

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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Judy Larson, Janelle Mausolf, and Karen Reese, individually and on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

Allina Health System; the Allina Health System Board of Directors; the Allina Health System Retirement Committee; the Allina Health System Chief Administrative Officer; the Allina Health System Chief Human Resources Officer; Clay Ahrens; John I. Allen; Jennifer Alstad; Gary Bhojwani; Barbara Butts-Williams; John R. Church; Laura Gillund; Joseph Goswitz; Greg Heinemann; David Kuplic; Hugh T. Nierengarten; Sahra Noor; Brian Rosenberg; Debra L. Schoneman; Thomas S. Schreier, Jr.; Abir Sen, Sally J. Smith; Darrell Tukua; Penny Wheeler; Duncan Gallagher; Christine Webster Moore; Kristyn Mullin; Steve Wallner; John T. Knight; and John Does 1–20,

Defendants.

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**Civil Action No.: 17-3835-SRN-SER**

**DECLARATION OF MARK K.  
GYANDOH ON BEHALF OF  
CLASS COUNSEL IN SUPPORT  
OF PLAINTIFFS’  
MEMORANDUM OF LAW  
ADDRESSING OBJECTIONS  
TO THE CLASS ACTION  
SETTLEMENT**

I, Mark K. Gyandoh, on behalf of Class Counsel, respectfully submits this Declaration in Support of Plaintiffs’ Memorandum of Law Addressing Objections to the Class Action Settlement.<sup>1</sup>

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<sup>1</sup> Undefined capitalized terms herein have the same meaning as in the Settlement Agreement (“Settlement Agreement” or “Agreement”) (ECF 96-1 and 118-1).

1. I have personal knowledge of the facts set forth below and, if called as a witness, I could and would testify competently thereto.

2. I am a partner with the law firm of Capozzi Adler, P.C., and was formerly counsel with the law firm of Kessler Topaz Meltzer Check, LLP (“KTMC”) during the litigation and settlement of this matter, and am a member in good standing of the bars of the states of Pennsylvania and New Jersey. I was the lead attorney for KTMC while there, and my current firm, in this litigation, representing Plaintiffs and the proposed Settlement Class in the above-captioned action.

3. I, along with Class Counsel (KTMC, Bailey Glasser LLP (“Bailey Glasser”), Izard Kindall & Raabe LLP (“Izard Kindall”), and Nichols Kaster PLLP (“Nichols Kaster”)) have been actively involved in all stages of this lawsuit, including investigating and preparing the Complaint, successfully defending against Defendants’ motion to dismiss, and settling this litigation.

#### **Class Notice Dissemination**

4. The notice program in this case was robust. Pursuant to the Preliminary Approval Order (ECF 99), Class Notice was mailed on December 20, 2019, to 69,558 Settlement Class members (hereafter, “Class Members”). *See* Declaration of Jennifer M. Keough of JND Legal Administration LLC (“JND”), Regarding Notice Administration (“JND Declaration”) at ¶ 5 (ECF 118-7). Additionally, the Class Notice and other Settlement related documents were posted to the Settlement website ([www.AllinaERISAsettlement.com](http://www.AllinaERISAsettlement.com)) on the same date. *Id.* at ¶ 9. The Class Notice

provided a toll-free number that the Class Members could call to obtain more information on the Settlement.

5. Following the December 20, 2019 mailing of Class Notice and its posting on the Settlement website, Class Counsel have been actively involved in responding to communications from Class Members. As of March 6, 2020, the Settlement website had tracked 2,765 unique users who registered 6,023 page views. *Id.* at ¶ 10. Class Counsel had also received 448 phone inquiries about the Settlement from Settlement Class members (“Class Members”). *Id.* at ¶ 12, ECF 118-7.<sup>2</sup>

6. Between March 6<sup>th</sup> and March 27<sup>th</sup> (roughly the period of time between the filing of the Final Approval Memo and Fee Memo, and the instant declaration) there have been an additional 1,839 page views from 831 unique visitors, and 24 phone inquiries. To date, Class Counsel has also received and responded to 89 emails from Class Members. Most of the inquiring Class Members sought a better understanding of what this case is about and how the Settlement impacted them. A few Class Members wanted to provide their current address. Overall, the Class Members who Class Counsel spoke with support the Settlement.

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<sup>2</sup> On March 10, 2020, Plaintiffs filed their motions (and memoranda in support of) for Final Approval of Class Action Settlement; Certification of Settlement Class; Appointment of Class Representatives and Class Counsel; Approval of Notice to Settlement Class; and Approval of Plan of Allocation (“Final Approval Memo”) and for an Award of Attorneys’ Fees, Reimbursement of Expenses and Case Contribution Awards for the Class Representatives (“Fee Memo”).

### **Objections Received**

7. Class Counsel has received only four objections related to the Settlement. *See* ECF 101 (objection of Patricia P. Hines); 102 (objection of Randall K. Johnson); 112 (unidentified objector); and 113 (objection of Sharon Atchley). These objections are addressed in the accompanying memorandum to this declaration.

8. Other than these four objections that were timely filed, I know of no other objections. JND also has not received any objections to date.

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

Executed this 30th day of March, in Merion Station, Pennsylvania.

**CAPOZZI ADLER, P.C.**

*/s/ Mark K. Gyandoh*

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*Plaintiffs' Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of March 2020, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system which will send a notification to all counsel of record in this Action.

*/s/ Mark K. Gyandoh*

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Mark K. Gyandoh