

# **RITE AID OPIOID PERSONAL INJURY TRUST**

## **Frequently Asked Questions (FAQs)**

### **Rite Aid PI Opioid Claims**

**The FAQs are meant to simplify the description of the PI Opioid Claim submission and review process to facilitate Claimant and Law Firm understanding, and are not all inclusive. However, the actual Plan, PI Trust, and PI Trust Distribution (the “PI TDP”) documents are controlling, and these FAQs will evolve and be edited as the Trust administrations proceed.**

#### **1. What is the Rite Aid Opioid Personal Injury Trust?**

As part of the Second Amended Joint Chapter 11 Plan of Reorganization of Rite Aid Corporation and its Debtor Affiliates confirmed by the Bankruptcy Court on August 16, 2024 (the “**Plan**”), the Court approved creation of the Rite Aid Opioid Personal Injury Trust (the “**Rite Aid PI Trust**”), upon the Effective Date of the Plan, to (i) assume all liability for the Non-Nas Personal Injury Opioid Claims (“**Rite Aid PI Opioid Claims**”), (ii) collect distributions made on account of the Rite Aid PI Trust Share in accordance with the Rite Aid PI Trust Documents, (iii) administer the Rite Aid PI Opioid Claims, (iv) make distributions to holders of Allowed Rite Aid PI Opioid Claims in accordance with the Plan and the Rite Aid PI Trust Documents, and (v) carry out other matters as set forth in the Rite Aid PI Trust Documents.

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

The Effective Date of the Plan is **August 30, 2024**.

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

The Rite Aid PI Trust will be funded with the Rite Aid PI Opioid Claim Share of the Sub-Trust B-1 Interests.

The Rite Aid PI Trust Share is 41.0552%.

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

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

#### **5. What is a Rite Aid PI Opioid Claim?**

A Rite Aid PI Opioid Claim means any and all present private opioid claims against any of the Debtors held by a natural person (1) who timely filed a Personal Injury Tort Claimant Proof of

Claim Form (“Proof of Claim”) prior to the General Bar Date of January 12, 2024, and (2) listed an injury on Question 10 of the Personal Injury Tort Claimant Proof of Claim Form. *See* the Rite Aid Opioid Personal Injury Trust Distribution Procedures.

#### **6. Who qualifies to file a Rite Aid PI Opioid Claim?**

In order to be able to file a **Rite Aid PI Opioid Claim**, the claimant must have first filed a Proof of Claim Form against the Debtor in the Chapter 11 Bankruptcy case by the General Bar date of January 12, 2024, set by the Bankruptcy Court. However, in order to be eligible to receive funds from the Rite Aid PI Trust, the **CLAIMANT MUST ALSO FILE A RITE AID PI OPIOID CLAIMANT DATA SHEET (“DATA SHEET”) AND ANY REQUIRED DOCUMENTATION BY THE CLAIMS SUBMISSION DEADLINE, WHICH IS A DATE SET BY THE CLAIMS ADMINISTRATOR THAT IS 60 DAYS AFTER THE EFFECTIVE DATE.**

You can file a Rite Aid PI Opioid Claim if you can demonstrate that:

1. you timely filed a Proof of Claim against one of the Debtors **prior to the Claims Bar Date of January 12, 2024; and**
2. one of the Debtors filed a prescription for you for one of the qualifying opioids **on or before October 15, 2023.**

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

**Yes.** Claimants must have timely filed a Proof of Claim against one or more of the Debtors on or before the January 12, 2024 Bar Date.

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

**Yes.** Rite Aid PI Opioid Claims must be filed with the Rite Aid PI Trust by a deadline set by the Trustee that is (60) days after the Effective Date, to be considered for compensation. The Trustee, with approval of the PI Committee, has set **the Claims Deadline as December 18, 2024.**

#### **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 Rite Aid PI Trust and will have no recovery against Rite Aid and its affiliated Debtors.

## **FILING A CLAIM: Documents & Signing**

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

If you were represented by an Attorney in the Rite Aid Bankruptcy matter, please contact your attorney regarding the filing of your claim. If you are not represented, or are no longer represented, and are therefore filing as a pro se Claimant, you can file a Rite Aid PI Opioid Claim by:

1. Submitting a Rite Aid PI Opioid Data Sheet and HIPAA Form and supporting documentation online through the Rite Aid PI Opioid Claims Tab of this website, or
2. Downloading the Rite Aid PI Opioid Data Sheet and HIPAA Form on the Rite Aid PI Opioid Claims Tab of this website, completing the Data Sheet and HIPAA Form and mailing it with your supporting documentation to: Rite Aid PI Trust, PO Box 361930, Hoover, AL 35236-1930, or emailing it to the [riteaidpitrust@riteaidpitrust.com](mailto:riteaidpitrust@riteaidpitrust.com).

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

You must include the following:

1. A completed and signed Rite Aid PI Opioid Data Sheet and HIPAA Form;
2. Submit proof of a prescription for a Qualifying Opioid filled by one of the Debtors, with the prescription dated before October 15, 2023; and
3. If the Rite Aid PI Claimant is deceased, a certified death certificate 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 Rite Aid PI Heirship Declaration Form, a copy of which is located in the Rite Aid PI Opioid Claims tab of this website.

### **12. How long do I have to file a Rite Aid PI Opioid Claim?**

Claimants must file their claim, **by December 18, 2024**.

### **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 the lien resolution process.

**14. When will I be required to submit an Heirship Declaration?’**

You must submit the Heirship Declaration at the same time that you file your Claim as part of the accompanying documentation if you are representing a deceased claimant.

**15. If I am a firm that represents multiple clients, is there any way to do bulk filing through Dropbox?**

**Yes**, we highly recommend the bulk filing approach if your firm represents multiple claimants. Please refer to the Law Firm Import Instructions Tab on this Website.

**16. Provided a law firm has authorization from their claimants, is it acceptable for the attorney to sign the HIPAA release on their behalf?**

**No**. Most insurers or entities that will be receiving the signed HIPAA release require the claimant’s signature, or, if the claimant is deceased, a minor, or incapacitated, the legal representative’s signature.

**FILING FOR A DECEASED CLAIMANT**

**17. If I am filing a Claim on behalf of a Deceased Claimant where there is no Probate Estate opened, do I need to complete additional documents?**

**Yes**. You will need to provide the Rite Aid Heirship Declaration.

**18. The Claimant is deceased and there is a Probate Estate opened for his/her estate, with a personal representative having been appointed. On the Data Sheet, when the relationship between the person submitting the Data Sheet 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**

**19. What if I am filing Rite Aid PI Claimant for a Rite Aid PI Claimant who is still a minor?**

If you are filing a claim on behalf of a Minor Rite Aid PI Claimant, you will be responsible for submitting proof showing you have the authority to act on behalf of the minor Rite Aid PI Claimant as a **Proxy**.

## **20. Who can be a minor Rite Aid PI Claimant's Proxy?**

1. A Minor Claimant's custodial parent, his/her legal guardian under applicable law (a "**Guardian**"), or an adult providing custody and care to the minor (any of the foregoing acting on behalf of the Minor Claimant, the "**Proxy**") is authorized to make submissions on behalf of the Minor Claimant under the Rite Aid PI TDP, subject to section 8.2(b) of the Rite Aid PI TDP.
2. The Proxy shall be responsible for submitting, on behalf of such Minor Claimant, all required forms under the Rite Aid PI TDP, including the Data Sheet and HIPAA form, as well as any evidence required by the Rite Aid PI Trust to support claim, and any other documentation required or requested pursuant to the Rite Aid PI TDP.
3. The Proxy is authorized to take, on behalf of a Minor Claimant, all actions under the Rite Aid PI TDP that the Minor Claimant would be authorized to take if such Minor Claimant were an adult.

## **21. How do I prove I am the Rite Aid PI Claimant's Proxy?**

Any purported Proxy making a submission to the Rite Aid PI Trust on behalf of a Minor Claimant must submit the Rite Aid Proxy Form and include along with such submission documentation of his/her authority to act on behalf of the Minor Claimant, consisting of the following:

1. If the Proxy is the Guardian of the Minor Claimant, then:
  - a. the court order appointing that Proxy as Guardian, or
  - b. other documents reasonably acceptable to the Rite Aid PI Trust as sufficient under applicable law to evidence the guardianship.
2. If the Proxy is the custodial parent of the Minor Claimant, then a statement under penalty of perjury that such Proxy is the custodial parent of the Minor Claimant.
3. If the Proxy is neither the Guardian nor custodial parent of the Minor Claimant, then:
  - a. a statement under penalty of perjury by the purported Proxy stating that:
    - i. he/she is providing custody and care to the Minor Claimant,
    - ii. how long he/she has been providing such care and custody,
    - iii. explaining his/her relationship to the Minor Claimant and the circumstances around the provision of care and custody,
  - b. as well as a statement and/or records from one or more of the following in support of his/her statement under penalty of perjury:
    - i. Your minor Rite Aid PI Claimant's school
    - ii. Your landlord or property manager
    - iii. Your minor Claimant's health provider
    - iv. Your minor 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**

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

**Yes.** Claimants must demonstrate through evidence that they were legally prescribed on opioid and that one or more of the Debtors filled that prescription prior to October 15, 2023.

### **23. What is a Qualified Opioid?**

**A list of Qualified Opioids can be found in ARTICLE 5 of the PI TDP.** Examples include but are not limited to Demerol, Lortab, MS Contin, OxyContin, Percocet, Percodan and Fentanyl. Qualifying Opioid products **do not include** Codeine products and medication-assisted treatment including but not limited to methadone, Tramadol, buprenorphine and naltrexone (Suboxone).

The list of the Qualifying Opioids can be found in ARTICLE 5 of the PI TDP located in the PI Opioid Claims Tab.

### **24. What evidence must I submit to show use of a Qualified Opioid?**

**Acceptable Evidence for Establishing Use of Qualified Opioids.** All Rite Aid PI Claimants must demonstrate a prescription (which contains the name of the PI Claimant or Decedent, as applicable) and a Qualifying Opioid, as well as proof that it was filled by one of the Debtors prior to October 15, 2023, by submitting one of the following pieces of evidence:

1. Pharmacy prescription records;
2. Insurance company records showing the prescription was filled by one of the Debtors;
3. A photograph of the prescription bottle or packaging of one of the Qualifying Opioids with the name of the PI Claimant (or Decedent, as applicable) as the patient listed on the prescription label showing the prescription was filled by one or more of the Debtors; or
4. A certification supplied by a Debtor, any of its successors (including the Trust), or a third party at a Debtor's or one of its successors' request, indicating the customer loyalty programs, patient assistance programs ("PAPs") copay assistance programs, or any other data otherwise available to the certifying entity reflects that the Rite Aid PI Claimant (or Decedent, as applicable) had at least one prescription for one of the Qualifying Opioids filled by one of the Debtors on or before October 15, 2023.
5. The PI Trust shall have discretion to determine whether the requirements have been met so as to provide sufficient indicia of reliability that the Rite Aid PI Claimant or Decedent (as applicable) was prescribed and used Qualifying Opioids.

Any Rite Aid PI Claimant who does not meet the requirements of sections 4.2, 5.2(a), and 5.2(b)(i-vi) of the Rite Aid PI TDP, is not entitled to any payment from the Trust.

**25. Will I have to submit additional evidence after submitting the Rite Aid PI Opioid Data Sheet and HIPAA Form and supporting evidence?**

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.

**CLAIM REVIEW PROCESS**

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

The Trustee determines 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 Rite Aid PI Trust will review submitted claims and provided evidence to determine whether the claim qualifies as an Allowed Rite Aid PI Opioid Claim.

**29. How is a determination made as to whether my Rite Aid PI Opioid Claim is compensable?**

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

**30. How will Rite Aid PI Opioid Claims be processed?**

Rite Aid PI Opioid Claims will be processed within 60 days of any timely filed submission.

**31. What if my Rite Aid PI Opioid Claim is deficient/incomplete?**

If your Rite Aid PI Opioid Claim is deficient, you will be notified by the Trust and have 15 days to cure any deficiencies.

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

Examples of deficiencies include failure to provide supporting documentation (HIPAA, Heirship Documents, etc.), or evidentiary issues (such as providing no evidence of qualified opioid prescription filled by one or more of the Debtors).

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

If the deficiency is not timely cured to the satisfaction of the Trustee (within 15 days of notification), the claim will be disallowed.

**AWARD: CALCULATION**

**34. How will the Rite Aid PI Trust determine my award?**

The Rite Aid PI Trust will liquidate and determine the gross amounts receivable on account of Allowed Rite Aid PI Opioid Claims in accordance with the Rite Aid 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 Rite Aid PI Trust divide the funds?**

Allowed Rite Aid PI Opioid Claims will be paid a simple pro rata share of the distributable proceeds held by the PI Trust based on the total number of timely Allowed Rite Aid PI Opioid Claims submitted (the "Pro Rata Payment").

Because all Allowed Rite Aid PI Opioid claims will be paid the same simple pro rata share, the Trust cannot determine award amounts until after all submitted PI opioid claims have been reviewed for eligibility and the deficiency notification period has been completed.

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

All awards are subject to administrative fees, 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 Rite Aid PI Opioid Claim?**

After your Rite Aid 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?**

The Lien Resolution Administrator will be the Trust and/or any other third party the Trust choose to engage to assist with the lien resolution process.

### **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 Trust and/or 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.

## **AWARD: PAYMENT**

### **40. When will I get paid?**

A reasonable estimate is that Allowed Rite Aid PI Opioid Claims will begin to be paid by the middle of 2025.

Because all Allowed Rite Aid PI Opioid claims will be paid the same simple pro rata share, the Trust cannot determine award amounts until after all submitted PI opioid claims have been reviewed for eligibility and the deficiency notification period has been completed. As such, the Trust cannot begin paying claims until the Trust has fully completed the review and deficiency process, ultimately determining whether all submitted claims are Allowed.

### **41. 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.

### **42. If the Rite Aid PI Claimant is a minor, how will payment distributions be made?**

1. If the Rite Aid 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 Rite Aid 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 Rite Aid 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. Can I appeal my award determination?**

**No.** There is no option to appeal your award determination to the Rite Aid PI Trust.

**CONFIDENTIALITY**

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

**Yes.** It is assumed that information in your Rite Aid PI Opioid Data Sheet, 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 protections.

**45. What about third parties hired by the Rite Aid PI Trust to assess/audit claims?**

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

**46. How will the Rite Aid 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.

**47. What happens to personal information once the Rite Aid 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.

**48. 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.