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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

THERESA SWEET, ALICIA DAVIS, TRESA APODACA, CHENELLE ARCHIBALD, DANIEL DEEGAN, SAMUEL HOOD, and JESSICA JACOBSON on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

ELISABETH DEVOS, in her official capacity as Secretary of the United States Department of Education,

And

THE UNITED STATES DEPARTMENT OF EDUCATION,

Defendants.

Case No.: 19-cv-03674-WHA

AFFIDAVIT OF MARIE GARGANO

- I, Marie Gargano, state as follows:
- 1. I am submitting this affidavit in relation to the above-captioned case.
- 2. I am a resident of Long Beach, California.
- 3. I borrowed federal Parent PLUS loans in order to help my son attend the Art Institute of Los Angeles ("Ai") (owned by Education Management Corporation / Dream Center Education Holdings).
- 4. On September 14, 2018, I submitted a borrower defense application to the United States

 Department of Education, asking for these loans to be cancelled. I am currently unable to
 locate a full copy of my original borrower defense application, but I saved screenshots of
 the online form I filled out, which are attached as Exhibit A. A copy of the email
 confirming that the Department received my application is attached as Exhibit B.
- 5. I have not yet received a notice regarding the outcome of my application.

- 6. Currently, because of my pending borrower defense application, my loans are in administrative forbearance.
- 7. The Department of Education's delay of over two years in deciding my application has caused me to suffer financial, emotional, and psychological harm.
- 8. My son enrolled in Ai in 2011. At that time, the economy was barely rebounding after the 2008 recession, and it was hard for students to get into even community colleges. That was one reason why my son wanted to go to Ai. I remember going on a campus visit after he researched it, and when we sat down with an admissions officer, I asked all of the hard questions I could think of: about the graduation rate, job placement, and more. They claimed to bring in major corporations to recruit, told us about work students did for the community, and showed us a lot of materials to show that the school was thriving. We had no way to know about the fraud going on behind the scenes.
- 9. I still get so frustrated hearing judgments from others who say, "You should have known," or "Why did you let your child go to school you couldn't afford?" At the time, I felt confident with the information I was receiving, and as a parent I wanted my son to be able to pursue his goal of learning graphic design.
- 10. As time went on, strange things started happening at Ai: teachers were leaving, classes were dropped from the schedule, and my son had a hard time picking up course work to graduate. His classes went online, and sometimes he would be in an online class by himself, or the school would send him to another city, Costa Mesa, for classes. Still, the financial aid advisor would call me every term to get more signatures, claiming that "we can't fund next semester." They also pressured my son to sign a letter that he didn't understand. Despite all this, he wanted to make it to graduation, so I supported him.

- 11. It was not until after my son graduated in 2017 and could not get a job that I stumbled across information online about the fraud going on at Ai and all the borrowers who were stuck with massive debts for worthless degrees.
- 12. Once we learned the truth, my son and I both applied for borrower defense. We sent all of the information about Ai's fraudulent conduct that I could pull from internet, along with what we had saved from our own experiences. If I had known it would be important, I would have saved other materials, such as brochures we received but how could I have known that I'd need that for evidence?
- 13. Now, years later, I am still waiting for a response to my application. Since I learned through this lawsuit that the Department of Education is issuing blanket denials of applications, even for students who went to schools with known fraud, I live in fear that my application will be denied. Every time I receive an email from the Department of Education or my loan servicer, I get nauseous and don't want to open it, because I'm afraid it will be a denial.
- 14. I do not understand how the information I submitted to the Department of Education, along with everything else that's in the public domain about Ai, could possibly be insufficient to find that my son and I qualify for borrower defense. Yet I know that other students from Ai have had their borrower defense applications denied.
- 15. My loan balances have increased greatly in the last three years because interest continues to accrue while they are in administrative forbearance. The total amount I owe has increased from about \$90,000 to about \$145,000.
- 16. I am a nurse, and I'm going to be 53 next month. If I don't get forgiveness of my parent loans, it will have serious financial ramifications for my future. My son is 27, and

although his loans are a burden on him, he at least has enough time that he could rebound financially. I don't have that time – I will not be able to retire if I don't get relief from these loans.

- 17. Before taking out the loans for Ai, I had a credit score over 750. Now my credit is much worse.
- 18. My son is still not employed after having graduated in 2017. He was initially a major in graphic design at Ai, but after his classes started getting dropped from the school's schedule, he switched to interior design. Now he freelances, and he recently went back to the local community college to get a certificate in graphic design meaning that he will be qualified for entry level work in the field that he tried to study years ago.
- 19. This situation has caused me constant distress. I also feel frustrated that the government does not seem to be dealing with our claims in good faith.

I swear under penalty of perjury that the foregoing is true.

Executed on: October 28, 2020

Long Beach, California

Marie A. Gargano Marie A. Gargano (Oct 28, 2020 14:42 PDT)

Marie Gargano

Exhibit A

Case 3:19-cv-03674-WHA Document 152 Filed 10/30/20 Page 6 of 16

09/04/2012	03/31/2017	Still Enrolled		
Check if the enrollment dates	are approximate, or if y	you are unsure of them.		
If your attendance at the school lis 2016), please describe all dates th		as not been continuous (for exam	nple, from October 2015 to Mai	rch 2016, then again from August 2016 to November
My son attended The Art Institu and Spring 2017 prior to gradua			also attend The Art Institute of	Orange County - Costa Mesa Fall 2016, Winter 2016
CAMPUS PROGRAM				
* Program or Major			Credential	
Interior Design			Bachelor	‡
If you enrolled in multiple progran	ns at the school listed a	bove, please describe all prograr	ns that you were enrolled in:	
office and his Financial Aid advi	sor this would not delay	his graduation date of August 2	016. In order for him to comple	sed by his Academic Advisor in the school's counseling te his degree and due to the schools Teach Out as a approx. \$25,000 student/parent loan debt.
* Current Status at school listed a				
Attending Withdrew	Transferred Out	Graduated		

Your application is not complete. Please select the "CONTINUE" button to proceed to the next screen. Please select the "SAVE & EXIT" button at the top right of the screen to save your

Ι.,	Nelnet Parent Loan Bal pg2.png - 716. Re 3:19-cv-03674-WHA	Document 152	Filed 10/30/20	Page 7 of 16
	Nelnet Parent Loan Bal pg3.png - 739.65 KB			
,	Portfolio Show Pg1.png - 831.26 KB			
	Portfolio Show Pg2.png - 619.32 KB			
	Portfolio Show Pg3.png - 613.12 KB			
	Portfolio Show Pg4.png - 614.72 KB			
	Statistics for Federal Student Loan Debt.png - 664.79 KB			

- teachout doc.jpeg 1.76 MB
- The Art Inst Los Angeles.jpg 98.59 KB

Student Acheivement Data.png - 652.01 KB

Student Loan Debt.pdf - 76.93 KB

Note: You only need to provide information for the sections below that apply to you, but you must complete at least one section. If you are a Parent PLUS borrower, the word "you" in the following sections also refers to the student.

EMPLOYMENT PROSPECTS

* Did the school mislead you (or fail to tell you important information) about promises of future employment, likelihood of finding a job, eligibility for certification or licensure in
your field of study, how many students graduate, and/or earnings after graduation?

YesNo

The schools admissions office showed us a computer screen with uploaded information regarding the schools percentages of graduates, earnings, the senior night Portfolio Show, the numerous amount of prospective employers that would more than likely attend with the promise of employment upon graduation with onsite interviews and possible job offers that night, in addition to the elaborate set up with a food/beverage buffet for family/friends/prospective employers. This was not case after the school began their Teach Out process long before it was officially announced, approx 18mo prior to the announcement date, my son told me there was something happening at his school, but was uncertain as to what was going on as faculty/staff turn overs were in abundance. The president of the school must have changed a half dozen times prior to his graduation date and trying to get answers as to who this would impact his degree and quality of education was nothing but nonsense. Ultimately, his senior Portfolio Show consisted of 2 prospective employers in attendance, no career counseling for networking, no assistance with finding a job. My son still has yet to market himself to attain gainful employment to even attempt any repayment of his student debt. The financial harm this has caused me as a parent is a debt of \$135,324. My parent loans have been in forbearance as I am unable to pay the exorbitant monthly payment. My credit score has dropped substantially as a result of this debt and my son's inability to find gainful employment to assist with repayment. I am at risk being unable to retire due to the amount owed and left with the feelings of being mislead in terms of what was suppose to be offered as a means of quality education and the projected employment information provided by the school upon admission.

Did you choose to enroll in your school based in part on the i
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2000 Character Limit

^{*} Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

Show, the numerous amount of prospective and graduation to the elaborate set up with a food/beverage buffet for family/friends/prospective employers. This was not case after the school began their Teach Out process long before it was officially announced, approx 18mo prior to the announcement date, my son told me there was something happening at h school, but was uncertain as to what was going on as faculty/staff turn overs were in abundance. The president of the school must have changed a half dozen times prior t graduation date and trying to get answers as to who this would impact his degree and quality of education was nothing but nonsense. Ultimately, his senior Portfolio Show consisted of 2 prospective employers in attendance, no career counseling for networking, no assistance with finding a job. My son still has yet to market himself to attain gainful employment to even attempt any repayment of his student debt. The financial harm this has caused me as a parent is a debt of \$135,324. My parent loans have be forbearance as I am unable to pay the exorbitant monthly payment. My credit score has dropped substantially as a result of this debt and my son's inability to find gainful employment to assist with repayment. I am at risk being unable to retire due to the amount owed and left with the feelings of being mislead in terms of what was suppose be offered as a means of quality education and the projected employment information provided by the school upon admission.		
* Did you choose to enroll in your school based in part on the issues you describe above?	2000 Character Limit	
Yes No		
PROGRAM COST AND NATURE OF LOANS		
* Did the school mislead you (or fail to tell you important information) about how much your classes would cost, how you would pay for your education repayment, and/or other issues about the cost of your education?	n, the terms of loan	
Yes No		
* Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.		
The school provided information regarding cost of tuition, parent loans needed to finance my son's degree, and loan repayment and clearly reported minimal and not create a financial burden as they have. They failed to provide information regarding the additional costs necessary to for him to congraduate. December 2016, Rosa in Financial Aid clearly specified I would need to maximize my Parent Plus loans as he did not have enough aid to one As a parent, I was still under the belief the school would assist with job prospects, networking with major companies and my son would have gainful graduation. They did not, as previously stated. I have been forced to keep all Parent Loans, I incurred as a result for my son to graduate in forbeara to provide repayment of such a large outstanding debt. The financial hardship of accruing interest on these loans makes it so they will never get pail lower my credit score making it difficult to rent or replace my car in the future when needed. I am financially overwhelmed with the decisions made disclosure of The Art Institute.	omplete his program to complete his senior year. I employment upon ance, due to the inability id off and continue to	
* Did you choose to enroll in your school based in part on the issues you describe above?	2000 Character Limit	
Yes No		
TRANSFERRING CREDITS		
* Did the school mislead you (or fail to tell you important information) about transferring your credits from this school to other schools?		
Yes No		

			OF LOANS

Yes No Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.	
The school provided information regarding cost of tuition, parent loans needed to finance my son's degree, and loan repayment and clearly reported the payments would minimal and not create a financial burden as they have. They failed to provide information regarding the additional costs necessary to for him to complete his program to graduate. December 2016, Rosa in Financial Aid clearly specified I would need to maximize my Parent Plus loans as he did not have enough aid to complete his senior year As a parent, I was still under the belief the school would assist with job prospects, networking with major companies and my son would have gainful employment upon graduation. They did not, as previously stated. I have been forced to keep all Parent Loans, I incurred as a result for my son to graduate in forbearance, due to the inability to provide repayment of such a large outstanding debt. The financial hardship of accruing interest on these loans makes it so they will never get paid off and continue to lower my credit score making it difficult to rent or replace my car in the future when needed. I am financially overwhelmed with the decisions made based on the lack of fudisclosure of The Art Institute.	ır. Y
Did you choose to enroll in your school based in part on the issues you describe above? 2000 Charact Yes No	er Limi
RANSFERRING CREDITS	
Did the school mislead you (or fail to tell you important information) about transferring your credits from this school to other schools?	
Did the school mislead you (or fail to tell you important information) about transferring your credits from this school to other schools?	
Did the school mislead you (or fail to tell you important information) about transferring your credits from this school to other schools? Yes No	is, <mark>i</mark> f

CAREER SERVICES

* Did the school mislead you (or fail to tell you have realisted and about transferring pour Leadits Filed this school to draw schools 16 Yes No	
* Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.	
Yes, the school did not disclose it's WASC accreditation was not valid in terms of my son's Bachelor's degree. He is unable to apply for a Master's program school's lack of accreditation and his units do not transfer for credit to any California WASC accredited institution to pursue further education elsewhere seemingly worthless as time goes on and The Art Institute failed to disclose this information. As a parent, I would have never invested in an educational sy my son was not going to be employable and/or able to further his education elsewhere, incurring such an excruciating amount of debt, unable to determin may be able to retire as a result of having to continue to work to possibly at some point, begin to repay this debt.	e. His degree is ystem, such as this, if
* Did you choose to enroll in your school based in part on the issues you describe above? Output Output Did you choose to enroll in your school based in part on the issues you describe above? No	2000 Character Limit
CAREER SERVICES * Did the school mislead you (or fail to tell you important information) about the availability or quality of job placement, career services assistance, or the sci	:hool's connections to
employers within your field of study? No Yes No	
* Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.	
The Art Institute promoted quality Career Services upon my son's admission disclosing Career Placement Statistics that made it seem the cost of his degrinvesting in. We were told upon signing admission documents the services provided would be available during his education process on campus and as all case as the campus has closed. The Career Placement Statistics were appealing at the time of the campus tour and admission process. In retrospect, the graduates was clearly inflated in addition to the salaries disclosed for each respective degree offered. This was quite misleading and has created financial my son has not been able to find employment with in his degree major to begin repayment of his loans. Again, the debt incurred to finance his degree as a burdensome as I am unable to make the astronomical payments forcing me to place all Parent Loans for his degree in forbearance that are continuing to a it impossible to begin repayment.	umni. This is not the percentage of I hardship in the sense parent has become
* Did you choose to enroll in your school based in part on the issues you describe above? • Yes No	2000 Character Limit
EDUCATION SERVICES	
* Did the school mislead you (or fail to tell you important information) about educational services, such as the availability of externships, qualifications of teamethods, or other types of educational services?	achers, instructional

Yes No

investing in. We were told upon signing admission documents the services provided would be available during his education process on case as the campus has closed. The Career Placement Statistics were appealing at the time of the campus tour and admission process. In regraduates was clearly inflated in addition to the salaries disclosed for each respective degree offered. This was quite misleading and has come so has not been able to find employment with in his degree major to begin repayment of his loans. Again, the debt incurred to finance burdensome as I am unable to make the astronomical payments forcing me to place all Parent Loans for his degree in forbearance that are it impossible to begin repayment.	retrospect, the percentage of reated financial hardship in the sense his degree as a parent has become
Did you choose to enroll in your school based in part on the issues you describe above?	2000 Character Limit
Yes No	
EDUCATION SERVICES	
Did the school mislead you (or fail to tell you important information) about educational services, such as the availability of externships, quanethods, or other types of educational services?	lifications of teachers, instructional
Yes No	
Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's con	nduct.
Approximately 2 years into my son's education at The Art Institute, the school began to lose faculty. There was an announcement made in would not be forced to close as some of the other Art Institutes began to close in early 2015. This was a surprise to my son, as the school had numerous Presidents of the school had come and gone. The support staff in the Financial Aid office and Counseling/Career Center had were perplexed, but again guaranteed he would continue to receive a quality, employable education upon graduation. My son signed a document of the school had come and gone.	nad not even addressed why faculty ad begun to dwindle, as well. We

Out, but the document failed to explain why there was the commencement of a Teach Out and all the circumstances involved that this was necessary. My son's mental health was compromised at this point, becoming depressed because, now, he is 18 months from graduating, in debt beyond measure, with the possibility of no degree to show for it, let alone employment upon graduation. He signed the document under duress of wanting to complete his program to get on with his life. The end result of his education financial success became grim. As a parent to watch what seemed to be a thriving school 2 years prior to all this and at this point the school announces a Teach Out in addition to the school closing after promising it was not closing just months prior is completely misleading to all parents who financially went into debt for the sake of providing their child what seemed to be a nicely packaged educational experience. The Art Institute pretty much scammed all those who invested their institution to provide the educational services promised for student success on all levels.

* Did you choose to enroll in your school based in part on the issues you describe above?

2000 Character Limit

Yes O No

ADMISSIONS AND URGENCY TO ENROLL

* Did the school mislead you (or fail to tell you important information) about the importance of enrolling immediately, the consequences of failure to enroll, how difficult it was to be admitted, or anything else about the admittance process?

Vos No



Out, but the document failed to explain why there was the commencement of a leach Out and all the circumstances involved that this was necessary was compromised at this point, becoming depressed because, now, he is 18 months from graduating, in debt beyond measure, with the possibil let alone employment upon graduation. He signed the document under duress of wanting to complete his program to get on with his life. The effinancial success became grim. As a parent to watch what seemed to be a thriving school 2 years prior to all this and at this point the school and to the school closing after promising it was not closing just months prior is completely misleading to all parents who financially went into debt find what seemed to be a nicely packaged educational experience. The Art Institute pretty much scammed all those who invested their institute services promised for student success on all levels.	end result of his education nounces a Teach Out in addition for the sake of providing their
* Did you choose to enroll in your school based in part on the issues you describe above?	2000 Character Limit
Yes No	
ADMISSIONS AND URGENCY TO ENROLL	
* Did the school mislead you (or fail to tell you important information) about the importance of enrolling immediately, the consequences of failure per admitted, or anything else about the admittance process?	e to enroll, how difficult it was to
Yes No	
Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct	<u>. </u>
During the admission process, it was disclosed by an admission coordinator that it was uncertain if my son would get in, but that the sooner the better his chances were. We signed admission paperwork on the spot and provided a check toward a processing fee for his application, as the segetting in and made it sound like time was of the essence for him to start. In hind sight, the school pretty much accepted any one who qualified parent was willing and mislead enough to take out Parent Loans to finance the degree. This was the beginning of my financial demise as a parent school would eventually close and my son would not receive a quality education or be any where near employable within the confines of his degree NOT have been allowed to obtain federal funding and the misleading educational statistics presented upon admission were completely inflated good educational investment; therefore, creating fear in parents with urgency to enroll their child for sake of profit.	school created fear of him not for financial aide and who's nt, unbeknownst to me the gree. The Art Institute should
* Did you choose to enroll in your school based in part on the issues you describe above? • Yes No	2000 Character Limit
OTHER .	
Do you have any other reasons relating to your school that you believe qualify you for borrower defense, such as your school failing to perform with you, or that there is a judgment against your school in a federal court, a state court, or in front of an administrative board or that you believe of action against the school? Is there some other reason you feel your school misled you? For more information about the basis for borrower defeatudentAid.ed.gov/borrower-defense.	that you have a state law cause
Yes No	

SECTION V: FORBEARANCE/STOPPED COLLECTIONS

Fields marked with an asterisk (*) are required.

If you are not currently in default on your federal student loans, you may request to have them placed into forbearance status while your application is under review. Forbearance means that you do not have to make loan payments and your loans will not go into default. Forbearance will continue until the borrower defense review process of your application is completed. Your servicer will notify you when your loans have been placed into forbearance status.

If your federal student loans are in default, you may request to have debt collection on your loan stopped ("stopped collections status"). This means that the federal government or debt collection companies will stop attempting to collect on the loans, including by not withholding money from your wages or income tax refunds. Stopped collections status will continue until the borrower defense review process of your application is completed.

Please see the "Common Questions and Answers Regarding Forbearance/Stopped Collections" section on the Borrower Defense website (StudentAid.gov/borrower-defense) if you have any questions regarding choosing to enter forbearance or stopped collections.

Note that interest will continue to accumulate on federal loans regardless of what status they are in, including subsidized loans. If your application for borrower defense is denied, or partially approved, the total amount you owe on those loans may be higher.

PLEASE NOTE: You do not have to place your loans in forbearance or stopped collections to apply for borrower defense relief.

For the most current information with regard to your rights and obligations regarding forbearance and stopped collections, please visit the Borrower Defense website at https://studentaid.gov/borrower-defense.

- * Are you requesting forbearance/stopped collections?
- Yes, I want all of my federal loans currently in repayment to be placed in forbearance and for collections to stop on any loans in default while my borrower defense application is reviewed. During this time period, I understand that interest will continue to accrue.
- No, I do not want all of my federal loans currently in repayment to be placed in forbearance and for collections to stop on any loans in default while my borrower defense application is reviewed. During this time period, I understand that interest will continue to accrue and that I must continue to make loan payments.

If you do not select one of the options immediately above, your federal loans currently in repayment will automatically be placed into forbearance and collections will stop for any defaulted loans, and the Department will request forbearance for any commercially held Federal Family Education Loan (FFEL) program loans currently in repayment and for debt collection to stop for any defaulted, commercially held FFEL program loans that you have currently (as applicable).

Exhibit B



?

Dear Mr./Ms. Gargano:

We have received your application for borrower defense. Your application number is

If you have chosen on your application to have your loans placed on forbearance or stop collection activity while your application is reviewed, you will be contacted by your loan servicer with further information.

You will be notified once a decision has been made on your application.

Visit <u>StudentAid.gov/borrower-defense</u> to learn more. If you have questions, you may respond to this email or call our borrower defense hotline: **(855) 279-6207**. Representatives are available Monday through Friday from 8:00 a.m. to 8:00 p.m. Eastern time.

Sincerely,
Borrower Defense Unit
Federal Student Aid
U.S. Department of Education

To respond to this email, please reply to this email thread without modifying the Subject line. That way, your response will automatically attach to your application.



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