

INDIANA STATE FAIR RELIEF FUND FINAL PROTOCOL

FUNDING

On August 15, 2011, the Central Indiana Community Foundation, in consultation with the Indiana State Fair Commission ("Commission"), established the Indiana State Fair Remembrance Fund (ISFRF) to provide a vehicle for donors seeking to make donations in the wake of the accident of August 13, 2011. On August 30, 2011, Governor Daniels established the State Fair Relief Fund ("Relief Fund"). The proceeds of the Remembrance Fund, with other private contributions, have been deposited in the Relief Fund. See, Executive Order 11-09.

Distributions from the Relief Fund are intended to provide assistance to the claimants, families, and survivors of the accident, and are apportioned by death or the length of hospital admission to the claimants arising from the accident. The Relief Fund will be closed to new donations on October 31, 2012.

It is the intent of the Commission and the Governor that the payments made from the Relief Fund are a gift from the Relief Fund donors, are not to be considered as compensation for claimants' injuries or death, and shall not be treated as such in any future or potential litigation. Acceptance of a distribution by the claimants or their families shall not constitute a waiver or release of any claims they, or their representatives, may have against an entity which may later be found liable for the accident.

There are four classifications of eligible claimants under the Relief Fund. The classifications and the respective proposed distribution payments are outlined below.

PLEASE NOTE: The amounts of the proposed lump sum payments listed for each classification are *approximate*. The Commission will honor eligible claims within the total amount of dollars in the Relief Fund. The current number of deaths is known, but because of patient privacy rights, the Commission does not know the number of physically injured individuals. Until there is a full determination of the number of eligible claims, the Relief Fund Administrator has been granted discretion to make a first distribution for less than the designated lump sum. When all eligible claims are known, and there remains an amount in the Relief Fund adequate to pay all eligible claims at the proposed amounts, further distributions will be made. It is also possible that additional distributions above the proposed lump sums will be made if additional donations are made to the Relief Fund.

CLASSIFICATIONS

A. Death Claims.

Eligible claimants, or their representatives, should file a claim form to participate in the Relief Fund. The claimants may select one of the two options below:

1. A lump sum cash payment of **\$ 35,000.00** or;
2. A claimant may propose, for consideration, an alternative distribution of their cash payment.

B. Physical Injury Claims while admitted to the hospital for 10 days and nights or more.

For those claimants admitted to the hospital for 10 days and nights (or more) between August 13, 2011 and October 2, 2011 due to physical injuries resulting from the accident, a cash distribution will be offered. Days and nights of hospitalization need not be immediate or contiguous, but documentation is required. All eligible claimants should file a claim form to participate in the Relief Fund. Claimants will receive the following:

1. A cash distribution of **\$ 25,000.00** or;
2. A claimant may propose, for consideration, an alternative distribution of his/her cash distribution.

C. Physical Injury Claims while admitted to the hospital for 4 - 9 days and nights.

For those claimants admitted to the hospital for 4 - 9 days and nights between August 13, 2011 and October 2, 2011 because of physical injuries resulting from the accident, a cash distribution will be offered. Days and nights of hospitalization need not be immediate or contiguous, but documentation is required. All eligible claimants should file a claim form to participate in the Relief Fund. Claimants will receive the following:

1. A cash distribution of **\$ 7,500.00** or;
2. A claimant may propose, for consideration, an alternative distribution of his/her cash distribution.

D. Physical Injury Claims while admitted to the hospital for 1 - 3 days and nights.

For those claimants admitted to the hospital for 1 - 3 days and nights between August 13, 2011, and October 2, 2011 because of physical injuries resulting from the accident, a cash distribution will be offered. Days and nights of hospitalization need not be immediate or contiguous, but documentation is required. All eligible claimants should file a claim form to participate in the Relief Fund. Claimants will reserve the following:

1. A cash distribution of **\$ 3,000.00** or;
2. A claimant may propose, for consideration, an alternative distribution of his/her cash distribution.

PROCESS AND PROCEDURES

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

- A. A claim form is posted at: www.in.gov/sfc; or call the number below to request one.
The claim form should be completed and submitted (along with all necessary attachments) no later than November 14, 2011.

Claim forms should be mailed to the Claims Processor:

Indiana State Fair Commission
Administrative Building
Attn: Claims Processor
1202 East 38th Street
Indianapolis, Indiana 46205
Toll Free: 1-855-222-0003
www.in.gov/sfc

*The Claims Processor must receive a claim form with original signatures.

- B. Individual claimants may request in writing a face-to-face personal meeting (or telephonic meeting) with the Relief Fund Administrator before the final processing of the claim is completed. These meetings will be scheduled before the individual claim is processed and will not serve to alter this Final Protocol or any allocation set forth in this Protocol. Requests to meet with the Relief Fund Administrator should be sent by email or regular mail to the Claims Processor.
- C. In the event that a claimant submits an incomplete or deficient claim, the Claims Processor will informally, and on a case-by-case basis, work with the claimant to cure any deficiencies.
- D. Cash distributions will be issued to each claimant following the rendering of a final determination of the claim. The Relief Fund will wire funds to the account provided by the claimant. If wire transfer is not possible due to personal circumstances, a check will be processed and mailed.
- E. The claim form will require the signature of the individual, guardian, or personal representative as the case may be. Attached to this Protocol (see Attachment A) is a description of the approved signatures for certain types of claimants. The Relief Fund Administrator will have final discretion to determine the signatures required for approval of a claim.
- F. In the event that an eligible claimant does not file a claim, such allocated funds will remain in the Relief Fund to be distributed according to section J of this Final Protocol.

- G. Individuals should contact their tax advisor for any questions regarding tax liability for these distributions.
- H. To the extent that any claimant has already received any distribution from the Relief Fund, the amount payable under this Protocol will be reduced commensurate with the amount previously distributed.
- I. After the initial claim period has ended and initial claim distributions have been made, the Relief Fund Administrator, in his discretion, may make additional distributions of remaining funds or newly donated funds.
- J. If any funds remain in the Relief Fund on October 31, 2012, those remaining funds will be distributed to eligible claimants by the Relief Fund Administrator in his discretion. The Relief Fund Administrator shall also have the discretion not to distribute remaining funds if the amount remaining is so small that a distribution is not financially practical.
- K. After December 31, 2011, a summary of donations, claims, and distributions to or from the Relief Fund will be made available to the public. Further, when all distributions have been made and the Relief Fund is closed, a final summary accounting will be made public.

CLAIM DEADLINES

The timeline for submission of claims to the Relief Fund Administrator shall be as follows:

- A. **Deadline for Submission:** This Final Protocol and attached Claim Form will be disseminated on September 26, 2011. The deadline for submission of the Claim Form to the Claims Processor is November 14, 2011. The Relief Fund Administrator, his staff, and the Indiana State Fair Commission will work with all claimants as requested to assure that all claims are submitted by the November 14, 2011 deadline. **[PLEASE NOTE: Any claims received by the Claims Processor after November 14, 2011, will not be eligible for consideration for the first distribution or for any later distributions.]**
- B. Availability of face-to-face meetings with the Relief Fund Administrator. All claims will be processed during the period September 26, 2011 through December 1, 2011. All claimants requesting face-to-face meetings with the Relief Fund Administrator before the claim is processed will be afforded such a meeting during the period from September 26, 2011 through November 21, 2011. Meetings will be scheduled at mutually convenient times and locations. In lieu of a face-to-face meeting, the claimant may request a telephonic meeting. These requests should be made to the Claims Processor.

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