

**IN THE CIRCUIT COURT OF CAPE GIRARDEAU COUNTY  
STATE OF MISSOURI**

*Hess v. Root Insurance Company*  
Case No. 22CG-CC00005

**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 case *Hess v. Root Insurance Company* Case No. 22CG-CC00005, entitling Settlement Class members to payment of Sales Tax related to vehicles determined to be total losses. This Notice explains: 1) the terms of the Settlement; 2) who is a member of the Settlement Class; 3) how to submit a Claim Form for payment; 4) how to request exclusion from the Settlement; 5) how to object to the Settlement; and 6) how to get more information about the Settlement.

**IF YOU ARE A SETTLEMENT CLASS MEMBER, THIS LEGAL PROCEEDING MAY AFFECT YOUR RIGHTS.**

**IF YOU HAD MULTIPLE COVERED INSURANCE LOSSES YOU WILL RECEIVE MULTIPLE NOTICES AND MUST FILE MULTIPLE CLAIM FORMS BY MAIL OR ON THE WEBSITE.**

**HELP IS AVAILABLE TO ASSIST YOUR UNDERSTANDING OF THIS NOTICE.**  
Visit [www.AutoLossTaxSettlement.com](http://www.AutoLossTaxSettlement.com) 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?**

Plaintiff alleged that the Root breached its contracts (insurance policies) by failing to pay Plaintiff and other Missouri insureds who submitted physical damage claims for their vehicles during the class period, and which resulted in a total loss claim payment, sales tax. Root 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.

**Settlement Terms**

As a part of the settlement, Root has agreed, upon Court approval, to:

1. Pay Settlement Class Members who timely submit a Claim Form Sales Tax at the average rate of 7.76% of the adjusted vehicle value determined at the time of loss.
2. Separately pay attorneys' fees not to exceed \$373,228.59, and a Service Award not to exceed \$5,000.00 to the Class Representative, which will not come from nor reduce any payment made to Settlement Class Members, with both amounts to be approved by the Court.

In exchange, Plaintiff and the Settlement Class members who do not exclude themselves from the Settlement agree to give up any claim they have for payment of Sales Tax. If you are a member of the Settlement Class, you can submit a Claim Form to be eligible to be paid. 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 Root individually and separately for payment of Sales Tax. You may also object to the terms of the Settlement, if you comply with the requirements set forth below.

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

You may be a member of the Settlement Class against the Defendant if you were a Missouri policyholder and insured by Root and submitted a physical damage claim with respect to a vehicle that resulted in a Total Loss Claim Payment during the period January 5, 2011 to the date of preliminary approval of the proposed settlement. If your Total Loss Claim Payment included Sales Tax you may not be part of the Settlement Class. You received this Notice because the Defendant's records indicate you may be a member of the Settlement Class.

### **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 of Sales Tax. The maximum amount Root has agreed to pay is the full amount sought in the case per Settlement Class member who timely submits a Claim Form and, for all Settlement Class members, totals a maximum of \$1,492,914.94. 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 or you may upload the Claim Form and submit it online at [www.AutoLossTaxSettlement.com](http://www.AutoLossTaxSettlement.com). You can visit [www.AutoLossTaxSettlement.com](http://www.AutoLossTaxSettlement.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.AutoLossTaxSettlement.com](http://www.AutoLossTaxSettlement.com), clicking the SUBMIT A CLAIM button, and following the steps outlined for you. You will need your last name and Policy number or claim number and upload your signed Claim Form.

If you submit a Claim Form in the mail, it must be postmarked no later than February 4, 2023. If you submit an electronic Claim, you must do so by 11:59 p.m. on February 4, 2023.

#### **Option 2. Exclude yourself from the Settlement.**

You have the right to not be part of the Settlement by excluding yourself or "opting out" of the Settlement Class. If you wish to exclude yourself, you must do so on or before December 31, 2022 as described below. You do not need to hire your own lawyer to request exclusion from the Settlement Class. If you exclude yourself from the Settlement Class, you give up your right to receive any benefits as part of this Settlement, and you will not be bound by any judgments or orders of the Court, whether favorable or unfavorable. However, you will keep your right to sue Root 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:

Hess. v. Root Insurance Company  
c/o Settlement Administrator  
P.O. Box 26170  
Santa Ana, CA 92799

A request for exclusion must be postmarked on or before December 31, 2022.

Your request for exclusion must contain the following:

1. The name of the Action (Hess. v. Root Insurance Company);
2. Your full name;
3. Your current address;
4. A clear statement that you wish to be excluded from the Settlement Class, such as: "I request exclusion from the Settlement Class"; and
5. Your signature.

The Settlement Administrator will file your request for exclusion with the Court. If you are signing on behalf of a Settlement 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 SETTLEMENT CLASS BY THE POSTMARK DEADLINE OF December 31, 2022, YOU WILL REMAIN PART OF THE SETTLEMENT CLASS AND WILL BE BOUND BY THE ORDERS OF THE 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 FORM 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.AutoLossTaxSettlement.com](http://www.AutoLossTaxSettlement.com). If you think the terms of the Settlement are not fair, reasonable, or adequate to the Settlement Class, you may file a written objection 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 written objection to the terms of the Settlement. The written objection must include the following:

1. The name of the Action (Hess. V. Root Insurance Company);
2. The objector's full name, address and telephone number;
3. Documentary proof of membership in the Settlement Class all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
4. The identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement or fee application;
5. The identity of all counsel (if any) representing the objector who will appear at the Final Approval Hearing;
6. A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (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;
7. A statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing along with a list of any legal authority you may present at the Fairness Hearing; and
8. The objector's signature (an attorney's signature is not sufficient).

You must submit your objection to all the people listed below, postmarked no later than December 31, 2022.

<p>In the Circuit Court of Cape Girardeau County,  State of Missouri  203 N. High Street, Ste. 129  Jackson, MO 63755</p>	<p>Hess. v. Root Insurance Company  c/o Settlement Administrator  P.O. Box 26170  Santa Ana, CA 92799</p>
<p>Rachel Dapeer  DAPEER LAW, P.A.  20900 NE 30th Avenue, Suite 417  Aventura, FL 33180</p>	<p>Jennifer L. Mesko  Tucker Ellis LLP  950 Main Avenue, Suite 1100  Cleveland, OH 44113  jennifer.mesko@tuckerellis.com</p>

Note that, if you object, you may be subject to discovery requests, such as answering questions in writing, producing documents, or providing testimony, consistent with the Missouri Rules of Civil Procedure.

Any objection 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 Final Approval Hearing. If you file an objection, you waive the right to request exclusion from the Settlement 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 Root for Sales Tax, even if you do not submit a Claim for payment. You will not receive a Settlement Class Member Payment if you do nothing.

**Who Is Representing the Class?**

The Court has preliminarily appointed Plaintiff, Hannah Hess, to be the representative of the Settlement Class. The Court has also preliminarily appointed the following lawyers as Class Counsel for the Settlement Class:

Martin L. Daesch  
Jesse B. Rochman  
Craig W. Richards  
**ONDERLAW, LLC**  
110 E. Lockwood, 2nd Floor  
St. Louis, MO 63119

Rachel Dapeer  
**DAPEER LAW, P.A.**  
20900 NE 30th Avenue, Suite 417  
Aventura, FL 33180

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 of no more than \$373,228.59, subject to approval by the Court. Root has agreed to pay Class Counsel up to that amount if approved by the Court. Payment of attorneys' fees has no impact and does not affect in any way, and will not reduce, the amount of money that will be paid to Settlement Class Members. If the Court grants Class Counsel's request, and in whatever amount the Court approves Class Counsel's Request, the attorneys' fees and costs will be paid separately by Root. If you submit a valid Claim Form for payment, that amount will not be reduced to pay Class Counsel Fees. You will not be personally responsible for any fees, costs or expenses incurred by Class Counsel relating to the prosecution of this case.

Class Counsel will also seek a Service Award to the Class Representative in the amount of \$5,000.00, subject to Court approval. The Service Award is designed to reward the Class Representative for securing the recovery awarded to members of the Settlement Class, which is the full amount of damages Plaintiff alleged is owed to Settlement Class members, and to acknowledge the time spent by the Plaintiff participating in the case and mediation, and prosecuting the claim for the benefit

of the Settlement Class. Root has agreed to pay the Service Award to the Class Representative up to the amount of \$5,000.00. Payment of the Service Award has no impact and does not affect in any way the amount of money that will be paid to Settlement Class Members. If the Court grants the request for a Service Award, and in whatever amount the Court approves the request, the Service Award will be paid separately by Root, and will not affect in any way, and will not reduce, the amount of money paid to Settlement Class Members.

### **What Claim(s) Against Root Are Class Members Releasing?**

As a part of the Settlement, Class Members agree not to sue Root by asserting any claim for payment of Sales Tax. Unless you request exclusion from the Settlement Class, you give up the right to individually sue Root and claim you are owed Sales Tax 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 Root. Full terms of the Released Claims and Released Parties can be found in the proposed Settlement Agreement and Release at [www.AutoLossTaxSettlement.com](http://www.AutoLossTaxSettlement.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 go to [www.AutoLossTaxSettlement.com](http://www.AutoLossTaxSettlement.com).

This [www.AutoLossTaxSettlement.com](http://www.AutoLossTaxSettlement.com) website provides:

1. An electronic Claim Form submission and directions for how to submit;
2. The process for requesting a paper (non-electronic) pre-filled Claim Form or blank form;
3. The full terms of the Settlement;
4. Information and requirements for submitting a Claim Form, requesting exclusion, or filing an objection to the terms of the Settlement;
5. A copy of the Complaint filed by Plaintiff and other important rulings and orders from the Court during the case prior to Settlement; and
6. Other general information about the class action.

You also may contact Class Counsel, whose contact information and websites are provided above.

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