

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION**

JUSTIN GEORGE, ARIENNE PATZELT,
MELISSA ZUBER, and TSU HAN POH-
GRACIA, as representatives of a class of similarly
situated persons, and on behalf of the Garnet
Health Medical Center 403(b) Retirement Savings
Plan and Garnet Health Medical Center - Catskills
403(b) Retirement Savings Plan,

Plaintiffs,

v.

GARNET HEALTH MEDICAL CENTER,

Defendant.

Case No. 7:24-cv-6422-PMH

**DECLARATION OF JENNIFER K. LEE IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Jennifer K. Lee, declare and state as follows:

1. I am a partner at the law firm of Engstrom Lee LLC, and I am one of the attorneys previously appointed by the Court to serve as Class Counsel in the above-captioned action. Dkt. 71 ¶ 3. I submit this declaration in support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement.

2. Pursuant to Prohibited Transaction Exemption 2003-39 (PTE 2003-39)¹ and Paragraph 2.1 of the Settlement Agreement (Dkt. 64-1), an Independent Fiduciary reviewed the Settlement on behalf of the Garnet Health Medical Center 403(b) Retirement Savings Plan and each of its predecessor plans that were merged and/or acquired, individually and collectively, and any trust created under such plan (the "Plan"). I provided all documents and information

¹ See 68 Fed. Reg. 75,632 (Dec. 31, 2003), as amended 75 Fed. Reg. 33,830 (June 15, 2010).

requested by the Independent Fiduciary and discussed the Settlement with the Independent Fiduciary by telephone. The Independent Fiduciary issues a letter after its review. The Independent Fiduciary deemed reasonable: (1) the \$4.6 million Settlement amount and its non-monetary relief; (2) the scope of the release of claims; and (3) the amount of any attorneys' fee award or any other sums to be paid from the recovery. Accordingly, the Independent Fiduciary authorized the Plan's participation in the Settlement. A true and correct copy of the Independent Fiduciary's Report is attached as **Exhibit A**.

3. The deadline to submit objections to the Settlement is March 30, 2026. Dkt. 71 ¶ 12. Although the deadline has not passed, Class Counsel is not aware of any objections to the Settlement at this time.

4. For the reasons stated in my earlier Declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (Dkt. 64), I believe that the Settlement is fair, reasonable, and adequate.

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

Dated: March 20, 2026

/s/Jennifer K. Lee
Jennifer K. Lee