

## SETTLEMENT AGREEMENT

This Settlement Agreement (this “Agreement”) is entered into by Junfang Shen and Mingsheng Dong, individually and on behalf of Zhifan Dong and their heirs, agents, and assigns (the “Dong Family”), and the University of Utah (the “University”), individually and on behalf of its employees, representatives, agents, and affiliates who could be named in claims brought by the Dong Family, (collectively, the “Parties”).

### Recitals

A. On February 11, 2022, Zhifan Dong, a first-year student at the University of Utah, was allegedly murdered by fellow student Haoyu Wang.

B. The University acknowledges shortcomings in the response of its housing and residential education team to the complex situation that resulted in Zhifan Dong’s death and acknowledges the terrible loss that the Dong Family has suffered.

C. The Dong family acknowledges that the University has continued to identify opportunities to improve training for responding to safety risks and has continued to take action to improve campus safety.

D. The Parties now desire to resolve and to settle fully and finally any disputes that may exist between them, including all claims, known or unknown, that have arisen or might arise related to Zhifan Dong’s death, and all damages of any kind allegedly caused by the University, its employees, representatives, agents, and affiliates.

### Terms

In consideration of the mutual promises in this document, and subject to approval by the Utah Legislature, the Parties agree as follows:

1. Settlement Payment. No later than March 31, 2023, the University will make a settlement payment to the Dong Family in the amount of \$5,000,000. The payment will be made

directly to Parker & McConkie, the Dong Family's attorneys.

2. Release of all Claims. Upon payment of the amount set forth in Section 1 of this Agreement, the members of the Dong Family, individually and for all persons and entities claiming through them, hereby release the State of Utah, its Board and Commissioner of Higher Education, the University of Utah, its trustees, agents, representatives, insurers, vendors, affiliates, current and former employees, and all parties who could be named in claims brought by the Dong Family, in their official capacities and individually, from all grievances, complaints, claims, or costs, (including attorney fees) of any kind that any member of the Dong Family had, now has, or may have in the future in connection with events causing damages of any kind relating in any way to Zhifan Dong, and any other matter known or unknown including, without limitation, claims under any governing policy, rule, regulation, or federal or state law. This release is intended to be general and all encompassing.

3. Memorial. The University and the Dong Family will cooperate in good faith to establish a physical memorial to Zhifan Dong at a mutually agreeable location on campus, most likely sponsored by a group she was affiliated with. The Parties acknowledge that the Dong Family may establish an online memorial as described on the following website:  
<https://rememberingu.utah.edu/memorial.php>.

4. Statements. The Parties will issue a mutually acceptable joint press release to provide public notice of this Agreement, and in light of the pending criminal prosecution, will make no further comments regarding the facts of the case or this Agreement.

5. Miscellaneous. Having been approved by the Governor and the Legislature of the State of Utah, this Agreement will be binding upon and enforceable by the Parties and their successors. This Agreement constitutes the entire agreement between the Parties concerning the

subject matter of this Agreement, supersedes any prior agreements, and may not be modified in any way except by a written document signed by the Parties. This Agreement will be governed by Utah law without application of choice of law rules. By signing this Agreement, the Parties do not acknowledge legal liability.

Signed this 21<sup>st</sup> day of Feb., 2023.

By: Junfang Shen  
Junfang Shen

By: Mingsheng Dong  
Mingsheng Dong

Approved as to Form:

By: B. Stewart  
Brian C. Stewart  
Steven K. Jensen  
PARKER & MCCONKIE, *Attorneys for Dong Family*

Signed this 21 day of February, 2023.

University of Utah

By: Taylor R. Randall  
Taylor R. Randall, President