

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW**

ANGELA PERRY and
MICHAEL PETERSON,
individually and on behalf
of all others similarly situated,

Case No.: 2022-000971-CK
Hon. Timothy Connors

Plaintiffs,

v.

PROGRESSIVE MICHIGAN INSURANCE
COMPANY, a Michigan corporation, and
PROGRESSIVE MARATHON INSURANCE
COMPANY, a Michigan corporation,

Defendants.

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Attorneys for Plaintiffs and the Class

ORDER APPROVING CLASS NOTICE PLAN AND CLASS NOTICE FORMS

At a session of Court held in the city of Ann Arbor,
County of Washtenaw, State of Michigan
on March 17, 2023

PRESENT: Timothy Connors
Circuit Court Judge

This matter having come before the Court upon Plaintiffs' Unopposed Motion for Approval of Class Notice, and the Court otherwise being fully advised in the premises, the Court finds that the Notice Plan set forth below and the Notice Forms attached hereto comply with MCR 3.501(C) and satisfy due process. Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Unopposed Motion for Approval of Class Notice is **GRANTED**.

IT IS FURTHER ORDERED that notice of the pendency of this class action shall be provided to the Class in the following manner:

- a. On or before April 17, 2023, Defendants Progressive Marathon Insurance Company and Progressive Michigan Insurance Company (collectively “Progressive”) shall provide Class Counsel with the names, email addresses, if any, last known mailing addresses, policy numbers, claim numbers, and payment dates of all potential class members—as the Classes are defined in this Court’s orders granting class certification in the *Perry* matter—who are identifiable from Progressive’s business records.
- b. Upon receipt of this data, Class Counsel will analyze the information to identify and/or confirm Class members (the “Class List”). Upon confirmation of the Class List by Class Counsel, they will provide the contact information for those potential Class members to the notice administrator.
- c. The notice administrator shall be A.B. Data, Ltd., which was selected by Class Counsel via a competitive bidding process.
- d. The primary method of sending notice will be email, with a postcard notice sent to any potential class members for whom email addresses are unavailable or undeliverable to help ensure Class members receive individual notice.
- e. The Court has already entered an Order approving the notice plan and notices in *Ubillus v. Progressive Marathon Insurance Co.*, No. 1019-741-CK. The Court incorporates that Order by reference because that Order already approved notices to account for the overlapping certifications in *Ubillus* and *Perry* as to Progressive Marathon Insurance Company.
- f. Therefore here, notices only referencing *Perry* shall be sent to potential class members with claims made to and paid by Progressive Marathon Insurance Company from January 7, 2023, to March 1, 2023, which is the additional non-overlapping time period that was certified in *Perry*.
- g. Notices referencing only *Perry* case shall be sent to potential class members with claims made to and paid by Progressive Michigan Insurance Company from July 18, 2016, to March 1, 2023.
- h. On or before May 17, 2023, A.B. Data shall send the short form notice, in substantially the form attached hereto as **Exhibit 1** (“Short Form Notice”), by email to all potential class members for whom email addresses are identified in Progressive’s records, and by first-class mail as a postcard notice, in substantially the form attached hereto as **Exhibit 2** (“Post Card Notice”), to potential class members for whom Progressive does not possess an email address. Before mailing the postcard notices, A.B. Data shall use industry-standard methods to verify and update the mailing addresses of the potential class members to whom they are being sent.

- i. A.B. Data shall then send the Postcard Notice by first-class mail to all potential class members for whom the email notice is returned as undeliverable. Before mailing the postcard notices to these class members, A.B. Data shall use industry-standard methods to verify and update their mailing addresses.
- j. As to Post Card Notices returned undeliverable with forwarding addresses provided by the USPS, A.B. Data will remail them to those addresses. As to Post Card Notices returned undeliverable without forwarding addresses provided by the USPS, A.B. Data shall use industry-standard methods to attempt to obtain updated addresses, and where updated addresses are found, remail the notices.
- k. Prior to notice mailing, A.B. Data shall activate an informational website to be hosted at a custom website address that refers to the above-titled action and the *Ubillus* action. The website will, among other things: (1) provide class members with case information, answers to FAQ's and the exclusion deadline, (2) provide class members with the long form notice, in the form attached hereto as **Exhibit 3** ("Long Form Notice"); (3) include a link to opt-out form that can be completed online, printed, and mailed by class members; and (4) provide a link to the complaint, answer, and order granting class certification in these matters and other relevant pleadings. The proposed opt-out form are attached hereto as **Exhibit 4** ("Opt-Out Form"). The form is not mandatory, meaning that class members can opt-out if they provide the name(s) of the lawsuit(s), their name, date, address, signature and a clear statement of their intention to exclude themselves. Access to the website will be provided to all counsel of record prior to it going "live" and in any event on or before April 3, 2023.
- l. Prior to notice mailing, A.B. Data shall also activate a telephone contact center with both Interactive Voice Response technology and live operators to provide telephone support and to address questions from and otherwise provide information to potential class members about the action(s).
- m. All Opt-Out Forms requesting exclusion must be postmarked no later than June 21, 2023, and addressed to the mailing address established by A.B. Data for receiving such requests, which address will be stated in all the notices and on the website.

This is not a final order and does not close the case.

IT IS SO ORDERED on March ~~15~~ 17, 2023 by Timothy Connors

March 17, 2023

Circuit Court Judge

EXHIBIT 1

To: [Class Member Email Address]
From: AB Data Ltd.
Subject: Class Action Notice for Perry Total Loss Class Action

LEGAL NOTICE

If You Were Insured by Progressive Michigan Insurance Company or Progressive Marathon Insurance Company, A Class Action Lawsuit May Affect Your Rights

A court authorized this notice. This is not a solicitation from a lawyer.

WHAT IS THIS NOTICE ABOUT?

You may be affected by a class action lawsuit against Progressive Michigan Insurance Co. and Progressive Marathon Insurance Co. (together, “Progressive”). The case claims that Progressive breached its auto insurance policies by failing to sales tax, a certificate of title fee, and/or a vehicle registration transfer fee to its insureds as part of the actual cash value of their vehicles it determined to be total losses.

The lawsuit is called *Perry, et al. v. Progressive Michigan Ins. Co., et al.*, Case No. 2022-971-CK, and is pending in the Michigan 22nd Circuit Court for the County of Washtenaw. The Court has decided this lawsuit should be a class action on behalf of a “Class,” or group of people, that could include you. This notice summarizes your rights and options. More information is in a detailed notice available at the website below.

If you’re included, you have to decide now whether to stay in the Class and be bound by the results, or ask to be excluded and keep any rights you have to sue Progressive. The Court has not yet determined that Progressive has done anything wrong and the case has not been settled. There is no money available now and there is no guarantee that there will be.

ARE YOU AFFECTED?

You may be a member of the Class if you were insured by (1) a Progressive Michigan Insurance Company insurance policy issued in Michigan, and you made a claim for physical damage to a vehicle from July 18, 2016, to March 1, 2023, or (2) a Progressive Marathon Insurance Company insurance policy issued in Michigan, and you made a claim for physical damage to a vehicle from January 7, 2023 through March 1, 2023; Progressive paid your claim as a total loss; and you were not paid sales tax, a certificate of title fee, and/or a vehicle registration transfer fee as part of a total loss claim payment. You received this Notice because Progressive’s records show you may be a member of the Class and your rights may be affected.

WHO ARE THE DEFENDANTS?

The defendants are Progressive Michigan Insurance Co. and Progressive Marathon Insurance Co.

WHAT IS THE CASE ABOUT?

Plaintiffs claim that Progressive breached its contracts (auto insurance policies) with its insureds by failing to pay them sales tax, a certificate of title fee, and/or a vehicle registration transfer fee as part of the actual cash values of their insured vehicles it determined to be total losses. The lawsuit seeks to recover the amount in sales tax, certificate of title fee, and vehicle registration transfer fee that Progressive failed to include in settlement payments for total loss physical damage claims for insured vehicles.

Progressive denies any wrongdoing and denies Plaintiffs’ allegations. More specifically, Progressive argues that neither its policies nor Michigan law require it pay sales tax, a certificate of title fee, and/or a vehicle registration transfer fee as part of the actual cash value of an insured vehicle that it determined to be a total loss, and that it properly paid its insureds for vehicles it determined to be total losses under its auto insurance policies. The Court has not decided who is right. During the remainder of the lawsuit, Plaintiffs will have to prove their allegations.

WHO REPRESENTS YOU?

The Court has appointed Jeff Ostrow of Kopelowitz Ostrow Ferguson Weiselberg Gilbert; E. Powell Miller, Sharon S. Almonrode, and Brian M. Saxe of The Miller Law Firm, P.C.; Andrew Shamis of Shamis & Gentile, P.A.; and Scott Edelsberg of Edelsberg Law, P.A. to represent you as “Class Counsel.” You may hire your own lawyer to appear in Court for you if you wish; however, if you do, you will be responsible for paying that lawyer on your behalf. Angela Perry and Michael Peterson are the named plaintiffs and have been appointed as the “Class Representatives.”

WHAT ARE YOUR OPTIONS?

You have a choice of whether to stay in the Class or not, and you must decide this now.

You can stay in the Class. If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won’t be able to sue, or continue to sue, Progressive as part of any other lawsuit involving the same claims that are in this lawsuit. If money or benefits are obtained in this lawsuit, you will be notified about how to get a share. To stay in the Class, you do not have to do anything.

You can request to be excluded from the Class. If you ask to be excluded from the Class, you cannot get any money or benefits from this lawsuit if any are awarded, but you will keep any rights to sue Progressive for these claims, and will not be bound by any orders or judgments of the Court. If you do not want to be a Class member in this case or want to file your own case, you must mail a letter to Perry Total Loss Class Action c/o AB DATA LTD., P.O. Box [redacted], [City], [State], [Zip Code], stating that you want to be excluded from *Perry v. Progressive Marathon Insurance Co.* Your letter must include: (1) the name of this lawsuit; (2) the date; (3) your full name; (4) your current address; (5) a clear statement of your intention to exclude yourself; and (6) your signature. **Your request to be excluded must be postmarked by [redacted] ##, 2023.** An exclusion request form is available at <http://www.UbillusPerryTotalLossClassAction.com/>.

HOW CAN YOU GET MORE INFORMATION?

If you have questions or want a detailed notice or other documents about this case and your rights, visit <http://www.UbillusPerryTotalLossClassAction.com/> or call 1-###-###-#### toll free for more information. You may also contact Class Counsel by email at XXXX, or by writing to: Perry Total Loss Class Action, c/o AB Data Ltd., P.O. Box [redacted], [City], [State], [Zip Code].

PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR 1-###-###-#### O VISITAR NUESTRO WEBSITE.

EXHIBIT 2

Perry Total Loss Class Action,
c/o Notice Administrator for Michigan Circuit Court
P.O. Box _____,
[City], [State] [Zip Code]

COURT ORDERED LEGAL NOTICE

**Please read the back of this card carefully.
This is not an attempt to collect a debt and
this is not a lawsuit against you.**

Control#: [Account ID]-[NoticeID]
[FirstName] [LastName]
[Attention]
[Address 1]
[Address 2]
[City], [State] [Zip Code]
[Country Code]

LEGAL NOTICE

If You Were Insured by Progressive Michigan Insurance Co. or Progressive Marathon Insurance Co., A Class Action Lawsuit May Affect Your Rights

You may be affected by a class action lawsuit against Progressive Michigan Insurance Co. and Progressive Marathon Insurance Co. (together “Progressive”). The lawsuit is called *Perry, et al. v. Progressive Michigan Ins. Co., et al.*, Case No. 2022-971-CK, and is pending in the Michigan 22nd Circuit Court for the County of Washtenaw. The Court has allowed the lawsuit to proceed as a class action.

Who’s included? You are a member of the Class if you were insured by (1) a Progressive Michigan Insurance Co. insurance policy issued in Michigan, and you made a claim for physical damage to a vehicle from July 18, 2016, to March 1, 2023, or (2) a Progressive Marathon Insurance Co. insurance policy issued in Michigan, and you made a claim for physical damage to a vehicle from January 7, 2023 through March 1, 2023; Progressive paid your claim as a total loss; and Progressive did not pay you sales tax, a certificate of title fee, and/or a vehicle registration transfer fee as part of your total loss claim payment. You received this Notice because Progressive’s records show you may be a member of the Class and your rights may be affected.

What is the case about? This class action seeks to recover the amount of sales tax, a certificate of title fee, and a vehicle registration transfer fee that Progressive failed to pay you on your total loss physical damage claim. Progressive denies that it was required to pay sales tax, a certificate of title fee, and/or a vehicle registration transfer fee on total loss claims. Through the lawsuit, and possibly at a trial, the lawyers for Plaintiffs will have to prove the claims of the rest of the Class. Detailed information about the case can be found on the website below.

What are your options? You have a choice of whether to stay in the Class or not, and you must decide this now. If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won’t be able to sue, or continue to sue, Progressive as part of any other lawsuit involving the same claims that are in this lawsuit. If money or benefits are obtained, you will be notified about how to get a share. To stay in the Class, you do not have to do anything. If you ask to be excluded from the Class, you cannot get any money or benefits from this lawsuit if any are awarded, but you will keep any rights to sue Progressive for these claims, now or in the future, and will not be bound by any orders or judgments of the Court. If you do not want to be a Class member or want to file your own case, you must mail a letter to Perry Total Loss Class Action c/o AB Data Ltd., P.O. Box [REDACTED], [City], [State], [Zip Code], stating that you want to be excluded from *Perry, et al. v. Progressive Michigan Ins. Co., et al.* Be sure to include the date, your name and mailing address, and sign the letter. **Your request to be excluded must be postmarked by [REDACTED] ##, 2023.** An exclusion request form is available at the website below.

Do I need to hire a lawyer? No. The Court has appointed attorneys at Kopelowitz Ostrow Ferguson Weisberg Gilbert; The Miller Law Firm, PLLC; Shamis & Gentile, P.A.; and Edelsberg Law, P.A., to represent the Class. You may, but are not required to, enter an appearance through an attorney at your own expense.

For more information, visit <http://www.UbillusPerryTotalLossClassAction.com/>.

EXHIBIT 3

If You Were Insured by Progressive Michigan Insurance Company or Progressive Marathon Insurance Company, A Class Action Lawsuit May Affect Your Rights

IMPORTANT CLASS ACTION NOTICE – PLEASE READ CAREFULLY

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

You may be affected by a class action lawsuit against Progressive Michigan Insurance Co. and Progressive Marathon Insurance Co. (together, “Progressive”). Plaintiffs claim that Progressive breached its auto insurance policies by failing to pay sales tax, a certificate of title fee, and a vehicle registration transfer fee to its insureds as part of the actual cash value of their vehicles it determined to be total losses. The lawsuit is called *Perry, et al. v. Progressive Michigan Ins. Co., et al.*, Case No. 2022-971-CK, and is pending in the Michigan 22nd Circuit Court for the County of Washtenaw.

- The Court has allowed the lawsuit to proceed as a class action. If you were insured by (1) a Progressive Michigan Insurance Company insurance policy issued in Michigan, and you made a claim for physical damage to a vehicle from July 18, 2016, to March 1, 2023, or (2) a Progressive Marathon Insurance Company insurance policy issued in Michigan, and you made a claim for physical damage to a vehicle from January 7, 2023 through March 1, 2023; Progressive paid your claim as a total loss; and Progressive did not pay you sales tax, a certificate of title fee, and/or a vehicle registration transfer fee as part of your total loss claim payment, you are a Class Member.
- The Court has not yet decided whether Progressive did anything wrong and the case has not yet settled. There are no benefits available now, and there is no guarantee that there will be.

IF YOU ARE A CLASS MEMBER, YOUR LEGAL RIGHTS ARE AFFECTED, AND YOU HAVE A CHOICE TO MAKE NOW.

YOUR LEGAL RIGHTS AND OPTIONS	
WHAT IS THIS?	The Court has allowed this lawsuit to proceed as a class action and you may be a member of the Class. This notice is to explain what the lawsuit is about, how it may affect your rights, and what steps you can take to either stay in the case or exclude yourself.

QUESTIONS? VISIT <http://www.UbillusPerryTotalLossClassAction.com/> OR CALL XXX
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE

DO NOTHING	<p>Stay in the lawsuit. Await the outcome. Give up certain rights. Share in any benefits.</p> <p>By doing nothing, you keep the possibility of getting money or benefits from a judgment or a settlement of this case. But you will give up any rights to sue Progressive separately about the same legal claims in this lawsuit.</p>
EXCLUDE YOURSELF	<p>Get out of this lawsuit. Get no benefits from this lawsuit. Keep rights.</p> <p>If you ask to be excluded and money or benefits are later awarded, you won't share in those. But you keep any rights to sue Progressive separately about the same legal claims in this lawsuit. Requests for exclusion must be postmarked by ###, 2023.</p>

- Your options – and the deadlines to exercise them – are explained in this notice. To ask to be excluded, you must act by **###, 2023**.
- Lawyers must prove the claims against Progressive. If money or benefits are obtained from Progressive, you will be notified about how to ask for a share.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION

1. Why did I get this notice?
2. What is this lawsuit about?
3. What is a class action and who is involved?
4. Am I part of this class?
5. Why is this lawsuit a class action?

THE CLAIMS IN THE LAWSUIT

6. What does the lawsuit complain about?
7. How does Progressive answer?
8. Has the Court decided who is right?
9. What are Plaintiffs asking for?

YOUR RIGHTS AND OPTIONS

10. What happens if I do nothing at all?
11. Why would I ask to be excluded?
12. How do I exclude myself from the Class?

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?
14. Should I get my own lawyer?
15. How will the lawyers be paid?

THE REST OF THE CASE

QUESTIONS? VISIT <http://www.UbillusPerryTotalLossClassAction.com/> OR CALL XXX
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16. How and when will the Court decide who is right?
17. Do I have to come to any trial?
18. Will I get money after the case ends?

GETTING MORE INFORMATION

19. Are more details available?

**QUESTIONS? VISIT <http://www.UbillusPerryTotalLossClassAction.com/> OR CALL XXX
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

BASIC INFORMATION

1. Why did I get this notice?

This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court concludes the case and decides whether the claims being made against Progressive, on behalf of Class members, are correct. Judge Timothy P. Connors of the Michigan 22nd Circuit Court for the County of Washtenaw is overseeing this class action. The lawsuit is known as *Perry, et al. v. Progressive Michigan Ins. Co., et al.*, Case No. 2022-971-CK.

2. What is this lawsuit about?

This lawsuit alleges that Progressive breached its contracts (auto insurance policies) with its insureds by failing to pay them sales tax, a certificate of title fee, and a vehicle registration transfer fee as part of the actual cash values of their insured vehicles it determined to be total losses.

3. What is a class action and who is involved?

The people who sued are called Plaintiffs (here, Angela Perry and Michael Peterson). The companies they sued (in this case, Progressive Marathon and Progressive Michigan) are called Defendants. In a class action lawsuit like this one, one or more people called “Class Representatives” (in this case, Plaintiffs Angela Perry and Michael Peterson) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” One court decides the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

4. Am I part of this Class?

The Progressive Michigan Class includes:

“All people insured by Progressive Michigan Insurance Company (“Progressive Michigan”) and whose insurance covers a vehicle with private-passenger physical damage coverage for comprehensive or collision loss who made a first party claim that was adjusted by Progressive Michigan as a total loss and who received an actual cash value payment from Progressive Michigan that did not include [sales tax, a certificate of title fee, and/or a vehicle registration transfer fee], from July 18, 2016, until [March 1, 2023].”

The Progressive Marathon Class includes:

“All people insured by Progressive Marathon Insurance Company (“Progressive Marathon”) and whose insurance covers a vehicle with private-passenger physical damage coverage for comprehensive or collision loss who made a first party claim that was adjusted by Progressive Marathon as a total loss and who received an actual cash value payment from Progressive Marathon that did not include [sales tax, a certificate of title fee, and/or a vehicle registration transfer fee], from [January 7, 2023], until [March 1, 2023].”

QUESTIONS? VISIT <http://www.UbillusPerryTotalLossClassAction.com/> OR CALL XXX
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If you received notice of this lawsuit by mail or email, Progressive's records indicate you may be a member of the Class.

5. Why is this lawsuit a class action?

The Court decided that this lawsuit can proceed as a class action because it meets the requirements of Michigan Civil Rule 3.501, which governs class actions in Michigan state courts.

More information about why the Court is allowing this lawsuit to proceed as a class action is in the Court's Order Granting Plaintiffs' Motion for Class Certification <link>, which is available at <http://www.UbillusPerryTotalLossClassAction.com/>.

THE CLAIMS IN THE LAWSUIT

6. What does the lawsuit complain about?

Plaintiffs allege that Progressive breached its auto insurance policies with its insureds by failing to pay them sales tax, a certificate of title fee, and a vehicle registration transfer fee as part of the actual cash value of their vehicles it determined to be total losses. You can read Plaintiffs' Class Action Complaint <link> at <http://www.UbillusPerryTotalLossClassAction.com/>.

7. How does Progressive answer?

Progressive denies any wrongdoing and denies Plaintiffs' allegations. More specifically, Progressive argues that neither its policies nor Michigan law require it pay sales tax, a certificate of title fee, and/or a vehicle registration transfer fee as part of the actual cash value of an insured vehicle that it determined to be a total loss and that it properly paid its insureds for vehicles it determined to be total losses under its auto insurance policies. You can read Progressive's Answer to Plaintiffs' Class Action Complaint <link> at <http://www.UbillusPerryTotalLossClassAction.com/>.

8. Has the Court decided who is right?

The Court hasn't decided whether Progressive or Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that Plaintiffs will win or lose this case. Plaintiffs must still prove the claims in the litigation, including at a trial, if necessary.

9. What are Plaintiffs asking for?

Plaintiffs seek to recover for Class members the sales tax, certificate of title fee, and vehicle registration transfer fee that they allege Progressive should have paid them in connection with their total loss physical damage claims.

No money or benefits are available now because the Court has not yet made a final decision whether Progressive did anything wrong, nor have the two sides settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about

QUESTIONS? VISIT <http://www.UbillusPerryTotalLossClassAction.com/> OR CALL XXX
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how to ask for a share.

YOUR RIGHTS AND OPTIONS

You have to decide now whether to stay in the Class or ask to be excluded.

10. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you are staying in the Class. If you stay in and the Class is awarded money or benefits, either as a result of a judgment or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement).

Keep in mind that if you do nothing now, regardless of whether the Class Representatives win or lose at trial, you will not be able to separately sue, or continue to sue, Progressive – as part of any other lawsuit – for the same legal claims that are the subject of this lawsuit. You will also be legally bound by all the Orders the Court issues and judgments the Court makes in this class action.

11. Why would I ask to be excluded?

You would ask to be excluded if you want to bring your own separate lawsuit against Progressive. If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won't get any money or benefits from this lawsuit even if Plaintiffs obtain them as a result of a judgment or from any settlement (that may or may not be reached) between Progressive and Plaintiffs. However, you may then be able to separately sue or continue to sue Progressive for the legal claims that are the subject of this lawsuit. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

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 claims. If you do exclude yourself so you can start or continue your own lawsuit against Progressive, you should talk to your own lawyer soon, because your claims may be subject to a deadline for filing a lawsuit.

12. How do I exclude myself from the Class?

To exclude yourself from the Class, you must send a written request for exclusion **postmarked by [redacted] ##, 2023**, to:

Perry Total Loss Class Action
c/o AB DATA LTD.
P. O. Box _____
[City], [State], [Zip Code]

Your request for exclusion **must** contain: (1) the name of this lawsuit, “*Perry, et al. v. Progressive Michigan Insurance Co., et al.*, Case No. 2022-971-CK”; (2) the date; (3) your full name; (4) your current address; (5) a clear statement of your intention to exclude yourself, such as “I wish to be excluded from the Class”; and (6) your signature. You may also get an Exclusion

QUESTIONS? VISIT <http://www.UbillusPerryTotalLossClassAction.com/> OR CALL XXX
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Request form <link> at <http://www.UbillusPerryTotalLossClassAction.com/>.

IMPORTANT: Regardless of whether you stay in the lawsuit or exclude yourself from the Class, your contractual rights under any current insurance policy with Progressive will not be affected.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Yes. The Court has appointed the following lawyers as “Class Counsel” for Class Members who decide to stay in the case:

Jeff Ostrow KOPELOWITZ OSTROW FERGUSON WEISELBERG GILBERT 1 W. Las Olas Blvd., Suite 500 Fort Lauderdale, FL 33301	E. Powell Miller Sharon S. Almonrode Brian M. Saxe THE MILLER LAW FIRM, P.C. 950 West University Drive, Suite 300 Rochester, MI 48307
Andrew Shamis SHAMIS & GENTILE, P.A. 14 N.E. 1st Ave., Suite 1205 Miami, FL 33132	Scott Edelsberg EDELSBERG LAW, P.A. 19495 Biscayne Blvd., #607 Aventura, FL 33180

14. Should I get my own lawyer?

If you choose to remain in the Class, 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.

15. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Progressive.

THE REST OF THE CASE

16. How and when will the Court decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove Plaintiffs’ claims in this litigation, including at a trial if necessary. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether Plaintiffs or Progressive are right about the claims in the lawsuit. There is no guarantee that Plaintiffs will

QUESTIONS? VISIT <http://www.UbillusPerryTotalLossClassAction.com/> OR CALL XXX
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE

win, or that they will get any money for the Class. The Court has not yet decided whether a trial will be necessary.

17. Do I have to come to any trial?

If there is a trial, you do not need to attend it. Class Counsel will present the case for the Class Members, and Progressive will present the defenses. You are welcome to come at your own expense. If you wish to participate in any trial, you should contact Class Counsel.

18. Will I get money after the trial?

If the Class obtains money or benefits as a result of a judgment or settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

19. Are more details available?

Visit the website, at <http://www.UbillusPerryTotalLossClassAction.com/>, where you will find the Court's [Order Granting Plaintiffs' Motion for Class Certification](#) <link>, Plaintiffs' [Class Action Complaint](#) <link>, Progressive's [Answer to Plaintiffs' Class Action Complaint](#) <link> and an [Exclusion Request Form](#) <link>.

You may also contact Class Counsel by email at XXXX, or by writing to: Perry Total Loss Class Action, c/o AB Data Ltd., P.O. Box [redacted], [City], [State], [Zip Code].

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

DATED: _____, 2023

**BY ORDER OF THE STATE OF MICHIGAN
22ND CIRCUIT COURT FOR THE COUNTY
OF WASHTENAW**

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EXHIBIT 4

REQUEST FOR EXCLUSION (OPT-OUT) FORM

STATE OF MICHIGAN
22ND CIRCUIT COURT FOR THE COUNTY OF WASTENAW

Perry, et al. v. Progressive Michigan Ins. Co., et al.
Case No. 2022-971-CK

IF YOU WANT TO BE INCLUDED IN THIS CLASS ACTION LAWSUIT,
DO NOT FILL OUT THIS FORM.

IF YOU DO NOT WANT TO BE INCLUDED IN THE CLASS ACTION LAWSUIT,
YOU MUST PROVIDE A DOCUMENT REQUESTING EXCLUSION WITH
THE CASE NAME, DATE, YOUR SIGNATURE, YOUR PRINTED NAME, AND
COMPLETE ADDRESS AND MAIL IT TO THE ADDRESS BELOW,
POSTMARKED NOT LATER THAN [REDACTED], 2023. IT MUST BE MAILED TO:

PERRY TOTAL LOSS CLASS ACTION
C/O AB DATA LTD.
P.O. BOX [REDACTED]
[CITY], [STATE], [ZIP CODE]

You are not required to use this form as long as you provide a document with the Case Name, Date, Your Signature, Printed Name, Mailing Address and Statement Requesting to be Excluded from the Class Action.

I declare as follows:

I was insured by (*select one*) Progressive Marathon Insurance Co. or Progressive Michigan Insurance Co., I have received and reviewed the Notice of Class Action in *Perry, et al. v. Progressive Michigan Ins. Co., et al.*, and I wish to be *excluded* from the Class and *not* participate in the class action lawsuit.

Date (REQUIRED): _____

Signature (REQUIRED)

Typed or Printed Name (REQUIRED)

Address (REQUIRED)

City, State, Zip Code (REQUIRED)