

ONE FUND EL PASO

FINAL PROTOCOL

October 2, 2019

This is the Final Protocol which will govern One Fund El Paso (the “Fund”), developed by the Administrators, incorporating feedback from the Task Force (“The Task Force”), the greater community, and the general public; including those present at the Town Hall meeting held by the Administrators on Thursday, September 26, 2019.

The financial benefits paid by the fund are a GIFT to which no person has a legal claim or entitlement. 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 Administrators.

This Fund was financially assisted by the El Paso Community Foundation and the Paso Del Norte Foundation and was enhanced through the generosity of businesses, foundations, and individual donors. The Fund will be used to assist those families of the victims who were killed, the victims who were physically injured, and the victims who were present at the Walmart and experienced psychological trauma, on August 3, 2019 during the attack (the “El Paso Attack”). The National Compassion Fund, LLC , Federal Tax ID #30-0022798 is a subsidiary of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization, Federal Tax ID #30-0022798.

TO BE ELIGIBLE FOR BENEFITS, ALL APPLICATIONS MUST BE SUBMITTED THROUGH THE ONLINE APPLICATION PORTAL NO LATER THAN FRIDAY, NOVEMBER 8, 2019. IF THE VICTIM IS UNDER THE AGE OF 18, A PARENT OR GUARDIAN MUST APPLY ON THE VICTIM’S BEHALF.

The payments from the Fund are to be apportioned to the victims in accordance with the severity of their injuries arising from the El Paso Attack.¹ The distribution classifications are outlined below.

CATEGORIES OF ELIGIBLE APPLICANTS

A. Application for Death Benefits

Eligible applicants who apply on behalf of deceased victims killed as a result of the El Paso Attack will receive the highest category of payment under the scope of this Draft Protocol. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

B. Individual Physical Injury Applications of Victims Requiring Overnight Hospitalization

¹ Determination of the amounts for each eligible applicant will depend upon the following: (1) the balance in the Fund on Saturday, November 30, 2019; (2) the receipt of updated data regarding the nature and the number of physical injuries and the number of individuals physically present in the designated geographic area; (3) completion of the review of all submitted applications; and (4) review and approval by the Administrators.

Eligible applicants who were physically injured and hospitalized in an inpatient or rehabilitation hospital for one or more nights between Saturday, August 3, 2019, and Friday, November 8, 2019 (the last day to submit an application to the Fund), due to physical injuries resulting from the El Paso Attack will receive payment under this Draft Protocol.

C. Individual Physical Injury Applications of Victims Treated at Area Hospitals on an Emergency Out-Patient Basis

Eligible applicants who were present in the Walmart, the Sam’s Club, or the stores’ respective parking lots in an area bordered to the north by Edison Way, to the south by Gateway Boulevard, and to the west by Westmoreland Drive (as indicated in Figure 1), who were physically injured as a result of the El Paso Attack, and who received medical treatment on an out-patient basis no later than Wednesday, August 7, 2019, will receive a payment under this Draft Protocol.

D. Individuals Witnessing the Attack and Its Aftermath

Any individuals who were physically present in the Walmart, the Sam’s Club, or the stores’ respective parking lots in an area bordered to the north by Edison Way, to the south by Gateway Boulevard, and to the west by Westmoreland Drive (as indicated in Figure 1), who personally witnessed the attack or its aftermath, and who experienced psychological trauma which led them to seek, no later than Tuesday, October 15, 2019, ongoing licensed mental health treatment with multiple sessions, is eligible to receive payment under this Draft Protocol.

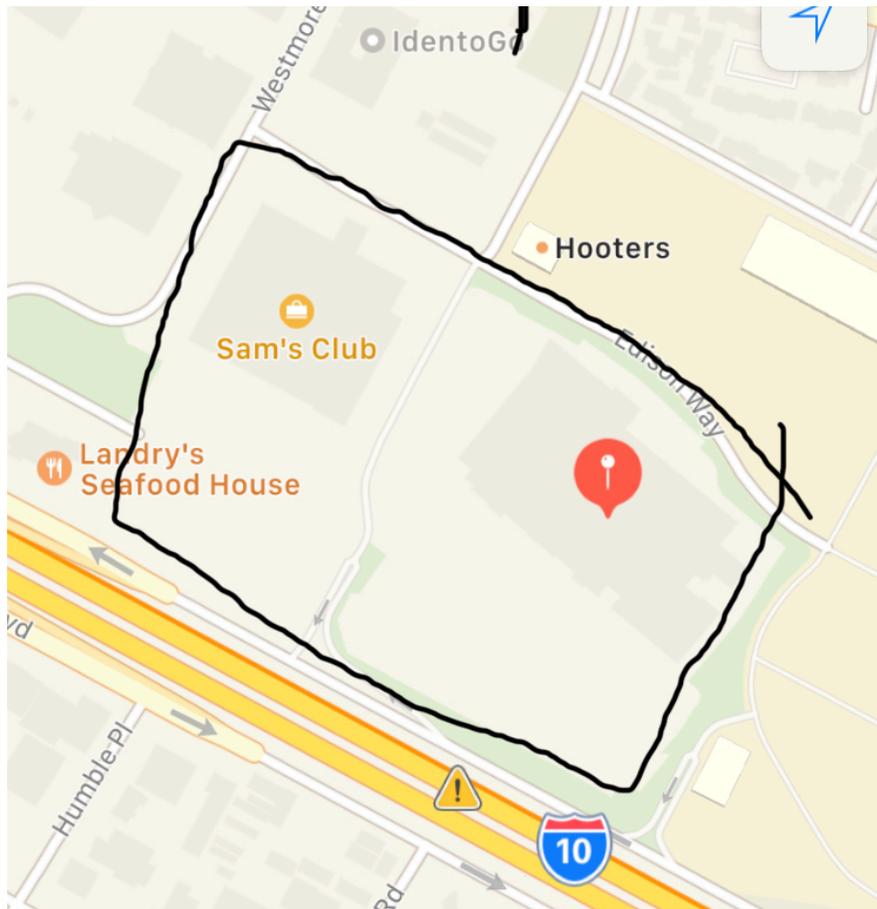


Figure 1

PROCESS AND PROCEDURES

Eligible applicants must file an application for benefits in order to receive a payment from the Fund. **THE APPLICATION MUST BE SUBMITTED BY THE DEADLINE OF FRIDAY, NOVEMBER 8, 2019.** The application will provide

the opportunity to specify whether an applicant is seeking benefits for deceased victims, an application for benefits for physical injury, and/or an application for benefits for psychological trauma based upon personally witnessing the attack. A single application for benefits should be submitted for each eligible applicant.

The process and procedures for consideration of eligible applications will be as follows:

A. The Fund will be administered by the *National Compassion Fund*. A link to submit an online application for benefits (“Application”) and the Final Protocol will be emailed to all known potential applicants who have provided the necessary information to the *National Compassion Fund* (“NCF”) by submitting their information through the online contact form. The Final Protocol and information concerning the application process will also be available on the *National Compassion Fund* website (www.NationalCompassionFund.org) beginning on Wednesday, October 2, 2019. Representatives from the *National Compassion Fund* (the “Fund Administrators”) will administer and process the Applications. **Only one Application should be submitted by, or on behalf of, each victim.** The Application must be completed and submitted to the Fund Administrators (along with all required supporting documentation detailed on the Application) no later than Friday, November 8, 2019. Questions regarding the completion of an Application can be sent via email to OneFundEIPaso@NationalCompassionFund.org.

B. Access to the Online Application System will be available at www.NationalCompassionFund.org beginning Thursday, October 10, 2019. Applicants who lack access to the internet should ask a friend or family member to send an email to OneFundEIPaso@NationalCompassionFund.org for guidance on alternative filing assistance.

C. 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 Fund Administrators’ office will send an e-mail notification to the applicant in an effort to cure any such deficiencies.

D. 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 Fund Administrators. The Fund Administrators will submit final payment determinations to the Task Force for approval of transmission of the payments, by check or electronic transfer, to each eligible applicant.

E. 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 must 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 jurisdiction where the deceased victim was domiciled. 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 decedent was, at the time of their death, engaged to be married, cohabitating with an intimate partner, or separated from a spouse, the Fund Administrators may, in their discretion, require a fiancé, intimate partner, or children of the deceased to be included in the proposed distribution plan. The proposed plan will be distributed to all such legal heirs, beneficiaries, fiancé or cohabitating 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.

F. For applications for a minor child, the application 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*.

G. An Application filed for a physical injury applicant must include an authorization to release medical information which confirms: (i) date of admission to the hospital, (ii) date of discharge from the hospital, and (iii) the nature of the injury and that the injury was sustained as a result of the El Paso attack.

I. An Application filed for psychological trauma must have the applicant's presence corroborated by employment records or law enforcement records. The Fund Administrators will be responsible for obtaining this information, not the applicant. Applicants must also submit an affidavit attesting to their symptoms and the treatment sought, as well as an authorization to release medical records.

J. The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend applicants consult their tax advisor for any questions regarding tax liability for these payments.

K. A full audit of the One Fund El Paso will be conducted by an independent auditing firm as soon as possible after January 31, 2020 or when all distributions have been completed. The results of this audit will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

OUTREACH

A. The *National Compassion Fund* may conduct outreach to victims of the El Paso Attack by telephone, mail, in person, and other forms of electronic communication 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 Friday, November 8, 2019 filing deadline. But the *National Compassion Fund* does not guarantee that all who may be eligible will be contacted, nor does it guarantee that all eligible persons who are in contact with the *National Compassion Fund* are included in the Final Protocol. It is the responsibility of the person eligible to file an Application to make sure that the Application is timely filed and received. Contact information that is held by law enforcement is *never* shared with the *National Compassion Fund*, and there should be no assumption that anyone who is eligible will be contacted simply because they have shared their contact information with either law enforcement or the Texas Victims of Crime Compensation Program, without sharing it with the *National Compassion Fund* via the online contact form.

B. A public meeting was conducted by the Fund Administrators on Thursday, September 26th at 5:30 pm at Bonham Elementary School, 7024 Cielo Vista Drive, El Paso. At the meeting, there was an explanation of the Draft Protocol and the application submission process and an invitation for input and comments from potential applicants and the general public. Information collected from this group meeting, various communications and correspondence between the applicants, other interested parties, and the Fund Administrators was considered in finalizing the Final Protocol.

C. The Final 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 www.NationalCompassionFund.org beginning on Thursday, October 10, 2019. The Fund Administrators will work directly with applicants as requested so that Applications are submitted by the Friday, November 8, 2019 deadline.

D. Optional face-to-face or telephonic meetings with the Fund Administrators will be scheduled at the applicant's request. All applications will be processed during the period between Thursday, October 10, 2019 and Thursday, December 5, 2019. All applicants requesting meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between Saturday, October 5, 2019 and Tuesday, November 5, 2019. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please send your request via email to OneFundElPaso@NationalCompassionFund.org.

PROPOSED TIMELINE

- August 3, 2019 – Shooting occurs
- August 13, 2019 – Finalize agreement with NCF
- August 14, 2019 – Announce partnership with NCF and Chair of Task Force, launch contact form
- August 21, 2019 – Announce Task Force membership
- August 23, 2019 – First meeting of Task Force, approve Draft Protocol, send for translation
- August 28, 2019 – Get Draft Protocol back from translation
- August 29, 2019 – Publish Draft Protocol, public comment period begins
- September 26, 2019 – Town Hall meeting, public comment period ends
- September 27, 2019 – Task Force meets to approve Final Protocol
- October 1, 2019 – Get Final Protocol back from translator
- October 2, 2019 – Final Protocol published. Documents will be made available on the Fund website for families and all interested parties.
- October 10, 2019 – Application portal opens. Application instructions will be disseminated to all known applicants and potential applicants who registered through the Fund website.
- October 10 - November 8, 2019 – Applications completed and submitted to the Fund Administrators along with the required documentation.
- November 8, 2019 – Deadline for submission of Application for benefits.
- October 5 - November 5, 2019 – All personal meetings requested with the Fund Administrators completed.
- November 5 - December 5, 2019 – All Applications reviewed by the Fund Administrators and recommendations for payments to eligible applicants submitted to the Task Force for independent review and approval.
- November 25, 2019 – Deadline for contributions
- December 11, 2019 – Distribution Plan approval
- December 16, 2019 – Payment Distribution to approved eligible beneficiaries begins on a rolling basis
- After January 31, 2020 – Independent audit begins