

AURORA/PRATT SURVIVORS' FUND

DRAFT PROTOCOL

May 28, 2019

The Final Distribution Protocol, which will govern the Aurora/Pratt Survivors' Fund (the "**Fund**"), will be developed by the National Compassion Fund ("**Administrator**"), incorporating feedback from the Aurora/Pratt Steering Committee ("**The Committee**"), and the Greater Community. All aspects of this draft Protocol including, without limitation, the classifications of applicants, the distribution criteria, the application process, timetable, and amounts to be awarded, may be revised, and are subject to the full and complete discretion of the Administrator.

BACKGROUND INFORMATION

On February 15, 2019, an attack occurred at The Henry Pratt Company valve manufacturing facility located at 225 Highland Ave, Aurora, Illinois, at approximately 1:25 pm Central Time (the “**Aurora Attack**”). Tragically, five men, who were employees of Henry Pratt were killed:

Josh Pinkard joined Mueller 13 years ago at its Albertville, AL facility and relocated to Aurora in the Spring of 2018 to lead the team as Plant Manager.

Russ Beyer was an employee of Henry Pratt for more than 20 years, during which time he held most of the different jobs in the plant. He served as Union Chairman.

Vicente Juarez joined Henry Pratt in 2006. He was a member of the shipping and warehouse team in Aurora and had held several other jobs previously in the warehouse.

Clay Parks joined the Henry Pratt team in November 2018 as HR Manager responsible for Aurora, Hammond, and Denver.

Trevor Wehner joined the Mueller team as an HR Intern on Friday. He was a student at Northern Illinois University with an expected graduation date in May 2019.

Several other people were physically or emotionally injured in the Aurora Attack. While the Aurora Attack lasted about two hours, this community will continue to feel the impact far into the future. Many of the affected employees have been members of the Aurora community for decades. Henry Pratt originally located this facility in Aurora in the 1960s. Most of the employees present during the Aurora Attack live in the neighborhoods and communities surrounding the facility.

The Henry Pratt Company, a subsidiary of Mueller Water Products, Inc., and the company’s employees, together with the generous assistance of other businesses, foundations, and individual donors, have established the Aurora/Pratt Survivors’ Fund (the “**Fund**”). The Fund will be used to assist the survivors of the Aurora Attack, including; surviving direct family members of those employees who were killed and those employees who were physically or psychologically injured while present at the Archer building during the Aurora Attack, collectively, the “**Victims**”. Each Victim may apply for benefits by completing the attached application (the “**Application**”) from the Fund which is managed and administered by The National Compassion Fund, LLC, Federal Tax ID #83-0924922, a subsidiary of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization, Federal Tax ID #30-0022798. ALL APPLICATIONS MUST BE SUBMITTED NO LATER THAN August 15, 2019. No individual (or family member of such individual) responsible for the Aurora Attack as determined by the Steering Committee will be eligible to apply for or receive any gift from the Fund.

The following members have volunteered time and expertise to staff The Committee. The Committee, together with the National Compassion Fund, will establish the rules governing eligibility for and distribution of gifts from the Fund:

Steering Committee Members:

- J. Amber Drew (Chair) Attorney, Clingen, Callow, and McLean
- Dan Levey Senior Lead Mass Violence Response, National

	Compassion Fund
· Grayson Holmbeck	Professor, Loyola University
· Eric Mace	Parent of NIU tragedy
Keith Duff	Pastor, Village Bible Church
Hilary Brennan	President of the Board of Directors, Aurora University
Yolanda Kokayi	Senior Director Marketing & Communications, Mueller Water Products.

The Steering Committee is committed to honoring the intent of donors to help the victims by administering these funds in a way that is fair, transparent, and focused on the survivors.

No one has a legal claim or entitlement to these gifts. Any payment made from the Fund is a GIFT, an act of charity from the tremendous generosity of individuals and organizations. The Steering Committee's role is to fairly administer these gifts for the direct benefit of the survivors, within the context of other available services. We are inspired by the largesse of the public to help as many people as we can, as much as we can, though we are poignantly aware of our constraints and limitations.

BENEFIT ALLOCATION

Benefits from the Fund are to be apportioned to the relatives of the deceased employees on an equal basis. Benefits from the Fund are to be apportioned to the injured employees in accordance with the severity of the injuries arising from the Aurora Attack.¹

CATEGORIES OF ELIGIBLE APPLICANTS

There shall be only one Application per Victim. The type of Application falls into one of three categories.

Category 1 – Applicants on Behalf of the Deceased

Category 1 applicants are those filing on behalf of an immediate family member killed as a result of the Aurora Attack. The Fund provides a gift for the benefit of each of the families of the deceased Victims upon receipt and approval of an Application made by the parent, spouse, legal partner, or child of an employee killed as a result of the Aurora Attack. The Fund will not provide more than one (1) gift per estate or family of each deceased Victim. All Category 1 gifts will be of an equal amount. Category 1 gifts shall be the most valuable gifts on an individual basis under the scope of this Protocol.

Category 2 – Applicants Present and Physically Injured During the Attack

Any individual employee who was physically present in the Archer Building at the Henry Pratt manufacturing facility during the Aurora Attack and who suffered some physical injury as a direct result of the Aurora Attack is eligible to apply for a gift under this Protocol. A gift from the Fund to an individual in Category 2 gift shall be less than a gift provided to a beneficiary in Category 1 under this Protocol. Applicants in Category 2 may have different gifts based on the severity of harm resulting from the Aurora Attack.

¹ Determination of the amounts for each eligible applicant will depend upon the following: (1) the balance in the Fund on later of July 1, 2019 or the date that the Fund closes; (2) completion of the review of all submitted applications; and (3) review and approval by the Administrators.

Category 3 – Applicants Present and Psychologically Injured During the Attack

Any individual employee who was physically present in the Archer Building at the Henry Pratt manufacturing facility during the Aurora Attack and who suffered some psychological injury or mental trauma is eligible to apply for a gift under this Protocol. The individual gifts provided to Category 3 applicants will be equal to or less than individual gifts provided to individual applicants in Category 2 under the scope of this Protocol. All Category 3 gifts will be of an equal amount.

A final determination of gifts will be made upon receipt of all pertinent data and is subject to all comments above.

APPLICATION PROCESS

Each person who receives a gift from the Fund must complete and submit an Application. Only Category 1, Category 2 and Category 3 applicants are eligible and a single Application for benefits should be submitted for each deceased Victim or eligible applicant. The purpose of the application is to validate the identification of the individual and to confirm the individual's category of eligibility.

FILING AN APPLICATION

Online -Access to the Online Application System will be available **beginning July 15, 2019** at <https://nationalcompassionfund.org>

Phone - Applicants without internet access are invited to call the toll-free number 855-4VICTIM (855-484-2846) for guidance on alternative filing assistance.

Questions - Assistance and inquiries can be sent to AuroraPratt@NationalCompassionFund.org or by calling 855-4VICTIM (855-484-2846)

The Application may require supporting documentation and is considered complete only when all required material has been received by the Fund Administrator.

Note: In the event that an applicant submits an incomplete or deficient Application (*e.g.*, the applicant failed to include required documentation or failed to fully complete the Application), a representative from the Administrator's office will contact the applicant in an effort to cure any such deficiencies.

THE APPLICATION MUST BE SUBMITTED BY THE DEADLINE OF AUGUST 15, 2019.

APPLICATION REQUIREMENTS

Category 1 – Applicants on Behalf of the Deceased. Category 1 Applications require confirmation of direct relation to the deceased employee. This confirmation document means a current marriage certificate, in the case of a partner or spouse or birth certificate, in the case of a parent or child and a death certificate for the deceased employee. Applications for a minor child must be submitted and signed by a parent or legal guardian. For Applications for incompetent adults, the Application will require proof of representative capacity, such as a power-of-attorney, guardianship, and appointment of guardian or attorney *ad litem*. An Application filed for a deceased Victim will require the spouse or legal partner's signature if the deceased individual was married at the time of death and shall also include information pertaining to individuals (e.g., spouse, children, parents, siblings) who may be eligible to receive compensation under the local probate law of the deceased Victim's domicile. In cases where the Victim was not married, the personal representative legally authorized to administer the estate must submit the Application. If the deceased did not leave a Will, the personal representative must prepare a proposed plan of distribution of the funds among the decedent's legal heirs and beneficiaries. In circumstances where the deceased Victim was, at the time of their death, engaged to be married, co-habiting with an intimate partner, or separated from a spouse, the Administrator may, in its discretion, require a fiancé, intimate partner, or children of the deceased Victim to be included in the proposed distribution plan. The proposed plan will be distributed to all such legal heirs, beneficiaries, fiancé or cohabiting intimate partner, each of whom must consent to the proposed distribution. If agreement among the heirs cannot be reached as to who will serve as the personal representative, or with regard to the proposed distribution, the applicants will be required to obtain legal authorization from the Probate Court having jurisdiction to determine who is the legally-responsible person eligible to file the Application. Under those circumstances, the Fund Administrators will, in their discretion, withhold funds until an agreement is reached, or deposit the affected funds with the Probate Court having jurisdiction, to be held in a separate account, and to be distributed only upon resolution in accordance with a valid court order. The Fund will not provide more than one (1) gift to the estate or family member of each deceased Victim.

Category 2 – Physically Injured Applicants Present During the Aurora Attack. Category 2 Applications filed for presence must have such claim corroborated by employment records or law enforcement records. The Administrator will be responsible for obtaining this information, not the applicant. Applicants must also submit a HIPAA release authorization for release of medical documentation as to the severity of the injury.

Category 3 – Psychologically Injured Applicants Present During the Aurora Attack. Category 3 Applications filed for injured employees must have such claim corroborated by employment records or law enforcement records. The Administrator will be responsible for obtaining this information, not the applicant.

ADMINISTRATOR REQUIREMENTS

Funds Distribution Protocol

The Administrator will publish the draft Protocol and invite input and comments from the general public. These public comments will be considered in the adoption of the Final Protocol.

A public meeting will be conducted by the Administrator at the following time and location:

Aurora University
June 26, 2019 at 7:00 p.m.
347 S Gladstone Ave, Aurora, IL 60506

At the public meeting the Administrator will describe this draft Protocol, the Application, and the application submission process. The Administrator will invite input and comments from potential applicants and the general public. Information collected from this group meeting, various communications, and correspondence among the applicants, other interested parties, and the Administrator will be considered in finalizing the Protocol.

Final Protocol

Once finalized, the Protocol and Application information will be disseminated to all known victims who have registered with the National Compassion Fund via the online contact form, and made available on the National Compassion Fund website (<https://nationalcompassionfund.org>). The Administrator will work directly with applicants as requested so that Applications are submitted by the August 15 deadline.

Victim Contact And Outreach

The *National Compassion Fund* will make its best effort to make information available to Victims of the Aurora Attack to provide them with information on the Application process, to answer questions related to the filing of Applications, to assist victims in curing deficiencies on Applications, and to work to ensure that all eligible persons who wish to submit Applications are able to do so before the August 15, 2019 filing deadline. The *National Compassion Fund* does not guarantee that each person who may be eligible will be contacted successfully, nor does it guarantee that persons who are in contact with the *National Compassion Fund* will be eligible persons as defined in the Protocol. It is the responsibility of each eligible applicant to file an Application to make sure that the Application is timely filed and received. Contact information that is held by law enforcement is not accessible by the Administrator, and there should be no assumption that anyone who is eligible will be contacted simply because such person may have shared his or her contact information with law enforcement, without sharing it with National Compassion Fund via the online contact form.

Payment Administration & Governance

Payments will be issued shortly after the deadline for submission of all contributions and the final review and determination of all eligible Applications by the Administrator. The Administrator will submit final gift determinations to the Steering Committee for approval of transmission of the payments, by check or electronic bank wire, to each eligible applicant. In the event that sufficient contributions are received after the final gift determinations, a supplemental distribution may be made to eligible applicants.

Tax Advice

While the Fund intends that these gifts be tax-free, the Fund cannot provide tax advice to those receiving gifts from the Fund. The Fund Administrator recommends you consult your tax advisor or legal advisor for any questions regarding tax liability for these gifts.

Auditing

A full audit of the Fund will be conducted by an independent auditing firm as soon as possible after the final distribution of all benefits. The results of this audit will be made available to all Applicants, donors, and the general public, along with a Final Report from the Administrator at (<https://nationalcompassionfund.org>)

PROPOSED TIMELINE: (BOLD AND ITALICS: STEERING COMMITTEE FULL PARTICIPATION ENCOURAGED)

- February 15, 2019—The Aurora Attack at the Henry Pratt Facility in Aurora, Illinois
- February 22, 2019—Mueller Water Products and NCF complete agreement to support survivors
- February 25, 2019—The NCF launches the Aurora/Pratt Survivors Fund
- May 1, 2019—Finalize membership of Community Steering Committee
- May 6, 2019—Publish Membership of Community Steering Committee
- ***May 17, 2019 - First meeting of Community Steering Committee***
- May 31, 2019 - Issue media release; publish/post Draft Protocol and Public Comment Period begins
- June 25, 2019 – Public Comment Period Ends
- ***June 26, 2019—Town Hall Meeting***
- ***June 27, 2019 – Community Steering Committee meets to approve Final Protocol***
- July 1, 2019 – Final Protocol published. These documents will be made available on the Fund website for families and all interested parties.
- July 15, 2019 – Application Portal Opens. Application instructions will be disseminated to all known applicants and potential applicants who registered through the Fund website.
- July 15 – August 15, 2019 – Applications completed and submitted to the Fund Administrators along with the required documentation.
- July 25, 2019 – Deadline for contributions to the Fund.
- August 15, 2019 – Deadline for submission of Application for Benefits.
- August 16—August 28, 2019: All applications reviewed by the Fund Administrators and recommendations for payments to eligible applications submitted to the Steering Committee for review and approval.
- ***August 29, 2019 Distribution Plan Approval***
- September 5, 2019: Payment Distribution to approved eligible beneficiaries begins on a rolling basis.
- After Oct 31, 2019: Independent Audit begins.