

approval of the Settlement, directing that the Short Form Notice be disseminated to the class, and setting a hearing at which the Court will consider whether to grant final approval of the Settlement;

AND NOW, this 15th day of October, 2024, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, upon the agreement of the Parties, and after consideration of the Settlement and its exhibits,

IT IS HEREBY ORDERED that:

1. Plaintiffs' Unopposed Motion to Preliminarily Approve Class Action Settlement, Provisionally Certify the Settlement Class, Appoint Class Counsel, Approve Proposed Class Notice, and Schedule a Final Approval Hearing (ECF No. 61) is **GRANTED**.

2. Unless otherwise defined herein, defined terms used in this Order have the same meaning as defined in the Settlement Agreement.

3. The representations, agreements, terms, and conditions of the Settlement, as embodied in the Settlement Agreement and the exhibits attached thereto, are preliminarily approved pending a Final Approval Hearing on the Settlement as provided herein.

4. This Court finds that it has jurisdiction over the subject matter of this action and over all Parties to the Action.

5. Pursuant to Rule 23(e)(1)(B) of the Federal Rules of Civil Procedure, the Court finds that, subject to the Final Approval Hearing, the Settlement Agreement is within the range of possible final approval, and in the best interests of the Settlement Class Members set forth below. The Court further finds that the Settlement Agreement substantially fulfills the purposes and objectives of the class action and provides substantial relief to the Settlement Class Members

without the risks, burdens, costs, or delay associated with continued litigation, trial, and/or appeal. The Court also finds that the Settlement Agreement (a) is the result of good faith, arm's-length negotiations between experienced class action attorneys overseen by an experienced mediator, former Magistrate Judge Diane Welsh, and there is no evidence of collusion; (b) is sufficient to warrant notice of the settlement and the Final Approval Hearing to be disseminated to the Settlement Class Members; (c) meets all applicable requirements of law; and (d) is not a finding or admission of liability by the Defendant or any other person, nor a finding of the validity of any claims asserted in the Action or of any wrongdoing or any violation of law.

6. For purposes of the proposed Settlement only, the Court preliminarily finds and determines that the Action may proceed as a class action pursuant to Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure, and provisionally certifies the following Settlement Class:

All Temple undergraduate, graduate and professional students who paid their tuition and/or University Services Fee obligations from any source for the Spring 2020 Semester, enrolled in at least one in-person, on-campus class during the Spring 2020 Semester, and remained enrolled after March 16, 2020.

Excluded from the Settlement Class are: (1) any person who withdrew from Temple on or before March 16, 2020; (2) any person who was enrolled solely in a class or classes that were originally intended to be taught in an online format in the Spring 2020 Semester even before the COVID-19 pandemic; (3) any person who received a full scholarship\grants from Temple or otherwise was not obligated to make contributions, payments or third-party arrangements towards tuition or fees for the Spring 2020 Semester; (4) any Judge or Magistrate Judge presiding over these Actions and members of their families; (5) any person who properly executes and files a timely request for exclusion from the Settlement Class; and (6) the legal representatives, successors or assigns of any such excluded persons.

7. For purposes of the proposed Settlement only, the Court preliminary finds and determines, pursuant to Rules 23(a) and 23(b) of the Federal Rules of Civil Procedure, as follows: (a) the members of the Settlement Class are so numerous that their joinder in the Action would be impracticable; (b) there are questions of law and fact common to the Settlement Class, and those questions predominate over any individual questions; (c) the claims of Named Plaintiffs in the Action are typical of the claims of the Settlement Class; (d) Named Plaintiffs and Class Counsel will fairly and adequately protect the interests of the Settlement Class; and (e) a class action is superior to other available methods for fairly and efficiently adjudicating the Action.

8. For purposes of the proposed Settlement only, the Court preliminarily appoints Named Plaintiffs Brooke Ryan and Christina Fusca as Settlement Class Representatives.

9. For purposes of the proposed Settlement only, the Court preliminarily appoints the law firms of Lynch Carpenter, LLP; Poulin | Wiley | Anastopoulo, LLC; and Carpey Law, P.C. as Class Counsel to act on behalf of the Settlement Class and the Class Representatives with respect to the Settlement. The Court preliminarily authorizes Class Counsel to enter into the Settlement on behalf of the Settlement Class Representatives and the Settlement Class, and to bind them all to the duties and obligations contained therein, subject to the final approval by the Court of the Settlement.

10. The Court appoints the firm of A.B. Data, Ltd. to administer the Notice procedure and distribute the Available Settlement Fund, under the supervision of Class Counsel.

11. The Court hereby approves the establishment of the Settlement Fund. The Settlement Fund shall be governed by Sections 468B-1 through 468B-5 of the Treasury Regulations and maintained as a “qualified settlement fund.” The Parties agree to work in good

faith to maintain such status. The Court shall retain continuing jurisdiction over the Settlement Fund, pursuant to Section 468B-1(e)(1) of the Treasury Regulations.

12. Having reviewed the proposed Election Form, the proposed Short Form Notice of Proposed Class Action Settlement (“Short Form Notice”), and the proposed Long Form Notice of Proposed Settlement of Class Action Lawsuit (“Long Form Notice”), submitted by the Parties as Exhibits A, B, and C to the Settlement, the Court approves, as to form and content, such Notices.

13. Within fourteen (14) days after the entry of this Order, Temple shall produce to the Settlement Administrator a list from the University Registrar’s records that includes the names and last known email and postal addresses, to the extent available, belonging to all potential Settlement Class Members.

14. Within twenty-eight (28) days after the entry of this Order, the Settlement Administrator shall send, via email to persons listed on the Class List, the Short Form Notice substantially in the form submitted to the Court; and if an email address is not listed for a potential Settlement Class Member on the Class List, such Short Form Notice shall be sent by the Settlement Administrator to the potential Settlement Class Member’s last known mailing address via U.S. mail.

15. No later than ten (10) days after the entry of this Order, and before the issuance of the Short Form Notice, the Settlement Administrator shall establish the Settlement website, which shall include, when available, in downloadable format, the following: (i) the Short Form Notice, Election Form, and Long Form Notice; (ii) the Preliminary Approval Order (when entered); (iii) the Settlement Agreement; (iv) the Consolidated Second amended Class Action Complaint; (v) Defendant’s Answer; (vi) the Fee Petition filed by Class Counsel; (vii) the motion

for preliminary and final approval; (viii) other pertinent documents and Court filings and orders pertaining to the Settlement; (ix) contact information for the Settlement Administrator, including a Toll Free number, as well as Settlement Class Counsel; and (x) any other materials agreed upon by the Parties and/or required by the Court.

16. At least 14 days prior to the Final Approval Hearing, in connection with the motion for final approval of the Settlement, Class Counsel shall serve and file a sworn statement from the Settlement Administrator evidencing compliance with the provisions set forth above concerning the distribution of Notice to the Settlement Class.

17. The court finds and determines that (a) emailing or mailing the Short Form Notice and Election Form, (b) crating Settlement Website; and (c) posting of the Long Form Notice on the Settlement Website, all pursuant to this Order, constitute the best notice practicable under the circumstances, constitute due and sufficient notice of the matters set forth in the Notices to all persons entitled to receive such Notices, and fully satisfy the requirements of due process, Rule 23 of the Federal Rules of Civil Procedure, and all other applicable laws and rules.

18. Any person falling within the definition of the Settlement Class may, upon request, be excluded or “opt-out” from the Settlement Class. No Settlement Class Member may both opt-out of and object to the Settlement; a Settlement Class Member must decide whether to opt-out of the Settlement or to object to the Settlement.

19. Any person who desires to request exclusion from the Settlement Class must submit a written request for exclusion in the form and manner required by the Long Form Notice. Such written request for exclusion must be mailed to the Settlement Administrator such that it is postmarked no later than sixty (60) days after the issuance of the Short Form Notice (the

“Objection/Exclusion Deadline”), which date shall be included in both the Short Form Notice and the Long Form Notice.

20. A request to be excluded from the Settlement Class that is not submitted in the form and manner set forth in the Long Form Notice shall be invalid and any individual sending such request shall be deemed to remain in the Settlement Class and shall be bound as a Settlement Class Member by the Settlement, if approved by the Court. Any Settlement Class Member who properly elects to be excluded, in compliance with the requirements set forth in this Order and the Long Form Notice, shall not: (a) be bound by any orders of the Court or the Final Judgment; (b) be entitled to any payments from the Settlement Fund or Non-Cash Benefits under the Settlement; (c) gain any rights by virtue of the Settlement; or (d) be permitted to object to any aspect of the Settlement.

21. A request to be excluded from the Settlement Class must be personal. Any particular Settlement Class Member may not purport to opt other Settlement Class Member out of the Settlement Class on a class or representative basis.

22. As set forth in Settlement Agreement, Temple has the right to terminate the Settlement Agreement if the number of exclusions exceeds 3.5% of the potential Settlement Class Members.

23. Any motion for final approval of the Settlement and final certification of the Settlement Class for settlement purposes only, shall be filed by Class Counsel, in coordination with Temple’s Counsel, no later than fourteen (14) days prior to the Final Approval Hearing. The motion shall include an exhibit listing all Settlement Class Members who have validly opted out, and also attach all objections by Settlement Class Members.

24. The application for attorneys' fees and litigation expenses and incentive awards for the Settlement Class Representatives must be filed at least fourteen (14) days prior to the Objection/Exclusion Deadline. Class Counsel have agreed not to request more than \$2,300,000 in fees and not more than \$250,000 in expenses, and not more than \$5,000 in incentive awards for each of the two Settlement Class Representatives.

25. No less than one hundred twenty (120) days from the date of this Order, this Court will hold a **Final Approval Hearing** in the United States District Court for the Eastern District of Pennsylvania, Edward N. Cahn United States Courthouse, Courtroom 4B, 504 W. Hamilton Street, Allentown, PA 18101, on **Wednesday, February 26, 2025, at 9:30 a.m.**, to determine: (a) whether the Settlement should be approved as fair, reasonable, and adequate to the Settlement Class; (b) whether the proposed manner of distribution of the Available Settlement Fund should be approved as fair, reasonable, and adequate to the Settlement Class; (c) whether to approve the application of Class Counsel for a Fee Award; (d) whether to approve the payment of incentive awards to the Settlement Class Representatives; (e) whether a Final Judgment should be entered; and (f) any other matters that may properly be brought before the Court in connection with the Settlement. The Final Approval Hearing is subject to continuation or adjournment by the Court without further notice to the Settlement Class. The Settlement Administrator shall post information about the Final Approval Hearing on the Settlement website, and any interested persons should check the Settlement website for any changes to the date or time of the Final Approval Hearing.

26. Any Settlement Class Member may enter an appearance in the Action, at their own expense, individually or through counsel of their own choice. If a Settlement Class Member does not enter an appearance, they will be represented by Class Counsel.

27. Any Settlement Class Member may object to the Settlement, the manner of distribution of the Available Settlement Fund, the application for incentive awards, or the Fee Award, or may appear at the Final Approval hearing and show cause, if any, why the Settlement should not be approved as fair, reasonable, and adequate to the Settlement Class, why a Final Judgment should not be entered thereon, why the incentive awards should not be approved, or why the Fee Award should not be approved. Any such objection must be in the form and manner required by the Long Form Notice.

28. No Settlement Class Member will be heard on such matters unless they have filed no later than the Objection/Exclusion Deadline a written objection that includes: (a) the objector's name, address, and either a telephone number or email address; (b) the name and case number of this Action; (c) all grounds for the objection, including all citations to legal authority and evidence supporting the objection; (d) the name and contact information of any and all attorneys representing, advising, or in any way assisting the objector in connection with the preparation or submission of the objection; (e) a statement indicating whether the objector intends to appear at the Final Approval Hearing (either personally or through counsel who files an appearance with the Court in accordance with the Local Rules); and (f) is otherwise in the form and manner required by the Long Form Notice. Such written objections, briefs, papers, and statements must be filed with the Court, and copies must be mailed at the same time to the following counsel:

Nicholas A. Colella
LYNCH CARPENTER, LLP
1133 Penn Avenue, 5th Floor
Pittsburgh, PA 15222

-and-

Paul J. Doolittle
POULIN | WILEY | ANASTOPOULO, LLC
32 Ann Street
Charleston, SC 29403

Class Counsel

Roberta D. Liebenberg
Gerard A. Dever
Jessica D. Khan
FINE, KAPLAN AND BLACK, RPC
One South Broad Street, 23rd Floor
Philadelphia, PA 19107

Counsel for Temple

29. If a Settlement Class Member objects to the Settlement and the Settlement is nonetheless approved by the Court, then the objecting Settlement Class Member is a member of the Settlement Class and will receive their share of the Available Settlement Fund.

30. If any Settlement Class Member does not make an objection in the form and manner set forth above and in the Long Form Notice, they shall not be permitted to object to the Settlement, the incentive awards, and/or the Fee Award at the Final Approval hearing; shall be foreclosed from seeking any review of the Settlement, the incentive awards, and/or the Fee Award by appeal or other means; and shall be deemed to have waived their objection(s) and be forever barred from making any such objection(s) in the Action or any other related action or proceeding.

31. This Order shall constitute a “judicial order” within the meaning of the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g and 34 C.F.R. § 99.31(a)(9), sufficient to compel Temple to provide the “Class List” regarding Settlement Class Members (*i.e.*, directory information, as FERPA defines that term) to the Settlement Administrator in accordance with this Order.

32. Upon the Effective Date set forth in Paragraph 1.9 of the Settlement Agreement, the Releasing Parties shall have fully, finally, and forever released all Released Claims against the Released Parties, and shall forever be barred and enjoined from prosecuting any or all of the Released Claims against any of the Released Parties.

33. Upon the Effective Date set forth in Paragraph 1.9 of the Settlement Agreement, only persons who are Settlement Class Members shall have rights in the distribution of the Settlement Fund created by the Settlement, except as provided in the Settlement.

34. All funds held by the Escrow Agent shall be deemed and considered to be *in custodia legis* of the Court and shall remain subject to the jurisdiction of the Court until such time as the funds are distributed pursuant to the Settlement or further order of the Court.

Further Matters

35. All further proceedings in the Action are ordered stayed until Final Judgment or termination of the Settlement, whichever occurs earlier, except for those matters necessary to obtain and/or effectuate final approval of the Settlement.

36. Members of the Settlement Class shall be bound by all determinations and judgments concerning the Settlement and Final Judgment as to the same, whether favorable or unfavorable.

37. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement. The Court may approve the Settlement with such modifications as may be agreed by the Parties, if appropriate, without further Notice to the Settlement Class.

BY THE COURT:

/s/ John M. Gallagher _____
JOHN M. GALLAGHER
United States District Court Judge