

Notice of Proposed Class Action Settlement

Adavenaixx v. Howard University, Case No. 1:23-cv-00663-DLF

(United States District Court for the District of Columbia)

If you were enrolled in a Howard University Undergraduate or Graduate Program during the Spring 2020 Semester, you may be entitled to a cash payment from a class action settlement.

A federal court authorized this Notice. This is not a solicitation from a lawyer. Your legal rights are affected whether you act or do not act. Please read this Notice carefully.

- A \$2,073,680 settlement has been reached in a class action lawsuit filed against Howard University (“Howard” or the “University”). The lawsuit claimed that University students paid tuition and fees in exchange for in-person instruction, services, and activities during the Spring 2020 Semester and were entitled to partial refunds based on the University’s transition to remote instruction beginning in March 2020 in response to the COVID-19 pandemic. The University denies all allegations, maintains that it transitioned to remote instruction to protect the health of its students, faculty and staff and in compliance with mandatory government shutdown orders, and settled this lawsuit to avoid further litigation. The Court has not decided who is right.
- If you were enrolled in a University Undergraduate or Graduate Program during the Spring 2020 Semester, and did not withdraw by March 16, 2020, you may be eligible for a cash payment. Cash payments will be shares of the Net Settlement Fund divided equally among Settlement Class Members.
- Definitions for terms used in this Notice can be found in this Notice and in the Settlement Agreement available at www.HUCovidSettlement.com.
- Your legal rights are affected whether or not you act. *Please read this Notice carefully.*

YOUR RIGHTS AND CHOICES		DEADLINE
Do Nothing	You will receive your cash payment by check at the address the University has on file for you.	
Provide Your Preferred Form of Payment or Update Your Address	Submit a request that your cash payment be sent to a different address or by Venmo or pre-paid Visa card at www.HUCovidSettlement.com .	Provide Your Preferred Form of Payment or Update Your Address by: Within 45 days of the Effective Date
Exclude Yourself (Opt Out)	Get no cash payment but keep any right you may have to file your own lawsuit against the University about the legal claims in this lawsuit.	Request Exclusion by: September 23, 2024
Object	Tell the Court why you do not like the proposed Settlement. If the Settlement is approved, you will still be bound by the	File an Objection by: September 23, 2024

Questions? Call 1-888-325-1928, or Visit www.HUCovidSettlement.com

	Settlement, and you may still receive a cash payment.	
Attend a Hearing	Ask to speak in Court about why you object to the proposed Settlement. The Final Approval Hearing is October 1, 2024 at 11 a.m. Eastern time.	File Notice of Appearance by: September 23, 2024

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this lawsuit still has to decide whether to approve the Settlement. The Settlement is referred to in this Notice as both “the Settlement” and “the “proposed Settlement” for this reason.
- Cash payments will be sent to Settlement Class Members if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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Questions? Call 1-888-325-1928, or Visit www.HUCovidSettlement.com

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BASIC INFORMATION

1. Why should I read this Notice?

A Court has preliminarily established, or “certified,” this lawsuit as a class action lawsuit for purposes of settlement.

This Notice explains the class action lawsuit, the proposed Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get the benefits. If you are a Settlement Class Member, you have legal rights and options before the Court decides whether to give final approval to the proposed Settlement. This Notice explains all of these things. For the precise terms and conditions of the proposed Settlement, please review the Settlement Agreement, available at www.HUCovidSettlement.com.

The Court in charge of this lawsuit is the United States District Court for the District of Columbia. The lawsuit is known as *Adavenaixx v. Howard University*, Case No. 1:23-cv-00663-DLF.

2. What is this lawsuit about?

This lawsuit asserts claims for breach of implied contract and unjust enrichment.

The lawsuit alleges that University students paid tuition and fees in exchange for in-person instruction, services, and activities during the Spring 2020 Semester and were entitled to partial refunds based on the University’s transition to remote instruction beginning in March 2020 in response to the COVID-19 pandemic. The University denies all allegations and maintains that it transitioned to remote instruction to protect the health of its students, faculty and staff and in compliance with mandatory government shutdown orders. The Court has not decided who is right.

3. What is a class action?

In a class action lawsuit, one or more persons or entities sue on behalf of other persons who have similar claims. The people together are a “Settlement Class” or “Settlement Class Members.” In this lawsuit, the person who sued is called the “Class Representative.” The entity the Class Representative is suing, Howard University, is called the “Defendant.” One court resolves the issues for everyone in the Settlement Class, except for those people who choose to exclude themselves (opt out) from the Settlement Class.

4. Why is there a Settlement?

The Court has not decided in favor of the Class Representative or the University. Instead, both sides agreed to a Settlement. By agreeing to settle, both sides avoid the cost and risk of a trial, and all Settlement Class Members as defined in this Notice and in the Settlement Agreement will receive a cash payment. The Class Representative and Class Counsel believe the Settlement is best for the Settlement Class and represents a fair, reasonable and adequate resolution of the lawsuit.

The University denies the claims in the lawsuit; denies all allegations of wrongdoing, fault, liability or damage to the Class Representative and the Settlement Class; and denies that it acted improperly or wrongfully in any way. The University nevertheless recognizes the expense and time that would be required to defend the lawsuit through trial and has taken this into account in agreeing to this Settlement.

Questions? Call 1-888-325-1928, or Visit www.HUCovidSettlement.com

WHO IS IN THE SETTLEMENT?

To see if you are eligible for benefits, you first have to determine if you are a Settlement Class Member.

5. Am I part of the Settlement?

You are a Settlement Class Member if you were enrolled in any of Howard University's Undergraduate and Graduate Programs during the Spring 2020 Semester, did not withdraw by March 16, 2020, and paid, or had paid on your behalf, any amount of tuition and/or fees for the Spring 2020 Semester which has not been fully refunded. A Settlement Class Member who asks to be excluded from the Settlement, as described in Number 13 below, is no longer a Settlement Class Member.

Undergraduate and Graduate Programs means all undergraduate, professional and postgraduate programs.

Excluded from the Settlement are: (i) any students who received full scholarships or tuition remission from Howard or who did not themselves ultimately pay any tuition or fees for the Spring 2020 Semester (i.e., those whose tuition and fees were paid for by institutional aid, tuition benefits, federal/state/local grants, GI/Yellow Ribbon benefits, outside scholarships, and/or third-party sponsorships); (ii) the University and its officers, trustees and their family members; (iii) Class Counsel; (iv) the judge who presided over the Action; and (v) all persons who properly execute and file a timely opt-out request to be excluded from the Settlement Class.

If you are unsure whether you are included, you can call or email the Claims Administrator at 1-888-325-1928 or info@HUCovidSettlement.com.

THE SETTLEMENT BENEFITS – WHAT YOU GET

6. What does the Settlement provide?

The \$2,073,680 Settlement Amount will provide cash payments to all Settlement Class Members. Notice and administration costs, attorneys' fees and expenses, and an award to the Class Representative will also be paid out of the Settlement Amount, if approved by the Court.

7. What can I get from the Settlement?

Cash Payment: If you are a Settlement Class Member, you are eligible to receive a cash payment. Your cash payment will be an equal share of the Net Settlement Fund.

If any unclaimed funds remain in the Net Settlement Fund after the initial cash payments are distributed, at the discretion of the Claims Administrator, either (i) a second attempt will be made to distribute cash payments to Settlement Class Members who did not cash their checks or who did not successfully receive an electronic payment via the first distribution of cash payments; or (ii) these unclaimed funds shall help fund a specially authorized Howard scholarship fund or a charitable cause as agreed upon by the Parties.

HOW TO GET BENEFITS FROM THE SETTLEMENT

8. How can I get my cash payment?

If you are a Settlement Class Member and you do nothing, you will receive a cash payment via check at the address the University has on file for you. If you wish to receive your cash payment at an address different than the one on file with the University or in a format (either by Venmo or a pre-paid Visa card) other than paper check, you must submit your updated address and/or preferred form of payment at www.HUCovidSettlement.com by **Within 45 days of the Effective Date**.

You do not need to provide any information to receive your cash payment. The Court has issued an order permitting the University, under the Family Educational Rights and Privacy Act (“FERPA”), to disclose to the Claims Administrator the last known email address and mailing address the University has on file for each Settlement Class Member. You have the option to request that Howard’s Registrar not disclose your name, email address or mailing address.

9. When will I receive my cash payment?

The Court will hold a hearing on **October 1, 2024, at 11:00 a.m.** (which is subject to change), to decide whether to finally approve the proposed Settlement. Even if the Court finally approves the proposed Settlement, there may be appeals. The appeal process can take time, perhaps more than a year. You will not receive a cash payment until any appeals are resolved. Please be patient.

10. What am I giving up to receive these Settlement benefits?

Unless you exclude yourself (opt out) from the Settlement Class by timely submitting a request for exclusion from the Settlement Class, you will remain in the Settlement Class, and that means you cannot sue, continue to sue or be part of any other lawsuit against the University about the legal claims and issues in this lawsuit. This is known as a release. The Release is defined and detailed in the Settlement Agreement, which is available at www.HUCovidSettlement.com. It also means that all of the Court’s orders in this lawsuit regarding the Settlement will apply to you and legally bind you.

THE LAWYERS REPRESENTING YOU

11. Do I have lawyers in this lawsuit?

The Court has appointed attorneys from the law firms Gainey McKenna & Egleston and Bursor & Fisher, P.A. to represent you and the other Settlement Class Members. The lawyers are called Class Counsel. They are experienced in handling similar class action lawsuits. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

You may contact Class Counsel if you have any questions about this Notice or the Settlement. ***Please do not contact the Court.***

Thomas J. McKenna Gregory M. Egleston GAINNEY MCKENNA & EGLESTON 260 Madison Avenue, 22nd Floor New York, NY 10016	L. Timothy Fisher Neal J. Deckant BURSOR & FISHER, P.A. 1990 North California Boulevard, Suite 940 Walnut Creek, CA 94596
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Questions? Call 1-888-325-1928, or Visit www.HUCovidSettlement.com

Tel: (212) 983-1300 Email: TJMcKenna@gme-law.com egleston@gme-law.com	Tel: (925) 300-4455 Email: ltfisher@bursor.com ndeckant@bursor.com
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12. How will the lawyers be paid?

Class Counsel will ask the Court for an award of attorneys’ fees up to one-third (1/3) of the \$2,073,680 million Settlement Fund, and in addition to fees, will seek reimbursement of litigation expenses incurred through the Effective Date. Any award of attorneys’ fees and costs will be paid from the Settlement Amount. Class Counsel will also ask the Court for an award of no more than \$5,000 for the Class Representative. The purpose of the Class Representative Award is to compensate the Class Representative for their time, efforts, and risks taken on behalf of the Settlement Class. Any Class Representative Award payment to the Class Representative will be paid from the Settlement Amount. The Court may award less than these amounts. Class Counsel’s Motion for attorneys’ fees and expenses will be available at www.HUCovidSettlement.com once it has been filed.

YOUR RIGHTS – EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do *not* want a cash payment, and want to keep the right to sue or continue to sue the University on your own about the legal issues in this lawsuit, then you must take steps to exclude yourself from the Settlement (get out of the Settlement). This is called “excluding yourself”—or is sometimes referred to as “opting out” of the settlement class.

13. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement, you must send a written “request for exclusion” that includes the following:

- A statement requesting exclusion from the Settlement Class;
- A personal signature from you, the Settlement Class Member; and
- Your name, address, telephone number, email address, and the caption of the lawsuit.

Your request for exclusion must be mailed via U.S. Mail, **postmarked by September 23, 2024**, to:

Epiq Class Action & Claims Solutions, Inc.
 PO Box 5926
 Portland, OR 97228-5926

Only individual requests for exclusion are allowed. You may not submit a request to exclude other Settlement Class Members from the Settlement Class.

If you do not follow these procedures and deadlines, you will remain a Settlement Class Member and lose any opportunity to exclude yourself from the Settlement. This means that your rights will be determined in this lawsuit by the Settlement Agreement if it receives final approval from the Court.

14. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you cannot receive a cash payment. However, you may sue, continue to sue, or be part of a different lawsuit against the University.

YOUR RIGHTS – OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

15. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. You cannot ask the Court for a different settlement; the Court can only approve or reject the Settlement. If the Court does not approve the Settlement, no cash payments will be sent out, and the lawsuit will continue.

To object, you must file a written objection with the Court, which includes the following information:

- A statement confirming that you are a Settlement Class Member;
- Your name, address, email address, and telephone number;
- A personal signature from you, the Settlement Class Member;
- A statement that identifies the substance of all objections, states whether each objection applies to only you, to a subset of the Settlement Class, or the entire Settlement Class, and provides the specific reasons for all objections, including any legal arguments and evidentiary support (including copies of any documents you rely upon); and
- A statement whether you intend to appear and seek to be heard at the Final Approval Hearing, with or without counsel.

You must file your objection with the Clerk of Court such that it is postmarked by **September 23, 2024** (or through the Court’s electronic case filing system by **September 23, 2024** if you are represented by a lawyer). Your objection (including all documents you rely upon) also must be sent concurrently by mail, hand or overnight delivery service to the Claims Administrator, Class Counsel, and Howard Counsel at the addresses below:

Claims Administrator	Class Counsel	Howard Counsel
<p>EPIQ CLASS ACTION & CLAIMS SOLUTIONS, INC.</p> <p>PO Box 5926 Portland, OR 97228-5926</p>	<p>Thomas J. McKenna Gregory M. Egleston GAINNEY MCKENNA & EGLESTON</p> <p>260 Madison Avenue, 22nd Floor New York, NY 10017</p> <p>L. Timothy Fisher Neal J. Deckant BURSOR & FISHER, P.A. 1990 North California Boulevard, Suite 940 Walnut Creek, CA 94596</p>	<p>Tracy A. Roman Scott L. Winkelman CROWELL & MORING LLP 1001 Pennsylvania Ave., N.W. Washington, D.C. 20004</p>

If you file a timely objection, it will be considered by the Court at the Final Approval Hearing. You do not need to attend the Final Approval Hearing for the Court to consider your objection.

Questions? Call 1-888-325-1928, or Visit www.HUCovidSettlement.com

16. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like something about the Settlement and do not want the Court to approve the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because you are no longer part of the lawsuit.

YOUR RIGHTS – APPEARING AT THE FINAL APPROVAL HEARING

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to.

17. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing at **11:00 a.m. on October 1, 2024**, at the United States District Court for the District of Columbia, 333 Constitution Ave., N.W., Washington, D.C. 20001 in Courtroom 14.

At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed Settlement, including the amount requested by Class Counsel for attorneys' fees and expenses. If there are objections, the Court will consider them. You do not need to attend this hearing. You also do not need to attend to have an objection considered by the Court. After the hearing, the Court will decide whether to approve the Settlement and award the amount requested by Class Counsel for attorneys' fees and expenses and for the Class Representative Award. We do not know how long these decisions will take.

Note: The date and time of the Final Approval Hearing are subject to change by Court order. Any change will be posted at www.HUCovidSettlement.com. You should check the website to confirm that the date and/or time have not changed.

18. Do I have to attend the Final Approval Hearing?

No. Class Counsel will answer all questions the Judge may have. However, you are welcome to attend the hearing at your own expense. If you submit an objection, you do not have to attend the hearing to talk about your objection. As long as you postmarked your written objection by the deadline (or filed it through the Court's electronic case filing system by the deadline), the Judge will consider it. You may also pay your own lawyer to attend, but it is not necessary.

19. May I speak at the Final Approval Hearing?

If you wish to appear at the Final Approval Hearing and orally present your objection to the Court, your written objection must include your statement of intent to appear at the Final Approval Hearing. The Court will decide whether you will be heard orally.

YOUR RIGHTS – DO NOTHING

20. What happens if I do nothing at all?

If you fit the Settlement Class definition described above and do nothing, you will be part of the Settlement Class and you will receive a cash payment at the address the University has on file for you. Unless you request to exclude yourself from the Settlement, you will not be permitted to continue to assert claims about the issues in this lawsuit in any other lawsuit against the University unless the Settlement is not approved.

GETTING MORE INFORMATION

21. Are there more details about the Settlement?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.HUCovidSettlement.com, or by contacting Class Counsel (see contact information in Question 11).

22. How do I get more information?

You can call toll-free 1-888-325-1928, write to PO Box 5926, Portland, OR 97228-5926; or go to www.HUCovidSettlement.com, where you will find answers to common questions about the Settlement, motions for approval of the Settlement and Class Counsel's request for attorneys' fees and expenses (once it is filed), and other important documents in the lawsuit.

You may also contact Class Counsel.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK OFFICE TO
INQUIRE ABOUT THIS SETTLEMENT**