

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Eric Goldstein, Matt Sudol, and Bonnie
Zelazek, individually and as representatives of
a class of similarly situated person, and on
behalf of the Mutual of America Life
Insurance Company Savings Plan,

Plaintiffs,

v.

Mutual of America Life Insurance Company,
the Mutual of America Investment Manager
Committee, and John Does 1-20.

Defendants.

Case No. 1 22:cv-7862-GHW-OTW

**DECLARATION OF BRYN BRIDLEY
ON NOTICE AND SETTLEMENT
ADMINISTRATION**

I, BRYN BRIDLEY, declare as follows:

1. I am the Director of Project Management at Atticus Administration, LLC (“Atticus”), a firm providing class action and claims administration services. I have extensive experience with class action notice and claims administration. I am fully familiar with the facts contained herein based upon my personal knowledge and involvement with the above-captioned action.

2. Atticus is the Settlement Administrator for the above-captioned action and is responsible for carrying out the terms of the *Class Action Settlement Agreement* (“Settlement Agreement”) as ordered by the Court in its *Order Preliminary Approving Class Action Settlement*,

Approving Procedure and Form of Notice, and Scheduling Final Approval Hearing (“Preliminary Approval Order”) dated June 6, 2023.¹

3. I submit this declaration to inform the parties and the Court of the settlement administration activities completed to date. This declaration describes the: (i) distribution of the CAFA Notice, (ii) dissemination of the Court-approved Settlement Notices of the Settlement Agreement (“Notice”), (iii) settlement website and toll-free telephone number, (iv) rollover forms and objections received, and (v) the cost of settlement administration.

I. CAFA NOTICE

4. On April 24, 2023, Atticus sent notice of this proposed Settlement to relevant state and federal officials pursuant to the Class Action Fairness Act, 28 U.S.C. § 1715 (“CAFA Notice”). The CAFA Notice was sent vis U.S. Priority Mail to the Attorneys General of 48 states and the Attorney General of the United States, and by email to one (1) additional state Attorney General. The CAFA Packet included a cover letter accompanied by a CD-ROM or PDF attachments that contained the (a) Class Action Complaint, (b) Amended Class Action Complaint, (c) Memorandum of Law in Support of Plaintiffs’ Motion for Preliminary Approval, (d) Notices and Former Participant Rollover Form, (e) Settlement Agreement, (f) proposed Preliminary Approval Order, and (g) a breakdown of estimated Class Members by state of residence. A true and correct copy of the cover letter enclosed in the CAFA Packet with the delivery report is attached hereto as **Exhibit A.**

II. NOTICE TO THE CLASS

¹ Unless otherwise noted, all capitalized terms referenced herein have the meaning ascribed to them in the Parties’ Settlement Agreement. *ECF No. 57-01.*

5. On May 18, 2023, Atticus received a data file from Defendants' Counsel containing the name, last known address, email address, and Plan balance(s) (including a breakdown of how those balances have been allocated across the Plan's investment options) of associated individuals who participated in or were beneficiaries of the Mutual of America Life Insurance Company Savings Plan (the "Plan") at any time from September 14, 2016 to June 6, 2023 (the "Class Period") ("Class," "Class Member," or the "Class List"). On June 29, 2023, Defendants provided a supplemental file that included Class Members' Social Security Numbers and current Plan balances. The files were consolidated and Atticus determined whether each Class Member was a Current Participant Class Member or a Former Participant Class Member based on the Plan account balance information received. The final Class List included 2,585 unique Class Members - 1,938 Current Participant Class Members who had Plan account balances greater than \$0.00 on June 6, 2023 and 647 Former Participant Class Members who did not have Plan account balances as of June 6, 2023.

6. The final Class List was processed through the National Change of Address database maintained by the United States Postal Service ("USPS") prior to sending the *Notice of Proposed Class Action Settlement and Final Approval Hearing* ("Class Notice" or "Notice") by mail. The process returns address updates for any person that has filed a change of address card with the USPS in the four (4) years prior.

7. On July 6, 2023, Notice was sent by U.S. first class mail to 2,585 Class Members. The Notice provided Class Members with an overview of the Settlement, of their legal rights and options under the terms of the Settlement and the deadlines by which to act on those rights, the benefits available, details on the Fairness Hearing, and contact information for the Parties and Atticus.

8. Different Notices were mailed to Participant Class Members and Former Participant Class Members. The Notice provided to Participant Class Members informed them of their current Plan account status and that settlement benefits would be automatically distributed to their Plan accounts upon final approval of the settlement. A true and correct copy of the Participant Class Member Notice is attached hereto as **Exhibit B**. The Notice provided to Former Participant Class Members informed them of their former Plan account status and that their settlement benefits would be distributed in the form of a mailed payment unless they chose to complete and submit a Former Participant Rollover Form allowing them to have the benefit amount rolled into a qualified retirement account. The Former Participant Rollover Form was enclosed in the Former Participant Notice mailings. A true and correct copy of the Former Participant Class Member Notice and the Former Participant Rollover Form are attached hereto as **Exhibit C**.

9. Of the 2,585 total Notices sent by mail, 88 were returned to Atticus as undeliverable. Five (5) of the undeliverable records included forwarding address information and were promptly remailed to the addresses provided by the USPS. Eighty-two (82) of the remaining 83 undeliverable records were sent to a professional search firm for address tracing. New addresses were obtained for 67 of the undeliverable records and were not found for 15 undeliverable records. Notices were promptly remailed to the 67 addresses received. Seven (7) of the remailed Notices were returned to Atticus a second time, and one (1) record returned to Atticus after the Class Members' response deadline was not traced. Any untraced undeliverable records for Former Participant Class Members will be traced prior to the distribution of payments. In total, 2,562 Class Members or 99.11% of the Settlement Class was successfully mailed Notice.

10. On July 6, 2023, Notices were sent by email to 2,303 Class Members for whom email addresses were included in the Class List. The Former Participant Rollover Form was

attached as a PDF to the emailed Notices distributed to Former Participant Class Members. Of the emails sent, 2,197 (95.39%) were successfully delivered and 106 “bounced” and could not be delivered.

III. SETTLEMENT WEBSITE AND TOLL-FREE INFORMATION LINE

11. Atticus launched the settlement website www.GoldsteinMutualERISASettlement.com on July 6, 2023 in conjunction with the Notice mailing. The URL was printed in the mailed Notice and provided as a direct link in the emailed Notice. The website includes access to the Notices and Former Participant Rollover Form, various settlement documents filed with the Court – including those provided in the CAFA Notices, key dates and deadlines, answers to frequently asked questions about the settlement, and information on how to contact Atticus. The website has remained continuously operational since it was launched.

12. The toll-free number 1-800-305-9833 was also obtained and activated by Atticus as the toll-free settlement information line at the time of Notice mailing. The toll-free number was included in the mailed and emailed Notices and provided on the website’s “Contact Us” page. Individuals who contact the toll-free information line during Atticus’ normal hours of operation are connected with live customer service specialists who assist Class Members. After hours, callers are provided with the opportunity to leave a voicemail message for a return callback during business hours the following day. The toll-free live has been continuously operational since it was activated and remains available to Class Members at this time. To date, a total of 10 calls have been received.

IV. OBJECTIONS AND ROLLOVER FORMS

13. Class Members had until September 6, 2023 to postmark or otherwise submit a written settlement objection according to the guidelines set forth in the Notice and send it to the attorneys for the Parties. As of the date of the declaration, Atticus did not receive and was not made aware of any settlement objections.

14. Former Participant Class Members have until September 20, 2023 to complete and postmark the Former Participant Rollover Form and send it to Atticus if they prefer to receive their settlement payment through a rollover to a qualified requirement account. As of the date of this declaration, Atticus has received 50 Former Participant Rollover Forms.

V. SETTLEMENT ADMINISTRATION COSTS

12. Atticus agreed to provide administration services in this matter for \$23,469.

I declare under penalty of perjury under the laws of the State of New York and of the United States of America that the foregoing is true and correct and executed on this the 20th day of September 2023 in Mendota Heights, Minnesota.



Bryn Bridley