

U.S. Department of Education

Office of Federal Student Aid

**Second Quarterly Report under Settlement
Agreement in *Sweet et al. v. Cardona*, Case No. 3:19-
cv-03674-WHA, U.S. District Court for the Northern
District of California**

August 28, 2023

SECOND QUARTERLY REPORT

Pursuant to the Settlement Agreement executed June 22, 2022 (“Agreement”) and granted final approval by the Court on November 16, 2022 (ECF No. 345), the U.S. Department of Education through its Federal Student Aid office submits this Second Quarterly Report as required by Paragraph IV.G of the Agreement. As required by Paragraph IV.G.3 and IV.G.4 of the Agreement, this Second Quarterly Report covers the progress made by the Department from May 1, 2023 through July 29, 2023¹ and states as follows:²

1. The total number of Class Members with pending borrower defense applications (which number shall include members of the § 555(e) Subclass): 60,429

2. (a) The total number of settlement relief decisions that have been issued to Class Members pursuant to Paragraph IV.C.2.i of the Agreement:³ 11,779

(b) The total number of revise and resubmit notices that have been issued to Class Members pursuant to Paragraph IV.C.2.ii, of the Agreement: 2,041

(c) The total number of denial decisions that have been issued to Class Members pursuant to Paragraph IV.C.2.iii: 0

(d) The total number of revise and resubmit notices issued to Class Members that became denial decisions pursuant Paragraph IV.C.2.ii of the Agreement because the

¹ As Paragraph IV.G.4 directs, each reporting period “exclude[s] a period not exceeding 30 calendar days immediately preceding the submission of a report, during which Defendants pull, confirm, and validate the data provided in each report.”

² As provided in Paragraph IV.G.5 of the Agreement, all data in in this Quarterly Report is subject to privacy restrictions and will be suppressed where the total number of Class Members for any data point is less than 10.

³ 26,863 relief decisions have been issued to class members receiving group borrower defense relief or another individually adjudicated approval of relief. The number represents a change from the number reported in the First Quarterly Report as a result of FSA's ongoing validation and verification efforts as to which class members are receiving group borrower defense relief or other individual adjudications. These borrowers are in the process of having such relief granted and their cases closed on that basis. Class members who have been granted group borrower defense relief and individual relief are receiving equivalent relief to those who are granted relief pursuant to the *Sweet* settlement.

Class Member did not revise and resubmit his or her application within 6 months after being sent a deficiency notice: 0

3. (a) The number of Class Members who have been issued settlement relief decisions during the reporting period: 11,534
(b) The number of Class Members who have been issued revise and resubmit notices during the reporting period: 2,021
(c) The number of Class Members who have been issued final denial decisions during the reporting period: 0
(d) The number of Class Members whose revise and resubmit notices became denial decisions during the reporting period because the Class Member did not revise and resubmit his or her application within 6 months after being sent a deficiency notice: 0

4. The total number of Class Members for whom Defendants have effectuated relief pursuant to Paragraph IV.A:
(a) Through 7/29/2023: 128,430
(b) During the reporting period: 57,616

5. For any quarterly report covering the time period during which a deadline established in Paragraphs IV.C.3(i) through (v) and Paragraph IV.D falls, the total number of Class Members for whom the Department did not provide a decision: 0