

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

SAMMIA PRATT, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:20-cv-1501-TNM
	)	
MIGUEL CARDONA, Secretary of the	)	
United States Department of Education, et al.,	)	
	)	
Defendants.	)	
_____	)	

**UNOPPOSED MOTION FOR APPROVAL OF VOLUNTARY DISMISSAL OF CLASS  
ACTION**

Pursuant to Federal Rule of Civil Procedure 23(e), Plaintiffs hereby move for this Court’s approval of their voluntary dismissal of this action without prejudice.

In this action, Plaintiffs challenged the Department of Education’s December 2019 methodology for calculating partial relief for borrowers who have been found to have been defrauded by higher education institutions, and its application to a class of borrowers. *See* ECF No. 16. In their request for relief, Plaintiffs asked this Court to vacate the 2019 methodology and relief determinations based upon it. *Id.* On September 22, 2020, this Court certified a class for purposes of this litigation. *See* ECF No. 19.

Since this Court certified the class, the Department of Education has rescinded the 2019 methodology and has informed Plaintiffs that it has provided notice to all borrowers who received a relief determination under the 2019 methodology telling the borrowers that they are eligible for full relief on their borrower defense claims. Accordingly, Plaintiffs seek to voluntarily dismiss this action without prejudice. Defendants have not yet filed an answer or motion for summary judgment in this action. *See* Fed. R. Civ. P. 41(a)(1)(A)(i) (subject to the requirements of Fed. R. Civ. P.

23(e), permitting plaintiffs to voluntarily dismiss actions without prejudice by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment).

Because Plaintiffs seek to dismiss this case without prejudice, class members will not be bound by any agreement or judgment, and there is no need to give notice to the class. *See* Fed. R. Civ. P. 23(e)(1)(B). Because class members will not be bound, the Court also does not need to hold a hearing or make any findings. *See* Fed. R. Civ. P. 23(e)(2). Plaintiffs and Defendants have not made any agreements in connection with the voluntary dismissal. *See* Fed. R. Civ. P. 23(e)(3). Plaintiffs' attorney conferred with Defendants' attorney, who stated that Defendants consent to this motion.

Accordingly, Plaintiffs respectfully request that this Court approve their voluntary dismissal of this action without prejudice.

Dated: November 19, 2021

Respectfully submitted,

/s/ Adina H. Rosenbaum

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