

ROUNDY'S OCONOMOWOC VICTIMS AND SURVIVORS' FUND

FINAL PROTOCOL

June 17, 2021

This Final Distribution Protocol, which will govern Roundy's Oconomowoc Victims and Survivors' Fund (the "Fund"), has been developed by the Fund Administrators, incorporating feedback from the Steering Committee, the *National Compassion Fund*, the greater community, and the general public, including those present at the Town Hall meetings held by the Fund Administrators on June 16, 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 Final Distribution Protocol including, without limitation, the classifications of applicants, distribution criteria, application process, timetable, and amounts to be awarded, may be revised, and are subject to the full and complete discretion of the Fund Administrators.

This Fund was financially assisted by the Kroger 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 Roundy's Oconomowoc Distribution Center and experienced psychological trauma, on March 16, 2021, during the shooting (the "Oconomowoc Tragedy"). 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 ONLINE NO LATER THAN FRIDAY, AUGUST 6, 2021. 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 Oconomowoc Tragedy.¹

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 Oconomowoc Tragedy 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.

¹ Determination of the amounts for each eligible applicant will depend upon the following: (1) the balance in the Fund on July 31, 2021; (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 Fund Administrators.

B. Individuals Present in the Distribution Center who Experienced Psychological Trauma

Any individuals who were physically present in the Oconomowoc Distribution Center at the time of the shooting and experienced psychological trauma as a result are eligible to receive payment under this protocol. A higher level of benefit may be provided to individuals who discovered the victims, rendered direct assistance to the victims, or are official in-house Roundy's first responders.

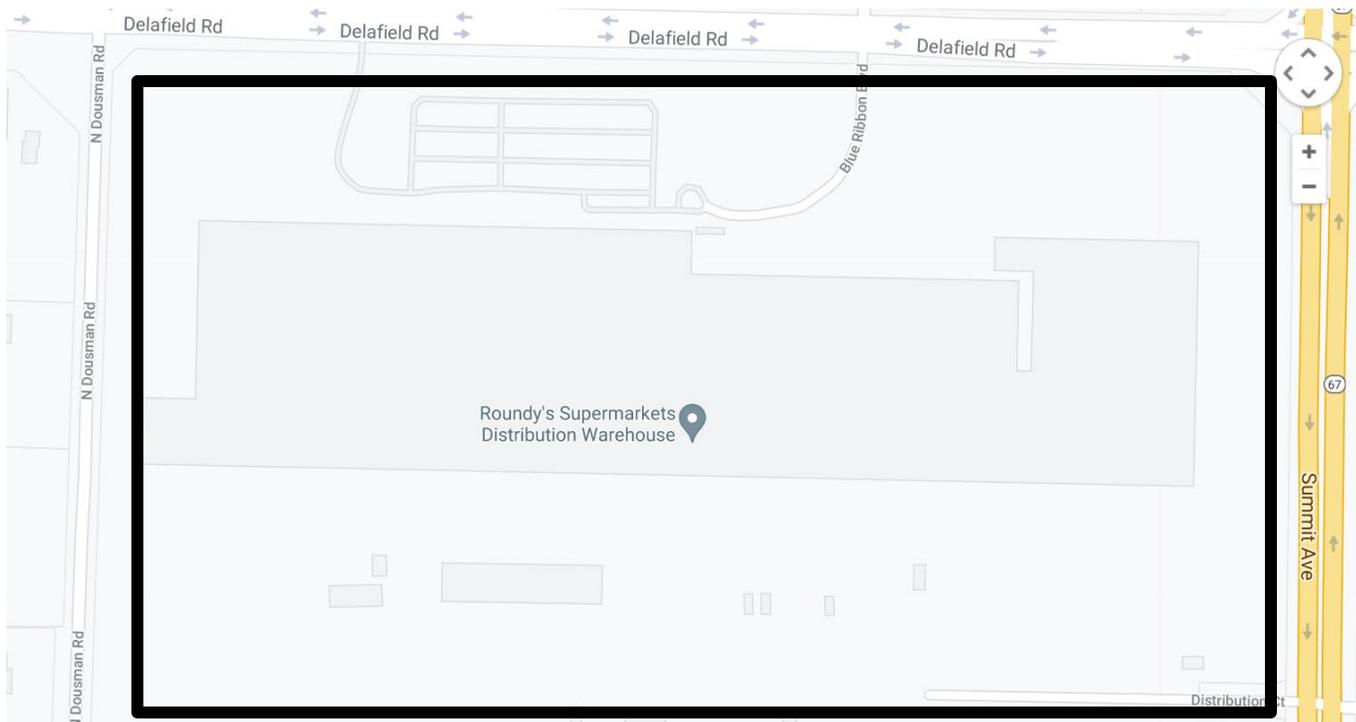


Figure 1

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, AUGUST 6, 2021.** In the application, applicants will specify whether they are seeking benefits on behalf of deceased victims or as individuals present in the Oconomowoc Distribution Center at the time of the shooting who experienced psychological trauma. **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 Distribution 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 Distribution Protocol and information concerning the application process will also be available on the NCF website, www.NationalCompassionFund.org, beginning on June 23, 2021. 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, August 6, 2021. Questions regarding any part of completing an application can be sent via email to RoundysFund@NationalCompassionFund.org.

B. Access to the online application will be available on www.NationalCompassionFund.org beginning July 10, 2021. Applicants who lack access to the internet are invited to call the toll-free applicant assistance number at 855-4VICTIM (855-484-2846) 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 financial 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 deceased's legal heirs and beneficiaries. In circumstances where the deceased 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. An application for a minor child must be submitted and signed by a parent or legal guardian. An application for an incompetent adult will require proof of representative capacity, such as a power-of-attorney, guardianship, and appointment of guardian *ad litem*.

G. An application filed for presence in the Oconomowoc Distribution Center must have the applicant's presence corroborated by employment records. The Fund Administrators will be responsible for obtaining this information, not the applicant.

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

I. When all distributions have been completed, a full examination of the Roundy's Oconomowoc Victims and Survivors' Fund will be conducted according to Agreed Upon Procedures by an independent auditing firm. The results of these Agreed Upon Procedures, which do not include any personal identifying information, will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

J. All information regarding applicants and benefits received will remain confidential and will not be publicly released by the National Compassion Fund, which shall make every reasonable effort to maintain confidentiality in the event it is mandated to respond to a lawfully issued subpoena.

OUTREACH

A. The *National Compassion Fund* may conduct outreach to victims of the Oconomowoc Tragedy 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, August 6, 2021, submission 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 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 Wisconsin Victims of Crime Compensation Program, without sharing it with National Compassion Fund via the online contact form.

B. The Final Distribution 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 NationalCompassionFund.org website beginning on June 23, 2021. The Fund Administrators will work directly with applicants as requested so that applications are submitted by the Friday, August 6, 2021, deadline.

C. Optional meetings face-to-face or by telephone with the Fund Administrator will be scheduled at the applicant's request. All applications will be processed during the period between July 10 and September 8, 2021. All applicants requesting meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between July 10 and August 6, 2021. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please send your request via email RoundysFund@NationalCompassionFund.org.

PROPOSED TIMELINE

- March 16, 2021 – Shooting occurs
- March 26, 2021 – Launch of contact form
- April 12, 2021 – Announcement of Steering Committee membership
- May 18, 2021 – First meeting of Steering Committee: approve draft protocols and send for translation
- May 21, 2021 – Receive translated Draft Protocol
- May 24, 2021 – Publish Draft Protocol and beginning of public comment period
- June 16, 2021 – Town Hall meeting and ending of public comment period
- June 17, 2021 – Steering Committee meets to approve Final Distribution Protocol
- June 21, 2021 – Receive translated Final Distribution Protocol
- June 23, 2021 – Final Protocol published and available on the NCF website for interested parties
- July 10, 2021 – Application available online and instructions disseminated to all known applicants and potential applicants who joined the contact list.
- July 6 – August 6, 2021 – Applications completed and submitted online to the Fund Administrators along with the required documentation.

- August 6, 2021 – Deadline for submission of applications
- July 6 – August 6, 2021 – All personal meetings requested with the Fund Administrators completed.
- July 6—September 8, 2021 – All applications reviewed by the Fund Administrators and recommendations for payments to eligible applicants submitted to the Steering Committee for independent review and approval.
- August 25, 2021 – Deadline for financial contributions
- September 13, 2021 – Distribution Plan approval
- September 15, 2021 – Payment distribution to approved eligible beneficiaries begins on a rolling basis
- After October 31, 2021 – Beginning of examination of Fund by independent auditing firm