



FREQUENTLY ASKED QUESTIONS

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I. Basic Information

1. What is the Fire Victim Trust?

Following the Northern California wildfires in 2015 to 2018, PG&E Corporation and Pacific Gas and Electric Company jointly filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Northern District of California (the “Court”) on January 29, 2019 (*In re PG&E Corporation and Pacific Gas and Electric Company*, Bankruptcy Case No. 19-30088). The Debtors’ Plan of Reorganization under Chapter 11 of the United States Bankruptcy Code was confirmed by the Bankruptcy Court for the Northern District of California on June 20, 2020, Case No. 19-30088, Docket No. 8053 (available [here](#)). The Plan became effective and the Fire Victim Trust was formed on July 1, 2020.

The Fire Victim Trust will evaluate, administer, process and resolve eligible claims arising from the 2015 Butte Fire, 2017 North Bay Fires, and 2018 Camp Fire. Under the direction of the proposed Trustee, the Honorable John K. Trotter (Ret.), and Claims Administrator, Cathy Yanni, the Fire Victim Trust will provide an efficient and equitable process to review claims and compensate Fire Victims for both economic and non-economic damages caused by these fires, including destruction or damage to real estate and personal property, additional living expenses, lost wages, business losses, personal injury or death and related medical expenses, and emotional distress.

2. What fires are included in the Fire Victim Trust?

The Fire Victim Trust will administer Claims related to the following fires (the “Fires”):

(a) Butte Fire (2015)

(b) North Bay Wildfires (2017)

- (1) 37
- (2) Adobe
- (3) Atlas
- (4) Blue
- (5) Cascade
- (6) Cherokee
- (7) Honey
- (8) LaPorte
- (9) Lobo
- (10) Maacama/Youngs
- (11) McCourtney
- (12) Norrbom
- (13) Nuns
- (14) Partrick
- (15) Pocket

- (16) Point
- (17) Pressley
- (18) Pythian/Oakmont
- (19) Redwood/Potter Valley
- (20) Sullivan
- (21) Sulphur
- (22) Tubbs

(c) Camp Fire (2018)

Any Claims unrelated to the Included Fires are ineligible for compensation by the Trust.

3. Who can submit a claim to the Fire Victim Trust?

To be eligible to receive compensation from the Trust, a Claimant must: (1) have a Claim related to an Included Fire; (2) have timely filed a Proof of Claim (*i.e.*, have filed a Proof of Claim with the Bankruptcy Court by December 31, 2019); and (3) submit supporting documentation outlined in Section II of the Claims Resolution Procedures or as required by the Claims Administrator (“Supporting Documents”). Upon submission of the Supporting Documents, the Trust will review each Claim and apply California law or, if applicable, other non-bankruptcy law to determine the Approved Amount of the Claim, including all recoverable damages and costs.

4. Who is the Trustee?

The Court approved the Honorable John K. Trotter (ret.) as the Trustee of the proposed Fire Victim Trust. Having retired from the California Court of Appeal in 1987, he joined JAMS and gained a reputation as one of the nation’s leading experts in ADR. Justice Trotter has served as a Special Master in several Multi District Litigation Pharmaceutical matters, including, Zyprexa I, Zyprexa II, Baycol, Rezulin, Vioxx, the Toyota Sudden Acceleration case, and other complex cases in both Federal and State court, supervising the claims of and payments to thousands of plaintiffs in each litigation. He also formulated a resolution program for the 2007 San Diego fire cases and supervised the resolution of all the victims’ claims. Click [here](#) to learn more about Justice Trotter.

5. Who is the Claims Administrator?

The Court approved Cathy Yanni as the Claims Administrator of the proposed Fire Victim Trust. In addition to her work as the Administrator of the Wildfire Assistance Program, Cathy Yanni has settled tens of thousands of cases and facilitated distribution of billions of dollars in settlement funds to Claimants. She has overseen multiple claims reconciliation processes. Cathy Yanni has been a Court Appointed Special Master and/or Mediator in numerous cases involving wildfires, mass torts, and class actions. In addition to being appointed as an appeal panelist in the Takata Airbag Tort Compensation Trust Fund established in the TK Holdings Inc. bankruptcy case, she been appointed as an Administrator, Special Master, or Mediator in thousands of other cases. She also worked

with Justice Trotter to formulate a resolution program for the 2007 San Diego fire cases, ultimately acting as mediator and arbitrator for the program. Click [here](#) to learn more about Cathy Yanni.

6. Who are the Neutrals?

The Trustee will appoint a panel of Neutrals experienced in the resolution of wildfire claims and related matters to assist in resolving issues relating to the liquidation and resolution settlement of Fire Victim Claims. The Trustee will designate certain specially-qualified Neutrals to consider large, complex, and/or sensitive Fire Victim Claims. The Neutrals also will consider appeals from Claimants who dispute their Claims Determinations.

7. Who is the Claims Processor?

The Fire Victim Trust retained the law firm [BrownGreer PLC](#) as Claims Processor to assist the Trustee and the Claims Administrator to process Fire Victim Claims in a fair, consistent, equitable and *pro rata* manner as mandated by the Fire Victim Trust Agreement and the order of the Bankruptcy Court. BrownGreer is a premier settlement administrator with more than 25 years' experience assisting clients with the legal and administrative aspects of the design, approval, and implementation of settlement protocols and claims facilities required to resolve mass claims in settlements arising from class actions, multidistrict litigation, bankruptcy proceedings, government enforcement actions, and other aggregation vehicles.

8. What is the Trust Oversight Committee?

The Trust Oversight Committee (“TOC”) is an oversight committee selected and appointed by the Consenting Fire Claimant Professionals and the Tort Claimants Committee to oversee the Fire Victim Trust and represent the interests of Fire Victim Claimants. The TOC members are:

- Amy Bach, Esq. | United Policyholders
- Douglas Boxer, Esq. | Law Office of Douglas Boxer
- Elizabeth Cabraser, Esq. | Lief Cabraser Heimann & Bernstein, LLP
- Michael Kelly, Esq. of Walkup, Melodia, Kelly & Schoenberger
- Frank M. Pitre, Esq. | Cotchett, Pitre & McCarthy, LLP
- Amanda L. Riddle, Esq. | Corey, Luzaich, de Ghetaldi & Riddle LLP
- Bill Robins, Esq. | Robins Cloud LLP
- Gerald Singleton, Esq. | Singleton Law Firm
- Steven J. Skikos, Esq. | Skikos, Crawford, Skikos & Joseph, LLP

9. When does the Claim filing period begin?

The Trust began accepting Claims information and supporting documents on the Fire Victim Trust [Portal](#) on July 1, 2020. The Claims Questionnaire will be available on August 17, 2020.

10. If I did not file a Proof of Claim by December 31, 2019, can I still get compensation from the Trust?

All Claimants must have filed a Proof of Claim for their claims or those of their family in the Bankruptcy Cases (*i.e.*, the cases filed in the United States Bankruptcy Court for the Northern District of California known as *In re PG&E Corporation et al*, Debtors, Jointly Administered Case No. 19-30088) on or before December 31, 2019, which was the extended Bar Date for Fire Victim Claimants. Claims that were not timely submitted to the Bankruptcy Cases are ineligible for compensation from the Trust, unless the Claimant (a) obtains relief from the Bankruptcy Court to file a late Claim, and (b) within 30 days after the Bankruptcy Court order allowing such late filing (i) files the Claim in the Chapter 11 Cases and (ii) submits such Claim to the Trust. Claims that have been disallowed or that have been withdrawn from the Claims Register in the Chapter 11 Cases are ineligible for compensation from the Trust.

11. If I filed a Proof of Claim and need to make corrections, should I file a new or amended Proof of Claim?

If you previously filed or were included as a family member in a filed Proof of Claim, you do not need to file a new or amended Proof of Claim to update the information about your claim. Instead, you or your lawyer should contact the Trust to submit revised information, including changes in contact information and/or attorney representation. If you need to revise or clarify substantive claims information including the Fire, loss location address, and/or damages claimed, you will have an opportunity to do so when submitting your Claims Questionnaire to the Trust.

12. Are there any tools on the Trust Website to help me understand the Claims Resolution Procedures and how to make a claim?

Yes. The Claims Administrator created several tools with information that may be helpful to you. Some of these tools are also referenced in other FAQs. There also are a Portal User Manual and a Quick Start Guide available in the Support section when you log into your [Portal](#).

13. How do I get more information about the Fire Victim Trust?

These FAQs summarize the Fire Victim Trust Agreement and Claims Resolution Procedures. Click [here](#) to read the entire Trust Agreement and all Exhibits. You also may call (1-888-664-1152) or email (info@firevictimtrust.com) the Claims Administrator for more information.

14. How do I report potential fraud to the Claims Administrator?

If you suspect or know of potential fraud concerning the Fire Victim Trust, you can report it by clicking [here](#) and using the online form created by the Claims Administrator. You also may call (1-888-664-1152) or email (info@firevictimtrust.com) to report potential fraud.

You can report the potentially fraudulent activity anonymously and confidentially, regardless of the method you choose. If you provide the Claims Administrator with your contact information, the Claims Administrator will keep your information confidential to the extent possible.

When reporting potential fraud, include as many details as possible so the Claims Administrator can fully investigate the activity, such as when the activity occurred, who was involved, how you know about the activity, and whether any other person(s) may have information about the activity.

15. What if my situation or circumstances are not covered by these FAQs?

If an issue arises that these FAQs do not address, the Claims Administrator will consider the facts on a case-by-case basis to determine the appropriate course of action, including whether to adopt a new FAQ to address the issue. Not every question can be anticipated in advance. Also, the Trustee and Claims Administrator have the discretion to interpret and apply the rules and policies in these FAQs to follow best practices for the Trust, which may require flexibility in certain situations. Contact the Claims Administrator by phone (1-888-664-1152) or email (info@firevictimtrust.com) if you have a question that is not covered in these FAQs.

II. Claimant Demographic Information

16. How do I change my mailing address?

After logging in to your Portal on the Fire Victim Trust website, open the Claimant Details screen for the Claimant whose address you wish to update. Click the Edit Claimant Details and update the Current Mailing Address to update your mailing address.

17. Do I have to provide my Taxpayer Identification Number to the Trust?

Yes. Section V. of the Fire Victim Claims Resolution Procedures requires that Claimants provide the Trust with sufficient information to verify their identity as part of their Claims Questionnaire. Using a Claimant's Taxpayer Identification Number allows the Trust to (1) verify that each Claimant provides his or her actual name and TIN; (2) prevent a Claimant from inadvertently or intentionally using a different person's name and/or TIN; (3) avoid processing or paying a claim for a fictitious person; and (4) avoid paying a Claimant for the same injuries or damages more than once.

18. How do I add or change the Claimant name or Social Security Number (or other Taxpayer Identification Number) that I provided to the Trust?

After logging in to your Portal on the Fire Victim Trust website, open the Claimant Details screen for the Claimant whose information you need to update. Click the Edit Claimant Details button and add or update the information (*e.g.*, Claimant name, Taxpayer Identification Number). You will be able to add or update the information until you submit a Claims Questionnaire.

After you submit a Claims Questionnaire, or after one is submitted on your behalf, you must contact the Claims Administrator to request any corrections to your name or Taxpayer Identification Number.

19. What happens if you can't verify my Taxpayer Identification Number?

If we can verify your Taxpayer Identification Number (“TIN”) through our own research, then we will not ask you to provide any further information or documents about your TIN. In a small percentage of circumstances, we will not be able to verify a TIN, often because of typographical errors or because the name associated with the TIN is different from the name you provided.

If we are unable to verify your TIN, we will request additional information depending on the type of TIN you have provided:

(a) Social Security Number (“SSN”). If you are using an SSN, and we cannot verify your information, we will ask you to provide any of the following information:

- (1) A legible copy of your Social Security Card from the Social Security Administration that displays your name and SSN. If you do not have a copy of your SSN card, you can get a new card by visiting <https://www.ssa.gov/myaccount/replacement-card.html> or by calling 1-800-772-1213; or
- (2) Any other official documents issued by the Social Security Administration bearing your SSN.

(b) Individual Taxpayer Identification Number (“ITIN”). If you are using an ITIN, and we cannot verify your information, we will ask you to provide a legible copy of your ITIN Assignment Letter from the IRS that displays your name and ITIN. If you do not have a copy of your ITIN Assignment Letter from the IRS, you can request a replacement letter by calling the IRS at 1-800-829-1040.

(c) Employer Identification Number (“EIN”). If you are using an EIN, and we cannot verify your information, we will ask you to provide a legible copy of your EIN Assignment Letter from the IRS that displays your name and EIN. If you do

not have a copy of your EIN Assignment Letter from the IRS, you can request a replacement by calling the IRS Business and Specialty Tax Line at 1-800-829-4933.

- (d) Foreign ID Number.** Individual Claimants who do not have an SSN or ITIN can provide the Trust with a Foreign ID Number, which should be a unique identifier assigned by your country of origin. If you use a Foreign ID Number, you must provide documents corroborating the Foreign ID Number and confirming the country that issued it.

You will not need to provide any of these documents unless and until we notify you that we have been unable to verify your TIN. If you have received such a notice from us and have submitted documents in response, we will review your submission and will notify you if we need additional information.

20. How did the Claims Administrator identify the Fire Victims included as Claimants in the Trust?

The Trust relied on data reported by Prime Clerk, the claims and noticing agent in the bankruptcy cases. The Claims Administrator continues coordinating with Prime Clerk and PG&E to confirm which claims are channeled to the Trust and will add new or update existing Claimants in the Fire Victim Trust Portal on an as-needed basis. If you have questions about inclusion of a specific Claimant in your Portal, email the Trust at info@firevictimtrust.com and include the Proof of Claim Number appearing on the Prime Clerk Bankruptcy register ([here](#)) in your email.

21. Where did the Claims Administrator get my contact information?

The Claims Administrator obtained your contact information from the Notice Party data in Question 4 of the Proof of Claim form you filed.

22. Where did the Claims Administrator get information about my family and/or household members?

The Claims Administrator obtained information about your family and/or household members from Question 3 of the Proof of Claim form you filed.

23. Where did the Claims Administrator get information about my Loss Location?

The Claims Administrator obtained information about your Loss Location from Question 8 of the Proof of Claim form you filed.

24. My Loss Location is incorrect. How do I update my Loss Location?

You cannot change an existing Loss Location. However, you can remove an incorrect Loss Location and add a new Loss Location with the correct address.

After logging in to your Portal on the Fire Victim Trust website, open the Claimant Details screen for the Claimant whose Loss Location you need to update. In the Loss Location Information section, click the Add Loss Location button to add a new address or click the red trashcan next to an existing, incorrect address to delete it.

25. My Portal shows the same Claimant twice. How do I correct this?

If you previously submitted information for the same Claimant more than once, you may see multiple entries for that Claimant in the Plaintiff Information Used to Create Claimant section of the Claimant Details screen. If your Portal shows the same Claimant twice, the Claims Administrator can merge the data to create one unique Claimant. If the Claimants should be merged, click the Confirm button and provide any necessary comments. If the Claimants should be separate records in our system, click the Contest button and provide the details to verify that the Claimants are separate and unique individuals or entities. Afterwards, the Claims Administrator will contact you with any questions and to confirm resolution.

III. Fire Victim Claims – Generally

26. What types of claims will the Fire Victim Trust consider?

The Claims Resolution Procedures (available [here](#)) outline seven types of claims that Fire Victims can submit: (1) Real Property, (2) Personal Property, (3) Personal Income Loss, (4) Business Loss, (5) Other Out-of-Pocket Expenses, (6) Wrongful Death and Personal Injury, and (7) Emotional Distress. In addition to these categories, the Trust will review all other submitted claims and consider all damages and costs recoverable under California law or, if applicable, other non-bankruptcy law.

27. Do I need to complete a new form to submit my claims to the Fire Victim Trust?

Yes. Claimants must complete a Claims Questionnaire, which will include sections for you to provide or update demographic information and information about your claim(s).

28. When can I submit a Claims Questionnaire?

The Trustee and Claims Administrator are developing a Claims Questionnaire to facilitate Claims submissions to the Fire Victim Trust. The Claims Questionnaire will be available on August 17, 2020. The Trust began accepting Claims information and supporting documentation on the Portal on July 1, 2020. The Fire Victim Trust website and Portal include additional information to help you submit Claims information.

29. What is the deadline to submit a Claims Questionnaire?

The deadline to submit a Claims Questionnaire is December 31, 2020.

30. How do I sign a completed Claims Questionnaire in my Portal?

If you are a lawyer:

In the Signature module of the Claims Questionnaire, follow the instructions to email each client to provide an electronic signature. All Claimants must have a signature before the Claims Questionnaire can be submitted to the Fire Victim Trust for processing. Click the Send button to enter the client's email address and you may use the same email address multiple times.

If you are a Claimant who is not represented by a lawyer:

In the Signature module of the Claims Questionnaire, click the E-Sign button next to each Claimant's name to provide an electronic signature. All Claimants must have a signature before the Claims Questionnaire can be submitted to the Fire Victim Trust for processing.

31. Who may sign the Claims Questionnaire on behalf of a minor Claimant?

A parent, guardian, or guardian *ad litem* of a minor child may sign the Claims Questionnaire as Representative Claimant acting on behalf of a minor Claimant. The Representative Claimant also must submit documents reflecting this relationship to the minor Claimant. These may include: (a) a birth or baptismal certificate identifying the Representative Claimant as parent of the minor Claimant; (b) a court order appointing the Representative Claimant as guardian of the minor Claimant; or (c) a court order appointing the Representative Claimant as guardian *ad litem* for the minor Claimant.

32. Who may sign the Claims Questionnaire on behalf of an incapacitated Claimant?

A guardian or conservator or, if none has been appointed, an agent authorized in a durable or springing power of attorney agreement may sign the Claims Questionnaire as Representative Claimant acting on behalf of an incapacitated Claimant. The Representative Claimant also must submit documents reflecting this relationship to the incapacitated Claimant. These may include: (a) a court order that remains in effect and reflects the Representative Claimant's appointment as guardian or conservator for the incapacitated Claimant; or, if no guardian or conservator has been appointed, (b) a durable or springing power of attorney agreement that remains in effect and names the Representative Claimant as agent authorized to act on behalf of the incapacitated Claimant.

33. Who may sign the Claims Questionnaire on behalf of a deceased Claimant?

An executor or administrator of the decedent's estate or, if none has been appointed, the decedent's successor-in-interest may sign the Claims Questionnaire as Representative Claimant acting on behalf of a deceased Claimant. The Representative Claimant also must submit documents reflecting this relationship to the deceased Claimant. These may include: (a) a court order that remains in effect and reflects the Representative Claimant's

appointment as administrator or executor of the deceased's Claimant estate; or, if no representative has been appointed, (b) a copy of the decedent's last will and testament reflecting the Representative Claimant's nomination as the executor or administrator of the decedent's estate.

34. Who may sign the Claims Questionnaire on behalf of a business with multiple owners?

A single owner or other duly authorized agent may sign the Claims Questionnaire on behalf of a business. The Signature section of the Claims Questionnaire contains language by which the signer declares under penalty of perjury that he/she is authorized to sign on behalf of the business.

35. Can I amend a Claims Questionnaire or continue to upload documents to support my claim(s) after I have submitted a final claims package?

Yes, you can amend a Claims Questionnaire and continue to upload supporting documents after submitting a claims package. The Claims Processor will lock a submitted Claims Questionnaire on the Portal once a claim proceeds to the review phase. If you would like to amend existing data or claims information that appears on a Claims Questionnaire, you can upload correspondence to the Portal reflecting your edits. If you would like to assert a new claim that does not already appear on a previously submitted Claims Questionnaire, you can complete a new Claims Questionnaire for that claim on the Portal. You will have the ability to upload documents throughout the course of the administration of the Trust.

36. Will the Trust review all claims data and supporting documents from claimants?

The Trust will evaluate all Claims Questionnaires, any supporting documents that claimants upload, and publicly available data to make award determinations.

37. How will the Trust treat claims data that is not easily verifiable?

The Trust will review supporting documents and request additional information if necessary. Also, each claimant must sign the Claims Questionnaire under the penalty of perjury.

38. How will the Trust process documentary support or claimant-generated valuations where a modeled claim valuation already exists?

The Trust will consider Claimant-submitted valuations. All award determinations will be based on supporting records and publicly available data.

IV. Real Property Claims

39. What is a Real Property Claim?

Real Property Claims include claims for damage to structures on residential or commercial real property, landscaping, forestry, and other real property improvements (e.g., hardscape, fencing, retaining walls, pools, and solar panels) as a result of the Fires.

40. Can I make a claim if I am a co-owner of the Real Property?

Yes, a co-owner of Real Property can make a claim for loss/damage to Real Property and should provide official ownership documentation to support ownership percentage. You should also provide a list of the other co-owners.

41. Can multiple owners submit separate claims for a single loss location?

Yes, multiple owners can file separate claims for losses based on the same loss location if they provide ownership percentages or for certain categories such as Personal Property, so long as the losses do not overlap.

42. If I was not the title owner of the property at the time of the Fire, can I still make a Claim for Real Property damage?

You can submit a claim if, since the Fire, you have received an assignment of the right to make a claim related to the damage of the property.

43. What is considered Residential Property?

Residential Property means real property consisting of a dwelling that contains no more than four residential units, as well as individually owned units in a residential stock cooperative, condominium, or planned unit development and the Claimant occupies the dwelling or one of its units as their residence. This includes:

- (a) Single Family Homes
- (b) Multi-Family Homes
- (c) Manufactured Homes
- (d) Mobile Homes
- (e) Apartments
- (f) Condominiums

44. Can I make a claim for non-habitable structures located on my Residential Property?

Yes, you can claim any non-habitable structures located on your residential property, other than your primary residence, that were damaged by the fire by providing a description of the damaged structure and the cost of repair or rebuild. Examples of such

structures include: detached garages, storage buildings, barns, greenhouses, and workshops.

45. What is considered Commercial Property?

All Real Property, except for Residential Property or vacant land is considered Commercial Property. This includes:

- (a) Agricultural Property
- (b) Apartment/ Condo Buildings
- (c) Commercial Office Buildings
- (d) Educational/ School Facilities
- (e) Healthcare/ Medical Facilities
- (f) Hospitality/Lodging
- (g) Industrial Property
- (h) Mobile Home Parks
- (i) Parking Structures/ Facilities
- (j) Public/ Community Facilities
- (k) Retail Property
- (l) Transportation/ Airplane related properties

46. What types of documents can I provide to support my Real Property Claim?

- (a) Verification of ownership;
- (b) Appraisals;
- (c) Tax records;
- (d) Purchase records;
- (e) Mortgage or loan documentation showing the pre-Fire condition or value of the property;
- (f) Pre-Fire and post-Fire photos or videos of the structures (interior or exterior) or other damaged areas of the property;
- (g) Architectural or engineering drawings;
- (h) Permits;
- (i) Contractor rebuild or repair estimates or invoices;
- (j) Arborist reports, timber surveys, or documents relating to landscaping;
- (k) Closing statement if the property has been sold; and
- (l) Other supporting documents within the Claimant's possession.

47. What documents are acceptable to verify my ownership of Real Property?

The Trust will accept official ownership documentation, such as titles, deeds, wills, etc.

48. Can I include landscaping improvements made to my Real Property in my claim?

Yes, you can include landscaping improvements in your Real Property claim by providing a description of the type and quantity of landscaping improvements that were

damaged or destroyed. Landscaping is defined as any changes made to the property that are intended to improve its visual appearance (*e.g.*, shrubs, flower beds, mulched areas, artificial ponds, etc.).

49. Can I include the trees and other naturally growing vegetation located on my Real Property in my claim?

Yes, trees, bushes and other naturally growing vegetation that is not actively landscaped fall under the category of Forestry and can be included in your claim if they are located on your property.

50. What documents can I provide to support my claim for loss and/or damages relating to landscaping improvements and forestry?

- (a) Maps
- (b) Photos
- (c) Expert Reports

51. If I am a co-owner of the Real Property, what documents or information can I provide to prove percentage of ownership?

You can provide official ownership documentation, such as titles, deeds, wills, or other ownership documents to prove your ownership percentage.

52. What if the owner of the Real Property is deceased?

The executor of the deceased owner's estate may submit a claim on behalf of the deceased owners.

53. What if the owner of the Real Property is a Trust?

An authorized individual may submit a claim on behalf of a Trust.

54. What if the Real Property was transferred to a minor under the California Uniform Transfers to Minors Act?

The Claimant must submit a driver's license or birth certificate confirming that he or she has reached the age of majority at the time of submitting the claim.

55. What information or details should I include in my description of the damaged Real Property?

To the best of your ability, describe in detail:

- (a) The type of Real Property that was lost or damaged and its condition before the Fire;
- (b) The physical damage to the Real Property resulting from the Fire; and

(c) The location(s) of the loss/ damage.

56. How will the Trust calculate damages in connection with my Real Property Claim?

Real Property damages will be measured in one of two ways:

- (a) the loss in fair market value to the property (“Diminution in Value”); or
- (b) the reasonable costs to rebuild or repair the property (“Cost of Repair”).

Whether Diminution in Value or Cost of Repair is awarded will depend on the facts of each claim.

57. How will Diminution in Value be calculated?

The Trust will calculate Diminution in Value by subtracting the Fair Market Value of the property immediately after the Fire from the Fair Market Value of the property immediately before the Fire.

58. What is meant by Fair Market Value?

Fair Market Value is the highest price estimated in terms of money which the property would bring if exposed for sale in the open market.

59. What information or documentation should I provide to evidence a property’s Fair Market Value?

You may provide contemporaneous appraisals, sales comparisons from immediately prior to the Fire, or expert reports.

60. How will the Cost to Repair or Replace be determined?

The reasonable costs to rebuild or repair the property will be determined based on:

- (a) the use of the structure(s) and other improvement(s);
- (b) the extent of damage to the structure(s); (*e.g.*, burn damage versus smoke and soot damage);
- (c) the square footage of structure(s);
- (d) the geographic location of the property;
- (e) the size of the vegetation on the property immediately before the Fire;
- (f) the extent of damage to vegetation;
- (g) the type of vegetation damaged; and
- (h) the Fair Market Value of the property immediately before the Fire.

In addition, you may claim the value of trees lost.

61. Can I make a claim for Consequential Damages caused by the destruction of or damage to my real property?

Yes, you may make a claim for other reasonably foreseeable economic losses directly caused by the destruction of or damage to real property.

62. Can I make a claim for economic losses suffered by my business and caused by the destruction of or damage to my Commercial Property?

Yes, you may make a claim for economic losses suffered by a business as a result of the Fires, including loss of business property or inventory used to conduct business and lost profits or revenue, and can do so by making a Business Loss Claim.

63. If I operated my business out of my Residential Property, can I make a claim for economic losses suffered by my business as a result of the destruction of or damage to my Residential property?

Yes, you may make a claim for economic losses suffered by a business as a result of the Fires, including loss of business property or inventory used to conduct business and lost profits or revenue, and can do so by making a Business Loss Claim.

64. Can I make a claim for Loss of Rental Income if I rented out all or a portion of my Residential Property?

You must assert loss of rental income from damaged or destroyed real property as a Business Loss Claim.

65. What happens if I have sold the property instead of rebuilding?

If you have sold the property that forms the basis of your claim prior to rebuilding, the Trust will determine your damage award based on Diminution of Value.

66. Will the Trust provide a value for rebuild damages before a claimant submits a claim for Real Property?

No, the Trust will not provide a value for rebuild damage before a claimant submits a claim. If a claimant does not provide information regarding rebuild damages when filing a claim, the Trust will provide an estimated amount based on publicly available data as part of the initial award notice. Claimants will have the ability to respond and provide additional information.

67. Will the Trust explain the basis of each award for Real Property?

Yes, the Trust will provide the numerical inputs used to determine damages such as structures identified, square footage, market value, and cost of rebuild for each submitted Real Property claim.

68. What restoration damages will the Trust include in its calculation of the rebuild value for Real Property claims?

The Trust will include damages for structures and property based on publicly available data. The Trust may also include damages for the average cost of fencing, decking, and other items based on documents provided by claimants and input from experts.

69. How will the Trust apply the “Kelly ratio” to restoration damages for Real Property claims?

The Trust will review each claim on a case by case basis and does not expect to apply any arbitrary cap on claims.

70. Will the Trust apply caps to damages in its evaluation of awards?

The Trust will review each claim on a case by case basis and does not expect to apply any arbitrary cap on claims.

71. How will the Trust compensate claims for minor damage to real or personal property?

If the minor damage was not fully covered by insurance or was uninsured, the Trust will evaluate the cost of repair for that minor damage.

V. Personal Property Claims

72. What is a Personal Property Claim?

Personal Property Claims are claims for loss of or damages to property that is movable, such as household items (*e.g.*, clothes, furniture, or tools) and automobiles, as a result of the Fires.

73. What types of documents can I provide to support my Personal Property Claim?

- (a) List of items destroyed or damaged in the residency;
- (b) Proofs of purchase;
- (c) Pre-Fire and post-Fire photos;
- (d) Appraisals; and
- (e) Other supporting documents within the Claimant’s possession.

74. Will the Trust require an inventory or similar documentary support to award a Personal Property claim?

The Trust will not require an inventory to file a personal property claim. However, an inventory will allow the Trust to evaluate these damages with more precision and may result in a higher award to the claimant

75. What if I do not have a detailed inventory of what was lost?

If you are unable to provide the value of all of your lost or damaged items, the Trust will calculate the loss using a statistical model.

76. What information or details should I include in my description or list of damaged or lost Personal Property?

To the best of your ability, describe in detail:

- (a) The type(s) of Personal Property that was damaged by the Fire;
- (b) The condition of the Personal Property before the loss/ damage occurred;
- (c) The physical damage to the Personal Property resulting from the Fire; and
- (d) The location of the Personal Property when the loss/damage occurred.

77. My Personal Property has unique pecuniary value (e.g., custom cars, antiques, gun collections, coin collections, etc.), what documentation do I need to support my claim and how will my claim be evaluated?

You can submit documentation evidencing the pecuniary value of your Personal Property such as appraisals or expert reports, which the Trust will consider when evaluating your claim.

78. Can I make a claim for loss of or harm to my pets and animals as a result of the Fire?

Yes, you can make a claim for the loss of or harm to pets and animals owned for personal use by including them in your Personal Property Claim. You may submit claims for livestock and animals used for agricultural and farming purposes as part of your Business Loss Claim.

VI. Personal Income Loss Claims

79. What is a Personal Income Loss Claim?

Personal Income Loss Claims include claims from individuals who lost wage income as a result of the Fires, to the extent permitted by California law.

80. Can I submit a Personal Income Loss Claim if I am the sole proprietor of a business or independent contractor?

Sole proprietors and independent contractors should submit Personal Income Loss Claims if you do not report expenses on the Schedule Cs you file with your federal income tax returns. If you report expenses on your Schedule C for a business you own, you should submit a Business Income Loss Claim.

81. If I own a business and the business pays me wages, can I submit a Personal Income Loss Claim for my lost wages from that business?

Business owners cannot submit Personal Income Loss Claims for wages they lost from businesses they own if the business has a Business Loss Claim. Reductions in the compensation paid to owners of the business will be included in the Business Loss Claim.

82. Can I submit a Personal Income Loss Claim for lost rental income?

You should submit a Business Loss Claim, not a Personal Income Loss Claim, for lost income from the rental of real or personal property suffered as a result of the Fires.

83. What types of documents may support my Personal Income Loss Claim?

- (a) Tax returns, including all schedules and attachments;
- (b) W-2 Forms;
- (c) 1099 Forms;
- (d) Lease agreements or canceled rent checks;
- (e) Bank account statements identifying earnings;
- (f) Paycheck stubs or payroll records; and
- (g) Other supporting documents within the Claimant's possession.

84. How will the Trust apply the economic loss rule established in the California Supreme Court's holding in *Southern California Gas Company v. The Superior Court of Los Angeles County* (JCCP No. 4861)?

The Trust will evaluate claims for income loss consistent with the Court's holding in *Southern California Gas Company v. The Superior Court of Los Angeles County* (JCCP No. 4861) that California law does not generally place a duty of care on a defendant to protect against purely economic losses unaccompanied by injury to person or property, even where those losses are a result of defendant's actions (the "Porter Ranch Decision"). As a result of the Porter Ranch Decision, the Trust will compensate economic losses (specifically, Business Income Loss and Personal Income Loss claims) for claimants who suffered either personal injury or property damage. Under this rule, if a claimant suffered neither personal injury nor property damage, that individual would not have a compensable Business Income Loss claim or Personal Income Loss claim.

VII. Business Loss Claims

85. What is a Business Loss Claim?

Business Loss Claims include claims for economic losses suffered by a business as a result of the Fires, including loss of business property or inventory used to conduct business and lost profits or revenue.

86. I co-own a business with one or more other owners. Who should submit a claim for the business?

Any authorized business representative may submit a claim for the business; however, the Claimant Name on the Claims Questionnaire must be the business name as it appears on the business's tax returns and the Taxpayer Identification Number must be the business's EIN. Owners of a business entity should not submit claims under their SSNs for their separate ownership interests in the business.

87. What documents are acceptable to verify my ownership of Business?

- (a) Articles of Incorporation
- (b) Articles of Organization
- (c) Certificate of Organization
- (d) Bylaws
- (e) Operating Agreements
- (f) Corporate Resolutions
- (g) Shareholder Lists
- (h) Partnership Agreements
- (i) Other documents to establish legal ownership

88. I operated my business out of my personal residence. Can I make a claim for economic losses suffered by my business as a result of the damage to my residence as a result of the Fire?

Yes, Business Claimants may submit Business Income Loss claims for economic losses suffered by a business as a result of the Fire, including loss of business property or inventory used to conduct business and lost profits or revenue.

89. Can I submit a Business Income Loss Claim for lost rental income?

Yes, you should submit a Business Loss Claim for lost income from the rental of real or personal property suffered as a result of the Fire.

90. Can I submit a Business Income Loss Claim if I am the sole proprietor of a business or an independent contractor?

Yes, sole proprietors and independent contractors should submit Business Income Loss Claims if you report expenses on the Schedule Cs you file with your federal income tax returns. If you report expenses on your Schedule C for a business you own, you should submit a Business Income Loss Claim.

91. What types of documents may support my Business Loss Claim?

- (a) Description of the business, including its mission statement;
- (b) Tax returns, including all schedules or attachments;
- (c) Financial statements, including profit and loss statements;
- (d) Articles of Incorporation, bylaws, shareholder lists, or partnership or limited partnership agreements;
- (e) Leases, deeds, titles, or other documents identifying the property owned or occupied by the business;
- (f) Canceled contracts;
- (g) Photos, videos, or other documentary evidence of fire damage to the Claimant's home or business; and
- (h) Other supporting documents within the Claimant's possession.

VIII. Other Out-of-Pocket Expenses Claims

92. What is an Other Out-of-Pocket Expenses Claim?

Other Out-of-Pocket Loss Claims include claims for out-of-pocket expenses that are not considered in any other Claim Type. These may include expenses for lodging, rental security deposits, groceries, transportation costs, meals, medical and counseling expenses, and other out-of-pocket expenses as a result of the Fires.

93. What types of documents may support my Other Out-of-Pocket Expenses Claim?

- (a) Documentation supporting a claim for additional living expenses;
- (b) Medical bills;
- (c) Counseling bills; and
- (d) Other supporting documents within the Claimant's possession.

IX. Wrongful Death Claims

94. What are Wrongful Death Claims?

Wrongful Death Claims allow families to recover damages relating to individuals who died as a result of the Fires. The Trustee and Claims Administrator will devise procedures ensuring a streamlined and sensitive process providing Claimants and their family members the dignity that is critical to successfully resolving Claims relating to these extraordinary losses.

95. Who may submit a Wrongful Death Claim?

Under California law, an action for wrongful death may be asserted by any of the following persons or by the decedent's personal representative on their behalf:

- (a) The decedent's surviving spouse, domestic partner, children, and issue of deceased children, or, if there is no surviving issue of the decedent, the persons, including the surviving spouse or domestic partner, who would be entitled to the property of the decedent by intestate succession;
- (b) Whether or not qualified under (a), if they were dependent on the decedent, the putative spouse, children of the putative spouse, stepchildren, or parents; or
- (c) A minor, whether or not qualified under (a) or (b), if, at the time of the decedent's death, the minor resided for the previous 180 days in the decedent's household and was dependent on the decedent for one-half or more of the minor's support.

96. Who qualifies as a “domestic partner” to submit a Wrongful Death Claim?

A “domestic partner” is a person, who at the time of the decedent's death, was the domestic partner of the decedent in a registered domestic partnership established in accordance with subdivision (b) of Section 297 of the California Family Code.

97. Who qualifies as a “putative spouse” to submit a Wrongful Death Claim?

A “putative spouse” means the surviving spouse of a void or voidable marriage who is found by a court to have believed in good faith that the marriage to the decedent was valid.

98. What types of documents may support my Wrongful Death Claim?

You may provide a copy of a death certificate, autopsy report or other medical records identifying the decedent's cause of death. You should also provide medical records and/or other documents to show the decedent's general health at the time of his/her death. If a claim is being made for lost financial support, submit any evidence of said support and tax, employment, or other financial records reflecting the decedent's annual income for the two years preceding his or her death. You also may provide information detailing other expenses related to the decedent's death and explaining how the death has affected you and describing your loss of relationship, love, support, and companionship.

X. Personal Injury Claims

99. What is a Personal Injury Claim?

Personal Injury Claims include claims from individuals who suffered a personal injury as a result of the Fires. The Trustee and Claims Administrator will devise procedures ensuring a streamlined and sensitive process providing Claimants the dignity that is critical to successfully resolving Claims relating to these losses.

100. What types of documents may support my Personal Injury Claim?

You may provide medical records and other documents to support a Personal Injury Claim.

XI. Emotional Distress Claims

101. What is an Emotional Distress Claim?

Emotional Distress Claims include claims for emotional distress the Claimant suffered as a result of the Fires, to the extent permitted by California law.

102. What types of claims can I submit for Emotional Distress?

These claims include the emotional distress and/or mental anguish Claimants experienced or witnessed while evacuating or sheltering-in-place as a result of the Fire. These claims also include emotional distress and/or mental anguish caused by the loss of use or substantial interference with the use of enjoyment of property and loss of cherished or irreplaceable possessions as a result of the Fire.

103. What are the minimal eligible criteria for a “Zone of Danger” claim?

The Trust will consider claimants to be in the Zone of Danger if they were: (a) within the Fire perimeter (b) and experienced emotional distress or mental anguish contemporaneous to the Fire, (c) while evacuating or sheltering-in-place as a result of the Fire.

104. How will the Trust determine award amounts for Zone of Danger claims, and what evidence will the Trust accept?

The Trust will compare the experiences of similarly situated claimants and issue award amounts based on whether a Claimant meets the criteria for one of the following tiers: Tier I (Severe Distress); Tier II (Moderate Distress); or Tier III (Mild Distress). The Trust will make these determinations by evaluating both (a) the conditions that a Claimant encountered while evacuating or sheltering-in-place and (b) any ongoing effects from mental health conditions that the Claimant has continued to experience as a result of emotional distress or mental anguish from the Fire.

105. What types of documents may support my Emotional Distress Claim?

- (a) A written narrative or an audio or video recording detailing the Claimant's evacuation and impact of the Fire on the Claimant and his or her family, including impact related to the loss of property and any sentimental items in the home;
- (b) Texts, emails, or social media content the Claimant created during the evacuation;
- (c) Photos or videos taken during the evacuation;
- (d) Pre-Fire and post-Fire photos and videos of the Claimant's property;
- (e) Records describing bodily injury or mental health counseling or treatment;
- (f) Documentation of medical and counseling expenses; and
- (g) Other supporting documents in the Claimant's possession.

XII. Attorney Representation

106. Do I need a lawyer to represent me?

No, you do not need a lawyer to submit your Claims to the Fire Victim Trust. If you are a Fire Victim (or are assisting a Fire Victim) who is not represented by a lawyer, the Trust may be able to offer assistance to you. You may contact the Claims Administrator by phone (1-888-664-1152) or email (info@firevictimtrust.com) for assistance with submitting your Claims if you do not have a lawyer; however, the Trust will not be providing any legal advice to you.

107. What is a *Pro Se* Liaison?

The Fire Victim Trust has created a team of *Pro Se* Liaisons, comprised of law students, to provide free claims filing assistance to people representing themselves in submitting Fire Victim claims. *Pro Se* Liaisons cannot assist with civil, criminal, bankruptcy, habeas, appeals, or any state cases, and they cannot provide representation in court or find an attorney to represent you.

108. How can I speak with a *Pro Se* Liaison?

To obtain the assistance of a *Pro Se* Liaison, first contact the Trust. A member of our Communications Team will review your request and send you a *Pro Se* Liaisons Assistance Waiver. You must complete and submit this waiver, which provides an acknowledgment of the assistance you may receive, as well as a waiver and release of claims related to the assistance provided by a *Pro Se* Liaison. A completed waiver must be submitted by each household member filing a claim with the Fire Victim Trust if that household member's claim will be discussed with the *Pro Se* Liaison. Once the Trust receives the completed waiver, a *Pro Se* Liaison will contact you to provide assistance.

109. Can a *Pro Se* Liaison serve as my attorney?

No. *Pro Se* Liaisons are not attorneys and cannot provide legal advice or legal representation.

110. Where did the Claims Administrator get information about my lawyer?

The Claims Administrator examined the Notice Party data from Question 4 of the Proof of Claim Form to identify the lawyer who filed the claim.

111. Can I terminate my relationship with my lawyer?

You must contact your lawyer to discuss this. The Trust cannot give you legal advice.

112. How do I tell the Claims Administrator that I have a new lawyer?

You and your new lawyer must complete the **Update Attorney Representation Form** available [here](#). Follow the instructions included in the form and then email a completed version to info@firevictimtrust.com.

113. How do I tell the Claims Administrator that I do not have a lawyer?

You must complete the **Update Attorney Representation Form** available [here](#). Follow the instructions included in the form and then email a completed version to info@firevictimtrust.com.

114. How can I add a Claimant to my Law Firm Portal?

The Fire Victim Trust relied on the Notice Party data from Question 4 of the Proof of Claim Form to identify the Claimants that appear on your Portal.

- (a) If the Proof of Claim form for the Claimant shows your firm in Question 4 or as a signatory to the form, we will update our data and move the Claimant to your Portal. Send an email to info@firevictimtrust.com identifying the Proof of Claim Number appearing on the Prime Clerk Bankruptcy register ([here](#)) and requesting that we move this claim to your Portal.
- (b) If the Proof of Claim Form does not show your firm as counsel, you and the firm that does appear on the Proof of Claim form must complete the **Update Attorney Representation Form** available [here](#). Follow the instructions included in the form and then email a completed version to info@firevictimtrust.com.

If more than one household presents the same Prior and New Law Firms, you can complete a single **Update Attorney Representation Form** and attach Exhibit A to the Attorney Representation Form, which is available on your Portal.

115. How can I remove a Claimant from my Law Firm Portal?

If your firm does not appear on the Proof of Claim form filed with Prime Clerk, send an email to info@firevictimtrust.com identifying the Claimant and we will remove the Claimant from your Portal after confirming that your firm does not appear on the Proof of Claim form.

If your firm does appear on the Proof of Claim form, you must complete the **Update Attorney Representation Form**, which is available on your Portal.

116. How will the Trust evaluate attorneys' fee requests made pursuant to California Code of Civil Procedure § 1036?

If you are making a fee application pursuant to California Code of Civil Procedure § 1036, please note that the Trust will be advised by the principles set out in the following cases as well as Rule 1.5 of the California Rules of Professional Conduct.

- *Aetna Life & Casualty Co. v. City of Los Angeles* (1985) 170 Cal.App.3d 865
- *Salton Bay Marina, Inc. v. Imperial Irrigation Dist.* (1985) 172 Cal.App.3d 914
- *Andre v. City of West Sacramento* (2001) 92 Cal.App.4th 532
- *Pacific Shores Property Owners Assn. v. Department of Fish & Wildlife* (2016) 244 Cal.App.4th 12
- *Greater Westchester Homeowners Assn. v. City of Los Angeles* (1979) 26 Cal. 3d 86

XIII. Insurance Claim Files

117. What is the Stipulated Confidentiality and Protective Order and Agreement on the Production of Certain Insurance Information? Where can I get a copy?

The Bankruptcy Court approved a process for using insurance information for administering Fire Victim Claims. A complete description of the insurance Claims Files process is included in the Stipulated Confidentiality and Protective Order and Agreement on the Production of Certain Insurance Information [Docket No. 6597]. The Court entered an Order approving this stipulation on April 3, 2020 [Docket No. 6622]. Click [here](#) for a copy of the stipulation.

118. What are insurance Claim Files?

The Claims Administrator has received or will receive insurance Claim Files from your insurance carrier. These contain insurance coverage, claims, and payment information related to Fire Victim claims arising from the 2015 Butte Fire, 2017 North Bay Fires, and 2018 Camp Fire. The Claims Administrator will consider these documents when reviewing your claim.

119. How do I access my insurance Claim File?

After receiving an insurance Claim File, the Claims Administrator will make it available it on your Portal. After logging into your Portal, click the Insurance Claim Files option on the left navigation menu to access your Claim File. From this screen, you can review the document and take any action, as described in the Stipulated Confidentiality and Protective Order and Agreement on the Production of Certain Insurance Information (available [here](#)).

120. Am I required to complete the insurance coverage and payment information in the Other Insurance Information table of the Additional Information section of the Claims Questionnaire?

While the Other Insurance Information is not required to complete and submit a Claims Questionnaire, the Claims Administrator strongly encourages all Claimants to provide this information to ensure the most efficient and accurate evaluation of their claims. The Claims Administrator may receive some of this information directly from insurance carriers; however, it is unknown at this time whether that information will be complete. Thus, your assistance in providing insurance coverage information will help us to validate any information we receive from insurance carriers and expedite our review process.

XIV. Liens

121. What is a Lien?

A Lien is a legal right through which someone claims a legal obligation to withhold payment from an Award. The person or entity claiming the Lien is called a lienholder.

122. What non-medical Liens will the Claims Administrator pay out of an Award?

The Claims Administrator will need to address the following kinds of non-medical Liens asserted by lienholders:

(a) **Attorney Liens.** An Attorney Lien is a Lien for an attorney’s fees and costs for work that the lawyer performed in connection with representing a Claimant at the time of filing its Proof of Claim in the Chapter 11 Cases or at any time thereafter in connection with the Claimant’s Fire Victim Trust Claim(s).

(b) **Other Liens,** which include:

(1) Child Support Liens. These are liens from a federal or state child support agency for unpaid child support arrears.

(2) Tax Liens. These are liens from a federal, state, or local tax agency for unpaid tax obligations.

- (3) Judgment Liens. These are liens for a debt based on a contract, business, loan, or any other debt enforced in a final judgment entered by a federal or state court.
- (4) UCC-1 Perfected Security Interest Liens. These are liens evidenced by a UCC-1 filing and a security agreement granting a security interest in general intangibles, payment intangibles, or the proceeds of a Fire Victim Trust Claim.

123. Are there any debts that the Claims Administrator will not pay?

The Claims Administrator will not pay claims for debts owed by anyone other than the Claimant, including those against a Claimant's lawyer.

124. How does a lienholder notify the Trust of an Attorney's Lien or other Non-Medical Lien?

Lienholders should notify us of a Lien by one of the following methods:

- (a) **Email:** By email to NonMedicalLiens@firevictimtrust.com.
- (b) **Facsimile:** By facsimile to (804) 521-7299, ATTN: FVT Liens.
- (c) **Mail:** By mail to Fire Victim Trust, P.O. Box 25936, Richmond, VA 23260, ATTN: FVT Liens.
- (d) **Delivery:** By overnight carrier to Fire Victim Trust, c/o BrownGreer PLC, 250 Rocketts Way, Richmond, VA 23231, ATTN: FVT Liens.

Child support agencies can provide a mass Income Withholding Order to the Claims Administrator, accompanied by a data file with the name and tax identification number of the persons who owe child support debts in the respective state to provide notice of Child Support Liens.

If you are the Claimant's current lawyer and believe that Lien payments may interfere with recovery of your attorney's fees and costs, you must assert a Lien for attorney's fees and costs before the Claims Administrator begins the process to pay the affected Claimant.

125. What information is required to assert an Attorney Lien or Other Lien?

A lienholder must submit the following information to the Claims Administrator:

- (a) Sufficient information to identify the Claimant who is alleged to owe the debt (such as the Claimant's full name or business name, Social Security Number, Taxpayer Identification Number, Foreign Identification Number, Date of Birth, or Claimant ID);

- (b) The amount of the debt owed; and
- (c) Documentary proof that the Claimant owes a debt to the party asserting the Lien and there is a legal obligation to withhold payment. The documentary proof for each Lien type is:
 - (1) Attorney Liens: Written notice of an attorney lien provided to the Claims Administrator by one of the specified methods; a copy of the attorney's retainer agreement signed by the Claimant; and, if the assertion includes costs in addition to fees, the attorney must give us the dollar amount of those costs.
 - (2) Child Support Liens: An individual Income Withholding Order, a Notice of Income Assignment, or a substantially similar document from the appropriate federal or state child support agency or court establishing the current child support debt.
 - (3) Tax Liens: A Notice of Levy, a Notice of Freeze, or a substantially similar document from the federal, state, or local tax agency establishing the current amount of the tax debt.
 - (4) Judgment Liens: A copy of a file-stamped final judgment establishing the debt under applicable federal or state law.
 - (5) UCC-1 Perfected Security Interest Liens: A copy of a security agreement signed by the Claimant in which the Claimant grants the lienholder a security interest in the Claimant's general intangibles, payment intangibles, or the proceeds of a Fire Victim Trust Claim; and a copy of a UCC-1 Financing Statement with evidence of filing with the appropriate office.

The Claims Administrator reviews the information and sends the lienholder an email or a letter to acknowledge receipt of the assertion, confirm the lienholder's contact information, and inform the lienholder if further information or documentation about the Lien is required.

To honor the Lien, the Claims Administrator must receive complete Claimant-identifying information and documentary proof before it begins processing an Award. Failure to timely submit the information and documentation will result in the waiver of the lienholder's right to assert a Lien against the Award.

126. What happens after a lienholder submits the required information and documents for a valid Lien?

The Claims Administrator will place a hold on an appropriate portion of any payment(s) that may be made to the affected Claimant.

127. How does a Claimant know whether there is an Attorney Lien or Other Lien against it?

The Claims Administrator will issue a Notice of Lien for each Lien asserted against an Award along with copies of the supporting documents from the lienholder after the Claimant submits a Claims Questionnaire. The Claimant will be asked to respond to the notice either to consent to or dispute the Lien.

Note for Attorneys: If you are a Claimant's current lawyer and believe that Lien payments may interfere with recovery of your attorney's fees and costs, you must assert a Lien for attorney's fees and costs before the Claims Administrator begins the process to pay the affected Claimant.

Additionally, the attachment to the Claimant's Notice of Approved Claim will list all Liens received as of the date of the notice where funds have been deducted or held back from the Award, the lienholder's name, and the amount deducted or held back for the Lien. The Claimant will receive a notice including any additional amount deducted or held back from the Award for Liens asserted after the date of the Notice of Approved Claim.

A "Deduction for Finalized Lien" shows the amount of money that the Claims Administrator will pay to the lienholder for a Lien that has been resolved. The amount the Claims Administrator must deduct from the Award to pay an Attorney Lien is based on the contract or agreement the Claimant signed with that lawyer.

A "Holdback for Pending Lien" shows the amount of money the Claims Administrator is holding back from the payment for a Lien that has not been resolved. After Liens with holdback amounts are resolved, the Claims Administrator will pay the lienholder the final Lien amount and pay any remaining funds that were held back to the Claimant. The amount the Claims Administrator must deduct from the Award to pay an Attorney Lien is based on the contract or agreement the Claimant signed with that lawyer.

128. How does a Claimant respond to the Notice of Lien?

The Notice of Lien requires that the Claimant tell the Claims Administrator by email, fax, mail, or overnight delivery whether it consents to or disputes the Lien. If the Claimant does not respond by the deadline listed at the top of the Notice of Lien, the Claims Administrator will treat it as a disputed Lien. The lienholder does not have to respond to the Notice of Lien.

129. What happens if the Claimants disputes a Lien?

The Claims Administrator will issue the Claimant and the lienholder a Notice of Duty to Resolve Lien Dispute with instructions that the parties must resolve the dispute between themselves. The notice will explain that the Claims Administrator will withhold enough money to pay the Lien, to the extent funds are available, until the dispute is resolved.

130. Who resolves disputes over Attorney Liens and Other Liens?

Neither the Trustee, the Claims Administrator, nor the Claims Processor participate in the resolution of Lien disputes. The parties must resolve the dispute between themselves. If the Claimant disputes or fails to consent to an Attorney Lien or Other Lien, the Claims Administrator withholds an amount sufficient to satisfy the Lien, to the extent funds are available, until it receives either (1) notice of satisfaction and discharge of the Lien from the lienholder; (2) a written agreement signed by both parties specifying the distribution of the withheld funds; or (3) a copy of a final decision from the applicable federal or state agency or court determining the amount, if any, to be paid to the lienholder.

131. How will the withheld funds for an Attorney Lien or Other Lien be paid after a Lien dispute is resolved?

The Claims Administrator will disburse the withheld funds in accordance with the written agreement or the final decision.

132. How and when is an Attorney Lien or Other Lien paid?

If a Claimant consents to the Lien, the Claims Administrator will deduct the Lien amount from the Award and will pay the Lien amount to the lienholder.

If a Claimant disputes the Lien, the Claims Administrator will hold the Lien amount until one of the following things happens:

- (a) The Claims Administrator receives notice of satisfaction and discharge of the Lien from the lienholder;
- (b) The Claims Administrator receives a signed, written agreement from the Claimant and the lienholder telling the Claims Administrator how to pay the withheld money; or
- (c) The Claims Administrator receives a copy of a final decision from the applicable federal or state agency or court determining the current amount of the Lien to be paid.

133. Will a Claimant be notified when the Claims Administrator pays an Attorney Lien or Other Lien?

The Claims Administrator will issue a Notice of Lien Payment to the Claimant. The notice will include the date of the Lien payment, the lienholder, and the amount of the payment.

134. Whom do I contact with questions about Attorney Liens and Other Liens?

Contact the Claims Administrator by email to NonMedicalLiens@firevictimtrust.com.