

ATLANTA 3/16 SURVIVORS FUND

FINAL PROTOCOL

June 10, 2021

The Final Distribution Protocol, which will govern Atlanta 3/16 Survivors Fund (the “Fund”), will be developed by AAAJ-Atlanta, the Administrators, incorporating feedback from the Steering Committee, the *National Compassion Fund*, the greater community, and the general public; including those participating in the virtual Town Hall meeting to be held by the Administrators on June 7, 2021.

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.

Asian Americans Advancing-Justice Atlanta is a 501(c)(3) Georgia non-profit corporation which created the Fund following the Atlanta Shootings and collected funds from the week of the Atlanta Shootings until the Fund was closed at the end of March. This Fund 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 experienced psychological trauma and were present during the March 16, 2021 attack (the “Atlanta Shootings”) at one of the three businesses where a shooting occurred. The National Compassion Fund, LLC, which is assisting the Steering Committee and AAAJ-Atlanta in the application process and distribution of the Fund, 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 16, 2021. IF THE VICTIM OR SURVIVOR IS UNDER THE AGE OF 18, A PARENT OR GUARDIAN MUST APPLY ON THE VICTIM’S BEHALF. These Protocols and the Application will be available in English, Spanish, Korean and Mandarin.

The payments from the Fund are to be apportioned to the victims and survivors in accordance with the severity of the injuries arising from the Atlanta Shooting.¹ Neither the Administrator, AAAJ-Atlanta, or any member of the Steering Committee makes any promise or guarantee that any person or group will receive a payment from the Fund.

The Distribution classifications are outlined below:

¹ Determination of the amounts for each eligible applicant will depend upon the following: (1) the balance in the Fund at the time of distribution; (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.

CATEGORIES OF ELIGIBLE APPLICANTS

A. Application for Death Benefits

Eligible applicants for deceased victims killed as a result of the Atlanta Shooting will receive the highest category of payment under the scope of this 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 for Victims Requiring Overnight Hospitalization

Eligible applicants who were physically injured and hospitalized for one or more nights between March 16, 2021, and July 16, 2021 (the last day to submit an application to the Fund), due to physical injuries resulting from the Atlanta Shooting will receive payment under the Final Protocol.

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

Eligible applicants who were present in or at Gold Spa, Aromatherapy Spa, or Young's Asian Massage at the time of the attack, who were physically injured as a result of the Atlanta Shooting, and who received medical treatment on an out-patient basis no later than Friday, March 19, 2021, will receive a payment under the Final Protocol.

D. Individuals Witnessing the Shooting and Its Aftermath

Any individuals who were physically present inside or at Gold Spa, Aromatherapy Spa, or Young's Asian Massage at the time of the attack are eligible to receive payment under this 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 16, 2021.** The application will provide the opportunity to specify whether they are 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 AAAJ-Atlanta with the assistance and guidance of 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 advancingjustice-atlanta.org and nationalcompassionfund.org website beginning on June 21, 2021. **Only one Application should be submitted by, or on behalf of, each victim or survivor. See Section E regarding heirs and multiple family members.** 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 16, 2021. Questions regarding the completion of an Application can be sent via email to GeorgiaFund@NationalCompassionFund.org.

- B. Access to the Online Application System will be available at <https://www.advancingjustice-atlanta.org/> and www.NationalCompassionFund.org beginning June 21, 2021.**

- 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 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 deceased 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 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 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 Atlanta Shooting.
- I. An Application filed for Psychological Trauma must have the applicant's physical 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 you consult your tax advisor for any questions regarding tax liability for these payments.
- K. The Fund Administrators will use their best efforts to maintain the confidentiality of all non-public information being provided to the Fund in connection with the Application.
- K. A full examination of the Atlanta Victims and Survivors' Fund will be conducted according to Agreed Upon Procedures by an independent auditing firm when all distributions have been completed. The results of these Agreed Upon Procedures will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

OUTREACH

A. AAAJ-Atlanta and the *National Compassion Fund* may conduct outreach to victims and survivors of the Atlanta Shooting 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 and survivors 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 16, 2021, filing deadline. But the parties do not guarantee that all who may be eligible will be contacted, nor do we guarantee that all eligible persons who are in contact with AAAJ-Atlanta or 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 NCF, 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 any Victims of Crime Compensation Program, without sharing it with National Compassion Fund via the online contact form.

B. A public virtual meeting will be conducted by the Fund Administrators via video conference on June 7, 2021 at 6 pm ET via Zoom or other similar online meeting format. At the meeting there will be an explanation of the Draft Protocol and the application submission process, and to invite input and comments from potential applicants and the general public. Information collected from these group meetings, various communications, and correspondence between the applicants, other interested parties, AAAJ-Atlanta and the Fund Administrators will be considered in finalizing the Final Protocol.

C. Once finalized, the Final Protocol and application information will be disseminated to all known victims and survivors who have registered with the National Compassion Fund via the online contact form and made available on the advancingjustice-atlanta.org and NationalCompassionFund.org website beginning on June 21, 2021. AAAJ-Atlanta and the Fund Administrators will work directly with applicants as requested so that applications are submitted by the July 16th deadline.

D. Optional face-to-face or telephonic meetings with AAAJ-Atlanta or the Fund Administrator will be scheduled at the applicant's request. All applications will be processed during the period between June 21, 2021 and July 16, 2021. All applicants requesting meetings with AAAJ-Atlanta and the Fund Administrators before the application is processed will be afforded such a meeting during the period between June 21, 2021 and July 16, 2021. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please send your request via email GeorgiaFund@NationalCompassionFund.org.

PROPOSED TIMELINE

- March 16, 2021 – Shooting Occurs
- May 19, 2021 – First meeting of Steering Committee
- May 26, 2021 - Approve draft protocols, send for translation
- May 30, 2021 – Get Draft Protocols back from Translation
- June 1, 2021 – Publish Draft Protocols, Public Comment Period begins
- June 7, 2021 – Town Hall Meeting & Public Comment Period Ends
- June 8, 2021 – Steering Committee meets to approve Final Protocols.
- June 11, 2021 – Get Protocols back from translator
- June 15, 2021 – Final Protocols published. These documents will be made available on the AAAJ-Atlanta and NCF website for families and all interested parties.
- **June 21, 2021 – Application Portal Opens. Application instructions will be disseminated to all known applicants and potential applicants who registered through the Fund website.**

- June 21 – July 16, 2021 – Applications completed and submitted to the Fund Administrators along with the required documentation.
- **July 16, 2021 – Deadline for submission of Application for Benefits.**
- June 21 – July 23, 2021 – All personal meetings requested with the Fund Administrators completed.
- June 21 – July 23, 2021: All Applications reviewed by the Fund Administrators and recommendations for payments to eligible applicants submitted to the Task Force for independent review and approval. *** (Finalizing Validations 7 days after applications close is conditional upon no applications for physical injury with outpatient treatment being filed after July 23)***
- Week of July 27, 2021 Distribution Plan Approval
- Week of August 2, 2021: Payment Distribution to approved eligible beneficiaries begins on a rolling basis.
- Three weeks after the end of the month in which all disbursements are completed: AUP by auditors begins.