

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

In re Pepperdine University Tuition and Fees
COVID-19 Refund Litigation

No. CV 20-4928-DMG (KSx)

NOTICE OF PENDENCY OF CLASS ACTION

**TO: ALL STUDENTS WHO PAID OR WERE OBLIGATED TO PAY TUITION, FEES,
OR OTHER COSTS TO PEPPERDINE UNIVERSITY FOR THE SPRING 2020
ACADEMIC TERM.**

*The U.S. District Court for the Central District of California has authorized this notice.
This is not a solicitation from a lawyer.*

IMPORTANT: Please read this notice carefully and in its entirety. You may be a member of the class described in this Notice. Your rights may be affected by a pending class action lawsuit. This Notice advises you of your options regarding the class action.

Please do not call or write the Court. If you have any questions after reading this Notice, you should contact Class Counsel or the Administrator using the instructions below.

This Notice is being sent under Rule 23 of the Federal Rules of Civil Procedure and an Order of the U.S. District Court for the Central District of California (the “Court”) to inform you: (a) of a class action lawsuit that is now pending in the Court under the above caption (the “Action”) against Pepperdine University (“Pepperdine”); and (b) that the Action has been certified by the Court to move forward as a class action on behalf of the Class, as defined in paragraph 1 below.

1. By the Order Granting Plaintiffs’ Motion for Class Certification dated September 26, 2023, the Court certified the following Class:

All students who paid or were obligated to pay tuition, fees, or other costs to Pepperdine for the Spring 2020 academic term.

Excluded from this class definition are all students who enrolled in Pepperdine’s education programs that, prior to March 16, 2020, were offered exclusively online. Also excluded from the class is Pepperdine, Pepperdine’s officers, directors, agents, trustees, parents, children, corporations, trusts, representatives, employees, principals, servants, partners, joint ventures, or entities controlled by Pepperdine, and their heirs, successors, assigns, or other people or entities related to or affiliated with Pepperdine and/or Pepperdine’s officers and/or directors, the judges assigned to this action, and any member of an assigned judge’s immediate family.

2. This Notice is directed to you because Pepperdine’s records indicate that you may be a member of the Class. If you are a member of the Class, your rights may be affected by this Action. If you do not meet the Class definition in paragraph 1, this Notice does not apply to you. If you are uncertain whether you are a member of the Class, contact Class Counsel in paragraph 22 below, or your own attorney.

3. This Notice is not an admission by Pepperdine or an expression of any opinion as to the merits of the Action, nor is it based on a finding by the Court that the claims asserted by the Class Representatives¹ are valid. This Notice is intended only to inform you of the pendency of this Action and of your rights in connection with it, including the right to ask for exclusion from the Class. There is no judgment, settlement, or monetary recovery at this time. Pepperdine has denied all of the claims asserted in the Action.

4. The Class definition may be subject to change by the Court under Rule 23 of the Federal Rules of Civil Procedure.

DESCRIPTION AND STATUS OF LAWSUIT

5. This is a quasi-contract and California Unfair Competition Law class action against Pepperdine. The Class Representatives allege that they and Class Members have the right to partial refunds of tuition and fees for the Spring 2020 academic term because Pepperdine transitioned to remote instruction in March 2020 during the COVID-19 pandemic.

6. Pepperdine denies the allegations asserted in the Action and denies any liability to any members of the Class. Pepperdine alleges that it was prevented from continuing to offer in-person instruction and access during the Spring 2020 academic term by applicable government orders and that no further refunds are due in light of its provision of remote instruction and services for the remainder of the term.

7. Plaintiff Joseph Pinzon first filed his action in the U.S. District Court for the Central District of California on June 3, 2020 and filed a First Amended Complaint on September 4, 2020. *Pinzon v. Pepperdine Univ.*, No. CV 20-04928-DMG (KSx) (C.D. Cal.) (“*Pinzon*”). Pepperdine moved to dismiss this First Amended Complaint, which Plaintiff Joseph Pinzon opposed.

8. Plaintiff Mathew Rezvani first filed his action in Los Angeles Superior Court, and on September 18, 2020, Pepperdine removed the case to the U.S. District Court for the Central District of California. *Rezvani v. Pepperdine Univ.*, No. CV 20-8582-DMG (KSx) (C.D. Cal.) (“*Rezvani*”). Thereafter, *Rezvani* was transferred as a related case to the *Pinzon* action.

¹ Plaintiffs Joseph Pinzon and Mathew Rezvani are the appointed Class Representatives in this class action lawsuit and are described collectively herein as either the “Plaintiffs” or the “Class Representatives”.

9. On August 5, 2021, the Court granted in part and denied in part Pepperdine's Motion to Dismiss the First Amended Complaint in *Pinzon*. As part of the Court's August 6 Order, the Court consolidated the *Pinzon* and *Rezvani* actions.

10. On August 30, 2021, the Court entered its Order Appointing Interim Class Counsel And Setting Schedule On Consolidated Class Action Complaint.

11. Pursuant to the Court's scheduling order, on September 16, 2021, the Class Representatives filed their Consolidated Class Action Complaint. On October 12, 2021, Pepperdine answered the Consolidated Class Action Complaint, disputing the allegations and asserting 23 affirmative defenses.

12. On January 6, 2023, Pepperdine filed its Motion For Summary Judgment Or, In The Alternative, Partial Summary Judgment On Plaintiffs' Individual Claims. On February 17, 2023, the Class Representatives filed their Opposition To Pepperdine University's Motion For Summary Judgment. On March 7, 2023, the District Court granted in part and denied in part Pepperdine's motion for summary judgment.

13. On June 13, 2023, the Class Representatives moved for class certification, which Pepperdine opposed. Plaintiffs' Motion For Class Certification was briefed, and following oral argument, the Court granted Plaintiffs' Motion For Class Certification on September 26, 2023 and appointed Plaintiffs as Class Representatives and Hagens Berman Sobol Shapiro LLP and Shegerian & Associates, Inc. as Class Counsel. The Court's Order certifying the Class does not mean that Class Members will receive money or benefits; that will be decided later.

14. The litigation is ongoing.

15. The case is currently scheduled for trial beginning on May 7, 2024. This date may be altered by the Court.

16. The Court has not made a ruling on the merits of Class Representatives' remaining allegations or on Pepperdine's denials and defenses. By certifying the Class and issuing this Notice, the Court is not suggesting that the Class Representatives will win or lose this case.

YOUR RIGHTS AS A CLASS MEMBER

17. A class action is a type of lawsuit in which one or several individuals or entities, the Class Representatives here, prosecute claims on behalf of all members of a group of similarly situated people and entities (the "Class") to obtain monetary or other relief to benefit the entire Class. Class actions avoid the necessity of each member of a class having to file his, her, or its own separate lawsuit to obtain relief. Class actions are used to decide legal and factual issues that are common to all members of a class.

18. If you were a student who paid or was obligated to pay tuition, fees, or other costs to Pepperdine for the Spring 2020 academic term, and are not otherwise excluded (see Paragraph 1 above), you are a member of the Class unless you choose to "opt-out," as described below. If

you are a member of the Class, you have the right to decide whether to remain a member of the Class. If you are a member of the Class and wish to opt-out and be excluded from the Class, you must ask for exclusion under the procedures in paragraphs 20-21 below. To remain a member of the Class, you need not do anything other than to keep your documentation reflecting your enrollment and payments to Pepperdine as discussed below in paragraph 19. Some important factors to consider in making your decision are as follows:

- a. **IF YOU CHOOSE TO REMAIN A MEMBER OF THE CLASS**, you will be bound by all past, present, and future orders and judgments in this Action, whether favorable or unfavorable. If any money is awarded to the Class, either through a settlement with Pepperdine or a judgment of the Court after a trial and any appeal, you may be eligible to receive a share of that award. If you remain a member of the Class, you may not pursue a lawsuit on your own behalf regarding the issues in this Action.

If you remain a member of the Class, you will not be personally responsible for Class Counsel's attorneys' fees or expenses. Class Counsel have agreed to represent the Class on a contingent fee basis, so they will be awarded fees and expenses to be approved by the Court only if they obtain a recovery from Pepperdine. Any attorneys' fees for Class Counsel awarded by the Court will come from the settlement or judgment, if any, obtained on behalf of the Class. As a member of the Class, you will, by default, be represented by Class Counsel. Alternatively, you may remain a member of the Class and elect to be represented by counsel of your own choosing. If you retain separate counsel, you will be responsible for those attorneys' fees and expenses, and your own attorney must enter an appearance on your behalf by filing a Notice of Appearance with the Court and mailing it to Class Counsel at the addresses in paragraph 22 below by **March 22, 2024**.

If you remain a member of the Class, Pepperdine may disclose to Class Counsel, as permitted by the Federal Family Educational Rights and Privacy Act ("FERPA"), your Pepperdine education records, which may include amounts you paid to Pepperdine for tuition or fees, any financial aid you received from any source for tuition or fees, your enrollment information for the Spring 2020 academic term, and other written communications of yours that you may have sent to or received from Pepperdine concerning tuition, fees, or financial aid for the Spring 2020 academic term.

- b. **IF YOU CHOOSE TO BE EXCLUDED FROM THE CLASS**, you will not be bound by any orders or judgments in this Action, nor will you be eligible to share in any recovery that might be obtained in this Action. You will retain any right you have to individually pursue any legal recourse you may have against Pepperdine regarding the claims asserted in the Action. Please note, if you exclude yourself from the Class, you may be time-barred by a statute of repose from asserting the claims covered by the Action. Please refer to paragraphs 20–21 below if you would like to ask for exclusion from the Class.

19. Members of the Class will be eligible to participate in any recovery that might be obtained in the Action. While this Notice is not intended to suggest any likelihood that the Class Representatives or members of the Class will obtain any recovery, if there is a recovery, members of the Class may have to support their requests to participate in the distribution of the recovery by showing their membership in the Class through documentation of their enrollment, funding sources, and payments to Pepperdine. Please keep all records of your transactions. DO NOT mail them to Class Counsel or the Administrator.

HOW TO BE EXCLUDED FROM THE CLASS

20. To exclude yourself from the Class, you must send your exclusion request to the Class Administrator, RG/2 Claims Administration, such that it is **received by March 22, 2024**. You have two options for how to exclude yourself from the Class. You must *either* (1) email the Class Administrator at pepperdinecovidtuitionlawsuit@rg2claims.com or (2) send a written request for exclusion by first-class mail to the Class Administrator at the address listed below. Whichever method you choose, the request for exclusion must: (i) clearly state as follows: “I request to be excluded from the Class in *In re Pepperdine University COVID-19 Tuition and Fee Litigation*, Case No. CV-20-4928-DMG (KSx) and any future recovery if there is any”; and (ii) include your full name, address, and a telephone number where you can be reached. If you mail in your exclusion request, it should be sent to:

In re Pepperdine University COVID-19 Tuition and Fee Litigation
PO Box 59479
Philadelphia, PA 19102-9479

21. You cannot exclude yourself from the Class by telephone or facsimile. Requests for exclusion that do not follow the above requirements will be invalid, unless otherwise accepted by the Court, subject to any objections of the parties to be resolved by the Court. Please note that if you send a request for exclusion, you may thereafter be contacted by the Class Administrator to verify your information, if needed.

CLASS COUNSEL

22. The Court has appointed the law firms of Hagens Berman Sobol Shapiro LLP and Shegerian & Associates, Inc. as Class Counsel. If you have questions about the matters raised in this Notice, you may contact class counsel:

HAGENS BERMAN SOBOL SHAPIRO LLP Steve W. Berman Daniel J. Kurowski Whitney K. Siehl 455 N. Cityfront Plaza Drive Suite 2410 Chicago, IL 60611 pepperdinetuition@hbsslaw.com	SHEGERIAN & ASSOCIATES, INC. Cheryl A. Kenner CKenner@Shegerianlaw.com Carney R. Shegerian Anthony Nguyen 11520 San Vicente Boulevard Los Angeles, CA 90049 Tel. (424) 231-0178
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PLEASE KEEP YOUR ADDRESS CURRENT

23. To help the Court and the parties in maintaining correct lists of Class Members, please mail or email notice of any changes in your address or other contact information to:

In re Pepperdine University COVID-19 Tuition and Fee Litigation
PO Box 59479
Philadelphia, PA 19102-9479
pepperdinecovidtuitionlawsuit@rg2claims.com

24. If this Notice was forwarded to you by the postal service, or if it was otherwise sent to you at a mailing or email address that is not current, you should immediately contact the Administrator, RG/2 Claims Administration, at either the mailing or email address above, or toll free at (800) 215-9569, and provide them with your correct address. If the Administrator does not have your correct address, you might not receive future notice of important developments.

WHERE YOU CAN FIND ADDITIONAL INFORMATION

25. This Notice gives only a summary of the Action and the claims and defenses asserted in the case. For more detailed information regarding the Action, you may contact Class Counsel or visit www.PepperdineCovidTuitionLawsuit.com.

26. Complete copies of the pleadings, orders, and other documents filed in this Action, unless otherwise sealed by the Court, are available at the office of the Clerk of Court at the U.S. District Court for the Central District of California, 255 East Temple Street, Suite 180, Los Angeles, CA 90012-4701 under Case No. CV-20-4928-DMG (KSx).

PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK OF COURT REGARDING THIS NOTICE

Dated: February 12, 2024

BY ORDER OF THE COURT
U.S. DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA