

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

APEX SCHOOL OF THEOLOGY,	)	
	)	
Plaintiff,	)	Case No. 1:19-cv-955
	)	
v.	)	
	)	
ELISABETH DEVOS, SOLELY IN HER	)	
OFFICIAL CAPACITY AS SECRETARY OF	)	
THE UNITED STATES DEPARTMENT OF	)	
EDUCATION,	)	
	)	
Defendant.	)	

**COMPLAINT FOR INJUNCTIVE,  
DECLARATORY, AND MANDAMUS RELIEF**

COMES NOW plaintiff Apex School of Theology (“ASOT”) and, pursuant to 20 U.S.C. §§ 1070 *et seq.*, 5 U.S.C. §§ 701 *et seq.*, 28 U.S.C. § 2201, and Fed. R. Civ. P. 57, hereby files its Complaint for Injunctive, Declaratory, and Mandamus Relief, respectfully showing the Court as follows:

**INTRODUCTION**

1. ASOT is an institution of higher education based in Durham, North Carolina and participates in the Federal Student Aid (“FSA”) programs. FSA funds are disbursed to schools and used to assist students pay for the costs of education.

2. Typically, an institution of higher education may submit an advance request for payment from the Department of Education (“DOE”) prior to disbursing FSA funds to students. Indeed, ASOT successfully participated under the advance payment method for years.

3. However, in December 2018, DOE revised ASOT's status to a "heightened cash monitoring 2" ("HCM2") program. DOE did so on the basis that the Office of Inspector General ("OIG") was investigating one of ASOT's off-site locations in Columbus, Georgia – a location that has since closed, over which ASOT did not exercise day-to-day operational control, and the director of which was not an ASOT employee.

4. Under the HCM2 program, ASOT remains eligible to participate in FSA programs. Unlike under the advance payment method, however, ASOT must now make disbursements of its institutional funds to students and then seek reimbursement from DOE.

5. For the Spring semester 2019, ASOT disbursed more than \$1.4 million of its own money for student aid to undergraduate students who are eligible to receive aid under the programs that DOE is required to administer, including the Federal Pell Grant and the William D. Ford Federal Direct Loan programs.

6. In July 2019, ASOT timely submitted a request for reimbursement to DOE which was accompanied by the requisite documentation of student eligibility and award calculations.

7. Despite receiving ASOT's request with all statutorily required information, DOE has not processed ASOT's request for reimbursement. Rather, in late-August 2019, DOE stated that it intends to delay processing ASOT's request on the basis of the unrelated OIG investigation, a criteria that is immaterial to disbursement of funds under the HCM2 program.

8. By statute, once ASOT requested reimbursement for disbursement of FSA funds, DOE “shall” reimburse ASOT if the students are eligible, the awards are properly calculated, and ASOT provides proper documentation. ASOT met these requirements, but while DOE began performing its statutory duties to process ASOT’s request, it has announced its intention to cease performing its statutory duties as a result of the ongoing OIG investigation.

9. If ASOT does not receive immediate reimbursement from DOE, ASOT cannot continue teaching its students and will be forced to close its doors.

10. For these reasons, ASOT is entitled to a temporary restraining order, preliminary injunction, and permanent injunction enjoining DOE from (i) delaying its processing of ASOT’s request for reimbursement, and (ii) considering the unrelated OIG investigation as part of its processing of ASOT’s request for reimbursement.

11. ASOT is also entitled to declaratory relief that DOE cannot consider the OIG investigation as part of its processing of ASOT’s pending request for reimbursement.

12. ASOT is also entitled to a writ of mandamus requiring DOE to timely process ASOT’s request for reimbursement without consideration of the OIG investigation.

### **PARTIES, JURISDICTION, AND VENUE**

13. ASOT is a non-profit corporation formed and residing in North Carolina. Its main campus is located at 1701 T.W. Alexander Dr., Durham, NC 27703.

14. Defendant Elisabeth DeVos is the Secretary of DOE, the federal agency of the United States of America charged with overseeing the operation of FSA. Secretary DeVos is sued in her official capacity only. Secretary DeVos and the Department of Education are collectively referred to as “DOE.”

15. This action arises under Title IV of the Higher Education Act, 20 U.S.C. §§ 1070 *et seq.*, the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

16. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1361, and 1651. ASOT is also entitled to the judicial relief it seeks pursuant to the Administrative Procedures Act, 5 U.S.C. § 705.

17. Venue is proper in this District under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this District. Specifically, DOE is improperly delaying the ministerial act of processing of ASOT’s request for reimbursement of certain funds disbursed in this District and, when processing ASOT’s request for reimbursement of funds disbursed in this District, DOE is improperly considering information beyond the scope of its statutorily confined basis for approving or denying reimbursement. Venue is also proper in this District under 5 U.S.C. § 703.

18. This Court has mandamus jurisdiction pursuant to 28 U.S.C. § 1361.

## **BACKGROUND**

### **A. Background on ASOT.**

19. Founded in 1995, ASOT is an institution of higher education based in Durham, North Carolina offering undergraduate and graduate level theological education, designed to prepare clergy and laity for service in churches, Christian ministries, and the community.

20. For the past fifteen (15) years, ASOT has been accredited by the Transnational Association of Christian Colleges and Schools, which is recognized by the DOE, the Council for Higher Education Accreditation, and the International Network for Quality Assurance Agencies in Higher Education.

21. ASOT offers an Associate Degree in Christian Education, a Bachelor Degree in Theology, Masters Degrees in Christian Education, Biblical Counseling, Christian Counseling, and Divinity, and a Doctorate of Ministry.

22. Since it was founded in 1995, ASOT has delivered quality education. ASOT has awarded 587 undergraduate degrees, 356 graduate degrees, and 49 post-graduate degrees.

### **B. ASOT's Students Receive and Depend on FSA.**

23. As part of its Christian mission, ASOT endeavors to teach low-income students and to deepen their ties to the Christian community. The considerable majority of ASOT's students are from low-income backgrounds and many are in need of substantial financial assistance to attain an education.

24. ASOT has not raised its tuition in nearly fifteen (15) years. It is one of the most affordable accredited seminaries in the United States.

25. For this reason and others, ASOT participates in FSA programs.

26. In 2017, ASOT executed a Program Participation Agreement (“PPA”) with DOE concerning participation in FSA programs.

27. All or nearly all of ASOT’s students receive some form of FSA. Without FSA, many ASOT students would not be financially capable of continuing their theological education.

**C. Background on FSA.**

28. Most institutions of higher education participating in FSA programs do so under the “advance payment method.” See 34 C.F.R § 668.162(b).

29. Under the advance payment method, an institution of higher education calculates the amount of FSA it will disburse to students and then submits a request for funds to DOE. DOE then reviews the request and, if it accepts the request, DOE initiates a funds transfer to the institution of higher education who then must distribute the FSA funds to students. See id.

30. Generally, from the time ASOT began participating in FSA programs until December 2018, it did so under the advance payment method.

31. Per the PPA, ASOT is authorized to participate in (i) the Federal Pell Grant program, and (ii) direct loans (“Direct Loans”) pursuant to the William D. Ford Federal Direct Loan Program, sometimes referred to as “Stafford” loans.

32. Generally, Federal Pell Grants are awards that a student need not repay and Direct Loans are loans that a student must repay.

33. To be eligible for any FSA, a student must meet certain criteria, including *inter alia* the student must be enrolled in an institution of higher education, maintain satisfactory progress in coursework, not owe a refund on prior grants or be in default on any loan, file a certification to DOE, and meet citizenship or residency requirements. See 20 U.S.C. § 1091(a); 34 C.F.R. 668.32.

34. To be eligible for a Federal Pell Grant, a student must meet the general eligibility requirements for FSA and establish certain financial need. See 20 U.S.C.A. § 1070a.

35. By statute, DOE “shall pay to each eligible institution such sums as may be necessary to pay to each eligible student... a Federal Pell Grant in the amount for which that student is eligible....” 20 U.S.C.A. § 1070a (emphasis added).

36. Under the Direct Loan program, a student may be eligible for a subsidized or unsubsidized loan. Generally, subsidized loans do not accrue interest to the student during a certain period (i.e. prior to graduation), whereas unsubsidized loans accrue interest. To be eligible for a Direct Loan, a student must meet the general eligibility requirements for FSA. To be eligible for a subsidized Direct Loan, a student must also demonstrate financial need. See 34 C.F.R. § 668.32; 34 C.F.R. § 685.200.

37. By statute, the DOE “shall provide, **on the basis of the need and the eligibility of students** at each participating institution, and parents of such students, for

such loans, funds for student and parent loans under this part ... directly to an institution of higher education that has an agreement with the [DOE]....” 20 U.S.C.A. § 1087b(a).

#### **D.    OIG Investigation**

38.    ASOT is located in Durham, North Carolina, where it has a main campus. Both in-person and online classes are offered at its main campus. ASOT instructors and students may use the Durham campus for meetings, to obtain information, and for other purposes.

39.    In addition to its main campus in Durham, North Carolina, ASOT has several off-site locations in other cities and States. These off-site locations are similar to loosely affiliated franchises, and they are owned and operated by independent contractors.

40.    In early 2017, the Office of Inspector General (“OIG”) initiated an investigation into an ASOT off-site location in Columbus, Georgia (the “GA Site”).

41.    In or around February 2019, the OIG executed a search and seizure warrant at ASOT’s main campus.

42.    The search warrant authorized only the seizure of evidence related to the OIG investigation of the GA Site.

43.    ASOT’s placement in the HCM2 program could not have been considered in the probable cause analysis requisite for the issuance of the search warrant.

44. Upon information and belief, the OIG investigation does not concern any current ASOT student, any ASOT employee, or ASOT's request for reimbursement of Spring semester 2019 FSA.

45. In fact, DOE already sent letters to ASOT students confirming their eligibility for Spring semester 2019 FSA.

46. ASOT's Durham location did not control the day-to-day operations of the GA Site and the director of the GA Site was not an ASOT employee.

47. ASOT has fully cooperated with the OIG's investigation of the GA Site, including producing voluminous documents. ASOT has been served with nine (9) grand jury subpoenas for documents and numerous follow-up requests for information. ASOT has also made available its employees for interview by government agents.

48. Upon information and belief, in more than two years since the OIG began investigating the GA Site, no person has been charged with a crime in connection with the investigation. Likewise, no civil litigation has been brought, nor any fine or penalty imposed on any person.

49. Upon information and belief, the investigation of the GA Site is proceeding slowly and will not be resolved in 2019.

**E. DOE Places ASOT on HCM2 Status, Begins Processing ASOT's Request for Reimbursement, but then Recently States it is Delaying Processing ASOT's Request on the Basis of the OIG Investigation.**

50. On or about December 18, 2018, nearly two (2) years after the OIG launched its investigation into the GA Site, DOE notified ASOT that it was revising its

FSA participation from the advance payment method to HCM2 status. A true and accurate copy of DOE's December 18, 2018 correspondence (the "HCM2 Letter") is attached hereto as **Exhibit A**.

51. When an institution of higher education is placed in HCM2 status, it may continue participating in FSA programs, but it must disburse FSA funds to students and then seek reimbursement from DOE. Further, DOE "may modify the documentation requirements and review procedures used to approve the reimbursement request." 34 C.F.R. § 668.162(d)(2).

52. In the HCM2 Letter, DOE stated: "Under the HCM2 method of payment, [ASOT] may continue to obligate funds under the federal student financial assistance programs.... [ASOT] may disburse institutional funds to eligible students. If [ASOT] disburses institutional funds, [DOE] will reimburse it for properly documented expenditures." Ex. A, p. 1 (emphasis added).

53. In the HCM2 Letter, DOE sent its HCM2 modified documentation requirements and review procedures (the "HCM2 Instructions"). The HCM2 Instructions indicate that an institution of higher education "must demonstrate that it properly determined, awarded, and used its own funds to make disbursements under [FSA] programs to eligible students who are enrolled in and are attending eligible programs. When the institution has demonstrated that it has expended these funds in accordance with Title IV requirements, [DOE] will reimburse the institution..." *Id.*, p. 3 (emphasis added).

54. The HCM2 Instructions require that an institution of higher education submit a trove of documentation:

a. The institution must complete a “Form 270,” which must be accompanied by a certification of accuracy by the institution’s President, Owner, or CEO, and by the institution’s comptroller or third-party servicer. Id., p. 5.

b. The institution must submit substantial information about student recipients of FSA, including without limitation a student’s Social Security Number, street address, telephone number, instructional program, enrollment status, admission criteria used for enrollment, credit hours, start date, cost of attendance, expected family contribution, certification of satisfactory academic progress, grade point average, and award amount requested. Id., pp. 6-7.

c. The institution must submit certain hard copy documentation demonstrating that the students were eligible to receive their FSA awards, the awards were properly calculated, and the institution disbursed the awards. This includes *inter alia* a student’s Institutional Student Information Record (“ISIR”), institutional student tuition account records, credit balance documentation, proof of academic qualifications (i.e. high school diplomas), enrollment agreements, pre-enrollment documents, verification documents, attendance documents, proof of satisfactory academic progress, and award calculations. Id., pp. 7-10.

d. The institution must submit certain institutional documentation, including *inter alia* its school catalog, student handbook, consumer information handouts,

satisfactory academic progress policy, attendance policy and method of documentation, Return to Title IV policy, award formulas for FSA programs, Federal Pell Grant and Direct Loan cost of attendance / budget for each academic program, independent test administrator's ATB certification, formula for calculating students' grade point averages, and information describing characteristics of each academic program. Id., pp. 10-11.

55. The HCM2 Instructions state that DOE's "normal processing time" for an HCM2 submission is thirty (30) days. Id., p. 11.

56. In the Spring semester 2019, certain of ASOT's undergraduate students were eligible for and received Federal Pell Grants and Direct Loans.

57. Pursuant to statute and regulations, as well as DOE's HCM2 Letter and HCM2 Instructions, for the Spring semester 2019, ASOT continued to process FSA for its students, and thereby obligated funds under the Federal Pell Grant and Direct Loan programs.

58. For the Spring semester 2019, ASOT disbursed institutional funds to undergraduate students as follows:

- a. ASOT disbursed approximately \$554,143 in Federal Pell Grants;
- b. ASOT disbursed approximately \$493,923 in subsidized Direct Loans; and
- c. ASOT disbursed approximately \$363,141 in unsubsidized Direct Loans.

59. In or around late-March 2019, ASOT representatives spoke with DOE representatives regarding submission of a request for reimbursement and required documentation.

60. On or about April 30, 2019, ASOT submitted documentation to DOE as required by the HCM2 Instructions. ASOT submitted *inter alia* a Form 270, the required information regarding students, the required hard copy documentation, and the required institutional documentation.

61. In or around May and June 2019, DOE requested additional documentation from ASOT, including information regarding student attendance records. ASOT provided the information requested.

62. On or about August 21, 2019, an ASOT representative emailed DOE to request an update on the status of ASOT's request for reimbursement. A DOE representative responded: "I do not have an update for you at the moment. Please contact me on 8/30/19 and I should have more information for you." An ASOT representative responded that ASOT is "not in a position to wait" until August 30, 2019 and that ASOT may be forced to close if DOE continues to delay reimbursement.

63. On or about August 26, 2019, a DOE representative stated that DOE was delaying its processing of ASOT's reimbursement request. The representative stated DOE's "review may extend beyond 30 days" and the delay was "[d]ue to the extent of the OIG investigation including the seizure of records." The DOE representative did not request any additional documentation from ASOT.

64. On or about August 26, 2019, an ASOT representative requested that DOE provide an estimate as to when DOE's review of ASOT's reimbursement request would be completed. On that same day, a DOE representative responded, stating: "[u]nfortunately, we are not able to give an estimate."

65. For the Spring semester 2019, ASOT disbursed approximately \$1,411,207 in FSA to undergraduate students.

66. Even though DOE is required by statute to process ASOT's request for reimbursement using only certain "bases" and even though DOE stated in the HCM2 Letter that it "will" reimburse ASOT for FSA disbursements, it has not done so.

**F. ASOT Faces Irreparable Harm.**

67. ASOT is a relatively small institution of higher education. In connection with its mission, it attempts to collect the lowest amount of tuition possible to maintain operations while reaching the maximum number of students. It does not maintain a reserve of cash sufficient to fund multiple semesters of FSA disbursements.

68. ASOT does not presently have sufficient institutional funds to disburse to its students another semester of FSA prior to receiving reimbursement from DOE for the Spring semester 2019 FSA disbursements.

69. If DOE does not reimburse ASOT for the Spring semester 2019 FSA disbursements, ASOT will close.

70. As an institution of higher education, if ASOT expects that it may cease operations, it is required to execute a "teach-out" plan whereby ASOT informs its

students of the impending closure and works with the students in connection with finishing their studies at another institution.

71. Because DOE has not reimbursed ASOT for the Spring semester 2019, ASOT has had to initiate implementing a teach-out plan in order to timely effectuate the plan.

### **COUNT I – INJUNCTIVE RELIEF**

72. ASOT re-alleges and incorporates by reference Paragraphs 1 through 71 above as if set forth fully herein.

73. ASOT properly requested DOE reimburse it for Spring semester 2019 undergraduate FSA.

74. ASOT properly submitted all required documentation for the request pursuant to statute, regulations, and the HCM2 Instructions.

75. Under Title IV of the Higher Education Act and implementing regulations, once an institution of higher education has requested reimbursement for Federal Pell Grants and Direct Loans under the HCM2 program, DOE “shall” pay the request if the student is eligible, if the amount is proper, and if the institution submits the additional paperwork DOE requests.

76. For the Spring semester 2019, certain ASOT undergraduate students were eligible for Federal Pell Grants and Direct Loans.

77. For the Spring semester 2019, ASOT disbursed the proper amount of Federal Pell Grant and Direct Loan funds to those undergraduate students.

78. For the Spring semester 2019, ASOT submitted the paperwork requested by DOE in the HCM2 Instructions.

79. DOE has not reimbursed ASOT for institutional funds ASOT disbursed to undergraduates for Spring semester 2019 Federal Pell Grants and Direct Loans.

80. Until late-August 2019, DOE appeared to properly process ASOT's request for reimbursement, including *inter alia* DOE provided instruction to ASOT on the submission of an HCM2 request for reimbursement and, after ASOT submitted its request for reimbursement in April 2019, DOE requested additional paperwork regarding student attendance.

81. Beginning in late-August 2019, DOE threatened to change course and improperly delay processing ASOT's request for reimbursement on the basis of the unrelated OIG investigation.

82. ASOT faces irreparable harm if DOE continues to delay processing ASOT's request for reimbursement of Spring semester 2019 FSA funds.

83. If DOE does not promptly process ASOT's reimbursement request and reimburse ASOT, ASOT will run out of funds to operate and will have to close.

84. The balance of harms favors entering an injunction in favor of ASOT.

85. The public interest favors entering an injunction in favor of ASOT.

86. ASOT is entitled to injunctive relief under Title IV of the Higher Education Act because DOE's delay in processing or refusal to process ASOT's request for

reimbursement on the basis of an OIG investigation is prohibited by statute and is an act outside of DOE's statutory authority.

87. ASOT is entitled to injunctive relief under the Administrative Procedure Act because DOE's delay in processing or refusal to process ASOT's request for reimbursement on the basis of an OIG investigation is a legal wrong and is arbitrary and capricious.

88. Accordingly, ASOT is entitled to a temporary restraining order, preliminary injunction, and permanent injunction enjoining DOE from (i) delaying its processing of ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA, and (ii) considering the OIG investigation of the GA Site as part of its processing of ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA.

## **COUNT II – DECLARATORY JUDGMENT**

89. ASOT re-alleges and incorporates by reference Paragraphs 1 through 71 above as if set forth fully herein.

90. ASOT properly requested DOE reimburse it for Spring semester 2019 undergraduate FSA.

91. ASOT properly submitted all required documentation for the request pursuant to statute, regulations, and the HCM2 Instructions.

92. Under Title IV of the Higher Education Act and implementing regulations, once an institution of higher education has requested reimbursement for Federal Pell

Grants and Direct Loans under the HCM2 program, DOE “shall” pay the request if the student is eligible, if the amount is proper, and if the institution submits the additional paperwork DOE requests.

93. DOE has stated that it is delaying processing ASOT’s request for reimbursement on the basis of an OIG investigation of the GA Site.

94. ASOT has demanded that DOE process ASOT’s request or reimbursement without regard to the OIG investigation of the GA Site, but DOE has not complied.

95. Title IV of the Higher Education Act prohibits DOE from considering the unrelated OIG investigation into the GA Site in connection with processing ASOT’s request for reimbursement.

96. Title IV of the Higher Education Act prohibits DOE from delaying or refusing to process ASOT’s request for reimbursement on the basis of an OIG investigation.

97. On these bases, ASOT and DOE have adverse legal interests of sufficient immediacy and reality to warrant issuance of a declaratory judgment.

98. Accordingly, ASOT is entitled to declaratory relief that DOE cannot consider the OIG investigation of the GA Site as part of its processing of ASOT’s request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA, and DOE cannot delay ASOT’s request for reimbursement on the basis of the OIG investigation into the GA Site.

### COUNT III – MANDAMUS

99. ASOT re-alleges and incorporates by reference Paragraphs 1 through 71 above as if set forth fully herein.

100. ASOT properly requested DOE reimburse it for Spring semester 2019 undergraduate FSA.

101. ASOT properly submitted all required documentation for the request pursuant to statute, regulations, and the HCM2 Instructions.

102. Under Title IV of the Higher Education Act and implementing regulations, once an institution of higher education has requested reimbursement for Federal Pell Grants and Direct Loans under the HCM2 program, DOE “shall” pay the request if the student is eligible, if the amount is proper, and if the institution submits the additional paperwork DOE requests.

103. For the Spring semester 2019, certain ASOT undergraduate students were eligible for Federal Pell Grants and Direct Loans.

104. For the Spring semester 2019, ASOT disbursed the proper amount of Federal Pell Grant and Direct Loan funds to those undergraduate students.

105. For the Spring semester 2019, ASOT submitted the paperwork requested by DOE in the HCM2 Instructions.

106. DOE is delaying processing ASOT’s request for reimbursement on the basis of an OIG investigation.

107. DOE is considering the unrelated OIG investigation in connection with processing ASOT's request for reimbursement.

108. ASOT is clearly and indisputably entitled to have DOE timely process ASOT's request for reimbursement processed without consideration of the unrelated OIG investigation of the GA Site.

109. DOE has a mandatory, non-discretionary duty to process ASOT's request for reimbursement by considering only the eligibility and documentation requirements imposed by law.

110. ASOT lacks an adequate remedy at law. Absent an order compelling DOE to properly process ASOT's request for reimbursement, it will not do so, and ASOT will be forced to close before it could recover on any action for damages.

111. Accordingly, ASOT is entitled to a writ of mandamus requiring DOE to timely process ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA without consideration of the OIG investigation of the GA Site.

WHEREFORE, Apex School of Theology prays as follows:

- a. The Court enter judgment for ASOT and against DOE;
- b. The Court enter a temporary restraining order and preliminary injunction enjoining DOE from (i) delaying its processing of ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA, and (ii) considering the OIG investigation of the GA Site as part of its processing of

ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA;

c. The Court enter a permanent injunction enjoining DOE from (i) delaying its processing of ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA, and (ii) considering the OIG investigation of the GA Site as part of its processing of ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA;

d. The Court declare that DOE cannot consider the OIG investigation of the GA Site as part of its processing of ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA, and DOE cannot delay ASOT's request for reimbursement on the basis of the OIG investigation into the GA Site;

e. The Court grant a writ of mandamus requiring DOE to timely process ASOT's request for reimbursement of institutional funds disbursed to undergraduate students for Spring semester 2019 FSA without consideration of the OIG investigation of the GA Site; and

f. The Court grant ASOT all other relief to which it is entitled.

Respectfully submitted this 17<sup>th</sup> day of September, 2019.

**MORRIS, MANNING & MARTIN, LLP**

/s/ Chad Sharkey

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