

Larson Ex. 8

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions, LLC,	)	Case No.:	15-cv-1878
	)	(SRN/SER)	
Plaintiffs,)		
)		
vs.	)	Declaration of Martin	
	)	Fleischhacker in Opposition to	
Michael Rothman, in his official capacity as	)	Summary Judgment	
Commissioner of the Minnesota Department of)		
Commerce,)		
)		
Defendant.)		
)		
)		

1. I am employed by the Minnesota Department of Commerce (“the Department”) as Assistant Commissioner of Enforcement. In that position, I supervise the investigation of numerous industries regulated by the Department, including the business of insurance. I am also delegated authority by the Commissioner of the Department to execute consent orders with insurance companies for alleged or actual violations of law.

2. Among other things, the Department is charged with enforcement of statutes related to adjusting of insurance claims and statutes that prohibit an insurer from any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an policyholder to use a particular contractor or repair shop.

3. From time to time, the Department has received written and oral complaints from auto glass repair shops and trade associations concerning the practices of insurers,

and of Safelite Solutions, LLC (“Safelite Solutions”). The Department often receives complaints from companies alleging that a competitor is competing unfairly, or is engaged in unfair practices with respect to consumers. The Department investigates these complaints on their merits, as it would a complaint from any other source. In general, three types of complaints have been received in the auto glass industry. First, that insurers have been refusing to pay fair and reasonable rates, as adjusted for geography, as required by Minnesota law. Second, that Safelite Solutions has been improperly acting as an adjuster in determining the reimbursements to be made. Third, that when processing claims, the insurers and Safelite Solutions steer policyholders to use a Safelite Solutions’ affiliated auto glass shop.

4. With respect to steering, the Department has generally not taken action against insurers or claims handlers in the absence of evidence of deceptive or misleading statements made as part of the steering efforts.

5. In or around July or August 2013, I was contacted by Mike Reid, an individual affiliated with Alpine Glass (“Alpine”). In this conversation, Mr. Reid reiterated concerns that had been previously expressed to the Department about steering, deficient payments and arbitrations. However, Mr. Reid also provided additional information that was new to me. First, Mr. Reid stated that Safelite Solutions was misrepresenting to consumers that they would be balance billed by Alpine for charges over and above those deemed reasonable by the insurer in an effort to convince consumers to instead select a Safelite Solutions’ affiliated provider. Mr. Reid stated that

Alpine had specifically informed Safelite that it did not engage in balance billing, but that Safelite persisted in these representations concerning balance billing. Second, Mr. Reid stated that Alpine had taken the Auto Club Group (“AAA”) and many other insurance companies to arbitration for failing to pay reasonable and customary rates for auto glass services, and had prevailed, winning substantial awards. He claimed that an arbitrator in a matter against AAA determined that AAA was denying full payment on claims on the basis of faulty market surveys.

6. I asked Mr. Reid to provide evidence in support of these issues. He provided me with copies of recordings of three-way phone calls between Alpine, Safelite Solutions, and policyholders. He also provided me with arbitration awards in which an arbitrator held that AAA improperly short-paid claims for work performed by Alpine Glass on the basis of incomplete survey information and it “did not comply with the terms of the policy in processing Alpine’s claims.”

7. In an effort to determine whether the call recordings the Department received from Alpine were typical, I had Alpine handle the repair of my own vehicle. When I called my insurer with Alpine on the call, I was connected to a Safelite Solutions representative. At multiple points in the call the Safelite Solutions representative warned me that I might be balance billed by Alpine despite Alpine’s explicit representation that it would not. I found these representations to be deceptive, coercive, and potentially confusing. I received no special treatment from Alpine, and the claim was submitted to my insurer for payment.

8. The Department was subsequently able to obtain additional recordings directly from another glass service provider, Rapid Glass, in which Safelite Solutions handled the claims, as well as from the insurers themselves. Together, these recordings revealed significant problems with Safelite's Solutions handling of claims.

9. One issue the Department identified in the recordings is that Safelite Solutions was misleading policyholders about the risk of being balance billed by Alpine and Rapid Glass if the policyholder used those shops as the provider instead of a Safelite Solutions affiliated provider. Indeed, in several calls a representative of Alpine or Rapid Glass specifically told the policyholder and Safelite Solutions that the policyholder would not be balance billed, and Safelite Solutions still falsely warned the policyholder that they risked being balance billed. Such warnings were typically followed by an offer from Safelite Solutions to refer the policyholder to a Safelite Solutions affiliated service provider that would not balance bill.

10. From the arbitration awards the Department received, the Department determined that certain insurers that used Safelite Solutions as a claims handler, such as AAA, were not meeting statutory and contractual requirements to pay fair and reasonable rates, adjusted for geography. In particular, arbitrators were holding against these insurers, finding that the rates AAA proposed to pay were based on incomplete and inadequate market studies.

11. As a result of these materials, in 2014 the Department then opened investigations of certain insurers, including AAA, American Family and USAA, and of

Safelite Solutions. The Department had discussions with employees of the investigated entities as well as individuals who worked in the insurance and auto glass industries. The Department also served administrative subpoenas on certain insurers and on Safelite Solutions. Safelite Solutions refused to produce documents in response to the subpoena. The insurers did respond. Among other things, they produced copies of arbitration awards, claims handling files, and recordings of calls handled by Safelite Solutions. The Department also obtained copies of calls recorded by auto glass providers.

12. The Department asked individuals, both formally and informally, whether balance billing was a common practice in the auto glass industry. Prior to April of 2016, every person the Department spoke to stated that they were not aware of any auto glass services provider in Minnesota that balance billed its customers. These statements were made both by representatives of the auto glass service industry and the insurance industry. In April of 2016, American Family insurance provided the Department with purported copies of collection letters seeking to balance bill customers. The Department has no knowledge of the ultimate source of the letters; their reliability; their authenticity; how, when, and whether they may have been sent; or what actions were taken as a result of the letters.

13. Representatives of Safelite Solutions routinely misrepresented that policyholders risked being balance billed, or in some cases that the policyholder would be balance billed, if they selected a non-preferred vendor.

14. The investigation of AAA proceeded more quickly than the other investigations. The Department ultimately concluded that AAA was improperly short paying claims for work performed by certain shops, resulting in significant arbitration awards against AAA, and that AAA was misleading policyholders in the claims handling process by, among other things, making misleading statements concerning balance billing. As a result of the violations found by the Department of applicable Minnesota law regulating the adjusting and handling of claims, the Department informed AAA that AAA would likely be subject to discipline imposed by the Department. AAA chose to enter into negotiations to settle these issues. As part of that negotiation, AAA offered to terminate its relationship with Safelite Solutions as an inducement to lessen the penalties that might otherwise be imposed by the Department on AAA.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 7-13-2016

By: 
MARTIN FLEISCHHACKER

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions,
LLC,

Plaintiffs,

vs.

Michael Rothman, in his official capacity as
Commissioner of the Minnesota Department of
Commerce,

Defendant.

)
) Case No.: 15-cv-1878
) (SRN/SER)
)
) Declaration of Theodore
) Patton In Opposition to
) Summary Judgment
)
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)
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)

1. I am employed by the Minnesota Department of Commerce (“the Department”) as an investigator. Among other things, I investigate the activities of insurance companies and insurance adjusters.

2. Since March of 2014, I have been involved in ongoing investigations by the Department of certain insurers, including the Auto Club Group (“AAA”), American Family, USAA, and their claims handler, Safelite Solutions, LLC (“Safelite Solutions”). The investigations concerned the claims handling practices of these entities, whether the insurers were properly paying fair and reasonable reimbursements on claims submitted by insureds and their auto glass service providers.

3. On April 21 and 22, 2014, the Department served information requests on AAA and American Family and administrative subpoenas on Safelite Group Inc. Copies

of these documents are attached to my declaration as Exhibit A-C, respectively. The insurers provided substantive responses, Safelite Group did not.

4. During the course of the investigation, the Department obtained recordings of telephone calls in which Safelite Solutions processed auto glass claims. Some of these recordings were furnished to the Department by auto glass service providers. Others were obtained by the Department in response to requests for information served on insurers. The Department also obtained claim files, telephone scripts, arbitration awards, and claims handling materials from the insurers, among other items. The invoices Plaintiffs attach to their motion for summary judgment were obtained by the Department from insurers in response to information requests.

5. I have listened to the call recordings provided by auto glass service providers, along with a sampling of calls provided by insurers. In total, I would estimate that I reviewed at least 100 calls.

6. Where insureds expressed their intent to use a non-Safelite affiliated provider, Safelite Solutions consistently attempted to persuade the insured into using a Safelite Solutions or insurer affiliated provider by representing that the insured risked being balance billed for amounts the un-affiliated shop might charge beyond those deemed reasonable by Safelite Solutions. Many telephone calls involved efforts along these lines at least twice.

7. Safelite Solutions also consistently used an un-affiliated shop's refusal to agree to Safelite Solution's quoted price in a further effort to convince insureds that they

risked being balance billed. Where the non-affiliated shop refused Safelite Solutions' price, Safelite Solutions generally either stated or implied that the insured risked being balance billed for any amounts the auto glass service provider charged above the specified rate, and then asked the insured whether the insured instead wished to reschedule the work to be performed by a Safelite Solutions or insurer affiliated provider. This occurred even on calls in which the auto glass service provider specifically stated that the provider would not balance bill the insured.

8. Prior to April of 2016, I interviewed or discussed these issues with many different people who worked both for unaffiliated auto glass service providers and insurers. I consistently asked the people I spoke with whether auto glass service providers in Minnesota actually balance billed customers for short pays from the insurer. Every person I spoke with about it stated that they were not aware of any auto glass service provider in Minnesota that balance billed their customers. Instead, the industry-wide practice was either for the auto glass service provider to write off the short pay, or take an assignment of the insurance recovery and proceed to arbitration against the insurer.

9. In April, 2016, American Family provided the Department with copies of collection letters from NEON Claims Advantage purporting to seek payment from policyholders for amount their insurers had short paid. The Department has no knowledge of the ultimate source of the letters; their reliability; their authenticity; how, when, and whether they may have been sent; or what actions were taken as a result of the

letters. A search of the Department's records did not show any debt collection license ever being issued to Neon LLC, Neon Claims Advantage, or a person named Pamela Ray.

10. The Department obtained copies of arbitration awards against certain insurers, including AAA, in which the arbitrator found that the insurer was not properly paying fair and reasonable rates, and was using flawed survey data to set pricing that did not fairly reflect the market for auto glass service pricing.

11. In response to this litigation, the Department had certain recordings transcribed. The transcriptions have been redacted to remove personally identified information, as is required by the Minnesota Government Data Practices Act.

12. Attached to my declaration as Exhibit D is a transcription of a call between an insured with the initials K.B., Rapid Glass, and Safelite Solutions on behalf of AAA that took place on February 28, 2013.

13. Attached to my declaration as Exhibit E is a transcription of a call between an insured with the initials P.S., Rapid Glass, and Safelite Solutions on behalf of AAA that took place on September 12, 2012.

14. Attached to my declaration as Exhibit F is a transcription of a call between an insured with the initials D.B., Rapid Glass, and Safelite Solutions on behalf of AAA that took place on May 13, 2014.

15. Attached to my declaration as Exhibit G is a transcription of a call between an insured with the initials P.G., Rapid Glass, and Safelite Solutions on behalf of AAA that took place on November 27, 2012.


16. Attached to my declaration as Exhibit H is a transcription of a call between an insured with the initials R.A., Alpine Glass, and Safelite Solutions on behalf of USAA that took place on March 4, 2014.

17. Attached to my declaration as Exhibit I is a transcription of a call between an insured with the initials P.B., Alpine Glass, and Safelite Solutions on behalf of USAA that took place on May 9, 2014.

18. Attached to my declaration as Exhibit J is a complete set of the telephone scripts produced to the Department by AAA in response to an administrative subpoena. The scripts were produced on June 4, 2014 by AAA representative Michael Hailer.

Pursuant to 28 U.S.C. § 1746, I declare under penalty under penalty of perjury that the foregoing is true and correct.

Executed on: 7/13/16

By: 
Theodore Patton

Patton Exhibit A



85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
mn.gov/commerce/
651.539.1500 FAX 651.539.1547
An equal opportunity employer

April 21, 2014

Brad Krause
American Family Mutual Insurance Company
6000 American Parkway
Madison, WI 53783

**Re: Alpine Glass Arbitrations
Our File No. 31328**

Dear Mr. Krause:

The Minnesota Department of Commerce (the "Department") is investigating a complaint regarding arbitrations between American Family Mutual Insurance Company ("American Family") and Alpine Glass, Inc. ("Alpine").

Pursuant to Minn. Stat. § 45.027, the Department requires American Family to provide a detailed response in writing and produce certain documents. With respect to a response in writing, please provide a detailed account of each arbitration that American Family has participated in with Alpine during the previous fifteen (15) years. For each arbitration, list the arbitration case number; the parties and/or companies involved; the number of claims involved; the aggregate amount in dispute; the reason for American Family's short pays, if any; and the outcome, including the amount of any arbitral award. In addition, state what type of glass (e.g., dealer, original equipment manufactured, or aftermarket) Safelite Group, Inc. ("Safelite") is using for auto glass replacement claims. If the answer to the previous question is Safelite uses various types of auto glass for replacement claims, describe in detail why and under what circumstances different types of glass are used. Lastly, please describe American Family's history of auto glass claims in Minnesota as appropriate.

With respect to production of certain documents, please produce: (1) copies of all contracts between Safelite and American Family, including documentation of any specific clauses or contracts regarding auto glass and/or auto glass replacement, within the previous three (3) years; (2) any and all communication and documentation relating to Safelite's role as American Family's servicer or processor of auto glass repair and/or replacement claims by American Family customers within the previous three (3) years; (3) copies and/or examples of any scripts

Brad Krause
American Family Mutual Insurance Company
April 21, 2014
Page 2

used by Safelite call center employees or contractors when communicating with customers in regard to American Family auto glass claims within the previous three (3) years; (4) complete claim files, including, but not limited to, any notes, recordings, or communication, for any Minnesota customer of American Family and that had an auto glass repair and/or replacement claim between May 1, 2013 and August 31, 2013; (5) any and all claims payment data for any Minnesota consumer of American Family that had an auto glass repair and/or replacement claim processed between May 1, 2013 and August 31, 2013; and (6) copies of any and all settlement agreements, whether formal or informal, entered into by American Family and Minnesota consumers or glass vendors based on claim work performed by Safelite.

Your response will be instrumental in determining whether a violation of Minnesota law occurred, so please be as comprehensive as possible. Please send your written response, along with any supporting documentation, to the undersigned investigator and reference Minnesota Commerce File No. 31328. Please provide your full name, direct telephone number, and email address. Your response should be sent to the undersigned investigator within fourteen (14) days of your receipt of this letter. Failing to provide the requested information may lead to administrative action including, but not limited to, a maximum civil penalty of \$10,000.00.

A copy of your written response may be forwarded to the Complainant for review and comment.

If you have any questions, please feel free to contact me.

Sincerely,

Theodore J Patton
Investigator
Enforcement Division
Phone: (651) 539-1670
Email: Theodore.Patton@state.mn.us

Encl.: Tennessee Warning

Patton Exhibit B



85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
mn.gov/commerce/
651.539.1500 FAX 651.539.1547
An equal opportunity employer

April 22, 2014

Robert Burke
Auto Club Insurance Association
1 Auto Club Drive
Dearborn, MI 48126

**Re: Alpine Glass Arbitrations
Our File No. 31329**

Dear Mr. Burke:

The Minnesota Department of Commerce (the "Department") is investigating a complaint regarding arbitrations between Auto Club Insurance Association ("AAA") and Alpine Glass, Inc. ("Alpine").

Pursuant to Minn. Stat. § 45.027, the Department requires AAA to provide a detailed response in writing and produce certain documents. With respect to a response in writing, please provide a detailed account of each arbitration that AAA has participated in with Alpine during the previous fifteen (15) years. For each arbitration, list the arbitration case number; the parties and/or companies involved; the number of claims involved; the aggregate amount in dispute; the reason for AAA's short pays, if any; and the outcome, including the amount of any arbitral award. In addition, state what type of glass (e.g., dealer, original equipment manufactured, or aftermarket) Safelite Group, Inc. ("Safelite") is using for auto glass replacement claims. If the answer to the previous question is Safelite uses various types of auto glass for replacement claims, describe in detail why and under what circumstances different types of glass are used. Lastly, please describe AAA's history of auto glass claims in Minnesota as appropriate.

With respect to production of certain documents, please produce: (1) copies of all contracts between Safelite and AAA, including documentation of any specific clauses or contracts regarding auto glass and/or auto glass replacement, within the previous three (3) years; (2) any and all communication and documentation relating to Safelite's role as AAA's servicer or processor of auto glass repair and/or replacement claims by AAA customers within the previous three (3) years; (3) copies and/or examples of any scripts used by Safelite call center employees or contractors when communicating with customers in regard to AAA auto glass claims within

Robert Burke
Auto Club Insurance Association
April 22, 2014
Page 2

the previous three (3) years; (4) complete claim files, including, but not limited to, any notes, recordings, or communication, for any Minnesota customer of AAA that had an auto glass repair and/or replacement claim between May 1, 2013 and August 31, 2013; (5) any and all claims payment data for any Minnesota consumer of AAA that had an auto glass repair and/or replacement claim processed between May 1, 2013 and August 31, 2013; and (6) copies of any and all settlement agreements, whether formal or informal, entered into by AAA and Minnesota consumers or glass vendors based on claim work performed by Safelite.

Your response will be instrumental in determining whether a violation of Minnesota law occurred, so please be as comprehensive as possible. Please send your written response, along with any supporting documentation, to the undersigned investigator and reference Minnesota Commerce File No. 31329. Please provide your full name, direct telephone number, and email address. Your response should be sent to the undersigned investigator within fourteen (14) days of your receipt of this letter. Failing to provide the requested information may lead to administrative action including, but not limited to, a maximum civil penalty of \$10,000.00.

A copy of your written response may be forwarded to the Complainant for review and comment.

If you have any questions, please feel free to contact me.

Sincerely,

Theodore J Patton
Investigator
Enforcement Division
Phone: (651) 539-1670
Email: Theodore.Patton@state.mn.us

Encl.: Tennessee Warning

Patton Exhibit C

April 21, 2014

ADMINISTRATIVE SUBPOENA

TO: Safelite Group, Inc.
2400 Farmers Drive
Columbus, OH 43216

RE: Our File No. 31329

To Whom It May Concern:

Pursuant to the powers conferred upon the Commissioner of Commerce (the "Commissioner") as set forth in Minn. Stat. §45.027, subd. 2 (2012), Safelite Group, Inc. ("Safelite") is hereby commanded to produce within **twenty-one (21) days** the following designated documents and answers to interrogatories to Investigator T.J Patton at the Minnesota Department of Commerce (the "Department"):

Document Requests:

Any and all records and documents maintained or controlled by Safelite in regard to Minnesota Auto Club Group and its affiliates or related companies (collectively, "AAA") with respect to Minnesota glass consumers whether Minnesota resident insureds or consumers of Minnesota glass vendors, including, but not limited to, the following:

1. Produce copies of all contracts between Safelite and AAA, including documentation of any specific clauses or contracts regarding auto glass and/or auto glass replacement, within the previous three (3) years;
2. Produce any and all communication and documentation relating to Safelite's role as AAA's servicer or processor of auto glass repair and/or replacement claims by AAA customers within the previous three (3) years;
3. Produce copies and/or examples of any and all scripts used by Safelite call center employees or contractors when communicating with customers in regards to AAA auto glass claims within the previous three (3) years;

4. Produce complete claim files, including, but not limited to, any notes, recordings, or communication, for any Minnesota customer of AAA that had an auto glass repair and/or replacement claim between May 1, 2013 and August 31, 2013;
5. Produce any and all claims payment data for any Minnesota consumer of AAA that had an auto glass repair and/or replacement claim processed between May 1, 2013 and August 31, 2013;
6. Produce copies of any and all settlement agreements, whether formal or informal, entered into by AAA and Minnesota consumers or glass vendors based on claim work performed by Safelite; and
7. Produce copies of any and all contracts between Safelite and any insurance company doing business in Minnesota that has an agreement with Safelite for the handling of auto glass repair claims within the last three (3) years.

Interrogatories:

1. State the title and describe in detail the role of Safelite's representatives who handle auto glass claims?
2. State whether Safelite requires its auto glass claim representatives to receive any licensing and/or training to handle auto glass claims?
 - a. If the answer to Interrogatory no. 2 is yes, describe in detail the applicable training and/or licensing required.
 - b. If the answer to Interrogatory no. 2 is no, describe in detail why not.
3. Describe how Safelite determines the maximum amount it is willing to pay for an auto glass claim?

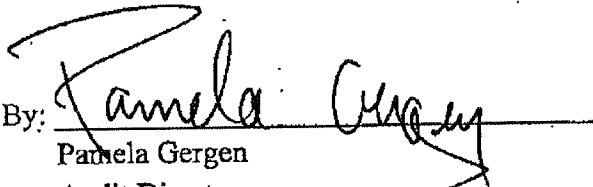
To expedite this investigation, Safelite is required to answer or prepare the following items by **May 12, 2014**. The selected files are to be complete whether they are paper, online, or electronically stored or recorded. All copies requested in this Administrative Subpoena are to be complete and legible. **All requested listings should be provided in hardcopy or in an electronic format on a CD-ROM or USB drive.**

Failure to comply with this subpoena may result in legal action being taken against Safelite to compel compliance pursuant to Minn. Stat. § 45.027, subd. 2 (2012) and/or other laws. Any failure to obey a court order compelling compliance with this Administrative Subpoena is punishable as contempt of court. In addition, pursuant to Minn. Stat. § 45.027, subd. 6 (2012), any person who violates an order relating to the duties and responsibilities entrusted to the Commissioner may be subjected to civil penalties of up to \$10,000 per violation.

Please direct any questions about this Subpoena to T.J Patton at 651-539-1670. Please provide the full name, direct telephone number, and email address of the individual that will be responsible for gathering the requested information.

Dated: April 21, 2014

MIKE ROTHMAN
Commissioner

By: 
Pamela Gergen
Audit Director
85 7th Place East, Suite 500
St. Paul, Minnesota 55101

Patton Exhibit D

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions, LLC,	)	Case No.:
	)	15-cv-1878(SRN/SER)
)	
Plaintiffs,)	
)	
vs.)	
)	
Michael Rothman, in his official capacity as Commissioner of the Minnesota Department of Commerce,)	
)	
Defendants.)	
)	

**TRANSCRIPT OF TELEPHONE CALL
OF K.B.**

Lisa R: I just need to let you know that any kind of scripting that they may be reading, it does not apply to you when you're working with Rapid Glass. We guarantee no out-of-pocket unless there's a deductible or no coverage.

K.B. [Insured]: Uh-huh.

Lisa R: And so if you don't mind holding, I can go ahead and get this third-party network on the line.

K.B. [Insured]: Okay.

Lisa R: And we can go ahead and get everything verified. If we have any trouble at all with this network, what we'll do is I will report it to your agent, because in the state of Minnesota, you have the right to go to any glass company that you want, and it's illegal for anyone to interfere with your shop of choice.

K.B. [Insured]: Okay. Will I need to confirm any numbers again? Like do I need my card right now?

Lisa R: I'm sorry?

K.B. [Insured]: Do I need my insurance card right now?

Lisa R: No. No, I have everything that you gave the after-hours staff.

K.B. [Insured]: Okay, great.

Lisa R: And so you can just tell him that I'm — you know, it's okay for me to relay the information.

K.B. [Insured]: Okay.

Lisa R: And go from there. So if you bear with me just for one moment, I'll go ahead and get that third-party network on the line. Okay?

K.B. [Insured]: Okay.

Lisa R: Thank you.

[Dialing, ringing]

Automated Voice: Thank you for calling AAA. To ensure service quality, calls may be recorded and monitored. How may we assist you today? To help us serve you, please have your membership card available. For roadside assistance, say or press 1. For insurance claims services, say or press [inaudible].

[Beep indicating key is pressed]

Automated Voice: If your vehicle needs to be towed from the scene of an accident, say or press 1. Do you want to make a new report for glass-only damage to your vehicle? Say or press 2.

[Beep indicating key is pressed]

Automated Voice: Please hold while we transfer you to glass repair.

[Ringing]

Automated Voice: Thank you for calling the Auto Club Group Glass Services. Your call is being answered and recorded by Safelite Solutions.

[Ringing]

P.S. [Safelite]: Thank you for calling the Auto Club Group Glass Service. My name is [P.S.] How may I help you?

Lisa R: Hi. I have a AAA client on the line with me. We need to set up a windshield replacement glass claim.

P.S. [Safelite]: I can help you with that. Let me open up a claim here. I do apologize. The system's a little slow this morning. May I have your shop telephone number, please?

Lisa R: Yep. It's 320-629-7588.

P.S. [Safelite]: Thank you. I have 320-629-7588? And may I have —

Lisa R: Correct.

P.S. [Safelite]: — your first name and last initial?

Lisa R: Lisa R.

P.S. [Safelite]: L-i-s-a, and then R?

Lisa R: Correct.

P.S. [Safelite]: Is this going to be on a personal or business policy?

Lisa R: Personal.

P.S. [Safelite]: And is glass the only damage to the vehicle today?

Lisa R: Correct.

P.S. [Safelite]: Is the insured available?

Lisa R: Yes. She's on the phone with us.

P.S. [Safelite]: Okay. Hello, ma'am. How are you doing?

K.B. [Insured]: Hi.

P.S. [Safelite]: I can't hear you at all. Can you hear me?

K.B. [Insured]: Yep.

Lisa R: [K.B.], I don't know if you're on a cell phone. I hate to do this to you, but if you could speak up just a little bit, that would be good.

K.B. [Insured]: Okay. Can you hear me now?

P.S. [Safelite]: I can't — I can barely, barely hear her, not enough to make out anything.

Lisa R: Hmm.

P.S. [Safelite]: She's on her cell phone?

K.B. [Insured]: Is that better?

Lisa R: Yeah, but, no, you're not going to call her back on her cell phone. [K.B.]?

K.B. [Insured]: Yeah.

Lisa R: Let me call them and get a different connection, and I'll call you right back.

K.B. [Insured]: Okay.

Lisa R: Okay, bye.

[Dialing, ringing]

Automated Voice: Thank you for calling AAA. To ensure service quality, calls may be recorded and monitored. How may we assist you today? To help us serve you, please have your membership card available. For roadside assistance, say or press 1. If your vehicle needs to be towed from the scene of an accident, say or press 1. Do you want to make a new report for glass-only damage to your vehicle? Say or press 2.

[Beep indicating key is pressed]

Automated Voice: Please hold while we transfer you to glass repair.

[Ringing]

Automated Voice: Thank you for calling the Auto Club Group Glass Services. Your call is being answered and recorded by Safelite Solutions.

[On-hold music, ringing]

B.C. [Safelite]: Thank you for calling the Auto Club Group Glass Service. This is [B.C.]. Hello? The Auto Club Group Glass Service. Is anyone there? If you can hear me, unfortunately I cannot hear you.

Lisa R: Yeah. No. Are you there?

B.C. [Safelite]: Oh, yes, I can hear you now.

Lisa R: Okay. We had just actually just called you. We have a really good connection here with you, but we need to set up a windshield replacement glass claim.

B.C. [Safelite]: Okay. Are you the insured driver of the vehicle calling?

Lisa R: No. I'm the glass shop that's going to be doing the work, and I have the —

B.C. [Safelite]: Glass shop.

Lisa R: — client on my back line.

B.C. [Safelite]: Certainly. I can definitely help out with that today. And, I'm sorry, may I please have your name?

Lisa R: Lisa.

B.C. [Safelite]: And last initial, please, Lisa?

Lisa R: R.

B.C. [Safelite]: And the phone number for your shop, with the area code first, please.

Lisa R: 320-629-7588.

B.C. [Safelite]: That's 320-629-7588?

Lisa R: Correct.

B.C. [Safelite]: All right. And is this a personal or a business policy?

Lisa R: Personal.

B.C. [Safelite]: Personal? All right. You can go right ahead and bring the insured on the line. I'll get that started, Lisa.

Lisa R: Good. Her name is [K.B.], just so you know.

B.C. [Safelite]: All right. Thank you.

Lisa R: Thank you. Just a moment.

[Dialing, ringing]

K.B. [Insured]: Hello?

Lisa R: Hey, [K.B.], it's Lisa from Rapid Glass, and I have a different representative from the third-party network on the line with us.

K.B. [Insured]: Okay, great.

Lisa R: So we're going to attempt this again here. And I do have a really good connection with them. I'm — it's a little hard to hear you, so I don't know if you can speak up at all, but I will try to mute my line here, and we'll get through this.

K.B. [Insured]: Okay, great.

B.C. [Safelite]: Thank you. Hello, Miss. This is [B.C.] from the Auto Club Group Glass Service. How are you doing today?

K.B. [Insured]: Okay. How are you?

B.C. [Safelite]: Not too bad myself. And I understand you have some glass damage to your vehicle that we need to file an insurance claim for today?

K.B. [Insured]: Yep.

B.C. [Safelite]: All right. Well, I can definitely help you out with that claim here today. Before I proceed, though, I am required to let you know that we do record all conversations for accuracy, and the call is recorded by Safelite Solutions. So just getting —

K.B. [Insured]: Okay.

B.C. [Safelite]: — started here, has the shop already completed the work to your vehicle?

K.B. [Insured]: No.

B.C. [Safelite]: Okay. And is this your first time reporting this claim to our department?

K.B. [Insured]: Yes.

B.C. [Safelite]: Okay. And let's see here. May I please have the spelling of your first and last name?

K.B. [Insured]: [redacted].

B.C. [Safelite]: I'm sorry. It's real faint on my end. Was that [redacted]?

K.B. [Insured]: Yep.

B.C. [Safelite]: And the last name one more time, please?

K.B. [Insured]: B_____ [redacted].

B.C. [Safelite]: What was after the [redacted]? I'm not catching that part.

K.B. [Insured]: B_____ [redacted].

Lisa R: [redacted].

B.C. [Safelite]: [redacted]. Okay. Thank you. And, [K.B.], may I please have your phone number with the area code first?

K.B. [Insured]: [redacted].

B.C. [Safelite]: That's [redacted]?

K.B. [Insured]: Yep.

B.C. [Safelite]: And would you like to include a second phone number in the claim?

K.B. [Insured]: No.

B.C. [Safelite]: And for you to have a copy of the claim today, may I please have your email address?

K.B. [Insured]: It's [redacted].

B.C. [Safelite]: And same exact spelling as before?

K.B. [Insured]: Yep.

B.C. [Safelite]: Okay. So [redacted]. And may I please have your zip code?

K.B. [Insured]: 55439.

B.C. [Safelite]: 55439. And your policy number, please?

Lisa R: I can give that to them if you'd like, [K.B.].

K.B. [Insured]: Yeah, that would be great.

Lisa R: Okay. It's [redacted]. [Lisa speaks to another person in the shop about an unrelated matter.]

B.C. [Safelite]: That's [redacted]?

Lisa R: [Lisa speaks to another person in the shop.]

B.C. [Safelite]: Is that correct, Lisa?

Lisa R: [Lisa speaks to another person in the shop.]

B.C. [Safelite]: Lisa, are you still there?

Lisa R: I'm sorry. Go ahead?

B.C. [Safelite]: Was that correct, when I read that off?

Lisa R: Say it again?

B.C. [Safelite]: [redacted]?

Lisa R: Correct.

B.C. [Safelite]: Okay. Thank you.

Lisa R: [Lisa speaks to another person in the shop.]

B.C. [Safelite]: All right. [K.B.], when did the damage occur to the vehicle?

K.B. [Insured]: February 22nd.

B.C. [Safelite]: February 22nd. And what time of day did it happen?

K.B. [Insured]: 2:00.

B.C. [Safelite]: You said 2:00 p.m.?

K.B. [Insured]: Uh-huh.

B.C. [Safelite]: And what state did the damage happen in?

K.B. [Insured]: Minnesota.

B.C. [Safelite]: Got the state of Minnesota. All right. And what was it that caused the damage to the vehicle?

K.B. [Insured]: I think it was the temperature change.

B.C. [Safelite]: Temperature change? All right.

Lisa R: So there might have been a chip in there, probably, and then when the temperature —

K.B. [Insured]: Yeah.

Lisa R: Heating and getting really cold and that?

K.B. [Insured]: Yeah.

B.C. [Safelite]: And the damage on your windshield, is it smaller or is it longer than the length of a dollar bill?

K.B. [Insured]: Longer.

B.C. [Safelite]: Longer? Okay. Do a windshield replacement. And may I please have the year, make, and model of the vehicle?

K.B. [Insured]: It's a 2004 [redacted].

B.C. [Safelite]: All right. 2004 [redacted]. And may I please have your address that appears on the policy?

K.B. [Insured]: [redacted], Edina, Minnesota, 55439.

B.C. [Safelite]: Would that also show under Minneapolis?

K.B. [Insured]: Yep.

B.C. [Safelite]: Okay. Yeah, I do see that here. And the [redacted], is that a four-door utility?

K.B. [Insured]: Yep.

B.C. [Safelite]: All right. Well, [K.B.], verifying your information, I show the loss qualifies as a comprehensive claim, and we are pleased to share that there is no deductible that applies for the replacement.

K.B. [Insured]: Great.

B.C. [Safelite]: And with getting the work done on your vehicle, I show you've selected Rapid Glass in Pine City?

K.B. [Insured]: Uh-huh.

B.C. [Safelite]: All right. We'll go ahead and put their information here into the claim. And just to let you know, you're more than welcome to use this shop to do the work for you, but just since they are not an affiliated provider with AAA, we just ask that you would confirm for yourself any warranties or benefits they'll offer to you and your vehicle, just because the insurance company cannot stand behind the workmanship or pricing of that provider. And setting it up here to finish up — Lisa, are you still on the line?

Lisa R: Yep.

B.C. [Safelite]: And, Lisa, I just wanted to know if you'd be willing to accept the job price at NAGS List minus zero percent. Labor's \$40 flat, plus an additional \$30 per hour and \$15 per kit.

Lisa R: No, we do not agree to those rates, but we do guarantee to the client that if there are any pricing differences, she would not be getting a bill from Rapid Glass. We would work directly with the insurance company.

B.C. [Safelite]: Just a moment. And real quick, Ms. — excuse me — [K.B.] — [K.B.], does the windshield have a blue tinting going across the top of the windshield?

K.B. [Insured]: Yeah, it does.

B.C. [Safelite]: Okay.

Lisa R: And then, the person with the network, there is a WFTD1449 rain channel molding that we'll be using as well.

B.C. [Safelite]: Okay. And so, [K.B.], since the shop has disagreed to our pricing, I must inform you that AAA is willing to pay no more than \$337 and 30 — or, excuse me, 30 cents to have the work completed. And that price does not include sales tax or the cost of molding, if required. Therefore, if you still wish to use this shop, just confirm with them what the price will be and make sure it does not exceed the \$337.30.

Lisa R: Well, it's —

B.C. [Safelite]: Because it's a —

Lisa R: It — we don't agree to those rates. If —

B.C. [Safelite]: I know.

Lisa R: — there's any differences, she will not be getting a bill from Rapid Glass.

B.C. [Safelite]: I have to inform her of this since you're disagreeing to our rates, ma'am. So, [K.B.], just make sure it doesn't exceed that cost, because if it does exceed that, you would be required to pay the difference out-of-pocket. Okay, [K.B.]?

Lisa R: Who would — wait, wait, wait. Who would make her pay? Because Rapid Glass would not make her pay out of pocket.

B.C. [Safelite]: Well, that's what I just — that you would be — as far as if you wouldn't get that [inaudible].

Lisa R: No, no, no, we would not be. We would be billing AAA directly, and if there's any pricing differences, we will be working directly with AAA.

B.C. [Safelite]: Okay. Well, then —

Lisa R: So you're giving out inaccurate information about Rapid Glass.

B.C. [Safelite]: Well, we wouldn't be responsible for anything over the —

Lisa R: Okay. Well, you're a —

B.C. [Safelite]: — \$337.30.

Lisa R: You're a third-party network and our competitor.

B.C. [Safelite]: That represents AAA.

Lisa R: And we will be dealing directly with AAA.

B.C. [Safelite]: Okay. Well, I just am required to read that off to [K.B.], and so, [K.B.], does that make sense?

K.B. [Insured]: Sure.

B.C. [Safelite]: All right. So I'll go ahead and forward this down to the glass shop for you.

Lisa, I show your fax number is 320-629-8035?

Lisa R: Correct. And could we have the reference number, please?

B.C. [Safelite]: Referral number is [redacted].

Lisa R: All right. And then, [K.B.] —

K.B. [Insured]: Uh-huh.

Lisa R: We'll give you a call in a little bit when we're heading in that direction. Make sure it's a Rapid Glass representative that's going to be working on your vehicle. And then —

K.B. [Insured]: Okay.

Lisa R: — we'll also give you all of our warranty information. And if you have any questions, you don't need to go through an 800 number with this third-party network. You would just call Rapid Glass directly.

K.B. [Insured]: Okay.

Lisa R: Okay. Thank you, everyone. Have a good day. Bye.

B.C. [Safelite]: Have a great day.

K.B. [Insured]: Thank you.

B.C. [Safelite]: Bye.

Patton Exhibit E

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions, LLC,	)	Case No.:
	)	15-cv-1878(SRN/SER)
)	
Plaintiffs,)	
)	
vs.)	
)	
Michael Rothman, in his official capacity as Commissioner of the Minnesota Department of Commerce,)	
)	
Defendants.)	
)	

**TRANSCRIPT OF TELEPHONE CALL
OF P.S.**

Lisa R: How are you?

P.S. [Insured]: I'm fine, thank you. Are you calling regarding the appointment at 2:00?

Lisa R: Yeah. It says after 2:00, but I just need to have you on the line with me to verify coverages and get the glass claim set up, so if you bear with me here, what I'll do is I will go ahead and get the third-party network that handles all the AAA glass claims on the line with us —

P.S. [Insured]: Sure.

Lisa R: — to verify coverages. Do you have the agent's phone number by chance? That might be [inaudible].

P.S. [Insured]: Yeah, see, I know her name is Stella. I'm not sure what's her last name. I'm not home, so I don't have the information.

Lisa R: Okay. So, then, what we have to do is we have to call an 800 number. And I just wanted to let you know when we call the 800 number, they are paid and required to read a script, and I just needed to reassure you that any kind of scripting that they may be reading, it does not apply to you when you're working with Rapid Glass. We do guarantee no out-of-pocket unless there's a deductible or no coverage.

P.S. [Insured]: Okay.

Lisa R: And so what happens when we call this 800 number — they're also our competitor as well. The intent of the script is to intimidate you into thinking that you have to go to a specific glass shop, and that is not true. In the state of Minnesota, you can go anywhere that you want. Okay?

P.S. [Insured]: Sure. Yes, I —

Lisa R: All right.

P.S. [Insured]: I would like to go with you guys. You're great.

Lisa R: Okay. No problem. I appreciate your patience during the whole process. So bear with me here. I'll go ahead and get a representative on the line. We'll get everything verified, and then we'll get you on your way. And then before I connect them through, is the vehicle going to be available any sooner than after 2:00 or just right around 2:00?

P.S. [Insured]: By 2:00. I'm out. I'm planning to be there at 2:00 sharp in the parking lot.

Lisa R: Okay. Okay. No problem. Is there any shelter at that location as well?

P.S. [Insured]: No, there's no shelter, unfortunately. I hope it's going to be okay.

Lisa R: Yeah, I think it's — I don't think it's raining right now, so we'll keep an eye on the weather. But let me go ahead and get this verified for you. Hold on just one second, please.

P.S. [Insured]: Sure.

Lisa R: Thank you.

[Dialing, ringing]

Lisa R: [To another person in the shop] He could even come here, because he's going to drive to that site.

Automated Voice: Thank you for calling AAA. To ensure service quality, calls may be recorded and monitored. How may we assist you today? To help us serve you, please have your membership card available. For roadside assistance, say or press 1. For insurance claims services, say or press 2. For travel services —

[Beep indicating key is pressed]

Automated Voice: If your vehicle needs to be towed from the scene of an accident, say or press 1. Do you want to make a new report for glass-only damage to your vehicle? Say or press 2. For all —

[Beep indicating key is pressed]

Automated Voice: Please hold while we transfer you to glass repair.

[Ringing]

Automated Voice: Thank you for calling the Auto Club Group Glass Services. Your call is being answered and recorded by Safelite Solutions.

[On-hold music]

Lisa R: Okay. I'm sorry. They have us on hold right now. Hopefully, this won't take too long.

P.S. [Insured]: Thank you.

Lisa R: Are you at [redacted]?

P.S. [Insured]: Yes. I'm at this number. Yes, correct.

Lisa R: Okay. Let me do this. I'll get them on the line first. Then I'll call you right back so you don't have to sit on hold.

P.S. [Insured]: Sure.

Lisa R: Okay?

P.S. [Insured]: Yes. No problem.

Lisa R: Okay. Thank you.

P.S. [Insured]: Yeah. Bye-bye.

Lisa R: Bye.

[Dialing, ringing]

Automated Voice: Thank you for calling AAA. To ensure service quality, calls may be recorded and monitored. How may we assist you today? To help us serve you, please have your membership card available. For roadside assistance, say or press 1. For insurance claims services, say or press 2. For travel services, say or —

[Beep indicating key is pressed]

Automated Voice: If your vehicle needs to be towed from the scene of an accident, say or press 1. Do you want to make a new report for glass-only damage to your vehicle? Say or press 2. For all —

[Beep indicating key is pressed]

Automated Voice: Please hold while we transfer you to glass repair.

[Ringing]

Automated Voice: Thank you for calling the Auto Club Group Glass Services. Your call is being answered and recorded by Safelite Solutions.

[On-hold music]

Automated Voice: All operators are currently busy. Please hold, and your call will be answered in the order it was received. Thank you for holding.

[On-hold music, ringing]

R.F. [Safelite]: Thank you for calling the Auto Club Group Glass Service. This is [R.F.] speaking. How may I help you?

Lisa R: Hi. We need to set up an auto glass claim, please, for a windshield replacement.

R.F. [Safelite]: Sure. I am sorry to hear that, but I can certainly help you. May I have your first name, please?

Lisa R: Yep. It's under P_____ [redacted]. Last name is S as in Sam, _____ [redacted].

R.F. [Safelite]: Okay. That is S — and, I'm sorry, can you spell the last name again for me?

Lisa R: S as in Sam, _____ [redacted].

R.F. [Safelite]: Okay. That is S_____ [redacted]?

Lisa R: Correct.

R.F. [Safelite]: And may I have your name, please?

Lisa R: Lisa.

R.F. [Safelite]: I'm sorry. What was that?

Lisa R: Lisa.

R.F. [Safelite]: Lisa. Okay. And are you the insured, Lisa?

Lisa R: No. We are actually the glass shop that's going to be doing the work. And I do have the client on my back line.

R.F. [Safelite]: Okay. Give me just one moment, here.

Lisa R: Let me grab him really quick for you. Just a moment.

[Dialing, ringing]

P.S. [Insured]: Hello?

Lisa R: Hi, [P.S.], it's Lisa from Rapid Glass, and I do have a representative from that third-party network that we talked about on the line with us.

P.S. [Insured]: Sure.

Lisa R: And we'll just get some information from you here and get you on your way. Okay?

P.S. [Insured]: Okay. Sounds good.

R.F. [Safelite]: Hi. How are you doing today, sir?

P.S. [Insured]: I'm fine. Thank you.

R.F. [Safelite]: Good. I'm [R.F.], and I'm with Auto Club Group Glass Service. And before I proceed, I must inform you this call is being recorded by Safelite Solutions. Safelite Solutions is financially affiliated with Safelite AutoGlass. And I'm sorry to hear about your glass damage.

And, Lisa, what is the initial of your last name?

Lisa R: R.

R.F. [Safelite]: R? Thank you. And what is your shop phone number?

Lisa R: 320-629-7588.

R.F. [Safelite]: That's 320-629-7588?

Lisa R: Correct.

R.F. [Safelite]: Thank you. And is this a personal or a business policy?

P.S. [Insured]: This is personal one.

R.F. [Safelite]: That's going to be a personal policy?

P.S. [Insured]: That's correct.

R.F. [Safelite]: All right. Give me just one moment here. My computer just froze on me. There we go. And is this going to be auto glass damage only?

P.S. [Insured]: Yes, that's only auto glass damage. It's a rock, and there's a crack after that.

Lisa R: [Lisa speaks to another person in the shop.]

R.F. [Safelite]: Okay. Thank you.

Lisa R: Sorry.

R.F. [Safelite]: Okay. It'll take me just a minute to get my computer up and going here. And has the work been started? Has the work been started to replace your glass?

Lisa R: No.

P.S. [Insured]: It's scheduled in an hour.

R.F. [Safelite]: Okay. I would like to explain the process we will go through in reporting your claim. I will need to secure your policy information and details regarding your claim. Is this the first time that this claim has been called in?

P.S. [Insured]: That's right. It's first time ever I got a problem with my glass.

R.F. [Safelite]: Oh, I'm sorry.

P.S. [Insured]: It's okay. Things happen.

R.F. [Safelite]: And may I have your phone number, area code first, please?

P.S. [Insured]: [redacted].

R.F. [Safelite]: That is [redacted]?

P.S. [Insured]: Correct.

R.F. [Safelite]: And is there another number that you would like us to use as an alternate?

P.S. [Insured]: No. That's the only number you can reach me at.

R.F. [Safelite]: Okay. And may I have your email address so I can send you a confirmation of this claim?

P.S. [Insured]: Send it to [redacted], as the [redacted] you print in, [redacted] —

R.F. [Safelite]: Okay.

P.S. [Insured]: — [redacted] — it's [redacted] — the second part, it's [redacted]. It's American [sic] Online. So it's aol.com.

R.F. [Safelite]: Okay. That [redacted]?

P.S. [Insured]: That's correct.

R.F. [Safelite]: Thank you. And may I have your zip code as it appears on your policy, please?

P.S. [Insured]: Zip code is 55311.

R.F. [Safelite]: 55211?

P.S. [Insured]: 311.

R.F. [Safelite]: 311. I'm sorry. May I have your policy number, please?

Lisa R: I can give that to her, Paul.

P.S. [Insured]: Oh, okay. Sure.

Lisa R: It's [redacted].

R.F. [Safelite]: Okay. That is [redacted]?

Lisa R: Correct.

R.F. [Safelite]: Thank you. And when did the damage occur?

P.S. [Insured]: It start exactly last Wednesday, one week ago.

R.F. [Safelite]: One week ago, which was 9/5/2012?

P.S. [Insured]: I guess.

R.F. [Safelite]: And what state were you in when the damage occurred?

P.S. [Insured]: Yeah. It was Wednesday, right?

R.F. [Safelite]: Right. A week ago today was Wednesday the 5th.

P.S. [Insured]: That's right. That's the one.

R.F. [Safelite]: Okay. And what state were you in when the damage occurred?

P.S. [Insured]: Minnesota.

R.F. [Safelite]: Minnesota? Thank you. And at what time do you think that occurred?

P.S. [Insured]: It was around 2:00 afternoon, around. I cannot know exactly.

R.F. [Safelite]: That's fine, 2:00 in the afternoon. Thank you.

P.S. [Insured]: You're welcome.

R.F. [Safelite]: And what caused the damage to your glass?

P.S. [Insured]: Just a kind of a — I just heard the rock hit the glass, and it just was kind of like a little dot there, but it started cracking soon after that.

R.F. [Safelite]: Okay.

P.S. [Insured]: It's cracked now.

R.F. [Safelite]: All right. Is the windshield the only piece of glass that's damaged?

P.S. [Insured]: That's right. The windshield is the only one.

R.F. [Safelite]: Okay. And how big is the damage to the windshield? Is it bigger than a dollar bill or smaller than a dollar bill?

P.S. [Insured]: Bigger.

R.F. [Safelite]: Bigger?

P.S. [Insured]: Oh, yeah. It's probably 20 inches or 30 inches long, I would say.

R.F. [Safelite]: Oh, I'm so sorry to hear that.

P.S. [Insured]: It's okay.

R.F. [Safelite]: And it'll be just a minute while I bring up your coverage information.

P.S. [Insured]: Sure.

R.F. [Safelite]: And may I have the year, make, and model of your vehicle, please?

P.S. [Insured]: 2006 [redacted].

R.F. [Safelite]: Okay. 2006 [redacted].

Lisa R: I have the part number for you too if you need it.

R.F. [Safelite]: Okay. I'll see what I need when I get there. Thank you, Lisa. And may I confirm your address as it appears on your policy, please?

P.S. [Insured]: [redacted], Maple Grove, Minnesota, 55311.

R.F. [Safelite]: Okay. I have a different mailing address.

P.S. [Insured]: Probably because we moved. That's why.

R.F. [Safelite]: Okay. Could you tell me what your other address was?

P.S. [Insured]: The address was — oh, shoot [inaudible].

R.F. [Safelite]: What's your mailing address?

P.S. [Insured]: My mailing address right now is [redacted], Maple Grove, Minnesota, 55311.

R.F. [Safelite]: Thank you. That's the one I was looking for.

P.S. [Insured]: Okay. Okay. Well, I couldn't remember the old address, but that's the current mailing address.

R.F. [Safelite]: That's fine. And I'm showing your 2006 [redacted] is a minivan.

P.S. [Insured]: Okay. Yes.

R.F. [Safelite]: All right. Okay. This loss qualifies as a comprehensive claim, and we are pleased to share that no deductible will apply. That's good.

P.S. [Insured]: Okay.

R.F. [Safelite]: And, Lisa, you said that you're Rapid Glass out of Pine City?

Lisa R: Correct.

R.F. [Safelite]: Thank you. And is this going to be done at the home or in shop?

Lisa R: Mobilizing to the client.

R.F. [Safelite]: Mobilizing to the client? Thank you. While you may choose any shop you wish, the shop you have chosen does not participate in the Auto Club Group Glass Service, and the Auto Club Group cannot guarantee the work the shop may provide. Prior to having the work completed, you should confirm any warranty or other benefits your chosen shop provides.

P.S. [Insured]: That's correct. I know those guys —

R.F. [Safelite]: Okay.

P.S. [Insured]: — for some time, and I trust them.

R.F. [Safelite]: That's good. I'm glad to hear that.

P.S. [Insured]: Okay.

R.F. [Safelite]: And, Lisa, will you accept the job at the following pricing? NAGS List minus zero percent. Labor is \$40 flat, plus an additional \$30 per hour, \$15 per kit. These prices do not include tax or the cost of the molding. Your acceptance of this job also indicates you've accepted these rates.

Lisa R: We do not agree to those rates, but we do guarantee to the client that if there are any pricing differences, because he does have full glass, we would deal directly with the insurance company, not a third-party network and not our competitor.

R.F. [Safelite]: Okay. Give me just a minute. Okay. The shop you have selected has declined to do the work for what Auto Club Group considers to be reasonable and customary. May I assist you in locating a shop in the area that will complete the work for what is fair and reasonable, or would you like me to continue with the shop you have selected?

P.S. [Insured]: I'd like to continue with the shop I selected.

R.F. [Safelite]: Okay. And, Lisa, what is the part number that you have for the glass?

Lisa R: DW1470GBN, and then there's a separate molding, and then obviously labor and adhesive.

R.F. [Safelite]: Okay. All right. So he's got the blue shade on it, then?

Lisa R: Correct.

R.F. [Safelite]: Okay. Thank you. I must inform you that Auto Club Group is willing to pay more — no more than \$366.55 to have the work completed, zero, which is your deductible. This price does not include tax or the cost of the molding, if required. Therefore, if you still wish to use that shop, Auto Club Group may require you to pay any difference.

Lisa R: And, Paul, there wouldn't be any differences. It's just that scripting that we talked about. They'll keep reading this until we actually end the call, unfortunately.

R.F. [Safelite]: Yes, unfortunately, that's so true. Okay. All right. And, Lisa, we've quoted him a price of \$366.55 is what Auto Club Group considers reasonable and necessary. This price does not include tax or the cost of the molding. He has the zero deductible. And I am showing your shop fax number is 320-629-8035, Lisa?

Lisa R: Correct.

R.F. [Safelite]: Okay. And your referral number for this —

Lisa R: Uh-huh.

R.F. [Safelite]: — is 578295.

Lisa R: All right. Thank you, everyone. Have a great afternoon.

R.F. [Safelite]: You too. Thank you for using the Auto —

Patton Exhibit F

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions, LLC,	)	Case No.:
	)	15-cv-1878(SRN/SER)
)	
Plaintiffs,)	
)	
vs.)	
)	
Michael Rothman, in his official capacity as Commissioner of the Minnesota Department of Commerce,)	
)	
Defendants.)	
)	

**TRANSCRIPT OF TELEPHONE CALL
OF D.B.**

B.S. [Safelite] [phonetic]: Thank you for calling the USAA Glass Program, managed by Safelite Solutions. This is [B.S.] speaking. How may I help you?

Lisa R: I have a USAA client on the line with us. She needs to set up a windshield replacement glass claim.

B.S. [Safelite]: Okay. I can help you with that. Are you calling from the shop?

Lisa R: Yes, we're the shop of choice, and the policyholder is on the line with us.

B.S. [Safelite]: Okay. May I have your name, please?

Lisa R: Lisa.

B.S. [Safelite]: L-i-s-a?

Lisa R: Correct.

B.S. [Safelite]: And may I have the first initial of your last name?

Lisa R: R.

B.S. [Safelite]: R. Thank you. And is this glass-only damage?

Lisa R: Windshield replacement, glass only.

B.S. [Safelite]: And may I have your shop's name, please?

Lisa R: Rapid Glass.

B.S. [Safelite]: Rapid?

Lisa R: Yes. Would you like the phone number?

B.S. [Safelite]: Yes.

Lisa R: 320-629-7588.

B.S. [Safelite]: 320-629-7588.

Lisa R: Correct.

B.S. [Safelite]: And the insured is on the line?

Lisa R: Correct.

B.S. [Safelite]: Hello, this is [B.S.] with the USAA Glass Program, managed by Safelite Solutions. How are you?

D.B. [Insured]: Good.

B.S. [Safelite]: Now, before I proceed, I have to inform you your call is being handled and recorded by Safelite Solutions, and Safelite Solutions is financially affiliated with Safelite AutoGlass. Okay. I am sorry to hear about your glass damage. I can help you set up your claim. I just need to ask you some questions.

D.B. [Insured]: Okay.

B.S. [Safelite]: Are you there?

D.B. [Insured]: Yeah.

B.S. [Safelite]: Okay. I can hardly hear you. Now, is today the first time that you're reporting the glass damage?

D.B. [Insured]: No. I reported it on Saturday.

Lisa R: Okay. So you already have a claim?

D.B. [Insured]: Yes.

Lisa R: Okay. So she already has a claim. She says she reported it on Saturday.

B.S. [Safelite]: Okay. Let me go out of here and see if I can find that claim.

Lisa R: Okay.

B.S. [Safelite]: One moment. [redacted] — one moment. Okay. May I have your home phone number?

D.B. [Insured]: [redacted].

B.S. [Safelite]: Now, was that [redacted]?

D.B. [Insured]: [redacted].

B.S. [Safelite]: [redacted]. And may I have your name?

D.B. [Insured]: [D.B.]

B.S. [Safelite]: Is the last name B_____ [redacted]?

D.B. [Insured]: Did you say B as in boy?

B.S. [Safelite]: Yes.

D.B. [Insured]: Yes.

B.S. [Safelite]: Thank you. And is your vehicle a 2009 [redacted]?

D.B. [Insured]: Yes.

B.S. [Safelite]: I'm sorry to hear about your damage, ma'am. Now, we have you down with a different company. You do not want to use that company?

D.B. [Insured]: No, I wanted to use [inaudible] because I want to get it done [inaudible].

Lisa R: What company did you have, [D.B.]?

D.B. [Insured]: [Inaudible]

Lisa R: I figured as such.

B.S. [Safelite]: Okay. Well, let me go ahead and change this company.

Lisa R: And that's who we're talking to [inaudible].

D.B. [Insured]: Okay.

B.S. [Safelite]: Your number's 320-629-7588?

Lisa R: Correct.

B.S. [Safelite]: Okay. Thank you. Rapid Glass. Okay. And you may choose any shop you wish. If repairs performed by your shop of choice cost more than competitive costs in the same area, you may be responsible for any difference in the repair cost. The USAA service warranty only applies to work done by repairers that participate in the USAA Glass Service Program. Please be sure to ask your repairer about any warranty or other benefits they offer before you agree to have them repair your vehicle.

Lisa R: And then, Denise, as long as you have full glass, if there's any pricing differences, you would not be getting a bill from Rapid Glass, and we do have our own warranty [inaudible] 800 number or a specific insurance company.

D.B. [Insured]: Okay.

Lisa R: And the person at Safelite, does the customer have full glass coverage?

B.S. [Safelite]: Yes. She has a zero deductible.

Lisa R: Okay. And then what's the reference number that you want me to use?

B.S. [Safelite]: Okay. So I need to go over some pricing information with you. I need to know if you'll accept this job at the following price. It is NAGS List minus zero percent. The labor is \$40 flat, plus an additional \$30 per hour and \$15 per kit. And these prices do not include tax or the cost of the molding. Do you accept that?

Lisa R: We're going to do the work because your client hired us to do the work. We don't agree to those rates. And, again, because she has full glass, if there's any differences, we'll deal with our contact at USAA directly.

B.S. [Safelite]: Okay. So you do not accept the job?

Lisa R: We don't agree to your rates. We are doing the job.

B.S. [Safelite]: Okay. And, I'm sorry, your name was, again? I'm so sorry.

Lisa R: That's okay. Lisa.

B.S. [Safelite]: Lisa. And the first initial of your last name?

Lisa R: R.

B.S. [Safelite]: R. Thank you. Okay, ma'am, there are a couple of things I need to read to you. It says the shop you have selected charges more than what USAA considers to be fair and reasonable to perform these services. Would you want to continue with the shop you have selected, or can I assist you with a shop in your area that has already agreed to the established pricing and is available to secure an appointment for you right now?

D.B. [Insured]: I'd like to [inaudible].

B.S. [Safelite]: You'd like to stay with this provider?

D.B. [Insured]: Yes [inaudible].

B.S. [Safelite]: Thank you. Okay. If you still wish to use this shop, you may want to discuss the cost with them in advance, or, if you would like, I can assist you in scheduling with one of our preferred shops that have agreed to the established pricing. Which would you prefer?

D.B. [Insured]: [Inaudible]

Lisa R: Yes. [Inaudible] she's going to keep reading this in different ways. This is the third time that they've said that. I'm going to report this to my manager as well. This is getting ridiculous.

B.S. [Safelite]: I'm sorry. This is all of our wording that we have to read.

Lisa R: I know.

B.S. [Safelite]: So you still wish to stay with Rapid Glass; is that correct?

D.B. [Insured]: Yes, please.

B.S. [Safelite]: Okay. Thank you. Okay, ma'am, and I have your email as [redacted]; is that correct?

D.B. [Insured]: Yes, that is correct.

B.S. [Safelite]: Okay. Thank you. Okay. Lisa, so the referral number — I have your email as [redacted]?

Lisa R: Sure.

B.S. [Safelite]: Okay. So the referral number is [redacted].

Lisa R: Okay. Thank you, [D.B.], and thank you for your patience. I apologize for the inconvenience of the conversation. Thank you, everyone.

B.S. [Safelite]: Okay. Thank you for calling the USAA Glass Program.

Patton Exhibit G

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions, LLC,	)	Case No.:
	)	15-cv-1878(SRN/SER)
Plaintiffs,)	
)	
vs.)	
)	
Michael Rothman, in his official capacity as Commissioner of the Minnesota Department of Commerce,)	
)	
Defendants.)	
)	

**TRANSCRIPT OF TELEPHONE CALL
OF P.G.**

Lisa R: . . . line with me to verify coverages and get the glass claim set up?

P.G. [Insured]: Sure. Can you hold on a second? I've got to get someplace a little bit quieter [inaudible].

Lisa R: No problem.

P.G. [Insured]: Hang on there. I don't know if there's anyplace around here that is very quiet. I'm almost there, I think. Okay, now you've got my attention.

Lisa R: Okay. I just —

P.G. [Insured]: I can kind of hear you.

Lisa R: That's okay. I just need to have you on the line with me to verify the coverages.

P.G. [Insured]: Okay.

Lisa R: Do you by chance have a agent that you work with?

P.G. [Insured]: Do I have any what?

Lisa R: An agent?

P.G. [Insured]: Do I have an agent? Not that I'm aware of. I mean, I'm just with USAA, so I do everything online.

Lisa R: All right. No problem. And then I just wanted to remind you that when we call USAA, it is not your insurance company. It is a third-party network.

P.G. [Insured]: Oh, it is? For my glass, it is?

Lisa R: Yeah. They may —

P.G. [Insured]: Or USAA does a third-party network or whatever?

Lisa R: Yes. They make you go through a third-party network. It's not your insurance company.

P.G. [Insured]: Okay.

Lisa R: And, again, they are paid and required to read a script. And I needed to reassure you any kind of scripting they may be reading, it does not apply to you when you're working with Rapid Glass.

P.G. [Insured]: Okay.

Lisa R: We guarantee no out-of-pocket unless there's a deductible or no coverage. So if you don't mind holding, I'll get them on the line, and we can get everything verified for you. Okay?

P.G. [Insured]: Sure.

Lisa R: Okay. Thank you. Just a moment.

[Dialing, ringing]

Automated Voice: Thank you for calling the USAA Glass Program. Your call is being answered and recorded by Safelite Solutions. Safelite is USAA's authorized claims administrator and is financially affiliated with Safelite AutoGlass.

E.P. [Safelite]: Thank you for calling the USAA Glass Program, managed by Safelite Solutions. This is [E.P.] speaking. How may I help you today?

Lisa R: Hi. We need to set up a windshield replacement glass claim.

E.P. [Safelite]: You need to file a replacement glass claim?

Lisa R: Correct.

E.P. [Safelite]: I'm sorry to hear about that. Let's go ahead. We'll get started for that. Could I get the spelling of your first name, please?

Lisa R: It's under P____ [redacted]. Last name is G_____ [redacted].

E.P. [Safelite]: And you said P_____ [redacted]?

Lisa R: Yes, P____ [redacted], last name G_____ [redacted].

E.P. [Safelite]: [P.G.] And could I get the spelling of your first name?

Lisa R: Lisa, L-i-s-a.

E.P. [Safelite]: And your last name, please?

Lisa R: R.

E.P. [Safelite]: And you're from the shop?

Lisa R: Correct.

E.P. [Safelite]: And was this claim just for glass damage only?

Lisa R: Glass — windshield replacement, correct.

E.P. [Safelite]: Windshield replacement. And could I get the shop's telephone number, please?

Lisa R: 320-629-7588.

E.P. [Safelite]: I have 320-629-7588.

Lisa R: Correct.

E.P. [Safelite]: Thank you. And if you want to bring [P.G.] on the line, we'll get the claim filed real quick.

Lisa R: Yep. He's on the line with us.

E.P. [Safelite]: Oh. Hello, [P.G.]. How are you doing today?

P.G. [Insured]: Not too bad. How about yourself?

E.P. [Safelite]: Doing pretty good. And I understand that you need to get a windshield replaced; is that correct?

P.G. [Insured]: Yes, that would be correct.

E.P. [Safelite]: Well, I am sorry to hear about that. What we'll do is we'll get the claim filed real quick so Lisa over at the shop can help you to get that fixed. Now, before I do proceed, I just need to inform you that your call is being handled and recorded by Safelite Solutions, and Safelite Solutions is financially affiliated with Safelite AutoGlass. And just to confirm, sir, is this your first time reporting the damage, or has a claim number already been established?

P.G. [Insured]: Yeah. Well, I mean, it's my first reported — it happened over Thanksgiving weekend.

E.P. [Safelite]: All right. And has the work been started on the vehicle yet?

P.G. [Insured]: No.

E.P. [Safelite]: No?

P.G. [Insured]: I just — I just — I just applied for a windshield last night. I had the windshield replaced before here a few years ago.

E.P. [Safelite]: All right. But this is a new glass claim?

P.G. [Insured]: Pardon me?

E.P. [Safelite]: They haven't started any work as far as getting this windshield fixed yet?

P.G. [Insured]: No, no, no. My vehicle's here in the parking lot, so they just have me going through the process, apparently, with you to have the glass install set up on it.

E.P. [Safelite]: Okay. [P.G.], in order to better assist you, I just need to ask some additional questions. And in order to file the loss report, we must have the primary member number. And if you are not the primary member, do you have the primary member number available?

P.G. [Insured]: Are you talking about my insurance policy or —

E.P. [Safelite]: Your policy number is fine.

P.G. [Insured]: Yeah. All right. Hang on a second. Let me dig it out of my pocket here.

Lisa R: I can give that to him, Paul.

P.G. [Insured]: Oh, you can?

Lisa R: Yeah.

P.G. [Insured]: Oh, okay. All right.

Lisa R: It's [redacted], R as in rabbit.

E.P. [Safelite]: That was [redacted], R as in Romeo. And, [P.G.], may I get your phone number, starting with the area code?

P.G. [Insured]: Okay.

E.P. [Safelite]: May I get your phone number, starting with the area code, please, [P.G.]?

P.G. [Insured]: Pardon me? I could barely hear you on my phone.

E.P. [Safelite]: Oh, I do apologize. Could I get your home phone number, starting with the area code, please?

P.G. [Insured]: Yeah. It would be [redacted].

E.P. [Safelite]: I do apologize. I got [redacted]

P.G. [Insured]: That would be [redacted].

E.P. [Safelite]: And then could I get the last four? I'm sorry.

P.G. [Insured]: That would be the number [redacted].

E.P. [Safelite]: So it was [redacted]?

P.G. [Insured]: Yes, sir. You got me.

E.P. [Safelite]: And for your — was there an alternate phone number you could be reached at?

P.G. [Insured]: I don't have an alternate number, so —

E.P. [Safelite]: That's fine. And for your records, what's the best email address to send a confirmation of the claim to?

P.G. [Insured]: That would be [redacted], Pine City, Minnesota 55063.

E.P. [Safelite]: And what's the best email address, on the computer?

Lisa R: [P.G.], he's asking for email, but you don't have to give that, because it is a third-party network —

P.G. [Insured]: Oh, yeah.

Lisa R: — you're dealing with.

P.G. [Insured]: No, I get it. I'm sorry.

E.P. [Safelite]: You don't have an email address?

P.G. [Insured]: No. No, not at this time, no.

E.P. [Safelite]: And it is just a confirmation of your claim. There's no spam or anything, if you have one.

Lisa R: He said no.

E.P. [Safelite]: And, Mr. Garvey, when did the damage happen to the vehicle?

P.G. [Insured]: It would be on the 18th, I believe.

E.P. [Safelite]: On the 18th?

P.G. [Insured]: I mean, normally Thanksgiving's on the 24th, so it was all screwed up, so I'm assuming it was the 18th. Whatever — whatever day Turkey Day was.

E.P. [Safelite]: Whatever day Turkey Day was?

P.G. [Insured]: Yeah, that's the day it happened.

E.P. [Safelite]: I think Thanksgiving was on the 22nd. Is that the day the damage happened?

P.G. [Insured]: Was that the 22nd? Well, yeah, whatever day Turkey Day was, Thanksgiving Day, so —

E.P. [Safelite]: All right. I've got you down for the 22nd. And — and what state were you in when the damage happened?

P.G. [Insured]: That would be the state of Minnesota.

E.P. [Safelite]: Minnesota? I have you down for Minnesota. And how did the damage happen?

P.G. [Insured]: You know, I'm not even sure. I mean, I didn't even notice the crack in my windshield, and I got up Friday morning, and my windshield was cracked all the way across.

E.P. [Safelite]: Well, I am very sorry that that did happen.

P.G. [Insured]: Well, I mean, I didn't really per se see anything on Thanksgiving Day, although I heard like a bang, but, you know, no different than a road bump or whatever, and — so it was right down at the base of the windshield, right where the hood meets or whatever, so it's someplace that wasn't even noticeable, and I'm sure it was just like a small impact there, and then overnight — I mean, obviously the weather gets cold up here, and boom, boom, I got up Friday morning, heading into work, and all of a sudden my windshield starts cracking all the way across.

E.P. [Safelite]: And, now, could you just verify the year, make, and model of the vehicle for me, please, sir?

P.G. [Insured]: The make of the vehicle?

E.P. [Safelite]: Yes, sir.

P.G. [Insured]: Yeah, it would be a 2001 [redacted].

E.P. [Safelite]: I've got your 2001 [redacted]. And is your address still [redacted], you said?

P.G. [Insured]: Yep. That would be correct.

E.P. [Safelite]: Great. And that's a four-door sedan; is that correct?

P.G. [Insured]: Yes, it is.

E.P. [Safelite]: And other than your windshield, was there any other glass damage?

P.G. [Insured]: The last name?

E.P. [Safelite]: I'm sorry?

P.G. [Insured]: I've got a plane flying over right now, partner, so I can't even hear you.

E.P. [Safelite]: Was there any other glass damage, other than your windshield?

P.G. [Insured]: No.

E.P. [Safelite]: And just to confirm, is the damage larger than the size of a dollar bill?

P.G. [Insured]: It's — I have no idea there.

E.P. [Safelite]: Would the crack extend beyond the size of a dollar bill?

P.G. [Insured]: Okay. Give me a second until the plane flies over.

Lisa R: Yeah, we're doing a windshield replacement. Paul, he's asking that because they think if it's under a certain length that you can fill it, but we don't recommend trying to fill it. It's a safety issue.

P.G. [Insured]: Oh, no. No, yeah. I have no intention of selling the vehicle. There's nothing wrong with it, other than the windshield's cracked.

E.P. [Safelite]: Well, would you say it's larger or smaller than a dollar bill, Mr. Garvey?

P.G. [Insured]: The windshield, to replace the windshield?

Lisa R: No, he's —

E.P. [Safelite]: The crack on the windshield.

Lisa R: He's asking about the crack on the windshield.

P.G. [Insured]: Oh, it goes all the way across the windshield.

E.P. [Safelite]: It's all the way across?

P.G. [Insured]: From — from — from the left side, the driver's side all the way over to the passenger side.

E.P. [Safelite]: All right. And, now, [P.G.] —

P.G. [Insured]: It's right up in the line of sight, so —

E.P. [Safelite]: Well, I do show that you have a — you're a zero-dollar deductible for windshield replacement [inaudible].

P.G. [Insured]: I'm sorry. You said —

Lisa R: He has full glass.

P.G. [Insured]: Yeah, I have full glass coverage, so —

E.P. [Safelite]: And do you have a blue shaded area that runs across the top of the windshield, do you know?

P.G. [Insured]: Do I have like — yeah. Yes, I do.

E.P. [Safelite]: You do?

P.G. [Insured]: If you're talking that strip that's about three or four inches wide on the top of the windshield, all the way across, yeah.

E.P. [Safelite]: Correct.

Lisa R: It's a DW1466GBN, is what we're using.

E.P. [Safelite]: And, now, Mr. Garvey, I do just need to inform you that USAA does not have a pricing agreement with this particular shop and cannot warranty the work, so please confirm the warranty provided by the shop you have selected. Now, you are free to use any shop you wish; however, you may be responsible for any difference in price. Now, if you would like, I can locate other shops in your area that do have a pricing agreement with USAA.

Lisa R: And, Paul, I apologize. This is not a Rapid Glass script. This is a third-party network who is also our competitor.

P.G. [Insured]: Right. No, no. That's fine. That's fine.

E.P. [Safelite]: And did you want to stay with your glass shop, sir?

P.G. [Insured]: Did I want to —

E.P. [Safelite]: You wanted to stay with Lisa's shop, correct?

P.G. [Insured]: Sure. Yeah, I don't have a problem with that. It's right over in the area I'm in.

E.P. [Safelite]: And, Lisa, will you accept this job at the following pricing for a windshield replacement? It is NAGS List minus zero percent. Labor is \$40 flat, plus an additional \$30 per hour and \$15 per kit. These prices do not include tax or the cost of molding. And your acceptance of this job also indicates you have accepted these rates, and USAA will not be responsible for any costs in excess of these rates. Do you accept?

Lisa R: We do not agree to those rates. If there's any pricing differences, we would deal directly with the insurance company, not a third-party network and not our competitor.

E.P. [Safelite]: Let's see. And — Lisa R. And, now, Mr. Garvey, I just need to inform you that I wasn't able to get an acceptance of the rate. The shop you have selected may charge more than what USAA considers to be fair and reasonable to perform these services. And may I assist you in scheduling an appointment with a shop that has already agreed to pricing that is necessary to repair or replace your damaged glass, or did you want to continue with the shop you chose?

P.G. [Insured]: No, that's fine. I guess I've never ran into this before with windshield replacement, so this is like all new to me.

Lisa R: Yeah. It's just because we're in Minnesota and we're an independent glass shop. We're not tied to any network, so, unfortunately —

P.G. [Insured]: Okay. I —

Lisa R: Yeah. Unfortunately, they make all of us go through this.

P.G. [Insured]: Oh, okay.

E.P. [Safelite]: And did you want to stay with Rapid Glass, sir?

P.G. [Insured]: So can I still get my windshield replaced with you guys, or can't I?

Lisa R: Yeah, you have the right to go to anybody that you want. It's illegal for them to interfere —

P.G. [Insured]: Oh.

Lisa R: — with your right to choose.

E.P. [Safelite]: Right. [Inaudible] anywhere you want to.

Lisa R: But in reading this script, it's basically — yeah, that's the intent of the script.

P.G. [Insured]: Okay.

E.P. [Safelite]: And did you want to stay with Rapid Glass, sir?

P.G. [Insured]: Sure. I don't have a problem with that as long as I get a windshield on my vehicle. Otherwise — because it's illegal in the state of Minnesota to drive with a cracked windshield.

Lisa R: Yeah, they know that.

E.P. [Safelite]: And, now, if you still wish to use this shop, you may want to discuss the cost with them in advance, or, if you would like, I can assist you in scheduling with one of our preferred shops that have —

Lisa R: Okay.

E.P. [Safelite]: — agreed to established pricing.

Lisa R: This is like the fourth —

E.P. [Safelite]: Which would you prefer?

Lisa R: This is the fourth time you've asked that same question, and he —

P.G. [Insured]: Right.

Lisa R: — keeps telling you he wants to stay with Rapid Glass. I don't know —

P.G. [Insured]: Yeah.

Lisa R: — how many different times he needs to tell you. You just keep changing the script mildly, but this is like the fourth time.

E.P. [Safelite]: And I promise you, I'm not changing the script at all. This is exactly what USAA wants us to say, and I —

Lisa R: They want you to read it —

E.P. [Safelite]: — have to speak to [P.G.] —

Lisa R: — four times?

E.P. [Safelite]: — who is the insured.

Lisa R: The same question four times?

E.P. [Safelite]: [P.G.], did you still want to —

P.G. [Insured]: Yeah.

E.P. [Safelite]: — stay with Rapid Glass?

P.G. [Insured]: Yes, I do.

E.P. [Safelite]: Okay. Now, USAA may not pay more than \$372.70 to have the work completed, less your deductible, once verified. Now, this price does not include sales tax or the cost of moldings, if required. And, [P.G.], pricing is based on vehicle part information and geographic shop location provided, and if different parts, service locations, or shops are required, pricing may change. And, now, [P.G.], I have a reference number here for you. Did you want to take that down now, or did you just — did you want to go ahead and take that down real quick?

P.G. [Insured]: Yeah, that's fine. You guys can mail it to me or whatever. I'm not in a position to write anything down right now.

Lisa R: He can give it to me too, [P.G.]. We keep permanent records of everything.

P.G. [Insured]: Yeah. You can just pass the information on to her.

E.P. [Safelite]: That's fine. Now, this number does allow us to locate your information in the event that you need to call us back with additional questions on this claim. And if for any reason you decide not to use Rapid Glass, it is important for you to call us back for pricing before the work is done. And if you have any questions or need assistance with your referral, just give us a call back. Okay?

P.G. [Insured]: Okay.

E.P. [Safelite]: All right. And then — let's see. And then, Lisa, just check your work order transmission for the status of coverage and any deductible that may apply. And is your fax number still 320-629-8035?

Lisa R: Yeah. And did you say he has full glass, zero deductible?

E.P. [Safelite]: Zero deductible, correct.

Lisa R: Okay, good.

P.G. [Insured]: Yeah, I have zero deductible.

Lisa R: And what is that reference number, please?

E.P. [Safelite]: It was [redacted].

Lisa R: Okay.

E.P. [Safelite]: And then, [P.G.], was there anything I could — or was there anything else I could assist you with today, sir?

P.G. [Insured]: No. No, that's all I need. I just —

Lisa R: Thank you, everyone.

P.G. [Insured]: — want to get a windshield on my vehicle.

E.P. [Safelite]: Thank you very much —

Lisa R: Thank you, [P.G.].

E.P. [Safelite]: — for calling USAA —

Lisa R: We'll give you a call —

E.P. [Safelite]: — Glass Program.

Lisa R: — ahead of time.

E.P. [Safelite]: — USAA Safe —

P.G. [Insured]: Okay.

Patton Exhibit H

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions, LLC,	)	Case No.:
	)	15-cv-1878(SRN/SER)
)	
Plaintiffs,)	
)	
vs.)	
)	
Michael Rothman, in his official capacity as Commissioner of the Minnesota Department of Commerce,)	
)	
Defendants.)	
)	

**TRANSCRIPT OF TELEPHONE CALL
OF R.A.**

Automated Voice: Thank you for calling the USAA Glass Program. Your call is being answered and recorded by Safelite Solutions. Safelite is USAA’s authorized claims administrator and is financially affiliated with Safelite AutoGlass.

M.M. [Safelite]: Thank you for calling USAA Glass Program, managed by Safelite Solutions. This is [M.M.] speaking. How may I help you?

M.P. [Alpine]: Hi, [M.M.]. This is [M.P.] at Alpine Glass. I have a policyholder on my other line to set up a windshield replacement for an appointment we have scheduled.

M.M. [Safelite]: Okay. I’d be happy to help with that.

M.P. [Alpine]: Okay.

M.M. [Safelite]: [M.P.], what’s the shop phone number, please?

M.P. [Alpine]: 952-927-9209.

M.M. [Safelite]: Did I understand 952-927-9209?

M.P. [Alpine]: Yes.

M.M. [Safelite]: And you said you're [M.P.]. What's the first letter of your last name, please?

M.P. [Alpine]: P as in Paul.

M.M. [Safelite]: And you're the shop. Is the damage to the insured's vehicle glass only?

M.P. [Alpine]: Yes.

M.M. [Safelite]: We're only permitted to accept claims from a member. If the member is available, please bring them on the line to file the claim.

M.P. [Alpine]: Just a moment. I'll have [R.A.] on the line.

M.M. [Safelite]: Thanks.

[Dialing, ringing]

R.A. [Insured]: Hello.

M.P. [Alpine]: Hello. [R.A.]?

R.A. [Insured]: Yes.

M.P. [Alpine]: [M.P.] at Alpine Glass.

R.A. [Insured]: Yeah.

M.P. [Alpine]: I'll be bringing [M.M.] on the line. She's from Safelite. They handle USAA's glass claims. She'll verify a few things to make sure you're covered at no cost, and then we can get the work done for you. So just a moment, please.

R.A. [Insured]: Thank you.

M.P. [Alpine]: [M.M.]?

M.M. [Safelite]: Yes.

M.P. [Alpine]: I have [R.A.] on the line.

M.M. [Safelite]: Hi. Thank you for calling the USAA Glass Program, managed by Safelite Solutions. This is [M.M.] speaking. Before I proceed, I must inform you your call is being handled and recorded by Safelite Solutions. Safelite Solutions is financially affiliated with Safelite AutoGlass. I'm sorry to hear that you have glass damage, but I'd be happy to help you with the claim. Or has a claim number already been established for the auto glass damage?

R.A. [Insured]: I don't think so. I think I'm just getting the okay right now.

M.M. [Safelite]: You haven't called it in previously?

R.A. [Insured]: No, I have not. I just got called today — I haven't called because it's been so cold, I know they won't do it.

M.M. [Safelite]: Okay. And you haven't had the work started?

R.A. [Insured]: No, I have not.

M.M. [Safelite]: [M.P.] said that you've got it — you're scheduling it.

R.A. [Insured]: Yes.

M.M. [Safelite]: Okay. In order to better assist you, I do need to ask some additional questions. The primary member number is the fastest way for us to locate your coverage. Do you have the primary member number available?

R.A. [Insured]: My insurance number?

M.M. [Safelite]: Your USAA member number or your policy number.

R.A. [Insured]: Yes. Hold on one sec here. Okay. It's [redacted].

M.M. [Safelite]: Okay. We'll use the part before the "U," so [redacted]. And I understand your first name is R_____ [redacted]. May I have the spelling of your last name, please?

R.A. [Insured]: A_____ [redacted].

M.M. [Safelite]: May I have a phone number, starting with the area code, please?

R.A. [Insured]: [redacted].

M.M. [Safelite]: May we have an alternate phone number, please?

R.A. [Insured]: [redacted].

M.M. [Safelite]: Okay. I understood on that number the [redacted] and the [redacted]. It's just the part in the middle that I didn't get, the three numbers?

R.A. [Insured]: Okay. [redacted].

M.M. [Safelite]: Okay. So I got the first one as [redacted]. The alternate is [redacted]. And what email address may we use to send you a confirmation of your claim, please?

R.A. [Insured]: It's [redacted].

M.M. [Safelite]: So I understood that as [redacted]?

R.A. [Insured]: It's [redacted] —

M.M. [Safelite]: Oh, [redacted].

R.A. [Insured]: [redacted] —

M.M. [Safelite]: Not [redacted].

R.A. [Insured]: No.

M.M. [Safelite]: [redacted].

R.A. [Insured]: [redacted]

M.M. [Safelite]: Okay.

R.A. [Insured]: It's —

M.M. [Safelite]: So [redacted]

R.A. [Insured]: [redacted]

M.M. [Safelite]: And then [redacted]

R.A. [Insured]: [redacted]

M.M. [Safelite]: And then “A” for your last name?

R.A. [Insured]: Yes.

M.M. [Safelite]: Okay. What date did this damage occur to your vehicle, please?

R.A. [Insured]: It was around the middle of January, roughly, like the first or the second week. I don’t remember exactly, because it was so cold, I knew they wouldn’t — they couldn’t do it, so I didn’t —

M.M. [Safelite]: Okay.

R.A. [Insured]: — pay attention to the date.

M.M. [Safelite]: We do need to put a specific date on, so if you could give us your best estimate, please.

R.A. [Insured]: How about the 12th?

M.M. [Safelite]: Okay. January 12, 2014.

R.A. [Insured]: Give or take. It was like 35 below, so —

M.M. [Safelite]: And —

R.A. [Insured]: I didn’t want to deal with it.

M.M. [Safelite]: What’s the year, make, and model of the vehicle, please?

R.A. [Insured]: It’s a 2004 Chevrolet Silverado.

M.M. [Safelite]: Okay. In what state did this occur?

R.A. [Insured]: Minnesota.

M.M. [Safelite]: Okay. Thank you. What caused the damage to your vehicle?

R.A. [Insured]: I think it was a rock. I was following a semi, and something flew up and hit the windshield and —

M.M. [Safelite]: Okay.

R.A. [Insured]: — cracked it. I'm fairly certain it was a rock. I —

M.M. [Safelite]: Okay.

R.A. [Insured]: — don't know what else — I didn't see it.

M.M. [Safelite]: Are you able —

R.A. [Insured]: I heard the —

M.M. [Safelite]: — to identify anyone who's responsible for the damage? You —

R.A. [Insured]: No. I know I was —

M.M. [Safelite]: Oh, okay.

R.A. [Insured]: — driving on the Interstate and around a lot of traffic, and whack.

M.M. [Safelite]: Okay. And the damaged piece of glass is your windshield?

R.A. [Insured]: Yes.

M.M. [Safelite]: Okay. I'm going to access your policy now. Can I confirm your address as [redacted] in St. Michael, Minnesota?

R.A. [Insured]: Yes.

M.M. [Safelite]: And you said it's the 2004 [redacted].

R.A. [Insured]: Yes.

M.M. [Safelite]: It's a 2004 [redacted], a two-door extended cab?

R.A. [Insured]: Yes.

M.M. [Safelite]: Okay. Thank you. Were any additional pieces of glass damaged on your vehicle?

R.A. [Insured]: No.

M.M. [Safelite]: Is the damage to your windshield smaller than the size of a dollar bill?

R.A. [Insured]: A dollar bill?

M.M. [Safelite]: Right.

R.A. [Insured]: It's — yeah, it's about two inches.

M.M. [Safelite]: So it's something —

R.A. [Insured]: A silver dollar —

M.M. [Safelite]: — that you could hide with a dollar bill?

R.A. [Insured]: You know, I can go out and look at it.

M.M. [Safelite]: Because that's the difference between a repair or replacement.

R.A. [Insured]: Well, the crack is about two inches long, and it's centered — it's pretty — it's cracked like a spider, and one crack coming out of it's like two inches, so I'd say it's bigger than a dollar bill.

M.M. [Safelite]: Okay. So it's bigger than a dollar bill?

R.A. [Insured]: Yeah, it's pretty — it's a pretty healthy crack.

M.M. [Safelite]: Okay. Sergeant —

R.A. [Insured]: It's splintered in a thousand different directions, but one is like really long.

M.M. [Safelite]: Okay. How do you pronounce your last name?

R.A. [Insured]: [redacted].

M.M. [Safelite]: Sergeant [R.A.], I am showing that you have a zero-dollar deductible. And you've chosen Alpine Glass Incorporated to do the repair.

R.A. [Insured]: Uh-huh.

M.M. [Safelite]: Sergeant [R.A.], you may choose any shop you wish. If repairs performed by your shop of choice cost more than competitive costs in the same area, you may be responsible for any difference in the repair costs. The USAA service warranty only applies to work done by repairers that participate in the USAA Glass Service Program. Please be sure to ask your

repairer about any warranty or other benefits that they offer before you agree to have them repair your vehicle.

M.P. [Alpine]: And, [R.A.] —

R.A. [Insured]: Okay.

M.P. [Alpine]: We'll honor your zero deductible, so you'll not be billed any out-of-pocket expense for the replacement. We give a lifetime guarantee on our workmanship; been doing this for 20 years.

M.M. [Safelite]: And I'm going to go over —

R.A. [Insured]: Okay.

M.M. [Safelite]: — the pricing with [M.P.] now. So this is for a USAA member for replacement on a windshield in a 2004 [redacted] two-door extended cab. [M.P.], will you accept this job at the following pricing? NAGS List minus zero percent. Labor is \$40 flat, plus an additional \$30 per hour and \$15 per kit. These prices do not include tax or the cost of molding. Your acceptance of this job also indicates you have accepted these rates. USAA will not be responsible for any cost in excess of these rates.

M.P. [Alpine]: I'm not the person that handles pricing. The person that handles that's not available, so we have you fax it to the number you have on file.

M.M. [Safelite]: So are you rejecting the job?

M.P. [Alpine]: Well, either — the person that you speak to —

M.M. [Safelite]: I guess you are, because you can't accept it, so —

M.P. [Alpine]: Well, a lot of times you guys put "provider unavailable," but whatever you have to do.

M.M. [Safelite]: Okay.

M.P. [Alpine]: Our billing office handles that. They're closed for the evening.

M.M. [Safelite]: Okay. I'll try that option. Provider unavailable. Okay. So, Sergeant [R.A.], what I'm doing is saying that we weren't able to get them to agree to the pricing.

R.A. [Insured]: Okay.

M.M. [Safelite]: USAA has established pricing which is fair and reasonable to perform these services in your geographic area. This means that you'll incur the cost of any charges that this shop may charge above that pricing. Would you like to continue with the shop you selected, or can I assist you with a shop in your area that has already agreed to the established pricing and is available to secure an appointment for you right now?

M.P. [Alpine]: And —

R.A. [Insured]: Well —

M.P. [Alpine]: [R.A.], like I —

R.A. [Insured]: Yes?

M.P. [Alpine]: — stated, we won't charge you any out-of-pocket expense. You have a zero deductible. We honor that, so you wouldn't have to pay any out-of-pocket expense.

R.A. [Insured]: Okay. If I don't have to pay anything, I'll have these guys do it.

M.M. [Safelite]: Okay. We'll notify the shop in writing of the prevailing rate.

R.A. [Insured]: Okay.

M.M. [Safelite]: Does your windshield have a blue shade band that runs across the top of the windshield?

R.A. [Insured]: No. It's just got a — like a black border, then it's kind of dotted, and it goes down like to the rearview mirror.

M.M. [Safelite]: Okay.

R.A. [Insured]: It's the original windshield. It's ten years old. So I don't know if that has anything to do with it, but — and it's extremely pitted.

M.M. [Safelite]: Okay.

R.A. [Insured]: I mean, it's hard to see. I'm glad these guys called. It's hard to see through it —

M.M. [Safelite]: Okay.

R.A. [Insured]: — when the sun is shining on it.

M.M. [Safelite]: I'm going to go over pricing with you now. If you still wish to use this shop, you may want to discuss the cost with them in advance, or, if you would like, I can assist you in scheduling with one of the preferred shops that have agreed to the established pricing. Which would you prefer?

R.A. [Insured]: Well —

M.M. [Safelite]: Did you want to stay with your shop?

R.A. [Insured]: Yeah, I'll stay with these guys.

M.M. [Safelite]: Okay.

R.A. [Insured]: As long as — you know, he just said they're not going to charge me anything, so I'll just —

M.M. [Safelite]: USAA may not pay more than \$328.65 to have the work completed, less your deductible —

R.A. [Insured]: Okay.

M.M. [Safelite]: — once verified. This shop does not include — this price does not include sales tax or the cost of any molding, if required. Sergeant [R.A.], pricing is based on the vehicle

part information and geographic shop location provided. If different part, service locations, or shops are required, pricing may change.

R.A. [Insured]: Well, yeah, I'll just go with these guys.

M.M. [Safelite]: Okay.

R.A. [Insured]: They said they're not going to charge me, so I'll just — all I want is I just want a new windshield.

M.M. [Safelite]: Okay. Sergeant [R.A.], your referral number is [redacted]. That number allows us to locate your information in the event that you'd need to call us back with additional questions on this claim. If, for any reason —

R.A. [Insured]: Yeah.

M.M. [Safelite]: — you decide not to use Alpine Glass, it is important for you to call us back for pricing before the work is done. If you have any questions —

R.A. [Insured]: Okay.

M.M. [Safelite]: — or need assistance with your referral, please call us back at 800-525-1790.

R.A. [Insured]: Okay. I've got that on my card here, I think.

M.M. [Safelite]: And —

R.A. [Insured]: Okay.

M.M. [Safelite]: Is there anything else I can assist you with today?

R.A. [Insured]: No, I think we're good.

M.M. [Safelite]: All right. I want to —

Patton Exhibit I

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions, LLC,	)	Case No.:
	)	15-cv-1878(SRN/SER)
)	
Plaintiffs,)	
)	
vs.)	
)	
Michael Rothman, in his official capacity as Commissioner of the Minnesota Department of Commerce,)	
)	
Defendants.)	
)	

**TRANSCRIPT OF TELEPHONE CALL
OF R.B.**

Sh__a [Safelite]: Thank you for calling USAA Glass Program, managed by Safelite Solutions.

This is Sh__a [Safelite] speaking. How may I help you today?

M.P. [Alpine]: What was your first name?

Sh__a [Safelite]: [Sh__a], S_____ [redacted].

M.P. [Alpine]: Okay. [Sh__a], this is [M.P.] at Alpine Glass. I have a policyholder on my other line to set up two windshield replacements for appointments we have scheduled.

Sh__a [Safelite]: Okay. What kind of glass damage? I'm sorry.

M.P. [Alpine]: We've got two windshield replacements scheduled with a customer. He's calling to report the claim to make sure it's covered at no cost.

Sh__a [Safelite]: Okay. Two different cars?

M.P. [Alpine]: Right.

Sh__a [Safelite]: Okay. So I'll have to do a multi loss. All right. That'll take me a little bit longer. Hang on just a second.

M.P. [Alpine]: Yeah. They're not the same incident, just to —

Sh__a [Safelite]: Right.

M.P. [Alpine]: [Inaudible] on that.

Sh__a [Safelite]: Not a problem. And your name, you said, was [M.P.]?

M.P. [Alpine]: Yeah.

Sh__a [Safelite]: And what's your last name, [M.P.]?

M.P. [Alpine]: P_____ [redacted], P_____ [redacted].

Sh__a [Safelite]: P_____ [redacted]. And our customer has glass-only damage, correct?

M.P. [Alpine]: Yes.

Sh__a [Safelite]: All right. And what's the shop phone number, please?

M.P. [Alpine]: 952-927-9209.

Sh__a [Safelite]: Let me write this down, because I'm going to have to put this in on that second one too. Hang on just a second. That way, since I have it, I don't have to bother you for that. All right, Mike. And we're only permitted to accept claims from the member, so if you want to put him on the phone, I appreciate it. Thank you.

M.P. [Alpine]: I'll have [R.B.] on the line. Just a moment.

Sh__a [Safelite]: Not a problem.

M.P. [Alpine]: Sh__a [Safelite]?

Sh__a [Safelite]: Yes.

M.P. [Alpine]: [R.B.]'s on the line.

Sh__a [Safelite]: Okay. Thank you. Hi, there. Thank you for calling USAA Glass Program, managed by Safelite Solutions. This is [Sh__a] speaking. Before I proceed, I must inform you your call is being handled and recorded by Safelite Solutions. Safelite Solutions is financially affiliated with Safelite AutoGlass. I understand you have two vehicles with some auto glass damage.

R.B. [Insured]: Yes.

Sh__a [Safelite]: Oh, I'm so sorry to hear about that. And you know what, I'm going to tell you right upfront I've got my volume up as high as it can go, and I can barely hear you, so I apologize if I have to have you repeat some information.

R.B. [Insured]: Okay.

Sh__a [Safelite]: Let's go ahead. Now, what I have to do, just so you understand, we have to go through one car and get that taken care of, and then we'll do the second car as what we call a multi loss. Then I won't need all the same information the second time. I'll just need some specific information about that second car. So what car do we want to work on first?

R.B. [Insured]: The 2007 [redacted].

Sh__a [Safelite]: 2007 [redacted]. All right. Thank you so much for that. I appreciate it. Now, has a claim number already been established for this auto glass damage? Have you already established a claim for this damage, sir?

R.B. [Insured]: No.

Sh__a [Safelite]: Okay. Thank you. And I apologize. I do have to ask you some standard questions so we can get through this process here. Had you had any work completed and started on this [redacted]?

R.B. [Insured]: That has been completed or started?

Sh__a [Safelite]: Yeah. Has there been any work started or completed on that [redacted] for the glass damage? Okay.

R.B. [Insured]: [Inaudible]

Sh__a [Safelite]: All right. Now, sir, in order to better assist you, I do need to ask you some additional questions, please. Your primary member number or policy number is the quickest way for us to locate your coverage. Do you have that available for me?

R.B. [Insured]: Yes.

Sh__a [Safelite]: I'll take that when you're ready.

R.B. [Insured]: [redacted], G as in golf.

Sh__a [Safelite]: All right. Golf, I don't need that, but I'll take everything before that, so let me repeat that for you. We have [redacted].

R.B. [Insured]: Correct.

Sh__a [Safelite]: Okay. Excellent. Thank you so much. And what is your first name, please?

R.B. [Insured]: R____[redacted].

Sh__a [Safelite]: Is it R____ [redacted] or R____ [redacted]?

R.B. [Insured]: R__[redacted].

Sh__a [Safelite]: Okay.

R.B. [Insured]: It's really R____[redacted], but nobody calls me R____[redacted].

Sh__a [Safelite]: Oh. On your insurance, is it going to say "R____[redacted]," do you think?

R.B. [Insured]: It says, "[redacted]."

Sh__a [Safelite]: All right. Last name [redacted]?

R.B. [Insured]: Yes.

Sh__a [Safelite]: Okay. And [R.B.], I have as [redacted].

R.B. [Insured]: Yes.

Sh__a [Safelite]: Okay, sir. What's the primary phone number we can reach you at?

R.B. [Insured]: [redacted].

Sh__a [Safelite]: All right. You gave me [redacted]. Did you have a secondary number you'd like to list?

R.B. [Insured]: [redacted].

Sh__a [Safelite]: That was [redacted]. Thank you so much. Now, [R.B.], do you have an email address where I can send you a copy of these claims?

R.B. [Insured]: Yes, [redacted].

Sh__a [Safelite]: Okay. Here's what I think I heard. And, again, I apologize. I can barely hear you. I have the word wild, w-i-l-d —

R.B. [Insured]: [redacted].

Sh__a [Safelite]: Oh, [redacted]. Are you sure you don't want to be — thank you. Are you don't want to be known as [redacted]? Okay, [redacted].

R.B. [Insured]: Yes.

Sh__a [Safelite]: No, we hear all kinds of weird — weird emails, so who's to say? And what was the date the damage happened on the Honda?

R.B. [Insured]: [Inaudible]

Sh__a [Safelite]: Best guess.

R.B. [Insured]: About two months ago.

Sh__a [Safelite]: All right. So that would be in March.

R.B. [Insured]: March 15.

Sh__a [Safelite]: All right. Sounds like a winner to me. We have March 15, 2014 listed. All right. Thank you so much. And what state were you in when this damage occurred, sir?

R.B. [Insured]: Minnesota.

Sh__a [Safelite]: Minnesota. Okay. Okay. Hang on just a moment. I have to get through some information here. For whatever reason, my computer's being a little poky today. Okay. Minnesota. And how do you think that damage occurred, sir?

R.B. [Insured]: A rock flew up from a wheel from a truck.

Sh__a [Safelite]: Okay. Oops.

M.P. [Alpine]: And are we talking about the [redacted] or the [redacted] first?

Sh__a [Safelite]: We're talking about the [redacted] first.

M.P. [Alpine]: Okay. I just wanted to make sure.

Sh__a [Safelite]: Okay. Yeah, I had already asked him that. All right. So in Minnesota, and a rock came up from another vehicle, and the damage is to the front windshield, correct?

R.B. [Insured]: Yes.

Sh__a [Safelite]: All right. Were you able to identify anybody who might be responsible for that damage?

R.B. [Insured]: No.

Sh__a [Safelite]: All right. What, you didn't go chase him down?

R.B. [Insured]: No.

Sh__a [Safelite]: You know what? I've only had one customer ever say they chased down a vehicle, and it was an older lady. I was just amazed. I thought, "Well, that's dangerous." She said, "I got his license plate number, I got his insurance, I got his name, I got his company

name.” I’m like, “Holy moly.” I didn’t have the heart to tell her, “You’d better be careful.” All right. Now, Mr. Brown, I have your address as [redacted] in Carver, Minnesota.

R.B. [Insured]: Correct.

Sh__a [Safelite]: And you said this was a 2007 [redacted]. And the [redacted], not the [redacted], right?

R.B. [Insured]: Right.

Sh__a [Safelite]: Okay. Just want to double-check. It causes a big, huge issue if we pick the wrong car.

M.P. [Alpine]: That’ll be the next one, right, Ron?

R.B. [Insured]: Right.

Sh__a [Safelite]: Okay. Now, your [redacted] is a two-door coupe. Was there any other glass damage besides the front windshield?

R.B. [Insured]: No.

Sh__a [Safelite]: All right. Now, looking at the damage on the windshield of the [redacted], is it smaller than the size of a dollar bill?

R.B. [Insured]: Of a dollar bill?

Sh__a [Safelite]: Yes.

R.B. [Insured]: Smaller.

Sh__a [Safelite]: It’s smaller. Good deal.

M.P. [Alpine]: Now, this was in your line of sight. Is that right, Ron?

R.B. [Insured]: It’s just on the right-hand side of my line of sight, yes.

M.P. [Alpine]: Okay. Because they leave it up to you on whether you want us just to fill the chip with an epoxy or replace the windshield. If it’s in your line of sight, we always recommend

a replacement, because the epoxy don't dry as clear as the rest of the glass. It kind of turns cloudy over time. Do you know —

R.B. [Insured]: Yeah. It's really on the edge of the —

Sh__a [Safelite]: It does sound like your windshield can be repairable, but a chip can quickly spread, and a timely repair can be completed in about 20 minutes or less, possibly preventing the need for replacement. By repairing the windshield now, it would restore the structural integrity of your windshield. If the repair process is not successful and a windshield replacement is required, a replacement appointment will need to be scheduled . Your USAA coverage does not require you to pay a deductible for the cost of the repair or the replacement. Are you saying you want a replacement instead, sir?

R.B. [Insured]: Now, say that again? If it doesn't work —

Sh__a [Safelite]: If it doesn't work, then you could go ahead and make another appointment to get the windshield — we normally try to do a windshield repair. The reason why is that we don't want to have to break that original seal on the windshield. That sometimes can cause issues also, but — I'm sorry?

R.B. [Insured]: I'd like it repaired.

Sh__a [Safelite]: Okay. That's up to you. Not a problem.

R.B. [Insured]: [Inaudible]

Sh__a [Safelite]: Yeah. That only takes about 20 minutes or so, so that shouldn't be too long. Now, how many chips do you have in this windshield?

R.B. [Insured]: One.

Sh__a [Safelite]: Just the one? Okay. All right. Alpine Glass is the shop that you're going to use. Is the city there for the Alpine Glass, is that called state of Minnesota? Is that the city name?

M.P. [Alpine]: No. It's because we're mobile for the [inaudible].

Sh__a [Safelite]: Oh. I'm thinking, "That's weird. I've never seen that before." All right. Now, Mr. Brown, you may choose any shop you wish. If repairs performed by your shop of choice cost more than competitive costs in the same area, you may be responsible for any difference in the repair costs. The USAA service warranty only applies to work done by repairers that participate in the USAA Glass Service Program. Please be sure to ask your repairer about any warranty or other benefits they offer before you agree to have them repair your vehicle. Would you like to stay with this provider or select another provider?

R.B. [Insured]: This provider's fine.

Sh__a [Safelite]: All right. Not a problem.

R.B. [Insured]: So far.

Sh__a [Safelite]: You'd better watch it, [M.P.]. Let's see here. Now, at this point, I am going to go over some information with [M.P.] real quick. [M.P.], I need to know if you'll go ahead and accept this job at the following pricing. This is going to be a windshield repair on the 2007 [redacted], NAGS List — I'm sorry. \$60 for the first repair, zero dollars for additional. These prices do not include tax. Your acceptance of this job also indicates you've accepted these rates. USAA will not be responsible for any cost in excess of these rates. Do you accept this job and rate?

M.P. [Alpine]: Now, I'm not the person that handles pricing. The person that handles that is not available, so we have you fax it to the number you have on file. [R.P.], we'll honor your zero deductible, so you'll pay nothing.

Sh__a [Safelite]: Okay. We'll put "provider unavailable." Hang on just a moment. Okay. Now, Mr. — let's see how we're going to do this here. All right. [R.P.], because I was unable to talk to — and confirm the pricing or get that, USAA has established pricing which is fair and reasonable to perform these services in your geographic area. This means that you will not incur the cost of any charges that this shop may charge above that pricing. Would you like to continue with the shop you selected, or I can assist you with a shop in the area that have already agreed to the established pricing and is available to secure an appointment for you now. You want to stay with this provider?

R.B. [Insured]: Yes.

Sh__a [Safelite]: Okay. We will notify the shop in writing of the prevailing rates. Let's see. Now, if you still wish to use this shop, you may want to discuss the cost with them in advance, or if you would like, I can assist you in scheduling with a shop, with one of the preferred shops that have agreed to established pricing. That's kind of redundant. USAA may not pay more than \$60 to have the work completed, less your deductible, which is zero, once verified. This price does not include sales tax or the cost of any molding, if required. Now, [R.B.], pricing is based on the vehicle, part information, and geographic shop location provided. If different parts, service location, or shops are required, pricing may change. So you still want to stay with that provider; is that correct, sir?

R.B. [Insured]: Yes.

Sh__a [Safelite]: All right. I know. Sorry.

R.B. [Insured]: Can you speed this up a bit?

Sh__a [Safelite]: Yes. I'm trying, sir. Now, we are going to go ahead and send you an email for this particular shop. [M.P.], this — the reference number for this one is [redacted], and that's for the 2007 [redacted] windshield repair. Now, if, for any reason, you decide not to use Alpine Glass, sir, it is important for you to call us back for pricing before the work is done. I will be sending you an email with a callback number as well as that six-digit number that I just gave Mike. Hang on just a moment. All right. And, [M.P.], your fax number is 425-827-1333.

M.P. [Alpine]: Yes.

Sh__a [Safelite]: Okay. So we're going to go ahead and get this other information. Hang on just a moment. All right. And the second vehicle is the other [redacted] listed; is that correct, sir?

R.B. [Insured]: Correct.

Sh__a [Safelite]: Mr. Brown? Okay. As I said, we'll have to do this as a multi loss. That's not a problem. Let me get this started here. And we won't have to go over most of that information, so that will be — all right. Hang on just a moment. All right. Let me get to that car. And the other car is a 2007 [redacted]?

R.B. [Insured]: Correct.

Sh__a [Safelite]: Okay. And what kind of damage does the windshield have on that vehicle?

R.B. [Insured]: Rock damage.

Sh__a [Safelite]: Just the same kind of rock damage?

R.B. [Insured]: Yes.

Sh__a [Safelite]: Okay. All right. Let me get that information in here. And what was the date this damage happened?

R.B. [Insured]: Do you have that, [M.P.]?

M.P. [Alpine]: You said around November 7th of last year.

R.B. [Insured]: Yeah, that sounds right, November 7th.

Sh__a [Safelite]: Okay. So that's November 7, 2013?

R.B. [Insured]: Correct.

Sh__a [Safelite]: Okay. And in what state did that damage happen?

R.B. [Insured]: Minnesota.

Sh__a [Safelite]: Okay. Same state. Okay. And this was just a rock chip, the same situation, it flew up from a vehicle?

R.B. [Insured]: Yes.

Sh__a [Safelite]: Okay. All right. And this was the windshield that was damaged, correct?

R.B. [Insured]: Correct.

Sh__a [Safelite]: All right. Hang on just a moment.

R.B. [Insured]: Smaller than a dollar bill.

Sh__a [Safelite]: Okay, excellent. Thank you very much for that. And let's see, 2007 [redacted], two-door, correct?

R.B. [Insured]: Correct.

Sh__a [Safelite]: All right. Okay. Then we'll do the same thing with the pricing and everything on this, but I'm assuming —

M.P. [Alpine]: [Inaudible]

Sh__a [Safelite]: [M.P.], the other person's still not there?

M.P. [Alpine]: Yeah.

Sh__a [Safelite]: Pardon me? Yeah, okay. Okay. So we'll go ahead and do the same thing. Now, the reference number on this claim is going to be [redacted].

M.P. [Alpine]: Okay. And there's a zero deductible for this one as well?

Sh__a [Safelite]: Yes. This will be a chip repair, and so —

M.P. [Alpine]: Is that what you're wanting done on this one too, [R.P.]?

R.B. [Insured]: I'm sorry?

M.P. [Alpine]: Looking for a repair on this one as well?

R.B. [Insured]: Well, that's the thing. When you and I talked, we talked about, you know, where the damage is. It's about three inches from the edge of the glass.

M.P. [Alpine]: Okay. Yeah, with chips that are that close to the edge, most of the time they aren't repairable, because when we drill into the chip and eject that epoxy into it, there's a lot of pressure, and the windshields aren't as flexible around the edges, so they're more prone to stress. I mean, we could attempt to repair it, but it would most likely crack it to the edge. Whenever it's that close to the edge, we never recommend to do the repair. You have the zero deductible either way, so it's up to you on whether you'd rather have it attempted.

Sh__a [Safelite]: Do you want to have just a repair or replacement?

R.B. [Insured]: [Inaudible] repair first, personally.

Sh__a [Safelite]: Okay. We'll go ahead and mark that down. It's not a problem.

R.B. [Insured]: [Inaudible] windshields, I've had leaks before [inaudible] I'm okay with.

Sh__a [Safelite]: Right.

M.P. [Alpine]: You know, if we ever do a replacement for you, we give a lifetime guarantee that, you know, covers any leaks or anything like that.

R.B. [Insured]: Lifetime guarantees are good, but there's a leak [inaudible].

M.P. [Alpine]: Yeah.

Sh__a [Safelite]: All right. So you want to stay with a repair on this one; is that correct, sir?

R.B. [Insured]: If I can.

Sh__a [Safelite]: Sure. That's not a problem.

R.B. [Insured]: I would [inaudible] that way, but if it has to go the other way, well, then it has to go.

Sh__a [Safelite]: Yeah. Well, we'll try to get — and, [M.P.], your phone number to the shop was 952-927-9209?

M.P. [Alpine]: Yes.

Sh__a [Safelite]: Okay. Let me put that in here real quick. Alpine Glass. All right. Now, again, this is the same shop situation on this one as it was for the other one, [R.B.]. And so I'm assuming they don't have anybody there that can go ahead and verify the pricing. Is that correct, Mike?

M.P. [Alpine]: Right.

Sh__a [Safelite]: Okay. So we'll put "provider unavailable." And then we'll be sending you information regarding the pricing for this.

M.P. [Alpine]: Okay.

Sh__a [Safelite]: And you want to stay with this provider on this second one; is that correct, Mr. Brown?

R.B. [Insured]: Yes.

Sh__a [Safelite]: All right. And, again, USAA may not pay more than \$60 to have the work completed, less the deductible, and there's a zero-dollar deductible on this. Now, and we'll be

sending you a second email for this second claim. The reference number for you, Mike, is [redacted]

R.B. [Insured]: [Inaudible] be made?

Sh__a [Safelite]: I'm sorry?

M.P. [Alpine]: [Inaudible] is there going to be a second email for the second claim.

Sh__a [Safelite]: Yeah, so you'll have both the cars on different numbers there. The second reference number for you, Mike, is [redacted]

M.P. [Alpine]: Okay.

Sh__a [Safelite]: [redacted].

M.P. [Alpine]: Okay. Thank you.

Sh__a [Safelite]: All right. So we'll send all that along. Is there anything else I can help you with, [R.B.]?

R.B. [Insured]: And these are both no cost to me, correct?

Sh__a [Safelite]: Yes, for a repair, yes.

R.B. [Insured]: Okay.

Sh__a [Safelite]: Okay. Is there anything else I can assist you with, sir?

R.B. [Insured]: No, I'm done.

Sh__a [Safelite]: All right. Great, gentlemen. Thank you for calling the USAA Glass Program and USAA Safelite Solutions. I appreciate your business. You gentlemen have a great day.

M.P. [Alpine]: You too.

Sh__a [Safelite]: Thank you, and goodbye.

R.B. [Insured]: [Inaudible]

M.P. [Alpine]: Okay.

R.B. [Insured]: The license plate numbers —

Larson Ex. J

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Safelite Group, Inc. and Safelite Solutions, LLC,)	
	)	Case No.: 15-cv-1878
Plaintiffs,	)	(SRN/SER)
)	
vs.	)	Placeholders for Exhibits 9J,
	)	12, 15 to the Declaration of
Michael Rothman, in his official capacity as	)	Oliver J. Larson in Opposition
Commissioner of the Minnesota Department of	)	to Summary Judgment
Commerce,)	
)	
Defendants.)	
)	
)	
)	

This document is a place holder for the following items which are filed in conventional or physical form with the Clerk's Office:

1. Exhibit 9J, copies of telephone scripts used by Plaintiff Safelite Solutions
2. Exhibit 12, a copy of a telephone script used by Plaintiff Safelite Solutions
3. Exhibit 15, a copy of a telephone script used by Plaintiff Safelite Solutions

If you are a participant in this case, this filing will be served upon you in conventional format.

This filing was not e-filed for the following reason(s):

Item Under Seal pursuant to a court order* (Document number of protective order: DKT 40)

E-file this place holder in ECF in place of the documents filed conventionally. File a copy of this Placeholder and a copy of the NEF with the Clerk's Office along with the conventionally filed item(s).