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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

THERESA SWEET, ALICIA DAVIS, TRESA
APODACA, CHENELLE ARCHIBALD,
DANIEL DEEGAN, SAMUEL HOOD, and
JESSICA JACOBSON on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

ELISABETH DEVOS, in her official capacity
as Secretary of the United States Department of
Education,

And

THE UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

Case No.: 19-cv-03674-WHA

AFFIDAVIT OF KIM TRAN

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I, Kim Tran, state as follows:

1. I am submitting this affidavit in relation to the above-captioned case.
2. I borrowed federal student loans in order to attend the New England Institute of Art (“NEIA”) (owned by Education Management Corporation).
3. On September 14, 2018, I submitted a borrower defense application to the United States Department of Education, asking for these loans to be cancelled. A copy of my application is attached as Exhibit A.
4. I have not yet received a notice regarding the outcome of my application.
5. Currently, I am in an income-based repayment plan with monthly payments of zero. I chose this plan instead of forbearance.
6. My federal student loans were originally about \$30,000; now, with accrued interest, they total around \$35,000. My family paid for a portion of my tuition, but the school misled

1 me about the total cost—it was higher than I was initially told, and the school did not
2 follow the payment plan I was told. As a result, I had to take out these loans myself.

3 7. The Department of Education’s delay in deciding my borrower defense application, and
4 the news I’ve learned from this lawsuit about the form denial notices the Department has
5 been issuing, has caused and will cause me to suffer financial and emotional harm.

6 8. I went to NEIA straight from high school, as a first-generation college student whose
7 parents immigrated to the United States from Vietnam near the end of the Vietnam War. I
8 had been taught in high school to always prepare for college.

9 9. I was convinced to attend NEIA by its job placement promises, salary promises, and their
10 assurance that I shouldn’t worry about my loans because I would be able to pay them off
11 within 10 years. When I signed the enrollment papers, I assumed that the school was
12 regulated by the government, and I trusted both the school and the government to treat
13 me with integrity.
14

15 10. Instead, it became clear by the end of my 3 years there that the school had misled most of
16 us. Faculty were not as experienced as the school had claimed they were, and students
17 were not rising to the level of training and skill that employers were seeking. Most of my
18 industry contacts and perspective was coming from work I did on my own, outside of
19 class, and outside of the school’s social network. Industry staff were telling me that
20 students from my school were not hireable because the skills we obtained from NEIA
21 would not suffice for entry-level work.
22

23 11. I began to suffer depression and felt taken advantage of. The school’s aggressive sales
24 tactics (like the “pain funnel” and the “boiler room”) left me with crippling anxiety with
25 trust issues. It seemed my degree was worthless, so I decided not to spend any more
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1 money and dropped out. I have not been able to find a job in my field, and it is a struggle
2 for me to find work at all. I constantly deal with people around me who ridicule me for
3 choosing a career path that did not find me success.

4 12. Now I feel burdened to teach myself skills where the school failed me, because I cannot
5 afford nor have any trust left to attend another school. I also fear that my accreditation
6 will not be recognized by other schools and I would have to start my education all over.

7 13. When my school failed me, I thought I could turn to the government to investigate. But
8 now I have lost faith in the Department of Education too, because the schools and the
9 Department have seemed to go hand in hand. I believe the Department is not doing
10 enough against fraudulent schools and they are failing to protect students.

11 14. I began collecting evidence about fraudulent practices at NEIA a number of years ago,
12 and I helped organize a group of over 1,000 people from my school who all had the exact
13 same problems as I had. I am also in a group with nearly 10,000 people who also
14 attended other Art Institute schools (all owned by Education Management
15 Corporation/Dream Center) who all share the same problems too.

16 15. I know that, as a first-generation college student from an immigrant family, I was the
17 kind of person targeted by these schools. I did graduate high school with mediocre
18 academics and seeking out local colleges proved to be difficult. NEIA accepted anyone to
19 be enrolled at the school without any regard to their academics and/or their learning
20 disabilities. There was no selection process. I observed that the school did not provide
21 people with learning disabilities with any of the support they would have needed to
22 graduate.
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1 16. My borrower defense application contained details about my experience and publicly
2 available information about NEIA's use of high-pressure and deceptive practices.

3 17. The Department of Justice investigated Education Management Corporation, including
4 the Art Institute schools, for fraud, and the company settled the case, yet now the
5 Department of Education is issuing blanket denials saying that there's not enough
6 evidence. This is completely baffling to me, and I don't know what else I could have said
7 in my application to show that I was defrauded. Every day I feel dread that my
8 application will be denied with no explanation, like those of other NEIA/ Education
9 Management Corporation students.
10

11 18. I do not understand why, when the Department of Education is supposed to be policing
12 these schools, the Department is putting the burden on students to do the investigations
13 for them. The amount of effort to organize, convince and unite to seek debt relief is
14 massive.
15

16 19. I feel that I am now burdened with taking on a system that is so much bigger and more
17 powerful than I am. Often, I feel like this burden will never go away. This system is set
18 up to fail students with a lifetime of debt.

19 20. As an organizer, I hear similar stories from others. I've put so much time and work into
20 reaching as many affected people as possible. I feel good that people are able to come to
21 me and that we can be in this together, as I expressed in the Zoom chat at the October 1
22 class hearing in this case. At the same time, even while we are getting involved to try to
23 solve these issues, we want to move on with our lives in other ways – but we can't,
24 because we have these debts and unresolved applications hanging over our heads. I
25 personally have been suicidal at times because of the shame and guilt I have endured
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1 from the pressure and high expectations from my family and myself. The dreadful feeling
2 has never stopped when I felt like I “fell from grace” of being a top recognized student in
3 school to being someone who cannot get over the trauma of working hard at college with
4 nothing to show for it. I resonate with other students who are also overcoming their
5 emotions of feeling suicidal too.

6
7 21. Almost all of the people I’ve met who are struggling with loans from predatory for-profit
8 colleges are trying hard to make an impact in their communities. We all want to
9 contribute and are passionate about doing good, but we were taken advantage of, and the
10 struggle with student loans is very time consuming and demands so much energy.

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12 I swear under penalty of perjury that the foregoing is true.

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14 Executed on: October 29, 2020

15 West Kingston, Rhode Island

16 
17 Kim Tran (Oct 29, 2020 23:30 EDT)

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28 Kim Tran

Exhibit A

CERTIFICATION

CONTACT

Name:	Kim H Tran	Relationship to Student:	Self
D.O.B.:	[REDACTED]	Student First Name:	
SSN:	[REDACTED]	Student Middle Name:	
Email:	[REDACTED]	Student Last Name:	
Phone:	[REDACTED]	Student SSN:	
Street:	[REDACTED]		
City:	[REDACTED]		
State:	[REDACTED]		
Zip Code:	[REDACTED]		

CASE

Case Number:	[REDACTED]	Date/Time Opened:	9/14/2018 10:31 PM
Enrollment Start Date:	9/7/2009	Enrollment Status:	Withdrew
Enrollment End Date:	4/13/2013	Enrollment Dates are Approximate:	<input checked="" type="checkbox"/>

Enrollment Dates Explanation:

School:
The New England Institute of Art - Brookline (Brookline, MA)

Other Loan Forgiveness Explanation:

Other Tuition Recovery Explanation:

Forbearance/Stopped Collect. Requested:

ALLEGATIONS

Allegation Type: Employment Prospects
Led to Enrollment:

Allegation The school touted very high job placement numbers and income rates for graduates when I was applying, these numbers proved to be exaggerated and even false.
The school promised a wide variety of faculty with industry experience and resumes. Most of the faculty were not industry veterans at all. Several instructors claimed to have film backgrounds but in fact had no such experience. Many of the most demanding instructors had portfolios or demo reels that were substandard even compared to student work.
One teacher claimed to have worked on Spiderman3, which is a gross exaggeration if not an outright lie (he has no credit on the film). Another claimed to have worked at Pixar, but this also appears to me a misrepresentation of the truth. Many of the claims and instructions given by these instructors were proven misleading and outright false by industry artists consulted on the matter.
Instead of providing industry standard instruction, some of the resources provided were merely online tutorials from now defunct

Explanation: vendors such as digital-tutors. Considering the tuition fees at Neia, the digital-tutors online lessons were in essence being marked up by well over 1000%.
 Students were required to buy a 3d instructional book written by one of the deans (Jason Donati) which cost roughly \$150, yet was never referenced in any of the classes or lessons on offer at the school. This book was panned by industry artists as substandard and useless. Jason Donati's bio misrepresented him as an award winning animator when in fact he has not won any awards.
 Other required reading included blatantly dated books on basic computer use (what keyboards and mice do, etc). Things that most people born after the year 1984 would have known as second nature.
 Access to the computer lab was touted as something every student would have, but it became more and more limited.

Allegation Type: Program Cost and Nature of Loans

Led to Enrollment:

Allegation Explanation: I owe \$32k in federal student loans for substandard industry training that left me with no job prospects. I was given the impression I would be able to pay back the loans within 10 years. I was sold on the idea that taking these loans would result in absolute success.

Allegation Type: Transferring Credits

Led to Enrollment:

Allegation Explanation: Most of the schools do not accept transfer credits from the Art Institute. Even various branches of Art Institute schools will not accept transfer credits within their own network.

Allegation Type: Career Services

Led to Enrollment:

Allegation Explanation: The school touted very high job placement numbers and income rates for graduates when I was applying, these numbers proved to be exaggerated and even false.
 The school promised a wide variety of faculty with industry experience and resumes. Most of the faculty were not industry veterans at all. Several instructors claimed to have film backgrounds but in fact had no such experience. Many of the most demanding instructors had portfolios or demo reels that were substandard even compared to student work.
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 Access to the computer lab was touted as something every student would have, but it became more and more limited.

Allegation Type: Educational Services

Led to Enrollment:

Allegation Explanation: The school touted very high job placement numbers and income rates for graduates when I was applying, these numbers proved to be exaggerated and even false.
 The school promised a wide variety of faculty with industry experience and resumes. Most of the faculty were not industry veterans at all. Several instructors claimed to have film backgrounds but in fact had no such experience. Many of the most demanding instructors had portfolios or demo reels that were substandard even compared to student work.
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 Other required reading included blatantly dated books on basic computer use (what keyboards and mice do, etc). Things that most people born after the year 1984 would have known as second nature.
 Access to the computer lab was touted as something every student would have, but it became more and more limited.

Allegation Type: Admissions and Urgency to Enroll

Led to Enrollment:

Allegation Explanation: They pressured me that time was of the essence in both application and financial aid. When I wanted to take time off, they bullied me into thinking it would jeopardize my financial future.

Allegation Type: Other

Led to Enrollment:

Allegation Explanation: The Art Institute has been going bankrupt and shutting down. They have been investigated by the federal government for misleading students and that there are multiple class action lawsuits being filed against NEIA and EDMC.

PROGRAMS

Name:	Animation for Game Art and Design
Credential:	Bachelor
Program Start Date:	9/7/2009
Program End Date:	4/13/2013

Multiple Program Explanation:
Graphic Design
