

**BOEING 737 MAX CRASH-VICTIM BENEFICIARIES COMPENSATION FUND**  
**(For Beneficiaries of the Victims of Lion Air Flight 610 and Ethiopian Airlines Flight 302)**

**PROTOCOL**

**JUNE 21, 2021**

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The United States Department of Justice (“DOJ”) has appointed Kenneth R. Feinberg and Camille S. Biros to be the Administrators (“Administrators”) of the \$500 million Boeing 737 MAX Crash-Victim Beneficiaries Compensation Fund (“Compensation Fund”) arising from the DOJ’s Deferred Prosecution Agreement (“DPA”) with The Boeing Company (“Boeing”) dated January 6, 2021. This document (the “Protocol”) outlines the process for the administration and distribution of the Compensation Fund to the eligible families, next of kin, heirs, and other beneficiaries (collectively, the “Beneficiaries”) of the 346 victims of the Boeing 737 Max Lion Air Flight 610 and Ethiopian Airlines Flight 302 crashes (the “Crashes”). **If a Beneficiary refuses to accept the allocated compensation, or if there are no Beneficiaries to accept the allocated compensation from the Compensation Fund, the Administrators shall redistribute such allocation pro rata to all participating Beneficiaries, ensuring that no money from the Compensation Fund will be returned to Boeing.**

**PURPOSE**

As required by the DPA, Boeing has deposited \$500 million into a Compensation Fund Escrow Account established by the Administrators to be distributed to the Beneficiaries. The Administrators have been designated by the DOJ to design the Protocol and procedures for distribution of the Compensation Fund to Beneficiaries in a quick, efficient, and secure manner so that the payments are appropriately protected from improper diversion.

This Compensation Fund is completely separate from any civil litigation related to the Crashes. As such, Beneficiaries will never be asked to waive any claim against Boeing or sign any release in order to receive money from the Compensation Fund. Any prior releases signed by Beneficiaries with Boeing will not prevent Beneficiaries from receiving their money from the Compensation Fund. Additionally, Boeing expressly agreed in the DPA that Boeing will not use the fact that any Beneficiary who seeks or receives any compensation from the Compensation Fund will preclude any such Beneficiary from pursuing any other lawful claim that he/she may have against Boeing.

## **ELIGIBILITY FOR COMPENSATION**

To ensure prompt and equitable distribution, the Compensation Fund will be distributed **pro rata** based on the number of eligible claims. For example, if the Administrator receives 346 eligible claims (*i.e.*, one claim for each crash victim), the Compensation Fund will be divided and distributed in 346 equal shares.

The eligibility of each Beneficiary will be determined by the estate law of each crash victim's domicile. All distributions of the Compensation Fund will be made through the legal representative of each crash victim's estate (the "Claimant"). The identity of the Claimant may vary by jurisdiction (*e.g.*, legally authorized representative, spouse, legal partner, parent, child), but the Claimant must be authorized by the estate law of each crash victim's domicile to serve as the legally authorized representative of the crash victim's estate. The Administrators will contact all Beneficiaries already known to the Administrators and/or their attorneys to confirm or update information that the Administrators may already possess. Once the Administrators distribute funds to a Claimant, it is the Claimant's responsibility to further distribute such funds to all eligible Beneficiaries.

## **PROCESS FOR DISTRIBUTION OF COMPENSATION FUND**

The process for distribution of the Compensation Fund is as follows:

- To receive payment, Claimants must submit a fully completed Claim Form (attached as Attachment A). In addition, each Claimant will be required to submit all supporting documentation and signatures required below in the section titled "Documentation Requirements." **All Claim Forms along with all required documents and signatures must be submitted on or before October 15, 2021.**
- The Administrators will only accept and process one Claim Form per crash victim, and will only review a Claim Form submitted by the legally authorized Claimant.
- The Administrators will provide a copy of the Protocol and Claim Form, along with instructions for submitting the completed Claim Form, to known Claimants and/or their attorneys beginning June 21, 2021. These documents will be available in English, Indonesian, and Amharic, and will also be available in other languages upon request. Information about the Compensation Fund will also be made publicly available on the Compensation Fund's website at:

[Boeing737MAXCrash-VictimBeneficiariesCompensationFund.com](http://Boeing737MAXCrash-VictimBeneficiariesCompensationFund.com)

- Claim Forms will not be available through the public website. The Administrators will provide each Claimant with a Claim Form which will include a unique identifying number for each Claimant.
- Completed Claim Forms can be submitted in any one of the following three ways:
  1. Electronically, via the Compensation Fund website (using the unique identifying number as shown on the Claim Form):  
Boeing737MAXCrash-VictimBeneficiariesCompensationFund.com
  2. Via email to:  
ClaimantServices@Boeing737MAXCrash-VictimBeneficiariesCompensationFund.com
  3. Via U.S. Mail or Overnight Courier to:
 

Boeing 737 MAX Crash-Victim Beneficiaries Compensation Fund  
c/o The Law Offices of Kenneth R. Feinberg, PC  
1455 Pennsylvania Avenue, N.W., Suite 390  
Washington, D.C. 20004
- Completed Claim Forms will be processed, and payments will be issued, on a rolling basis.
- In the event that a Claimant submits an incomplete or deficient Claim Form (*e.g.*, the Claimant failed to include required documentation or failed to sign or secure the necessary signatures of Beneficiaries), a representative from the Administrators' office will notify and work with the Claimant in an effort to cure any such deficiencies.
- In the event that a Claimant wishes to be represented by an attorney, the Claimant must submit documentation signed by the Claimant and the attorney authorizing the attorney to communicate with the Administrator on the Claimant's behalf. If a Claimant is represented by an attorney, all communications from the Administrators will be with the attorney unless the Claimant's attorney and the Claimant instruct the Administrators otherwise and do so in writing. The attorney will be authorized to communicate with the Administrator for only as long as the Claimant permits. If for any reason the Claimant decides to discontinue the use of an attorney, the Claimant is responsible for notifying the Administrators of this decision. In such a case, before finalizing the Claim, the Administrators will seek to obtain confirmation from the attorney of the Claimant's dismissal of the attorney.
- The assistance of an attorney, while not required, can promote a more efficient, speedier, and accurate submission of all necessary documents as well as the safe and secure transfer of the funds. Because this Compensation Fund is intended to be streamlined,

non-adversarial, efficient, and expeditious, the Administrators note that attorneys' fees should not be excessive. By way of example, the Zadroga Act of 2010, which addressed the distribution of individual financial awards to victims of the 9/11 attacks, capped attorneys' fees at 10% of the total amount of compensation allocated to the Claimant.

- Payments will be issued once the Administrators, in their sole discretion, determine that a Claimant has submitted all required documentation. To ensure that all eligible Claimants receive their allocated 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 satisfied that the funds would be transmitted safely and securely. (A Payment Option Form is attached as Attachment B.)

The Administrators strongly urge receipt of the funds using a method of payment that is secure and reduces the risk of fraudulent diversion, for example:

1. Establishment of a U.S.-based bank account that operates multiple international branches providing traditional retail banking services;
  2. Transfer of funds to the U.S.-based Interest On Lawyer Trust Account ("IOLTA") of a Claimant's attorney for further distribution to the Claimant; or
  3. Creation of a structured settlement for periodic payments to the Claimant through the purchase of annuities through a US structured settlement company. Note: Use of structured settlements may preserve the safety and security of the funds. A structured settlement company will schedule face-to-face meetings in designated cities and/or employ the use of remote video technology to schedule individual meetings with Claimants and their attorneys using a video conferencing application such as Zoom or Webinar. A structured settlement program can be designed to provide an upfront cash payment followed by periodic payments to be used for everyday needs as well as future obligations, such as education or retirement.
- Before distribution, 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 U.S. Department of the Treasury Office of Foreign Assets Control and all applicable U.S. federal laws.
  - The Administrators will not provide legal, tax, or estate planning advice to any Claimant or Beneficiary. There will be no withholding of federal, state or foreign taxes. No Form 1099's will be issued to Claimants for these payments.

- Notwithstanding any provision of this Protocol, the Administrators have full authority, in any individual circumstance, to use their reasonable judgment and take action to ensure compliance with this Protocol and the secure distribution of the Compensation Fund.

## **OUTREACH AND COMMUNICATIONS**

As noted above, the Administrators will provide a copy of this Protocol, the Claim Form, and all required forms to all known Claimants and/or their attorneys beginning June 21, 2021. The Administrators will also work directly with Claimants and/or their attorneys to ensure that all questions are answered regarding the Protocol, the Claim Form, or any other aspect of the Compensation Fund in an effort to ensure that all eligible claims are submitted by the **October 15, 2021** deadline.

Any questions associated with the Compensation Fund may be directed to the Administrators at any time via email:

ClaimantServices@Boeing737MAXCrash-VictimBeneficiariesCompensationFund.com

## **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 current Retainer Agreement signed by the attorney and the Claimant. The Retainer Agreement must specifically reference this Compensation Fund as the purpose of the legal representation.
- A copy of the appointment of the Claimant as the authorized legal representative of the crash victim's estate in accordance with the estate law of the crash victim's domicile. **Note: If there are no changes to the status of the legal representative from the documents that may have been previously submitted to the Administrators, please so indicate on the Claim Form. There is no need to complete another copy.**
- The signature of each eligible Beneficiary consenting to the appointment of the Claimant as the legal representative of the crash victim's estate and consenting to the distribution plan submitted by the Claimant as part of the Claim Form (the "Distribution Plan"). **Note: Approved status of the legal representative and a new proposed Distribution Plan must be provided in the Claim Form. Where a 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.

#### **KEY DATES**

- **June 21, 2021:** Protocol, Claim Form, and all other required forms disseminated to all known potential Claimants and/or their attorneys. (Compensation Fund distribution begins on a rolling basis upon completion and the Administrator's review and approval of the submitted Claim Forms and supporting documentation).
- **October 15, 2021:** Deadline by which all Claim Forms and supporting documentation must be submitted in order to guarantee a distribution from the Compensation Fund.