

NEW YORK STATE SUPREME COURT  
COUNTY OF NASSAU

MADDISON BOOTH, on behalf of herself and all other  
similarly situated,

Plaintiff,

against

MOLLOY COLLEGE,

Defendant.

Index No. 608750/2020

**NOTICE OF ENTRY**

**PLEASE TAKE NOTICE** that the within is a true copy of the Order Granting Plaintiffs' Unopposed Motion for Preliminary Approval of the Proposed Settlement and Approval of the Proposed Notice of Settlement and Claim Form, signed by the Hon. Thomas Rademaker, Justice of the Supreme Court, dated June 12, 2023 and entered by the Clerk of the Court on June 13, 2023 as Doc. No. 135 via NYSCEF.

Dated: June 13, 2023  
Carle Place, NY



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*Attorneys for Plaintiff and the Certified Class*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

MADDISON BOOTH, on behalf of herself an all  
others similarly situated,

Plaintiffs,

Index No.: 608750/2020

- against -

MOLLOY COLLEGE,

Defendant.

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF THE PROPOSED SETTLEMENT AND  
APPROVAL OF THE PROPOSED NOTICE OF SETTLEMENT AND CLAIM FORM**

The above-entitled matter is before the Court on Plaintiffs' Motion for Preliminary Approval of Proposed Settlement and Approval of the Proposed Notice of Settlement and Claim Form (collectively, the "Motion for Preliminary Approval" or "Motion").

**IT IS ORDERED** that Plaintiffs' Motion for Preliminary Approval is granted; and

**IT IS FURTHER ORDERED**, as set forth below, that the Court grants: (1) preliminary approval of the proposed settlement; (2) certification of the Settlement Class; (3) confirms Leeds Brown Law, P.C. as Class Counsel; (4) authorization of distribution of the proposed Notice of Class Action Settlement and Election Form as detailed in the Agreement; and (5) approval of the procedures for implementing the Agreement, including setting a date for a fairness hearing, as set forth below.

**I. Preliminary Approval of Settlement**

1. Based upon the Court's review of Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Settlement, the Affirmation of Michael A. Tompkins ("Tompkins Affirmation"), and all other papers submitted in connection with Plaintiffs' Motion for Preliminary Approval, the Court grants preliminary approval of the settlement

memorialized in the Settlement Agreement and Release (“Settlement Agreement” or the “Settlement”), attached to the Tompkins Affirmation in support of Plaintiffs’ Motion.

## II. Certification of the Settlement Class

2. The Class is defined as:

All enrolled students during the Spring 2020 semester at Molloy who paid tuition and/or Mandatory Fees but had their classes and educational services moved to online only learning.

3. This Court has already decided the Class meets all of the requirements for class certification under CPLR §§901 and 902, and orders that the clarification of the class definition is appropriate under CPLR § 902.

4. With respect to CPLR § 901, the Class:

- (a) satisfies CPLR § 901(a)(1) because there are in excess of 40 Class Members, making joinder impracticable.
- (b) satisfies CPLR § 901(a)(2) because common questions of law or fact predominate over any questions affecting individual members. Here, Plaintiffs share a common claim based on Defendants’ alleged breach of contract.
- (c) satisfies CPLR § 901(a)(3) because the named Plaintiff’s claims are “typical” of the Class because the Named Plaintiff’s claims derive from the same practice or conduct that gave rise to the remaining claims of the Class Members and are based upon the same legal theory.
- (d) satisfies CPLR § 901(a)(4) because the named Plaintiff is in a position to adequately protect the interests of the Class Members in the litigation. More specifically, the class representative possesses a financial interest in the outcome of the litigation and adequate financial resources to pursue the class claims, and there are no conflicts between the class members and the class representative.
- (e) Counsel for the class representative is competent to adequately represent the interests of the Class because they are very experienced in class actions, and are one of the preeminent firms around the country litigating tuition refund cases on the behalf of students, and can fairly and adequately represent the named Plaintiff and Class Members in this case.
- (f) satisfies the elements of CPLR § 901(a)(5) regarding superiority because common issues predominate over individual issues.

**III. Confirmation of Plaintiffs' Counsel as Class Counsel**

5. The Court confirms its prior appointment of Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York 11514, as Class Counsel.

6. Class Counsel has done substantial work identifying, investigating, litigating, and ultimately settling Plaintiffs' and the Class Members' claims.

7. Class Counsel has experience prosecuting and settling class actions, including tuition refund cases around the country. The work that Class Counsel has performed both in litigating and settling this case demonstrates their commitment to the Class and to representing the Class's interests.

**IV. Class Notice**

8. The Court approves the proposed Notice of Proposed Class Action Settlement ("Notice") and Election Form ("Election Form"), and directs their distribution to the Class as set forth in the Agreement.

9. The content of the Notice fully complies with due process and CPLR §§ 901 and 902.

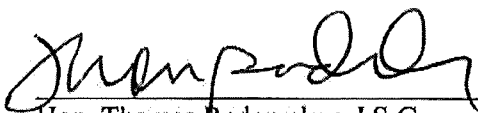
10. The Notice satisfies each of these requirements and adequately puts Class Members on notice of the proposed Settlement.

V. Class Action Settlement Procedure

21. The Court hereby sets the following settlement procedure:

Step 1	Within 10 days of the issuance of this Order	Defendant to produce the Class List
Step 2	Within 24 days of entry of this Order	Mailing of Class Notice and Claim Form
Step 3	30 days after Completion of Step 2	Last day for Class Members to: (i) submit an Election Form; (ii) "opt out" of the Settlement; or (iii) submit a written objection to the Settlement  Under certain circumstances, this deadline may be extended by an additional 15 days in accordance with § 2.3.5 of the Settlement Agreement.
Step 4	OCTOBER 18, 2023 9:30 AM	Fairness Hearing

It is SO ORDERED this 12<sup>th</sup> day of JUNE, 2023.

  
Hon. Thomas Rademaker, J.S.C.