

3 minute read February 9, 2023 5:09 PM EST

Students suing elite U.S. colleges seek 'wealth favoritism' information

By [Mike Scarcella](#)



Students walk on the campus of Yale University in New Haven, Connecticut, October 7, 2009. REUTERS/Shannon Stapleton

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- Schools wanted to bar discovery of donation records
- Case seeks class action status for students at 17 major schools

(Reuters) - A Chicago federal judge has handed a key victory to students suing a group of elite U.S. universities and colleges over their financial aid practices, saying they can question school officials and search for records about whether "wealth favoritism" played into admission considerations.

In his ruling on Wednesday, U.S. District Judge Matthew Kennelly rejected a bid from six schools — Brown University, Columbia University, Dartmouth College, Northwestern University, University of Notre Dame and Yale University — for an order barring the plaintiffs from accessing admission and development records, including details about donations.

Brown and the other five schools must also allow senior university officials to sit for depositions on those matters, according to the court's ruling.

The prospective class action filed last year against 17 schools alleged a price-fixing conspiracy in which schools restricted financial aid, causing a class of potentially more than 200,000 students to over-pay for tuition by tens of millions of dollars. The lawsuit survived an early bid by the schools to dismiss it.

The schools have long denied taking a would-be student's financial need into account as part of the admission process.

Kennelly's order "will allow the plaintiffs to develop the evidence to prove our case," plaintiffs' lawyer Bob Gilbert, on the team leading the case, said on Thursday.

Attorneys for Brown and the other five schools did not immediately respond to messages seeking comment. Representatives from those schools either declined to comment or did not respond to similar requests.

For their part, the defense lawyers for the schools won a chance on Wednesday to subpoena some financial aid application information from the parents of student plaintiffs in the case.

Attorneys for the student plaintiffs are seeking among other records "documents and communications concerning the consideration of donor or legacy status in admissions," including details about donations totaling more than \$50,000.

"Records of donations of that magnitude in the President's office or Development office should stick out like needles that can be tracked into the Admissions office," the plaintiffs' lawyers told the court.

The plaintiffs' lawyers said evidence of donation records linked to the admissions process would undermine the schools' claims that a would-be student's potential for financial aid was not weighed.

Lawyers for the schools said in a court filing that the "plaintiffs' goal in pursuing such discovery is to harass and embarrass, rather than because it is relevant to their actual antitrust claim."

The defense lawyers also called the demand for admissions and development records "intrusive and burdensome."

The case is Henry v. Brown University, U.S. District Court for the Northern District of Illinois, No. 1:22-cv-00125.

For plaintiffs: Bob Gilbert of Gilbert Litigators & Counselors; Edward Normand of Freedman Normand Friedland; and other firms

For Brown: Jon Roellke of Morgan, Lewis & Bockius; For Columbia: Amy Van Gelder of Skadden, Arps, Slate, Meagher & Flom; For Dartmouth: Douglas Litvack of Jenner & Block; For Northwestern: Scott Stein of Sidley Austin; For Notre Dame: Bob Van Kirk of Williams & Connolly; For Yale: Chuck Loughlin of Hogan Lovells

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