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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Rameses Te Lomingkit, Individually And  
On Behalf Of All Others Similarly  
Situating,

Plaintiff,

v.

Apollo Education Group, Inc. (F/K/A  
Apollo Group, Inc.); Peter V. Sperling,  
Gregory W. Cappelli; Brian L. Swartz; and  
William Pepicello,

Defendants.

No. CV-16-00689-PHX-JAT

**CLASS ACTION**

**ORDER APPROVING PLAN OF  
ALLOCATION OF NET  
SETTLEMENT FUND**

1           This matter came on for hearing on June 26, 2019 (the “Settlement Hearing”) on  
2   Lead Plaintiff’s motion to determine whether the proposed plan of allocation of the Net  
3   Settlement Fund (“Plan of Allocation”) created by the Settlement achieved in the above-  
4   captioned class action (the “Action”) should be approved. The Court having considered  
5   all matters submitted to it at the Settlement Hearing and otherwise; and it appearing that  
6   notice of the Settlement Hearing substantially in the form approved by the Court was  
7   mailed to all Settlement Class Members who or which could be identified with  
8   reasonable effort, and that a summary notice of the hearing substantially in the form  
9   approved by the Court was published in *Investor’s Business Daily* and was transmitted  
10   over the *PR Newswire* pursuant to the specifications of the Court; and the Court having  
11   considered and determined the fairness and reasonableness of the proposed Plan of  
12   Allocation,

13           NOW, THEREFORE, IT IS HEREBY ORDERED granting the Motion for  
14   Approval of the Plan of Allocation (Doc. 115) as follows:

15           1.     This Order approving the proposed Plan of Allocation incorporates by  
16   reference the definitions in the Stipulation and Agreement of Settlement dated February  
17   8, 2019 (ECF No. 109-1) (the “Stipulation”) and all terms not otherwise defined herein  
18   shall have the same meanings as set forth in the Stipulation.

19           2.     The Court has jurisdiction to enter this Order approving the proposed Plan  
20   of Allocation, and over the subject matter of the Action and all parties to the Action,  
21   including all Class Members.

22           3.     Notice of Lead Plaintiff’s motion for approval of the proposed Plan of  
23   Allocation was given to all Settlement Class Members who could be identified with  
24   reasonable effort. The form and method of notifying the Settlement Class of the motion  
25   for approval of the proposed Plan of Allocation satisfied the requirements of Rule 23 of  
26   the Federal Rules of Civil Procedure, the Private Securities Litigation Reform Act of

1 1995 (15 U.S.C. § 78u-4(a)(7)), due process, and all other applicable law and rules,  
2 constituted the best notice practicable under the circumstances, and constituted due and  
3 sufficient notice to all persons and entities entitled thereto.

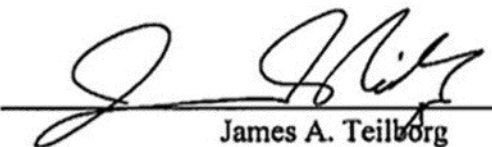
4 4. Copies of the Notice, which included the Plan of Allocation, were mailed to  
5 over 59,500 potential Settlement Class Members and nominees and no objections to the  
6 Plan of Allocation have been received.

7 5. The Court hereby finds and concludes that the formula for the calculation  
8 of the claims of Claimants as set forth in the Plan of Allocation mailed to Settlement  
9 Class Members provides a fair and reasonable basis upon which to allocate the proceeds  
10 of the Net Settlement Fund among Settlement Class Members with due consideration  
11 having been given to administrative convenience and necessity.

12 6. The Court hereby finds and concludes that the Plan of Allocation is, in all  
13 respects, fair and reasonable to the Settlement Class. Accordingly, the Court hereby  
14 approves the Plan of Allocation proposed by Lead Plaintiff.

15 7. There is no just reason for delay in the entry of this Order, and immediate  
16 entry by the Clerk of the Court is expressly directed.

17 Dated this 26th day of June, 2019.

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22 James A. Teilborg  
23 Senior United States District Judge  
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