

**NOTICE OF RIGHT TO JOIN LAWSUIT AGAINST  
PROGRESSIVE CASUALTY INSURANCE COMPANY**

**This is a Court-Authorized Notice and is Not a Solicitation from a Lawyer.  
The Court Has Made No Findings as to the Merits of the Case at this Time.  
This is Notice of Your Right to Join this Case.**

United States District Court for the Middle District of Florida  
Arlene Rosario et al. v. Progressive Casualty Insurance Company, 6:20-CV-352-Orl-78EJK

**May 27, 2021**

Dear current or former employee of Progressive Casualty Insurance Company:

Enclosed is a consent form which you may submit if you would like to join a lawsuit filed against Progressive Casualty Insurance Company (“Progressive”). The action was filed by two former Med Rep Assocs and one current Med Rep Int (the “Representative Plaintiffs”) on behalf of anyone who has worked for Progressive in either of these roles, in the State of Florida, during the last three years.

You are receiving this Notice because, according to Progressive’s records, you worked in Florida as a Med Rep Assoc and/or a Med Rep Int for Progressive at some point on or after May 11, 2017. **If you wish to join the lawsuit against Progressive you must complete and return the enclosed form to the address below no later than July 26, 2021.**

In this case, Plaintiffs allege that employees in the Med Rep Assoc and the Med Rep Int jobs do not work in one of the “exempt” occupations identified in the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201 *et seq.*, and so by not requiring them to work and report time on an hourly basis, and by not paying them overtime compensation when they worked more than 40 hours in workweek, Progressive violated the Fair Labor Standards Act (the “FLSA”). Progressive believes that employees in the Med Rep Assoc and Med Rep Int jobs have been and remain properly classified as exempt employees, and so they are not entitled to receive overtime compensation. As a result, Progressive believes that no laws, including the FLSA, have been violated. The court overseeing this matter has expressed no opinion as to whether the Plaintiffs’ position or Progressive’s position is the correct one, and it has not made any other decision regarding the merits.

Although Progressive disputes the merits of this case, it has agreed that you may be informed that the lawsuit has been filed and that you should be given a choice of whether to participate. Progressive has also given its assurance that it will not retaliate against you in any way because you choose to participate in the lawsuit (or bring a claim in arbitration) by returning the enclosed consent form, and that you will not be discharged or subject to discrimination in any manner because you choose to join the lawsuit (or bring a claim in arbitration).

**If you do not return the enclosed consent form by July 26, 2021, you will not be considered part of this case and you will not be bound by any ruling or judgment entered by the court. You will not be entitled to share in any amounts recovered in this lawsuit, if any, but you may have the right to bring your own claims.**

If you applied for employment with Progressive on or after January 18, 2016, you may be bound by an arbitration agreement requiring you to bring any wage and hour claims (including claims for unpaid overtime) against Progressive individually in private arbitration only. If you have agreed to individual

arbitration, then by returning the form below, you are indicating your desire to proceed with an overtime claim against Progressive, but you are not joining the lawsuit referenced above. Instead, your claim may, at Progressive's option, be referred to individual arbitration, in which case you will not be bound by the outcome of this action, and the lawyers listed below will represent you in arbitration. By authorizing this notice, Progressive is not waiving its ability to enforce the arbitration agreement.

By sending in the enclosed Consent form, if you qualify, you will join this lawsuit and the attorneys listed below will represent you. The Plaintiffs who initiated this case will work with the lawyers for the Plaintiffs listed below to make decisions regarding this litigation. Specifically, by sending in the enclosed Consent Form, you designate the Representative Plaintiffs as your agents to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

If you join the lawsuit, you may be asked to provide information and documentation and/or appear and provide deposition testimony and testify in court or at arbitration in Orlando, Florida.

The attorneys in this lawsuit will be entitled to receive a payment of attorneys' fees and costs should there be a recovery or judgment in favor of Plaintiffs. If there is no recovery or judgment in Plaintiffs' favor, you will not owe any attorneys' fees. If the Court determines that Progressive is the prevailing party in this litigation, Progressive may attempt to recover its costs from you and the other Plaintiffs and Opt-In Plaintiffs.

If you have any questions about this Notice, the Consent to Join or the lawsuit you should contact the attorneys listed below.

**Again, to join this case, you must return the enclosed consent form to the address below no later than July 26, 2021.** If you have any questions, do not hesitate to contact the lawyers for the Plaintiffs at the phone numbers or e-mails provided below:

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[www.lblaw.attorney](http://www.lblaw.attorney)

**Or** you may e-mail the signed Consent form to: [mlytle@lblaw.attorney](mailto:mlytle@lblaw.attorney) within sixty (60) days from the date the Notice was mailed to you. If you do not have access to a printer or scanner but wish to submit the Consent form by e-mail, please contact the attorneys listed above for further instructions regarding submitting the Consent form with an electronic signature.

Should you lose or misplace the enclosed Consent to Join, please contact the attorneys at the above addresses and telephone numbers and they will provide you with another Consent to Join to complete and return. If you have questions, you may contact any of the counsel above.

**The Notice has been authorized by the United States District Court in and for the Middle District of Florida. This Notice is not an expression by the Court of any opinion concerning the alleged claims. This Notice simply informs you of the pendency of this litigation and your rights to join, or not join, the lawsuit. Although the United States District Court, Middle District of Florida, is overseeing this lawsuit do not contact the court if you have any questions. Instead, if you have questions, please contact the attorneys listed immediately above.**