

**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

**JOINT DECLARATION OF ROY T. WILLEY IV AND EDWARD W. CIOLKO IN
SUPPORT OF 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**

Roy T. Willey, IV and Edward W. Ciolko, declare under penalty of perjury pursuant to the laws of the United States of America that the forgoing is true and correct to the best of our knowledge:

1. We are attorneys of record for the Plaintiffs and the putative class.
2. The law firms of Lynch Carpenter, LLP and Poulin | Wiley | Anastopoulos, LLC represent the Named Plaintiffs, and both have extensive class action experience and seek to be appointed as Class Counsel pursuant to Rule 23(g).

3. Both firms have experience in class action litigation involving breach of contract and unjust enrichment claims, including direct experience in analogous cases.^{1,2}
4. Attached as Exhibit 1 is a true and correct copy of the Settlement Agreement.
5. Attached as Exhibit A to the Settlement Agreement is a true and correct copy of the Long Form Notice of Class Action Settlement and Hearing.
6. Attached as Exhibit B to the Settlement Agreement is a true and correct copy of the Proposed Order granting preliminary approval of the Settlement.
7. Attached as Exhibit C to the Settlement Agreement is a true and correct copy of the Short Form Notice of Class Action Settlement and Hearing.
8. Attached as Exhibit D to the Settlement Agreement is a true and correct copy of the Proposed Final Judgment.
9. Attached as Exhibit 2 is a true and correct copy of the order preliminarily approving settlement in *Choi v. Brown University*, No. 1:20-cv-00191(D.R.I., Sept. 2022).

¹ Lynch Carpenter, LLP has been appointed as interim lead counsel, and as Class Counsel, in a number of analogous cases across the country: *See, e.g., Felix, et al. v. Roosevelt Univ.*, No. 20-cv-4793 (N.D. Ill. Nov. 12, 2020); *Pfingsten, et al. v. Carnegie Mellon Univ.*, No. 20-cv-00716 (W.D. Pa. Aug. 26, 2020); *Ryan, et al. v. Temple Univ.*, No. 20-cv-02164 (E.D. Pa. Aug. 21, 2020); *Polley, et al v. Northwestern Univ.*, No. 1:20-cv-04798 (N.D. Ill. Nov. 2, 2020); *Kincheloe, et al v. Univ. of Chicago*, No. 1:20-cv-3015 (N.D. Ill. Feb. 1, 2021); *Vakilzadeh, et al. v. The Trustees of The California State University*, No. 20STCV23134 (Los Angeles Sup. Ct.); *Levin, et al. v. The Board of Regents of the University of Colorado*, No. 2020CV31409 (Denver Dist. Ct. Feb. 3, 2021); and *Okolo v. Maryville University of St. Louis*, No. 20SL-CC02850 (21st Judicial Circuit Ct., St. Louis County, MO Feb. 9, 2021); *Waitt v. Kent State University*, No. 2020-00392JD (OH Ct. of Cl. Mar. 2, 2022); and *Duke v. Ohio University*, No. 2021-00036JD (OH Ct. of Cl. Mar. 9, 2022).

² Poulin | Wiley | Anastopoulo, LLC has been appointed lead or co-lead Counsel in the In Re Columbia University Tuition Refund Litigation, 1:20-cv-03208-JMF (S.D.N.Y.); *Montesano v. Catholic University of America*, 1:20-cv-01496 (D.D.C.); *Faber v. Cornell University*, 3:20-cv00467-MAD-ML (N.D.N.Y.); *Bergeron v. Rochester Institute of Technology*, 6:20-cv06283-CJS (W.D.N.Y.); *Levin v. Bd. of Regents of University of Colorado*, Case No. 20 CV31409 (St. Ct. Denver Co.); and *Ford v. Rensselaer Polytechnic Institute*, Case No. 20- cv-00470 (N.D.N.Y.)

10. Attached as Exhibit 3 is a true and correct copy of Headcount Enrollment by Campus Residence Status & Student Address, Spring 2020 Census (21 Feb-2020) (PENN_00001294) which demonstrates that there are approximately 26,000 students in the Class.

11. Attached as Exhibit 4 is a true and correct copy of the firm resume of Lynch Carpenter, LLP.

12. Attached as Exhibit 5 is a true and correct copy of the firm resume of Poulin | Wiley | Anastopoulo, LLC.

13. Filed contemporaneously herewith is a true and correct copy of the Declaration of Justin Parks of A.B. Data in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and To Direct Notice to the Proposed Settlement Class.

I declare under penalty of perjury that the foregoing is true and correct. This Declaration was executed on September 7, 2022, in Philadelphia, Pennsylvania and Charleston, South Carolina respectively.

/s/ Edward W. Ciolko
Edward W. Ciolko

/s/ Roy T. Willey IV
Roy T. Willey IV