

## **NOTICE OF CLASS ACTION LAWSUIT**

***Day v. GEICO Casualty Co., et al.*, Civil Action No. 5:21-cv-02103-BLF (N.D. Cal.)**

**If you are a California resident who purchased personal automobile, motorcycle, or RV insurance from GEICO covering any portion of the time period from March 19, 2020, to June 11, 2021, you are a member of the Class.**

*Para una notificación en español, llame gratis al 1-877-495-0898  
o visite nuestro website [www.GeicoCovidClassAction.com](http://www.GeicoCovidClassAction.com).*

This Notice is being sent to you because you are a Class member in a lawsuit pending in the United States District Court for the Northern District of California against GEICO Casualty Company, GEICO Indemnity Company, and GEICO General Insurance Company (collectively, “GEICO” or “Defendants”). Plaintiff Jessica Day (“Plaintiff”) brought this lawsuit against GEICO seeking to recover excess insurance premiums paid as a result of the reduction in driving during the COVID-19 pandemic. The case is captioned *Jessica Day, individually and on behalf of all others similarly situated v. GEICO Casualty Company, GEICO Indemnity Company, and GEICO General Insurance Company*, Civil Action No. 5:21-cv-02103-BLF (N.D. Cal.) (the “Lawsuit”).

- This Lawsuit is a class action, meaning that the Plaintiff and Class Representative—Jessica Day—brought this Lawsuit as an individual acting on behalf of a putative class of GEICO policyholders.
- The Class Representative alleged claims for breach of contract, unjust enrichment, and violation of California’s Unfair Competition Law (“UCL”). GEICO denied any wrongdoing. The Court dismissed the breach of contract and unjust enrichment claims but certified the UCL claim as a class action.
- The Class that was certified is defined as “All California residents who purchased personal automobile, motorcycle, or RV insurance from GEICO covering any portion of the time period from **March 19, 2020, to June 11, 2021**” (the “Class”).
- You have received this Notice because GEICO’s records show that you are a member of the Class. As a Class member, you do not need to take any action at this time. You will be informed in future notices of any final orders from the Court or any settlement of the Lawsuit.
- However, just because you are a Class member does not mean you are forced to be bound to the outcome of this Lawsuit. You can choose to “opt out” of the Class.

## BASIC INFORMATION

### 1. Why did I get this Notice?

You have received this Notice because the Court ordered that Notice be provided to all Class members as defined by the Court. You were identified from GEICO's records as a member of the Class. The purpose of this Notice is to provide you with information about the Lawsuit and how it may affect you. The Notice also explains what to do if you want to exclude yourself from the Lawsuit and how being a Class member will affect your legal rights.

### 2. What is this Lawsuit about?

In this Lawsuit, the Plaintiff brought a class action alleging that GEICO violated the law by unfairly charging pre-pandemic auto insurance rates during the changed circumstances of the COVID-19 pandemic and failing to issue adequate refunds. GEICO has denied any wrongdoing. GEICO's position is that it has at all times complied with all applicable laws and regulations and denies any wrongdoing or liability to Plaintiff or Class members. The Court has made no ruling on the merits of this case, and has not decided the remaining claim in this case. This communication is being made solely to provide notice that a class has been certified, and does not constitute notice of any result or outcome, for Plaintiff or Defendants, nor does it provide for the recovery of money.

A detailed description of the claims is contained in the Amended Complaint which, along with other important documents, is available on the following website: [www.GeicoCovidClassAction.com](http://www.GeicoCovidClassAction.com).

### 3. What is a class action?

A class action is a lawsuit that resolves issues for a group of people who have similar claims. One or more representatives known as "Class Representatives" appointed by the Court represent all members of the Class. The Class Representative in this case is Jessica Day, a California resident who was an automobile insurance policyholder with GEICO during the class period.

### 4. Who is a member of the Class?

The Court has given the Plaintiff permission to represent the following Class:

All California residents who purchased personal automobile, motorcycle, or RV insurance from GEICO covering any portion of the time period from **March 19, 2020, to June 11, 2021**.

Excluded from the Class are the Defendants, any entity in which Defendants have a controlling interest, and Defendants' officers, directors, legal representatives, successors, subsidiaries, and assigns. Also excluded are any judge, justice, or judicial officer presiding over this matter and the members of their immediate families and judicial staff.

If you meet the definition of the Class and are not excluded as set forth above, you are a member of the Class, which is why you received this Notice. If you want to remain included in the class action, you do not need to do anything. By doing nothing, you will continue to be part of the Class and you will receive additional information regarding the Lawsuit as it goes on. If you prefer, you may enter an appearance through your own attorney at your own personal expense.

#### **5. How will this Lawsuit affect me?**

If the Plaintiff wins the Lawsuit, participants who are in the Class may share in relief awarded to the Plaintiff and other Class members. If the Lawsuit is not successful, participants who are in the Class may be prevented in the future from bringing their own lawsuit against GEICO for the same claims. Thus, if you remain a member of the Class, you will be bound by the judgment whether favorable or unfavorable to the Plaintiff and the Class.

#### **6. Has the Court ruled on the Plaintiff's claims?**

No. The Court has not yet ruled on the Plaintiff's claims. The fact that this Notice is being mailed to you does not mean that the Court has decided whether anyone is owed any compensation, or whether Defendants violated any laws. This case is scheduled for trial beginning on **April 15, 2024**.

#### **7. Is any money available now?**

No. There is no money or benefits available now because the Court and/or jury has not yet decided whether GEICO violated any law or engaged in wrongdoing. The two sides have not yet settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will receive another Notice.

#### **8. Can I opt out of this Lawsuit?**

Yes. Opting out means that you choose to exclude yourself from the Class and do not wish to participate in the Lawsuit. If you opt out, you will not be bound by any judgment in the class action and will not be entitled to participate in any recovery, if any recovery occurs in the class action. Persons who choose to opt out of the class action may pursue other remedies apart from the class action that may be available to you. Neither the parties nor their attorneys make any representations to you regarding what, if any, remedies are available to you should you choose to opt out of the class action.

To opt out of the Class, you must send a written request to GEICO COVID Class Action, c/o A.B. Data, Ltd., P.O. Box 173056, Milwaukee, WI 53217. This written request must:

- a. include a statement requesting to opt out of the Class;
- b. be personally signed by you;
- c. include your name, address, and either a telephone number or email address;

- d. include a reference to the name of the Lawsuit— *Jessica Day, individually and on behalf of all others similarly situated v. GEICO Casualty Company, GEICO Indemnity Company, and GEICO General Insurance Company*, Civil Action No. 5:21-cv-02103-BLF (N.D. Cal.); and
- e. be postmarked no later than **April 1, 2024**.

A request to opt out of the Class that does not meet the above requirements, or that is sent to an address other than the address above, will be invalid and the person sending the defective request will remain in the Class and be bound by the outcome of this Lawsuit.

A request to opt out of the Class must be done on an individual basis. A Class member cannot purport to opt others out of the current litigation on a Class or representative basis.

### **THE LAWYERS REPRESENTING YOU**

#### **9. Do I have a lawyer in this case?**

Yes. The Court has appointed the following attorneys as Class Counsel to represent the Class:

<p><b>NICHOLS KASTER, PLLP</b>  Matthew H. Morgan  Robert L. Schug  80 S. 8<sup>th</sup> Street, Ste. 4700  Minneapolis, MN 55402  <a href="http://www.nka.com">www.nka.com</a></p>	<p><b>STEPHAN ZOURAS, LLP</b>  Ryan F. Stephan  Teresa M. Becvar  222 W. Adams Street  Ste. 2020  Chicago, IL 60606  <a href="http://www.stephanzouras.com">www.stephanzouras.com</a></p>	<p><b>POULIN   WILLEY   ANASTOPOULO, LLC</b>  Roy T. Willey  Paul Doolittle  Eric M. Poulin  Blake Abbott  32 Ann Street  Charleston, SC 29403  <a href="http://www.akimlawfirm.com">www.akimlawfirm.com</a></p>
---	---	--

#### **10. How will the lawyers be paid?**

If recovery is obtained for the Class or there is some success on the merits, Class Counsel will request that the Court award attorneys’ fees and expenses. Class Counsel may also ask the Court to approve a reasonable service award for the Class Representative. If approved, these fees and expenses and the service award will either be paid from the recovery obtained for the Class or separately by GEICO. Whether or not there is a recovery or judgment in the Plaintiff’s favor, you will not be responsible for any attorneys’ fees.

#### **11. Should I get my own lawyer?**

If you wish to be part of the Class, you do not need to do anything additional for this Lawsuit. If you wish to opt out and complete the opt-out procedure outlined above, you keep any potential claims you have against GEICO and you are free to retain another attorney at your own personal expense.

## GETTING MORE INFORMATION

### 12. Where do I get more information?

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings, and other filings are available for review and copying at the Clerk's office. The Clerk of the Court for the United States District Court for the Northern District of California is located at:

Robert F. Peckham Federal Building & United States Courthouse  
280 South 1st Street, Room 2112  
San Jose, CA 95113

Additionally, the Court docket is accessible in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

Information is also available at [www.GeicoCovidClassAction.com](http://www.GeicoCovidClassAction.com) or by calling toll-free 1-877-495-0898.

You will be informed in future notices of any final orders from the Court or any settlement of the case.

**THIS NOTICE IS ONLY A SUMMARY. ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANTS' DEFENSES.**

**PLEASE DO NOT CALL OR WRITE THE JUDGE ASSIGNED TO THIS MATTER. THE JUDGE CANNOT ANSWER QUESTIONS CONCERNING THIS LAWSUIT OR THIS NOTICE.**

**YOU CAN FIND MORE DETAILS ABOUT THE LITIGATION AT [WWW.GEICOCOVIDCLASSACTION.COM](http://WWW.GEICOCOVIDCLASSACTION.COM) OR BY CALLING TOLL-FREE 1-877-495-0898.**