

Property Damage:
Win
Protect Your Client
Earn a Living



Would you ever ignore a wage loss claim?

Then how can you ignore diminished value?

Or loss of use?

Would Mark Sutton or Larry Murphy make good treating doctors because Farmers "prefers" them?

You'd do something about that, right?

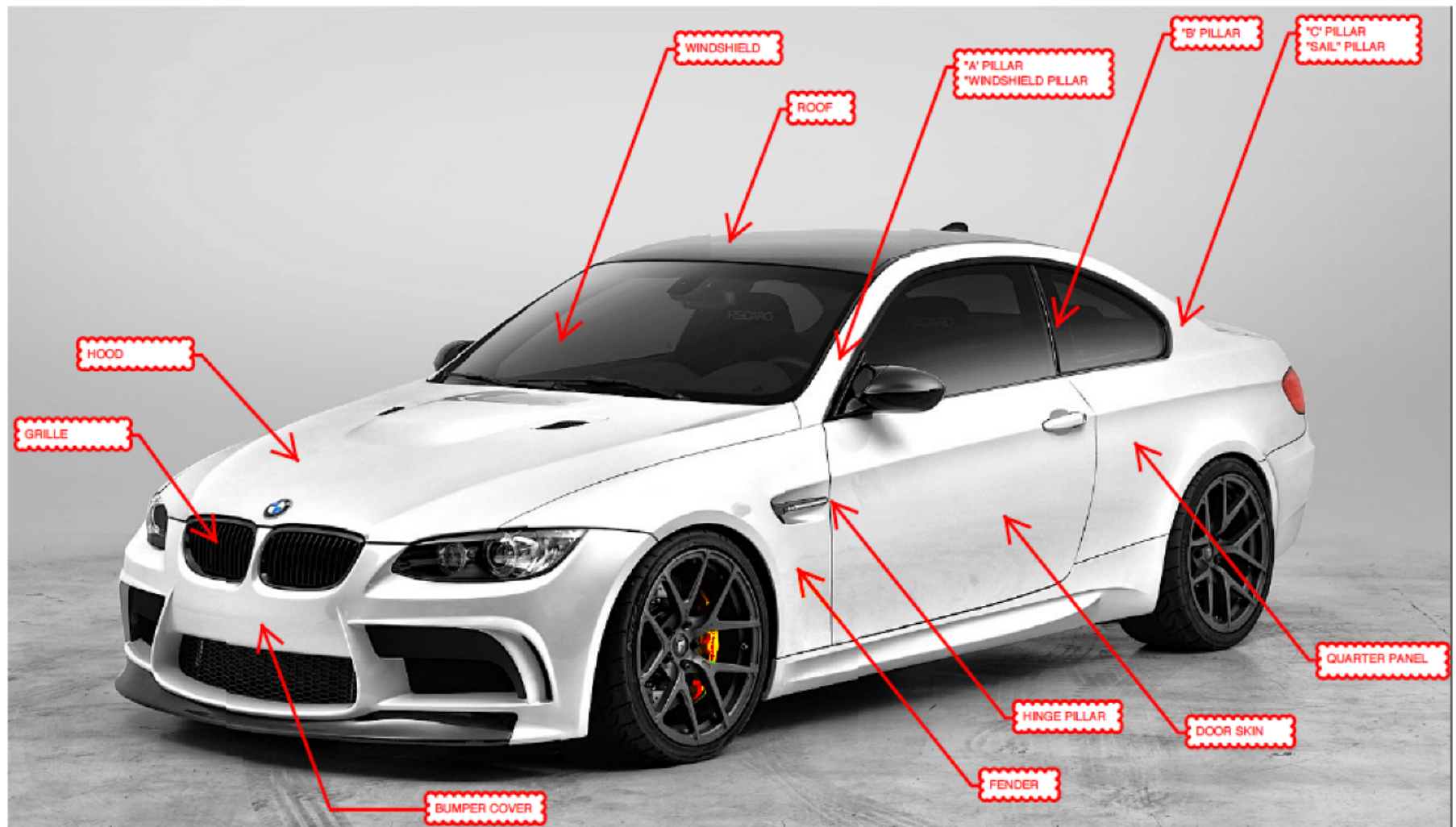
So why let your client drive an unsafe car repaired with junk yard or imitation parts?

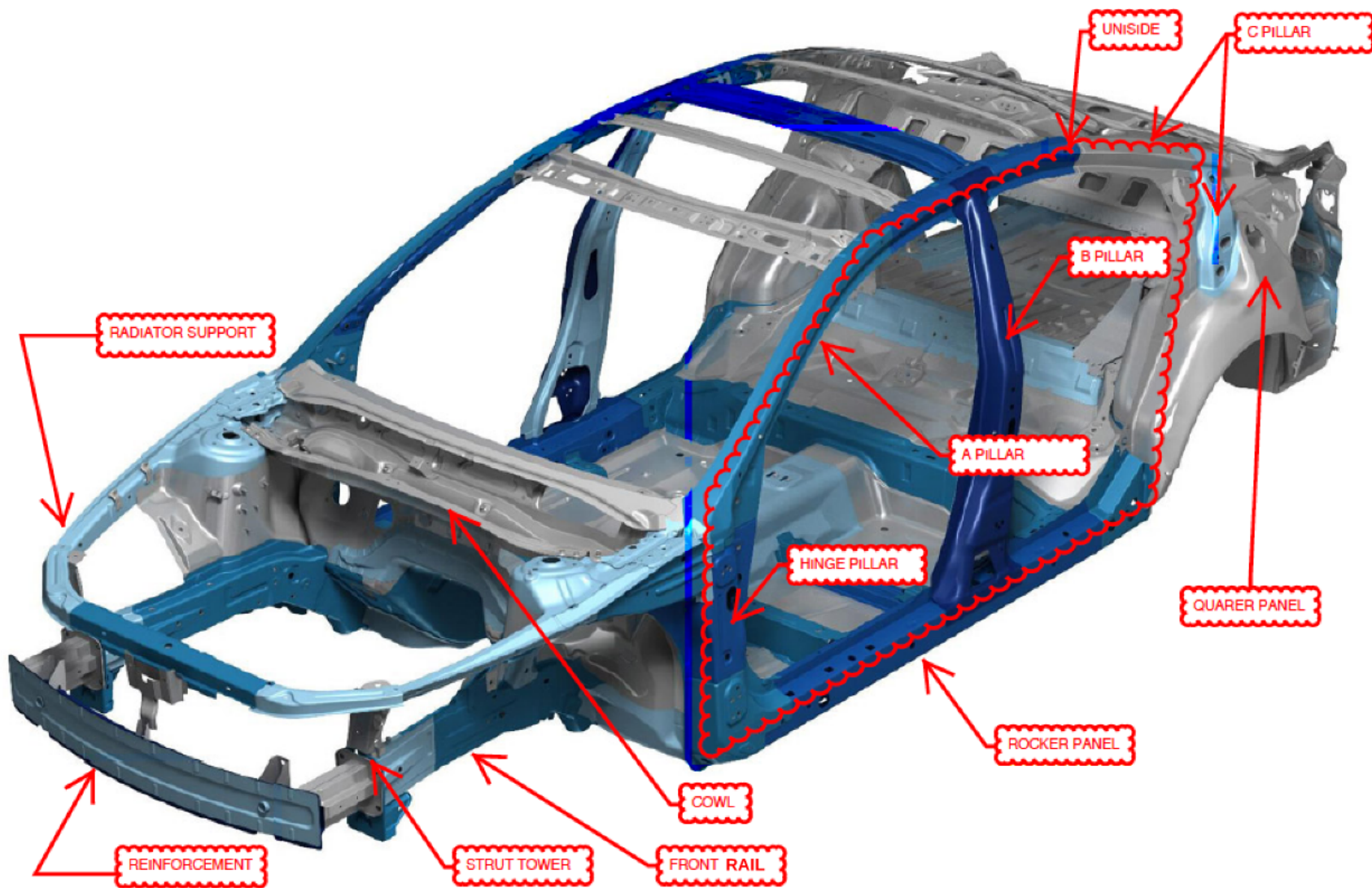
Who is in charge of your client's case -
you or the insurance adjuster?

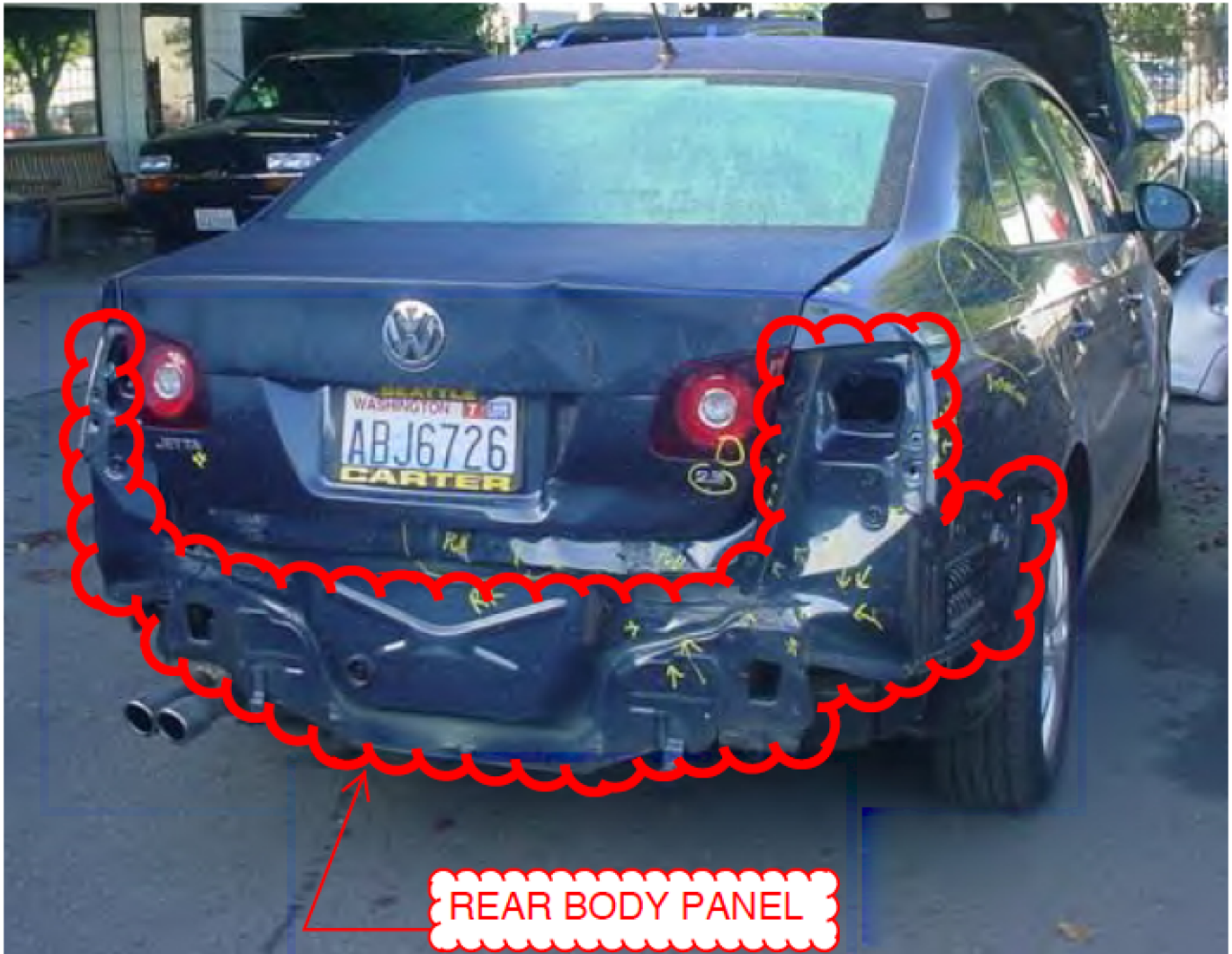
The property claim is about control

And setting the tone for
the injury negotiations

And it matters to your client







REAR BODY PANEL

No Crash, No Cash?



Vehicle: 2000 ACURA 1.8L V6 SED 6-2.0L F1

41	#	S01	R01	L REAR BUMPER DETAILER	1	65.75	0.1	Incl
42	#	S01	R01	REAR BUMPER DETAILER	1	108.58	Incl	
43	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.1	
44	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	6.00	0.5	
45	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	15.00	Incl	
46	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	35.00	0.2	
47	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	0.3	
48	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	0.5	
49	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	0.5	
50	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.0	F
51	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.0	F
52	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.0	F
53	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.0	F
54	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.0	F
55	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.0	F
56	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.0	F
57	#	S01	R01	REAR BUMPER REPAIR/REPAINT	1	5.00	2.0	F

Structural Damage!!

Vehicle: 2010 ACUR TSX 4D SED 6-3.5L-FI

41	#	S01	R&I	L REAR BUMPER RETAINER				0.1	
42	#	S01	Repl	REAR BUMPER IMPACT ABSORBER	1	65.73	Incl.		
43	#	S01	Repl	REAR BUMPER REINFORCEMENT BAR	1	378.58	Incl.		
44	#			HAZARDOUS WASTE DISPOSAL	1	5.00			
45	#			---- ADDITIONAL OPERATIONS	1				
46	#	S01	Refn	CLEAR COAT					2.1
47	#			FLEX ADDITIVE	1	6.00			
48	#			TINT	1				0.5
49	#	S01		RESTORE CORROSION PROTECTION	1	15.00	Incl.		
50	#	S01	Repl	SEAM SEAL	1	35.00		0.2	
51	#	S01		-- MANUAL ENTRIES	1				
52	#	S01		MASK INTERIOR		5.00		0.3	
53	#			FILL SAND AND FEATHER	1			0.5	
54	#			COLOR SAND AND BUFF	1			0.5	
55	#	S01		FRAME RACK SET-UP AND MEASURE	1			2.0	F
56	#	S01		PULL AND ALIGN FOR MASH	1			2.0	F
57	#	S01	Rpr	PINCH WELDS				1.0	

Structural Damage!!

Parts



After an accident, know whether you're getting aftermarket parts
Scott and J. Brown don't believe National's claim on their side.
WWW.MOJAL.COM - BY THE MORNING DAIL



Can an Aftermarket Part Void My Car Warranty? - Consumer Reports News
Consumer Reports details how aftermarket parts could affect your car's warranty.
CONSUMERREPORTS.ORG



OEM v. Aftermarket

CAPA® (imitation)

Recycled (junk yard)

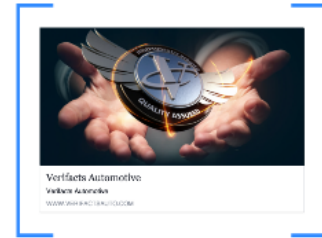
QRP (imitation)

Reconditioned (junk yard)



"Certified, Approved, Preferred"

Manufacturer Approved



Dealership Recommended

Insurance Direct Repair

Independent Facility

I-CAR Certified Technicians

Factory-specified Repair Guidelines
"Industry Standard" Collision Repair
Repair vs Replace
BONDO®
Corrosion Protection
High-strength Steel
Aluminum Repair



Verifacts Automotive

Verifacts Automotive

WWW.VERIFACTSAUTO.COM

All photographs by John Walker Sr Frontier Adjusters 2311 N. 45th Street, Seattle WA 98103 425-337-9798

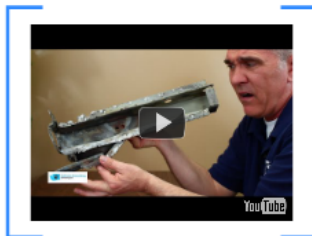


LEFT REAR BODY IN TOO FAR - POOR LID FIT.

SUPPLEMENT OF RECORD 1 WITH SUMMARY
2009 AUDI A4 QUATTRO PREMIUM PLUS 4-2.0L-T 4D SED BLACK INT:UNK

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
8		FENDER				
9**		REPL A/M CAPA LT FENDER	1	193.00	2.5	2.0
10		ADD FOR CLEAR COAT				0.8
11		ADD FOR EDGING				0.5
12		DEDUCT FOR OVERLAP			-0.4	

All photographs by John Walker Sr Frontier Adjusters 2311 N. 45th Street, Seattle WA 98103 425-337-9798



LEFT FENDER FULL OF BONDO.



QUEEN CITY AUTO REBUILD





Repair or Total

WPI 30.10

- (1) Pre-loss FMV
- (2) Salvage Value
- (3) Probable Repair Cost
- (4) Probable DV

"True"
Total Loss Threshold

Value - Salvage - Repair Cost > Diminished Value



Galileo Law PLLC - Paul Veillon, Attorney

June 24 · Edited [?] · ✱

Insurance companies institutionally fail to consider diminished value in determining whether a vehicle is a total loss: <http://www.claimsjournal.com/.../nation.../2013/12/05/240841.htm>. Why is this a problem? In Washington, an at-fault party is not required to pay any more than it would pay for a totaled vehicle, even if the vehicle is repaired for an amount that, when combined with its diminished value, is greater than the value of the vehicle. Worse, Washington has no mandatory total loss threshold, and vehicle owners have no control over declaring their own vehicles total losses. Vehicle owners risk picking up their vehicle from the body shop, where the insurer decided to repair it, with more diminished value than they are legally allowed to collect. Galileo Law has pressed the Washington legislature to address this issue, but other priorities have superseded this one. The Office of the Insurance Commissioner offers no assistance on the subject. Our firm routinely fights to total vehicles well below the typical threshold, even though we earn no fee when we are successful. We believe it's the right thing to do for our clients, whose welfare is our highest priority.



When is A Vehicle Considered a Total Loss?

When and whether a vehicle involved in a collision is considered to be "totaled" for first-party insurance purposes is an issue of great angst and confusio

CLAIMSJOURNAL.COM



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"True"
Total Loss Threshold

Value - Salvage - Repair Cost > Diminished Value

Total

Insurers are responsible for the accuracy of evaluations to determine actual cash value. WAC 284-30-380(7).

Total loss guidelines: WAC 284-30-391, 392

"Fair market value"

Demand a Report

[Find comps, call the insurer's comps, set expectations]

First-party:
Hire Appraiser
Invoke Appraisal
Post-Appraisal IFCA

Larson Hyundai (Comp 1): Per Dennis, sales manager, the vehicle sold 04/10/15 (one day before it was re-listed) for \$17,592. Dennis explained that it schedules its internet listings days in advance, so an 04/11/15 final list date is to be expected if the vehicle sold only one day before, and he explained that this vehicle was an "Internet Special," so the online price was lower than the on-site sticker price, and on-site sales are the more accurate gauge of a vehicle's fair market value since most pre-owned vehicle consumers want to inspect and test drive a vehicle before they purchase it. Progressive adjusted \$928 for a "Projected Sold Adjustment" off the \$15,459 internet list price for a net \$14,531 value before adding \$1,881.02 for mileage, trim, and condition adjustments. Progressive should use \$17,592 as the value and then add \$1,881.02 for mileage, trim, and condition adjustments for an adjusted value of \$19,473.02.

Championship Motors (Comp 2): Sales associate confirmed this vehicle sold 05/13/15 for \$15,438. Progressive should add \$479 to its valuation since it used a \$991 "Projected Sold Adjustment" but the vehicle sold for only \$512 off its list price. The adjusted value should be \$17,225.63. But then this vehicle should be further adjusted up because it is not from a manufacturer-authorized dealership. The Larson Hyundai and Doug's Hyundai vehicles (Comps 1 and 3) were Certified Pre-owned vehicles. This vehicle was not. The additional warranty and reliability benefits of CPO status are worth at least 5% of a vehicle's value; moreover, Mr. Rusimovic's vehicle would have qualified as a CPO vehicle, and therefore to make him whole he is entitled to sufficient purchase power to shop at a manufacture-authorized dealer rather than a "used car lot." Comp 2 should have an adjusted value of \$18,086.91.

Doug's Hyundai (Comp 3): Per Michael Rae, sales associate, this vehicle sold 07/19/15 for \$18,000. Progressive should remove the - \$1,119.00 "Projected Sold Adjustment." The adjusted value should be \$17,239.06 based on that factor alone. Moreover, the mileage adjustment is inappropriate - Comp 1 and Comp 4 use \$0.05 per mile for the 30,000 miles between the loss vehicle and the 68,000-mile comparables, but \$0.057 per mile for this comparable when the pre-owned consumer market for a four-model-year-old Sonata will not care as much about the difference between 19,000 and 37,000 miles as it will about the difference between 37,000 and 69,000. An appropriate mileage adjustment would be \$0.043 per mile, or \$768.80, not \$1,026.58. That would make the adjusted value \$17,496.84.

Repair

"Unfair or deceptive practice: Failing to prepare or accept an estimate provided by the claimant that will restore the loss vehicle to its condition prior to the loss. WAC 284-30-390(4).

ering: No!

Collect estimates & supplements
Compare them & ask questions
Collect opinions from the shop



Steering: No!



 **Galileo Law PLLC - Paul Veillon, A***
Law PLLC - Paul Veillon, A*
March 15 • *
US Senator Rick Warren
Consumers



Galileo Law PLLC - Paul Veillon, Attorney at Galileo
Law PLLC - Paul Veillon, Attorney

March 15 · ✱

US Senator Richard Blumenthal is a ranking member of the Senate's Consumer Protection Subcommittee. He recently - finally - gave US Government attention to the advantage insurers take of their customers and the people their customers damage through their "Direct Repair" programs.

"Direct Repair" offers collision victims a convenient means of repairing their vehicle - they must simply visit a repair shop that has a contract with the insurance company, and the shop "takes care... [See More](#)



Blumenthal takes on auto insurers, says nation's top auto insurers engage in anti-competitive...

WALLINGFORD >> U.S. Sen. Richard Blumenthal announced Saturday he has asked the Department of Justice to investigate the practice of major auto insurers...

NHREGISTER.COM





Galileo Law PLLC - Paul Veillon, Attorney

August 12 at 6:24am · 🌟

Washington regulators could learn a thing or two from Mississippi. There, unlike here at home, the Insurance Commissioner and Attorney General are actively working to promote consumer rights and the viability of independent repair shops: <http://msbusiness.com/.../hood-begins-inquiry-into-possible-s....>



Hood begins inquiry into possible 'steering' practices by insurance companies

By JACK WEATHERLY Mississippi Attorney General Jim Hood has begun an investigation of insurers t...

MSBUSINESS.COM



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Collect estimates & supplements
Compare them & ask questions
Collect opinions from the shop

Demand Pre

Questions
in the shop



[Demand Pre-loss In Writing]



First-party:
Hire Appraiser
Invoke Appraisal
Post-Appraisal IFCA

Diminished Value

Vehicle < 4 years old

Original owner or CPO

Financed, not leased

Structural damage

Hire a competent appraiser

Make the claim, and be ready to sue

Attempt to secure the insurance report

Settle-or-file requires math

The Best-case Scenario is known

Diminished Value Litigation

District Court vs. MAR

**RCW 4.84.250-280:
Fee Shifting**

Live vs. Report Testimony

Focus on Common Sense

Loss of Use Comparable Rental

Comparable vehicle or "Point A to Point B?"

*Holmes v Raffo (Wn.2d);
Straka Trucking v Estate of Peterson.*



Work Trucks, Family Minivans, Credibility
Exotic Vehicles - Re-frame the Question

Rental Quote - Enterprise Online Quote
Loss of Use Expert - Manager or Owner

Straka Trucking v Estate of Peterson

period of lost use. Loss of use claims are appropriate in the case of private chattels, such as the family car or the pleasure boat. They are also appropriate in the case of commercial animals and equipment of all kinds....

Loss of use may be measured by (1) lost profit, (2) cost of renting a substitute chattel, (3) rental value of the plaintiff's own chattel, or (4) interest.^[FN5]

FN5. DAN B. DOBBS, LAW OF REMEDIES § 5.15(1), at 875 (2d ed.1993) (citations omitted).

November 24, 2013

Randy McGraw

Over 28 years of experience in car rental

Paul M. Veillon
OLIVE | BEARB & GREISH PLLC
1218 Third Ave, Suite 1000, Seattle, WA 98101
p: 206.629.9909 | f: 206.971.5081

Dear Mr. Veillon,

As requested I am providing a loss of use quote for a 2013 Ferrari 458 Italia from 9/27/13 to 11/12/13 for a total of 6 weeks and 4 days.

Although this type of vehicle is not typically available for rental in the Seattle area I feel that after researching rates in other markets where it is offered as a rental that I am able to give a fair estimation of the cost if it were.

The total cost for the rental of a 2013 Ferrari 458 Italia or similar for the above mentioned time period would be \$64,696.00

If you have any additional questions or if I can be of any further assistance please do not hesitate to ask.

Sincerely,

Randy McGraw

Date of Loss: April 8, 2015
Vehicle: 2012 Porsche 991 Carrera S
VIN: [REDACTED]
Mileage: 14,050
Claim Number: 019591241000000003002
Frontier File: 5124

To whom it may concern,

On behalf of [REDACTED] I provide my independent professional opinion for loss of use commencing April 8, 2015 and ending July 30, 2015. I found 3 companies that will rent a Porsche 911 as follows:

- 1) Hertz Dream Cars has this vehicle available starting at \$450.00 per day (not in this market)
- 2) Find Exotic has this car in a Cabriolet starting at 289.00 per day (not in this market)
- 3) Relay Rides has a 2006 911 (997 older generation, not a 991) starting at \$240.00 per day in Bellevue Washington. This is an available car in this market.

123 days loss of use @ \$240.00 per day = **\$29,520.00** (excluding taxes)

I swear under penalty of perjury under the laws of the State of Washington that the foregoing report and its enclosures are true and correct to the best of my knowledge and belief.

Respectfully submitted,

DR. J. J. J.

Additional Necessary Repair

[Post-repair Inspection]

[DRP or Independent?]

["We don't warranty workmanship
from independent shops."]

["You Have to Take the Car Back
to the Original Repair Shop"]

[*Bell v. McMurray* and *Lindquist v Dengel*:
subsequent foreseeable negligence is no defense]

[First-party collision allows additional authority:
• Policy requires repair until repairs are complete
• "Efficient proximate cause": *Graham v. PEMCO*
• WAC 284-30-380(4): "Insurers must not fail to settle first
party claims on the basis that responsibility for payment
should be assumed by others . . . "]



GUARANTEE

_____ and GEICO guarantee that the work performed will be free from defects in materials and workmanship for as long as you own the vehicle described below. This guarantee will apply to all items as originally estimated, as well as additional repairs found to be related to this loss.*



Circle of Dependability® - Repair Program

Frequently Asked Questions and Answers



FARMERS®

Having a car accident can be traumatic, confusing and time-consuming. Our Circle of Dependability repair program helps get you back where you belong.

- **Will my vehicle be the same after it is repaired?** Our Circle of Dependability repair facilities are some of the best in the business and will repair your vehicle to its pre-accident condition per industry standards. The Circle of Dependability repair facility will provide a written lifetime warranty on the repairs completed to your vehicle as long as you own that vehicle. Farmers also provides an additional lifetime warranty as long as you own the vehicle.

State Farm's Select Service (R) Pledge -
the ONLY grepair guarantee from SF itself



Subrogation

Averill v Farmers:
Mahler for Repair or TL

Classic Subrogation:
Assignment of Rights
Meas v State Farm

Right of Reimbursement

Allege *DeTurk v State Farm*,
Prepare for Battle



Ferrari 458 Italia

\$66k Repair

\$51k Diminished Value

\$39k Total Fee

\$22k Averill Share

Mahler for Repair or I L

Classic Subrogation:
Assignment of Rights
Meas v State Farm

Right of Reimbursement

Meas v State Farm

2012 Toyota Camry

\$15,000 Total Loss

\$3,500 Meds

\$6,000 GD



\$24,500 Recovery

\$8,166.67 Total Fee

\$5,000 Averill Share