

## NOTICE OF PENDENCY OF CLASS ACTION

**If you made a claim on a vehicle that was adjusted to be a total loss by Progressive, Progressive may have applied deductions referred to as Projected Sold Adjustments to your total loss claim, and your rights may be affected by a class action lawsuit pending in the Eastern District of Arkansas.**

*A court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.*

**This notice explains important rights you may have. Please read it carefully.**

- On December 9, 2024, a lawsuit styled *Knight. v. Progressive Northwestern Ins. Co.*, Case No. 3:22-cv-00203-JM (the “Class Action”), which is pending in the Eastern District of Arkansas, Northern Division (the “Court”), was certified as a class action.
- This notice explains what the class action is about, the Class that was certified, and Class members’ legal rights and options.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>Remain a Potential Member of the Certified Class</b>	<p><b>Do nothing. Stay in the lawsuit. Await the outcome.</b></p> <p>If you wish to remain a potential member of the certified Class, you are not required to do anything at this time. By doing nothing, you are choosing to stay in the Class. You may be permitted to share in any recovery that may result from this class action, but you will give up your rights to sue Defendant in a separate lawsuit for any claims made in this action.</p>
<b>Ask to be Excluded from the Certified Class</b>	<p><b>Get out of this lawsuit. Keep your rights to sue Defendant in a separate lawsuit.</b></p> <p>If you do not wish to participate in the class action, you <b>must</b> send a letter requesting to be excluded postmarked no later than <b>May 12, 2025</b>. If you exclude yourself from this lawsuit, you will not be entitled to any recovery that may result from this class action, but you will be free to pursue any claim you may have against Defendant on your own or as part of a different lawsuit (but you should consult with a lawyer to determine whether those claims are timely).</p>

- If you do nothing and if money or benefits are obtained from Progressive, you will receive a notice describing how to receive a share of any recovery in which you may be eligible to participate. However, there is no guarantee that any money or benefits will be obtained.
- To be excluded, you must act before **May 12, 2025**.
- **Any questions? Read on [ARKTotalLossClaim.com](http://ARKTotalLossClaim.com) or call +1 888 890 3703.**

## BASIC INFORMATION

### 1. What is a class action and who is involved?

In a class action, one or more people called “Class Representatives” file a lawsuit on behalf of other people who have similar claims. This avoids the necessity for a large number of people to file similar individual lawsuits and enables the court system to resolve similar claims in an efficient and economical way.

### 2. What is this class action against Progressive about?

This class action alleges that Progressive Northwestern Insurance Company (“Progressive” or “Defendant”) systematically paid its insureds less than the actual cash value of their vehicles for total loss claims, in breach of Progressive’s policies and in breach of the covenant of good faith and fair dealing. Plaintiff asserts that Progressive did this by basing the compensation for insureds’ total loss claims on valuation reports that applied Projected Sold Adjustments, which Plaintiff alleges are improper.

### 3. Why is this notice being provided?

This notice is for individuals who, according to Progressive’s records, during the time period of August 4, 2017, to December 9, 2024, were Arkansas residents and policyholders with Progressive and who made claims on vehicles that were determined by Progressive to be total losses. You may be a member of the certified Class if (a) Progressive based its claim payment on an Instant Report from Mitchell International, Inc. and (b) a Projected Sold Adjustment was applied to at least one comparable vehicle in that Instant Report.

This notice explains that the Court has allowed, or “certified,” the lawsuit described above as a class action and describes Class members’ legal rights and options in the lawsuit.

## THE CLAIMS IN THE LAWSUIT

### 4. What has happened in the class action so far?

On August 4, 2022, Plaintiff Erik Knight filed his class action complaint against Progressive in the United States District Court for the Eastern District of Arkansas, Northern Division. On January 25, 2024, Plaintiff filed a motion for class certification. After briefing on Plaintiff’s motion for class certification, the Court granted the motion on December 9, 2024.

### 5. The Court’s Class Certification Order.

The Court’s December 9, 2024 order certified the following Class:

All persons who made a first-party claim on a policy of insurance issued by Progressive Northwestern Insurance Company to an Arkansas resident where the claim was submitted from **August 4, 2017, through December 9, 2024**, and Progressive determined that the vehicle was a total loss and based its claim payment on an Instant Report from Mitchell where a Projected Sold Adjustment was applied to at least one comparable vehicle.

The Court also appointed Plaintiff Erik Knight as the Class Representative for the Class. The Court’s order can be viewed at [ARKTotalLossClaim.com](http://ARKTotalLossClaim.com).

### 6. What type of recovery is the Class Representative seeking?

The Class Representative seeks to recover money to compensate members of the Class for the alleged underpayment of their total loss claims, as well as pre- and post-judgment interest. The Class Representative is only challenging application of the “projected sold adjustment” as part of the valuation process. The Class Representative is not contesting or challenging any other aspect of the valuation process. If you wish to challenge an aspect of the valuation process other than application of a “projected sold adjustment,” you should opt out of the Class and separately file your own claim.

## 7. Is there money available now?

No money or benefits are available now because the Court has not yet decided whether Defendant did anything wrong and the two sides have not settled the case. There is no guarantee that any money or benefits will be obtained. If they are, you will receive a notice describing how to receive a share of any recovery in which you may be eligible to participate.

## CLASS MEMBER RIGHTS AND OPTIONS

If you are a Member of one of the Certified Classes, you have to decide whether to remain a Class Member or request to be excluded by letter *postmarked* by **May 12, 2025**.

## 8. What happens if I am a Class Member and I do nothing?

**If you wish to remain a member of the certified Class, you are not required to do anything at this time.** By remaining a class member, you are agreeing that the claims against Progressive will be determined on a class wide basis. As a member of the Class, you will be bound by the outcome of this lawsuit. If the lawsuit results in a judgment favorable to the Class, you would be entitled to share in the benefits of that judgment. If the outcome is favorable to Progressive, your rights will be determined by the decision rendered in this lawsuit, and you will receive nothing.

## 9. If I am a Class Member, how do I ask the Court to exclude me?

**If you do not wish to participate in this class action, you can request exclusion from the Class.** If you choose to be excluded, you will (1) not share in the benefits, if any, that members of the Class may be entitled to as a result of this lawsuit; and (2) not be bound by any decision in this lawsuit favorable to Progressive. If you request exclusion, you will have the right to pursue individually, at your own expense, any claim you may have against Progressive. To request exclusion, you must send a written and signed letter requesting exclusion (your “Request for Exclusion”) to the following:

Knight v. Progressive Northwestern Ins. Co.  
Class Action Administrator  
P.O. Box 2168  
Portland, OR 97208-2168

To be valid, your “Request for Exclusion” must be postmarked by **May 12, 2025**, and must include the case name (*Knight v. Progressive Northwestern Ins. Co.*) and date, and your printed name, current address, and signature. If your Request for Exclusion is not postmarked by **May 12, 2025**, it will be invalid and you will be included as a member of the Class automatically and be bound by any final judgment.

## THE LAWYERS REPRESENTING ME

### 10. Do Class Members have a lawyer in this case?

Yes. The Court appointed the law firms of Carney Bates & Pulliam PLLC (“Carney Bates”); Shamis & Gentile, P.A.; Normand PLLC; Edelsberg Law, P.A.; and Jacobson Phillips PLLC collectively referred to as Class Counsel, to represent members of the certified Classes.

### 11. If I am a Class Member, should I get my own lawyer?

You do not need to hire your own lawyer. However, you are free to hire your own lawyer, at your own expense, and enter an appearance in this action through your lawyer if you so desire.

### 12. How will the lawyers get paid?

If Class Counsel get money or benefits for the Classes, they may ask the Court for fees and expenses. If the Court grants Class Counsel’s request, Class Counsel’s fees and expenses would either be deducted from any money obtained for the Class or paid separately by Progressive.

## OTHER PROCEEDINGS

### 13. Have any other proceedings been scheduled?

A jury trial has been scheduled in the Eastern District of Arkansas. The jury trial before United States District Judge James M. Moody Jr. will commence at 9:15 a.m. on May 19, 2025, in the Richard Sheppard Arnold United States Courthouse, Courtroom #4A, 500 West Capitol, Little Rock, Arkansas 72201.

### 14. Do Class Members have to attend any proceedings?

If there are any court hearings, Class Members do not need to attend them. The Class Representative and Class Counsel will present the case for the Classes. You or your own lawyer are welcome to come at your own expense.

## GETTING MORE INFORMATION

### 15. Are more details available?

This notice contains only a summary of the class action and proceedings to date. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the office of the Clerk of the Court for the United States District Court for the Eastern District of Arkansas, 600 West Capitol Avenue, Rm A149, Little Rock, AR 72201 between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

For more information, go to the website maintained for this class action, ARKTotalLossClaim.com, call the settlement administrator at +1-888-890-3703 or contact Class Counsel, Carney Bates, at One Allied Drive, Suite 1400, Little Rock, Arkansas 72202, or by visiting [www.cbplaw.com](http://www.cbplaw.com).

**PLEASE DO NOT CONTACT THE COURT, THE CLERK'S OFFICE, DEFENDANT, OR DEFENDANT'S COUNSEL TO ASK QUESTIONS ABOUT THIS CLASS ACTION OR THIS NOTICE. THEY CANNOT ANSWER ANY QUESTIONS OR DISCUSS THE CLASS ACTION.**