

1 Q. Okay. I'm going to show you your Exhibit E, I think  
2 it is, if I'm keeping track properly. It's D. Have you got D  
3 in front of you?

4 MR. MCCLALLEN: And I think the jury has -- do you  
5 have a copy of D in front of you as well? Exhibit D?

6 THE WITNESS: No.

7 MR. MCCLALLEN: Okay. Let me work through this with  
8 you.

9 Let me see if we can go through and if we need to  
10 hand it out, we'll hand it out.

11 BY MR. MCCLALLEN:

12 Q. So I'm showing -- this is a copy of the page  
13 pertaining to, Date of loss, 2009, on  
14 this claim. Correct?

15 A. Yes.

16 Q. Okay. And on the bottom, do you see what the --  
17 under the column that says Allstate. That shows how much  
18 Allstate has paid. Right? Or how much --

19 A. That's the cost to repair --

20 Q. -- the cost to repair.

21 A. -- we paid less the deductible.

22 Q. Okay. And so what is that?

23 A. \$2,269.28.

24 Q. Okay. Now, Parker's charged how much?

25 A. \$2,289.84.

1 Q. All right. What's the difference?

2 A. \$20.56.

3 Q. All right. So you did not do the repair on this  
4 vehicle. Right?

5 A. I did not.

6 Q. You told your insured that Allstate had done the  
7 option. That they're going to pay this loss in cash. Right?

8 A. Correct.

9 Q. So they could take this to the repair shop of their  
10 choice.

11 A. Correct.

12 Q. And there's nothing in your contract that talks in  
13 terms of them being bound by labor rates. Correct?

14 A. Right.

15 Q. Nothing in there that say they're going to be bound  
16 by an agreed price. Correct?

17 A. Correct.

18 Q. In fact, agreed price appears nowhere in your  
19 contract. Right?

20 A. Not to my knowledge, no.

21 Q. And you're familiar with the contract?

22 A. Yes.

23 Q. Nothing in there that says they're going to be bound  
24 by what parts and materials that Allstate would deem  
25 reasonable. Nothing in the contract that limits --

1 A. Correct.

2 Q. Okay. It says none of that. So you said to these  
3 guys, take it to where you want. Get it repaired. They do.  
4 The repair shop submits a bill to their customer that is  
5 \$20.56 more than Allstate is going to pay. Right?

6 A. Correct.

7 Q. That's what we've got.

8 A. Yeah.

9 Q. Okay. And you're going to sit, you're under oath,  
10 you're going to tell me that that repair that Parker's did is  
11 unreasonable. Correct?

12 A. It's more than the cost to repair the vehicle.

13 Q. He repaired the vehicle. That's what it costs to  
14 repair it. Right?

15 A. That's what he's charging to repair it. We contend  
16 that that's not the actual cost to repair it.

17 Q. Really? So with your option that you chose to your  
18 customer, your insured. Take this car anywhere you want and  
19 get it repaired. Your customer comes back and says here, I  
20 got a bill for \$20.56 more than what you want to pay. You're  
21 going to say, I'm not going to pay it?

22 A. Unless they can show us something that justifies  
23 that, no, we're not.

24 Q. Where is that the policy?

25 A. The policy indicates that we owe the cost to repair

1 the vehicle.

2 Q. You don't repair. Correct?

3 A. Correct.

4 Q. Allstate doesn't have any repairers. Correct?

5 A. Correct.

6 Q. You can direct a repair if you chose. Is that  
7 correct?

8 A. Yes.

9 Q. So that means you could take this to anybody you  
10 wanted to and you could say to that person, you're going to  
11 pay for this repair. You're going to get 2,269.28. We don't  
12 care what it costs you to do it. That's what you're going to  
13 get paid. Correct?

14 A. Yes.

15 Q. Okay. Why don't you?

16 A. We do tell them up front when we're writing the  
17 initial estimate --

18 Q. No, no.

19 Q.

20 A. -- and throughout the process that if they chose to  
21 use that shop, they may have out of pocket expense.

22 Q. Really? Where is that in the policy?

23 A. It's not. It's a practice that we have.

24 Q. So your practice is to tell somebody here's the deal,  
25 we're not going to accept liability for this repair because

1 we're going to settle it in cash. Take it anywhere you want.  
2 You've got the freedom to choose as our customer and you can  
3 do anything you want. You take it to that repair shop as long  
4 as they charge our rates, as long as they charge for materials  
5 based on our studies and as long as they do what we think is a  
6 proper repair based on what our methodology is, everything is  
7 fine.

8 A. They're not our studies to start with.

9 Q. Right.

10 A. Right.

11 Q. On studies.

12 A. Yeah. And yes, that's correct. We pay the cost, a  
13 reasonable cost, in the area that the repairs are being done  
14 and in this case, Rutland County, for what it costs to repair  
15 the vehicle and the agreement that we could get with any  
16 number of shops in that area.

17 Q. (And that agreement's not part of the policy, again.  
18 Correct?)

19 A. No, it's a practice and we have a -- we do that as a  
20 courtesy to our customer to make sure they're getting a  
21 correct and cost-effective repair.

22 Q. You do it as a bottom line item for Allstate so you  
23 can get a repair that's within your budget. Right? That's  
24 what you're --

25 A. I disagree.

*Word tracks*

1 Q. You said, you testified and you agree that what you  
2 do is not auto repair is managing claims. Correct? That's  
3 what you're doing.

4 A. That is part of what I do, yes.

5 Q. Okay. You're managing claims in a cost-effective  
6 manner for Allstate.

7 A. Correct.

8 Q. Mike Parker has a contract with your insured to  
9 repair the vehicle. He is repairing the vehicle. Correct?

10 A. Yes.

11 Q. His duty is to the customer.

12 A. Yes.

13 Q. Okay. He's responsible for the quality of that  
14 repair.

15 A. Correct.

16 Q. Okay. Let's take a look at Exhibit 71. Okay. And  
17 Exhibit 71, as the jury may recall, that was the -- possibly  
18 the only semi-interesting exhibit we showed up there. It had  
19 an actual picture of that car. Okay. And that is the car  
20 for -- I believe, it's I'm probably wrong. Yes, it is

21 Good.

22 Now, this is a claim that you were the adjuster with  
23 Parker's on. Is that correct?

24 A. Correct.

25 Q. Okay. And it had to do with rear end damage to this