



United States District Court for the
Northern District of California

Miller et al. v. Travel Guard Group, Inc. et al.,
Case No. 21-cv-09751-TLT

Class Action Settlement Notice Re: Travel Guard Insurance Plans

Authorized by the U.S. District Court

**Did you buy a Travel
Guard travel insurance
plan between
December 17, 2017,
and January 18, 2024?**

*Travel Guard insurance
plans are sold through a
variety of distribution
channels, including
Expedia and United
Airlines.*

You may be eligible to
receive a payment from
a \$23,997,500
Settlement.

*The Settlement may
affect your rights.*

Your options:

- 1. Make a claim.** *Get a
payment.*
- 2. Do nothing.** *You will
get no payment and be
bound by the
Settlement.*
- 3. Opt out of the
Settlement.**
- 4. Object to the
Settlement.**

**You are not being
sued.**

This notice explains
the Actions, the
Settlement, and your
legal rights and
options.

Please read the entire
notice carefully.

*This is not a
solicitation from a
lawyer.*

You need to make a decision about the Settlement.

To make the best decision for you, read on.

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What Is This Notice About?

This notice concerns the cases *Miller v. Travel Guard Group, Inc. et al.*, No. 21-cv-09751 (U.S. District Court, Northern District of California) (the “*Miller Action*”) and *Allen v. Travel Guard Group, Inc. et al.*, No. 22-cv-06005 (U.S. District Court, Western District of Washington) (the “*Allen Action*”) (collectively, the “*Actions*”).

This settlement (the “*Settlement*”) will resolve the *Actions* against Travel Guard Group, Inc., AIG Travel, Inc., and National Union Fire Insurance Company of Pittsburgh, PA (collectively, “*Defendants*” or “*Travel Guard*”).

In the *Actions*, Plaintiffs allege that Travel Guard charges more than it is legally or fairly allowed to charge for its travel insurance plans and includes unauthorized, hidden fees as part of the total price of its travel insurance plans. Travel Guard disputes that the practice of charging a fee for non-insurance assistance services provided to travelers violates California or Washington law or that the fees or assistance services are unfair or hidden from consumers.

Travel Guard has agreed to pay \$23,997,500 to settle the claims against it in the *Actions*. The group of people who are affected by the *Settlement* is called the “*Settlement-Notice Class*.” If you are in this group and want to get paid, you must file a claim on the settlement website at www.TravelFeeSettlement.com or by returning a claim form. If you are in the *Settlement-Notice Class* and do not opt out, you will be part of the *Settlement Class* and bound by the *Settlement*.

Your legal rights may be affected whether or not you act. Read this notice carefully.

This notice summarizes the proposed *Settlement*. For the precise terms and conditions of the *Settlement*, please see the *Settlement Agreement* available at www.TravelFeeSettlement.com, or contact the *Settlement Administrator* at Travel Fee Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103 or by email info@travelfeesettlement.com or by telephone at 1-888-255-2501.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

Questions? Visit www.TravelFeeSettlement.com or call 1-888-255-2501.

What Are My Options?

Submit a Claim Form	To receive a Cash Payment from the Settlement, <u>you must make a claim</u>. You can make a claim at www.TravelFeeSettlement.com or return a claim form by mail. Your Claim Form must be submitted online or postmarked by August 13, 2024.
Do Nothing	If you do nothing, you will remain in the Settlement Class and be bound by the Settlement, but you will not get any money from the Settlement. You will have no right to sue Defendants later for the Released Claims.
Opt Out	You can opt out of the Settlement Class (also known as excluding yourself) if you want to separately bring the kinds of claims against Defendants that are in these Actions. You will receive no Cash Payment from this Settlement and will be excluded from the Settlement. More detail on opting yourself out can be found below. The deadline to opt out is August 13, 2024.
File an Objection	If you are a member of the Settlement Class (that is, you do not opt out of the Settlement), you can write to the Court about any aspect of the Settlement you don't like. More detail on objecting to the Settlement can be found below. The deadline to object is August 13, 2024.

The Court still has to decide whether to approve the Settlement. Cash Payments will be provided to Class Members only if the Court finally approves the Settlement. If there are appeals, these benefits will not be provided until the appeals are resolved and the Settlement becomes effective. Please be patient.

What Are the Actions About?

The Actions are about the prices Travel Guard¹ charges for its travel insurance plans.

The California and Washington insurance departments approved particular prices for Travel Guard to sell travel insurance. Travel Guard packaged its travel insurance policies with what it contends are non-insurance assistance services, such as assistance with flight delays or cancellations, delayed or mishandled luggage, and medical emergencies, and sold the combined product for a higher price than the amount approved for the sale of travel insurance. Plaintiffs contend that such services were covered by the insurance contracts and that it was illegal and unfair for Travel Guard to add the additional fees to the approved prices for travel insurance.

A copy of Plaintiffs' complaint and amended complaint are available at www.TravelFeeSettlement.com.

Defendants deny any wrongdoing. They contend that they have complied with the law in all respects and at all times and properly informed customers of the travel insurance plan price, coverages and benefits, including the assistance services included with the Travel Guard travel insurance plans.

The Court has not determined whether Plaintiffs or Defendants are correct.

What Has Happened in the Actions?

The Actions were brought as proposed class actions. A class action is a lawsuit in which the claims and rights of many people can be decided in a single court proceeding, rather than in many separate lawsuits. One or more people—called “plaintiffs” or “class representatives”—sue on behalf of people who made similar purchases. All of these people form a proposed “class” and are potential “class members.” When a court “certifies” a class for particular claims (which means it decides that a plaintiff shall represent a group of people for purposes of those claims), then a judgment in the class action resolves those claims for all class members, except those who choose to exclude themselves from the class.

In the *Miller* Action, the Court certified a California class for purposes of **two** of Plaintiffs' theories: (1) that Travel Guard's conduct is **unlawful** and (2) that Travel Guard's conduct is **unfair**. The Court did not certify any class for purposes of Plaintiffs' theory that Travel Guard's conduct was deceptive or fraudulent.

In the *Miller* Action, the Court also confirmed an arbitration award finding that Plaintiff Miller's claims were not subject to arbitration. Travel Guard appealed that decision. That appeal has been stayed pending this Settlement.

¹ Defendants in the Actions are related entities within the AIG organization: Travel Guard Group, Inc. (“TGG”) is the insurance agent for the insurance sales at issue; AIG Travel, Inc. (“AIG Travel”) is TGG's parent; and National Union Fire Insurance Company of Pittsburgh, PA (“NUFIC”) is the insurance company for the policies at issue. Defendants are collectively referred to as “Travel Guard” in this Notice and in the Actions.

In the *Allen* Action, the Court denied Travel Guard's motion to compel arbitration. Travel Guard appealed that decision. The *Allen* Action is stayed pending Travel Guard's appeal. The appeal in the *Allen* Action has been stayed pending this Settlement.

More information about the Actions can be found through the Public Access to Court Electronic Records (PACER) system at <https://pacer.uscourts.gov>.

Am I a Class Member?

The Settlement-Notice Class includes all Persons, except Excluded Persons, who purchased at least one Qualifying Travel Guard Plan from December 17, 2017, through and including January 18, 2024. A Travel Guard Plan qualifies for this Settlement if the purchaser (a) was charged a single plan price that included an Assistance Fee and (b) provided a billing address in the State of California or Washington or, where no billing address is identified in Travel Guard's records, the Travel Guard Plan identified the insured as having a California or Washington address.

The following Excluded Persons are not included in the Settlement-Notice Class: (a) each and every presiding District Judge and Magistrate Judge in the Actions, Judge Gandhi (Ret.), Robert A. Meyer, and their staff, and their immediate family members; (b) the officers, directors, agents, servants, and current and former employees of Defendants who were employed by Defendants at any time on or after the start of the Class Period, and the immediate family members of such Persons; and (c) any Person who received a complete refund for each and every Qualifying Travel Guard Plan purchased by that Person.

Notices were emailed or mailed to each Settlement-Notice Class Member for whom Travel Guard has contact information. Please check your email and mail to see if you received such a notice.

Most Travel Guard purchasers purchased their insurance through an Expedia website (such as Expedia.com, Travelocity.com, or Orbitz.com) or through United Airlines. However, Travel Guard also sells travel insurance through other channels, including other airlines, websites, and various travel agents, as well as directly to consumers through www.travelguard.com and through its call center. You can check your travel insurance plan documents to see if it is a Travel Guard plan.

If you are not sure if you are a member of the Settlement-Notice Class, you may email the Settlement Administrator at info@travelfeesettlement.com or call the Settlement Administrator at 1-888-255-2501.

What Can I Get from the Settlement?

If you are a member of the Settlement-Notice Class and submit a valid Claim Form, you will receive a Cash Payment as an Authorized Claimant. Your Cash Payment will depend on the amount of the Assistance Fees included in the Qualifying Travel Guard Plans you purchased. The Assistance Fees included in Travel Guard Plans varied but are recorded in Travel Guard's records.

After payments for Notice and Administration Expenses, Taxes and Tax Expenses, Awarded Attorneys' Fees and Expenses, Incentive Awards, payments to Proposed Intervenors, and any other Court-approved deductions, the remainder of the \$23,997,500 Settlement Amount ("Net Settlement Fund") shall be

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distributed, as Cash Payments, among all Authorized Claimants in proportion to the amount of Assistance Fees paid by each Authorized Claimant for Qualifying Travel Guard Plans, as reflected in Travel Guard's records provided to the Settlement Administrator.

You will not receive a Cash Payment for any Qualifying Travel Guard Plan you purchased if you already received a complete refund for that Qualifying Travel Guard Plan.

How Do I Request a Cash Payment?

To request a Cash Payment, you must fill out the Claim Form available on this Settlement Website, www.TravelFeeSettlement.com. You can submit the Claim Form online, or you can print it and mail it to the Settlement Administrator at: Travel Fee Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. Claim Forms must be **postmarked or submitted online** to the Settlement Administrator on or before 11:59 p.m. Pacific Time on **August 13, 2024**.

Please note that a Claim Form that is not properly filled out and signed or that is not submitted or postmarked by the deadline or is determined to be fraudulent will be invalid and disregarded by the Settlement Administrator.

When Do I Get My Cash Payment?

Timely submitting a Claim Form does not guarantee a Cash Payment. A Final Approval Hearing is scheduled for **October 1, 2024** at 2:00 p.m. PT. If the Court approves the Settlement and there are no appeals, then the Cash Payments will be distributed within 45 days after the Effective Date of the Settlement, unless otherwise ordered by the Court. If the Court does not approve the Settlement, or if the Settlement is overturned on appeal, no Cash Payments will be issued.

What Do Plaintiffs, Proposed Intervenors, and Class Counsel Get?

The Court has appointed Gutride Safier LLP as Class Counsel for the Settlement-Notice Class. Class Counsel has experience in handling class actions.

To date, Class Counsel has not been compensated for any of their work on this case. As part of the Settlement, Class Counsel has requested that the Court approve their Attorneys' Fees and Expenses to be paid from the Settlement Fund: for reimbursement of their out-of-pocket expenses and up to 30% of the Settlement Amount in attorneys' fees.

In addition, the Plaintiffs (who brought the Actions) have requested that the Court approve Incentive Awards to them of \$5,000 each, and the Proposed Intervenors (who sought to become plaintiffs in the *Miller* Action and who provided documents and testimony to Defendants) have agreed to settle their claims against Defendants for equal amounts. These payments will compensate the Plaintiffs for the time,

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effort, and risks they undertook in pursuing the Actions to benefit the Settlement-Notice Class, and will resolve the claims of the Proposed Intervenor.

Copies of the papers filed in support of Class Counsel's motion seeking an award for Attorneys' Fees and Expenses and for Plaintiffs' Incentive Awards are or will be available on the Settlement Website. Plaintiffs' and Class Counsel's Motion for Final Approval and Motion for Attorneys' Fees, Costs, and Class Representative Awards will be filed July 9, 2024, and then posted to the Settlement Website. The Court will determine the amount of Attorneys' Fees and Expenses, as well as the amounts of Incentive Awards, consistent with the standards for similar settlements in the Ninth Circuit based on Class Counsel's labor, risk, and the complexity of the work that was done to obtain the Settlement for the Settlement-Notice Class.

What Happens if I Do Not Opt Out of the Settlement?

If you are a Settlement-Notice Class Member and you do not request to be excluded (that is, "opt out") from the Settlement, you will be legally bound by all orders and judgments of the Court with respect to the Settlement, and you will also be legally bound to the release of Released Claims as set forth in the Settlement Agreement. This means that in exchange for being a Settlement Class Member and being eligible for Cash Payments, you will not be able to sue, continue to sue, or be part of any other lawsuit against Travel Guard and/or any of the Released Defendants that involves similar factual allegations or legal claims as those resolved through this Settlement.

The "Released Claims," which are more fully defined in the Settlement Agreement, are any and all claims and causes of action of every nature and description, whether known or unknown, whether arising under federal, state, common, or foreign law, based in law or equity, that have been brought or that could have been brought in the Consolidated Action and each Action and that arise out of or relate to the allegations that sales of Qualifying Travel Guard Plans were unlawful, unfair, falsely advertised, or deceptive with respect to the marketing, offering, solicitation, pricing, sale, accessibility, availability, and/or payment of Assistance Fees for the assistance services included in (a) the Qualifying Travel Guard Plans or (b) any regulatory filing seeking approval for the rates and forms for Qualifying Travel Guard Plans. The Released Claims include without limitation claims under the unlawful, unfair, and fraudulent prongs of California's Unfair Competition Law ("UCL"), including UCL "unlawful" claims based on alleged violations of Cal. Ins. Code § 1861.01(c), Cal. Ins. Code § 1861.05, Cal. Ins. Code § 381, Cal. Ins. Code § 332, Cal. Ins. Code § 790.02, Cal. Code Regs. Tit. 10, §§ 2189.3 and 2189.5, or any other California insurance statute or regulation; Business and Professions Code § 17200, *et seq.*; claims under California's False Advertising Law ("FAL"), Business and Professions Code § 17500, *et seq.*; and common law fraud, deceit, or misrepresentation. The Released Claims do not include: (i) claim(s) for personal injury against Defendants or the Released Defendants; (ii) claim(s) for insurance coverage under any Travel Guard Plan or relating to Defendants' failure to properly provide insurance coverage, to properly provide particular assistance benefits in a particular case, or to comply with applicable law in administering claims for insurance coverage or benefits; (iii) claim(s) arising from the purchase of any Travel Guard Plan after January 18, 2024; or (iv) right(s) to enforce this Agreement.

You will not be responsible for any out-of-pocket costs or attorneys' fees concerning the Actions if you stay in the Settlement Class.

The full text of the Settlement Agreement, which includes all of the provisions about settled claims and releases, is available at www.TravelFeeSettlement.com.

Does This Settlement Affect Insurance Claims Under Travel Guard Policies?

This Settlement does **not** involve claims about insurance coverage disputes or about the denial of insurance benefits. This Settlement relates to the Assistance Fees Travel Guard included in Qualifying Travel Guard Plans. This Settlement does **not** affect or change the insurance coverage or any insurance benefits you may be owed in connection with your previous, planned, or upcoming trips. Whether you participate in this Settlement or decide to opt out of the Settlement, you can still pursue insurance claims against Defendants under applicable law (subject to statute of limitations or any other laws that may prevent you from bringing such a claim).

How Do I Opt Out of the Settlement?

You can opt out from the Settlement Class—that is, be excluded from the Settlement Class—if you wish to retain the right to sue Defendants separately for the Released Claims. If you opt out, you cannot obtain a Cash Payment from the Settlement. In addition, if you opt out, you cannot submit an objection to the Settlement.

Each Settlement-Notice Class Member who wishes to be excluded from the Settlement must submit to the Settlement Administrator a written statement requesting exclusion from the Settlement. Such requests for exclusion must be made by submitting the online form on the Settlement Website or by mailing a valid exclusion request by First Class U.S. Mail to the Settlement Administrator at Travel Fee Settlement Administrator, Attn: Exclusion Request, P.O. Box 58220, Philadelphia, PA 19102. To be effective, the request for exclusion must:

- a. include the Settlement-Notice Class Member's full name and address;
- b. include a statement that the Settlement-Notice Class Member wishes to be excluded from the Settlement Class in *Miller v. Travel Guard Group, Inc.*, No. 21-cv-09751 (N.D. Cal.); and
- c. be individually and personally signed by the Settlement-Notice Class Member (if the Settlement-Notice Class Member is represented by counsel, it must also be signed by such counsel).

To be valid, the opt-out request must be postmarked or submitted online by the Exclusion/Objection Deadline, which is August 13, 2024.

Questions? Visit www.TravelFeeSettlement.com or call 1-888-255-2501.

How Do I Object to the Settlement?

You can ask the Court to deny approval of the Settlement by submitting a written objection to the Settlement Administrator, as set forth below. The Settlement Agreement does not provide discretion for the Court to order a different or larger Settlement; the Court can only approve or disallow the Settlement. If the Court denies approval to the entire Settlement, no Cash Payments will be sent out, and the Actions will continue. If that is what you want to happen, you must object.

Any Settlement Class Member (that is, any Settlement-Notice Class Member who does not submit a valid and timely request for exclusion) may submit an objection to the Settlement Agreement. Any Settlement Class Member who intends to object to the Settlement or the Settlement Agreement (including Class Counsel's requested Attorney's Fees and Expense application) must submit a written notice of objections by mailing them to the Settlement Administrator at Travel Fee Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, by filing them electronically, by mailing them to the Clerk of Court, United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, or by filing them in person at any location of the United States District Court for the Northern District of California. The objections must be filed or postmarked no later than **August 13, 2024**. The objections must include:

- a. the case name and number (*Miller v. Travel Guard Group, Inc. et al.*, No. 21-cv-09751 (N.D. Cal.);
- b. the objecting Settlement Class Member's full name and address;
- c. either the Claimant Identification Number included in the Email Notice or Postcard Notice directed to the objecting Settlement Class Member or documents or testimony sufficient to establish that the objector is a member of the Settlement Class;
- d. a statement of each of the Settlement Class Member's objections;
- e. the name, address, email address, and telephone number of every attorney representing the objector;
- f. a statement indicating whether the objector and/or his or her counsel intends to appear at the Final Approval Hearing.

By filing an objection, you consent to the jurisdiction of the Court, including to any order of the Court to produce documents or provide testimony prior to the Final Approval Hearing.

If you file an objection to the Settlement but still want to receive a Cash Payment in the event the Court approves the Settlement, you must still timely submit a Claim Form according to the instructions described above.

When Will the Court Decide If the Settlement Is Approved?

Pursuant to Rule 23(e)(2) and 28 U.S.C. § 1715(d), the Court will hold a Final Approval Hearing on October 1, 2024, at 2:00 p.m. PT, in Courtroom 09, 19th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102, before Judge Trina L. Thompson, for the purpose of finally determining whether (a) this action meets each of the prerequisites for class certification set forth in Federal Rule of Civil Procedure 23(a) and may properly be maintained as a class action on behalf of the Settlement Class under Federal Rule of Civil Procedure 23(b)(3); (b) the Settlement Agreement should receive final approval as fair, reasonable, adequate, and is in the best interests of the Settlement Class in light of any objections presented by Class Members and the Parties' responses to any such objections; (c) the Court should grant final approval of the Settlement Agreement, dismissing Plaintiffs' claims, as provided in the Settlement Agreement; and (d) the request of Class Counsel for the payment of Attorney's Fees and Expenses to Class Counsel and the payment of an Incentive Award to each Plaintiff are reasonable and should be approved. The Final Approval Hearing may be postponed, adjourned, or continued by further order of this Court, without further notice to the Parties or the members of the Settlement Class other than entry of an order on the Court's docket. Class Members should consult the Settlement Website at www.TravelFeeSettlement.com or the Court's Public Access to Court Electronic Records (PACER) system at <https://pacer.uscourts.gov> or <https://ecf.cand.uscourts.gov>, or visit the office of the Clerk of Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays, to determine whether the Final Approval Hearing date has changed. The Court may conduct the hearing by Zoom or other remote technology, with the link available at <https://cand.uscourts.gov/judges/trina-l-thompson-tlt/>.

After final approval, the Settlement Amount of \$23,997,500 will be used to pay Valid Claims, Awarded Attorneys' Fees and Expenses, Incentive Awards, payments to Proposed Intervenors, Taxes and Tax Expenses, and Notice and Administration Expenses.

How Do I Get More Information?

You can inspect many of the court documents connected with the Settlement on the Settlement Website. You can access unredacted versions of the motion(s) for approval and declaration(s) in support by signing the Acknowledgement and Agreement to Be Bound by the Protective Order entered in the *Miller* Action. Please contact the Settlement Administrator or Class Counsel for details. Other papers filed in the *Miller* Action are available by accessing the Court's Public Access to Court Electronic Records (PACER) system at <https://pacer.uscourts.gov> or <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

You can contact the Settlement Administrator at Travel Fee Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA, 19103 or by email at info@travelfeesettlement.com or by telephone at 1-888-255-2501.

You can also obtain additional information by contacting Class Counsel:

Seth Safier, Esq.
GUTRIDE SAFIER LLP
100 Pine Street, Suite 1250
San Francisco, CA 94111
Tel: 415-639-9090
seth@gutridesafier.com
www.gutridesafier.com

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