

**UNITED STATES DISTRICT COURT
Middle District of Georgia**

Malcom v. GEICO Indemnity Co.
Case No. 5:2020-cv-00165-MTT

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 *Malcom v. GEICO Indemnity Co.*, Case No. 5:2020-cv-00165-MTT, entitling Settlement Class Members to payment of Title Ad Valorem Tax (“TAVT”). This Notice explains: 1) the terms of the Settlement; 2) who is a member of the Settlement Class; 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 1-844-566-0152 toll free or visit www.GAAutoLossClass.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.

What Is this Class Action About?

Plaintiffs allege that Defendants GEICO Indemnity Company, Government Employees Insurance Company, and GEICO General Insurance Company (collectively, “GEICO”) breached their contracts (Automobile Insurance Policies) by failing to fully pay Plaintiffs and other Georgia insureds who submitted physical damage claims for their vehicles during the Class Period, and which resulted in a Total Loss Claim Payment. Specifically, Plaintiffs allege that GEICO failed to properly calculate and pay Title Ad Valorem Tax (“TAVT”). GEICO maintains that it complied with the terms of the Automobile Insurance Policies and applicable law and deny that they acted wrongfully or unlawfully and continue to deny all material allegations.

Settlement Terms

As a part of the Settlement, GEICO has agreed, upon Court approval, to pay Settlement Class Members making a claim who were not previously paid full TAVT on their total loss, TAVT at the applicable statutory rate based on the fair market value of the total loss vehicle as set by the Georgia Department of Revenue (“DOR”) on the date of the loss minus the amount in TAVT GEICO paid on the total loss claim.

The Settlement provides payment of up to \$5,100,000.00 in unpaid (or underpaid) TAVT to Settlement Class Members who make a claim. Any payment by GEICO will be reduced by the amount of TAVT already paid to Settlement Class Members. Settlement Class Members who already were paid as part of their total loss claim the full TAVT will not receive payment. In exchange, Plaintiffs and the Settlement Class Members who do not exclude themselves from the Settlement agree to give up any claim they have for payment of TAVT on their total loss claim. 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, which means you are not eligible for payment, and you maintain your right to sue GEICO individually and separately for payment of TAVT. 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 are a member of the Settlement Class if you were a Georgia policyholder and insured by GEICO or one of its affiliates and had a covered total loss auto claim during the period April 29, 2014 through December 31, 2019 that resulted in a total loss payment by GEICO and the total loss payment did not include a full payment for TAVT. TAVT is determined by applying the applicable TAVT percentage rate to the fair market value of the Total Loss Vehicle set by the DOR for TAVT at the time of the loss.

You received this Notice because GEICO’s records indicate you may be a member of the Settlement 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 of TAVT. The maximum amount GEICO has agreed to pay for all Settlement Class Member Payment, Counsel Fees, Court-awarded costs, and Service Awards totals a maximum of \$5,100,000.00. You can submit a claim by signing the Claim Form, which was mailed to you, carefully tearing at the perforation, and putting the Claim Form in the mail. You can call 1-844-566-0152 or visit www.GAAutoLossClass.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.GAAutoLossClass.com, clicking the SUBMIT A CLAIM button, and following the steps outlined for you. You will need the Unique ID found on the Notices or the claim number associated with the 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 **May 20, 2024**. If you submit an electronic Claim, you must do so by 11:59 p.m. Eastern on **May 20, 2024**. If the address you submit on your Claim Form changes up until 60 days after the Effective Date of the Settlement, 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 Class. If you wish to exclude yourself, you must do so on or before **May 3, 2024** 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 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:

Malcom v. GEICO Indemnity Co.
c/o JND Legal Administration
PO Box 91474
Seattle, WA 98111

A request for exclusion must be postmarked on or before **May 3, 2024**.

Your request for exclusion must contain the following:

1. The name of the Action (*Malcom v. GEICO Indemnity Co.*);
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 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 CLASS BY THE POSTMARK DEADLINE OF **MAY 3, 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.

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 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 to the Settlement Administrator. 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;
5. 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 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 Fairness Hearing;
3. A list of any legal authority the Settlement Class Member will present at the Fairness Hearing; and
4. Identify your name and address when the total loss occurred.

Notices of Intent to object must be postmarked by **May 3, 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 Fairness Hearing. If you submit a Notice of Intent to object, 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 submit a request for exclusion and not a Notice of Intent to object.

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 TAVT even if you do not submit a Claim for payment. You will not receive a Settlement Class Member Payment if you do nothing.

Who Is Representing the Class?

The Court has preliminarily appointed Plaintiffs Nicholus Johnson, Kosmoe Malcom, Aqueelah Coleman, and Todra Washington to be the Class Representative 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
www.sflinjuryattorneys.com

EDELSBERG LAW
Scott Edelsberg, Esq.
20900 NE 30th Avenue
Suite 417
Aventura, FL 333180
www.edelsberglaw.com

HALL & LAMPROS LLP
Chris Hall, Esq.
300 Galleria Pkwy, Suite 300
Atlanta, GA 30339
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LINDSEY & LACY, PC
W. Thomas Lacy
200 Westpark Drive, Suite 280
Peachtree City, GA 30269
tlacy@llptc.com

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

BAYUK PRATT
Bradley W. Pratt, Esq.
4401 Northside Parkway
Suite 390
Atlanta, GA 30327

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 above.

Class Counsel will file an application for attorneys' fees and costs of no more than \$1,590,500.00, subject to approval by the Court. GEICO has agreed to pay Class Counsel up to that amount if approved by the Court. Payment of attorneys' fees and costs will be paid from the Cash Settlement Benefits.

Class Counsel will also seek a payment for the Class Representative in the amount of \$5,000.00 each, subject to Court approval. As further consideration for such payment, Plaintiffs will execute a broader release of claims than the other Class Members.

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

As a part of the Settlement, Class Members release and agree not to sue GEICO for any claim for payment of TAVT. Unless you request exclusion from the Settlement Class, you give up the right to individually sue GEICO and claim you are owed TAVT as part of your Covered Total Loss Claim, even if you do not submit a Claim 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 and Release at www.GAAutoLossClass.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 1-844-566-0152 or go to www.GAAutoLossClass.com.

This www.GAAutoLossClass.com website provides:

1. An electronic Claim Form submission and directions for how to submit;
2. The full terms of the Settlement;
3. Information and requirements for submitting a Claim Form, requesting exclusion, or filing an objection to the terms of the Settlement;
4. A copy of the Complaint filed by Plaintiffs and other important rulings and orders from the Court during the case prior to Settlement; and
5. Other general information about the class action.

You also may contact Class Counsel, whose contact information and websites are provided above.

Final Approval Hearing

The Court has scheduled a hearing to consider granting final approval of the settlement. The hearing is scheduled for June 6, 2024, at 9:30 a.m. EST in the Courtroom of the Honorable Marc T. Treadwell, Chief United States District Judge, at the William A. Bootle Federal Building & US Courthouse, 475 Mulberry Street, Macon, GA 31201.

PLEASE DO NOT TELEPHONE OR CONTACT THE COURT, THE CLERK OF THE COURT, OR DEFENDANTS OR DEFENDANTS' COUNSEL REGARDING THIS NOTICE.