

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

**KYLE SMITH, IBRAHIM FETAHI,
SHAWN WYNN, ARA SARDARBEGIANS,
RYAN FINK, CHRISTOPHER
HAMILTON, JOHN THOMPSON, BRETT
BONDS, JEFF FONDA, IJANAE
JACKSON, THOMAS CATLETT, and
ERIC WEINBERG; individually, and on
behalf of others similarly situated,**

Plaintiffs,

vs.

TEMPLE UNIVERSITY,

Defendant.

2:18-cv-00590-CMR

CLASS ACTION

FILED

JAN 09 2019

KATE BARKMAN, Clerk
By _____ **Dep. Clerk**

**ORDER GRANTING PLAINTIFFS' UNCONTESTED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENTS**

AND NOW, this 9th day of January, 2019, upon consideration of Plaintiffs' Uncontested Motion for Preliminary Approval of Class Action Settlements and all supporting materials, including the Parties' proposed Settlement Agreements (the "Settlement Agreements"), it is hereby **ORDERED**:

1. The Court preliminarily finds that the terms and conditions set forth in the Settlement Agreements are within the range of reasonableness for preliminary settlement approval pursuant to Fed. R. Civ. P. 23(e)(1)(B).
2. The Court finds that the Settlement Agreements resulted from good faith, arm's-length negotiations between the Parties, including a two-day in-person mediation overseen by an experienced mediator.

3. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court conditionally certifies, for settlement purposes only, the following Settlement Classes:

- a) All persons who enrolled as students in Temple's Fox School of Business and Management's Online Master of Business Administration Program between January 1, 2015 and December 7, 2018 (the "OMBA Settlement Class"); and
- b) All persons who enrolled as students in Temple's Fox School of Business and Management's Global Master of Business Administration ("GMBA"), Part-Time Master of Business Administration ("PMBA"), Online Master of Science in Human Resource Management ("HRM"), Online Master of Science in Digital Innovation in Marketing ("DIM"), Executive Master of Business Administration ("EMBA"), and Online Bachelor of Business Administration ("OBBA") Programs between January 1, 2015 and December 7, 2018 (the "Other Fox Programs Settlement Class").

4. The Court finds, for settlement purposes only, that the claims against TEMPLE meet all prerequisites for class certification under Rule 23(a) and (b) of the Federal Rules of Civil Procedure, including that:

- a. Each Settlement Class is so numerous that joinder of all members is impracticable;
- b. There are questions of law or fact common to each Settlement Class;
- c. Plaintiffs' claims are typical of the claims of Members of their respective Settlement Classes;
- d. Plaintiffs and their counsel are capable of fairly and adequately protecting the interests of the Settlement Classes;
- e. Common questions of law and fact predominate over questions affecting only individual Settlement Class Members and accordingly, each Settlement Class is sufficiently cohesive to warrant settlement by representation; and
- f. Certification of the Settlement Classes is superior to other available methods for the fair and efficient resolution of the claims of the members of the Settlement Classes.

5. For settlement purposes only, the Court appoints Plaintiffs KYLE SMITH, IBRAHIM FETAHI, SHAWN WYNN, ARA SARDARBEGIAN, RYAN FINK, CHRISTOPHER HAMILTON, JOHN THOMPSON, and BRETT BONDS as the Settlement Class representatives for the OMBA Class.

6. For settlement purposes only, the Court appoints JEFF FONDA, IJANAE JACKSON, THOMAS CATLETT and ERIC WEINBERG as the Settlement Class representatives for the Other Fox Programs Class.

7. The Court appoints Steven Bennett Blau and Shelly A. Leonard of BLAU LEONARD LAW GROUP LLC and Jason T. Brown of BROWN LLC as Co-Lead Counsel for the OMBA Class and the Other Fox Programs Class.

8. The Court appoints George Bochetto of BOCHETTO & LENTZ as counsel for the EMBA students in the Other Fox Programs Class.

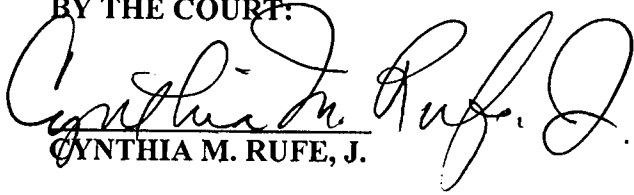
9. The Court appoints Angeion Group, LLC as the Settlement Administrator for the OMBA Class and the Other Fox Programs Class.

10. Within 45 days of entry of this Order, Co-Lead Counsel shall submit to the Court for approval a proposed form of notice; a proposed notice plan; and a proposed allocation plan. Thereafter, the Court will schedule a final approval hearing and set deadlines for the filing of a motion for final approval, a motion for attorneys' fees; expenses and class representative incentive awards, and also set deadlines for class members to object to or opt out of the settlements.

13. All proceedings in this case are stayed pending the Court's decision as to whether to grant final approval of the Settlement, except as may be necessary to implement the Settlement or comply with the terms of the Settlement Agreements.

IT IS HEREBY SO ORDERED.

BY THE COURT:



CYNTHIA M. RUFÉ, J.