

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ASHA SMITH and EMMA NEDLEY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

UNIVERSITY OF PENNSYLVANIA,

Defendant.

Case No. 2:20-cv-02086-TJS

**PLAINTIFFS' UNOPPOSED MOTION TO PRELIMINARILY APPROVE CLASS
ACTION SETTLEMENT, CERTIFY THE CLASS,
APPOINT CLASS COUNSEL, APPROVE PROPOSED
CLASS NOTICE, AND SCHEDULE A FINAL APPROVAL HEARING**

PLEASE TAKE NOTICE THAT, upon the Joint Declaration of Roy T. Willey IV and Edward W. Ciolko, sworn to on September 7, 2022, and the accompanying exhibits and memorandum of law, and upon all prior proceedings, pleadings, and filings in the above-captioned action, Named Plaintiffs Asha Smith and Emma Nedley will move this Court at the United States District Court for the Eastern District of Pennsylvania, 9614 U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106, before the Honorable Timothy J. Savage, Senior United States District Judge, for an Order under Federal Rule of Civil Procedure 23: (1) preliminarily approving the proposed Settlement on behalf of the Settlement Class Members according to the terms of the Stipulation of Settlement; (2) provisionally certifying, for purposes of the Settlement only, the following Settlement Class:

[A]ll students enrolled in any Penn program who were assessed Spring 2020 Fees, with the exception of: (i) any person who withdrew from Penn on or before March 17, 2020; (ii) any person enrolled for the Spring 2020 semester solely in a program that, at the beginning of the Spring 2020 semester, was intended to be delivered as an online program; (iii) any person who properly executes and files a proper and

timely opt-out request to be excluded from the Settlement Class; and (iv) the legal representatives, successors or assigns of any such excluded person;

(3) preliminarily appointing Named Plaintiffs Asha Smith and Emma Nedley as Settlement Class Representatives; (4) preliminarily appointing the law firms of Poulin | Willey | Anastopoulos, LLC and Lynch Carpenter, LLP as Class Counsel to act on behalf of the Settlement Class and the Settlement Class Representatives with respect to the Settlement; (5) approving the Parties' proposed settlement procedure, including approving the Parties' selection of A.B. Data, Ltd. as Settlement Administrator and approving the Parties' proposed schedule; (6) entering the proposed Order Preliminarily Approving the Proposed Settlement and Provisionally Certifying the Proposed Settlement Class, attached as Exhibit B to the Settlement Agreement, which is attached as Exhibit 1 to the Joint Declaration of Roy T. Willey IV and Edward W. Ciolko; and (7) granting such other and further relief as may be just and appropriate.

Oral argument is requested to the extent desired by the Court.

Dated: September 7, 2022

Respectfully submitted,

/s/ Edward W. Ciolko

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**Admitted *Pro Hac Vice*

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