NEW YORK SUPREME COURT – COUNTY OF BRONX

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX: PART 16

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COOPER CONLEY and HENRY WALLACE, on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

FORDHAM UNIVERSITY,

Defendant.

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Index №. 810808/2025E

Hon. **SOPHIA B. HERSHMAN**,
Acting Justice of the Supreme Court

The following papers numbered _____ to ___ were read on these motions **(Seq. No. 2)** for _____ noticed on _____ and duly submitted as **Nos. 11–21** on the Motion Calendar of **5/26/26.**

Sequence No.	NYSCEF Doc. Nos.
Notice of Motion – Exhibits and Affidavits Annexed	11–21
Cross Motion – Exhibits and Affidavits Annexed	
Answering Affidavit and Exhibits, Memorandum of Law	
Reply Affidavit	

Upon the foregoing papers, plaintiffs' motion for preliminary approval of the proposed settlement; provisional certification of the proposed Settlement Class; appointment of Michael A. Tompkins and Anthony M. Alesandro of Leeds Brown Law, P.C. and Nicholas A. Colella of Lynch Carpenter, LLP as class counsel; and appointment of named plaintiffs Cooper Conley and Henry Wallace as the class representatives; authorization to publish and distribute the proposed Notice and Election Form; and approval of the procedures for implementing the Agreement, including setting a date for a Fairness Hearing approximately ninety-five (95) from the date this motion is approved, is granted without opposition.

The attached order of the proposed settlement and approval of the proposed notice of settlement and election form is signed herewith.

This is the order and decision of the court.

Dated: 9/30/26

Hon. Sophia B Hershman
SOPHIA B. HERSHMAN, A.J.S.C.

1. CHECK ONE..... ☐ CASE DISPOSED IN ITS ENTIRETY ☐ CASE STILL ACTIVE
2. MOTION IS..... ☐ GRANTED ☐ DENIED ☐ GRANTED IN PART ☐ OTHER
3. CHECK IF APPROPRIATE..... ☐ SETTLE ORDER ☐ SUBMIT ORDER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

COOPER CONLEY and HENRY WALLACE, on behalf of themselves and all others similarly situated, Plaintiffs, - against – FORDHAM UNIVERSITY, Defendant.	Index No.: 810808/2025E

ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF THE PROPOSED SETTLEMENT AND APPROVAL OF THE PROPOSED NOTICE OF SETTLEMENT AND ELECTION FORM

The above-entitled matter is before the Court on Plaintiffs' Motion for Preliminary Approval of Proposed Settlement and Approval of the Proposed Notice of Settlement and Election Form (collectively, the "Motion for Preliminary Approval" or "Motion").

IT IS ORDERED that Plaintiffs' Motion for Preliminary Approval is granted; and

IT IS FURTHER ORDERED, as set forth below, that the Court grants: (1) preliminary approval of the proposed settlement; (2) provisional certification of the proposed Settlement Class; (3) appointment of Michael A. Tompkins and Anthony M. Alesandro of Leeds Brown Law, P.C. and Nicholas A. Colella of Lynch Carpenter, LLP as Class Counsel; (4) appointment of Named Plaintiffs Conley and Wallace as the class representatives; (5) authorization to transmit/distribute the proposed Notice and Election Form; (6) approval of the procedures for implementing the Agreement, including setting a date for a Fairness Hearing as set below.

I. Preliminary Approval of Settlement

1. Based upon the Court's review of Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Settlement, the Affirmation of Michael A. Tompkins ("Tompkins Affirmation"), and all other papers submitted in connection with Plaintiffs' Motion for Preliminary Approval, the Court grants preliminary approval of the settlement memorialized in the Class Settlement Agreement ("Settlement Agreement" or the "Settlement"), attached to the Tompkins Affirmation in support of Plaintiffs' Motion.

II. Provisional Certification of the Settlement Class

2. The Court provisionally certifies the following class under New York Civil Practice Law and Rules ("CPLR") §§ 901 and 902 for settlement purposes only:

> All students enrolled in at least one class originally scheduled to take place physically in-person during the Spring 2020 semester at Fordham who paid, or on whose behalf payment was made for, tuition and/or Mandatory Fees to Defendant for the Spring 2020 Semester, and who remained enrolled as of March 1, 2020.

3. CPLR §§901 and 902 provide that one or more members of a class may sue as representative parties on behalf of a class if:

(a) satisfies CPLR § 901(a)(1) because there are in excess of 40 Class Members, making joinder impracticable.

(b) satisfies CPLR § 901(a)(2) because common questions of law or fact predominate over any questions affecting individual members. Here, Plaintiffs share a common claim based on Defendant's alleged breach of contract.

(c) satisfies CPLR § 901(a)(3) because the named Plaintiffs' claims are "typical" of the Class because the Named Plaintiffs' claims derive from the same practice or conduct that gave rise to the remaining claims of the Class Members and are based upon the same legal theory.

(d) satisfies CPLR § 901(a)(4) because the Named Plaintiffs is in a position to adequately protect the interests of the Class Members in the litigation. More specifically, the class representative possesses a financial interest in the outcome of the litigation and adequate financial resources to pursue the class claims, and there are no conflicts between the Class Members and the Class Representative.

(e) Counsel for the class representative is competent to adequately represent the interests of the Class because they are very experienced in class actions, and are two of the preeminent firms around the country litigating tuition refund cases on the behalf of students, and can fairly and adequately represent the Named Plaintiffs and Class Members in this case.

(f) satisfies the elements of CPLR § 901(a)(5) regarding superiority because common issues predominate over individual issues.

III. Appointment of Plaintiffs' Counsel as Class Counsel

4. The Court appoints Michael A. Tompkins and Anthony M. Alesandro of Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York 11514, and Nicholas A. Colella of Lynch Carpenter, LLP, 1133 Penn Avenue, 5th Floor, Pittsburgh, PA 15222 as Class Counsel.

5. Class Counsel has done substantial work identifying, investigating, litigating, and ultimately settling Plaintiffs' and Class Members' claims.

6. Class Counsel has experience prosecuting and settling class actions, including tuition refund cases around the country. The work that Class Counsel has performed both in litigating and settling this case demonstrates their commitment to the Class and to representing the Class's interests.

IV. Class Notice

7. The Court approves the proposed Notice of Proposed Class Action Settlement ("Notice") and Election Form ("Election Form"), and directs their distribution to the Class as set forth in the Agreement.

8. The content of the Notice fully complies with due process and CPLR §§ 901 and 902.

9. The Notice satisfies each of these requirements and adequately puts Class Members on notice of the proposed Settlement.

V. Class Action Settlement Procedure

21. The Court hereby sets the following settlement procedure:

Step 1	Within 14 days of the issuance of this Order	Defendant to produce the Class List
Step 2	Within 14 days after receipt of the Class List	E-Mail and Mailing of Class Notice and Election Form
Step 3	45 days after Completion of Step 2	Last day for Class Members to: (i) submit an Election Form; (ii) "opt out" of the Settlement; or (iii) submit a written objection to the Settlement Under certain circumstances, this deadline may be extended by an additional 15 days in accordance with § 2.3.5 of the Settlement Agreement.
Step 4	1/13/27 at 2:15 P.m. [THE PARTIES PROPOSE INSERTING A DATE NO SOONER THAN 95 DAYS AFTER THE DATE OF THIS ORDER]	Fairness Hearing

It is **SO ORDERED** this 30th day of September, 2026.

Sophia B. Hershman
Hon. Sophia B. Hershman J.S.C.

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