

Subject: FW: Linh Nguyen v. Lambda, Inc, AAA Case No. 01-21-0003-8509
Date: Wednesday, December 1, 2021 at 6:51:05 PM Eastern Standard Time
From: AAA Marina Cortes
To: alex@defendstudents.org, jberger@cpmlegal.com, kirin@defendstudents.org, phil@calebandonian.com, phammon@mcmanislaw.com, contact@lambdaschool.com
Attachments: image005.png, image006.png, image007.png, image008.png, image009.png, image107096.PNG, imagea8f05f.PNG

Counsel,

Below please find a Ruling dated November 22, 2021, from Arbitrator McPharlin.

Respectfully,

/s/

Marina Cortes
Case Administrator

bcc:

Arbitrator McPharlin



AAA Marina Cortes
Case Administrator

American Arbitration Association

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From: Linda McPharlin <lmcpharlin@mstpartners.com>
Sent: Monday, November 22, 2021 3:57 PM
To: AAA Marina Cortes <MarinaCortes@adr.org>
Cc: Dawn Spaulding <dspaulding@mstpartners.com>
Subject: RE: Linh Nguyen v. Lambda, Inc, AAA Case No. 01-21-0003-8509

***** External E-Mail – Use Caution *****

Marina,

Please notify the parties of the ruling on Claimant's Request for Documents, as follows:

To the parties:

A telephone conference was held on November 22, 2021, attended by Claimant's attorneys, Alex Elson, Kirin Jessel, and Phillip Andonian, and Respondent's attorney, Patrick Hammon, to discuss Claimant's October 28,

2021 Request for Documents. (Exhibit B to the October 28 letter)

It is ordered that documents be produced pursuant to Requests No. 1, 2, and 3, after counsel have met and conferred about limiting the breadth of the requests, through date limitations, search terms, and otherwise.

With respect to Request No. 4, the production of deposition transcripts from another case in which Respondent was involved, that request is denied.

With respect to Request No. 5, production is ordered, limited to the packaging and selling of Claimant's ISA to third parties.

Linda McPharlin, Arbitrator

Linda Hendrix McPharlin | McPharlin Sprinkles & Thomas LLP

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Claimant's Request for Documents and Information

1. All documents/communications that relate to Lambda's advertised job placement rate of 85.9% from April 2019 to at least December 2019. This includes underlying data or information relied on by Lambda in determining or calculating the 85.9% job placement rate, and related communications, and any and all data that supports or contradicts the advertised placement rate.
2. All documents/communications that support or contradict Lambda's and Austen Allred's public statements that all of Lambda's job placement rate representations—both the “roughly 50% placement” representation to investors in the memo attached as Exhibit A to the Demand and the 85.9% placement rate representations on the website in 2019—were accurate.¹
3. All documents/communications by Lambda executives related to articles and media coverage addressing Lambda's job placement rates, the sale of ISAs, and approval status with the California Bureau for Postsecondary Education.²
4. The deposition transcripts in *Lambda Labs, Inc. v. Lambda, Inc.*, No. 4:19-cv-04060 (N.D. Cal.) for Austen Allred, Sabrina Baez, and Lambda's Rule 30(b)(6) witness.
5. All documents related to or showing the packaging and selling of Lambda's ISAs to third parties, including through a digital marketplace such as Edly.

¹ These public statements include, but are not limited to: Austen Allred, “Lambda School and Outcomes Reporting,” Lambda School Website (May 19, 2021), available at: <https://lambdaschool.com/the-commons/lambda-school-and-outcomes-reporting> and Austen Allred Twitter (Sept. 7, 2021) (“This is literally comparing two different metrics. 1. Starting students / hired students 2. Graduated students / hired students within 180 days.”), available at: <https://twitter.com/Austen/status/1435410331266740225>.

² This request includes, but is not limited to, the following articles: (i) Vincent Woo, *Lambda School's Misleading Promises*, N.Y. Magazine (Feb. 19, 2020); (ii) Kate Clark, *Lambda School's Growing Pains: Big Buzz, Student Complaints*, The Information (Jan. 23, 2020); (iii) Zoe Schiffer and Megan Farokhmanesh, *The High Cost of a Free Coding Bootcamp*, The Verge (Feb. 11, 2020); (iv) Rosalie Chan, *A California official says red-hot coding bootcamp Lambda School is violating state law if it operates without the right registration — but the company insists classes can go on*, Bus. Insider (Aug. 30, 2019); (v) Rosalie Chan, *The hot Silicon Valley coding bootcamp Lambda School is paying a \$75,000 fine for not registering properly with the state of California*, Bus. Insider (Aug. 29, 2019); (vi) Rosalie Chan, *Lambda School is Silicon Valley's big bet on reinventing education and making student debt obsolete. But students say it's a 'cult' and they would have been better off learning on their own*, Bus. Insider (Oct. 11, 2019); (vii) Rosalie Chan, *Lambda School, a buzzy online coding bootcamp backed by big Silicon Valley names, could be placing far fewer graduates in jobs than it says*, Bus. Insider (Feb. 19, 2020).