

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

**PLEASE READ THIS NOTICE CAREFULLY**

**Your rights to a potential recovery from the “Hospital Trust” established under the CONFIRMED Chapter 11 Plan of Reorganization for Mallinckrodt PLC, et al. are affected.**

**NOTICE OF OPPORTUNITY TO RECEIVE OPIOID HOSPITAL  
ABATEMENT DISTRIBUTIONS FROM THE  
MALLINCKRODT PLC PLAN OF REORGANIZATION**

**ATTENTION: ACUTE CARE HOSPITALS**

Capitalized terms used herein, and not otherwise defined, shall have the meanings ascribed to them in the *Fourth Amended Joint Plan of Reorganization (With Technical Modifications) of Mallinckrodt and Its Debtor Affiliates Under Chapter 11 of the Bankruptcy Code [D.I. 6510]* (as modified, amended or supplemented from time to time, the “Plan”) or the Hospital Trust Distribution Procedures (as modified, amended or supplemented from time to time<sup>1</sup>, the “Hospital TDP”) dated July 20, 2021 [Docket No. 3232-2].

If you are filing a claim on behalf of an Acute Care Hospital, which is defined immediately below, it may be entitled to receive distributions from the Hospital Trust that can only be used for Authorized Abatement Purposes, which are described in detail in the full Hospital TDP. The submission of a claim to the Hospital Trust does not guarantee that it will receive a distribution. All claim submissions are reviewed for eligibility as set forth in the Hospital TDP.

---

<sup>1</sup> The Hospital TDP, as well as the Mallinckrodt Opioid Hospital Trust Agreement itself, will be amended and updated in August 2022, to reflect certain needed clarifications, as well as corrections of typographical and definitional errors, which were just discovered recently. Those clarifications and corrections will not have any substantive effect on the rights described in summary fashion in this Notice.

Acute Care Hospitals eligible to participate are defined as: (a) non-federal acute care hospitals, as defined by CMS, or (b) a non-federal hospital or hospital district that is required by law to provide inpatient acute care and/or fund the provision of inpatient acute care.

Please note that establishing your eligibility to receive any distribution under the Hospital TDP requires particularized and important effort on your part to provide support for your Claim.

A Hospital Opioid Claimant must do each of the following, according to the guidelines set forth below:

1. Complete the Hospital Abatement Distribution Registration Form (the “Registration Form”) electronically, which is a fillable PDF that can be downloaded from [www.mlnkhospitalsettlement.com](http://www.mlnkhospitalsettlement.com), and email to [registrationform@mlnkhospitalsettlement.com](mailto:registrationform@mlnkhospitalsettlement.com);
2. Once the Registration Form is received, the Trustee (or its agents or representatives) will communicate instructions to you for accessing a secure file transfer protocol (“SFTP”);
3. Complete the Business Associate and Confidentiality Agreement (the “BAA”) electronically, which is a fillable PDF that can be downloaded from [www.mlnkhospitalsettlement.com](http://www.mlnkhospitalsettlement.com), and submit to the SFTP;
4. The Trustee (or its agents or representatives) will provide you with an executed BAA via the SFTP to download for your records;
5. Complete the Hospital Abatement Distribution Claim Form including Exhibit A, as applicable, (the “Claim Form”) electronically, which is a fillable PDF that can be downloaded from the same website: [www.mlnkhospitalsettlement.com](http://www.mlnkhospitalsettlement.com); and

6. Submit that Claim Form and any supporting documents and information requested therein, along with the Requisite Claims Data as described in Exhibit A #20 of the Claim Form, to the SFTP.

**PLEASE NOTE THAT ITEMS 3, 5 AND 6 ABOVE SHALL NOT BE SUBMITTED VIA EMAIL.** Instead, by submitting the Registration Form described in Item 1 above, you will receive instructions for accessing a SFTP to which the BAA, the Claim Form and accompanying Requisite Claims Data must be submitted.

A “plain language” summary of the TDPs for the Hospital Trust is attached as pages 4-6.

#### **DEADLINE**

The deadline for submitting the Registration Form, the BAA, the Claim Form and accompanying Requisite Claims Data is **September 30, 2022.**

#### **DISTRIBUTIONS**

At this time, no estimates can be provided as to the dollar amount of any claimant’s recovery. The gross distributions from the Mallinckrodt bankruptcy estate to the Hospital Trust may aggregate up to approximately \$45 million, however, that sum is dependent on factors beyond the control of the Hospital Trust and, further, (a) that sum is payable over the span of eight years, and (b) that sum will be reduced by the court-approved legal fees allocated for the Ad Hoc Group of Hospitals that negotiated this settlement and its inclusion in the confirmed the Plan, a common benefit assessment, as well as certain other associated Hospital Trust expenses. The distributions from the Hospital Trust are also dependent on the number of eligible Claims ultimately approved to receive a distribution.

**Summary of Trust Distribution Procedures  
Mallinckrodt Hospital Opioid Trust (originally published and filed [D.E. 3282-2]  
in July 2021, now updated as of August 1, 2022)**

**A. Overview**

The Hospital Trust is an Abatement Trust that was established in accordance with the Plan, the Confirmation Order, and the Hospital Trust Documents to (a) assume all liability for Hospital Opioid Claims, (b) collect distributions made on account of the Hospital Opioid Claims Share in accordance with the Hospital Trust Documents, (c) administer Hospital Opioid Claims, and (d) make Abatement Distributions to Authorized Recipients, including distributions to Holders of Hospital Opioid Claims in accordance with the Hospital Trust Documents.

The Hospital Trust Distribution Procedures (the “*Hospital TDP*”) set forth the manner in which the Hospital Trust shall make Abatement Distributions to Holders of Hospital Opioid Claims (such Abatement Distributions, “*Hospital Abatement Distributions*”) that satisfy the eligibility criteria for Authorized Recipients set forth herein. Hospital Opioid Claims are fully discharged pursuant to the Mallinckrodt Plan, as implemented by the Hospital Trust and Hospital TDP.

**B. Funding of the Hospital Trust**

The Plan contemplates that the Hospital Trust will receive 3.57% of the Opioid MDT II Distributable Value (i) after deducting from the Opioid MDT II Distributable Value (a) reserved expenses for items (a) and (b) of the definition of Opioid MDT II Operating Expenses and (b) the U.S. Government Opioid Claims Share, and (ii) gross of applicable Private Opioid Creditor Trust Deductions and Holdbacks.

**C. Trust Administration**

So long as he is able to serve as of the Effective Date, the presumptive trustee of the Hospital Trust is Hon. Thomas Hogan (Ret.) (the “*Trustee*”). If Judge Hogan is not able to serve, then a new Trustee will be selected in accordance with the Plan in advance of the Effective Date by the Ad Hoc Group of Hospitals in consultation with the Debtors.

The Trustee shall have the power and authority to perform all functions on behalf of the Hospital Trust, and shall undertake all administrative responsibilities as are provided in the Plan and the Hospital Trust Documents. The Trustee shall be responsible for all decisions and duties with respect to the Hospital Trust. The Trustee shall have the authority to determine the eligibility of Hospital Authorized Recipients and the amount of Hospital Abatement Distributions made by the Hospital Trust.

**D. Eligibility for Hospital Abatement Distributions**

To qualify as a Hospital Authorized Recipient, a Holder of a Hospital Opioid Claim must certify in its Hospital Abatement Distribution Form that:

- (a) It adheres to the standard of care for the emergency department, hospital wards and outpatient clinics at the time of any prospective evaluation, diagnosis, and treatment of OUD, including with respect to the applicable standard of care for the treatment of addiction, acute withdrawal and treatment for Opioid Use Disorder (“***OUD***”) with medication assisted treatment; and
- (b) It provides discharge planning and post-discharge care coordination for patients with OUD, including information for appropriate OUD treatment services.

To qualify to receive Hospital Abatement Distributions from the Hospital Trust, each applicable Holder of a Hospital Channeled Claim must:

- (a) Timely submit the Hospital Abatement Distribution Claim Form; and
- (b) Provide all of the requisite claims data in connection with submitting a Hospital Abatement Distribution Claim Form.

**FOR AVOIDANCE OF DOUBT, FOR A HOLDER OF A HOSPITAL OPIOID CLAIM TO QUALIFY AS A HOSPITAL AUTHORIZED RECIPIENT AND BE ELIGIBLE TO RECEIVE A HOSPITAL ABATEMENT DISTRIBUTION, SUCH HOLDER OF A HOSPITAL OPIOID CLAIM MUST TIMELY SUBMIT A FULLY COMPLETED HOSPITAL ABATEMENT DISTRIBUTION CLAIM FORM ON OR BEFORE THE HOSPITAL ABATEMENT DISTRIBUTION FORM DEADLINE, WHICH IS SEPTEMBER 30, 2022.**

**E. Determination of Hospital Abatement Distributions**

To permit the Trustee to evaluate the amount each Hospital Authorized Recipient is to receive as a Hospital Abatement Distribution, and to the extent not already submitted in connection with its Proof of Claim, a Holder of a Hospital Opioid Claim must submit all of the Requisite Claims Data. The Trustee may request additional information as reasonably necessary in the opinion of the Trustee to determine the amount to be distributed to a Hospital Authorized Recipient.

The Trustee (or its agents or representatives) shall review the timely submitted Hospital Abatement Distribution Forms. The Trustee shall utilize the proprietary Legier Model and Algorithm (the “***Model***”) for determining the amount of each Hospital Abatement Distribution. The amount of the Hospital Abatement Distribution to be paid to each Hospital Authorized Recipient shall be determined within 120 days after the applicable Hospital Abatement Distribution Form Deadline or in a period of time determined by the Trustee to be most practicable. The Model shall determine the amount distributable to each Hospital Authorized Recipient based on criteria described in section 6(c) of the Hospital TDP.

**F. Distributions on Account of Allowed Claims**

The Trustee shall make interim Hospital Abatement Distributions, from time to time in its judgment, to those Hospital Authorized Recipients that have complied with all of the criteria and procedures described in the Hospital TDP. Unless otherwise determined by the Trustee, such Hospital Authorized Recipients may receive one interim, and one final, distribution. Hospital Abatement Distributions will be subject to a common benefit assessment and may be subject to certain additional assessments for payment of attorneys' fees and costs of the Ad Hoc Group of Hospitals in accordance with the Plan.

**G. Authorized Abatement Purposes**

All net funds distributed to Hospital Authorized Recipients shall be used solely and exclusively for OUD abatement programs, whether currently existing or newly initiated. As a condition of receiving a Hospital Abatement Distribution, each Hospital Authorized Recipient must submit to the Trustee on its Hospital Abatement Distribution Form a written statement that all funds will be spent only in the Authorized Recipient's Service Area for one or more of the Hospital Authorized Abatement Purposes described in section 7(a) of the Hospital TDP.