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**All’s Not Lost in Judge’s Dismissal of FL Collision Repairer's Lawsuits**

*Tampa, FL, September 25th, 20015; When Barrett Smith of Auto Damage Experts, Inc. (ADE) was asked about his thoughts regarding the news of the Florida’s Courts dismissing the collision repairer’s Multi-District Lawsuit against dozens of insurers he stated:*

*“While this is certainly not the news that many quality-minded repairers were hoping for, it may not be a total “defeat” or “the end” as some may suggest or believe. There are still remedies that plaintiff counsel will likely pursue to keep the litigation alive, and even if not, the insurer’s less than appropriate activities have been exposed and more and more state legislators across the country are watching and listening. More importantly perhaps, consumers are being educated.*

*Unfortunately, what may appear to be a set-back for the collision repair industry will no doubt provide some claims-people the incentive to conduct themselves even more aggressively and egregiously in their day to day dealings with consumers and body repairers under the guise of reducing claims costs.”*

*Smith was asked: For what many see as potentially devastating, you seem to be fairly optimistic. Do you not see this as a defeat for the collision repair industry?*

*“No. said Smith, I see this as an opportunity for repairers! This recent news merely illustrates that it is time that quality-minded repairers and the industry at-large stop waiting, hoping and relying upon others to fix their problems.*

*It’s time for repairers to seek methods of conducting business in a more effective manner, that not only better edifies and serves their true customers, but also properly addresses the many liabilities often associated in the business of collision repair. Repairers need to begin shifting avoidable liabilities to those they belong… unless of course the repairer is properly and fully compensated to accept them.”*

*Smith goes on to state: “The following recent comment from an independent shop owner sums up one of the problems collision repairers have:”*

***”We have to show documentation and proof that they owe us for procedures, and all they have to do is say "we don't pay for that and no one else asks for it”.***

*“Of course the comment is in reference to insurers and while the insurer owes the repairer nothing…who’s explaining the issues and the refusal of payment, the potential outcome and associated liabilities to the consumer…their true customer?*

*“It’s imperative for quality-minded repairers to understand that when a repair involves insurance it is the consumer’s claim and repair professionals should be there; not only to offer and perform quality repairs, but also to properly inform and educate their customer when that level of repair cannot be met.*

*Whether it is due to the consumer’s desire to save money and/or a result of the failures and/or denials of involved third-parties, consumers have a right to know and repair professionals have a professional duty and moral obligation to advise them.*

*In some states, such as Florida, the repairer is legally obligated to get permission from the customer to perform a repair in a manner that do not meet the original manufacturers’ (OEM) specifications! This could involve procedures, parts and materials” Smith stated.*

*When asked; so what are repairers to do? Smith responded;*

*“Repairers need to adopt and employ proven business activities such as marketing, branding and educating their community members to pro-actively combat and nullify the third-party’s efforts to steer. Simply stated, those who would steer against you must be viewed and dealt with as direct competitors. Our ADE Coaching/ Consulting clients have learned how to properly position themselves as to edify and empower their customers to combat insurer refusals and short-pays. Even those who have DRP relationships are using the systems to increase profitability. Many ADE clients have found it beneficial to divest themselves from such referral programs altogether.   
All across the country there are numerous repairers who are learning to successfully implement key philosophies, processes and procedures and doing so with great success!”*

*Smith continues; “Each of these quality-minded shop owners has taken back control of their businesses while providing the utmost in service and quality and generating greater sales through referrals of satisfied clients; all the while enjoying greater profit margins and perhaps most importantly...once again enjoying what they do.”*

*“It’s not rocket science” Smith goes on to say, “and most any honest and ethically-minded repairer can master it and do so at their-own pace.”*

*“The sky has not fallen…unless of course you believe all hope is lost… and those who would believe that… than they would probably be right!”*

*“Generally speaking, collision repairers are a tough breed and fiercely independent and “when the going gets tough” they’ll find a way, not merely to cope, but to use it to their advantage.”*

*“The More the Merrier”! The more repairers who adopt such management philosophies and “get it”, the easier it will be for others in their market-place to get on-board and the more accountability will be placed on those who don’t. If they are not part of the solution, they may very well become part of the problem!”*

*As Benjamin Franklin once stated:* ***“****If we don’t hang together, by Heavens, we shall hang separately”*

*“I believe things happen for a good reason” Smith stated, “we merely need to seek the opportunities that situations offer us, and as the old saying goes; “when given lemons…make lemonade”!*

*“Regardless of the ultimate outcome of the litigation, my hope is that repairers realize that there will be no White Knight riding in to save the day and that any positive change will be up to them, individually…which hopefully will one day turn collectively.”*

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