

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND HEARING DATE FOR COURT APPROVAL**

*Burleigh v. National University*  
Case No. MSC21-00939  
Superior Court of California, Contra Costa County

**If you worked as an adjunct instructor for National University in California between December 10, 2019 and January 18, 2022, you are entitled to receive money from a class action settlement.**

The California Superior Court, Contra Costa County, authorized this Class Notice.  
This is not a solicitation from a lawyer.

**PLEASE READ THIS CLASS NOTICE CAREFULLY. THIS PROPOSED SETTLEMENT AFFECTS YOUR LEGAL RIGHTS.**

- The Settlement resolves a class-action lawsuit, *Burleigh v. National University* (the “Lawsuit”), which alleges that National University (“Defendant”) failed to reimburse Class Members for necessary business expenses associated with teaching online courses or otherwise working remotely, including the cost of home internet access.
- The Court has not made any determination of the validity of the claims in the Lawsuit. Defendant denies those claims and contends that it complied with all applicable laws.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING AND RECEIVE PAYMENT	Get a payment, and give up your legal rights to pursue the claims released by the settlement of the Lawsuit.
OPT OUT OF THE SETTLEMENT	Exclude yourself from the Settlement, get no payment, and retain your legal rights to pursue the claims that would otherwise be released by the settlement of the Lawsuit.
OBJECT TO THE SETTLEMENT	If you do not opt out, you may write to the Settlement Administrator, CPT Group, Inc., about why you object to the Settlement, and they will forward your concerns to counsel who will provide them to the Court. If the Court approves the Settlement despite your objection, you will still be bound by the Settlement. If you timely object, you or your attorney may also address the Court during the Final Approval hearing scheduled for August 26, 2022 at 9:00 a.m. in Department 7 of the Contra Costa County Superior Court.

- The Settlement Fund will be used to settle claims of all Class Members. “Class Members” refers to all persons who are or have been employed by Defendant in California as adjunct instructors from December 10, 2019 through January 18, 2022 (the “Class Period”). The amount of Class Members’ individual settlements will be determined by the number of pay periods they worked during the Class Period. The Settlement fund will also be used to settle claims of all Private Attorneys General Act (“PAGA”) Members. “PAGA Members” refers to all persons who are or have been employed by

Defendant in California as adjunct instructors from December 10, 2019 through January 18, 2022 (the “PAGA Period”).

- The Court has preliminarily approved this Settlement. A Final Approval hearing addressing the fairness, adequacy, and reasonableness of the Settlement will be held on August 26, 2022 to determine whether the Settlement should receive the Court’s final approval.
- Lawyers for the Class Members will be asking the Court to award up to 40% (\$370,000) of the Settlement as attorneys’ fees for investigating the facts, litigating the case, and negotiating the \$925,000 Settlement, which also requires Defendant to provide reimbursement payments of at least \$45 per month for adjunct faculty in any month during which such employees are required to work remotely, until at least October 20, 2023. Lawyers for the Class Members will also ask the Court to award reasonable costs not to exceed \$30,000 incurred during the Lawsuit. They also will ask the Court to approve an incentive payment in the amount of \$7,500 to the named Plaintiff (*i.e.*, Class Representative), who assisted in litigating this Lawsuit for the benefit of all Class Members and who will also be providing Defendant with a general release of claims.
- Any questions? Read on or visit [www.cptgroupcaseinfo.com/BurleighNationalUniversity](http://www.cptgroupcaseinfo.com/BurleighNationalUniversity).

### BASIC INFORMATION

#### 1. Why did I get this Class Notice package?

Defendant’s records show that you work, or previously worked, for Defendant in California as an adjunct instructor at some point between December 10, 2019 through January 18, 2022. You were sent this Class Notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to finally approve the Settlement. If the Court approves the Settlement and then any objections and appeals are resolved, a “Settlement Administrator” appointed by the Court will make the payments described in this Notice. This Notice explains the Lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

#### 2. What is this Lawsuit about?

Plaintiff in this Lawsuit, Cheryl Burleigh, alleged that during the Class Period, Defendant violated California law by failing to reimburse Class Members for necessary business expenses. Plaintiff also alleged that during the PAGA Period, Defendant violated PAGA by failing to reimburse PAGA Members for necessary business expenses. As noted above, Defendant denies this allegation and contends that Plaintiff’s claims have no merit. A copy of the most recent version of the Complaint may be found at [www.cptgroupcaseinfo.com/BurleighNationalUniversity](http://www.cptgroupcaseinfo.com/BurleighNationalUniversity).

#### 3. Why is this a class action?

In a class action, one or more people called class representatives make allegations on behalf of other people who they allege have similar claims. All these people comprise a class and are referred to as class members, except for those who decide to exclude themselves from the class in response to the class notice. In a class action, one court resolves the issues for all class members in a single case.

#### 4. Why is there a Settlement?

The Parties disagree on the probable outcome of the case with respect to liability and damages. Plaintiff believes that the claims asserted against Defendant are valid and could be proven if the case went to trial. Defendant believes that Plaintiff's claims have no merit and that she would not prevail if the case went to trial. Defendant further contends that, other than in the context of this Settlement, the case is not suitable for class treatment. The Court has not decided in favor of the Plaintiff or the Defendant. There has been no trial in this case. Instead, both Parties recognize the risks, expenses, and disruptions that are associated with continued litigation, and they have therefore chosen to resolve their differences by entering into this Settlement. The Parties entered into this Settlement after arm's length negotiations using the services of an experienced and neutral mediator. Plaintiff and Class Counsel believe that this Settlement is fair and reasonable and is in the best interest of all Class Members.

#### 5. What is a class action settlement?

In a class action, the Court must approve the terms of the Settlement described below as fair and reasonable to the Class. Once approved, the Settlement will affect all Class Members except those who choose to opt out. This Class Notice explains your legal rights, the terms of the Settlement, what you must do to participate or opt out, and the amount of money you may get. Please read this entire Class Notice carefully.

#### 6. How do I know if I am a Class Member?

If you fit the following description, then you are a Class Member: Adjunct instructors who worked for National University in California between December 10, 2019 and January 18, 2022.

#### 7. Are there exceptions to being included?

You are not a Class Member if you were not employed by Defendant as an adjunct instructor in California during the Class Period. You can also choose to be excluded from this Settlement by opting out of this Settlement, in which case you will not be a Class Member. However, under the law, you cannot opt out or request to be excluded from the portion of this Settlement attributed to PAGA penalties.

#### 8. I'm still not sure if I am a Class Member. What should I do?

You may contact the Settlement Administrator for further information. Or you can do nothing, and if you are entitled to a payment you will be paid. Be mindful, however, that if this Class Notice reaches you and the address where you now live is different, you should contact the Settlement Administrator and provide updated information so that any future correspondence or the settlement check itself reaches you and is not returned as an address unknown.

#### 9. What does the Settlement provide?

The Parties have agreed to settle the Lawsuit for a "Gross Settlement Amount" of Nine Hundred and Twenty-Five Thousand Dollars (\$925,000). The Settlement is "non-reversionary," which means that the entire Gross Settlement Amount will be paid out, subject to various Court-approved deductions listed below in this Section, and none of the funds will revert to Defendant. As part of the negotiation of the Settlement, the Parties have agreed to a Class Period that runs from the date of a prior settlement and release of PAGA claims. For more information, see Section 22, below. In addition to the Gross Settlement Amount, Defendant will bear all employer-side payroll tax payments due and payable to federal and state tax authorities as a result of this Settlement, if any. The Gross Settlement Amount shall be deemed in satisfaction of claims

for: (1) unreimbursed business expenses, penalties, interest, and/or other amounts to be paid to Class Members and to PAGA Members; (2) attorneys' fees not to exceed 40% of the Gross Settlement Amount and litigation costs not to exceed \$30,000; (3) an incentive payment to Plaintiff not to exceed \$7,500; (4) all costs of third-party Settlement administration not expected to exceed \$20,000; and (5) payment of \$37,500 to the Labor and Workforce Development Agency ("LWDA") as its share of penalties under the Private Attorneys General Act of 2004 ("PAGA") (California Labor Code §§ 2698 *et seq.*).

#### 10. How will Settlement payments to Class Members be calculated?

The funds payable to Class Members will be divided up pro rata using the following formula:

From the Gross Settlement Amount, payments will be made to Class Counsel, the Class Representative, the LWDA for its share of PAGA Penalties, and the Settlement Administrator. What remains after these payments are made is called the "Net Settlement Amount." Its amount will depend on the final Court-approved amounts of the deductions just listed. The Net Settlement Amount shall be paid as follows: (a) the Net Settlement Amount, less the PAGA Members' share of the PAGA Penalties, shall be allocated among the Settlement Class Members on a proportional basis based on the number of pay periods worked as a Class Member during the Class Period, and (b) the PAGA Members' share of the PAGA Penalties (i.e., the remaining portion of the Net Settlement Amount) shall be allocated to the PAGA Members during the PAGA Period on a proportional basis based on the number of pay periods worked as a PAGA Member during the PAGA Period.

#### 11. How much will I get from the Settlement?

Defendant's records indicate that you worked «ClassPayPeriod» pay periods as an adjunct instructor during the Class Period. Based on these records, your estimated payment as a Class Member would be \$«estAmount»

Class Members who do not opt out will be paid their share of the Net Settlement Amount. The Settlement Payments will be treated as non-wage income for tax purposes.

If you believe that you worked a different number of pay periods (*i.e.*, had a different number of paychecks issued to you) than indicated by the numbers above, you may dispute your Settlement Payment calculation by providing written documentation to the Settlement Administrator supporting your position on or before July 18, 2022. Your dispute must contain: your full name, address, signature, and last four digits of your Social Security number, as well as facts supporting your dispute, along with any supporting materials confirming that the pay periods attributed to you are incorrect. If you do not dispute your calculation and do not opt out of the Settlement, you will receive a Settlement Payment based on the above pay periods and will be bound by the Settlement. The Settlement Administrator's determination of disputes will be final and non-appealable. **If you are a Class Member, you do not need to take any action to receive the Settlement Payment calculated as set forth above.**

Defendant's records indicate that you worked «PagaPayPeriod» pay periods as an adjunct instructor during the PAGA Period. Based on these records, your estimated payment as a PAGA Member would be \$«estPAGAAmount»

Consistent with the law, no PAGA Member may opt out of the settlement of the PAGA claims.

#### 12. When would I get my payment?

As set forth in Section 18, below, the Court will hold a hearing on August 26, 2022 to decide whether to approve the Settlement. If the Court approves the Settlement, after that there may be appeals if anyone has filed a timely objection.

It is always uncertain how and when objections and appeals will be resolved. To check on the progress of the Settlement, you may call the Settlement Administrator at 1-888-398-3455, or contact Class Counsel (*see* Section 22, below, for contact info). *Please be patient.*

### 13. What claims am I releasing if I participate in the Settlement?

Class Members who participate in the Settlement will release Defendant, and each of their insurers, brands, concepts, affiliates, subsidiaries, parent companies, predecessors, successors, assigns, employees, officers, directors, agents, attorneys, administrators, representatives, heirs, estates, powers-of-attorney, and any individual or entity that could be jointly liable with Defendant (“Released Parties”) from any and all claims, debts, liabilities, demands, obligations, guarantees, costs, expenses, attorney’s fees, damages, actions or causes of action which are alleged, or could have been alleged based on the facts, circumstances, and primary rights at issue asserted in the operative Complaint filed in this Action, and arising during the Class Period, including without limitation to, claims for failure to reimburse business expenses, declaratory relief, injunctive relief, claims for penalties of any nature whatsoever arising out of the Released Claims, or any other benefit claimed on account of allegations and claims which are related to the allegations and claims asserted in the operative Complaint filed in this Action and thus could have been asserted. This release shall apply to claims arising at any point during the Class Period. The release shall exclude claims for vested benefits, wrongful termination, unemployment insurance, disability, workers’ compensation, and claims outside of the Class Period.

Even if you choose to opt out of the Settlement, upon the Court’s final approval of the Settlement and entry of final judgment, you will be deemed to have released Defendant and the Released Parties from any and all claims for penalties under the California Private Attorneys’ General Act, Labor Code section 2698 *et. seq.* based on the facts, circumstances, and primary rights at issue in the operative Complaint filed in this Action, and arising during the PAGA Period, including without limitation to, claims for failure to reimburse business expenses. This release shall apply to claims arising at any point during the PAGA Period. The release shall exclude claims for vested benefits, wrongful termination, unemployment insurance, disability, workers’ compensation, and claims outside of the PAGA Period.

### 14. Do I have a lawyer in this case?

The Court has appointed two law firms, HammondLaw, P.C. and The Jhaveri-Weeks Firm (“Class Counsel”), to represent you and all other Class Members in this Lawsuit. Class Counsel will be compensated from the Gross Settlement Amount as discussed in this Class Notice. If you want to be represented by your own lawyer, you may hire one at your own expense.

### 15. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to 40% of the Gross Settlement Amount (*i.e.*, up to \$370,000) to them for attorneys’ fees, as well as costs in an amount not to exceed \$30,000. The fees will pay Class Counsel for investigating the facts, litigating the case, and negotiating and finalizing the Settlement. Defendant has agreed not to oppose Class Counsel’s application for these fees and expenses. The Court may choose to award less than the amount requested by Class Counsel. All other payments to the Class Representative and to the Settlement Administrator also come from the balance of the Gross Settlement Amount, and must be approved by the Court.

### 16. How can I opt out of this Settlement?

You can opt out of this Settlement and retain your rights instead of receiving a payment under this Settlement (except that you cannot, by law, opt out of the Settlement of PAGA claims if that settlement is approved by the Court). To do so, you must prepare and submit in writing a signed and dated statement that you want to be excluded from the Settlement. You must include: your full name, signature, address, last four digits of your Social Security number, the case name, and a clear statement that you seek to be excluded from the Settlement. Your written statement must be mailed to the

Settlement Administrator, Burleigh v. National University Settlement c/o CPT Group, Inc., and be postmarked no later than July 18, 2022, or it will not be considered and you will still remain a Settlement Class Member, and be bound by the Settlement. Burleigh v. National University Settlement c/o CPT Group, Inc.'s address is listed in Section 23, below.

#### 17. How do I tell the Court that I do not agree with the Settlement?

If you do not opt out, you can object to the Settlement if you do not agree with it. You should give reasons why you think the Court should not approve the Settlement and the Court will consider your views. To object, and to have the Court hear your views, you should send a letter saying that you object to the Settlement and give your reasons. Be sure to include your full name, address, last four digits of your Social Security number, the case name and case number, and provide both the legal and the factual reasons you object to the Settlement, and indicate whether you intend to appear at the Final Approval hearing. Your objection is to be mailed to the Settlement Administrator, Burleigh v. National University Settlement c/o CPT Group, Inc., and must be postmarked no later than July 18, 2022. Burleigh v. National University Settlement c/o CPT Group, Inc.'s address is listed in Section 23, below.

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to appear at the hearing.

#### 18. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval hearing on August 26, 2022 at 9:00 a.m. in Department 7 of the Contra Costa County Superior Court. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections and they have been properly submitted, the Judge will consider them. The Judge will listen to people who attend the hearing and who do not opt out. The Court will also decide how much to award Class Counsel for their attorneys' fees and litigation costs. At or after the hearing, the Court will decide whether to approve the Settlement. We do not know how long this decision will take. This hearing may be rescheduled by the Court without further notice to you.

#### 19. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Judge may have. But you are welcome to attend. If you sent an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but that is not required.

#### 20. May I speak at the hearing?

If you wish to speak at the Final Approval hearing, you may appear by telephone at the scheduled hearing. You cannot speak at the hearing if you have excluded yourself from the Settlement. To learn how to appear by telephone at the hearing, you may contact Class Counsel or the Settlement Administrator (*see* Sections 22 and 23 below), or you may visit the Court's online docket for this case to view any instructions by the Court for appearing at the hearing telephonically (*see* Section 22 for how to access the online docket).

#### 21. What happens if I do nothing at all?

You will be a member of the Settlement Class. You will receive a Settlement Payment calculated as explained in Section 11, above, and you will be bound by the release set forth in Section 13, above. Once the Settlement is finally approved by the Court, and the necessary deadlines have passed, you will be mailed your Settlement check.

**GETTING MORE INFORMATION****22. Are there more details about the Settlement?**

This Class Notice summarizes the proposed Settlement. You may call or contact the Settlement Administrator or Class Counsel if you would like more information about the case. The pleadings and other records in this Lawsuit, including the Settlement Agreement and the Preliminary Approval Motion discussing it in detail, may be obtained on the Settlement website here: [www.cptgroupcaseinfo.com/BurleighNationalUniversity](http://www.cptgroupcaseinfo.com/BurleighNationalUniversity). The pleadings and other records in this Lawsuit may also be obtained by mailing a records request form to the Contra Costa County Superior Court, along with a stamped self-addressed envelope, and a check or money order to cover fees to process the request. The records request form and more information is available on the Contra Costa County Superior Court's website, at <https://www.cc-courts.org/civil/records.aspx>. Class Counsel may be reached at:

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**23. How do I get more information?**

You may visit [www.cptgroupcaseinfo.com/BurleighNationalUniversity](http://www.cptgroupcaseinfo.com/BurleighNationalUniversity), call the Settlement Administrator at 1-888-398-3455, or Class Counsel above, or write to the Settlement Administrator at Burleigh v. National University Settlement c/o CPT Group, Inc. 50 Corporate Park, Irvine, California 92606.

**PLEASE DO NOT CONTACT THE COURT OR NATIONAL UNIVERSITY WITH INQUIRIES.**