

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

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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.  
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**DECLARATION OF JEFFREY MITCHELL IN SUPPORT OF PLAINTIFFS' MOTION  
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Jeffrey Mitchell, declare and state as follows.

1. I am currently a Project Manager for Analytics Consulting, LLC (hereinafter "Analytics"), located at 18675 Lake Drive East in Chanhassen, Minnesota. Analytics provides consulting services to the design and administration of class action and mass tort litigation settlements and notice programs. The settlements Analytics has managed over the past twenty-five years range in size from fewer than 100 class members to more than 40 million, including some of the largest and most complex notice and claims administration programs in history.

2. Analytics' clients include corporations, law firms (both plaintiff and defense), the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission, which since 1998 has retained Analytics to administer and provide expert advice regarding notice and claims processing in its settlements/distribution of funds.

3. In my capacity as Project Manager, I count among my duties responsibility for matters relating to settlement administration for the above-captioned litigation.

4. Analytics has been engaged in this matter to provide settlement administration services, including (among other things) the mailing of the CAFA Notice and Court-approved Notice of Settlement, the establishment and maintenance of a Settlement Website and telephone call center facility, and the distribution of settlement benefits to Class Members (following final approval).<sup>1</sup>

5. The Court approved Analytics as the Settlement Administrator in this matter in its Order Preliminarily Approving Class Action Settlement, Preliminarily Certifying Settlement Class, Approving Procedure and Form of Notice, and Scheduling Fairness Hearing ("Preliminary Approval Order"). ECF No. 188 at ¶ 6.

#### **CAFA Notice**

6. On February 27, 2024, Analytics served CAFA Notice to the United States Attorney General, the Attorneys General of all 50 states and the District of Columbia, and the Secretary of the United States Department of Labor, pursuant to 28 U.S.C. §1715.

#### **Class Notice**

7. On or about April 8, 2024, Analytics received a data file from Defendants' counsel that contained a list of Class Member names and addresses.

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<sup>1</sup> Unless otherwise noted, all capitalized terms referenced herein have the meaning ascribed to them in the Parties' Settlement Agreement (ECF No. 176-1).

8. After receiving the class list, Analytics cross-referenced the Class Member addresses with the United States Postal Service National Change of Address database. The class list was then updated with any new addresses that were identified.

9. Pursuant to Section 3.2 of the Settlement Agreement, after updating the relevant addresses, Analytics mailed the Court-approved Notice of Settlement to 46,593 Class Members. A copy of the Notice is attached hereto as Exhibit 1. These Notices were mailed on April 19, 2024, in accordance with the Court's Preliminary Approval Order, by first-class mail, postage prepaid.

10. The Court-approved Former Participant Rollover Form was included with each Notice that was sent to Former Participant Class Members. A copy of the Former Participant Rollover Form that was sent to each Former Participant Class Member is attached as Exhibit 2.

#### **Effectiveness of Notice Program**

11. Through the date of this Declaration, 320 Notices to Class Members were returned to Analytics by the U.S. Postal Service with a forwarding address. In each case, Analytics updated the class list with the forwarding address. Analytics then re-mailed the Notice (and Former Participant Rollover Form, if applicable) to the updated address.

12. Through the date of this Declaration, 2,549 Notices were returned to Analytics by the U.S. Postal Service without a forwarding address. In each case, Analytics conducted a skip trace in attempt to ascertain a valid address for the affected Class Member. As a result of these efforts, 2,079 new addresses were identified for Class Members. Analytics subsequently updated the class list with these new addresses and re-mailed the applicable Notice (and Former Participant Rollover Form, if applicable) to each of those addresses. Of these, 11 Notices were returned undeliverable a second time.

13. In total, out of 46,593 Notices of Settlement, only 481 (~1.03%) were ultimately undeliverable as of this Declaration, according to Analytics' records, despite Analytics' efforts to verify address information in advance of mailing and to update address information and re-mail the Notices if they were initially returned.

**Settlement Website and Telephone Support Line**

14. From April 19, 2024, to the present, Analytics also has maintained a Settlement Website relating to this action, as provided by Section 3.3 of the Settlement Agreement. The internet address for this Settlement Website is [www.NYLifeERISAsettlement.com](http://www.NYLifeERISAsettlement.com). Among other things, the Settlement Website includes: (1) a "Frequently Asked Questions" page containing a clear summary of essential case information; (2) a "Home" page and "Important Dates" page, each containing clear notice of applicable deadlines; (3) a "Court Documents" page, which includes case and settlement documents for download (including, among other things, the Settlement Agreement, Notice of Settlement, Former Participant Rollover Form, Second Amended Complaint, Plaintiff's preliminary approval motion papers, the Court's Preliminary Approval Order, and Plaintiffs' Motion for Attorneys' Fees, Expenses, and Class Representative Service Awards and supporting documents); (4) contact information for Class Counsel and Defendants' Counsel; and (5) email, phone, and U.S. mail contact information for Analytics.

15. Analytics also created and maintained a toll-free telephone support line as a resource for Class Members seeking information about the Settlement. The toll-free telephone line employs an interactive voice response system ("IVR system") to answer calls and provides callers the option of speaking with a live operator if they prefer. The toll-free number for the telephone support line is 1-855-731-5599. This telephone number was referenced in the Notices of Settlement and also appears on the Settlement Website.

**Absence of Objections**

16. As of the date of this Declaration, I am not aware of any objections to the Settlement from Class Members.

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, information, and belief.

Dated: June 21, 2024

DocuSigned by:  
*Jeff Mitchell*  
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Jeffrey Mitchell