

Personal Injury Payments FAQs

Summary of Appeal

The *In re: East Palestine Train Derailment Settlement*, Case No. 4:23CV0242, is currently on appeal. The appeal was filed on behalf of four class members and is pending before the United States District Court of Appeals, 6th Circuit. As a result of the appeal process taking place, Direct Household payments and Business payments ***are on hold until all appeals are resolved.***

The Settlement appeal process does not impact the Personal Injury payments that are currently being calculated and distributed. You can view the appeal by clicking [here](#).

Who is Kroll?

Kroll Settlement Administration is a neutral, third-party, administration firm appointed by the Court to administer the Settlement based on the terms in the Settlement Agreement and other Court documents.

Is Kroll affiliated with any attorneys?

No, Kroll is not affiliated with Class Counsel nor Defense Counsel. Kroll Settlement Administration is a neutral, third-party, administration firm appointed by the Court.

How did Kroll determine terms of the Settlement and the plan of distribution?

Kroll had no role in determining the terms of the Settlement and Plan of Distribution. Kroll is responsible for administering the Settlement per the terms of the Settlement Agreement, the Plan of Distribution and other Court orders.

What is the process for calculating Personal Injury Payments and issuing payments?

- All Personal Injury claims are thoroughly reviewed for completeness, accuracy and validity.
 - o Any Personal Injury claim that is deficient in any manner are sent a letter with instructions on how to cure (correct) the deficiency. Claimants are provided 45 days to respond to the deficiency letter. (If a claimant does not reply to the deficiency letter, and cure the deficiencies, their Personal Injury claim will be rejected.)
 - o Personal Injury payment amounts are calculated in compliance with the Plan of Distribution. The Plan of Distribution can be accessed on Kroll's website by clicking [here](#).
 - o Personal Injury Releases are also reviewed and signed off on by counsel.
 - o Valid Personal Injury claimants are sent a Personal Injury payment determination letter. This letter details the amount of the Personal Injury payment, and provides the claimant instructions on how to appeal the payment amount if they choose.
 - o Personal Injury claimants ***are provided approximately 2 weeks to accept or appeal/challenge the calculated Personal Injury payment amount.*** Claimants will

- also be provided the opportunity to provide banking details to receive the Personal Injury payment via ACH deposit.
- Following the 2-week period to accept or appeal the Personal Injury payment, and if the payment amount is not challenged, Claimants are then either:
 - Sent their Personal Injury payment via ACH deposit;
 - Sent a check if their Personal Injury payment is \$10,000 or less; or
 - Sent a letter with instructions on how to set up an appointment to pick up their check at the Settlement Center if the Personal Injury payment is over \$10,000.
 - Personal Injury payment amounts that are challenged will go through the appeal process detailed in the Settlement Agreement.

What happens to the interest earned on the Settlement Funds?

Interest earned on the Settlement Fund is held for the benefit of Claimants, and the interest will be included in the payment amounts that are awarded to claimants.

Why was Kroll paid \$20 million dollars when they have not issued all checks to claimants?

- Kroll has not been paid \$20 million.
- Kroll is paid from the Settlement Fund for their time and expenses that are incurred for the administration services they perform under the Settlement.

How are payments being prioritized?

Personal Injury Payment Determination Letters and Personal Injury Payments will be made to all valid Personal Injury Claims starting with valid Claims. There is no priority based on the value of the Personal Injury Claim or geographic location to the Derailment Site. Claims for Extraordinary Injury will require detailed review and will result in a delay of the Personal Injury Payment.

By when will payments be made?

Kroll is working as quickly as possible to validate and make payments on all Personal Injury Claims. Personal Injury Payments will be made shortly upon the expiration of each individual's Personal Injury Payment Determination letter response deadline.

How many Claimants have been paid?

Starting in October 2024, Kroll has made determinations on thousands of Personal Injury Payments for eligible claimants and continues to work with Counsel to approve further Personal Injury Payments on a weekly basis.