He understood the primary problem was the rumors and not the relationship with Pearce Rampone, which did not appear predatory to him.[1316]

Estes and O'Connor also contacted another person at Sky Blue, Mary Smoot, an executive officer who had worn many hats over the years, including accounting and human resources roles.[1317] Upon being contacted, Smoot emailed Ed Nalbandian, a Sky Blue owner who had joined the club in January 2020, asking for guidance.[1318]



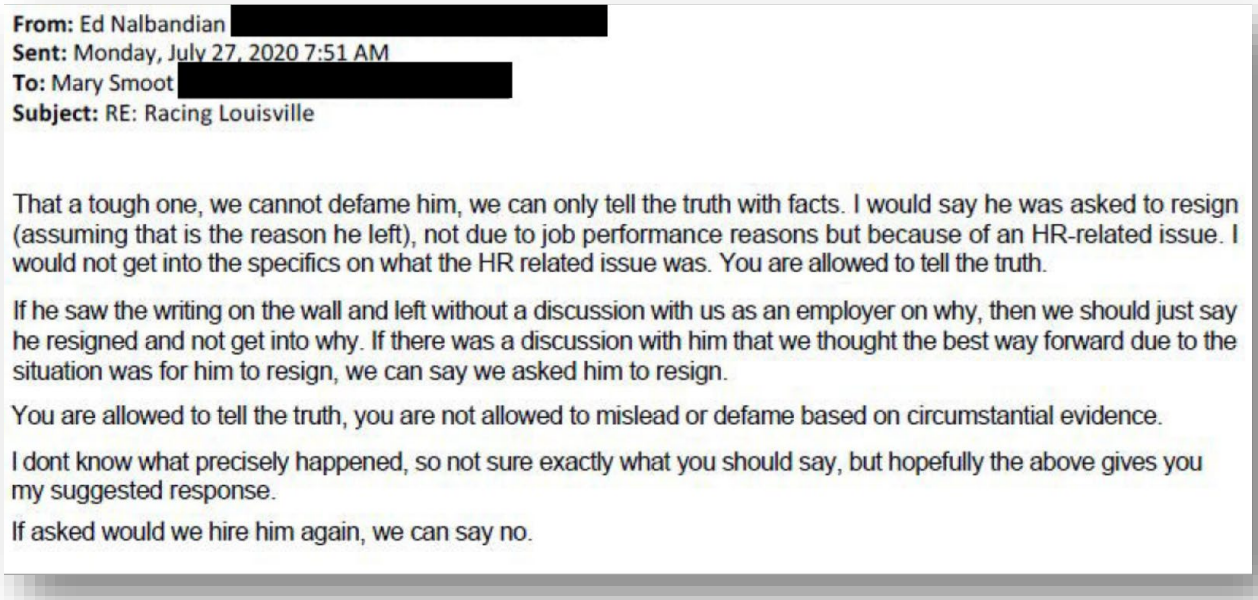
From: Mary Smoot [redacted]
Sent: Sunday, July 26, 2020 11:19 PM
To: Ed Nalbandian [redacted]
Subject: Racing Louisville

Brad Estes from Racing Louisville emailed me regarding a reference for ex-employee. I said I would be happy to talk to him and asked who the employee was. Confidentially, it is Christy Holly. Christy was asked to step down as he was dating Christie Pierce, our captain at the time and his current fiancé. Players were not happy with the situation.

Can I say that he stepped down because he was in a serious relationship with a player?

Nalbandian recalled this exchange; at the time, he was unaware of the issues with Holly, all of which predated him.[1319] However, Nalbandian believed it was important for Smoot to convey

that Holly did not leave "due to job performance reasons" but rather for a human resource issue.[1320]



From: Ed Nalbandian [redacted]
Sent: Monday, July 27, 2020 7:51 AM
To: Mary Smoot [redacted]
Subject: RE: Racing Louisville

That a tough one, we cannot defame him, we can only tell the truth with facts. I would say he was asked to resign (assuming that is the reason he left), not due to job performance reasons but because of an HR-related issue. I would not get into the specifics on what the HR related issue was. You are allowed to tell the truth.

If he saw the writing on the wall and left without a discussion with us as an employer on why, then we should just say he resigned and not get into why. If there was a discussion with him that we thought the best way forward due to the situation was for him to resign, we can say we asked him to resign.

You are allowed to tell the truth, you are not allowed to mislead or defame based on circumstantial evidence.

I dont know what precisely happened, so not sure exactly what you should say, but hopefully the above gives you my suggested response.

If asked would we hire him again, we can say no.

Nalbandian also spoke to Smoot the next day, prior to her call with Louisville.[1321] He understood Smoot's knowledge of the situation with Holly was limited, but one point stood out—the players were uncomfortable—and he believed it was important for Smoot to convey the impact from a player perspective.[1322]

Nalbandian said he then contacted Lisa Baird (NWSL Commissioner) about Holly.[1323] He recalled telling her the players at Sky Blue were uncomfortable with Holly, and urging the League and Louisville to do proper vetting.[1324] Nalbandian recalled Baird thanked him, and did not hear anything further from her on this matter.[1325]

When Smoot later spoke to Estes and O'Connor, Smoot said they proactively brought up Holly's relationship with Pearce Rampone at the outset of the call "and they had no problem with it."[1326] She recalled telling them that the fans loved Holly, but "the players did not have a positive experience." She noted that Estes and O'Connor did not ask any follow-up questions.[1327] "To me,

it sounded like they made their minds up. It wasn't a long conversation. They didn't ask me if I would hire him."[1328]

After Louisville hired Holly, media quoted O'Connor as stating he had received a "glowing recommendation of Christy Holly from Sky Blue ownership."[1329] Smoot said when she saw this, she was shocked. She emailed Temares and the Murphys (Owners of Sky Blue), forwarding the tweet and stating "I spoke with James O'Connor re Christy and certainly did NOT give him a glowing review. Did they speak to you?" Temares responded, "Matters not. We would never discuss whether we participate in a reference check, and if we did, what was said."[1330] Smoot also raised her concerns with Nalbandian, prompting[1331] Nalbandian to reach out to Estes to see if there was a misunderstanding.[1332] Nalbandian recalled Estes confirming that he did not understand Mary's reference to have been a positive one.[1333]

Racing Louisville did not to reach out to any players or staff who worked directly with Holly at Sky Blue (including his former General Manager). Still, Racing Louisville conveyed to us that they considered their due diligence sufficient, and at the time felt that they had a good understanding of Holly's character.[1334] Again, Holly was publicly heralded, and his past at Sky Blue was reframed. In a local news article shortly after his hiring, Holly stated, "the [Sky Blue] owners are people that I'm very thankful to for the opportunity they have given me. I spoke to them [recently]; they were the first to find out. James had a good conversation [with them]."[1335]

Racing Louisville announced, "we are excited to welcome Christy to the Racing Louisville FC family," and "[h]is character and values will fit perfectly within our organization."[1336] In the media, Holly spoke about the "dogged" struggle to get to this position, and how he was "Head Coach from 2015 to the end of 2017 and when I stepped down I swore I would never do it again . . . . There is a lot of strife and challenges that you go through but then there's a moment

you get on the pitch and are determined to make the hard work you've put in over the years pay off."[1337]

6.7 Efforts to Report: "Concerns were voiced all the time"[1338]

Players and staff repeatedly complained about Holly's misconduct. One staff member from Sky Blue recalled, "concerns were voiced all the time about [Holly's] behavior and his demeanor . . . . [C]oncerns about his treatment of players were constant."[1339] Novo himself stated he received "half a dozen or so" complaints about Holly's "abusive" behavior starting in 2016.[1340]

Players and staff at Louisville similarly voiced concerns. One player recalled Holly bullying her following an injury: he ignored her, yelled at her, and told her she was lucky to be signed at all.[1341] She raised this with her agent, who reported the issue to O'Connor.[1342] Another player organized a group to speak with club management about Holly. These players told management that they felt Holly had overruled trainers and improperly interfered in medical and treatment decisions, and raised concerns about his "yelling and [just] being belligerent."[1343] Players also completed surveys in which they voiced their concerns,[1344] and they reported Holly's abuse as a group to a sport psychologist.[1345] But, in each instance, nothing changed.

6.8 The Aftermath: Keep this "within our locker room"[1346]

Despite these attempts by players and staff to report Holly's misconduct, both at Sky Blue and Racing Louisville, Holly's rise in professional soccer did not stop until his sexual misconduct came to light.

Approximately an hour after firing Holly, at around 9:15 p.m. on August 31, 2021, Louisville held a meeting with players and staff.[1347] O'Connor led the meeting, with Estes and Human Resources in attendance.[1348] They told the team Holly had been fired due to an inappropriate relationship with a player, that they had investigated and substantiated the reports, and that his behavior was "unacceptable."[1349] They promised to make changes in order to ensure

it would not happen again.[1350] They noted that the player wished to remain confidential, and asked the team to respect that and keep this "within our locker room."[1351]

The day Holly was fired, Estes communicated twice with Lisa Levine (NWSL General Counsel) regarding Holly.[1352] According to Levine, Estes informed Levine that Holly acted inappropriately (Levine recalled Estes telling her Holly "sent a player inappropriate emails and may have touched her thigh") and that they planned to terminate him that evening.[1353] Estes followed up to say that Holly had not denied the conduct and was terminated.[1354] Levine later provided this information to Lisa Baird (NWSL Commissioner).

But Racing Louisville did not otherwise share the information and entered into a non-disclosure agreement with Holly upon his departure.[1355] Citing that agreement, Louisville's statements surrounding Holly's termination remain vague. When asked why he was fired, O'Connor publicly replied to "protect the culture."[1356] When pressed, he joked, "I don't know whether I [would] say illegal. I don't know, that's a subjective viewpoint if you, like, depending on who's asking and different people. I plead the fifth. I'll take the attorney line on that."[1357] O'Connor did note that "No coach if he's fired for cause or terminated for cause is ever going to be related to what happens on the field."[1358]

6.8.1 SafeSport Places an Administrative Hold on Holly

A month after Holly was fired, the League reported Holly to SafeSport. USSF's SafeSport Administrator, communicated with USSF and also contacted a couple state youth organizations to determine whether Holly was a member of these organizations.[1359] On October 6, 2021, SafeSport issued a Notice of Administrative Hold to USSF.[1360] The Administrative Hold bars Holly from having any role at USSF or with the National Team. The Notice stated that it had been reported that "Respondent Christy Holly engaged in inappropriate conduct of a sexual nature, including an intimate relationship with a female athlete wherein there was an imbalance of power. The report

further alleges that Mr. Holly sent inappropriate emails to the athlete."[1361] SafeSport ultimately concluded, however, that it did not have jurisdiction as Holly was not licensed by USSF.[1362]

6.8.2 "I think Holly still has a voice"[1363]

As the soccer community and public were left to speculate about Holly's termination, different narratives have filled the vacuum. One source reported to us that Holly told people he was fired because he got in a fight with the General Manager.[1364] Another NWSL coach reported that he still speaks with Holly, but does not know, and does not think it is important to know, why he was fired.[1365]

Simon's former teammate and friend, Hendrix, reported that she believes that Holly continues to retaliate against her for supporting Simon. Hendrix has heard that Holly provided negative references about her to other coaches, labeling her a "troublemaker."[1366] Hendrix explained, Holly "thinks I was the one that told. He has been telling people I am the one who got him fired because I was mad I wasn't playing, and I made up a rumor that got him fired."[1367] She said, "I have not been able to get on a team recently, and I think part of the reason is because I think [Holly] still has a voice."[1368] Her agent speculated the same, noting that Hendrix was highly sought after by international teams, but there appeared to be a network within the NWSL that disfavored her.[1369]

6.8.3 Holly: "We parted ways, that was it"[1370]

Christy Holly denies he and Pearce Rampone engaged in a romantic relationship at Sky Blue.[1371] When Holly interviewed for the Head Coach position at Racing Louisville, he recalled telling management there was no particular reason for his departure from Sky Blue: "we parted ways, that was it."[1372] Holly admitted that he lost his job at Louisville due to his "unique" relationship with Erin Simon.[1373] He admitted to texting Simon, including sending and soliciting sexual photos.[1374] But he denied that any sexual conduct continued at Racing Louisville.[1375]

Holly could not recall which party (he or Louisville) initiated the non-disclosure agreement but confirmed the agreement exists.[1376] Holly has not been contacted by Racing Louisville regarding the agreement, or any proposed modifications to the agreement, since his termination.[1377] Citing the non-disclosure agreement, Racing Louisville refused to answer any questions regarding Holly's tenure and termination.

6.8.4 "People need to know what Christy did"[1378]

Racing Louisville has maintained that its silence was to protect Simon. Simon wished to remain anonymous, but felt that the cryptic public messaging left others unsafe.[1379] "People need to know what Christy did."[1380] Simon remains concerned that, due to this lack of transparency, Holly is "still out there" and may be able to coach soccer again.[1381]

RECOMMENDATIONS

We make a series of recommendations aimed at preventing abuse in the future, holding wrongdoers accountable, enhancing transparency, and fostering a professional environment where players are treated with respect. These recommendations are not intended to be exhaustive and may not fully address every issue we identified in our investigation. Rather, they are intended to provide a framework to confront the institutional failures that perpetuated misconduct. We sought input from a wide variety of stakeholders: players, team owners, coaches, the NWSL, the Federation, youth club soccer, and SafeSport. We also considered whether recommendations would be financially and logistically feasible.

We are mindful that under USSF's current organizational structure, USSF has limited direct control over individual teams. It does, however, have oversight of the NWSL. Where we recommend that teams take certain actions, we recommend that the NWSL be responsible for ensuring that the teams take these actions, and that USSF impose this requirement on the NWSL if necessary.

Some recommendations should ultimately be applied Federation-wide, not just to the NWSL or the professional leagues. Given that our mandate was to make recommendations with respect to the NWSL, and recognizing that some recommendations may need to be phased in over time, prompt application to the NWSL is a strong step in the right direction. Moreover, in some instances, USSF may devise more efficient or effective means of accomplishing the same result.

We are also mindful that the NWSL and the NWSLPA will issue their own joint report with recommendations that will likely address some of the same issues. This should be the beginning, not the end, of focus on ensuring player safety and respect. Core to the success of

reform is that all recognize that fundamental change is necessary, and that in the wake of repeated failures, action and sincere commitment is essential to earn player trust.

TRANSPARENCY

Abusive coaches were able to move from team to team, and even to USSF, because the teams, the League, and USSF failed to identify misconduct and inform others when necessary. Further, the teams, the League, and the Federation generally appear to have prioritized avoiding defamation or employment lawsuits from coaches over the safety of players elsewhere in the League. To prevent this cycle from repeating, it is essential that misconduct is not concealed with "thank you for your service" press releases, and that teams hiring coaches have accurate information about a coach's history. To that end:

1. Teams should be required to accurately disclose misconduct to the NWSL and USSF to ensure that abusive coaches do not move from team to team.

1.1 Teams should timely notify USSF and the NWSL when a coach is terminated, disciplined, or his/her contract is not renewed, and provide accurate reasons for the change in employment.

1.2 USSF should establish a database containing employment history for all professional coaches that includes SafeSport complaints and findings; violations of USSF or the NWSL policies; and accurate information concerning any discipline or change in employment. This information should be available to teams when considering new hires.

1.3 The NWSL and the teams should eliminate the use of non-disclosure and non-disparagement agreements that act to shield information about abusive coaches.

1.4 USSF should make public a list of individuals disciplined, suspended, or banned by USSF, a USSF Organization Member, or SafeSport.[1382]

ACCOUNTABILITY

There are no guidelines regarding a team's necessary due diligence prior to hiring a coach.[1383] In addition, USSF currently has limited direct authority to sanction coaches for

misconduct. While the Federation's authority is limited, it is not nonexistent. Given the failure of the teams and the League to adequately vet or discipline coaches for misconduct, USSF should more aggressively use its authority to weed out problematic coaches.

One avenue is through the coach licensing system. Coaches licensed by USSF are considered "Participants" and are subject to SafeSport's jurisdiction.[1384] Under USSF's obligations as a member of Concacaf, and as disseminated to the NWSL through the Standards, all coaches must hold a USSF "A" coaching license within two years of appointment.[1385] But the Federation has not consistently enforced this requirement.[1386]

Moreover, the current coach licensing system is essentially a "diploma" system. Once licensed, a licensee need not apply for a license renewal, his/her conduct is not evaluated, and the licensee is not required to take continuing professional development ("CPD") courses.[1387] Consequently, we recommend as follows:

Accountability: Putting Teeth in the Licensing Requirement

2. USSF should require meaningful vetting of coaches and, when necessary, use its licensing authority to hold wrongdoers accountable.

2.1 USSF should transform its current coach licensing system from a "diploma" to an accreditation program requiring annual recertification.[1388]

2.1.1. USSF should require USOPC-compliant background screenings for all licensed coaches, as well as a review of disciplinary records from organizational members and SafeSport. [1389]

2.1.2. USSF should require that coaches annually attest to the accuracy of certain background information—for example, that they have not been the subject of any prior substantiated complaints of misconduct, and that they have adhered to applicable standards of conduct, including anti-harassment and retaliation policies—and inform coaches that false statements on licensing and application documents is a basis for termination.

2.2. USSF should enforce the NWSL coach licensing requirement, granting waivers sparingly and for limited periods of time.

2.3. USSF should suspend or revoke the licenses of those who commit misconduct and discipline Organization Members (including the NWSL) that fail to act on misconduct.

2.4. To ensure abusive coaches do not reenter the landscape, USSF should enforce its individual registration requirement and expand the program to require registered individuals to provide USSF and/or Organization Members with all relevant affiliations.

No organization took ownership over player safety. In the few instances where teams, the League, and the Federation examined coaching conduct, the misconduct was minimized by siloing allegations—in other words, no one looked for or recognized patterns of misconduct as they emerged. Organizations and individuals occasionally "checked the box" by providing information to others, such as USSF, the NWSL, or SafeSport, but failed to ensure that information was acted upon or that other players were protected—even when the coach in question moved on to other teams in the League or coached youth teams. Amidst this lack of accountability, the League and the Federation failed to establish investigation policies and protocols establishing how and by whom investigations of abuse would be conducted. To this day, the Federation still lacks enforcement mechanisms sufficient to require team or NWSL compliance with investigations or disciplinary measures.

Primary responsibility for preventing abusive conduct by coaches should rest with the teams that hire them. But the events revealed in this investigation make clear that teams cannot be left to their own devices to keep players safe. Consequently, additional oversight by the NWSL is essential, and appears already to be taking shape with the League's new anti-harassment policy investigation protocols. In addition, in order to prevent the information breakdowns that occurred before, it is imperative that USSF receive timely and accurate information concerning investigations, so that it may ensure that necessary information is disseminated throughout the soccer landscape.

Accountability: Requiring Rigorous Investigations

3. USSF should require the NWSL to conduct timely investigations into allegations of abuse, impose appropriate discipline, and immediately disseminate investigation outcomes.

3.1 USSF should require the NWSL to investigate allegations of misconduct according to an investigation protocol approved by USSF that ensures both timely and thorough investigations and disclosure of findings to relevant teams and USSF.

3.2 Teams should not investigate themselves when there is an allegation of misconduct involving player safety, including verbal or emotional abuse, or sexual misconduct.

3.3 The NWSL should require all owners, staff, and players to participate in investigative interviews and produce relevant documents as a condition of employment (absent a trauma-informed reason).

3.4 If an individual or team is not fulfilling its obligation to fully cooperate in an investigation, the NWSL and USSF should intervene consistent with their oversight authority.

CLEAR RULES

USSF's policies and procedures are a patchwork: no single policy covers every Organization Member or governs all types of prohibited behavior. For example, the current Prohibited Conduct Policy, which sets forth USSF's anti-harassment and anti-bullying policy, does not apply to professional leagues or non-national team players.[1390] Further, the policies that USSF does have in place are sometimes confusing and unclear on their scope and application.

We heard repeatedly from players that there were no clear guidelines defining conduct that was "out of bounds." Rookies were uncertain if this is "just the way it is" in the NWSL; misconduct became normalized. Players were also uncertain what to do if they were subjected to inappropriate conduct and feared retaliation if they raised concerns.

In interviews, certain Federation officials, coaches, and owners expressed the view that the "rules have changed," and that conduct that had been acceptable is no longer acceptable today.

While there may be some limited truth to that, much of the conduct identified in our report was never acceptable, even if it was tolerated. Players and coaches would benefit from clear rules that expressly identify inappropriate conduct and apply those principles to a soccer-specific context. And both players and coaches should be trained on the same rules so that there is a uniform set of expectations.

The Federation should exercise its authority to adopt a uniform set of policies and procedures that are clearly written and applicable to all Organization Members. Such action would be consistent with other National Governing Bodies that have applied their codes of conduct to all organizational members, including professional leagues.

In addition, the Federation should support the NWSL's ongoing work to ensure that players are educated about and understand the standard of behavior that is expected of everyone in a professional soccer environment.

4. USSF should adopt uniform and clear policies and codes of conduct that apply to all Organization Members and are found in single place on USSF's website.

5. USSF should require the NWSL to conduct annual training for players and coaches on applicable policies governing verbal and emotional abuse, sexual misconduct, harassment, and retaliation.

5.1 The NWSL's training should clearly delineate behaviors that cross the line in real life scenarios, and educate players and coaches about harassment, bullying, abusive behavior, and retaliation.

5.2 Training for players should include detailed descriptions of their rights, protections, and options for reporting inappropriate conduct.

PLAYER SAFETY AND RESPECT

No organization or individual "owned" player safety. USSF employees often have information relevant to player safety that does not have a clear destination—identifying an

individual responsible for implementing real reform at the team, League, and Federation levels will require focus, accountability, and resources. To that end, we recommend that:

6. USSF, the NWSL, and teams should each designate an individual within their organizations who is responsible for player safety.

6.1 USSF should establish a USSF Player Safety Officer to oversee and monitor the implementation of USSF conduct policies and reporting mechanisms, and make regular reports to the Board regarding player safety.

6.1.1. The Player Safety Officer should work with Organization Members (including the NWSL Player Safety Officer) and USSF's Chief Legal Officer and Human Resources function to support player safety (including review of SafeSport inquiries, professional league complaints and investigations, and other indicators), evaluate and recommend changes to relevant policies, recommend action where appropriate, and hire necessary personnel in support of those efforts.

6.1.2. USSF should require the Player Safety Officer to submit quarterly Board reports regarding player safety metrics, Organization Member compliance, and implementation of reforms geared toward player safety.

6.2 USSF should require the NWSL to establish a Player Safety Officer responsible for ensuring team compliance with player safety standards.

6.2.1. The NWSL Player Safety Officer should be available to receive complaints of misconduct or abuse, monitor team implementation of safety standards, coordinate relevant training, address retaliation concerns, and provide regular reports to the NWSL board.

6.2.2. In addition, the NWSL Player Safety Officer should be in regular contact with USSF's Player Safety Office and should submit annual reports that include relevant detail regarding the volume and severity of player complaints.

6.3. Teams should identify an individual within their organization responsible for player safety, with the goal of ultimately having a separate player safety officer at each team.

7. USSF should strengthen player safety requirements in professional leagues.

Multiple players reported that they were discouraged from raising concerns and repeatedly told to be "grateful" that they had an opportunity to play professional soccer. Team and Federation leadership explicitly encouraged players to protect the League from failing as its predecessor

leagues had. Some former players and veterans endorsed this message. As a result, players felt as though they had to tolerate unprofessional—and even unsafe—conditions.

Moreover, many teams were insufficiently staffed, even though the Standards require each professional team to have a number of positions filled by "full-time staff year-round,"[1391] which caused certain head coaches to play outsized roles, such as serving as both head coach and general manager.[1392] This kind of dominant control over all aspects of a player's life, from playing time, to housing, to medical decisions, chilled players from reporting abusive coaches.

The Federation has most routinely exercised its oversight authority over professional leagues through the Standards and the annual review of professional leagues by the Professional League Task Force. This review includes an examination of individual teams with the League. Although this review of professional teams has improved in recent years, the Federation can do more to improve the quality and substance of this review, including by ensuring that all professional teams are sufficiently capitalized to provide a safe, professional, and healthy environment for players.

While there are a number of specific reforms that are important, as a guiding principle, teams should be required to provide players with a safe environment that reflects their status as professionals. Specifically, we recommend that:

7.1. USSF should consider whether the current capital requirements for the NWSL owners are sufficient to ensure all owners are financially committed to the NWSL and are providing a professional environment that is safe and respectful of players.

7.2. USSF should enhance its current annual review of professional leagues to include a review of team culture and coaching practices, as informed by sports psychologists and other relevant experts.

7.3. USSF should enforce its Professional League Standards and impose meaningful penalties on professional leagues that fall short of standards.

7.4 Teams and the NWSL should take measures to ensure coaches do not have undue control over players. For example, a team's head coach generally should not serve in other roles of authority, like General Manager. Nor should coaches have sole authority over player trades, housing, medical decisions, or other aspects of a player's life off the field.

PLAYER FEEDBACK

Players repeatedly raised concerns regarding misconduct to teams, the NWSL, and the Federation, but those complaints generally went unaddressed. Concerns brought directly to team ownership were often dismissed as coming from disgruntled or "difficult" players with an agenda. Even worse, the NWSL went through the motion of occasionally conducting player surveys, but while the surveys provided a potentially meaningful way for players to raise issues and report concerns, the surveys were inconsistently issued, results were ignored or not scrutinized, and important feedback was not distributed to everyone who should have seen it.

Another important avenue for player feedback is through an anonymous reporting line. In the wake of *The Athletic* article,[1393] reporting lines were established last year and should be maintained. Players should have opportunities to provide feedback directly to teams through Player Safety Officers at the teams, the League, and the Federation. Additionally, we recommend that:

8. USSF should require the NWSL to implement a system to annually solicit and act on player feedback.

8.1. USSF should require the NWSL to conduct and review player surveys on an annual basis that include questions about coaching conduct, and the NWSL should share anonymized results with relevant teams and players.

8.2. USSF should require the NWSL to provide the complete survey results to the USSF Player Safety Officer, identify to USSF surveys that raise issues of abuse or retaliation, and provide a plan of action.

8.3. USSF should require the NWSL to maintain its confidential reporting line and timely report to USSF any allegations of abuse or retaliation.

YOUTH SOCCER

The scope of our investigation was limited to allegations of misconduct in the NWSL. Several NWSL coaches whose conduct was at issue also have deep connections with youth soccer. During the course of our investigation, we confronted multiple historical reports about misconduct in youth soccer. Coaches and Federation officials have observed that verbal and emotional abuse is common in youth soccer, and players told us that verbal and emotional abuse in youth soccer made it more difficult to determine what was out of bounds in the NWSL. We recommend that:

9. USSF should collaborate with its youth member organizations and other stakeholders to examine whether additional measures are necessary to protect youth players.

DISCIPLINE

None of the coaches detailed in this report are currently still coaching in the NWSL, although we recommend that USSF take steps to prevent their future participation in USSF landscape. Likewise, the relevant individuals at USSF and the NWSL in leadership positions during the relevant period are no longer with USSF or the NWSL. There are, however, team owners and executives referenced in this report who remain in the League. Consequently, we recommend that the NWSL, which has governing authority over NWSL teams, owners, and personnel, determine whether disciplinary action is appropriate for any of these owners or team executives, in light of our findings and the findings of the NWSL/NWSLPA Joint Investigation.

10. The NWSL should determine whether discipline is warranted in light of these findings and the findings of the NWSL/NWSLPA Joint Investigation.

INTERSECTION WITH SAFESPORT

SafeSport's patchwork of jurisdiction has created significant confusion in the soccer landscape about who is responsible for investigating claims and imposing discipline in misconduct

cases. It has also contributed to a "hot potato" dynamic, where reports are made without assuming responsibility for follow-up.

Perhaps given the confusing legislative framework, NWSL players, coaches, and owners are generally unaware of SafeSport's application to the League.[1394] There has also been an understanding, which SafeSport has itself promulgated, that USSF either need not (or cannot) act once SafeSport has exercised exclusive jurisdiction. The confusion surrounding SafeSport's role has had several consequences that impaired USSF's ability to ensure NWSL player safety.

First, few within the women's professional soccer environment have reported misconduct allegations to SafeSport.

Second, where USSF reported claims about the NWSL coaches in their roles in youth leagues or other non-NWSL roles (or learned of those claims from SafeSport), there was an assumption that no more needed to be done after the report was made. For instance, USSF received claims relating to NWSL coaches that arose from conduct outside of their roles at the NWSL. With these, USSF duly reported the claims to SafeSport, but took no action to notify the NWSL (or relevant teams) about the existence of the complaints.

Third, there has been an operating understanding, fostered by SafeSport, that because the SafeSport Code prohibits USSF from investigating or resolving claims as to which SafeSport has exercised exclusive jurisdiction,[1395] USSF cannot take any steps to try to identify the subject of a complaint, to provide information to the NWSL or teams, or to impose its own sanctions.[1396] For example, in one case in which SafeSport issued findings substantiating a complaint that a youth coach made sexually explicit remarks to high school players, its discipline was limited to a two-year probation, during which he continued to coach high-school girls and was installed as Director of Coaching for an Elite Clubs National League ("ECNL") team.[1397] Based upon interaction with

SafeSport, USSF believed at the time that it could not take its own disciplinary steps against that coach, including by placing him on its Risk Management List or suspending his license, on the basis of the same behavior as to which SafeSport had issued the two-year probation.

Finally, some USSF personnel have been told that USSF is prohibited from sharing specific information concerning allegations of sexual misconduct due to SafeSport's confidentiality requirements. USSF is not permitted to share the Notice of Decision, which contains SafeSport's findings.[1398] In fact, SafeSport has expressly denied USSF's request to provide a detailed Notice of Decision to an Organization Member, even though SafeSport concluded in that Notice that the coach's conduct was so egregious that he should be permanently ineligible to participate in sport.[1399] SafeSport based its decision on the fact the case was dismissed on appeal after the claimant declined to participate further.[1400]

In recent interactions with SafeSport, however, SafeSport representatives have now clarified that the SafeSport Code does not prevent USSF from:

- Engaging in necessary inquiry to fashion and impose appropriate safety measure not expressly prohibited by the SafeSport Code; and
- Sharing factual information regarding allegations reported to SafeSport.[1401]

SafeSport also has clarified that the SafeSport Code does not prevent USSF from imposing licensing restrictions, revoking membership, or taking employment actions.[1402]

SafeSport's Reliance on "Administrative Closure"

When SafeSport exercises jurisdiction, in the vast majority of cases, it subsequently "administratively closes" those cases, meaning that it makes no findings, no sanctions are imposed on a respondent, and there is no public record of the allegations.[1403] Our investigation scope did not include an exhaustive examination of SafeSport practices, including its propensity to

administratively close cases. But it appears that it does not have the resources necessary to promptly address the volume of complaints it receives.[1404]

SafeSport employs roughly thirty investigators to cover eleven million athletes.[1405] In its first five years of existence, SafeSport received more than 10,000 abuse and misconduct reports through its online reporting portal and fielded more than 3,400 calls and 350 chats on its SafeSport Hotline.[1406] In 2021 alone, SafeSport received 3,708 abuse and misconduct reports, and its in-house Resource & Process Advisor, available to all investigation process participants at any stage, fielded more than 1,700 calls for help with process navigation and referrals in the same year.[1407] SafeSport acknowledges that in its early years it experienced "significant case backlog caused by high report volume and then-short staffing."[1408]

When it exercises jurisdiction, SafeSport may select among three methods of resolution: (1) administrative closure; (2) informal resolution; or (3) formal resolution.[1409] With USSF claims, SafeSport overwhelmingly relies on administrative closure, which may occur "as a result of insufficient evidence" or when a Claimant "elects not to participate in the resolution process."[1410] Since June 1, 2020, SafeSport has resolved 278 cases related to USSF Participants.[1411] For the 156 cases involving allegations of sexual misconduct without a criminal disposition, the vast majority (131) of these resolutions were administrative closures.[1412] SafeSport's overall figures follow this same trend. According to a December 2020 SafeSport report, it investigated 1,509 claims from July 1, 2019 to June 30, 2020.[1413] Of those claims, it administratively closed 515 cases, put 115 cases on administrative hold, and closed 720 claims based on jurisdiction.[1414] Of the 1,509 claims, just 122 led to a formal resolution, whereby SafeSport completed its investigation and either closed the matter or issued a decision finding a violation of the SafeSport Code.[1415] In other words,

SafeSport reached a formal resolution in just ***8 percent*** of all the cases it investigated during that period.

SafeSport's procedures also include a number of hurdles that make player safety protections difficult. For instance, the SafeSport Code prevents USSF and other NGBs from imposing temporary sanctions that "deny or threaten to deny a Respondent's opportunity to participate in sport,"[1416] but there is no such reciprocal protection to ensure a claimant's opportunity to participate in sport.

SafeSport has also instituted an appeals process unlike that even afforded criminal defendants. Rather than reviewing sanctions imposed by the Center for an abuse of discretion, as is required by the SafeSport Code,[1417] SafeSport gives respondents the right to what is effectively an entirely new fact-finding process, requiring the claimant to go through the process all over again.[1418] As a practical matter, respondents use the right to appeal to take another bite at the apple, in the hope that claimants will not want to rehash their claims. In some cases, arbitrators have overturned SafeSport's Notice of Decision because a Claimant did not want to participate.[1419] In one example, SafeSport concluded that a coach was permanently ineligible to participate in sport based on sexual misconduct with a minor athlete. The coach requested a hearing and the claimant stated she no longer wished to participate in the process. Following the Claimant's decision not to participate, SafeSport withdrew the Decision and any associated sanctions because it considered the claimants' participation to be essential.[1420] Even though the arbitrator was only required to consider whether SafeSport's decision was an abuse of discretion, and to apply the same preponderance of the evidence standard, SafeSport administratively closed the matter, and declined to allow USSF to release the Decision letter to a member because it "is a confidential document and cannot be shared."[1421]

This example illustrates two important points: (1) even if SafeSport issues a Notice of Decision finding a Code violation based on serious misconduct, it can be overturned if the claimant does not wish to participate in the appeal; and (2) in those circumstances, SafeSport may prohibit USSF from sharing specifics of the allegations that SafeSport had found, even if they are supported by substantial evidence.

Our investigation's mandate was not to investigate SafeSport or to make recommendations regarding the operation of SafeSport, but it is clear that teams, the League, and USSF should not rely on SafeSport referrals alone. USSF should be forward-leaning to take actions within its power to protect players from abuse, including by making licensing determinations, imposing safety measures, and disseminating relevant information. It should refrain from taking action it otherwise deems necessary only if clearly prohibited by the SafeSport Code.

Primary responsibility for player safety, however, must rest with the teams and the League. Teams are on the front lines with first-hand information about coach conduct and they are best positioned to be knowledgeable about potentially abusive conditions. The League is responsible for ensuring that teams are complying with their obligations to prevent abusive conduct and hold wrongdoers accountable.

11. Teams, the NWSL and USSF should not rely exclusively on SafeSport to keep players safe and should implement safety measures where necessary to protect players in the USSF landscape.

11.1. Given the patchwork of its jurisdiction and how infrequently SafeSport makes findings or takes action, teams, the NWSL and USSF should not rely solely on SafeSport to keep players safe.

11.2. Teams and leagues should be primarily responsible for protecting their players from abuse. When necessary, however, USSF should conduct safety inquiries and implement safety planning to protect players in the USSF landscape, consistent with SafeSport guidelines.

11.3. Unless specifically prohibited by the SafeSport Code, USSF should disseminate misconduct information to all relevant parties, including Organization Members, leagues, and teams potentially affected.

IMPLEMENTATION OF RECOMMENDATIONS

12. The Federation should determine the most effective structural mechanism, whether through an existing board committee, special committee or task force, to evaluate and implement recommendations, as well as to consider further reforms in support of player safety.

[1] At the end of the 2021 season, Riley had 81 wins in 155 games; Rory Dames was a close second with 80 wins in 188 games.

[2] Meg Linehan, *'This guy has a pattern': Amid institutional failure, former NSWL players accused prominent coach of sexual coercion*, THE ATHLETIC (Sept. 30, 2021), https://theathletic.com/2857633/2021/09/30/this-guy-has-a-pattern-amid-institutional-failure-former-nwsl-players-accuse-prominent-coach-of-sexual-coercion.

[3] Alex Morgan (@alexmorgan13), TWITTER (Sept. 30, 2021, 4:29 PM), https://twitter.com/alexmorgan13/status/1443674265161768963?s=20&t=ki95-7hcqTAn5mWsBQTHTg.

[4] Farid Benstiti (OL Reign, July 2, 2021); Richie Burke (Washington Spirit, Sept. 28, 2021); Christy Holly (Racing Louisville, Aug. 31, 2021); Paul Riley (North Carolina Courage, Sept. 30, 2021); Rory Dames (Chicago Red Stars, Nov. 22, 2021).

[5] When necessary to ensure player safety, we made appropriate SafeSport and law enforcement referrals, and provided information to USSF in a manner that anonymized our sources.

[6] *See* Merritt Paulson, *An open letter from Merritt Paulson*, THORNS FC (Oct. 4, 2021), https://www.timbers.com/news/an-open-letter-from-merritt-paulson; *A Letter on Behalf of the Red Stars Players, Staff and Owners*, CHICAGO RED STARS (Oct. 1, 2021), https://www.chicagoredstars.com/post/a-letter-on-behalf-of-the-red-stars-players-staff-and-owners; Racing Louisville (@RacingLouFC), TWITTER (Oct. 1, 2021, 12:06 PM), https://twitter.com/RacingLouFC/status/1443970561949016084?s=20&t=CNKjHTqvgt6LFkXLIhou6Q.

[7] Sept. 12, 2022 Written Statement of Dan Flynn.

[8] Sunil Gulati served as USSF's President until 2018; Dan Flynn served as USSF's Chief Executive Officer until 2019; Jay Berhalter served as USSF's Chief Commercial Officer until 2020; and Lisa Levine served as USSF's General Counsel until 2017. Throughout, references to an individual's role and affiliation reflect the role and affiliation as of the date of the reference.

[9] Interviews of Sunil Gulati; Interview of Jay Berhalter; Interviews of Lisa Levine; Interviews of Witness 55.

[10] Sept. 12, 2022 Written Statement of Dan Flynn.

[11] Interview of Amanda Duffy.

[12] *See, e.g.*, Interviews of Caroline Stanley; Interviews of Witness 55.

[13] *See* Steven Goff, *WPS shutdown might mark the end of U.S. women's pro soccer efforts*, THE WASHINGTON POST (Jan. 30, 2012), https://www.washingtonpost.com/blogs/soccer-insider/post/wps-shutdown-might-mark-the-end-of-us-womens-pro-soccer-efforts/2012/01/30/gIQAGBHKdQ_blog.html.

[14] *See* Section 3.3.

[15] DASHUSSF_00000722; NWSL-USSF-00002777; USSF_ECA0000820637.

[16] Interviews of Sunil Gulati.

[17] Farid Benstiti (OL Reign, July 2, 2021); Richie Burke (Washington Spirit, Sept. 28, 2021); Christy Holly (Racing Louisville, Aug. 31, 2021); Paul Riley (North Carolina Courage, Sept. 30, 2021); Rory Dames (Chicago Red Stars, Nov. 22, 2021).

[18] *See* Section 4.

[19] USSF_ECA0000608910.

[20] Eric Gleason was USSF's Chief Financial Officer.

[21] *See* Section 5.

[22] Interviews of Witness 7; Interviews of Witness 4.

[23] *See* Section 6.

[24] USSF_ECA0000511629.

[25] Our investigation encountered only two instances where teams were provided with the comments, either orally or in writing, from the NWSL-distributed surveys: Sky Blue in 2014 (USSF_ECA0002974392) and WNY Flash in 2015 (USSF_ECA0000604551).

[26] Press Release, Thorns FC, Thorns FC announce head coach Paul Riley will not be retained for third season (Sept. 23, 2015), https://www.timbers.com/news/thorns-fc-announce-head-coach-paul-riley-will-not-be-retained-third-season; Press Release, OL Reign, Farid Benstiti Resigns as Head Coach of OL Reign (Jul. 2, 2021), https://www.olreign.com/news/faridbenstiti; Allison Lee, *Christy Holly steps down as Sky Blue FC head coach*, SBNATION (Aug. 16, 2017), https://www.onceametro.com/2017/8/16/16158820/christy-holly-steps-down-as-sky-blue-fc-head-coach-nwsl.

[27] USSF_ECA0000511629.

[28] Interviews of Witness 11.

[29] The all-women King & Spalding investigation team included attorneys Laura Harris, TaCara Harris, Amy Hitchcock, Jamie Lang, Jeanne Fugate, Marisa Maleck, Grace Rodriguez, Jennifer Guest, Emily Chen, Heather Saul, Ashley Cordero, Erin Sullivan, Lauren Devendorf, Micha Nandaraj Gallo, Nina Trovato, Laura Lively, and Jessica Rapoport. Paralegals Genet Hogan, Mia Pennington, Christina Nuno, and Jason Seufert also provided invaluable support.

[30] Our interviews were informed by Rape Abuse & Incest National Network ("RAINN") guidance concerning trauma-informed interview techniques.

[31] *See* Merritt Paulson, *An open letter from Merritt Paulson*, THORNS FC (Oct. 4, 2021), https://www.timbers.com/news/an-open-letter-from-merritt-paulson.

[32] Bylaws of the United States Soccer Federation, Inc., (Effective Apr. 30, 2022) ("Bylaws") 103, 105. The Amateur Sports Act of 1978 established the U.S. Olympic Committee ("USOC") and granted it the power to charter NGBs for each sport. 36 U.S.C. § 371 (1978). The NGBs were responsible for establishing the rules for selecting the US Olympic representatives for that sport. The Sports Act also provided for due process and appeal rights concerning eligibility disputes and provided the each NGB have a certain number of athlete representatives on its governing body. *Id.*

In 1998, Congress passed the Ted Stevens and Amateur Sports Act (the "Ted Stevens Act"), which modified the Sports Act by, among other things, increasing the athlete representation requirement to one-third of the NGB's governing body. 36 U.S.C. § 2205 at § 220504(b)(2)(C)(i) (2008).

[33] Bylaw 103.

[34] Sept. 12, 2022 Written Statement of Dan Flynn; Bylaw 202. USSF's Organization Members fall into the following categories: Associate; Disabled Service Organization; Indoor Professional League; National Affiliate; National Association; Other Affiliate; Professional League; State Association.

[35] *See* 2020 audited financial statement, *available at* https://www.ussoccer.com/governance/financial-information.

[36] Sept. 12, 2022 Written Statement of Dan Flynn.

[37] Bylaw 202. USSF's Organization Members fall into the following categories: Associate; Disabled Service Organization; Indoor Professional League; National Affiliate; National Association; Other Affiliate; Professional League; State Association.

[38] Bylaw 401; Bylaw 501.

[39] USSF_ECA0003110458.

[40] U.S. Soccer President Cindy Parlow Cone, U.S. Soccer, https://www.ussoccer.com/governance/board-of-directors/us-soccer-president-cindy-parlow-cone.

[41] Bylaw 501.

[42] Press Release, U.S. Soccer, Dan Flynn Officially Steps Down as CEO of U.S. Soccer (Sept. 9, 2019), https://www.ussoccer.com/stories/2019/09/dan-flynn-officially-steps-down-as-ceo-of-us-soccer.

[43] U.S. Soccer Executive Staff, U.S. Soccer, https://www.ussoccer.com/governance/executive-staff; Press Release, U.S. Soccer, JT Batson Named New CEO/Secretary General for U.S. Soccer (Sept. 26, 2022), https://www.ussoccer.com/stories/2022/09/jt-batson-named-new-ceo-secretary-general-for-the-us-soccer-federation

[44] USSF Professional League Standards (Feb. 28, 2014) (hereinafter, the "Standards"). Following the creation of the NWSL, the Standards were updated to include additional provisions for the League, but did not include any provisions concerning player safety.

[45] Bylaw 241 § 2.

[46] Standards § I.b; c(i-ii).

[47] Standards § I.g(ii, iv).

[48] Standards § I.g(ii, iv).

[49] Standards § I.g.i.

[50] Standards § I.i(i).

[51] Standards § I.i(ii).

[52] *See, e.g.*, Interviews of Arnim Whisler; Interviews of USSF Witnesses.

[53] Interview of Amanda Duffy.

[54] Professional League Task Force, U.S. Soccer, https://www.ussoccer.com/governance/committees/professional-league-task-force

[55] Interview of Carlos Cordeiro; Interview of Jeff L'Hote; Interviews of USSF Witnesses.

[56] Interview of Jeff L'Hote.

[57] USSF Bylaw Book 2013-2014 Bylaw 213 § 1.a.8; 2022 Bylaw 212 § 3.a.7.

[58] 2022 Policy Manual, Policy 202-1 § 3.

[59] Bylaw 241 § 2.

[60] Bylaw 212 § 3.b.

[61] Bylaw 704.

[62] Bylaw 241, Policy 241-1, Policy 601-10.

[63] Policy 601-10 requires that USSF keep a Risk Management List that lists individuals who have been subject to suspensions and disqualifications by a USSF Member, their date of birth, and their state. Policy 601-10; Interviews of USSF Witnesses.

[64] 164 CONG. REC. H633, 635–36 (daily ed. Jan. 29, 2018) (statements of Rep. Poe and Rep. Jackson Lee).

[65] SAFESPORT CODE FOR THE U.S. OLYMPIC & PARALYMPIC MOVEMENT § VIII.J, *available at* https://uscenterforsafesport.org/wp-content/uploads/2022/02/2022-SafeSport-Code.pdf (hereinafter "SAFESPORT CODE")

[66] *See* Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, Pub. L. No. 115–126, 132 Stat. 318 (2018). Sexual misconduct is broadly defined by SafeSport to include nonconsensual intercourse, sexual harassment, sexual exploitation, voyeurism, bullying and hazing of a sexual nature, and gender/sexual identity. SAFESPORT CODE § IX.C.

[67] *See* SAFESPORT CODE § IX. The Code defines an "Intimate Relationship" as: "An Intimate or Romantic relationship is a close personal relationship—other than a familial relationship—that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical or intimate contact or sexual activity, identity as a couple, the sharing of sensitive personal information, or intimate knowledge about each other's lives outside the sport relationship."

[68] SAFESPORT CODE §§ V.A, V.B.

[69] Kelly Whiteside, *Women's pro soccer league to debut in U.S. next year*, USA TODAY (Nov. 21, 2012), https://www.usatoday.com/story/sports/soccer/2012/11/21/new-womens-soccer-

league-to-debut-next-year/1720343; *see also* Interview of Amanda Duffy; Interview of Carlos Cordeiro.

[70] Interview of Carlos Cordeiro; Interview of Amanda Duffy.

[71] Interview of Amanda Duffy; Interviews of Sunil Gulati; Interview of Carlos Cordeiro; Interviews of Lisa Levine; Interviews of USWNTPA Representatives.

[72] Limited Liability Company Agreement of National Women's Soccer League, LLC (Dec. 12, 2012) (NWSL-USSF-00000147) (hereinafter, the "LLC Agreement"); Management Agreement between USSF and the NWSL (Dec. 12, 2012) (NWSL-USSF-00000157) (hereinafter "Management Agreement"); Interview of Amanda Duffy; Interviews of Sunil Gulati; Interviews of Arnim Whisler.

[73] USSF_ECA0000173927; Interview of Amanda Duffy; Interviews of Witness 55.

[74] Sept. 12, 2022 Written Statement of Dan Flynn; Interviews of Witness 55.

[75] Interview of Cheryl Bailey; Interviews of Sunil Gulati.

[76] Amended and Restated Limited Liability Company Agreement among National Women's Soccer League, LLC and The Members Named Herein (March 11, 2013) at § 4.01. (hereinafter, "First Amended LLC Agreement") (NWSL-USSF-00000002).

[77] First Amended LLC Agreement at § 4.01; Standards § III.c.ii.

[78] Standards § III.c(ii).

[79] Standards §§ III.c(i).

[80] December 12, 2012 Management Agreement § 3.a.

[81] First Amended LLC Agreement at §§ 8.03(p), 8.05.

[82] First Amended LLC Agreement at § 4.09.

[83] USSF_ECA0003852162; USSF_ECA0003896312; NWSL-USSF-00002320; Sept. 12, 2022 Flynn Written Statement of Dan Flynn; Interviews of Witness 55.

[84] Interviews of Lydia Wahlke; Interviews of USSF Witnesses.

[85] Interview of Cheryl Bailey; Interviews of Cindy Parlow Cone; Interview of Amanda Duffy; Interviews of Sunil Gulati.

[86] Interviews of Witness 55; Interview of Jeff L'Hote; Interview of Jay Berhalter; *see, e.g.*, USSF_ECA0000415548, USSF_ECA0000414520.

[87] Interviews of USSF Witnesses; Interviews of USWNTPA Representatives.

[88] Interview of Amanda Duffy; Interviews of Tony Novo; Interviews of Witness 55.

[89] Sept. 12, 2022 Written Statement of Dan Flynn; Interviews of Lydia Wahlke; *see also* Interviews of Witness 59; Interview of Jay Berhalter.

[90] Sept. 12, 2022 Written Statement of Dan Flynn; July 18, 2022 Written Statement of Lisa Levine; Interview of Jay Berhalter.

[91] Sept. 12, 2022 Written Statement of Dan Flynn; Interviews of Arnim Whisler; Interviews of Witness 55.

[92] Interviews of Lydia Wahlke; Interviews of Sunil Gulati.

[93] Interviews of USWNTPA Representatives; Interview of Witness 25.

[94] USSF_ECA0000984998; Interview of Amanda Duffy; Interviews of Lydia Wahlke.

[95] Interviews of Arnim Whisler; Interviews of Lydia Wahlke.

[96] Interview of Amanda Duffy; Interviews of Sunil Gulati; Interviews of Lydia Wahlke.

[97] Interview of Amanda Duffy; Interviews of Witness 55; Interview of Witness 66; Interviews of Witness 59.

[98] Interviews of Witness 55; Interviews of Sunil Gulati.

[99] USSF_ECA0005913977; Interview of Carlos Cordeiro.

[100] USSF_ECA0005913977; USSF_ECA0001065938; Interview of Witness 53.

[101] Interviews of Sunil Gulati; Interview of Tammy Murphy; Interviews of Witness 24; Interview of Witness 53.

[102] USSF_ECA0005913977; Sept. 12, 2022 Written Statement of Dan Flynn; Interviews of Lydia Wahlke; Interview of Witness 49; Interviews of Witness 55.

[103] *See, e.g.*, USSF_ECA0000414521; USSF_ECA0000415624.

[104] USSF_ECA0000511629.

[105] USSF_ECA0000511634.

[106] USSF_ECA0000481305.

[107] ProdRec_0000000087; ProdRec_0000000089; ProdRec_0000000080.

[108] USSF_ECA0000511678.

[109] USSF_ECA0000511678; USSF_ECA0000511681; USSF_ECA0000511683.

[110] DASHUSSF_00000722; USSF_ECA0000820637.

[111] NWSL-USSF-00002777; Interviews of Lisa Levine.

[112] July 18, 2022 Written Statement of Lisa Levine.

[113] ProdRec_0000000087; ProdRec_0000000089; ProdRec_0000000091; ProdRec_0000000080.

[114] ProdRec_0000000074; USSF_ECA0000637879; 2018 NWSL League Operations Manual § 11.1.4 (NWSL-USSF-00001778.

[115] 2021 NWSL Anti-Harassment Policy (NWSL-USSF-00000168).

[116] Interviews of Samantha Johnson; Interviews of Lo'eau LaBonta.

[117] Interviews of Lo'eau LaBonta; Interviews of Witness 68; Interview of Witness 2.

[118] USSF_ECA0000586789; USSF_ECA0000573484).

[119] USSF_ECA0000588061; USSF_ECA0000603758; USSF_ECA0001035706.

[120] Our investigation encountered only two instances where teams were provided with the players' comments, either orally or in writing, from the NWSL-distributed surveys: Sky Blue in 2014 (USSF_ECA0002974392) and WNY Flash in 2015 (USSF_ECA0000604551).

[121] USSF_ECA0000533807; USSF_ECA0001145238.

[122] Sept. 12, 2022 Witness Statement of Dan Flynn.

[123] USSF_ECA0000603758.

[124] Interview of Witness 2.

[125] Interview of Vlatko Andonovski; Interviews of Witness 51.

[126] Interview of Richie Burke; Interview of Witness 56; Interview of Witness 2; Interviews of Witness 13; Interview of Witness 38.

[127] USSF_ECA0005913977; Interviews of Sunil Gulati; Interview of Jeff L'Hote; Interview of Carlos Cordeiro.

[128] Interviews of Lo'eau LaBonta; Interviews of Witness 15; Interviews of Witness 12; Interview of Witness 34; Interviews of Witness 13.

[129] 2013 NWSL Player Survey (USSF_ECA0000588062); 2017 NWSL Player Survey (NWSL-USSF-00000522); Interview of Amanda Duffy; Interviews of Lo'eau LaBonta; Interviews of Witness 16; Interviews of Witness 5.

[130] Interviews of George Chiampas; Interviews of Witness 68; Interviews of Witness 28; Interviews of Witness 18; Interviews of Witness 16.

[131] 2013 NWSL Player Survey (USSF_ECA0000588062).

[132] 2013 NWSL Player Survey (USSF_ECA0000588062).

[133] USSF_ECA0000588061.

[134] HCWNYF_00000318; USSF_ECA0000589119.

[135] 2014 NWSL Player Survey (NWSL-USSF-00000520).

[136] 2014 NWSL Player Survey (NWSL-USSF-00000520).

[137] 2014 NWSL Player Survey (NWSL-USSF-00000520).

[138] USSF_ECA0000604569; USSF_ECA0000604560; USSF_ECA0000604557).

[139] USSF_ECA0000533807; USSF_ECA0002974392.

[140] 2017 NWSL Player Survey (NWSL-USSF-00000522); Interview of Mary Smoot; Interviews of Witness 21; Interviews of Caroline Stanley; Interviews with Witness 12.

[141] 2015 NWSL Player Survey (NWSL-USSF-00000524).

[142] 2017 NWSL Player Survey (NWSL-USSF-00000522).

[143] 2017 NWSL Player Survey (NWSL-USSF-00000522).

[144] 2020 NWSL Player Survey (NWSL-USSF-00000523).

[145] 2020 NWSL Player Survey (NWSL-USSF-00000523).

[146] Interviews of Witness 16.

[147] Interviews of Witness 12.

[148] Stephanie Yang, *Sky Blue FC created untenable player conditions for years*, SBNATION (Jul. 17, 2018), https://www.onceametro.com/2018/7/17/17583026/sky-blue-fc-created-untenable-player-conditions-years-nwsl; Patrick Redford, *One Month After Promised Solutions, Women's Pro Soccer Team Still Doesn't Have Running Water*, DEADSPIN (Aug. 22, 2018), Louisa Thomas, *The Transformation of a Soccer Club, and the Ways We Value Women's Sports*, THE NEW YORKER (Apr. 30, 2021), *available at* https://www.newyorker.com/sports/sporting-scene/the-transformation-of-a-soccer-club-and-the-ways-we-value-womens-sports; Jane Havsy, *NJ Gov. Phil Murphy's wife, Tammy, takes 'active role' with troubled Sky Blue soccer team*, DAILY RECORD (Feb. 12, 2019), https:/www.dailyrecord.com/story/sports/2019/02/12/tammy-murphy-sky-blue-soccer/2846351002.

[149] Interviews of Witness 21.

[150] Interviews of Caroline Stanley; Interviews of Lo'eau LaBonta; Interviews with Witness 13.

[151] Interview of Mary Smoot; Interviews of Witness 21.

[152] Stephanie Yang, *Sky Blue FC created untenable player conditions for years*, SBNATION (Jul. 17, 2018), https://www.onceametro.com/2018/7/17/17583026/sky-blue-fc-created-untenable-player-conditions-years-nwsl; Patrick Redford, *One Month After Promised Solutions, Women's Pro Soccer Team Still Doesn't Have Running Water*, DEADSPIN (Aug. 22, 2018), https://deadspin.com/one-month-after-promised-solutions-womens-pro-soccer-t-1828524760; RJ Allen and Erica L. Ayala, *The NWSL's Sky Blue FC Is Falling Apart, On The Field And Off*, DEADSPIN (Aug. 8, 2018), https://deadspin.com/the-nwsls-sky-blue-fc-is-falling-apart-on-the-field-an-1828043155; Louisa Thomas, *The Transformation of a Soccer Club, and the Ways We Value Women's Sports*, THE NEW YORKER (Apr. 30, 2021), https://www.newyorker.com/sports/sporting-scene/the-transformation-of-a-soccer-club-and-the-ways-we-value-womens-sports.

[153] Interview of Cheryl Bailey.

[154] Interviews of Witness 1; Interviews of Witness 13.

[155] Interviews of Witness 13.

[156] Interviews of Witness 22.

[157] Interviews of Witness 1; Interviews of Witness 13; Interviews of Witness 22; Interviews of Caroline Stanley.

[158] Interviews of Witness 22.

[159] Interview of Mary Smoot; Interview of Caroline Stanley.

[160] Interviews of Caroline Stanley; Stephanie Yang, *Sky Blue FC created untenable player conditions for years*, SBNATION (Jul. 17, 2018), https://www.onceametro.com/2018/7/17/17583026/sky-blue-fc-created-untenable-player-conditions-years-nwsl.

[161] Interview with Witnesses 45, 46, and 47; Interviews of Arnim Whisler.

[162] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117); Interviews of Witness 17.

[163] Interviews of Witness 30; Interview of Witness 56.

[164] Interviews of Witness 59.

[165] SAFESPORT CODE § IX.C.

[166] SAFESPORT CODE § VIII.J

[167] SAFESPORT CODE § VIII.J.

[168] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117); SAFESPORT CODE § IX.D.1.

[169] *See, e.g.*, Stephanie Yang, *Did FC Kansas City owner send suggestive emails about female players?*, SBNATION (Aug. 12, 2016), https://www.thebentmusket.com/2016/8/12/12447966/fc-kansas-city-owners-sexually-demeaning-emails-players; Alexandra Grant, *FC Kansas City owners found to have sent "sexually demeaning emails"*, VAVEL (Aug. 12, 2016), https://www.vavel.com/en-us/soccer/2016/08/12/nwsl/680992-fc-kansas-city-owners-found-to-have-sent-sexually-demeaning-emails.html; Shannon O'Brien, *FCKC owner facing heat over allegations he sent inappropriate emails*, FOX 4 KC (Aug. 12, 2016), https://fox4kc.com/news/one-fckc-owner-facing-heat-over-allegations-he-sent-inappropriate-emails; Alex Vejar, Vi*sionary? Bully? Depends on who you ask about RSL owner Dell Loy Hansen*, THE SALT LAKE TRIBUNE (Feb. 22, 2021), https://www.sltrib.com/sports/rsl/2021/02/22/visionary-bully-depends.

[170] Timothy Rap, *Timbers, Thorns Exec Mike Golub Accused of 'Gross,' 'Toxic' Behavior Toward Women*, BLEACHER REPORT (Aug. 14, 2022), https://bleacherreport.com/articles/10045373-timbers-thorns-exec-mike-golub-accused-of-gross-toxic-behavior-toward-women.

[171] Timothy Rap, *Timbers, Thorns Exec Mike Golub Accused of 'Gross,' 'Toxic' Behavior Toward Women*, BLEACHER REPORT (Aug. 14, 2022), https://bleacherreport.com/articles/10045373-timbers-thorns-exec-mike-golub-accused-of-gross-toxic-behavior-toward-women.

[172] Interviews of Cindy Parlow Cone.

[173] Email from DLA Piper LLP, Counsel, Portland Thorns, to Sally Q. Yates (Sept. 30, 2022).

[174] Timothy Rap, *Timbers, Thorns Exec Mike Golub Accused of 'Gross,' 'Toxic' Behavior Toward Women*, BLEACHER REPORT (Aug. 14, 2022),

https://bleacherreport.com/articles/10045373-timbers-thorns-exec-mike-golub-accused-of-gross-toxic-behavior-toward-women.

[175] Letter from DLA Piper LLP, Counsel, Portland Thorns, to Sally Q. Yates (Aug. 13, 2022).

[176] Email from DLA Piper LLP, Counsel, Portland Thorns, to Sally Q. Yates (Sept. 30, 2022).

[177] Interviews of Witness 29.

[178] Email from DLA Piper LLP, Counsel, Portland Thorns, to Sally Q. Yates (Sept. 30, 2022).

[179] Interviews of Witness 29.

[180] Interviews of Witness 66.

[181] Interview of Gavin Wilkinson.

[182] Interview of Witness 35; Interview of Witness 50; Interview of Witness 56.

[183] Interview of Witness 56; Interviews of Samantha Johnson.

[184] For example, players recalled comments to women of color about their hair. Interviews of Witness 4; Interview of Witness 35.

[185] Interview of Witness 52.

[186] Interview of Witness 52.

[187] The Black Women's Player Collective, *available at* https://www.bwplayercollective.org. The Black Women's Player Collective ("BWPC") was founded in October 2020 and includes Black women from the NWSL on both the Board and as members. The group increases the visibility of Black players and aims to address systemic barriers to playing soccer.

[188] Interview of Witness 52.

[189] Interview of Witness 35; Interview of Witness 52.

[190] Alex Vejar, *Visionary? Bully? Depends on who you ask about RSL owner Dell Loy Hansen*, THE SALT LAKE TRIBUNE (Feb. 22, 2021), https://www.sltrib.com/sports/rsl/2021/02/22/visionary-bully-depends.

[191] Andrew Doughty, *Allegations Show Real Salt Lake Owner Has a History of Racist Comments*, SI.COM (Aug. 29, 2020), https://www.si.com/extra-mustard/2020/08/29/real-salt-lake-dell-loy-hansen-racist-comments-hot-clicks; Christopher Kamrani, Sam Stejskal, Paul Tenorio and Meg Linehan, *Dell Loy Hansen has history of racist comments as RSL owner*, THE ATHLETIC (Aug. 27, 2020), https://theathletic.com/2027796/2020/08/27/dell-loy-hansen-has-history-of-racist-comments-as-rsl-owner.

[192] Interviews of USWNTPA Representatives; Interviews of Becky Sauerbrunn.

[193] Interviews of USWNTPA Representatives**.**

[194] Interviews of USWNTPA Representatives.

[195] Interviews of USWNTPA Representatives; Interviews of Becky Sauerbrunn.

[196] Alex Vejar, *RSL owner Dell Loy Hansen will sell the team, as well as the Utah Royals and Real Monarchs*, THE SALT LAKE TRIBUNE (Aug. 30, 2020), https://www.sltrib.com/sports/rsl/2020/08/30/dell-loy-hansen-will-sell.

[197] Trevor Allen, *Utah Royals FC Officially Sold To Group In Kansas City*, KSLSPORTS.COM (Dec. 7, 2020), https://kslsports.com/448079/utah-royals-fc-officially-sold-to-group-in-kansas-city.

[198] Interviews of Witness 7; Interview of Witness 25.

[199] NWSL-USSF-00000554; Interview of Witness 53; Interviews of Witness 54.

[200] Interviews of Witness 54; Interviews of Witness 26.

[201] Stephanie Yang, *Another player comes forward alleging Richie Burke was verbally abusive*, SBNATION (Mar. 6, 2019), https://www.blackandredunited.com/washington-spirit-womens-soccer/2019/3/6/18249216/richie-burke-verbal-abuse-dc-united-u23-player-comes-forward-washington-spirit-nwsl.

[202] Interview of Richie Burke.

[203] Interview of Witness 58; Interview of US Club Soccer.

[204] 2020 NWSL Player Survey (NWSL-USSF-00000523).

[205] Interview of Witness 58.

[206] Interview of Witness 35; Interviews of Witness 39; Interview of Witness 53.

[207] Interview of Richie Burke.

[208] Molly Hensley-Clancy, *'He made me hate soccer': Players say they left NWSL's Spirit over coach's verbal abuse*, THE WASHINGTON POST (Aug. 11, 2021), https://www.washingtonpost.com/sports/2021/08/11/richie-burke-nwsl-spirit-verbal-abuse/

[209] NWSL-USSF-00000536.

[210] 2015 NWSL Player Survey (NWSL-USSF-00000524).

[211] 2015 NWSL Player Survey (NWSL-USSF-00000524).

[212] Interviews of Witness 15.

[213] Aaran Lines Staff Profile, WNY Flash, *available at* https://wnyflash.com/staff/aaran-lines.

[214] Press Release, Farid Benstitit Resigns as head Coach of OL Reign, OL Reign (Jul. 2, 2021), https://www.olreign.com/news/faridbenstiti.

[215] Molly Hensley-Clancy, *NWSL players speak out amid abuse claims: 'Burn it all down'*, THE WASHINGTON POST (Oct. 1, 2021), https://www.washingtonpost.com/sports/2021/09/30/nwsl-abuse-north-carolina-courage-washington-spirit.

[216] Stephanie Yang, *Reign FC hiring of Farid Benstiti is highly concerning*, SBNATION (Jan. 14, 2020), https://www.allforxi.com/2020/1/14/21062605/reign-fc-hiring-farid-benstiti-concerning-lindsey-horan-psg.

[217] Email from F. Benstiti to Sally Q. Yates (Sept. 29, 2022).

[218] Eugene Rupinski, *Club América Femenil's hiring of Craig Harrington raises red flags*, SBNATION (Jun. 9, 2021), https://www.fmfstateofmind.com/2021/6/9/22519333/club-america-femenil-hires-craig-harrington-utah-royals-fc.

[219] Interview of Lo'eau LaBonta.

[220] Interview of Craig Harrington.

[221] Stephanie Yang, *Utah Royals place head coach Craig Harrington on leave*, SBNation (Sept. 20, 2020), https://www.allforxi.com/2020/9/20/21448140/utah-royals-place-head-coach-craig-harrington-administrative-leave-rodriguez-boquete-lepeilbet; https://www.sltrib.com/sports/rsl/2020/11/09/utah-royals-fire-coach.

[222] Alex Vejar, *Utah Royals fire coach Craig Harrington*, THE SALT LAKE TRIBUNE (Nov. 9, 2020), https://www.sltrib.com/sports/rsl/2020/11/09/utah-royals-fire-coach.

[223] NWSL-USSF-00000455.

[224] GOTHAM 00137.

[225] Melanie Andzidei, *Gotham FC fires general manager Alyse LaHue after NWSL investigation into policy violation*, NORTHJERSEY.COM (July 19, 2021), https://www.northjersey.com/story/sports/soccer/2021/07/19/gotham-fc-fires-general-manager-alyse-lahue-nwsl-investigation/8013002002.

[226] NWSL Editor, NWSL and NWSLPA Joint Investigation Update, NWSL (Apr. 26, 2022), https://www.nwslsoccer.com/news/nwsl-and-nwslpa-joint-investigation-update.

[227] *Orlando Pride coaches Cromwell, Greene suspended amid investigation for "alleged retaliation"*, ESPN (June 7, 2022), https://www.espn.com/soccer/orlando-pride/story/4681699/orlando-pride-coaches-cromwellgreene-suspended-amid-investigation-for-alleged-retaliation.

[228] Steven Goff, *Kris Ward fired after training incident, Spirit's Mark Krikorian says*, THE WASHINGTON POST (Aug. 25, 2022), https://www.washingtonpost.com/sports/2022/08/25/kris-ward-fired-spirit-training-incident.

[229] Interviews of Witness 55 (The owner stated that his comment concerned a rumor that Paul Riley and Sinead Farrelly were engaged in an inappropriate relationship when Sinead played in Philadelphia in the WPS (while Paul was the coach), prior to the start of the NWSL.)

[230] Interviews of Witness 26; *see* Interviews of Witness 15; Interviews of Witness 33.

[231] Press Release, NC Courage, HISTORY! NC Courage Claim NWSL Championship with 3-0 Win Over Portland (Sept. 22, 2018), https://www.nccourage.com/news/history-nc-courage-claim-nwsl-championship-with-3-0-win-over-portland; Press Release, NC Courage, North Carolina Courage Wins Second Straight NWSL Championship With Dominant 4-0 Win Over Chicago Red Stars on Sunday (Oct. 27, 2019), https://www.nccourage.com/news/north-carolina-courage-wins-second-straight-nwsl-championship-with-dominant-4-0-win-over-chicago-red-stars-on-sunday; Press Release, NC Courage, NC Courage to Receive Third Consecutive NWSL Shield on

Saturday, October 12, (Oct. 4, 2019), https://www.nccourage.com/news/nc-courage-to-receive-third-consecutive-nwsl-shield-on-saturday-october-12; Press Release, NC Courage, North Carolina Courage Head Coach Paul Riley Voted 2017 Coach of the Year (Oct. 16, 2017), https://www.nccourage.com/news/north-carolina-courage-head-coach-paul-riley-voted-2017-coach-of-the-year; Press Release, NC Courage, Paul Riley Named 2018 NWSL Coach of the Year (Sept. 26, 2018), https://www.nccourage.com/news/paul-riley-named-2018-nwsl-coach-of-the-year.

[232] From the mid-1990's until 2020, Riley owned and operated the Paul Riley Soccer School. He also founded and served as the Director of Coaching for the Albertson Soccer Club, a youth organization which fielded multiple teams in both the Elite Clubs National League (ECNL) and Development Academy (DA). Riley also owned and operated the FC Fury, a team in the DA, and the NEWSS (National Elite Women's Soccer Showcase). Riley sold his interests in FC Fury, Paul Riley Soccer Club, and Albertson Soccer Club in April 2020. Press Release, SUSA FC, SUSA FC ACQUIRES FC FURY, PAUL RILEY SOCCER SCHOOLS AND SUCCEEDS Paul RILEY AS DIRECTOR OF COACHING OF ALBERTSON S.C (Apr. 21, 2020), https://susaacademy.com/news/susa-albertson/susa-fc-acquires-fc-fury-and-paul-riley-soccer-school; *see* Michael Lewis, *END OF AN ERA, BEGINNING OF A NEW ONE: SUSA enters into agreement to acquire FC Fury and Paul Riley Soccer Schools*, FRONT ROW SOCCER (Apr. 21, 2022), https://www.frontrowsoccer.com/2020/04/21/end-of-an-era-beginning-of-a-new-one-susa-enters-into-agreement-to-acquire-fc-fury-and-paul-riley-soccer-schools; *See* HCWNYF_00000007 (WNY Flash was "familiar with Mr. Riley's standing as the head of a prominent national youth club at a time when we were looking to grow our own youth level academy and program.)

[233] 2022 NWSL Stats, https://fbref.com/en/comps/182/NWSL-Stats.

[234] Meg Linehan, 'This guy has a pattern': Amid institutional failure, former NSWL players accused prominent coach of sexual coercion, THE ATHLETIC (Sept. 30, 2021), https://theathletic.com/2857633/2021/09/30/this-guy-has-a-pattern-amid-institutional-failure-former-nwsl-players-accuse-prominent-coach-of-sexual-coercion.

[235] Although Paul Riley refused to be interviewed, he initially agreed to answer written questions. When he received the questions concerning his misconduct and disciplinary actions, he did not provide responses.

[236] Interviews of Witness 55. The owner noted that his comment "concerned a rumor that Paul Riley and Sinead Farrelly were engaged in an inappropriate relationship when Farrelly played for Riley in Philadelphia in the WPS, prior to the start of the NWSL."

[237] Interviews of Mana Shim.

[238] Meg Linehan, *'This guy has a pattern': Amid institutional failure, former NWSL players accused prominent coach of sexual coercion*, THE ATHLETIC (Sept. 30, 2021), https://theathletic.com/2857633/2021/09/30/this-guy-has-a-pattern-amid-institutional-failure-former-nwsl-players-accuse-prominent-coach-of-sexual-coercion.

[239] Interviews of Mana Shim.

[240] Interviews of Mana Shim.

[241] Interviews of Mana Shim.

[242] Interviews of Mana Shim.

[243] Interviews of Mana Shim.

[244] Interviews of Mana Shim.

[245] Interviews of Mana Shim.

[246] Interviews of Mana Shim.

[247] Interviews of Mana Shim.

[248] Interviews of Mana Shim.

[249] Interviews of Mana Shim.

[250] Interviews of Mana Shim.

[251] Interviews of Mana Shim.

[252] Interviews of Mana Shim (recalling that Riley brought up her sexual orientation all the time).

[253] Interviews of Mana Shim.

[254] Interviews of Mana Shim.

[255] Interviews of Mana Shim.

[256] Interviews of Mana Shim

[257] Interviews of Mana Shim.

[258] Interviews of Mana Shim.

[259] Interviews of Mana Shim.

[260] Interviews of Mana Shim.

[261] Interviews of Mana Shim.

[262] Interviews of Mana Shim.

[263] Interviews of Mana Shim. Teammates recalled that Shim confided in them at the time about this incident. Interviews of Witness 68; Interviews of Witness 57.

[264] Interviews of Mana Shim; Interviews of Sinead Farrelly; PDX0000785.

[265] Interviews of Mana Shim.

[266] Interviews of Mana Shim.

[267] Interviews of Mana Shim; MS0001.

[268] MS0001.

[269] Interviews of Mana Shim.

[270] Interviews of Mana Shim.

[271] Interviews of Mana Shim.

[272] Interviews of Mana Shim.

[273] Interviews of Mana Shim.

[274] Interviews of Mana Shim.

[275] MS0011

[276] PDX0000845.

[277] Interviews of Mana Shim.

[278] Interviews of Mana Shim. An analysis of game reports reflects that after Shim sent her email to Riley, her playing time was cut approximately in half. Prior to July 5, 2015, Shim started all 10 games and averaged 81 minutes per game. After she sent the email to Riley, she started only 3 of 8 games, and averaged 39 minutes a game. *See* Meleana Shim Game Logs, SportsReference, *available at* https://fbref.com/en/players/a2003d2d/matchlogs/2015/summary/Meleana-Shim-Match-Logs.

[279] Interviews of Alex Morgan.

[280] Interviews of Alex Morgan.

[281] Interviews of Alex Morgan.

[282] USSF_ECA0000515391.

[283] Interviews of Mana Shim.

[284] SF0006.

[285] Interviews of Witness 28.

[286] Interviews of Sinead Farrelly.

[287] Interviews of Sinead Farrelly.

[288] Interviews of Witness 61.

[289] Interviews of Witness 61.

[290] Interviews of Witness 61.

[291] Interviews of Witness 5.

[292] Interviews of Sinead Farrelly.

[293] Interviews of Sinead Farrelly.

[294] Interviews of Sinead Farrelly.

[295] Player A did not respond to our request for interview. The information included here is derived from documents and communications provided to the investigation.

[296] COURAGE_000465; COURAGE_000472.

[297] COURAGE_000465; COURAGE_000472.

[298] COURAGE_000465; COURAGE_000472.

[299] COURAGE_000465; COURAGE_000472.

[300] Interview of Witness 62.

[301] Interviews of Witness 14; COURAGE_000465; COURAGE_000472.

[302] Interviews of Witness 14.

[303] Interviews of Witness 14.

[304] Interviews of Witness 14.

[305] Player B did not respond to our request for interview. The information included here is derived from documents and communications provided to the investigation.

[306] SF0003.

[307] SF0003.

[308] SF0003.

[309] SF0003.

[310] SF0003.

[311] SF0003.

[312] SF0003.

[313] SF0003.

[314] SF0003.

[315] Interview of Witness 63; Interviews of Witness 14; Interviews of USWNTPA Representatives; Interview of Witness 25 (heard a former player reference that everybody know that Riley slept with players); Interview of Witness 71 (heard of Riley sleeping with players even before employment with the Federation); Interview of Witness 2 (recalled hearing a sexual rumor about Riley and a player in a predecessor league).

[316] Interviews of Witness 24; Interviews of Witness 31; Interviews of Witness 55; Interviews of Witness 14 (heard Riley slept with only one player); Interviews of Witness 9 (heard rumors of Riley having a threesome with two players); Interview of Witness 25 (heard a former player reference that everybody know that Riley slept with players).

[317] Interviews of Witness 31 (quoting team owner).

[318] One commentator recalled watching Riley scream at a player for the entirety of a game, and an executive on the opposing team simply said, “that’s just Riley.” Interview of Witness 63; Interview of Witness 36 (A player recalled feeling badly for her teammates that were, seemingly arbitrarily, subject to Riley’s wrath, “but I thought ‘that’s Paul’ and that’s the mentality” of the team. “I didn’t know anything else.”).

[319] Interviews of Witness 26; *see also* Interview of Witness 60; Interviews of Witness 29; Interviews of Witness 10; Interviews of Witness 15.

[320] Interview of Witness 65 (describing that head coaches making final decisions is a common practice).

[321] Interviews of Witness 16; Interviews of Witness 14 ("he had so much control"); *see also* Interviews of Witness 5.

[322] Interviews of Witness 14 ("He had so much control. If we had an issue, we would go to Paul first, and then go to the front office. If I have an issue with housing, we would go to Paul about it."); HCWNYF_00000107.

[323] Interview of Witness 65.

[324] *See* Interviews of Witness 26 ("There was nowhere to go. Paul did a good job of making it seem like if you had to speak to somebody it had to go through him."); Interviews of Witness 15; Interviews of Witness 61.

[325] Interview of Witness 64; *see also* Interviews of Witness 5 (Player noted players did not have anyone else to talk to).

[326] Interviews of Witness 33 (Staff member on multiple teams with Riley noted that Riley did not like others speaking with players).

[327] Interviews of Witness 26.

[328] Interviews of Witness 26.

[329] Interviews of Witness 26.

[330] Interviews of Witness 26.

[331] HCWNYF_00000190.

[332] Interviews of Witness 28; Interviews of Witness 16; *see also* Interviews of Witness 26; Interviews of Witness 61; Interviews of Witness 29 (noting coach interference with medical decisions was common across the League).

[333] Interviews of Witness 28.

[334] Interviews of Witness 28.

[335] Interviews of Witness 26.

[336] Interviews of Witness 26.

[337] Interviews of Witness 57; Interviews of Witness 28 (Thorns medical team member recalls this incident).

[338] Interviews of Witness 57.

[339] Interviews of Witness 57.

[340] PDX0000847.

[341] Interviews of Witness 57; *see also* Interviews of Witness 28.

[342] Interviews of Witness 16; *see also* Interviews of Witness 5.

[343] Interviews of Witness 61; *see also* Interviews of Witness 5.

[344] Interviews of Witness 28.

[345] Interviews of Witness 28.

[346] Interviews of Witness 28.

[347] USSF_ECA0000540985.

[348] USSF_ECA0000540985

[349] USSF_ECA0000540985.

[350] Interviews of Sinead Farrelly.

[351] Interviews of Sinead Farrelly.

[352] Interviews of Sinead Farrelly.

[353] Interviews of Witness 5.

[354] Interviews of Witness 68.

[355] Interviews of Witness 61.

[356] Interviews of Witness 14.

[357] *See* Interviews of Witness 16; Interviews of Witness 61; Interviews of Witness 5; Interviews of Witness 15; 2014 NWSL Player Survey (NWSL-USSF-00000520); COURAGE_000474.

[358] Interviews of Witness 26; Interviews of Witness 28; *see* Interviews of Witness 14.

[359] Interview of Witness 56; Interviews of Witness 14 ("With Paul, the attacks were personal"); Interviews of Witness 16 ("As female athlete, we want to pride ourselves on being strong. So, it's hard to decipher where's the line between 'I'm strong, I can fucking take it and 'is this okay?'"); Interviews of Witness 68 (Noting Riley would tell players they were a bad person or a bad mom); *see also* Interviews of Witness 8 (discussing moving line of acceptable coaching behaviors).

[360] Interviews of Witness 14.

[361] Interviews of Witness 16 (For one player who prided herself on work ethic and leadership, Riley humiliated her in front of her team by telling her that she "let your entire team down." She noted "I was broken by that comment").

[362] Interviews of Mana Shim; Interviews of Witness 28.

[363] Interviews of Witness 28.

[364] Interviews of Mana Shim; *see* Interviews of Witness 16; *see also* Interviews of Witness 28.

[365] COURAGE_000474.

[366] COURAGE_000474.

[367] Interviews of Witness 16.

[368] Interviews of Mana Shim.

[369] 2014 NWSL Player Survey (NWSL-USSF-00000520).

[370] USSF_ECA0000573161.

[371] 2014 NWSL Player Survey (NWSL-USSF-00000520).

[372] Interviews of Sunil Gulati; Sept. 12, 2022 Written Statement of Dan Flynn; Interview of Lisa Levine.

[373] Interviews of Sunil Gulati.

[374] Interviews of Lisa Levine.

[375] Sept. 12, 2022 Written Statement of Dan Flynn.

[376] Interview of Cheryl Bailey (Bailey further qualified that there is no reason to think she would not have reviewed them).

[377] Instead, the NWSL "quantified" the comments and distributed the quantified averages to the teams. The document the Thorns received reflected a "3.11" rating in Head Coach satisfaction, compared to a League average of "3.6."; USSF_ECA0000604572; USSF_ECA0000604573; USSF_ECA0000604574.

[378] USSF_ECA0000447753.

[379] Sunil Gulati (USSF President); Dan Flynn (USSF CEO); Lisa Levine (USSF General Counsel).

[380] Lisa Levine (USSF General Counsel).

[381] Merritt Paulson (Thorns' Owner); Mike Golub (Thorns' President).

[382] Interviews of Sunil Gulati; Interviews of Lisa Levine; Sept. 12, 2022 Written Statement of Dan Flynn; Interview of Cheryl Bailey.

[383] The Thorns also assert that the only complaint the team received was the formal complaint by Mana Shim in September 2015.

[384] Interviews of Mana Shim.

[385] Interviews of Witness 14; see Interviews of Witness 15; Interviews of Witness 61; *see also* Interviews of Witness 10 (player confirmed observing Riley commenting on players' bodies and weight); Interviews of Witness 9 (player heard Riley criticize players for their weight).

[386] *See* Interviews of Witness 14; Interview of Witness 60; Interviews of Mana Shim; Interviews of Witness 28; *see also* Interviews of Witness 5. Several witnesses, including training professionals, confirmed that weight is not a useful measure of fitness in professional soccer. *See* Interviews of Witness 28; Interviews of Witness 26.

[387] Interviews of Witness 61.

[388] Interviews of Witness 26; *see* Interviews of Witness 14 (player recalled hearing about the scrimmage and being told by another player that players would have to be weighed after that scrimmage).

[389] Interviews of Witness 61; Interviews of Witness 14.

[390] Interviews of Witness 14.

[391] Interviews of Witness 14.

[392] Interviews of Witness 14.

[393] Interviews of Witness 14.

[394] NWSL-USSF-00000479; Interviews of Curt Johnson.

[395] Interviews of Witness 28.

[396] Interviews of Witness 28.

[397] NWSL-USSF-00000479.

[398] NWSL-USSF-00000518; Interviews of Curt Johnson.

[399] Interviews of Witness 10.

[400] Interviews of Witness 5; Interviews of Witness 16; Interview of Witness 56.

[401] Interviews of Witness 61; Interviews of Witness 9; Interviews of Sinead Farrelly.

[402] Interviews of Mana Shim.

[403] Interviews of Witness 28.

[404] Interviews of Witness 15 (player noted that before training, players were encouraged to share sexual stories or jokes); Interviews of Witness 5; Interviews of Witness 10 (player on multiple Riley teams described how Riley and players would tell raunchy jokes before practice).

[405] Interview of Witness 65; *see also* Interviews of Witness 61 (detailing nights of drinking with Riley); Interviews of Witness 29; Interviews of Witness 29 (Riley promoted drinking with the team); Interviews of Witness 5; Interviews of Witness 10.

[406] Interviews of Witness 61; Interviews of Witness 5; Interviews of Witness 29; Interviews of Witness 9.

[407] Interviews of Witness 5.

[408] Interviews of Witness 16; Interviews of Witness 9; Interviews of Witness 10; Witness 10 (understood other players went to a retreat); Interviews of Witness 14; Interviews of Witness 26. This also occurred in prior leagues. Interviews of Witness 5.

[409] Interviews of Witness 16.

[410] Interviews of Witness 14.

[411] Interviews of Witness 10.

[412] COURAGE_000474; *see also* Interviews of Mana Shim.

[413] Interviews of Witness 15.

[414] USSF_ECA0000515397; Interviews of Lisa Levine.

[415] The Director of Human Resources initially agreed to be interviewed by our investigation, but later rescinded her agreement after her attorney spoke with counsel for the Thorns.

[416] PDX0000018.

[417] USSF_ECA0000515391.

[418] Interviews of Mana Shim.

[419] Interviews of Mana Shim.

[420] Interviews of Mana Shim.

[421] Interviews of Mana Shim.

[422] USSF_ECA0000515391.

[423] USSF_ECA0000515391.

[424] USSF_ECA0000515397.

[425] USSF_ECA0000515397.

[426] USSF_ECA0000515397.

[427] USSF_ECA0002937058.

[428] NWSL-USSF-Levine-000000582. July 2019 NWSL Organizational Chart (NWSL-USSF-00002320); Interviews of USSF Witnesses.

[429] NWSL-USSF-Levine-000000582.

[430] NWSL-USSF-Levine-000000582.

[431] NWSL-USSF-Levine-000000582; Interviews of Lisa Levine.

[432] NWSL-USSF-Levine-000000582.

[433] 2015 Thorns Report.

[434] 2015 Thorns Report.

[435] Garcia's interview notes of her interview with Shim reflect that Shim was concerned with retaliation noting that "Her career was intertwined with Paul and she was afraid of what he could do to it;" "that Paul could make it worse for her financially;" "She felt very dependent on him;" "She didn't reach out to Gavin because . . . she was petrified that Gavin would trade her." PDX0000847. Shim also reported that Riley cut her playing time after she sent him the July 5 email asking to keep their relationship professional. *See* USSF_ECA0000515391.

[436] According to the 2015 Thorns Report, Garcia connected Shim with the organization's Information Technology team to recover the texts, and Shim went to an Apple service center in an effort to do the same. Shim was not able to recover deleted texts. 2015 Thorns Report.

[437] PDX0000847.

[438] At the time of the first complaint, SafeSport had not yet been created; there was therefore no requirement that misconduct by Riley would be reported to and exclusively investigated by SafeSport.

[439] Interviews of Lisa Levine.

[440] Interview of Sunil Gulati. *See* Interviews of Mana Shim.

[441] 2015 Thorns Report.

[442] According to Garcia's notes, Shim told Garcia that, throughout the evening of drinking, Riley asked if they had ever kissed before. PDX0000847. When they said no, Shim recalled Riley saying, "You're kidding me, you have to have kissed. I don't get it, you're both beautiful." PDX0000847. Shim recalled that Riley asked her about her sex life and history, and whether she had been with men and women. PDX0000847. What is more, the notes reflect recollections that Riley brought up the suicide mile throughout the evening. The notes reflect that Shim recalled that when the idea did come up in the apartment, Riley stated, "it's a deal, if you kiss, you won't have to run it." PDX0000847.

[443] NWSL-USSF-Levine-000000582 (noting there were "suggestions in Meleana's interview that Paul Riley's relationship w/ Sinead was more extensive than Meleana's/Riley's"); PDX0000847 (reflecting that "Paul has a close relationship[] with Sinead"); PDX0000990 (the only question pertaining to Farrelly's relationship with Riley is "Describe your relationship with [Paul Riley]").

[444] Interviews of Sinead Farrelly.

[445] Interviews of Sinead Farrelly.

[446] Interviews of Sinead Farrelly.

[447] 2015 Thorns Report.

[448] PDX0000438. Riley had emailed Paulson on September 22 regarding what he called "defamatory accusations." Riley asked Paulson to "[p]lease believe in what I've done for the Thorns, who I am, the heart and soul I've put into the group, and the trust that I can continue to be a coach for this great organization."

[449] While the investigation concluded and Riley was advised of his termination on September 23, the Club appears already to have made the decision to let him go by at least September 18, less than two days after receiving Shim's complaint. Riley's contract was set to expire in December, and public statements by the Wilkinson in the preceding months showed that the Thorns had been considering not renewing his employment after a disappointing season in which the Thorns did not make the playoffs. Furthermore, the team was already "aggressively pursuing" Mark Parsons as Riley's replacement by September 18, two days after Shim sent her complaint. On September 21, Paulson emailed his public relations manager that the decision to "get paul out" had been "made a while ago," but "i do want nancy to finish investigation first . . . will be largely concluded today." PDX0001290.

[450] PDX0000437; PDX0000018.

[451] PDX0000437; PDX0000018; PDX0000834. *See* Sections III(A)(2), (3), (5) and/or (6).

[452] NWSL-USSF-Levine-000000013.

[453] Interviews of Witness 28.

[454] PDX0001267.

[455] USSF_ECA0000515412; Caitlin Murray, *Thorns line up replacement for Paul Riley*, PORTLAND TRIBUNE (Sept. 24, 2015), https://pamplinmedia.com/pt/12-sports/274416-150211-thorns-line-up-replacement-for-paul-riley (The club's front office wanted a new coach who has been proven to work well with young talent and maintains a good relationship with the U.S. national team program, the source added.")

[456] Jamie Goldberg, *Paul Riley's future with the Portland Thorns is unclear*, THE OREGONIAN (Sept. 8, 2015), https://www.oregonlive.com/portland-thorns/2015/09/paul_rileys_future_with_the_po.html.

[457] Jamie Goldberg, *Paul Riley's future with the Portland Thorns is unclear*, THE OREGONIAN (Sept. 8, 2015), https://www.oregonlive.com/portland-thorns/2015/09/paul_rileys_future_with_the_po.html.

[458] Jamie Goldberg, *Paul Riley's future with the Portland Thorns is unclear*, THE OREGONIAN (Sept. 8, 2015), https://www.oregonlive.com/portland-thorns/2015/09/paul_rileys_future_with_the_po.html.

[459] USSF_ECA0000515412.

[460] Interviews of Witness 61 (player recalled Riley telling her that he had to leave because "they were trying to control him from the top down and Gavin was trying to give him line-ups"); Interviews of Witness 29; Interviews of Sinead Farrelly; Interviews of Witness 28; Interview of Witness 65 (a staff member had heard Riley was offered a contract but rejected the contract) Another player said Riley's departure did not raise any red flags because of the team's poor record.

[461] Interviews of Witness 28.

[462] Interviews of Mana Shim.

[463] Interviews of Mana Shim.

[464] Interviews of Mana Shim.

[465] In the September 18, 2015 call between Levine and the Thorns' counsel, Levine's notes reflect that she was told: "Meleana has said she does not want to be traded. POR was considering a trade. [Counsel] advised they don't unless they can show it was considered before she made her complaint." NWSL-USSF-Levine-000000582.

[466] PDX0000062; see Jamie Goldberg, *Portland Thorns trade Sinead Farrelly and McCall Zerboni, add Dagny Brynjarsdottir*, THE OREGONIAN (Oct. 26, 2015), https://www.oregonlive.com/portland-thorns/2015/10/portland_thorns_trade_sinead_f.html.

[467] Interviews of Sinead Farrelly.

[468] Interviews of Sinead Farrelly.

[469] Interviews of Sinead Farrelly.

[470] PDX0000062.

[471] PDX0000062.

[472] Press Release, NC Courage, NORTH CAROLINA COURAGE ANNOUNCES PAUL RILEY AS FIRST EVER HEAD COACH (Jan. 30, 2017), https://www.nccourage.com/news/north-carolina-courage-announces-paul-riley-as-first-ever-head-coach.

[473] PDX0000384.

[474] PDX0000384.

[475] USSF_ECA0001032306.

[476] USSF_ECA0001032306.

[477] NWSL-USSF-00004280.

[478] On September 28, 2015, less than a week after the Thorns terminated Riley, Riley emailed Jeff Plush asking if he was "available to chat regarding my situation in the near future." Plush forwarded the email to Lisa Levine that same day. We do not have evidence as to whether this call occurred or what was discussed. NWSL-USSF-00004280. Jeff Plush did not respond to our request for an interview. Lisa Levine did not recall if Jeff Plush spoke with Riley and states that she did not. *See* Interviews of Lisa Levine. Sky Blue GM Novo did not recall actively pursuing Riley as a Head Coach candidate. *See* Interview of Tony Novo.

[479] HCWNYF_00000007.

[480] NWSL-USSF-Levine-000000078.

[481] WNY Flash executives declined our requests for interviews. They provided a written summary of their diligence in hiring Riley after the Thorne terminated him. HCWNYF_00000007.

[482] HCWNYF_00000007.

[483] HCWNYF_00000007.

[484] Interview of Gavin Wilkinson.

[485] Interview of Gavin Wilkinson.

[486] Interview of Gavin Wilkinson.

[487] Interview of Merritt Paulson; *see* Non-Privileged Report on the Portland Thorns 2015 Investigation of Paul Riley Prepared for USSF and NWSL/NWSLPA Investigations (July 6, 2022), ¶ 35 ("Mr. Paulson expected that the NWSL, as the governing body, would share the information with any subsequent team considering Mr. Riley for a coaching position.").

[488] Interview of Merritt Paulson.

[489] Interview of Merritt Paulson.

[490] HCWNYF_00000009.

[491] USSF_ECA0001040118.

[492] USSF_ECA0001040118.

[493] USSF_ECA0001040118.

[494] USSF_ECA0000420134.

[495] USSF_ECA0000511629.

[496] USSF_ECA0000511629.

[497] USSF_ECA0000511629.

[498] Interviews of Lisa Levine.

[499] Interviews of Lisa Levine. Jeff Plush declined our requests for an interview.

[500] Interview of Sunil Gulati; Sept. 12, 2022 Written Statement of Dan Flynn.

[501] USSF_ECA0000511629.

[502] USSF_ECA0000511629. We have not been able to identify copies of these letters in NWSL or USSF files, nor did the WNY Flash produce copies of the letter to this investigation. Levine reported that she believed she sent these letters by mail. *See* Interviews of Lisa Levine.

[503] Interviews of Lisa Levine.

[504] USSF_ECA0000511629.

[505] USSF_ECA0000212739.

[506] NWSL-USSF-00001778; Interviews of Lisa Levine.

[507] Interviews of Lisa Levine.

[508] COURAGE_000513.

[509] Stephanie Yang, *Western New York Flash sold, will move to North Carolina*, SBNATION (Jan. 6, 2017), https://www.sbnation.com/soccer/2017/1/6/14186554/western-new-york-flash-nwsl-sold-north-carolina-fc-ownership.

[510] COURAGE_000513; *see also* Interviews of Witness 10 (Player considered to be a leader confirmed that players did ask and advocate for Riley to remain with the team.)

[511] COURAGE_000513.

[512] COURAGE_000513.

[513] Interviews of Curt Johnson.

[514] COURAGE_000513.

[515] COURAGE_000513.

[516] Interviews of Curt Johnson.

[517] COURAGE_000513.

[518] COURAGE_000513.

[519] Interviews of Curt Johnson.

[520] COURAGE_000513.

[521] COURAGE_000513.

[522] Sept. 12, 2022 Written Statement of Dan Flynn.

[523] Sept. 12, 2022 Written Statement of Dan Flynn.

[524] Sept. 12, 2022 Written Statement of Dan Flynn.

[525] COURAGE_000513.

[526] COURAGE_000513.

[527] COURAGE_000513.

[528] COURAGE_000513.

[529] COURAGE_000513.

[530] Interviews of Steve Malik.

[531] COURAGE_000513.

[532] COURAGE_000513.

[533] Interviews of Steve Malik.

[534] COURAGE_000513.

[535] COURAGE_000513.

[536] Interviews of Steve Malik.

[537] Interviews of Steve Malik.

[538] COURAGE_000513.

[539] Interview of Merritt Paulson.

[540] Interview of Amanda Duffy.

[541] Press Release, NC Courage, North Carolina Courage Announces Paul Riley as First Ever Head Coach (Jan. 30, 2017), https://www.nccourage.com/news/north-carolina-courage-announces-paul-riley-as-first-ever-head-coach.

[542] Interviews of USWNTPA Representatives.

[543] USWNTPA Production.

[544] Interviews of USWNTPA Representatives.

[545] Interviews of USWNTPA Representatives.

[546] Interviews of USWNTPA Representatives.

[547] Interviews of Witness 51.

[548] USWNTPA Production.

[549] USSF_ECA0000652286.

[550] USSF_ECA0000652286.

[551] USSF_ECA0000652286.

[552] USSF_ECA0000652286.

[553] USSF0000000166.

[554] Interviews of Lydia Wahlke.

[555] Interviews of Greg Fike.

[556] Interviews of Greg Fike.

[557] Grant Wahl (@GrantWahl), TWITTER (July 31, 2019, 2:00 PM), https://twitter.com/GrantWahl/status/1156625787229020161; Jenna West, *Report: Kate Markgraf Hired as First USWNT General Manager*, SI.COM (Aug. 12, 2019), https://www.si.com/soccer/2019/08/12/kate-markgraf-hired-general-manager-uswnt.

[558] Interviews of Witness 8.

[559] Interviews of Witness 68.

[560] Interviews of Witness 8.

[561] Interviews of Witness 8.

[562] Interviews of Witness 8.

[563] Interviews of Cindy Parlow Cone.

[564] Interviews of Cindy Parlow Cone.

[565] Interviews of Cindy Parlow Cone.

[566] Interviews of USWNTPA Representatives.

[567] USSF_ECA0000751764; *see also* Interviews of USWNTPA Representatives.

[568] Interviews of Lydia Wahlke; Interviews of USWNTPA Representatives.

[569] Cordeiro did not recall speaking with anyone about a complaint against Riley related to Riley's candidacy. Interview of Carlos Cordeiro.

[570] Interviews of Cindy Parlow Cone.

[571] USSF_ECA0002659836.

[572] Interview of Amanda Duffy; Interviews of Lydia Wahlke.

[573] USSF_ECA0002659836; Interview of Amanda Duffy; Interviews of Lydia Wahlke.

[574] Interviews of Lydia Wahlke.

[575] Interviews of Cindy Parlow Cone.

[576] PDX0001148. Paulson stated that the intent of the press release was to remain consistent with the language in 2015, but this is notably more than the Thorns had previously disclosed. Interview with Merritt Paulson.

[577] PDX0001141.

[578] PDX0001102.

[579] Interviews of Steve Malik.

[580] PDX0001102.

[581] Interview of Merritt Paulson.

[582] PDX0001102. On September 1, 2022, the Thorns issued a public statement: "In 2019, when Merritt Paulson received inquiries from interested parties related to the 2015 termination of Riley, he responded to them and confirmed that Riley had been terminated for cause from the Thorns." Portland Thorns FC, TWITTER (Sept. 1, 2022, 6:49 PM), https://twitter.com/ThornsFC/status/1565471910779125760?s=20&t=-uBo9ywnQsCPmMEqsX95Ow.

[583] Paul Riley (@prileyfury4life), TWITTER (Aug. 20, 2019, 11:14 AM), https://twitter.com/prileyfury4life/status/1163831795911200768. Interviews of Witness 55; USSF_ECA0003155520; USSF_ECA0002956508; USSF_ECA0001520592.

[584] Steve Malik (@stephenmalik), TWITTER (Aug. 20, 2019, 11:32 AM), https://twitter.com/stephenmalik/status/1163836260458405890.

[585] PDX0001125.

[586] PDX0001117.

[587] PDX0001117.

[588] PDX0001115.

[589] PDX0001115.

[590] Interviews of Steve Malik.

[591] Interviews of Lydia Wahlke.

[592] Press Release, OL Reign, NWSL Names Lisa Baird as Commissioner (Feb. 27, 2020), https://www.olreign.com/news/2020/2/27/nwsl-names-lisa-baird-as-commissioner.

[593] NWSL-USSF-Levine-000000520; NWSL-USSF-Levine-000000584.

[594] NWSL-USSF-Levine-000000520; NWSL-USSF-Levine-000000584.

[595] NWSL-USSF-Levine-000000247.

[596] NWSL-USSF-Levine-000000291; Interviews of Lisa Levine. Lisa Baird was unavailable for an interview.

[597] NWSL-USSF-Levine-000000520.

[598] NWSL-USSF-Levine-000000520.

[599] NWSL-USSF-Levine-000000520.

[600] NWSL-USSF-Levine-000000520.

[601] NWSL-USSF-Levine-000000580.

[602] NWSL-USSF-Levine-000000580.

[603] NWSL-USSF-Levine-000000580.

[604] NWSL-USSF-Levine-000000584.

[605] The anti-harassment policy was implemented on April 6, 2021. *See* WSP_0001140.

[606] NWSL-USSF-00000448.

[607] Interviews of Mana Shim.

[608] Interviews of Lisa Levine.

[609] Interviews of Lisa Levine.

[610] Interviews of Lisa Levine.

[611] Interviews of Lisa Levine.

[612] Interviews of Mana Shim.

[613] Interviews of Sinead Farrelly.

[614] Interviews of Sinead Farrelly.

[615] Interviews of Sinead Farrelly.

[616] Interviews of Mana Shim.

[617] NWSL-USSF-00000479.

[618] NWSL-USSF-00000479.

[619] NWSL-USSF-Levine-000000595.

[620] Interviews of Steve Malik.

[621] Interviews of Witness 14.

[622] Press Release, NC Courage, North Carolina Courage Head Coach Paul Riley Signs Multi-Year Contract Extension Through 2022 (Aug. 18, 2020), https://www.nccourage.com/news/north-carolina-courage-head-coach-paul-riley-signs-multi-year-contract-extension-through-2022.

[623] US Soccer Learning Center, Paul Riley.

[624] Press Release, NC Courage, North Carolina Courage Head Coach Paul Riley Signs Multi-Year Contract Extension Through 2022 (Aug. 18, 2020), https://www.nccourage.com/news/north-carolina-courage-head-coach-paul-riley-signs-multi-year-contract-extension-through-2022.

[625] COURAGE_000573 (Merritt Paulson, Thorns Owner, texts Steve Malik, NC Courage Owner, on April 10, 2021, "I hand it to paul. He has been really amazing." Malik responds "Thinking the same thing."); Merritt Paulson (@MerrittPaulson), TWITTER (Oct. 14, 2017) ("@prileyfury4life has done a phenomenal job. Great organization") (user has since deleted Tweet); Press Release, NC Courage, North Carolina Courage Head Coach Paul Riley Signs Multi-Year Contract Extension Through 2022 (Aug. 18, 2020), https://www.nccourage.com/news/north-carolina-courage-head-coach-paul-riley-signs-multi-year-contract-extension-through-2022 ("We could not be more excited to bring Paul back as head coach of the Courage for many years to come," said NC Courage and North Carolina FC President and General Manager Curt Johnson.).

[626] COURAGE_000574.

[627] COURAGE_000574.

[628] COURAGE_000574.

[629] COURAGE_000574.

[630] COURAGE_000574.

[631] Interviews of Natalie Ramello.

[632] At the end of the 2021 season, Riley had 81 wins in 155 games; Dames was a close second with 80 wins in 188 games.

[633] *About Us*, CHICAGO RED STARS, https://www.chicagoredstars.com/about-us.

[634] *About Us*, CHICAGO RED STARS, https://www.chicagoredstars.com/about-us.

[635] Interviews of Natalie Ramello.

[636] Interview of Witness 25; Interviews of Witness 20; Interview of Witness 44 ("I've heard a million things that have come out of Rory's mouth, each of which would be a fireable offense.").

[637] Interviews of George Chiampas.

[638] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117).

[639] Press Release, Chicago Red Stars Head Coach Rory Dames Steps Down (Nov. 22, 2021), https://www.chicagoredstars.com/post/chicago-red-stars-head-coach-rory-dames-steps-down.

[640] Interviews of George Chiampas.

[641] Molly Hensley-Clancy, *"Nobody cares:" NWSL players say U.S. Soccer failed to act on abuse claims against Red Stars coach*, WASH. POST (Nov. 21, 2021). https://www.washingtonpost.com/sports/2021/11/22/rory-dames-chicago-red-stars-resigns.

[642] Molly Hensley-Clancy, *"Nobody cares:" NWSL players say U.S. Soccer failed to act on abuse claims against Red Stars coach*, WASH. POST (Nov. 21, 2021). https://www.washingtonpost.com/sports/2021/11/22/rory-dames-chicago-red-stars-resigns.

[643] Molly Hensley-Clancy, *"Nobody cares:" NWSL players say U.S. Soccer failed to act on abuse claims against Red Stars coach*, WASH. POST (Nov. 21, 2021). https://www.washingtonpost.com/sports/2021/11/22/rory-dames-chicago-red-stars-resigns.

[644] Molly Hensley-Clancy, *"Nobody cares:" NWSL players say U.S. Soccer failed to act on abuse claims against Red Stars coach*, WASH. POST (Nov. 21, 2021). https://www.washingtonpost.com/sports/2021/11/22/rory-dames-chicago-red-stars-resigns.

[645] Interview of Witness 41.

[646] Molly Hensley-Clancy, *"Nobody believed those teenagers:" Former NWSL coach Rory Dames was accused by youth players of misconduct decades ago, records and interviews show. He coached his way to power and prominence anyway*, WASH. POST (Feb. 8, 2022), https://www.washingtonpost.com/sports/2022/02/08/rory-dames-eclipse-select-misconduct-allegations.

[647] Molly Hensley-Clancy, *"Nobody believed those teenagers:" Former NWSL coach Rory Dames was accused by youth players of misconduct decades ago, records and interviews show. He coached his way to power and prominence anyway*, WASH. POST (Feb. 8, 2022), https://www.washingtonpost.com/sports/2022/02/08/rory-dames-eclipse-select-misconduct-allegations.

[648] Molly Hensley-Clancy, *"Nobody believed those teenagers:" Former NWSL coach Rory Dames was accused by youth players of misconduct decades ago, records and interviews show. He coached his way to power and prominence anyway*, WASH. POST (Feb. 8, 2022), https://www.washingtonpost.com/sports/2022/02/08/rory-dames-eclipse-select-misconduct-allegations.

[649] Molly Hensley-Clancy, *"Nobody believed those teenagers:" Former NWSL coach Rory Dames was accused by youth players of misconduct decades ago, records and interviews show. He coached his way to power and prominence anyway*, WASH. POST (Feb. 8, 2022), https://www.washingtonpost.com/sports/2022/02/08/rory-dames-eclipse-select-misconduct-allegations.

[650] Molly Hensley-Clancy, *"Nobody believed those teenagers:" Former NWSL coach Rory Dames was accused by youth players of misconduct decades ago, records and interviews show. He coached his way to power and prominence anyway*, WASH. POST (Feb. 8, 2022), https://www.washingtonpost.com/sports/2022/02/08/rory-dames-eclipse-select-misconduct-allegations. 1998 Police Report.

[651] Megan Rapinoe (@mPinoe), TWITTER (Feb. 8, 2022, 12:42 PM), https://twitter.com/mPinoe/status/1491104707821305857.

[652] Interviews of Witness 42.

[653] Interviews of Witness 20.

[654] Interviews of Witness 42.

[655] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B; Interviews of Samantha Johnson; Interviews of Witness 22; USSF_ECA0000633073.

[656] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B; Interviews of Witness 20; Interviews of

Samantha Johnson; Interviews of Witness 17; Interview of Craig Harrington; Interview of Witness 17.

[657] Interviews of Witness 17; Interviews of Witness 12; Interviews of Christen Press.

[658] Interviews of Witness 17; Interviews of Christen Press; USSF_ECA0000633014; USSF_ECA0005923759.

[659] Interviews of Witness 12; Interviews of Witness 17; Interviews of Witness 11.

[660] Interviews of Samantha Johnson; Interviews of Witness 20; Interviews of Witness 4; Nov. 21, 2021 CRS Organizational Climate Review (CRS000117).

[661] Interviews of Witness 4; Interviews of Witness 42; Interviews of Samantha Johnson; Interviews of Witness 22.

[662] Interviews of Witness 17; Interviews of Witness 4; Interviews of Witness 20; USSF_ECA0005923759; USSF_ECA0000633014.

[663] Interviews of Witness 4; Interviews of Witness 20; Interviews of Witness 17; USSF_ECA0000633014; Nov. 21, 2021 CRS Organizational Climate Review (CRS000117).

[664] Interviews of Witness 4.

[665] Interviews of Natalie Ramello.

[666] Interviews of Witness 4; Interview of Natalie Ramello; Interview of Megan Cnota.

[667] Interviews of Megan Cnota; Interviews of Witness 23; Interviews of Witness 3.

[668] 1998 Police Report; Interviews of Megan Cnota; Interviews of Witness 23; Interviews of Witness 3.

[669] Interviews of Witness 23; Interviews of Witness 3; Interviews of Megan Cnota.

[670] 1998 Police Report; Interviews of Witness 3.

[671] Interviews of Witness 23; Interviews of Megan Cnota; Interviews of Witness 3; USSF_ECA0000049901.

[672] 1998 Police Report.

[673] Sept. 19, 2022 Letter from S. Bogart to S. Yates and T. Harris.

[674] Aug. 30, 2022 Letter from S. Bogart to S. Yates and T. Harris.

[675] Sept. 27, 2022 Letter from S. Bogart to S. Yates and T. Harris.

[676] Sept. 27, 2022 Letter from S. Bogart to S. Yates and T. Harris.

[677] Interviews of Arnim Whisler.

[678] Interviews of Arnim Whisler.

[679] Interviews of Witness 7.

[680] Interviews of Arnim Whisler.

[681] Interviews of Arnim Whisler.

[682] Interviews of Arnim Whisler.

[683] Interviews of Arnim Whisler.

[684] CRS000116.

[685] CRS000116.

[686] USSF_ECA0002976315; USSF_ECA0000633014.

[687] USSF_ECA0001020485.

[688] USSF_ECA0000570975.

[689] USSF_ECA0000570975.

[690] 2014 NWSL Player Survey (NWSL-USSF_ECA00000520); USSF_ECA0001020485; USSF_ECA0000608901; USSF_ECA0001548733.

[691] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B; Interviews of Christen Press; Interviews of Lydia Wahlke.

[692] Interviews of Lydia Wahlke.

[693] USSF_ECA0000633030.

[694] NWSL-USSF-00001231.

[695] USSF_ECA0000633117; USSF_ECA0000633118.

[696] USSF_ECA0001971392.

[697] Interviews of Witness 7 (explaining that "everyone knows" about Dames's "behavior"); Interviews of Witness 24 ("Everyone knows Rory is the biggest asshole in the League."); Interviews of Witness 20 ("Everyone knew Rory had this side to him."); Interviews of Witness 12 (stating "[y]ou had to be blind" not to know about Dames's behavior"); Interview with Witnesses 45, 46, and 47 (noting "people don't want to come [to CRS]" in part "because of Rory"); Interview of Graeme Abel ("Not a secret.").

[698] Interviews of Witness 20 (Whisler "definitely knew [Dames] mistreated the players"); Interviews of Witness 12 ("To say he didn't know is a cop out. His open letter he wrote was complete bullshit."); Interview of Witnesses 45, 46, and 47 (Players have been telling Whisler about Dames "for years"); Interview of Witness 25 (noting that Whisler "turned a blind eye towards a lot of things"); Interviews of Witness 4 ("Whisler will tell you he knew nothing, which is a complete lie"); Interviews of Witness 42 ("Don't understand" how Whisler could be "blindsided by this"); Interviews of Witness 7 (Whisler and "senior level staff . . . [were] aware" of what was happening); Interviews of Samantha Johnson (Whisler's "apologies were bullshit. . . . He knew."); Interview of Witness 40 ("I'd be shocked if [Whisler] didn't know"); Interviews of Witness 11 ("We've had a lot of tension, especially with Arnim and his lack of accountability."); Interviews of Christen Press; Interview of Witness 17 ("I personally in off season talked to [Whisler] about Rory in private conversation.").

[699] USSF ECA0000592356; USSF_ECA0002976315-16; Interviews of Arnim Whisler; CRS001216; NWSL-USSF-00002558; USSF_ECA0005923758; Nov. 21, 2021 CRS Organizational Climate Review (CRS000117).

[700] Interviews of Witness 17.

[701] Interviews of Witness 17.

[702] Interviews of Arnim Whisler.

[703] USSF_ECA0001020485.

[704] Interviews of Arnim Whisler.

[705] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117).

[706] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117).

[707] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117).

[708] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117).

[709] Interviews of Armin Whisler.

[710] Interviews of Armin Whisler.

[711] Emmanuel Salazar, *Chicago Red Stars Head Coach Rory Dames Steps Down*, CHICAGO RED STARS (Nov. 22, 2021), https://www.chicagoredstars.com/post/chicago-red-stars-head-coach-rory-dames-steps-down.

[712] Interviews of Witness 4.

[713] Interviews of Natalie Ramello.

[714] Interviews of Witness 12.

[715] Interviews of Natalie Ramello.

[716] Interviews of Natalie Ramello.

[717] Interviews of Natalie Ramello.

[718] Interviews of Natalie Ramello.

[719] Interviews of Natalie Ramello; Interviews of Witness 4.

[720] Interviews of Natalie Ramello (Dames would say "I will win your children state championships. I will get your kids scholarships." . . . "I don't even remember a single time when he did things out in the open when a parent ever even considered saying something was wrong or telling him to back off."); Interviews of Witness 4 (Noting that she only remembered one instance of parents complaining about how Eclipse players were treated by coaching staff, explaining that the parents "all bought into the idea that [Dames] had the golden ticket for anyone."); Interviews of Witness 3.

[721] Interviews of Witness 4; Interviews of Witness 23.

[722] Interviews of Megan Cnota; Interviews of Witness 3 ("[H]e would act weird . . . asking for massages."); Interviews of Witness 23 (Dames and another coach would "make comments about age of consent and how it was lower in some places.").

[723] Interviews of Megan Cnota.

[724] Interviews of Megan Cnota.

[725] Interviews of Megan Cnota.

[726] Interviews of Megan Cnota.

[727] Interviews of Witness 23.

[728] Interviews of Witness 4; Interviews of Megan Cnota.

[729] Interviews of Witness 4; Interviews of Witness 23.

[730] Interviews of Megan Cnota; Interviews of Witness 3; Interviews of Witness 23.

[731] Interviews of Witness 23.

[732] Interviews of Witness 23.

[733] Interviews of Witness 23.

[734] Interviews of Megan Cnota.

[735] Interviews of Witness 3; Interviews of Witness 23; Interviews of Megan Cnota.

[736] Interviews of Natalie Ramello.

[737] Interviews of Witness 3.

[738] Interviews of Natalie Ramello.

[739] Interviews of Witness 3.

[740] Interviews of Witness 3.

[741] Interviews of Witness 3.

[742] Interviews of Witness 3.

[743] Interviews of Witness 3.

[744] Interviews of Witness 3.

[745] Interviews of Witness 3.

[746] 1998 Police Report.

[747] 1998 Police Report.

[748] 1998 Police Report ("Dames would also make degrading comments in a joking way. [REDACTED] cited one such incident during practice when Dames told [REDACTED] that she had a nice 'ass' and he wanted to sleep with her"); ("[REDACTED] related an incident that occurred during an away tournament, during which another player, [REDACTED] was thrown in a swimming pool by a male player. [REDACTED] overheard Dames say, "you should have taken

her shirt off first it would have made a better show."); ("On one occasion Dames made a comment about the size of [REDACTED] chest.").

749 1998 Police Report.

750 1998 Police Report.

751 1998 Police Report.

752 Interviews of Witness 3.

753 Interviews of Witness 3.

754 Interviews of Witness 23.

755 Interviews of Witness 23; Interviews of Megan Cnota; Interviews of Witness 3; USSF_ECA0000049901.

756 Interviews of Witness 23.

757 Interviews of Witness 23.

758 Interviews of Witness 23.

759 Interviews of Witness 23.

760 Interviews of Witness 23.

761 Interviews of Witness 23.

762 Interviews of Witness 23.

763 Interviews of Witness 23.

764 Interviews of Witness 23.

765 Interviews of Witness 23.

766 Interviews of Witness 23.

767 Interviews of Witness 23.

768 Interviews of Witness 23.

769 Interviews of Witness 23.

770 Interviews of Witness 23.

771 Interviews of Witness 23.

772 ProdRec_0000000154.

773 Interviews of Samantha Johnson.

774 Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117); Gervis, M., Rhind, D. & Luzar, A., *Perceptions of emotional abuse in the coach-athlete relationship in youth sport: The influence of competitive level and outcome*, CHILD ABUSE REV. (2016).

775 Interviews of Samantha Johnson.

[776] Interviews of Samantha Johnson.

[777] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[778] Interviews of Witness 12; Interviews of Witness 17; Interviews of Witness 11; Interviews of Samantha Johnson.

[779] USSF_ECA0000633014.

[780] Interviews of Witness 17.

[781] Interviews of Witness 17.

[782] Interviews of Witness 22.

[783] Interviews of Witness 12.

[784] Interviews of Witness 17; Interview of Witness 25.

[785] Interviews of Witness 17.

[786] Interviews of Witness 17; Molly Hensley-Clancy, *"Nobody believed those teenagers:" Former NWSL coach Rory Dames was accused by youth players of misconduct decades ago, records and interviews show. He coached his way to power and prominence anyway*, WASH. POST (Feb. 8, 2022), https://www.washingtonpost.com/sports/2022/02/08/rory-dames-eclipse-select-misconduct-allegations; Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B; Interviews of Witness 20; Interviews of Samantha Johnson; Interview of Craig Harrington; Molly Hensley-Clancy, *"Nobody believed those teenagers:" Former NWSL coach Rory Dames was accused by youth players of misconduct decades ago, records and interviews show. He coached his way to power and prominence anyway*, WASH. POST (Feb. 8, 2022), https://www.washingtonpost.com/sports/2022/02/08/rory-dames-eclipse-select-misconduct-allegations.

[787] Interviews of Witness 17.

[788] Interviews of Witness 12; Interview of Witness 17.

[789] Interviews of Witness 12; Interview of Witness 17.

[790] Interviews of Witness 12.

[791] Interviews of Witness 17.

[792] Interviews of Witness 17.

[793] Interviews of Witness 17.

[794] Interviews of Witness 7.

[795] Interviews of Witness 6.

[796] Interviews of Witness 12.

[797] Interviews of Witness 17.

[798] Interviews of Witness 7.

[799] Interviews of Witness 7.

[800] Interviews of Witness 6.

[801] Interviews of Witness 42.

[802] Interviews of Witness 4.

[803] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[804] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B; Interviews of Witness 4; Interviews of Witness 12; Interviews of Witness 20; Interviews of Witness 11; Interviews of Samantha Johnson; Interviews of Witness 42.

[805] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[806] Interviews of Christen Press.

[807] Interviews of Witness 4.

[808] Interviews of Witness 4.

[809] Interviews of Witness 42.

[810] Interviews of Witness 42.

[811] Interviews of Witness 42.

[812] Interviews of Witness 20; Interviews of Witness 42; Interviews of Samantha Johnson; Interviews of Witness 12; Interviews of Witness 17.

[813] Interviews of Witness 20.

[814] Interviews of Witness 17; Interviews of Witness 20.

[815] Interviews of Witness 42.

[816] Interviews of Witness 4; Interviews of Witness 42; Interviews of Samantha Johnson; Interviews of Witness 22.

[817] Interviews of Witness 4; Interview of Witness 42; Interviews of Samantha Johnson; Interviews of Witness 22.

[818] Interviews of Witness 4.

[819] Interviews of Witness 17.

[820] USSF_ECA0000633118.

[821] Interviews of Witness 20.

[822] Interviews of Witness 4.

[823] USSF_ECA0000633037.

[824] Interviews of Witness 20.

[825] Interviews of Witness 20.

[826] Interviews of Witness 20.

[827] Interviews of Witness 20.

[828] Interviews of Witness 20.

[829] Interviews of Witness 20.

[830] Interviews of Witness 20.

[831] Interviews of Witness 20.

[832] Interviews of Witness 20.

[833] Interviews of Witness 20.

[834] USSF0000000172.

[835] USSF0000000172; Interviews of Witness 7.

[836] USSF0000000172.

[837] Interviews of Witness 4.

[838] Interviews of Witness 20.

[839] Interviews of Samantha Johnson.

[840] Interviews of Samantha Johnson; Interviews of Witness 22; Interview of Witness 42; USSF_EAC0000633073.

[841] Interviews of Samantha Johnson.

[842] USSF_ECA0000633037.

[843] Interviews of Samantha Johnson.

[844] Interviews of Samantha Johnson.

[845] USSF_ECA0000633014.

[846] Interviews of Witness 4.

[847] Interviews of Witness 4.

[848] Interviews of Witness 17; Interviews of Witness 4.

[849] Interviews of Samantha Johnson.

[850] Interview of Witness 25.

[851] USSF_ECA0000633037.

[852] Interviews of Witness 4; Interviews of Witness 20; USSF_ECA0000633014.

[853] Interviews of Witness 20.

[854] Interviews of Witness 42; Interviews of Witness 20.

[855] Interviews of Witness 17.

[856] USSF_ECA0002976316.

[857] USSF_ECA0002976315-16; USSF_ECA0000633014.

[858] USSF_ECA0000633014.

[859] USSF_ECA0000633014.

[860] USSF_ECA0002976315-16.

[861] USSF_ECA0002976315-16.

[862] USSF_ECA0002976316.

[863] USSF_ECA0002976316.

[864] USSF_ECA0000633014.

[865] USSF_ECA0000633014.

[866] USSF_ECA0000633014.

[867] USSF_ECA0000603758-77; 2014 NWSL Player Survey (NWSL-USSF-00000520).

[868] USSF_ECA0000603758; USSF_ECA0000603766.

[869] USSF_ECA0000604822.

[870] *Compare* USSF_ECA0000604822 and USSF_ECA0000604821 *with* USSF_ECA0002976316.

[871] USSF_ECA0000604822.

[872] USSF_ECA0002978877.

[873] USSF_ECA0002978877.

[874] USSF_ECA0002978877.

[875] USSF_ECA0002978877.

[876] USSF_ECA0002978877.

[877] USSF_ECA0002978877.

[878] USSF_ECA0002978877.

[879] USSF_ECA0002978877.

[880] USSF_ECA0000570975.

[881] USSF_ECA0000570975.

[882] USSF_ECA0000609016; USSF_ECA0000609020.

[883] USSF_ECA0001020485.

[884] USSF_ECA0001020485.

[885] USSF_ECA0000474465.

[886] USSF_ECA0000447780.

[887] Sept. 12, 2022 Written Statement of Dan Flynn.

[888] 2015 NWSL Player Survey (NWSL-USSF-00000524).

[889] 2015 NWSL Player Survey (NWSL-USSF-00000524).

[890] USSF_ECA0001548732; 2015 NWSL Player Survey (NWSL-USSF-00000524).

[891] USSF_ECA0001548732; 2015 NWSL Player Survey (NWSL-USSF-00000524).

[892] Interview of Jay Berhalter.

[893] Sept. 12, 2022 Written Statement of Dan Flynn.

[894] Interviews of Arnim Whisler.

[895] 2017 NWSL Player Survey (NWSL-USSF-00000522).

[896] 2017 NWSL Player Survey (NWSL-USSF-00000522).

[897] 2017 NWSL Player Survey (NWSL-USSF-00000522).

[898] USSF_ECA0000974048.

[899] USSF_ECA0000974048.

[900] USSF_ECA0000974048.

[901] Interviews of Lydia Wahlke.

[902] Interviews of Christen Press.

[903] Interviews of Christen Press.

[904] Interviews of Lydia Wahlke.

[905] Interview of Kristin Jones.

[906] Interview of Kristin Jones.

[907] USSF_ECA0000633014.

[908] USSF_ECA0000633014.

[909] USSF_ECA0000633016.

[910] USSF_ECA0000633016.

[911] USSF_ECA0000633029.

[912] USSF_ECA0000633029.

[913] USSF_ECA0000633029.

[914] USSF_ECA0000633030.

[915] USSF_ECA0000633030.

[916] USSF_ECA0000633030.

[917] NWSL-USSF-00002558

[918] NWSL-USSF-00002558; Interviews of Arnim Whisler.

[919] NWSL-USSF-00002558; USSF_ECA0000633030.

[920] USSF_ECA0000633030; Interviews of Arnim Whisler.

[921] USSF_ECA0000639514.

[922] Wirtjo Leonard and Cindy Lara, *Christen Press, Sam Johnson joining Utah Royals FC in trade with Chicago, Houston*, SBNATION, (June 18, 2018), https://www.rslsoapbox.com/2018/6/18/17471372/christen-press-sam-johnson-joining-utah-royals-fc-in-trade-with-chicago-houston.

[923] Interviews of Samantha Johnson.

[924] Interviews of Samantha Johnson.

[925] USSF_ECA0000830849.

[926] USSF_ECA0000633032.

[927] USSF_ECA0006331118.

[928] USSF_ECA0000633117.

[929] Interviews of Greg Fike.

[930] USSF_ECA0006331118.

[931] USSF_ECA0006331118.

[932] USSF_ECA0006331118.

[933] USSF_ECA0006331118.

[934] USSF_ECA0006331118.

[935] USSF_ECA0006331118.

[936] USSF_ECA0006331118.

[937] USSF_ECA0006331118.

[938] USSF_ECA0006331118.

[939] USSF_ECA0006331118.

[940] USSF_ECA0006331118.

[941] USSF_ECA0006331118.

[942] USSF_ECA0006331118.

[943] Interviews of Lydia Wahlke.

[944] Interviews of Lydia Wahlke.

[945] Interviews of Lydia Wahlke.

[946] USSF_ECA0006331118; Interviews of Witness 12.

[947] Interviews of Witness 12.

[948] USSF_ECA0005923758; USSF_ECA0005923759.

[949] Interviews of Arnim Whisler.

[950] Interviews of Arnim Whisler.

[951] Interviews of Arnim Whisler.

[952] Interviews of Arnim Whisler.

[953] Interviews of Arnim Whisler.

[954] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[955] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[956] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[957] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[958] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[959] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[960] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[961] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[962] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[963] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[964] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[965] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars (USSF_ECA0001971392), attached as Appendix B.

[966] Interviews of Arnim Whisler.

[967] Interviews of Lydia Wahlke.

[968] Interviews of Lydia Wahlke.

[969] Interviews of Lydia Wahlke.

[970] Interviews of Lydia Wahlke.

[971] Interviews of Lydia Wahlke.

[972] Interviews of Lydia Wahlke.

[973] Interviews of Lydia Wahlke.

[974] Interviews of Arnim Whisler.

[975] Interviews of Arnim Whisler.

[976] Interviews of Arnim Whisler.

[977] Interviews of Arnim Whisler.

[978] Interviews of Arnim Whisler.

[979] Interviews of Arnim Whisler.

[980] Interviews of Arnim Whisler.

[981] Interviews of Arnim Whisler.

[982] Interviews of Arnim Whisler.

[983] Interviews of Arnim Whisler.

[984] Interviews of Arnim Whisler.

[985] Interview of Witness 11.

[986] Interviews of Arnim Whisler.

[987] Interviews of Lydia Wahlke.

[988] Interviews of Lydia Wahlke.

[989] Interview of Lydia Wahlke.

[990] Interviews of Lydia Wahlke.

[991] Interviews of Lydia Wahlke.

[992] Interviews of Lydia Wahlke.

[993] Interview with Witnesses 45, 46, and 47.

[994] Interviews of Witness 20; Interview of Witness 42; Interview of Witness 17.

[995] Sept. 30, 2019 Report of External Review of Allegations of Misconduct at the Chicago Red Stars at 53 (USSF_ECA0001971392), attached as Appendix B.

[996] Interview of Witness 11.

[997] Interviews of Christen Press.

[998] Interviews of Witness 20.

[999] USSF_ECA0000049901.

[1000] USSF_ECA0000049902.

[1001] Interviews of Witness 22.

[1002] Interview of Witness 4.

[1003] Interviews of Witness 22.

[1004] Interviews of Witness 4.

[1005] Interviews of Samantha Johnson.

[1006] Interviews of Samantha Johnson.

[1007] Interview of Witness 25.

[1008] Interview with Witnesses 45, 46, and 47.

[1009] Interview of Witness 49.

[1010] Interviews of Christen Press.

[1011] USSF ECA0000592356; USSF_ECA0002976315-16; Interviews of Arnim Whisler; (4)CRS001216; 4) NWSL-USSF-00002558; USSF_ECA0005923758; Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117).

[1012] USSF_ECA0000592356.

[1013] USSF_ECA0000609016.

[1014] Interview of Witness 25.

[1015] Interviews of Witness 20; Interviews of Arnim Whisler.

[1016] Interviews of Witness 12; Interviews of Witness 20.

[1017] Interview of Witness 6; Interview of Amanda Duffy.

[1018] Interviews of Witness 6.

[1019] USSF_ECA0000592356.

[1020] USSF_ECA0000592356.

[1021] Interviews of Witness 7.

[1022] Interviews of Witness 7.

[1023] Interviews of Witness 7.

[1024] Interviews of Witness 7; Interview of Witness 25.

[1025] Interviews of Arnim Whisler.

[1026] Interviews of Witness 4.

[1027] Interview of Witness 43.

[1028] Interview of Witness 43.

[1029] Interview of Witness 43.

[1030] Interview of Witness 43.

[1031] Interview of Witness 43.

[1032] Interview of Witness 43.

[1033] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117).

[1034] Nov. 21, 2021 Chicago Red Stars Organizational Climate Review (CRS000117).

[1035] Interview of Witness 43.

[1036] Interviews of Arnim Whisler.

[1037] Interviews of Arnim Whisler.

[1038] Press Release, Chicago Red Stars Head Coach Rory Dames Steps Down (Nov. 22, 2021), https://www.chicagoredstars.com/post/chicago-red-stars-head-coach-rory-dames-steps-down.

[1039] Interviews of Witness 11.

[1040] CRS000156; Interviews of Jen Hoy.

[1041] Interviews of Samantha Johnson.

[1042] Interviews of Witness 4.

[1043] Interviews of Arnim Whisler.

[1044] Interviews of Arnim Whisler.

[1045] Jan. 6, 2022 Letter from A. Kocoras to R. Dames.

[1046] Jan. 6, 2022 Letter from A. Kocoras to R. Dames.

[1047] Feb. 14, 2022 Notice of Allegations and & Modification to Temporary Measures, Case # 2022-00055, *In re*: Rory Dames.

[1048] Interviews of Witness 12; Interviews of Witness 20; Interviews of Witness 23.

[1049] Interviews of Witness 20.

[1050] Interviews of Witness 20.

[1051] Interviews of Witness 23.

[1052] Racing Louisville FC (@RacingLouFC), TWITTER (Aug. 31, 2021, 9:50 PM), https://twitter.com/RacingLouFC/status/ 1432883405666996225.

[1053] Hayes Gardner, *For the second time this season, a Louisville soccer club abruptly changes coaches*, LOUISVILLE COURIER JOURNAL (Sept. 2, 2021), https://www.courier-journal.com/story/sports/soccer/2021/09/02/racing-louisville-abruptly-fired-christy-holly-interim-mario-sanchez/5693934001.

[1054] Justin McMullen, *The Story Behind Christy Holly's Firing is that We May Never [Know] the Whole Story*, VENUS SPORTS (Sept. 4, 2021), https://venussports.co/2021/09/04/the-story-behind-christy-hollys-firing-is-that-we-may-never-the-whole-story.

[1055] Meg Linehan, *'This Guy Has a Pattern': Amid Institutional Failure, Former NWSL Players Accuse Prominent coach of Sexual Coercion*, THE ATHLETIC (Sept. 30, 2021), https://theathletic.com/2857633/2021/09/30/this-guy-has-a-pattern-amid-institutional-failure-former-nwsl-players-accuse-prominent-coach-of-sexual-coercion; Madeline Coleman, *NWSL Players Pause Games After Six Minutes of Play: "This is Not Business As Usual*, SPORTS ILLUSTRATED (Oct. 6, 2021), https://www.si.com/soccer/2021/10/06/nwsl-gotham-spirit-players-pause-game-after-six-minutes-link-arms.

[1056] Interview of Witness 37.

[1057] Dan Lauletta, *Christy Holly resigns as head coach at Sky Blue FC*, THE EQUALIZER (Aug. 16, 2017), https://equalizersoccer.com/2017/08/16/christy-holly-resigns-as-head-coach-at-sky-blue-fc.

[1058] Interviews of Witness 21.

[1059] Press Release, Sky Blue FC, Christy Holly Steps Down as Sky Blue FC Head Coach (Aug. 16, 2017), https://web.archive.org/web/20170817171334/http://www.skybluefc.com/christy-holly-steps-down-as-sky-blue-fc-head-coach.

[1060] Interview of Witness 37.

[1061] *See* ProdRec_0000000041; Interview of Christy Holly; *see also* Interviews of Tony Novo.

[1062] USSF_ECA0001851762; USSF_ECA0003248894.

[1063] Interviews of Lisa Levine; Interview of Mary Smoot; Interview of Ed Nalbandian.

[1064] According to its broad interpretation of its Non-Disclosure Agreement, Racing Louisville would not provide any information to our investigation regarding Holly's employment and instructed its current and former executives to refrain from doing the same.

[1065] Interviews of Erin Simon.

[1066] Interviews of Erin Simon.

[1067] Interviews of Witness 32; Interviews of Witness 24; Interviews of Erin Simon.

[1068] Interviews of Witness 24; Interview of Christy Holly.

[1069] Interviews of Erin Simon.

[1070] Interviews of Erin Simon.

[1071] Interviews of Erin Simon.

[1072] Interviews of Erin Simon.

[1073] Interviews of Erin Simon.

[1074] Interviews of Erin Simon.

[1075] Interviews of Erin Simon.

[1076] Interviews of Erin Simon.

[1077] Interviews of Erin Simon.

[1078] Interviews of Erin Simon.

[1079] Interviews of Erin Simon.

[1080] Interviews of Erin Simon; Interview of Christy Holly.

[1081] Interviews of Erin Simon.

[1082] Interviews of Erin Simon.

[1083] Interviews of Erin Simon.

[1084] Interviews of Erin Simon.

[1085] Interviews of Erin Simon.

[1086] Interviews of Erin Simon.

[1087] Interviews of Erin Simon.

[1088] Interviews of Erin Simon.

[1089] Interviews of Erin Simon.

[1090] *U.S. U-23 Women's National Team roster unveiled for 2019 Nordic Tournament*, SoccerWire.com (Aug. 21, 2019), https://www.soccerwire.com/news/u-s-u-23-womens-national-team-roster-unveiled-for-2019-nordic-tournament.

[1091] Interviews of Erin Simon.

[1092] Interviews of Erin Simon.

[1093] Interviews of Erin Simon.

[1094] Interviews of Erin Simon.

[1095] Interviews of Erin Simon.

[1096] Interviews of Erin Simon.

[1097] Interviews of Erin Simon.

[1098] Interviews of Erin Simon.

[1099] Interviews of Erin Simon.

[1100] Interviews of Erin Simon.

[1101] Interviews of Erin Simon.

[1102] Interviews of Erin Simon.

[1103] Interviews of Erin Simon.

[1104] Interviews of Erin Simon. At this time, James Clarkson was Head Coach at the Dash. Clarkson was suspended from his position in April 2022 at the recommendation of the joint NWSL and NWSLPA investigation. *See* Elizabeth Wolfe & Kevin Dotson, *Houston Dash suspends head coach James Clarkson amid league-wide investigation into claims of misconduct*, CNN (Apr. 27, 2022), https://www.cnn.com/2022/04/27/sport/houston-dash-james-clarkson-suspended.

[1105] Interviews of Erin Simon; Stephanie Yang, *The 2020 NWSL expansion draft: all of Racing Louisville's picks*, SBNation (Nov. 12, 2020), https://www.allforxi.com/2020/11/12/21563226/2020-nwsl-expansion-draft-all-of-racing-louisville-picks.

[1106] Interviews of Erin Simon.

[1107] Interviews of Erin Simon.

[1108] Interviews of Erin Simon.

[1109] Interviews of Erin Simon.

[1110] Interviews of Erin Simon.

[1111] Interviews of Erin Simon.

[1112] Interviews of Erin Simon.

[1113] Interviews of Erin Simon.

[1114] Interviews of Erin Simon.

[1115] Interviews of Erin Simon.

[1116] Interviews of Erin Simon.

[1117] Interviews of Brooke Hendrix.

[1118] Interviews of Erin Simon.

[1119] Interviews of Erin Simon.

[1120] Interviews of Erin Simon; Interviews of Brooke Hendrix.

[1121] Interviews of Erin Simon.

[1122] Interviews of Brooke Hendrix.

[1123] Interviews of Erin Simon.

[1124] Interviews of Brooke Hendrix.

[1125] Interviews of Erin Simon.

[1126] Interviews of Erin Simon.

[1127] "I have individual film with Christy today. He's gonna try shit Idk what to do help me what can I say or do." ProdRec_0000000177; ProdRec_0000000178; *see also* Interviews of Erin Simon.

[1128] Interviews of Brooke Hendrix.

[1129] Interviews of Erin Simon.

[1130] Interviews of Erin Simon.

[1131] Interviews of Erin Simon.

[1132] Interviews of Erin Simon.

[1133] Interviews of Erin Simon.

[1134] Interviews of Erin Simon.

[1135] Interviews of Erin Simon.

[1136] Interviews of Erin Simon.

[1137] Interviews of Erin Simon.

[1138] Interviews of Erin Simon.

[1139] Interviews of Erin Simon.

[1140] Interviews of Brooke Hendrix.

[1141] Interviews of Erin Simon.

[1142] Interviews of Witness 61.

[1143] Interviews of Witness 61.

[1144] Interviews of Erin Simon.

[1145] Interviews of Erin Simon.

[1146] Interviews of Erin Simon.

[1147] Interviews of Erin Simon.

[1148] Interviews of Erin Simon.

[1149] Interviews of Erin Simon.

[1150] Interviews of Erin Simon.

[1151] Interviews of Erin Simon.

[1152] Interviews of Erin Simon.

[1153] Interviews of Erin Simon.

[1154] Interviews of Erin Simon.

[1155] Interviews of Erin Simon.

[1156] Interviews of Erin Simon.

[1157] Interviews of Erin Simon.

[1158] Interviews of Taylor Starr; Interviews of Erin Simon.

[1159] Interviews of Taylor Starr; Interviews of Erin Simon.

[1160] Interviews of Taylor Starr; Interviews of Erin Simon.

[1161] Interviews of Taylor Starr.

[1162] Interviews of Erin Simon.

[1163] Interviews of Taylor Starr.

[1164] Interviews of Taylor Starr.

[1165] Interviews of Taylor Starr.

[1166] Interviews of Taylor Starr.

[1167] Interviews of Taylor Starr.

[1168] Interviews of Taylor Starr.

[1169] Interviews of Taylor Starr.

[1170] Interviews of Taylor Starr.

[1171] Interviews of Taylor Starr; Interviews of Erin Simon.

[1172] Interviews of Taylor Starr; Interviews of Erin Simon.

[1173] Interviews of Taylor Starr.

[1174] Interviews of Taylor Starr; Interviews of Erin Simon.

[1175] Interviews of Taylor Starr; Interviews of Erin Simon.

[1176] Interviews of Erin Simon.

[1177] Interviews of Erin Simon.

[1178] Interviews of Erin Simon.

[1179] Interviews of Erin Simon.

[1180] Interviews of Erin Simon.

[1181] Interviews of Erin Simon. We spoke to Estes before and after he stepped down as President of Racing Louisville. As a current and former executive, and pursuant to Racing Louisville's interpretation of their Non-Disclosure Agreement, Estes was instructed by counsel not to discuss any information regarding Holly's termination.

[1182] ProdRec_0000000171; Interviews of Erin Simon.

[1183] Interviews of Witness 31.

[1184] Interviews of Witness 21.

[1185] GOTHAM 01038; Interviews of Witness 32; Interviews of Witness 13; Interviews of Caroline Stanley.

[1186] Interviews of Witness 32; Interviews of Witness 24; Interviews of Witness 13; Interviews of Caroline Stanley. Independently, several people described Holly as a "used car salesman." Interviews of Witness 21; Interviews of Witness 32; Interview of Witness 37; Interviews of Witness 31.

[1187] GOTHAM 01137.

[1188] GOTHAM 01140; Interview of Steven Temares; Interviews of Tony Novo.

[1189] When we spoke to Christy Holly, he stated his coaching experience prior to Sky Blue was limited to youth coaching. *See* Interview of Christy Holly. However, per Holly's resume, he had spent two years as an assistant coach for the Georgian Court University women's soccer team, an NCAA Division II program. His primary employment was as Director of Operations – New Jersey for Global Premier Soccer (GPS), a now defunct youth soccer organization based out of Massachusetts. ProdRec_0000000041; *see also* Interviews of Tony Novo.

[1190] GOTHAM 01137.

[1191] Interviews of Witness 32; Interviews of Witness 1; Interviews of Witness 21; Interviews of Witness 13; Interviews of Tony Novo; Interviews of Witness 24; Interviews of Caroline Stanley.

[1192] Interviews of Witness 32; Interviews of Witness 24; Interviews of Witness 13; Interviews of Caroline Stanley; Interviews of Witness 21; Interview of Witness 37.

[1193] Interview of Witness 37; Interviews of Witness 1; Interviews of Witness 24; Interviews of Caroline Stanley.

[1194] Interviews of Witness 21; Interviews Witness 24; Interviews of Witness 32; Interviews of Witness 1.

[1195] Interviews of Witness 21.

[1196] Interviews of Witness 24.

[1197] Interviews of Erin Simon; Interviews of Witness 1; Interviews of Witness 24; Interviews of Witness 32; Interviews of Caroline Stanley.

[1198] Interviews of Witness 21.

[1199] Interviews of Witness 24.

[1200] Interviews of Witness 31; Interviews of Witness 27.

[1201] Interview of Brad Estes.

[1202] Interviews of Witness 27.

[1203] Interviews of Witness 31; Interviews of Erin Simon.

[1204] Interviews of Witness 61.

[1205] Interviews of Witness 61.

[1206] Interviews of Witness 61.

[1207] Interviews of Witness 61.

[1208] Interviews of Witness 31.

[1209] Interviews of Witness 32.

[1210] Interviews of Erin Simon; Interview of Witness 37; Interviews of Witness 22; Interviews of Witness 1; Interviews of Witness 21; *see also* Interviews of Witness 24; Interviews of Witness 32; Interviews of Caroline Stanley; Interviews of Witness 31; Interview of Witness 18; Interviews of Witness 19; Interviews of Witness 61.

[1211] Interviews of Witness 37; Interviews of Witness 1; Interviews of Brooke Hendrix.

[1212] Interviews of Witness 24; Interviews of Witness 21.

[1213] Interviews of Witness 1; Interviews of Witness 21; Interviews of Caroline Stanley.

[1214] Interviews of Witness 1.

[1215] Interviews of Witness 22.

[1216] Interviews of Witness 19; Interviews of Erin Simon.

[1217] Interviews of Witness 19.

[1218] Interview of Witness 18.

[1219] Interviews of Witness 19.

[1220] Interview of Witness 18.

[1221] Interviews of Brooke Hendrix; *see also* Interview of Witness 18; Interviews of Witness 19.

[1222] Interview of Witness 18.

[1223] Interview of Witness 18.

[1224] Interviews of Brooke Hendrix.

[1225] Interviews of Brooke Hendrix.

[1226] Interviews of Brooke Hendrix.

[1227] Interviews of Brooke Hendrix.

[1228] Interviews of Witness 13.

[1229] Interviews of Witness 13; *see also* Interviews of Witness 24; Interviews of Caroline Stanley. One assistant coach noted that Holly's verbal attacks extended across his technical staff, including towards athletic trainers and the athletic department. *See* Interview of Witness 24.

[1230] Interviews of Witness 13.

[1231] Interviews of Witness 19.

[1232] Interviews of Witness 19; Interviews of Brooke Hendrix; Interviews of Erin Simon; Interview of Witness 18; Interviews of Caroline Stanley.

[1233] Interview of Witness 18; Interviews of Witness 19; Interviews of Brooke Hendrix; Interviews of Erin Simon.

[1234] Interviews of Witness 19; Interviews of Witness 13; *see also* Interviews of Brooke Hendrix; Interviews of Erin Simon.

[1235] Interviews of Witness 24.

[1236] Interviews of Witness 32.

[1237] Interviews of Witness 21.

[1238] Interviews of Tony Novo.

[1239] Interviews of Witness 22.

[1240] Interviews of Witness 1; Interviews of Witness 21; Interviews of Witness 24; Interviews of Witness 32; Interviews of Witness 13.

[1241] Interviews of Witness 1; Interview of Witness 37.

[1242] Interviews of Witness 22; Interviews of Witness 1; Interview of Witness 37**.**

[1243] Interviews of Witness 24.

[1244] Interviews of Witness 32; Interviews of Witness 21; Interviews of Witness 24.

[1245] Interviews of Taylor Starr; Interviews of Brooke Hendrix; Interviews of Erin Simon; Interviews of Witness 61.

[1246] Interviews of Witness 19; Interviews of Witness 61; Interviews of Witness 31.

[1247] Interviews of Witness 61.

[1248] Interviews of Witness 61; Interviews of Witness 19; Interview of Witness 18; Interviews of Erin Simon; Interviews of Brooke Hendrix.

[1249] Interview of Witness 18; Interviews of Witness 61.

[1250] Interviews of Witness 61.

[1251] Interviews of Witness 31.

[1252] Interviews of Witness 31.

[1253] Interviews of Witness 31.

[1254] Interviews of Witness 32.

[1255] Interviews of Witness 24.

[1256] Interviews of Witness 24.

[1257] Interviews of Witness 32. During this time period there was also an ongoing criminal investigation by federal authorities into Holly's former employers, Global Premier Soccer. *See* DOJ, Former Chief Operating Officer of Global Premier Soccer Charged in Visa Fraud Scheme (Feb. 12, 2021), https://www.justice.gov/usao-ma/pr/former-chief-operating-officer-global-premier-soccer-charged-visa-fraud-scheme.

[1258] Interviews of Witness 24.

[1259] Interviews of Witness 21.

[1260] Interviews of Witness 22.

[1261] Interviews of Witness 32.

[1262] Interviews of Tony Novo.

[1263] Interviews of Tony Novo.

[1264] Interviews of Witness 1; Interview of Witness 37.

[1265] Press Release, Sky Blue FC, Christy Holly Steps Down as Sky Blue FC Head Coach (Aug. 16, 2017), https://web.archive.org/web/20170817171334/http://www.skybluefc.com/christy-holly-steps-down-as-sky-blue-fc-head-coach. Also note that the League shared this: Press Release, the NWSL, Sky Blue FC coach Christy Holly steps down (Aug. 16, 2017), https://www.nwslsoccer.com/news/sky-blue-fc-coach-christy-holly-steps-down.

[1266] Dan Lauletta, *The Lowdown: Christie Pearce's unlikely, untimely ending with Sky Blue FC*, THE EQUALIZER, Aug. 24, 2017, https://equalizersoccer.com/2017/08/24/the-lowdown-christie-pearces-unlikely-untimely-ending-with-sky-blue-fc/

[1267] ProdRec_0000000142; Interviews of Witness 1; Interviews of Witness 22.

[1268] Interviews of Witness 22.

[1269] Interviews of Lisa Levine.

[1270] Interview of Amanda Duffy; Interviews of Lisa Levine.

[1271] RacingLouisville_000000214. While Racing Louisville would not provide information regarding Holly's employment, they did provide information regarding their search for a Head Coach, prior to his employment.

[1272] Interview of Amanda Duffy.

[1273] Interviews of Tony Novo.

[1274] NWSL Member or Ownership meetings are attended by ownership and/or representatives of the various clubs in the League. During USSF's management of the League, members of the Federation also joined these calls. Contemporaneous emails, meeting minutes, and documents show ongoing discussion of an anti-fraternization policy for the League beginning as early as February 2016 and continuing until the implementation of the policy in April 2018. *See also* USSF_ECA0000511629; USSF_ECA0003869009; DASHUSSF_00000722; USSF_ECA0000637323; USSF_ECA0000637782.

[1275] Interviews of Tony Novo.

[1276] Interviews of Tony Novo.

[1277] Interviews of Tony Novo.

[1278] Interview of Amanda Duffy; Interviews of Lisa Levine; Interview of Lydia Wahlke.

[1279] Interview of Amanda Duffy.

[1280] Interview of Amanda Duffy.

[1281] Interviews of Lisa Levine.

[1282] Interview of Amanda Duffy; Interviews of Lisa Levine.

[1283] USSF_ECA0000636719.

[1284] USSF_ECA0000670976.

[1285] USSF_ECA0000636719.

[1286] USSF_ECA0000636719.

[1287] USSF_ECA0000636719.

[1288] USSF_ECA0000636719.

[1289] Interview of Lydia Wahlke.

[1290] USSF_ECA0001905137; USSF_ECA0001529308. (Holly was working for the Federation as early as August 2018.)

[1291] Interview of Witness 71.

[1292] ProdRec_0000000041.

[1293] USSF_ECA0000339342.

[1294] Interviews of Kate Markgraf; Interview of Matt Potter; Interview of Graeme Abel; Interview of Mirelle Van Rijbroek.

[1295] Interview of Jill Ellis.

[1296] Interview of Jill Ellis.

[1297] Interview of Jill Ellis.

[1298] Interview of Jill Ellis.

[1299] Interview of Graeme Abel.

[1300] Interview of Tracey Kevins.

[1301] Interview of Tracey Kevins.

[1302] Interview of Tracey Kevins.

[1303] USSF_ECA0003257617; USSF_ECA0001631131; USSF_ECA0001740330.

[1304] Tony Novo recalled discussions with the Federation about Holly's licensing status, but believed it would have been up to Holly to actually register for and pursue the necessary license. Interviews of Tony Novo.

[1305] USSF_ECA0001851762.

[1306] USSF_ECA0001851762.

[1307] USSF_ECA0001695377; USSF_ECA0001711640.

[1308] GOTHAM 01395-01398.

[1309] Interviews of Kate Markgraf; Interview of Vlatko Andonovski.

[1310] Interview of Vlatko Andonovski.

[1311] Interview of Steven Temares.

[1312] Interview of Steven Temares.

[1313] Interview of Steven Temares; Interview of Brad Estes.

[1314] Interview of Brad Estes.

[1315] Interview of Brad Estes.

[1316] Interview of Brad Estes.

[1317] Interview of Mary Smoot.

[1318] GOTHAM 01392-01394.

[1319] Interview of Ed Nalbandian.

[1320] Interview of Ed Nalbandian.

[1321] GOTHAM 01392-01394; Interview of Ed Nalbandian.

[1322] Interview of Ed Nalbandian.

[1323] Interview of Ed Nalbandian.

[1324] Interview of Ed Nalbandian.

[1325] Interview of Ed Nalbandian.

[1326] Interview of Mary Smoot.

[1327] Interview of Mary Smoot.

[1328] Interview of Mary Smoot.

[1329] GOTHAM 01395-01398.

[1330] GOTHAM 01395-1398.

[1331] Interview of Ed Nalbandian.

[1332] Interview of Ed Nalbandian.

[1333] Interview of Ed Nalbandian.

[1334] Interview of Brad Estes.

[1335] Jeff Kassouf, *Christy Holly on becoming Louisville's first coach, building an expansion roster, and leaving Sky Blue in 2017*, THE EQUALIZER, Aug. 12, 2020, https://equalizersoccer.com/2020/08/12/christy-holly-racing-louisville-coach-expansion-roster-sky-blue-in-2017.

[1336] Press Release, Racing Louisville FC, Holly named to lead Racing Louisville FC as head coach (Aug. 12, 2020), https://www.racingloufc.com/news/2020/08/12/holly-named-to-lead-racing-louisville-fc-as-head-coach.

[1337] Johnny Morton, *Christy Holly now reaping managerial rewards but path to success was fraught with challenges*, News Letter (Jan. 6, 2021), https://www.newsletter.co.uk/sport/football/christy-holly-now-reaping-managerial-rewards-path-successwas-fraught-challenges-3087079.

[1338] Interviews of Witness 24.

[1339] Interviews of Witness 24.

[1340] Interviews of Tony Novo.

[1341] Interview of Witness 18.

[1342] Interview of Witness 18.

[1343] Interviews of Witness 19.

[1344] Interviews of Witness 19.

[1345] Interviews of Witness 19; Interview of Witness 18; Interviews of Erin Simon.

[1346] Interviews of Witness 31.

[1347] Interviews of Witness 31; Interviews of Brooke Hendrix; Interviews of Erin Simon.

[1348] Interviews of Witness 31; Interviews of Brooke Hendrix; Interviews of Erin Simon.

[1349] Interviews of Witness 31; Interviews of Brooke Hendrix; Interviews of Erin Simon.

[1350] Interviews of Brooke Hendrix; Interviews of Erin Simon.

[1351] Interviews of Witness 31.

[1352] Interviews of Lisa Levine.

[1353] Interviews of Lisa Levine.

[1354] Interviews of Lisa Levine.

[1355] Interview of Christy Holly.

[1356] Dyuce Woodson, *Christy Holly's firing was a swift decision that even surprised the players*, WLKY (Sept. 2, 2021), https://www.wlky.com/article/christy-hollys-firing-was-a-swift-decision-that-even-surprised-the-players/37466848.

[1357] Dyuce Woodson, *Christy Holly's firing was a swift decision that even surprised the players*, WLKY (Sept. 2, 2021), https://www.wlky.com/article/christy-hollys-firing-was-a-swift-decision-that-even-surprised-the-players/37466848.

[1358] Bekki Morgan, *Racing Louisville Terminates Christy Holly's Contract and Looks to the Future*, BEAUTIFUL GAME NETWORK (Sept. 3, 2021), https://www.bgn.fm/racing-louisville-terminates-christy-hollys-contract-and-looks-to-the-

future/#:~:text=%E2%80%9CNo%20coach%20if%20he%27s%20fired,addition%20to%20other%20potential%20improprieties.

[1359] USSF_ECA1970689; USSF_ECA0001949871; *see also* Interviews of USSF Witnesses.

[1360] USSF_ECA0001950324. An administrative hold is a type of case resolution and closure used by the Center when a respondent is not currently participating in sport, but was an active participant at some point previously. An administrative hold prevents the respondent from participating in the Olympic and Paralympic movement until allegations are resolved. See Letter from U.S. Government Accountability Office to Senator Charles Grassley (Dec. 18, 2020), *available at* https://www.gao.gov/assets/gao-21-128r.pdf.

[1361] USSF_ECA0001950324.

[1362] USSF0000000080; USSF_ECA0001905137; SAFESPORT CODE § IV.A.

[1363] Interviews of Brooke Hendrix.

[1364] Interviews of Witness 27.

[1365] Interview of Witness 70.

[1366] Interviews of Brooke Hendrix.

[1367] Interviews of Brooke Hendrix.

[1368] Interviews of Brooke Hendrix.

[1369] Interview of Witness 67.

[1370] Interview of Christy Holly.

[1371] Interview of Christy Holly.

[1372] Interview of Christy Holly.

[1373] Interview of Christy Holly.

[1374] Interview of Christy Holly.

[1375] Interview of Christy Holly.

[1376] Interview of Christy Holly.

[1377] Interview of Christy Holly.

[1378] Interviews of Erin Simon.

[1379] Simon noted that her confidentiality could still have been protected if the club stated that Holly was fired for sexual harassment.

[1380] Interviews of Erin Simon.

[1381] Interviews of Erin Simon.

[1382] For example, the U.S. Tennis Association's Safe Play website provides the name, location, misconduct, and action taken for every individual disciplined or sanctioned by the U.S. Tennis Association and/or the Center for SafeSport. *See Suspended or Ineligible Individuals*, USTA,

https://www.usta.com/en/home/safe-play/individuals-permanently-ineligible--suspended--or-other-measures.html.

[1383] Importantly, the NWSL is in the process of creating a thorough hiring/re-hiring process and has recently implemented temporary protocols to vet new hires by teams. The League's temporary requirements include: (1) that the League approve all coach, general manager, and president hires, (2) that the new employee complete a "New Hire Certification," (3) that the employee pass an NWSL-directed background check that includes, but is not limited to, criminal records, sexual-offender registries, and social media reviews, and (4) that certain information be included in the employee's employment agreement and employee handbook. *See* NWSL-USSF-00004275. The New Hire Certification requires candidates to certify that they have reviewed the League's Anti-Harassment Policy, have completed SafeSport training, and will comply with club and League rules (including Commissioner imposed discipline). *See* NWSL-USSF-00004277 at 1. Additionally, the certification also requires candidates to report and describe whether they have ever been the subject of a report concerning verbal abuse, harassment, bullying, sexual harassment/sexual misconduct, discrimination, racially insensitive conduct, or retaliation. NWSL-USSF-00004277 at 3.

[1384] SAFESPORT CODE FOR THE U.S. OLYMPIC & PARALYMPIC MOVEMENT § VIII.J, *available at* https://uscenterforsafesport.org/wp-content/uploads/2022/02/2022-SafeSport-Code.pdf.

[1385] REV00028577 at 1.

[1386] For example, Rory Dames did not have his A license for nearly eight of the nine years he served as head coach of the Chicago Red Stars. The League applied repeatedly for and received a waiver from USSF. *See, e.g.*, Interviews of USSF Witnesses.

[1387] *See* Interviews of USSF Witnesses.

[1388] *See* Interviews of USSF Witnesses.

[1389] Background checks compliant with the U.S. Olympic & Paralympic Committee ("USOPC") Responsible Sport Organization Background Check Policy require review of, among other records, multi-jurisdictional criminal database searches, Federal district court searches, National Sex Offender Registry database searches, multiple national watch lists, international records searches, and SafeSport disciplinary records.

[1390] USSF0000000231.

[1391] USSF Professional League Standards (Feb. 28, 2014) at 5.

[1392] Interview of Sunil Gulati; Interview of Witness 69; Interview of Witness 49; Interview of Matt Potter; Interview of Witness 31.

[1393] Meg Linehan, *'This guy has a pattern': Amid institutional failure, former NWSL players accused prominent coach of sexual coercion*, THE ATHLETIC (Sept. 30, 2021), https://theathletic.com/2857633/2021/09/30/this-guy-has-a-pattern-amid-institutional-failure-former-nwsl-players-accuse-prominent-coach-of-sexual-coercion.

[1394] *See, e.g.*, Interview of Witness 49; Interview of Witness 5; Interview of Samantha Johnson.

[1395] SAFESPORT CODE § V.B ("When the relevant organization has reason to believe that the allegations presented fall within the Center's exclusive jurisdiction, *the organization—while able to impose measures—may not investigate or resolve those allegations*." (emphasis added)).

[1396] Interviews of USSF Witnesses.

[1397] USSF_ECA0002097057; Interviews of USSF Witnesses.

[1398] Interviews of SafeSport.

[1399] Interviews of USSF Witnesses; USSF_ECA0001932149; USSF_ECA0001932150.

[1400] USSF_ECA0001932150.

[1401] Interviews of SafeSport.

[1402] Interviews of SafeSport.

[1403] SAFESPORT CODE § XI.H.1.; *see also* Dec. 18, 2020 Letter from the U.S. Governmental Accountability Office to Sen. Charles E. Grassley, re: "Amateur Athletes: The U.S. Center for SafeSport's Response and Resolution Process for Reporting Abuse" at 10, *available at* https://www.gao.gov/assets/gao-21-128r.pdf.

[1404] Interviews of SafeSport.

[1405] Interviews of SafeSport.

[1406] Mar. 2022 SafeSport Impact Report.

[1407] Mar. 2022 SafeSport Impact Report.

[1408] Mar. 2022 SafeSport Impact Report.

[1409] Another form of closure is an "Administrative Hold," which is imposed when the respondent was formerly a Participant but no longer is in sport. This form of closure prohibits the respondent from re-entering sport until the claim is resolved. *See* SAFESPORT CODE § XI.H; Dec. 18, 2020 Letter from the U.S. Governmental Accountability Office to Sen. Charles E. Grassley, re: "Amateur Athletes: The U.S. Center for SafeSport's Response and Resolution Process for Reporting Abuse" at 9, *available at* https://www.gao.gov/assets/gao-21-128r.pdf.

[1410] SAFESPORT CODE § XI.H.1.

[1411] USSF_ECA0005988447. These numbers are complete through June 7, 2022.

[1412] USSF_ECA0005988447. These numbers are complete through June 7, 2022.

[1413] Dec. 18, 2020 Letter from the U.S. Government Accountability Office (GAO) to Senator Charles E. Grassley, re: "Amateur Athletes: The U.S. Center for SafeSport's Response and Resolution Process for Reporting Abuse" at 10, *available at* https://www.gao.gov/assets/gao-21-128r.pdf.

[1414] Dec. 18, 2020 Letter from the U.S. Government Accountability Office (GAO) to Senator Charles E. Grassley, re: "Amateur Athletes: The U.S. Center for SafeSport's Response and Resolution Process for Reporting Abuse" at 10, https://www.gao.gov/assets/gao-21-128r.pdf.

[1415] Dec. 18, 2020 Letter from the U.S. Government Accountability Office (GAO) to Senator Charles E. Grassley, re: "Amateur Athletes: The U.S. Center for SafeSport's Response and Resolution Process for Reporting Abuse," https://www.gao.gov/assets/gao-21-128r.pdf, at 10.

[1416] SAFESPORT CODE § V.D.

[1417] SAFESPORT CODE § XIV.14(b). The standard of proof is also only by a preponderance of the evidence. SAFESPORT CODE § XIV.25.

[1418] 36 U.S.C. § 220541 (a)(1)(H)(i)–(v).

[1419] Interviews of USSF Witnesses.

[1420] USSF_ECA0001932150.

[1421] USSF_ECA0001932150.

APPENDIX A

To: Merritt Paulson, Owner and Chief Executive Officer
Gavin Wilkinson, General Manager
Mike Golub, President of Business Operations

From: Nancy Garcia Ford, Human Resources Director

Date: September 23, 2015

Subject: **CONFIDENTIAL REPORT OF PERSONNEL INVESTIGATION –**
TO BE REVIEWED ONLY BY CLUB MANAGEMENT WITH A NEED TO KNOW

Investigation conducted by and report written by HR Director Nancy Garcia Ford

Date investigation was opened: Thorns player Meleana Shim sent an email on September 16, 2015 at 6:18 pm. to Merritt Paulson, Gavin Wilkinson, Paul Riley and me. I began the investigation almost immediately thereafter, on Merritt Paulson's instructions.
Investigator: Nancy Ford, Peregrine Sports LLC., HR Director
Complainant: Meleana Shim, Portland Thorns Player, NWSL
Accused: Paul Riley, Head Coach, Portland Thorns
Witnesses interviewed: Meleana Shim, Paul Riley, [redacted], Sinead Farrelly, [redacted] and [redacted]
Materials gathered and reviewed: Original email complaint; various copies of text messages supplied by Meleana Shim and Paul Riley; Paul Riley's contract.
Documents attached: Complaint email dated September 16, 2015 from Meleana Shim; July 5 email from Meleana Shim to Paul Riley; screenshots of numerous text messages provided by Meleana Shim and Paul Riley during the investigation (some dated July 2, July 3, July 4, July 5, July 8, and some undated).

Description of the allegations: Meleana Shim accused Paul Riley of inappropriate behavior. Here are all the incidents mentioned in the original email and additional incidents that were raised via interviews:

1. Post Washington Spirit Game
    a. May 9, 2015
    b. Location: River Pig Bar, Paul Riley's apartment

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c. People involved: Paul Riley, [redacted], Sinead Farrelly, and Meleana Shim

d. Alleged Incident: After a long night at a local bar, Paul Riley invited Meleana Shim and Sinead Farrelly (along with [redacted] to his apartment to use the bathroom at approximately 3 a.m., provided them with drinks, asked Sinead Farrelly and Meleana Shim to kiss each other to avoid a "suicide mile" practice that week and dancing inappropriately with Meleana Shim

2. One-on-one film sessions
   a. Date: Twice during the season
   b. Location: Paul Riley's apartment
   c. People involved: Paul Riley and Meleana Shim
   d. Alleged Incidents: Paul Riley invited Meleana Shim to watch game films at his apartment by herself. On one occasion, he put his hand on her leg while watching the film.
3. Dinner
   a. Date: Sometime in late May/ early June
   b. Location: Serratto Restaurant
   c. People involved: Paul Riley and Meleana Shim
   d. Alleged Incident: Paul Riley invited Meleana Shim to dinner to talk about soccer, although they conversed about other topics and drank several glasses of wine
4. Away Game in Houston
   a. Date: June 6th
   b. Location: Hotel in Houston where the team was staying
   c. People involved: Paul Riley and Meleana Shim
   d. Alleged Incident: Paul Riley asked Meleana Shim to come to his hotel room; when she knocked on his door, Paul Riley answered wearing only a shirt and briefs
5. Texting
   a. Date: Meleana Shim alleges texting began to make her feel uncomfortable after the May 9 incident in Paul Riley's apartment
   b. Location: Email/ text exchanges
   c. People involved: Paul Riley, Meleana Shim
   d. Alleged Incidents: Extensive inappropriate text messaging between Meleana Shim and Paul Riley. On July 5, Meleana Shim sent Paul Riley an email stating that his

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interactions with her had been inappropriate and requesting that their relationship be professional moving forward

6. Invitation to a World Cup game
    a. Date: Sometime before the World Cup Championship game, when the Thorn players had a break
    b. Location: text exchanges
    c. People involved: Paul Riley, Meleana Shim, Sinead Farrelly and [redacted]
    d. Alleged Incident: Riley invited Shim to go with him to a World Cup game and hinted at only having one hotel room

Interview timeline:

September 16, 2015

6:18 pm Formal Complaint from Meleana Shim was received by Merritt Paulson, Gavin Wilkinson, Nancy Ford and Paul Riley

6:57 pm Nancy Ford responded to Meleana Shim and requested a meeting

7:05 pm Nancy Ford emailed Paul Riley and instructed that he could not communicate with any of the players and that a time will be set up soon to connect with him

September 17, 2015

9:14 am Paul Riley sends an email to Gavin Wilkinson, Merritt Paulson and Nancy Ford requesting a meeting

10:46 am Gavin Wilkinson responded to the Formal Complaint on behalf of himself and Merritt Paulson by emailing Meleana Shim. He told her that the organization took the complaint seriously and asked Meleana Shim to connect with Nancy Ford, who would conduct the investigation

11:00 am Gavin Wilkinson emails Paul Riley and notifies him that he is on administrative leave

11:14 am Nancy Ford followed up again to the email sent to Meleana Shim the previous day and requested to meet with her

11:28 am Meleana Shim responded to Nancy Ford and said she was willing to meet

2:35 pm Nancy Ford emailed Paul Riley to inform him that she will reach out to him to schedule a meeting and to forward any texts, emails that he had related to the matter at hand

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3:30 pm Nancy Ford interviewed Meleana Shim. The interview concluded at 5:30 pm

9:12 pm Meleana Shim calls Gavin Wilkinson to report on her interview with Nancy Ford. Phone call lasted about 12 minutes

September 18, 2015

8:53 am Nancy Ford emails Meleana Shim to see if she was able to recover deleted texts

10:24 am Nancy Ford emails [redacted] asking him to stop by the office. [redacted] responds at 10:49 and says he's out of town but to give him a call.

10:27 am Nancy Ford emails Sinead Farrelly asking if she was still in town and requested a meeting

1:27 pm Paul Riley emails Nancy Ford requesting a copy of the email Meleana sent. Nancy Ford forwarded the original email at 1:27 pm

1:55 pm Nancy Ford calls Paul Riley to conduct interview, he didn't respond. She follows up via email and text. Paul Riley calls back around 2:20 pm and informs Nancy that he will not conduct an interview until his legal counsel reviews the email sent by Meleana Shim.

3:38 pm Nancy Ford emailed Sinead Farrelly again requesting a meeting

3:14 pm Nancy Ford emailed [redacted] requesting a meeting

3:43 pm Nancy Ford emailed [redacted] requesting a meeting

September 19, 2015

8:15 am Nancy Ford interviews [redacted] via phone. Interview concluded at 8:45 am

September 21, 2015

9:00 am Nancy Ford interviews Sinead Farrelly at Providence Park at 9:00 am. Interview concluded at 9:30 am

1:49 pm Nancy Ford emailed [redacted] requesting a meeting

2:00 pm Nancy Ford interviews Paul Riley via phone. Interview concluded at 2:47 pm

4:00 pm Nancy Ford interviews [redacted] phone. Interview concluded at 4:35 pm

5:39 pm Nancy Ford emails both Meleana Shim and Paul Riley requesting that they submit any additional evidence by close of business September 22, 2015.

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6:15 pm Nancy Ford interviews [redacted] via phone. Interview concludes at 6:39

September 22, 2015

9:01 am Nancy Ford introduces Meleana Shim via email to the organization's IT guy to help her recover deleted texts

12:49 pm Meleana Shim stops by the office and meets with Nancy Ford to give her additional evidence.

Summary of evidence that confirms or denies allegations:

1. Post Washington Spirit Game
    a. Paul Riley, [redacted], Meleana Shim and Sinead Farrelly all confirm that they were drinking at the River Pig and ended up at Paul Riley's apartment. Their reports of how drunk each of them was differ, but at a minimum, everyone agrees that they were all somewhat intoxicated.
    b. Paul Riley, Meleana Shim and Sinead Farrelly all confirmed that Meleana and Sinead kissed each other. No one could pinpoint who came up with the idea.
    c. Paul Riley, Meleana Shim and Sinead Farrelly all confirmed that alcohol (ciders) were available and or offered at the apartment.
    d. Paul Riley, Meleana Shim and Sinead Farrelly all confirmed that Paul and Meleana danced together and that Paul's hands were on Meleana's hips, but Paul contended that he danced with her as though he was "dancing with his daughter at her wedding."
    e. [redacted] and [redacted] confirmed that Meleana told them the same story regarding going to Paul Riley's apartment, kissing Sinead and dancing with Paul.
    f. [redacted] confirmed that Meleana Shim told her that Paul Riley had asked the two women to kiss each other to avoid doing the suicide run.
2. One-on-one film sessions
    a. Paul Riley and Meleana Shim confirmed that they had two, one-on-one film sessions alone in Paul's apartment
    b. Sinead Farrelly, [redacted] and [redacted] confirmed that Meleana Shim told them the same story. All three stated that Meleana Shim had told them that Paul Riley put his hand on Meleana's leg.

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c. [redacted] was aware that a group of players were planning on watching film at Paul Riley's apartment but was under the assumption that it never happened.

d. When asked if Paul Riley had one-on-one meetings anywhere else besides his office, [redacted] only mentioned coffee shops and hotel lobbies.

3. Dinner between Paul Riley and Meleana Shim

a. Paul Riley and Meleana Shim confirmed that they had dinner alone at Serratto

b. Sinead Farrelly, [redacted] and [redacted] confirmed that Meleana Shim told them the same story

c. Paul Riley said it was normal for him to take his players out alone for breakfast, lunch and dinner. [redacted] and [redacted] said they have never heard of Paul Riley taking players out for breakfast, lunch or dinner alone, only coffee

4. Away Game in Houston

a. Meleana Shim and Paul Riley confirmed that Meleana went to Paul Riley's room by herself.

b. Sinead Farrelly confirmed that Paul Riley was texting Meleana to come to his room

c. [redacted] and [redacted] confirmed that Meleana told them the same story.

d. Riley denied that he ever would have opened the door in his briefs.

5. Texting

a. Meleana Shim and Sinead Farrelly confirmed that flirtatious communications via text between Meleana and Paul Riley happened. Review of the text messages that were available showed inappropriate communications between Paul Riley and Meleana Shim. Paul Riley and Meleana Shim confirmed sending/ receiving the July 5th email

b. Paul Riley admits deleting the email and not reporting it to Gavin Wilkinson. Paul admitted that he should have turned the email over to Gavin. Paul contended that the email "shocked" him.

c. [redacted] and [redacted] both confirmed Meleana telling them about the texting and the email. [redacted] read the email Meleana sent to Paul.

6. Invitation to a World Cup game

a. Paul Riley, Meleana Shim and Sinead Farrelly confirmed being invited to the World Cup game by Paul

b. [redacted] and [redacted] both confirmed that Melena Shim told them that same story

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Findings.

1.) Gavin Wilkinson had given Paul Riley clear instructions regarding professional behavior which included not socializing with the players when alcohol was involved. Paul Riley violated these instructions during the May 9 incident and on other occasions.

2.) Paul Riley engaged in inappropriate and unprofessional behavior and exercised poor judgment by :

   a. sending inappropriate texts;
   b. not establishing and maintaining appropriate professional boundaries;
   c. inviting players to his apartment;
   d. serving alcohol to players;
   e. dancing with a player and touching her while doing so;
   f. inviting a player to his hotel room;
   g. having one-on-one dinners (and involving alcohol);
   h. having one-on-one game film sessions in his apartment ; and
   i. failing to notify his supervisor of the July 5 email.

3.) These failures constitute likely violations of Sections III (A) (2), (3), (5) and/or (6) of Paul Riley's contract.

Recommended actions for employer to take:

TBD by Merritt Paulson and Gavin Wilkinson.

Date investigation was closed: September 23, 2015

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USSF_ECA0000515415

Nancy Garcia Ford

From: Meleana Shim [redacted]
Sent: Wednesday, September 16, 2015 6:18 PM
To: Gavin Wilkinson; Merritt Paulson; Paul Riley; Nancy Garcia Ford
Subject: Formal Complaint

Dear Wilkinson, Paulson, Riley and Ford:

I am writing to all of you because I need to inform you of certain events that occurred during the season that have really impacted me emotionally, physically and mentally. It is necessary to disclose Head Coach Paul Riley's sexual harassment towards me. Until recently, I have not felt comfortable or safe to address this issue. Although difficult for me to do, I realize that informing you all about his behavior is both necessary and the right thing to do.

On May 9, 2015, after the game against the Washington Spirit, my teammates, Riley, [redacted] and I went out for drinks at River Pig to celebrate tying the game. On this particular night, Sinead Farrelly and I stayed out until almost everyone left, except Riley and [redacted]. We all left the bar and I had to use the bathroom. Riley suggested that we all use the bathroom at his apartment, instead of stopping at another bar or restaurant, before going home. [redacted] left after using the bathroom. While Farrelly and I were at Riley's apartment, he became extremely inappropriate. He tried to dance with me and started to put his hands on my body. When Riley went to the bathroom, Farrelly and I agreed it was time to leave. As we were leaving, Riley stopped us and offered to eliminate the suicide mile from the agenda of our next practice if we agreed to kiss. Initially, Farrelly and I took it as a joke, but then we realized Riley was serious. We kissed and left Riley's apartment. I felt extremely disgusted and wanted to leave right away.

After this night Riley's behavior worsened. For approximately one and a half months he would text me and ask me to come over to his apartment. I didn't know what to do about his behavior since he was my coach and obviously in power over my career. I agreed to come to his apartment twice to watch game film. Each time, Riley was flirtatious and made me feel extremely uncomfortable.

Subsequently, Riley and I had dinner out at Serratto Restaurant where we were supposed to discuss soccer. However, we both drank a couple of glasses of wine and conversed about other topics. He was very flirtatious at this dinner. Afterwards, he asked for a ride to his apartment and I refused explaining to him "it was not a good idea." During our away game in Houston on June 6th, he texted me and asked me to come to his room. I refused, but he continued to pressure me to go over to his room and have a drink with him. I told him that Farrelly was feeling sick and that I needed to take care of her. During another away game, he called me and told me to go to his hotel room. Understandably thinking he wanted to discuss that day's game, I complied. When he opened the door he was only wearing briefs. I informed him that he was being unprofessional and returned to my room.

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Thereafter, around mid-June, I asked him to stop texting me and requested that we have a strictly professional relationship. He kept our relationship strictly professional for a little bit, but then on June 25, his inappropriate behavior began again. On July 5th after over a month and a half of anxiety and fear, I told my partner everything that was happening between Riley and me. I then emailed Riley an email asking him to please stop. In response, Riley tried to set up a meeting to talk in private through a text, but I insisted we meet in a public place. He disagreed with the meeting setting I proposed so our meeting never happened. I was not comfortable meeting with him alone in a private space, so I did not meet with him during the remainder of the season.

Immediately after I sent the email to Riley, he barely spoke to me and my playing time significantly decreased. During the time period of Riley's behavior, both my mental and emotional state declined and it was impacting me on the field. I find it hard to see it as a coincidence that right after the week I sent him the email, and we barely spoke to one another, my playing time significantly decreased. Three of my teammates know about Riley's actions towards me: [redacted]. [redacted]. and Sinead Farrelly.

The reason for this email is twofold: (1) to inform you of what happened; and (2) to make sure this doesn't happen again in the NWSL. Professional women athletes deserve to have a safe, professional and respectful work environment. I hope this information will be used to appropriately address my concerns.

Sincerely,

Meleana Shim

USSF_ECA0000515415

Gmail

Meleana Shim [redacted]

Concerns

1 message

Meleana Shim [redacted] Sun, Jul 5, 2015 at 6:47 PM
To: Paul Riley [redacted]

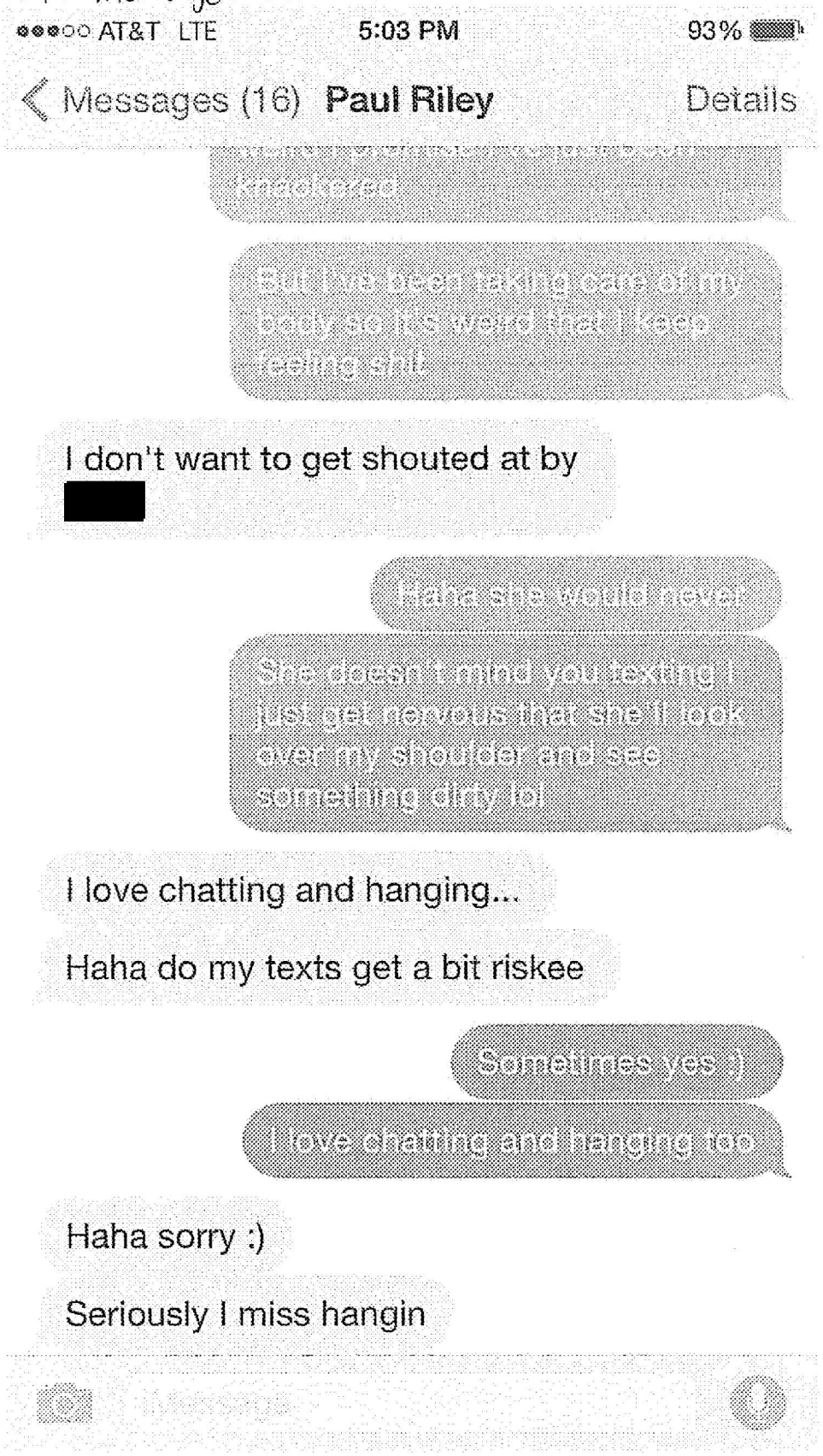
Paul,

As you've surely noticed, I've had a hard time the last couple of weeks. A lot of this has to do with my uneasiness around you. We both know that your interactions with me have been inappropriate and it has negatively affected me and my performance on the field. The power that you have as my head coach plays a big role in our relationship and cannot be overlooked. I've felt uncomfortable and confused at times because of the way you've been with me. I think it's important for me to tell you directly that my career as a footballer and my relationship with [redacted] are the two top priorities for me. I know that you support both of these things in my life and that you want me to succeed. I think the best way to move on from this is to establish our relationship as a clear professional one. Ideally we'd wipe the slate clean and start from a place of mutual respect in our work environment. I want to be able to perform at the best of my ability for the team and for my career and I think that the inappropriateness has weighed on me and prevented me from being the player that I am. Recently [redacted] and I discussed everything that has happened and she fully supports me. We both know that you will understand and can move on from this.

Mana

USSF_ECA0000515415

TEXT Messages submitted by Meleana Shim 9/17/15



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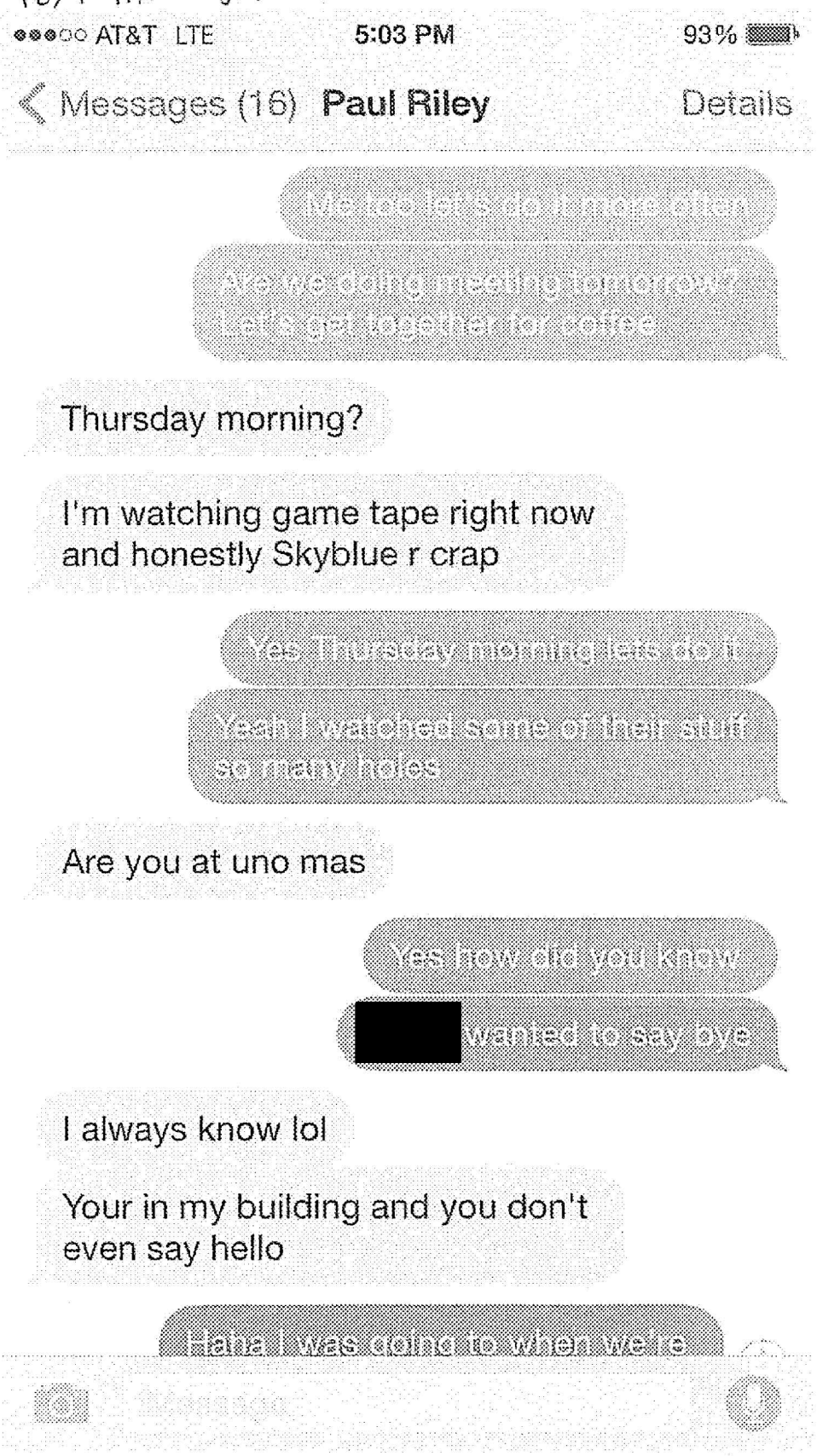
TEXT messages submitted by Meleana Sthm 9/17/15



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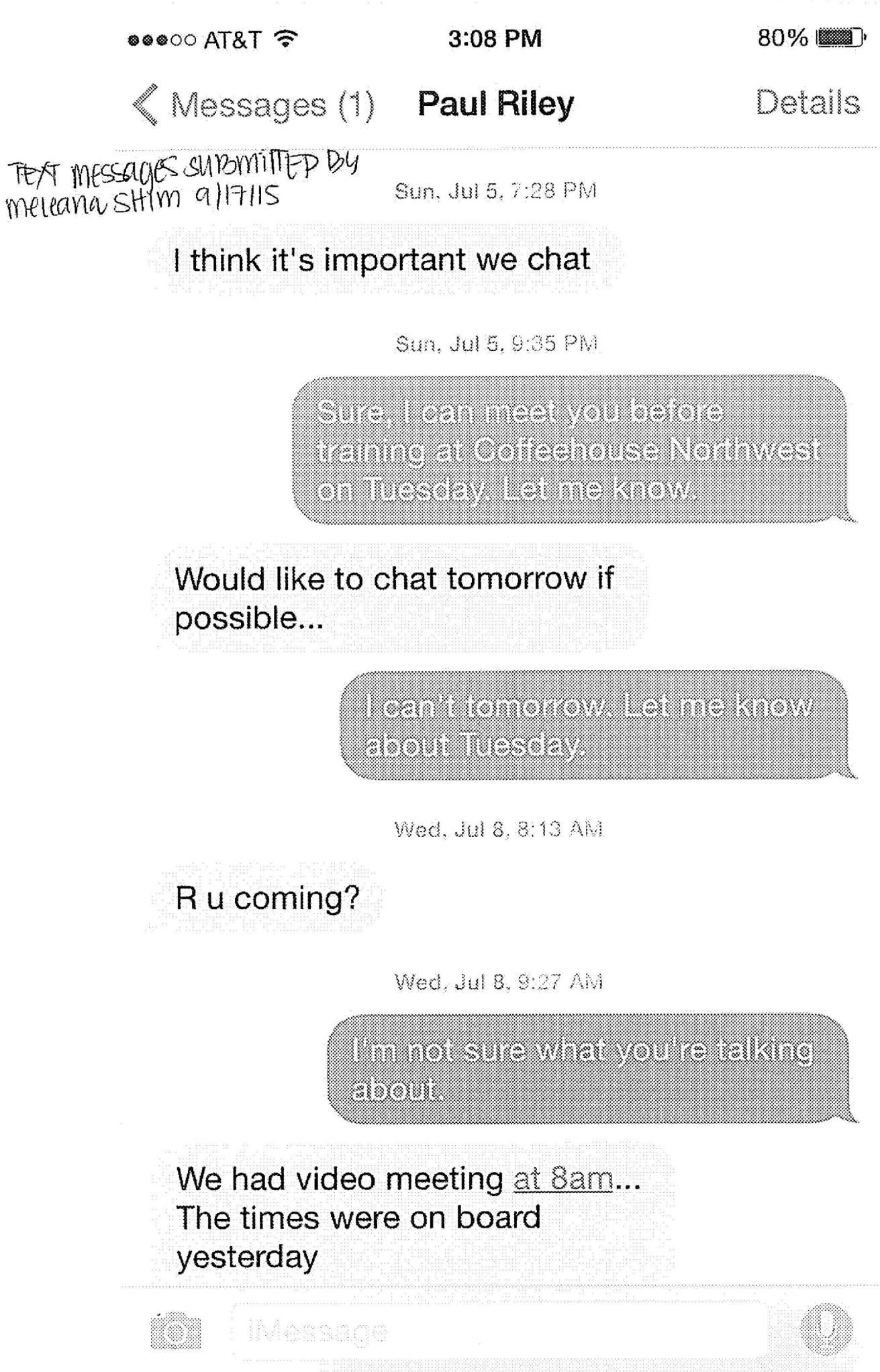
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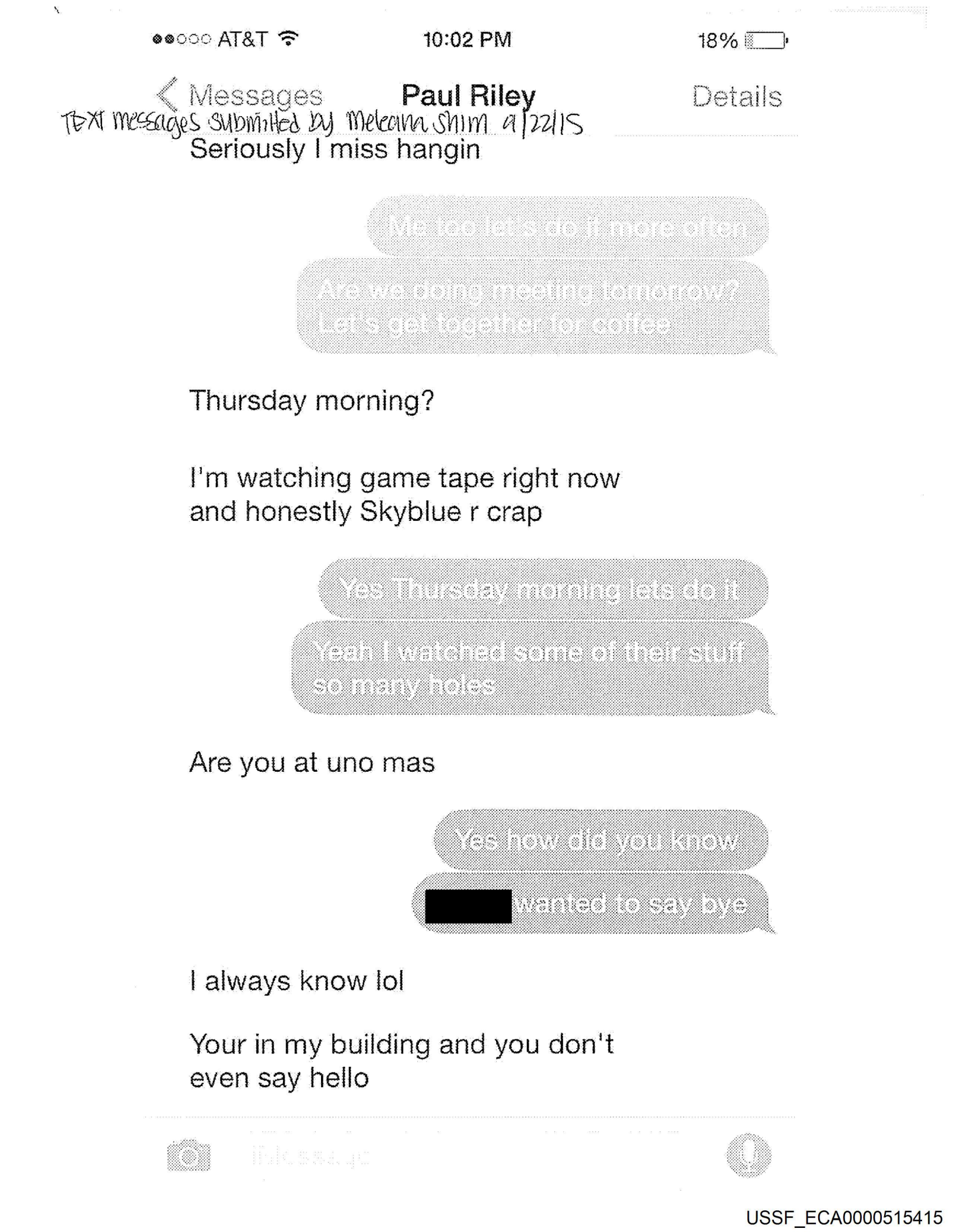
3:08 PM
80%
Messages (1)
Paul Riley
Details
TEXT MESSAGES SUBMITTED BY MELEANA SHIM 9/17/15
Sun, Jul 5, 7:28 PM
I think it's important we chat
Sun, Jul 5, 9:35 PM
Sure, I can meet you before training at Coffeehouse Northwest on Tuesday. Let me know.
Would like to chat tomorrow if possible...
I can't tomorrow. Let me know about Tuesday.
Wed, Jul 8, 8:13 AM
R u coming?
Wed, Jul 8, 9:27 AM
I'm not sure what you're talking about.
We had video meeting at 8am... The times were on board yesterday
iMessage


AT&T
10:02 PM
18%
Messages
Paul Riley
Details
TEXT messages submitted by Melcana Shim 9/22/15
Seriously I miss hangin
Me too let's do it more often
Are we doing meeting tomorrow? Let's get together for coffee
Thursday morning?
I'm watching game tape right now and honestly Skyblue r crap
Yes Thursday morning lets do it
Yeah I watched some of their stuff so many holes
Are you at uno mas
Yes how did you know
[redacted] wanted to say bye
I always know lol
Your in my building and you don't even say hello
iMessage

TEXT messages submitted by Meleana Sitim 9/22/15

Trying somehow someway to get three points

We're desperate for them

We're playing bex I hear

From my girls since you don't tell me anything anymore

We haven't talked

I spoke to Shea after practice

I want to play with two forwards but we dintbhavevtwo

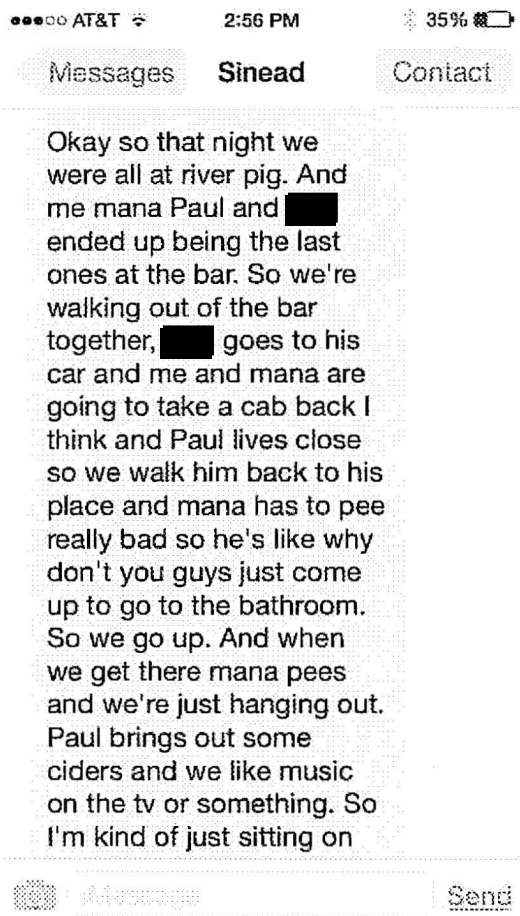
I never see you alone :(you avoid me like the plaque

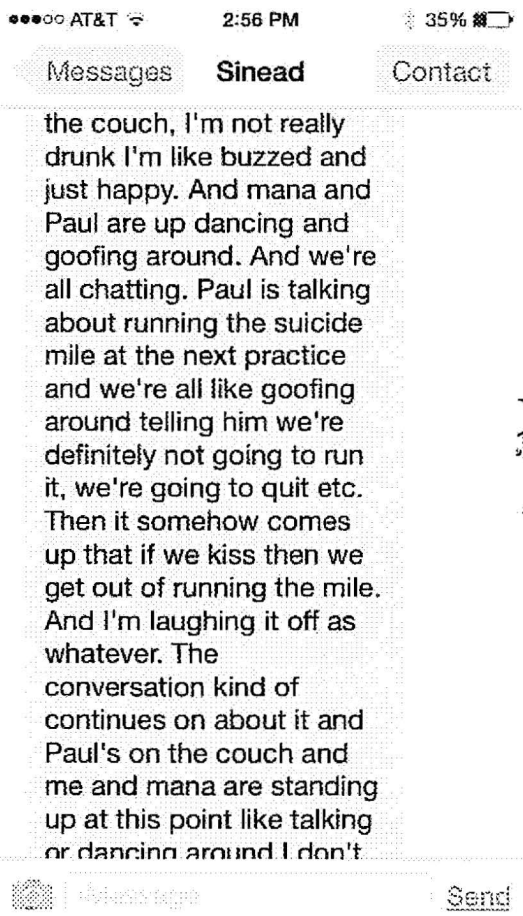
I know, I never see you. I don't avoid you!

We'll talk tomorrow and Thursday

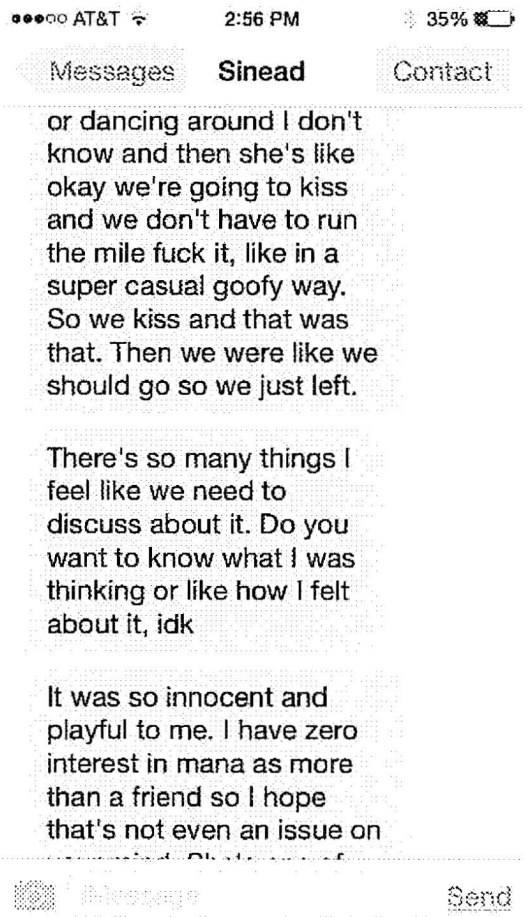
Is [redacted] coming for the game

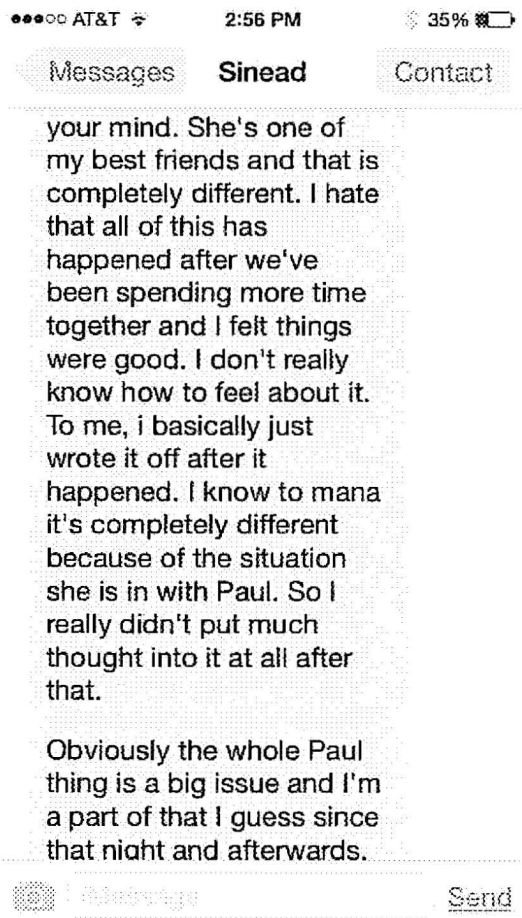
July 6, 2015 conversation with [redacted] & Sinead



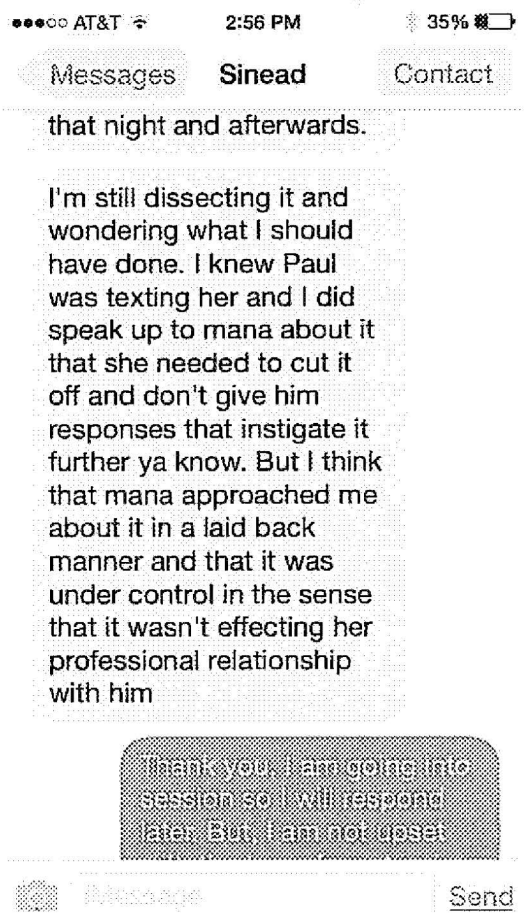


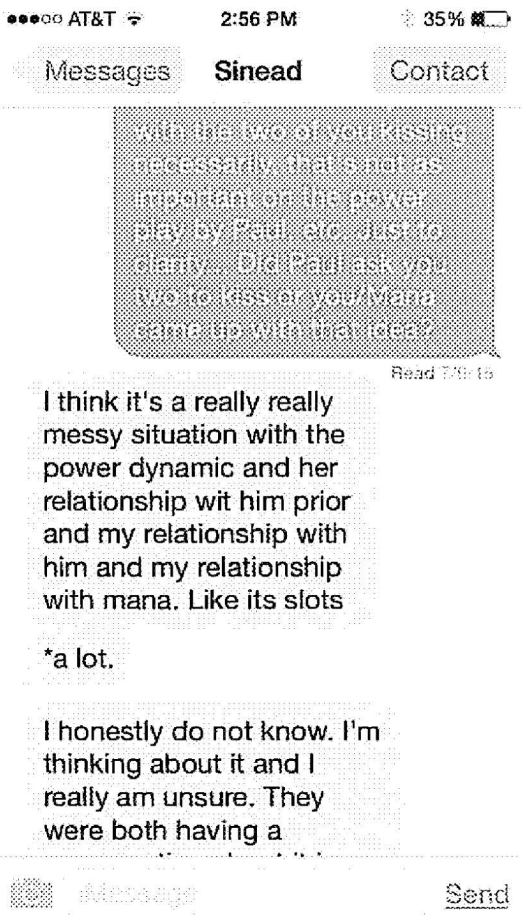
TEXT messages submitted by Melanie Shim 9/22/15

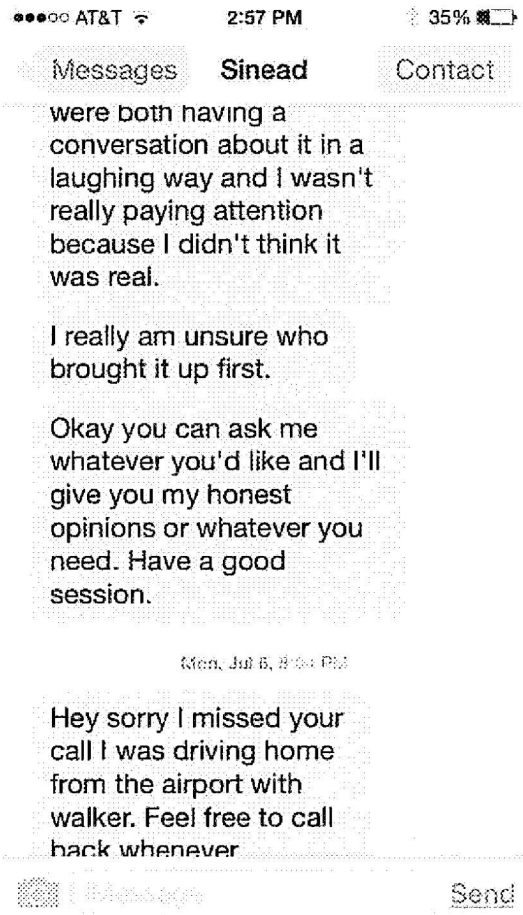




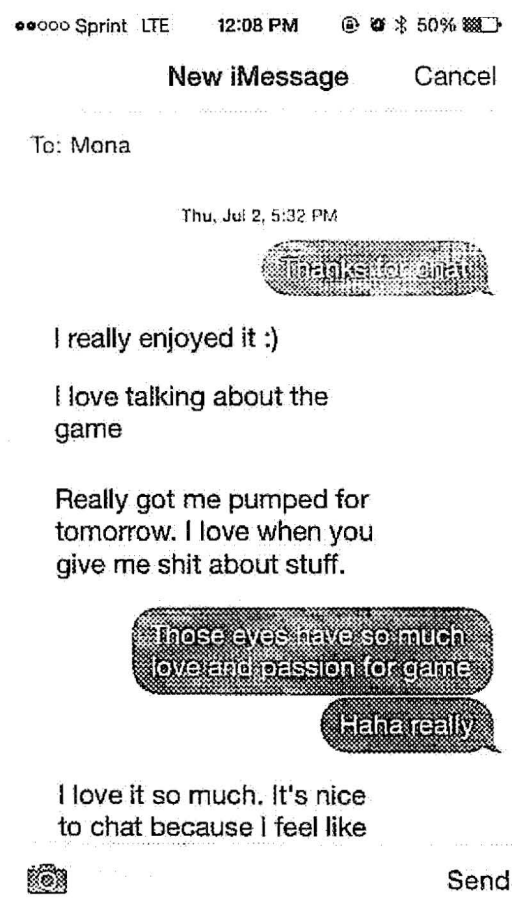
TEXT SUBMITTED by Melanna Shim 9/22/15

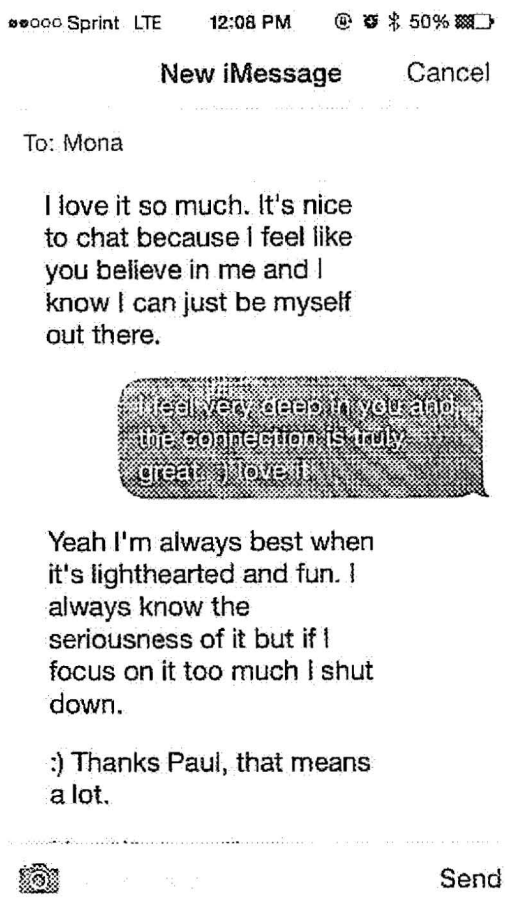


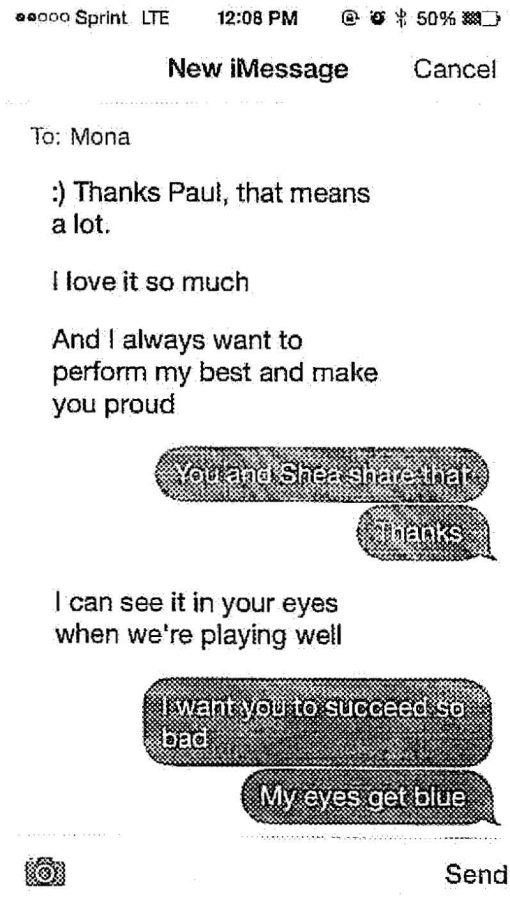


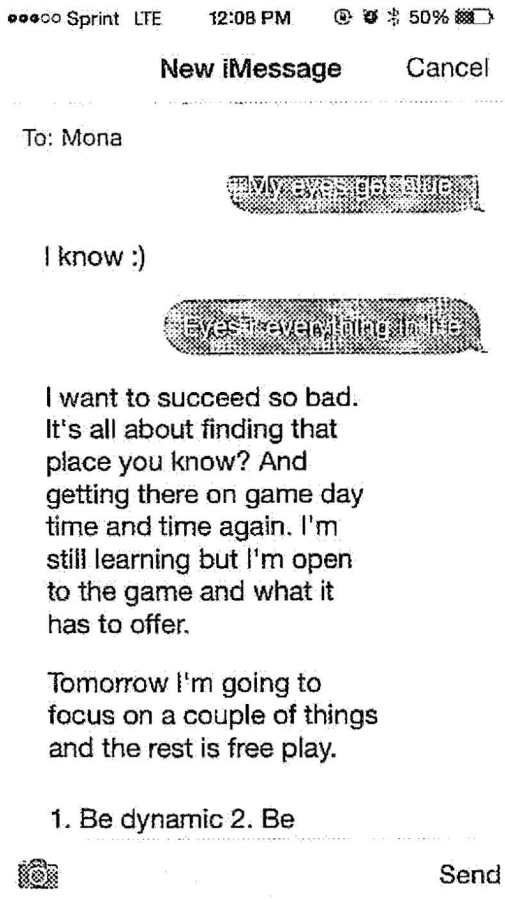


TEXT Messages submitted by Paul Riley on 9/22/15 1 of 5









(2)

Sprint LTE 12:08 PM 50%

New iMessage Cancel

To: Mona

1. Be dynamic 2. Be dynamic 3. Be dynamic

Love it lady!!

Let your eyes be your guide

:)

Hope you have learned some stuff last two years

Your mind is OPEN

I've definitely learned a ton. There's no question. You've given me the tools

Send

Sprint LTE 12:09 PM 50%

New iMessage Cancel

To: Mona

I've definitely learned a ton. There's no question. You've given me the tools

It's so friggin hot

Yeah it's going to be blazing hot tomorrow. I'm hydrating a ton and staying cool today

You train the girls already?

No I'm city with them

City? You're in the city?

Yes walking around

That's fun :)

Send

Sprint LTE 12:09 PM 50%

New iMessage Cancel

To: Mona

Yes walking around

That's fun :)

I'm in bed watching videos of Iniesta

Awesome

Fri, Jul 3, 2:48 PM

Good morning :) Just read your article. Nice one!

Thx me lady

How r u feeling

Feeling great this morning :) rested and

Send

Sprint LTE 12:09 PM 50%

New iMessage Cancel

To: Mona

Feeling great this morning :) rested and hydrated. My legs feel good and my mind is clear

Ahh!

😊😉

I'm excited for this one

I can't wait for the challenge

Yes have a great feeling when I woke up and smelt the morning dew...

Great day for a challenge

Send

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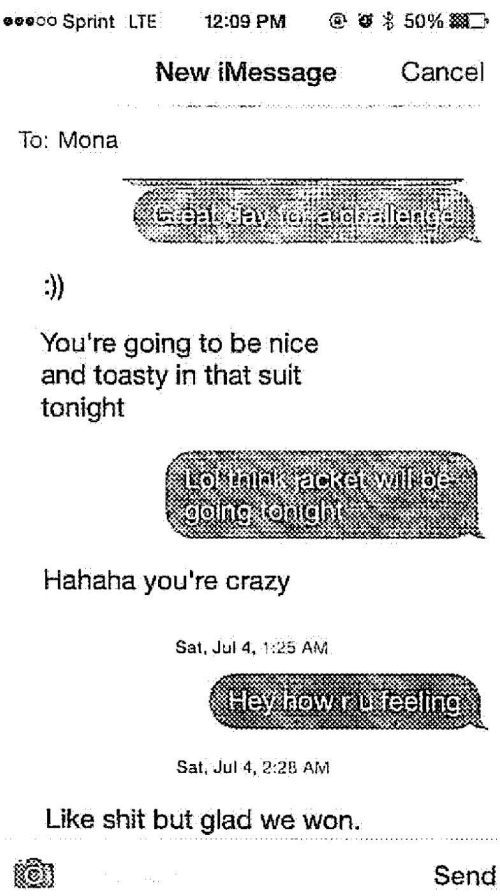
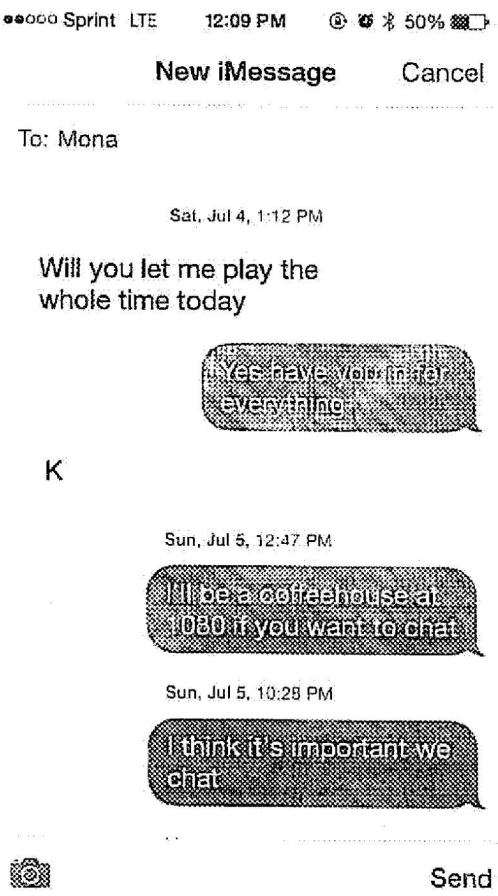
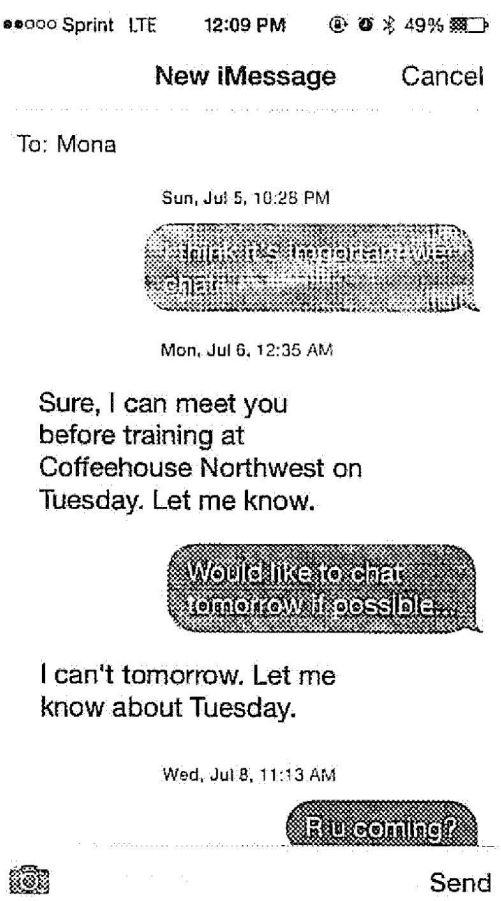

Sprint LTE 12:09 PM 50%
New iMessage Cancel
To: Mona
Great day for a bit of a challenge
:))
You're going to be nice and toasty in that suit tonight
Lol think racket will be going tonight
Hahaha you're crazy
Sat, Jul 4, 1:25 AM
Hey how r u feeling
Sat, Jul 4, 2:28 AM
Like shit but glad we won.
Send


Sprint LTE 12:09 PM 50%
New iMessage Cancel
To: Mona
Sat, Jul 4, 2:28 AM
Like shit but glad we won.
How r you legs feeling
Fine
What r ur thoughts on tonight
Not sure I'm really emotional so waiting to watch the film
Okay relax and get some sleep ... Everyghing will be fine xixo
Sat, Jul 4, 1:12 PM
Send


Sprint LTE 12:09 PM 50%
New iMessage Cancel
To: Mona
Sat, Jul 4, 1:12 PM
Will you let me play the whole time today
Yes have you in for everything
K
Sun, Jul 5, 12:47 PM
I'll be a coffeehouse at 1080 if you want to chat
Sun, Jul 5, 10:28 PM
I think it's important we chat
Send


Sprint LTE 12:09 PM 49%
New iMessage Cancel
To: Mona
Sun, Jul 5, 10:28 PM
I think it's important we chat
Mon, Jul 6, 12:35 AM
Sure, I can meet you before training at Coffeehouse Northwest on Tuesday. Let me know.
Would like to chat tomorrow if possible...
I can't tomorrow. Let me know about Tuesday.
Wed, Jul 8, 11:13 AM
R u coming?
Send

(4)

●●○○○ Sprint LTE 12:10 PM 49%

New iMessage Cancel

To: Mona

Wed, Jul 8, 11:13 AM

R u coming?

Wed, Jul 8, 12:27 PM

I'm not sure what you're talking about.

We had video meeting at 8am... The times were on board yesterday

Yeah I just asked the girls about meetings. I had no idea that meetings were rescheduled.

They were on board...don't worry... Going to b difficult

Send

●●○○○ Sprint LTE 12:10 PM 49%

New iMessage Cancel

To: Mona

They were on board...don't worry... Going to b difficult to reschedule with short week

It's only a few of you

Okay sorry about that. Can we do it next week? Or after film today? [redacted] said I could take her spot because she has an appearance.

Her spot was 10 so not sure what she is talkng about

Plus yours is video hers isn't cos she didn't play

Send

●●○○○ Sprint LTE 12:10 PM 49%

New iMessage Cancel

To: Mona

Plus yours is video hers isn't cos she didn't play

Okay she mentioned that you said she could do it later today but she can't

Correct hers is ten minute chat. Yours was 40 mins video

Okay sorry, let me know what you want to do

Just figure it out... No biggy

Okay

Send

●●○○○ Sprint LTE 12:10 PM 49%

New iMessage Cancel

To: Mona

I clipped a cd for four players cos we don't have prozone

Okay I would like to watch it when we have time

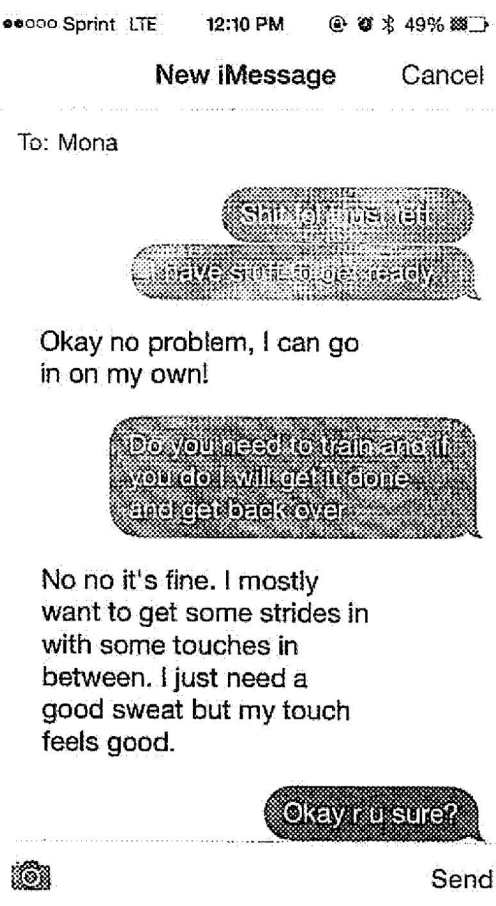
I watched the whole game already by myself so it would be good to talk about it

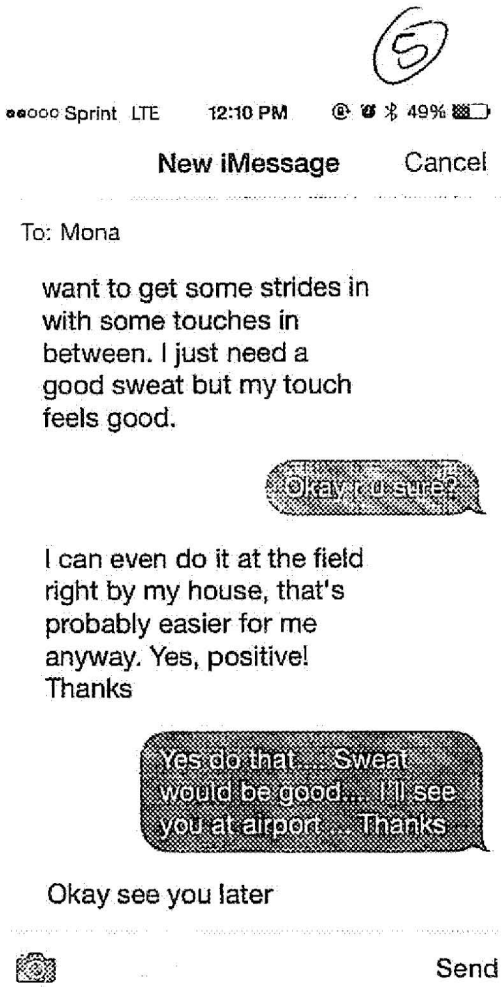
Mon, Aug 10, 2:14 PM

I can be there at 12:30 for training. Does that work for you?

Shit lol I just left

Send





5

●●○○○ Sprint LTE 12:10 PM 49%

New iMessage Cancel

To: Mona

Shit lol thus left

I have stuff to get ready

Okay no problem, I can go in on my own!

Do you need to train and if you do I will get it done and get back over

No no it's fine. I mostly want to get some strides in with some touches in between. I just need a good sweat but my touch feels good.

Okay r u sure?

Send

●●○○○ Sprint LTE 12:10 PM 49%

New iMessage Cancel

To: Mona

want to get some strides in with some touches in between. I just need a good sweat but my touch feels good.

Okay r u sure?

I can even do it at the field right by my house, that's probably easier for me anyway. Yes, positive! Thanks

Yes do that.... Sweat would be good.... I'll see you at airport ... Thanks

Okay see you later

Send

APPENDIX B

Pepper Hamilton LLP
Attorneys at Law

3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4000
Fax 215.981.4750

ATTORNEY WORK PRODUCT
PRIVILEGED AND CONFIDENTIAL

TO: Lydia Wahlke, Esquire
Greg Fike, Esquire

FROM: Kristin H. Jones, Esquire

DATE: September 30, 2019

RE: Report of External Review of Allegations of Misconduct at the Chicago Red Stars

---

The following is Pepper Hamilton LLP's report of its privileged and confidential external review on behalf of the United States Soccer Federation ("U.S. Soccer"), of allegations of misconduct by the head coach of the Chicago Red Stars (CRS), Rory Dames, specifically, allegations that Dames verbally and emotionally abused CRS players. The purpose of Pepper Hamilton LLP's external review was to understand the experience of the professional women soccer players at CRS and provide U.S. Soccer legal advice with respect to whether the alleged misconduct by Dames, to the extent that it occurred, is acceptable from the head coach of a National Women's Soccer League (NWSL) team from the perspective of U.S. Soccer.

I. Overview of Complaint

This external review began as the result of a verbal complaint made to U.S. Soccer by [redacted] player, [redacted]

[redacted] provided the reasons why she came forward with her complaint during a [redacted] interview by Pepper Hamilton LLP ("Pepper Hamilton"). [redacted] said she left CRS because it was "not a safe and appropriate environment." She explained that after she left and "got the perspective of not being there and being in a different environment, it became an eye opener." [redacted] decided to come forward with her concerns about how players are treated at the CRS after reflecting on her role "as a leader, a woman, a professional, a human." [redacted] said she

[1] [redacted]

came forward despite believing that "it wasn't going to be safe or easy to right a wrong." [redacted] believes that the players need to be empowered and given a platform to speak. [redacted] that someone needs to make sure that the players are mentally healthy and safe and that the women's soccer world needs to be educated on what is un-condonable behavior. [redacted] CRS needs to "find a coach that isn't doing these things."

[redacted] alleged that Dames verbally and emotionally abuses CRS players. Specifically, [redacted] believes what began as verbal abuse by Dames evolved into emotional abuse over time. [redacted] believes that Dames' emotional abuse and manipulation of players is now "harder to detect." [redacted] said that with emotional abuse, there is "a lot of grey area" and "it's hard to know what is too far," "but my personal feeling the whole time I was in Chicago was that it was toxic and un-condonable" the way players were treated. [redacted] also described an environment that is chaotic because the coach is unpredictable.

[redacted] has concerns about current CRS players. [redacted] said that when she was with CRS, she "talked to Rory a lot about the way he treated people" and is worried that "I left when people needed help." [redacted] described herself as the "voice of the little people" and said "I was the person that stood up to him, I worry for the girls that are still there." Since she left the CRS, [redacted] said that she has heard alarming reports and other players asked her to help them find a safe place.

[redacted] specific concerns about Dames' conduct, as well as the concerns of other players interviewed, were wide ranging and were articulated with varying degrees of specificity. Some of the players' concerns were supported by specific examples of incidents. Other concerns were amorphous, so that at times it was hard to understand what some players were complaining about. Some players identified themselves as victims of verbal and emotional abuse, some players identified themselves as witnesses to verbal and emotional abuse, and others denied that some of the alleged misconduct occurred. The players interviewed had strong feelings about the issues discussed, with some strongly opposed to Dames' behavior and the fact that he continues to be a head coach in the NWSL and others strongly supporting him. The players' feelings appeared to have been amplified by discussions with their teammates, as well as their personal views of their current and former teammates' motivations.

Pepper Hamilton organized the players' concerns into categories to allow for an analysis of which concerns were and were not supported by substantial evidence. To be clear, the categories set forth below were not supplied by the players, but were rather a means developed by Pepper Hamilton to synthesize and analyze the large volume of information provided about their individual experiences. The players' descriptions of their experiences did not always neatly fit into one category or another and some of the categories overlap. However, the categories proved to be a useful mechanism for understanding which concerns had the most support.

It is important to note [redacted] does not allege, nor does any other player, that Dames engaged in physical or sexual misconduct toward players.

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Further, [redacted] did not accuse Arnim Whisler, the owner of CRS, of engaging in misconduct, nor did any of the other players interviewed. Some players described Whisler as being insensitive and unresponsive to their concerns about Dames, but no one directly accused him of misconduct.

II. Background of CRS and Dames

CRS's inaugural season was in 2009. CRS was a founding member of Women's Professional Soccer (WPS), and played in the WPS league in 2009 and 2010. CRS left the WPS after the 2010 season and joined the Women's Premier Soccer League for the 2011 season. In 2012, the team co-founded and competed in Women's Premier Soccer League Elite, which existed for one year. In the fall of 2012, CRS became a founding member of the National Women's Soccer League (NWSL). CRS has competed in the NWSL since 2013.

Whisler was originally one of several investors in CRS. Whisler became the sole owner of CRS after the 2010 season and remains the sole owner today.

Dames began coaching CRS in 2011 and the 2019 season is his ninth year as head coach. Dames and Whisler met in 2011 and learned they both had a group of players and were looking to form WPSL teams. Dames and Whisler agreed to combine forces and put a team in the league together. Dames was an unpaid, volunteer coach for the 2011 and 2012 seasons. Dames started getting paid when the NWSL was formed in 2013.

Dames has also been a soccer coach for 25 years at his youth club, Eclipse Select Soccer Club ("Eclipse"). In 2019, Dames stopped coaching at Eclipse and now just runs the business.

Since 2013, Dames has had some part time assistant coaches. The 2018 season was the first time Dames had a full staff when Craig Harrington and Gary Curneen were added as assistant coaches.

III. Scope and Standard of Review

Pepper Hamilton structured its review as a privileged and confidential external review of concerns brought to the attention of U.S. Soccer about alleged verbal and emotional abuse of CRS players by Dames. The purpose of the external review was to determine whether the alleged misconduct occurred and, to the extent that it did, provide U.S. Soccer with legal advice regarding whether it is acceptable from the head coach in the NWSL from the perspective of U.S. Soccer.

There is no clear standard against which to assess Dames' conduct. The NWSL is not governed by the SafeSport Code because it is a National Member Organization excluded from the jurisdiction of the U.S. Center for SafeSport. The NWSL does not have a code of conduct applicable to coaches' behavior.

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IV. Protocol

During the course of the external review, Pepper Hamilton sought to gather diverse perspectives, interviewing current and former CRS players, players who are also members of the U.S. WNT, players identified as supporters of Dames, and players identified as having problems or issues with Dames. After the players were interviewed, Dames and Whisler were interviewed and given the opportunity to hear and respond to the allegations. During the interviews, Pepper Hamilton did not identify the source of the allegations and made every effort to protect the identities of the individuals willing to speak with the investigator. The interviews were designed to be an open and neutral inquiry to gather relevant information about the allegations of verbal and emotional abuse of CRS players by Dames.

Each interviewee was informed that the interviewer was an attorney from the law firm of Pepper Hamilton and that U.S. Soccer had hired Pepper Hamilton to conduct an external review of allegations of verbal and emotional abuse of CRS players by Dames. The interviewer explained to each interviewee that Pepper Hamilton did not represent any interviewee individually and that information gathered in the review would be shared with U.S. Soccer. The interviewer explained that the inquiry was an open-ended, fact-based approach, and that the interviewer had no pre-determined conclusions about the outcome.

The interviewer explained to each witness that his or her participation in the review was voluntary, that he or she was being asked to answer questions honestly and fully, and provided the witness the opportunity to ask questions or address concerns. The interviewer requested that the witness respect the integrity of the review by not discussing the content of the interview with other individuals. The interviewer also explained that the interviews were not being recorded, but that they were being documented through note-taking.

Lastly, the interviewer explained to each witness that they could not be retaliated against for providing information during the interview and that U.S. Soccer wanted to know immediately if the witness was retaliated against by anyone, including other players.

Pepper Hamilton conducted the following interviews:

Interviewee	Title/Role	Date of Interview
[redacted]	[redacted]	May 22, 2018
[redacted]	[redacted]	July 4, 2018
[redacted]	[redacted]	July 16, 2018

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Interviewee	Title/Role	Date of Interview
[redacted]	[redacted]	August 8, 2018
[redacted]	[redacted]	October 31, 2018
[redacted]	[redacted]	January 3, 2019
[redacted]	[redacted]	January 3, 2019
[redacted]	[redacted]	January 3, 2019
[redacted]	[redacted]	January 3, 2019
Arnim Whisler*	Owner of CRS	June 10, 2019
Rory Dames*	Head coach of CRS	June 10, 2018

*These interviews were conducted in-person, all others were conducted by telephone.

Two other players, one current and one former, declined to participate in interviews. Specifically, [redacted] declined to participate in an interview when reached by telephone on October 1, 2018 citing a fear of negative repercussions in the soccer community. [redacted] player, was reached by telephone on October 25, 2018. [redacted] that the interviewer call her back at a specific time that would be more convenient for her. [redacted] blocked the interviewer's return and subsequent phone calls.

Pepper Hamilton was not provided with any documents relating to the issues addressed by this external review.

V. Overall Perspectives

A. Players

As noted above, Pepper Hamilton interviewed a diverse group of current and former CRS players, some of whom are also members of the U.S. WNT. The players had a wide variety of perspectives on Dames. For example, some players identified themselves as victims of Dames' verbal and emotional abuse, while other players felt there was no need for an external review at all. Some players had an intense dislike for Dames and his behavior, while others were very supportive of him. The following is a summary of each player's overall views of their experience at CRS.

DRAFT

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1. [redacted]

[redacted] made clear that she was not complaining about misconduct directed toward her, but that she was upset by Dames' treatment of others.

[redacted] has an intense personal dislike for Dames. [redacted] felt strongly that Dames should not be the coach of CRS, stating that it is "unreal that he is coaching in our league." [redacted] said that Dames was not qualified to coach at a professional level, or even the college level, because he "struggles with managing people" and "has his own agenda."

[redacted] made a complaint to the [redacted] about Dames. [redacted] volunteered that she made the complaint because Dames was "inappropriate in so many ways."[2]

2. [redacted]

[redacted] on [redacted].

[redacted] identified herself as a victim of emotional abuse by Dames.

[redacted] feels strongly that Dames is not suitable for the head coaching job because of his emotional abuse of players and his own emotional issues. [redacted] felt that Dames knows and understands soccer, but is still a bad person for the job. At the same time, [redacted] does not believe Dames is a bad person, and said he is "great outside of soccer" and "great with his daughter." [redacted] believes that 100% of the players on CRS would prefer Dames was fired.

[redacted] feels that, "if we can make the league better, we should" and it "has to start with the coaches." She felt that coaches should not be controlling, should not be manipulators, should not personalize criticism and put personal issues on the field, and should not try sabotage players' careers. She explained that Dames being mean is "not what we need" because its already a "hard life that keeps you away from your family."

[redacted]

[2] [redacted] specific concerns, as well as the specific concerns of other players, are set forth in Section VI below.

[redacted]

3. [redacted]

[redacted] identified herself as a victim of Dames' verbal and emotional abuse. [redacted] said, however, that despite how Dames treated her, part of her felt guilty for participating in the interview. Dames gave [redacted] professional start and playing time, but at the same time convinced her she had no value outside of CRS.

[redacted] finds it hard to believe that out of all of the available, "amazing, qualified coaches," Dames has the position of head coach of CRS. [redacted] that a head coach in the NWSL has "the power to uplift women," yet Dames is "demeaning and insulting and makes a toxic work environment." [redacted] strongly that the NWSL needs to send a message that the amazing women who are playing in it and sacrificing for it deserve better. While [redacted] Dames knows the game of soccer, he is not respectful or professional [redacted] that because of the way Dames treats people, CRS has not won the NWSL championship, despite getting to the semi-finals. [redacted] not think CRS will win with Dames because of his energy, his decisions, and the way he treats people makes the team unhappy.

[redacted]

4. [redacted]

[redacted] began playing for Dames at his club team, Eclipse, [redacted]

[redacted] was deeply upset by Dames' behavior and identified herself of as victim of his emotional abuse. She described yelling, manipulation, inappropriate comments, and the use of personal information against herself and other players. [redacted] described how Dames picks on certain players, like herself, while other players are favorites and untouchable.

[redacted] stated her belief that Dames is "manipulative, hostile, and angry" and said, "it's something every day." [redacted] stated, "I don't understand how we've come this far with this coach, with the support we have for women." She added, "I don't understand how we are letting a man treat women like this."

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[redacted]

5. [redacted]

[redacted] said that overall, she has had a "pretty good experience" at CRS. [redacted] stated that during her time at CRS, "I don't think I've gotten any better as a player." She also said that there is "a lot of drama in the club" and that "our coach causes a lot of drama."

[redacted] said that she feels like "we've had a great team, we should be winning championships and we're not" and believes the reason why is that the "culture is not the best." [redacted], players are "on edge" and "not that excited" because they are anticipating "another season of drama." [redacted] said that the drama "takes a toll" and "we are not getting past where we need to be despite good play."

[redacted] believes that Dames is part of the problem, but that it is not just him. She said, "I think the whole organization in general has some flaws within it, from the owner to marketing." [redacted] also believes that some players have unhealthy relationships with Dames because they are trying to make a bond that is not professional and to create more than just a professional relationship.

With respect to the allegations of verbal and emotional abuse by Dames, [redacted] said, "I think those accusations are the results of constant yelling." [redacted] added that "I think there have been some things that have gone on with trades that have given certain players certain agendas."

6. [redacted]

[redacted] said, "I've loved my time in Chicago" and "my experience overall has been very good." She added that although "it's up and down sometimes," "I wouldn't want to be with any other team or location."

[redacted] admitted to being close with Dames and that overall they have a positive relationship. There have been times when [redacted] has been upset with things Dames has said to her, but she does not think Dames has said anything unreasonable. Rather, [redacted] believes that every time Dames has been negative toward her or hard on her, "it's always warranted."

In terms of Dames' overall behavior towards CRS players, [redacted] said that she has not seen anything "that crossed the line" or that she felt she needed to report to a captain or the player representative. With respect to the allegations of verbal and emotional abuse by Dames, [redacted] said:

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"I've always had a good experience at Chicago overall. I am annoyed and frustrated that this is even a thing. I get it – yes, there are times when our coach can be hard on us. But it's for a reason. I haven't felt he was out of line. I think we all need to move on, I really enjoy playing for Rory."

7. [redacted]

When asked to describe her experience at CRS, [redacted] responded, "personally, I've had a good experience overall." [redacted]

With respect to the team dynamics, [redacted] said: "You always have players that are unhappy and want to be somewhere else, and others who wouldn't want to be anywhere else." [redacted] believes that coaching plays a big part in whether someone wants to play for a team, stating, "if you find yourself in favor, you want to stay and play." [redacted] regardless, "everybody has their days they don't want to be there" because "it's a long season, it's a long grind, we spend a lot of time together." She said, "it's like a family, you have your ups and downs and spats here and there" and "it's all what you go through in a season." [redacted] stated several times that her experience at CRS has not been that different than her experience elsewhere.

When asked whether she has any concerns about Dames' qualifications as a coach, [redacted] responded in the negative and said "I think he understands the game." She added, "he has changed a lot in the three years I have been here" and she feels that things "are headed in a positive direction" although "he can continue to make adjustments here and there."

8. [redacted]

[redacted] explained that, "I've had really positive experiences with our coaching staff and the Red Stars as a whole." [redacted] "I wouldn't have made it through without [Dames] and the staff." [redacted] said, "I can't say enough in terms of support" and described her experience as "exactly the opposite of emotional abuse."

[redacted] said that while there is truth to some, but not all of the allegations, she was adamant that Dames' conduct "did not amount to emotional abuse." [redacted] said that she has experienced "far harsher" treatment at other teams.

[redacted] described the allegations that led to the external review as inaccurate, unfair, and defamatory and suggested that [redacted] should "consider the source." [redacted] said that she would be "curious to hear what past players are saying" because "past players are more likely to have issues."

B. **Dames**

Dames' response upon hearing that CRS players have made allegations of verbal and emotional abuse was that it was "disappointing" that anyone would feel that way on one of his teams. Dames stated that he did not think anyone would hear those allegations and feel good. He said, "anybody who is in a role of leading or coaching or supervising would never want the people they are tasked with leading to feel like they are not in an environment that they can learn and grow." He reiterated that "no one wants to hear that people under them felt verbally and emotionally abused" and "I feel horrible about that."

Dames described his coaching style as: "passionate, demanding, empathetic, realistic." Dames said, however, that he knows the difference between driving and insulting. Dames said that a lot of "powerful strong minded women have come through here" that "wouldn't allow verbal and emotional abuse."

Dames said he has grown as a coach. Along the way, he has learned that "the more people you try to make happy, the harder it is." He has realized that "I've always been a love him or hate him" type of coach. Dames said that in the last year, he has "pulled back a little bit," particularly because "I'm not a fan of controversy and drama."

Dames stated, generally, that "context is everything" and that "anyone can take anything out of context to have it fit their narrative." He said, "if I'm going to defend myself, my gut tells me that this is all a by-product of two players that were unhappy with how we moved them, how it played out, and how it impacted their careers, and decided to put their retribution toward me." He believes that some former players have "improper motives" in making the allegations against him, but said the allegations "still impact me." He said, "if you move someone who doesn't want to get moved, there is a risk of backlash."

Dames added that the majority of CRS's sessions over the last three years were filed and that he knew he was being filmed.

Dames said that CRS has tried to maintain a "family feel." Dames pointed out that in 7 years, only 6 players have asked to be traded. Dames [redacted] wanted to be closer to home; [redacted] thought "her time here had run its course;" and [redacted] knew she was not going to be playing. Dames said at the end of the day with respect to the trades, he has to do what is best for the team, the owner, and the franchise.

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Dames described the current group of CRS players as "in a good place." He believes that the team has "bought in to what we are trying to do" and that there is "a lot of self-belief" among the players, particularly when the U.S. WNT players are with the CRS.

Dames said "we have something pretty special" and "elite players are knocking on our door to get here." He described how national team players and their friends are trying to get here. Dames gave the example of [redacted] recruiting [redacted] to play at CRS. He gave another example of how, "[redacted], and is now on national team."

Dames said that he does not hold grudges, but "the way this has played out is disappointing." Dames said that he has seen [redacted] recently and is disappointed by their allegations, particularly since their recent interactions were so friendly.

C. **Whisler**

With respect to the external review, Whisler stated that he has known for a year something was going on. He called Lisa Levine, General Counsel of NWSL but she said she could not talk about it. Whisler described the review as "a cloud hanging out there" that "affects player chemistry" because the players knew something was going on, "they think they know who accusers were" and "want to know if coach is in trouble." Whisler stated "it is hard to play and wonder what is going to happen to your coach at this level" and expressed his concern the players "could all be elsewhere," including playing in Europe for a lot more money. Whisler believes that if something negative happens, it could hurt the players' commitment to CRS.

Whisler said that the goal of CRS is for the team to "grow together" and that they try to "create a place that we all want to be." He added, "I like to think we are more family than most." Whisler said "players want to be here" and we are "being told it's a great place to be" because we "truly care."

Whisler described how CRS is one of few teams in the league whose goal is not to trade players. He explained, "we don't buy and sell," we "draft low" and are "smart and sustainable." Whisler said it is "rare when someone asks to leave" that it is "very painful" and "agonizing" when CRS trades a player.

For example, Whisler was particularly disappointed with the departure of [redacted] Whisler said, "I worked really hard to keep [redacted] here." Whisler said he told [redacted] to give him a list of what she wanted to stay at CRS and asked her whether Dames had to go or he had to hire more assistant coaches. According to Whisler, she said, "I can't even give you a list, I just have to go." According to Whisler, [redacted] "didn't want to be part of the system," despite the fact that he thought they had a good relationship.

Whisler described CRS as the "oldest and winningest pro soccer team in U.S. soccer history," noting that CRS is the only team that made the NWSL playoffs four years in a row. Whisler attributed CRS' success to Dames.

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Whisler described Dames' coaching style as "highly demanding" and "brutally honest." With respect to Dames, Whisler said, "I think it's got to be universal among the players that some number of players each year wither under his approach, don't respond well, and need to leave for their own good." Whisler said, "on balance, in any year, if there are 20 people on the roster, more than half will run through a wall for him because he's gotten them to level they've never thought they would reach." Other players "don't work well with Rory" and feel they have to go.

Whisler gave [redacted] as an example of a player that needed and wanted to leave CRS. Whisler said that Dames and [redacted] were "both all-in in the relationship for a couple of years," until [redacted] got to the starting level and no longer wanted to "put up with Rory's approach." Whisler said, "their time had ended together, they were not getting along, and they were not going to see each other's benefits anymore." There was a "chemistry issue" and [redacted] was "upsetting some of the other players with checked out attitude" when "we have to have a cohesive team." Ultimately, [redacted] was traded to the [redacted] in [redacted].

Whisler said, "I will not defend Rory with whole cloth." He explained that they have been together for 10 years, but are not friends and do not socialize, although Whisler added "I do like and respect him." Whisler said that Dames "has a hard side that we've tried to make sure he is aware of" and that he has heard Dames described in the past as a bully, sometimes by players and sometimes by Dames himself. Whisler said, "I don't defend it," but "It's been a couple of years since we've had anything like complaints."

Whisler said that he has seen Dames "change dramatically" over the last few years, particularly since he has had a daughter. Specifically, Dames said he has seen improvements in Dames' demeanor, mindset, and patience.

Whisler also attributed Dames' improvement over the last few years to the elimination of stressors. Three years ago, Whisler said that Dames was in a "high stress" situation, with weak assistants, and had to do everything himself. Whisler said it was a struggle and a hardship to keep the team and the league alive. The league office was understaffed, there was a lack of rules, and a lack of information when he needed it. Dames had a new baby at home and was traveling every weekend. Now, CRS has much more support for Dames, including two qualified assistant coaches who were added two years ago. Whisler believes their addition allows Dames to "focus on what he is best at," which is "seeing and developing talent" and "knowing how to break down other teams." "Running practice and being organized were not his strong suit."

Whisler said he has "never heard the players happier" because they have "more access to coaches" and "more one on one time." Whisler said that with the addition of staff they have "done right by the club" and "people are thrilled."

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VI. Summary of Factual Findings

A. Specific Concerns Supported By Substantial Evidence

Regardless of their personal experience or overall perspective, every player interviewed agreed that: 1) Dames' behavior was unpredictable, 2) Dames singled certain players out for constant criticism, and 3) Dames at times yelled excessively. While the players differed in their views on the justification and severity of this conduct, they all agreed it occurred. Dames did not deny and, in some instances, acknowledged these behaviors. Whisler acknowledged the issues surrounding certain players being targeted and Dames yelling excessively, but was unaware of Dames' behavior being unpredictable.

1. Unpredictable Behavior

a. Player Descriptions

All of the players interviewed described Dames' behavior as unpredictable and said that players did not know what treatment to expect from Dames from one day to the next.

- [redacted] described Dames as "very unpredictable" and explained that sometimes he would come in yelling, sometimes he would come in nice, and friendly and joking, and sometimes he would come in mad because someone had said something.

- [redacted] described Dames' behavior as a cycle of abuse, not unlike having a "boyfriend that beats you, says sorry, and you go back to him." She said, "if you aren't with him, on his side, he may not play you or verbally abuse you while you are playing." [redacted] said the emotional abuse was "always present" [redacted], but got worse over time, particularly "in terms of manipulation."

- [redacted] players never knew what to expect from Dames. Sometimes he would be "jolly and goofing off" and the next moment he would be "pissed and yelling." [redacted] at times, Dames would admit that he was intentionally being a bad guy, claiming that his motive was to unite the team around him. Other times, Dames would deny he was being manipulative and tell [redacted] she was giving him too much credit and was not as calculating as she thought. [redacted] said there were times when Dames could be human, nice, and genuine, but then he would be "so cruel" to her. [redacted] that Dames "had a deep belief in me and wanted me to be the best, but what I went through was horrendous." She admitted to feeling conflicted.

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- [redacted] described Dames behavior as "emotionally abusive" and a "cycle of abuse." [redacted] explained that "on nice days, he tries to get close to you and gets your personal information," asking, for example, questions about her son. [redacted] said that Dames "then goes back to degrading you." [redacted] emphasized that "you never know when to expect it."

- [redacted] described Dames as a "master manipulator." [redacted] explained that Dames would be nice, joking, and funny, and then would suddenly turn on you. Then the next day Dames would be nice again. [redacted] explained that "you get confused." [redacted] said that Dames "makes you like him" because he "knows what he is doing." [redacted] stated, "I should hate him and I don't" because he "took me on an emotional rollercoaster."

- [redacted] said that Dames' behavior "depends on the day." She described him as "kind of like a girl with PMS," meaning that he is moody and emotional. [redacted] said that Dames is "definitely very unpredictable" and you "don't know what kind of Rory you will get at practice." [redacted] said that Dames puts in long days at his soccer club (Eclipse) and has kids of his own, and said that as a result, you "never know what you will get."

- [redacted] confirmed that there are days when Dames is happy, and days when he is not. [redacted] believes, however, that when Dames is unhappy it is correctly based on the team's poor performance.

- [redacted], when asked whether Dames' behavior was unpredictable, said that she felt it was "fair to say that players didn't know what to expect."

- [redacted], when asked whether Dames' behavior was unpredictable, said she understood the "description of not knowing which Rory you will get." [redacted] felt that Dames "can be one way or the other," meaning nice and kind versus angry and yelling. [redacted] added that she believes that Dames has become "more tame over the years." [redacted] attributed this, in part, to the fact that CRS has added more assistant coaches with larger roles, which "may have contributed to him being a little more subdued and in the background."

Two players described incidents when Dames' unpredictability extended to Dames' attendance:

- [redacted] incident in 2017 in which Dames did not show up to coach a game. [redacted], who was an assistant coach, ran the warm up and got the team ready to play. [redacted] that when Dames eventually showed up, he said he had just arrived, which

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was not true, because [redacted] saw Dames and said he had been at the stadium the whole time.

- [redacted] said that there have been times when Dames "doesn't even show up at practice," and the "assistant coaches don't know and don't have a plan."

Two players described their belief that Dames' unpredictability negatively impacted the team:

- [redacted] said that there is "a lot of drama" with Dames' relationships with players and that it is "a crazy environment."
- [redacted] explained that "some women don't react the right way with him, others thrive." She said, "I think it varies person to person" but that his behavior "causes a lot of drama and a lot of uncertainty." [redacted] feels like players are "walking on eggshells" around Dames and questioned "how are you going to perform when you are walking on eggshells?" [redacted] feels that "certain players can't perform under that stress" and that "women want to know what they are going to get" because "in general, women want to please." [redacted] concluded that "not knowing what you are going to get is really hard on our team."

[redacted] and other players also described the personal impact of Dames' unpredictability:

- [redacted] described Dames' unpredictable behavior as "hard for me," explaining that "what I love most about the other teams I have been on is knowing what you will get out of your coach" and "how you need to show up for practice."
- [redacted] Dames' unpredictable behavior was really unsettling and made you "question your reality."
- [redacted] explained: "I feel manipulated. Your emotions are used against you. You can't be transparent with how you feel. Anything can be used against you at any time." "If you confront him, you are completely gas lighted and told you saw this wrong, you felt this wrong. There's nothing you can say to someone like that."
- [redacted] she could not take it anymore.

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In contrast, [redacted] viewed Dames' unpredictability as "just a coach being annoying," but acknowledged that "maybe people see things different."

b. **Dames' Response**

When asked whether his players know what to expect from him, Dames said his mood on any given day could be based off of how team performed on the weekend, how they trained, and whether the team meeting standards. Dames elaborated that his mood depends on a variety of factors, including the group, their performance, and that the group responds to and what it does not. Dames stated, "we've had a wide variety of groups here that respond differently to different things."

Dames said, "I don't know of any coach that shows up the same way every day." He explained, "if the coach shows up every day the same way, it could lead to complacency in the group and you don't want complacency." Dames added, "it's a professional team, should show up to work and perform at the highest level," regardless of his mood.

When asked whether he ever failed to show up at practice or a game because he was upset or angry, Dames recalled one instance where he arrived just in time for kick off because of an Eclipse responsibility and [redacted] warmed the team up.

Dames also recalled a situation in 2017 when he learned the day before a game, in the middle of the season, that [redacted] had asked her agent to trade her to [redacted]. [redacted] Dames was very upset. Ordinarily, Dames would give a pre-game speech, but felt like he could not do it and went up to one of the boxes in the stands instead. Dames stated, "I didn't feel like I could go in front of the team." and "I couldn't do what I would normally do." Dames thought that the players who knew him would know something was wrong, that his "presence before the game would not have been positive," and he "didn't want the drama before the game." Dames jointed the team on the sidelines when they took the field.

c. **Whisler's Observations**

When asked if players know what to expect from Dames on a daily basis, Whisler responded, "he is always the same with me." Upon hearing the allegations that one minute Dames is nice, friendly, joking and complimentary, and angry and yelling the next, Whisler said "I would like to know if that is still going on." Whisler explained that the allegations "sound like a stress moment" and said that "if there were conditions that pushed him into the unacceptable lane, we've addressed those." Whisler reiterated that he could see Dames having changes in his mood "in a desperate moment," when Dames felt "panic for him or panic for the team." Dames said that these possible explanations do not excuse the behavior, "I would like to know if it is still going on."

Whisler was aware of one instance when Dames was not with the team at a game until it started. Rather, Dames was up in the suite with him during the pre-game warm up, which was out of the ordinary. Whisler thought it might have been when [redacted]

[redacted] in the middle of the season. Whisler explained that they had "literally just built team around her to make playoff run" and that they were "really thrown" by her announcement.

2. **Singling Certain Players Out For Constant Criticism**

a. **Player Observations**

All of the players interviewed described how Dames singled certain players out for constant criticism, while other players who are U.S. WNT and/or Dames' "favorites" were not yelled at or criticized. Some players were witnesses to this behavior while others identified themselves as victims of Dames' constant criticism.

The witnesses shared the following perspectives on Dames' treatment of certain teammates:

- [redacted] said that when she arrived at CRS in [redacted], she immediately noticed how Dames treated players differently. According to [redacted] Dames used demeaning language toward players who had less talent: they were called names and jokes were made at their expense.

- [redacted] said that some players do not get yelled at, while others are targets of Dames' yelling. According to [redacted], U.S. WNT players do not get yelled at and "players are playing well that don't get yelled at." [redacted] acknowledged that she is one of Dames' "favorites," "so I don't really experience the blunt crazy comments that others may [experience]." She explained, "when I get yelled at, it's one and done and he lays off," but "others he will stick with for a whole practice." When asked if particular players are targets for Dames' yelling, [redacted] said, "I wouldn't say there is one player" but that at certain trainings, he "sticks with one player" and yells at them.

- [redacted] said that Dames was harder on some players than others, explaining that "there are players he picks on." [redacted] said that she was not a target of Dames' criticism, nor were any U.S. WNT players. [redacted] said that the players Dames picked on the most [redacted] and [redacted] and that Dames was "constantly criticizing their on-field performance."

- [redacted] observed that Dames' behavior is "more directed at certain individuals than others" and that she believes he "feels like he can pick on some more than others." [redacted] said that, "when he blows up, it's usually directed at one person, tearing that person down over and over and over." [redacted] feels "that is where the line gets grey," when Dames is "driving into one individual to the point where you wonder whether they

can come out and play." [redacted] feels that "there is a time to be harsh," but that Dames can be "over the top," yelling things like "you don't deserve a contract" and "I'm going to take it to you." [redacted] identified [redacted] as players that Dames picked on and added that sometimes he had a good relationship with [redacted] and sometimes did not.

- [redacted] said that "Rory can he hard on players" and that he yells, because he is "very passionate, very competitive." [redacted] said, "I've never felt victimized or verbally abused," but "I also feel like I've played for a lot of coaches who have that highly competitive or highly passionate personality." To [redacted] Dames' personality and behavior were "not new or different than what I've seen in the past." Because Dames' behavior was conduct she was used to, [redacted] was hesitant to make conclusions about how other players may have felt. She said that Dames' behavior fell in a "grey area, with room for interpretation."

- [redacted] denied being targeted by Dames, because she believed Dames determined "that I was not the one to test." [redacted] said that Dames picks on players who are "are weak willed, need reassurance, need the pat on the back."

[redacted] identified herself as a player that is singled out and disrespected by Dames. She said, Dames "doesn't necessarily treat everyone great" and "he doesn't treat me well at all." She reiterated that Dames "treats some people better than others, and I'm not one of those people." [redacted] described how Dames is constantly "on me at practice" and how there have been many instances of him threatening to punish her by replacing her or taking her off the team. [redacted] described Dames as engaging in "constant criticism in an attempt to manipulate and control" her and some of the other players. She described how Dames is "hostile and sarcastic" and "tries to shame you," saying things to players like "good girl," "like you're a dog." [redacted] said that "there are days where even if I do something good, he will find something bad."

[redacted] said that Dames only makes threats to some players and it "depends if it's your day." [redacted] explained that Dames "is smart about it" and "doesn't pick on the top players," specifically, WNT players or "anyone with leverage." [redacted] identified [redacted] as a player with leverage because "she knows people" and she "comes from money," so "[Dames] is not going to mess with that."

[redacted] identified herself as a victim of Dames' constant criticism. [redacted] Dames was constantly putting her down, diminishing her self-worth, and making it clear he had the power and control and she did not, to the extent that it caused her to suffer from depression, particularly in her last two seasons ([redacted]).

[redacted] described an incident in the 2017 season when she started a home game. After the game, Dames embarrassed her by yelling at her for "many minutes" in front of the team. [redacted] said that none of the other players stood up for her. According to [redacted] apologized [redacted] later and said that Dames made [redacted] scapegoat for the team's performance. After this [redacted] asked for a meeting with Dames four times, but he never met with her.

[redacted] also described how Dames became focused on [redacted] prior to the [redacted] season, [redacted] said that things really started to go badly between [redacted] and Dames when he was yelling at her in practice and she held her hand up, gesturing for him to stop [redacted] this incident really "pissed him off." According [redacted] after [redacted] got a "tiny taste" of how Dames had treated her for years, [redacted] said to her "I don't know how you did it this long."

[redacted] identified herself as one of Dames' targets. [redacted] said that, "I had one of the more intense relationships with [Dames] and he took things out on me." [redacted] said that Dames "verbally and emotionally abused me." [redacted] said that the worst part is that Dames "personalizes it" [redacted] said that because Dames' criticism is so personal, "that's why some of the girls don't have a voice and don't go to Arnim."

In addition to believing that certain players were singled out for constant criticism, all of the players interviewed acknowledged that Dames had clear "favorites" on the team. The "favorites" were consistently identified as [redacted], and sometimes [redacted], as well as the U.S. WNT players. The players differed, however, regarding whether the favoritism was too extreme and hurt the team dynamic.

With respect to Dames' favoritism of certain players, [redacted] responded that "coaches have their players that they trust and know" and that this is "nothing out of the ordinary." [redacted] said, "sometimes you are in the coach's favor, sometimes you're not, that is part of sports."

[redacted] acknowledged the common sentiment that "every coach has their favorites," but feels that Dames' favoritism creates a bad team dynamic, particularly because Dames routinely takes some of his favorites out to dinner. According to [redacted], at these dinners, Dames shares information with his favorite players that he does not share with the team as a whole. [redacted] said she has told Dames that "you can't tell a few people something in confidence when it's a team matter."

[redacted] also took issue with Dames' dinners with his favorite players, typically [redacted], which are held at the Cheesecake Factory in Chicago. [redacted] said she did not know why Dames takes players out to dinner, but "it was not as though he was taking the captains out as part of trying to lift up the team."

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[redacted] had the strongest views of the negative impact of Dames' favoritism. [redacted] said that while "every coach has people they like more," with Dames "it's taken to a new level." [redacted] said, "if you are a favorite, can be as creative as you want to be, but if you are not a 4 or 5 top player, there are strict expectations." "You are not free to be creative and are only allowed to do certain things." For example, according to [redacted], players who are not top players cannot dribble up the field, they have to pass, and "if you don't do what he wants to do, he will blow up at you." [redacted] reiterated the that Dames would never say anything critical to [redacted], "or anyone with leverage."

b. **Dames' Response**

Dames was specifically asked whether he picks on certain players during practices and games. Dames stated, "I don't come to practice with a mindset of picking on a particular player." Dames explained that he does push certain players because "there are players you see things in that they have not seen in themselves" and "as a coach, your responsibility to get players to a certain level, beyond what they think they are capable of." For this reason, Dames said that "certain players may get more attention in a given practice or week because of their performance." He added that, "when you are building a team, you have certain players who are at the core, that need to be at a certain level before you can move on to the rest of the group."

Dames said, "I've had players come and ask why they were singled out when another player does the same thing." Dames added, "I've had players who did not feel like I treated them fairly." Dames stated that "almost every one" of those conversations was "prefaced by someone losing their spot, losing playing time, or not playing where they wanted to."

With respect to his alleged favoritism, Dames explained that his regular meals at Cheesecake Factory with two or three players is a superstition. Early on, in his first years as a coach, the players were not making any money. Dames would take some of them out to dinner to make sure they were eating. One night, they had dinner at Cheesecake Factory and then "thrashed" the [redacted] the next day. If became a superstition among [redacted], [redacted] to have Cheesecake Factory the night before games. They would each order the same entrée every time. Dames described it as a "legit superstition." Dames said another superstition is the team getting ice cream the night before away games when they were on the road. He said all players were invited and up to 7 or 8 would join each time, so that they would end up taking two vans.

c. **Whisler's Observations**

Whisler said that he has heard about Dames picking on one player, focusing on them during practice. Whisler said, there is "no doubt in my mind that he will ride a player during practice." Whisler identified [redacted] as one of the players whom he knew Dames would single out. [redacted] played with CRS in [redacted] and [redacted].

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Whisler said that he knew from Dames' perspective, "he won't be hard on someone unless he thinks they have it within them to rise up." Whisler said that he knew Dames had "high expectations for [redacted]" and "was frustrated that she couldn't move toward the system we had on the field, but kept pushing." Ultimately "they were incompatible" but Whisler said "I think they are buddies now." Whisler said that he as seen Dames "butt heads" with players and "they are best friends after they leave."

Whisler gave [redacted] as an example. According to Whisler, [redacted] as very complicated and very emotional. He said that he and Dames agonized over trading her, but after many rounds of Dames and [redacted] fighting like a brother and sister, Whisler said he had enough. CRS traded [redacted] but now, according to Whisler, [redacted] "desperately wants to come back" and "desperately wants to be back with Rory." According to Whisler, while playing for Dames, [redacted] "rose to a higher level of performance, objectively and subjectively, then she had ever done before" [redacted] Whisler said, "now, she's no longer on anyone's radar." According to Whisler, CRS tried to bring [redacted] back in the off season, but the coach of [redacted] would not let her go. Whisler said, "with a little distance, I see people who come back and appreciate it."

Overall, Whisler described how the behavior of coaches as being on a spectrum. He said, "when we cross a line, we cross a line," but sometimes "I don't know how you discern where that line is for a successful coach who knows that some players need a harder push than other players." Whisler said that in the last 10 years, he has seen players whom Dames has yelled at be fiercely loyal to him and "view him as a friend and father," because they "understand he was pushing a button that needed pushed."

With respect to Dames' favoritism, Whisler said, "people have favorites, it's what you do with it." Whisler was aware that Dames and some of the players have dinner at Cheesecake Factory before games. He explained that Dames is a "superstitious guy" and that the same group, goes to the same restaurant, at the same time as a pre-game ritual. Whisler also explained how Dames will not change the sweatshirt he wears to games if the team is winning.

Whisler has specifically counseled Dames about his treatment of national team players like [redacted] and has encouraged him to treat them differently. Whisler has told Dames that "you can't use the same approach with [U.S. WNT players] that you do with a journeymen who you discovered and made into a pro." Whisler emphasized that "they are here by choice and they can leave by choice." Whisler has talked to Dames about "adjusting his style to super stars," explaining that, "if he wants players he wants to have, he will have to be more open to their needs on the field" and embrace their playing styles rather than trying to force them into CRS' system.

3. **Excessive Yelling That Is Not Constructive**

a. **Players' Observations'**

All of the players interviewed described Dames yelling at players in excessive ways.

[redacted] said she has not experienced it personally, but that the way Dames yells at other players can be "too much." She stated that "there are definitely times when there is a lot of yelling" and that the yelling is not constructive, citing Dames' yelling at half time of games as an example. [redacted] described how sometimes words are "just flowing out of [Dames'] mouth without rhyme or reason." [redacted] said that Dames' "communication could be a little better in telling how he feels instead of bottling it up and exploding." [redacted] said that overall, the players "do wish [Dames] would be better with his communication," in particular, "thinking before he speaks instead of lashing out."

[redacted] said, "I would say the amount of yelling was fairly significant" and that it depends on the day, but "there are definitely times when we are yelled at a lot." She described the "content" as "fair," but said "it just wasn't conveyed well." [redacted] felt that Dames would be a better coach if he yelled less and stated that Dames "yells a little too much."

[redacted] said that there are times when Dames yells in an excessive way, often screaming during games, at practice, and in the locker room. [redacted] said that Dames got a red card for screaming in a 2017 game. [redacted] also recalled an instance during a 2016 playoff game when Dames was screaming and cursing at [redacted] and swearing on his daughter's life that he would take her out of the game if she passed one more time.

[redacted] confirmed that during a live televised game, Dames screamed at [redacted], "I swear on my daughter's fucking life if you play backwards or sideways one more time you will not see the field one more time." [redacted] said that while she did not believe the broadcast picked up Dames' actual words, the announcer commented that it was a "very bad player coach interaction. [redacted] said that in addition to screaming at her, Dames would also give her the silent treatment. She would ask him questions and Dames would roll his eyes at her and not answer.

[redacted] said that it was normal for Dames to yell at her and other players, especially at home games. In her early years with the team [redacted] described how Dames would yell so loud in their home locker room at Benedictine University that the visiting team could hear him. [redacted]

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also recalled an incident where Dames was red-faced and screaming inches from the face of [redacted], a goalkeeper.

Some players, while believing Dames yelled excessively, felt that his conduct has improved over time:

[redacted] said that Dames' yelling is excessive, but by the time she left after the 2017 season Dames was getting "less ridiculous" in the way he yelled at players.

[redacted] said that Dames "would yell all the time" and "used to be a very loud coach" but was now "less psycho."

[redacted] acknowledged that there are times when Dames is angry and yelling and that Dames "can be hard on players." [redacted] attributes the yelling to Dames being passionate and competitive. [redacted] believes that Dames has become "more tame over the years."

[redacted] said that Dames yells at players, but that his yelling has decreased over time and, with every season, Dames yells a little less. [redacted] said that the yelling "doesn't happen every day, but when it does happen its extreme." She explained, "sometimes he is trying to give a message that needs to be given, but delivers it in a way that is not ok." [redacted] concluded, "I think he means well, I don't think it's delivered well." [redacted] said that Dames knows his yelling is an issue. She recalled two "blow ups" in the 2018 season, both of which occurred at half time of games, after which Dames stated "I've wasted my blow ups this year"

b. **Dames' Response**

When asked whether he yells a lot, Dames responded, "I'm loud when I feel I need to be." Dames said he will yell when "I need someone to hear me, or to make a point because group isn't good enough, or someone isn't performing."

Dames said that currently, he rarely yells because he is not leading a lot of the training sessions. Dames said, "I've had a lot of growth as a coach, but I think anyone would in this arena." He explained that with the addition of two assistant coaches, "I have more people to accomplish more things" instead of "trying to accomplish multiple things by myself."

Dames said that in addition to yelling less because "every year I've had to do less," the CRS environment and expectations, and standards have been established, particularly since many players have been with the team for many years. Dames explained that there are

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"less things I get upset about because team has evolved to a higher level." Dames added, "I've absolutely evolved to a higher level."

When asked about the specific instance in which he allegedly yelled at a player in the locker room at Benedictine so loudly that the opposing team heard it in their locker room. Dames explained that the locker rooms at Benedictine were separated by nothing more than a door. After half time of one game, the coach of the other team, who was Dames' friend, joked with him that "it sounds like you weren't happy with someone at half time."

When asked about the specific instance during a televised game in which he allegedly yelled at [redacted] a statement to the effect of, "I swear on my daughter's fucking life...." Dames said he had no recollection of this instance. Dames said, "I don't swear things on my daughter's life either, that would be a bit extreme."

When asked whether he also gives players the "silent treatment," meaning that he intentionally makes clear that he is not speaking to a specific player or players. Dames said that "If we haven't had a good performance in a game, I can give off the vibe that I don't want to talk." He added that, "there are players I think have needed to be given space before" and "I left them to find their way." Dames said that he has "never purposely avoided a player" and that we have an "open line of communication here and always have."

c. **Whisler's Observations**

Whisler confirmed that Dames yells and that sometimes you can hear him on televised games. Whisler explained that the yelling is "not derisive or demeaning, it's frustration" when the team is "not following the game plan." Whisler denied ever seeing Dames get in a player's face and yell at them. Whisler said, however, that it is "possible that he behaves better when I am around."

Whisler said that Dames "says direct, piercing things about your play in the middle of practice." Whisler believes Dames has a lower filter in providing feedback to players, and is a "see it, think it, say it" type of person. At the same time, Whisler believes that "there is no lack of caring" and "there is no doubt in my mind that he has improved and wants to improve more."

Whisler said that he has told Dames over the years that he "needs to work on his style" and his approach of confronting players. Whisler has told Dames that he needs to "change the way he thinks about managing players because we are getting better and better players in our environment." Whisler said that Dames as "evolved his style over the years," but "he has high expectations."

Whisler believes that CRS has eliminated many of the stressors that may have caused Dames to yell more.

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B. **Specific Concerns Supported By Some, Denied By Others**

In addition to the three concerns about Dames' behavior that were universally acknowledged by the players, a number of other concerns about Dames' treatment of players emerged during the course of the player interviews. These concerns are roughly grouped into the following ten categories, although many categories overlap. These concerns had varying degrees of support among the players, along with some outright denials by players and Dames. Many players, Dames, and Whisler believed that a number of these concerns were based on incidents that were taken out of context, blown out of proportion, and/or raised by players who were unhappy with their trades.

1. **Use of Personal Information Against Players**

a. **Players' Observations**

Five of the nine players interviewed described in varying degrees of detail how Dames would get close to players, learn personal information about them, and then use the information he gained during the relationship as leverage to manipulate players. The remaining four players, however, denied experiencing or witnessing Dames using personal information against a player

[redacted] said that Dames does not maintain a "safe distance" between him and the players [redacted] said that Dames gets close to players to get information from them and then "uses his status and power to manipulate players.' [redacted] was unable to provide specific examples.

[redacted] said that players are afraid of Dames "saying something about your personal life in front of the team" or "using your personal life against you in terms of playing time." [redacted] said that Dames would develop a personal relationship with players and use the information he gained during the relationship as leverage on the "business side of things." [redacted] described Dames' behavior as "harsh and manipulative" and said that he would "use your personal information against you." [redacted] did not provide specific examples.

[redacted] said that Dames "would get close to you to get your personal information to use it against you." When asked to provide examples, she said "there are so many stories, it's hard to know where to begin." [redacted], however, provided an example involving [redacted] that [redacted] did not specifically raise during her interview.

[redacted] described Dames as a micromanager, who gets into people's personal lives and uses the information he learns to manipulate and control players. [redacted] said that Dames' micromanaging is all about control. [redacted] believes that "there is a reason for everything [Dames] does," and that "he doesn't genuinely want to know about your personal life, he wants to use it against you."

[redacted] gave an example of Dames banning [redacted] boyfriend from taking photos at games. [redacted] explained that [redacted] boyfriend is a talented photographer who was

great at what he did and gave the team a "huge free campaign in 2017." Yet Dames banned him from games and it "turned into a big deal" and [redacted] asked to be traded.

[redacted] also gave two personal examples from the 2018 season of what she believed were Dames micromanaging and manipulating her using personal information:

- CRS was in New Jersey three nights before a game. The team is only required to sleep at the hotel the night before the game. [redacted] boyfriend lives in New York City and she had plans to visit him. [redacted] said Dames was aware of her plans because he asks a lot of personal questions. According to [redacted], Dames saw her get into an Uber at 8:15 p.m. to go see her boyfriend and immediately texted her to schedule a personal meeting between the two of them for 8:30 p.m. [redacted] felt that by doing this, Dames was trying to control her.

- [redacted] Prior to the practice, [redacted] had been told that she was going to start in what was a big game for the team. The team had a film review before practice and then practiced. After practice, Dames called her and said he did not think she could concentrate during the film review [redacted] told her she was not going to start. [redacted] felt this was untrue and unfair, and that Dames could have sent her the film to review if he thought that was the case.

[redacted] said that she was "miserable" because she knew she could not share anything about her personal life because Dames would use it against her. [redacted] example in which she felt Dames sabotaged time with her family. CRS had a game in New York against the Western New York Flash. Her family came [redacted] got permission to spend a few days with them after the game. However, [redacted] did not play well, Dames treated the family time as a privilege and revoked her permission [redacted] was "crushed" and returned to Chicago, having spent no time with her family. Shortly after she got back to Chicago, Dames texted the team and gave them two or three days off. [redacted] described this as "cruel." [redacted] said that it was because of incidents like this that she did not share anything with Dames, because if Dames knew something was important he would take it away.

[redacted] gave another example of how she shared with Dames that she had a hard time being social with the other players and he used it against her to try to get more information. [redacted] said that Dames' favorites among the players are midfielders, in particular, [redacted] and [redacted] said that [redacted] were frustrated with her play because she is an instinctual player, not a technical player. [redacted] talked to Dames about this issue, Dames told her that part of the issue was that she did not spend enough time developing relationships with her teammates [redacted] agreed and tried to get to know her teammates, including [redacted] was of the belief, however, that [redacted] would tell

Dames everything she shared. Toward the end of her time at CRS, [redacted] distance herself, particularly from [redacted], because she did not want Dames to have the details of her personal life.

On the other hand, four players denied experiencing or witnessing Dames using personal information against a player:

- When asked whether she had ever seen or heard anything about Dames using personal information against players, [redacted] said "I've never experienced that" and "nothing sticks out to me."
- When asked whether she has experienced or witnessed Dames using personal information against players, [redacted] said "that doesn't resonate with me."
- [redacted] denied that Dames uses personal information to manipulate players. [redacted] does not think that Dames manipulates players, stating, "I know people have said that. I don't think that's a true statement."
- [redacted] said she has not experienced or witnessed Dames using personal information against players.

b. **Dames' Response**

When asked specifically about the allegation that he uses personal information about players, Dames responded that he did not know anything about this allegation. Dames said that, for example, "I never had any sort of personal conversation with a player about their significant others."

Dames said that he spends time on "knowing the players and what makes them tick," but that he does not have an interest in their private lives. He has an interest in how they are doing and how they are feeling. Dames gave an example that he and [redacted] were close and that he needed her help with the team. Yet, Dames did not know that [redacted] were dating until a year and a half after [redacted] arrived at CRS.

c. **Whisler's Observations**

Whisler does not believe the allegation that Dames gathers personal information about players to use against them. Whisler explained that players have chosen to include Dames "in some of the toughest moments of their lives" and "talked about some of the most difficult issues." Whisler said that "part of helping your players succeed is to help them through the things they bring to you." Whisler did not think that players believe they have to share personal information to get playing time.

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2. **Abuse of Power**

a. **Players' Observations**

Four players shared their concern that Dames wants to hold all of the power over players and use it to control them.

[redacted] said Dames "wants to hold all the power" so that he feels like he has power over others. [redacted] said that this manifests itself in even the smallest ways, like when Dames will not tell them their schedule ahead of time.

[redacted] stated that "for Rory, it's all about control and power" and that "there's a malice behind it all." As an example, [redacted] described an incident that occurred during a 2017 pre-season trip to Portland. [redacted] described how after a game in which Dames was upset with the team's performance, Dames demanded an individual meeting with each player at the team hotel. The first meeting was at 12 p.m. and the last meeting was at 11 p.m. Dames would not tell players what time their meetings would be, but said they had to be at the meeting within five minutes of him calling them or they would be cut from the team. In effect, [redacted] said that Dames "held us hostage at the hotel" on their day off. [redacted] estimated that 75% of the players left their individual meetings crying.

[redacted] also cited to this same incident as an example of their belief that Dames abuses his power over players. [redacted] was not with the team in Portland, but [redacted] called her for help, because the players did not want to risk going for dinner and getting cut from the team. [redacted] said [redacted] told her it was midnight and players were still waiting to have dinner. [redacted] called Dames and told him he could not deny the players dinner. According to [redacted], following her call, Dames used the cell phone of the other team captain to send a message to the entire team to the effect of "you have to grow up and not call [redacted] when you are mad about something."

b. **Dames' Response**

Dames confirmed that he had individual player meetings at the hotel on the pre-season trip to Portland in 2017. He confirmed that the players were not given specific times for the meetings because he did not know how long the meetings would take. The players were given five minutes notice of their individual meetings. When asked whether that schedule prevented players from leaving the hotel to get meals, Dames stated, "I have no idea what that meant for meals."

Dames said that during the individual player meetings, "people didn't like hearing where they were." [redacted] was away from the team, so the players were going to [redacted]. According to Dames, [redacted] came to her meeting crying and "emotionally broke down in our meeting" because of the "magnitude of what was going on." Dames said that [redacted] was "emotionally overwhelmed" and that he was trying to protect her. Dames said he told [redacted] to text the

team and tell the group that if they had a problem, "take it to Rory." Dames said [redacted] was "not comfortable sending the message," so she handed Dames her phone. Dames typed the message and sent it, admittedly before [redacted] had a chance to look at the message. When [redacted] saw the message, she sent a follow up text saying that it "came from Rory." Dames said that in hindsight, he wished he had showed her the draft message before sending it.

c. **Whisler's Observations**

Whisler did not know anything about allegations that players were not allowed to leave the team hotel during the 2017 pre-season trip to Portland.

3. **Failure to Maintain Professional Boundaries With Players**

a. **Players' Observations**

Several players described concerns about Dames not maintaining a professional distance in his relationships with players and described relationships with Dames that they felt were overly complicated and not normal player-coach relationships.

[redacted] explained that from the outset, she had a complicated relationship with Dames that was not a normal player-coach relationship. [redacted] said, "I was trying to help him be better."

[redacted] said that during her first year with the CRSs [redacted], she was "really close" with Dames. She was among the small group of players Dames would take out to lunch. After a time, [redacted] did not want to go to the lunches anymore, but still felt forced to attend. [redacted] said, "if we didn't go, he would get upset and wouldn't talk to us" and "wouldn't look at you the next day at practice." [redacted] said that during her second season with CRS, she tried to separate herself from Dames a little bit and that by her third year, she really tried to separate herself from Dames on a personal level and that made the verbal and emotional abuse worse. [redacted] said that Dames would call meetings with her and say words to the effect of "you are not playing well and it's because you are blocking me out" and "we play better when we are on the same page, but you are pushing me away."

[redacted] who self-identified as victims of verbal and emotional abuse by Dames, said players had difficulty separating their views of Dames as a coach and a person and felt guilty speaking with Pepper Hamilton about their experience.

[redacted] felt that it would be better if Dames was not a coach, but at the same times said she felt bad saying this because she has seen good sides of Dames, for example, when Dames was with his daughter, and during the times Dames was nice to her.

[redacted] said that despite how Dames treated her, part of her felt guilty for participating in the interview [redacted] Dames was loyal to her and

gave her her professional start and playing time, but at the same time convinced her she had no value outside of CRS.

Finally, several players specifically questioned the relationship between Dames and [redacted], who by her own admission is one of Dames' favorites.

[redacted] questioned whether Dames is maintaining an appropriate coach-player relationship with [redacted], describing them as "really close all the time" and going to dinner together.

[redacted] said she did not know "what the [redacted]/Rory relationship is," but believed it was "much different than a player-coach relationship. According to [redacted], they "talk and text all the time" and Facetime when [redacted] was overseas. [redacted] said that she heard from another player that Dames and [redacted] were seen sharing a spoon and a dessert together.

[redacted] said that Dames' relationship with [redacted] is "questionable" given their texting and Facetiming habits.

Several other players denied that Dames failed to maintain professional boundaries:

[redacted] stated, "I don't know what other players have shared about their personal lives with Rory" but that she "never felt like he asked me inappropriate personal questions."

[redacted] did not have concerns about Dames maintaining appropriate coach player relationships or about Dames having inappropriate relationships with players. [redacted] believes that the players themselves are responsible for setting boundaries, which she believes she successfully did with Dames.

- When asked whether Dames has personal relationships with players, [redacted] responded in the affirmative and pointed out that some players have been with the team for almost five years. When asked whether those relationship are appropriate, [redacted] stated her belief that "everything is in bounds" and questioned "who am I to say things are appropriate or inappropriate?"

b. **Dames' Response**

Dames said that he knows the players who have been with CRS for [redacted]-plus years "really well on a personal level," namely, [redacted]

[redacted]. He thinks of these women as "part of the family" and said that, "they are important to me" and "like daughters."

Dames reiterated he cares about players' personal lives to the extent that their lives affect them, affect their performance, and affect the team. He wants his players to be happy and healthy so that they can perform their best.

Dames said, however, that in the last year or so, he has pulled back from any personal relationships with players. Dames also pointed out that he is not on social media and does not follow or monitor their social lives.

Dames was specifically asked about allegations that he has criticized players for blocking him our or pushing him away. Dames said that he told [redacted] that "when her and I were on the same page, unified, and delivered the same message, we perform better and get more out of the group." Dames said that if there is a divide between the two of them, the team would not play well.

Dames also said that he and [redacted] had a conversation that, "when her and I are on the same page, she performed better, and I felt better about her performance." Dames said that any references about blocking him out only related to soccer, and did not relate to anything outside of soccer.

Dames denied sharing a dessert with any of the players.

c. **Whisler's Observations**

When asked whether he had any concerns about Dames and professional boundaries, Whisler said, personally, "I think we have learned more every year." Whisler gave an example that he is a "hugger" but does not hug anymore.

4. **Mistreatment of [redacted]**

a. **Players' Observations**

[redacted] described how in the [redacted] pre-season, Dames isolated her as a form of punishment and denied her the opportunity to practice and play. [redacted] alleged that Dames' mistreatment of her related to issues Dames had with her boyfriend.

According to [redacted], early in the [redacted] pre-season, Dames praised her, repeatedly telling her that she looked really good and that she was one of his top players. [redacted] had played [redacted] in the off-season and felt she returned to [redacted] in top physical condition and feeling confident. Following a pre-season game in Portland in which the team did not play well, [redacted] said Dames completely reversed his position. Dames stopped playing [redacted] not just with the starters, but also with the B team. Dames held her out of practice, including 6 v. 6 and 11 v. 11 drills, indicating she was not one of the top 22 players on the team.

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[redacted] said she had to stand and watch practice and if she tried to do anything on her own, Dames would scream at her.

During the next game of the preseason, CRS played the U-23 national team. Dames did not start [redacted] when she felt it was clear she should have been starting. When Dames went to the bench in the 60th minute, there were six players on the bench. Dames told five of the players – everyone except [redacted] – to go warm up. [redacted] said that Dames skipped over her on purpose and left her on the bench crying. [redacted] said that this is one of many examples of Dames just being mean.

[redacted] said that it got so bad that people were calling [redacted], who was away on national team duty, telling her she needed to do something to help [redacted]. According to [redacted], she begged Dames to reconsider, but he refused until the evening before the first regular season game. Dames told [redacted] she would not start, but that the team needed her. [redacted] was put in the game at the 50th minute, and started every game after that.

[redacted] attributed Dames' treatment of her to issues, including jealousy, that Dames developed when [redacted] said that when they ran into Dames at the Adidas store, he appeared "visibly pissed off" and was curt. [redacted] heard from her teammates that Dames was talking behind her back about her decision to bring [redacted] to Portland. According to [redacted], Dames raised this issue of [redacted] during a one-on-one meeting on that trip that was for the purpose of discussing her performance.

[redacted] confirmed that with respect to [redacted], Dames "picks on her by isolating her." [redacted] described her belief that Dames met with [redacted] about her personal life and [redacted] relationship with her boyfriend. According to [redacted], Dames pulled [redacted] out of practice because he did not like that [redacted] boyfriend came on an away trip. [redacted] said that she had a "clear memory of [Dames] denying [redacted] the opportunity to practice" and isolating her because of [redacted]

b. **Dames' Response**

Dames was specifically asked to respond to the allegations that he isolated [redacted] season, holding her out of practices and games that she should have played in.

Dames described how in the [redacted] preseason, the team was playing in Portland, Oregon. They had three games in seven days. Dames made the decision not to start [redacted] in one game because he was trying to "rotate people through." [redacted] family was at the game and she was down in the corner of the stadium warming up. Someone in the stands said something about her not playing and she responded with a "whatever" gesture that Dames felt was disrespectful. After the game, Dames recalled that there was either a team meeting or meal that [redacted] skipped.

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Dames said that "when we dealt with her on that topic," it was "not well received." According to Dames, [redacted] said that she missed the meeting because of a misunderstanding and it ended up being a "he-said she-said situation." Dames said that the issues with [redacted] "trickled over to when we got back." Dames said, for "someone of her caliber and experience and her role on the team, we have higher expectations."

Dames confirmed that he told [redacted] that she was not in the top 11 in the [redacted] pre-season. Dames denied that he told [redacted] that she was not in the top 18 and said that he dressed her for every game.

Dames was asked whether he had issues with [redacted] Dames explained that [redacted] Unbeknownst to [redacted], Dames had a conversation with Jill Ellis, the U.S. WNT coach, [redacted] mentioned that [redacted] was accompanying her [redacted] in a manner that led Dames to conclude that it was not positive for [redacted].

In January [redacted], Dames told Justyne Freud, CRS's Director of Communications & Marketing, that he did not want [redacted] on the sidelines taking pictures at home games as he had in the past. Freud then used [redacted] for an entire pre-season photo shoot and Dames "had no idea what was going on." Then, three days before the first home game, after finishing what Dames described as a "very cool" photo shoot, Freud texted [redacted] and told him that Dames said he could not take pictures at home games any more. Dames described [redacted] timing as "very bad" and said that [redacted] "felt used, and he was." Dames said he understood why, with everything else going on, [redacted] felt retaliated against. Dames acknowledged from [redacted] perspective that it looked like "I took [redacted] Dames said that the reality was that he had made that decision four months earlier and that Freud did not deliver the message. Dames said that in hindsight, he should have dealt with [redacted] directly and "that is probably the angriest I have ever been at CRS." Dames felt that because the situation was "poorly handled," it "created drama" when he had just started to diffuse the pre-season drama and get the team back on task.

Dames explained that CRS traded [redacted] season, he told her that she was [redacted]. Dames said that [redacted] "became a negative influence on the group." Dames felt that they otherwise had a "close knit group," but "everyone cared about [redacted]

Dames said that [redacted] has "reached out multiple times about wanting to come back" to CRS and that he tried to bring her back. Dames said that they are "long past" their issues and that he is "not one to hold grudges."

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c. **Whisler's Observations**

When asked about the issues between Dames and [redacted] in the [redacted] pre-season, Whisler said he remembered the situation well. Prior to the [redacted] season, Whisler said that [redacted] came back from [redacted] "fit" with a "better than ever mindset." Whisler said when she returned, however, [redacted] had "an attitude and a confidence that made her think she didn't need to listen," explaining that "[redacted] was strong and empowered and not as into Rory and directions." Whisler said that at the same times, Dames was frustrated with her performance.

In addition, in preseason, Whisler said that [redacted] boyfriend [redacted] was always around her and that "the more she listened to him, the less she listened to Rory." Whisler recalled that [redacted] missed a team event in the pre-season because she was "off with [redacted] According to Whisler, [redacted] "didn't do what the rest of the team was told to do" and "thought she didn't need Rory's shit."

[redacted] was a photographer and had a photography pass. Whisler recalled that one day, [redacted] was down around the bench. According to Whisler, Dames' "perception was that she was not locked in on the team and the team environment" and instead was "focusing on where [redacted] was, posing for shots, trying to build her brand, and doing what she needed to do personally." Whisler recalled that Dames told Justyne Freud that [redacted] could not be on the field anymore because he was diverting [redacted] attention during the game. Whisler agreed that [redacted] was distracting [redacted] from her professional role on the team, even on game days, and "that was the last straw." According to Whisler, after being barred from the sidelines, [redacted] starting social media attacks on Dames, which Dames saw, and "Rory is not a forgiving person."

Whisler did not know anything about allegations that Dames isolated [redacted] from her teammates and held her out of practice. Whisler said that eventually, [redacted] responded to Dames, got better on the field, and "had a great summer with us."

5. **Personal Insults**

a. **Players' Observations**

Several players described how Dames would personally insult them and their teammates. The two examples the players gave were comments about players' intelligence and a comment Dames made to [redacted] about her parenting.

Three players described how Dames makes inappropriate comments about players' intelligence:

[redacted] said Dames comments about how players are stupid, such as, "either you guys don't know how to play soccer or you are just fucking stupid." [redacted] said that Dames will reference players' colleges when they do something wrong. For example, one of her teammates went to [redacted]. [redacted] did not name this player, but [redacted]

went [redacted]. According to [redacted], when this player did something wrong, Dames would say "that's fucking [redacted] for you." [redacted] said that Dames would make fun of this player for "not being the brightest" and call her "trailer trash." [redacted] said that Dames' comments were intended to be a joke and funny, but that they were "really inappropriate."

[redacted] described how Dames will say things like, "how dumb are you?" and bring up the schools players attended in questioning their intelligence. For example, [redacted] recalled Dames saying to a [redacted], "you went to [redacted] and you are this dumb?" [redacted] confirmed that, "I'm one of the people he calls dumb all the time."

[redacted] has also witnessed Dames telling players they are "dumb." She said she "can't tell if he means it," but "sometimes it is degrading." [redacted] did not specifically complain about any references to her having attended [redacted]

In contrast, when asked whether Dames would make comments about players' intelligence, [redacted] did not share [redacted] and [redacted] level of concern. [redacted] said that at most sometimes Dames would say "that is so stupid."

Several players reported on an inappropriate remark Dames made to [redacted] about her parenting skills, which [redacted] confirmed. Specifically, [redacted] described an incident with Dames that occurred at practice on either [redacted] that greatly upset her. According to [redacted], Dames did not think she was talking enough on the field and brought up her child, questioning whether that was the way she parented. [redacted] recalled Dames saying words to the effect of, "if that's the way you communicate when you are parenting, then it wouldn't go very well." [redacted] said that everyone at practice heard Dames say it.

[redacted] belief that others overhead Dames' comment was confirmed by [redacted], and [redacted]:

[redacted] had a distinct recollection of Dames' words to [redacted]. According to [redacted], Dames did not think [redacted] was "being loud." According to [redacted], Dames screamed at [redacted]: "how in the fuck do you think you are ever going to get on the field if you can't communicate?" and "what makes you think you're going to be a good mother if you can't communicate?" [redacted] said that Dames then seemed to realize he had crossed a line and was really nice to everyone for the remainder of practice.

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[redacted] also witnessed the incident between Dames and [redacted]. [redacted] recalled that Dames said words to the effect that if [redacted] behaved that way with her child, it would be terrible parenting and that "basically he was accusing her of being a bad mom" and that it was "not ok." [redacted] observed that the comment "affected [redacted] greatly for a week" and reiterated that it was "not ok."

[redacted] recalled [redacted] crying about Dames' "comments to her about being a mom," although she could not remember his exact words.

[redacted] provided an additional example of alleged personal insults. [redacted] recalled that two seasons ago, Dames would make fun of [redacted] because her boyfriend was younger than her, and how this hurt [redacted] feelings. [redacted] did not raise this issue during her interview.

Finally, with respect to Dames personally insulting players, [redacted], who did not support or witness most of the alleged misconduct by Dames, acknowledged that, "yeah, he's had a slip of the tongue or two." [redacted] said that in terms of making personal insults, Dames' behavior "has improved year to year."

Not all players, however, felt that Dames was personally insulting. [redacted] both reported receiving harsh feedback from Dames, but, in hindsight, felt it was fair. For example, [redacted] described Dames making a comment to the effect of "we gave up four first round draft picks for you, you aren't giving us that value," which she felt was fair.

b. **Dames' Response**

Dames denied ever making comments about players' intelligence. He explained that he may have challenged a player's soccer IQ or field knowledge base, but not their intelligence.

Dames was specifically asked whether he called players "stupid," "not bright," or "trailer trash." Dames explained that the "trailer trash" comment was a running joke between him and [redacted], who has been with CRS for seven years and Dames has coached since she was a young girl. [redacted]. They had ongoing banter to the effect of "you can take the girl out of the trailer, but you can't take the trailer out of the girl." Dames stated that this joke "was not a coaching comment." Dames said that [redacted] sometimes played into the joke because she went to [redacted]

Dames was asked about a specific allegation that he questioned [redacted] parenting and communication skills. Dames said that he would have "never" said something like that because "that would be personal" and "there are lines you don't cross." He explained "soccer is soccer" and "I don't make things personal, I don't cross that line."

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c. **Whisler's Observations**

Whisler heard Dames make a comment about [redacted] about being "trailer trash," but explained "that was their joke." Even so, Whisler put a stop to the joke, explaining to Dames "how that comes off."

Whisler never heard Dames make a comment about whether a player's inability to communicate would make them a good mother. His reaction to hearing the allegations was "ouch," but "it's not shocking."

6. **Racially Inappropriate Remarks**

a. **Players' Observations**

Some players described instances of Dames making inappropriate comments about race, although they all agreed that Dames has gotten better over time about making these types of inappropriate comments:

[redacted] gave an example of Dames referring to black players as "thugs" and one black player in particular as [redacted] "bodyguard." [redacted] also described how Dames made a joke about an Asian player, then said it was not racist because his wife is Asian. [redacted] said she would confront Dames when he made racially insensitive remarks toward her teammates and would have to explain why his statement was inappropriate. Dames would respond that he did not mean anything by it, that it was not racist, but sometimes he would apologize.

[redacted] described how she felt Dames made a racial slur toward [redacted] when he described her as acting like a gang member after a game in which [redacted] played aggressively.

[redacted] gave an example of Dames asking a Puerto Rican player if her family had their green cards. [redacted] also said that over time, Dames has gotten better about making inappropriate jokes, but made inappropriate jokes about race a few years back.

[redacted], and [redacted] said that they never heard Dames make any inappropriate comments about race.

b. **Dames' Response**

Dames acknowledged describing a black player, [redacted], as a thug. He explained that [redacted] was a very physical player, who "liked to tackle and get in on people." Dames said that he was not the one who first used the characterization, but he did use it solely because of [redacted] characteristics on the field. Dames adamantly denied that he described [redacted] as a "thug" because she was black, stating that the comment had "nothing to do with who she was as a person or the color of her skin."

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Dames was specifically asked whether he asked a Puerto Rican player whether her family had green cards. Dames denied doing so. Dames denied that there was ever a Puerto Rican player on CRS and Dames denied ever making jokes about green cards.

c. **Whisler's Observations**

Whisler denied hearing Dames every make any racially inappropriate remarks. With respect to Dames' comment about [redacted] being a thug, Whisler said that [redacted] first used the term herself, to describe herself on social media.

Whisler described himself as being highly conscious of and opposed to any form of discrimination and said he has not had any reason to believe Dames makes racist remarks.

7. **Inappropriate Sharing of Personal Information**

a. **Players' Observations**

[redacted] had a concern that Dames inappropriately shared personal information about another player, [redacted], namely, that she had been dating [redacted] believed that [redacted] and /or [redacted] disclosed the relationship to Dames, because it was a violation of team rules, and that Dames made them break up. According to [redacted], during a meal at Cheesecake Factory with "the favorites" during the 2018 season, Dames shared this information with [redacted] and another player. One of those players messaged [redacted] and asked her if it was true. [redacted] did not know what she was talking about, but eventually learned that Dames was the source of the information.

[redacted] also said that sometimes Dames would share too much information about himself, for example, the fact that he had a rough childhood. [redacted] Dames took her and [redacted] a CRS teammate who also played for [redacted], on a "bonding trip." Dames drove [redacted] in his car to show them where he grew up. Dames had a difficult childhood [redacted] felt that Dames was trying to connect with them by sharing it and providing a message that "you can overcome." [redacted] said that [redacted] "thought it was fucking weird."

b. **Dames' Response**

Dames denied the allegation that he inappropriately shared personal information about a relationship between [redacted]. Dames explained that he was falsely accused of sharing this information by [redacted] when it was [redacted] that spread the information.

Dames explained that two days before the start of the [redacted] preseason, [redacted], came to him and told him that in the offseason, he and [redacted] had "hung out." Dames asked if [redacted] were currently in a relationship. [redacted] said,

"no," and Dames responded that it "needs to stay that way." Dames informed Whisler of the disclosure but no one else.

Dames said that [redacted] "decided" that at one of the Cheesecake Factory outings, he had told players that [redacted] had a relationship. Dames said this is "not true" and that [redacted] "does not know what I know." Nonetheless, according to Dames, [redacted] went to [redacted] and told her that Dames was telling her teammates that [redacted] were having a relationship.

CRS played [redacted], the following week. Dames described [redacted] and [redacted] very close. Dames [redacted] hugged after the game. According to Dames, [redacted] was filling him in on how things were going at [redacted]. As part of their conversation, [redacted] asked Dames how he felt about [redacted] and [redacted] having a relationship. Dames asked [redacted] how she heard about the relationship. According to Dames, [redacted] said that "[redacted] had to tell someone, so she told me."

[redacted] and Dames talked. [redacted] confirmed she had told [redacted] about the relationship with [redacted]. Dames told [redacted] that [redacted] had brought the relationship up to him. Dames suggested that [redacted] speak [redacted] about how the information about the relationship got out. According to Dames, [redacted] realized it [redacted], not him, who spread the information. Dames stressed, "I never told any player on the team, never." Dames said that after their conversation, "[redacted] got right with the team" and had a "great season." [redacted] was "moved on" because he was "not qualified." Dames concluded that, [redacted] "started this spiral."

c. **Whisler's Observations**

Whisler said [redacted] showed up in his office early in the season, "devastated, in tears," telling Whisler she had to leave the team. Whisler asked her what was going on. [redacted] asked if Whisler knew about [redacted]. Whisler said that Dames told him about it and that Dames had told [redacted] it could not continue. [redacted] confirmed that the relationship was over, but told Whisler that Dames was telling people about the relationship. Whisler told [redacted] everything was fine and that she did not have to leave the team.

8. **Comments on personal appearance**

a. **Players' Observations**

Some players described instances of Dames making inappropriate comments about the personal appearance of players:

[redacted] said that Dames has commented on her attractiveness, stating that when her son gets older, "all of his friends will want to sleep over at your house."

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[redacted] said that Dames made inappropriate comments to [redacted], including comments about how she looks.

[redacted] said that Dames sometimes makes statements that "insinuate he thinks we are attractive." [redacted] also described an instance where Dames inappropriately made a remark about a pimple on her face.

[redacted] she has witnessed Dames making inappropriate comments based on players' personal appearance, e.g., weight. [redacted] believes that Dames has "cooled off massively" since he had a daughter.

On the other hand, [redacted] and [redacted] said they never witnessed Dames making an inappropriate comment about a player's personal appearance.

b. **Dames' Response**

Dames said he has "never randomly walked up to a person and commented on their weight" and has "never told a player that they needed to gain weight or lose weight." Dames said that his only conversations with players about weight relate to performance. Dames explained that players have an ideal playing weight, usually within a three to four-pound range. Dames explained that playing weight is an issue because it is a tradeoff between strength and mobility. Dames said that he thinks he has had at most four conversations with players over the years "about what weight maximizes their abilities." According to Dames, another coach has been in the room for those conversations, either [redacted]. Now, conversations about playing weight are handled by [redacted]' performance coach, [redacted].

Dames denied ever making comments about players having pimples or acne on their face.

c. **Whisler's Observations**

Other than the [redacted] text message incident described below, which Whisler did not believe was inappropriate, Whisler was unaware of Dames making any inappropriate comments to players about their personal appearance.

9. **Inappropriate Text Messaging**

a. **Players' Observations**

Some players had concerns about the timing, volume, and/or content of text messages from Dames.

[redacted] said that Dames texts players all the time, including late at night. [redacted] also described how Dames would inappropriately provide her with feedback by late night text messages. She said she has screenshots of text messages from Dames at 11:30 p.m. saying

things like "I am very disappointed in you and I had to let you know because it was bothering me and I could not sleep." felt that this behavior "wasn't fair and wasn't professional" and would have preferred that Dames call a meeting with her to provide her with constructive criticism.

said that Dames "texts a lot," but had no issue with the content. She described it as, "the same thing as the yelling: the quantity may be excessive, but the substance is fine." said the content of Dames' text messages is always about soccer and that she had no concerns about his text messages crossing professional boundaries.

also said Dames has never sent her an inappropriate text message, although "his timing could be a bit different." According to , Dames sends late night text messages that do not bother , but said may bother other players.

had a concern about a text messages Dames sent to , although did not share her concern. According to , she saw a text from Dames to commenting on how nice she looked at a formal event they had all attended the night before. explained the situation that occurred in the late summer of 2018. Five players had an appearance where they went to dinner with one of CRS' sponsors. At the end of the dinner, did not get to say goodnight to Dames. Later that evening, Dames texted her a message to the effect of "you looked nice tonight, could you please watch these film clips?" said that another player asked her whether Dames had sent her a text message about her appearance and her response was that she "laughed about it" and "never questioned why he said that." After that, word traveled, another player found out, and told a third player that felt uncomfortable, when she never said that. reiterated, "I never said that" and "if I felt a certain way, I would have said something to Rory." She added, "I read [the text] and didn't think anything about it" and watched the film clip.

was aware that "someone" reported that Dames made an inappropriate remark about , but was adamant that "it never happened."

also described an issue she had with Dames' texting tactics. said they caught Dames sending the same text message to 10 different players (as opposed to a group text). said he was trying to gauge the different reactions he got from the players, but they found out what he was doing when "one time got the same messages and their names were switched." said that she has stopped answering Dames' texts, concluding that "whatever answers he is looking for he will get from other people."

On the other hand, said that she never received a text from Dames that made her uncomfortable. said, for example, she exchanges text messages with Dames about non-soccer topics like the , the , his daughter and her . She knows Dames texts with other players, but said she does not know the nature of those texts. expressed her belief that things like exchanging text messages "are a two way street,"

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"everyone is an adult," and people can respond or not respond to text messages on their own terms.

[redacted] denied ever receiving inappropriate text messages from Dames.

b. **Dames' Response**

Dames views his text messaging as him adapting to how the current generation of players prefers to communicate. Dames said that the players preference that he text message and then the players "can respond when they want to respond."

Dames was very familiar with the allegation that he sent [redacted] a text messages. He explained that he, his wife, and a group of players went to a fundraiser together. Dames said that "with my wife sitting next to me at a fundraiser I texted that they all looked nice on the other side of the table and cleaned up nice."

c. **Whisler's Observations**

Whisler was aware of the text message Dames sent to [redacted] that she looked nice. According to Whisler, Dames sent the text message with his wife sitting right next to him. Whisler described this text as "so harmless," explaining that [redacted] is "like a kid to him. "

10. **Retaliation**

a. **Players' Observations**

[redacted] expressed concern about being retaliated against for bringing her concerns about Dames to the attention of U.S. Soccer. Her concern was not based on any current issues or conduct, but rather what she believes are two past instance of retaliation by Dames, and one by the CRS organization.

First, [redacted] felt retaliated against for reporting Dames behavior to Sunil Gulati, who at the time was the President of U.S. Soccer. [redacted] made the report during a conference call among U.S. WNT players who were playing on NWSL teams. The call was provided for by their collective bargaining agreement for the purpose of discussing the environment for players and improvements that needed to be made.

When it was her turn to speak, [redacted] said she described CRS as a "hostile work environment" and gave examples of things Dames had said using notes she had taken during the season. Gulati and [redacted] had an individual meeting afterwards to discuss her concerns. U.S. Soccer made a report to Whisler, who in turn addressed the issues with Dames.

[redacted] said that as a result, she noticed improvements in Dames' language, behavior, and professionalism. However, [redacted] felt retaliated against for making the report. [redacted] said that Dames clearly knew that she had made the report because [redacted]

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[redacted] said Dames started making back-handed remarks to [redacted], quoting things she had said in the report. Dames also talked a lot about loyalty and how he was trying to build a family. Dames eventually disclosed that he had seen the report and knew [redacted] was the one who reported him. [redacted] said that Dames did not cut her playing time or try to embarrass her, but that she felt an "ever present threat" and felt that Dames was sending her a message not to make a report again, and not go over his head if she wanted something to be different.

Second, [redacted] described how when another player reported Dames, Dames retaliated against the entire team. According to [redacted], in 2017, a CRS player made a report to the PA about a per diem not being paid and the travel schedule not being published in a timely fashion. Dames pulled [redacted] aside and asked which player made the report. [redacted] did not know because she was away from the team at the time [redacted]. According to [redacted], Dames viewed the report as a breach of trust and betrayal. [redacted] said Dames called a team meeting and took away the player's privilege of being able to stay overnight with loved ones after away games, despite the fact that many players had already booked their travel for the rest of the season.

[redacted] said CRS proceeded to trade her to a team they knew she did not want to play for.

Even though she decided to come forward, [redacted] said she remains "very, very concerned about retaliation." She concluded that, "I have come to the place where I expect the worst, but that this is the right thing to do." [redacted] expressed her concern that if there is an investigation, it will just make things worse because it Dames finds out, there will be consequences for the entire team. [redacted] stated, "I don't want to make things worse" but expressed her belief that it is "hard to imagine" Dames changing.

[redacted] also expressed concern about backlash once Dames learns of the external review. When asked whether any of the coaches might be willing to share information, [redacted] said that "people are scared of him."

One former player, [redacted], declined to participate in an interview based on her concerns about retaliation in the soccer community.

On the other hand, [redacted] said she was not aware of any instances in which Dames retaliated against players who reported misconduct.

[redacted] also said she has not witnessed any retaliation by Dames relating to players reporting him, even though she knows a report was made about his text message to [redacted].

b. **Dames' Response**

Dames said he was unaware of any prior complaints to U.S. Soccer about him. Dames recalled that U.S. Soccer conducted a survey of the national team players who were playing in the NWSL at the end of their first season. [redacted] told Dames that they gave the survey for [redacted] to fill out. According to Dames, [redacted] had joined CRS half way through the season from [redacted] and "didn't want to be there." Dames said [redacted] "was rather unfair" and described it as a "hostile work environment." Dames said that he and [redacted] went over the survey the following year, after which [redacted] came to the forefront as a leader of the team.

It appears that [redacted] and Dames are referring to the survey by Gulati, but remember the details differently. Regardless of whether it was written or verbal, it was Dames' recollection that he openly discussed the results with [redacted]

According to Dames, [redacted] said in her exit interview that "we have made huge strides" and that "every year it got better" and that CRS was continuing to improve. After she left, Dames received a text from [redacted] stating that she had no regrets, no bad feelings, felt she had improved as a player, and was thankful for her time at CRS.

Dames recalled one of the players making a complaint to the Players Association about per diems not being passed out at their airport. The players had to buy their own meals because Dames admitted he got to the airport late and was unable to get the money ahead of time. Dames denied retaliating against the players for reporting the issue and described the allegation as "another [redacted] thing." Dames said that after this incident, he resigned from doing per diems.

Dames specifically denied preventing players from spending time with their loved ones. He specifically denied taking away family time as punishment. He said, "if anything, it's the opposite" and he has been "accused of being too loose" about giving players time off. He said, "I let people go home all the time." Dames gave an example of how he let the team take

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the prior week off because they "needed to get away and refresh and recharge." He added, "family is important."

c. **Whisler's Observations**

Whisler recalled that in 2015, however, CRS got "dinged" in a survey conducted by U.S. Soccer of national team players playing in the league. Whisler recalled that part of the issue was their practice facility, so they moved.

Whisler was aware of reports to the Players Association. He recalled one complaint about a per diem issue and another complaint by [redacted] about the team not taking 18 players on travel trips, despite the fact that it was not a league rule at the time.

Whisler was unaware of any retaliation by Dunnes based on those reports.

[redacted]

Whisler said when he was notified of the incident, he talked to [redacted] and [redacted], who explained what happened and that they went on the field with the assistance of the security staff. Whisler explained to them that it was a critical time in CRS's relationship with [redacted], and asked the players to write apology notes to President and General Manager Nelson Rodríguez and Senior Vice President Mike Ernst saying that it was inappropriate, apologizing, and assuring them it would not happen again. [redacted] wrote the notes and Whisler said everything was fine. Whisler said that Rodriguez and Ernst got back to him, appreciated the gesture, there were no hard feelings and "it went away."

Whisler described his handling of the situation as a "proud moment for me," because no one knew about it. I took the CD of the security cameras that showed [redacted] and [redacted] on the field and put it in the safe in his office so that no one could ever see it. Whisler said that "[redacted] was horrified" and "that was the moment where I think she thought we didn't like her or need her or want her" even though from Whisler's perspective, it was "no big deal" and was "just Nelson wanting to put a marker in to use later at a time when we were fighting over the stadium. Nonetheless, Whisler thought the situation "did some damage to her" even though "I didn't tell people."

C. **Inability To Report Concerns To Whisler**

When asked whether they had reported their concerns about Dames to Whisler, four of the players with the most significant concerns did not, for various reasons, believe Whisler is willing to address those concerns. Whisler, on the other hand, felt that he was open and accessible to the players. Whisler admitted that CRS has a weak human resources (HR) function.

a. **Player Observations**

[redacted] aid that Dames and Whisler are "very close" because they "started at the beginning with each other" and there is "loyalty there." [redacted] said that Whisler does not "hear us." [redacted] said that [redacted] wrote a letter to the league complaining about Dames and Whisler did not do anything about it. [redacted] said that Whisler is cheap and is not going to get rid of Dames. In addition, [redacted] said that Whisler like so many other people, is manipulated by Dames.

[redacted] said although Whisler checked in to see how things were with the players, it was clear that Whisler "didn't want to do anything, he just wanted us to calm things down." [redacted] said that Whisler always takes Dames' side and knows Dames has a "dark side" but believes "that's what makes him a great coach."

[redacted] said she reported Dames' inappropriate behavior to Whisler. [redacted] said she used Dames' text message to [redacted] about her outfit as an example. [redacted] said that Whisler tried to justify Dames' actions and said that Dames' texting with players was only unprofessional if the players did not want Dames to text them. [redacted] characterized Whisler's response to her allegations as "the players are letting it happen." Nonetheless, Whisler told [redacted] he would speak to Dames. [redacted] said Whisler did not follow up with her, "so it was not clear it was actually handled." As a result, [redacted] reported Whisler to the league for neglect.

[redacted] said she likes Whisler, even though he is very aloof. [redacted] Whisler is a team owner for the right reasons and that he cares, but that that he "doesn't get it" and "doesn't understand what he lets happen." [redacted] believes that Whisler allows and perpetuates Dames' behavior and speculated that it might be because Dames is coaching for free or a reduced salary.

b. **Dames' Observations**

Dames said that the players have the ability and are encouraged to go to Whisler with any concerns they may have.

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c. Whisler's Response

Whisler said that, "every player that joins us has a personal relationship with me" and "knows they can come to me." Whisler said, "every player who joins us, I personally negotiate their contract" and talks to the players and their agents as part of that process. Whisler said, "at the outset, I talk to them about who we are" and "I'm very accessible" and "not a scary person to deal with." Whisler was clear that he does not interfere with "on field soccer issues" and does not "hang around the team." Nonetheless, he has "daily contact with players." He is the landlord for players who live in his apartments and, for example, players will use his Cubs tickets.

When asked whether any players have come to him with issues about Dames, Whisler said that in the last two years, he could not think of a direct complaint about Dames and, "I ask players regularly." Since Dames became head coach, Whisler has made it a practice to meet with players at the end of the season to hear their concerns. Whisler said that even as part of other, more casual discussions with players, he asks for feedback. Whisler said that generally speaking, players have complained to him about there being "not enough Rory time, not enough access, and not enough practices – they wanted more and better assistance."

When asked who else players can go to with issues, Whisler said that he tells players "go to the coaches, go to me, go to HR, or go to anyone you trust." Whisler said that for example, issues sometimes come to him through [redacted], who is the head of marketing, who is a woman some players feel comfortable approaching.

CRS does not, however, have a full-time HR person. CRS's director of operations, [redacted] who runs the stadium and game days, is also the HR lead. [redacted] is not formally trained in HR and Whisler said she can be a "hard person" and "scares people." Whisler expressed his belief that CRS' HR function it is inadequate and is looking to outsource the HR function to a third party provider.

VII. Analysis and Conclusions

A. Summary and Analysis Of Undisputed Concerns

Pepper Hamilton's review identified three concerns about Dames' treatment of CRS players that were undisputed and supported by substantial evidence. Even the players most supportive and least critical of Dames acknowledged his unpredictable behavior, his singling out of certain players for constant criticism, and his excessive yelling. Dames acknowledged these behaviors and Whisler was aware of players being singled out and Dames' yelling. These concerns cannot be dismissed, for example, as the byproduct of a player being unhappy with a trade.

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1. **Unpredictable Behavior**

All of the players interviewed supported the description of Dames' behavior as unpredictable and agreed that players did not know what treatment to expect from Dames from one day to the next. Sometimes Dames is angry and yelling, sometimes he is nice and friendly, sometimes he is harshly critical and sometimes he is highly complimentary, but Dames' mood can change quickly. Some players struggled more than others on a personal level with the unpredictability, but there was a consensus among the players that Dames' mood swings contributed to an environment that could be chaotic and dramatic.

Dames acknowledged that his mood on any given day depends on a variety of factors, including the group, their performance, and what he thinks the group will respond to. Dames rationalized his unpredictability by explaining that, "I don't know of any coach that shows up the same way every day" and "if the coach shows up every way every day, it could lead to complacency in the group and you don't want complacency."

Whisler was not aware of Dames' unpredictability and mood swings, but agreed that, if true, the behavior is concerning.

2. **Singling Certain Players Out For Constant Criticism**

All of the players interviewed agreed that certain players were singled out for constant criticism by Dames. Dames would pick on these players, consistently subjecting them to yelling and harsh criticism at practice and during games. [redacted] themselves, and were identified by their teammates, as targets of Dames' constant criticism.

Dames acknowledged that he pushes certain players more than others, and that "certain players may get more attention in a given practice or week because of their performance," but did not see it as a problem. Dames viewed his treatment of these players as motivational, stating "there are players you see things in that they have not seen in themselves" and "as a coach, your responsibility to get players to a certain level, beyond what they think they are capable of."

Whisler heard about Dames picking on particular players, focusing on them during practice, stating there is "no doubt in my mind that he will ride a player during practice." Whisler said that he knew from Dames' perspective, "he won't be hard on someone unless he thinks they have it within them to rise up" and identified [redacted] as a player who benefitted from Dames pushing her.

Dames' harsh treatment of certain players stands in stark contrast to his favoritism of others. Dames admitted to being very close to certain players, particularly those who have been with CRS for five-plus years, thinking of them "like daughters." [redacted] herself as one of Dames' favorites, acknowledged that meant she did "not experience the blunt crazy comments that others may [experience]."

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Further, Whisler confirmed that he has asked Dames to give special treatment to U.S. WNT players. Whisler has talked to Dames about "adjusting his style to super stars," explaining that, "if he wants players he wants to have, he will have to be more open to their needs on the field" and embrace their playing styles rather than trying to force them into CRS' system.

While the favoritism was not a concern for all of the CRS players interviewed, it has the effect of magnifying the hard feelings created by Dames' harsh treatment of other players.

3. **Excessive Yelling That Is Not Constructive**

All of the players interviewed described Dames yelling at players in excessive ways that involved screaming and cursing. The players said that often the yelling is not constructive. Several players felt that Dames' yelling has decreased over the years, but said that there are still instances, and recent examples, of Dames blowing up at players in ways that are extreme.

Dames acknowledged his yelling, stating "I'm loud when I feel I need to be." Dames said he will yell when "I need someone to hear me, or to make a point because group isn't good enough, or someone isn't performing." Dames did not see his yelling as a problem and, in any event, feels he has improved as a coach over the last few years. As CRS has built out its staff and provided Dames with more support, Dames feels there are less things for him to get upset about.

Whisler confirmed that Dames yells although he did think the yelling was "derisive or demeaning, it's frustration" when the team is "not following the game plan." Whisler believes Dames as a lower filter in providing feedback to players, and is a "see it, think it, say it" type of person. At the same time, Whisler believes that "there is no lack of caring" and "there is no doubt in my mind that he has improved and wants to improve more."

Whisler has counseled Dames about changing the way he manages players, particularly "because we are getting better and better players in our environment." Whisler also believes that CRS has eliminated many of the stressors that may have caused Dames to yell more.

B. **Summary and Analysis of Other Concerns**

The other then categories of player concerns identified by Pepper Hamilton were not unanimously supported. These concerns were less well-defined and supported by fewer specific and recent examples. In some instances, Dames' conduct is nonetheless concerning, while in other instances his conduct is taken out of context or blown out of proportion. The following is an analysis of the issues, roughly ranked from most to least concerning based on the examples and context provided, ending with the concerns that are too disputed to make a determination.

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1. **Personal Insults**

The two examples of behavior in the category of personal insults were concerning. The examples were of Dames questioning players' intelligence and questioning [redacted] parenting skills. Dames' rationalization of the comments about players being dumb as being a long-running joke did not justify the statements, as evidenced by the fact that some players did not find his comments funny and Whisler put an end to the joking. Dames' denial that he referenced [redacted] parenting when yelling at her was not credible, because the incident was witnessed by at least three other players. As acknowledged by Whisler, these types of comments in a professional environment are concerning.

2. **Abuse of Power**

While four players used various phrases to describe how Dames abuses his power, or wants to hold all of the power and use it over players, there was only one specific example given to illustrate this concern. The example was from CRS's 2017 pre-season trip to Portland, where the players felt confined to their hotel and unable to leave for meals on their day off because of Dames' demand that they be available within five minutes for a personal meeting or risk being cut from the team. The players' descriptions of this incident was credible, and Dames' denial that he knew the impact of his demands on the players was not. This incident is concerning, but does not necessarily support the players' broad allegations that Dames abuses his power.

3. **Failure to Maintain Professional Boundaries**

The players broadly described how Dames did not maintain professional boundaries, was too close to certain players, and tried to gather information to get close to others. These allegations were largely unsupported by specific examples and appear to either be the result of personal relationships that have soured and/or a reaction to Dames' undisputed favoritism of certain players. At the same time, however, Dames and Whisler should be concerned about, for example, the mere appearance that Dames and [redacted] have an inappropriately close relationship.

4. **Text Messaging**

Numerous players cited concerns about the volume, timing, and content of Dames' text messages, but again, there were only two specific examples. The one example – Dames' text message to [redacted] about her appearance at a formal event – was not concerning [redacted] herself and appears to have been blown out of proportion. The other example, a late night text criticizing [redacted] performance without offering constructive comments is arguably unprofessional. Dames appears to need guidance on when and how often it is appropriate to text players and the best ways to provide constructive feedback.

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5. **Comments on Personal Appearance**

The players provided very little detail about specific, inappropriate comments made by Dames about their personal appearance. At most, there appear to have been a few isolated incidents. This was not a widely-held concern, nor was it identified as a significant concern by the individuals who thought Dames made these comments to or about them.

6. **Racially Inappropriate Remarks**

The concern that Dames makes racially inappropriate remarks was not supported by recent examples. Further, the three examples of alleged inappropriate remarks, if they were made, were insensitive and perhaps thoughtless, but not made with any apparent intent. No players accused Dames of being racist, or even implied or suggested he was racist. [redacted] acknowledged that Dames has improved greatly over the last few years in terms of not making inappropriate comments.

7. **Inappropriate Sharing of Personal Information**

While a few players described their belief that Dames inappropriately shares personal information, they all appeared to be referring to the incident involving the relationship [redacted] Dames and [redacted] have sharply differing versions of events and this incident appears to have been blown out of proportion.

8. **Retaliation**

[redacted] claims of retaliation, while sincerely expressed, are contradicted. Both sides tell different stories and the true version of events is not clear. What is clear, is that there is no claim [redacted] that any retaliatory action was actually taken against her. The one claim that other players were retaliated against for a report to the PA was credibly explained by Dames.

With respect to the U.S. Soccer survey in [redacted] described a "hostile environment" at CRS, both [redacted] and Dames were unable to remember the precise details. However, Dames' recollection was that he and [redacted] discussed the results, whereas [redacted] felt that Dames implied to her that he knew and did not appreciate what he said before eventually disclosing that he was aware of the report and discussing it with her. In either event, [redacted] confirmed that Dames did not take any action against her, but that she perceived an "ever present threat."

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[redacted] claim that Dames took away family time with players in response to a player lodging a complaint with the PA was not raised by any other player and was credibly denied by Dames and Whisler. Notably, [redacted] instance where Dames took away family time with players, which is possibly the same instance, but attributed it to Dames punishing her for poor play. There is simply no consensus around this retaliation claim.

Finally, some players expressed concern about Dames retaliating against them if he learned of their participation in the external review. No reports of retaliation have been received by Pepper Hamilton or U.S. Soccer form players since this external review began, although players have been encouraged to make such reports and provided with points of at Pepper Hamilton and U.S. Soccer.

9. **Mistreatment of [redacted]**

It is undisputed that [redacted] was one of the victims of Dames' constant criticism, yelling, and unpredictable behavior. However, [redacted] belief that Dames' mistreatment of her related to issues Dames had with her boyfriend lacks substantiation. Dames and Whisler offered credible explanations of why and how the situation with her boyfriend acting as photographer was handled the way it was. Moreover, Dames and Whisler added context surrounding the situation with [redacted] in the [redacted] preseason, including their perceptions of [redacted] conduct on and off the field, that stood in sharp contrast to her version of events, To be clear, even if their description of [redacted] conduct was credible, it did not justify Dames' undisputed misconduct toward her. However, it does call into question [redacted] assessment of Dames' motivation.

10. **Use of Personal Information Against Players**

Several players described Dames using personal information against players, in those words, but struggled to articulate what they meant by this allegation and to provide specific examples. The phrase "using personal information against you" appears to be a catch-all phrase used by players to capture conduct by Dames that was perceived as being mean toward players on a personal level (e.g., Dames asking [redacted] for a one-on-one meeting when he saw her getting in an Uber to go visit her boyfriend, sabotaging [redacted] visit with her family, banning [redacted] boyfriend from taking photographs at games). While Dames offered satisfactory explanations for some of the handful specific examples given, these explanations were and are unlikely to have much significance to the players who provided the examples, because these were the players who identified themselves (and were identified by others) as victims of harsh treatment by Dames [redacted] In other words, Dames' actions which might have otherwise been susceptible to legitimate explanation or for which he might have been given the benefit of the doubt, take on a new meaning to those who already feel victimized by him. Nonetheless, it is hard to make a finding of misconduct based on what was a relatively amorphous allegation.

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C. **Conclusions**

The question, at the end of the day, is whether Dames' conduct is acceptable from a head coach in the NWSL. This question, however, exposes the single biggest issue identified by Pepper Hamilton's external review: there is no definition of what constitutes misconduct by NWSL coaches. The SafeSport Code articulates in detail what constitutes, for example, emotional misconduct, but it is not applicable to NWSL coaches.

Whisler shared this concern, describing what he views as a lack of "signposts and guidelines" for NWSL coaches. Whisler said he wants to be able to identify to Dames the behaviors he can never engage in as a women's coach at the highest level, stating "I would love the prescription." Whisler believes that there needs to be clearly established boundaries, a delineation of what is acceptable and unacceptable, and coaches need to be educated.

With respect to whether Dames' behavior is acceptable from a head coach, there are many competing considerations. Dames has unpredictable behavior, singles out certain players for constant criticism, and yells excessively. These behaviors undisputedly occurred and are still occurring.

Beyond the undisputed behaviors, there are a significant volume of other concerns shared by some, but not all, players. Each of these issues could potentially require their own mini-review to sort out the conflicting versions of events. The larger point is that if the environment at CRS was different, and were perceived as one of mutual respect and professionalism, these issues would likely not be issues. Dames' undisputed mistreatment of players in certain respects has magnified many other concerns that would not otherwise warranted reporting or even discussion.

On the other hand, Whisler and many players agree that Dames has made great strides in the last few years and improved tremendously as a coach. Several players pointed out that Dames now yells less and described how the environment at CRS is now much better. Of course, it cannot be ignored that the departure of Dames' two harshest critics [redacted] and two undisputed victims ([redacted] likely contributed to this result. At the same time, however, it cannot be ignored that both Dames and Whisler reported that [redacted] have expressed a desire (unconfirmed by [redacted] themselves) to return to the NWSL.

Another significant factor is that Whisler, as an owner, has demonstrated a commitment to continuous improvement of the player experience, as well as an intolerance for abusive and insensitive behaviors. Whisler has demonstrated a willingness to counsel Dames and shut down offensive conduct. Whisler has also taken demonstrable steps toward eliminating the stressors that may have contributed to Dames' bad behaviors, including hiring qualified assistant coaches so that Dames does not have to do everything himself.

The only result that is clearly called for by this external review is the establishment of standards for conduct by NWSL coaches and education on those standards, to

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resolve any uncertainty going forward. Players should also be made aware of what they can expect from their coaches and educated on their options for reporting misconduct. This is particularly the case given that at least two players disagreed with concerns about Dames' conduct because they experienced far harsher treatment elsewhere in the NWSL.

Finally, this external review did not identify evidence that Dames' conduct, whether disputed or undisputed, was motivated by gender discrimination. Nonetheless, we may want to consider a further legal analysis of whether the facts found as part of this external review could plausibly state a claim for discrimination under Title VII on the basis of a hostile work environment. Given [redacted] used this phrase in her interview, an analysis of whether Dames' conduct poses a legal risk of liability could further inform the decision-making process.

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