

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

James Thornton, et al,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No: 98CV0890 (EGS)
)	
National Railroad Passenger)	
Corporation ("Amtrak"),)	
)	
Defendant.)	

FILED

OCT 24 2000

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

**[PROPOSED] ORDER APPROVING THE ADMINISTRATORS'
PROPOSED POINT SYSTEM FOR ALLOCATING THE SETTLEMENT
FUND AND RECOMMENDED DISTRIBUTIONS FROM THE FUND**

The Administrators' combined motion for an order approving: (1) The Administrators' proposed methodology for determining the amount of money that will be available to be distributed to claimants, including appeal and tax reserves; (2) the Administrators' proposed point system for allocating the Claims Portion of the Fund; (3) the number of points attributed to each claimant under the allocation formula, which will be used in calculating their awards once the amount of money that will be available for distribution is determined; and (4) the procedures for filing and considering administrative appeals, came on before this Court, the Honorable Emmet G. Sullivan presiding, based on the written submissions of the parties. Based upon the parties' submissions, as well as the record of this case,

IT IS HEREBY ORDERED that

(1) The Administrators proposed methodology for calculating the amount of money that will be available to be distributed to claimants, including an Appeal Reserve of \$60,000, a Fund Income Tax Reserve of \$20,000, and an Employment Tax Reserve of \$100,000, is APPROVED;

(2) The point system proposed by the Administrators for allocating the Claims Portion of the Settlement Fund among eligible claimants is APPROVED;

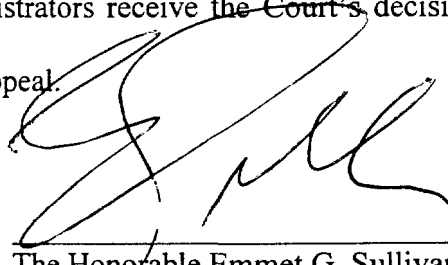
(3) The number of points attributed to each claimant under the allocation formula, which will be used in calculating their awards once the amount of money that will be available for distribution is determined, is APPROVED; and

(4) The procedures for filing and considering administrative appeals from the claims awards to claimants under the Claims Portion of the Fund shall be as follows:

- a. The notices to be sent to claimants informing them of the amounts of their awards will also advise them of their appeal rights and include a form that must be filled out and signed in order to appeal. To be considered, the signed appeal form must be included in an envelope postmarked within 28 days from the date of mailing the notice (the "appeal deadline"). The notice will state that any claimant who chooses to appeal will not receive his or her award until the appeal is resolved. The notice also will contain the information described in subparagraphs b., c., and d. below.
- b. The sole bases for appeal shall be mathematical error or failure to consider documentation submitted prior to the deadline for the submission of claims forms and supporting documentation.

- c. The Administrators will have 28 days from the appeal deadline to consider all appeals and make recommendations to the Court concerning the disposition of those appeals. The filing shall include a copy of the appeal form filed by each appellant.
- d. Each appealing claimant will be informed of the Court's decision within seven days after the Administrators receive the Court's decision. There shall be no further right of appeal.

Dated: 10/24, 2000



The Honorable Emmet G. Sullivan
Judge, United States District Court
for the District of Columbia