

# If you were an insured of USAgencies Casualty Insurance Company in Louisiana and your vehicle was deemed a total loss, you could receive benefits from a proposed class action settlement.

*A state court authorized the attached notice. This is not a solicitation from a lawyer.*

- A proposed settlement has been reached in the class action lawsuit about USAgencies Casualty Insurance Company using a "Detail/Prep" adjustment to reduce payments made to some of its insureds to settle total loss claims.
- The proposed settlement provides a payment to each class member of up to \$1,600.00.
- Your legal rights are affected whether you act or don't act, so please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT:	
<b>Submit a Claim Form</b>	The only way to get a payment or benefits.
<b>Exclude Yourself</b>	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against USAgencies Casualty Insurance Company about the legal claims in this case.
<b>Object</b>	Write to the Court about why you don't like the proposed settlement.
<b>Go to a Hearing</b>	Ask to speak in Court about the proposed settlement.
<b>Do Nothing</b>	Get no payment. Give up rights to be part of any other lawsuit against USAgencies about the legal claims in this case.
<b>Deadlines</b>	Submit a claim: Exclude yourself: Object:

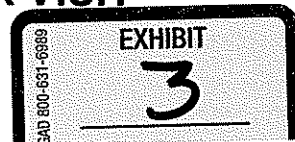
- These rights and options — and the deadlines to exercise them — are explained in the notice.
- The Court in charge of this case still has to decide whether to approve the proposed settlement. Payments will be made if the Court approves the proposed settlement and after any appeals are resolved. Please be patient.

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WWW.DETAILCLASSACTION.COM**



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## BASIC INFORMATION

### 1. Why has this notice been issued?

The Court sent you this notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your legal rights and options, before the Court decides whether to approve the proposed settlement. If the Court approves it and after any objections and appeals are resolved, payments will be made to eligible class members who participate in the settlement. You will be informed of the progress of the proposed settlement.

This package explains the lawsuit, the proposed settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the state district court in Morehouse Parish, Louisiana. The case is called *Marsh v. USAgencies Casualty Insurance Company*, Docket Number 2002-787. The person who sued is called the Plaintiff, and the company he sued, USAgencies Casualty Insurance Company, is called the Defendant. Judge Wilson Rambo is in charge of the class action.

### 2. What is this lawsuit about?

This class action lawsuit stems from USAgencies' practice of reducing payments to some of its insureds when it estimated the value of vehicles deemed a total loss. In particular, this lawsuit is about whether or not a "Detail/Prep" adjustment that USAgencies sometimes used to reduce payments to insureds was appropriate. The average amount of the deduction was approximately \$65.00. Plaintiff claims that USAgencies violated certain laws when it reduced payments to insureds in this way. USAgencies denies that it violated any laws or otherwise acted improperly.

### 3. What is a class action?

In a class action lawsuit, one or more people like you, called Class Representatives, sue on behalf of people who have similar claims. All of these people together are a "Class" or "Class Members." One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

### 4. Why is there a proposed settlement?

The Court did not decide in favor of Plaintiff or Defendant. The Plaintiff thinks he would have won if there had been a trial. Defendant thinks the Court would have found it not liable and Plaintiffs would not have won anything from a trial. But there was no trial. Instead, both sides agreed to a proposed settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The proposed settlement does not mean that USAgencies violated any laws or did anything wrong. The Class Representative and the attorneys representing them think the proposed settlement is best for all Class Members.

## WHO IS IN THE PROPOSED SETTLEMENT

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WWW.DETAILCLASSACTION.COM**

To see if you will get money from this proposed settlement, you first have to decide if you are a Class Member.

#### 5. How do I know if I am part of the proposed settlement?

You may be a member of the class if you were a policyholder of USAgencies Casualty Insurance Company in Louisiana, your vehicle was deemed a total loss and your recovery was reduced by a "Detail/Prep" adjustment. You are likely to be a class member if this notice was address to you.

The following is the definition of the class and you are a class member if you are within the class described below:

All persons who, from August 24, 1996 to [date of the PRELIMINARY APPROVAL ORDER], (a) were issued a private passenger automobile insurance policy issued by USAgencies in the State of Louisiana, (b) made a first-party property damage claim for physical damage to the insured vehicle, (c) were informed by USAgencies that the vehicle had been declared a total loss, and (d) received payment for the totaled vehicle that was reduced by a "detail/prep" adjustment. Officers, directors and employees of USAgencies and members of the COURT and their immediate families are not part of the SETTLEMENT CLASS.

#### 6 I'm still not sure if I am included.

If you are still not sure whether you are included, you can ask for free help. You can call 1-800-256-1050 or visit [www.detailclassaction.com](http://www.detailclassaction.com) for more information. Or you can fill out and return the claim form described in question 10, to see if you qualify.

## THE PROPOSED SETTLEMENT BENEFITS—WHAT YOU GET

#### 7. What does the proposed settlement provide?

USAgencies has agreed to pay each eligible class member up to \$1,600.00. The settlement also provides for payment of an "incentive award" to the Class Representative of up to \$25,000. This incentive award compensates the class representative for bringing the suit. USAgencies has also agreed to pay attorneys fees and costs. USAgencies has also agreed not to include a "Detail/Prep" adjustment on its total loss evaluation forms for a period of six (6) years.

#### 8. How much will my payment be?

If the settlement is approved, and if you qualify, properly submit a claim form, and are otherwise eligible, you will receive \$1,600, although it may be less depending upon the number of class members who participate in the proposed settlement.

## HOW YOU GET A PAYMENT—SUBMITTING A CLAIM FORM

#### 9. How can I get a payment?

To qualify for payment, you **must** send in a claim form. A claim form is attached to this Notice. You may also get a claim form on the internet at [www.detailclassaction.com](http://www.detailclassaction.com), or by calling 1-800-

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256-1050. Read the instructions carefully, fill out the form, include all the documents the form asks for, sign it, and mail it postmarked no later than \_\_\_\_\_, 2009.

**10. When would I get my payment?**

The Court will hold a hearing \_\_\_\_\_, 2009 to decide whether to approve the proposed settlement. If Judge Rambo approves the proposed settlement after that, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who sends in a claim form will be informed of the progress of the proposed settlement. Please be patient.

**11. What am I giving up to get a payment or stay in the Class?**

Unless you exclude yourself, you are staying in the class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against USAgencies about the legal issues in *this* case. It also means that all of the Court's orders will apply to you and legally bind you.

**EXCLUDING YOURSELF FROM THE PROPOSED SETTLEMENT**

If you don't want a payment from this proposed settlement and you want to keep the right to sue or continue to sue USAgencies, on your own, about the legal issues in this case, then you must take steps to get out. This is called excluding yourself—or is sometimes referred to as opting out of the Settlement Class.

**12. How do I get out of the proposed settlement?**

To exclude yourself from the proposed settlement, you must send a letter by mail saying that you want to be excluded. Be sure to include your name, address, telephone number, date of birth and your signature. You cannot ask for exclusion by phone or on the website. You must mail your exclusion request postmarked no later than \_\_\_\_\_ to:

Settlement Class Counsel  
P.O. Box 1190  
Alexandria, LA 71303

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the proposed settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) USAgencies for the claims made in this lawsuit.

**13. If I don't exclude myself, can I sue USAgencies for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue USAgencies for the claims that this proposed settlement resolves. If you have a pending lawsuit speak to your lawyer in that case immediately. You may need to exclude yourself from *this* Class to continue your own lawsuit. Remember, the exclusion deadline is \_\_\_\_\_.

**14. If I exclude myself, can I get money from this proposed settlement?**

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No. If you exclude yourself, do not send in a claim form to ask for any money. But, you may sue, continue to sue, or be part of a different lawsuit against USAgencies.

## THE LAWYERS REPRESENTING YOU

### 15. Do I have a lawyer in this case?

The Court appointed the following law firms to represent you and other Class Members:

J. R. Whaley  
Neblett, Beard & Arsenault  
P.O. Box 1190  
Alexandria, LA 71309-1190

Travis M. Holley  
Attorney at Law  
P.O. Drawer 590  
Bastrop, LA 71221

These lawyers are called Class Counsel. Class Counsel will also ask for attorneys' fees and reimbursement of their costs. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

### 16. How will the lawyers and other expenses be paid?

Class Counsel will ask the Court to approve payment of \$2,600,000.00 to them for attorneys' fees and \$260,000.00 for costs. The attorneys' fees and costs would pay and reimburse Class Counsel for investigating the facts, litigating the case, and negotiating the proposed settlement. The Court may award less than the amounts requested. USAgencies has agreed to pay the attorneys fees and to not to oppose the attorneys request for payment of these attorneys fees.

## OBJECTING TO THE PROPOSED SETTLEMENT

You can tell the Court that you don't agree with the proposed settlement or some part of it.

### 17. How do I tell the Court that I don't like the proposed settlement?

If you're a Class Member, you can object to the proposed settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the proposed settlement, along with any information you want the Court to consider. Your objection must be filed with the Court at the address below and it must be served on Class Counsel and Defense Counsel at the address below by \_\_\_\_\_.

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of Court 100 East Madison Street Bastrop, LA 71220	J. R. Whaley Neblett Beard & Arsenault P.O. Box 1190 Alexandria, LA. 71309	Herschel E. Richard, Jr. Cook, Yancy, King & Galloway 333 Texas Street, Suite 1700 Shreveport, LA 71120

### 18. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the proposed settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object

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because the case no longer affects you and you will not receive any payment from the proposed settlement.

## THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the proposed settlement. You may attend and you may ask to speak, but you don't have to.

### 19. When and where will the Court decide whether to approve the proposed settlement?

The Court will hold a Fairness Hearing at \_\_\_\_\_ a.m. on \_\_\_\_\_, 2009. At this hearing the Court will consider whether the proposed settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Rambo will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel and to the class representative. After the hearing, the Court will decide whether to approve the proposed settlement. We do not know how long these decisions will take.

### 20. Do I have to come to the hearing?

No. Class Counsel will answer questions Judge Rambo may have. But you are welcome to come at your own expense. If you send in an objection as described in Question 17 above, you don't have to come to Court to talk about it. As long as you filed and served your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

### 21. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear." Be sure to include your name, address, telephone number, date of birth and your signature. You must also include the name of your attorney, if any, who will appear on your behalf. See other requirements in the Settlement Agreement. Your Notice of Intention to Appear must be filed with the Clerk of the Court no later than \_\_\_\_\_, 2009, and be served on Class Counsel and Defense Counsel, at the three addresses listed in question 17. You cannot speak at the hearing if you excluded yourself.

## IF YOU DO NOTHING

### 22. What happens if I do nothing at all?

If you do nothing, you'll get no money from this proposed settlement. But unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against USAgencies about the legal issues in this case, ever again.

## GET MORE INFORMATION

### 23. How do I get more information?

**QUESTIONS? CALL 1-800-256-1050 TOLL FREE, OR VISIT  
WWW.DETAILCLASSACTION.COM**

This notice summarizes the proposed settlement. More details are in a Settlement Agreement. You can call 1-800-256-1050 toll free; write to Detail Prep Claims, P.O. Box 1190, Alexandria, LA 71309; or visit the website at [www.detailclassaction.com](http://www.detailclassaction.com), where you will find the Settlement Agreement, a claim form, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment.

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