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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

CHERYL BURLEIGH and CHAD HARRIS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

WALDEN UNIVERSITY, LLC, a Florida
Limited Liability Company and LAUREATE
EDUCATION, INC., a Delaware Corporation,

Defendants.

Case No. RG21106062

**SUPPLEMENTAL MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

ASSIGNED FOR ALL PURPOSES TO
JUDGE EVELIO GRILLO
DEPARTMENT 21

Date: July 20, 2022
Time: 10:00 a.m.

Action Filed: July 22, 2021
Trial Date: None Set

1 Plaintiffs Cheryl Burleigh and Chad Harris (“Plaintiffs”) file this supplemental memorandum to
2 address the four issues identified by the Court in its June 7, 2022 Order (“Order”) regarding Plaintiffs’
3 Motion for Preliminary Approval of Class Action Settlement.

4 **Issue 1: Documents in Court File**

5 The Order states that the Court was able to locate the MPA in support of the Motion for
6 Preliminary Approval in the Court file, and that the Court had courtesy copies of the full motion papers,
7 but that the Court did not see the motion documents other than the MPA in the Court file. The reason for
8 the confusion is as follows: on April 11, 2022, Plaintiffs filed an application to exceed the 15-page limit
9 for their MPA by 3 pages; on April 12, 2022, Plaintiffs filed the full motion submission (Motion, MPA,
10 Proposed Order, three Declarations); on April 25, 2022, the Court denied the application to exceed the
11 page limit; on April 27, 2022, Plaintiff re-filed the MPA reduced to 15 pages. *See* Suppl. Decl. of William
12 Jhaveri-Weeks ISO Pls.’ Mot. for Prelim. Approval (“Jhaveri-Weeks Decl.”) at ¶ 3. The rest of the full
13 motion submission was unaffected and remains available on the Court’s electronic docket as filed on
14 April 12, 2022. *Id.* If the Court is not able to access the documents or requires them to be filed a second
15 time, Plaintiffs request that Chambers please email Plaintiffs’ counsel at wjw@jhaveriweeks.com, and
16 Plaintiffs’ counsel will immediately re-file the papers.

17 **Issue 2: Release of LWDA’s Claims**

18 As suggested by the Court in the Order (at 1), the Parties have amended the Settlement Agreement
19 by adding Section 16.1.a to include an express release of the LWDA’s claims. The Amended Settlement
20 Agreement is attached as Exhibit 1 to the Jhaveri-Weeks Declaration, submitted herewith. A redline
21 showing the changes made in the Amended Settlement Agreement is attached as Exhibit 2 to the Jhaveri-
22 Weeks Declaration. Plaintiffs have also filed the Amended Settlement Agreement and this supplemental
23 memorandum with the LWDA via its website. *See* Jhaveri-Weeks Decl. ¶ 5.

24 **Issue 3: Release of LWDA’s Claims by Absent Class Members**

25 As suggested by the Court in the Order (at 2), the Parties have amended Paragraph 16.1 of the
26 Settlement Agreement to delete the suggestion that the absent class members are releasing the LWDA’s
27 claims. The Parties have similarly amended the wording of Paragraph 11.2 for the same reason. The
28 Parties have made edits to the proposed Class Notice for the same reason. *See* Jhaveri-Weeks Ex. 2

1 (redline showing changes to Notice at end of Exhibit).

2 **Issue 4: Residual Beneficiary**

3 Submitted herewith are declarations by the lead attorneys at the firms representing Plaintiffs and
4 Defendants that include the information required by CCP § 382.4. *See* Jhaveri-Weeks Decl. ¶ 6;
5 Declaration of Julian Hammond (also counsel for Plaintiffs) at ¶ 3; Declaration of Alexander Chemers
6 (counsel for Defendant Walden University, LLC) at ¶ 3; Declaration of Kathleen Pontone (counsel for
7 Defendant Laureate Education, Inc.) at ¶ 3.

8
9 DATED: July 7, 2022

Respectfully submitted,

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11 William C. Jhaveri-Weeks

12 Ally N. Girouard

13 *Attorneys for Plaintiffs and the Putative Class*
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