

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Stuart Krohnengold, Wayne Antoine, Lee
Webber, Anthony Medici, Joseph Bendrihem,
Larry Gilbert, Rafael Musni, Thomas Lantz,
Sandra Scanni, and Claudia Gonzalez, as
representatives of a class of similarly situated
persons, and on behalf of the New York Life
Insurance Employee Progress Sharing
Investment Plan, and the New York Life
Insurance Company Agents Progress Sharing
Plan,

Case No. 1:21-cv-01778 - JMF

Plaintiffs,

v.

New York Life Insurance Company; the
Fiduciary Investment Committee; the Board
of Trustees; Katherine O'Brien; Anthony R.
Malloy; Yie-Hsin Hung; Arthur A. Seter;
Scott L. Lenz; Robert J. Hynes; and John and
Jane Does 1-20,

Defendants.

**DECLARATION OF JOSEPH BENDRIHEM IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Joseph Bendrihem, declare and state as follows:

1. I am one of the named Plaintiffs in the above-captioned action. I submit this Declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, and in support of my accompanying request to be appointed as a class representative.

2. I was a participant in the New York Life Insurance Company Agents Progress-Sharing Investment Plan (the "Agent Plan") and the New York Life Insurance Employee Progress-Sharing Investment Plan (the "Employee Plan") between 2008 and 2018.

3. I was invested in the Fixed Dollar Account, the MainStay Epoch U.S. All Cap Fund, and the MainStay Income Builder Fund through the Plans during the relevant class period.

4. I have actively participated in this action. Among other things, I have: (1) reviewed the allegations in the complaints bearing my name; (2) communicated with my lawyers and provided documents and information to them; (3) provided information in response to Defendants' Interrogatories; (4) produced documents in response to Defendants' document requests; (5) testified under oath in a deposition on May 30, 2023; and (6) discussed the proposed Settlement with counsel and reviewed the terms of the Settlement Agreement.

5. I understand my responsibilities as a class representative. Prior to joining this action, I reviewed and signed a form outlining those duties. A true and correct copy of that form was attached to my prior declaration submitted on June 26, 2023 (ECF 123).

6. In the event that I am appointed as a class representative, I will represent the interests of other class members as I would my own, and I have attempted to do so throughout the course of my participation in the action to date. I am not aware of any conflicts of interest between myself and other New York Life retirement plan participants.

7. I am fully informed of the terms of the Settlement and have had the opportunity to discuss the Settlement with counsel. I believe the \$19 million recovery is a fair recovery for myself and other Class Members in light of the potential risks and delay involved in further litigation, and I am in agreement with the plan of allocation.

8. I approve the Settlement in this case and encourage the Court to approve the Settlement as well.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 2/20/2024 | 1:22 PM PST

DocuSigned by:

63CA87B929324BA

Joseph Bendrihem