

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA
Shelly Burklund v. Farm Bureau Property & Casualty Insurance Company
Case No. CI 23-2544

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 *Shelly Burklund v. Farm Bureau Property & Casualty Insurance Company*, Case No. CI 23-2544, entitling members of the Settlement Class who submit a valid and timely Claim Form to payment of ACV Sales Tax and/or Regulatory Fees (“Replacement Fees”) for Covered Total-Loss Claims. 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.

HELP IS AVAILABLE TO ASSIST YOUR UNDERSTANDING OF THIS NOTICE.

Call 1-888-726-1307 toll-free or visit www.nebraskatotaledcarlawsuit.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?

This Class Action alleges that insureds in Nebraska, under Farm Bureau Property & Casualty Insurance Company (collectively referred to as “Farm Bureau” or “Defendant”) who had a policy covering a vehicle with private-passenger auto physical damage coverage for comprehensive or collision loss, who, within the time-period of five years prior to the filing of this lawsuit through the date of the certification Order, submitted a first-party property damage claim determined by Farm Bureau to constitute a covered total-loss claim and where the total-loss claim payment did not include full payout recovery necessary for ACV Sales Tax and/or Regulatory Fees.

Settlement Terms

Farm Bureau shall pay Settlement Class Members 100% of Sales Tax and 100% of the Regulatory Fees to purchase a comparable motor vehicle to Settlement Class Members who timely submit a valid claim.

Farm Bureau will pay up to \$4,200,000.00 in Settlement Class Member claim payments. A Qualifying Settlement Class Member means a Settlement Class Member who has not submitted an exclusion request and who is otherwise eligible to receive a Settlement Claim Payment. Class Counsel will be seeking attorneys’ fees of up to \$1,260,000.00, costs up to \$25,000.00, and a \$7,500.00 Service Award for the Class Representative, to be approved by the Court. These payments will not reduce the amount of money available to Settlement Class Members as they will be paid separately by Farm Bureau.

How Do I Know if I’m a Member of the Settlement Class?

As part of the Settlement, individuals who made a first-party claim during the Applicable Class Period, whose vehicle was determined by the Farm Bureau to be a total loss, and who received a total loss payment from Farm Bureau for the value of the totaled vehicle, but who did not receive (1) full Sales Tax on the date their vehicle was declared a total loss; and/or (2) full applicable Regulatory Fees.

“Sales Tax” means Nebraska state sales tax of 5.5% and local sales tax of up to 2.5% (based on the local rate in the Settlement Class Member's county).

“Vehicle Regulatory Fees” means Nebraska’s motor vehicle tax, motor vehicle fee, local wheel tax, registration fee, plate fee, additional registration issuance fee, and title fee.

In exchange, Plaintiff and the Settlement Class Members who do not exclude themselves agree to give up any claim they have for payment of Sales Tax and/or Vehicle Regulatory Fees in relation to their total-loss claims. 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 Class, which means you are not eligible for payment, and you maintain your right to sue Farm Bureau individually and separately for payment of Sales Tax and/or Vehicle Regulatory Fees. You may also object to the terms of the Settlement if you comply with the requirements set forth below.

If I Am a Settlement Class Member, What Are My Options?

If you are a Settlement Class Member, you have four options.

Option 1: Submit a Claim Form for Payment.

You may submit a Claim Form for payment of unpaid Sales Tax and/or Vehicle Regulatory Fees. The maximum amount Defendant has agreed to pay for all Settlement Class Member Payments, Counsel Fees, and Court-awarded costs total is \$4,200,000.00. You can submit a claim by signing the Claim Form you receive in the mail, carefully tearing at the perforation, and putting the Claim Form in the mail. You can call 1-888-726-1307 or visit www.nebraskatotaledcarlawsuit.com and request that the Claims Administrator send you a Claim Form (or a blank form that you will need to fill out).

If you submit a Claim Form in the mail, it must be postmarked no later than **April 30, 2025**. If the address you submit on your Claim Form changes, you must contact the Claims Administrator to provide a current address or you may not receive your Settlement Class Member Payment.

You can also submit a claim online at www.nebraskatotaledcarlawsuit.com by entering your Claimant ID or Total-Loss Claim Number and unique PIN. Online Claims must be submitted by 9 p.m. ET on April 30, 2025. Your Claimant ID and PIN can be found on the postcard and email notices you received.

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 **March 1, 2025** 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 Farm Bureau 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:

Burkland v. Farm Bureau Claims Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

A request for exclusion must be postmarked on or before **March 1, 2025**. Your request for exclusion must contain the following:

1. The name of the Action (*Burklund v. Farm Bureau*)
2. Your full name;
3. Your current address;
4. Your phone number;
5. A clear statement that you wish to be excluded from the Settlement Class, such as: “I request exclusion from the Settlement Class”; and
6. Your signature.

The Claims 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 MARCH 1, 2025, 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.

The district court is conducting a FAIRNESS HEARING on **March 31, 2025 via zoom at 10:30 a.m. ET** to decide whether to grant final approval of the Proposed Settlement. The date of the FAIRNESS HEARING may change without further notice to the Class. You should be advised to check the settlement website at www.nebraskatotaledcarlawsuit.com or the Clerk of the Court for the District Court of Lancaster County, Nebraska, Justice and Law Enforcement Center, 575 S. 10th Street, 3rd Floor, Lincoln, NE 68508, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays, to confirm that the date of the FAIRNESS HEARING has not been changed. Be advised that the hearing date may change without further notice to the Settlement Class.

Option 3: Object to the Terms of the Settlement.

The full terms of the Settlement can be found at www.nebraskatotaledcarlawsuit.com. If you think the terms of the Settlement are not fair, reasonable, or adequate to the Settlement Class Members, you may file a Notice of Intent to Object 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 Notice of Intent to Object to the terms of the Settlement (described below) to the following:

Burkland v. Farm Bureau Claims Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

The Notice of Intent to Object to the terms of the Settlement must include all of the following information:

1. The name of the case and case number CI 23-2544;
2. Your name, address, telephone number, and signature;
3. The specific reasons why you object to the terms of the Proposed Settlement;
4. The name, address, bar number, and telephone number of any attorney who represents you related to your intention to object to the terms of the Settlement; and
5. Whether you and/or your attorney intend to appear at the Fairness Hearing and whether you and/or your attorney will request permission to address the Court at the Fairness Hearing.

If you and/or your attorney intend to request permission to address the Court at the Fairness Hearing, your Notice of Intent must also include all of the following information:

1. A statement of the legal and factual basis for each objection;
2. A list of any and all witnesses the Settlement Class Member may seek to call at the Fairness Hearing;
3. A list of any legal authority the Settlement Class Member will present at the Fairness Hearing; and
4. Identify either your Settlement Class Member number or full name and address when the total loss occurred.

Notices of Intent to object must be postmarked by **March 1, 2025**. Any Notice of Intent to Object to the Settlement 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 Fairness Hearing. If you file a Notice of Intent, 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, you must file a request for exclusion and not a Notice of Intent to Object to the Settlement.

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 Farm Bureau for Sales Tax and/or Regulatory Fees, even if you do not submit a Claim Form for payment. You will not receive a Settlement Payment if you do not submit a Claim Form for payment.

Who Is Representing the Class?

The Court has preliminarily appointed Plaintiff, SHELLY BURKLUND, to be the Class Representative of the Settlement Class. The Court has also preliminarily appointed the following lawyers as Class Counsel for the Settlement Class:

NORMAND PLLC
Edmund A. Normand, Esq.
3165 McCrory Place, Suite 175
Orlando, FL 32803
(407) 603-6031
ed@normandpllc.com

Levy Craig Law Firm
Shane C. Mecham
4520 Main Street, Suite 400
Kansas City, MO 64111
smecham@levycraig.com

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.

Class Counsel will be seeking attorneys' fees of up to \$1,260,000.00 and costs up to \$25,000.00, with all amounts to be approved by the Court.

Class Counsel will also seek a Service Award for the Class Representative in the amount of \$7,500.00, 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, and to acknowledge the time spent by the Plaintiff participating in the case and prosecuting the claims for the benefit of the Settlement Class.

What Claim(s) Against FARM BUREAU Settlement Class Members Releasing?

As a part of the Settlement, Settlement Class Members agree not to sue Farm Bureau by asserting any claim for payment or non-payment of fees (including, but not limited to, Sales Tax and/or Regulatory Fees) in relation to their total-loss claims. Unless you request exclusion from the Settlement Class, you give up the right to individually sue Farm Bureau for unpaid fees (including, but not limited to Sales Tax and/or Regulatory Fees) as part of your Covered Total-Loss Claim, even if you do not submit a Claim Form for payment as part of this Settlement. You are not releasing any other claim against Farm Bureau. Full terms of the Released Claims and Released Parties can be found in the proposed Settlement Agreement at www.nebraskatotaledcarlawsuit.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 call toll-free at 1-888-726-1307 or go to www.nebraskatotaledcarlawsuit.com.

This website provides:

1. A blank Claim Form;
2. The full terms of the Settlement;
3. Information and requirements for submitting a Claim Form, requesting exclusion, or filing an objection to the terms of the Settlement;
4. A copy of the Complaint filed by Plaintiff; and
5. Other general information about the class action.

You also may contact Class Counsel, whose contact information is provided above.

If the address you submit on your Claim Form changes, you must contact the Claims Administrator to provide a current address or you may not receive your Settlement Class Member Payment.

PLEASE DO NOT TELEPHONE OR CONTACT THE COURT, THE CLERK OF THE COURT, OR FARM BUREAU OR FARM BUREAU'S COUNSEL REGARDING THIS NOTICE.

DATED: February 7, 2025