



2. There are questions of law or fact common to the class. ORCP32A (2).
3. The certified claims of Jennifer Adams are typical of the claims of the class.  
ORCP 32A (3).
4. Jennifer Adams in an adequate class representative, and David F. Sugerman and Brian S. Campf are qualified to serve as class counsel. ORCP 32A (4).
5. A class action is superior to other available methods for the fair and efficient adjudication of the certified claims. ORCP 32B.

Based on the foregoing findings, it is now ORDERED


1. The motion to certify as a class action as it pertains to the Unlawful Trade Practices Act (UTPA) and Fraud claims is GRANTED as to the following allegations:
  - A. Knowing but failing to disclose to students that entry level jobs in the restaurant industry do not require the training the school provides (Fourth Amended Complaint ¶14C);
  - B. Knowing but failing to disclose to students that WCI-School's training would qualify graduates for mostly low paying, poverty-wage jobs (Fourth Amended Complaint ¶14D);
  - C. Knowing but failing to disclose to students that those who attend WCI-School will not obtain material benefit from the course of study (Fourth Amended Complaint ¶14H);

- D. Knowing but failing to disclose that job placement rates were composed mostly of jobs that do not require culinary training like prep cook and line cook (Fourth Amended Complaint ¶14J);
2. For purposes of notice, the class consists of all current and former students enrolled at Western Culinary Institute on or after March 5, 2006, who attended Western Culinary Institute and who made tuition payments or incurred financial obligations, excluding – where applicable – all officers and directors of defendants, attorneys for the proposed class, any judge who sits on this case, and any student who did not continue his or her studies due to academic ineligibility.
  3. The motion to certify a class action as it pertains to the contract and unjust enrichment claims is DENIED.
  4. This class certification order is conditional and may be altered or amended before decision on merits. ORCP 32C (1).
  5. Jennifer Adams is appointed to serve as class representative.
  6. David F. Sugerman and Brian S. Campf are appointed to serve as class counsel.
  7. The parties shall confer on a proposed notice plan and within 30 days of this order provide proposed notice plans if they are unable to agree upon a notice plan.
  8. At this time, the Court reserves for future decision whether class member damage issues shall be tried in a single case or bifurcated.
  9. The Court does not find that an immediate appeal from this order may advance the ultimate termination of the litigation. ORS 19.225.

As to Defendants Motions to Strike, the Court GRANTS in part and DENIES in part defendants' motions. The Court has limited its consideration of the Declaration of Richard Ross and the Declaration of Ray Lindley as relevant to the requirements and factors set forth in ORCP 32. The Court has not considered the declarations as expert testimony on the merits of the underlying claims.

IT IS SO ORDERED.

Dated this 5<sup>th</sup> day of February, 2010.

  
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Richard C. Baldwin  
Circuit Court Judge