

**If you are or were a Progressive Insured in Michigan and received a Total Loss Claim Payment from 2013-2024, you may be entitled to a cash payment for Sales Tax, Certificate of Title Fee, and/or Vehicle Registration Transfer Fee.**

IMPORTANT CLASS ACTION NOTICE – PLEASE READ CAREFULLY

**A state court authorized this Notice. This is not a solicitation from a lawyer.**

- A Settlement has been reached in two class action lawsuits: *Ubillus v. Progressive Marathon Ins. Co.*, No. 2019-741-CK, and *Perry, et al. v. Progressive Michigan Ins. Co., et al.*, No. 2022-971-CK.
- This Settlement will resolve the claims of all Settlement Class Members against Progressive Michigan Insurance Company and Progressive Marathon Insurance Company (“Progressive”) involving Covered Total Loss Claims under an Automobile Insurance Policy. The lawsuits allege that Progressive breached its Michigan Automobile Insurance Policy by failing to include Sales Tax, a Certificate of Title Fee, and/or a Vehicle Registration Transfer Fee in Total Loss Claim Payments to its insureds for vehicles that Progressive determined to be a Total Loss. Progressive denies these allegations and maintains that it at all times complied with the terms of its Michigan Automobile Insurance Policy.
- You may be included in the Settlement Class if you were insured under either: (a) a Progressive Marathon Automobile Insurance Policy in Michigan, made a first-party claim for physical damage or theft to a vehicle(s), and received a Total Loss Claim Payment from July 18, 2013, through July 22, 2024; or (b) a Progressive Michigan Automobile Insurance Policy in Michigan, made a first-party claim for physical damage or theft to a vehicle(s), and received a Total Loss Claim Payment from July 18, 2016, through July 22, 2024.
- The Settlement will make available up to \$61,000,000 for the benefit of Settlement Class Members who submit Valid Claims. Subject to Court approval, up to \$15,000,000 will be paid to Class Counsel for attorneys’ fees, with Progressive separately paying \$10,000,000 and the other \$5,000,000 being paid from amounts made available to Settlement Class Members. Subject to Court approval, Progressive will separately pay up to \$460,000 for litigation costs, a \$10,000 Service Award to each of the Class Representatives, and all Settlement Administration Costs. Settlement Class Member Payments will be 45% of any unpaid Sales Tax, Certificate of Title Fee, and/or Vehicle Registration Transfer Fee, provided Class Counsel is awarded over \$12,500,000 but no more than \$15,000,000 for attorneys’ fees, and will be adjusted upward if the attorneys’ fee award is \$12,500,000 or less. Progressive has the right to audit Claims for accuracy.
- **Your legal rights are affected even if you do nothing. Please read this Notice carefully.**

## YOUR LEGAL RIGHTS AND OPTIONS

<b>SUBMIT A CLAIM</b>	The only way to get a Settlement Class Member Payment is to submit a Valid Claim. Claims must be submitted electronically by 11:59 p.m. ET on, or be postmarked by, <b>December 6, 2024</b> .
<b>OPT-OUT</b>	Exclude yourself from the Settlement Class and receive no money from the Settlement. This is the only choice that allows you to bring or join another lawsuit against Progressive relating to the settlement of your Covered Total Loss Claim(s) under your Automobile Insurance Policy. You may not submit a claim or object to the Settlement if you exclude yourself. Opt-out requests must be postmarked by <b>October 22, 2024</b> .
<b>OBJECT</b>	Write to the Court about why you don't like the Settlement, the amount of attorneys' fees and costs, or the Service Awards to the Class Representatives. Objections must be postmarked by <b>October 22, 2024</b> . You may still submit a Claim for a Settlement Class Member Payment, and you will still be bound by the Settlement if it is approved by the Court. You cannot, however, opt-out and also object.
<b>GO TO A HEARING</b>	If you object, you may ask to speak in Court at the Final Approval Hearing about the fairness of the Settlement, the amount of attorneys' fees and costs, or the Service Awards to the Class Representatives. If you want your own attorney to represent you, you must pay for that attorney. Your objection must give notice of your intent to appear.
<b>DO NOTHING</b>	Get no payment. You will release your claims, and you will have no right to sue later for the claims released by the Settlement.

- These rights and options – **and the deadlines to exercise them** – are explained in this Notice. The deadlines may be moved or modified, so please check the Settlement website at [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com) regularly for updates and further details.
- The Court in charge of this case still has to decide whether to finally approve the Settlement. Settlement Class Member Payments will be made to those who qualify and submit a Valid Claim, if the Court approves the Settlement and after any appeals are resolved in favor of upholding the Settlement. Please be patient.

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## BASIC INFORMATION

### 1. Why should I read this Notice?

You may have previously received a notice that you might be a class member in a class action against either Progressive Marathon Insurance Company alone, or Progressive Marathon and Progressive Michigan Insurance Company (collectively, “Progressive”).

A class action is a lawsuit in which one or more individuals bring claims on behalf of other persons. These persons are referred to as a “Class” or “Class Members.” In a certified class action, the Court resolves certain legal issues, claims, and/or defenses for all Class Members in a single action, except for those persons who ask in writing to be excluded from the class.

The Court authorized this Notice because you have a right to know about a proposed Settlement in two lawsuits. Those lawsuits are *Ubillus v. Progressive Marathon Ins. Co.*, No. 2019-741-CK, and *Perry, et al. v. Progressive Michigan Ins. Co., et al.*, No. 2022-971-CK. A Settlement Class has been certified in those lawsuits. You are a Potential Settlement Class Member because you were insured under either: (a) a Progressive Marathon Automobile Insurance Policy in Michigan, made a first-party claim for physical damage or theft to a vehicle(s), and received a Total Loss Claim Payment from July 18, 2013, through July 22, 2024; or (b) a Progressive Michigan Automobile Insurance Policy in Michigan, made a first-party claim for physical damage or theft to a vehicle(s), and received a Total Loss Claim Payment from July 18, 2016, through July 22, 2024.

If you are a Potential Settlement Class Member, you will be bound by the Settlement and judgment in these lawsuits, unless you timely request to be excluded from the Settlement Class, regardless of whether you submit a claim for payment.

### 2. What are these lawsuits about?

The *Ubillus* and *Perry* cases allege that Progressive Marathon and Progressive Michigan breached their Automobile Insurance Policies by failing to include Sales Tax, a Certificate of Title Fee, and/or a Vehicle Registration Transfer Fee in Total Loss Claim Payments to its insureds for vehicles that Progressive determined to be a Total Loss. Progressive denies these allegations and maintains that it at all times complied with the terms of its Michigan Automobile Insurance Policy.

“Actual Cash Value” is determined by the fair market value, age, and condition of the Total Loss vehicle at the time the loss occurs, as calculated by Progressive during the Total Loss settlement process and before the application of the deductible and inclusion of any Sales Tax Payment or Fees. As to each Potential Settlement Class Member’s Total Loss vehicle, Plaintiffs do not contest Progressive’s calculation of its Actual Cash Value.

“Certificate of Title Fee” means the \$15.00 fee for applying for a certificate of title in the State of Michigan during the Class Period under MCL §§ 257.217 and 257.806.

“Sales Tax Payment” is calculated pursuant to MCL § 205.52(1) by applying a 6% tax rate to the Actual Cash Value assigned by Progressive to the Potential Settlement Class Member’s Total Loss vehicle.

“Total Loss” means an insured vehicle that sustained damage which Progressive determined: (a) would cost 75% or more of the vehicle’s Actual Cash Value to repair; or (b) was stolen and either not recovered or recovered with one or more major component parts missing, destroyed, or damaged and not salvageable.

“Vehicle Registration Transfer Fee” means the \$8.00 fee *before* September 29, 2020, or the \$10.00 fee *on or after* September 29, 2020, for applying to transfer the registration of a vehicle in the State of Michigan under MCL § 257.809.

### **3. Who is involved?**

The people who filed the *Ubillus* and *Perry* cases on behalf of the Settlement Class, called “Class Representatives,” are Gonzalo Ubillus, Angela Perry, and Michael Peterson. The people who sued are also called the “Plaintiffs.” The companies they sued (in these cases, Progressive Marathon and Progressive Michigan) are the “Defendants” and may be referred to together as “Progressive.”

### **4. Why is there a Settlement?**

The cases have not been finally resolved in favor of the Plaintiffs or Progressive, and issues in both cases were on appeal when the Parties participated in substantial settlement discussions, including before a third-party mediator. This Settlement was reached as a result of those discussions. By agreeing to the Settlement, the Parties avoid the risks and costs of further litigation, including current and future appeals and a trial. Plaintiffs and Class Counsel believe the terms and conditions of this Settlement are fair, reasonable, and adequate, and that this Settlement is in the best interests of Plaintiffs and the Settlement Class. Settlement Class Members with Valid Claims receive the benefits described in this Notice. The proposed Settlement does not mean that any law was broken or that Progressive did anything wrong.

### **5. If I act on my rights in this Settlement, will it affect my insurance policy with Progressive?**

Your rights under your Automobile Insurance Policy are affected only as to Covered Total Loss Claims within the Class Period. As to Covered Total Loss Claims within the Class Period, this Settlement affects your rights unless you exclude yourself from the Settlement Class. Aside from any Covered Total Loss Claim(s) you may have made within the Class Period(s), your rights under any current insurance policy with Progressive will not be affected.

## WHO IS IN THE SETTLEMENT?

### 6. Am I part of the Settlement?

As mentioned above, you are a Potential Settlement Class Member if you were insured under: (a) a Progressive Marathon Automobile Insurance Policy in Michigan, made a first-party claim for physical damage or theft to a vehicle(s), and received a Total Loss Claim Payment from July 18, 2013, through July 22, 2024; or (b) a Progressive Michigan Automobile Insurance Policy in Michigan, made a first-party claim for physical damage or theft to a vehicle(s), and received a Total Loss Claim Payment from July 18, 2016, through July 22, 2024.

Excluded from the Settlement Class are: (a) Progressive's present or former officers, directors, employees, and legal representatives; (b) the Neutral Evaluator, Class Counsel, the Washtenaw Circuit Court Judge presiding over this Action, mediator Michael Ungar, Esq., and any member of their respective immediate families; (c) Insureds with Covered Total Loss Claims for which Progressive received a valid and executed release; (d) Insureds who timely opted out of any litigation class previously certified in the Actions; and (e) Potential Settlement Class Members who timely opt-out of the Settlement Class.

If you received notice of these lawsuits by mail and/or email, Progressive's records indicate you may be a Potential Settlement Class Member.

### 7. If I excluded myself previously, am I still part of the Settlement?

If you previously excluded yourself by opting out of the certified class in either *Ubillus* or *Perry* in 2023, you are not included in the Settlement.

If you did not previously opt-out and want to keep your right to bring or join another lawsuit against Progressive relating to the settlement of your Covered Total Loss Claim(s) under your Automobile Insurance Policy, you must opt-out from the Settlement. If you opt-out, you will not be eligible to submit a Claim Form to get any money from the Settlement.

If you want to remain in the Settlement, you do not need to take any action. You must submit a Claim to request a Settlement Class Member Payment (*see* Question 12).

### 8. What if I am still not sure if I'm included?

If you are not sure whether you are included in the Settlement Class, or if you have any other questions, visit [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com) or call 1-877-390-3159. You may also mail questions to the Settlement Administrator at Ubillus Perry Total Loss Settlement, c/o A.B. Data, Ltd., P.O. Box 173063, Milwaukee, WI 53217 or email [info@UbillusPerryTotalLossClassAction.com](mailto:info@UbillusPerryTotalLossClassAction.com).

## THE SETTLEMENT BENEFITS

### 9. What does the Settlement provide?

If the Settlement is approved and becomes final, it will make available up to \$61,000,000 for the benefit of Settlement Class Members. The amount represents 65% of the Sales Tax Payments, Certificate of Title Fees, and/or Vehicle Registration Transfer Fees sought by Potential Settlement Class Members.

Subject to Court approval, up to \$15,000,000 will be paid to Class Counsel for attorneys' fees, with Progressive separately paying \$10,000,000 and the other \$5,000,000 being paid from amounts made available to Settlement Class Members. Subject to Court approval, Progressive will separately pay up to \$460,000 for litigation costs, a \$10,000 Service Award to each of the Class Representatives, and all Settlement Administration Costs. Settlement Class Member Payments will be (a) 45% of any unpaid Sales Tax, Certificate of Title Fee, and/or Vehicle Registration Transfer Fee, provided Class Counsel is awarded over \$12,500,000 but no more than \$15,000,000 for attorneys' fees; (b) 55% of any unpaid Sales Tax, Certificate of Title Fee, and/or Vehicle Registration Transfer Fee, provided Class Counsel is awarded over \$10,000,000 but no more than \$12,500,000 for attorneys' fees; and (c) 65% of any unpaid Sales Tax, Certificate of Title Fee, and/or Vehicle Registration Transfer Fee, provided Class Counsel is awarded \$10,000,000 or less for attorneys' fees (*see* Question 10).

The Settlement Agreement has more information and is available at [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com).

### 10. What can I get from the Settlement?

You can get a Settlement Class Member Payment if you submit a valid Claim Form (*see* Question 12).

If the Court approves payment of over \$12,500,000 but no more than \$15,000,000 for attorneys' fees, Progressive will pay 45% of the Sales Tax Payments and Fees to Settlement Class Members, to wit: (a) 45% of the Sales Tax Payment; (b) \$6.75 towards each Settlement Class Member's Certificate of Title Fee; and (c) \$3.60 towards each Settlement Class Member's Vehicle Registration Transfer Fee for total losses occurring before September 29, 2020, or \$4.50 towards that fee for total losses occurring on or after September 29, 2020.

If the Attorneys' Fees and Costs Award is over \$10,000,000 but no more than \$12,500,000, Progressive will pay 55% of the Sales Tax Payments and Fees to Settlement Class Members, to wit: (a) 55% of the Sales Tax Payment; (b) \$8.25 towards each Settlement Class Member's Certificate of Title Fee; and (c) \$4.40 towards each Settlement Class Member's Vehicle Registration Fee for total losses occurring before September 29, 2020, or \$5.50 towards that fee for total losses occurring on or after September 29, 2020.

If the Attorneys' Fees and Costs Award is \$10,000,000 or less, Progressive will pay 65% of the Sales Tax Payments and Fees to Settlement Class Members, to wit: (a) 65% of the Sales Tax Payment; (b) \$9.75 towards each Settlement Class Member's Certificate of Title Fee; and (c) \$5.20 towards each Settlement Class Member's Vehicle Registration Transfer Fee for total losses occurring before September 29, 2020, or \$6.50 towards that fee for total losses occurring on or after September 29, 2020.

## 11. When will I get my payment?

Settlement Class Members who submit Valid Claims will receive their Settlement Class Member Payments by check from Progressive only after the Court grants Final Approval to the Settlement and any appeals are resolved. If there are appeals, resolving them can take time. Please be patient.

### HOW TO RECEIVE A PAYMENT

## 12. How can I get a payment?

To get a payment from the Settlement, you must complete and submit a Claim Form by **December 6, 2024**. A Postcard Notice and Email Notice (if Progressive had an email address) with a Unique ID Number was sent to Insureds that Progressive's records indicate may be Potential Settlement Class Members.

You are encouraged to use your Unique ID Number to complete and submit your Pre-filled Electronic Claim Form online at [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com). If you do not know your Unique ID Number, you can email [info@UbillusPerryTotalLossClassAction.com](mailto:info@UbillusPerryTotalLossClassAction.com) or call 1-877-390-3159 for help.

Alternatively, if you received a Postcard Notice, it included a detachable Pre-Filled Paper Claim Form that you can complete, sign, and return by mail. Claim Forms submitted by mail must be sent to Ubillus Perry Total Loss Settlement, c/o A.B. Data, Ltd., P.O. Box 173063, Milwaukee, WI 53217.

If you did not receive, have misplaced, or discarded the Postcard Notice or Email Notice, a Blank Paper Claim Form, which must be mailed to the address above, or Blank Electronic Claim Form to be submitted online, is available at [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com) or by calling 1-877-390-3159.

Claim Forms must be submitted electronically by **11:59 p.m. ET** on, or postmarked by no later than, **December 6, 2024**. Progressive reserves the right to audit your Claim Form for accuracy.

Only one valid Claim Form will be accepted per Settlement Class Member. If you had more than one Covered Total Loss Claim during the Class Period, your Claim Form will cover all such claims.

### EXCLUDING YOURSELF (“OPTING OUT”) FROM THE SETTLEMENT

If you want to keep the right to bring or join another lawsuit against Progressive relating to the settlement of your Covered Total Loss Claim(s) under your Automobile Insurance Policy, then you must take steps to get out of the Settlement. This is called excluding yourself – also referred to as “opting out” of the Settlement Class. You won't get a payment from this Settlement if you opt-out.



### **13. How do I opt-out of the Settlement Class?**

To opt-out of the Settlement Class, you must send a written request for exclusion postmarked by **October 22, 2024**, to:

Ubillus/Perry Total Loss Settlement  
Attn: Exclusions  
c/o A.B. Data, Ltd.  
P.O. Box 173001  
Milwaukee, WI 53217

Your request for exclusion *must* contain:

- Your full name, address, telephone number, and email address (if you have one);
- Your Unique ID Number from your notice (if you have one);
- A brief statement that you want to be excluded from the Settlement Class in *Ubillus v. Progressive Marathon Insurance Co.*, No. 2019-741-CK, and *Perry, et al. v. Progressive Michigan Ins. Co., et al.*, No. 2022-971-CK; and
- Your signature.

Only individual requests to opt-out of the Settlement Class on a personal basis are allowed. “Mass” or “class” opt-outs are not allowed according to the terms of the Settlement.

If you do not follow these procedures by the above-stated Opt-Out Deadline, you will remain in the Settlement Class and will be bound by the Court’s orders in these cases and by the Settlement Agreement if it receives Final Approval from the Court, even if you do not submit a Claim Form.

### **14. If I opt-out, can I still get a payment?**

No. You will not get a payment if you opt-out of the Settlement Class.

### **15. If I opt-out, will the lawyers for the Settlement Class still represent me?**

No. Class Counsel (*see* Question 18) will no longer represent you if you opt-out. If you bring your own lawsuit against Progressive after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claim. If you exclude yourself so you can start or continue your own lawsuit against Progressive, you should talk to your own lawyer soon, because your claim may be subject to a statute of limitations deadline for filing a lawsuit.

### **16. If I don’t opt-out, can I sue Progressive for the same thing later?**

No. If the Court approves the proposed Settlement and you do not opt-out, you give up (or “release”) the right to sue Progressive for claims that arise out of or relate to the settlement of your Covered Total Loss Claim(s) under your Automobile Insurance Policy.

## 17. What am I giving up to stay in the Settlement?

If the Settlement becomes final, you can't sue Progressive or be part of any other lawsuit against Progressive that arises out of or relates to the settlement of your Covered Total Loss Claim(s) under your Automobile Insurance Policy. Unless you opt-out, all orders of the Court will bind you, as will the terms of the Settlement if approved by the Court.

The Settlement Agreement describes the specific claims you give up if you remain in the Settlement. You can review a copy of the Settlement Agreement at [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com). Please read it carefully.

If you have any questions, you can talk to the lawyers listed in Question 18 for free or you can talk to your own lawyer if you have questions about what this means.

### THE LAWYERS REPRESENTING YOU

## 18. Do I have a lawyer in this case?

Yes. The Court has appointed the following lawyers as "Class Counsel:"

Roger L. Mandel Scott R. Jeeves JEEVES MANDEL LAW GROUP, P.C. 2132 Central Ave. St. Petersburg, FL 33712	Jeff Ostrow KOPELOWITZ OSTROW P.A. 1 W. Las Olas Blvd., Suite 500 Fort Lauderdale, FL 33301
Michael L. Pitt PITT, MCGEHEE, PALMER, BONANNI & RIVERS, P.C. 117 W. 4th St., #200 Royal Oak, MI 48067	E. Powell Miller Sharon S. Almonrode Brian M. Saxe THE MILLER LAW FIRM, P.C. 950 West University Drive, Suite 300 Rochester, MI 48307
Craig E. Rothburd CRAIG E. ROTHBURD, P.A. 320 W. Kennedy Blvd., Suite 700 Tampa, FL 33606	Scott Edelsberg EDELSBERG LAW, P.A. 20900 NE 30 <sup>th</sup> Ave., #417 Aventura, FL 33180
Casim Adam Neff NEFF INSURANCE LAW, PLLC 4051 27th Ave. N St. Petersburg, FL 33733	Andrew Shamis SHAMIS & GENTILE, P.A. 14 N.E. 1st Ave., Suite 705 Miami, FL 33132

You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

## 19. Should I get my own lawyer?

If you choose to remain in the Settlement, you do not need to hire your own lawyer because Class Counsel are working on your behalf. But, if you want your own lawyer, you will be responsible for paying that lawyer. You can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

## 20. How will the lawyers be paid?

Class Counsel have not been paid anything to date for their work on this case. Class Counsel will ask the Court to award up to \$15,000,000 for attorneys' fees and \$460,000 for litigation costs.

If approved, Progressive will separately pay Class Counsel \$10,000,000 in Attorneys' Fees, and the remaining \$5,000,000 in Attorneys' Fees will be paid from amounts made available to Settlement Class Members.

Class Counsel will also ask the Court for Service Awards of up to \$10,000 to each of the Plaintiffs for serving as Class Representatives.

The Application for Attorneys' Fees, Costs, and Service Awards will be filed on or before **October 7, 2024**. It will be posted on [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com).

### OBJECTING TO THE SETTLEMENT

You have the right to tell the Court that you do not agree with the Settlement or some part of it.

## 21. How can I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member, you can object to any part of the proposed Settlement and/or the Application for Attorneys' Fees, Costs, and Service Awards. The Court will consider your views. You cannot ask the Court for a different Settlement; the Court can only approve or reject the Settlement. If the Court denies approval of the Settlement, no Settlement Class Member Payments will be provided and the lawsuits will continue. But if you object to the Settlement and your objection is overruled, you will be bound by the Settlement's terms and all rulings and orders of the Court. If you object to the terms of the Settlement, you cannot opt-out from the Settlement Class.

Your objection must be filed or mailed to the Clerk of the Court by **October 22, 2024**, and a copy mailed to the Settlement Administrator, at the following addresses:

COURT	SETTLEMENT ADMINISTRATOR
Clerk of Court Circuit Court for the County of Washtenaw 101 E. Huron St. Ann Arbor, MI 48104	Ubillus Perry Total Loss Settlement c/o A.B. Data, Ltd. P.O. Box 173001 Milwaukee, WI 53217

Your objection letter must include the following:

- Your full name, address, telephone number, and email address (if you have one);
- A statement saying you object to the Settlement in *Ubillus v. Progressive Marathon Insurance Co.*, No. 2019-741-CK and *Perry v. Progressive Michigan Ins. Co.*, No. 2022-971-CK;
- All factual and legal grounds for the objection, accompanied by any documentation supporting the factual grounds and any legal support for the objection known to the objector or objector's counsel;
- A statement indicating your membership in the Settlement Class;
- The number of times you objected to a class action settlement within the last five years,

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Para Un Notificacion en Español, Lamar o Visitar Nuestro Website.

the caption of each case in which you made an objection, and a copy of any orders related to or ruling upon your prior objections that were issued by the trial and appellate courts in each listed case;

- The identity of all counsel (if any) who represent you, including any former or current counsel who may be entitled to compensation for any reason related to the objection, and whether they will appear at the Final Approval Hearing;
- The number of times your counsel and/or counsel's law firm have objected to a class action settlement within the last five years preceding the date of the filed objection, the caption of each case in which your counsel and/or the firm made an objection, and a copy of any orders related to or ruling upon counsel's or the counsel's firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding 5 years;
- Any and all agreements that relate to the objection or the process of objecting—whether written or oral—between objector or objector's counsel and any other person or entity;
- A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing; and
- Your signature (an attorney's signature is not sufficient).

If you file a timely objection, it will be considered by the Court at the Final Approval Hearing. You do not need to attend the Final Approval Hearing for the Court to consider your objection.

## **22. What is the difference between objecting and asking to opt-out?**

Objecting is simply telling the Court that you don't like something about the Settlement. You can only object if you stay in the Settlement Class. If you object to the Settlement, you are still a Settlement Class Member. You may file a Claim even if you object.

Opting out is telling the Court that you don't want to be a part of the Settlement Class or the Settlement. If you opt-out, you have no basis to object to the Settlement and appear at the Final Approval Hearing because it no longer affects you. However, you may then be able to separately sue or continue to sue Progressive for legal claims that arise out of or relate to the settlement of your Covered Total Loss Claim(s) under your Automobile Insurance Policy.

### **THE FINAL APPROVAL HEARING**

The Court will hold a hearing (called a Final Approval Hearing) to decide whether to approve the Settlement. You may attend and ask to speak, but you don't have to.

## **23. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Final Approval Hearing on **November 21, 2024**, at 9:30 a.m. at the 22nd Circuit Court for the County of Washtenaw in Courtroom 10, 101 E. Huron St., Ann Arbor, MI 48104. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com) or call 1-877-390-3159 for updates.

At this hearing, the Court will consider whether to finally approve the Settlement as fair, reasonable, and adequate. If there are objections, the Court will consider them at that time and listen to people who asked to speak at the hearing. The Court may also decide how much to award Class Counsel for attorneys' fees and costs and the Class Representatives' Service Awards. We do not know how long these decisions will take so please be patient.

#### **24. Do I have to come to the hearing?**

No. Class Counsel will answer questions the Court may have at the Final Approval Hearing. If you file an objection, you don't have to come to Court to talk about it. As long as your objection is timely, the Court will consider it. You may attend at your own expense and also pay your own lawyer to attend, but it is not necessary.

#### **25. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include this request with your objection as described in Question 21.

### **IF YOU DO NOTHING**

#### **26. What happens if I do nothing?**

If you are a Potential Settlement Class Member and you do nothing, you will not get any money from this Settlement. You will be bound by all of the Court's orders, and the terms of the Settlement if approved by the Court. You also will not be able to bring or join another lawsuit against Progressive that arises out of or relates to the settlement of your Covered Total Loss Claim(s) under your Automobile Insurance Policy. To be eligible for a Settlement Class Member Payment, you must complete and submit a Claim Form by **December 6, 2024** (*see* Question 12).

### **GETTING MORE INFORMATION**

#### **27. How can I get more information?**

This Notice is only a summary. More details are in the Settlement Agreement, available at [www.UbillusPerryTotalLossClassAction.com](http://www.UbillusPerryTotalLossClassAction.com). You may also contact the Settlement Administrator by email at [info@UbillusPerryTotalLossClassAction.com](mailto:info@UbillusPerryTotalLossClassAction.com), toll-free at 1-877-390-3159, or by writing to: Ubillus Perry Total Loss Class Action, c/o A.B. Data, Ltd., P.O. Box 173063, Milwaukee, WI 53217. Finally, you may contact Class Counsel (*see* question 18 above).

**PLEASE DO NOT CALL OR WRITE TO THE COURT FOR INFORMATION OR ADVICE.**