

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

KAREN RODRIGUEZ, *et al.*, individually and
on behalf of other similarly situated persons,

Plaintiffs,

v.

UNIVERSAL PROPERTY & CASUALTY
INSURANCE COMPANY,

Defendant.

Case No. 16-60442-CIV-COHN/SELTZER

**NOTICE OF CLASS ACTION
SETTLEMENT**

**If You Insured Real Property With Universal Property & Casualty
Insurance Company Between September 1, 2013 and March 31, 2016,
You Can Receive Relief from a Class Action Settlement.**

(A federal court authorized this notice. This is not a solicitation from a lawyer.)

Your legal rights are affected whether or not you act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
RECEIVE BENEFITS	You qualify to receive ID Experts' managed recovery and restoration services for identity theft victims for two years from the date that the settlement is final and identity theft reimbursement insurance for one year from the date that the settlement is final, unless you exclude yourself from the class. The Court still has to decide whether to approve this settlement. These services will be offered at no cost to you if the Court approves this settlement and after any appeals are resolved.
EXCLUDE YOURSELF FROM THE CLASS BY JUNE 14, 2017	If you validly and timely exclude yourself from the class, you will not receive ID Experts' managed recovery and restoration services for identity theft victims or identity theft reimbursement insurance. This is the only option that allows you to pursue your own claims by filing your own lawsuit at your own expense.
OBJECT OR COMMENT BY JUNE 14, 2017	You may write to the Court about why you do, or do not, like the settlement. You cannot, however, object to the settlement if you exclude yourself from the Settlement Class.
ATTEND A HEARING ON JULY 31, 2017	You may attend the Final Fairness Hearing in Fort Lauderdale, Florida on July 31, 2017.

These rights and options, and the deadlines to exercise them, are explained in this notice.

1. Why should I read this notice?

On February 14, 2017, this Court preliminarily approved a settlement of this case (the “Litigation”). This notice describes the settlement. Your rights and options—and the deadlines to exercise them—are explained in this notice. Your legal rights are affected regardless of whether or not you act.

2. What is the Litigation about?

Universal Property & Casualty Insurance Company (“Universal Property”) sells residential property insurance. As is standard in the industry, Universal Property allows its customers’ mortgage lenders to verify insurance coverage via the Internet on a specially designated place on the company’s website (the “Lender Verification Portal”). On March 7, 2016, four customers filed a putative class action in federal court in Florida on behalf of themselves and other Universal Property customers, alleging that customers’ insurance declaration and evidence of insurance pages (“Insurance Documents”) were available on the Lender Verification Portal without sufficient security procedures in place. The Insurance Documents contain customer information that the plaintiffs regard as sensitive.

No allegations related to improper access, use of the Insurance Documents, or any loss to policyholders have been made, and Universal Property stands by its website security procedures. The parties conducted discovery, and the parties conducted a full-day mediation with a retired federal judge on December 8, 2016. On January 31, 2017, the parties agreed to a settlement of all claims.

3. Why is there a settlement?

The Court has not decided in favor of either side in the case. Universal Property is settling to avoid the expense, inconvenience, and inherent risk of litigation, as well as the disruption of its business operations. Plaintiffs and their attorneys assert that the settlement is in the best interests of the Settlement Class because it provides a fair and reasonable recovery now while avoiding the risk, expense, and delay of pursuing the case through trial and any appeals.

4. Who is included in the settlement?

The Settlement Class is defined as all persons who insured real property with Universal Property between September 1, 2013 and March 31, 2016. Excluded from the Settlement Class are past or current officers, directors, affiliates, legal representatives, predecessors, successors, and assigns of Universal Property, any entity in which any such excluded person or entity has a controlling interest, and all judicial officers assigned to this case as defined by 28 U.S.C. § 455(b), and their immediate families. For the avoidance of doubt, also excluded are Universal Insurance Holdings, Inc., Atlas Premium Finance Company, and any entity in which either of them have a controlling interest, either directly or indirectly. Also excluded from the Settlement Class are all persons who submit valid requests for exclusion from the Settlement Class (see Question No. 7, below).

5. What does the settlement provide?

Universal Property agrees to provide managed recovery and restoration services for identity theft victims, identity theft reimbursement insurance, injunctive relief, incentive awards to the class representatives, attorneys' fees for class counsel, and notice and administration costs.

- a. Managed Recovery and Restoration Services.** Universal Property agrees to provide the Settlement Class with ID Experts' managed recovery and restoration services for any class member who becomes the victim of identity theft. Even though no Universal Property policyholder has alleged identity theft in this Litigation, all members of the Settlement Class will have the benefit of these services for two years from the date that the settlement is final, regardless of the origin of their identity theft. ID Experts' fully-managed recovery service provides recovery and restoration for identity theft issues such as (but not limited to): account creation, identity theft, medical record theft, account takeover, rental application, tax fraud, benefit fraud, and utility creation. ID Experts will provide services for individuals who report suspicious activity, assign an IDCare Specialist to fully manage identity theft issues, and provide expert guidance for those with questions about identity theft and protective measures. Further information about ID Experts and this service is available at www.InsuranceClassActionSettlement.com.
- b. Identity Theft Reimbursement Insurance.** Universal Property also agrees to provide the Settlement Class with identity theft reimbursement insurance provided through ID Experts. Even though no Universal Property policyholder has alleged identity theft in this Litigation, all members of the Settlement Class will have the benefit of these services for one year from the date that the settlement is final. This insurance will reimburse members for expenses associated with restoring a class member's identity should they become a victim of identity theft during the policy period. If a Settlement Class member's identity is compromised, the policy provides coverage for up to \$1,000,000 with no deductible, from an A.M. Best "A-rated" carrier. Coverage is subject to the terms, limits, and exclusions of the policy; no pre-existing identity theft is covered. Further information about this insurance benefit is available at www.InsuranceClassActionSettlement.com.
- c. Injunctive Relief.** Universal Property agrees to a privacy audit conducted independently by an auditor to confirm that customer personal information available via the Lender Verification Portal is protected in a manner consistent with industry best data protection practices.
- d. Incentive Awards, Attorneys' Fees, and Costs.** Universal Property agrees to pay incentive awards to the class representatives (see Question No. 6.a, below), attorneys' fees for class counsel (see Question No. 6.b, below), and notice and administration costs.

6. Who represents the Settlement Class?

- a. Class Representatives.** For purposes of the settlement, the Court has appointed the following plaintiffs named in the Litigation to serve as the Settlement Class representatives: Karen Rodriguez, Antonio Rodriguez, Boris Shaykevich, and Yelena Shaykevich. Settlement Class Counsel will

request incentive awards up to the amount of \$7,500 for Karen Rodriguez, \$7,500 for Antonio Rodriguez, and \$7,500 for Boris Shaykevich and Yelena Shaykevich together.

- b. Settlement Class Counsel.** The Court has appointed the following attorneys and law firms to represent the Settlement Class as legal counsel: KAPLAN FOX & KILSHEIMER LLP, 850 Third Avenue, New York, New York 10022, as Lead Class Counsel; and WITES & KAPETAN, P.A., 4400 North Federal Highway, Lighthouse Point, Florida, 33064, as Liaison Class Counsel. From the inception of the Litigation to the present, Settlement Class Counsel have not received any payment for their services in prosecuting the Litigation or obtaining the settlement, nor have they been reimbursed for any out-of-pocket expenses they have incurred. Settlement Class Counsel will apply to the Court for an award of attorneys' fees and actual expenses not to exceed \$850,000. Any amount approved by the Court would be paid by Universal Property, and not by any Settlement Class member.

7. How can I exclude myself from the Settlement Class?

To exclude yourself from the Settlement Class, you must send a letter saying that you want to be excluded from the class in the Universal Property Litigation. Your written exclusion request must include your name, address, telephone number, email contact information (if any), and signature, and a statement to the effect that: "I/We hereby request to be excluded from the proposed Settlement Class in the Universal Property Litigation." Your exclusion request must be sent to the following address so that it is received no later than June 14, 2017: Rodriguez v. Universal Property, c/o Heffler Claims Group, P.O. Box 59329, Philadelphia, PA 19102-9329.

If you elect to exclude yourself, you will (i) not be bound by any further orders or judgments in this case, and (ii) remain able to pursue claims alleged in the Litigation against Universal Property by filing your own lawsuit at your own expense. If you proceed on an individual basis, you may receive nothing at all, or more, or less, of a benefit than you would otherwise receive under this settlement.

8. How can I tell the Court what I think about the settlement?

If you do not exclude yourself from the Settlement Class, you can comment in support of or in opposition to the settlement. Your objection or comment must be submitted in writing to all three (3) of the following addresses below and must be sent so that it is received no later than June 14, 2017:

Court: Clerk of Court, United States District Court
Southern District of Florida
U.S. Federal Building and Courthouse
299 East Broward Boulevard #108
Fort Lauderdale, Florida 33301

Settlement Class Counsel: Frederic S. Fox
David A. Straite
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue
New York, New York 10022

Universal Property's Counsel:

Edward R. McNicholas
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005

The objection or comment must include the case name and number (*Rodriguez, et al. v. Universal Property & Casualty Insurance Co.*, No. 16-cv-60442) and also include: (a) your full name, address, telephone number, and email contact information (if any); (b) a signed statement that you are a member of the Settlement Class; (c) the grounds for your objection or comment; (d) whether you and/or your attorney (if any) intend to appear at the Final Fairness Hearing (see Question No. 10, below); and (e) the name, address, and telephone number of the attorney, if any, who will appear. If you wish to be heard orally at the Final Fairness Hearing, you must also include the names of any witnesses you may call to testify and a description of any exhibits you intend to introduce into evidence.

The Court will consider all timely objections and comments from Settlement Class members. To appeal from any provision of the order approving the settlement as fair, reasonable, and adequate, the award of incentive payments, or the award of reasonable attorneys' fees and expenses paid by Universal Property and awarded to Settlement Class Counsel, you must appear in person or through your counsel, or ask the Court in your objection to excuse such appearance prior to the Final Fairness Hearing.

9. What is the effect of final settlement approval?

If the Court grants final approval to the settlement, all members of the Settlement Class will release all claims or causes of action arising from or relating to all claims that were or could have been asserted in the Litigation. All members of the Settlement Class who do not exclude themselves from the Settlement Class will **release any claims they may have, including any future claims**, against Universal Property and related entities covered by the release. You may refer to paragraph 10.1 of the Settlement Agreement for a full description of the claims and persons that will be released upon final approval of the settlement.

You can obtain a copy of the Settlement Agreement (i) from the Clerk of the Court, (ii) online at **www.InsuranceClassActionSettlement.com**, or (iii) by writing to Rodriguez v. Universal Property, c/o Heffler Claims Group, P.O. Box 59329, Philadelphia, PA 19102-9329. If you do not wish to be a Settlement Class member, you must exclude yourself from the Settlement Class (see Question No. 7, above).

If the settlement is not approved, the case will proceed as if no settlement had been attempted. There can be no assurance that if the settlement is not approved and litigation resumes, the Settlement Class will recover more than is provided for under the settlement, or will recover anything.

10. When and where will the Court hold a hearing on the fairness of the settlement?

A Final Fairness Hearing has been set for July 31, 2017 at 10:00 a.m. before Judge James I. Cohn in the Southern District of Florida, in Courtroom 203E of the United States Courthouse, 299 East Boulevard, Fort Lauderdale, Florida. At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed settlement, including the amount requested by Settlement Class

Counsel for attorneys' fees and expenses, and incentive awards for the plaintiffs. The motions for attorneys' fees and costs and plaintiff incentive awards will be posted on the settlement website after they are filed. You do not need to attend the Final Fairness Hearing to remain a member of the Settlement Class or receive the relief provided by the settlement (see Question No. 5, above).

11. How do I receive the relief provided by the settlement?

You are part of the Settlement Class and the injunctive relief will inure to your benefit automatically. Likewise, you will receive ID Experts' managed recovery and restoration services for identity theft victims for two years from the date that the settlement is final and identity theft reimbursement insurance offered through ID Experts for one year from the date that the settlement is final automatically, unless you take action to exclude yourself from the Settlement Class (see Question No. 7, above). You do not need to submit any personal information or a claim form to receive these benefits and services until such time that you become a victim of identity theft.

12. Where do I get additional information?

This notice provides only a summary of the matters relating to the settlement. For more detailed information, you may wish to review the Settlement Agreement preliminarily approved on February 14, 2017. You can view the Settlement Agreement and get more information at www.InsuranceClassActionSettlement.com. You can also get more information by writing to Settlement Class Counsel at the address listed in Question No. 8 or calling toll-free 1-844-702-2785. The Settlement Agreement and all other pleadings and papers filed in connection with the settlement are available for inspection and copying during regular business hours at the office of the Clerk of the United States District Court, Southern District of Florida, U.S. Federal Building and Courthouse, 299 East Broward Boulevard #108, Fort Lauderdale, Florida 33301.

PLEASE DO NOT CONTACT THE COURT OR UNIVERSAL PROPERTY WITH QUESTIONS ABOUT THE SETTLEMENT.