

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

PRICE'S COLLISION CENTER, LLC,)	
In its own capacity and as Agent for Anne)	
Crockett and Nicole Crosby)	
)	
Plaintiff,)	Civil Action No. 12-873
)	
v.)	
)	
PROGRESSIVE HAWAII INSURANCE)	
COMPANY)	
)	
Defendant.)	

AFFIDAVIT OF DAVID EDWARDS

Comes the undersigned Affiant, David Edwards, a resident of the State of Tennessee, and being duly sworn, states as follows:

1. I am a former employee of the Defendant. I am over 18 years of age. I have personal knowledge of the facts stated herein.
2. I was employed at Progressive for over 17 years, up until August 12, 2014. While at Progressive I served as an estimator, supervisor, network manager, and expert process property damage specialist.
3. My final job at Progressive, starting in February 2014, was a Manage Repair Representative (MRR), assisting in writing estimates in areas with high volume.
4. In April of 2014, I was assigned to work exclusively with claimants or insureds who brought their vehicles to Price's Collision Centers.
5. In my experience, it was unusual for an MRR like myself to be assigned to one series of shops, especially given how far away Price's shops were from one another.

6. As early as 2004, I heard Progressive supervisors, managers, and employees make derogatory comments about Price's. I was specifically prohibited from placing Price's in the network.

7. In my opinion, Progressive employees did intentionally steer insureds and claimants way from Price's Collision Center.

8. Progressive employees would do so by saying derogatory things about Price's Collision Centers to the insureds and/or claimants. For example, Progressive employees would tell claimants or insureds that repairs at Price's would take an inordinate amount of time, would cost too much, and would leave the insured potentially liable for the cost of a repair that was not "guaranteed." At the same time, the Progressive employees would be talking positively about network shops to induce the insured or claimant to bring his or her vehicle in network. In these discussions, the Progressive employees would omit that Price's would, on balance, do a more professional and thorough repair of the damages vehicle than the network shops.

9. It was well-known throughout the Nashville office that Progressive did not want to have its vehicles repaired at Price's Collision Centers. This is because management told its Progressive employees that it did not want vehicles repaired at Price's Collision Centers.

10. During the relevant time period, Progressive inside adjusters were evaluated on the percentage of insureds and claimants that bring their vehicle to in-network shops. As a result, it would count against an employee's evaluation if he or she was unable to convince an insured or claimant not to go to an out-of-network shop such as Price's Collision Centers, which in turn could affect the employee's compensation or continued employment.

11. It is my understanding that Progressive desired all claimants and insureds to patronize network shops. Progressive used its leverage of the volume of its network referral business to manhandle network shops.

12. In those instances where a Progressive insured or claimant would bring his or her car to Price's despite the steering, Progressive routinely denied payment on supplements. Despite these supplements being for required repairs, Progressive regularly refused to pay for supplemental repairs requested by Price's and did so both to save money and to also discourage insureds and claimants from ever returning to Price's. For instance, Progressive employees would tell its insureds and claimants that a network shop would not be demanding these supplemental expenses, and that, as a result, the insured or claimant may bear responsibility for paying these expenses out of pocket.

13. I personally witnessed Progressive employees in a management role, including Jody Hensley, make derogatory statements about Price's Collision Centers and Bobby Price, since at least 2004. For example, during a recent visit to a Price's Collision Center location, my supervisor, Jody Hensley, stated "I hate these motherfuckers" as we pulled into the Price's Collision Center parking lot.

14. I personally have experience with insured or claimants' repairs completed at Price's Collision Centers. I never had any more issues with Price's Collision Centers or its work than I did with any other body shop.

15. In early summer of 2014, I participated in a conference call between Jodie Hensley, Stan Coker, Jason Krwitz and a manager in Kentucky regarding Price's Collision Centers. They conference call consisted of the Tennessee managers making derogatory statements about Price's Collision Centers.

