

Exhibit C

Exhibit A of Settlement Agreement

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

You may be eligible for a payment from a class action settlement if you purchased coverage or were in an automobile accident and denied underinsured motorist coverage (UIM) from Progressive in New Mexico

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A settlement has been reached in a class action lawsuit brought against **Progressive Preferred, Progressive Classic, Progressive Casualty, Progressive Direct, Progressive Advanced, Progressive Specialty, and Progressive Northern Insurance Companies** (collectively with the Released Parties defined in the Settlement Agreement, “Progressive”) relating to allegations that Progressive violated New Mexico law by misrepresenting underinsured motorist coverage (“UIM”) and applying an offset due to the insurance coverage limits of third parties responsible for injuries or property damage (the “Lawsuit”). Progressive denies all claims in the Lawsuit and alleges that it did nothing wrong. The lawsuit is titled *Diane Martinez, et al. v. Progressive Preferred Ins. Co., et al.*, United States District Court for the District of New Mexico, Case No. 19-CV-00004-JHR-SCY.

WHO IS INCLUDED? Progressive’s records show that you purchased coverage or made a claim for underinsured motorist coverage from Progressive in New Mexico. Therefore, you are a “Settlement Class Member.”

SETTLEMENT BENEFITS. The settlement provides a variety of benefits to Settlement Class Members.

OPTION 1 – BODILY INJURY AND/OR PROPERTY DAMAGE CLAIM - If you believe you made or could have made a UIM claim to Progressive between January 1, 2004 and March 22, 2022 for an automobile accident and/or property damage that was subject to an offset in coverage due to the insurance coverage limits of a third party responsible for your injuries and/or property damage, then you can submit a settlement claim to have your claim readjusted or to make a new claim. This benefit could be valued at approximately **\$25,000** per class member for bodily injuries per class member if you qualify for Option 1 benefits. Progressive will process claims made under Option 1 through its ordinary claims process.

OPTION 2 – RETURN OF PREMIUMS - If you are a Progressive policyholder class member not eligible under Option 1, you may make a claim for a refund of **18% of all premium** paid for Uninsured/Underinsured Motorist (“UM/UIM”) benefits between January 1, 2004 and March 22, 2022. The amount of your benefit will be based on the amount of UM/UIM premium paid to Progressive during the class period. Benefits under Option 2 are subject to a \$2,500,000 aggregate cap for all valid claims. If the value of aggregate, valid claims made exceed \$2,500,000, Settlement Class Members who submit valid claims under this Option 2, shall be paid a pro rata share of \$2,500,000.

Progressive will also readjust certain wrongful death claims for Settlement Class Members who suffered a fatality reported to Progressive between May 8, 2014 and March 22, 2022, without the need to file a claim. This benefit is valued at approximately **\$25,000** per class member or may be more if you purchased more than minimum limits coverage or have stacked benefits. The Settlement Administrator will contact these Settlement Class Members’ representatives to obtain required tax forms.

YOU MUST FILE A CLAIM TO RECEIVE PAYMENTS UNDER OPTIONS 1 OR 2. To get a Claim Form, visit the website or call 1-XXX-XXX-XXXX. The claim deadline is **Month Day, 2023**.

OTHER OPTIONS. If you do nothing, you will remain in the class, you will not be eligible for benefits, and you will be bound by the decisions of the Court and give up your rights to sue Progressive for the claims resolved by this Settlement. If you do not want to be legally bound by the Settlement, you must exclude yourself by **Month Day, 2023**. If you stay in the Settlement, you may object to it by **Month Day, 2023**. A more detailed notice is available to explain how to exclude yourself or object. Please visit the website or call 1-XXX-XXX-XXXX for a copy of the more detailed notice. On **Month Day, 2023**, the Court will hold a Fairness Hearing to determine whether to approve the Settlement, Class Counsel’s request for attorneys’ fees, costs, and expenses not to exceed \$2,500,000 and an incentive award of \$10,000 for the two Representative Plaintiffs. The Motion for attorneys’ fees will be posted on the website after it is filed. You or your own lawyer, if you have one, may ask to appear and speak at the hearing at your own cost, but you do not have to. This is only a summary. For more information, call or visit the website below.

www.XXXXXXXXXX.com

1-XXX-XXX-XXXX