



## Draft Protocol

September 24, 2021

The Final Distribution Protocol, which will govern the Albertville Survivors' Fund (the “**Fund**”), will be developed by the National Compassion Fund (“**Administrator**”), incorporating feedback from the Albertville Steering Committee (the “**Committee**”), and the Greater Community. **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 Administrator.

### BACKGROUND INFORMATION

On June 15, 2021, an attack occurred at the Albertville fire hydrant manufacturing facility located at 956 Industrial Blvd, Albertville, Alabama (“**Albertville Facility**”), at approximately 2:30 a.m. Central Time (the “**Albertville Attack**”). Tragically, two men, who were employees of Mueller Co. LLC (“**Mueller**”) were killed and two men who were employees of Mueller were severely physically injured:

- David Lee Horton, of Boaz, Alabama, was fatally wounded during the Albertville Attack. David joined Mueller in 2016, and was a Foundry Helper.
- Michael “Lee” Dobbins, of Boaz, Alabama, was fatally wounded during the Albertville Attack. Lee joined Mueller in November 2020 as a Foundry Utility Painter.
- Casey Sampson, of Albertville, Alabama, was seriously injured during the Albertville Attack and is receiving continued treatment for the injuries sustained. Casey joined Mueller in 2018, and is a Foundry Helper.
- Isaac Byrd, of Albertville, Alabama, was seriously injured during the Albertville Attack and is receiving continued treatment for the injuries sustained. Isaac joined Mueller in February 2021, as a Foundry Painter.

Several other people were emotionally injured in the Albertville Attack. While the Albertville Attack lasted about three hours, this community will continue to feel the impact far into the future. Many of the affected employees have been members of the Albertville community for decades. The Albertville Facility was opened as a hydrant manufacturing plant in 1975. Many of the employees present during the Albertville Attack live in the neighborhoods and communities surrounding the Albertville Facility.

Mueller Water Products, Inc., and the company's employees, together with the generous assistance of other businesses, foundations, and individual donors, have established the Albertville Survivors' Fund (the "**Fund**"). The Fund will be used to assist the survivors of the Albertville Attack, including; surviving direct family members of those employees who were killed and those employees who were severely physically injured, as well as those psychologically injured while present in the Albertville Facility during the Albertville Attack, collectively, the "**Victims**". Each Victim may apply for benefits by completing the attached application (the "**Application**") from the Fund which is managed and administered by the National Compassion Fund, LLC, Federal Tax ID #83-0924922, a subsidiary of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization, Federal Tax ID #30-0022798. ALL APPLICATIONS MUST BE SUBMITTED NO LATER THAN NOVEMBER 30, 2021. No individual (or family member of such individual) responsible for the Albertville Attack as determined by the Steering Committee will be eligible to apply for or receive any gift from the Fund.

The following members have volunteered time and expertise to staff the Committee. The Committee, together with the National Compassion Fund, will establish the rules governing eligibility for and distribution of gifts from the Fund:

Dr. Merida Grant	Director of the Trauma Related Disorders Clinic, University of Alabama Birmingham
Julia Smeds Roth	Partner at Eyster, Key, Tubb, Roth, Middleton & Adams, LLP
Jeffrey R. Dion	Executive Director, National Compassion Fund
Dan Levey	Senior Lead of Mass Violence Response, National Compassion Fund
Dennis & Melanie Pedigo	Sergeant, Chattanooga Police Department
Dr. Joe Whitmore	President, Snead State Community College
Jessica Zimmermann	Founder & Mental Health Counselor, Sage Life Counseling
Yolanda Kokayi	Senior Director Marketing & Communications, Mueller Water Products
Jonathan Lancaster	Pastor, First Baptist Church of Boaz

The Committee is committed to honoring the intent of donors to help the victims by administering these funds in a way that is fair, transparent, and focused on the survivors.

No one has a legal claim or entitlement to these gifts. Any payment made from the Fund is a GIFT, an act of charity from the tremendous generosity of individuals and organizations. The Committee's role is to fairly administer these gifts for the direct benefit of the survivors, within the context of other available services. We are inspired by the largesse of the public to help as many people as we can, as much as we can, though we are poignantly aware of our constraints and limitations.

## **BENEFIT ALLOCATION**

Benefits from the Fund are to be apportioned to the relatives of the deceased employees on an equal basis. Benefits from the Fund are to be apportioned to the physically injured employees in accordance with the severity of the injuries arising from the Albertville Attack.<sup>1</sup>

## **CATEGORIES OF ELIGIBLE APPLICANTS**

There shall be only one Application per Victim. The type of Application falls into one of three categories.

### **Category 1 – Applicants on Behalf of the Deceased**

Category 1 applicants are those filing on behalf of an immediate family member killed as a result of the Albertville Attack. The Fund provides a gift for the benefit of each of the families of the deceased Victims upon receipt and approval of an Application made by the parent, spouse, legal partner, or child of an employee killed as a result of the Albertville Attack. The Fund will not provide more than one (1) gift family of each deceased Victim. All Category 1 gifts will be of an equal amount. Category 1 gifts shall be the most valuable gifts on an individual basis under the scope of this 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 later of November 30, 2021 or the date that the Fund closes; (2) completion of the review of all submitted applications; and (3) review and approval by the Administrators.

## Category 2 – Individual Employees Physically Injured During the Attack

Any individual employee who was physically present in the Albertville Facility during the Albertville Attack and who suffered some physical injury from gunshot wound as a direct result of the Albertville Attack is eligible to apply for a gift under this Protocol. A gift from the Fund to an individual in Category 2 shall be less than a gift provided to a beneficiary in Category 1 under this Protocol. Applicants in Category 2 may have different gifts based on the severity of physical harm resulting from the Albertville Attack.

## Category 3 – Individual Employees Present in the Albertville Facility who experienced Psychological Trauma

Any individual employee who was physically present in the Albertville Facility during the Albertville Attack and who experienced psychological trauma as a result is eligible to receive payment under this Protocol. A higher level of benefit may be provided to employees who discovered the victims, rendered direct assistance to the victims or are official in-house Mueller first responders. The individual gifts provided to Category 3 applicants will be less than individual gifts provided to individual applicants in Category 2 under the scope of this Protocol. Category 3 gifts may be of differing amounts as described above.

A final determination of gifts will be made upon receipt of all pertinent data and is subject to all comments above.

## APPLICATION PROCESS

Each person must complete and submit an application in order to be eligible to receive a gift from the Fund.

Only Category 1, Category 2 and Category 3 applicants are eligible and a single application for benefits should be submitted for each deceased Victim or eligible applicant. The purpose of the application is to validate the identification of the individual and to confirm the individual's category of eligibility.

## FILING AN APPLICATION

**Online - Access to the Online Application System will be available on or about November 5, 2021.**

<https://nationalcompassion.org/fund/albertville-survivors-fund/>

**Phone** - Applicants without internet access are invited to call the toll-free number 855-4VICTIM (855-484-2846) for guidance on alternative filing assistance.

**Questions** - Assistance and inquiries can be sent to [Albertville@NationalCompassion.org](mailto:Albertville@NationalCompassion.org)

The Application may require supporting documentation and is considered complete only when all required material has been received by the Fund Administrator.

Note: 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 Administrator's office will contact the applicant in an effort to cure any such deficiencies.

**THE APPLICATION MUST BE SUBMITTED BY THE NOVEMBER 30, 2021 DEADLINE.**

## APPLICATION REQUIREMENTS

**Category 1 – Applicants on Behalf of the Deceased.** Category 1 Applications require confirmation of direct relation to the deceased employee. This confirmation document means a current marriage certificate, in the case of a partner or spouse or birth certificate, in the case of a parent or child and a death certificate for the deceased employee. Applications for a minor child 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. 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 deceased Victim's domicile. 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 deceased Victim 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 Victim 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. The Fund will not provide more than one (1) gift to the estate or family member of each deceased Victim.

**Category 2 – Physically Injured Applicants Present During the Albertville Attack.**

Category 2 Applications filed for physical injury must have such claim corroborated by employment records or law enforcement records. The Administrator will be responsible for obtaining this information, not the applicant. Applicants must also submit a HIPAA release authorization for release of medical documentation as to the severity of the injury.

**Category 3 – Psychologically Injured Applicants Present During the Albertville Attack.**

Category 3 Applications filed for injured employees must have such claim corroborated by employment records or law enforcement records. The Administrator will be responsible for obtaining this information, not the applicant.

## ADMINISTRATOR REQUIREMENTS

### Funds Distribution Protocol

The Administrator will publish the draft Protocol and invite input and comments from the general public. These public comments will be considered in the adoption of the Final Protocol.

A public meeting with options for live and virtual participation will be conducted by the Administrator at the following time and location:

**Tuesday October 19, 2021  
Snead State Community College**

**220 N Walnut St.  
Boaz, AL 35957**

At the public meeting the Administrator will describe this draft Protocol, the Application, and the application submission process. The Administrator will invite input and comments from potential applicants and the general public. Information collected from this group meeting, various communications, and correspondence among the applicants, other interested parties, and the Administrator will be considered in finalizing the Protocol.

### Final Protocol

Once finalized, the 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 National Compassion Fund website (<https://nationalcompassionfund.org>). The Administrator will work directly with applicants as requested so that Applications are submitted by the November 30, 2021 deadline.

### Victim Contact And Outreach

The National Compassion Fund will make its best effort to make information available to Victims of the Albertville Attack 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 November 30, 2021 filing deadline. The National Compassion Fund does not guarantee that each person who may be eligible will be contacted successfully, nor does it guarantee that persons who are in contact with the National Compassion Fund will be eligible persons as defined in the Protocol. It is the responsibility of each eligible applicant to file an Application to make sure that the Application is timely filed and received.

Contact information that is held by law enforcement is not accessible by the Administrator, and there should be no assumption that anyone who is eligible will be contacted simply because such person may have shared his or her contact information with law enforcement, without sharing it with the National Compassion Fund via the online contact form.

## Payment Administration & Governance

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 Administrator. The Administrator will submit final gift determinations to the Committee for approval of transmission of the payments, by check or electronic bank wire, to each eligible applicant. In the event that sufficient contributions are received after the final gift determinations, a supplemental distribution may be made to eligible applicants.

## Tax Advice

While the Fund intends that these gifts be tax-free, the Fund cannot provide tax advice to those receiving gifts from the Fund. The Fund Administrator recommends you consult your tax advisor or legal advisor for any questions regarding tax liability for these gifts.

## Auditing

A full examination of the Albertville Fund will be conducted according to agreed upon procedures by an independent auditing firm, as soon as possible after the final distribution of all benefits. The results of this audit will be made available to all Applicants, donors, and the general public, along with a Final Report from the Administrator at <https://nationalcompassionfund.org>.

## PROPOSED TIMELINE:

- June 15, 2021—The Albertville Attack at the Albertville Facility
- June 18, 2021—Mueller Water Products and NCF complete agreement to support survivors
- June 18, 2021—The NCF launches the Albertville Survivors Fund
- September 24, 2021 – First meeting of Steering Committee, approve draft protocols, send for translation
- September 29, 2021 – Get Draft Protocols back from Translation
- September 30, 2021 – Publish Draft Protocols, Public Comment Period begins
- October 19, 2021 – Town Hall Meeting & Public Comment Period Ends
- October 20, 2021 – Steering Committee meets to approve Final Protocols
- October 25, 2021 – Get Protocols back from translator
- October 26, 2021 – Final Protocols published. These documents will be made available on the Fund website for families and all interested parties.
- November 5, 2021 – Application Portal Opens. Application instructions will be

disseminated to all known applicants and potential applicants who registered through the Fund website.

- November 5 – November 17, 2021 – Applications completed and submitted to the Fund Administrators along with the required documentation.
- November 15, 2021 – Fund Closes to donations.
- November 30, 2021 – Deadline for submission of Application for Benefits.
- October 15 – November 17, 2021 – All personal meetings requested with the Fund Administrators completed.
- November 2 – December 15, 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.
- December 17, 2021: Distribution Plan Approval
- December 20, 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.