

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 05 2015 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

CAROLINE CASTELLAW, CHERYL CARNES,
KATHRYN ROSE, AMANDA WILSON, HELEN
SPOSATO, KACY MCDONOUGH, SHERRY TAITZ,
MARLA HUBER, JOY MARIE CZAPSKI, DANIEL
QUICK, CHARITY RICHERT, DIANE RUBENS,
KAREN BLANKEN, WANDA PENNINO, JILLIAN
PHELAN, DEBORAH MCCARVER and DEBORAH
ALEXANDER, ET AL.

Civil Action No.:

1:14-CV-01048-JBW-RLM

PRELIMINARY APPROVAL ORDER

Plaintiffs,

-against-

EXCELSIOR COLLEGE,

Defendant.

WHEREAS, Plaintiff and Class Representatives set forth in Exhibit "1," on behalf of themselves and the plaintiff class, ^{have} moved this Court for an order granting preliminary approval of the Parties' Stipulation of Settlement resolving this class action on a nationwide basis ^{and}

WHEREAS, Defendant Excelsior College ("Excelsior") has consented to the filing of the motion and has joined in the request for the relief set forth therein ^{and}

WHEREAS, based upon the consented-to motion, supporting memorandum of law, supporting exhibits, and all pleadings and submissions previously filed in this action, the Court finds preliminary approval of the Settlement is warranted;

IT IS HEREBY ORDERED THAT:

1. The Court certifies, pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3), a Settlement Class defined as:

All current or former students of Excelsior College's Associate Degree in Nursing ("ADN") distance-learning program who took the Clinical Performance in Nursing Exam ("CPNE") at any time failed the CPNE, and then paid for and took the CPNE on another occasion during the Class Period, from February 19, 2011 to March 5, 2015, and did not pass the CPNE on at least one more occasion during the Class Period.

The court has given great attention to this important case w/ a series of hearings and motions. Based upon that consideration, the lack of any objection, the desirability of settlement and its apparent fairness, and

2. The Court confirms the appointment of the individual identified in Exhibit "1", as the Class Representatives of the Settlement Class and the Hermina Law Group as Class Counsel to the Settlement Class.

3. The Court finds that the proposed Settlement, as set forth in the Parties' Stipulation of Settlement, appears to be fair, reasonable, adequate, and in the best interests of the Settlement Class, ~~and therefore grants~~ ^{and defendant. P/} Plaintiffs' ~~consented to~~ motion for preliminary approval of the proposed Settlement. *is conducted to by defendant.*

4. The Court approves the form of the proposed Class Notice, and approves the Parties' proposal for the manner of notifying the Conditional Class Members of the pendency of the class action and the proposed settlement. The Court finds that the Parties' proposal constitutes the best notice practicable under the circumstances, and complies fully with the notice requirements of due process and Federal Rule of Civil Procedure 23.

5. The Court approves the Parties' proposed schedule for the dissemination of the Class Notice, requesting exclusion from the Settlement Class, submitting papers in connection with Final Approval and the Final Approval Hearing as follows:

March 5, 2015	Court Conference regarding Motion for Preliminary Approval
March 5, 2015- March 15, 2015	Notice Date: Class Notice disseminated by e-mail and U.S. regular mail
May 15, 2015 (60 days after Notice Date)	Opt-Out Date: Deadline for Conditional Class Members to opt out of Settlement.
June 15, 2015 (90 days after Notice Date)	Claim Form Deadline: Conditional Class Members must return completed Claim Form to Third Party Claims Administrator
July 8, 2015	Deadline for Parties to file submissions in support of Final Approval
July 15, 2015 (or as soon thereafter as the Parties may be heard	Final Approval Hearing

The settlement includes all claims including those for inadequate education and services under the New York General Business Law and all other federal and state statutes and rules of law.

IT IS SO ORDERED.

Hon. Jack B. Weinstein, U.S.D. J.

3/5/15

This settlement covers all cases included in exhibit 1 to this proposed. If the settlement is approved all cases so listed will be dismissed. This order shall appear on the docket of all such cases listed.

**List of Class Representatives and
Civil Action Numbers for Related Cases**

Civil Action No.	Last Name	First
14-cv-1048	Alexander	Debra
14-cv-1048	Austin	Carol
14-cv-1048	Baker	Heike
14-cv-1048	Bal	Zavida
14-cv-1048	Bataille	Lily
14-cv-1048	Berner	Rebecca
14-cv-1048	Bertucci	Brenda
14-cv-1048	Blanken	Karen
14-cv-1048	Bolton	Robin
14-cv-1048	Briones	Anna
14-cv-1048	Brown	Marcia
14-cv-1048	Cain	Rhonda
14-cv-1048	Carnes	Cheryl
14-cv-1048	Castellaw	Caroline
14-cv-1048	Cessna	Robbin
14-cv-1048	Childress	Aaron
14-cv-1048	Colletti-Huber	Marla
14-cv-1048	Craig	Christina
14-cv-1048	Crowley	Ollette
14-cv-1048	Czapski	Joy Marie
14-cv-1048	Davis	Charlotte
14-cv-1048	Dawson	Christi
14-cv-1048	Dorr	Stacey
14-cv-1048	Frye	Christina
14-cv-1048	Giganti	Vincent
14-cv-1048	Gilmore	Ernest J.
14-cv-1048	Gombeda	Lynelle
14-cv-1048	Halcovage	William
14-cv-1048	Hershman	Deborah
14-cv-1048	Hoban	Celeste
14-cv-1048	Hurt	Tricia
14-cv-1048	Hutter	Charlotte
14-cv-1048	Irby	Kelsay
14-cv-1048	Johnson	Sharma
14-cv-1048	Jolly	Maketa
14-cv-1048	Jones, Jr.	Ray D.
14-cv-1048	Kemble	Tod

14-cv-1048	Kent	Kathy
14-cv-1048	Krabbe	Charles
14-cv-1048	Lamp	Justin
14-cv-1048	Lawes-Burgos	Nadine
14-cv-1048	Lockshier	Roger
14-cv-1048	Marin	Ileana
14-cv-1048	Mbu	Vivian
14-cv-1048	McCarty	Staci
14-cv-1048	McCarver	Deborah
14-cv-1048	McDonough	Kacy
14-cv-1048	McFadden	Elizabeth
14-cv-1048	Murk	Lisa
14-cv-1048	Myer	Nathan
14-cv-1048	Nestor	Julie
14-cv-1048	Norton	Lacie
14-cv-1048	Ogborn	Ann
14-cv-1048	Pennino	Wanda
14-cv-1048	Phelan	Jillian
14-cv-1048	Quick	Daniel
14-cv-1048	Rawson	Simon
14-cv-1048	Reynolds	Barbara V.
14-cv-1048	Richard	Carmen
14-cv-1048	Richert	Charity
14-cv-1048	Rose	Kathryn
14-cv-1048	Rubens	Diane
14-cv-1048	Schimshock	Lori
14-cv-1048	Simpson	Jeffery
14-cv-1048	Sposato	Helen
14-cv-1048	St. Aubin	Jenny
14-cv-1048	Taitz	Sherry
14-cv-1048	Taylor	Nicole
14-cv-1048	Togarepi	Leann
14-cv-1048	Tudor	Johnathan
14-cv-1048	Welch	Archie
14-cv-1048	Wells	Donald
14-cv-1048	Williams	Mary
14-cv-1048	Wilson	Amanda
14-cv-1048	Wright	Robin
14-cv-4989	Richardson	Felicia
14-cv-5038	Hedgepath	Ladonna

14-cv-5040	Parker	Andrea
14-cv-5041	Upegui	Cristina
14-cv-5103	Finch	Timothy
14-cv-5176	Ramirez	Roxanne
14-cv-5355	Bodell	Patricia
14-cv-5357	Shelton	Fallen
14-cv-5519	Kirker	Brianne
14-cv-5520	Machetta	Sally
14-cv-6180	Dowburd	Julie
14-cv-6187	Dickerson	Paul
14-cv-6187	Parham	Rita
14-cv-6582	Fraser	Rebecca
14-cv-7355	Stephens	Keena
15-cv-150	Bryant	Lindsay
15-cv-152	Reeves	Michael
15-cv-153	Torres	Carmen
15-cv-154	Trammell	Kelly L.
15-cv-00151	Cassa-Brewster	Andrea
15-cv-00151	Koch	Tina
15-cv-00151	Pretti	Kathleen
15-cv-00151	Spielman	Jacqueline