

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

**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 cases *Joffe, et al. v. GEICO Indemnity Company, et al.*, Case No. 18-cv-61361 (S.D. Fla.), and *Roth v. GEICO General Insurance Company*, Case No. 16-cv-62942 (S.D. Fla.). The Court consolidated these cases for settlement purposes because both cases allege that GEICO failed to include sales tax and title fees when paying claims to insureds who suffered total losses on their insured leased vehicles.

The settlement entitles Class Members who make a claim to payment of (1) statewide sales tax of 6% plus local sales tax (where applicable) based on the adjusted value of the total loss vehicle at the time of loss; (2) title and tag fees of \$79.85; and (3) prejudgment interest on the unpaid sales tax and title and tag fee amounts. 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 1-833-794-0983 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 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 the defendants Government Employees Insurance Company, GEICO General Insurance Company, and/or GEICO Indemnity Company (together “GEICO”) breached their contracts (insurance policies) by failing to pay the “actual cash value” on first party total loss vehicle claims to Plaintiffs and Class Members who are Florida insureds who submitted physical damage claims for their leased vehicles during the class period. Specifically, Plaintiffs allege that GEICO owed statewide sales tax of 6% plus local sales tax (where applicable) based on the adjusted value of the total loss vehicle at the time of loss, and title fees. GEICO maintains that it complied with the terms of the insurance policies and applicable law and denies that it acted wrongfully or unlawfully and continues to deny all material allegations.

This Settlement resolves and settles claims in both the *Roth* and *Joffe* matters. Both cases were previously certified as a Class Action, and you may have received prior class action notices relating to the cases. You are receiving this Notice because a Settlement of the case has been reached between the Plaintiffs, acting on behalf of the Settlement Class, and GEICO.

The district court is conducting a FAIRNESS HEARING on **February 5, 2021**, to decide whether to grant final approval of the Proposed Settlement.

## **Settlement Terms**

As a part of the settlement, GEICO has agreed to pay each eligible Settlement Class Member who makes a claim:

- (1) statewide sales tax of 6% plus local sales tax (where applicable) based on the adjusted value of the total loss vehicle at the time of loss;
- (2) title and tag fees of \$79.85; and
- (3) prejudgment interest on the unpaid sales tax and title and tag fee amounts.

Plaintiffs’ counsel calculates that the average claim payment to eligible Settlement Class Members is over \$1,300. This is only an average; individual payments will vary based on the facts of your claim.

The payment is the full amount sought in the case. Total payments available in the *Roth* and *Joffe* settlement total over \$30 million. In addition, GEICO will change their practice and begin paying sales tax and title and tag fees on all private passenger auto first-party total loss claims on leased vehicles, and pay attorneys’ fees of up to \$8.7 million, costs and expenses of up to \$350,000.00, and \$10,000.00 as a service award to each of the Class Representatives. These payments will not reduce the amount of money available to Settlement Class Members.

In exchange, the Plaintiffs 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 sales tax, title, tag and branch fees. If you are a member of the Class, you can submit a claim to be eligible to be paid sales tax, and

\$79.85 in title and tag fees, plus prejudgment interest. 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 sales tax, title and tag fees. You may also object to the terms of the Settlement, if you comply with the requirements set forth below.

As part of the Settlement and exchange for the agreed payments, the Court will vacate the following orders and judgments in Roth: a summary judgment order (*Roth* Doc. 247), attorneys' fee and costs award orders (*Roth* Docs. 303, 333 and 344), and two judgments on behalf of some of the *Roth* Settlement Class Members (*Roth* Docs. 281 and 287).

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

You may be a member of the class action (a "Class Member") against Government Employees Insurance Company, GEICO General Insurance Company, and GEICO Indemnity Company (together "GEICO" or "GEICO Defendants") if: (1) you were insured by GEICO Indemnity Co. or Government Employees Ins. Co. under a Florida private passenger automobile insurance policy and submitted a physical damage claim with respect to a covered leased (i.e., not owned) vehicle during the period June 15, 2013 through August 1, 2020 that resulted in a total loss claim payment; or (2) you were insured by GEICO General Ins. Co. under a Florida private passenger automobile insurance policy and submitted a physical damage claim with respect to a covered leased (i.e., not owned) vehicle during the period August 30, 2011 through August 1, 2020 that resulted in a total loss claim payment.

### **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. 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 also call 1-833-794-0983 or visit [www.JoffeRothTotalLossClassAction.com](http://www.JoffeRothTotalLossClassAction.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.JoffeRothTotalLossClassAction.com](http://www.JoffeRothTotalLossClassAction.com), clicking the MAKE A CLAIM button, and following the steps outlined for you. You will need a Claim ID (which was included in the Mailed Notice) or your last name and Policy number or claim number. If you do not know your Claim ID, you can call 1-833-794-0983 and provide your last name and seek assistance in determining your Claim ID. You can also fill out the information in an electronic blank form.

If you submit a Claim Form in the mail, it must be postmarked no later than **December 28, 2020**. If you submit an Electronic Claim, you must do so by **11:59 p.m. EST on December 28, 2020**.

**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 **November 12, 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 sales tax, title and tag fees, prejudgment interest, or any other benefits as part of this settlement, and you will not be bound by any judgments or orders of the District Court, whether favorable or unfavorable. However, you will keep your right to sue any of the GEICO Defendants 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:

RothJoffe Class Action Settlement  
c/o JND Legal Administration  
PO Box 91205  
Seattle, WA 98111

A request for exclusion must be postmarked on or before **November 12, 2020**.

Your request for exclusion must contain the following:

1. The name of either *Roth* or *Joffe* 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 District 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 NOVEMBER 12, 2020, YOU WILL REMAIN PART OF THE CLASS AND WILL BE BOUND BY THE ORDERS OF THE DISTRICT 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 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.**

The full terms of the Settlement can be found at [www.JoffeRothTotalLossClassAction.com](http://www.JoffeRothTotalLossClassAction.com). 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:

RothJoffe Class Action Settlement  
c/o JND Legal Administration  
PO Box 91205  
Seattle, WA 98111

The Notice of Intent must include the following:

1. The name of the case and case number (either *Joffe* or *Roth*);
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 filed with the Court and postmarked by **November 12, 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 and the terms of the settlement, 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, title, tag and branch fees, even if you do not submit a Claim for payment.

**Who Is Representing the Class?**

The District Court has preliminarily appointed Kerry Roth, Marianne Joffe, Debbe Schertzer, and Stephanie Rodriguez (the “Named Plaintiffs”) to be the representatives of the Settlement Class. The District 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 NormandPLLC.com	Christopher B. Hall Hall & Lampros, LLP 400 Galleria Parkway, Suite 1150 Atlanta, Georgia 30339 Telephone: (404) 876-8100 Facsimile: (404) 876-3477 HallandLampros.com
Christopher J. Lynch Christopher J. Lynch, P.A. 6915 Red Road, Suite 208 Coral Gables, Florida 33143 Telephone: (305) 443-6200 Facsimile: (305) 443-6204 HunterLynchlaw.com	Bradley W. Pratt, Esq. Pratt Clay, LLC 4401 Northside Parkway, Suite 520 Atlanta, Georgia 30327 Telephone: (404) 949-8118 Facsimile: (404) 949-8159 PrattClay.com
	Tracy L. Markham Southern Atlantic Law Group, PLLC 2800 N 5th Street, Suite 302 St. Augustine, Florida 32084

	Phone: (904) 794 7005 Facsimile: (904) 794 7007 southernatlanticlaw.com
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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 \$8.7 million dollars (plus no more than \$350,000 in costs) subject to approval by the Court. GEICO has 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 District Court grants Class Counsel's request, and in whatever amount the District Court approves Class Counsel's Request, the attorneys' fees and costs will be paid separately by the GEICO. If you submit a valid claim for payment, you will receive your full payment (including prejudgment interest) without reduction for attorneys' fees and costs.

Class Counsel will also seek a Service Award to the Named Plaintiffs in the amount of \$10,000 per plaintiff, subject to court approval. The Service Award is designed to reward the Named Plaintiffs for securing the recovery awarded to members of the Class, which is the full amount of damages Plaintiffs alleged is owed to Class members, and to acknowledge the time spent by the Named Plaintiffs in sitting for deposition, providing discovery, participating in the case and mediation, and prosecuting the claim for the benefit of the Class. GEICO has agreed to pay the Service Award to the Named Plaintiffs up to the amount of \$10,000 per plaintiff. Payment of the Service 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 District Court grants the request for a Service Award(s), and in whatever amount the District Court approves the request, the Service Award(s) will be paid separately by GEICO, 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, you will receive your full payment (including prejudgment interest), and that amount will not be reduced to pay the Service Award(s).

**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, title, tag and branch fees. Unless you request exclusion from the Class, you give up the right to individually sue GEICO and claim you are owed sales tax, title and tag fees as part of your total-loss payment, 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 at [www.JoffeRothTotalLossClassAction.com](http://www.JoffeRothTotalLossClassAction.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 **1-833-794-0983** or go to [www.JoffeRothTotalLossClassAction.com](http://www.JoffeRothTotalLossClassAction.com).

This [www.JoffeRothTotalLossClassAction.com](http://www.JoffeRothTotalLossClassAction.com) website 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. A form that you may use (but are not required to use) to exclude yourself from the class action;
4. The full terms of the Settlement;
5. Information and requirements for submitting a claim, requesting exclusion, or filing a Notice of Intent to object to the terms of the Settlement
6. A copy of the complaints filed by Plaintiffs and other important rulings and orders from the District Court during the case prior to Settlement; and
7. Other general information about the class action.

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

Complete copies of the documents filed in this lawsuit that are not under seal may be examined and copied at any time at the United States District Court, Southern District of Florida, 299 East Broward Boulevard #108, Fort Lauderdale, FL 33301.

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

IT IS SO ORDERED, HON. WILLIAM P. DIMITROULEAS, U.S. DISTRICT COURT  
JUDGE

DATED: AUGUST 28, 2020