

Martinez et al. v. Progressive
Settlement Administrator
PO Box 2350
Portland, OR 97208-2350

*Diane Martinez, et al. v. Progressive
Preferred Ins. Co., et al.*

**United States District Court
for the District of New Mexico**
Case No. 19-CV-00004-JHR-SCY

**You may be eligible for a payment
from a class action settlement if
you purchased coverage or were in
an automobile accident and denied
underinsured motorist coverage from
Progressive in New Mexico**

**You Must File a Claim to Receive Payments
Under Options 1 or 2.** To get a Claim Form,
visit ProgressiveNMUMsettlement.com or
call 1-844-451-2728. The claim deadline is
August 10, 2023.

*Si desea recibir esta notificación en español,
llámenos o visite nuestra página web.*

A settlement has been reached in a class action lawsuit brought against **Progressive Preferred, Progressive Classic, Progressive Casualty, Progressive Direct, Progressive Advanced, Progressive Specialty, and Progressive Northern Insurance Companies** (collectively with the “Released Parties,” “Progressive”) relating to allegations that Progressive violated New Mexico law by misrepresenting underinsured motorist coverage (“UIM”) and applying an offset due to the insurance coverage limits of third parties responsible for injuries or property damage (the “Lawsuit”). Progressive denies all claims in the Lawsuit and alleges that it did nothing wrong.

Who is Included? Progressive’s records show that you are a “Settlement Class Member” because you purchased coverage or made a claim for UIM coverage from Progressive in New Mexico.

Settlement Benefits. The settlement provides a variety of benefits to Settlement Class Members.

Option 1 – Bodily Injury and/or Property Damage Claim – If you believe you made or could have made a UIM claim to Progressive between January 1, 2004 and March 22, 2022 for an automobile accident and/or property damage that was subject to an offset in coverage due to the insurance coverage limits of a third party responsible for your injuries and/or property damage, you can submit a claim to have your claim readjusted or to make a new claim. Option 1 benefits could be valued at approximately **\$25,000** per Settlement Class Member for bodily injuries. Progressive will process claims made under Option 1 through its ordinary claims process.

Option 2 – Return of Premiums – If you are a Settlement Class Member and a Progressive policyholder not eligible under Option 1, you may make a claim for a refund of **18% of all premium** paid for Uninsured/Underinsured Motorist (“UM/UIM”) benefits between January 1, 2004 and March 22, 2022. Option 2 benefits are subject to a \$2,500,000 aggregate cap for all valid claims. If the value of aggregate, valid claims made exceed \$2,500,000, Option 2 Settlement Class Members who submitted valid claims shall be paid a pro rata share.

Progressive will also readjust certain wrongful death claims for Settlement Class Members who suffered a fatality reported to Progressive between May 8, 2014 and March 22, 2022, without the need to file a claim. This benefit is valued at approximately **\$25,000** per Settlement Class Member and may be more if you purchased more than minimum limits coverage or have stacked benefits.

Other Options. You can also exclude yourself or object to the Settlement by **June 26, 2023**. If you do nothing, you will remain in the class, you will not be eligible for benefits, and you will be bound by the decisions of the Court and give up your rights to sue Progressive for the claims resolved by this Settlement. A more detailed notice is available to explain how to exclude yourself or object. Please visit **ProgressiveNMUMsettlement.com** or call **1-844-451-2728** for a copy of the more detailed notice. On **August 2, 2023**, the Court will hold a Fairness Hearing to determine whether to approve the Settlement, Class Counsel’s request for attorneys’ fees, costs, and expenses not to exceed \$2,500,000 and an incentive award of \$10,000 for the two Representative Plaintiffs. The motion for attorneys’ fees will be posted on the website after it is filed. You or your own lawyer, if you have one, may ask to appear and speak at the Hearing at your own cost, but you do not have to. This is only a summary. For more information, call or visit the website.