

# **ENDO NAS PERSONAL INJURY TRUST**

## **Frequently Asked Questions**

### **NAS Personal Injury Claims**

**These FAQs are meant to simplify the description of the NAS Personal Injury Claim submission and review process to facilitate Claimant and Law Firm understanding, and are not all inclusive. However, the actual Plan, NAS PI Trust Distribution Procedures (the “NAS PI TDP”) and NAS Trust documents are controlling, and these FAQs will evolve and be edited as the Trust administration proceeds.**

#### **1. What is the Endo NAS Personal Injury Trust?**

As part of the Fourth Amended Joint Chapter 11 Plan of Reorganization of Endo International plc and its Affiliated Debtors confirmed by the Bankruptcy Court on March 22, 2024 (the “**Plan**”), the Court approved creation of the Endo NAS Personal Injury Trust (the “**NAS PI Trust**”), upon the Effective Date of the Plan, to (i) assume all of Debtors’ liability for (a) the NAS PI Claims and (b) certain other claims channeled to the NAS PI Trust, if any, pursuant to the April 2024 Stipulation, because such claims would have been channeled to and disallowed by the PPOC Trust absent matters set forth in such Stipulation, and such claims are most similar to NAS PI Claims (the “**Other Channeled Claims**”), (ii) collect distributions made on account of the NAS PI Claims Share in accordance with the Plan and NAS PI Trust Documents , (iii) administer the NAS PI Claims and Other Channeled Claims, (iv) make distributions to Holders of Allowed NAS PI Claims in accordance with the NAS PI Trust Documents, and (v) carry out such other matters as are set forth in the Governing Order and NAS PI Trust Documents.

#### **2. What is the Plan Effective Date?**

The Effective Date of the Plan is **April 23, 2024** (the “**Effective Date**”), when funding occurred.

#### **3. How will the NAS PI Trust be funded?**

The NAS PI Trust will be funded with the PPOC NAS PI Claim Share of the PPOC Trust, after the deduction of certain allowable expenses/claims.

The NAS PI Share of the PPOC Trust is 7.2%.

#### **4. Who is the Trustee and the Claims Administrator for the NAS PI Trust?**

Ed Gentle of Gentle, Turner & Benson, LLC is the Trustee and Claims Administrator.

## **5. What is a NAS PI Claim?**

A NAS PI Claim is a present opioid claim of any natural person who has been diagnosed by a licensed medical provider with a medical, physical, cognitive or emotional condition resulting from such natural person's intrauterine exposure to opioids or opioid replacement or treatment medication, including but not limited to the condition known as neonatal abstinence syndrome ("NAS").

For the avoidance of doubt, claims related to medical monitoring support, educational support, vocational support, familial support or similar related relief shall not be NAS PI Claims. *See* the Endo NAS Personal Injury Trust Agreement.

## **6. Who qualifies to file a NAS PI Claim?**

You can file a NAS PI Claim if you have a diagnosis by a licensed medical provider of a medical, physical, cognitive, or emotional condition (damages) resulting from intrauterine exposure to either:

1. Opioids; or
2. Opioid replacement/treatment medication

If you are the parent, guardian or legal representative of a child who has been diagnosed as described above, then you can file a claim on their behalf. You will be required to provide documentation of your authority to act on behalf of the child/minor claimant. (See Question 3 for Proxy requirements).

To help explain the types of damages that qualify you, please refer to the NAS Admission Criteria ("NCAM") developed by NAS Counsel, and the written critique of the NCAM provided by the Trustee's Neonatologist Expert and the resulting NCAM Claims Grading Manual found on the NAS PI Claims tab on this website. The Trust will accept as a qualifying diagnosis any diagnosis approved in the Neonatologist critique of the NCAM, in the NCAM Claims Grading Manual. The NCAM and the neonatologist critique can be found in the NAS PI Claims tab on this website.

## **7. Must I have already filed a Proof of Claim with the Bankruptcy Court in the Endo Bankruptcy Case to file a claim with the NAS PI Trust?**

**Yes.** Claimants must have timely filed a Proof of Claim against one or more of the Debtors prior to the July 7, 2023 Bar Date.

## **8. Is there a claims bar date?**

**Yes.** NAS PI Claims must be filed within one year of the Effective Date, or by April 23, 2025.

## **9. What if I choose not to file a claim?**

If you choose not to file a claim, you will not be compensated by the Endo NAS PI Trust and will have no recovery against Endo and its affiliated Debtors.

## FILING A CLAIM

### 10. How do I file my Claim?

You can file a NAS PI Claim by:

1. Completing and Submitting a NAS PI Claim Form and supporting documentation through the NAS Portal link located on the NAS PI Claims Tab of this website, or
2. Downloading the NAS PI Claim Form and additional required forms on the NAS PI Claims Tab of this website, completing the NAS PI Claim Form and mailing it with your supporting documentation to: **Endo NAS PI Trust, PO Box 361930, Hoover, AL 35236-1930.**

### 11. What must I include in my submission?

You must include the following:

1. Complete, sign, and submit the NAS PI Claim Form
2. Submit documentation of diagnosis
3. Complete, sign, and submit the HIPAA Release Form

You may be required to include the following:

1. If the NAS PI Claimant is a Minor, documentation to show that you are qualified Proxy who is authorized to file a NAS PI Claim on the minor's behalf.
2. If the NAS PI Claimant is deceased, a certified death certificate must be provided AND:
  - a. If an Estate has been opened, provide Estate Documentation;
  - b. If an Estate has not been opened, the person filing the claim should complete and submit the Heirship Declaration Form, a copy of which is located in the NAS PI Claims tab of this website.

### 12. How long do I have to file a NAS PI Claim?

All NAS PI Claims must be filed within one year of the April 23, 2024 Effective Date, by April 23, 2025.

### 13. Is a HIPAA form required to be submitted with every claim?

Yes. The Trust requires that a signed HIPAA form be submitted for every claimant up front to expedite MASSIVE's lien resolution process.

### 14. If I filed a NAS claim with the Mallinckrodt Opioid PI Trust ("MNK PI Trust"), can my claim information be transferred to the Endo NAS PI Trust for consideration?

**Yes.** If a NAS PI Claimant has already filed a NAS Claim with the MNK PI Trust, the Endo PI NAS TDP allows for the claim information to be transferred to the Endo NAS PI Trust.

- If you are represented by a law firm, ask your firm to provide the Trust with the information needed to have your MNK Claim information used by the Endo PI Trust.
- If you are not represented (are a Pro Se Claimant), please reach out to the Trust via email at [endopitrust@endopitrust.com](mailto:endopitrust@endopitrust.com) or via phone at 1-855-637-5538 regarding the use of your MNK Claim information in filing your Endo NAS PI Claim.

### **15. When will I be required to submit an Heirship Declaration?**

If you are filing a NAS PI Claim for a person who is **deceased**, you may be required to submit an Heirship Declaration if the court has not appointed an executor, administrator, or personal representative of the deceased's estate.

### **16. An NAS Claimant is deceased, and died before he/she could receive a Social Security Number. The estate of the Claimant is otherwise eligible to participate in the Settlement. Is the Claimant's estate able to participate in the Settlement?**

Yes. Please contact the Trust for further information on how to file the claim.

### **17. The Claimant is deceased and there is a probate estate opened for his/her estate, with a personal representative having been appointed. On the Claim Form, when the relationship between the person submitting the Claim Form and the deceased Claimant is requested, what should I put down?**

Please indicate that you are the personal representative of the deceased Claimant's estate.

## **FILING FOR A MINOR CLAIMANT**

### **18. What if I represent a NAS PI Claimant who is still a minor?**

If you represent a minor NAS PI Claimant, you will be responsible for meeting the above claims submission requirements, with the addition of showing you are acting on behalf of your minor NAS PI Claimant as a proxy.

### **19. Who can be a minor NAS PI Claimant's proxy?**

You may be considered the minor NAS PI Claimant's proxy if you show you are one of the following:

1. The NAS PI Claimant's custodial parent,

2. The NAS PI Claimant's legal guardian (under applicable law), or
3. An adult providing custody/care to the NAS PI Claimant

## **20. How do I prove I am the NAS PI Claimant's proxy?**

In addition to the requirement for submitting a NAS PI Claim, you must submit the following as proof:

1. To show you are the custodial parent of the minor NAS PI Claimant you must submit a sworn statement that you are the minor NAS PI Claimant's custodial parent
2. To show you are the guardian of the minor NAS PI Claimant you must submit either:
  - a. A court order appointing you as guardian; or
  - b. Other documents reasonably acceptable to the Trust that is sufficient to evidence guardianship
3. If you are neither the guardian nor the custodial parent of the minor NAS PI Claimant, you must submit both of the following:
  - a. A statement by you, under penalty of perjury, stating:
    - i. You are providing custody/care to the minor NAS PI Claimant
    - ii. How long you have been providing custody/care
    - iii. Your relationship to the minor NAS PI Claimant
    - iv. Circumstances around the care/custody being provided to the minor NAS PI Claimant
  - b. A statement and/or records from one of the following in support of your statement:
    - i. Your minor NAS PI Claimant's school
    - ii. Your landlord or property manager
    - iii. Your minor NAS PI Claimant's health provider
    - iv. Your minor NAS PI Claimant's childcare provider
    - v. Your placement agency
    - vi. Governmental Social Services Agency
    - vii. Indian Tribe Officials
    - viii. Your Employer

## **FILING A CLAIM: Proof of Use & Injury**

### **21. What can I submit to show evidence of a NAS PI Claim?**

In order to qualify to receive a NAS PI Claim award from the Trust, the NAS PI Claimant must submit, in addition to the NAS PI Claim Form, documentation of any **one** of the following forms of evidence:

1. A document from a licensed medical provider diagnosing the NAS PI Claimant with one of the following:
  - a. a medical, physical, cognitive, or emotional condition resulting from intrauterine exposure to opioids; or

- b. a medical, physical, cognitive, or emotional condition resulting from intrauterine exposure to opioid replacement/treatment medication.
- 2. A document from licensed medical provider affirming NAS PI Claimant had Neonatal Opioid Withdrawal Syndrome (“NOWS”)
- 3. Medical Records evidencing the NAS PI Claimant had a Neonatal Abstinence Syndrome diagnosis, including:
  - a. Post-natal treatment for symptoms caused by opioid exposure
  - b. Symptoms of post-natal withdrawal from opioids
  - c. Medical Scoring for NAS or NOWS that was positive or indicated fetal opioid exposure
  - d. Positive toxicology screen of birth mother or infant for opioids/opioid-weaning drugs
  - e. Maternal diagnosis of opioid use disorder by the birth mother

Refer to the NCAM and the neonatologist critique of the NCAM, copies of which are located in the NAS PI Claims tab of this website. All diagnosis approve by the critique are accepted.

**22. Will I be required to prove that the NAS PI Claimant had, or currently has, an opioid prescription?**

**No.** You will not be required to provide evidence proving the NAS PI Claimant had, or currently has, an opioid prescription.

**23. Who is considered a licensed medical provider?**

Physicians, nurses, physician assistants, mental health counselors or therapists, or professionals at a rehabilitation center.

**24. Will I have to submit additional evidence after submitting the NAS PI Claim Form and supporting evidence is submitted?**

Potentially. Upon review of your claim, the Trust will determine if the evidence submitted complies with the TDP. If the evidence is insufficient, the Trust will notify you of the deficiency, which may require additional evidence.

**25. I am a pro se claimant or I am an attorney representing a Claimant wishing to submit an NAS Claim. Is there a manual describing the criteria for admitting NAS Claims by the Settlement Program?**

Yes. Refer to the NCAM Grading Manual on this website.

## **CLAIM REVIEW PROCESS**

### **26. Who determines if the evidence submitted is considered incomplete/ deficient?**

The Trustee has the discretion to determine whether your submitted evidence is complete.

### **27. Who will be assessing/auditing my claim?**

One of the following will be assessing/auditing your claim:

1. the Trust; or
2. a third-party retained by the Trust.

### **28. How will the Trust determine if the evidence supports the claim?**

The NAS PI Trust will receive, review, process, and resolve NAS PI Opioid Claims in accordance with the NAS PI TDP, and determine whether the claim is Allowed and therefore eligible for payment from the NAS PI Trust. An Allowed NAS PI Opioid Claim is a NAS PI Opioid Claim that provides credible evidence that satisfied the evidentiary criteria set forth in the NAS PI TDP.

### **29. How will NAS PI Claims be processed?**

NAS PI Claims will be processed based on their place in the First-In-First-Out (“FIFO”) Processing Queue.

### **30. How is the position in the FIFO Processing Queue determined?**

If the NAS Claim was filed in the Mallinckrodt Case, the NAS Claimant will be placed in the FIFO Processing Queue in that same order in which they filed in the Mallinckrodt Case. A law firm claiming that they filed a claim in the Mallinckrodt Case must provide the Trustee with a list of all claims that were filed in the Mallinckrodt Case and the Chapter 11 Cases for the Trustee to vet and verify.

If the NAS Claimant did not file in the Mallinckrodt Case, their claim will be placed after those who filed claims in the Mallinckrodt Case. The FIFO Queue for the aforementioned NAS PI Claimants will be determined by the date that the Claimant filed all the necessary information with the NAS PI Trust.

### **31. What if my NAS PI Claim is deficient/incomplete?**

If your NAS PI Claim is deficient, you will be notified by the Trust and have 60 days to cure any deficiencies.

### **32. What are some examples of deficiencies?**

Examples of deficiencies include the claim form being filled out incorrectly, failure to provide supporting documentation (HIPAA, Heirship Documents, Proxy Documents, etc.), or evidentiary issues (such as providing no evidence of a NAS related injury).

### **33. What if I don't timely cure my deficiencies?**

If the deficiency is not timely cured to the satisfaction of the Trustee (within 60 days of notification), the claim will be disallowed. Any Non-GUC Release granted (or deemed granted pursuant to the Plan) by a holder of a Disallowed claim shall remain in full force and effect even upon the disallowance of such claim.

## **AWARD: CALCULATION AND PAYMENT**

### **34. How will the NAS PI Trust determine my award?**

The NAS PI Trust will liquidate and determine the gross amounts receivable on account of Allowed NAS PI Opioid Claims in accordance with the NAS PI TDP. Awards will be the gross number before the deduction or any allowed deductions or holdbacks, including but not limited to, Trust administration costs as provided in the Trust Documents.

### **35. How will the NAS PI Trust divide the funds equally?**

Allowed NAS PI Opioid Claims will be paid a simple pro rata share of the distributable proceeds held by the NAS PI Trust based on the total number of timely Allowed PI Opioid Claims submitted (the "Pro Rata Payment"). Allowed NAS PI Opioid Claims who granted, or were deemed to have granted, pursuant to the Plan, the Non-GUC releases during the Voting Period will receive an **additional** award that is **four times** the Pro Rata Payment (the "Non-GUC Multiplier")

### **36. What, if any, fees/expenses, or other amounts will be deducted from my award?**

All awards are subject to administrative fees, possible Common Benefit fees, if applicable, and medical liens repayment. If you have an attorney representing you, your award may be further reduced by their fees and case related expenses, if applicable.

### **37. When will I be notified of the award amount for my NAS PI Claim?**

After your NAS PI Opioid Claim has been reviewed and any deficiencies cured, the Trust will Send you or your attorney, if you are represented, a written notice of your award amount.



### **38. Who is the Lien Resolution Program Administrator?**

We are currently working to finalize the Lien Resolution Administrator engagement. Specific PI Trust Lien Resolution FAQs and detailed information on the Lien Resolution Tab of this Website will be posted once the Lien Administrator has been engaged. Please check back periodically for updates.

### **39. What is subrogation for medical liens, and how does it apply to me?**

Subrogation occurs when a third party, usually an insurance company, steps into the shoes of the injured party in order to seek reimbursement for the money that the third party has paid on behalf of the injured party for medical expenses. The Lien Resolution Program Administrator will be working to resolve any medical liens that you may have that are related to your opioid usage respecting any award you may receive from the Trust. Specific PI Trust Lien Resolution FAQs and detailed information on the Lien Resolution Tab of this Website will be posted once the Lien Administrator has been engaged. Please check back periodically for updates.

### **40. How will I receive my payment?**

Your payment less the payment of any common benefit fee, if applicable, administrative fees, and medical liens will be paid to you if you are not represented by an attorney, or to your law firm if you are represented by an attorney. If represented, you will receive your net payment from your law firm after the deduction of any legal fees and expenses.

### **41. If the NAS PI Claimant is a minor, what happens to their payment distribution until they become a legal adult?**

Distributions to a minor NAS PI Claimant will be administered as follows:

1. A distribution will be made to pay the individual attorneys' fees of the minor claimant.
2. The remainder will go into the minor NAS PI Claimant's account held in an interest-bearing sub-fund of the Trust for the sole benefit of the minor NAS PI Claimant.
3. The minor NAS PI Claimant's account shall be invested in a US Governmental Money Market fund until your minor claimant becomes an adult under applicable law.
4. When the minor NAS PI Claimant becomes an adult under applicable law, the amount held in the minor claimant's account, including interest earned, shall be paid directly to the NAS PI Claimant.
5. Once the Trust determines the final distributable amount, a letter will be sent from the Trust stating the final distributable amount and how the distributable amount was determined.

### **42. Can Early Distributions be made on behalf of a Minor before they reach the age of legal majority?**

1. If the PI Claimant's Proxy has established that they are the custodial parent or Guardian of the Minor Claimant, they will receive the amount of the net award to the Minor

Claimant if, in addition to all other required materials, the Proxy provides the PI Trust with a sworn statement attesting to the following:

- a. The Proxy is financially responsible for the Minor Claimant's welfare
  - b. The funds received by the Proxy from the Early Distribution will be used for the direct benefit and welfare of the Minor Claimant; and
  - c. The Proxy has agreed to account for and demonstrate, if requested by the Trustee, a court of law, government official or the Minor Claimant, that all funds received by the Proxy have been used for the direct benefit or welfare of the Minor Claimant, or the amount of such funds that are in possession of the Proxy which have yet to be expended for such purposes.
2. If the PI Claimant's Proxy is not the Custodial Parent or Guardian, the funds will be held for the Claimant until such time as he or she has reached the age of a legal majority, unless the Trust is directed otherwise by a Court Order.

#### **43. Does the NAS Payment Amount stay the same?**

No. Your payment amount may change in the following circumstances:

1. When the Trust periodically evaluates the Trust's funds; or
2. When either the Trust NAS Representative makes a written request to the Trust to redetermine the payment amount.

#### **44. What happens if the NAS Payment Amount changes?**

If the payment amount increases → the Trust may make a supplemental payment of the difference between the previous payments and the new increased payment amount.

If the payment amount decreases → any previous payments will not be affected, but any future payments will be made at the new lower amount.

#### **45. What if the NAS PI Payment Amount is increased less than \$100?**

The Trust will not send an additional payment but will instead accumulate supplemental award amounts until the total of the additional award amounts per person is greater than \$100 – no NAS PI Claimant is entitled to an additional payment until that additional payment would be greater than \$100.

## **APPEALING YOUR AWARD**

#### **46. Can I appeal my award determination?**

Yes. If a NAS PI Claimant is dissatisfied with any determination made by the NAS PI Trust with respect to his or her NAS PI Claim, they may appeal to the NAS PI Trust within fourteen (14) days of receiving notice of such determination.

**47. What do I have to do to appeal?**

If you appeal, you must appeal to the NAS PI Trust within 14 days of receiving the notice of the determination you disagree with, and submit a written document clearly marked as “Appeal to Claims Administrator.” In that document, the NAS PI Claimant should identify the determination with which the NAS PI Claimant disagrees and state the reasons for the disagreement.

**48. Can I submit additional information when I submit my written appeal?**

Yes. You may submit any additional documentation that you wish to have considered.

**49. If I represent a NAS PI Claimant who is still a minor, can I appeal the Minor Claimant’s award determination?**

As the authorize proxy of your minor NAS PI Claimant, you may appeal the minor NAS PI Claimant’s award amount using the same process.

**50. What will the Trustee be reviewing?**

The Trustee will be reviewing the original claim submission and any additional documentation provided by the NAS Claimant.

**51. How will I know the result of my appeal?**

The Trustee will issue confidential determination on the appeal in writing to the NAS PI Claimant and their counsel, if applicable.

**52. Is there someone else I can appeal to after the Trust issues a ruling?**

**No.** Decisions made by the Trust in the appeals process are final and binding, and NAS PI Claimants have no further appeal rights beyond the ones outlined in the PI TDP.

**CONFIDENTIALITY**

**53. Will the information provided be confidential?**

**Yes.** It is assumed that information in your NAS PI Claim Form, and any other related materials, was intended to:

1. Remain confidential between you and the Trust; and
2. Be protected by all applicable state and federal privileges and protection

**54. What about third parties hired by the NAS PI Trust to assess/audit claims?**

In specific limited circumstances, the Trust may disclose on a confidential basis information, documents, or other materials, if it is reasonably necessary to process your claim or in order to resolve liens.

**55. How will the NAS PI Trust make sure personal information remains confidential when it is sent to a third party?**

The Trust shall take any and all steps reasonably feasible (as determined by the Trust) to ensure your personal information remains confidential, including, receiving a written confidentiality agreement from the third-party that:

1. Ensures your information will be used solely by the third-party for the purpose stated in the agreement; and
2. Prohibits the third party from sharing your information except as stated in the agreement.

**56. What happens to personal information once the NAS PI Trust is closed?**

Once the Trust winds down (leading to the termination of the Trust), if the Trust determines there is no legitimate reason to keep submitted records/information, the Trust will securely destroy all records containing any personal information in compliance with any applicable federal laws and Delaware laws.

**57. What happens after the records are securely destroyed?**

The Trust will file a certification with the Bankruptcy Court attesting to the secure destruction of the records in compliance with any applicable federal laws and Delaware laws.