

## LONG FORM NOTICE

### **NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT**

*Hickey et al. v. University of Pittsburgh*, Civil Action No. 2:20-cv-690-WSS (W.D. Pa.)

**ATTENTION: ALL STUDENTS WHO WERE ENROLLED IN AT LEAST ONE IN-PERSON COURSE DURING THE SPRING 2020 SEMESTER AT THE UNIVERSITY OF PITTSBURGH (“PITT”) AND ANY OF ITS BRANCH LOCATIONS BUT HAD YOUR COURSE(S) MOVED TO REMOTE LEARNING AS A RESULT OF THE COVID-19 PANDEMIC**

The United States District Court for the Western District of Pennsylvania has authorized this Notice. It is not a solicitation from a lawyer. You are not being sued. If you have received a notice of this lawsuit in the mail or by e-mail, you have been identified as a person who is a member of the settlement class in this lawsuit, and the proposed settlement of this lawsuit, if approved by the Court, will provide you with a cash benefit but will also affect your legal rights. You should read this Notice carefully.

**If you were enrolled in at least one in-person course during the Spring 2020 semester at Pitt but had your course(s) moved to remote learning, you are part of the proposed settlement class (a “Settlement Class Member”).**

The purpose of this Notice is to inform Settlement Class Members of a proposed Settlement relating to a class action lawsuit brought by Plaintiffs, who were all students at Pitt during the Spring 2020 semester, against Pitt, on behalf of other similarly situated students at Pitt that semester. The case is captioned *Hickey et al. v. University of Pittsburgh*, Civil Action No. 2:20-cv-690-WSS (W.D. Pa.) (the “Action”).

In this Action, Plaintiffs alleged that Pitt’s move to remote learning during the Spring 2020 semester required the University to issue a partial refund to its students of the tuition and the Mandatory Fees students were obligated to pay for the semester because Pitt breached the contract which existed between it and its students to provide an on-campus learning experience, or alternatively, because Pitt was unjustly enriched. Pitt denies all allegations of wrongdoing and there has been no finding of liability in any court. However, considering the interest of both Pitt and its students in a resolution of the matter, Pitt and Plaintiffs have agreed that Pitt will pay \$7,850,000 into a Settlement Fund to resolve the Action.

The terms of the proposed Settlement are set forth in a Settlement Agreement, which is available on this Settlement Website. The proposed Settlement summarized in this Notice must be approved by the United States District Court for the Western District of Pennsylvania. This Notice includes information about the proposed Settlement, a final approval hearing scheduled by the Court, and the process for being heard by the Court if you choose to be heard.

**SUMMARY OF THE OPTIONS AND THE LEGAL EFFECT OF  
EACH OPTION FOR SETTLEMENT CLASS MEMBERS**

<b>YOUR OPTIONS</b>	<b>INSTRUCTIONS</b>	<b>DUE DATE</b>
<b>DO NOTHING AND AUTOMATICALLY RECEIVE A PAYMENT</b>	If the Settlement is approved by the Court, your payment will be sent automatically by first class U.S. Mail to your last known permanent mailing address on file with Pitt. Settlement Class Members will also have the option, but are not required, to visit the Settlement Website at <a href="http://www.PittTuitionSettlement.com">www.PittTuitionSettlement.com</a> to: (a) provide an updated address for sending a check; or (b) elect to receive their Settlement Benefit by Venmo or PayPal instead of a paper check.	See Answer 7.
<b>EXCLUDE YOURSELF FROM THE PROPOSED SETTLEMENT</b>	You can choose to “opt out” of the proposed Settlement. Opting out means that you choose not to participate in the proposed Settlement. It also means that you cannot object to the proposed Settlement (see below). If you opt out, you will not receive a payment from the Settlement and you will keep any individual claims you may have against Pitt relating to the transition to remote learning in the Spring 2020 semester. Be aware, the statute of limitations may impact your ability to file a lawsuit. For more detailed opt-out instructions, see Answer 11 below.	Postmarked no later than JULY 14, 2025
<b>OBJECT TO THE PROPOSED SETTLEMENT</b>	You can file an objection with the Court explaining why you believe the Court should not approve the proposed Settlement and/or want to object to any attorneys’ fees or expenses, or Contribution Awards for the Settlement Class Representatives, you may submit an objection. If your objection is overruled by the Court and the proposed Settlement is approved, then you would receive your Settlement Benefit. If the Court agrees with your objection, then the proposed Settlement may not be approved. If you choose to object, you may not also opt out of the proposed Settlement, as only participating Settlement Class Members may submit an	Postmarked no later than JULY 14, 2025

	objection. For more detailed objection instructions, see Answer 12 below.	
--	---	--

These rights and options—and the deadlines to exercise them—along with the material terms of the proposed Settlement are explained further below in this Notice.

## **BASIC INFORMATION**

### **1. What is this lawsuit about?**

The class action being settled is a putative class action, meaning that the action was brought by Plaintiffs on their own behalf and on behalf of other Pitt students enrolled in the Spring 2020 semester at Pitt. Plaintiffs asserted claims for breach of contract and unjust enrichment. With the help of an experienced private mediator, the Parties came to the proposed Settlement.

### **2. Why did I receive Mail and/or Email Notice of this lawsuit?**

If you received notice of this lawsuit by mail or email, it is because Pitt’s records indicate that you were enrolled at Pitt (or one of its branch campuses) in at least one in-person course during the Spring 2020 semester and were transitioned to on-line learning as a result of the COVID-19 pandemic. The Court directed that this notice be made available to all potential Settlement Class Members because each member has a right to notice of the proposed Settlement and the options available to them before the Court decides whether to approve the proposed Settlement.

### **3. How do I know if I am part of the Settlement Class?**

If you were enrolled in at least one in-person course(s) during the Spring 2020 semester at Pitt but had your course(s) moved to remote learning, then you qualify as a Settlement Class Member.

### **4. Why did the Parties Settle?**

In any lawsuit, there are risks and potential benefits that come with litigating as compared to settling. It is the job of Plaintiffs (here, appointed by the Court to serve as Settlement Class Representatives) and their counsel (here, appointed by the Court to serve as Class Counsel) to identify when a proposed Settlement offer is sufficient and justifies settling the case instead of continuing to litigate. In a class action, class counsel determines when to recommend settling to the class representatives. The class representatives then have a duty to act in the best interests of the class as a whole when deciding whether to accept this recommendation. In this case, it is the belief of the Settlement Class Representatives and Class Counsel that this proposed Settlement is in the best interest of all Settlement Class Members.

Pitt denies the claims asserted and believes that its actions were proper and in accordance with the terms of its policies, agreements, and applicable law. Pitt denies that its actions give rise to any claim by the Settlement Class Representatives or any Settlement Class Members. However,

given the benefit Pitt and Settlement Class Members will receive from a negotiated settlement and prompt resolution of the case, Pitt considers it desirable to resolve the Action.

**5. What must happen for the proposed Settlement to be approved?**

The Court must decide that the proposed Settlement is fair, reasonable, and adequate before it will approve the proposed Settlement. At this time, the Court has already reviewed and decided to grant preliminary approval of the proposed Settlement, after which notice was disseminated to Settlement Class Members. The Court will make a final decision regarding the proposed Settlement at a Final Approval Hearing, which is currently scheduled for July 28, 2025. See paragraph 22 below for more information regarding the Final Approval Hearing.

**YOUR OPTIONS**

**6. What options do I have with respect to the proposed Settlement?**

If you are a Settlement Class Member, you have three options with respect to this proposed Settlement: (1) do nothing and be entitled to participate in the proposed Settlement and receive the Settlement Benefit allocated to you according to the terms of the proposed Settlement; (2) opt out of the proposed Settlement; or (3) participate in the proposed Settlement, but object to it. Each of these options is described further below.

**7. What are the details and deadlines related to my options?**

- a. If you are a Settlement Class Member, do nothing, and the proposed Settlement is approved by the Court, you will be entitled to participate in the proposed Settlement and to receive the Settlement Benefit allocated to you according to the terms of the proposed Settlement. Your payment will be sent automatically by first class U.S. Mail to your last known permanent mailing address on file with Pitt. Settlement Class Members will also have the option, but are not required, to visit the Settlement Website at [www.PittTuitionSettlement.com](http://www.PittTuitionSettlement.com) to: (a) provide an updated address for sending a check; or (b) elect to receive the Settlement Benefit by Venmo or PayPal instead of a paper check. These actions must be taken no later than forty-five (45) days after the Effective Date, as defined in the proposed Settlement. That date is not known yet but will be posted on the Settlement Website when it is known. It will be some time after the Final Approval Hearing currently scheduled for July 28, 2025.
- b. If you would like to opt out or object to the proposed Settlement, your request must be postmarked no later than July 14, 2025.

**8. How do I decide which option to choose?**

If you would prefer not to participate in the proposed Settlement, then you may want to consider opting out. If you opt out, you will not receive a payment from the Settlement and you will keep any individual claims you may have against Pitt relating to the transition to remote learning in the

Spring 2020 semester. Be aware that the statute of limitations may impact your ability to bring your own lawsuit.

If you believe the proposed Settlement is unreasonable, unfair, or inadequate and that the Court should not approve the proposed Settlement, and/or the amounts of attorneys' fees or expenses, or Contribution Awards for the Settlement Class Representatives, you may want to consider submitting an objection. The Court will decide if your objection is valid. If the Court agrees, then the proposed Settlement may not be approved or the amount of attorneys' fees and expenses and Contribution Awards sought may be determined to be less than requested. If your objection (or any other objection) is overruled, and the proposed Settlement is approved, then you will still receive a payment under the proposed Settlement and you will be bound by the proposed Settlement. Note that if you do not object to the proposed Settlement, and the proposed Settlement is later approved, you cannot appeal the final approval order.

**9. Do I have to do anything if I want to participate in the proposed Settlement?**

No. If you are a Settlement Class Member, do nothing, and the proposed Settlement is approved by the Court, you will be entitled to participate in the proposed Settlement and to receive the Settlement Benefit allocated to you according to the terms of the proposed Settlement. Your payment will be sent automatically by first class U.S. Mail to your last known permanent mailing address on file with Pitt. Class Members will also have the option to visit the Settlement Website at [www.PittTuitionSettlement.com](http://www.PittTuitionSettlement.com) to (a) provide an updated address for sending a check; or (b) elect to receive the Settlement Benefit by Venmo or PayPal instead of a paper check. 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 July 28, 2025.

**OPTING OUT OF THE PROPOSED SETTLEMENT**

**10. What happens if I opt out of the proposed Settlement?**

If you opt out of the proposed Settlement, you will preserve any claims you may have against Pitt related to Pitt's transition to remote learning in the Spring 2020 semester. However, you will not be entitled to receive a payment from this proposed Settlement—assuming that the proposed Settlement is approved by the Court. Be aware that the statute of limitations may impact your ability to file your own lawsuit.

**11. How do I opt out of the proposed Settlement?**

To opt out of the proposed Settlement, you must send a written request to the Settlement Administrator at: Pitt Tuition Settlement, c/o RG/2 Claims Administration, P.O. Box 59479, Philadelphia, PA 19102-9479, which must:

- a. include a statement requesting to opt out of the Settlement Class;

- b. be personally signed by you;
- c. include your name, address, and either a telephone number or email address; and
- d. include the caption for the Action: *Hickey, et al. v. University of Pittsburgh*, Civil Action No. 2:20-cv-690-WSS (W.D. Pa.).
- e. be postmarked no later than July 14, 2025.

A request to opt out of the proposed Settlement that does not meet the above requirements, or that is sent to an address other than that of the Settlement Administrator, will be invalid and the person sending the defective request will remain in the Settlement Class and, if the proposed Settlement is approved by the Court, will receive a payment, and will be bound by the proposed Settlement.

A request to opt out of the proposed Settlement must be done on an individual basis. A potential Settlement Class Member cannot purport to opt others out of the proposed Settlement on a class or representative basis.

### **OBJECTING TO THE PROPOSED SETTLEMENT AND/OR AWARD REQUESTS**

#### **12. How do I object to the proposed Settlement and/or award requests?**

You can object to the proposed Settlement, or any part of it, and/or to the amount of attorneys' fees or expenses, or Contribution Awards for the Settlement Class Representatives, so long as you do not opt out of the proposed Settlement, as only Settlement Class Members have the right to submit an objection. To have your objection considered by the Court at the Final Approval Hearing, your objection must:

- a. include your name, address, and either a telephone number or email address; and state that you are a Settlement Class Member;
- b. be personally signed by you, the objecting Settlement Class Member;
- c. contain a statement that includes all objections, states and states the specific reasons for all objections, including any legal arguments and evidentiary support (including copies of any documents relied upon); and
- d. state whether you wish to speak at the Final Approval Hearing, and whether you are represented by counsel.

Your objection and any accompanying papers must be filed with the Clerk of Court. If you are represented by counsel, the objection must be filed through the Court's electronic case filing (ECF) system. All objections must also be mailed at the same time to Class Counsel, Pitt's Counsel, and the Settlement Administrator at the addresses below. All objections must be postmarked no later than July 14, 2025.

Clerk of Court	Settlement Administrator	Class Counsel	Pitt's Counsel
<p>Clerk of the Court United States District Court for the Western District of Pennsylvania Joseph F. Weis, Jr. U.S. Courthouse 700 Grant Street, Pittsburgh, PA 15219</p>	<p>Pitt Tuition Settlement c/o RG/2 Claims Administration P.O. Box 59479, Philadelphia, PA 19102-9479</p>	<p><b>LYNCH CARPENTER, LLP</b> Attn: Nicholas A. Colella 1133 Penn Avenue, 5th Floor Pittsburgh, PA 15222</p> <p><b>KLAFTER LESSER LLP</b> Attn: Jeffrey A. Klafter 2 International Drive, Suite 350 Rye Brook, NY 10573</p> <p><b>POULIN   WILLEY   ANASTOPOULO, LLC</b> Attn: Paul Doolittle 32 Ann Street Charleston, SC 29403</p>	<p><b>REED SMITH LLP</b> Attn: Jeffrey M. Weimer Reed Smith Centre, 225 Fifth Avenue Pittsburgh, PA 15222</p>

**13. What happens if I submit an objection to the Settlement?**

If you submit an objection to the Settlement, the Court will consider your objection at the Final Approval Hearing. If the Court sustains your objection, or the objection of any other Settlement Class Member, the proposed Settlement may not be approved. If you object, but the Court overrules your objection and any other objections and approves the proposed Settlement, then you will be bound by the proposed Settlement, and you may appeal the approval order to the extent that it overrules your objection.

**14. What is the difference between objecting to and opting out of the proposed Settlement?**

Objecting to the proposed Settlement is telling the Court that you do not believe the proposed Settlement is fair, reasonable, and adequate for the Settlement Class, and asking the Court not to approve it. If you object to the proposed Settlement and the proposed Settlement is ultimately approved, then you are entitled to a payment from the Settlement and will release any claims related to Pitt's transition to remote learning in the Spring 2020 semester. Opting out of the proposed Settlement, however, is telling the Court that you do not want to be a part of the proposed Settlement if it is approved, you do not want to receive a payment, and you will not release claims you might have against Pitt that would otherwise have been released by participating in the proposed Settlement.

**15. Can I opt out and object to the proposed Settlement?**

No. To object to the proposed Settlement, you must participate in the proposed Settlement. Thus, you must choose between opting out or objecting to the proposed Settlement.

**THE PROPOSED SETTLEMENT PAYMENT**

**16. How much is this proposed Settlement?**

The Parties have agreed to a Settlement Fund of \$7,850,000.

As discussed in more detail below, attorneys' fees and costs, contribution awards for the Settlement Class Representatives, and notice and administrative fees (the costs of the third-party Settlement Administrator) will be paid out of the Settlement Fund. Thereafter, the remaining funds—the Net Settlement Fund—will be divided among all Settlement Class Members entitled to payments as outlined in the proposed Settlement and discussed further below in Answer 20.

**17. How much of the Settlement Fund will be used to pay for attorneys' fees and costs?**

Class Counsel will request that the Court approve attorneys' fees of not more than thirty-three and one-third percent of the Settlement Fund and will request that Class Counsel be reimbursed for their out-of-pocket litigation costs incurred in litigating the Action. Class Counsel must submit their request for attorneys' fees and expenses to the Court by June 30, 2025, at which point the specific amount of the requested attorneys' fees and expenses, as well as Class Counsel's motion,



will be published on the Settlement Website at [www.PittTuitionSettlement.com](http://www.PittTuitionSettlement.com). The Court will then decide the amount of the attorneys' fees and expenses based on a number of factors, including the risk associated with bringing the Action, the amount of time spent on the case, the magnitude and complexity of the Action, the quality of the work, and the requested fee in relation to the outcome of the Action.

**18. How much of the Settlement Fund will be used to pay the Settlement Class Representatives?**

Class Counsel will request that the Settlement Class Representatives, Akira Kirkpatrick, Valeri Natoli, Candance N. Graham, Nicholas Bowes, and Carly Swartz, be each paid an award in the amount of no more than \$5,000 each, in recognition for their work in connection with this case. The award must be approved by the Court.

**19. How much of the Settlement Fund will be used to pay administrative expenses?**

A third-party Settlement Administrator was retained to provide notice and administer the payments to Settlement Class Members. The expenses of the Settlement Administrator are projected to not exceed \$150,000. In the event that such expenses exceed \$150,000, such additional amounts shall be paid only after approval by both Class Counsel and Pitt's Counsel and the Court.

**20. How much will my payment be?**

The balance of the Settlement Fund after paying notice and administrative expenses, attorneys' fees and expenses, and awards to the Settlement Class Representatives, as awarded by the Court will be known as the Net Settlement Fund. The Net Settlement Fund will be allocated to each Settlement Class Member based on the ratio of (a) the total amount of Spring 2020 Tuition and Mandatory Fees assessed to Settlement Class Members enrolled at the University during the Spring 2020 semester to (b) the total amount of Spring 2020 Tuition and Mandatory Fees assessed to each individual Settlement Class Member enrolled at the University during the Spring 2020 semester, less financial aid provided by the University, and less any refunds of Tuition and/or Mandatory Fees already distributed related to Spring 2020 semester. To the extent the distribution formula results in an individual payment amount of less than \$50, the payment amount will be adjusted upwards so that no Settlement Class Member shall receive less than \$50.

**21. When will I receive my payment?**

The Court will hold a Final Approval Hearing on July 28, 2025, to consider whether the proposed Settlement should be approved. If the Court approves the proposed Settlement, then payments will be distributed within sixty (60) days of the date after which the proposed Settlement becomes final, as defined in the Settlement Agreement.

## **THE FINAL APPROVAL HEARING**

### **22. When and where will the Court decide whether to approve the proposed Settlement?**

The Court will hold a Final Approval Hearing on July 28, 2025, at the United States District Court for the Western District of Pennsylvania, Joseph F. Weis, Jr. U.S. Courthouse, 700 Grant Street, Pittsburgh, PA 15219. At this hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. If objections have been properly submitted, the Court will consider them. The Court may also decide how much to award Class Counsel for attorneys' fees and litigation expenses and the amount of the contribution awards to the Settlement Class Representatives. The hearing will be public. The hearing may be virtual, in which case the instructions for viewing the hearing and participating will be posted on the Settlement Website at [www.PittTuitionSettlement.com](http://www.PittTuitionSettlement.com). The date and time of the Final Approval Hearing may change without further notice. Please check the Settlement Website for updates.

### **23. Do I have to come to the Final Approval Hearing?**

No. Class Counsel will answer any questions the Court may have. You may attend if you desire to do so. If you have properly submitted an objection, the Court will consider your objection regardless of whether you attend.

### **24. May I speak at the Final Approval Hearing?**

If you are a Settlement Class Member, you may ask the Court for permission to speak at the Final Approval Hearing. If you are objecting and would like to speak at the Final Approval Hearing, you must state in your objection, as described in Answer 12 above, that you wish to be heard at the Final Approval Hearing.

## **THE LAWYERS REPRESENTING THE CLASS**

### **25. Do I have a lawyer in this case?**

The Court has ordered that Gary F. Lynch and Nicholas A. Colella of Lynch Carpenter, LLP, Jeffrey A. Klafter of Klafter Lesser LLP, and Paul Doolittle of Poulin | Willey | Anastopoulos, LLC will serve as Class Counsel and will represent all Settlement Class Members in this matter.

### **26. Do I have to pay the lawyers bringing this suit on behalf of the Settlement Class?**

No. Class Counsel will be paid directly from the Settlement Fund, as ordered by the Court.

### **27. Who determines what the attorneys' fees and expenses will be?**

Class Counsel will file an application for attorneys' fees, which shall not exceed thirty-three and one-third percent of the Settlement Fund, plus their out-of-pocket litigation costs, and will specify

the amount being sought. Class Counsel must submit its request to the Court by June 30, 2025, which will be published on the Settlement Website at [www.PittTuitionSettlement.com](http://www.PittTuitionSettlement.com).

### **GETTING MORE INFORMATION**

This Notice only summarizes the proposed Settlement. More details are contained in the Settlement Agreement, which can be viewed or obtained online at [www.PittTuitionSettlement.com](http://www.PittTuitionSettlement.com). In the event of any inconsistency between the Settlement Agreement and this Notice, the Settlement Agreement will govern.

For additional information about the proposed Settlement, you should contact the Settlement Administrator as follows:

For more information, you may also contact Class Counsel:

**LYNCH CARPENTER, LLP**

Attn: Nicholas A. Colella  
1133 Penn Avenue, 5th Floor  
Pittsburgh, PA 15222  
(412) 322-9243

**KLAFTER LESSER LLP**

Attn: Jeffrey A. Klafter  
2 International Drive, Suite 350  
Rye Brook, NY 10573  
(914) 934-9200

**POULIN, WILLEY,  
ANASTOPOULO, LLC**

Attn: Paul J. Doolittle  
32 Ann Street  
Charleston, SC 29403  
(800) 777-7777

**PLEASE DO NOT CONTACT THE COURT OR PITT  
CONCERNING THIS NOTICE OR THE PROPOSED SETTLEMENT.**