



# PG&E Fire Victims Trust

## Informational Webinar

March 9, 2021

# About United Policyholders

- 30 years in business as a reputable 501(c)(3) that informs and advocates for insurance consumers
- Expertise in property insurance and solutions for coverage, claim, and marketplace problems that arise after losses and disasters
- Supported by donors, grants and volunteers
- A trusted source for the media
  - <http://uphelp.org/news/up-in-the-news>
- A respected voice for consumers in courts, legislatures and public policy forums

# Our Three Programs

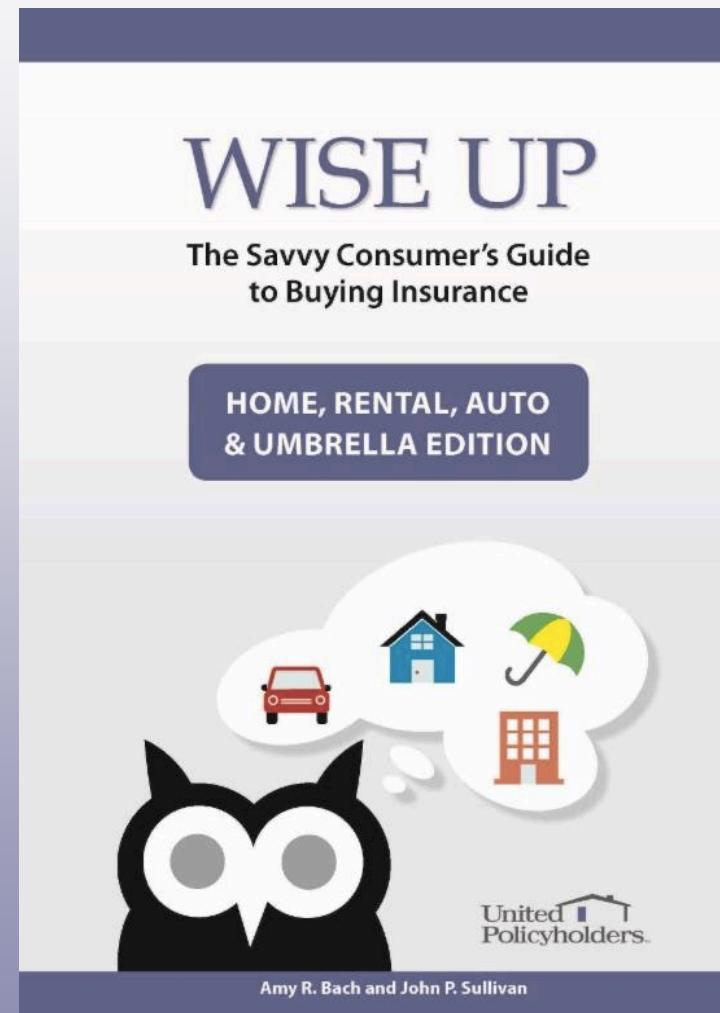
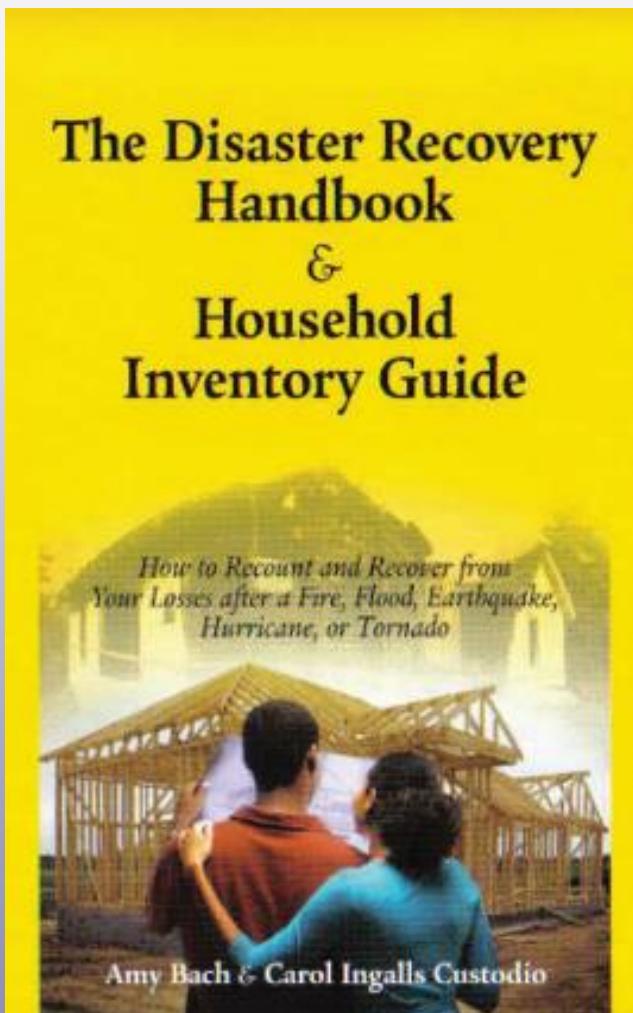
- **Roadmap to Recovery™**
  - *Helping people and businesses navigate insurance, repair and rebuilding challenges and restore assets after losses.*
- **Roadmap to Preparedness**
  - *Guiding people and businesses on shopping wisely for insurance, reducing risk and being disaster prepared.*
- **Advocacy and Action**
  - *Advancing and protecting policyholders interests and rights and helping solve insurance marketplace and claims problems.*

# Amy Bach, Esq.

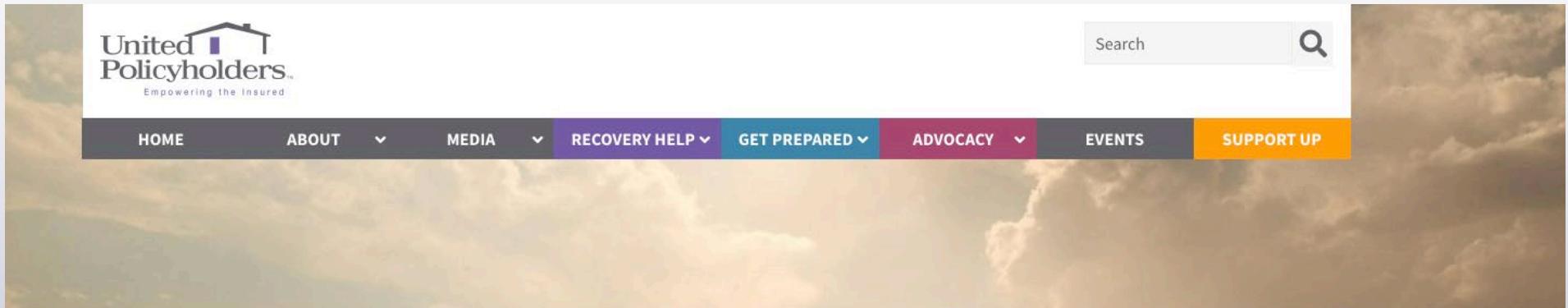


- Dedicated to advancing the interests of insurance policyholders since 1984
- Published author, experienced trial and regulatory attorney
- Co-founder, UP
- Official consumer rep to NAIC since 2009
- Member, Federal Advisory Committee on Insurance (US Treasury)

# UP Guidance and Tools



# www.uphelp.org



**DISASTER RECOVERY HELP**

Home >> Roadmap to Recovery™ >> Disaster Recovery Help



FEB 11, 2021 – ACTIVE

**2021 Winter Storms – Insurance Claim and Recovery Help**

If frozen or burst pipes or ice or heavy snow from recent extreme winter weather damaged your home or business, United Policyholders' Roadmap to Recovery program can help you navigate the claim and recovery process.



AUG 19, 2020 – ACTIVE

**2020 Washington Wildfires – Insurance Claim and Recovery Help**

The Washington Wildfires of 2020 burned over 700,000 acres, destroying over 180 homes in the process.



AUG 16, 2020 – ACTIVE

**2020 California Wildfires – Insurance Claim and Recovery Help**

August and October wildfires impacted homes and businesses in many regions throughout California, and our tips and support will be useful in all of them. Federal Disaster Declarations (DR-4554 and DR-4569) have been



# CLAIMS ADMINISTRATION OVERVIEW

CATHY YANNI  
CLAIMS ADMINISTRATOR  
MARCH 9, 2021



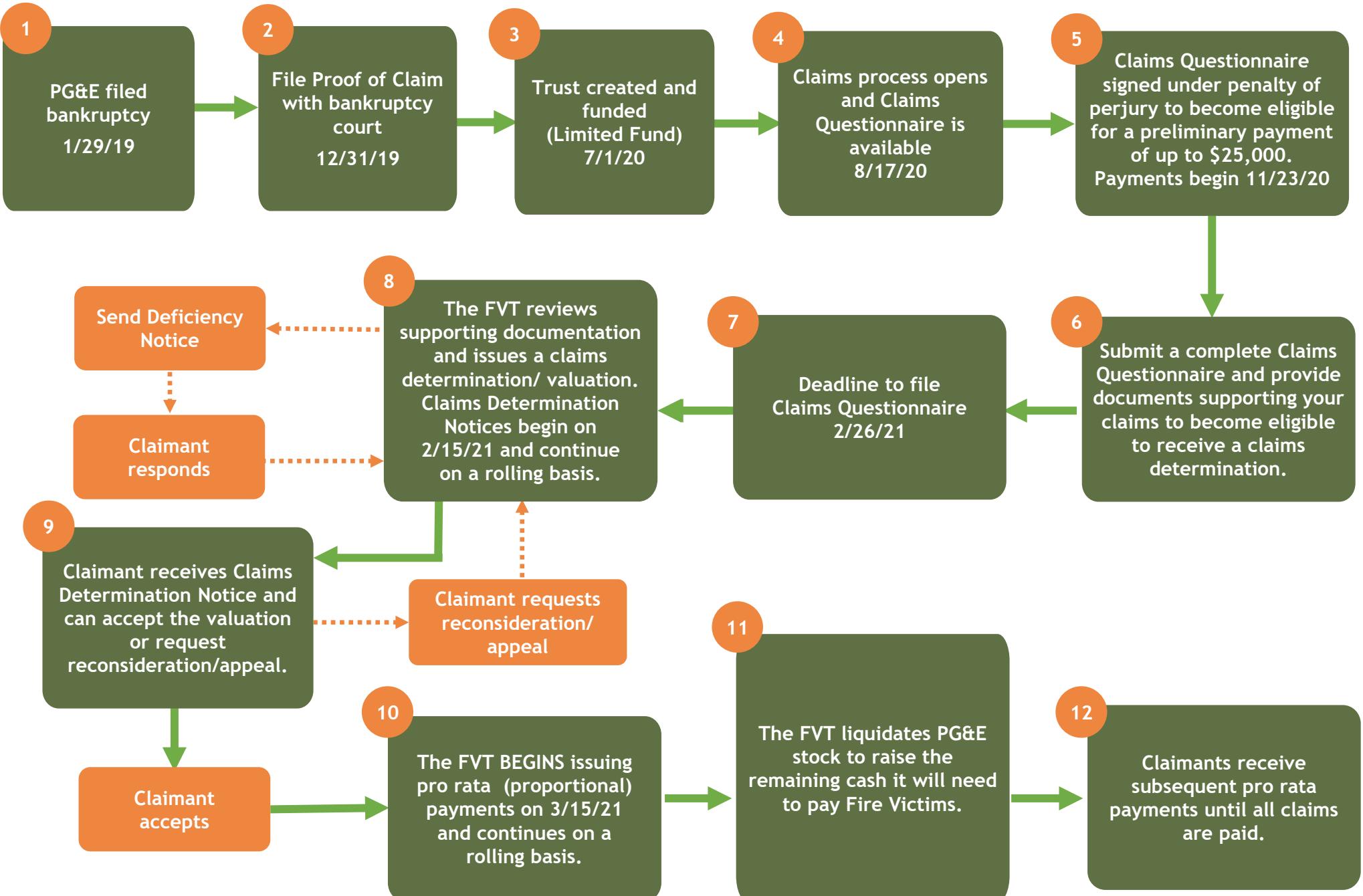
- The Fire Victim Trust began to receive claims on 8/15/2020.
- Preliminary Payments were first issued on 11/24/2020 and continue to go out to claimants on a rolling basis.
- Determination Notices were first issued on 2/15/2021, with the first Initial Pro Rata payments scheduled to be issued beginning 3/15/2021.

## Fire Victim Trust Statistics

<b>Total Number of Claimants</b>	<b>71,348</b>
<b>Number of Claims</b>	<b>230,459</b>



# CLAIMS PROCESS OVERVIEW





# CLAIM TYPE: REAL PROPERTY



## Real Property Claims include claims for:

- Damage to structures on residential or commercial real property
- Landscaping
- Forestry
- Other real property improvements (e.g. hardscape, fencing retaining walls, pools, and solar panels)



## Documents that may support a Real Property Claim can include:

- Verification of ownership
- Insurance Claim Documentation
- Appraisals
- Tax Records
- Purchase Records
- Mortgage or loan documentation showing the pre-Fire condition or value of the property
- Pre-Fire and post-Fire photos or videos of the structure or damaged area of the property
- Architectural or engineering drawings
- Permits
- Contractor rebuild or repair estimates or invoices
- Arborist reports, timber surveys, or documents relating to landscaping
- Closing statement if the property has been sold
- Other supporting documents in the Claimant's possession



# CLAIM TYPE: PERSONAL PROPERTY



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.



Documents to support Personal Property Claims could include:

- List of items destroyed or damaged in the residency
- Proofs of Purchase
- Pre-Fire and post-Fire photos
- Appraisals
- Other supporting documents within the Claimant's possession



# CLAIM TYPE: PERSONAL INCOME LOSS



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.



The Claims Administrator will consider income loss claims that resulted from the destruction of property or from serious personal injury directly related to the Fires.



Documents that may support a Personal Income Loss Claim include:

- Tax returns, including all schedules and attachments
- W-2 Forms
- 1099 Forms
- Lease agreements or canceled rent checks
- Bank account statements identifying earnings
- Paycheck stubs or payroll records
- Other supporting documents within the Claimant's possession



# CLAIM TYPE: BUSINESS INCOME LOSS



Business Income Loss Claims include claims for economic losses suffered by a business as a result of the Fires, including loss of business property or inventory, and lost profits or revenues directly resulting from the destruction of property.



Documents that may support a Business Income Loss Claim include:

- Documentation from independent third-party sources to establish that the Claimant has suffered property damage or personal injury as a result of the Fire
- Annual Federal Tax Returns, including all relevant schedules and attachments, for all calendar years in the Benchmark Period and the Loss Period
- Documentation to verify formation and ownership of the business
- Documentation to establish the nature of the Claimant's business/industry
- Documentation to establish the Claimant's loss location
- Documentation of insurance limits, broken down by coverage type and loss location
- Documentation of insurance payments received, broken down by coverage type and loss location
- Documentation of extraordinary losses, such as receipts or accounting statements documenting lost inventory, equipment/property repair, or other additional expenses associated with the Fires



Business claims are evaluated by economists, accountants, and subject matter experts retained by the Trust to address various categories of business losses.



# CLAIM TYPE: WRONGFUL DEATH



Wrongful Death Claims allow families to recover damages relating to individuals who died as a result of the Fires.



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:

- 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;
- Whether or not qualified under the above, if they were dependent on the decedent, the putative spouse, children of the putative spouse, stepchildren, or parents; or
- A minor, whether or not qualified under the above, 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.



The Trustee and Claims Administrator have a team of experts applying a streamlined and sensitive process that maintains the dignity of all Claimants to successfully resolve these claims of extraordinary loss.



# CLAIM TYPE: PERSONAL INJURY



Personal Injury Claims are claims for physical, bodily injury and any related pain and suffering and/or mental anguish resulting from the bodily injury. Personal Injury Claims may include but are not limited to the following types of bodily injuries suffered as a result of the Fires:

- Bodily injury that involves substantial risk of death or disfigurement
- Injuries causing blindness or deafness
- Burns
- Traumatic brain injury or other brain injuries that result in permanent cognitive impairment, physical disability or mood imbalance.



Documents that may support a Personal Injury Claim include:

- Medical records related to the injury, including medical records from a treating physical or healthcare provider relating to diagnosis and prognosis
- Medical bills related to the injury
- Written narratives detailing the Claimant's injury and any mental anguish, pain and suffering, and inconvenience suffered as a result
- Photos or videos depicting the Claimant's injury



## CLAIM TYPE: EMOTIONAL DISTRESS



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



The Trust will consider Claimants to be in the Zone of Danger if they were:

- Within the Fire perimeter
- Experienced emotional distress or mental anguish contemporaneous with the Fire
- While evacuating or sheltering-in-place as a result of the Fire.



The Trust will assess the severity of each Claimant's experience and issue award amounts based on the Claimant's circumstances.



# UNIQUE CONSIDERATIONS



## Liens

- A lien is a legal right through which someone claims a legal obligation to withhold payment from an award.
- The Claims Administrator must address non-medical liens asserted by lienholders, including Attorney Liens, Child Support Liens, Tax Liens, Judgment Liens, and UCC-1 Perfected Security Interest Liens.
- A Lien Resolution Administrator has been appointed by the Trustee and Claims Administrator to identify and resolve medical liens.



## Deceased Claimants

- If a Fire Victim submitted a Proof of Claim Form in the Bankruptcy Cases on or before 12/31/19 and died on or after 12/31/19, the Trust will consider his or her claims preserved and, if properly submitted by the deceased Fire Victim's estate or survivors, will evaluate the claims for potential eligibility.



## Minor Compromises

- The Court approved the Honorable Ellen James (Ret.) as the Special Master to review and approval any and all claims submitted to the Fire Victim Trust on behalf of "Protected Persons", referring to minors and incapacitated adults. To protect their interests, the Special Master must review and approve the Claims Determinations and disbursement measures for all awards to minors and incapacitated adults before the Trust may issue payment.

# DEFICIENCY AND DETERMINATION NOTICES



The Fire Victim Trust began issuing Determination Notices on 2/15/21. Notices will continue to be issued on a rolling basis as claims are evaluated.



The Trust will continue to work collaboratively with Claimants and attorneys to perfect claim submissions by issuing a Deficiency Notice if the Claims Administrator determines more information is needed to fully evaluate the claim. The Deficiency Notice will describe the additional information or documents that are needed and will provide instructions for responding with the requested documents. In addition, the Trust may perform outreach to the Claimant or the Claimant's attorney to clarify claims submissions or to request additional information.



A Claims Determination Notice will provide information about the calculated award and the claimant's options for accepting the award or requesting Reconsideration. The Claimant must accept the award before any payment will be issued.

# SAMPLE NOTICE



## DETERMINATION NOTICE

DATE OF NOTICE: [DATE]

### I. DETERMINATION NOTICE

This Notice is an official communication from the Claims Processor for the Fire Victim Trust (the "Trust") and relates to the Fire Victim(s) identified in Section II below. We have determined that you are eligible for compensation from the Trust and have an Approved Claim. This Determination Notice summarizes the aggregate amount for your submitted claims from the Claims Questionnaire ("CQ").

### II. FIRE VICTIM INFORMATION

Claimant(s):	
CQ ID:	
Law Firm:	
Approved Claim Amount: <small>(subject to pro rata distribution)</small>	

### III. IMPORTANT INFORMATION ABOUT RECONSIDERATION, APPEALS, PAYMENTS AND LIENS

An informational attachment has been included for your review regarding the important topics below.

**Reconsideration and Appeal:** How you can request Reconsideration or Appeal the determination to a Neutral if you are dissatisfied with the award or calculation methodology. See the attached Fire Victim Trust Acceptance and Reconsideration Request Form.

**Pro Rata Payments:** An explanation how the Trust can make pro rata payments to each Fire Victim who accepts this Determination Notice, and the methodology for issuing pro rata payments to Approved Claims.

**Credits, Liens and Taxes:** A summary of any amounts the Trustee had to deduct from this determination as required under Article XII of the Claims Resolution Procedures, which includes any medical reimbursement obligations and potential holdbacks or final repayment amounts for any Medicare, Medicare or private health insurance reimbursement obligations.

# SAMPLE NOTICE



## FIRE VICTIM TRUST ACCEPTANCE AND RECONSIDERATION REQUEST FORM

DATE OF NOTICE: [DATE]

### SECTION I. FIRE VICTIM INFORMATION

Claimant Name:

Law Firm:

Claimant ID:

Claims Questionnaire ID:

### SECTION II. ACCEPTANCE OR RECONSIDERATION OF DETERMINATION

Are you accepting the Determination Notice? If Yes, check the "Yes" box and skip to Section V.  Yes  No  
If you are not accepting this Determination Notice, check "No" and continue to Section III.

### SECTION III. CLAIM TYPES FOR RECONSIDERATION

Please select the damage categories that you would like for the Claims Administrator and Claims Processor to reconsider and remember to include any additional documentation or explanations you want us to consider when re-reviewing your claim during Reconsideration.

- Real and Personal Property
- Business Income Loss
- Personal Income Loss (Lost Wages)
- Emotional Distress – Zone of Danger
- Emotional Distress - Nuisance
- Personal Injury
- Wrongful Death
- Other Out-of-Pocket Expenses
- Other Damages

# CLAIMS PROCESSING



The Claims Administrator is reviewing all claims as received. Several factors can affect when a claim determination is sent to a Claimant, such as the complexity of the claim type(s) claimed, as well as the volume and completeness of the documentation that is submitted in support of the claim. Efficiency and accuracy of reviews is central to the Trust's focus in evaluating all claims.



Information regarding the status of submitted claims and determinations made on those claims can be found in the FVT Portal.

- Attorneys can monitor the status of notices issued for submitted Claims Questionnaires for their entire firm inventory by reviewing the reports available on the FVT portal.
- Pro Se Claimants can view the status of their submitted Claims Questionnaires and any notices issued by logging into the Portal and viewing their claims information.



# QUESTIONS AND MORE INFORMATION



If you have questions or need more information, please visit the official Fire Victim Trust website at [www.firevictimtrust.com](http://www.firevictimtrust.com).

You may also contact us at:



1-888-664-1152



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