

## **Subject: NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

PLEASE READ THIS NOTICE CAREFULLY. If you were enrolled in any program at Gannon University (“Gannon” or “University”) after March 16, 2020, and were assessed tuition and/or fees by Gannon for the Spring 2020 semester, you may be eligible to receive a payment as part of a proposed settlement of *Engel v. Gannon University*, Civil Action No. 1:23-cv-244-SPB (W.D. Pa.) (the “Action”).

In this Action, Plaintiff alleged Gannon breached a contract when it transitioned to remote learning in response to the COVID-19 pandemic. Plaintiff also alleged that Gannon’s shift to remote learning gave rise to a claim of unjust enrichment. Plaintiff sought a refund of a portion of the tuition and fees for the Spring 2020 semester. Gannon denies all allegations of wrongdoing and there has been no finding of liability in any court. However, considering the interest of both Gannon and its students in prompt resolution of the matter, Gannon and Plaintiff have agreed that Gannon will pay \$1,100,000 into a Settlement Fund to resolve the Action.

**Am I a Class Member?** If you were enrolled at Gannon after March 16, 2020, were assessed tuition and/or fees for the Spring 2020 semester, and were not enrolled for the Spring 2020 semester solely in classes/programs that, at the beginning of the Spring 2020 semester, were delivered as an online-only program, then **you are part of the proposed settlement class (a “Settlement Class Member”). If you are a Settlement Class Member, you do not have to do anything to participate in and receive the benefits of the proposed Settlement.**

**How Do I Get a Payment?** Your payment will be sent automatically by First-Class U.S. Mail to your last known mailing address on file with the University Registrar. Settlement Class Members will also have the option to visit the Settlement Website at [www.GannonCovidSettlement.com](http://www.GannonCovidSettlement.com) to choose one or more of the following selections: (a) provide an updated address for sending a check; (b) elect to receive the Settlement Benefit by Venmo or PayPal instead of a paper check; or (c) elect to have the Settlement Benefit applied to your Gannon student account. These actions must be taken no later than forty-five (45) days after the Effective Date, as defined in the proposed Settlement. That date will also be posted on the Settlement Website when it is known, but it will be some time after the Final Approval Hearing currently scheduled for June 21, 2024.

By participating in the proposed Settlement, you release your right to bring any claim covered by the proposed Settlement, including bringing any claim related to Gannon’s transition to remote learning in the Spring 2020 semester, or joining any other action against Gannon related to Gannon’s transition to remote learning in the Spring 2020 semester.

**What Are My Other Options?** If you do not want to participate in this proposed Settlement—meaning you do not want to receive the Settlement Benefit, and you do not want to be bound by any judgment entered in this case—you may exclude yourself by mailing a signed opt-out request to the Settlement Administrator, which must be postmarked no later than May 8, 2024. If you instead want to object to this proposed Settlement because you think it is not fair, adequate,

or reasonable, you may submit an objection, which also must be postmarked no later than May 8, 2024. Please follow the detailed instructions outlined in the Long-Form Notice and the Settlement Agreement, which can both be found at [www.GannonCovidSettlement.com](http://www.GannonCovidSettlement.com), to properly opt out from, or object to, the proposed Settlement.

**What Happens Next?** The Court has preliminarily approved the proposed Settlement, but the distribution of payments will occur only if the Court grants final approval of the proposed Settlement. The Final Approval Hearing in this case is scheduled for June 21, 2024. At that hearing, the Court will consider whether to grant final approval of the proposed Settlement, and whether to approve payment from the Settlement Fund of: (1) an award to the Settlement Class Representative for his service in this litigation; and (2) Class Counsel's requested attorneys' fees, which will not exceed thirty-three and one-third percent of the Settlement Fund and will be posted on the Settlement Website after April 24, 2024, and reimbursement for litigation costs.

**You are encouraged to review the Long-Form Notice.** To review the Long-Form Notice, review other important documents, including the Settlement Agreement, and obtain more information about the proposed Settlement, please visit [www.GannonCovidSettlement.com](http://www.GannonCovidSettlement.com).

**If you have any questions, you can contact Class Counsel: Nicholas A. Colella at Lynch Carpenter, LLP, (412) 322-9243, or Anthony M. Alesandro at Leeds Brown Law, P.C., (516) 873-9550.**

**You can also contact the Settlement Administrator by calling toll-free 1-877-495-0978, or by emailing [info@GannonCovidSettlement.com](mailto:info@GannonCovidSettlement.com).**