

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**

**AUG 05 2019**

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**FINAL JUDGMENT AND ORDER OF DISMISSAL**

—  
AND NOW, this 5th day of August 2019, upon consideration of Plaintiffs' Motion for Final Approval of Class Action Settlements and Motion for Attorney's Fees, Litigation Expenses, and Class Representative Service Awards, as well as all supporting materials, and after dissemination of Notice to class members and a hearing held on August 5, 2019, it is hereby Ordered, Adjudged and Decreed and Final Judgment is entered as follows:

1. The Court has jurisdiction over the subject matter and parties to this litigation.
2. After a hearing held on January 9, 2019, this Court entered orders on January 9, 2019 and March 11, 2019 granting preliminary approval of the Settlement Agreements, certifying the Settlement Classes and directing notice to the Settlement Class Members.
3. Terms used in this Order, unless otherwise defined herein, have the same meanings in this Order as in the Settlement Agreements.

**ENT'D AUG 05 2019**

4. The Court finds that the two Settlement Classes in this litigation against TEMPLE meet all prerequisites of Rule 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure. Accordingly, the Court grants final class certification, for settlement purposes only, of 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").

5. The Court has reviewed the terms of the Settlement Agreements and finds that the terms and conditions set forth in the two Settlement Agreements, including all exhibits thereto, are fair, reasonable, and adequate under Rule 23(e)(2) of the Federal Rules of Civil Procedure. The Court notes the absence of objections by any class members. Accordingly, the Court approves the Settlement Agreements and directs the Parties to perform in accordance with their terms and conditions.

6. The Court finds that the distribution of the Notices to Settlement Class Members as set forth in the Declaration of Brian Devery (ECF No. 45-1) was in compliance with the Court's March 11, 2019 order approving proposed class notices and the notice plan, and that notice has been given in an adequate and sufficient manner; constitutes the best notice practicable under the circumstances; and satisfies Federal Rule of Civil Procedure 23 and due process.

7. Defendant has provided notice of this settlement to the appropriate federal and state officials pursuant to the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1705.

8. The Court confirms the appointment of KYLE SMITH, IBRAHIM FETAHI, SHAWN WYNN, ARA SARDARBEGIANS, RYAN FINK, CHRISTOPHER HAMILTON, JOHN THOMPSON, and BRETT BONDS as Class Representatives for the OMBA Settlement Class, and the appointment of JEFF FONDA, IJANAE JACKSON, THOMAS CATLETT, and ERIC WEINBERG as Class Representatives for the Other Fox Programs Settlement Class.

9. The Court grants incentive awards to Class Representatives as follows: \$7,500.00 for KYLE SMITH, and \$2,500.00 each for IBRAHIM FETAHI, SHAWN WYNN, ARA SARDARBEGIANS, RYAN FINK, CHRISTOPHER HAMILTON, JOHN THOMPSON, BRETT BONDS, JEFF FONDA, IJANAE JACKSON, THOMAS CATLETT, and ERIC WEINBERG.

10. The Court confirms the appointment of 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.

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

12. The Court grants attorney’s fees to Co-Lead Counsel in the amount of: (a) \$1,333,333.33 from the OMBA Class Settlement Fund; and (b) \$491,666.67 from the Other Fox Programs Settlement Fund. In addition, the Court awards litigation expenses to Co-Lead Counsel in the amount of \$28,399.77 to be borne equally by the two Class Settlement Funds.

13. This Order is the Final Judgment as defined in the Settlement Agreement.

14. The provisions of this Final Judgment are applicable to and binding upon Defendant Temple University and upon all members of the Settlement Classes, their heirs, administrators, executors, and assignees and dismiss in their entirety and with prejudice the claims of all members of the Settlement Classes against Temple University, as more fully set out in section 29 of the Settlement Agreements, without costs to any party against any other party except as otherwise provided herein.

15. The Final Judgment is intended by the parties and the Court to be *res judicata* and to prohibit and preclude any prior, concurrent or subsequent litigation, arbitration, or other proceeding brought individually, or in the name of, and/or otherwise on behalf of the Plaintiffs or members of the Settlement Classes with respect to any Released Claims, as set forth in paragraph 29 of the Settlement Agreements.

16. Plaintiffs and all members of the Settlement Classes, individually and on behalf of their heirs, administrators, executors, and assignees, are deemed to have conclusively settled and released all claims against Temple related to the conduct alleged in the Amended Complaint, as more fully set out in section 29 of the Settlement Agreements.

17. Plaintiffs and all members of the Settlement Classes, individually and on behalf of their heirs, administrators, executors, and assignees, are deemed to have covenanted not to sue, institute, or instigate any legal, equitable or administrative proceedings against Temple University for any Released Claims, as more fully set out in section 29 of the Settlement Agreements.

18. Each member of the Settlement Classes is barred and permanently enjoined from prosecuting any action in state or federal court, arbitration, or before any administrative body

against Temple University with respect to any Released Claims, as more fully set out in paragraph 29 of the Settlement Agreements.

19. The releases and covenant not to sue set forth in the Settlement Agreements and this Final Judgment do not apply to Leon Perry II, who timely opted out of the OMBA Settlement Class as set forth in paragraph 14 of the Declaration of Brian Devery (ECF No. 45-1).

20. Without affecting the finality of this Final Judgment, jurisdiction is retained by this Court only for the purpose of enabling any party to this Final Judgment to apply to the Court at any time for such further orders and directions as may be necessary and appropriate for the carrying out of this Final Judgment, including issues relating to claims distribution of the Settlement Agreements. In all other respects, this case is **DISMISSED WITH PREJUDICE**.

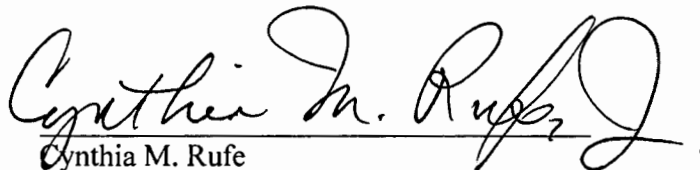
21. The Clerk of the Court is ordered to enter this Final Judgment forthwith.

22. In the event that this Final Judgment is not otherwise final and appealable, the Court finds and directs that there is no just reason for delaying enforcement or appeal and judgment should be entered.

Dated:

August 5, 2019

BY THE COURT:



Cynthia M. Rufe  
United States District Judge