

**SIMPLE BUSINESS CLAIMS – GUIDELINES AND PROCEDURES for Shut Down  
Claims and Real Estate Rental Businesses**

The Settlement Administrator and the Claims Oversight Panel set forth these guidelines and procedures for processing, reviewing, evaluating and resolving certain types of Simple Business Claims. These guidelines do not modify the Settlement Distribution Protocols and Amended Settlement Agreement, but rather provide more detailed guidance for Claimants. Section I contains guidelines for Simple Business Shut Down Claims and Section II contains guidance for Simple Business Claims filed by real estate rental businesses.

**Section I: Shut Down Claims – Acceptable Evidence to Demonstrate Shut Down**

1. Shut Down List: The Settlement Administrator was provided, from MLP Lead Counsel, the following listings. These listings will be collectively referred to as the “Shut Down List:”
  - Health Department Lists: Separate Individual listings were prepared by the Health Departments of each of the nine counties in the affected area, listing businesses with Health Department Licenses.
  - West Virginia Board of Barbers and Cosmetologists (“WVBBC”): The WVBBC provided a listing of all of the barber, beauty and cosmetology business in the affected nine county area. This listing was not limited to exact WVAW service areas within each county of the settlement class but contains all such WVBBC business in any of the nine counties
- A. Inclusion on Shut Down List is Sufficient Evidence of Shut Down: If the business is included on the Shut Down list, that business will be deemed an Eligible Shut Down Business for the Simple Claim provided that all other Simple Business Claim requirements are met and the required income documentation was submitted.
- B. Presumed Shut Down: Any Simple Business Claimant that claims to have been Shut Down and is a Business engaged in food preparation (restaurant) or childcare, or cosmetology or is a Business that provides tattoos, or hair cutting/styling (i.e. barbers and beauticians) will be presumed to have been Shut Down for purposes of the Simple Business Claim. The Settlement Administrator will determine the Claimant’s type of business based upon review of the documentation provided with the claim form.

If the Settlement Administrator determines that the Business Claim meets the “Presumed Shut Down” category, then the Claimant will be considered to have an Eligible Simple Business Shut Down Claim provided all other eligibility requirements are met and the required income documentation was submitted.

If the Settlement Administrator determines that the business does not meet the 'Presumed Shut Down' category or cannot determine whether the business meets the category, then the claim will be evaluated under Category C below.

- C. Other Businesses – Businesses that are not on the Shut Down List and do not meet the criteria for Presumed Shut Down: If a Simple Business Claimant seeks payment as a Shut Down Business and that business is not included on the Shut Down List and does not meet the requirements for Presumed Shut Down (as previously defined), the claim will be considered deficient and further proof of eligibility will be required.

2. Eligibility and Deficiency Notifications:

- A. Eligible Shut Down Claims. All eligible Shut Down Simple Business Claimants will be sent a notification letter to inform them that the Settlement Administrator has determined their claim to be eligible.
- B. Deficient Shut Down Claims. Any Simple Business Shut Down Claimant that is not included on the Shut Down List and does not meet the criteria for Presumed Shut Down (as previously defined) will be sent a notification letter to inform them that Settlement Administrator has determined their Claim to be deficient.

The claimant will be given an opportunity to cure the deficiency within the required timeframe. The cure deadline is 33 days, postmarked, from the date of the deficiency letter.

To cure a Shut Down deficiency the Claimant must provide reliable documentation (health department license, regulatory agency correspondence, etc.) to demonstrate that the Business was required by regulation to Shut Down as a result of the Incident. The West Virginia Board of Dentistry Statement dated January 29, 2014 is not considered proof of Shut Down.

Option to Rescind Simple Claim and file Individual Review Claim. If the Claimant believes that it is not able to cure the Shut Down deficiency, the Claimant will be permitted to file an Individual Review Business Claim. That Claim must be filed no later than the cure deadline.

If the Claimant does not respond by the cure deadline or does not provide adequate documentation to cure the deficiency or does not file an Individual Review Business Claim, the Claim will be processed as a Simple Business (non-Shut Down) Claim.

The Settlement Administrator will send an eligibility letter on all deficient claims once the cure deadline has expired and the Settlement Administrator has had an opportunity to review any response documentation. This eligibility letter will notify the Claimant of the Settlement Administrator's determination. The Claimant will then have an opportunity to request a second review consistent with the administrative appeal procedures in the Amended Settlement Agreement.

## Section II: Real Estate Rental Businesses

1. Overview. Following is guidance on the review and treatment of real estate rental businesses with multiple Simple Claims for different locations of the same business.
2. Eligibility Determination: Only one Simple Claim for a real estate rental business will be considered eligible per business under common ownership (regardless of the number of locations) unless a separate office is maintained at the eligible location.
  - A. Location of the rental business – definition of ‘office’
    - a. Separate office(s) – rental/management office separate from any rental building, on-site rental/management office.
    - b. Landlord’s residence will be deemed the office for each location that does not have a separate office at the location.
  - B. In order for a real estate rental business making a Simple Claim to have multiple eligible locations, the business owner will have to provide documentation showing that a separate office exists at each eligible location.
  - C. If an individual has multiple rental properties in eligible locations, the individual would be allowed to file Simple Claims only for locations with a distinct rental/management office at the eligible locations.
3. Deficiency Notifications:
  - A. Deficient Rental Claims. Any Simple Business Claimant that submitted a claim form for more than one rental location (as previously defined) and had not provided proof of separate business offices at each such location will be sent a notification letter, for each location, to inform them that the Settlement Administrator has determined their Claim to be deficient.

The Claimant will be given an opportunity to cure the deficiency within the required timeframe. The cure deadline is 33 days, postmarked, from the date of the deficiency letter. The Claimant can cure the rental deficiency by providing documentation showing that the business operated a separate office at the location that was indicated on the Simple Claim form.

If the Claimant is unable to provide such documentation, the Claimant will be given the opportunity to file an Individual Review Business Claim with supporting documentation for their documented losses of their combined entire book of business. The deadline for the Individual Review Claim is the same as the cure deadline – postmarked 33 days from the date of the deficiency letter.

If the Claimant does not respond by the cure deadline or does not provide adequate documentation to support the location requirements or Individual Review Business Claim, the Simple Claims for the multiple locations without documentation will be denied.

The Settlement Administrator will send an eligibility determination letter on all deficient claims once the cure deadline has expired and the Settlement Administrator has had an opportunity to review any response documentation. This eligibility determination letter will notify the Claimant of the Settlement Administrator's determination. The Claimant will then have an opportunity to request a second review consistent with the administrative appeal procedures in the Amended Settlement Agreement.