

# BOEING FINANCIAL ASSISTANCE FUND

## PROTOCOL

September 23, 2019

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**This document contains the terms and conditions that will guide the administration of the Boeing Financial Assistance Fund (the “BFAF”). Of particular importance, please note that all Claim Forms submitted for financial assistance from BFAF must be submitted no later than December 31, 2019.**

### PURPOSE

The Boeing Company (“Boeing”) established the \$50 million Boeing Financial Assistance Fund, or BFAF, to provide near-term financial assistance to the families of the 346 victims of the Lion Air Flight 610 and Ethiopian Air Flight 302 accidents.

Boeing retained Kenneth R. Feinberg and Camille Biros (the “Administrators”) to design the protocol and procedures for the distribution of the BFAF funds, with a focus on ensuring that families of victims are provided near-term financial support as quickly as possible and that the funds are appropriately protected from diversion or other improper uses.

At Boeing’s direction, the BFAF is to be completely separate from any litigation related to the Lion Air Flight 610 and Ethiopian Air Flight 302 accidents. As such, individuals seeking support from the fund will not be required to sign or otherwise agree to any type of waiver or release, nor will prior releases prevent an otherwise qualified individual from receiving assistance from BFAF.

### ELIGIBILITY FOR COMPENSATION

To ensure prompt, equitable distribution of financial assistance, BFAF funds will be distributed pro rata based on the estate law of each victim’s domicile, without any inquiry into individual need or planned use of the funds. All eligible claimants will receive the same amount of money from the BFAF for each individual victim. Funds will be distributed to the legal representative of each victim’s estate (the “Claimant”), as determined by the law of each victim’s domicile. The identity of the Claimant will vary from jurisdiction to jurisdiction (*e.g.*, spouse, parent, child), but the Claimant must be the person who is authorized by local law to serve as the legally authorized representative of the victim’s estate. The Claimant will, in turn, be charged with distributing funds to all appropriate heirs and beneficiaries under the law of the victim’s domicile and as set forth in the Claim Form.

### PROCESS AND PROCEDURES

The process and procedures for distribution of funds from the BFAF will be as follows:

1. To receive assistance from the BFAF, Claimants must submit a fully completed Claim Form (the form is attached as Exhibit A). In addition, each Claimant will be required to submit all supporting documentation and signatures required below in the section titled “Documentation

Requirements.” The BFAF will only accept and process one Claim Form per victim, and will only review Claim Forms submitted by legally authorized Claimants.

2. The Administrators will provide Claim Forms, along with instructions for submission and a copy of the Final Protocol, to known potential Claimants and/or their respective retained attorneys beginning September 23, 2019. The Administrators will also make program documents publicly available on the BFAF website at [BoeingFinancialAssistanceFund.com](http://BoeingFinancialAssistanceFund.com). Claim Forms with unique identifying numbers will only be provided to those families of the known victims.
3. Claim Forms can be submitted in one of the following ways:
  - (1) by overnight courier or US Mail to:

The Boeing Financial Assistance Fund  
c/o The Law Offices of Kenneth R. Feinberg, PC  
1455 Pennsylvania Avenue, N.W., Suite 390  
Washington, DC 20004
  - or
  - (2) Electronically uploaded via the BFAF website using the unique identifying number affixed to the BFAF Claim Form.
4. To ensure that monies are promptly provided to meet near-term needs, all Claim Forms must be completed and submitted to the Fund Administrators (along with all required documentation and signatures) no later than December 31, 2019.
5. In the event that a Claimant submits an incomplete or deficient Claim (*e.g.*, the Claimant failed to include required documentation or failed to sign or secure the necessary signatures of heirs and beneficiaries), a representative from the Administrators’ office will notify and work with the Claimant in an attempt to cure any such deficiencies.
6. Payments will be issued once the Administrators, in their sole discretion, determine that a Claimant has submitted all required documentation and meets all eligibility requirements.
7. To ensure that all eligible Claimants receive their designated compensation pursuant to this Protocol, no payments will be transmitted directly to Claimants until such time as the Administrators, in the exercise of their sound discretion, are able to ensure the safety and security of the transmitted funds. This will be done in a variety of ways, including by using annuities designed by the Claimant or the Claimant’s lawyer; transferring the funds to an account established by the Claimant in a branch office of a US bank in the Claimant’s domicile; or forwarding the funds to the US-based IOLA account of a Claimant’s lawyer for further distribution to the Claimant.
8. Prior to issuance, the Administrators will review all payments to ensure compliance with the Foreign Corrupt Practices Act and other applicable anti-corruption laws and regulations. The Administrators will also ensure that Claimants have been screened pursuant to applicable U.S. Government sanction lists as set forth by the Department of the Treasury Office of Foreign Assets Control.

9. The Administrators will not provide tax or estate planning advice to Claimants; however, the Administrators recommend that all Claimants consult with tax advisors or other qualified advisors regarding these payments.
10. On or about March 15, 2020, the Administrators will prepare and submit to Boeing a final report documenting the distribution of all BFAF funds.
11. Notwithstanding any provision of this Protocol, the Administrators have full authority, in any individual circumstance, to use their reasonable judgment to take actions to ensure that the overarching purposes of the BFAF are met.

## **OUTREACH**

As noted above, the Protocol and required forms will be disseminated to all known Claimants and/or their attorneys beginning September 23, 2019. The Administrators will also use their best efforts to work with local officials to ensure that potential Claimants have notice of the fund and have access to the required forms necessary to seek assistance from the fund. The Administrators will also work directly with Claimants and their attorneys to ensure that all questions are answered regarding the Protocol, the Claim Form, or any other aspect of the BFAF in an effort to ensure that all eligible claims are submitted by the December 31, 2019 deadline.

## **DOCUMENTATION REQUIREMENTS**

All individuals submitting a Claim pursuant to this Protocol must submit a completed Claim Form as provided by the Administrators. In addition, each Claimant must submit the following documentation sufficient to substantiate and satisfy all Protocol requirements:

- If represented by an attorney, a Retainer Agreement signed by the Attorney and the Claimant.
- A copy of the appointment of the Claimant as the authorized legal representative of the victim's estate in accordance with the estate law of the victim's domicile.
- A copy of the decedent's last will and testament (if applicable).
- The signature of each named heir and/or beneficiary consenting to the appointment of the Claimant as the legal representative of the victim's estate and consenting to the Distribution Plan submitted by the Claimant as part of the Claim Form. Where an heir or beneficiary is a minor child, the signature of the legal guardian authorized under local law to serve as a minor's representative will be required, along with documentation establishing representative capacity, such as a power of attorney, guardianship, appointment of a guardian, or attorney ad litem.
- A Payment Option Form (attached as Exhibit B).

## **TIMELINE**

- **September 23, 2019:** Final Protocol and Claim Form disseminated to all known potential Claimants and/or their respective attorneys. The Administrators will continue to work to identify the appropriate contacts for all *pro se* potential claimants and will distribute Claim Forms to those individuals on a rolling basis. (Payment distribution begins on a rolling basis upon completion of the review of submitted Claim Forms and supporting documentation.)
- **December 31, 2019:** Deadline for submission of completed Claim Form and required supporting documentation.