

CASEY M. FRANK, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

EDUCATION REALTY TRUST, INC., *et al.*,

Defendants.

IN THE
CIRCUIT COURT

FOR

BALTIMORE CITY, MARYLAND

Case No. 24-C-19-005518

Judge: Jeffrey M. Geller

ORDER FOR DISTRIBUTION OF CLASS SETTLEMENT FUNDS

The Court having considered all materials and arguments submitted in support of Plaintiff's Motion for Distribution of Class Settlement Funds, ^(DF#104) including the Declaration of Jessie Mahn (the "Mahn Declaration"),

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. For purposes of this Order, the terms used herein shall have the same meanings as set forth in the Stipulation and Agreement of Compromise, Settlement, and Release dated January 11, 2022 (the "Stipulation").
2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Settlement Class Members.
3. As set forth in the Mahn Declaration, the administrative determinations of the Claims Administrator in accepting and rejecting Claims are approved. Specifically, the administrative determinations of the Claims Administrator accepting those Claims set forth in Exhibits B-1 and B-2 of the Mahn Declaration are approved. Likewise, the administrative determinations of the Claims Administrator rejecting those Claims set forth in Exhibit B-3 of the Mahn Declaration, are approved.

4. As set forth in the Mahn Declaration, no new Proofs of Claim received after January 31, 2023 may be included in the distribution, unless the Court later orders otherwise.

5. The Court authorizes payment of \$223,576.43 from the Settlement Fund to the Claims Administrator for the fees and expenses incurred and estimated to be incurred in connection with the claims administration process, as described in the Mahn Declaration.

6. The distribution plan for the Net Settlement Fund as set forth in the Mahn Declaration and accompanying exhibits is approved. The balance of the Net Settlement Fund shall be distributed to Authorized Claimants. To encourage Authorized Claimants to promptly deposit their payments, all distribution checks will bear a notation: "DEPOSIT PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN 90 DAYS OF DISTRIBUTION." Authorized Claimants who fail to negotiate a distribution check within the time allotted or consistent with the terms outlined in the Mahn Declaration will irrevocably forfeit all recovery from the Settlement.

7. After the Initial Distribution of the Net Settlement Fund, the Claims Administrator shall make reasonable and diligent efforts to have Authorized Claimants cash their distribution checks. To the extent any monies remain in the fund six (6) months after the Initial Distribution, if the Claims Administrator and Plaintiff's Counsel determine that it is cost-effective to do so, the Claims Administrator shall conduct a Second Distribution of the funds remaining after payment of any unpaid fees and expenses incurred in administering the Settlement, including for such distribution, to Authorized Claimants who have cashed their Initial Distributions and who would receive at least \$5.00 from such distribution. Additional distributions to Authorized Claimants who have cashed their prior checks and who would receive at least \$5.00 on such additional distributions may occur thereafter if cost-effective.

8. At such time as the Claims Administrator and Plaintiff's Counsel determine that no additional distributions are cost-effective, then any residual monies remaining in the Net Settlement Fund will be donated to the Pro Bono Resource Center of Maryland, 1500 Union Avenue, Suite 2400, Baltimore, MD 21211.

9. The Claims Administrator is authorized to discard electronic and paper or hard copies of the Proofs of Claim Form and supporting documents not less than one year after the final distribution of the Net Settlement Fund to Authorized Claimants.

Dated this 12th day of SEPTEMBER, 2023

BY THE COURT:

Judge Jeffrey M. Geller
Judge's Signature Appears on Original Document

Hon. Jeffrey M. Geller
Circuit Court for Baltimore City