

NOTICE OF PENDENCY OF CLASS ACTION

If you made a claim on a vehicle that was adjusted to be a total loss by Progressive, Progressive may have applied deductions referred to as Projected Sold Adjustments to your total loss claim, and your rights may be affected by a class action lawsuit pending in the District of Colorado.

A court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.

This notice explains important rights you may have. Please read it carefully.

- On December 18, 2023, a lawsuit styled *Curran v. Progressive Direct Insurance Company*, Case No. 1:22-cv-00878-NYW-MEH (the “Class Action”), which is pending in the District of Colorado (the “Court”), was certified as a class action.
- This notice explains what the Class Action is about, the Class that was certified, and Class Members’ legal rights and options.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

Remain a Potential Member of the Certified Class	<p>Do nothing. Stay in the lawsuit. Await the outcome.</p> <p>If you wish to remain a potential member of the certified Class, you are not required to do anything at this time. By doing nothing, you are choosing to stay in the Class. You may be permitted to share in any recovery that may result from this Class Action, but you will give up your rights to sue Defendant in a separate lawsuit for any claims made in this action.</p>
Ask to be Excluded from the Certified Class	<p>Get out of this lawsuit. Keep your rights to sue Defendant in a separate lawsuit.</p> <p>If you do not wish to participate in the Class Action, you must send a letter requesting to be excluded postmarked no later than June 23, 2024. If you exclude yourself from this lawsuit, you will not be entitled to any recovery that may result from this Class Action, but you will be free to pursue any claim you may have against Defendant on your own or as part of a different lawsuit (but you should consult with a lawyer to determine whether those claims are timely).</p>

- If you do nothing and if money or benefits are obtained from Progressive, you will receive a notice describing how to receive a share of any recovery in which you may be eligible to participate. However, there is no guarantee that any money or benefits will be obtained.
- To be excluded, you must act before June 23, 2024.
- **Any questions? Read on, visit www.COtotallossclaim.com or call 1-877-650-0445.**

BASIC INFORMATION

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

In a class action, one or more people called “Class Representatives” file a lawsuit on behalf of other people who have similar claims. This avoids the necessity for a large number of people to file similar individual lawsuits and enables the court system to resolve similar claims in an efficient and economical way.

2. What is this Class Action against Progressive about?

This Class Action alleges that Progressive Direct Insurance Company (“Progressive” or “Defendant”) systematically paid its insureds less than the actual cash value of their vehicles for total loss claims, in breach of Progressive’s policies. Plaintiff asserts that Progressive did this by basing the compensation for insureds’ total loss claims on Instant Valuation Reports that applied Projected Sold Adjustments, which Plaintiff alleges are improper.

3. Why is this notice being provided?

This notice is for individuals who, according to Progressive’s records, between the time period from April 12, 2019 through December 18, 2023, were a Colorado resident and had a Colorado automobile insurance policy with Progressive Direct Insurance Company, and who made a claim on a vehicle that was determined by Progressive to be a total loss. You are a member of the certified Class if (a) you received compensation from Progressive for the total loss of your vehicle, (b) Progressive based the compensation on an Instant Valuation Report prepared by Mitchell International, Inc. and (c) that Valuation Report applied Projected Sold Adjustments to one or more of the comparable vehicles used to determine actual cash value.

This notice explains that the Court has allowed, or “certified,” the lawsuit described above as a class action and describes Class Members’ legal rights and options in the lawsuit.

THE CLAIMS IN THE LAWSUIT

4. What has happened in the Class Action so far?

On April 12, 2022, this action was filed against Progressive in the United States District Court for the District of Colorado, and Plaintiff filed an amended complaint on July 22, 2022, alleging claims for breach of contract, and on April 4, 2023, Defendant answered the amended complaint. On May 26, 2023, Plaintiff filed a motion for class certification. After briefing on Plaintiff’s motion for class certification, the Court granted the motion on December 18, 2023.

5. The Court’s Class Certification Order.

The Court’s December 18, 2023 Order certified the following Class: All persons who made a first-party claim on a policy of insurance issued by Progressive Direct Insurance Company to a Colorado resident where the claim was submitted from April 12, 2019 through December 18, 2023, and Progressive determined that the vehicle was a total loss and based its claim payment on an Instant Valuation Report from Mitchell where a Projected Sold Adjustment was applied to at least one comparable vehicle. The Court also appointed Plaintiff Michael Curran as the Class Representative for the Class. The Court’s order can be viewed at www.COtotallossclaim.com.

6. What type of recovery is the Class Representative seeking?

The Class Representative seeks to recover money to compensate members of the Class for the alleged underpayment of their total loss claims, as well as pre- and post-judgment interest. The Class Representative is challenging only application of the “projected sold adjustment” as part of the valuation process. The Class Representative is not contesting or challenging any other aspect of the valuation process. If you wish to challenge an aspect of the valuation process other than application of a “projected sold adjustment,” you should opt out of the Class and separately file your own claim.

7. Is there money available now?

No money or benefits are available now because the Court has not yet decided whether Defendant did anything wrong, and the two sides have not settled the case. There is no guarantee that any money or benefits will be obtained. If they are, you will receive a notice describing how to receive a share of any recovery in which you may be eligible to participate.

CLASS MEMBER RIGHTS AND OPTIONS

If you are a Member of the Certified Class, you have to decide whether to remain a Class Member or ask to be excluded by June 23, 2024.

8. What happens if I am a Class Member and I do nothing?

If you wish to remain a member of the certified Class, you are not required to do anything at this time. By remaining a Class Member, you are agreeing that the claims against Progressive will be determined on a classwide basis. As a member of the Class, you will be bound by the outcome of this lawsuit. If the lawsuit results in a judgment favorable to the Class, you would be entitled to share in the benefits of that judgment. If the outcome is favorable to Progressive, your rights will be determined by the decision rendered in this lawsuit, and you will receive nothing.

9. If I am a Class Member, how do I ask the Court to exclude me?

If you do not wish to participate in this Class Action, you can request exclusion from the Class. If you choose to be excluded, you will (1) not share in the benefits, if any, that members of the Class may be entitled to as a result of trial of this lawsuit; and (2) not be bound by any decision in this lawsuit favorable to Progressive. If you request exclusion, you will have the right to pursue individually, at your own expense, any claim you may have against Progressive. To request exclusion, you must send a written and signed notification entitled “Request for Exclusion” to the following:

Curran v. Progressive Direct Insurance Notice Administrator
P.O. Box 301130
Los Angeles, CA 90030-1130

To be valid, your “Request for Exclusion” must be postmarked by June 23, 2024, and must include the case name (*Curran v. Progressive Direct Ins. Co.*), date, your printed name, current address, and your signature. If your Request for Exclusion is not postmarked by June 23, 2024, it will be invalid and you will be included as a member of the Class automatically, and will be bound by any final judgment.

THE LAWYERS REPRESENTING ME

10. Do Class Members have a lawyer in this case?

Yes. The Court appointed the law firms of Shamis & Gentile, P.A., Edelsberg Law, P.A., Normand PLLC, and Carney Bates & Pulliam PLLC (“Carney Bates”), collectively referred to as Class Counsel, to represent members of the certified Class.

11. If I am a Class Member, should I get my own lawyer?

You do not need to hire your own lawyer. However, you are free to hire your own lawyer, at your own expense, and enter an appearance in this action through your lawyer if you so desire.

12. How will the lawyers get paid?

If Class Counsel gets money or benefits for the Class, they may ask the Court for fees and expenses. If the Court grants Class Counsel’s request, Class Counsel’s fees and expenses would either be deducted from any money obtained for the Class or paid separately by Progressive.

OTHER PROCEEDINGS

13. Have any other proceedings been scheduled?

No hearing or other proceeding has been scheduled at this time.

14. Do Class Members have to attend any proceedings?

If there are any court hearings, Class Members do not need to attend them. The Class Representative and Class Counsel will present the case for the Class. You or your own lawyer are welcome to come at your own expense.

GETTING MORE INFORMATION

15. Are more details available?

This notice contains only a summary of the Class Action and proceedings to date. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the office of the Clerk of the Court for the United States District Court for the District of Colorado, Alfred A. Arraj Courthouse, 901 19th Street, Denver, CO 80294, between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays. For more information, go to the website maintained for this Class Action, www.COtotallossclaim.com, call the Notice Administrator at 1-877-650-0445, or contact Class Counsel, Carney Bates, at One Allied Drive, Suite 1400, Little Rock, AR, 72202, or by visiting www.cbplaw.com.

PLEASE DO NOT CONTACT THE COURT, THE CLERK’S OFFICE, DEFENDANT, OR DEFENDANT’S COUNSEL TO ASK QUESTIONS ABOUT THIS CLASS ACTION OR THIS NOTICE. THEY CANNOT ANSWER ANY QUESTIONS OR DISCUSS THE CLASS ACTION.