

**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 FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND APPROVAL OF MANNER OF DISTRIBUTION OF NET
SETTLEMENT FUND**

PLEASE TAKE NOTICE THAT, upon the Joint Declaration of Roy T. Willey IV and Edward W. Ciolko, sworn to on December 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 on January 17, 2023 at 9:00am in Courtroom 9A at the United States 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) certifying, for purposes of the Settlement only, the following Settlement Class:

All 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;

(2) confirmation that the notice plan approved by the Court in its October 5, 2022 Preliminary Approval Order has been fully and sufficiently executed; (3) appointing Named Plaintiffs Asha Smith and Emma Nedley as Settlement Class Representatives; (4) appointing the law firms of Poulin | Willey | Anastopoulo, 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) entering the proposed final judgment; and (6) granting such other and further relief as may be just and appropriate.

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

Dated: December 7, 2022

Respectfully submitted,

/s/ Edward W. Ciolko

LYNCH CARPENTER, LLP

Gary F. Lynch

Edward W. Ciolko**

Nicholas A. Colella**

1133 Penn Avenue 5th Floor

Pittsburgh, PA 15222

P. (412) 322-9243

F. (412) 231-0246

gary@lcllp.com

eciolko@lcllp.com

nickc@lcllp.com

POULIN | WILLEY |

ANASTOPOULO, LLC

Eric M. Poulin**

Roy T. Willey, IV**

Blake G. Abbott**

Paul Doolittle**

32 Ann Street

Charleston, SC 29403

P. (843) 614-8888

F. (843) 494-5536

eric@akimlawfirm.com

roy@akimlawfirm.com

blake@akimlawfirm.com

pauld@akimlawfirm.com

CARPEY LAW, P.C.

Stuart A. Carpey, #49490

600 W. Germantown Pike, Suite 400

Plymouth Meeting, PA 19462

(610)834-6030 scarpey@carpeylaw.com

***Admitted Pro Hac Vice*

ATTORNEYS FOR PLAINTIFFS