

# MALLINCKRODT (“MNK”) OPIOID PERSONAL INJURY TRUST NON-NAS PI CLAIM FAQs

These FAQs are meant to simplify the description of the Personal Injury Claim submission and review process to facilitate Claimant and Law Firm understanding, and are not all inclusive. However, the actual Plan, PI Trust Distribution Procedures and Trust documents are controlling, and these FAQs will evolve and be edited as the Trust administration proceeds.

## A. Non-NAS PI Claim Defined

### 1. What is a Non-NAS PI Claim?

A “Non-NAS PI Claim” (also referred to as a PI Claim or PI Opioid Claim) is an opioid claim, including opioid demand, for present and future claims, of any natural person for an alleged opioid-related personal injury or other similar opioid-related claim or cause of action, including any opioid-related personal injury claim and that is not a Hospital Opioid Claim, a Third-Party Payor Opioid Claim, a NAS PI Opioid Claim, a NAS Monitoring Opioid Claim, a Ratepayer Opioid Claim, an Emergency Room Physicians Opioid Claim, or a Governmental Opioid Claim. See the PI Trust Distribution Procedures for Non-NAS PI Claims (“Non-NAS PI TDP”) and the Plan.

### 2. How is a determination made as to whether my Non-NAS PI Claim is compensable?

The PI Trust will receive, process, and resolve Non-NAS PI Claims and determine whether they are Allowed and therefore eligible to receive payment, or Disallowed and therefore not eligible for payment. To be Allowed, a Non-NAS PI Claim must provide credible evidence that satisfies the evidentiary criteria set forth in section D. Claim Requirements and Supporting Evidence for a Non-NAS PI Claim below and is otherwise eligible for an offer of payment in accordance with the Non-NAS PI TDP.

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## B. Qualifying to File a Non-NAS PI Claim

### 3. Who qualifies to file a Non-NAS PI Claim with the Trust?

To establish an Allowed Non-NAS PI Claim, you (or a deceased person on whose behalf you are filing a Non-NAS PI Claim) must have (a) used a Qualifying Opioid prescribed to you or the decedent, as applicable; and (b) been injured from such use of the Qualifying Opioid.

See section D. Claim Requirements and Supporting Evidence for a Non-NAS PI Claim below for Qualifying Opioid information and types of injuries required for an Allowed Non-NAS PI Claim.

**4. If I recently received my diagnosis, can I still qualify?**

YES → You may file a claim based on injuries/facts that occur before you file your claim as long as your Non-NAS PI Claim is based on exposure to any MNK opioid product or substance based on conduct of the Debtors **occurring or existing on or before the Effective Date of June 16, 2022.**

**5. If I qualify to file a claim, do I have to file?**

NO → You are allowed to opt out and elect to liquidate your claim in the tort system at your own expense, rather than under the Non-NAS PI TDP. If you opt out, you cannot opt back in. But, if you do nothing, you will have no claim.

**6. How do I opt out?**

To opt out, you must check the box on the Non-NAS PI Claim Form indicating you are choosing to opt out and submit the completed and signed claim form to the PI Trust.

If you make such election, you may file a lawsuit regarding your Non-NAS PI Claim (and no other claims) in the tort system provided that the lawsuit is filed:

1. against the Trust, listing no other parties as defendants;
2. in the Delaware District Court, unless the Bankruptcy Court orders differently;
3. in your individual capacity, not as a member or representative of a class and no such lawsuit may be consolidated with any other plaintiff's lawsuits, or on motion of any plaintiff.

If a Non-NAS PI Claimant obtains a judgment on his/her Non-NAS PI Claim in the tort system and such judgment becomes a final order (a "Final Judgment"), such Final Judgment shall be deemed Allowed for purposes of the Plan and shall be payable by the Trust over time (as provided in the Non-NAS PI TDP), subject to the Non-NAS PI TDP limitations on damages, the Non-NAS Recovery Percentage, the Maximum Value, any allowed deductions under the Plan and the Non-NAS PI TDP, and the resolution of healthcare liens.

Payment on Final Judgment for a Non-NAS PI Claim shall not exceed the dollar-equivalent of 45,000 points (the "Maximum Value"), which is three times the maximum Point Value attributed under the liquidation provisions of the Non-NAS PI TDP to eligible claims for death. The Maximum Value shall be determined based upon the Point Value at the time of payment. The Non-NAS Recovery Percentage may or may not be altered over time. For more information regarding *Procedures for Non-NAS PI Claimants Who Opt to Liquidate Their Non-NAS PI Claims in the Tort System*, please refer to ARTICLE 7 of the Non-NAS PI TDP.

**7. Can I change my election after submitting my Non-NAS PI Claim Form?**

NO → Once you have submitted your claim form and indicated an election either to opt out to pursue the claim through litigation or to have the claim resolved under the liquidation provision of the Non-NAS PI TDP, you **cannot** change your election. Additionally, if a

Non-NAS PI Claim is submitted without an election to opt out, the Non-NAS PI Claimant will be bound to having the claim liquidated under the Non-NAS PI TDP and has waived the option to pursue the Non-NAS PI Claim in the tort system.

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### **C. Filing a Non-NAS PI Claim**

#### **8. How do I file a Non-NAS PI Claim?**

You can file a Non-NAS PI Claim by:

1. Submitting a Non-NAS PI Claim Form and supporting documentation through the Non-NAS Portal link located on the Non-NAS PI Claims Tab of this website, or
2. Downloading the Non-NAS PI Claim Form on the Non-NAS PI Claims Tab of this website, completing the Non-NAS PI Claim Form and mailing it with your supporting documentation to: **MNK PI Trust, PO Box 361930, Hoover, AL 35236-1930.**

#### **9. What must I include in my submission?**

You must include the following:

1. A completed and signed Non-NAS PI Claim Form;
2. Competent evidence to demonstrate proof of usage of a Qualifying Opioid;
3. A completed and signed HIPAA Release Form; and
4. If the Non-NAS PI Claimant is deceased, a certified death certificate AND:
  - a. If an Estate has been opened, provide Estate Documentation;
  - b. If an Estate has not been opened, but there was a Will, the person filing the claim, who was named as the Executor under the Will, should execute and submit the **Non-NAS PI SD1 Heirship Declaration Form**, a copy of which is located in the Non-NAS PI Claims tab of this website; or
  - c. If an Estate has not been opened, and there was no Will, the person filing the claim should complete and submit the **Non-NAS PI SD2 Heirship Declaration Form**, a copy of which is located in the Non-NAS PI Claims tab of this website.

#### **10. Will there be other forms I have to submit after my initial submission?**

YES → After your Non-NAS PI Claim has been reviewed and any deficiencies addressed, the Trust will send you a written notice advising you if your claim was Allowed or Disallowed. If your claim is Allowed, your notice will include notice of your estimated award amount, as well as a release document that must be signed prior to receiving any such award.

#### **11. How will I know what forms to fill out?**

The required Non-NAS PI Claim Forms are located under the Non-NAS PI Claims Tab.

**12. What is included on the Claim Form?**

Non-NAS PI Claim Form includes the following:

1. Claimant Certification;
2. Instructions for submitting all required information; and
3. Description of evidence required to establish a claim.

**13. When would I be required to submit an Heirship Declaration?**

If you are filing a Non-NAS PI Claim for a person who is deceased, you may be required to submit an Heirship Declaration if the Court has not appointed an executor, administrator, or personal representative of the deceased’s estate.

**14. How long do I have to file a claim?**

There is no current deadline in which to file a claim, however your submittal date will determine your place in the processing queue (see section E. Non-NAS PI Claims Processing for more information on the FIFO processing queue).

**15. What if I represent a claimant who is still a minor?**

If you represent a minor Non-NAS PI Claimant, you will be responsible for submitting the above requirements, with the addition of showing you have the authority to act on behalf of your minor Non-NAS PI Claimant as a proxy. Please see section K. Information Specific to Non-NAS PI Claimants that are Minors for more information regarding Claimants who are minors.

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**D. Claim Requirements and Supporting Evidence for a Non-NAS PI Claim**

**16. What must I show in order to qualify for a Non-NAS PI Claim?**

In order to qualify for a Non-NAS PI Claim you must complete both of the following:

1. Provide documentation showing that you used a Mallinckrodt Qualifying Opioid.
2. Affirmatively indicate on Part 4 of your Non-NAS PI Claim form that you have at least one of the following injuries:
  - a. Addiction
  - b. Opioid use disorder
  - c. Withdrawals
  - d. Overdose
  - e. Jail\*
  - f. Rehab

\* Please note that if you select “Jail” as an injury, you must also select an additional injury. Any Non-NAS PI Claim Form with only “Jail” selected will not receive any recovery.

## 17. What is a Qualified Opioid?

A Qualified Opioid is a MNK Qualifying Branded Opioid or a MNK Qualifying Generic Opioid. There are only 4 MNK Qualifying Branded Opioids, which are Roxicodone, Exalgo, Methadose and Anexsia. The full list of the MNK Qualifying Generic Opioids can be found in ARTICLE 5 of the Non-NAS PI TDP located in the Non-NAS PI Claims Tab.

## 18. What evidence must I submit to show use of a Qualified Opioid?

**Evidence of Qualifying Opioid Products.** One of the following is required to demonstrate a Qualifying Opioid (listed in section 5.2(a) of the Non-NAS PI TDP):

1. A Non-NAS PI Claimant who provides evidence of a prescription for brand name opioids Roxicodone, Exalgo, Methadose, or Anexsia, may rely on the name alone without the necessity of a corresponding NDC number.
2. To qualify based on the use of one of the generic products listed in section 5.2(a) of the Non-NAS PI TDP, a Non-NAS PI Claimant must present either:
  - a. The corresponding NDC number, which is set forth in the list in section 5.2(a) of the Non-NAS PI TDP (the list of NDC numbers may be supplemented as additional information becomes available); or
  - b. A notation in the record that the product is manufactured or sold by Mallinckrodt or SpecGx.

**Evidence Required for Qualifying Opioid Products.** All Non-NAS PI Claimants must demonstrate a prescription (which contains the name of the Non-NAS PI Claimant or Decedent, as applicable) and a Qualifying Opioid by submitting one of the following pieces of evidence:

1. Pharmacy prescription records;
2. Prescription records, including without limitation:
  - a. A visit note in which the prescribing physician lists a prescription for one of the Qualifying Opioids, or
  - b. A signed prescription from a doctor for one of the Qualifying Opioids;
3. A historical reference to one of the Qualifying Opioids, including but not limited to:
  - a. A reference in contemporaneous medical records to historical use of one of the Qualifying Opioids,
  - b. A reference in contemporaneous substance abuse, rehabilitation, or mental health records to historical use of one of the Qualifying Opioids,
  - c. A reference in contemporaneous law enforcement records to historical use of one of the Qualifying Opioids, or
  - d. A reference in contemporaneous family law or other legal proceedings records to historical use of one of the Qualifying Opioids;
4. A photograph of the prescription bottle or packaging of one of the Qualifying Opioids with the name of the Non-NAS PI Claimant (or Decedent, as applicable) as the patient listed on the prescription label; or
5. A certification supplied by a Debtor, any of its successors (including the Trust), or a third party at a Debtor's or one of its successors' request, indicating the customer

loyalty programs, patient assistance programs (“PAPs”) copay assistance programs, or any other data otherwise available to the certifying entity reflects that the Non-NAS PI Claimant (or Decedent, as applicable) had at least one prescription for one of the Qualifying Opioids.

6. The Non-NAS PI Claimant must submit evidence that establishes that the Non-NAS PI Claimant holds a PI Claim based upon exposure to any opioid product or substance based on conduct of the Debtors occurring or existing on or before the Effective Date. The PI Trust shall have discretion to determine whether this requirement has been met so as to provide sufficient indicia of reliability that the Non-NAS PI Claimant or Decedent (as applicable) was prescribed and used Qualifying Opioids.
7. Whether the Non-NAS PI Claimant qualifies for Tier 1 or Tier 2 will be based on the length of use stated in the declaration.
8. Any Non-NAS PI Claimant who does not meet the requirements of sections 4.2, 5.2(a), 5.2(b), and 5.2(c)(i-vi) of the Non-NAS PI TDP, is not entitled to any payment from the Trust.

**19. What evidence must I submit to show death due to use of a Qualified Opioid to qualify for a Tier 1, Level A payment?**

The Trustee has the discretion to determine whether your submitted evidence is complete. Evidence that can be submitted to support a Tier 1, Level A Payment includes, but is not limited to, a death certificate, autopsy report, or toxicology report. For example, a death certificate does not have to explicitly state that opioids were the cause of death. The Trust will look at the totality of the circumstances of the death, including toxicology reports at the time of death, the autopsy report, and medical records that indicate a history of opioid use.

**20. Who determines if the evidence submitted is considered incomplete/deficient?**

The Trustee has the discretion to determine whether your submitted evidence is complete. (see section F. Deficient or Incomplete NAS PI Claims for additional information regarding incomplete/deficient evidence).

**21. Will I have to submit additional evidence after the submitting the Non-NAS PI Claim Form and supporting evidence is submitted?**

If the Trust believes it is relevant, you may be required to provide additional relevant documentation or other evidence.

**22. Who will be assessing/auditing my claim and how will the determination be made whether the evidence provided supports the claim?**

One of the following will be assessing/auditing your claim:

1. the Trust; or
2. a third party retained by the Trust.

The evidence provided supports the Non-NAS PI Claim when, in the opinion of the Trustee, it establishes that it is more likely true than not true that the injury occurred.

**23. How is the Award for my Non-NAS PI Claim determined?**

Allowed PI Claims held by Non-NAS PI Claimants who meet the Qualifying Opioid requirement shall be categorized as follows:

**1. Tier 1:**

Non-NAS PI Claimants must demonstrate use of a Qualifying Opioid for 6 or more months; however, the usage does not have to be consecutive.

- a. **Tier 1 Level A Payment:** To qualify for an Award under Tier 1 Level A, a Non-NAS PI Claimant must meet the criteria of the Tier 1 Base Payment **and** demonstrate death caused by an opioid by providing the following as evidence:
  - i. a death certificate or similar official record identifying a cause of death as opioid overdose, complications arising out of opioid use, and/or drug interactions involving opioid use;
  - ii. medical records identifying Mallinckrodt opioid use as a cause of injury or death; **or**
  - iii. a report by a qualified physician indicating that:
    1. he or she personally examined the Claimant's medical records and/or the Claimant; **and**
    2. based upon that review states to a reasonable medical probability that the Claimant died or has an injury caused in part by a prescribed use of a Mallinckrodt opioid.

**Note:** The records do not have to coincide in time with the evidence provided for the Qualifying Opioid use. No affidavits may be used to meet this requirement.

**2. Tier 2:**

Use of a Qualifying Opioid less than 6 months or otherwise not meeting the criteria of Tier 1 are entitled to no additional payments other than the Base Payment.

In the event a Non-NAS PI Claimant does not qualify for Tier 1, such Non-NAS PI Claimant will be eligible to receive the Tier 2 Base Payment and only the Tier 2 Base Payment.

**Note:** Non-NAS PI Claimants who assert or allege Qualifying Opioid usage in their Non-NAS PI Claim Form for which they **cannot** produce corresponding evidence **will not** recover on account of such alleged opioid usage.

**24. If I use 2 Mallinckrodt opioids for 3 months, do I meet the 6-month requirement for Tier 1?**

In order to qualify for 6 months or more of use, you must have proof that you used qualifying opioids for 6 months or more. The period of use does not have to be consecutive; however, it cannot be concurrent. The total time used must be equal to or exceed 6 months.

For example, Claimant A can use MNK opioid A from January to March and use MNK opioid B from August to November and qualify for 6+ months of use. However, Claimant B cannot use MNK opioid C from January to March and MNK opioid D from March to

May with the two being used concurrently in March with no other use and qualify for 6 months of use.

**25. For the purpose of demonstrating 6 months or more of use, how is the period determined?**

A month is determined by each 30-day period that a Qualifying Opioid is used. A Qualifying Opioid prescription(s) used for 180 days or more, whether consecutive or not, would equal 6 months or more of use.

**26. How is the Award for my Non-NAS PI Claim valued?**

The PI Trust will value Allowed PI Claims using the **Base Payments** and **Level Awards** set forth in the matrix below. In the event a Non-NAS PI Claimant may qualify only for the Base Payment and not for a Level Award, then no additional amount above the Base Payment will be offered.

	<b>Tier 1:</b> Use of MNK Opioids $\geq$ 6 months	<b>Tier 2:</b> Use of MNK Opioids $<$ 6 months
<b>Base Payment:</b> <sup>6</sup>	5,000 points	3,000 points
<b>Level A:</b>	Death from an Opioid  10,000 points	n/a

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**E. Non-NAS PI Claims Processing**

**27. How will Non-NAS PI Claims be processed?**

Non-NAS PI Claims will be processed based on their place in the First-In-First-Out (“FIFO”) Processing Queue.

**28. How is the position in the FIFO Processing Queue determined?**

The position in the FIFO Processing Queue will generally be determined by the date the Non-NAS PI Claim Form was filed with the Trust, and, if the claim is filed on the same date as other Non-NAS PI Claimants, the position will be determined as follows:



1. If more than one Non-NAS PI Claim is filed the same day, then the order the claim is processed will be based on the date of diagnosis of a qualifying condition, with the earliest date of diagnosis being processed first; however,
2. If the Non-NAS PI Claimants have the same diagnosis date, then the order the claim is processed will be determined based on date of birth of the Non-NAS PI Claimant, with older Non-NAS PI Claimants given priority over younger Non-NAS PI Claimants.

**29. What if I elect to opt out?**

If you elect to opt out and liquidate your claim in the tort system, you will not enter the FIFO Processing Queue → once the appropriate court issues a Final Judgment concerning your opt-out claim, you will be placed in the FIFO Payment Queue (see section I. Payment of NAS PI Claim Awards for additional information regarding the FIFO Payment Queue).

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**F. Deficient or Incomplete Non-NAS PI Claims**

**30. What if my Non-NAS PI Claim is deficient/incomplete?**

If your Non-NAS PI Claim is deficient, you will be notified by the Trust and have 60 days to cure any deficiencies.

**31. What are some examples of deficiencies?**

Common deficiencies can include, but are not limited to, the following:

1. Failing to sign or complete the Non-NAS PI Claim Form;
2. Failing to execute the HIPAA authorization; and
3. Failing to submit qualifying evidence.

**32. What if I don't cure my deficiencies?**

If the deficiency is not timely cured to the satisfaction of the Trustee (within 60 days of notification), depending on what the deficiency is, a deduction/penalty may be assessed, or the Non-NAS PI Claim may be Disallowed.

**33. What is included in a deduction/penalty?**

A possible result of not timely curing a deficiency will include the Trustee having the authority to prevent you from receiving all, or part, of your Non-NAS PI Claim.

If the Trustee concludes that either you, or your attorney, have engaged in a pattern or practice to circumvent full or truthful disclosure, the Trustee also has the sole discretion to disallow, reduce, or eliminate your award.

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**G. Award Amount Notification for Non-NAS PI Claims**

**34. When will I be notified of the award amount for my Non-NAS PI Claim?**

After your Non-NAS PI Claim has been reviewed and any deficiencies addressed, the Trust will send you a written notice to inform you if your claim was Allowed or Disallowed. If your claim is Allowed, your notice will include notice of your estimated award amount, as well as a release document that must be signed prior to receiving your award.

**35. When will the release be effective?**

The release is effective when you approve your award amount and deliver the properly executed release form to the Trustee.

**36. How will the Trust determine my award?**

An award is determined as set forth in Questions 23-26 based on the points assigned to an Allowed Non-NAs PI Claims and the applicable Point Value. If the Non-NAS PI Claimant is not deceased or incompetent, the award payment is calculated based on the Point Value at the time of payment. If the Non-NAS PI Claimant is deceased or incompetent, and the settlement and payment of the claim must be approved by a court or through a probate process, the award payment is calculated based on the Point Value in effect at the time the offer was first made if such offer is ultimately approved by the court or through the probate process.

The goal of the Trust is to divide the funds equally among present and future Non-NAS PI Claimants and the Point Value may be adjusted periodically in furtherance of such goal and in accordance with the Non-NAS PI TDP.

**37. How will the Trust divide the funds equally?**

The Trustee will flexibly evaluate the following factors, and may rely on advice of experts and, exercising common sense, and with the consent of the Trust Non-NAS Representative and the FCR, to determine a fair Point Value:

1. Current estimates of the number of present and future eligible Non-NAS PI Claims.
2. Value of the assets that are available to the Trust to pay Non-NAS PI Claims.
3. All anticipated administrative and legal expenses.
4. Any other material matters that are reasonably likely to affect the sufficiency of funds to treat Non-NAS PI Claimants in a substantially similar manner.

**38. Does the Point Value stay the same?**

The Point Value used to determine payment amounts is periodically evaluated and may be adjusted, with the required consents, upon the request of the Trustee, the PI Committee, or the FCR. If a redetermination of the Point Value has been proposed in writing but not yet adopted, awards offered to Non-NAS PI Claimants shall be based upon the lower of the current Point Value and the proposed Point Value.

**39. What happens if the Point Value changes?**

If the Point Value increases → the Trustee shall make a supplemental payment of the difference between the previous payments and the new increased payment amount, provided such payment is not less than \$100.

If the Point Value decreases → any previous payments will not be affected, but any future payments will be calculated based on the lower Point Value.

**40. What if the increase is less than \$100?**

The Trustee will not send an additional payment but will instead accumulate supplemental award amounts until the total of the additional award amounts per person is greater than \$100 – no Non-NAS PI Claimant is entitled to an additional payment until that additional payment would be greater than \$100.

Once the aggregate supplemental award amounts are greater than \$100, the Trustee will issue the additional award amount in a supplemental payment.

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## **H. Appealing a Non-NAS PI Claim Award Determination**

**41. Can I appeal my award determination?**

YES → A Non-NAS PI Claimant who disagrees with the ruling of the PI Trust may appeal to an Appeals Special Master within fourteen (14) days of notice of such ruling by submitting a written statement outlining the Non-NAS PI Claimant’s position and why the Non-NAS PI Claimant believes the PI Trust has erred.

**42. Is there a cost associated with the appeal?**

YES → The Appeals Special Master shall be paid a flat rate of \$1,000 to review and issue a determination on each appeal referred to the Appeals Special Master for resolution.

**43. How is the appeal fee paid?**

The appeal fee of \$1,000 shall be assessed against the Non-NAS PI Claimant’s recovery from the PI Trust. If the Non-NAS PI Claimant’s appeal to the Appeals Special Master results in a decision in favor of the Non-NAS PI Claimant, the appeal fee will be refunded to the Non-NAS PI Claimant.

**44. What will the Appeals Special Master be reviewing and how is the determination issued?**

1. The Appeals Special Master shall review only the appeal record and claim file in deciding the appeal. The Appeals Special Master shall apply the guidelines and procedures established in the Non-NAS PI TDP, and the appeals process shall not result in any modification of substantive eligibility criteria.
2. The Appeals Special Master shall issue a determination on the appeal in writing, which shall be provided to the Non-NAS PI Claimant (and the Non-NAS PI Claimant’s counsel, if applicable) and the Trust.

- 45. Can I appeal again if I do not agree with the Appeals Special Master’s determination?**  
NO → Decisions of the Appeals Special Master are final and binding, and Non-NAS PI Claimants have no further appeal rights beyond those set forth in these Non-NAS PI TDP.
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## **I. Payment of Non-NAS PI Claim Awards**

- 46. When will I get paid?**

Once the initial Point Value has been set, Non-NAS PI Claims will be paid on a rolling basis each year until the Maximum Annual Payment amount for that year has been reached, with claims being processed and paid, after lien resolution, based on the claim’s position in the First-In-First-Out (“FIFO”) Payment Queue. If there are any additional funds due in subsequent years, those funds will continue to be paid in the same order each subsequent year.

- 47. How is my position in the FIFO Payment Queue determined?**

Position in the FIFO Payment Queue is determined using the following criteria, in order of priority:

1. date signed NAS PI Claim Release form received by the Trust;
2. date of diagnosis of the condition for which the NAS PI Claim was filed; and
3. claimant’s birth date, with older claimants given priority over younger claimants.

- 48. How is my order in the FIFO Payment Queue determined if I am representing a claimant that is deceased?**

The process for payment will remain the same (FIFO Payment Queue), including claims for which the payment of the decedent’s Non-NAS PI Claim must be approved by a court or the probate process, as long as the Trust has been furnished with evidence that the award offer has been submitted to the court or the probate process for approval. If the offer is ultimately approved by the court, then the payment will be made in the award amount in effect at the time the offer was first made.

- 49. How will liens be satisfied?**

MASSIVE has been named as the Lien Resolution Administrator for the MNK PI Trust and each claimant’s award. Please refer to the MNK PI Trust Lien Resolution FAQs or the Lien Resolution Tab on this website for more information.

- 50. What if my award is in the form of a Final Judgment?**

If you have elected to opt out and liquidate your claim in the tort system and you have received a Final Judgment, your placement in the FIFO Payment Queue will be based on the date your judgment became final and will not include any interest.

- 51. Does my distribution close my Non-NAS PI Claim?**

Any Distribution from the PI Trust on an Award whether under the liquidation procedures outlined in the Non-NAS PI TDP or a Final Judgment in respect of such Non-NAS PI Claim, if any, shall be deemed to be a Distribution in satisfaction and conclusive resolution of such Non-NAS PI Claim and such associated Non-NAS PI Claims.

**52. How will I receive my award payment once all liens are satisfied?**

For pro se claimants (those not represented by an attorney), final award payments will be issued by the Trust directly to the claimant via check.

For claimants represented by a law firm, funds for final award payments will be issued by the Trust to the representing firm, and the firm is expected to distribute payments to the claimant.

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**J. Award Deductions**

**53. What, if any, fees/expenses, or other amounts will be deducted from my award?**

The following fees/expenses will be deducted from your award:

1. 5% of each distribution made by the Trust will be paid on a periodic schedule to the Common Benefit Escrow (and then directly to the Common Benefit Fund once it is established) to go toward common benefit attorneys' fees/expenses;
2. Administrative costs including Claims Administration, lien resolution services and other expenses;
3. If applicable, fees/expenses from retained individual claimant counsel through an individual contingency fee arrangement; and
4. If applicable, any known liens, including health insurance liens will be deducted from your award.

**54. What if I elected to opt out?**

You will be responsible for all expenses → Attorney's fees/expenses will not be deducted from your award amount distributed by the Trust.

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**K. Information Specific to Non-NAS PI Claimants Who are Minors**

**55. Who can be a Minor Claimant's proxy?**

1. A Minor Claimant's custodial parent, his/her legal guardian under applicable law (a "Guardian"), or an adult providing custody and care to the minor (any of the

foregoing acting on behalf of the Minor Claimant, the “Proxy” is authorized to make submissions on behalf of the Minor Claimant under the PI TDP, subject to section 8.2(b) of the Non-NAS PI TDP.

2. The Proxy shall be responsible for submitting, on behalf of such Minor Claimant, all required forms under the PI TDP, including the proof of claim form, as well as any evidence required by the PI Trust to support the proof of claim form, and any other documentation required or requested pursuant to the PI TDP.
3. The Proxy is authorized to take, on behalf of a Minor Claimant, all actions under the PI TDP that the Minor Claimant would be authorized to take if such Minor Claimant were an adult, other than receiving distributions from the PI Trust (unless so authorized by section 8.6 of the Non-NAS PI TDP). These actions include, where permitted, making an opt-out or, if the Minor Claimant is a Non-NAS PI Claimant, making a payment election or requesting an appeal pursuant to the PI TDP.

#### **56. How do I prove I am the Minor Claimant’s proxy?**

Any purported Proxy making a submission to the Non-NAS PI Trust on behalf of a Minor Claimant shall include along with such submission documentation of his/her authority to act on behalf of the Minor Claimant, consisting of the following:

1. If the purported Proxy is the Guardian of the Minor Claimant, then:
  - a. the court order appointing that Proxy as Guardian, or
  - b. other documents reasonably acceptable to the PI Trust as sufficient under applicable law to evidence the guardianship.
2. If the purported Proxy is the custodial parent of the Minor Claimant, then a statement under penalty of perjury that such Proxy is the custodial parent of the Minor Claimant.
3. If the purported Proxy is neither the Guardian nor custodial parent of the Minor Claimant, then:
  - a. a statement under penalty of perjury by the purported Proxy:
    - i. stating he/she is providing custody and care to the Minor Claimant;
    - ii. stating how long he/she has been providing such care and custody; and
    - iii. explaining his/her relationship to the Minor Claimant and the circumstances around the provision of care and custody.
  - b. as well as a statement and/or records from one or more of the following in support of his/her statement under penalty of perjury:
    - i. Minor Claimant’s school;
    - ii. Purported Proxy’s landlord or property manager;
    - iii. Minor Claimant’s health provider;
    - iv. Minor Claimant’s childcare provider;
    - v. Purported Proxy’s placement agency;
    - vi. Governmental social services agency;

- vii. Indian tribe officials; or
- viii. Purported Proxy's Employer.

**57. How will payment distributions be made if the Non-NAS Claimant is a minor?**

1. When the PI Trust has determined the final distributable amount on a Minor Claimant's claim, it will send notice of the final amount to the Minor Claimant's Proxy and counsel, if applicable. Such notice will include a letter inviting the Proxy to discuss how the distributable amount was determined, and the PI Trust will take reasonable steps to ensure that the Proxy understands how the amount was determined.
2. Any distributions owed to a Minor Claimant that are ready for issuance by the PI Trust at a time when the Minor Claimant is still a minor under applicable law shall be:
  - a. used to pay the individual attorneys' fees of the Minor Claimant pursuant to section 8.5 of the Non-NAS PI TDP; and
  - b. with respect to the remainder, paid into an interest-bearing sub-fund of the PI Trust (the "Minor Claimants Account"), held there for the sole benefit of the Minor Claimant, and invested in a U.S. governmental money-market fund until such funds are distributed pursuant to section 8.6 of the Non-NAS PI TDP or until the Minor Claimant becomes an adult under applicable law (the "Adult Distribution Date"), at which time the amount then held in such account (including interest earned) shall be paid directly to such Non-NAS PI Claimant.
3. Pending distributions for all Minor Claimants may be held in the same sub-fund.

**58. How will payments of attorneys' fees be handled, if applicable, if the Non-NAS PI Claimant is a minor?**

1. Within a reasonable period following receipt of notice of the final distributable amount on Minor Claimant's Non-NAS PI Claim, and using forms to be provided by the Trust, the Minor Claimant's counsel shall submit to the Trust, with a copy to the Proxy, a request for payment of legal fees and expenses from the Minor Claimant's recovery.
2. It is the Minor Claimant's attorney's duty to comply with all ethical and legal rules respecting such legal fees and expenses, and the PI Trust is permitted to rely upon such representation in issuing payments in respect of such fees and expenses.
3. Absent objection from the Proxy with respect to such asserted fees and expenses, the PI Trust shall remit payment to the Minor Claimant's attorney in accordance with the latter's request.

**59. Can I get an early distribution as the Proxy on behalf of minor Non-NAS PI Claimant?**

Possibly → Once the Point Value has been set, funds held in the Minor Claimants Account for a Minor Claimant may be released prior to the Adult Distribution Date only pursuant to (a) an order of a US court of general jurisdiction in the minor Non-NAS PI Claimant's

state of residence, or (b) an order entered by the US Bankruptcy Court for the District of Delaware.

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## **L. Confidentiality**

**60. Will the information provided be confidential?**

YES → It is assumed that information in your Non-NAS PI Claim Form, and any other related materials, was intended to:

1. Remain confidential between you and the Trust; and
2. Be protected by all applicable state and federal privileges and protections.

**61. What about third parties hired by the Trust to assess/audit claims?**

In specific limited circumstances, the Trust may disclose information, documents, or other materials, if it is reasonably necessary to process your claim or in order to resolve liens.

**62. How will the Trust make sure personal information remains confidential when it is sent to a third party?**

The Trust shall take any steps reasonably feasible (as determined by the Trust) to ensure your personal information remains confidential, including, receiving a written confidentiality agreement from the third party that:

1. ensures your information will be used solely by the third party for the purpose stated in the agreement; and
2. prohibits the third party from sharing your information except as stated in the agreement.

**63. What happens to personal information once the Trust is closed?**

Once the Trust winds down (leading to the termination of the Trust), if the Trust determines there is no legitimate reason to keep submitted records/information, the Trust will securely destroy all records containing any personal information in compliance with any applicable federal laws and Delaware laws.

**64. What happens after the records are securely destroyed?**

The Trust will file a certification with the Bankruptcy Court attesting to the secure destruction of the records in compliance with any applicable federal laws and Delaware laws.