

PRESS RELEASE – July 8, 2021

Today, 8 former basketball players on the Lenoir-Rhyne University womens' basketball team and the former team manager filed a lawsuit in Superior Court in Charlotte, North Carolina seeking at least 26 Million Dollars in damages against Lenoir-Rhyne University, women's basketball coach Graham Smith and University President Frederick Whitt.

These female student athletes allege in the lawsuit that after the deaths of George Floyd and Breonna Taylor, they participated and spoke out against racism and for social justice during a Symposium spearheaded by player Laney Fox and participated in by the University's Athletic Director, Provost and Director of Diversity and Inclusion and the entire womens' basketball team.

Laney Fox and team manager Fatou Sall later initiated a symposium for the entire Lenoir-Rhyne University Community dealing with racism and social justice. The women contend that after these events, womens basketball coach Graham Smith retaliated against them by kicking them off the womens' basketball team and thus damaging their college basketball careers. University President Frederick Whitt was also sued by Laney Fox for publishing allegedly defamatory statements about her to the Lenoir-Rhyne Campus Community.

NORTH CAROLINA )  
MECKLENBURG COUNTY )

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS 10876

2021 JUL -8 A 10:48

MECKLENBURG CO. CLERK

LANEY FOX, NAKIA HOOKS, ASHLEY  
WOODROFFE, MICHAELA DIXON,  
SYDNEY WILSON, TAMERAH BROWN,  
KENNEDY WEIGT, KORBIN TIPTON and  
FATOU SALL,

Plaintiffs,

vs.

LENOIR-RHYNE UNIVERSITY, GRAHM  
SMITH and FRÉDERICK WHITT,

Defendants.

**COMPLAINT**

INTRODUCTION

On May 25, 2020 George Floyd was murdered in Minneapolis, Minnesota by police officer Derek Chauvin, who knelt on the neck of Mr. Floyd for 9 minutes and 29 seconds, while Mr. Floyd was lying face down on the pavement. On April 20, 2021, a jury in Minneapolis found Chauvin guilty on charges of second-degree murder, third degree murder and involuntary manslaughter.

On March 13, 2020, Breonna Taylor was shot to death in her home in Louisville, Kentucky by metro police officers.

In July of 2020, the Atlantic Coast Conference announced the formation of the Committee for Racial and Social Justice, operating under the moniker of "CORE" – Champions of Racial Equity – the

committee's vision is to lead in college athletics by promoting and instilling racial and social justice, and equity, for all (The ACC.com July 14, 2020).

Trevor Lawrence, star quarterback at Clemson, was quoted in the NewYorkPost.com on September 7, 2020 as follows:

*"Over the course of the past year, our community has witnessed some of the most atrocious racial injustices against countless black and African-American people," the statement said. "Too many have fallen victim to racial injustice and systemic inequities. Enough is Enough. Real change must come. As we return to our respective campuses, and most of us suit up in pads for the 2020 college football season, we realize the power we have to enact this change. We, the players, have a voice, and we will use it to drive out injustice, improve our communities and inspire the future generations."*

Roy Williams, legendary basketball coach for the University of North Carolina at Chapel Hill told Sports Illustrated (si.com) on May 30, 2020:

*"The people of Minneapolis and others around the country who are peacefully protesting injustice have my complete support. What happened to George Floyd and has happened elsewhere is a tragedy and is something that we can no longer tolerate as a country. I feel for the families that have lost their loved ones. It is unacceptable what is happening to our own citizens and needs to change immediately. But we have to come together. Deal with the problems and heal as one people."*

Sam Howell, quarterback at UNC-CH also told si.com on May 30<sup>th</sup>:

*"The recent events that have taken place in our country are truly sickening. As a white man, I will never know what it's like to be Black in this country. However, I will stand with my brothers and I will stand with my sisters. The Racial Injustice is clear and I am praying that God changes the hearts of those who are still trying to justify what is happening. I pray that no matter what color your skin is, you see the wrong that is happening in our country and that you are willing to use your voice and do what you can to stand up for the Black community. A lot of the people I call my best-friends are Black and they are some of the most amazing people I have ever met. Some of the most influential people in my life have had black skin and I would not be where I am without them. We cannot let harmful stereotypes tear us apart any longer. I pray that our nation can see beyond color and see people for who they really are. God bless you all and God bless this country."*

Students returned to Lenoir-Rhyne University for the Fall 2020 semester in August of 2020. In early September, Plaintiff Laney Fox spearheaded a Symposium to discuss George Floyd and Breonna

Taylor and the protests against racism and for social justice that had occurred throughout the United States during the summer of 2020. This Symposium was only for the players on the Lenoir-Rhyne Women's Basketball team. Assistant Provost Amy Wood, Athletic Director Kim Pate and Director of Diversity and Inclusion Emma Sellers were involved in leading the Symposium. Head Women's Basketball Coach Graham Smith and the Assistant Coaches were also present. The players were required to hand over their cell phones so that all participants could feel free to voice their opinions. None of the women's basketball players would have thought in their wildest dreams that they could be subjected to retaliation, including being kicked off the women's basketball team for speaking out at the Symposium against racism and injustice.

After the Symposium ended, Head coach Graham Smith told a Caucasian student that the Black players on the Lenoir-Rhyne basketball team were overly aggressive and overly hostile based on their participation in the Symposium.

Plaintiff Laney Fox and Fatou Sall put together an event for the entire student body of Lenoir-Rhyne University called "the Talk." This event was held in a university auditorium and was live-streamed to students, faculty and the University community who were not able to attend the event in person. Graham Smith watched this event via live-streaming.

After the Symposium and "the Talk," Smith set out to retaliate against the Black players and the White players who supported the Black players and who spoke out against racism and for social justice. Smith's retaliation consisted of:

(1) Making Black players feel that they were not wanted at Lenoir-Rhyne University and/or they didn't belong at Lenoir-Rhyne University;

- (2) Kicking almost all of the African-American players off the team, many of them were some of the best players on the team;
- (3) Kicking Caucasian players off the team who supported the Black players and who spoke out against racism and for social justice, many of which were some of the best players on the team;
- (4) Taking away the scholarships of almost all of these players; and
- (5) Telling most of these players that they “did not fit into the culture” of the Lenoir-Rhyne women’s basketball program.

## PARTIES

### I.

Plaintiff Laney Fox is a resident of the City of Parkland, County of Broward, State of Florida. She graduated from Cardinal Gibbons High School in Ft. Lauderdale, Florida in 2019. She was one of the top 5 women’s basketball players in Broward County. She was named 1<sup>st</sup> Team All-County twice. She was named 2<sup>nd</sup> Team All-State for Florida.

Laney Fox is the epitome of the scholar athlete. She has a 3.87 GPA at Lenoir-Rhyne University. She was elected Vice-President of the student body at Lenoir-Rhyne toward the end of her freshman year.

In terms of basketball, she averaged a double-double (20 points, 10 rebounds) her senior year at Cardinal Gibbons. In her freshman year at Lenoir-Rhyne, she came close to breaking the University record, along with Kennedy Weigt, in a game her freshman year for 3-point shots made in a game.

Because of COVID-19, Laney decided to opt out of the 2020-2021 basketball season, which was allowed by the NCAA. She left the campus of Lenoir-Rhyne University to go home to Parkland, Florida in November of 2020.

However, after she came home to Florida, she spent hundreds of hours practicing and working out with professional basketball players in order to get ready for the 2021-2022 basketball season for Lenoir-Rhyne. During the time that she was at home in Florida, Grahm Smith asked her to assist him in recruiting prospective players to come to Lenoir-Rhyne University, and she assisted him.

## II.

Plaintiff Nakia Hooks is a resident of Auburn, Georgia. She started playing basketball in the first grade. She graduated from high school in Barrow County, Georgia where she was the All-Time leading scorer and leading rebounder at her high school. She was All-Region every year in high school. She scored approximately 1,500 points in her high school career. She was player of the year for volleyball in her home county during her senior year of high school. She received the Captain's Award and the MVP Award in her senior year in high school. She also played volleyball and received the MVP Award in that sport in her senior year in high school.

She was recruited by former Coach Cameron Sealey to play the power forward position at Lenoir-Rhyne University. During the 2020-2021 season under Coach Grahm Smith, she averaged approximately 7.5 points, 7 rebounds and played 27.4 minutes a game.

## III.

Plaintiff Ashley Woodroffe is a resident of Flowery Branch, Georgia. She began playing basketball in the 4<sup>th</sup> grade. She played point guard for Flowery Branch High School. She graduated from high school in 2019 where she was 1<sup>st</sup> Team All-State in Georgia. She was recruited to play basketball at Lenoir-Rhyne University by former head coach Cameron Sealey. During her freshman year at Lenoir-Rhyne, she started every game. During the 2020-2021 basketball season, she averaged approximately 9 points per game.

**IV.**

Plaintiff Michaela Dixon is a resident of the City of Charlotte, County of Mecklenburg, State of North Carolina. She graduated from Butler High School in 2019. She is a defensive specialist who averaged 10 rebounds a game in high school.

**V.**

Plaintiff Sydney Wilson is a resident of Henderson, Tennessee. She has played basketball since the 2<sup>nd</sup> grade. At Chester County High School, she scored over 1,000 points in her high school career. She was All-District and All-Conference. During the 2020-2021 season, she averaged playing 14-15 minutes a game up until the last 3 games at Lenoir-Rhyne.

**VI.**

Plaintiff Tamerah Brown is a resident of Sumter, South Carolina. At Sumter High School, she scored over 1,000 points in her high school career. She was recruited by former Coach Sealey.

**VII.**

Plaintiff Kennedy Weigt is a resident of Manteno, Illinois. She began playing competitive basketball in the 5<sup>th</sup> grade. She graduated from Bradley-Bourbonnais High School in 2017. She was a starter on the Lenoir-Rhyne women's basketball team for 3 years before Smith became the head coach.

**VIII.**

Plaintiff Korbin Tipton is a resident of Chatsworth, Georgia. She graduated from North Murray High School in 2020. She was a 1,000-point scorer in high school. She was also 1<sup>st</sup> Team All-Region in her Junior and Senior years. She was recruited by Graham Smith to play on the women's basketball

team at Lenoir-Rhyne University. She averaged 11 points in the games she played in at Lenoir-Rhyne during the 2020-2021 basketball season.

**IX.**

Plaintiff Fatou Sall is a resident of Raleigh, North Carolina. She graduated from Heritage High School in 2017. Thereafter, she became the manager for the Lenoir-Rhyne women's basketball team for the next four years. She was also a Resident Advisor in her dormitory at Lenoir-Rhyne.

**X.**

Defendant Lenoir-Rhyne University is a private university in Hickory, North Carolina. The University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award bachelor and master's degrees. That Lenoir-Rhyne University is also a North Carolina non-profit corporation with its principal office in Hickory, Catawba County, North Carolina.

**XI.**

That at all times, hereinafter mentioned, Defendant Graham Smith is a resident of the County of Catawba, State of North Carolina, and has been the head women's basketball coach at Lenoir-Rhyne University since 2020.

**XII.**

That at all times, hereinafter mentioned, Defendant Frederick Whitt was and is the President of Lenoir-Rhyne University and he is a resident of the County of Catawba, State of North Carolina.



FIRST CAUSE OF ACTION

*Breach of Contract*

**XIII.**

That Plaintiffs reallege the allegations in Paragraph I through XII, and incorporate them by reference herein.

**XIV.**

That all of the Plaintiffs with the exception of Fatou Sall were recruited by either Cameron Sealey or Grahm Smith to play on the women's basketball team at Lenoir-Rhyne University. That Cameron Sealey or Grahm Smith orally represented to all of the Plaintiffs with the exception of Fatou Sall that they were recruited to play basketball at Lenoir-Rhyne University for four (4) years. That the Defendant Lenoir-Rhyne University, through Cameron Sealey or Grahm Smith, represented to these student athletes that they would have athletic scholarships and would be members of the women's basketball team at Lenoir-Rhyne University for four (4) years.

Said Plaintiffs also signed written contracts with Lenoir-Rhyne University, by and through Cameron Sealey or Grahm Smith. As part of the written contracts agreed to by Plaintiffs with the exception of Fatou Sall, the Student Handbook is incorporated into the written contract. Plaintiffs all signed the student handbook. Section VIII under the heading "Student Rights and Responsibilities" recognized:

The right, individually and within university-chartered organizations, to have freedom of expression in both public and private utterances.

Fatou Sall also signed the Student Handbook.

**XV.**

That Defendant Lenoir-Rhyne University breached the oral and written contract it had with Plaintiffs when it kicked the above-mentioned women basketball players off the team, cut them from the team and cancelled their basketball scholarships. That it also breached the oral contract with basketball manager Fatou Sall by terminating her oral contract.

**XVI.**

That the oral and written contracts between Defendant Lenoir-Rhyne University and Plaintiffs were not concerned with trade and commerce with elements of profit involved. That pecuniary interest was not the dominant motivating factor in the decisions to contract. That the contracts were ones in which the benefits related directly to matters of dignity, mental concern or the sensibilities of Plaintiffs to whom the duty is owed, and which directly involved interests and emotions recognized by all as involving great probability of resulting mental anguish if not respected.

**XVII.**

That as a result of the breach of contract by Defendant Lenoir-Rhyne University, each Plaintiff suffered actual damages, including loss of athletic scholarships, room and board and past and future mental and emotional distress for a sum in excess of Twenty-Five Thousand (\$25,000.00) Dollars.

**SECOND CAUSE OF ACTION**

*Negligent Misrepresentation*

**XVIII.**

That Plaintiffs reallege the allegations in Paragraphs I through XVI, and incorporate them by reference herein.

**XIX.**

That when Plaintiffs Laney Fox, Nakia Hooks, Ashley Woodroffe, Michaela Dixon, Sydney Wilson, Tamerah Brown, Kennedy Weigt and Korbin Tipton were recruited to come to Lenoir-Rhyne University, by Cameron Sealey and Graham Smith, they represented to the above-mentioned Plaintiffs that they would have athletic scholarships and would play on the women's basketball team for four years. It was also represented through the student handbook that said Plaintiffs had freedom of expression in both public and private utterances.

**XX.**

When said Plaintiffs participated and/or spoke out against racism and for social justice in the Symposium and/or "the Talk," Defendants Graham Smith and Lenoir-Rhyne University retaliated against them by:

- (1) Making Black players feel that they were not wanted at Lenoir-Rhyne University and/or they didn't belong at Lenoir-Rhyne University;
- (2) Kicking almost all of the African-American players off the team, many of them were some of the best players on the team;
- (3) Kicking Caucasian players off the team who supported the Black players and who spoke out against racism and for social justice, many of which were some of the best players on the team;
- (4) Taking away the scholarships of almost all of these players; and
- (5) Telling most of these players that they "did not fit into the culture of the Lenoir-Rhyne women's basketball program."

**XXI.**

That said Defendants, in the course of their business and profession, misrepresented to said Plaintiffs that they would have athletic scholarships for 4 years and that they would have freedom of expression in both public and private utterances while at Lenoir-Rhyne University, and therefore said Defendants were negligent in making the above-representations to said Plaintiffs when said Defendants failed and refused to adhere to these representations.

**XXII.**

As a result of Defendants Graham Smith's, and Lenoir-Rhyne University's negligent misrepresentations, each said Plaintiff has suffered actual damages, including loss of scholarships and room and board, and mental and emotional distress, past and future, past and future loss of enjoyment of life and other damages to be proven at trial for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00).

**XXIII.**

That Lenoir-Rhyne University is liable for punitive damages in that Graham Smith, as the head basketball coach of the women's team is tantamount to being a manager of said University and he participated in the willful and wanton conduct described above. In addition, as President of Lenoir-Rhyne University, Frederick Whitt was an officer of the University and he condoned the willful and wanton conduct.

**XXIV.**

That in addition to the foregoing damages, said Plaintiffs seek punitive damages against said Defendants, in their conduct as described above was willful and wanton, and said Plaintiffs are each

entitled to recover punitive damages against said Defendants for a sum greater than Twenty-Five Thousand Dollars (\$25,000.00).

**THIRD CAUSE OF ACTION**

*Tortious Interference with Contractual Rights*

**XXV.**

Plaintiffs reallege the allegations in Paragraphs I through XVI and in Paragraphs XIX through XXI.

**XXVI.**

That Plaintiffs had valid oral contracts and/or valid written contracts with Lenoir-Rhyne University.

**XXVII.**

That Defendant Graham Smith knew of the valid oral and/or valid written contracts between Plaintiffs and Lenoir-Rhyne University, and Smith intentionally induced Lenoir-Rhyne University to terminate Plaintiffs written and/or oral contracts for personal reasons and improper motives. That Smith's improper motives involved retaliation against Plaintiffs for participating in and speaking out against racism and for social justice at the above-mentioned Symposium and/or "the Talk." Smith's conduct in inducing the termination of Plaintiffs' athletic scholarships from Lenoir-Rhyne University was based on retaliation and malicious intent against Plaintiffs. Smith did this solely with actual malice and legal malice and without legal justification; and in interfering with Plaintiffs' written and/or oral contracts with Lenoir-Rhyne University, Smith caused injury and damage to Plaintiffs.

**XXVIII.**

That Defendant Lenoir-Rhyne University ratified the above-mentioned tortious interference with contractual rights by Graham Smith against Plaintiffs. That after having full knowledge of said

tortious interference with contractual rights by Smith against Plaintiffs, Defendant Lenoir-Rhyne University ratified said misconduct by failing to terminate the employment of Smith, and by endorsing Smith's misconduct.

**XXIX.**

That the facts alleged above constitute tortious interference with contractual rights, by Defendants Smith and Lenoir-Rhyne University, against Plaintiffs. By reason of this misconduct by the above-mentioned Defendants, Plaintiffs have suffered actual damages. Plaintiffs are entitled to recover compensatory damages for loss of their athletic scholarships, room and board and past and future mental and emotional distress, and past and future loss of enjoyment of life, for an amount greater than Two Million Dollars (\$2,000,000.00) for each Plaintiff.

**XXX.**

That the facts alleged above constitute actions by Defendants Smith and Lenoir-Rhyne University which were malicious and willful and wanton and in total disregard of the rights of Plaintiffs. Said Defendants should be required to respond in punitive damages on account of their actions for a sum greater than Twenty-Five Thousand Dollars (\$25,000.00). That Graham Smith, as the head basketball coach of the women's team, is tantamount to being a manager of said University and participating in the willful and wanton conduct described above. In addition, as President of Lenoir-Rhyne University, Frederick Whitt was an officer of the University and he condoned the willful and wanton conduct.

FOURTH CAUSE OF ACTION

*Tortious Interference with Prospective Economic Advantage*

**XXXI.**

That Plaintiffs reallege the allegations in Paragraphs I through XVI, XIX through XXI, and XXVI through XXVIII, and incorporate them by reference herein.

**XXXII.**

That Plaintiffs Laney Fox, Nakia Hooks and Sydney Wilson had the intent, will, talent and desire to play professional basketball either in the WNBA or in a professional women's league in Europe. That as a result of Defendant Smith's interference with the oral and written contracts of said Plaintiffs and/or their ability to enter into future written contracts with Lenoir-Rhyne University, he maliciously induced Lenoir-Rhyne University to kick said Plaintiffs off of the Lenoir-Rhyne women's basketball team, thus greatly affecting their chances of playing in the WNBA and in a professional women's basketball league in Europe.

**XXXIII.**

That said Plaintiffs would have continued their college careers of playing on the Lenoir-Rhyne women's basketball team and their athletic scholarships would have continued at Lenoir-Rhyne University but for wrongful interference and malicious conduct by Graham Smith.

**XXXIV.**

That Defendant Smith acted without justification in inducing Lenoir-Rhyne University from keeping said Plaintiffs on the women's basketball team, terminating their athletic scholarships and keeping Lenoir-Rhyne University from entering into future written contracts with said Plaintiffs.

**XXXV.**

That Defendant Smith's inducement of Lenoir-Rhyne University to terminate said written and/or oral contracts was solely for personal reasons and improper motives. That Smith's improper motives involved retaliation against said Plaintiffs for speaking out against racism and for social justice and for participating in the above-mentioned Symposium and/or "the Talk." Smith's conduct in inducing the termination of said Plaintiffs' athletic scholarships from Lenoir-Rhyne University was based on retaliation and malicious intent against said Plaintiffs. Smith did this solely with actual malice and legal malice and without legal justification, and in interfering with said Plaintiffs' written and/or oral contracts with Lenoir-Rhyne University, Smith proximately caused injury and damage to said Plaintiffs, including significantly harming their chances of playing in the WNBA and/or in a professional women's league in Europe.

**XXXVI.**

That Defendant Lenoir-Rhyne University ratified the above-mentioned tortious interference with prospective economic advantage by Graham Smith against Plaintiffs. That after having full knowledge of said tortious interference with prospective economic advantage by Smith against said Plaintiffs, Defendant Lenoir-Rhyne University ratified said misconduct by failing to terminate the employment of Smith, and by endorsing Smith's misconduct.

**XXXVII.**

That the facts alleged above constitute tortious interference with prospective economic advantage, by Defendants Smith and Lenoir-Rhyne University against Plaintiffs. By reason of this misconduct by the above-mentioned Defendants, said Plaintiffs have suffered actual damages. Said Plaintiffs are entitled to damages for prospective economic losses for what they would have made for



having a career in the WNBA or in a professional women's basketball league in Europe, for an amount in excess of One Million Dollars (\$1,000,000.00) each.

**XXXVIII.**

That the facts alleged above constitute actions by Defendants Smith and Lenoir-Rhyne University which were malicious and willful and wanton and in total disregard of the rights of said Plaintiffs, and said Defendants should be required to respond in punitive damages on account of their actions for a sum in excess of Twenty-Five Thousand Dollars (25,000.00). That Graham Smith, as the head basketball coach of the women's team is tantamount to being a manager of said University and he participated in the willful and wanton conduct described above. In addition, as President of Lenoir-Rhyne University, Frederick Whitt was an officer of the University and he condoned the willful and wanton conduct.

**FIFTH CAUSE OF ACTION**

*Libel*

**XXXIX.**

That Plaintiff Laney Fox realleges the allegations in Paragraphs I through XVI, XIX through XXI, XXVI through XXVIII, and XXXII through XXXVI.

**XL.**

That on the 16<sup>th</sup> day of April, 2021, Plaintiff Laney Fox published an Open Letter to Lenoir-Rhyne University in which she pointed out that four of the five African-American female basketball players had been kicked off the womens' basketball team at the University and the anti-racist white players on the team had also been kicked off of the team. That on April 17, 2021, Defendants Frederick Whitt and Lenoir-Rhyne University published a letter to the Lenoir-Rhyne Campus

Community. This letter was published to hundreds of persons by Defendants Frederick Whitt and Lenoir-Rhyne University. The following false and defamatory parts of this letter were re-published on the internet and in other media to thousands of persons.

In the letter, it stated:

“Yesterday, a former student athlete posted a number of false claims on social media, including that she was dismissed from the women’s basketball team for speaking out against racism and advocating for social justice.”

The letter also stated:

“Her dismissal from the basketball team was a legitimate coaching decision, and suggestions to the contrary are simply false.”

**XLI.**

The above-mentioned statements by said Defendants were said about Plaintiff Laney Fox and were solely meant to be about Laney Fox, and were responding to Laney Fox’ letter dated April 16, 2021.

**XLII.**

That the above statements accusing Plaintiff Laney Fox of making false statements were published to third parties and were in writing, that these statements accusing Laney Fox of making false statements were false and defamatory, in that they tended to subject Laney Fox to public hatred, contempt and ridicule, or cause her to be shunned and avoided, and strongly inferred that she was a liar.

**XLIII.**

That the publication of these false and defamatory statements constitute libel per se. That this publication was made recklessly and negligently. In the alternative, the above-mentioned statements in the letter are susceptible of two interpretations one of which is defamatory, and the defamatory meaning was intended and was so understood by those to whom the publication was made.

Defendants Frederick Whitt and Lenoir-Rhyne University published these defamatory statements with actual malice in that said Defendants knew that these statements were false or they published these statements not knowing whether they were true or false.

**XLIV.**

That by reason of these false and libelous statements, Plaintiff Laney Fox has been injured in her good name and brought into public disgrace, contempt, ridicule and infamy, and she has suffered and will suffer great worry, anxiety, past and future mental and emotional distress, embarrassment and humiliation, and past and future loss of enjoyment of life all to her damage, and Laney Fox is entitled to recover compensatory damages against Defendants Frederick Whitt and Lenoir-Rhyne University for an amount greater than Five Million Dollars (\$5,000,000.00).

**XLV.**

That the publication of the above-mentioned libelous statements by Defendants Frederick Whitt and Lenoir-Rhyne University were malicious and willful and wanton and in total disregard of the rights of the Plaintiff Laney Fox, and these libelous statements were published with actual malice. That Whitt, as President of Lenoir-Rhyne University, was an officer of the non-profit corporation who participated in the conduct constituting the aggravating factor. Defendants Whitt and Lenoir-Rhyne University should be required to respond in punitive damages on account of their actions for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00)

**XLVI.**

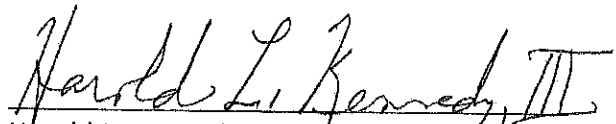
That Lenoir-Rhyne University is liable for punitive damages in that as President of the University, Frederick Whitt participated in the malicious and willful and wanton conduct.

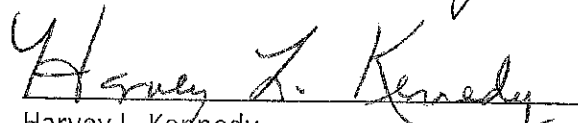
**PRAYER FOR RELIEF**

1. In the first cause of action, that each Plaintiff recover a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) in actual damages against Defendants Graham Smith and Lenoir-Rhyne University:
2. In the second cause of action, that each Plaintiff recover in actual damages for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00), and for punitive damages in an amount greater than Twenty-Five Thousand Dollars (\$25,000.00) against Defendants Graham Smith and Lenoir-Rhyne University:
3. In the third cause of action, that each Plaintiff recover a sum in excess of Two Million Dollars (\$2,000,000.00) in actual damages, and for punitive damages for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) against Defendants Graham Smith and Lenoir-Rhyne University:
4. In the fourth cause of action, that Plaintiff Laney Fox, Nakia Hooks and Sydney Wilson each recover a sum in excess of One Million Dollars (\$1,000,000.00) in actual damages, and punitive damages for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) against Defendants Graham Smith and Lenoir-Rhyne University:
5. In the fifth cause of action, that Plaintiff Laney Fox recover a sum in excess of Five Million Dollars (\$5,000,000.00) in actual damages, and punitive damages for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) against Defendants Frederick Whitt and Lenoir-Rhyne University:
6. Plaintiffs demand a trial by jury;
7. Pre-judgment interest;

8. The costs of this action; and
9. For such other and further relief as the court may deem just and proper.

This the 7th day of July, 2021

  
Harold L. Kennedy, III

  
Harvey L. Kennedy  
Attorneys for Plaintiffs

**OF COUNSEL:**

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NORTH CAROLINA )  
 )  
MECKLENBURG COUNTY )

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS \_\_\_\_\_

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FATOU SALL, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
LENOIR-RHYNE UNIVERSITY, GRAHM )  
SMITH and FREDERICK WHITT, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**PLAINTIFFS' FIRST SET OF  
INTERROGATORIES TO  
DEFENDANTS**

NOW COME Plaintiffs by and through counsel pursuant to Rules 26 and 33 of the North Carolina Rules of Civil Procedure and hereby submit Plaintiffs' First Set of Interrogatories to Defendants. Defendants are requested to submit said Answers to Interrogatories to Plaintiffs' counsel within forty-five (45) days from the date of service as follows:

**INTERROGATORIES**

1. State the name, last known home address, telephone number, current place of employment and job title of all individuals known to Defendants who have knowledge of the facts and circumstances concerning the matters alleged in the Complaint and/or Answer of this case. For each individual identified, state with specificity what knowledge or information he or she has about the matters.

**ANSWER:**

2. State the names of all players or former players of the womens' basketball team of Lenoir-Rhyne University who have made any complaints, either oral or written against any of Defendants from January 1, 2011 to the present, and for each such female player or former player of Lenoir-Rhyne University, state the name and last known home address and home telephone number of each such person; the dates of each complaint; and the disposition of each complaint.

**ANSWER:**

3. State whether Lenoir-Rhyne University has a general liability or business liability insurance policy. If so, state the name and address of the insurer; the amount of the insurance coverage; and the dates that the policy is currently in effect.

**ANSWER:**

4. State whether Lenoir-Rhyne University has an umbrella or excess coverage insurance policy. If so, please state the name and address of the insurer; the amount of insurance coverage; and the dates that the policy is currently in effect.

**ANSWER:**

5. State the names of all former coaches of Lenoir-Rhyne University who were terminated and/or asked to resign from the University from January 1, 2011 to the present. For each such person, list his or her last known home address, home telephone number, the date each employee was terminated or resigned and last known job title of each such person.

**ANSWER:**

6. For each Plaintiff, state the exact date that Graham Smith decided that each player should be kicked off the team and/or cut from the women's basketball team of Lenoir-Rhyne University.

**ANSWER:**

7. List every document, including emails and text messages regarding each of the Plaintiffs that was written about each Plaintiff from March 1, 2020 to the present by (a) Graham Smith; (b) all assistant coaches of the women's basketball team; and (c) all employees of the office of the Lenoir-Rhyne athletic director, and (d) Frederick Whitt.

**ANSWER:**

8. List all files held by Defendants regarding each Plaintiff.

**ANSWER:**



9. List all written policies of the athletic department at Lenoir-Rhyne University and said women's basketball team that would have covered Plaintiffs during 2020 and 2021.

**ANSWER:**

10. List all documents, including all emails and text messages regarding the Symposium that was held at Lenoir-Rhyne University in September of 2020 by Defendants, including their agents and employees.

**ANSWER:**

11. List all documents, including all emails and text messages regarding "the Talk" at Lenoir-Rhyne University in 2020 by Defendants, including their agents and employees.

**ANSWER:**

12. List the names of all employees of Lenoir-Rhyne University who were present at the Symposium with the women's basketball team of Lenoir-Rhyne University in September of 2020, and list all accusations by any of these employees regarding any of Plaintiffs at any time after the Symposium ended; and state in detail what was said in these discussions; and the names of all individuals involved in these discussions.

**ANSWER:**

13. List the names of all persons who Grahm Smith held discussions with in which he or others stated that any of the Plaintiffs did not fit into the culture of the Lenoir-Rhyne women's basketball program; and state the date of these discussions.

**ANSWER:**

14. List the names of all persons who Frederick Whitt talked to about Laney Fox before he wrote the letter dated April 17, 2021 accusing her of making false statements regarding the reason she was kicked off the women's basketball team and/or cut from the women's basketball team at Lenoir-Rhyne University.

**ANSWER:**

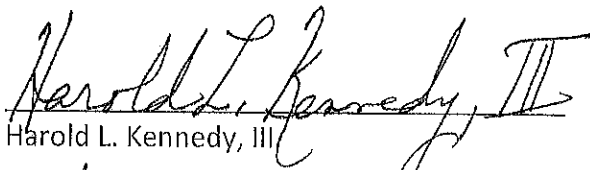
15. State the names of all individuals answering or otherwise assisting with the preparation of the Answers to these Interrogatories.

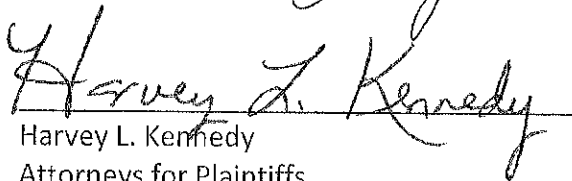
**ANSWER:**

16. List the names and last known home addresses and home telephone numbers of all persons whom Grahm Smith asked Laney Fox to help recruit for the Lenoir-Rhyne womens basketball team in 2020 and 2021.

**ANSWER:**

This the 7<sup>th</sup> day of July, 2021

  
Harold L. Kennedy, III

  
Harvey L. Kennedy  
Attorneys for Plaintiffs

**OF COUNSEL:**

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NORTH CAROLINA )  
 )  
MECKLENBURG COUNTY )

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS \_\_\_\_\_

\_\_\_\_\_  
 )  
LANEY FOX, NAKIA HOOKS, ASHLEY )  
WOODROFFE, MICHAELA DIXON, )  
SYDNEY WILSON, TAMERAH BROWN, )  
KENNEDY WEIGT, KORBIN TIPTON and )  
FATOU SALL, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
LENOIR-RHYNE UNIVERSITY, GRAHM )  
SMITH and FREDERICK WHITT, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**Plaintiffs' First Request for  
Production of Documents to  
Defendants**

NOW COME Plaintiffs, by and through counsel, pursuant to Rule 26 and 34 of the North Carolina Rules of Civil Procedure and hereby submit Plaintiffs' First Request for Production of Documents to Defendants. Defendants are requested to produce said documents to Plaintiffs' counsel within forty-five (45) days from the date of service as follows:

1. Any complaints, either written or oral, made by all players or former players of the Lenoir-Rhyne womens' basketball team about any of Defendants from January 1, 2011 to the present.
- RESPONSE:

2. Copies of all general liability and/or business liability insurance policies that were in effect in 2020-2021 for Lenoir-Rhyne University.

RESPONSE:

3. Copies of all umbrella and/or excess coverage insurance policies that were in effect for Lenoir-Rhyne University in 2020-2021.

RESPONSE:

4. All documents regarding the termination and/or resignations of all former coaches of Lenoir-Rhyne University from January 1, 2011 to the present.

RESPONSE:

5. All employment records, including the personnel file of Graham Smith at Lenoir-Rhyne University.

RESPONSE:

6. All employment records, including the personnel files of all essential coaches of the womens' basketball team who were so employed during the 2020-2021 basketball season at Lenoir-Rhyne University.

RESPONSE:

7. All documents of Defendants that have anything to do with Plaintiffs being kicked off the team and/or their scholarships taken away.

RESPONSE:

8. All documents, including emails and text messages regarding each of the Plaintiffs that was written about each Plaintiff from March 1, 2020 to the present by (a) Grahm Smith; (b) all essential coaches of the Lenoir-Rhyne womens' basketball team; (c) all employees of the Lenoir-Rhyne office of the athletic director; and (d) Frederick Whitt.

RESPONSE:

9. All written policies of the athletic department at Lenoir-Rhyne University and the women's basketball team that would have covered Plaintiffs during 2020 and 2021.

RESPONSE:

10. All files held by Defendants regarding each Plaintiff.

RESPONSE:

11. All documents, including emails and text messages regarding the Symposium held by the Lenoir-Rhyne womens' basketball team in September 2020 with the coaching staff, the A.D., provost and diversity and inclusion officer.

RESPONSE:

12. All documents, including all emails and text messages regarding "the Talk" at Lenoir-Rhyne University in 2020 by Defendants, including their agents and employees.

RESPONSE:

13. All documents, including emails, text messages and tapes where Graham Smith held discussions regarding whether Plaintiffs fit into the culture of the Lenoir-Rhyne womens basketball team.

RESPONSE:

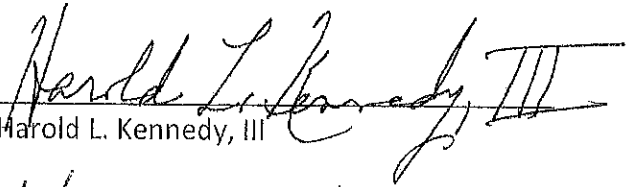
14. All documents including emails and text messages and tapes regarding what Frederick Whitt wrote in the letter dated April 17, 2021 that he published to the Lenoir-Rhyne Campus Community.

RESPONSE:

15. All Annual Financial Statements of Lenoir-Rhyne University, including total assets and total liabilities, and total revenues and retained earnings for the years of 2019 and 2020.

RESPONSE:

This the 7th day of July, 2021

  
Harold L. Kennedy, III

  
Harvey L. Kennedy  
Attorneys for Plaintiffs

**OF COUNSEL:**

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