

SUPERIOR COURT OF NEW JERSEY LAW DIVISION BERGEN COUNTY

Doval, et al., v. Fairleigh Dickinson University, Case No. BER-L-004966-20

IF YOU ARE A PERSON WHO PAID FDU SPRING 2020 SEMESTER TUITION AND FEES OR WHO BENEFITTED FROM THE PAYMENT, AND WHOSE TUITION AND FEES HAVE NOT BEEN REFUNDED, YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.

The Superior Court of New Jersey Law Division Bergen County has preliminarily approved a class action settlement that may affect your legal rights.

A court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit against Fairleigh Dickinson University (“FDU” or “Defendant”). The class action lawsuit involves whether FDU breached a contract with its students to provide physically in-person instruction and on-campus educational services for the Spring 2020 Semester by transitioning to remote learning and services environment in March 2020 without issuing tuition and fee refunds. FDU denies all allegations of wrongdoing and liability. There has been no finding of liability by any Court. However, in order to support its students and their families and to resolve the matter, but without admitting any wrongdoing, FDU has agreed to establish a Settlement Fund to resolve all claims in the Action (the “Settlement”).
- You are included if you are a person who paid FDU Spring 2020 Semester tuition and fees or who benefitted from the payment, and whose tuition and fees have not been refunded. Those included in the Settlement will be eligible to receive a *pro rata* (meaning proportional) share of the Settlement Fund, up to \$155.00, which will be based on the total out-of-pocket amount of tuition and fees paid for the Spring 2020 Semester (less any outstanding balance from the Spring 2020 term still owed to FDU).
- **TO RECEIVE PAYMENT UNDER THE SETTLEMENT, YOU MUST SUBMIT A TIMELY AND VALID CLAIM FORM.**
- **Read this notice carefully. Your rights are affected whether you act, or don’t act.**

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT | |
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| DO NOTHING | If you do nothing, you will receive no payment under the Settlement. You will also give up your rights to sue FDU about the claims in this case. |
| SUBMIT A VALID CLAIM FORM BY OCTOBER 1, 2024 | This is the only way to receive a payment under the Settlement. Claim Forms must be postmarked or received by October 1, 2024. |
| EXCLUDE YOURSELF BY JULY 12, 2024 | If you opt out of the Settlement, you will receive no benefits, but you will retain any rights you currently have to sue FDU about the |

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| | claims in this case. Any request for exclusion must be postmarked or received by July 12, 2024 . |
| OBJECT BY JULY 12, 2024 | If you wish, you may write to the Court explaining why you don't like the Settlement. Any objection must be filed and copies received by July 12, 2024 . |
| GO TO THE HEARING ON AUGUST 22, 2024 | You may ask to speak in Court about your opinion of the Settlement. Your notice of appearance must be filed and copies received by July 12, 2024 . |

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

If you received a Notice by email or mail, it is because records obtained in this case indicate that you were a student at Fairleigh Dickinson University (“FDU”) and/or you paid tuition or fees to FDU for the Spring 2020 Semester. As a result, you may be a Settlement Class Member (see Section 5 below for details).

The Honorable Mary F. Thurber of the Superior Court of New Jersey, Law Division, Bergen County, is overseeing this case. The case is called *Doval, et al., v. Fairleigh Dickinson University*, Case No. BER-L-004966-20. The people who sued are called the Plaintiffs. The Defendant is FDU.

2. What is a class action?

In a class action, one or more people called class representatives (in this case, Steven Doval, Melissa Cuello, and Ceaná Cuello) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the Class.

3. What is this lawsuit about?

This lawsuit claims that Defendant breached a contract with its students to provide physically in-person instruction and on-campus educational services for the Spring 2020 Semester by transitioning to remote learning and services environment in March 2020 without issuing tuition and fee refunds. FDU denies it violated any law or legally

enforceable commitment or promise. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiffs or FDU should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and the Class Members will get compensation and avoid the uncertainty of getting no payment if the matter proceeded to trial and a Court found FDU is not liable for the claims.

WHO'S INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

The Court decided that everyone who fits the following description is a member of the **Settlement Class**:

All people who paid FDU Spring 2020 Semester tuition and fees or who benefitted from the payment, and whose tuition and fees have not been refunded.

Excluded from the Settlement Class will be: (a) all students who were enrolled entirely in an on-line program at the beginning of the Spring 2020 Semester, (b) all students whose gift, aid or scholarship, regardless of source, equaled or exceeded the cost of tuition and fees for the Spring 2020 Semester, (c) persons who timely and properly exclude themselves from the Class as provided in the Settlement, and (d) the Court, the Court's immediate family, and Court staff.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Monetary Relief: A Settlement Fund has been created totaling \$1,500,000.00. Only Class Members who complete and submit a timely and valid Claim Form postmarked or received by **October 1, 2024** may receive monetary benefits (*see* Question 7). In addition to Class Member payments, the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees and expenses (inclusive of litigation costs), and an award to each of the Class Representatives will also come out of this fund (*see* Question 12).

A detailed description of the settlement benefits can be found in the Settlement Agreement, a copy of which is accessible on the Settlement Website by clicking [here](#).

SUBMITTING A TIMELY, VALID CLAIM FORM IS THE ONLY WAY TO GET A PAYMENT AS PART OF THIS SETTLEMENT

7. How much will my payment be?

Each Class Member who submits a valid and timely Claim Form and who does not opt out of participating in the settlement will receive a proportionate share of the Settlement Fund, in an amount not to exceed \$155.00, which will be based on the out-of-pocket amount of tuition and fees paid by or for the Class Member for the Spring 2020 Semester (less any outstanding balance from the Spring 2020 term still owed to Defendant). Out-of-Pocket Tuition and Fees is defined in Section 2.25 of the Settlement Agreement.

8. When will I get my payment?

The hearing to consider the fairness of the settlement is scheduled for August 22, 2024. If the Court approves the settlement, eligible Class Members will receive their payment within 50 days after the Effective Date of the Settlement, which is no sooner than 10 business days after the Settlement has been finally approved and/or after any appeals process is complete. The payment will be made in the form of a check and all checks will expire and become void 180 days after they are issued.

HOW TO GET BENEFITS

9. How do I get a payment?

TO BE ELIGIBLE TO RECEIVE A PAYMENT FROM THE SETTLEMENT, YOU MUST COMPLETE AND SUBMIT A TIMELY AND VALID CLAIM FORM. If you are a Class Member and you want to get a payment, you must submit a timely and valid Claim Form postmarked or received no later than **October 1, 2024**.

You can complete and submit your Claim Form online at the Settlement Website, www.fdusettlement.com. The Claim Form can be downloaded from the Settlement Website, as well. You can request a Claim Form to be sent to you by sending a written request to the Settlement Administrator by mail or by email.

MAIL: FDU Settlement Administrator, c/o RG/2 Claims Administration, P.O. Box 59479, Philadelphia, PA 19102-9479.

EMAIL: info@rg2claims.com

Your payment will come by check to the residential address on file with FDU. If you have changed addresses or are planning to change addresses prior to October 28, 2024, please click [here](#) to complete and submit a change of address form on the Settlement Website or visit www.fdusettlement.com.

IF YOU DO NOT SUBMIT A VALID CLAIM FORM BY THE DEADLINE, YOU WILL NOT RECEIVE A PAYMENT.

REMAINING IN THE SETTLEMENT

10. What am I giving up if I stay in the Class?

If the Settlement becomes final, you will give up your right to sue FDU and other Released Parties for the claims being resolved by this Settlement. The specific claims you are giving up against FDU and other Released Parties are described in the Settlement Agreement. You will be “releasing” FDU and certain of its affiliates, trustees, faculty, employees and representatives as described in Section 2.32 of the Settlement Agreement. Unless you exclude yourself (*see* Question 13), you are “releasing” the claims, regardless of whether you submit a Claim Form or not. The Settlement Agreement is available through the “court documents” link on the website www.fdusettlement.com.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 11 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

The Court has appointed Philip L. Fraietta and Alec M. Leslie of Bursor & Fisher, P.A., Antonio Vozzolo of Vozzolo LLC, and Ronald A. Marron of the Law Offices of Ronald A. Marron, APLC to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

12. How will the lawyers be paid?

The Defendant has agreed that Class Counsel’s attorneys’ fees, expenses and costs may be paid out of the Settlement Fund in an amount to be determined by the Court. The fee petition will seek no more than one-third (33.3%) of the Settlement Fund or five hundred thousand dollars (\$500,000.00), inclusive of reimbursement of their costs and expenses (not including the administrative costs of settlement or notice). Under the Settlement Agreement, any amount awarded to Class Counsel for fees, expenses and costs will be paid out of the Settlement Fund.

Class Counsel will also request an incentive award of \$5,000 each from the Settlement Fund for their services in helping to bring and resolve this case.

The amounts to be awarded as attorneys' fees, reimbursement of costs and expenses, and incentive awards must be approved by the Court.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must submit a request for exclusion postmarked or received by 11:59 p.m. EST on July 12, 2024. Requests for exclusion may be submitted by mailing or otherwise delivering a letter (or request for exclusion) stating that you want to be excluded from the *Doval, et al., v. Fairleigh Dickinson University*, Case No. BER-L-004966-20 settlement. Your letter or request for exclusion must also include your name, your address, your signature, the name and number of this case, and a statement that you wish to be excluded. If you choose to submit a request for exclusion by mail, you must mail or deliver your exclusion request, postmarked no later than July 12, 2024, to the following address:

FDU Settlement
c/o RG/2 Claims Administration
P.O. Box 59479
Philadelphia, PA 19102-9479

14. If I don't exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue FDU for the claims being resolved by this Settlement.

15. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you will not receive any payment from the Settlement Fund.

16. What information is needed from me to participate in the Settlement?

Settlement Class Members must submit a valid, timely Claim Form to receive a *pro rata* share of the Settlement Fund, in an amount up to \$155.00. FDU has provided the Settlement Administrator with a list of the Class Members and their contact information. Also, the Court has issued an order permitting FDU, under the Family Educational Rights and Privacy Act ("FERPA"), to disclose to the Settlement Administrator the Spring 2020 Semester Out-of-Pocket Tuition and Fees for each Class Member as defined in Section 2.25 of the Settlement Agreement. FDU will release that information no later than five (5) days after July 12, 2024. On or before July 12, 2024, you as a

Class Member have the option to request that the Court quash its order requiring such disclosure as to your information.

OBJECTING TO THE SETTLEMENT

17. How do I object to the Settlement?

If you are a Class Member, and you have not elected to exclude yourself from the Settlement by opting out, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the Settlement in *Doval, et al., v. Fairleigh Dickinson University*, Case No. BER-L-004966-20 and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your full name, your address, your telephone number, the basis upon which you claim to be a Class Member, the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, a statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing, the identity of any counsel who will appear at the Final Approval Hearing on your behalf, a list of any witnesses you wish to call to testify, or any documents or exhibits you or your counsel may use, at the Final Approval Hearing, the number of class actions in which you or your attorneys have filed an objection in the last five (5) years, and your signature. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption and amount of payment received. In addition to filing your objection, you must also mail or deliver a copy of your letter or brief to the Settlement Administrator, Class Counsel and Defendant's Counsel listed below, received no later than July 12, 2024.

Class Counsel will file with the Court and post on the settlement website its request for attorneys' fees by June 28, 2024.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 20), you must say so in your letter or brief. File the objection with the Court (or mail the objection to the Court) and mail a copy of the objection to the Settlement Administrator, Class Counsel and Defendant's Counsel, at the addresses below, received no later than **July 12, 2024**.

| Court | Class Counsel |
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| Clerk of the Court Superior Court of New Jersey, Law Division, Bergen County 10 Main Street Hackensack, NJ 07601 OR The Court's eCourts Civil filing system | Philip L. Fraietta Alec M. Leslie Bursor & Fisher P.A. 1330 Avenue of the Americas New York, NY 10019 |
| Settlement Administrator | Defendant's Counsel |
| FDU Settlement Administrator Attn: Objections RG/2 Claims Administration P.O. Box 59479 Philadelphia, PA 19102-9479 | Angelo Stio III Troutman, Pepper, Hamilton, Sanders, LLP 301 Carnegie Center Suite 400 Princeton, NJ 08543 |

18. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Class and thus do not want to receive any benefits from the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at 11:00 a.m. on August 22, 2024 at Superior Court of New Jersey, Law Division, Bergen County, 10 Main Street, Hackensack, New Jersey 07601. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel's request for attorneys' fees and expenses; and to consider the request for incentive awards to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check for updates by visiting the Settlement Website at www.fdusettlement.com or calling (844) 979-7303. No further notice will be provided

if the Settlement has been approved, so monitor the Settlement Website for further developments. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of the Final Approval Hearing.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

21. May I speak at the hearing?

Yes, as long as you do not exclude yourself from the Settlement, you may ask the Court for permission to speak at the Fairness Hearing. This is called making an appearance. You can also have your own lawyer appear in court and speak for you (instead of Class Counsel), but you will have to pay for the lawyer yourself.

If you want yourself or your own lawyer to participate or speak for you in the lawsuit, you must file with the Court a Notice of Appearance titled "Notice of Intent to Appear in *Doval, et al., v. Fairleigh Dickinson University*, Case No. BER-L-004966-20." It must include a statement that you or your lawyer wish to appear at the Fairness Hearing, your name, address, telephone number and signature, as well as the name and address of your lawyer, if one is appearing for you. If you submit an objection (see Question 17 above) and would like to speak about the objection at the Court's Fairness Hearing, you, both your Notice of Appearance and your letter or brief objecting to the settlement should include that information.

Your objection and/or notice of intent to appear must be filed with the Court and received at the addresses listed in Question 17 no later than **July 12, 2024**.

GETTING MORE INFORMATION

22. Where do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.fdusettlement.com. You may also write with questions to FDU Settlement, c/o RG/2 Claims Administration P.O. Box 59479, Philadelphia, PA 19102-9479. You can call the Settlement Administrator at (844) 979-7303 or Class Counsel at (646) 837-7150, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website www.fdusettlement.com.