

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BENITA DIXON, *individually and on behalf
of others similarly situated*,

Plaintiff,

v.

LINCOLN UNIVERSITY,

Defendant.

CIVIL ACTION

NO. 24-1057-KSM

**PLAINTIFF'S UNOPPOSED MOTION TO PRELIMINARILY APPROVE CLASS
ACTION SETTLEMENT, CERTIFY THE CLASS,
APPOINT CLASS COUNSEL, APPROVE PROPOSED
CLASS NOTICE, AND SCHEDULE A FINAL APPROVAL HEARING**

PLEASE TAKE NOTICE THAT, upon the Declarations of Nicholas A. Colella and Anthony M. Alesandro and the accompanying exhibits and memorandum of law, and upon all prior proceedings, pleadings, and filings in the above-captioned action, Named Plaintiff Benita Dixon moves for an Order under Federal Rule of Civil Procedure 23:

- (1) Preliminarily approving the proposed Settlement on behalf of the Settlement Class Members according to the terms of the Settlement Agreement;
- (2) Provisionally certifying, for purposes of the Settlement only, the following Settlement Class:

All Lincoln University students enrolled in the Spring 2020 Semester for at least one in-person class who did not withdraw by March 12, 2020 for whom any amount of tuition or fees was paid to Lincoln from any source other than a scholarship, grant, or tuition remission from Lincoln, and whose tuition and/or fees have not been fully refunded.

Excluded from the Potential Settlement Class are (i) any students who received full scholarships or tuition remission from Lincoln;

- (ii) Lincoln and its officers, trustees and their family members; and
 - (iii) all persons who properly execute and file a timely opt-out request to be excluded from the Settlement Class.
- (3) Preliminarily appointing Named Plaintiff Benita Dixon as Settlement Class Representative;
- (4) Preliminarily appointing Nicholas A. Colella of Lynch Carpenter, LLP, and Anthony M. Alesandro of Leeds Brown Law, P.C. as Class Counsel to act on behalf of the Settlement Class and the Settlement Class Representative with respect to the Settlement;
- (5) Approving the Parties' proposed settlement procedure, including approving the Parties' selection of RG/2 Claims Administration LLC as Settlement Administrator and approving the Parties' proposed schedule;
- (6) Entering the proposed Order Preliminarily Approving the Proposed Settlement and Provisionally Certifying the Proposed Settlement Class, attached as Exhibit A to the Settlement Agreement, which is attached as Exhibit 1 to the Declaration of Nicholas A. Colella; and
- (7) Granting such other and further relief as may be just and appropriate.

Dated: March 28, 2025

Respectfully submitted,

/s/ Nicholas A. Colella
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**Pro Hac Vice* pending

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on March 28, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Nicholas A. Colella
Nicholas A. Colella