

If You Are or Were a West Virginia Nationwide Auto Policyholder or a Passenger in the Vehicle of a West Virginia Nationwide Auto Policyholder, and Were Involved in an Accident, You Could Get a Payment From a Proposed Class Action Settlement.

A Settlement has been proposed in a class action lawsuit against Nationwide Mutual Insurance Company, Nationwide Mutual Fire Insurance Company, Nationwide Property and Casualty Insurance Company and Nationwide Assurance Company (formerly Colonial Insurance Company of Wisconsin) (“Nationwide”). The name of this lawsuit is *Nationwide Mutual Insurance Company v. O’Dell*, No. 00-C-37, pending in the Circuit Court of Roane County, West Virginia.

What is the Lawsuit About?

The lawsuit claims that Nationwide breached its insurance contracts with Settlement Class Members and violated certain legal duties by not providing them with the uninsured motorist (“UM”) and underinsured motorist (“UIM”) coverage they were entitled to. Nationwide denies these claims and denies any wrongdoing. The Court has made no final rulings on the claims or defenses made in the lawsuit, but it has preliminarily approved the proposed Settlement.

Who is a Settlement Class Member?

You may be a Settlement Class Member and could get a payment if:

- You are or were a West Virginia Nationwide auto policyholder or a passenger in the vehicle of a West Virginia Nationwide auto policyholder; **AND**
- You were involved in an auto accident or incident during the period from April 11, 1993 through January 31, 2007; **AND**
- You were injured by, or suffered property damage by the acts of, an uninsured motorist or underinsured motorist in the accident or incident; **AND**
- You were denied or not provided UM or UIM coverage for the accident or incident by Nationwide, or provided UM or UIM coverage for the accident or incident by Nationwide with limits less than the bodily injury or property damage liability limits of the policy.

You are not required to have purchased or paid for the UM or UIM coverage in order to be a Settlement Class Member.

You are not a Settlement Class Member if the UM or UIM coverage limits under the policy were increased by Nationwide at no charge after your auto accident to match the liability limits of the policy. If the coverage limits were increased in this way, any claims you have against Nationwide under the lawsuit will be dismissed under the proposed Settlement. However, this

dismissal will not affect your right to pursue any claims against Nationwide.

What Does the Settlement Provide?

Payments are available to Settlement Class Members. The estimated total value of the payments made available is at least \$75 million (including attorneys’ fees and costs). The Class Notice explains the types of payments available and the formulas for calculating those payments.

What Are Your Options?

Read the Class Notice and make a decision about your legal rights to:

- **Remain in the proposed Settlement and submit a claim for payment.** If you remain in the proposed Settlement, you may be bound by the Court’s rulings and give up your legal right to bring any further claims regarding the issues in this case. Claims must be postmarked by **August 24, 2009**.
- **Exclude yourself,** get no money from the Settlement, and keep your right to sue Nationwide or the Released Parties (as defined in the Release contained in the Class Notice). Your written request for exclusion must be postmarked by **May 26, 2009**.
- **Object or comment on the proposed Settlement.** If you remain a member of the Settlement Class, you may write to the Court about why you do not like the proposed Settlement or any part of it. You may also notify the Court in writing that you intend to appear in Court to object to the Settlement. Your written objection or notice that you are going to appear and object to the Settlement must be postmarked by **May 26, 2009**.

If notice of the proposed Settlement is not mailed to your last known address (as provided in the Settlement Agreement) and you do not submit a claim form or make some other written inquiry or submission, you will not be bound by the Settlement.

The Court has appointed Class Counsel to represent Settlement Class Members. You can also hire your own attorney at your own cost, if you wish.

The Court will decide whether to approve the proposed Settlement and Class Counsels’ motion for \$25 million in attorneys’ fees and costs at a hearing at the Roane County Courthouse, Spencer, West Virginia on **June 25, 2009 at 1:00 p.m.**

To get more information, a Class Notice and a Claim Form:

Call toll free: 1-877-562-7599, Visit: www.WVNationwideClassAction.com,

Or write: Claims Administrator at P.O. Box 850, Hurricane, WV 25526