

NOTICE OF PENDENCY OF CLASS ACTION: You have received this notice because you made a claim on a vehicle that was adjusted to be a total loss by Progressive, and Progressive may have undervalued your claim. Your rights may be affected by a class action lawsuit pending in the Eastern District of Arkansas.

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.

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 May 12, 2025. 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>

These rights and options are further explained below.

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.

What is this Class Action about? This class action (the “Class Action”) alleges that Progressive Northwestern 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 and in breach of the covenant of good faith and fair dealing. Plaintiff asserts that Progressive did this by basing the compensation for insureds’ total loss claims on valuation reports that applied Projected Sold Adjustments, which Plaintiff alleges are improper.

Why did I get this notice? Progressive’s records show that during the time period of August 4, 2017, to December 9, 2024, you were an Arkansas resident and policyholder with Progressive, and you made a claim on a vehicle that was determined by Progressive to be a total loss. You may be a member of the certified Class if (a) Progressive based its claim payment on an Instant Report from Mitchell International, Inc. and (b) a Projected Sold Adjustment was applied to at least one comparable vehicle in that Instant Report.

What has happened in the Class Action so far? On August 4, 2022, Plaintiff Erik Knight filed

his Class Action complaint against Progressive in the United States District Court for the Eastern District of Arkansas, Northern Division. On January 25, 2024, Plaintiff filed a motion for class certification. After briefing on Plaintiff's motion for class certification, the Court granted the motion on December 9, 2024.

Who is included in the certified Class? The Court's December 9, 2024 order certified the following Class: All persons who made a first-party claim on a policy of insurance issued by Progressive Northwestern Insurance Company to an Arkansas resident where the claim was submitted from **August 4, 2017, through December 9, 2024**, and Progressive 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. The Court also appointed Plaintiff Erik Knight as the Class Representative for the Class. The Court's order can be viewed at www.ARKTotalLossClaim.com.

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 only challenging 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.

Is there any 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.

What are my options as a potential member of the certified Class? If you are a member of the certified Class, you have a choice to (a) remain a member of the Class, or (b) request exclusion from the Class.

- a. **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 class wide 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.
- b. **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 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: Knight v. Progressive Notice Administrator, P.O. Box 2168, Portland, OR 97208-2168. To be valid, your "Request for Exclusion" must be postmarked by **May 12, 2025** and must include the case name (*Knight v. Progressive Northwestern Ins. Co.*), the date, your printed name, your current address, and your signature. If your Request for Exclusion is not postmarked by **May 12, 2025** it will be invalid, and you will be included as a member of the Class automatically and bound by any final judgment.

Do Class members have a lawyer representing their interests in the lawsuit? Yes. The Court appointed the law firms of Carney Bates & Pulliam PLLC ("Carney Bates"), Shamis & Gentile, P.A., Normand PLLC, Edelsberg Law, P.A., and Jacobson Phillips PLLC, collectively referred to as Class Counsel, to represent members of the certified Class.

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.

How do I get more information? 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 Eastern District of Arkansas, 600 West Capitol Avenue, Rm A149, Little Rock, AR 72201, between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays. For more information, go to the website maintained for this Class Action, www.ARKTotalLossClaim.com, call the settlement administrator at 1-888-890-3703, 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.

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