

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

**JOSHUA DELLER, on behalf of himself
and all others similarly situated,**

Plaintiff,

v.

DREXEL UNIVERSITY,

Defendant.

Case No. 2:23-cv-03746-JDW

ORDER

AND NOW, this 19th day of March, 2026, upon consideration of Plaintiffs' Motion For Preliminary Approval Of Class Action Settlement, Class Certification, Appointment Of Class Counsel, Approval Of Proposed Class Notice, And Scheduling Of A Final Approval Hearing (ECF No. 45), and the accompanying Stipulation Of Settlement (ECF No. 45-3), for the reasons stated in the accompanying Memorandum, it is **ORDERED** that the Motion is **GRANTED**.

It is **FURTHER ORDERED** as follows.

1. The settlement of this Action¹ is **PRELIMINARILY APPROVED** because it appears that, at the final approval stage, I will likely be able to approve the settlement

¹ Unless otherwise defined herein, defined terms used in this Order have the same meaning as defined in the Settlement Agreement.

under the criteria described in Federal Rule of Civil Procedure 23(e)(2) and certify the settlement class under the criteria described in Rules 23(a) and 23(b)(3).

2. The following class is **PRELIMINARILY CERTIFIED**:

All enrolled students at Drexel University during the Spring 2020 term who paid any Tuition and/or Fees for that term, or who were credited with having paid the same for the Spring 2020 Term.

Excluded from the Settlement Class is any person who (1) was enrolled solely in online classes through Drexel University Online, and/or (2) whose tuition and fees were fully funded by Drexel, or (3) who properly executes and files a timely opt-out request to be excluded from the Settlement Class.

3. Plaintiff Joshua Deller is preliminarily designated and appointed as the Settlement Class Representative;

4. For purposes of the proposed Settlement only, I appoint Nicholas A. Colella of Lynch Carpenter, LLP and Michael A. Tompkins and Anthony M. Alessandro of Leeds Brown Law, P.C., as Class Counsel to act on behalf of the Settlement Class and the Settlement Class Representative with respect to the Settlement. I preliminarily authorize Class Counsel to enter into the Settlement on behalf of Mr. Deller and the Settlement Class, and to bind them all to the duties and obligations contained therein, subject to my final approval of the Settlement.

5. I appoint the claims administrator that the parties propose, RG/2 Claims Administration LLC ("Settlement Administrator"). The Settlement Administrator shall

administer the Notice procedure and distribute the Net Settlement Fund under the supervision of Class Counsel.

6. For purposes of the proposed Settlement only, I preliminary find and determine, pursuant to Federal Rules of Civil Procedure 23(a) and 23(b), as follows: (a) the members of the Settlement Class are so numerous that their joinder in this 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 Mr. Deller in the Action are typical of the claims of the Settlement Class; (d) Mr. Deller 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.

7. Pursuant to Federal Rule of Civil Procedure 23(e), I approve of the Short Form Notice and Long Form Notice (the "Settlement Notices"), attached as Exhibits A-1 and A-2, to the Settlement Agreement.

8. Within 14 days after the entry of this Order, Drexel shall produce to the Settlement Administrator a list from the University Registrar's records that includes the names and last known personal email and permanent postal addresses, to the extent available, belonging to all Potential Settlement Class Members.²

² Consistent with the requirements of the Family Educational Rights and Privacy Act, 20

9. Within 49 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.

10. No later than 49 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: (a) the Long Form Notice; (b) the Preliminary Approval order (when entered); (c) the Settlement Agreement (including all exhibits); (d) a Question and Answer section agreed to by the Parties anticipating and answering Settlement-related questions from prospective class members; (e) contact information for the Settlement Administrator, including a Toll Free number, as well as Settlement Class Counsel; and (f) any other materials agreed upon by the Parties or that I require. The Settlement Website shall allow

U.S.C. § 1232g, and associated regulations, 34 C.F.R. Part 99 (collectively, "FERPA"), Drexel may disclose directory information to the Settlement Administrator. *See* 34 C.F.R. § 99.37. This Order shall constitute a judicial order permitting disclosure of information necessary to effectuate this settlement within the meaning of FERPA, *see* 34 C.F.R. § 99.31(a)(9)(i), and the Settlement and the Court's order shall constitute specific notice of Drexel's intention to comply with this order, *see* 34 C.F.R. § 99.31(a)(9)(ii).

Settlement Class Members to provide an updated mailing address to receive a paper check, or to elect to receive their Settlement Benefit via Venmo or PayPal.

11. Prior to the Final Approval Hearing, in connection with the motion seeking 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 distribution of Notice to the Settlement Class.

12. No later than 50 days after the entry of this Order, and until the Final Approval Hearing, Drexel will inform Potential Settlement Class Members of the settlement and provide a link to the Settlement Website at www.drexel.edu.

13. I find and determine that (a) emailing or mailing the Short Form Notice, (b) establishing a Settlement Website, (c) posting of the Long Form Notice on the Settlement Website, and (d) posting a link to the Settlement Website on Drexel's 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.

14. All costs incurred in disseminating and otherwise in connection with the Settlement Notices shall be paid from the Settlement Fund.

15. Any person falling within the definition of the Potential Settlement Class may, upon request, be excluded or "opt-out" from the Settlement Class. No Potential

Settlement Class Member may both opt-out of and object to the Settlement; a Potential Settlement Class Member must decide whether to opt-out of the Settlement or to object to the Settlement.

16. 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 49 days after the issuance of the Short Form Notice (the "Objection/Exclusion Deadline"), which date shall be included in the Short Form Notice.

17. The written exclusion request must (a) include a statement requesting exclusion from the Settlement Class; (b) be personally signed by the Potential Settlement Class Member; and (c) include the Potential Settlement Class Member's names, address, telephone number, email address, and the caption for the Action.

18. If a request to be excluded from the Settlement Class does not include all of the required information, is not sent to the Settlement Administrator at the address designated in the Long Form Notice, or is not postmarked within the time specified, the request shall be invalid and the individual requesting exclusion shall be deemed to remain in the Settlement Class and shall be bound as a Settlement Class Member by any Settlement that I approve. Any Potential Settlement Class Member who properly elects to be excluded shall not (a) be bound by any orders of the Court or the Final Judgment; (b)

be entitled to relief under the Settlement; (c) gain any rights by virtue of the Settlement; or (d) be permitted to object to any aspect of the Settlement.

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

20. Drexel has the right to audit the exclusion process for evidence of fraud or error, and the Court will be the final arbiter of an exclusion's validity. As set forth in the Settlement Agreement, Drexel has the right to terminate the Settlement Agreement if the number of exclusions exceeds 3% of the Potential Settlement Class Members.

21. Any person who submits a valid and timely written request for exclusion as set forth in this Order and the Long Form Notice shall have no rights under the Settlement, shall not share in the distribution of the Settlement Fund, and shall not be bound by the Settlement or any Final Judgment entered in this Action.

22. 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 Drexel's Counsel, no later than 14 days prior to the Final Approval Hearing.

23. I will hold a hearing in the United States District Court for the Eastern District of Pennsylvania, United States Courthouse, Courtroom 12B, 601 Market Street, Philadelphia, PA 19106 at 10:00 a.m. on August 5, 2026 ("Final Approval Hearing"), 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 Net Settlement Fund should be approved as fair, reasonable, and adequate to the Settlement Class; (c) whether to approve the application of Class Counsel for an award of Attorneys' Fees and Litigation Expenses; (d) whether to approve the payment of a Case Contribution Award to the Settlement Class Representative; (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 Final Approval Hearing may be held in person, telephonically, or remotely via Zoom or other electronic platform without further notice. 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 of the Final Approval Hearing or the manner in which it will be held.

24. 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.

25. Any Settlement Class Member may object to the Settlement, the manner of distribution of the Net Settlement Fund, the application for Case Contribution Award, the Fee Award, and/or the Litigation Expense Award, or may appear at the Final Approval

Hearing and show cause, if any, why I should not approve the Settlement as fair, reasonable, and adequate to the Settlement Class, why I should not enter a Final Judgment, why I should not approve the Case Contribution Award, or why I should not approve the Fee Award or Litigation Expense Award. Any such objection must be in the form and manner required by the Long Form Notice.

26. No Settlement Class Member or other person will be heard on their objection unless they have postmarked no later than the Objection/Exclusion Deadline a written objection that: (a) states that the person objecting is a Settlement Class Member; (b) includes the name, address, email, and telephone number of the Settlement Class Member objecting; (c) is personally signed by the objecting Settlement Class Member; (d) contains a statement that includes all objections, states whether each objection applies only to the objector, to a subset of the Settlement Class, or to the entire Settlement Class, and states the specific reasons for all objections, including any legal arguments and evidentiary support (including copies of any documents relied upon); (e) includes a statement of whether the objector intends to appear at the Final Approval Hearing, with or without counsel; and (f) is otherwise in the form and manner required by the Long Form Notice. The written objections, briefs, papers, and statements must be filed with the Court, and copies must be delivered by mail, hand, or overnight delivery services at the same time to the following counsel:

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

-and-

Anthony M. Alesandro
LEEDS BROWN LAW, P.C.
One Old Country Road, Suite 347
Carle Place, NY 11514

Class Counsel

Michael E. Baughman
TROUTMAN PEPPER LOCKE LLP
3000 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103

Counsel for Drexel University

27. If a Settlement Class Member objects to the Settlement and I nonetheless approve the Settlement, then the objecting Settlement Class Member is a member of the Settlement Class and will receive his or her share of the Net Settlement Fund.

28. If any Settlement Class Member does not make an objection in the form and manner set forth above and in the Long Form Notice, with copies to designated counsel for each of the Parties, he or she may not object to the Settlement, the Case Contribution Awards, and/or the Fee Award at the Final Approval Hearing; may not seek review of the Settlement, the Case Contribution Awards, and/or the Fee Award by appeal or other

means; and will have waived his or her objection(s) in the Action or any other related action or proceeding.

29. 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 Drexel 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.

30. Upon the Effective Date set forth in Paragraph 1(i) of the Settlement Agreement, the Releasing Settlement Class Parties shall have fully, finally, and forever released all Released Claims against the Released Drexel Parties and shall forever be barred and enjoined from prosecuting any or all of the Released Claims against any of the Released Drexel Parties.

31. Upon the Effective Date set forth in Paragraph 1(i) 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.

32. 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.

33. The application for attorneys' fees and litigation expenses must be filed at least fourteen (14) days prior to the Objection/Exclusion Deadline.

34. Drexel shall cause to be prepared and served all notices that the Class Action Fairness Act of 2005 ("CAFA") requires, as specified in 28 U.S.C. § 1715. The costs associated with providing notice under CAFA shall be paid from the Settlement Fund. Class Counsel and Counsel for Drexel shall cooperate promptly and fully in the preparation of such notices, including providing Drexel with any and all information in its possession necessary for the preparation of these notices. Drexel shall provide, or cause to be provided, courtesy copies of the notices to Class Counsel for the purpose of implementing the settlement. Drexel shall provide notice to Class Counsel of compliance with the CAFA requirements within ten days of providing notice to the appropriate officials pursuant to CAFA.

35. All further proceedings in this Action are ordered stayed until Final Judgment or termination of the Settlement, whichever occurs earlier, except for those matters necessary to obtain 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. I 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/ Joshua D. Wolson
JOSHUA D. WOLSON, J.