IN THE DISTRICT OF COLORADO

Curran, et al. v. Progressive Direct Ins. Co., et al.

Case No. 1:22-cv-00878-SKC-TKO

If your vehicle was totaled while insured by Progressive Direct or Progressive Preferred Insurance, you may be entitled to a cash payment for underpayment of the actual cash value of your vehicle.

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

PLEASE READ THIS NOTICE CAREFULLY

A settlement has been reached in the lawsuit *Curran, et al. v. Progressive Direct Ins. Co., et al.,* Case No. 1:22-cv-00878-SKC-TKO (the "Class Action"), which is pending in the District of Colorado (the "Court") against Progressive Direct and Progressive Preferred Insurance in Colorado. The lawsuit alleged Progressive paid its insureds less than the actual cash value of their total-loss vehicles. Total payments available are approximately $15,240,887.

Members of the Settlement Classes who submit a valid and timely Claim Form are eligible for payment of 68% of the Projected Sold Adjustment ("PSA") Impact Amount for covered total loss claims.

This Notice explains: 1) the terms of the Settlement; 2) who is a member of the Settlement Classes; 3) how to submit a Claim Form for payment; 4) how to request exclusion from the Settlement; 5) how to object to the Settlement; and 6) how to get more information about the Settlement.

IF YOU ARE A SETTLEMENT CLASS MEMBER, THIS LAWSUIT MAY AFFECT YOUR RIGHTS.

Your Legal Rights & Options		Deadline
Submit a Claim Form	The only way to get Settlement Class Member Payment is to submit a timely and valid Claim Form.	Submitted or Postmarked by: **February 5, 2027**
Exclude Yourself	Get no Settlement Class Member Payment. Keep your right to file your own lawsuit against the Released Parties about the Released Claims as part of the Settlement.	Postmarked by: **November 5, 2026**
Object to the Settlement	Stay in the Settlement, but tell the Court why you do not agree with the Settlement. You will still be bound by the Settlement if the Court approves it.	Postmarked by: **November 5, 2026**
Do Nothing	Get no Settlement Class Member Payment. Give up your legal rights.	

- These rights and options**—and the deadlines to exercise them**—are explained in this Notice.
- The Court must decide whether to approve the Settlement, attorneys' fees, expenses and service awards. No Settlement benefits will be provided unless the Court approves the Settlement.

Call 1-888-808-1463 toll-free or visit www.COTotalLossClaim.com for more information.

What Is a Class Action?

A class action is a lawsuit in which one or more individuals sue on behalf of other persons or entities who have similar legal claims. These persons or entities are referred to as a class or class members. In a class action, one Court resolves the issues, legal claims, and/or defenses for all class members in a single lawsuit, except for those persons or entities who ask in writing to be excluded from the class.

What Is this Class Action About?

This Class Action alleges that Progressive Direct Insurance Company and Progressive Preferred Insurance Company (collectively, "Progressive") systematically paid its insureds less than the actual cash value of their vehicles for total loss claims, in breach of Progressive's policies and in breach of the covenant of good faith and fair dealing. Plaintiffs assert that Progressive did this by basing the compensation for insureds' total loss claims on valuation reports that applied Projected Sold Adjustments, which Plaintiffs allege are improper.

What are the Settlement Terms?

Progressive will pay 68% of the PSA Impact Amount to Settlement Class Members who timely submit a valid Claim Form.

For the Progressive Direct Class (defined below), the PSA Impact Amount is 2.75% of the Actual Cash Value, as determined in Progressive's records, of each Settlement Class Member's total loss vehicle.

For the Progressive Preferred Class (defined below), the PSA Impact Amount is 2.25% of the Actual Cash Value, as determined in Progressive's records, of each Settlement Class Member's total loss vehicle. The Total PSA Impact Amount that is available to be claimed by the Settlement Classes is estimated to be $15,240,887.

Class Counsel will be seeking attorneys' fees of no more than $4,572,199, which is 30% of the total amount of funds made available to the Settlement Classes, subject to approval by the Court. Class Counsel also intend to seek up to $200,000 in costs, a $10,000 service award for Plaintiff Curran as the Class Representative, and a $5,000 service award for Plaintiff Rodriguez as the Class Representative, to be approved by the Court. These payments will not reduce the amount of money available to Settlement Class Members as they will be paid separately by Progressive. The Court may award less than these amounts.

How Do I Know if I'm a Member of the Settlement Classes?

If you have already been identified as a Settlement Class Member from Progressive's claims data, you have received an email notice and/or a postcard notice. You are a member of the Settlement Classes if you fall into one of these two categories:

(1) All persons who made a first-party claim for property damage to a motor vehicle on a policy of personal automobile insurance issued by Progressive Direct Insurance Company to a Colorado resident where the claim was submitted from April 12, 2019, through July 8, 2026, and Progressive Direct determined that the vehicle was a total loss and based its claim payment on an Instant Report from Mitchell where a Projected Sold Adjustment was applied to at least one comparable vehicle ("Progressive Direct Class").

(2) All persons who made a first-party claim for property damage to a motor vehicle on a policy of personal automobile insurance issued by Progressive Preferred Insurance Company to a Colorado resident where the claim was submitted from December 19, 2021, July 8, 2026, and Progressive Preferred determined that the vehicle was a total loss and based its claim payment on an Instant Report from Mitchell where a Projected Sold Adjustment was applied to at least one comparable vehicle ("Progressive Preferred Class").

If I Am a Settlement Class Member, What Are My Options?

If you are a Settlement Class Member, you have four options.

<u>Option 1</u>: **Submit a Claim Form for Payment.**

You may submit a timely and valid Claim Form for payment of 68% of the PSA Impact Amount. The parties estimated that the total amount of funds made available to the Settlement Classes is approximately $15,240,887. You can submit a claim by signing the Claim Form you receive in the mail, carefully tearing at the perforation, and putting the Claim Form in the mail. You can call 1-888-808-1463 or visit www.COTotalLossClaim.com and request that the Settlement Administrator send you a Claim Form.

If you submit a Claim Form in the mail, it must be postmarked no later than **February 5, 2027**, and mailed to:

Curran v. Progressive
Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

If the address you submit on your Claim Form changes, you must contact the Settlement Administrator to provide a current address or you may not receive your Settlement Class Member Payment.

You can also submit a Claim Form online at www.COTotalLossClaim.com by entering your Claimant ID or Total Loss Claim Number and unique PIN. Online Claim Forms must be submitted by 11:59pm ET on February 5, 2027. Your Claimant ID and PIN can be found on the postcard and email notices you received.

<u>Option 2</u>: **Exclude yourself from the Settlement.**

You have the right to not be part of the Settlement by excluding yourself or "opting out" of the Settlement Classes. If you wish to exclude yourself, you must do so on or before **November 5, 2026**, as described below. You do not need to hire your own lawyer to request exclusion from the Settlement Classes. If you exclude yourself from the Settlement Classes, you give up your right to receive any benefits as part of this Settlement, and you will not be bound by any judgments or orders of the Court, whether favorable or unfavorable. However, you will keep your right to sue Progressive separately in another lawsuit if you choose to pursue one.

To exclude yourself from this lawsuit and/or preserve your right to bring a separate lawsuit, you must make a request to be excluded in writing and, with sufficient postage, mail the request to:

Curran v. Progressive
Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

A request for exclusion must be postmarked on or before **November 5, 2026**.

Your request for exclusion must contain the following:

1. The name of the lawsuit (*Curran, et al. v. Progressive Direct Ins. Co., et al.*);
2. Your full name;
3. Your current address;
4. Your phone number;
5. A clear statement that you wish to be excluded from the Settlement Class, such as: "I request exclusion from the Settlement Class"; and
6. Your signature.

The Settlement Administrator will file your request for exclusion with the Court. If you are signing on behalf of a Settlement Class Member as a legal representative (such as an estate, trust or incompetent person), please include your full name, contact information, and the basis for your authority. A request for exclusion must be exercised individually and not on behalf of a group.

<u>Option 3</u>: Object to the Terms of the Settlement.

The full terms of the Settlement can be found at www.COTotalLossClaim.com. If you think the terms of the Settlement are not fair, reasonable, or adequate to the Settlement Class Members, you may file a Notice of Intent to Object to the terms of the Settlement. If you object to the terms of the Settlement, you cannot request exclusion from the Settlement. If you object to the terms of the Settlement, you will still be bound by the terms of the Settlement and all rulings and orders from the Court.

To properly object to the terms of the Settlement, you must send, with sufficient postage, a Notice of Intent to Object to the terms of the Settlement (described below) to the following:

Curran v. Progressive
Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

The Notice of Intent to Object to the terms of the Settlement must include all of the following information:

1. The name of the case and case number (*Curran, et al. v. Progressive Direct Ins. Co., et al.*, Case No. 1:22-cv-00878-SKC-TKO);
2. Your name, address, telephone number, and signature;
3. The specific reasons why you object to the terms of the Proposed Settlement;
4. The name, address, bar number, and telephone number of any lawyer who represents you related to your intention to object to the terms of the Settlement; and
5. Whether you and/or your lawyer intend to appear at the Fairness Hearing and whether you and/or your lawyer will request permission to address the Court at the Fairness Hearing.

If you and/or your lawyer intend to request permission to address the Court at the Fairness Hearing, your Notice of Intent must also include all of the following information:

1. A statement of the legal and factual basis for each objection;
2. A list of any and all witnesses the Settlement Class Member may seek to call at the Fairness Hearing;
3. A list of any legal authority the Settlement Class Member will present at the Fairness Hearing; and
4. Either your class member number or full name and address when the total loss occurred.

Notices of Intent to Object must be postmarked by **November 5, 2026**. Any Notice of Intent to Object to the Settlement that is not postmarked by the deadline set forth above or which does not comport with the requirements listed above may waive the right to be heard at the Fairness Hearing. If you file a Notice of Intent, you waive the right to request exclusion from the Settlement Class and will be bound by any decisions and orders from the Court and by the terms of the Settlement if it is approved by the Court. If you do not want to be bound by the decisions and rulings by the Court, you must file a request for exclusion and not a Notice of Intent to Object to the Settlement.

<u>Option 4</u>: Do Nothing Now. Stay in the Lawsuit.

You have the right to do nothing. If you do nothing, you will be bound by the terms of the Settlement and will release any legal claims against Progressive relating to the facts and circumstances alleged in the Class Action, including any legal claims arising out of Progressive's settlement of a total-loss claim, even if you do not submit a Claim Form. You will not receive a Settlement Class Member Payment if you do not submit a Claim Form.

Who Is Representing the Settlement Classes?

The Court has preliminarily appointed Plaintiff, Michael Curran, to be the Class Representative of the Progressive Direct Class, and Plaintiff, Andrew Rodriguez, to be the Class Representative of the Progressive Preferred Class. The Court has also preliminarily appointed the following lawyers as Class Counsel for the Settlement Classes: Carney Bates & Pulliam PLLC; Shamis & Gentile, P.A.; Normand PLLC; Edelsberg Law, P.A.; Jacobson Phillips PLLC; and Bailey & Glasser LLP.

These lawyers are experienced in handling class action lawsuits, including actions on behalf of insured policyholders. More information about Class Counsel is available on their websites.

Class Counsel will be seeking attorneys' fees of up to $4,572,199, and costs up to $200,000, with all amounts to be approved by the Court.

Class Counsel will also seek a Service Award for Plaintiff Curran as the Class Representative in the amount of $10,000, and a Service Award for Plaintiff Rodriguez as the Class Representative in the amount of $5,000, subject to Court approval. The Service Award is designed to reward the Class Representatives for securing the recovery awarded to members of the Settlement Classes, and to acknowledge the time spent by the Plaintiffs participating in the lawsuit and prosecuting the legal claims for the benefit of the Settlement Classes.

What Legal Claim(s) Against Progressive Are Class Members Releasing?

As a part of the Settlement, Settlement Class Members agree not to sue Progressive for any legal claims arising out of or relating in any way to the facts and circumstances alleged in the Class Action, including any legal claims arising out of Progressive's settlement of a total-loss claim. You are not releasing any other legal claims against Progressive. Released Claims do not include any legal claims for personal injury, medical payment, uninsured motorist or underinsured motorist. Full terms of the Released Claims and Released Parties can be found in the proposed Settlement Agreement at www.COTotalLossClaim.com.

When and Where will the Court Decide Whether to Approve the Settlement?

The Court will hold a **Fairness Hearing** on **January 6, 2027, at 10:00 a.m.** in Courtroom A641 of the District of Colorado Courthouse, 901 19th Street, Denver, CO 80294. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will also decide Class Counsel's application for attorneys' fees and expenses and the Class Representatives' application for service awards. We do not know how long these decisions will take. The Court may change the date or time of the Fairness Hearing without further notice, so please check the Settlement Website for any changes.

Do I need to Attend the Fairness Hearing?

No. Settlement Class Members are not required to attend the Fairness Hearing, but you may attend the hearing if you wish. Class Counsel will answer any questions the Court may have at the Fairness Hearing. However, you may come at your own expense if you would like to attend the hearing. You may also pay your own lawyer to attend, but it is not necessary.

If you send a written objection, you do not have to come to the Court to talk about it. As long as you mailed your written objection on time and followed the instructions above, the Court will consider it. However, if you want to speak about your objection, you may speak at the hearing but <u>only</u> if you have clearly written "Intention to Appear" on your written objection letter.

How Do I Find Out More About This Lawsuit?

If you have any questions about the lawsuit or any matter raised in this Notice, please call toll-free at 1-888-808-1463 or go to the Settlement Website at www.COTotalLossClaim.com.

This Settlement Website provides:

1. A blank Claim Form;
2. The full terms of the Settlement;
3. Information and requirements for submitting a Claim Form, requesting exclusion, or filing an objection to the terms of the Settlement;

4. A copy of the Complaint filed by Plaintiffs; and
5. Other general information about the class action.

You also may contact Class Counsel, whose contact information is provided above.

If the address you submit on your Claim Form changes, you must contact the Settlement Administrator to provide a current address or you may not receive your Settlement Class Member Payment.

PLEASE DO NOT TELEPHONE OR CONTACT THE COURT, THE CLERK OF THE COURT, OR PROGRESSIVE OR PROGRESSIVE'S COUNSEL REGARDING THIS NOTICE.