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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

THERESA SWEET, *et al.*,

Plaintiffs,

v.

MIGUEL CARDONA, in his official capacity
as Secretary of Education, and the UNITED
STATES DEPARTMENT OF EDUCATION

Defendants.

No. 3:19-cv-03674-WHA

**STIPULATED REQUEST TO CORRECT
TECHNICAL ERRORS IN EXHIBIT C TO
PROPOSED SETTLEMENT
AGREEMENT**

The Parties hereby submit this stipulated request to correct a small number of technical errors in Exhibit C to their proposed settlement agreement, *see* ECF No. 246-1 (“Proposed Agreement”). In support of this request, the parties state as follows:

1. On August 4, 2022, the Court granted the parties’ joint motion and preliminarily approved the parties’ Proposed Agreement as fair, reasonable and adequate for class members.

1 ECF No. 307. The Court further directed the parties to notify class members of the proposed
2 settlement on specified terms. *See* ECF No. 315.

3 2. One provision of the Proposed Agreement provides for the Department to provide
4 certain relief to class members who attended “the schools, programs, and School Groups listed in
5 Exhibit C hereto.” Proposed Agreement ¶ IV.A.1. Exhibit C consists of a list of 49 owners or
6 ownership groups and 153 associated school or brand names. *See id.*, Ex. C.

7 3. The Department of Education (“Department”) has recently identified a handful of
8 minor technical errors in Exhibit C that the parties agree should be corrected.

9 4. First, the Department proposes to remove four institutions that were erroneously
10 included on the list based on clerical errors. Specifically, the Department proposes to remove ATI
11 College, Missouri College of Cosmetology North, Hallmark University, and International
12 Technical Institute from Exhibit C. The Department also proposes to add Missouri College, which
13 is owned by Career Education Corporation (already on Exhibit C), and was the school that the
14 Department intended to include when it inadvertently listed Missouri College of Cosmetology
15 North instead.

16 5. Second, the Department proposes to make changes to the nomenclature of several
17 of the listed schools. These changes do not affect the composition of the list, but merely reflect
18 more accurate titles of the relevant ownership groups and school/brand names. Accordingly, the
19 Department proposes to change:

- 20 • The school owner for “Berkeley College” from “Berkeley College (NY)” to
21 “Berkeley Educ. Serv. of NY, Inc.”;
- 22 • The school owner for “Computer Systems Institute” (previously listed as a
23 school/brand name) to “BEZ Corporation”;
- 24 • The school owner for American Career Institute from “David Pyle” to “The Career
25 Institute LLC”;
- 26 • The school owner DeVry to “DeVry/Adtalem”;

- 1 • The school owner for “Institute for Health Education” and “Micropower Career
2 Institute” from “Premier Education Group L.P.” to “Lalit Chabria, Sam
3 Hiranandaney”;
- 4 • The school owner for “Star Career Academy” from “Star Career Academy” to “SC
5 Academy Holding, Inc.”

6 6. These proposed changes to the Exhibit C list do not substantively affect the terms
7 of the Proposed Agreement and are designed merely to ensure that the list accurately reflects the
8 parties’ intended composition and accurately identifies each listed entity. Plaintiffs agree to the
9 Department’s proposal to make these changes.

10 7. The Proposed Agreement provides that “after the Preliminary Approval Date”—
11 *i.e.*, August 4, 2022—the agreement, including its exhibits, “may be modified only with the written
12 agreement of all the Parties and with the approval of the Court, upon such notice to the Class, if
13 any, as the Court may require.” Proposed Agreement ¶ XV.B.

14 8. The parties submit as an exhibit hereto a corrected version of the Exhibit C list.
15 The parties respectfully request that the Court grant their agreed-upon request to modify the
16 Proposed Agreement by replacing the original version of Exhibit C with the attached corrected
17 version.

18 9. Notice has not yet been sent to the class. However, in order to meet the August 19,
19 2022 deadline specified in the Court’s August 9, 2022 order, ECF No. 315, the Department will
20 need to finalize the class notice—which includes a copy of Exhibit C to the Proposed Agreement—
21 by no later than 5 pm ET on August 10, 2022.¹ If the Court does not grant this stipulation by that
22 time, the Department will not be able to email the corrected version of Exhibit C to the class by
23 August 19, 2022, and will instead need to send the original, uncorrected version. In that event, the
24 parties respectfully submit that they be permitted to notify the class of the technical changes to
25 Exhibit C by updating their respective websites to make the corrected version of Exhibit C publicly
26 available and without sending further individualized notice to each class member. The parties

27 ¹ The Department is working with federal contractors to send the class notice and the relevant
28 contracts require the Department to provide these contractors notice at least six business days in
advance of any changes to the class notice.

1 propose to make the necessary updates to their respective websites as promptly as feasible upon
2 the Court's approval of this stipulated request. The parties respectfully submit that no additional
3 notice to the class is needed at this time.

4 10. In the alternative, should the Court determine that posting the revised notice to the
5 parties' respective websites is not sufficient and that further individualized notice of the technical
6 corrections to Exhibit C is needed, the parties respectfully request that the Court allow Defendants
7 a minimum of seven business days after any order approving this stipulation to send additional
8 email notice of the corrected Exhibit C to class members.

9 11. The Parties submit the attached [Proposed] Order, and stipulate and agree to its
10 entry, subject to the Court's approval.

11
12 Dated: August 9, 2022

Respectfully submitted,

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Attorneys for Defendants

Sweet v. Cardona Settlement Agreement Exhibit C

School Owner(s)	School/Brand Name
Alta Colleges, Inc. (Westwood)	Westwood College
American Commercial Colleges, Inc.	American Commercial College
American National University	American National University
Ana Maria Piña Houde and Marc Houde	Anamarc College
Anthem Education Group; International Education Corporation	Anthem College
	Anthem Institute
Apollo Group	University of Phoenix
	Western International University
ATI Enterprises	ATI Career Training Center
	ATI College of Health
	ATI Technical Training Center
B&H Education, Inc.	Marinello School of Beauty
Berkeley Educ. Serv. of NY, Inc.	Berkeley College
Bridgepoint Education	Ashford University
	University of the Rockies
Capella Education Company; Strategic Education, Inc.	Capella University
Career Education Corporation	American InterContinental University
	Briarcliffe College
	Brooks College
	Brooks Institute
	Collins College
	Colorado Technical University
	Gibbs College
	Harrington College of Design
	International Academy of Design and Technology
	Katharine Gibbs School
	Le Cordon Bleu
	Le Cordon Bleu College of Culinary Arts
	Le Cordon Bleu Institute of Culinary Arts
	Lehigh Valley College
	McIntosh College
	Missouri College
	Pittsburgh Career Institute
	Sanford-Brown College
	Sanford-Brown Institute
	Brown College
	Brown Institute
	Washington Business School
	Allentown Business School
	Western School of Health and Business Careers
	Ultrasound Diagnostic Schools
	School of Computer Technology

	Al Collins Graphic Design School
	Orlando Culinary Academy
	Southern California School of Culinary Arts
	California Culinary Academy
	California School of Culinary Arts
	Pennsylvania Culinary Institute
	Cooking and Hospitality Institute of Chicago
	Scottsdale Culinary Institute
	Texas Culinary Academy
	Kitchen Academy
	Western Culinary Institute
Center for Employment Training	Center for Employment Training
Center for Excellence in Higher Education (CEHE)	California College San Diego
	CollegeAmerica
	Independence University
	Stevens-Henager
BEZ Corporation	Computer Systems Institute
Court Reporting Institute, Inc.	Court Reporting Institute
Cynthia Becher	La' James College of Hairstyling
	La' James International College
David Pyle	American Career College
The Career Institute LLC	American Career Institute
Delta Career Education Corporation	McCann School of Business & Technology
	Miami-Jacobs Career College
	Miller Motte Business College
	Miller-Motte College
	Miller-Motte Technical College
	Tucson College
DeVry / <u>Adtalem</u>	American University of the Caribbean
	Carrington College
	Chamberlain University
	DeVry College of Technology
	Devry Institute of Technology
	DeVry University
	Keller Graduate School of Management
	Ross University School of Veterinary Medicine
Ross University School of Medicine	
EDMC/Dream Center	Argosy University
	The Art Institute
	Brown Mackie College
	Illinois Institute of Art (The)
	Miami International University of Art & Design
	New England Institute of Art (The)
	South University
Western State University College of Law	
Education Affiliates (JLL Partners)	All-State Career School
	Fortis College

	Fortis Institute
Edudyne Systems Inc.	Career Point College
Empire Education Group	Empire Beauty School
Everglades College, Inc.	Everglades University
	Keiser University
FastTrain	FastTrain
Globe Education Network	Globe University
	Minnesota School of Business
Graham Holdings Company (Kaplan)	Bauder College
	Kaplan Career Institute
	Kaplan College
	Mount Washington College
	Purdue University Global
Grand Canyon Education, Inc.	Grand Canyon University
Infilaw Holding, LLC	Arizona Summit Law School
	Charlotte School of Law
	Florida Coastal School of Law
International Education Corporation	Florida Career College
	United Education Institute
ITT Educational Services Inc.	ITT Technical Institute
JTC Education, Inc.	Gwinnett College
	Medtech College
	Radians College
Lalit Chabria, Sam Hiranandaney	Institute for Health Education (The)
	Micropower Career Institute
Laureate Education, Inc.	Walden University
Leeds Equity Partners V, L.P.	Florida Technical College
	National University College
	NUC University
Liberty Partners	Concorde Career College
	Concorde Career Institute
	Lincoln College of Technology
	Lincoln Technical Institute
Mark A. Gabis Trust	Daymar College
Mission Group Kansas, Inc.	Wright Business School
	Wright Career College
Premier Education Group L.P.	American College for Medical Careers
	Branford Hall Career Institute
	Hallmark Institute of Photography
	Harris School of Business
	Suburban Technical School
	Salter College
Quad Partners LLC	Beckfield College
	Blue Cliff College
	Dorsey College
Remington University, Inc.; Remington College BCL, Inc.	Remington College

Southern Technical Holdings, LLC	Southern Technical College
SC Academy Holdings, Inc.	Star Career Academy
Sullivan and Cogliano Training Center, Inc.	Sullivan and Cogliano Training Centers
TCS Education System	Chicago School of Professional Psychology
Vatterott Educational Centers, Inc.	Court Reporting Institute of St Louis
	Vatterott College
Wilfred American Education Corp.	Robert Fiance Beauty Schools
	Robert Fiance Hair Design Institute
	Robert Fiance Institute of Florida
	Wilfred Academy
	Wilfred Academy of Beauty Culture
Willis Stein & Partners (ECA)	Wilfred Academy of Hair & Beauty Culture
	Brightwood Career Institute
	Brightwood College
	New England College of Business and Finance
	Virginia College

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**UNITED STATES DISTRICT COURT
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THERESA SWEET, *et al.*,
Plaintiffs,

No. 3:19-cv-03674-WHA

v.

MIGUEL CARDONA, in his official capacity
as Secretary of Education, and the UNITED
STATES DEPARTMENT OF EDUCATION
Defendants.

**[PROPOSED] ORDER GRANTING
STIPULATED REQUEST TO CORRECT
TECHNICAL ERRORS IN EXHIBIT C TO
PROPOSED SETTLEMENT
AGREEMENT**

It is HEREBY ORDERED that:

The parties' stipulated request to correct technical errors in Exhibit C to their proposed settlement agreement is GRANTED; and

The document attached to the parties' stipulation, ECF No. 317-1, SHALL HEREBY constitute the operative version of Exhibit C to the parties' proposed settlement agreement.

The parties SHALL notify the class of these technical changes by updating their respective websites to include this operative version of Exhibit C.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

William H. Alsup
United States District Judge