

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.
DO NOTHING	Stay in the lawsuit. Await the outcome. Give up certain rights. Share in any benefits. 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.

**QUESTIONS? VISIT www.UbillusPerryTotalLossClassAction.com/ OR CALL 1-877-390-3159
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

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 June 21, 2023.</p>
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- Your options – and the deadlines to exercise them – are explained in this notice. To ask to be excluded, you must act by **June 21, 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.

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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.”

If you received notice of this lawsuit by mail or email, Progressive’s records indicate you may be a member of the Class.

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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 , 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 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 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 how to ask for a share.

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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 June 21, 2023**, to:

Perry Total Loss Class Action
c/o AB DATA LTD.
P. O. Box 173001
Milwaukee, WI 53217

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 Request form 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.

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

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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, Plaintiffs' Class Action Complaint, Progressive's Answer to Plaintiffs' Class Action Complaint and an

Exclusion Request Form.

You may also contact Class Counsel by email at info@UbillusPerryTotalLossClassAction.com, or by writing to: Ubillus Perry Total Loss Class Action, c/o A.B. Data, Ltd., P.O. Box 173063, Milwaukee, WI 53217

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

DATED: May 17, 2023

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

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