

1 DANIEL B. LEVIN (State Bar No. 226044)
daniel.levin@mto.com
2 HAILYN J. CHEN (State Bar No. 237436)
hailyn.chen@mto.com
3 ADAM B. WEISS (State Bar No. 296381)
adam.weiss@mto.com
4 JANELLE KRUMMEN (State Bar No. 348817)
janelle.krummen@mto.com
5 MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue
6 Fiftieth Floor
Los Angeles, California 90071-3426
7 Telephone: (213) 683-9100
Facsimile: (213) 687-3702

8 MEGAN McCREADIE (State Bar No. 330704)
megan.mccreadie@mto.com
9 RAQUEL DOMINGUEZ (State Bar No. 335268)
raquel.dominguez@mto.com
10 MUNGER, TOLLES & OLSON LLP
11 560 Mission Street
Twenty-Seventh Floor
12 San Francisco, CA 94115
Telephone: (415) 512-4000
13 Facsimile: (415) 512-4077

14 Attorneys for Defendant
UNIVERSITY OF SOUTHERN CALIFORNIA

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF LOS ANGELES

18 STEPHANIE LUNA, SANDRA CAMPOS,
and DEONTE SIMPKINS, *individually and on*
19 *behalf of all others similarly situated,*

20 Plaintiffs,

21 vs.

22 UNIVERSITY OF SOUTHERN
CALIFORNIA,

23 Defendant.
24
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Case No. 23STCV09981

**DEFENDANT UNIVERSITY OF
SOUTHERN CALIFORNIA'S REPLY IN
SUPPORT OF ITS DEMURRER TO THE
FIRST AMENDED CLASS ACTION
COMPLAINT**

Judge: Kenneth Freeman

Dept.: 014

Date: March 27, 2024

Time: 11:00 a.m.

Action Filed: May 4, 2023

*[Defendant USC's Reply In Support of Its
Motion to Strike Pursuant to CCP Section 436]*

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1 **I. INTRODUCTION**

2 Plaintiffs’ Unruh Act and unjust enrichment causes of action, as well as the False
3 Advertising Law (“FAL”) and California Legal Remedies Act (“CLRA”) claims of Plaintiffs
4 Stephanie Luna and Sandra Campos, should be dismissed.

5 First, Plaintiffs’ allegations that after reading a single *Wall Street Journal* article that cited
6 one undated USC recruiting graphic, they came to believe they were victims of a discriminatory
7 scheme by USC do not give them standing to assert an Unruh Act claim. Plaintiffs do not allege
8 any facts to show they were treated differently than other applicants to the online or in-person
9 MSW program. Instead, they cite the recruiting graphic, which does not talk about either the
10 online program or “hard sell” marketing; paragraphs of unsupported “information and belief”
11 allegations about ad “targeting”; and inapt allusions to “reverse redlining.” None of that is enough
12 to make out a claim of actionable unequal treatment under the Unruh Act. Second, in arguing that
13 the FAL and CLRA claims of Ms. Luna and Ms. Campos are timely, Plaintiffs misinterpret the
14 delayed-discovery rule and ignore allegations in their own Complaint demonstrating that both
15 women necessarily would have been on notice of their claims before the statute of limitations
16 expired. And finally, Plaintiffs simply ignore the substantial weight of caselaw holding that there
17 is no standalone cause of action for unjust enrichment under California law, and the sole case they
18 cite does not suggest otherwise.

19 USC respectfully requests that the Court grant its Demurrer.

20 **II. ARGUMENT**

21 **A. Plaintiffs Fail to Plead Facts Establishing Standing or Actionable**
22 **Discrimination under the Unruh Act**

23 **1. Plaintiffs have failed to plead facts showing they have standing under**
24 **the Unruh Act.**

24 Plaintiffs’ argument that they have Unruh Act standing boils down to the assertion that,
25 because they allegedly match the profiles of two hypothetical applicants in a USC School of
26 Social Work recruiting graphic printed in a November 2021 *Wall Street Journal* article, they must
27 have been targeted for unequal hard-sell recruitment tactics on the basis of their race after they
28 inquired about USC’s online Master of Social Work program. (Plaintiffs’ Opposition (“Opp.”) at

1 pp. 14-15.) But Plaintiffs do not allege facts to show that they individually were subject to
2 unlawful, unequal treatment under the Unruh Act.

3 First and fundamentally, the referenced graphic is the *only* specific evidence of
4 discrimination alleged in the Complaint, but it does not support an inference that USC “targeted”
5 people of color or veterans through different “hard-sell” recruitment tactics not used for other
6 applicants. All the graphic does is describe six hypothetical applicants—including their race and
7 veteran status, but also their age, location, undergraduate school and GPA, and various aspects of
8 a graduate program that might appeal to them—and how likely they are to enroll in a School of
9 Social Work graduate program. The graphic does not describe *any* recruiting tactics, let alone
10 recommend using “hard-sell” tactics for any of the hypothetical applicants—and it certainly does
11 not link hard-sell tactics to race, veteran status, or any other protected characteristic. (See *infra* at
12 pp. 9-10; Demurrer at p. 17)

13 Nor does the graphic support an inference that USC “targeted” or “shunted” people of
14 color or veterans for enrollment into the allegedly “inferior” online MSW program (instead of the
15 in-person program). The graphic is labeled “USCSocialWork,” referring to USC’s School of
16 Social Work in general; it does not reference the online program specifically. (FAC ¶ 132.)
17 Though Plaintiffs speculate that it was used for the online MSW program, there is no allegation
18 that it was used *only* for the online MSW program and not for the in-person program (or any other
19 School of Social Work degree program, for that matter). In other words, nothing about the graphic
20 suggests that the marketing and recruiting approaches for the online and in-person MSW programs
21 differed in a way that could give rise to a race-based “targeting” theory. (See *infra* at pp. 9-10;
22 Demurrer at pp. 16-18.)

23 Second, even if Plaintiffs had sufficiently pleaded some general discriminatory scheme
24 (they haven’t), they do not plead any facts to show that *they* were “victims of the discriminatory
25 practice.” (*Midpeninsula Citizens for Fair Housing v. Westwood Investors* (1990) 221 Cal.App.3d
26 1377, 1386.) Plaintiffs have not alleged that recruiters treated them differently from other
27 potential online MSW students on the basis of their race or other protected status; they do not
28 allege, for example, that white or non-veteran candidates did not receive the same “hard-sell”

1 tactics. (Demurrer at pp. 13-14.) To the contrary, the Complaint affirmatively suggests (albeit
2 wrongly) that recruiters used hard-sell tactics for *all* prospective online MSW students, regardless
3 of race or veteran status. (See FAC ¶ 136 [alleging “[o]n information and belief” that MSW
4 recruiters “reserve the high-pressure . . . tactics for those [USC] recruits to its different and
5 unequal online MSW program” and do not use the tactics for the in-person MSW program].)

6 Nor do Plaintiffs allege any facts to show they were “targeted” for the online program
7 instead of the in-person program on account of race or another protected characteristic. The facts
8 they do allege undercut that theory. All three Plaintiffs affirmatively sought out the online
9 program and, at least according to their Complaint, never applied to or sought information about
10 the in-person program. (FAC ¶¶ 138-143, 157-164, 176-182.) No Plaintiff alleges he or she was
11 steered to the online program by a recruiter. To the contrary, in order to show standing for their
12 false-advertising claims, Plaintiffs allege that they decided to enroll in the online MSW program
13 not because of high-pressure, racially targeted sales tactics, but because they believed the online
14 program was “the same” as the in-person program. (FAC ¶¶ 143, 164, 182.) No Plaintiff alleges
15 that recruiters even knew they were people of color or mentioned their race or other protected
16 status; indeed, Plaintiffs advance the remarkable position that such allegations are “not . . .
17 necessary.” (Opp. at pp. 14, 15 fn.8.)

18 Without any allegation that Plaintiffs were treated differently from other applicants,
19 Plaintiffs’ theory of standing is simply that, having read the *Wall Street Journal* article, they “now
20 understand[.]” that USC targeted them for enrollment in the online MSW program on the basis of
21 their race. (FAC ¶¶ 153, 172, 191.) But even if the *Wall Street Journal* article contained
22 sufficient facts to establish the existence of some discriminatory policy (it does not), this kind of
23 “mere awareness of a . . . discriminatory policy” (if that) is insufficient to confer standing without
24 some allegation that the plaintiff was actually subject to discrimination. (*White v. Square, Inc.*
25 (2019) 7 Cal.5th 1019, 1023; see also Demurrer at pp. 13-15.)

26 **2. Plaintiffs’ “reverse redlining” theory fails to state a claim of unequal**
27 **treatment under the Unruh Act.**

28 There are only two ways to show discrimination under the Unruh Act, outright exclusion

1 or unequal access. (See Demurrer at p. 13; Opp. at p. 11.) Plaintiffs concede that they do not
2 allege exclusion. (See Opp. at p. 11.) Thus, the only question is whether they have pleaded facts
3 showing actionable unequal treatment. They have not.

4 The crucial distinction Plaintiffs miss is that an unequal treatment claim requires a
5 comparison of the treatment Plaintiffs experienced with the treatment experienced by others who
6 are not members of the same protected group: “[T]he dispositive question under the Unruh Civil
7 Rights Act is whether the plaintiff faced unequal treatment on account of his or her race [or other
8 protected status] *that members of other races did not experience.*” (*Smith v. BP Lubricants USA*
9 *Inc.* (2021) 64 Cal.App.5th 138, 154, italics added.)

10 Plaintiffs’ comparison of their claim to “reverse redlining” cases demonstrates the missing
11 link in Plaintiffs’ theory. (See Opp. at pp. 11-12.) A traditional reverse-redlining claim alleges
12 that a lender offered “unfavorable terms in connection with housing and a loan on account of” a
13 protected characteristic—while others who are not members of the protected group received *better*
14 terms. (*M&T Mortg. Corp. v. White* (E.D.N.Y. 2010) 736 F.Supp.2d 538, 574.)¹ In other words,
15 the theory alleges traditional, well-recognized “unequal treatment.” (See *BP Lubricants, supra*, 64
16 Cal.App.5th at p. 154.)

17 Plaintiffs’ Complaint, however, does not allege this kind of actionable reverse redlining, or
18 anything close to it, because it does not allege that USC offered less favorable terms or services to
19 people of color or veterans applying to its online MSW program than to any other applicant. To
20 the contrary, as Plaintiffs necessarily concede, *all* prospective online MSW students paid the same
21 tuition, attended the same classes, went through the same clinical placement process, had the same
22 graduation requirements, and so on. (See Demurrer at p. 15.)

23

24 ¹ The other cases Plaintiffs cite are in accord. (See *Munoz v. Internat. Home Cap.* (N.D. Cal.,
25 May 4, 2004, No. C 03-01099) 2004 WL 3086907, at p. *4 [explaining that reverse redlining
26 involves a lender “provid[ing] loans to other applicants with similar qualifications [who are not
27 members of the protected group] on significantly more favorable terms”]; *Matthews v. New*
28 *Century Mortg. Corp.* (S.D. Ohio 2002) 185 F.Supp.2d 874, 886 [“Reverse redlining’ is the
situation in which a lender unlawfully discriminates by extending credit to a . . . class of people
. . . on terms less favorable than would have been extended to people outside the particular
class.”]; *Hargraves v. Cap. City Mortg. Corp.* (D.D.C. 2000) 140 F.Supp.2d 7, 20 [similar].)

1 Instead, Plaintiffs advance a theory of “inequality” based on speculation that USC may
2 have “targeted” its recruiting efforts for an “inferior” online MSW program at people of color and
3 veterans. But as noted above, and in USC’s opening memorandum, Plaintiffs fail to plead any
4 facts that support such a theory, relying instead on nothing more than unsupported insinuations
5 made on “information and belief.”

6 The three out-of-state cases Plaintiffs cite for the proposition that the Court should permit
7 an Unruh Act claim to proceed on their chosen theory are, in a word, unconvincing. (Opp. at
8 p. 12.) None involves the Unruh Act; all are from outside of California, and thus non-binding; and
9 two are unpublished. These cases found discrimination in the alleged targeting of advertising for a
10 “sham” degree program at members of a protected group. But to state an Unruh Act claim, “the
11 dispositive question” is “whether the plaintiff faced unequal treatment on account of his or her
12 race that members of other races did not experience.” (*BP Lubricants, supra*, 64 Cal.App.5th at
13 p. 154.)² Plaintiffs’ Complaint supports no such conclusion.

14 The fundamental problem with Plaintiffs’ Unruh Act claim is that it attempts to convert a
15 misrepresentation theory—namely, that USC allegedly described the online and in person
16 programs as being the “same” when the programs, in fact, were different—with a race and
17 veteran-status discrimination claim. Plaintiffs do not cite any law from California or elsewhere
18 that allows a discrimination claim to proceed on top of a misrepresentation claim in the absence of
19 any non-speculative allegations of unequal treatment.

20 _____
21 ² These cases also differ from this one in that they involved more substantial allegations that the
22 defendants had “targeted” their degree programs at protected groups and that the degree programs
23 were predatory or a “sham.” (See *Carroll v. Walden Univ., LLC* (D. Md. 2022) 650 F.Supp.3d
24 342, 356-357 [allegations including that school had focused nearly all its advertising budget at
25 Black populations and had affirmatively misrepresented cost of its program and number of credits
26 required to graduate]; *Roberson v. Health Career Inst. LLC* (S.D. Fla., Aug 3, 2023) 2023 WL
27 4991121, at pp. *8-9, 15 [allegations including that advertisements “prominently featured Black
28 women as models” and that school failed to provide clinical instruction that complied with Florida
accreditation requirements]; *Brook v. Sistema Universitario Ana G. Mendez, Inc.* (M.D. Fla.,
May 4, 2017) 2017 WL 1743500, at pp. *1, 4 [allegations including that school “made statements
that ‘Latinos’ are its target market”; “focus[ed] its marketing on channels that disproportionately
reach a Latino audience”; and misrepresented that its Master’s program was approved by Florida
and capable of “providing valid internships required to work in public schools in Florida”].)

1 **3. Plaintiffs’ information-and-belief allegations are unsupported, and**
2 **their Unruh Act claim cannot stand without them.**

3 Plaintiffs are incorrect when they suggest that their Unruh Act claim can stand even
4 without the speculative allegations they make “on information and belief” (see Opp. at p. 15)—
5 allegations that Plaintiffs do not meaningfully dispute should be disregarded because they are
6 unsupported by facts suggesting the allegations are true (see *id.* at pp. 16-17; see also Demurrer at
7 pp. 16-18 [making this argument]).

8 The thinness of Plaintiffs’ Unruh Act allegations—whether made “on information and
9 belief” or otherwise—is evident on the face of the Complaint. The allegations are concentrated in
10 a four-page-long section at pages 24-27 of the Amended Complaint. The section begins with a
11 multi-page subsection on “Hard-Sell Tactics,” which describes a series of “hard-sell tactics”
12 allegedly employed by recruiters for the online MSW program but that contains *no* allegation that
13 anyone was “targeted” for those tactics on the basis of their race or veteran status. (FAC ¶¶ 117-
14 125.) Rather, it alleges that 2U recruiters must “meet quarterly enrollment targets” or risk being
15 fired, and that “recruiters use ‘hard sell’ recruitment techniques” to meet those targets—
16 allegations that strongly suggest recruiters would have been motivated to use hard-sell tactics on
17 *all* potential recruits, not just those who are members of protected groups. (*Id.* ¶¶ 117-118.)

18 The next subsection—“Racial Targeting”—entirely fails to link the alleged “hard sell”
19 tactics to race or any other protected category. It mostly relies on unsupported, conclusory
20 allegations such as “[i]t was and is USC’s practice and/or policy to target people of color and/or
21 veterans, including Plaintiffs, on the basis of their race and/or veteran status for enrollment in the
22 inferior online MSW program.” (*Id.* ¶ 126.) The only specific facts pleaded are found in
23 paragraphs 129 through 132, all of which describe the sole recruiting graphic referenced above.
24 These are followed by four paragraphs of lengthy “information and belief” allegations in which
25 Plaintiffs make increasingly speculative and incendiary suppositions about how USC must have
26 “targeted” digital marketing for the online MSW program based on race and veteran status. (*Id.*
27 ¶¶ 133-137.) This section ends with another information-and-belief allegation that USC recruiters
28 “reserve the high-pressure and racialized tactics for those it recruits to its different and unequal

1 online MSW program.”³ (*Id.* ¶ 136.) In other words, although the Complaint labels the tactics
2 “racialized,” it affirmatively alleges that the supposedly improper recruitment tactics were used in
3 the online program writ large—and not that they were used for members of protected classes.
4 Nothing Plaintiffs have pleaded suggests that any alleged differences were motivated by or
5 intended to cause unequal treatment on the basis of race or veteran status.

6 The single School of Social Work recruiting graphic cited by Plaintiffs does not create a
7 discrimination claim. As noted above (*supra* at p. 5), nothing in the graphic references the online
8 program or suggests USC relied on protected status to target applicants for that program as
9 opposed to the in-person program. It thus provides no support for Plaintiffs’ theory that USC
10 “reserve[s] the high-pressure and racialized tactics for those it recruits to its different and unequal
11 online MSW program.” (FAC ¶ 136.)

12 Plaintiffs also ignore that, for each hypothetical applicant the graphic describes, it includes
13 a wide variety of biographical and educational background information besides race and veteran
14 status—all of which are part of a holistic determination of whether a prospective student is more
15 or less likely to choose to attend a School of Social Work program. (See *supra* at p. 5; Demurrer
16 at pp. 17-18.) Along the same lines, nothing in the graphic suggests a link between so-called
17 “Conversion Probability” and the alleged “hard-sell” recruitment tactics of which Plaintiffs
18 complain. The graphic is descriptive, not prescriptive.

19 Because Plaintiffs plead no other facts in support of their Unruh Act claim, that cause of
20 action should be dismissed.

21 **4. Plaintiffs’ arguments about the educational malpractice doctrine**
22 **confirm the applicability of that doctrine.**

23 Even if Plaintiffs had pleaded facts to show that they experienced different treatment based
24 on their race or other protected class, Plaintiffs’ theory runs headlong into the educational
25 malpractice doctrine. The educational malpractice doctrine bars plaintiffs from bringing claims

26
27 ³ Plaintiffs assert that this allegation is *not* made on information and belief (Opp. at p. 15), but that
28 is implausible given that the allegation appears in a paragraph beginning “[o]n information and
belief” and follows several similarly structured paragraphs.

1 against universities based on allegations that they received a “substandard education” or if their
2 claims would require judgments about “educational quality or results.” (*Wells v. One2One*
3 *Learning Found.* (2006) 39 Cal.4th 1164, 1210-1212.) Plaintiffs argue that their claims will not
4 require “a subjective determination [about] the overall pedagogical ‘quality’ of USC’s online
5 MSW program” because they are asking a factfinder to determine only that the online program
6 was “*inferior*” in the sense that it “was *unequal to and substantively different from* the in-person
7 program in . . . specific, concrete ways,” such as having “different curriculum, different
8 instructors, different field placements, and different student advisors.” (Opp. at p. 17, italics
9 added.) But those are precisely the same thing.

10 No matter how they frame it, Plaintiffs are not merely asking the Court to make a
11 determination that there are objective differences between aspects of each program, which might
12 form the basis of a misrepresentation claim if Plaintiffs could show they were promised something
13 else. Rather, in support of their Unruh Act claim, Plaintiffs repeatedly allege that the online
14 program was “inferior” to the same aspect of the in-person program. There is no way to determine
15 whether one program had “inferior” curricula, instructors, field placements, and so on without
16 looking to educational quality—but doing so is barred by the educational malpractice doctrine.

17 **B. Plaintiffs’ Own Allegations Show That the FAL and CLRA Claims of**
18 **Ms. Luna and Ms. Campos Are Untimely**

19 Ms. Luna’s and Ms. Campos’s CLRA and FAL claims are untimely: the Complaint
20 necessarily alleges that they both encountered USC’s purported false advertising *and* discovered
21 ways in which the online MSW program purportedly differed from how it had been advertised
22 well before May 2020, i.e., more than three years prior to filing suit. (Demurrer at pp. 19-21.)

23 In Opposition, Plaintiffs assert, without authority, that the delayed discovery rule delayed
24 the running of the statute of limitations until they had “discovered the *full scope* of USC’s
25 deception.” (Opp. at p. 7, italics added.) Not so. The caselaw (including cases cited by Plaintiffs)
26 is clearly and definitively to the contrary: the delayed discovery rule postpones accrual of a claim
27 only until “the plaintiff *has reason to suspect* an injury *and some wrongful cause.*” (Opp. at p. 18,
28 first italics added [quoting *Fox v. Ethicon Endo-Surgery, Inc.* (2005) 35 Cal.4th 797, 803].) That

1 occurs when a plaintiff “has reason to suspect a factual basis for” each “element” of the cause of
2 action. (*Norgart v. Upjohn Co.* (1999) 21 Cal.4th 383, 397-398.)

3 This is determinative. Plaintiffs do not meaningfully dispute that Ms. Campos and Ms.
4 Luna would have “had reason to at least suspect” numerous alleged differences between the way
5 the online MSW program had been advertised and their actual experiences in the program—that
6 is, the factual basis for their CLRA and FAL claims—upon beginning online MSW classes in May
7 2019, a year before the beginning of the limitations period. (See Opp. at p. 19.) While the precise
8 dates upon which they learned certain facts may be “speculative,” to use Plaintiffs’ terminology
9 (*id.* at p. 18), it is evident from the face of the Complaint that they would have been on notice of
10 the alleged wrong before May 2020—because that is what Plaintiffs themselves have pleaded.
11 (Demurrer at pp. 20-21 [discussing allegations in the Complaint including that Plaintiffs “began to
12 discover the extent to which” the two MSW programs differed “once they had already paid their
13 tuition and enrolled”].)

14 Plaintiffs’ principal argument to the contrary—that they could not have learned about the
15 extent of 2U’s involvement with the online MSW program until the November 2021 *Wall Street*
16 *Journal* article—is irrelevant. (See Opp. at p. 19.) Plaintiffs cannot divide their FAL and CLRA
17 claims into claims based on the “quality” of the online program (pre-recorded classes, different
18 instructors, etc.) and claims based on 2U’s role in the online MSW program; instead, they have
19 pleaded one set of claims focused on alleged false statements in USC’s marketing for the online
20 MSW program. Taking Plaintiffs’ allegations as true, once Plaintiffs learned about certain ways
21 in which the online MSW program differed from how it had been advertised to them, they were on
22 notice of the elements of their FAL and CLRA claims and those claims accrued. Plaintiffs do not
23 explain how anything Ms. Luna and Ms. Campos allegedly learned from the *Wall Street Journal*
24 article would have been relevant to some new, previously undiscovered element of their FAL and
25 CLRA causes of action. (See *Norgart, supra*, 21 Cal.4th at pp. 397-398.) And later discovery of
26 facts relating to the *same type of wrong* (here, false advertising) does not delay accrual of a claim.
27 (*Cf. Fox, supra*, 35 Cal.4th at p. 813 [“[I]f a plaintiff’s . . . diligent investigation discloses only one
28 kind of wrongdoing when the injury was actually caused *by tortious conduct of a wholly different*

1 *sort*, the discovery rule postpones accrual of the statute of limitations on the newly discovered
2 claim.”].) Accordingly, Ms. Luna’s and Ms. Campos’s FAL and CLRA claims are time-barred
3 and should be dismissed.⁴

4 **C. The Weight of California Caselaw Holds There Is No Standalone Cause of**
5 **Action for Unjust Enrichment**

6 Plaintiffs’ Opposition ignores the wealth of California caselaw holding that there is no
7 standalone cause of action for restitution, instead focusing on one outlier case holding to the
8 contrary. (Compare Mot. at p. 22 [collecting cases] with Opp. at p. 20 [citing *Prof. Tax Appeal v.*
9 *Kennedy-Wilson Holdings, Inc.* (2018) 29 Cal.App.5th 230].) But even that case does not support
10 Plaintiffs’ claim for unjust enrichment. According to Plaintiffs, the elements of an unjust
11 enrichment cause of action are “receipt of a benefit and unjust retention of the benefit at the
12 expense of another.” (Opp. at p. 20 [quoting *Prof. Tax Appeal*, 29 Cal.App.5th at p. 238].) In
13 their Complaint, however, Plaintiffs allege they paid USC to attend the online MSW program and
14 earn an MSW degree (a “benefit” they gave to USC) and then received what they paid for—
15 attendance in the online MSW program and USC MSW degrees. Although Plaintiffs may now
16 have second thoughts about the graduate education they chose to pursue, nothing about the facts
17 they allege constitutes “unjust retention of [a] benefit” by USC. (*Cf. Prof. Tax Appeal*, at p. 238
18 [allowing an unjust enrichment claim to proceed on allegations that defendant had profited from a
19 property tax reduction secured by plaintiff but did not compensate plaintiff for its work].)

20 **III. CONCLUSION**

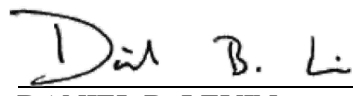
21 For the reasons stated above and in USC’s opening brief, USC respectfully requests that
22 the Court sustain the Demurrer.

23 ⁴ Plaintiffs briefly and incorrectly suggest that the continuing accrual doctrine could save
24 Ms. Luna’s and Ms. Campos’s claims, on the theory that there was a new FAL and CLRA
25 “violation” every time they had to pay tuition to USC. (See Opp. at p. 19 fn.12.) In their
26 Complaint, however, Plaintiffs allege only that USC’s allegedly misleading advertising led them
27 to enroll in the online MSW program. They do not allege that they decided to stay enrolled and
28 continue paying tuition because of USC’s marketing. Such allegations would be highly
implausible: Why would Plaintiffs choose to continue in the MSW program for another year based
on USC’s advertising, which they now claim differed from their actual experiences in the
program, rather than relying on those actual experiences? Simply put, they would not.

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DATED: January 12, 2024

MUNGER, TOLLES & OLSON LLP

By: 

DANIEL B. LEVIN

Attorneys for Defendant
UNIVERSITY OF SOUTHERN CALIFORNIA