

Surrett v. Western Culinary Institute Claims Administrator  
P.O. Box 5270  
Portland, OR 97208-5270

### IMPORTANT NOTICE

**You may be entitled to a payment from a class action settlement.  
But you need to take action, and you have limited time to act.**

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
IN AND FOR THE COUNTY OF MULTNOMAH

<p>NATHAN SURRETT et al.,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>WESTERN CULINARY INSTITUTE, LTD; LE CORDON BLEU NORTH AMERICA, INC.; and CAREER EDUCATION CORPORATION,</p> <p>Defendants.</p>	<p>Case No. 0803-03530</p> <p><b>NOTICE OF CLASS ACTION SETTLEMENT AND FINAL APPROVAL HEARING</b></p>
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**This Notice of Class Action Settlement and Final Approval Hearing (the “Notice”) has been sent to you because your legal rights may be affected by a settlement of the claims brought in this class action lawsuit in Multnomah County Circuit Court. The case is brought on behalf of certain former students of Western Culinary Institute, which was renamed Le Cordon Bleu College of Culinary Arts in Portland. The school will be referred to in this Notice as “Le Cordon Bleu Portland.” Please read this Notice carefully.**

**The purpose of this Notice is to advise you about a proposed settlement of this lawsuit (the “Settlement”) and how you are affected by the Settlement. The Notice will explain the steps you must take if you want to receive compensation from the Settlement, exclude yourself from the Settlement, or object to the Settlement. It provides important deadlines for doing so. This Notice also discusses how this Settlement affects any loans you have for attending Western Culinary Institute.**

**The Settlement is described in this Notice; the full text of the Settlement Agreement can be accessed at [www.LeCordonBleuPortlandLawsuit.com](http://www.LeCordonBleuPortlandLawsuit.com).**

## 1. Why did I receive this Notice?

Records of Le Cordon Bleu Portland show that you are a member of the class of former students who are affected by the proposed Settlement of this class action lawsuit. The Court has preliminarily approved the Settlement.

## 2. What is this lawsuit about?

Nathan Surrett was appointed to serve as a class representative. The defendants are Western Culinary Institute, Ltd., Le Cordon Bleu North America, LLC, and Career Education Corporation. They will be referred to in this Notice as “Defendants.”

Mr. Surrett claims that Defendants misrepresented or failed to disclose certain information pertaining to the nature and value of the education offered to students. Mr. Surrett claims that Defendants committed fraud and violated Oregon’s Unlawful Trade Practices Act (the “UTPA”) in ways that caused financial damage to him and members of the class.

Defendants deny liability to Mr. Surrett or to the class but have agreed to settle the case.

## 3. Who is in the class?

The class consists of all former students who enrolled at and attended Le Cordon Bleu Portland on or after March 5, 2006 up to and including March 1, 2010. The Settlement impacts only those class members who did not sign an agreement expressly waiving their right to bring a class action (the “Settlement Subclass”). If you received this Notice in the mail, records of Le Cordon Bleu Portland show you did not sign a waiver and are a member of the Settlement Subclass.

## 4. What is the proposed Settlement?

As part of the Settlement, Defendants agreed to pay to each member of the Settlement Subclass who fills out and returns a Claim Form by the deadline 44% of the total amount each Settlement Subclass Member paid to Le Cordon Bleu Portland. That total amount includes the amount you paid for tuition, books, and fees, less any amounts you received in grants or scholarships from Defendants and any amounts owed directly to Defendants. Defendants also agree that they will not seek to collect on amounts owed by members of the Settlement Subclass directly to Defendants.

Defendants will not pay a claim unless you submit a Claim Form by the deadline. **If you do not file a claim so that it is received by June 7, 2018, you will not receive any money.**

## 5. What other benefits are there to the Settlement? How does this affect loans I have for attending Western Culinary Institute?

Defendants agree that you are not giving up any defenses that you might have against third-party lenders or collectors who are seeking to collect on loans associated with your attendance at school. Any claim or defense involving your loan balance or collection of loans is not part of this lawsuit. You should obtain independent counsel to advise you on these issues.

Defendants also agree that you have the right to use any information the class counsel obtained in this class action lawsuit to use in any claims against third-party lenders or collectors. That information, called discovery by attorneys, can be obtained from class counsel.

## 6. What must I do if I want to make a claim?

If you received this Notice in the mail, you also received a pre-filled Claim Form. To make a claim under this proposed Settlement, you must sign, complete, and mail the Claim Form and Release using the enclosed prepaid envelope or mail to the Claims Administrator at the following address:

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P.O. Box 5270  
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You may also email your claim to [info@LeCordonBleuPortlandLawsuit.com](mailto:info@LeCordonBleuPortlandLawsuit.com) or fill out a Claim Form online at [www.LeCordonBleuPortlandLawsuit.com](http://www.LeCordonBleuPortlandLawsuit.com).

To be eligible for compensation, the Claim Form and Release must be completed, signed, and **received** by the Claims Administrator no later than **12:00 midnight on June 7, 2018**.

**If the Claims Administrator does not receive your Claim Form by this date, you will not be entitled to receive compensation under the Settlement. Mailed Claim Forms that are postmarked but not received by the deadline will not be accepted.**

If you timely file a Claim Form and the Court approves the Settlement at the Final Approval Hearing, you will be entitled to a Settlement payment. Settlement Subclass Members who do not submit a timely, signed Claim Form and Release are not entitled to compensation under the Settlement, but they remain members of the class and will be subject to and bound by the provisions of the Settlement, including the judgment and the releases of liability it contains. This means that, even if you do not file a Claim Form (and do not request exclusion from the Settlement as described below), the judgment of the case will apply to you, and you will not be able to file a claim against Defendants for the claims made in this lawsuit.

## 7. How do I exclude myself from this Settlement?

If you do not want to participate in this proposed Settlement and you want to keep the right to sue the Defendants about the legal issues in this case, then you must take steps to get out of the Settlement. This is sometimes called “opting out” of the Settlement Class.

If you wish to exclude yourself from the Settlement for any reason, you must send a written notice to the Claims Administrator including your name, address, and stating that you wish to be excluded from the Settlement in *Nathan Surrett, et al. v. Western Culinary Institute, et al.* By excluding yourself, you will give up any right to receive compensation from this Settlement. You must send in your exclusion request so that it is received by **May 8, 2018**. Exclusion requests postmarked on or before that deadline but received after that deadline will not be accepted.

Your exclusion should be sent to the Claims Administrator at the following address:

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## 8. How do I object to this Settlement?

If you are a Settlement Class Member (and do not request exclusion from the Settlement Class), you can object to any part of the Settlement. To object, you must submit a letter or other written document that includes the following:

- a) A heading referring to the Case Number 0803-03530, pending before the Multnomah County Circuit Court in the state of Oregon and entitled “*Nathan Surrett, et al. v. Western Culinary Institute, et al.*”
- b) A detailed written statement of the specific factual and legal basis for each objection, including why you have chosen to object rather than exclude yourself from the Settlement.
- c) If you want to appear at the Final Approval Hearing, a statement that you intend to appear and the grounds or specific reasons for your desire to appear and be heard (you do not have to attend the Final Approval Hearing to object to the Settlement).
- d) A list of and copies of all documents that you may seek to use at the Final Approval Hearing and a list of the names of any witnesses that you want to present at the Final Approval Hearing.
- e) If you are represented by counsel, also provide counsel’s name, address, and telephone number. Any counsel representing you must file a Notice of Appearance and Points and Authorities in support of the objection, which brief shall contain any and all legal authority upon which you will rely and confirm whether the attorney intends to appear at the Final Approval Hearing.

Your objection and all supporting documents must be filed with the Clerk of the Court and delivered to Class Counsel and Defendants’ Counsel at the addresses below so they are **received** no later than the objection deadline of **May 8, 2018**.

CLERK OF THE COURT	CLASS COUNSEL	DEFENDANTS' COUNSEL
Clerk of the Court Multnomah County Circuit Court 1021 SW 4th Avenue, Portland, OR 97204	1) David F. Sugerman David F. Sugerman Attorney PC 707 SW Washington Street, Suite 600 Portland, OR 97205  2) Amy Johnson 5836 SE Madison St. Portland, OR 97215  3) Tim Alan Quenelle Tim Quenelle PC 4800 SW Meadows Road #300 Lake Oswego, OR 97035	1) Martin M. Loring Husch Blackwell 4801 Main Street, Suite 1000 Kansas City, MO 64112  2) Thomas R. Johnson Perkins Coie, LLP 1120 NW Couch Street, 10th Floor Portland, OR 97209

### 9. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

### 10. What happens if I do nothing?

If you do nothing you will not receive any Settlement payment, and you will be barred from bringing any similar claims against Defendants.

### 11. What are the attorney's fees and expenses and the class representatives' compensation?

Class Counsel's fees, costs, and expenses are being paid by Defendants and do not affect the amount of class members' recovery. Class Counsel will apply to the Court for an award of attorney's fees, reimbursement for their out-of-pocket expenses and costs, and representatives' compensation in an amount not to exceed \$8,000,000. Defendants have agreed to not oppose an application requesting fees and costs of \$3,750,000. Class Counsel will also apply to the Court for payments of no more than \$5,000 each to Mr. Surrentt and Plaintiff Jennifer Adams for their service to the class.

### 12. What rights are being released by the Settlement?

If the Court approves the proposed Settlement, all Class Members who have not excluded themselves from the Class will release Defendants from any and all claims that were or could have been asserted in this lawsuit. All Settlement Subclass Members who have not excluded themselves from the Class will forever be permanently barred from bringing any released claim against Defendants in the future.

### 13. What is the Final Approval Hearing and when is it?

PLEASE TAKE NOTICE that a Final Approval Hearing will be held on **June 8, 2018 at 3:00 p.m.** at the Multnomah County Circuit Court, 1021 SW 4th Avenue, Portland, Oregon, 97204 to consider the final approval of this proposed Settlement. **You are not required to appear at the hearing**, but you may attend this hearing if you want to. At the Final Approval Hearing, the Court will consider

- a. whether the proposed Settlement is fair, reasonable, adequate, in good faith, and in the best interests of the members of the Settlement Subclass;
- b. whether a Judgment and Order of Final Approval should be entered approving the Settlement and dismissing the pending claims against Defendants with prejudice on the merits and releasing the settled claims against Defendants;

- c. whether the Court should approve the application for payment of attorney's fees and reimbursement of out-of-pocket expenses to be filed by Class Counsel and the amount to award in response to the application; and
- d. whether the Court should approve the payments to Mr. Surrett and Ms. Adams, as set forth above.

If, after conducting the Final Approval Hearing, the Court grants final approval of the Settlement as set forth in the Settlement Agreement (including any modification or amendment thereto to which Defendants and Class Counsel agree), it shall enter an Order of Final Approval and Limited Judgment. Defendants' obligations to make payments under the Settlement Agreement do not become effective until the Court grants final approval and the "Payment Date," as defined in the Settlement Agreement, occurs.

#### **14. Additional information**

If you want additional information, please refer to the website at [www.LeCordonBleuPortlandLawsuit.com](http://www.LeCordonBleuPortlandLawsuit.com) or call toll-free at 1-844-551-1720. You may also contact Lead Class Counsel by emailing him at [david@davidsugerman.com](mailto:david@davidsugerman.com) or calling him at 1-503-228-6474.

Do not contact the Court directly. You may, however, refer to the pleadings in the public file with the Court, which can be inspected at the file room of the Clerk's Office, Multnomah County Circuit Court, 1021 SW 4th Avenue, Portland, OR 97204.

**Please DO NOT call or write the Clerk of the Court, Defendants, or Defendants' Counsel.** Defendants are not authorized to provide any information relating to Settlement or any claims you may have in this matter.

#### **15. Notice of Provision of Personal Information to Class Counsel and Class Administrator**

The Court has ordered Defendants to provide certain personal information about you to Class Counsel and the Claims Administrator, including your Social Security number. Class Counsel and the Claims Administrator have agreed to keep this information confidential. **Pursuant to the Family Educational Rights and Privacy Act ("FERPA"), if you do not want Defendants to provide your Social Security number to Class Counsel and the Claims Administrator, please contact the Claims Administrator via email at [info@LeCordonBleuPortlandLawsuit.com](mailto:info@LeCordonBleuPortlandLawsuit.com) or by mail at Surrett v. Western Culinary Institute Claims Administrator, P.O. Box 5270, Portland, OR 97208-5270 no later than April 11, 2018.**