

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT

Neubert v. Lehigh University, Civil Action No. 5:24-cv-831 (E.D. Pa.)

ATTENTION: ALL STUDENTS ENROLLED AT LEHIGH UNIVERSITY AFTER MARCH 12, 2020, WHO SATISFIED THEIR PAYMENT OBLIGATIONS FOR TUITION AND/OR MANDATORY FEES FOR THE SPRING 2020 SEMESTER

The United States District Court for the Eastern 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 or may be a member of the settlement class in this lawsuit, and the proposed settlement of this lawsuit, if approved, may affect your legal rights. You should read this notice carefully.

If you were enrolled as a student at Lehigh University (“Lehigh” or “University”) after March 12, 2020, satisfied your payment obligations for tuition and/or mandatory fees for the Spring 2020 semester, and were enrolled for the Spring 2020 semester in at least one class that was meeting in person and on campus at the beginning of the Spring 2020 semester, you are part of the proposed settlement class (a “Settlement Class Member”) affected by this lawsuit.

The purpose of this notice is to inform you of a proposed Settlement relating to a class action lawsuit brought by Plaintiff, a student at Lehigh during the Spring 2020 semester, against Lehigh, on behalf of a putative class of students who paid tuition and/or mandatory fees for the Spring 2020 semester. The case is captioned *Neubert v. Lehigh University*, Civil Action No. 5:24-cv-831 (E.D. Pa.) (the “Action”).

In this Action, Plaintiff alleged Lehigh breached a contract when it transitioned to remote learning in response to the COVID-19 pandemic. Plaintiff also alleged that Lehigh’s shift to remote learning gave rise to a claim of unjust enrichment. Plaintiff sought a refund of a portion of the tuition and mandatory fees for the Spring 2020 semester. Lehigh denies all allegations of wrongdoing and there has been no finding of liability in any court. However, considering the interests of both Lehigh and its students in prompt resolution of the matter, Lehigh and Plaintiff have agreed that Lehigh will pay \$1,750,000 into a Settlement Fund to resolve the Action.

The terms of the agreement are set forth in the proposed Settlement that must be approved by the United States District Court for the Eastern 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.

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

YOUR OPTIONS	INSTRUCTIONS	DUE DATE
<p align="center">DO NOTHING AND AUTOMATICALLY RECEIVE A PAYMENT</p>	<p>Your payment will be sent automatically by first class U.S. Mail to your last known mailing address on file with the University Registrar. Class Members will also have the option, but are not required, to visit the Settlement Website at www.lehighcovidsettlement.com to choose one of the following selections: (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.</p>	<p>See Answer 7(a).</p>
<p align="center">EXCLUDE YOURSELF FROM THE PROPOSED SETTLEMENT</p>	<p>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 and you will keep any individual claims you may have against Lehigh relating to the transition to remote learning in the Spring 2020 semester. Be aware that the statute of limitations may impact your ability to file a claim. For more detailed opt-out instructions, see Answer 11 below.</p>	<p>Postmarked no later than APRIL 14, 2025. See Answer 7(b).</p>
<p align="center">OBJECT TO THE PROPOSED SETTLEMENT</p>	<p>You can file an objection with the Court explaining why you believe the Court should reject the proposed Settlement. If your objection is overruled by the Court and the proposed Settlement is approved, then you would be included in the Settlement Class. 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 class members may object to a proposed Settlement. For more detailed objection instructions, see Answer 12 below.</p>	<p>Postmarked no later than APRIL 14, 2025. See Answer 7(c).</p>

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 captioned *Neubert v. Lehigh University*, Civil Action No. 5:24-cv-831 (E.D. Pa.). This case is a putative class action, meaning that the Settlement Class Representative—John Neubert—brought this action as an individual acting on behalf of a putative class of students who paid tuition and/or mandatory fees for the Spring 2020 semester at Lehigh. The Settlement Class Representative alleged claims for breach of contract and unjust enrichment. With the help of a mediator, the Parties came to the proposed Settlement.

2. Why did I receive notice of this lawsuit?

If you received notice of this lawsuit, it is because Lehigh's records indicate that you were enrolled as a student at Lehigh during the Spring 2020 semester and satisfied your payment obligations of tuition and/or mandatory fees that are the subject of this Action. The Court directed that this notice be made available to all 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 as a student at Lehigh after March 12, 2020; satisfied your payment obligations for tuition and/or mandatory fees for the Spring 2020 semester; and were enrolled for the Spring 2020 semester in at least one class that was meeting in person and on campus at the beginning of the Spring 2020 semester, then you potentially 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 Settlement Class Representative's and their lawyers' ("Class Counsel") job 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 representative. The class representative then has 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 Representative and Class Counsel that this proposed Settlement is in the best interest of all Settlement Class Members.

Lehigh denies the claims asserted and believes that its actions were proper and in accordance with the terms of its policies, agreements, and applicable law. Lehigh denies that its actions give rise to any claim by the Settlement Class Representative or any Settlement Class Members. However, given the benefit Lehigh and its students will receive from a negotiated settlement and prompt resolution of the case, Lehigh 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 May 20, 2025.

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 eligible 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 do nothing, and the proposed Settlement is approved by the Court, you will be eligible 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 mailing address on file with the University Registrar. Class Members will also have the option, but are not required, to visit the Settlement Website at www.lehighcovidsettlement.com to choose one of the following selections: (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 May 20, 2025.
- b. If you would like to opt out to the proposed Settlement, your request must be postmarked no later than April 14, 2025.
- c. If you would like to object to the proposed Settlement, your objection must be filed no later than April 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 and you will keep any individual claims you may have against Lehigh relating to the transition to remote learning in the Spring 2020 semester.

If you believe the proposed Settlement is unreasonable, unfair, or inadequate and that the Court should reject the proposed Settlement, you may consider objecting to the proposed Settlement rather than opting out. The Court will decide if your objection is valid. If the Court agrees, then the proposed Settlement may not be approved. 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 that approval order.

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

No. If you do nothing, and the proposed Settlement is approved by the Court, you will be eligible 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 mailing address on file with the University Registrar. Class Members will also have the option to visit the Settlement Website at www.lehighcovidsettlement.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 May 20, 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 Lehigh related to Lehigh's transition to remote learning in the Spring 2020 semester. However, you will not be entitled to object to the settlement or receive a payment from this proposed Settlement—assuming that the proposed Settlement is approved by the Court. Be aware, the statute of limitations may impact your ability to bring a claim.

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: **Lehigh University Covid Settlement c/o RG/2 Claims Administration LLC, 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;
- d. include the caption for the Action: *Neubert v. Lehigh University*, Civil Action No. 5:24-cv-831 (E.D. Pa.); and
- e. be postmarked no later than April 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 Settlement Class Member cannot purport to opt others out of the proposed Settlement on a class or representative basis.

OBJECTING TO THE PROPOSED SETTLEMENT

12. How do I object to the proposed Settlement?

You can object to the proposed Settlement, or any part of it, so long as you do not opt out of the proposed Settlement, as only Settlement Class Members have the right to object to the proposed Settlement, including any attorneys’ fees sought by Class Counsel. 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 whether each objection applies only to the objector, to a subset of the Settlement Class, or to the entire Settlement Class, 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, Lehigh’s Counsel, and the Settlement Administrator at the addresses below. All objections must be postmarked no later than April 14, 2025.

Clerk of Court	Settlement Administrator	Class Counsel	Lehigh’s Counsel
Clerk of the Court United States District Court for the Eastern District of Pennsylvania U.S. Courthouse 601 Market Street, Philadelphia, PA 19106	Lehigh University Covid Settlement c/o RG/2 Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102- 9479	LYNCH CARPENTER, LLP Attn: Nicholas A. Colella 1133 Penn Avenue, 5th Floor Pittsburgh, PA 15222 LEEDS BROWN LAW, P.C. Attn: Anthony M. Alesandro One Old Country Road, Suite 347 Carle Place, NY 11514	SAUL EWING LLP Attn: James A. Keller 1500 Market Street, 38th Floor Philadelphia, PA 19102

13. What happens if I object to the proposed Settlement?

If you object to the proposed 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 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 to reject it. If you object to the proposed Settlement and the proposed Settlement is ultimately approved, then you are entitled to a payment and will release any claims related to Lehigh'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 Lehigh 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 \$1,750,000.

As discussed in more detail below, attorneys' fees and costs, a contribution award for the Settlement Class Representative, and administrative fees, including the costs paid to a 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 to the Court by March 31, 2025, at which point the amount of the requested attorneys' fees, as well as Class Counsel's motion, will be published on the Settlement Website at www.lehighcovidsettlement.com. The Court will then decide the amount of the attorneys' fees and costs 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 Representative?

Class Counsel will request that the Settlement Class Representative, John Neubert, be paid an award in the amount of no more than \$2,500, in recognition of his 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 \$55,000. In the event that such expenses exceed \$55,000, such additional amounts shall be paid only after approval by both Class Counsel and Lehigh's Counsel.

20. How much will my payment be?

The balance of the Settlement Fund after paying administrative expenses, attorneys' fees and costs, and award to the Settlement Class Representative, will be known as the Net Settlement Fund. The Net Settlement Fund will be allocated pro rata to each Settlement Class Member based on the ratio of (a) the total amount of Spring 2020 Tuition and Fees assessed to Potential Settlement Class Members enrolled at Lehigh during the Spring 2020 semester to (b) the total amount of Spring 2020 Tuition and Fees assessed to each individual Potential Settlement Class Member enrolled at Lehigh during the Spring 2020 semester, less Financial Aid and any unpaid balances related to the Spring 2020 term as reflected on the Settlement Class Member's account with Lehigh, and any refunds already distributed related to Spring 2020 semester.

21. When will I receive my payment?

The Court will hold a Final Approval Hearing on May 20, 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 May 20, 2025 at the Edward N. Cahn U.S. Courthouse and Federal Building, Courtroom C, Third Floor, 504 West Hamilton Street, Allentown, PA 18101. 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 costs and the amount of the award to the Settlement Class Representative. 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.lehighcovidsettlement.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 Nicholas A. Colella of Lynch Carpenter, LLP and Michael A. Tompkins and Anthony M. Alesandro of Leeds Brown Law, P.C. 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, subject to the Court's approval.

27. Who determines what the attorneys' fees will be?

The Court will be asked to approve the amount of attorneys' fees at the Final Approval Hearing. 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 March 31, 2025, at which point the amount of the requested attorneys' fees, as well as Class Counsel's motion, will be published on the Settlement Website at www.lehighcovidsettlement.com. Settlement Class Members who would like to object to the amount of attorneys' fees sought by Class Counsel may do so by following the instructions described in Answer 12 above.

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.lehighcovidsettlement.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:

Lehigh University Covid Settlement
c/o RG/2 Claims Administration LLC
P.O. Box 59479
Philadelphia, PA 19102-9479
Toll-Free: 1-866-742-4955
Email: info@rg2claims.com
Fax: (215) 827-5551

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

LEEDS BROWN LAW, P.C.

Attn: Anthony M. Alesandro
One Old Country Road, Suite 347
Carle Place, NY 11514
Telephone: (516) 873-9550

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