

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LYNN PEIRCE
511 N. Brown St.
Gloucester City, NJ 08030

Plaintiff,

v.

DEVRY EDUCATION GROUP., d/b/a
KELLER GRADUATE SCHOOL OF
MANAGEMENT
3005 Highland Parkway
Downers Grove, IL 60515-5799

And

KELLER GRADUATE SCHOOL OF
MANAGEMENT—PHILADELPHIA
CENTER CITY CENTER
1800 John F Kennedy Blvd #200
Philadelphia, PA 19103

Defendants.

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

I. Jurisdiction

1. Jurisdiction in this Honorable court is based on diversity, conferred by 28 U.S.C. §1332(a)(1); supplemental jurisdiction over state law claims is granted by 28 U.S.C. §1367,
2. Venue lies in this District in that the events giving rise to the claim occurred here, at least one (1) Defendant resides, maintains a principal place of business, is incorporated or does business here, or the subject of this action is situated within this district

II. Parties

3. Plaintiff, Lynn Peirce, is an adult individual residing at the above-captioned address.

4. Defendant, DeVry Education Group (DeVry), is a for-profit education group, doing substantial business in the state of New Jersey and with principle place of business at the above-captioned address.

5. Defendant, Keller Graduate School of Management—Philadelphia Center City (Keller Graduate School) is a for-profit institute of higher education, owned and operated by DeVry. Plaintiff is asserting claims against all defendants.

6. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below. Upon information and belief, Defendants, John Does, were agents, servants, workmen, or employees of Co-Defendant, liable to Plaintiff hereunder.

III. Operative Facts

7. Plaintiff graduated from Rutgers University with a BA in sociology in 1979.

8. Plaintiff transferred from Rutgers to Defendant, Keller Graduate School of Management around May, 2011. Plaintiff spoke to Bree Skitsko, an admissions representative at Keller, and asked if the school was accredited to confer such degrees. Skitsko told Plaintiff: “Yes...I’m enrolling people up to my eyeballs,” and that most people “were not paying cash for their degrees”.

9. Plaintiff paid Keller approximately \$125,000 in tuition four (4) years, for a dual degree program. Plaintiff used student loans to pay tuition. With interest, the amount due on Plaintiff’s student loans is now approximately \$150,000.

10. Plaintiff attended classes at Keller, online and at its Philadelphia campus, from summer 2011 through October 2015.

11. Around April 2014, Plaintiff received a master's degree in human resources management from Keller.

12. Around October 2015, Plaintiff graduated with a GPA of 3.9. Plaintiff received a second master's degree in public administration from Keller.

13. During her four years at Keller, Plaintiff took several classes where professors did not show up for class or grade assignments in a timely manner. Plaintiff took a class called "Benefits," where a professor failed to grade any assignments for the entire course until the last week of class. Plaintiff discovered that several students were copying each other's work. The instructor failed to schedule a final exam until an Operations Manager called the professor. This instructor thanked Plaintiff for her help in instructing the class while she missed classes.

14. Plaintiff also took online classes where the instructors sometimes did not log in as required, and the class message boards were filled with posts that were copied and plagiarized from outside sources without attributing them to said sources; some of these plagiarized posts were posted by instructors. One instructor refused to divulge her education when the Plaintiff complained to the school's corporate office. During an onsite class at the Philadelphia campus, Plaintiff was also subjected to lewd comments from male students, as well as insulting comments from someone who claimed to be Dean of the campus.

15. Around 2013, Plaintiff discovered that the school withheld federal financial aid from Plaintiff for nearly one year without applying it to her student account – violating federal student loan requirements. The school then released the aid to Plaintiff, and then demanded it back. Plaintiff refused and asked for an explanation. Plaintiff then filed simultaneous complaints

against the school with the Pennsylvania Attorney General's office, the Pennsylvania Dept. of Education, and Senator Robert Menendez. In retaliation and with no formal explanation, the school expelled Plaintiff, and blocked her from accessing her online course. Plaintiff had a 3.95 GPA at that time. This led to intervention by the aforesaid state and federal agencies. Senator Menendez sent a letter to the Secretary of Education.

16. Plaintiff missed eight weeks of class and the school refused to release Plaintiff's transcripts. Three days before the start of the next session, the school demanded that Plaintiff sign a release to return – the government agencies involved were not allowed to see this release. Plaintiff had no choice but to sign the release under duress in order to graduate after years invested in with the school.

17. After finally receiving her degree and graduate certificate in human resource management, Plaintiff began the process of applying for Master's degree and PhD programs at such fully-accredited schools as St. Joe's University, Rowan University, Drexel University, Temple University, and LaSalle.

18. St. Joe's advised Plaintiff that the school did not recognize Keller Graduate School of Management, and she would have to start over. Plaintiff did not have enough federal financial aid to do so.

19. Plaintiff also began the process of applying for an MBA program at Rowan. There to, Plaintiff was advised that she did not have a master's degree from an accredited university.

20. Plaintiff was further told that if she wanted a master's degree, she would have to start over with a brand new program and retake all her classes because none of her credit hours from Keller would count towards completion of said degree.

21. Plaintiff at this time learned that Keller was not accredited in the Middle Atlantic Region, nor is the school nationally accredited to confer master's degrees.

22. In 2015, Keller promised Plaintiff a graduate certificate in Nonprofit Management by an employee in the Downers Grove, Illinois call center. In fact, the school does not offer this certificate and another Downers Grove employee admitted that the school misled Plaintiff.

23. Upon conferring with a career services company, CareerBuilder, hired by the school to work with students in 2014, Plaintiff was told by a CareerBuilder employee that she is "unemployable."

24. During her four years at Keller, Plaintiff was subjected to an ongoing and regular pattern of lies, abuse, harassment, and humiliation.

25. Plaintiff has suffered severe financial harm, emotional distress, humiliation, and annoyance as a result of Defendant's conduct.

COUNT I

Violations of the Consumer Fraud Act, N.J.S.A., 56:8-68 et seq.

26. Plaintiff incorporates by reference the above paragraphs as if fully set forth at length herein.

27. At all times material, defendants were providers of commercial educational services. Plaintiff was a consumer of said services.

28. The conduct of Defendants, by and through their agents, servants, workmen and employees, constituted "unfair or deceptive practices" within the meaning of the New Jersey C.F.A.

29. Defendants causing Plaintiff to believe that she was enrolled in a nationally accredited master's program was unconscionable. Defendants acted with reckless and callous disregard for

Plaintiff's rights in representing that she was enrolled in a nationally accredited master's program and accepting her tuition.

30. Defendants' actions surrounding Plaintiff's enrollment and education an unconscionable commercial practice. Defendants and their agents acted affirmatively in such a manner as to be an unlawful commercial practice.

31. Defendants acted knowingly with intent to cause Plaintiff's reliance upon false statements.

32. Defendants knowingly concealed, suppressed, or omitted facts material to the transactions at issue, in that Defendants were aware they were not accredited to confer nationally accredited master's degrees.

33. The C.F.A. authorizes the Court, in its discretion, to award up to three (3) times ("treble") the actual damages sustained for violations as well as attorney's fees, for which relief Plaintiff is entitled.

COUNT II
Breach of Contract

34. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

35. At all times material, Plaintiff and Defendants were parties to the aforesaid express contract(s) (incorporated by reference and in the possession of Defendants) and/or contract(s) and/or warranty(ies) implied by law.

36. By and through their aforesaid actions, Defendants breached their express and/or implied contractual and/or warranty or other duties.

37. By and through their aforesaid actions, Defendants breached their covenant of good faith and fair dealing.

38. As a direct and proximate result of the said breaches, Plaintiff sustained damages (incorporated by reference).

COUNT III

Breach of Implied Warranty of Merchantability – N.J.S.A. 12A:2-101 et seq.

39. Plaintiff incorporates by reference the prior paragraphs as if fully set forth at length herein.

40. Defendants are “merchants” with respect to graduate degrees under N.J.S.A. 12A:2-104(1).

41. Defendant’s degree was subject to implied warranties of merchantability under N.J.S.A. 12A:2-314 to the benefit of Plaintiff.

42. Defendant’s degree was not fit for the ordinary purpose for which such goods are used.

43. The defects and problems hereinbefore described render the degree unmarketable.

44. Defendants failed to advise Plaintiff of the known defect, knowing that Plaintiff was specifically seeking a nationally accredited master’s degree.

V. Prayer for Relief

WHEREFORE, Plaintiff requests judgment in his favor and against Defendants, individually, jointly and/or severally, in an amount in excess of seventy-five thousand (\$75,000.00), including compensatory, statutory, treble, punitive damages, reasonable attorney’s fees, costs and interests, and such other relief as this Court may deem proper, including injunctive relief.

WEISBERG LAW

/s/ Matthew B. Weisberg, Esq.
Matthew B. Weisberg, Esq.
David A. Berlin, Esq.
Attorneys for Plaintiff

JS 44 (Rev. 1/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LYNN PEIRCE

(b) County of Residence of First Listed Plaintiff Camden County, NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

Matthew B. Weisberg, Esquire
Weisberg Law, 7 South Morton Avenue, Morton, PA 19070
mweisberg@weisberglawoffices.com (610) 690-0801

DEFENDANTS

DEVRY EDUCATION GROUP, d/b/a KELLER GRADUATE SCHOOL OF MANAGEMENT, et al.

County of Residence of First Listed Defendant Du Page County, IL
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | ☒ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☒ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities' Exchange ☒ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332(a)(1)

Brief description of cause:

Violations of the Consumer Fraud Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

will supply

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/30/16

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE