

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Philip Angell, et al. v. Geico Advantage Insurance Company, et al.,
Case No. 4:20-CV-00799

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 *Philip Angell, et al. v. Geico Advantage Insurance Company, et al.*, Case No. 4:20-cv-00799, in the United States District Court for the Southern District of Texas, Houston Division.

The Settlement includes two Settlement Classes: a Sales Tax Class and a Regulatory Fees Class. Sales Tax Class Members who submit a valid and timely claim form are eligible for (1) unpaid state sales tax of up to 6.25% (“Sales Tax”) based on the adjusted value of the total loss vehicle at the time of the loss (less any amount of sales tax included in the original total-loss claim payment); and (2) unpaid regulatory fees of \$80 (less any amount of regulatory fees included in the original total-loss claim payment). Regulatory Fees Class Members who submit a valid and timely claim form are eligible to receive \$80 in unpaid Regulatory Fees (less any amount of regulatory fees included in the original total-loss claim payment).¹ 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 LEGAL PROCEEDING MAY AFFECT YOUR RIGHTS.

HELP IS AVAILABLE TO ASSIST YOUR UNDERSTANDING OF THIS NOTICE.

Call **1-877-495-1720** toll free or visit www.TexasSalesTaxClassActionSettlement.com 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 certified 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.

¹ Capitalized terms herein have the same meanings as those defined in the Settlement Agreement, a copy of which may be found online at the Settlement Website.

What Is this Class Action About?

Plaintiffs allege that GEICO Advantage Insurance Company, GEICO Indemnity Company, Government Employees Insurance Company, GEICO County Mutual Insurance Company, and GEICO Choice Insurance Company (“Defendants”) breached their contracts (Personal Automobile Insurance Policies) by failing to fully pay Plaintiffs and other Texas insureds who submitted first-party damage claims for their vehicles during the Class Period, and which resulted in a Total Loss Claim payment. Specifically, Plaintiffs allege that Defendants failed to pay full Sales Tax and/or Regulatory Fees following a total loss. GEICO maintains it complied with the terms of the Personal Automobile Insurance Policies and applicable law. GEICO denies that it acted wrongfully or unlawfully and continues to deny all material allegations.

Settlement Terms

As a part of the Settlement, Defendants and affiliated entities (collectively “GEICO”) have agreed, upon Court approval, to pay Settlement Class Members who timely submit a valid timely Claim Form. The payment amount will depend on whether the Class Member is a member of the Sales Tax Class or a member of the Regulatory Fees Class.

1. **Sales Tax Class:** For Sales Tax Class Members, GEICO will pay Texas state sales tax of 6.25% based on the adjusted vehicle value at the time of the loss and \$80 in Regulatory Fees (less any amount in Sales Tax and Regulatory Fees paid by GEICO as part of the Total Loss Claim payment), reduced by each claimant’s proportional share of Class Counsel Fees and/or court-awarded costs.
2. **Regulatory Fees Class:** For Regulatory Fees Class Members, GEICO will pay up to \$80 in Regulatory Fees (less any amount in fees paid by GEICO as part of the Total Loss Claim payment), reduced by each claimant’s proportional share of Class Counsel Fees and/or court-awarded costs.

Class Counsel is seeking fees and costs not to exceed \$8,189,000.00 from the Cash Settlement Benefits, and a Service Award not to exceed \$7,500.00.00 to each Class Representative, with all amounts to be approved by the Court.

In exchange, Plaintiffs and the Settlement Class Members who do not exclude themselves agree to give up any claim they have for payment of Sales Tax and/or Regulatory Fees. If you are a member of the Settlement Class, you can submit a Claim Form to be eligible to be paid. Alternatively, you may, if you wish, request to be excluded from the Settlement Classes, which means you are not eligible for payment, and you maintain your right to sue GEICO individually and separately for payment of Sales Tax and/or Regulatory Fees. 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 Settlement Class?

You may be a member of the Settlement Class if you are part of either of the defined classes below:

Regulatory Fees Class

All Insureds covered under any Texas private passenger automobile insurance policy that defined “Actual Cash Value” under Section III of the policy as “the replacement cost of the auto or property less *depreciation* and/or *betterment*” issued by GEICO or its affiliates who made a first-party physical damage claim between May 5, 2016 and March 18, 2024 that GEICO paid as a total loss under comprehensive or collision coverage and who do not timely opt out from the Settlement Class. The Regulatory Fees Class does not include any members of the Sales Tax Class.

Sales Tax Class

All Insureds covered under any Texas private passenger automobile insurance policy that defined “Actual Cash Value” under Section III of the policy as “the replacement cost of the auto or property less *depreciation* and/or *betterment*” issued by GEICO or its affiliates who made a first-party physical damage claim on a leased vehicle between May 5, 2016 and March 18, 2024 that GEICO paid as a total loss under comprehensive or collision coverage and who did not receive full state Sales Tax based on the adjusted vehicle value of the totaled vehicle as part of the Settlement Payment and who do not timely opt out from the Settlement Class.

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

If you are a member of one of the Classes, you have four options.

Option 1: Submit a Claim Form for Payment.

You may submit a Claim Form for payment of Sales Tax and/or Regulatory Fees. The maximum amount GEICO has agreed to make available for all Settlement Class Member Payments, Counsel Fees, and Court-awarded costs total a maximum of \$33,700,000.00. 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 1-877-495-1720 or visit www.TexasSalesTaxClassActionSettlement.com and request that the Settlement Administrator send you a Claim Form (or a blank form that you will need to fill out).

You can also submit an Electronic Claim Form by visiting www.TexasSalesTaxClassActionSettlement.com, clicking the SUBMIT A CLAIM button, and following the steps outlined for you. You will need the unique claimant ID number found on the Notices or the claim number associated with your Total Loss. You **MUST** submit at least one of these numbers, along with your name and address, or your claim will be rejected.

If you submit a Claim Form in the mail, it must be postmarked no later than **July 10, 2024**. If you submit an electronic Claim, you must do so by **11:59 p.m. EST on July 10, 2024**. 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.

Option 2. 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 **June 25, 2024**, 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 GEICO 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:

Texas Sales Tax Class Action Settlement
c/o JND Legal Administration
P.O. Box 91394
Seattle, WA 98111

A request for exclusion must be postmarked on or before **June 25, 2024**.

Your request for exclusion must contain the following:

1. The name of the Action (Philip Angell, et al. v. Geico Advantage Insurance Company, et al.)
2. Your full name;
3. Your current address;
4. A clear statement that you wish to be excluded from the Settlement Classes, such as: “I request exclusion from the Settlement Classes in the Angell v. GEICO litigation”; 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 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 SETTLEMENT BY JUNE 25, 2024, YOU WILL REMAIN PART OF THE SETTLEMENT CLASS AND WILL BE BOUND BY THE ORDERS OF THE COURT IN THIS LAWSUIT AND BY THE TERMS OF THE SETTLEMENT IF IT IS APPROVED BY THE COURT, EVEN IF YOU DO NOT SUBMIT A CLAIM FORM FOR PAYMENT. IF YOU DO NOT WISH TO BE BOUND BY THE DECISIONS OR SETTLEMENT IN THIS CASE, YOU MUST REQUEST EXCLUSION FROM THE CLASS ACTION.

The district court is conducting a Final Approval Hearing on **August 1, 2024**, in the Bob Casey United States Courthouse, 515 Rusk Avenue, Houston, TX 77002 to decide whether to grant final approval of the Proposed Settlement. The date of the Final Approval Hearing may change without further notice to the class. You should be advised to check the settlement website at www.TexasSalesTaxClassActionSettlement.com or the Court’s PACER website at <https://pacer.login.uscourts.gov>, to confirm that the date of the Final Approval Hearing has not been changed. Be advised that the hearing date may change without further notice to the Settlement Class.

Option 3: Object to the Terms of the Settlement.

The full terms of the Settlement can be found at www.TexasSalesTaxClassActionSettlement.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 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 (described below) to the following:

Texas Sales Tax Class Action Settlement
c/o JND Legal Administration
P.O. Box 91394
Seattle, WA 98111

The Notice of Intent must include all of the following information:

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; and
5. Whether you and/or your attorney intend to appear at the Final Approval Hearing and whether you and/or your attorney will request permission to address the Court at the Final Approval Hearing.

If you and/or your attorney intend to request permission to address the Court at the Final Approval 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 Final Approval Hearing;
3. A list of any legal authority the Settlement Class Member will present at the Final Approval Hearing; and
4. Identify either your class member number or full name and address when the total loss occurred.

Notices of Intent to object must be postmarked by **June 25, 2024**. 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 Final Approval 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 GEICO for Sales Tax and/or Regulatory Fees, even if you do not submit a Claim Form for payment. You will not receive a Settlement Payment if you do nothing.

Who Is Representing the Class?

The Court has preliminarily appointed Plaintiffs, PHILIP ANGELL, STEVEN BROWN, TONNIE BECK, TAMMY MORRIS, and DAWN BURNHAM to be the Class Representatives of the Settlement Class. The Court has also preliminarily appointed the following lawyers as Class Counsel for the Settlement Class:

SHAMIS & GENTILE, P.A.
Andrew Shamis, Esq.
14 NE 1st Avenue
Suite 1205
Miami, FL 33132

NORMAND PLLC
Edmund Normand, Esq.
3165 McCrory
Pl #175
Orlando, FL 32803

DALY & BLACK, P.C.
Richard Daly, Esq.
John Scott Black, Esq.
2211 Norfolk St.,
Suite 800
Houston, TX 77098

JACOBSON PHILLIPS PLLC
Jacob L. Phillips, Esq.
478 E. Altamonte Dr.,
Ste. 108-570
Altamonte Springs, FL 32701

HALL & LAMPROS LLP
Chris B. Hall, Esq.
Kevin Hulick, Esq.
400 Galleria Parkway,
Suite 1150
Atlanta, GA 30309

EDELSBERG LAW
Scott Edelsberg, Esq.
Christopher Gold, Esq.
20900 NE 30th Avenue
Suite 417
Aventura, FL 333180

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:

<https://shamisgentile.com/>
<https://edelsberglaw.com/>
<https://www.dalyblack.com/>
<https://www.hallandlampros.com/>
<https://www.normandpllc.com/>

Class Counsel will be seeking attorneys' fees and costs of up to \$8,189,000.00 from the available Cash Settlement Benefits, with all amounts to be approved by the Court.

Class Counsel will also seek a Service Award for each Class Representative in the amount of \$7,500.00, 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 case and prosecuting the claims for the benefit of the Settlement Classes. If awarded, GEICO has agreed to pay the Service Awards to the Class Representatives up to the amount of \$7,500.00 per each Class Representative.

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

As a part of the Settlement, Class Members agree not to sue GEICO by asserting any claim for payment of sales tax and/or fees. Unless you request exclusion from the Settlement Class, you give up the right to individually sue GEICO and claim you are owed Sales Tax and/or Regulatory Fees as part of your Total Loss Claim, even if you do not submit a Claim Form for payment as part of this Settlement. You are not releasing any other claim against GEICO. Full terms of the Released Claims and Released Parties can be found in the proposed Settlement Agreement at www.TexasSalesTaxClassActionSettlement.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 **1-877-495-1720** or go to www.TexasSalesTaxClassActionSettlement.com.

This www.TexasSalesTaxClassActionSettlement.com website provides:

1. An electronic Claim Form submission 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 Form, requesting exclusion, or filing an objection to the terms of the Settlement;
5. A copy of the Complaint filed by Plaintiffs; and
6. 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 DEFENDANTS OR DEFENDANTS' COUNSEL REGARDING THIS NOTICE.

DATED: MARCH 27, 2024