

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

ELENA BOTTS, on behalf of herself and all  
others similarly situated,

*Plaintiff,*

v.

JOHNS HOPKINS UNIVERSITY,

*Defendant.*

Case No. 1:20-cv-01335-JRR

**ORDER PRELIMINARILY APPROVING SETTLEMENT AND  
DIRECTING NOTICE TO SETTLEMENT CLASS**

Upon consideration of Named Plaintiff<sup>1</sup> Elena Botts's Motion for Preliminary Approval of the Settlement, Approval and Direction of the Class Notice Plan, and Appointment of the Settlement Administrator, IT IS HEREBY ORDERED:

1. The Settlement Class, defined as "all people who paid Defendant Johns Hopkins University tuition and/or fees for the Spring Semester 2020 for in-person educational services, which tuition and fees have not been refunded," appropriately encompasses those individuals who may assert the claims alleged in Counts I and II of Named Plaintiff Elena Botts's Amended Complaint against Defendant Johns Hopkins University. *See* ECF 35.

2. The Settlement Agreement entered between the parties as of December 9, 2022, ECF 85-2, appears, upon preliminary review, to be fair, reasonable, and adequate to the Settlement Class. The terms of the Settlement Agreement are fully incorporated herein by reference.

3. Accordingly, for settlement purposes only, the proposed settlement is preliminarily approved, pending a Final Approval Hearing, as provided for herein.

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<sup>1</sup> Capitalized terms are defined in Section 2 of the parties' Settlement Agreement, ECF 85-2.

4. The Court finds that the Settlement Class contains 8,603 individuals.

5. The Court finds that Named Plaintiff Elena Botts has and will continue to adequately represent the Settlement Class and hereby appoints her class representative.

6. The Court finds that the attorneys for Named Plaintiff, James A. Francis, John Soumilas, Kevin C. Mallon, and Jordan M. Sartell of Francis Mailman Soumilas, P.C. and Courtney Weiner of the Law Office of Courtney Weiner PLLC, have and will continue to adequately represent the Settlement Class and hereby appoints them Class Counsel.

7. The Court appoints JND Legal Administration as the Settlement Administrator.

8. The Court will hold a Final Approval Hearing pursuant to FED. R. CIV. P. 23(e) at 10:00 a.m. on April 17, 2023, in Courtroom 3A of the United States District Courthouse located at 101 West Lombard Street, Baltimore, Maryland for the following purposes:

A. To determine whether the proposed settlement is fair, reasonable, and adequate and should be granted final approval by the Court;

B. To determine whether a final judgment should be entered dismissing the claims of the Class with prejudice, as required by the Settlement Agreement;

C. To consider the application of Class Counsel for an award of attorney's fees and costs; and

D. To consider the application of Class Counsel for a Service Award to the class representative.

9. As set forth in Section 4.1.1 of the Settlement Agreement, Defendant shall provide a list of Settlement Class members to the Settlement Administrator, who shall send the agreed upon Notice to the Settlement Class members in accordance with the terms of the Settlement Agreement.

10. The Court approves the parties' Notice, which is attached to the Settlement Agreement as Exhibit C. To the extent the parties or Settlement Administrator determine that ministerial changes to the Notice are necessary before disseminating it to the Settlement Class, they may make such changes without further application to the Court.

11. The Court approves the parties' Notice plan, as set forth in Section 4.1.3 of the Settlement Agreement. The Court finds this manner of giving notice fully satisfies the requirements of FED. R. CIV. P. 23 and due process.

12. If a Settlement Class member chooses to opt-out of the Class, such Class member is required to submit a request for exclusion to the Settlement Administrator, post-marked on or before the date specified in the Notice, which shall be no later than thirty (30) days before the date of the Final Approval Hearing. The request for exclusion must include the items identified in section 4.3.4.1 of the Settlement Agreement. A Settlement Class member who submits a valid request for exclusion using the procedure identified above shall be excluded from the class for all purposes. No later than fourteen (14) days prior to the Final Approval Hearing, the Settlement Administrator shall prepare a declaration listing all the valid opt-outs received and shall provide the declaration and list to Class Counsel and Defendant's counsel, with Class Counsel then reporting the names appearing on this list to the Court before the Final Approval Hearing.

13. A Settlement Class member who does not file a timely and valid request for exclusion shall be bound by all subsequent proceedings, orders, and judgments in this action.

14. Any Settlement Class member who wishes to be heard orally at the Final Approval Hearing, and/or who wishes for any objection to be considered, must file a written notice of objection to be filed with the Court no later than thirty (30) days prior to the Final Approval Hearing. The notice of objection shall be sent by First Class United States Mail to the Settlement

Administrator, the Clerk of the Court, Class Counsel, and counsel for Defendant. The objection must include the following:

- A. the Settlement Class member's full name, address and current telephone number;
- B. if the individual is represented by counsel, the name and telephone number of counsel, if counsel intends to submit a request for fees, and all factual and legal support for that request;
- C. all objections and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to the objector, to a specific subset of the Class, or to the entire Class;
- D. the identity of any witnesses the objector may call to testify;
- E. a listing of all exhibits the objector intends to introduce into evidence at the Final Approval Hearing, if any, as well as true and correct copies of such exhibits; and
- F. a statement of whether the objector intends to appear at the Final Approval Hearing, either with or without counsel.

Any Settlement Class member who fails to timely file and serve a written objection pursuant to the terms of this paragraph shall not be permitted to object to the approval of the settlement or the Settlement Agreement and shall be foreclosed from seeking any review of the settlement or the terms of the Settlement Agreement by appeal or other means.

15. All briefs, memoranda, petitions, and affidavits to be filed in support of an individual service award to the Named Plaintiff and/or in support in support of Class Counsel's application for attorneys' fees and costs, shall be filed not later than forty-five (45) days before the Final Approval Hearing. All other briefs, memoranda, petitions, and affidavits that Class Counsel

