

## Statement from Rick & Cheryl Butler

April 22, 2022

In recent years, a group of individuals have worked tirelessly to remove us from the sport we have dedicated our entire adult lives to. Our event business was completely obliterated, we have been harassed both online and in person, and we were followed and photographed in our own facility. Our customers have been openly ridiculed at events, and our business associates have been unfairly targeted. Our lives were threatened on several occasions. Eventually, we were forced to sell our home and, for the past three years, we have lived in separate states trying to save our businesses from bankruptcy.

This group of individuals carefully fabricated a public narrative that “new” accusations of sexual misconduct were made against Rick. In reality, the claims that have been circulating in the media and online are entirely related to the 1980s, and there has not been a single accusation made in over three decades. Armed with their false narrative, these individuals have used the threat of negative publicity, legal repercussions, and “cancel culture” to force hundreds of organizations to cut ties with us.

We are just beginning the process of redressing the harm inflicted on us in recent years and rebuilding what was taken from us. We’ll be releasing statements and uploading court documents so people can see both sides to this decades-long battle. While it is difficult to address the endless lies and misinformation being spread about us, we’ll start by correcting some of the most widespread falsehoods.

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**FALSE CLAIM:** Recent accusations of sexual misconduct were made against Rick which led to him being banned by USA Volleyball in 2018.

**TRUE FACTS:** USA Volleyball’s 2018 ban was entirely related to the 1980s, it involved the same individuals from the 1994-1995 proceedings, it relied heavily on hearsay and unidentified witnesses, and its proceedings were motivated by politics within the sport. In July of 2016, when Lori Okimura, the chairwoman of USA Volleyball’s Board of Directors, was questioned by a reporter about efforts to remove Rick from the sport. In response, Okimura publicly confirmed that USAV membership “would not be denied based on allegations made in the 1980s or 1990s.” Yet, just a few weeks after Okimura made these statements, USA Volleyball served Rick with a complaint seeking a lifetime ban of his membership based *entirely* on allegations from the 1980s.

USA Volleyball became desperate as it continued to be outperformed by the JVA, which we had a large role in creating. For years, USAV has used the allegations against Rick to attack its competitors, and this tactic ramped up as the JVA became more successful. It is clear from USAV’s public regional meeting minutes that USAV did not want any competition in the junior volleyball market. Rather than competing to provide quality membership benefits and events, USAV began attacking its competitors with fabricated “safety concerns” related to Rick. The “new allegations” and “new evidence” USAV used to ban Rick consisted of hearsay accusations from the 1980s made by Kay Rogness and Sarah Powers-Barnhard, who were both involved in the 1994-1995 USAV proceedings and have a well-documented history of making false accusations against Rick.

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**FALSE CLAIM:** The AAU and JVA banned Rick in 2018 for sexually abusing players he coached.

**FACTS:** The JVA and AAU have known about the allegations against Rick since the mid-1990s. Since 1995, the AAU has known about the allegations and AAU leadership repeatedly advocated for Rick to

be fully reinstated with USAV. An AAU representative stated in 1995 that the organization did not agree with USAV's ruling and sought additional reassurance that the USAV decision would not impact Rick Butler's ability to coach in AAU events. At various points since issuing its 1995 decision, USAV repeatedly assured the AAU that Rick was allowed to coach in AAU events without restriction.

The JVA and AAU recognized USAV's action as a desperate attempt to harm its competitors with fabricated "safety concerns" about Rick. After announcing its 2018 ban against Rick, USAV began publicly disparaging the AAU and JVA. It quickly became clear within the volleyball community that USAV's action against Rick was simply an act of retaliation for his role in growing USAV's greatest competitor, the JVA/AAU partnership.

Frustrated that its efforts to harm competition were proving to be ineffective, USA Volleyball took matters into its own hands. On February 5, 2018, Jamie Davis sent a letter to the leaders of AAU and JVA that referenced both organizations' refusal to ban Rick (based on allegations from the 1980s) and their continued public support of him. In the letter, Davis stated that USA Volleyball would no longer recognize the AAU as an affiliated organization.

However, USA Volleyball was concealing an important fact when Davis threatened AAU's status as an affiliated organization. USA Volleyball's Board of Directors had already voted to eliminate *all* affiliated organizations from its bylaws entirely. Removing affiliated organizations from the Bylaws allowed USAV to circumvent its own rules ensuring that those affiliated organizations would receive notice and be "entitled to due process" prior to being expelled from membership with USAV. Then, after eliminating affiliated organizations entirely, Jamie Davis carefully crafted his letter to intentionally mislead the AAU and JVA to believe that they were being singled out for having ties to Rick.

However, once the anticompetitive conduct of USA Volleyball (the sport's National Governing Body) threatened the livelihood of AAU's volleyball business, which has grown to be its second largest sport, the AAU was forced to comply with USAV's demands to ban Rick. The JVA had publicly committed to following any decision made by the AAU on the matter, so it was forced to issue its own suspension.

Internal communications between leadership of the AAU and JVA make it *clear* that these organizations did not agree with USAV's action against Rick. After USAV announced its ban in January of 2018, JVA's Executive Director publicly confirmed that Rick was still welcome in the JVA. In 2016, the executive director for the JVA wrote to the AAU about Rick, saying, "How many times and how many years later does someone have to stand accused and have to defend themselves against the same accusations? I ask for common sense. How many years does a person have to live a good life and positively impact 1,000's of lives, before people believe he is not a threat to society?"

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**FALSE CLAIM:** Rick Butler "was publicly accused in 1995 of sexually abusing and raping six underage girls he trained in the 1980s."

**FACTS:** The allegations from the 1980s have drastically changed since they were first made public. In 1994, three former players accused Rick of engaging in inappropriate sexual relationships with them during the 1980s. Sarah Powers-Barnhard, Christine Brigman, and Julie Bremner provided statements alleging that they had sexual relationships with Rick when he was their coach in 1981, 1984, and 1987, respectively. Rick's former business partner, Kay Rogness, reported to the DCFS in 1994 that she believed Rick was having sexual relationships with players at the time. The DCFS investigated the program in 1994-1995 (it was *not* tasked with investigating the allegations from the 1980s) to determine

whether Kay's claim was true. The investigator interviewed the parents and players that were on Rick's team in 1994 and received no complaints whatsoever.

No action was ever taken by DCFS to censure Rick or restrict his access to coaching junior girls or otherwise against Sports Performance as a result of the investigation. The DCFS investigator even met with Rick to let him know that there would not be any recommendations to restrict his ability to coach or supervise junior athletes. The investigator explained that he did not see an issue with Rick continuing to coach since the allegations were already 7-13 years old, there were no claims of misconduct since the 1980s, and that the investigator received no complaints during his interviews with all of the parents and players that were on Rick's team in 1994. All records of the 1994-1995 DCFS investigation were removed and destroyed by the Department in 1999.

USA Volleyball held a hearing on the allegations from the 1980s and found "there was probable cause to believe" that Rick had a physical and emotional relationship with the three former players. USA Volleyball's findings reflect the former players' accusations made to the Ethics & Eligibility Committee in 1995. The players, according to their own statements, were above the legal age of consent, and no law or rule prohibited coach-player relationships at the time. Therefore, USAV's decision was based on a bylaw prohibiting members from subjecting the organization to "public embarrassment and ridicule," because USAV did not have any bylaw prohibiting the relationships described by the former players at the hearing. USAV officials in 1995 decided that Rick could be readmitted in the organization after a period of five years had passed, so long as Rick did not engage in any sexual relationships with players he coached during those five years. After five years had passed, Rick fulfilled the terms of his conditional membership and was reinstated.

In 2016, Lori Okimura and USAV attorney Steve Smith told the media that "they did not know why Rick had been reinstated in 2000 after being barred for life in 1995," claiming that "[t]he officials involved in that decision are no longer with the organization." This is undeniably false. In fact, just nine days earlier, Okimura and Smith attended a Board of Directors meeting that involved at least *four* USA Volleyball employees who each had a critical role in the 1995 proceedings and/or Rick's reinstatement in 2000. One of those employees was Kerry Klostermann, who *approved Rick's reinstatement* in 2000, and another was Tom Pingel, who was one member of the four-person hearing committee in 1995 that issued the decision setting forth the terms for Rick's reinstatement. USA Volleyball knows why Rick was reinstated in 2000, but that story does not conform with USAV's new "safety concerns" about Rick.

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### **Our Lawsuit Against Hogshead-Makar, Champion Women, Powers-Barnhard, and DiMatteo**

Nancy Hogshead-Makar, Champion Women, Sarah Powers-Barnhard, and Deb DiMatteo have used this false narrative to target our business, and they have used the threat of negative publicity, legal repercussions, and "cancel culture" to force hundreds of organizations to cut ties with us. They sent false and misleading letters to our corporate sponsors, to clubs that attend our events, and to the facilities where we rent gym space for camps and other events. The letters threatened legal and financial harm to those organizations if they continued to do business with GLV.

Hogshead-Makar describes herself as a civil rights lawyer specializing in Sports Law and matters such as Title IX, gender equality, and sexual abuse in sports. She relies on these credentials to convince the public to accept her false statements of fact and to trust her erroneous interpretations of law. Hogshead-Makar and Champion Women exploited their authority as legal advocates to threaten organizations that did not immediately give in to her demands to cut ties with us. They repeatedly misrepresented the nature

and significance of documents and other evidence related to the allegations, and they illegally circulated confidential, expunged records which were protected by law.

For example, Champion Women has publicly declared that “[a] court found that Rick Butler wasn’t credible, pursuant to an adoption.” This is demonstrably false. We were in the process of adopting our son when the accusations from the 1980s were first made against Rick in 1994. Due to the nature of the allegations, the court ordered a separate, eight-month-long investigation that concluded in December of 1995. This was the only time that the claims from the 1980s were considered by a court of law, and it was the only time the claims were investigated by individuals with the legal expertise and experience to evaluate them under the relevant laws.

In 1995, one court-appointed investigator wrote in his report to the judge that Rick had “nothing to hide” in the adoption proceedings. His report noted that the alleged victims were “all above the age of consent” by their own accounts. The investigator concluded in 1995 that “whatever indiscretions made in the past are certainly not likely to recur” and that “the contact between Mr. Butler and the girls many years ago at which times their ages were close in age, et cetera, was ill-advised. However, **Mr. Butler did not break any criminal laws then or now.**” The adoption was approved, and the court found us to be “reputable persons with character, ability and means to rear, nurture and educate the child in a suitable and proper manner.”

The adoption investigation also included a psychiatric evaluation of Rick. The doctor’s report directly refuted the accusation that Rick is a “pedophile” or that he poses a risk to anyone. The psychiatrist concluded there is “no history of any pedophilic activity and Mr. Butler has never been charged with a sexual crime.” The psychiatrist also concluded that he found **nothing** to indicate that Rick is a sexually dangerous person.

Yet, Champion Women posted on its Facebook public page about sending over 100 letters to “the volleyball clubs surrounding Rick Butler, attaching all original source materials that confirm his pedophilia.” The letters demanded that the “Chicago-Area Volleyball Clubs” boycott GLV, withdraw from events at the Great Lakes Center, and refuse to compete against any Sports Performance teams. The letters urge these clubs to join the Defendants’ efforts to financially destroy GLV and impede Rick’s ability to coach the players in his program. Those letters threatened the clubs with “safe-sport principles” and urged them to disassociate with Rick entirely, “including his teams, his facilities, or his personnel.” Then, they began pressuring college coaches to boycott the recruitment of all players from the Sports Performance program.

The defendants’ unlawful conduct has been obsessive, unbridled, and dangerous. Over and over, Nancy Hogshead-Makar, Champion Women, Sarah Powers-Barnhard, and Deb DiMatteo used social media to embolden efforts to stalk, intimidate, and photograph us in our place of business and at other volleyball events. Sports Performance alumni, parents, and players were harassed on social media for maintaining any connection with us. The defendants led these efforts, calling Rick a “pedophile” and a rapist. Champion Women and Powers-Barnhard even posted screenshots of our players on social media to publicly shame them for associating with Rick. The comments on that post called the players “sickening,” “stupid,” and “ignorant.” Sarah Powers-Barnhard shared this post to her own page. Yet, these are the same athletes Champion Women and Powers-Barnhard claim to be protecting.

This was never about protecting athletes. Each of the defendants received personal and/or professional benefits from their participation in their scheme against us, such as free marketing for their businesses, professional advancement, notoriety in the volleyball community, growth of their junior volleyball event

business, and more. Nancy Hogshead-Makar, Champion Women, and Deb DiMatteo are now attempting to raise funds for their legal fees and are – again – perpetuating a false narrative to do so.

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### **The New York Lawsuit**

In the New York case that was recently settled, Sarah Powers-Barnhard sued us for \$90 million. Cheryl and GLV were dismissed very early in the case, after our attorney filed a motion to dismiss. Once we filed our lawsuit against Powers-Barnhard in Illinois, her attorneys in New York began trying to settle the cases. Our attorney had also filed a motion for sanctions against Sarah and her attorneys in the New York case for their discovery misconduct after they repeatedly refused to provide documents and answers to our discovery requests. On January 31, 2022, Judge Baxter granted our motion to sanction Sarah's attorneys. The sanctions granted us two depositions of Sarah, and her attorneys were required to pay for our costs related to those depositions. The judge also ordered Sarah to turn over the discovery she had been refusing to provide.

Sarah's attorneys immediately began calling our attorney about reaching a settlement. They also asked the judge to postpone his written ruling on the sanctions – they did not want written documentation of being sanctioned and were determined to reach a settlement that would avoid the sanctions from being formally entered on the record.

We agreed to attend a settlement conference with the judge to see if the case could be settled, but we did not have much reason to settle at that point. Sarah's attorneys were being sanctioned for their misconduct, we were awarded two depositions of Sarah with our costs to be paid for by her own attorneys, and Sarah was finally ordered to turn over the discovery that we had been trying to get for the last 2 years.

After a long settlement conference, we settled the lawsuit for less than what it would have cost us to go to trial. We were sued for \$90 million, and, in the end, we made a financial decision to pay \$35,000 to terminate the case. This figure was significantly less than what the legal fees, expert witnesses, and trial costs would have been for us to win at a trial. We were confident that we would win the case at trial, but it would have cost well over \$35,000 to do so.

In the end, this was a win for us. We settled a \$90 million claim for less than what our costs would have been to continue in the case. There has been a lot of false information being spread about this settlement, such as that we were "required" to pay or somehow framing this as a loss for us. To that we say - If Sarah or her attorneys thought there was any chance of them winning a \$90 million lawsuit, why would they repeatedly contact us to settle? And why would they agree to settle for such a small amount?

By settling the New York case, we were able to free up resources to start redressing the harm that has been done to us. We have only just begun this process. As we continue, we will provide additional statements, updates, court documents, and other information.

Rick & Cheryl Butler