

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA**

SECUNDINO DELEON III, MIGDALIA COLON, STEPHANY CARVAJAL, and DANA WASHINGTON, on behalf of themselves and on behalf of all others similarly situated,

Plaintiffs,

v.

DIRECT GENERAL INSURANCE COMPANY, IMPERIAL FIRE AND CASUALTY INSURANCE COMPANY, and INTEGON PREFERRED INSURANCE COMPANY,

Defendants.

Case No.: 2019-CA-1636 OC

IMPORTANT NOTICE OF CLASS ACTION SETTLEMENT

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

PLEASE READ THIS NOTICE CAREFULLY

A proposed settlement has been reached in the following consolidated cases: *Secundino Deleon III, Migdalia Colon, Stephany Carvajal, and Dana Washington v. Direct General Ins. Co., Imperial Fire and Cas. Ins. Co., and Integon Preferred Ins. Co.*, (Consolidated Case No. 2019-CA-001636-OC (Fla. 9th Jud’l Cir.)), entitling each Settlement Class Member to payment of up to \$79.85 in title transfer fees and license plate transfer fees and up to 6% sales tax of the adjusted value of each Settlement Class Member’s insured vehicle, less any payment for such fees and/or sales tax already paid to such Settlement Class Member. The named “Plaintiffs” pursuing the case are Secundino Deleon III, Migdalia Colon, Stephany Carvajal, and Dana Washington. This Notice explains: 1) the terms of the Proposed Settlement; 2) who is a member of the Settlement Class; 3) how to submit a claim for payment; 4) how to request exclusion from the Proposed Settlement; 5) how to object to the Proposed Settlement; and 6) how to get more information about the Proposed Settlement.

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

HELP IS AVAILABLE TO ASSIST YOUR UNDERSTANDING OF THIS NOTICE. Call toll-free 1-855-629-3669 for more information or visit www.deleontotallossclassactionsettlement.com.

What Is a Class Action?

A class action is a lawsuit in which one or more individuals bring claims on behalf of other persons or entities. These other persons or entities are referred to as a “Class” or “Class Members.”

What Is this Class Action About?

Plaintiffs alleged that Direct General Insurance Company (“Direct General”), Imperial Fire and Casualty Insurance Company (“Imperial”), or Integon Preferred Insurance Company (“Integon”) [collectively, the “Defendants”] breached insurance policies by failing to pay the Plaintiffs and other Florida named insureds who submitted covered first-party physical damage total loss claims sufficient amounts. Specifically, Plaintiffs alleged that the Defendants owed \$79.85 in title transfer fees and license plate transfer fees, as well as the applicable sales tax rate applied to the adjusted value of Plaintiffs’ total loss vehicles, less any payment for such fees and sales tax paid for the total loss.

You are receiving this Notice because a Proposed Settlement of the case has been reached between the Plaintiffs, acting on behalf of the Settlement Class, and the Defendants.

The Court is conducting a FAIRNESS HEARING to decide whether to grant final approval of the Proposed Settlement on **November 10, 2020, at 9:00 a.m. (EST)**.

Settlement Terms

As a part of the Proposed Settlement, the Defendants have agreed:

1. To pay each Settlement Class Member who submits a valid claim up to \$79.85 in title and license plate transfer fees, as well as applicable sales tax in an amount not to exceed 6% of the adjusted vehicle value, less any payment for such transfer fees and sales tax already paid on the total loss, which is the full amount that Plaintiffs alleged is owed;
2. To conform their practices, to the extent not already implemented and subject to the detailed terms of the Proposed Settlement, so that the Defendants will pay applicable sales tax, title transfer fees, and license plate transfer fees on covered Florida first-party total loss claims (subject to the terms of the insurance policies); and
3. To separately pay attorneys’ fees, certain costs, and incentive awards to the Plaintiffs and the Class Counsel, which will not come from or reduce any payment made to Settlement Class Members.

In exchange, the Plaintiffs and the Settlement Class Members who do not exclude themselves from the Proposed Settlement agree to give up any claim they have for payment of title and license plate transfer fees and for applicable sales tax. If you are a member of the Settlement Class, you can submit a claim for the payment described above. Alternatively, you may request to be excluded from the Proposed Settlement, which means you are not eligible for payment, and you maintain your right to

sue separately the Defendant that is or was your insurer. You may also object to the terms of the Proposed Settlement if you comply with the requirements set forth below.

How Do I Know if I Am a Member of the Settlement Class?

You may be a member of the Settlement Class if you do not timely request exclusion from the Settlement Class and (a) you were insured under any Florida private passenger automobile insurance policy issued by any of the Defendants covering a vehicle with auto physical damage coverage for “comprehensive,” “collision,” or “other than collision” loss, and (b) you submitted a first-party claim where your vehicle was declared a covered total loss that resulted in a first-party total loss claim payment as to which the initial payment on the claim was made during one of the following periods: for Direct General insureds, between May 21, 2014, and July 30, 2020; for Imperial insureds, between July 26, 2014, and July 30, 2020; or for Integon insureds, between June 21, 2014, through July 30, 2020. If you have received a payment to compensate you for your total loss that included title transfer fees, license plate transfer fees, and/or full sales tax applied to the adjusted value of the vehicle, you may not be part of the Settlement Class and/or the amount of any claim you have may be reduced. You received this Notice because the Defendants’ records indicate you may be a member of the Settlement Class.

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

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

Option 1: Submit a Claim Form for Payment.

You may submit a Claim Form for payment as described above. If you received a notice in the mail, the notice included a Claim Form. You can submit a claim by completely filling out and signing the Claim Form, carefully tearing at the perforation, and putting the Claim Form in the mail (the Claim Form is addressed and has necessary postage prepaid). You can call **1-855-629-3669** or visit **www.deleontotallossclassactionsettlement.com** and request that the Settlement Administrator send you a Claim Form as described above that you will need to fill out completely and sign.

If you submit a Claim Form in the mail, it must be postmarked no later than **December 10, 2020**.

Option 2. Exclude Yourself from the Case.

You have the right to not be part of the Proposed Settlement by excluding yourself or “opting out” of the Settlement Class. If you wish to exclude yourself, you must do so on or before **October 28, 2020** as described below. You do not need to hire your own lawyer to request exclusion from the Settlement Class. If you exclude yourself from the Settlement Class, you give up your right to receive payment or any benefits as part of this Proposed 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, if any, to sue Direct General, Imperial, or Integon 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 case, you must make a request to be excluded in writing and, with sufficient postage, mail the request to:

Deleon Total Loss Settlement Administrator
Attn: Exclusions
PO BOX 58220
Philadelphia, PA 19102

A request for exclusion must be postmarked on or before **October 28, 2020**.

Your request for exclusion must contain the following:

1. The name of the lawsuit;
2. Your full name;
3. Your current address;
4. A clear statement that you wish to be excluded from the Settlement Class, such as: “I request exclusion from the Settlement Class”; and
5. 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 legally-appointed 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.

IF YOU DO NOT EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS BY THE POSTMARK DEADLINE OF **October 28, 2020, YOU WILL REMAIN PART OF THE SETTLEMENT CLASS AND WILL BE BOUND BY THE ORDERS OF THE COURT IN THIS LAWSUIT, EVEN IF YOU DO NOT SUBMIT A CLAIM FOR PAYMENT.**

Option 3: Object to the Terms of the Proposed Settlement.

If you think the terms of the Proposed Settlement are not fair, reasonable, or adequate to the Settlement Class Members, you can file a Notice of Intent to object to the terms of the Proposed Settlement. If you object to the terms of the Proposed Settlement, you cannot request exclusion from the Proposed Settlement. If you object to the terms of the Proposed Settlement and your objection is overruled, you will be bound by the terms of the Proposed Settlement and all rulings and orders from the Court.

To properly object to the terms of the Proposed Settlement, you must send, with sufficient postage, a Notice of Intent to object to the terms of the Proposed Settlement and to appear at the Fairness Hearing (described below) to the following:

Deleon Total Loss Settlement Administrator
Attn: Objections
PO BOX 58220
Philadelphia, PA 19102

The Notice of Intent must include the following:

1. The name of the case and case number;
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 attorney who represents you related to your intention to object to the terms of the Proposed Settlement;
5. State whether you and/or your attorney intend to appear at the Fairness Hearing and whether you and/or your attorney will request permission to address the Court at the Fairness Hearing.

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

1. A detailed statement of the legal and factual basis for each of your objections;
2. A list of any witness you may seek to call at the Fairness Hearing (subject to applicable rules of procedure and evidence and at the discretion of the Court), with the address of each witness and a summary of his or her proposed testimony;
3. A list of any legal authority you may present at the Fairness Hearing; and
4. Documentary proof of membership in the Settlement Class.

Notices of Intent to object must be postmarked by **October 28, 2020**. Any Notice of Intent 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 Proposed 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.

Option 4. Do Nothing Now. Stay in the Case.

You have the right to do nothing. If you do nothing, you will be bound by the terms of the Proposed Settlement, you will not receive a payment, and you will release certain claims against Direct General, Imperial, and/or Integon, including claims for title transfer fees, license plate transfer fees, and sales tax, even if you do not submit a Claim Form for payment.

Who Is Representing the Class?

The Court has preliminarily appointed the Plaintiffs to be the representatives of the Settlement Class. The Court has also preliminarily appointed the following lawyers as Class Counsel for those Settlement Class Members:

<p>Edmund Normand, Esq. Jacob Phillips, Esq. Normand PLLC 3165 McCrory Place, Suite 175 Orlando, FL 32803 Telephone: (407) 603-6031 Facsimile: (888) 974-2175 www.ednormand.com</p> <p>Scott Edelsberg, Esq. Edelsberg Law, P.A. 20900 NE 30th Avenue, Suite 417 Aventura, FL 33180 Telephone: (305) 975-3320 www.edelsberglaw.com</p>	<p>Andrew J. Shamis, Esq. Shamis & Gentile, P.A. 14 NE 1st Avenue, Suite 1205 Miami, FL 33132 Telephone: (305) 479-2299 www.sflinjuryattorneys.com</p> <p>Rachel Dapeer, Esq. Dapeer Law, P.A. 300 S. Biscayne Blvd, #2704 Miami, FL 33131 Telephone: (305) 610-5223</p>
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Class Counsel will file an application for attorneys' fees and costs of no more than \$775,000.00, subject to approval by the Court. The Defendants have agreed to pay Class Counsel that amount if approved by the Court. Payment of attorneys' fees and costs will not reduce the amount of money that will be paid to Settlement Class Members and will be paid separately by the Defendants. You will not be personally responsible for any fees, costs, or expenses incurred by Class Counsel relating to the prosecution of this case.

Class Counsel will also seek a Service Award to the named Plaintiffs in the amount of \$3,500 per named Plaintiff, subject to approval by the Court. Payment of the Service Award does not reduce the amount of money that will be paid to Settlement Class Members and will be paid separately by the Defendants.

What Claim(s) Against the Defendants Are Settlement Class Members Releasing?

As a part of the Proposed Settlement, Settlement Class Members agree not to sue Direct General, Imperial, and/or Integon by asserting any claim for payment of title transfer fees, license plate transfer fees, or sales tax at the applicable rate applied to the adjusted vehicle value. Unless you request exclusion from the Settlement Class, you give up the right to individually sue Direct General, Imperial, and/or Integon and make Released Claims as defined in the Settlement Agreement. Full terms of the Released Claims and Released Parties can be found in the Settlement Agreement at www.deleontotallossclassactionsettlement.com.

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 **1-855-629-3669** or go to **www.deleontotallossclassactionsettlement.com**.

The website, **www.deleontotallossclassactionsettlement.com**, provides:

1. The process for downloading or requesting a paper Claim Form;
2. The full terms of the Proposed Settlement;
3. Information and requirements for submitting a claim, requesting exclusion, or filing a Notice of Intent to object to the terms of the Proposed Settlement; and
4. Other general information about the class action.

PLEASE DO NOT TELEPHONE OR CONTACT THE COURT OR THE CLERK OF THE COURT REGARDING THIS NOTICE.

DATED: **September 25, 2020**