

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

REGIS SUAREZ v. MAPFRE INSURANCE COMPANY OF FLORIDA

Case No. 2019-02729-CA-01

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 settlement has been reached in the case REGIS SUAREZ v. MAPFRE INSURANCE COMPANY OF FLORIDA, Case No. 2019-02729-CA-01, entitling Class Members to payment of \$79.85 in title and tag transfer fees and to 6% sales tax (plus any applicable surtax), less any payment for fees and/or sales tax already paid to Class Members. This Notice explains: 1) the terms of the Settlement; 2) who is a member of the Class; 3) how to submit a claim for payment; 4) how to request exclusion from the Settlement; 5) how to object to the Settlement; 6) how to get more information about the Settlement.

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

HELP IS AVAILABLE TO ASSIST YOUR UNDERSTANDING OF THIS NOTICE.

Call **1-844-846-4749** toll free for more information.

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 persons or entities are referred to as a “Class” or “Class Members.” In a class action, the Court resolves certain issues, legal claims, and/or defenses for all Class Members in a single action, except for those persons or entities who ask in writing to be excluded from the Class.

What is this Class Action About?

Plaintiff alleged that MAPFRE Insurance Company of Florida (“MAPFRE”) breached its contracts (insurance policies) by failing to pay Plaintiff and other Florida insureds who submitted physical damage claims for their insured vehicles during the class period, and which resulted in a total loss claim payment for the “actual cash value” of their total-loss vehicles. Specifically, Plaintiff alleged that MAPFRE owed \$79.85 in title and tag transfer fees and the applicable sales tax rate, less any payment for Transfer Fees and Sales Tax originally paid in the total-loss claim.

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

The district court is conducting a FAIRNESS HEARING on May 18, 2020, to decide whether to grant final approval of the Proposed Settlement.

Settlement Terms

As a part of the settlement, MAPFRE has agreed to:

1. pay members of the Class \$79.85 in title and tag transfer fees and sales tax of 6% (plus an applicable surtax) of the vehicle value less any payment for transfer fees and sales tax originally included in the total-loss payment, which is the full amount Plaintiff alleged is owed;
2. begin including at least \$79.85 for title and tag transfer fees and the applicable sales tax without precondition in total-loss payments to insureds who suffer a total-loss in the future, unless certain courts issue a ruling or the State of Florida passes or amends a law indicating that MAPFRE no longer needs to continue doing so;
3. separately pay attorneys' fees, costs, and incentive awards to the Plaintiff, which will not come from nor reduce any payment made to members of the Class.

In exchange, the Plaintiff and the members of the Class who do not exclude themselves from the Settlement agree to give up any claim they have for payment of title and tag transfer fees and for sales tax. If you are a member of the Class, you can submit a claim for the payment described above. Alternatively, you may, if you wish, request to be excluded from the Settlement, which means you are not eligible for payment, and you maintain your right to sue MAPFRE individually and separately. You may also object to the terms of the Settlement, if you comply with the requirements set forth below.

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

You may be a member of the Class if you were insured under any Florida automobile insurance policy issued by Defendant and its subsidiaries or related insurance companies covering a vehicle with auto physical damage coverage for comprehensive or collision loss, and submitted a first-party claim where your vehicle was declared a total loss on or after July 12, 2014, and if you do not timely request exclusion from the Settlement Class. If your total loss claim payment included title transfer and registration transfer fees and full sales tax, you may not be part of the class. You received this Notice because MAPFRE's records indicate you may be a member of the Class.

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

If you are a 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. The payment is essentially the full amount sought in the case. If you received a Notice in the mail, the Notice included a pre-filled Claim Form. You can submit a claim by 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 **1-844-846-4749** or visit **www.mapfretotallosssettlement.com** and request that the Settlement Administrator send you a Claim Form as described above (or a blank form that you will need to fill out). You can also submit an Electronic Claim Form by visiting **www.mapfretotallosssettlement.com** and following the steps outlined for you.

If you submit a Claim Form in the mail, it must be postmarked no later than **June 17, 2020**. If you submit an Electronic Claim, you must do so by **11:59 p.m. on June 17, 2020**. The ability to submit an Electronic Claim will be deactivated after the deadline.

Option 2. Exclude yourself from the Case.

You have the right to not be part of the Settlement by excluding yourself or “opting out” of the Class. If you wish to exclude yourself, you must do so on or before **April 13, 2020** as described below. You do not need to hire your own lawyer to request exclusion from the Class. If you exclude yourself from the Class, you give up your right to receive payment or 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 MAPFRE 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:

MAPFRE Settlement Administrator
Attn: Class Action Settlement Exclusion
P.O. BOX 58791
Philadelphia, PA 19102

A request for exclusion must be postmarked on or before April 13, 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 Class, such as: “I request exclusion from the 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 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.

IF YOU DO NOT EXCLUDE YOURSELF FROM THE CLASS BY THE POSTMARK DEADLINE OF APRIL 13, 2020, YOU WILL REMAIN PART OF THE 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 Settlement.

If you think the terms of the Settlement are not fair, reasonable, or adequate to the Class Members, you can 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 and your objection is overruled, you will 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 and to appear at the Fairness Hearing (described below) to the following:

MAPFRE Settlement Administrator
Attn: Class Action Settlement Objection
P.O. BOX 58791
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 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 April 13, 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 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.

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 Settlement and will release any claim against MAPFRE for title and registration transfer fees and for sales tax, even if you do not submit a Claim for payment.

Who Is Representing the Class?

The Court has preliminarily appointed Regis Suarez to be the representative of the Class. The Court has also preliminarily appointed the following lawyers as Class Counsel for those Class Members:

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

Andrew J. Shamis, Esq.
Shamis & Gentile, P.A.
14 NE 1st Avenue, Suite 1205
Miami, FL 33132
Telephone: (305) 479-2299
www.sflinjuryattorneys.com

Scott Edelsberg, Esq.
Edelsberg Law, P.A.
20900 NE 30th Avenue,
Suite 417
Aventura, FL 33180
Telephone: (305) 975-3320
www.edelsberglaw.com

Rachel Dapeer, Esq.
Dapeer Law, P.A.
300 S. Biscayne Blvd, #2704
Miami, FL 33131
Telephone: (305) 610-5223

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

Class Counsel will file an application for attorneys' fees and costs of no more than \$170,000.00, subject to approval by the Court. MAPFRE agreed to pay Class Counsel that amount if approved by the Court. Payment of attorneys' fees and costs has no impact and does not affect in any way, and will not reduce, the amount of money that will be paid to Class Members. If the Court grants Class Counsel's request, and in whatever amount the Court approves Class Counsel's Request, the attorneys' fees and costs will be paid separately by MAPFRE. If you submit a valid claim for payment, the amount you are owed will not be reduced to pay class counsel fees and/or costs. 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 an Incentive Award to the Plaintiff in the amount of \$3,500, subject to court approval. The Incentive Award is designed to reward the Plaintiff for securing the recovery awarded to members of the Class, which is essentially the full amount of damages Plaintiff alleged is owed to Class members, and to acknowledge the time spent by the Plaintiff in participating in the case and mediation and prosecuting the claim for the benefit of the Class. MAPFRE agreed to pay the Incentive Award to the Plaintiff up to the amount of \$3,500. Payment of the Incentive Award(s) has no impact and does not affect in any way the amount of money that will be paid to Settlement Class Members. If the Court grants the request for an Incentive Award(s), and in whatever amount the Court approves the request, the Incentive Award(s) will be paid separately by MAPFRE, and will not affect in any way, and will not reduce, the amount of money paid to Class Members. If you submit a valid claim for payment, the amount you are owed will not be reduced to pay the Incentive Award(s).

What Claim(s) Against MAPFRE Are Class Members Releasing?

As a part of the Settlement, Class Members agree not to sue MAPFRE by asserting any claim for payment of title and tag transfer fees or for sales tax at the applicable rate of the accepted adjusted vehicle value. Unless you request exclusion from the Class, you give up the right to individually sue MAPFRE and make the claims listed herein, even if you do not submit a Claim for payment as part of this Settlement. You are not releasing any other claim against MAPFRE. Full terms of the Released Claims and Released Parties can be found in the Proposed Settlement at www.mapfretotallosssettlement.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 **1-844-846-4749** or go to www.mapfretotallosssettlement.com.

The website, www.mapfretotallosssettlement.com, provides:

1. An Electronic Claim Form and directions for how to submit;
2. The process for requesting a paper (non-electronic) pre-filled Claim Form;
3. The full terms of the Settlement;
4. Information and requirements for submitting a claim, requesting exclusion, or filing a Notice of Intent to object to the terms of the Settlement; and
5. Other general information about the class action.

You also may contact class counsel, whose contact information and websites are provided above.

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

DATED: February 28, 2020