

EXHIBIT 2

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

 LISA SIMMONS)
 and KELLY PETERSON-SMALL,)
 individually and on behalf of all others)
 similarly situated,)
)
 Plaintiffs,)
)
 v.)
)
 ASSISTCARE HOME HEALTH)
 SERVICES, LLC, d/b/a Preferred Home)
 Care of New York/Preferred Gold,)
)
 Defendant.)

Index No. 511490/2021

Judge: Hon. Larry D. Martin

**DECLARATION OF GARY M. KLINGER IN SUPPORT OF
PLAINTIFFS’ MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Gary M. Klinger, being competent to testify, make the following declaration:

1. I am currently a partner of the law firm Milberg Coleman Bryson Phillips Grossman, PLLC (“Milberg” or the “Firm”). I am appointed Class Counsel for the Settlement Class, and submit this declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

2. The deadline for Settlement Class Members to object to the Settlement was April 24, 2023. As of today’s date, I have received zero objections to the Settlement Agreement, and no objections to the fee request or request for a service award.

* * * * *

I declare under penalty of perjury of the laws of the State of Texas and the United States that the foregoing is true and correct, and that this declaration was executed in Chicago, Illinois on this 13th day of June, 2023.

/s/Gary M. Klinger

Gary M. Klinger (admitted *pro hac vice*)

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