



## Draft Protocol Overview

The Love for Louisville Old National Bank Survivors Fund (the Fund) will distribute funds as gifts to victims and survivors of the April 10, 2023, shooting at the Old National Bank in Louisville, KY. The funds may be used however the recipients wish.

Decisions about eligibility and distribution are made by the local Steering Committee with intentions of transparency, integrity, compassion, and fairness. This Draft Protocol is the Steering Committee's suggestion of what rules should apply to this Fund and was created with guidance from National Compassion Fund, which has led numerous similar efforts after mass casualty events. The Steering Committee welcomes feedback as to if these proposed rules are fair and reasonable or if changes should be made.

Please submit all feedback no later than **May 23, 2023**, by emailing [LON@NationalCompassion.org](mailto:LON@NationalCompassion.org) or by attending the Town Hall on May 23rd at 6:00 p.m. at the Louisville Free Public Library – Main Library North Building – Centennial Room, 301 York Street, Louisville, Kentucky 40203.

The Draft Protocol proposes four categories of eligibility:

- Legal heirs of those who were killed as a direct result of the shooting
- Those who were physically injured by gunshot wound in the shooting
- Those who suffered some other type of physical injury during the shooting
- Those who were present at the Old National Bank at the time of the shooting and suffered psychological trauma
- Those Old National Bank employees who witnessed the shooting via video conference.

Once the rules are finalized, the Steering Committee will release a Final Protocol. An online application will then be available online around June 14, 2023.

All interested parties should sign up for the Fund's contact list by filling out and submitting the form on <https://nationalcompassion.org/fund/love-to-louisville-old-national-survivors-fund/>. Emails will be sent regarding:

- When the Final Protocol for the Fund is available
- When the application is available
- When the deadline for submitting an application is approaching

Representatives from the National Compassion Fund are available to help throughout this process through meetings or phone calls. Email [LON@NationalCompassion.org](mailto:LON@NationalCompassion.org) with any questions or to set up a meeting.

## Love for Louisville Survivors Fund Local Steering Committee

<b>Organization</b>	<b>Representative(s)</b>
<b>ACE Project, Inc.</b>	Rose Smith
<b>Brown-Forman Foundation</b>	Jill Horn
<b>Cities United</b>	Monica Brown
<b>Community Foundation of Louisville</b>	Ramona Dallum
<b>ElderServe</b>	Rev. Timothy Findley
<b>Greater Louisville Inc.</b>	Rebecca Wood
<b>Hosparus Health</b>	Tawanda Owsley
<b>Louisville MSD</b>	Kellie Watson
<b>Louisville Public Media</b>	Marquel Lett
<b>Louisville Urban League</b>	Angela R. Wilson
<b>Norton Healthcare</b>	Dr. Brit Anderson
<b>Tachau Meek</b>	Amy D. Cabbage
<b>Transformative Justice Mental Health Clinic</b>	Dr. Ida Dickie
<b>UofL Healthcare</b>	Dr. Jason Smith
<b>Whitney/Strong</b>	Whitney Austin
<b>Wyatt, Tarrant &amp; Combs</b>	Jeffrey M. Yussman and Seth Todd

## Draft Protocol

May 8, 2023

**This is the Draft Protocol. The Final Protocol, which will govern distribution of the Love for Louisville Old National Bank Survivors Fund (the Fund), will be developed by the Fund Administrators, incorporating relevant and appropriate feedback from the Steering Committee, the National Compassion Fund (NCF), the survivors and victims, and the general public, including those present at the Town Hall meeting to be held by the Administrators on May 23, 2023.**

**The money paid by the fund is 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, distribution criteria, application process, and timetable, may be revised and are subject to the full and complete discretion of NCF, which serves as Fund Administrator. The level of benefits paid within each category of eligibility is determined by the steering committee.**

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The Fund was enhanced through the generosity of businesses, foundations, and individual donors. It will be used to assist the families of the victims who were killed, the victims who were physically injured requiring hospitalization, the victims who were physically injured and treated on an outpatient basis, and the victims who were present at the Old National Bank during the shooting (the Shooting) on April 10, 2023. The National Compassion Fund, LLC is 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 ONLINE NO LATER THAN JULY 7, 2023, TO BE ELIGIBLE TO RECEIVE PAYMENT. IF THE VICTIM IS UNDER THE AGE OF 18 OR IS A VULNERABLE ADULT, A PARENT OR GUARDIAN MUST APPLY ON THE VICTIM'S BEHALF.**

The amounts awarded from the Fund will take into consideration variables that include: (1) the balance in the Fund when it is closed for donations on July 20, 2023; (2) the completion of the review of all submitted applications; and (3) the review and approval by the Administrators. The Administrators reserve all rights to determine the validity of all information submitted by applicants.

Neither citizenship nor immigration status will be considered in determining an applicant's eligibility.

## SECTION ONE: ELIGIBILITY

### AREA OF ELIGIBILITY

Individuals in the categories listed below will be deemed to have been "present" and eligible for payment if they were physically present on the first floor of the Old National Bank Building, including the front steps (as indicated by Figure 1 below) at the time of the shooting.

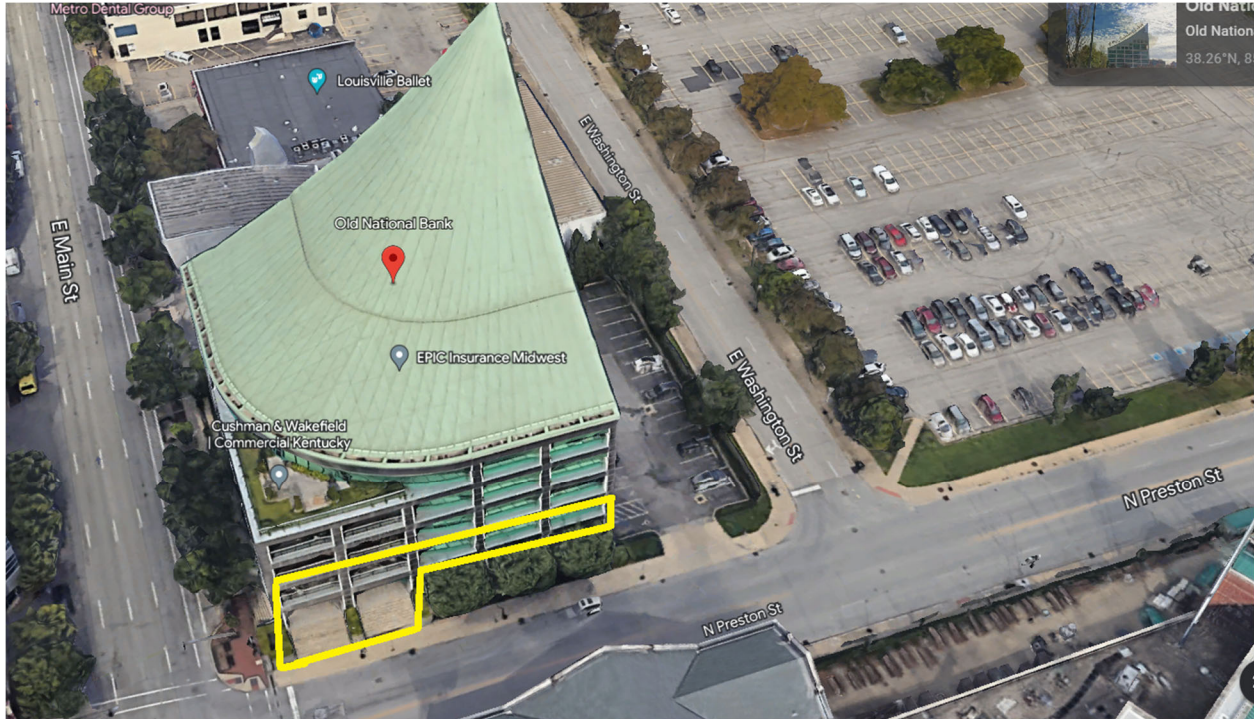


Figure 1

### CATEGORIES OF ELIGIBLE APPLICANTS (ELIGIBILITY IS LIMITED TO ONE CATEGORY)

#### **A. Application for Legal Heirs of Those Killed**

Eligible applicants for deceased victims killed as a result of the Shooting will receive the highest level of payment under the scope of this Draft 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 Wounded by Gunfire**

Eligible applicants who were physically present within the area of eligibility designated in figure 1 above at the Old National Bank at the time of the Shooting and were physically injured by

gunfire, which shall be defined as being hit by bullets or shrapnel, will receive payment under this Draft Protocol.

### **C. Individual Physical Injury Applications of Victims Treated on an Out-Patient Basis**

Eligible applicants who were physically present within the area of eligibility designated in figure 1 above at the at the Old National Bank at the time of the Shooting, who suffered non-gunshot wound physical injuries as a result of the Shooting, and who received medical treatment no later than Friday, April 14, 2023, will receive a payment under this Draft Protocol.

### **D. Individuals Present at the Site Experiencing Psychological Trauma**

Eligible applicants who were physically present within the area of eligibility designated in figure 1 at the Old National Bank at the time of the Shooting and experienced psychological trauma (defined as perception of a threat to survival to self or a loved one) are eligible to receive payment under this Draft Protocol.

### **E. Old National Bank Staff Witnessing via Video Conference**

Old National Bank Staff who were logged on to the video conference and contemporaneously witnessed the Shooting and experienced psychological trauma are eligible to receive payment under this Draft Protocol.

## **SECTION TWO: PROCESS AND PROCEDURES**

Eligible applicants must file an application in order to receive a payment from the Fund. **ALL APPLICATIONS MUST BE SUBMITTED BY THE DEADLINE OF JULY 7, 2023;** however, the Fund Administrators reserve the right in their sole discretion to grant a deadline extension.

When completing the application, applicants will specify the category of the applicant: for deceased victims, for physical injury by gunfire, for other physical injury, or for psychological trauma. In their application, applicants must choose only one distribution category for which they are eligible.

Each eligible applicant should submit only one application per victim. An applicant may submit more than one application only on behalf of separate victims. For example, a person who was present or injured may submit their own application. They may also submit an application on behalf of a minor (if that person is the designated parent or legal guardian of the minor) or on behalf of a family member who was killed (if they are the designated representative).

The process and procedures for consideration of eligible applications will be as follows:

**A.** The Fund will be administered by NCF. The Final Protocol to govern the Fund and a link to submit an online application for benefits will be emailed to all known potential applicants who have signed up for the Fund's contact list on the NCF website

[\(https://nationalcompassion.org/fund/love-to-louisville-old-national-survivors-fund/\)](https://nationalcompassion.org/fund/love-to-louisville-old-national-survivors-fund/). The Final Protocol and information concerning the application process will also be available on the NCF website beginning on May 30, 2023. Representatives from NCF (the Fund Administrators) will administer and process the applications. Only one application should be submitted by, or on behalf of, each victim. All applications must be completed and submitted to the Fund Administrators (along with all required supporting documentation detailed in the application or such information curing any deficiencies in information) no later than July 7, 2023. Questions regarding the completion of an application should be sent via email to [LON@NationalCompassion.org](mailto:LON@NationalCompassion.org).

**B.** A public meeting will be conducted by the Fund Administrators on Tuesday, May 23, 2023, at 6:00 p.m. at Louisville Free Public Library – Main Library North Building – Centennial Room 301 York Street, Louisville KY 40203. At the meeting, there will be an explanation of the Draft Protocol and the application submission process, and Fund Administrators will 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, and the Fund Administrators will be considered in finalizing the Final Protocol.

**C.** Access to the application online will be available at <https://nationalcompassion.org/fund/love-to-louisville-old-national-survivors-fund/> around June 14, 2023. Applicants who lack access to the internet are invited to call the toll-free applicant assistance number at 844-743-3334 ext 702 for guidance on alternative filing assistance.

**D.** 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 resolve any such deficiencies.

**E.** Shortly after the deadline for submission of all financial contributions and the final review and determination of all eligible applications by the Fund Administrators, payments will be issued. 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. Applicants may not rely on the timing of any payment. The Administrators, the Steering Committee, and NCF shall have no liability whatsoever for any damage of any kind arising out of or resulting from the timing of any payment from the Fund.

**F.** An application filed for a deceased victim will be required to include information pertaining to individuals (e.g., spouse, children, parents, siblings) who may be eligible to receive compensation under the local intestacy 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 had a Last Will & Testament, the Fund will issue payment in accordance with the Will. If the deceased did not

leave a Last Will & Testament, 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 Administrators may, in their 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, and 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.

**G.** If a minor child's application must be submitted and signed by a parent or legal guardian. If an application is required for a vulnerable adult lacking legal capacity, it will require proof of representative capacity, such as a power-of-attorney, guardianship, and appointment of guardian or attorney *ad litem*.

**H.** An application filed for a physical injury applicant must include an authorization to release medical information which confirms: (i) the date of initial treatment, (ii) the date of admission to the hospital if applicable, (iii) the date of discharge from the hospital if applicable, and (iv) the nature of the injury and contemporaneous evidence from the treating professional that the injury was sustained as a result of the Shooting.

**I.** An application filed for psychological trauma must have the applicant's physical presence or virtual meeting attendance at the Old National Bank at the time of the Shooting corroborated by Old National Bank employment records or by law enforcement records. The Fund Administrators (rather than the applicant) will be responsible for validating this information. An application must also include a notarized sworn affidavit attesting to: (i) their presence in the eligible area at the time of the shooting, (ii) that they experienced psychological trauma as a result of the shooting, and (iii) identifying the trauma symptoms they experienced and what the applicant feels will help with feeling better. There is no shame or guilt in filing an application for psychological trauma.

What one person may perceive as a frightening, traumatic event, another might experience as difficult or distressing, but not traumatic. One's ability to cope, perception of control and safety, and level of being able to respond to the shooting can all affect the way an event is experienced and remembered by the applicant. To some extent, trauma is in the eye of the beholder. Trauma is extreme stress brought on by shocking or unexpected events that overwhelm a person's ability to cope, resulting in feelings of helplessness, and extreme fear and horror. The survivor perceives the event as a bodily violation or a threat of serious injury or death to self or a loved one. The defining factor that separates a traumatic experience from a distressing one is the perception of a threat to survival to self or a loved one. The trauma response can be as brief as 1 week or longer. Symptoms include flashbacks (reliving the event), nightmares, avoiding places because of fear of being hurt and intense negative feelings

like fear, horror, headaches, anger, guilt or shame. There are different ways to deal with trauma ranging from taking time off work, participating in support groups with others who have gone through similar experiences, to doing comforting/soothing things (self-care) for yourself with the support of professionals who are respectful of your culture and dignity.

**J.** NCF, its Fund Administrators, and the Steering Committee will use reasonable efforts to maintain confidentiality of all information submitted by applicants but cannot guarantee confidentiality. Applicants are asked to consider any personal ramifications should any information submitted under this Draft Protocol become publicly available.

**K.** The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend consulting a tax advisor for any questions regarding tax liability for these payments.

**L.** When all distributions of payments have been completed, a full examination of the Fund will be conducted according to Agreed Upon Procedures by an independent auditing firm. 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.

### **SECTION THREE: OUTREACH AND COMMUNICATION**

**A.** The National Compassion Fund (NCF) may conduct outreach to victims of the 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 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 7, 2023, filing deadline. NCF 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 NCF will be included in the Final Distribution. It is the responsibility of the applicant to make sure that the application is timely filed and received. Contact information that is held by law enforcement or healthcare professionals 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, the Red Cross, or any other service provider. Contact information must be shared with NCF via the Fund-specific online contact form.

**B.** Once finalized, the Final Protocol and application information will be disseminated to all known victims who have signed up for the online contact form on <https://nationalcompassion.org/fund/love-to-louisville-old-national-survivors-fund/>. The Fund Administrators will work directly with applicants as requested so that applications are submitted by the July 7, 2023, deadline.



C. Applicants may request to schedule optional meetings face-to-face or by telephone with the Fund Administrators. All applications will be processed during the period between June 14, 2023, and August 5, 2023. All applicants requesting meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between June 12, 2023, and June 30, 2023. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please email a request to [LON@NationalCompassion.org](mailto:LON@NationalCompassion.org).

#### SECTION FOUR: PROPOSED LOUISVILLE TIMELINE

- April 10, 2023 – Shooting occurs
- April 26, 2023 – First meeting of Steering Committee; approve Draft Protocol
- May 8, 2023 – Publish Draft Protocol and public comment period begins
- May 23, 2023 – Town Hall Meeting and public comment period ends
- May 24, 2023 – Steering Committee meets to approve Final Protocol
- May 26, 2023– Final Protocol published to NCF website for survivors, victims, and interested parties
- June 14, 2023 – Application is available online. Application instructions are disseminated to all known applicants and potential applicants.
- **June 14 – July 7, 2023 – Applications completed (with required documentation) and submitted to the Fund Administrators**
- May 26, 2023 – June 30, 2023 – All personal meetings requested with the Fund Administrators completed
- June 14, 2023 – August 5, 2023– All applications reviewed by the Fund Administrators. Recommendations for payments to eligible applicants submitted to the Steering Committee for independent review and approval.
- **July 7, 2023 – Deadline for submission of applications**
- July 20, 2023 – Fund closes to donations
- August 15, 2023 – Steering Committee approves Funds Distribution Plan
- August 21, 2023 – Distribution of payments to approved eligible beneficiaries begins on a rolling basis
- Three weeks after the end of the month in which all disbursements are completed – Independent auditing firm conducts examination of Fund according to Agreed Upon Procedures