

NICKEY L. MARSH

NUMBER 2002-787, SECTION 2

VERSUS

FOURTH JUDICIAL DISTRICT COURT

USAGENCIES CASUALTY
INSURANCE COMPANY

PARISH OF MOREHOUSE

STATE OF LOUISIANA

FILED: _____

BY: _____

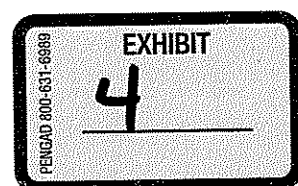
NOTICE PLAN

1. Background.

Notice of a class action to class members must satisfy due process. Guidelines on proper notice can be found in the United States Supreme Court's seminal decisions which inform that notice must be designed (a) to endeavor to actually inform the class, and (b) to demonstrate that notice is reasonably calculated to do so:

- 1.) When notice is due to a class member, the means employed must be of such a nature that it is intended to actually provide notice to the one entitled to it. *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950);
- 2.) Further, notice must be "reasonably calculated, under all the circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Id.*, at 314.
- 3.) When a class member's address is available through reasonable efforts, direct mail notice is appropriate. *Eisen v. Carlisle and Jacquelin*, 417 U.S. 156, 175 (1976).

Class members were insureds of USAgencies Casualty Insurance Company ("USAgencies"). USAgencies had addresses for these insureds at the time payments were made to the insureds for the insureds' total losses. USAgencies also has other identifying information on the great majority of class members, such as social security numbers, dates of birth, and drivers' license numbers. Thus, individual notice by first class mail to all class members, to the extent practicable, will suffice for many class members. The notice by mail may be supplemented by publication notice if more than 10% of the mailed notices are returned as undeliverable as set forth in the SETTLEMENT AGREEMENT. USAgencies has the right, in its sole discretion, to exercise the option of requiring published notice.



2. **General.** To assure that class members are fully informed of (a) A general description of the action, including the relief sought, and the names and addresses of the representative parties or, where appropriate, the identity and location of the source from which the names and addresses of the representative parties can be obtained; (b) A statement of the right of the person to be excluded from the action by submitting an election form, including the manner and time for exercising the election; (c) A statement that any member who does not request exclusion may, if the member desires, enter an appearance through counsel at that member's expense subject to such limitations as may be imposed by the Court; (d) A statement advising the class member that the member is required to take further action, including submitting a proof of claim in order to participate in any recovery had by the class; (e) The address of counsel to whom inquiries may be directed; and (f) Any other information that the court deems appropriate, notice shall be disseminated by Class Counsel to class members as due process and the Louisiana Code of Civil Procedure require. The mailings of notice shall occur by no later than _____, 2009. Exclusion requests must be postmarked by _____, 2009. Objections must be filed by _____, 2009

3. **Protective Order.** Pursuant to the Court's April 22, 2008 Order, the parties submitted a Stipulated Protective Agreement to be entered as an Order of the Court. The purpose of the Protective Order was to establish a process to preserve the confidentiality of private, privileged and other protectable information that was produced to Plaintiff in order to facilitate the identification of class members for the purposes of issuing class notice in these proceedings. Under the terms of the Protective Order, access to the Confidential Information is restricted to designated categories of persons. Before being given access, Class Counsel is required to provide to those persons a copy of the Protective Order and they must execute an acknowledgement that they are bound by its terms. Consistent therewith, the terms of the Protective Order shall apply to any third party retained to provide services in connection with the notification process.

4. **Detailed Notice by U.S. First Class Mail.** Dissemination of the Mailed Notice, attached to the SETTLEMENT AGREEMENT and drafted in conformity with model notices promulgated by the Federal Judicial Center, shall be by first class mail to the last known address

of all class members, as provided herein. A claim form, like that attached to the SETTLEMENT AGREEMENT, will be mailed with the Mailed Notice, together with the cover letter and envelope attached hereto as Exhibits A and B. Before mailings occur, all names and addresses of class members shall be processed and updated through the National Change of Address Database and Lexis / Nexis All-Find by Analytics, Inc., who shall serve as notice administrator. The class members' social security numbers, dates of births, and drivers' license numbers, if available, will be provided to the notice administrator to assist in the location and contact of class members through these two services. The notice administrator will then mail the notices to all class members, and track all mailings. Class Counsel will track all mailings and provide notice to USAgencies of all undeliverable mailed notices. Class Counsel will make further efforts to locate Class Members to whom the first mailing was not delivered. Should any mailings be returned with a forwarding address, the notice administrator will immediately re-send the notice to the class member at the forwarding address. In the event that any notice is returned as undeliverable a second time, no further mailing shall be required. Class Counsel will log each notice that is returned as undeliverable and provide copies of the log to USAgencies. Class Counsel will bear the costs of these efforts to reach class members. During the notice period, the parties will provide periodic reports as to the responses received, including inquiries and requests for exclusions. After the notice period, Class Counsel will prepare an affidavit confirming the actions directed by the Court were taken and providing the Court with the results of the notice effort.

5. Notice by Publication. In the event that after the second mailing more than 10% of the notices are returned as undeliverable, USAgencies shall have the right, in its sole discretion, to exercise the option of requiring published notice. Published Notice shall be in the form attached to the SETTLEMENT AGREEMENT, to be published in a daily newspaper of general circulation in the cities of New Orleans, Baton Rouge, Alexandria, Lafayette, Lake Charles, Shreveport and Monroe. The publication should be made once during the week of _____, 2009. USAgencies, in its sole discretion, may determine not to proceed with the Notice by Publication, as described herein. USAgencies will bear the cost of notice by publication.

6. **Mailed Notice/Website.** Class Counsel shall post documents concerning the class action, including but not limited to the Mailed Notice, the Plaintiff's Complaints, the Defendant's Answers, the Settlement Agreement and all attachments thereto, the Proof of Claim form, Joint Motion for Preliminary Approval of Settlement, Preliminary Order Approving Class Action Settlement and this Notice Plan, the names, firm names, and addresses of the Class Counsel, and related documents, on a neutral website. Class members can visit this website to obtain and review documents concerning the class action. The website address will be prominently displayed in the Detailed Notice. The home page for this website shall be in the form attached as an exhibit to the SETTLEMENT AGREEMENT.

7. **Toll Free Number.** Class Counsel shall provide a toll free number, 1-800-256-1050, to answer any questions of class members.

8. **Consistency with Settlement Agreement.** It is the Court's intention that this Notice Plan shall be consistent with the arrangements negotiated and approved by the parties as set forth in the SETTLEMENT AGREEMENT, and should be construed to achieve that aim.

Thus ordered this ___ day of _____, 2009.

JUDGE WILSON RAMBO

Official Notice from the Fourth Judicial District Court, Morehouse Parish, Louisiana

Jane Q. Class Member _____, 2009
123 Anywhere Street
Anytown, ST 12345-1234

Dear Potential Class Member:

Enclosed is a court-ordered notice about a class action lawsuit on behalf of certain insureds of USAgencies Casualty Insurance Company. You have been identified as a potential class member. To determine whether you are a class member and to make a claim in the settlement, read the enclosed notice. Important facts are highlighted below and explained in the notice:

- **Deadlines:**
 - Submit a claim: _____, 2009
 - Exclude yourself: _____, 2009
 - Object: _____, 2009

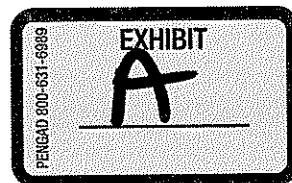
- **More Information:** www.detailclassaction.com

The Court has appointed the following law firms to represent all Class Members:

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

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

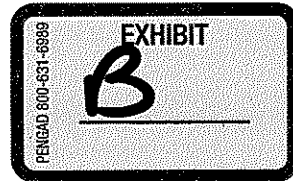
Get more details in the enclosed Notice from the Fourth Judicial District Court for Morehouse Parish, Louisiana.



Notice from 4th Judicial District Court
Morehouse Parish, Louisiana
Courthouse, 100 East Madison Street
Bastrop, LA 71220

**Notice to those who were insured by USAgencies Casualty
Insurance Company in Louisiana and whose vehicle was
deemed a total loss.**

Jane Q. Class Member
123 Anywhere Street
Anytown, ST 12345-1234



If you were insured by USAgencies Casualty Insurance Company in Louisiana and your vehicle was deemed a total loss, you may be a member of a class action.