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March 14, 2019

The Honorable Dan Aaron Polster  
Carl B. Stokes United States Court House  
801 West Superior Avenue, Courtroom 18B  
Cleveland, Ohio 44113-1837

Re: Digital Media Solutions, LLC vs. South University of Ohio, LLC, et al.  
Case No. 1:19 CV 145

Subject: Minutes of Proceedings and Order Filed on March 13, 2019 and Request for  
Modification of the Court's Order [Docket No. 162] as it Relates to Western State  
College of Law

Dear Judge Polster:

Following a review of your Order, as referenced above, I am providing this report in regard to the efforts of Western State College of Law ("Western State") to enable its students who were scheduled to graduate in May 2019 to still graduate, even if the law school is required to close before the end of the semester. The plan involves reducing the number of credits required to graduate for these students from Western State's minimum of 88 credits to the ABA minimum of 83 credits. This change, together with a few other changes in degree requirements that are not relevant here, would put those students who were scheduled to graduate in May 2019 with 88 credits on a path to be able to complete 83 credits, assuming the semester is extended far enough to cover two-thirds of the semester plus a short administrative period to assign grades and assure that this group of students met all the requirements to graduate.

Unfortunately, this plan, the only feasible plan, cannot help students who are not in their last semester of law school, whether third year students or otherwise, complete the semester should Western State close before the end of the normal semester. The plan can only work for those students anticipating graduation in May 2019 because it is their last semester, so no additional study builds on that semester's work.

Pay periods involved: The above described plan was developed shortly before March 8, 2019, the date on which all Argosy campuses not sold were to be closed by the Receiver per Court order. March 8, 2019 is the end of a normal two week pay period, though the pay is not distributed until one week later, on March 15, 2019.

The plan to permit those third year students with sufficient credits to graduate in May 2019 requires adding four additional weeks beyond March 8, 2019, or two additional pay periods. Those pay periods end on March 22, 2019 and April 5, 2019, with pay to be disbursed on March 29, 2019 and April 12, 2019.

The Receiver appears to have confused this issue in his reports to the Court by assuming that the pay distribution on March 15, 2019 relates to the first additional pay cycle, when in fact it will be payment for the cycle completed as this plan was being developed. As such, the Receiver essentially asked the funder of the additional pay cycles to fund a pay cycle for which receiver funds should have already been set aside.

Correcting this pay-period misunderstanding is essential for the plan outlined above to certify as graduates those students who have sufficient credits to graduate in May 2019.

Who are third year students and who can benefit from this plan: The Court's Minutes of Proceedings expresses the need for the dean of the law school to find a path to graduation for "all third-year students" including the intervening student, Marina Awed.

It is essential that all interested parties understand that not all third year students are alike. Western State has full-time and part-time students, and students who started their study in August or January. As such, some third year students, because they are part-time, have an entire year of study remaining before they will have accumulated sufficient credits to graduate. Some third year students who started in a January term will not complete their requirements for graduation until December 2019, assuming they continue taking courses at their current pace. Some third year students who may have taken a reduced load in one or more semesters, may be anticipating graduation in August 2019.

At present, 77 Western State students hope to graduate in May 2019; 2 students hope to graduate in August 2019; 34 students hope to graduate in December 2019; and 95 students hope to graduate in May 2020.

Among this group of students many can be accurately labeled today as third year students, including 24 of the 95 May 2020 group who are part-time students. But the only students Western State can help to graduate now by the proposed plan to stay open through April 5, 2019, are the 77 who are scheduled to graduate in May 2019 and can earn the requisite credits to do so.

For those students scheduled to earn 88 credits by May 2019, dropping the credits required from 88 to the ABA minimum of 83, and assuring they have sufficient “seat time” to complete two-thirds of the semester, allows us to certify that they have 83 credits if they earn passing grades in all courses, and if they meet various other graduation requirements, some of them imposed by the ABA (e.g., six units of skills instruction).

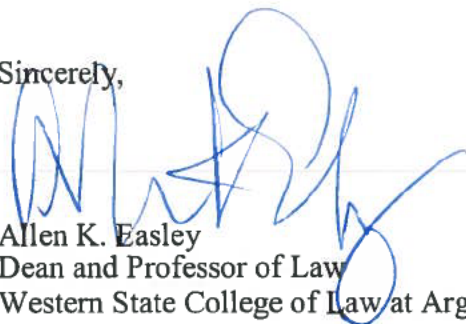
For those students who were not in a position to earn 88 credits by May 2019, completion of two-thirds of the semester will not allow Western State to award them a minimum of 83 credits while staying in compliance with ABA standards regarding the work required to earn a unit of credit.

As the Dean of Western State, and on behalf of all students of the law school, I would therefore respectfully ask that the Court amend its Minutes of Proceedings and Order dated March 13, 2019 [Dkt. No. 162], to:

- (1) reflect, confirm or acknowledge that the only path to graduation for third year students with sufficient credits to graduate in May 2019 is to provide the means for Western State to remain open for additional study through pay periods ending March 22, 2019 (paid on March 29, 2019), and April 5, 2019 (paid on April 12, 2019);
- (2) order that such payroll funding be provided; and,
- (3) confirm or acknowledge that this plan or path will not allow students not scheduled to graduate in May 2019 to complete the semester.

I have at all times prior and subsequent to the appointment of the Receiver remained focused upon providing the best possible legal education to the students of Western State. The past seven weeks during the tenure of the receivership has been extremely difficult and stressful for the staff of the law school, and more so for the students, who, through no fault of their own, find their legal educations in jeopardy. At a minimum, those students with sufficient credits to graduate in May 2019 should be enabled to do so by permitting Western State to implement the plan outlined above.

Sincerely,



Allen K. Easley  
Dean and Professor of Law  
Western State College of Law at Argosy University

Cc: Magistrate Judge Thomas M. Parker  
Mark Dottore, Receiver (via electronic mail)  
Mary Whitmer, Esq. (via electronic mail)