

IN THE COURT OF COMMON PLEAS  
GEOUGA COUNTY, OHIO

BARBARA and GERARD MARTIN,  
etc., et al.

Plaintiffs,

vs.

GRANGE MUTUAL INSURANCE  
COMPANY

Defendant.

Case No. 98-X-343

JUDGE FORREST BURT

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND RELEASE OF CLAIMS**

**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. THIS NOTICE IS ISSUED BY ORDER OF COURT TO INFORM THAT YOU ARE ELIGIBLE FOR BENEFITS FROM THE PROPOSED SETTLEMENT OF A LAWSUIT FILED ON YOUR BEHALF. IT DESCRIBES THE PROPOSED SETTLEMENT OF A CLASS ACTION. YOUR RIGHTS ARE AFFECTED BY THE LEGAL PROCEEDINGS DESCRIBED BELOW. THIS IS NOT A LAWSUIT AGAINST YOU.**

**YOU MUST RESPOND TO THIS NOTICE IN ORDER TO RECEIVE COMPENSATION BY FILING A CLAIM FORM. IF YOU DO NOT WANT TO BE PART OF THE SETTLEMENT, YOU MUST TAKE THE STEPS DESCRIBED IN THIS NOTICE BY DECEMBER 3, 2007. OTHERWISE, YOU WILL BE BOUND BY ALL OF THE TERMS OF THE PROPOSED SETTLEMENT.**

This is a proposed settlement of a class action lawsuit brought in the Common Pleas Court of Geauga County, Ohio (the "Court"), against Grange Mutual Casualty Company ("Grange"). A class action is a lawsuit in which one or more persons sue on behalf of others who have similar claims. The members of this group are called the Class. The lawsuit is about Plaintiffs' claim concerning Grange's sale of uninsured/underinsured motorist insurance in Ohio on more than one household vehicle at any time between October 5, 1994 and September 2, 1997 ("Class Period"). Grange denies that it is liable to Plaintiffs.

Plaintiffs and Grange have concluded that settlement is in their best interests because of the uncertainty, expenses, risks, and delays of litigation. The parties have reached a proposed settlement that will refund certain premiums to Class Members, if the Court approves the settlement, *but only if a Claim Form is timely submitted*. The Court has preliminarily approved the settlement as within the range of a fair, reasonable and adequate settlement. On February 13, 2008, at 3:00 p.m., at the Geauga County Courthouse, Courtroom No. 2-A, 100 Short Court Street, Chardon, Ohio, the Court will hold a Settlement Approval Hearing to decide whether to issue final approval of the settlement.

The Court has certified a Class for settlement purposes. Members of the Class include:

"All Grange named insureds, who from October 5, 1994, through September 2, 1997, for any time period were charged multiple premiums on the line 'UM coverage' (i.e., a premium after the first vehicle)."

Grange's records indicate you are a Class Member if you received this notice in the mail.

QUESTIONS? VISIT [WWW.MARTINSETTLEMENT.COM](http://WWW.MARTINSETTLEMENT.COM) OR CALL 1-800-495-5737

## **THE PROPOSED SETTLEMENT**

If you are a Class Member and the settlement is approved and you timely send in a Claim Form, you may be entitled to a payment. The settlement will pay eligible Class Members who timely file claims an amount equal to approximately 186% of the total uninsured/underinsured motorist insurance (“UM/UIM”) premiums paid by each Class Member for UM/UIM coverage on more than one vehicle at the same time during the Class Period, as reflected on Grange’s records, up to a maximum amount of \$35 Million (the “Settlement Fund”). The terms of settlement are more fully described in a settlement agreement between the parties, which you may view online at [www.MartinSettlement.com](http://www.MartinSettlement.com).

Plaintiffs will apply to the Court for an award of attorneys’ fees and expenses not to exceed a total of \$16 Million on behalf of the counsel who have represented Plaintiffs and the Class in this class action. The amount paid to Class Members who timely file eligible claims will not be reduced by the payment for attorneys’ fees.

## **RIGHT TO REMAIN IN THE CLASS OR TO OPT OUT**

Class Members may ask for a payment, exclude themselves from the settlement, object to it, ask to speak at the Fairness Hearing, or do nothing.

### **1. To make a claim for payment:**

To remain in the settlement and receive a payment, you must sign the enclosed Claim Form, write in your current address and phone number, and mail it back to the address listed in the Claim Form, postmarked no later than December 3, 2007. **If your Claim Form is not postmarked timely, you will not receive a payment.** If you remain in the Class, your interests will be represented by class counsel without additional cost, and you will be bound by all orders and judgments entered by the Court, whether favorable or unfavorable to the Class. If the Court approves the proposed settlement and you do not timely request to be excluded from the Class, you will release (give up) all claims against Grange relating to this lawsuit, except your right to receive a settlement payment.

### **2. To benefit charity or do nothing:**

If you want your payment instead to go to charity, do not submit a Claim Form and do nothing. The Settlement Agreement provides that any unclaimed portion of the Settlement Fund will be paid, up to \$30 Million, to charities approved by the Court.

### **3. To drop out:**

If you do not want to be in the Class (for example, if you would like to bring your own lawsuit), you must mail written notice of your intent to exclude yourself from the Class to the address set forth below so that it is postmarked by December 3, 2007. If you timely exclude yourself, you will not receive any benefit available under the proposed settlement and you will not be bound by any orders or judgments entered in this case. To be excluded, your written notice must state, “I request to be excluded from the Grange settlement class.” Your written notice also must contain your name, address, automobile insurance policy number(s) (if known), and must be signed and dated by you. Your written notice to be excluded from the Class must be signed by the Class Member, and not by anyone else as a representative of a Class Member (unless the Class Member is deceased or legally incapacitated). Failure to comply with any of these requirements may result in your written notice to be excluded from the Class being invalid. If you wish

to exclude yourself from the Class, mail written notice of your request for exclusion to the following address:

Grange UM Class Action Settlement  
c/o The Garden City Group, Inc.  
P.O. Box 9190  
Dublin, OH 43017-4190

Your written notice must be postmarked no later than December 3, 2007.

**CLAIM FORMS AND REQUESTS TO BE EXCLUDED FROM THE CLASS MUST BE MAILED AND POSTMARKED BY DECEMBER 3, 2007 TO BE EFFECTIVE.**

**CLASS COUNSEL**

The Court has designated the following attorney to represent the Class in this lawsuit:

Patrick J. Perotti, Esq.  
DWORKEN & BERNSTEIN CO., L.P.A.  
60 South Park Place  
Painesville, Ohio 44077

You will not be separately charged for the services of counsel representing the Class in this lawsuit. You have the right (but do not need) to retain your own attorney in this matter, but if you do, you will be responsible for paying your own attorneys' fees and expenses.

**YOUR RIGHT TO APPEAR AND OBJECT TO THE SETTLEMENT**

Unless you request to be excluded from the Class, you may file a Notice of Intent to Object to any aspect of the proposed settlement, but you will be bound by the orders and judgments entered in this case. In order to object, you must timely send a written Notice of Intent to Object that includes (i) the specific reasons for your objection(s), as well as a detailed statement of the factual and legal reasons you have for each objection; (ii) any evidence you may present at the Settlement Approval Hearing in support of your objection(s), including the names and addresses of witnesses and a summary of their proposed testimony, and copies of any written evidence; (iii) your name, address, telephone number and signature; and (iv) your policy number(s).

In order to be effective, Notice of Intent to Object must be filed with the Court by December 3, 2007, and copies sent to the following addresses, postmarked by December 3, 2007:

Clerk of Courts Geauga County Court of Common Pleas 100 Short Court Street Chardon, Ohio 44024	<b>DWORKEN &amp; BERNSTEIN CO., L.P.A.</b> Attn.: Grange UM Class Action 60 South Park Place Painesville, OH 44077	Donald A. Powell, Esq. <b>HANNA, CAMPBELL &amp; POWELL, LLP</b> 3737 Embassy Parkway P.O. Box 5521 Akron, Ohio 44334
	Plaintiffs' Counsel	Defendant's Counsel

The Court will not entertain objections, nor allow appearances at the Settlement Approval Hearing, unless you comply with the requirements and deadlines for a Notice of Intent to Object set forth above. The Court will not consider any objections received after December 3, 2007. Late objections will be deemed

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to have been waived. Any judgment entered in this lawsuit will include and be binding on all Class Members who have not timely requested exclusion from the Class, even if they object to the proposed settlement. If you object to the proposed settlement, you may still receive benefits if the Court approves the proposed settlement and you are otherwise eligible for a distribution.

### **ADDITIONAL INFORMATION**

This Notice is only a summary of the litigation and the proposed settlement, which is set forth in detail in a Settlement Agreement, which you may view online at [www.MartinSettlement.com](http://www.MartinSettlement.com). For more details about the litigation and the proposed settlement, you may review the pleadings, settlement agreement, and other documents on file in this case during business hours at the Clerk of Courts, Geauga County Court of Common Pleas, 100 Short Court Street, Chardon, Ohio.

If you have any questions, call 1-800-495-5737, or contact Plaintiffs' Counsel, in writing, at the address listed above. PLEASE DO NOT CALL THE COURT, CLERK OF COURT, GRANGE, YOUR GRANGE AGENT, OR COUNSEL FOR GRANGE REGARDING THIS MATTER.

DATED: September 14, 2007

The Honorable Forrest W. Burt, Judge  
Gauga County Common Pleas Court