

U.S. Department of Education

Office of Federal Student Aid

**Third 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**

November 27, 2023

THIRD 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 Third 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 Third Quarterly Report covers the progress made by the Department from July 30, 2023 through October 28, 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): 60,418

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: 11,777³

(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: 2,042⁴

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

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 The total number of relief decisions issued as of July 29, 2023, the “report through” date of the Second Quarterly Report (dated August 28, 2023) was actually 11,777. The number provided in the Second Quarterly Report was 11,779. This discrepancy was due to one case being counted twice and another case being issued a revise and resubmit notice.

⁴ The total number of revise and resubmit notices issued as of the August 28th report was 2,042, not 2,041 as previously stated in the Second Quarterly Report. One case had not been updated in the database. The number remained at 2,042 as of October 28, 2023, the “report through” date of this Third Quarterly Report.

- (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 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: Data suppressed⁵
- (b) The number of Class Members who have been issued revise and resubmit notices during the reporting period: 0
- (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 10/28/2023: 147,063
- (b) During the reporting period: 30,314
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: N/A this reporting period because no such deadlines passed during the period covered by this Report.

⁵ The Settlement Agreement provides that “[a]ll of the data required in this [reporting] section is subject to privacy restrictions and will be suppressed where the total number of Class Members for any data point is less than 10.” Agreement at IV.G.5.