

If You Were Insured by Progressive Marathon Insurance Co., 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 Marathon Insurance Co. (“Progressive”). The case alleges that Progressive breached its auto insurance policies by failing to pay sales tax, a certificate of title fee, and/or a vehicle registration transfer fee to its insureds as part of the actual cash values of their vehicles it determined to be total losses. It also claims Progressive had the obligation to pay dealer documentary preparation fees to its total loss insureds who were reasonably likely to incur them as of the dates of their losses. The lawsuit is called *Ubillus v. Progressive Marathon Ins. Co.*, Case No. 2019-741-CK, and it 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 a Progressive Marathon Insurance Company insurance policy issued in Michigan, and you made a claim for physical damage to a vehicle, Progressive paid your claim as a total loss, and Progressive did not pay you sales tax, a certificate of title fee, a vehicle registration transfer fee, and/or dealer documentary preparation fees as part of your total loss claim payment from July 18, 2013, through July 17, 2016, you are a Class Member.
- The Court has found in favor of the Plaintiff but has not yet decided the case as to the rest of the Class, and the case has not been 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.
EXCLUDE YOURSELF	Get out of this lawsuit. Get no benefits from this lawsuit. Keep rights. 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 May 15, 2023 .

- Your options – and the deadlines to exercise them – are explained in this notice. To ask to be excluded, you must act by **May 15, 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.

Visit www.UbillusPerryTotalLossClassAction.com or Call 877-390-3159
Para Un Notificacion en Español, Lamar o Visitar Nuestro Website

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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 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 *Ubillus v. Progressive Marathon Ins. Co.*, Case No. 2019-741-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. The lawsuit also alleges that Progressive had the obligation to pay dealer documentary preparation fees to its total loss insureds who were reasonably likely to incur them as of the dates of their losses.

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

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Plaintiff Gonzalo Ubillus) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The person who sued is called the Plaintiff. The company he sued (in this case, Progressive) is called the Defendant. 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 Class includes “[a]ll persons who: (a) are or were covered by a Progressive Marathon Insurance Company (“Progressive”) personal automobile insurance policy issued in Michigan; (b) made a claim under the Collision or Comprehensive coverage of that policy for damage or loss to a covered vehicle which Progressive accepted and treated as a total loss claim; and (c) Progressive paid the claim on a cash basis without including sales tax, a certificate of title fee, a vehicle registration transfer fee, and/or dealer documentary preparation fees as part of the cash payment; (d) from July 18, 2013, through July 17, 2016.”

If you were insured by a Progressive Marathon Insurance Company insurance policy issued in Michigan, and you made a claim for physical damage to a vehicle, Progressive paid your claim as a total loss, and you were not paid sales tax, a certificate of title fee, a vehicle registration transfer fee, and/or dealer documentary preparation fees as part of a total loss claim payment from July 18, 2013, through July 17, 2016, you are a Class Member. 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 Plaintiff's Motion for Class Certification, which is available at www.UbillusPerryTotalLossClassAction.com/.

THE CLAIMS IN THE LAWSUIT

6. What does the lawsuit complain about?

Plaintiff alleges 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 values of their vehicles it determined to be total losses. He also alleges Progressive had the obligation to pay dealer documentary preparation fees to its total loss insureds who were reasonably likely to incur them as of the dates of their losses. You can read Plaintiff's Class Action Complaint at www.UbillusPerryTotalLossClassAction.com/.

7. How does Progressive answer?

Progressive denies any wrongdoing and denies the Plaintiff's allegations. More specifically, Progressive argues that neither its policies nor Michigan law requires it pay sales tax, a certificate of title fee, a vehicle registration transfer fee, and/or dealer documentary preparation 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 Plaintiff's Class Action Complaint at www.UbillusPerryTotalLossClassAction.com/.

8. Has the Court decided who is right?

The Court has found in favor of the Plaintiff on his individual claims, but it has not yet decided the case for the rest of the Class. The Plaintiff must still prove the claims of the rest of the Class in the litigation, including at a trial, if necessary. You can read the Order Granting Plaintiff's Motion for Partial Summary Disposition at <http://www.UbillusPerryTotalLossClassAction.com/>.

9. What is the Plaintiff asking for?

The Plaintiff seeks to recover for Class Members the sales tax, certificate of title fee, and vehicle registration transfer fee that it did not pay them on their total loss physical damage claims. Plaintiff also seeks a declaration from the Court that Progressive had the obligation to pay dealer documentary preparation fees to its insureds who were reasonably likely to incur them as of the dates of their losses and an injunction requiring Progressive to go back and determine which Class Members were reasonably likely to incur such fees using criteria established by the Court and to pay such fees to those Class Members.

No money or benefits are available now because the court has not yet made a final decision whether Progressive owes this relief to Class Members, and the two sides have not 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.

YOUR RIGHTS AND OPTIONS

You must 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 Representative wins or loses the case, 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 the Plaintiff obtains them as a result of a judgment or from any settlement (that may or may not be reached) between Progressive and the Plaintiff. 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 orders and 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 May 15, 2023**, to:

Ubillus Perry Total Loss Class Action
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

Your request for exclusion **must** contain: (1) the name of this lawsuit, “*Ubillus v. Progressive Marathon Insurance Co.*, Case No. 2019-741-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 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

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Para Un Notificacion en Español, Lamar o Visitar Nuestro Website

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:

Roger L. Mandel Scott R. Jeeves JEEVES MANDEL LAW GROUP, P.C. 2132 Central Ave. St. Petersburg, FL 33712	Craig E. Rothburd CRAIG E. ROTHBURD, P.A. 320 W. Kennedy Blvd. Suite 700 Tampa, FL 33606	Michael L. Pitt PITT, MCGEHEE, PALMER, BONANNI & RIVERS, P.C. 117 W. 4th St., #200 Royal Oak, MI 48067
Casim Adam Neff NEFF INSURANCE LAW, PLLC 4051 27th Ave. N St. Petersburg, FL 33733		

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 either be 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 the Class’s claims in this litigation, including at a trial if necessary. There is no guarantee that the Plaintiff will win, or that he 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 its 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 case ends?

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 www.UbillusPerryTotalLossClassAction.com/, where you will find more information, including answers to Frequently Asked Questions, the Court's Order Granting Plaintiff's Motion for Class Certification, Plaintiff's Class Action Complaint, Progressive's Answer to Plaintiff's Class Action Complaint, the Court's Order Granting Plaintiff's Motion for Summary Disposition, 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: April 10, 2023

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