

# MILLER VALLEY SURVIVORS' FUND

## FINAL PROTOCOL

June 10, 2020

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This is the Final Distribution Protocol (Final Protocol), which governs the Miller Valley Survivors' Fund (the "Fund"), developed by the Administrators, incorporating feedback from the Steering Committee ("The Steering Committee"), the *National Compassion Fund*, the greater community, and the general public.

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 generosity of businesses, foundations, and individual donors. The Fund will be used to assist those families of the victims who were killed and the survivors who were physically present and directly impacted on February 26, 2020 during the attack on the Molson Coors Milwaukee campus. 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 JULY 24, 2020. 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 the injuries arising from the Milwaukee Attack.<sup>1</sup>

The Distribution classifications are outlined below:

### CATEGORIES OF ELIGIBLE APPLICANTS

#### **A. Application for Death Benefits**

Eligible applicants for deceased victims killed as a result of the Milwaukee Attack will receive the highest category of payment under the scope of this Protocol, as well as a strong majority of all funds donated. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

#### **B. Application for Witnessing the Attack**

Eligible applicants who visually witnessed the Milwaukee Attack, were in close proximity to the gunman, and at risk of imminent death, will receive payment under the Final Protocol.

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<sup>1</sup> Determination of the amounts for each eligible applicant will depend upon the following: (1) the balance in the Fund on July 31, 2020; (2) the receipt of updated data regarding 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.

### C. Applications of Survivors for Witnessing the Aftermath

Eligible applicants who were physically present on the Molson Coors Milwaukee campus at the time of the Milwaukee Attack, and who visually witnessed the aftermath of the attack while being evacuated through the utilities area following the lockdown will receive a payment under the Final Protocol.

### D. Individuals Assigned to Work in Utilities Area

Eligible applicants who were assigned to work in the utilities area that was designated as a crime scene on the Molson Coors Milwaukee campus, and endured extended exposure to traumatic images and biohazards over a period of several days prior to the completion of crime scene clean-up are eligible to receive payment under the Final Protocol.

## **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 JULY 24, 2020.** The application will provide the opportunity to specify whether they are seeking benefits for Deceased Victims, an application for witnessing the attack's aftermath, or working in the designated crime scene prior to the completion of crime scene clean up. Only one application for benefits may 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* by submitting their information through the online contact form. The Final Protocol and information concerning the application process will also be available on the [nationalcompassionfund.org](http://nationalcompassionfund.org) website beginning on June 10, 2020. 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 July 24, 2020. Questions regarding the completion of an Application can be sent via email to [MillerValley@NationalCompassionFund.org](mailto:MillerValley@NationalCompassionFund.org).

B. Access to the Online Application System will be available at [www.NationalCompassionFund.org](http://www.NationalCompassionFund.org) beginning June 25, 2020.

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 Steering Committee 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 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 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 Administrator may, in its 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 witnessing the attack, its aftermath, or assigned to work in the utilities area that was designated as a crime scene, 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.

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

**K.** A full audit of The Miller Valley Survivors' Fund will be conducted by an independent auditing firm as soon as possible after 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 Milwaukee 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 July 24, 2020, 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 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 Wisconsin Office of Crime Victim Services, without sharing it with National Compassion Fund via the online contact form.

**B.** The Administrators published a Draft Protocol on May 15, 2020 and invited public comment. Feedback submitted in the public comment process; various communications; and correspondence between the applicants, other interested parties, and the Fund Administrators were 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 at [www.NationalCompassionFund.org](http://www.NationalCompassionFund.org) beginning on June 25, 2020. The Fund Administrators will work directly with applicants, as requested, so that applications are submitted by the July 24, 2020 deadline.

D. Optional face-to-face, videoconference or telephonic meetings with the Fund Administrator will be scheduled at the applicant's request. All Applications will be processed during the period between June 25 and July 31, 2020. All applicants requesting meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between June 25 and July 22, 2020. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please send your request via email to [MillerValley@NationalCompassionFund.org](mailto:MillerValley@NationalCompassionFund.org).

#### **PROPOSED TIMELINE MILLER VALLEY SURVIVORS' FUND**

- February 26, 2020 – Shooting Occurs
- February 29, 2020 – Finalize agreement with the *National Compassion Fund*
- March 3, 2020 – Announce partnership with the *National Compassion Fund*
- May 1, 2020 – First meeting of Steering Committee
- May 8, 2020 – Approve Draft Protocol; send for translation
- May 13, 2020 – Get Draft Protocol back from translation
- May 15, 2020 – Publish Draft Protocol; Public Comment Period begins
- June 3, 2020 – Public Comment Period Ends
- June 4, 2020 – Steering Committee meets to approve Final Protocol; send for translation
- June 9, 2020 – Get Protocol back from translation
- June 10, 2020 – Final Protocol published and available on the Fund website for families and all interested parties
- June 25, 2020 – Application Portal opens; Application instructions disseminated to all known applicants and potential applicants who registered through the Fund website
- June 25, 2020—July 24, 2020 – Applications completed and submitted to the Fund Administrators along with the required documentation
- July 24, 2020 – Deadline for submission of Application for Benefits
- June 25—July 22, 2020 – All personal meetings requested with the Fund Administrators completed
- July 21, 2020 – Deadline for contributions
- July 25—August 7, 2020 – All Applications reviewed by the Fund Administrators; Recommendations for payments to eligible applicants submitted to the Steering Committee for independent review and approval
- August 13, 2020 – Distribution Plan Approval by Steering Committee
- August 24, 2020 – Payment Distribution to approved eligible beneficiaries begins on a rolling basis
- Independent Audit begins after all benefits have been distributed.