

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT
UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA

Joshua Navarro et al. v. Florida Institute of Technology, Inc.; 6:22-CV-01950-CEM-EJK

ATTENTION: ALL PRESENT AND FUTURE MALE STUDENTS AT THE FLORIDA INSTITUTE OF TECHNOLOGY, INC. (“FLORIDA TECH”) WHO PARTICIPATE OR WILL PARTICIPATE IN INTERCOLLEGIATE ATHLETICS AT FLORIDA TECH.

The United States District Court for the Middle District of Florida authorized this Notice. This is not a solicitation or advertisement from a lawyer. You are not being sued. YOU SHOULD READ THIS NOTICE CAREFULLY.

I. Why did I receive this Notice?

You have received this Notice of Proposed Settlement (“Notice”) because you have been identified as a person who is or may be a member of the class in this lawsuit, and the proposed settlement of the lawsuit, if approved, may affect your legal rights. If you are a present or future male student at Florida Tech, and you participate or will seek to participate in intercollegiate athletics at Florida Tech, you are a member of the class affected by this lawsuit.

II. What is the purpose of this Notice?

The purpose of this Notice is to inform you of a proposed settlement (“Proposed Settlement”) related to a class action lawsuit brought by Plaintiffs, men who are current or prospective athletes at Florida Tech, against Florida Tech. The case is titled *Joshua Navarro et al. v. Florida Institute of Technology, Inc.*, 6:22-CV-01950-CEM-EJK, in the United States District Court for the Middle District of Florida. You have a right to know about a proposed settlement of this class action lawsuit, and your options with respect to the settlement before the Court decides whether to give final approval to the settlement.

This Notice provides a summary of the Proposed Settlement and the impact that the Proposed Settlement will have on your rights. If you do not understand the information in this Notice, you should contact one or more of the attorneys for the Plaintiffs listed at the end of this Notice. You may also, if you want, contact your own attorney.

III. What is this lawsuit about?

In June of 2022, Florida Tech eliminated three men’s intercollegiate teams (and two women’s teams) from varsity status and announced that they would transition to club status. Plaintiffs filed this lawsuit in October of 2022 alleging that Florida Tech had violated Title IX of the Education Amendments, 20 U.S.C. § 1681 *et seq.* (“Title IX”), which requires that Florida Tech provide equal opportunities, benefits and treatment, and financial aid to men and women to participate in intercollegiate athletics. The Court, after a hearing, on February 17, 2023, ordered that the men’s rowing team be reinstated to its status as a varsity team, finding that Plaintiffs had a likelihood of success on the merits (“Court Order”). After mediation and extended negotiations, the named Parties reached an agreement, called “the Settlement Agreement,” which the Court preliminarily approved

and entered on July 9, 2024.

IV. What is a class action and why is this case a class action?

In a class action, one or more people, called Class Representatives, sue on behalf of other people like them. The Class Representatives in this case are Joshua Navarro, Benjamin Komita, Jaden Krekow, Kyle Stewart, Mason Yaskovic, Thomas Francis, David Adler, Reese Van Putten, Brycen Haner, Ryan Zerneke, and Erik Laari. These student athletes (or former student athletes), and other people affected by the alleged conduct, are considered a “Class” or “Class Members.” The Court certified and approved certain groups, or a Class of people, and the lawyers representing the Class. The lawyers and law firm representing Plaintiffs and the Class as “Class Counsel” are Arthur Schofield of Arthur T. Schofield, P.A., and James C. Larew and Claire M. Diallo of the Larew Law Office. In a class action lawsuit such as this one, one Court resolves the case as it relates to the claims in the lawsuit for all Class Members.

V. Why is there a settlement?

Rather than continue to litigate for years and expend a great deal of time and resources, the Plaintiffs and Florida Tech agreed to a settlement. The Class Representatives and Class Counsel think the settlement is best for all Class Members for the alleged violation of their rights.

VI. How do I know if I am part of the Class?

The Court defined the Class as follows: All present and future male students at the Florida Institute of Technology, Inc. who participate or will participate in intercollegiate athletics and are thus entitled to: (1) the allocation of athletic participation opportunities; (2) the allocation of benefits provided to varsity athletes; and (3) the allocation of student financial aid to varsity athletes, in compliance with the requirements of 20 U.S.C. § 1681 *et seq.*

If you received this Notice through your email, you have been identified as a Class member. If you are reviewing this Notice online, you will need to determine whether you fit in the Class definition above.

VII. What does the settlement provide?

The Settlement Agreement converts the Court’s Order, which was a preliminary injunction, into a permanent injunction. The Settlement Agreement also requires Florida Tech to maintain the men’s rowing team and men’s cross-country team (also previously transitioned to club status) for at least five years, and to not count e-Sports or Florida Tech online students as part of its count of participants or participation opportunities in intercollegiate athletics.

The Settlement Agreement also appoints a mutually-agreed neutral, subject to the Court’s approval (“Neutral”) who will be compensated for work by Florida Tech. The Neutral will undertake the following:

- Review Florida Tech’s current plan for compliance with Title IX’s requirements as set forth in 34 C.F.R. § 106.41(c)(1); and athletic financial assistance (34 C.F.R. § 106.37(c);

106.41(c)(2-10)); Title IX of the Education Amendments of 1972; A Policy Interpretation: Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71413-71423 (Dec. 11, 1979) (“Policy Interpretations”) (collectively “Title IX Athletics Requirements”);

- Prepare an initial assessment of Florida Tech’s current compliance with the Title IX Athletics Requirements;
- Provide an Annual Report to the Court of the status of Florida Tech’s compliance with the Title IX Athletics Requirements;
- Provide opportunities for the parties to comment on the Neutral’s draft reports; and
- The Parties agree that the Neutral must agree to Florida Tech’s Title IX Athletics Compliance Plan unless the Neutral can demonstrate to the Court through the Annual Report that the Plan would fail to bring the program into compliance with Title IX’s Athletic Requirements. The Parties further agree that the Neutral is free to provide his/her comments and alternative recommendations regarding Florida Tech’s compliance in the Annual Reports, notwithstanding Florida Tech’s compliance under this paragraph.

The Settlement Agreement also provides that Class Counsel can seek up to \$350,000 for attorneys’ fees and costs for litigating this case, which would be paid by Florida Tech. Class Counsel will file a motion and ask the Court to approve the amount of fees and costs incurred to litigate this case.

VIII. What am I giving up as part of the Proposed Settlement?

As part of the Class, in the release contained in the Proposed Settlement, you will not be permitted to sue, continue to sue, or be part of any other lawsuit against Florida Tech for claims related to Title IX Athletics Requirements, as defined above. All Class members are required to release and covenant not to sue Florida Tech from and for any all claims that could have been brought in the Amended Complaint brought by Plaintiffs, arising from the beginning of time to the effective date of the Settlement. This does not release claims that you may have against Florida Tech or affect your right to sue for other issues, but is related to Title IX Athletics Requirements only.

IX. What are my legal rights and options?

SUMMARY OF YOUR RIGHTS AND OPTIONS		
YOUR OPTIONS	RESULTS	DUE DATE
ACCEPT OR DO NOT OPPOSE THE PROPOSED SETTLEMENT	If you accept or do not oppose the Proposed Settlement, you do not need to do anything.	None
COMMENT ON OR OBJECT TO THE PROPOSED SETTLEMENT	If you want to comment on or object to the terms of the Proposed Settlement, you may tell the Court why you do or do not like the terms of the Proposed Settlement. Instructions for giving a comment or objection are described later in this notice. See Question XII for more information.	September 26, 2024

APPEAR AT THE “FAIRNESS HEARING”	If you have filed a written comment or objection by September 26, 2024, and wish to be heard by the Court, you may appear virtually at the “Fairness Hearing” on a date to be set by the Court. See Questions XIII through XV for more information.	October 10, 2024, at 1:30 p.m., in Orlando, Courtroom 5B, before Judge Carlos E. Mendoza.
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These rights and options are explained in this Notice.

X. Do I have a lawyer in the case? And whom do I contact for questions?

The Court designated the following attorneys as Class Counsel to represent you, who may be contacted as follows:

Arthur Schofield, Esq.
ARTHUR T. SCHOFIELD, P.A.
330 Clematis Street, Suite 207
West Palm Beach, FL 33401
(561) 655-4211
Fla. Bar No. 984434
Aschofield@flalabor.com

James C. Larew, Esq.
Claire M. Diallo, Esq.
LAREW LAW OFFICE
504 E. Bloomington Street
Iowa City, IA 52245
(319) 337-7079
James.Larew@LarewLawOffice.com
Claire.Diallo@LarewLawOffice.com

XI. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel was designated by the Court to represent you and is working on your behalf. But you may enter an appearance on your own or through a different attorney if you choose to do so, at your own expense.

XII. What if I want to comment on or object to the Proposed Settlement?

You can tell the Court why the Proposed Settlement should, or should not, be approved. You may submit a comment telling the Court that you like the Proposed Settlement and that you think it should be approved. You may also object to the Proposed Settlement by telling the Court that you do not like the Proposed Settlement and do not think it should be approved. The Court will consider comments and objections from Class Members. You are not required to submit any comments or objections.

To comment on or object to the Proposed Settlement, you must send a letter to the Clerk of the Court or have your attorney send a letter on your behalf. The letter must include the following information:

- your full name, mailing address, and email address where available;
- a statement that you are commenting on or objecting to the Proposed Settlement in *Navarro et al. v. Florida Institute of Technology, Inc.*, 6:22-CV-01950-CEM-EJK;

- the factual and/or legal reasons for your comment on or objection to the Proposed Settlement;
- any documents supporting your comment or objection;
- whether you would like to speak at the Fairness Hearing (see Sections XII, XIII and XV); and
- your signature or that of your attorney.

The deadline to submit a comment or objection is September 26, 2024. You must mail your comment or objection to the Clerk of the Court so it is received no later than September 26, 2024.

Subject line: Re: *Navarro v. Florida Tech*, 22-01950, Fairness Hearing

Clerk of the Court
U.S. District Court for the Middle District of Florida
Orlando Division
401 West Central Boulevard
Orlando, FL 32801

Please also provide a copy of your comment or objection by mail or email to counsel for Plaintiffs (Arthur Schofield, at Aschofield@flalabor.com, or 330 Clematis Street, Suite 207, West Palm Beach, FL 33401), and counsel for Defendant (Drew Campbell, at dcampbell@brickergraydon.com, or 100 South Third Street, Columbus, OH 43215) at the time you send it to the Court.

If you comment on or object to the Proposed Settlement, you should explain your reason for doing so. The Court may reject any comments or objections that it deems frivolous or that are made for an improper purpose. You are not required to submit a comment or objection. Class Counsel will still represent the collective interests of the Class. If you choose not to submit a comment or objection, you will waive your right to be heard individually at the Fairness Hearing on whether to approve the Proposed Settlement and any right of appeal that you may have.

XIII. How will the Court decide whether to approve the Proposed Settlement?

In order finally to approve the Proposed Settlement, the Court will hold a Fairness Hearing. The Fairness Hearing is a session of the Court during which the Court will hear arguments from the lawyers for the parties, and possibly from Class Members, on whether the Court should approve the Proposed Settlement. At this hearing, the Court will consider whether the Proposed Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may or may not choose to hear testimony and receive additional evidence to help the Court make its decision.

XIV. When and where will the Court decide to approve the Proposed Settlement?

On October 10, 2024, at 1:30 p.m. in Orlando Courtroom 5B, at the George C. Young Federal Annex Courthouse, 401 West Central Boulevard, Orlando, FL 32801, Judge Carlos E. Mendoza

will hold the Fairness Hearing to decide whether to finally approve the Proposed Settlement. You may attend and you may ask to speak, but you are not required to do so, and you may only speak at the hearing if you have timely filed a written objection.

At the Fairness Hearing, the Court also will decide whether to approve the fees and cost award to Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take for the Court to make these decisions.

If the Court approves the Proposed Settlement, all Class members will be bound by the provisions of the Proposed Settlement with respect to claims against Florida Tech with respect to Title IX Athletics Requirements arising out of Defendant's 2022 decision to restructure its athletic program by eliminating three men's teams from varsity status. If the Court approves the Settlement, then the Settlement is final. If the Court does not approve the Settlement, then the parties will continue to litigate the case in Court.

XV. Do I have to come to the hearing?

No. Class Counsel will answer questions the Court may have. But you are welcome to attend if you would like, at your own expense. If you filed a comment or objection, you may but do not need to attend. As long as you filed your written objection(s) on time, the Court will consider it/them. You may also pay your own lawyer to attend, but are not required to do so.

XVI. What happens if I do nothing at all?

If you do nothing and you are a Class Member, you will be included in the Proposed Settlement if it is approved. See Question VII for more information.

XVII. Where can I get more information?

The terms of the Proposed Settlement are only summarized in this Notice. For the precise and full terms and conditions of the Proposed Settlement, please see the attached Settlement Agreement and posted on the Florida Tech website at <https://www.FIT.edu> and <https://floridatechsports.com>, and the website of Arthur T. Schofield, P.A., <https://www.flalabor.com>

IF YOU DO NOT OPPOSE THIS PROPOSED SETTLEMENT, YOU DO NOT NEED TO DO ANYTHING, APPEAR, OR FILE ANYTHING IN WRITING.

Please do not direct questions to the District Court or to counsel for Florida Tech.