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CAUSE NO. DC-15-09782

MATTHEW SEEBACHAN AND
MARCIA SEEBACHAN

Plaintiffs,

VS.

JOHN EAGLE COLLISION CTR,
EAGLE IMPORTS, LP A/K/A
JOHN EAGLE COLLISION CENTER
A/K/A JOHN EAGLE LINCOLN-
MERCURY-ASTON MARTIN, LP,
HUFFINES KIA A/K/A HUFFINES
DENTON AUTOS, INC.

Defendants

* IN THE DISTRICT COURT
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* 192ND JUDICIAL DISTRICT
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* DALLAS COUNTY, TEXAS

ORAL DEPOSITION OF
BOYCE WILLIS
CORPORATE REPRESENTATIVE OF
JOHN EAGLE COLLISION CENTER,
JULY 7, 2017

ORAL DEPOSITION OF BOYCE WILLIS, a
witness produced at the instance of the Plaintiffs,
was taken in the above-styled and -numbered cause on
the 7th day of July, 2017, from 9:56 a.m. to
11:23 a.m., before Brooke Barr, CSR in and for the
State of Texas, reported by machine shorthand, at the
Law Offices of Gallerson & Yates, 2001 Walnut Hill
Lane, Suite 200, Irving, Texas 75038, pursuant to the
Texas Rules of Civil Procedure and any provisions
stated on the record or attached hereto.

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A P P E A R A N C E S

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24
25 (Exhibits retained by witness per agreement.)

1 (Witness sworn.)

2 THE REPORTER: Thank you.

3 Counsel, we're on the record. It is
4 9:56. Are we taking this pursuant to the Rules?

5 MR. TRACY: Yes.

6 MR. REESE: Yes.

7 BOYCE WILLIS,
8 having been first duly sworn, testified as follows:

9 EXAMINATION

10 BY MR. TRACY:

11 Q. Your name is Boyce Willis?

12 A. Correct.

13 Q. And you are the body shop director at John
14 Eagle Collision Center, correct?

15 A. Correct.

16 Q. How long have you worked at John Eagle
17 Collision Center as the body shop director?

18 A. Since 2007.

19 Q. And how long have you worked for John Eagle
20 Collision Center?

21 A. Since August of '82.

22 Q. Have you ever yourself -- have you yourself
23 ever been a body repair technician?

24 A. No.

25 Q. Have you ever used adhesives to glue a roof

1 on to any type of Honda vehicle?

2 A. No.

3 Q. Between 1982 and 2007, what were your job
4 titles?

5 A. Parts director.

6 Q. For John Eagle Collision?

7 A. No, for John Eagle.

8 Q. John Eagle Honda?

9 A. Well, John Eagle Honda, of course, there --
10 there are multiple franchises. So you would say --
11 he's got 13 franchises, and I visited all 13 of them.

12 Q. All right. And we may get into that later,
13 but let's -- all right.

14 So you understand that you have been
15 designated as the corporate representative for John
16 Eagle Collision Center for this case?

17 A. Yes.

18 Q. And as the corporate representative for John
19 Eagle Collision Center, you understand that you are
20 the voice of John Eagle Collision Center for purposes
21 of this trial?

22 A. Yes.

23 Q. And as the voice of John Eagle Collision
24 Center for this trial, you understand that your
25 testimony today is on behalf of the company, not --

1 A. Yes.

2 Q. -- behalf of yourself?

3 A. Yes.

4 Q. Do you agree that as the voice of John Eagle
5 Collision Center, that when someone takes their
6 vehicle to your certified body shop to be repaired
7 after a vehicle collision or hail damage, that people
8 trust that the body repairs will be performed
9 according to the vehicle manufacturer's repair
10 specifications?

11 A. Yes. According to the insurance company.

12 Q. But at the end of the day, I mean, you
13 have -- John Eagle Collision Center has to comply with
14 the vehicle manufacturer's repair specifications,
15 correct, sir?

16 A. Correct.

17 Q. And as the voice of John Eagle Collision
18 Center, do you agree that people don't expect to drive
19 away in a vehicle whose body repairs have actually
20 made their vehicle deadly and dangerous because body
21 repair rules were not followed? You agree with that?

22 A. Yes.

23 Q. And as the voice of John Eagle Collision
24 Center, do you agree that people expect that body shop
25 repair rules will be followed when they have taken

1 their vehicle to a body shop repair facility who
2 claims to be a certified body shop?

3 A. Yes.

4 Q. Do you agree that a certified body shop is
5 required to repair vehicles back to the vehicle
6 manufacturer's safety specifications?

7 A. Yes.

8 Q. Do you agree that if a certified body shop
9 does not repair the vehicle to the vehicle
10 manufacturer's repair specifications, and then someone
11 is seriously injured or killed because the certified
12 body shop -- because of their repair failure, that the
13 body shop is responsible?

14 A. Yes.

15 Q. Do you agree that if a certified body shop
16 fails to follow the vehicle manufacturer's repair
17 specifications, and those repair failures cause injury
18 or death, the certified body shop is responsible for
19 all of the harms and losses they have caused?

20 A. That's not a yes-or-no question.

21 Q. If you don't follow the -- if you don't
22 follow the manufacturer's repair rules, and then
23 someone's injured or killed because those repair rules
24 weren't followed, you're responsible for all the harms
25 and losses, aren't you, sir?

1 A. To a certain extent.

2 Q. To the extent that you should have followed
3 the rules, right?

4 A. Well, it's not cut and dry in the body shop.

5 Q. Well, I understand. But, specifically, a
6 certified body shop, and like John Eagle says on their
7 website, We follow the OEM, which stands for original
8 equipment manufacturer, correct?

9 A. Correct.

10 Q. That as a certified body shop for the OEM
11 manufacturers, that we will bring your vehicle back to
12 the vehicle manufacturer's repair specifications,
13 correct?

14 A. Or better, yes.

15 Q. Or better.

16 Do you agree that we trust people with
17 our lives every day?

18 A. Yes.

19 Q. You probably just experienced it getting on
20 the highway while ago.

21 A. Yes.

22 Q. We trust that other drivers on the road are
23 not driving while drowsy?

24 A. Yes.

25 Q. We trust that other drivers on the road are

1 not driving while distracted?

2 A. Yes.

3 Q. We trust that other drivers on the road are
4 not driving drunk?

5 A. Yes.

6 Q. We trust that other drivers on the road
7 aren't driving while on drugs?

8 A. Yes.

9 Q. When we hire plumbers to come to our house
10 because we smell gas, we trust that the plumbers that
11 we hire will take the time and care to detect those
12 gas leaks and repair those -- and repair them properly
13 so that our homes won't explode; do you agree with
14 that?

15 A. Right.

16 Q. When you go to a doctor with some serious
17 medical condition, you expect that the doctor will
18 take the time and care to make certain that he doesn't
19 make medical mistakes so that you could die; do you
20 agree with that?

21 A. Yes, I agree.

22 Q. We trust that our electricians that we hire
23 when we are having shortages -- or when we're having
24 electrical issues at our home, will take the time and
25 care to make certain that they check our electricity

1 and check our wiring to make certain that our house
2 doesn't burn up while we're asleep at night and kill
3 us; agree with that?

4 A. Agree.

5 Q. And we trust that when a certified body shop
6 has to replace our vehicle roof structure, that the
7 body shop will take the time and care to repair the
8 roof properly per the manufacturer's repair
9 specifications, correct?

10 A. Correct.

11 (Plaintiff's Exhibit 20 marked.)

12 Q. (BY MR. TRACY) Let me show you Exhibit 20.
13 And if you look at Page 15 on this thing, and it's --
14 down at the bottom of the page you'll see the pages.

15 Do you see Exhibit 15 -- you see Page 15?

16 A. Yes.

17 Q. All right. It appears as if Daryl Scroggins
18 bought the 2010 Honda Fit from John Eagle Honda back
19 in November of 2009. Do you see that?

20 A. Yes.

21 Q. And it appears as if he paid \$17,684 for that
22 vehicle, correct?

23 A. Correct.

24 Q. Actually \$17,684.11; see that?

25 A. Uh-huh.

1 Q. Yes?

2 A. Yes. I'm sorry.

3 Q. And then -- and I don't mean to be rude --
4 when -- sometimes --

5 A. That's okay. That's -- it's okay.

6 Q. He probably told you not to say uh-huh and
7 stuff like that, but...

8 A. Yeah.

9 Q. Now, is it your understanding that
10 approximately in June of 2012, that a hailstorm
11 damaged the roof and other exterior panels on
12 Mr. Scroggins' 2010 Honda Fit?

13 A. Yes.

14 Q. And let me show you Exhibit Number 19.

15 MR. TRACY: Here, I'll take that one
16 back. We'll stick that here.

17 (Plaintiff's Exhibit 19 marked.)

18 Q. (BY MR. TRACY) After this hailstorm in June
19 of 2012, Mr. Scroggins received a hail repair estimate
20 that we see here on Exhibit 19. And it looks like
21 it's for approximately \$8,561.65. Do you see that?

22 A. Correct.

23 Q. Got to go back to it.

24 If -- as we look on -- as we look on
25 Page 1 of Exhibit Number 19, it appears as if part of

1 the estimate included removing and replacing the hood
2 panel HSS, correct?

3 A. Correct.

4 Q. And HSS stands for high strength steel,
5 correct?

6 A. Correct.

7 Q. Let me show you Exhibit Number 18.

8 (Plaintiff's Exhibit 18 marked.)

9 Q. (BY MR. TRACY) It appears as if
10 Mr. Scroggins took his 2010 Honda Fit to John Eagle
11 Collision Center in Dallas after the hailstorm damage;
12 is that your recollection?

13 A. Correct.

14 Q. And Exhibit 18 is the -- is the work that
15 John Eagle Collision Center performed on
16 Mr. Scroggins' 2010 Honda Fit?

17 A. Correct.

18 Q. Now, John Eagle Collision Center is a
19 certified Honda body shop repair facility, correct?

20 A. Correct.

21 (Plaintiff's Exhibit 25 marked.)

22 Q. (BY MR. TRACY) And if we look at Exhibit 25,
23 John Eagle Collision Center has access to Honda
24 factory standards and access to structural parts,
25 correct?

1 A. Correct.

2 Q. And John Eagle Collision Center is
3 manufacturer certified?

4 A. Correct.

5 Q. And as being manufacturer certified, and
6 since this is a Honda, they're Honda -- they're
7 certified by Honda, correct?

8 A. Correct.

9 Q. Now, John Eagle Collision Center realizes
10 that its customers not only want reassurance that
11 their vehicle will be repaired properly, but the
12 solution used to address the repair is appropriate; do
13 you agree with that?

14 A. Correct.

15 Q. Would you agree that the core of John Eagle
16 Collision Center's business has always been the
17 customer?

18 A. Yes.

19 Q. Do you agree that John Eagle Collision Center
20 prides itself on workmanship?

21 A. Yes.

22 Q. Do you agree that John Eagle Collision
23 Centered promises its customers that they can rest
24 assured that their vehicle will be repaired properly,
25 regardless of make, model, or extent of damage?

1 A. Yes.

2 Q. Do you agree, At John Eagle Collision Center,
3 our goal is to achieve better than new; we consider
4 anything less not good enough?

5 A. Yes.

6 Q. At John Eagle Collision Center, we know that
7 trust isn't simply given, so we have dedicated
8 ourselves to earning your trust; do you agree with
9 that?

10 A. Agree.

11 Q. Now, as we look at Exhibit 18, which is the
12 John Eagle repair record, this one here?

13 A. Okay.

14 Q. Lot of moving parts.

15 A. That's okay.

16 Q. John Eagle Collision Center repaired the hail
17 damage to Mr. Scroggins' 2010 Honda Fit, it appears,
18 in July of 2012, correct?

19 A. Correct.

20 Q. And on Exhibit Number 18, John Eagle
21 Collision Center installed a new high-strength steel
22 roof on Mr. Scroggins' 2010 Honda Fit in July 2012,
23 correct?

24 A. Can I interject?

25 Q. Sure.

1 A. That's not a high-strength steel roof. It's
2 just a regular panel roof.

3 Q. Okay. So despite the fact that the state --
4 or that the estimate that he had received was for a
5 high-strength steel roof?

6 A. The -- Honda does not make high-strength
7 steel panels. You can call Honda and they'll tell you
8 directly. There is no such thing as a high-strength
9 steel panel.

10 High-strength gets measured by tensile.
11 And for it to be high-strength, it has to be 590. A
12 panel roof, whether it be a hood, door, are all 270.

13 Q. Well, technically it's measured by
14 megapascals, correct?

15 A. You've got it, yeah.

16 Q. And mega --

17 A. We call it MP -- yeah, MPa.

18 Q. -- and megapascals, for advanced
19 high-strength steel, is from 270 to 490. And then
20 ultra high-strength steel is anything above 570. Did
21 you know that?

22 A. No. That -- I just talked to Honda -- the --
23 the Honda techline, and they said that the panels are
24 not high-strength.

25 Q. So the -- what we see on this one exhibit is

1 incorrect?

2 A. It's incorrect.

3 Q. All right.

4 A. If you'll go back and pull CCC1 or Auto
5 Tech's, it's not going to say high-strength.

6 Q. All right. Doesn't matter what it --
7 regardless of what it is, they've replaced their --
8 they replaced the roof?

9 A. Yes.

10 Q. There we go. And they replaced that roof
11 back in July of 2010?

12 A. Yes.

13 Q. All right. Now, back in July of 2000 -- I
14 think I said July 2010.

15 Back in July of 2012, John Eagle
16 Collision Center replaced the roof on the 2010 Honda
17 Fit that belonged to Mr. Scroggins?

18 A. Scroggins, yes.

19 Q. And John Eagle Collision Center used either a
20 3M adhesive or a Wurth, W-u-r-t-h, adhesive to glue
21 the new roof back on to Mr. Scroggins' 2010 Honda Fit?

22 A. Yes.

23 Q. And in looking at Exhibit Number 18, can you
24 tell us with specificity which adhesive was used by
25 John Eagle Collision Center?

1 A. You're talking about on the State Farm
2 estimate?

3 Q. No, I'm -- no, I'm talking about on John
4 Eagle's.

5 A. Oh.

6 Q. Which is 18.

7 A. Would have been a 3M product.

8 Q. Do we know which 3M product?

9 A. It would have been 8115.

10 Q. And how do we know that?

11 A. That's the 3M product that we use for
12 structural bonding.

13 Q. I understand. But I -- I want you to look at
14 Plaintiff's Exhibit 18 and tell me specifically where
15 it says the adhesive that was used.

16 A. It's not on there.

17 Q. All right. So at -- do you have personal
18 knowledge or direct knowledge of what adhesive was
19 used on Mr. Scroggins' 2010 Honda Fit when the roof
20 was -- was taken off and a new roof was placed back on
21 there?

22 A. It would have been 8115.

23 Q. Okay. But my question to you is specifically
24 do you have personal knowledge of what specifically
25 was used on that vehicle?

1 A. I do not have personal knowledge.

2 Q. All right. Do you know the -- when you say
3 that it was a 3M 8115 product, is that because that's
4 what was customary within John Eagle Collision Center
5 back in the 2012 time period?

6 A. It is -- it is a accepted repair alternative,
7 based on our cars and insurance certifications.

8 Q. All right. And let's have an agreement today
9 that we don't use the word "insurance." Can we -- is
10 that cool?

11 A. Well, unfortunately we're guided by
12 insurance. So -- the -- if you brought your car into
13 my shop, right, the insurance company's going to
14 dictate what -- how we're going to repair your car.

15 Q. I understand. But the -- but you -- your --
16 as a certified body shop, you have to -- you -- the --
17 the insurance company cannot trump the OEM
18 specifications, correct, sir?

19 A. Yes, they can.

20 Q. Where does it say that?

21 A. By not paying the bill.

22 Q. Well, I understand. But where does it say
23 that with the -- because you have a contract with the
24 vehicle manufacturers when you're a certified body
25 shop, correct?

1 A. No, we do not have a --

2 Q. You have an agreement with them, though,
3 right --

4 A. No --

5 Q. -- that you will --

6 A. -- we do not have an agreement.

7 Q. So it's just -- you know, just to be a
8 certified body shop, don't you have to have certain
9 parameters?

10 A. To be a certified body shop you have to be
11 fully I-CAR certified.

12 Q. Well, tell me specifically, looking at
13 Exhibit Number 18, who -- who performed the work, what
14 was the name of the employee?

15 A. It would have been -- his name is Nacho. He
16 would have been Ignacio Figuereno (phonetic).

17 Q. Ignacio "Nacho" Figuereno?

18 A. Don't ask me how to spell it.

19 Q. Figuereno?

20 A. Yes.

21 Q. And was he the -- was he the technician that
22 removed the roof and replaced the roof?

23 A. Yeah. He's a platinum certified tech, yes.

24 Q. Now, what does that mean?

25 A. Platinum means that you have all your welding

1 certifications, all your path-to-platinum hours done,
2 plus six hours in the current year.

3 Q. And how long had Ignacio "Nacho" Figuereno
4 worked for John Eagle Collision Center or any of the
5 John Eagle dealerships back in 2012?

6 A. He'd been there -- that I can't tell you,
7 what date. It's probably two years.

8 Q. And -- so he had begun there in 2010 --

9 A. '10, Yes.

10 Q. -- approximately?

11 A. Yes.

12 Q. And then when did he leave?

13 A. He left in 2013.

14 Q. Where did he go?

15 A. He went to another shop paying more money.

16 Q. Do you have any idea which shop he went to?

17 A. I do not know.

18 Q. Did anyone else other than Ignacio "Nacho"
19 Figuereno work on Mr. Scroggins' 2010 Honda Fit?

20 A. It would have been painters, buffers, QC
21 guys.

22 Q. All right. Painters and buffers, and then
23 QC, quality control?

24 A. Correct.

25 Q. Do you know the names of the painters or the

1 buffers?

2 A. I can -- 1712, it's going to be -- I would
3 have to -- I would have to call the shop and get which
4 painter it was, because I don't remember who 1712 is.
5 My two current painters are -- can I look it up right
6 quick?

7 Q. Sure.

8 A. Let me see if I can...

9 Q. Which number was Ignacio "Nacho" Figuereno?

10 A. 1873.

11 Kenny Reeves.

12 Q. Kenny Reeves is Number 1712?

13 A. 12.

14 Q. Is Mr. Reeds [sic] still there?

15 A. No.

16 Q. Kenny Reeds?

17 A. Reeves.

18 Q. Oh, Reeves. I'm sorry.

19 A. Yeah.

20 Q. Who was 18 -- technician 1884?

21 A. 1884 is Steven Gonzalez.

22 Q. And is Mr. Gonzalez still there?

23 A. Yes. Mr. Gonzalez was our cut-in guy at that
24 time.

25 Q. He was your what?

1 A. Cut-in.

2 Q. What's that mean?

3 A. Whenever parts come in, they have to be
4 painted on the backsides. So I have a guy that is
5 dedicated to painting backsides of the panels.

6 Q. Mr. Reeves, how long did he work at John
7 Eagle Collision Center?

8 A. I would say pretty close to four years. I
9 can't be specific. I'd probably say about four years.

10 Q. When did he leave?

11 A. 2013 or -- it may be 2014.

12 Q. And how long has Mr. Gonzalez worked at John
13 Eagle?

14 A. He's been there since 2012, I think.

15 Q. Now, QC, who did the quality control checks
16 on this vehicle?

17 A. That would be Todd Brumbaugh.

18 Q. What code number is he -- or tech number is
19 he?

20 A. Well, he's -- he would be a support staff.

21 Q. Is his name not -- would his number not be on
22 here?

23 A. No.

24 Q. Any other technician's numbers on this
25 Exhibit 18?

1 A. No. The buffer is -- is paid a percentage of
2 it. But he's not flagged, so his number would not be
3 on there.

4 Q. Todd Brumbaugh, what did he -- what
5 specifically did he --

6 A. He's our QC manager.

7 Q. Is he still at John Eagle?

8 A. Yes.

9 Q. How long has he been there?

10 A. I would probably say since 2003.

11 Q. Now, do you have personal knowledge of how
12 Ignacio Figuereno prepared the surface of the roof for
13 it to be glued in place? Personal knowledge.

14 A. No, I do not have personal knowledge. I do
15 not -- I do not go back and look at every car
16 that's --

17 Q. I understand.

18 A. -- being repaired back there, no.

19 Q. Do you have -- do you have personal knowledge
20 of how the 3M adhesive was applied to the vehicle?

21 A. No, I do not.

22 Q. Do you have personal knowledge of how
23 specifically -- or what specifically on the vehicle or
24 the roof itself this adhesive was applied?

25 A. No.

1 Q. Do you have personal knowledge of every
2 aspect of the roof or vehicle structure where the
3 adhesive was applied?

4 A. No.

5 Q. Are there inspections that take place during
6 the initial visit to John Eagle up until the time that
7 the vehicle drives out?

8 A. From -- I don't --

9 Q. Various people.

10 A. -- I don't want to say that word.

11 Q. At -- various people within John Eagle.

12 A. Yeah, well, I do have a production manager.

13 Q. And are there -- is there a -- a checklist,
14 you know, where somebody goes through there and says,
15 body shop, check; buffer, check; QC, check?

16 A. There's not a checklist. But the production
17 manager is involved in quite a number of the repairs
18 that are back there. His name is Danny Ramos.

19 Q. Is Danny Ramos still --

20 A. Yes.

21 Q. And have you asked Mr. Brumbaugh or Mr. Ramos
22 if they have personal knowledge of how this
23 particular --

24 A. Danny Ramos does.

25 Q. Danny Ramos.

1 Now, what personal knowledge does he have
2 that you know of?

3 A. He's our production manager, and he helped
4 him with the roof.

5 Q. Helped him do what?

6 A. It takes two people to put a roof on.

7 Q. Any -- did anyone else assist Mr. Figuereno
8 other than Mr. Ramos at John Eagle Collision Center?

9 A. I don't have personal knowledge of it, no, I
10 do not.

11 Q. Are there ever photographs taken along the --
12 during the -- during the phase?

13 A. Only when it's required by that word.

14 Q. All right.

15 MR. TRACY: Let's go off the record.

16 (Recess taken 10:20 a.m. to 10:21 a.m.)

17 Q. (BY MR. TRACY) Other than Mr. Figuereno,
18 Mr. Reeves, Mr. Gonzalez, Mr. Brumbaugh, and
19 Mr. Ramos, did anyone else at John Eagle Collision
20 Center touch this 2010 Honda Fit when its roof was
21 taken off and replaced with a new roof?

22 A. Not to my personal knowledge.

23 Q. Does Mr. Ramos have a specific recollection
24 of how the adhesive was applied?

25 A. Yes.

1 Q. From something that happened five years ago?

2 A. Yes.

3 Q. And how is that? Just curiosity.

4 A. On or off the record?

5 Q. On the record.

6 A. Okay. Most of your techs when -- remember

7 repairs. And certain things trigger their memory,

8 so...

9 Q. And what triggers his memory about this

10 2010 --

11 A. '10 --

12 Q. -- Honda Fit?

13 A. Having to personally help Nacho put the roof

14 on.

15 Q. But -- Nacho put the adhesive on, but

16 Mr. Ramos just -- he was just the forklift -- the --

17 helping with the -- his forklift hands?

18 A. Well, what happens is, the production

19 manager's out -- when he comes back there to help you,

20 whenever he gets ready to put the roof on, he's going

21 to observe and make sure that it's done right.

22 Because if not, the car comes back immediately. There

23 is no sense in doing a job twice.

24 Q. When Mr. Figuereno decided to use adhesives,

25 tell me the name of any Honda Motor Company, Ltd. body

1 repair document that authorized John Eagle Collision
2 Center, authorized them to use adhesive to glue a new
3 roof back on a 2009 to 2013 Honda Fit?

4 MR. REESE: Objection; form.

5 You can answer.

6 A. There is no documentation.

7 Q. (BY MR. TRACY) There is no documentation
8 for -- from Honda Motor Company, Ltd. --

9 A. Yes.

10 Q. -- that says that a certified body repair
11 shop is allowed to use adhesive to glue a new roof
12 back on a 2009 to 2013 Honda Fit; that's your
13 testimony?

14 A. Yes.

15 Q. Tell me the name of any American Honda Motor
16 Company -- you understand the difference between Honda
17 Motor Company, Ltd. and American Honda Motor Company,
18 Inc.?

19 A. They both still have the same position or
20 statement.

21 Q. And one's the manufacturer in Japan?

22 A. Uh-huh.

23 Q. The American -- American Honda Motor Company
24 is in Marysville, Ohio --

25 A. Right.

1 Q. -- where they manufacture and test a lot of
2 these Honda vehicles?

3 A. Yes. They still have the same position on
4 stuff.

5 Q. And they tell you, regardless if it's Honda
6 Motor Company, Ltd. or American Honda Motor Company,
7 Inc., they all -- both of those entities put out
8 repair guidelines for body repairs, correct?

9 A. Correct.

10 Q. And tell me what the name of any American
11 Honda Motor Company, Inc. body repair document that
12 authorizes repair facilities like John Eagle Collision
13 Center, that authorizes them to use adhesive to glue a
14 new roof back on a 2009 to 2013 Honda Fit.

15 A. There is none.

16 Q. So John Eagle Collision Center chose on its
17 own to use adhesive to glue back a roof -- a new roof
18 on a 2010 Honda Fit?

19 A. Yes.

20 Q. Now, you'll notice I've kept using --

21 A. Yeah.

22 Q. -- 2009 to 2013 Honda Fit --

23 A. Yes.

24 Q. -- today. And being in the business, you
25 understand that the 2009 to 2013 Honda Fit are a

1 certain platform or a certain generation?

2 A. Yes.

3 Q. The 2 -- anything before 2009 had a
4 completely different structure, and anything after
5 2013 has a different structure?

6 A. Structure, yes.

7 Q. So if there's something out there from Honda
8 Motor Company, Ltd. or American Honda, it's going to
9 be specific to the 2009 to 2013 Honda Fit, correct,
10 sir?

11 A. Correct.

12 Q. So John Eagle Collision Center, they made a
13 conscious decision to use adhesive to glue this roof
14 in place?

15 A. Yes.

16 Q. And it was not a mistake?

17 A. No.

18 Q. It was not an error?

19 A. No.

20 Q. It was deliberate?

21 A. Yes.

22 Q. Did Mr. -- or, strike that.

23 Did John Eagle Collision Center, did they
24 tell Mr. Scroggins that they had used adhesive to glue
25 his roof back?

1 A. No.

2 Q. Now, when the Honda Fit left Honda, when the
3 2010 Honda Fit left Honda, Honda had used welds to
4 secure the roof panel to the safety cage, correct?

5 A. Yes.

6 Q. And there were welds across the entire front
7 of the roof?

8 A. Yes.

9 Q. There were welds on both sides of the roof
10 called the side rail?

11 A. Yes.

12 Q. And there were welds across the entire rear
13 of the roof --

14 A. Yes.

15 Q. -- on the 2010 Honda Fit?

16 A. Yes.

17 Q. Have you ever heard of the Mitchell Repair
18 Center Technical Advisor?

19 A. Yes.

20 Q. Let me show you what's been marked as
21 Exhibit 22.

22 (Plaintiff's Exhibit 22 marked.)

23 Q. (BY MR. TRACY) Have you ever heard -- have
24 you ever used the Mitchell Repair Center -- have you
25 ever used the Mitchell Repair Center Technical Advisor

1 or any of the Mitchell Repair manuals?

2 A. No.

3 Q. What manuals does John Eagle use, repair
4 manuals, for its Honda vehicles?

5 A. That would be Honda.

6 Q. Pardon me?

7 A. Honda.

8 Q. The Honda?

9 A. Yeah.

10 Q. And what's that -- and what's their book
11 called?

12 A. It's the Honda Repair Manual.

13 Q. Oh, for the --

14 A. For collision.

15 Q. There's a specific 2009 to 2013 Honda Body
16 Repair Manual?

17 A. Yes.

18 Q. And the 2000 -- is the 2009 to 2000 -- and
19 does -- this Honda manual, is it called a 2009 to 2013
20 Honda Fit Body Repair Manual?

21 A. I have not seen it, so I can't tell you yes
22 or no.

23 Q. Well, it's -- but it's produced by Honda
24 Motor Company, Ltd.?

25 A. Right.

1 Q. Well, I brought it to you, I brought it for
2 you.

3 A. All right.

4 (Plaintiff's Exhibit 202 marked.)

5 Q. (BY MR. TRACY) That's the 2000 --
6 Exhibit 202 is the 2009 to 2013 Honda Fit Body Repair
7 Manual, correct, sir?

8 A. Correct.

9 Q. And it's created by Honda Motor Company,
10 Ltd., correct?

11 A. Correct.

12 Q. And it says, How to use this manual?

13 A. Correct.

14 Q. This manual covers the repairs of a 2009 to
15 2013 model series Fit that have been involved in a
16 collision, and it describes the work related to the
17 replacement of damaged body parts; do you see that?

18 A. Correct.

19 Q. And it says -- under "Warning," what does
20 that say that's highlighted?

21 A. You can be killed or seriously hurt if you
22 don't follow instructions.

23 Q. And this is -- this is John Eagle's bible
24 that they have to follow, right?

25 A. Yes.

1 Q. This is the -- the OEM, Honda Motor Company,
2 Ltd., is telling John Eagle, you better follow this,
3 right?

4 A. Well, they don't tell you you better follow
5 it, but it's -- it's a guide to repairing a car.

6 Q. It's the -- it's the body repair bible,
7 right?

8 MR. REESE: Objection to form.

9 A. Supposedly, yes.

10 Q. (BY MR. TRACY) Yeah. And if you look at --
11 turn to Page 3-31 on that, sir.

12 A. 3-31?

13 Q. Yes, sir.

14 A. Okay.

15 Q. And you'll notice at the top it says, Roof
16 panel, correct?

17 A. Correct.

18 Q. And then if you look at the Mitchell manual,
19 that's Exhibit 22 --

20 A. Yes.

21 Q. -- they use the identical diagrams, don't
22 they?

23 A. Yes.

24 Q. And then if you turn the page, and then you
25 turn the page on Exhibit 18, on the Mitchell -- or

1 Exhibit 22 on the Mitchell manual, they use the
2 identical diagrams, don't they?

3 A. Yes, they do.

4 Q. And they use the identical descriptions of
5 all the terms, right?

6 A. Yes.

7 Q. And then, if you turn the page to 3-33, you
8 see where it says, "installation"?

9 A. Yes.

10 Q. And then it says, Tack weld the front and
11 rear corner edges of the roof panel, correct?

12 A. Correct.

13 Q. Do the main welding. From inside the
14 vehicle, weld the front roof rail and the inner upper
15 extension, correct?

16 A. Correct.

17 Q. Weld the front, rear, and side flange of the
18 roof panel; do you see that?

19 A. Yes.

20 Q. And that's on Exhibit 202, correct?

21 A. Correct.

22 Q. That's from Honda Motor Company, Ltd.,
23 correct?

24 A. Yes.

25 Q. And then if you compare that to Exhibit 22,

1 the Mitchell manual, they actually use the identical
2 language, don't they, sir?

3 A. Yes.

4 Q. Identical, yes?

5 A. Yes.

6 Q. So Honda Motor Company, Ltd., in Exhibit 202,
7 is telling John Eagle Collision Center, you've got
8 to -- on our roofs, you have to tack weld the front
9 and the rear corner edges of the roof panel, correct?

10 A. Correct.

11 Q. That didn't happen on the 2010 Honda Fit that
12 belonged to Mr. Scroggins, correct?

13 A. Yeah, they tack welded it.

14 Q. Sure about that?

15 A. Yeah.

16 Q. Did they weld the -- from -- did they weld
17 the front roof rail?

18 A. No.

19 Q. Did they weld the inner upper extension?

20 A. You're saying the inner upper extension?

21 Q. Yes.

22 A. You're talking about the frame of the car,
23 not the roof. The roof is a single sheet metal panel.

24 Q. "From inside the vehicle, weld the front roof
25 rail and the inner upper extension."

1 A. Yeah, you -- you don't weld the rail.

2 Q. That's what it says to do, if you look at

3 3-33. Do you see it?

4 "Do the main welding..."

5 A. Oh, you're talking about -- your wording --

6 when you're welding, you're tack welding the -- the

7 front of the -- the panel to the inner extrusion

8 panel.

9 Q. Right. And that didn't happen?

10 A. Yeah.

11 Q. You did not do that?

12 A. You tack them on all four corners.

13 Q. Right, but you -- did you do that?

14 A. Yes.

15 Q. How do you know?

16 A. That's the way -- that's our process.

17 Q. I understand. Do you have personal knowledge
18 that was done?

19 A. No, I do not.

20 Q. All right. "From inside the vehicle, weld
21 the front roof rail..." That was not done, correct?

22 A. I don't have personal knowledge.

23 Q. And you weld the inner upper extension, you
24 don't have personal knowledge that was done?

25 A. I don't.

1 Q. You weld the front, rear, and side flange of
2 the roof panel?

3 A. I don't have personal knowledge.

4 Q. But you know for a fact it wasn't done,
5 because you used adhesive?

6 A. Well, our process is to adhere the structural
7 adhesive to the panel, and then tack weld the four
8 corners.

9 Q. Right. I guess the best way to tell if that
10 had been done is to look at the vehicle -- to look at
11 the vehicle itself, right?

12 A. Yes.

13 Q. And the vehicle sort of tells the story on
14 whether or not it was welded at all, right, sir?

15 A. Yes.

16 Q. All right. Did Ignacio "Nacho" Figuereno
17 know about Exhibit 202?

18 A. He has -- he has access to it.

19 Q. Where do you have access to --

20 A. Through the parts department.

21 Q. Do you have a hard copy of the 2009 to 2013
22 Honda Fit Body Repair Manual?

23 A. No,

24 Q. Is it just an electronic version?

25 A. Yeah, you'll go into the parts department and

1 they'll pull it up on the Honda net.

2 Q. Did Mr. Ignacio -- did Ignacio Figuereno, did
3 he pull up the 2009 to 2013 Honda Fit Body Repair
4 Manual?

5 A. No.

6 Q. Nowhere in the body repair manual does it say
7 when you're replacing a roof to use adhesive, correct?

8 A. Correct.

9 Q. So he went outside Honda Motor Company,
10 Ltd.'s 2009 to 2013 Honda Fit Body Repair Manual,
11 correct?

12 A. Correct.

13 Q. When was the last time before today that you
14 had seen Plaintiff's Exhibit 202, the 2009 to 2013
15 Honda Fit Body Repair Manual? Had you ever seen it?

16 A. Yes, I have seen.

17 Q. Did you -- did you know about it in 2012?

18 A. Yes.

19 Q. Did Mr. Figuereno know about it in 2012?

20 A. Yes.

21 Q. Did all of the collision center employees
22 know about it?

23 A. Yes.

24 Q. The -- Honda Motor Company, Ltd. told repair
25 facilities how they wanted their roof repaired, right?

1 A. In the manual, yes.

2 Q. In the Body -- in the Honda Fit Body Repair

3 Manual. Couldn't be any clearer, right?

4 A. Right.

5 Q. There is not only words; there's diagrams?

6 A. Yes.

7 Q. Sometimes people say a picture is worth a

8 thousand words.

9 A. That's true.

10 Q. So there's a lot of pictograms in there,

11 isn't there?

12 A. Yeah, a lot of pictograms.

13 Q. So and -- and they even tell you what kind of

14 welds to use, don't they?

15 A. Yes.

16 Q. And they tell you specifically where they're

17 to go?

18 A. Yes.

19 Q. But that wasn't followed?

20 A. No.

21 Q. Now, Honda Motor Company, Ltd. is the

22 designer and developer and manufacturer of the 2010

23 Honda Fit?

24 A. Yes.

25 Q. Would you agree with me that Honda Motor

1 Company, Ltd., as the vehicle manufacturer of the 2010
2 Honda Fit, that they know a bit -- they know the
3 safest way to repair their vehicles?

4 A. Yes.

5 Q. They're the experts in safety of vehicles?

6 A. Yes.

7 Q. They know how the vehicles need to be
8 repaired so that the vehicle can be brought back to
9 Federal Motor Vehicle Safety standards?

10 A. Yes.

11 Q. And the Federal Motor Vehicle Safety
12 standards are what all vehicles have to meet and
13 comply with in order to be sold in the United States
14 of America?

15 A. Yes.

16 Q. In fact, there's placards on each door -- on
17 the driver's side door, it says, This vehicle is
18 certified to comply with all applicable Federal Motor
19 Vehicle Safety Regulations, correct?

20 A. Yes.

21 Q. And one of the FMVSS safety regulations is
22 FMVSS 216, correct?

23 A. Correct.

24 Q. And FMVSS 216 specifically speaks about roof
25 strength, correct?

1 A. Yes.

2 Q. And FMVSS 214 specifically talks about side
3 structure, correct?

4 A. Not familiar with that one.

5 Q. There's a side-impact standard, right?

6 A. Yes, right --

7 Q. And I'll --

8 A. -- there is a side-impact standard.

9 Q. -- and I'll represent to you, and Mr. Reese
10 can jump all over me if I'm wrong. I don't think -- I
11 don't think I am.

12 A. I think you've already read it and you --

13 Q. FMVSS 214 specifically talks about
14 side-impact integrity.

15 A. Yes, yes.

16 Q. There's also FMVSS 208, specifically talks
17 about frontal-impact protection, correct?

18 A. Correct.

19 Q. And FMVSS 301 specifically talks about
20 rear-impact protection, correct?

21 A. Yes.

22 Q. That's the fire standard.

23 And all of these standards: 208, 214,
24 216, and 301, are promulgated by the United States
25 government through the National Highway Traffic Safety

1 Administration, correct?

2 A. Correct.

3 Q. And the National Highway Traffic Safety
4 Administration tells the manufacturers these are
5 certain minimum standards that the vehicles must
6 comply with in order to be sold in the United States
7 of America, correct?

8 A. Correct.

9 Q. And part of your job as a certified repair
10 facility is to make certain that your repairs meet or
11 exceed the manufacturer's recommended repair methods
12 so that their vehicles can continue to meet the
13 standards, correct?

14 A. I agree.

15 Q. It's easy to get access to this repair manual
16 as a certified --

17 A. Yes.

18 Q. In fact, you plug in techinfo.honda.com; did
19 you know that?

20 A. No. I go to the parts department.

21 Q. You just go to the parts department?

22 A. Yeah.

23 Q. And did you know as a certified body shop
24 facility that they can plug that website in and it
25 will ask you what vehicle do you need information on?

1 A. Yes.

2 Q. That's not surprising, right?

3 A. No.

4 Q. And, in fact, it will tell you various
5 updates on -- you know, on our repair manual; did you
6 know that?

7 A. Yes.

8 Q. And it will also give you information about
9 body repair news; did you know that?

10 A. Yes.

11 (Plaintiff's Exhibit 204 marked.)

12 Q. (BY MR. TRACY) In fact, let me show you
13 Exhibit 202 -- I am sorry, 20 -- let me show you
14 Exhibit 204.

15 A. Okay.

16 Q. You can actually go to the Honda website,
17 plug in any vehicle you want, and it will tell you
18 specifically any changes that have been made to the
19 vehicle for purposes of the repair facility, correct?

20 A. Correct.

21 Q. And, in fact, if you -- if you plug in the
22 Honda Fit, you'll notice that Honda still even wants
23 their -- they still want their roof to be welded,
24 right?

25 A. Yes.

1 Q. Have you ever seen any document from Honda
2 Motor Company, Ltd. or American Honda that says, we
3 don't want our roofs to be welded when you replace
4 them?

5 A. No.

6 Q. Well, let's talk about 3M. I think you
7 called it a 3M 1818?

8 A. 8115.

9 Q. I missed that one altogether. Let me start
10 over again.

11 3M 8115?

12 A. 15, yes.

13 Q. All right. Did you know that on the
14 Honda-approved that there's -- on the -- on the Honda
15 techline that you can go to, that it gives you the
16 approved materials to use?

17 A. Yes.

18 Q. Is the 3M 8115 an approved item?

19 A. No.

20 Q. Well, who approved it for use on Honda
21 vehicles? Who -- I'm sorry. Who approved 3M 8115 for
22 use on Honda vehicles, specifically the 2009 to 2013
23 Honda Fit? Who approved it?

24 A. Are you talking about as a manufacturer or --

25 Q. I -- at the collision center. Because no one

1 at Honda has approved the 3M 8115 product to be used.

2 A. That would be the collision center.

3 Q. Who at the collision center approved it? Who
4 did that?

5 A. Back in 2012, it would have been Brian
6 Cunningham.

7 Q. Brian Cunningham. And what was his job
8 title?

9 A. He was actually put in over me for a short
10 period of time.

11 Q. And what was his job title?

12 A. Director.

13 Q. He came over -- despite the fact that you
14 were the director of the body shop, he came over
15 and -- you sort of --

16 A. He's kind of like a consultant type of deal.

17 Q. How long was he with John Eagle Collision --
18 or John Eagle Collision Center?

19 A. Probably, say, two and a half years, I think.

20 Q. Where is he now?

21 A. He left and went to Rockwall. And now he's
22 at another collision center.

23 Q. Of John Eagle's?

24 A. No.

25 Q. Well, had Mr. Cunningham, had he worked at

1 Honda Motor Company, Ltd.?

2 A. No.

3 Q. Had he worked at American Honda?

4 A. No.

5 Q. Had he worked at any vehicle manufacturer?

6 A. No.

7 Q. Was he a -- was he -- did he have a degree in
8 mechanical engineering?

9 A. No.

10 Q. Did he have a degree in metallurgy?

11 A. No.

12 Q. Did he have a degree in structural analysis?

13 A. No.

14 Q. Did he have a degree of any kind?

15 A. I do -- I can't answer that question.

16 Q. Well, what -- what qualified him to come in
17 there and tell John Eagle Collision Center employees,
18 it's okay to use this 3M 8115 adhesive for use on our
19 roof panels -- or on our roofs, when Honda tells us
20 you've got to weld them?

21 A. Well, Honda tells you you have to weld them,
22 but Honda doesn't have a representative in I-CAR.

23 Q. I understand. I want to know -- but I -- but
24 I want --

25 A. And in the I-CAR standard for -- for this

1 market right now, is bonded roofs.

2 Q. I understand. But I-CAR isn't the OEM, are
3 they?

4 A. No, they're not.

5 Q. And the OEM is the one that knows better than
6 anybody, don't they?

7 A. Now, let me add something to that. So --

8 Q. Well, hold on just a minute.

9 But the OEM knows a hell of a lot more
10 than I-CAR, don't they?

11 A. The OEM is OEM.

12 Q. OEM --

13 A. That's the way they want their cars. But the
14 market's changed, process has changed, and --

15 Q. I understand that may be the case. But at
16 the end of the day, John Eagle says that, We're going
17 to comply -- we're going to build your vehicle back
18 and repair your vehicle back to the way the OEM
19 specifies, right?

20 A. Bonding is better than welding.

21 Q. I understand you feel that way, but --

22 A. I know that way.

23 Q. Okay. Well, specifically, though, John Eagle
24 tells you on their website that, We will produce your
25 vehicle and put it back to --

1 A. OEM specs --

2 Q. -- the OEM specs --

3 A. -- or better.

4 Q. And the OEM specs specifically state for the
5 2009 to 2013 Honda Fit that it'll be welded, correct?

6 A. That's what Honda states.

7 Q. Right. Now, what specific testing have you
8 seen on the 2009 to 2010 [sic] Honda Fit body where
9 there was adhesive? On that vehicle.

10 A. I've not seen any testing.

11 Q. All right. Show me -- has anyone from John
12 Eagle Collision Center seen any testing on the 2009 to
13 2013 Honda Fit where adhesives were used but welding
14 was not?

15 A. Have not seen any testing. But we have had
16 cars that are both bonded and welded that the roofs
17 come alose. That's --

18 MR. TRACY: Objection; nonresponsive.

19 Q. (BY MR. TRACY) My question is very specific,
20 sir. I --

21 A. I'm just telling you my -- from where I
22 stand, we do over 400 cars a month. I see all types
23 of repairs, whether it's bonded or welded.

24 Q. I understand. But, specifically, you know,
25 at the end of the day, you don't know if any adhesive-

1 applied roof will comply with the Federal Motor
2 Vehicle Safety Standards, correct, sir?

3 A. Only based on what 3M is telling us.

4 Q. I understand. But based on your personal
5 knowledge, right?

6 A. Correct.

7 Q. And no one at John Eagle has personal
8 knowledge on whether or not a vehicle whose roof has
9 been glued on with adhesive will comply with Federal
10 Motor Vehicle Safety Standards, correct?

11 A. I would kind of object to that. We work on
12 more than just Hondas at that body shop.

13 Q. I understand. But let's just talk solely
14 about Honda right now.

15 A. Well, it's kind of hard to stop at one
16 manufacturer, when you have other manufacturers that
17 all you do is bond every panel that's on the car.

18 Q. I understand. I mean, for example, like
19 you're talking about Aston Martin?

20 A. Yes. We've been Aston Martin certified since
21 2000.

22 Q. But you've got to remember, Aston Martin's a
23 little bit -- they use different material, they use
24 different materials, correct?

25 A. It's still adhesive -- structural adhesive.

1 Q. But their body frames are completely
2 different, aren't they, sir?

3 For example, their megapascals are
4 completely off the charts compared to a Honda frame,
5 correct?

6 A. That, I don't know about, megapascals or --

7 Q. Well, for example, would you agree with me
8 that a Tesla or an Aston Martin, their body structure,
9 their body configuration is made completely different
10 than a Honda Fit?

11 A. Yes.

12 Q. All right. So you've got to compare apples
13 to apples.

14 When we're comparing Hondas to Hondas,
15 and Hondas to Toyotas, and Toyotas to Nissans, and
16 Nissans to Subarus, and things like that, are you
17 aware of any tests that's been conducted by the
18 NHTSA --

19 A. No.

20 Q. All right. Where they evaluate adhesives?

21 A. No.

22 Q. All right. Now, let's look at Exhibit 200.

23 (Plaintiff's Exhibit 200 marked.)

24 Q. (BY MR. TRACY) That's from 3M, correct?

25 A. Correct.

1 Q. Dated December of 2011, correct.

2 A. Correct.

3 Q. And it specifically states that Honda does
4 not permit the use of adhesives.

5 A. Correct.

6 Q. Yet you used 3M 8115 adhesive?

7 A. Yes.

8 Q. All right. In fact, 3M acknowledges that
9 Honda wants its vehicles to be welded, right?

10 MR. REESE: Objection; form.

11 Q. (BY MR. TRACY) What it states?

12 A. Yes. They've got a standard position to
13 protect themselves, yes.

14 Q. I understand. But -- so 3M -- but earlier
15 you told me that 3M says that it's okay to use this on
16 Honda vehicles. The document dated December of 2011
17 from 3M, Plaintiff's Exhibit 200, says it's not okay
18 to use it.

19 Show me the document from 3M where it
20 specifically states it's okay to use 3M 8115 adhesive
21 on a 2009 to 2013 Honda Fit?

22 A. I don't have any.

23 Q. Are there any documents at all from 3M that
24 says it's okay to use it on the Honda?

25 A. Not to my knowledge.

1 Q. So the only 3M document that we have says
2 it's not okay to use adhesives, right?

3 A. Well, that's their position statement, yes.

4 Q. I understand. But that's what's in writing.
5 And it wasn't written by us; it was written by 3M,
6 right?

7 A. Yes.

8 Q. All right. Now, is this -- is Wurth -- is
9 Wurth --

10 A. Wurth, yes.

11 Q. -- Wurth, is it --

12 A. That's correct.

13 Q. All right. W-u-r-t-h?

14 A. Correct.

15 Q. Are they involved at all in this?

16 A. To my knowledge, they're not.

17 Q. Okay. So we can -- I can forego my questions
18 on Wurth?

19 A. Yes.

20 Q. Yes, sir. Okay.

21 Go back to Exhibit 200 just a moment.

22 A. All right.

23 Q. And if you look at the back page, it's --
24 even in the 3M document it specifically states that
25 when you use adhesive, that you have to use

1 strategically-placed plug welds; do you see that?

2 A. Yes.

3 Q. That wasn't done on the 2010 Honda Fit, was
4 it, sir?

5 A. Yes, plug welds were used on all four
6 corners.

7 Q. Okay. And you're pos -- but you don't have
8 direct knowledge of that?

9 A. No.

10 Q. That would be something that, you know, you
11 could tell real quickly.

12 A. It's the best practices that we --

13 Q. I understand. But best practices, can we all
14 agree that best practices can somehow get overlooked?

15 A. Yes.

16 Q. All right.

17 A. Yeah.

18 Q. A company the size of John Eagle, stuff can
19 get overlooked --

20 A. Yeah.

21 Q. -- can we agree with that?

22 A. Yeah.

23 Q. People aren't perfect?

24 A. Nope.

25 Q. Okay. Now -- actually I lied to you. I do

1 have one more 3M document.

2 A. Okay.

3 Q. Have you ever seen Exhibit 206 before from
4 3M?

5 (Plaintiff's Exhibit 206 marked.)

6 Q. (BY MR. TRACY) Exhibit 206 is entitled, 3M
7 Standard Operating Procedures for Collision Repairs;
8 do you see that?

9 A. Yes.

10 Q. And if you look back at -- oh, let me find it
11 and then I'll -- one, two, three, four --

12 A. Seven.

13 Q. Well, look at Page -- how did you beat me to
14 that?

15 A. I've seen this before.

16 Q. Oh, you -- you sly -- you knew about this and
17 you were not going to tell me about that, were you?
18 Now, here I've been all fair to you and you've already
19 seen this document.

20 This specifically states that the --
21 "install replacement panel clamp in place and make
22 required welds on rear vertical seams, cosmetic
23 joints, or where otherwise recommended by the
24 directions for use or the OE manufacturer," correct?

25 A. Correct.

1 Q. OE is original equipment manufacturer --

2 A. Correct.

3 Q. -- which would be Honda Motor Company, Ltd.,
4 correct?

5 A. Correct.

6 Q. Which Honda Motor Company, Ltd., on
7 Exhibit 202, specifically states to weld the front,
8 the sides, the rears, right?

9 A. Correct.

10 Q. All right. So Exhibit 206 wasn't followed by
11 John Eagle Honda either, was it?

12 A. No.

13 Q. Where does 3M tell us that it's okay not to
14 follow Exhibit 206 when you're putting a new roof on a
15 2009 to 2013 Honda Fit?

16 A. It's done by their representatives that come
17 out and teach the process to replace it.

18 Q. Okay. So they come out, these 3M reps come
19 out. And they don't give you any documents, but they
20 give you some -- they give you some teachings --

21 A. Correct.

22 Q. -- some lessons.

23 Did they hand anything out during all
24 these lessons?

25 A. Other than product?

1 Q. Other than product.

2 A. No.

3 Q. No literature?

4 A. No.

5 Q. No testing?

6 A. Yeah, they test right there.

7 Q. I understand. They doing a crash test?

8 A. No.

9 Q. They doing a sled test?

10 A. No.

11 Q. They doing any type of tests where there's a
12 rollover?

13 A. No.

14 Q. No FMVSS-type testing?

15 A. No.

16 Q. Now, when these 3M guys come out -- who's
17 your 3M representative?

18 A. You would have to ask me that. I don't -- I
19 have his card on my desk. I didn't know I needed it
20 or I would have brought it.

21 Q. When was the last --

22 A. I can give it to him if you want.

23 Q. That's all right. Not a big deal. Just
24 wanted to know if you knew it off the top of your
25 head.

1 When the 3M representatives come out
2 there, are there -- did they have the occasional gift
3 that's given to John Eagle Collision Center?

4 A. No.

5 Q. You know, did they give you any type of
6 financial incentives to use their product?

7 A. No. You're talking about as far as
8 discounts?

9 Q. Yeah, discounts or --

10 A. Just your normal discount that you're going
11 to get for having them as a vendor.

12 Q. But what about, hey, listen, if you use
13 exclusively 3M products here, we'll -- and you meet a
14 certain amount of dollars purchased, we'll send you on
15 a all-expense paid trip to Costa Rica?

16 A. No, no.

17 Q. Nothing like that?

18 A. Nothing like that.

19 (Off-the-record discussion.)

20 Q. (BY MR. TRACY) Would it be safe to say that
21 when John Eagle Collision Center used adhesive for
22 Mr. Scroggins' 2010 Honda Fit to glue his roof back in
23 place, that they violated 202?

24 A. Yes.

25 Q. And would it be safe to say that when John

1 Eagle Collision Center used adhesive to glue
2 Mr. Scroggins' roof back on to his 2010 Honda Fit,
3 that they violated the Mitchell Repair Center Manual?

4 A. Yeah, it --

5 Q. Since it's a --

6 A. Yeah, but we don't use Mitchell, so.

7 Q. But it's the same thing as the --

8 A. Yeah.

9 Q. -- as the Honda.

10 A. Okay.

11 Q. And would it be fair to say that when John
12 Eagle Collision Center used adhesive and no welds,
13 that they violated 3M's standard operating procedures
14 that we see on Exhibit 206?

15 A. That would be one of their standard operating
16 procedures. The other one would be how to apply
17 bonding to a roof.

18 Q. And then when John Eagle Collision Center
19 used adhesives on a 2000 -- on Mr. Scroggins' 2010
20 Honda Fit, they actually violated 3M's written
21 information sheet that says, do not use adhesives on
22 Honda products?

23 A. That actually says we -- here's an
24 alternative, but their position is to go back to OEM.

25 Q. Which is Honda Motor Company, Ltd. says to

1 weld?

2 A. Right.

3 Q. All right. As the voice of John Eagle
4 Collision Center, do you know what the safety cage is,
5 the vehicle safety cage?

6 A. No, I'm not familiar with that.

7 Q. Have you ever heard of the --

8 A. I have heard --

9 Q. -- occupant compartment zone?

10 A. -- yeah. I've heard of that, but I've not
11 read up on it, yeah.

12 Q. I understand. But, I mean, you've -- being
13 in the industry all these years, you've certainly
14 heard, you know, the vehicle's occupant survival
15 space --

16 A. Yes.

17 Q. -- or occupant compartment zone, sometimes
18 called the safety cage?

19 A. Right.

20 Q. The area where our family members sit, that
21 is frequently called the safety cage?

22 A. Cage.

23 (Defendant's Exhibit 18 marked.)

24 Q. (BY MR. TRACY) And if we look at Defense
25 Exhibit 18, that area in orange is frequently called

1 the safety cage, correct?

2 A. Correct.

3 Q. And, in fact, you have spent enough time in
4 the industry -- in the vehicle industry to know that
5 that area of the safety cage is -- sometimes that's
6 the -- that's usually where the strongest steel is
7 used?

8 A. Yeah. Ultra --

9 Q. And, in fact --

10 A. -- yeah, ultra high-strength steel.

11 Q. The ultra high-strength steel, that's right.

12 And you're certainly familiar with terms
13 such as ultra high-strength steel, advanced
14 high-strength steel?

15 A. Yeah.

16 Q. Boron steel?

17 A. Yeah.

18 Q. Martensite steel?

19 A. Right.

20 Q. Ferrite steel?

21 A. Correct.

22 Q. Complex phase steel?

23 A. Yes.

24 Q. Dual phase steel?

25 A. Dual, yes.

1 Q. And that kind of steel is typically used all
2 around the safety cage so that our bodies do not get
3 crushed in frontal, side, rears, and rollovers,
4 correct?

5 A. Correct. But the phrase we use in the body
6 shop would be structural.

7 Q. The structure. Okay.

8 Once the -- once the Honda -- or once
9 Mr. Scroggins' Honda Fit was re-painted and the
10 molding was put back on there, and it looked good as
11 new, nobody could ever tell that the roof had not been
12 welded, right?

13 A. Correct.

14 Q. That's just the mark of a good body shop.

15 A. That's the -- that's the way you want it,
16 yeah.

17 Q. Yeah, you want it to look shiny and new and
18 not being able to tell there was a repair made?

19 A. Exactly.

20 Q. So Mr. Scroggins wouldn't be able to tell
21 that the roof on his 2010 Honda Fit was not welded to
22 the safety cage, right?

23 A. Correct.

24 Q. And Mr. -- when Mr. Scroggins later traded
25 his vehicle in to a company called Huffines Kia, they

1 wouldn't be able to tell unless they started tearing
2 it down, right?

3 A. Right.

4 Q. But just looking at the exterior, you know,
5 looking at the inside and, you know, looking at the
6 headliner and stuff like that, we can't tell how this
7 roof's attached, right?

8 A. Right.

9 Q. And neither would the Seebachans, correct?
10 They wouldn't be -- they wouldn't be able to tell that
11 it -- that it wasn't welded either, could they?

12 A. Unless they pulled a CARFAX. It would be on
13 CARFAX.

14 Q. Well, but the CARFAX -- would it -- would it
15 surprise you to know that it's not on CARFAX?

16 A. It would not surprise me.

17 Q. Why is that?

18 A. CARFAX -- there is no insurance company that
19 reports to CARFAX.

20 Q. They just sort of willy-nilly their stuff?

21 A. No. If the DMV is called out there -- which
22 the DMV should have been called out on this -- then
23 that's how they get their information for CARFAX.

24 Q. But if it's not on the CARFAX that the roof
25 was repaired -- even if it was on CARFAX, it wouldn't

1 tell us if it was welded or glued, right?

2 A. No, no, it would not.

3 Q. So the Seebachans, by looking at the roof,
4 they would never be able to tell that it was glued on,
5 right?

6 A. Correct.

7 Q. Now, John Eagle Collision Center, can we
8 agree it's not a mom-and-pop shop?

9 A. No.

10 Q. It's -- they've been around since 1962?

11 A. Yes.

12 Q. They're in a 75,000-square-foot building?

13 A. Correct.

14 Q. You've got 52 repair stations?

15 A. Correct.

16 Q. And you've got hundreds of employees?

17 A. Actually, I -- right now we have 32.

18 Q. Oh, 32 employees there. Okay. But John --
19 and I think even on -- I saw your good smile -- your
20 good-looking smiling face.

21 A. Oh my God.

22 Q. Looks like --

23 A. That was an older picture -- I mean, a
24 younger picture.

25 Q. You're looking better now than you did then,

1 man.

2 A. Thank you.

3 Q. But looks like they've got annuals -- you
4 know, annual revenues over 100 million, based on, you
5 know, your thing that you posted?

6 A. Yeah.

7 Q. And -- but John Eagle Collision Center is
8 part of the John Eagle family of automobile
9 operations?

10 A. Correct.

11 Q. There's a John Eagle Collision Center of
12 Houston?

13 A. Yes.

14 Q. And are there any other collision centers
15 that John Eagle owns?

16 A. Those are the only two.

17 Q. Those are the only two.

18 The other ones -- the other entities, are
19 they dealerships?

20 A. The other collision centers?

21 Q. No, the other -- are the other parts of the
22 John Eagle family of automotive --

23 A. Dealerships, yeah.

24 Q. Okay. And I think you told us earlier that
25 there's 15 of those?

1 A. There are 15 of them. More than half are in
2 Houston. There is Aston Martin; there is John Eagle
3 Honda; there's Sport City; and there's Honda of
4 Rockwall that are here in the Dallas/Fort Worth area.

5 Q. All right. And then I've seen some documents
6 that -- with all of the John Eagle dealerships
7 combined, and their collision centers, that they have
8 a billion a year in revenues; does that surprise you?

9 A. No, it wouldn't surprise me. They're --

10 Q. They're petty big?

11 A. Yeah. They -- it's mainly import, which is a
12 pretty good business to have.

13 Q. And then the John Eagle Honda is over on
14 Lemmon?

15 A. Correct.

16 Q. And then the John Eagle Collision Center is
17 off on Peeler?

18 A. Correct.

19 Q. About a mile-and-a-half difference between
20 the two?

21 A. No, I'd probably say a quarter of a mile,
22 maybe.

23 Q. Maybe I'm getting old and it just feels
24 like -- and it just looks that way.

25 A. It just looks that way. But it's probably --

1 I -- let me put in the red lights. It's -- it's two
2 red lights away.

3 MR. TRACY: Off the record.

4 (Recess taken 11:05 a.m. to 11:06 a.m.)

5 Q. (BY MR. TRACY) Do the various John Eagle
6 Collision -- or do the various John Eagle facilities,
7 do they share information with each other?

8 A. On occasions.

9 Q. All right. I mean, do you -- it seems to me
10 like they've shared employees from time -- you've gone
11 over -- you've gone all around the dealerships'
12 network?

13 A. Yeah. I mean, we -- we've had 20 Group
14 meetings. But now the managers are not involved in
15 the 20 Group, so you don't get to see all -- all the
16 other dealerships like you used to.

17 MR. TRACY: All right. I appreciate your
18 time today.

19 THE WITNESS: Okay.

20 MR. REESE: Take a short break and then I
21 may have a few questions.

22 (Recess taken 11:07 a.m. to 11:09 a.m.)

23 MR. REESE: Mr. Willis will be attending
24 the trial on behalf of John Eagle.

25 MR. TRACY: Okay. Thank you.

1 EXAMINATION

2 BY MR. REESE:

3 Q. Mr. Willis?

4 A. Yes.

5 Q. Have you ever seen any document from Honda
6 that says that you should not use any type of
7 structural adhesives for repairing the roofs?

8 A. No.

9 Q. Have you ever seen any documents from 3M that
10 says you should not be using structural adhesives to
11 repair roofs -- or replace roofs?

12 A. No.

13 Q. Can you tell me, as the -- the director of
14 the collision center, who was responsible for taking
15 cars -- when you repair cars, taking them back to the
16 original specifications of the manufacturer, whether
17 or not you believe that using structural adhesives to
18 attach the roof takes the vehicle back to the
19 manufacturer's standards -- specifications?

20 MR. TRACY: Objection; form.

21 Q. (BY MR. REESE) You can answer.

22 A. Yes, I -- I most specifically believe -- we
23 have been involved in structural adhesives since 2000.
24 We repair 400 cars a month. I've seen cars hit
25 numerous ways.

1 When a car is hit violently, like the car
2 we're talking --

3 Q. You're not answering my question.

4 A. Oh, I'm sorry.

5 Q. My question was --

6 MR. TRACY: Yeah, objection;
7 nonresponsive.

8 MR. REESE: Yeah.

9 Q. (BY MR. REESE) Do you believe that the use
10 of structural adhesives, that you-all install --

11 A. Yes.

12 Q. -- brings the -- the vehicle back to original
13 manufacturer's specifications?

14 MR. TRACY: Objection; form.

15 A. Yes, I do.

16 Q. (BY MR. REESE) Why do you believe that?

17 MR. TRACY: Objection; form.

18 A. Because that's the way the industry's moving.

19 Q. (BY MR. REESE) What do you mean by that's
20 the way the industry is moving?

21 A. The industry --

22 MR. TRACY: Objection; form.

23 A. -- the industry is moving towards the
24 airplane industry, which is bonded, riveted, and
25 glued.

1 Q. (BY MR. REESE) But in this case, you only
2 used, I think you said, four welds and a structural
3 adhesive to attach the roof to the Honda Fit in
4 question?

5 MR. TRACY: Objection; form.

6 A. It's a cleaner, better repair. And it's
7 bonded not from every one inch; it's bonded the entire
8 length of the roof rail.

9 Q. (BY MR. REESE) I understand. In this
10 instance, you used four -- it's your understanding
11 that you used four tack welds and the adhesive bonding
12 to attach the roof?

13 MR. TRACY: Objection; form.

14 A. Best possible practice is --

15 Q. (BY MR. REESE) Listen to my question --

16 A. Yes.

17 Q. -- and answer my question, please, sir.

18 A. Yes.

19 Q. In this instance, to your knowledge, John
20 Eagle Honda used four tack welds and adhesive
21 bonding -- structural adhesive to attach the roof on
22 this Honda Fit?

23 MR. TRACY: Objection; form.

24 A. Yes.

25 Q. (BY MR. REESE) Okay. And, now, why do you

1 believe that's the way the roof was attached to this
2 Honda Fit?

3 A. Because that's our process.

4 Q. Why don't you tell the jury, what is the
5 process at John Eagle for attaching a new roof to a
6 Honda Fit vehicle?

7 A. There are best possible processes, but
8 normally you'd grind the bonded path down and make
9 sure there's -- all the paint's removed. You dri-fit
10 the roof. If the roof's not centered, you're going to
11 not take the roof up, you're going to push the roof
12 until it's centered and then you're going to clamp it
13 down. Once it's all clamped down, then you'll tack
14 weld the four corners.

15 Q. Then what?

16 A. Then you'll let the -- you'll give time for
17 the glue to cure, and then you'll send it to paint.

18 Q. If -- if the roof is not installed correctly
19 using the structural adhesive, how would you know it?
20 You said something about you'd have to bring it back.
21 How would you know -- or how would a customer know if
22 it's not been properly --

23 A. If it's not --

24 (Reporter instruction.)

25 Q. (BY MR. REESE) Let me finish my question.

1 A. Yes.

2 Q. If it's not been properly installed using the
3 structural adhesive?

4 A. Number 1, the -- the roof would come up.

5 Q. What do you mean by that?

6 A. If it's not properly installed, it's not
7 going to take any time to know that the roof's not
8 installed properly.

9 Q. Okay.

10 A. And if it's -- if it's -- let's say if it did
11 have some type of imperfect installation, the roof
12 would leak.

13 Q. And why is that?

14 A. Because it's not sealed properly. Your
15 bonding does three things. It bonds the roof, it
16 seals it, and it's an -- a rust inhibitor. So if it
17 leaks, it -- it's going to leak.

18 Q. Do your workers that repair these roofs
19 require any type of certification to be able to work
20 on and repair roofs?

21 A. Yes, they have to be I-CAR certified.

22 Q. What does that mean?

23 A. That means that if they do not already have
24 the certification before I hire them, right, then they
25 would have to be certified before they could work on

1 any structural repair on a vehicle in this shop.

2 Q. Well, what kind of specification -- well,
3 what certification do you have to have to work on the
4 roofs?

5 A. For a platinum individual -- I can't give you
6 the various specs -- but he would have to have all his
7 basics for gold and then ProPath II would have to be
8 completed. And he has to have six hours of current
9 training during the year.

10 Q. Is there any requirement by John Eagle that
11 the worker has to have a particular certification in
12 order to install the roof?

13 A. Yes, he has to be a -- categorized as an
14 A-Tech.

15 Q. What does that mean?

16 A. That means he is fully certified to do any
17 structural repair on any vehicle.

18 Q. And does John Eagle believe that the use of
19 structural adhesives for attaching the roof with just
20 the four tack welds on the corners makes the vehicle
21 less safe?

22 MR. TRACY: Objection; form.

23 A. No.

24 Q. (BY MR. REESE) Why is that?

25 MR. TRACY: Objection; form.

1 A. It's a better repair.

2 Q. (BY MR. REESE) Why do you say it's a better
3 repair?

4 A. It's cleaner; it's less intrusive to the
5 vehicle. Keep in mind, it's a -- it's a panel. It's
6 not a structural piece; it's a panel.

7 Q. So what does that have to do with whether you
8 think it's -- whether or not you think it's safe or
9 less safe to install it with adhesive?

10 A. Take, for instance, a door is a panel. The
11 skin on the door is a panel. If a buggy from K-Mart
12 runs into that panel, it's going to bend. But you can
13 take the skin off that door and put another skin on it
14 without replacing the whole door.

15 Q. Okay. Tell me how is that related to whether
16 or not you believe using adhesive --

17 A. We use adhesive --

18 Q. -- was -- was --

19 A. -- on all exterior --

20 Q. -- safe or less safe --

21 (Reporter instruction.)

22 Q. (BY MR. REESE) You need to let me finish my
23 question.

24 A. Yes. I'm sorry.

25 Q. I want to know how -- how -- well, strike

1 that, I'll strike that.

2 You've seen the photographs of the Honda
3 Fit that was involved in this accident, correct?

4 A. Yes.

5 Q. Let me ask you, you have seen where there was
6 a separation of the roof from the frame?

7 A. Yes.

8 Q. And you have -- I think you said earlier that
9 you have seen other instances. What did you mean that
10 you have seen other vehicles -- other cars that have
11 been involved in crashes where the roofs were
12 separated from the frame?

13 MR. TRACY: Objection; form.

14 A. We're a collision center. Again, we see 400
15 cars a month. And you total that over the number of
16 months, over the number of years, you're going to see
17 all kinds of accidents, from extreme, violent
18 collisions to bumper jobs. You're going to see
19 rear-end hits; you're going to see side hits; you're
20 going to see off-centered hits, front hits, high hits,
21 low hits.

22 Q. Have you ever seen any vehicles that had
23 their roofs welded on where, as a result of the forces
24 of the collision, the roof was separated from the
25 frame?

1 MR. TRACY: Objection; form.

2 A. Yes.

3 MR. REESE: I will pass the witness.

4 FURTHER EXAMINATION

5 BY MR. TRACY:

6 Q. You have no personal or direct knowledge on
7 how the adhesive was applied to this vehicle, correct?

8 A. No.

9 Q. But -- it is correct?

10 A. Correct.

11 Q. And you have no personal or direct knowledge
12 if any tack welds were used, correct?

13 A. Correct.

14 Q. And you have no crash testing from Honda or
15 the National Highway Traffic Safety Administration
16 that supports the use of adhesives for -- as a roof
17 replacement and repair protocol on the 2009 to 2013
18 Honda Fit?

19 A. No.

20 Q. And you have no crash testing or NHTSA
21 testing on any vehicle where they have run a frontal,
22 side, rear, or rollover test and obviously adhesive
23 was used?

24 A. No.

25 Q. You have no FMV -- you have no idea if this

1 vehicle can still meet FMVSS 216, 208, 26 -- 214, 216,
2 208, or 301 with the roof being installed with
3 adhesives, correct?

4 A. No.

5 Q. That is correct?

6 A. Correct.

7 Q. With respect to any of those vehicles that
8 have come in, the 4,800 -- or 5,200 that come in a
9 year, over the course of your lifetime, you have never
10 gone out and done an -- an independent analysis to
11 determine what kind of accidents they were in, the
12 Delta Vs, the principal direction of force, what they
13 struck, the kinetic energy, or anything like that,
14 correct?

15 A. Correct.

16 Q. You have merely been able to see the
17 vehicles; you have no understanding of how those
18 accidents took place?

19 A. Correct.

20 Q. And as it relates to the 2010 Honda Fit that
21 was involved in this particular accident, you have no
22 idea about the particulars of this particular
23 accident; what the Delta V was, what the crush was as
24 it relates to override, underride, principal direction
25 of force, or anything like that, correct?

1 A. Other than what was presented to me?

2 Q. Right.

3 A. No.

4 Q. And you certainly are not qualified to talk
5 about Delta Vs, crush energy, crush calculations, and
6 things like that, correct?

7 A. No.

8 Q. That is correct?

9 A. Correct.

10 MR. TRACY: I appreciate your time today.

11 THE WITNESS: All right.

12 (Deposition concluded at 11:23 a.m.)

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CAUSE NO. DC-15-09782

MATTHEW SEEBACHAN AND
MARCIA SEEBACHAN

Plaintiffs,

VS.

JOHN EAGLE COLLISION CTR,
EAGLE IMPORTS, LP A/K/A
JOHN EAGLE COLLISION CENTER
A/K/A JOHN EAGLE LINCOLN-
MERCURY-ASTON MARTIN, LP,
HUFFINES KIA A/K/A HUFFINES
DENTON AUTOS, INC.

Defendants

* IN THE DISTRICT COURT
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* 192ND JUDICIAL DISTRICT
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*
* DALLAS COUNTY, TEXAS

REPORTER'S CERTIFICATION
DEPOSITION OF BOYCE WILLIS,
CORPORATE REPRESENTATIVE OF
JOHN EAGLE COLLISION CENTER
JULY 7, 2017

I, Brooke N. Barr, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, BOYCE WILLIS, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That examination and signature of the witness
to the deposition transcript was waived by the witness
and agreement of the parties at the time of the
deposition;

That the original deposition was delivered to

1 E. TODD TRACY;

2 That the amount of time used by each party at
3 the deposition is as follows:

4 E. TODD TRACY: 01 hours, 12 minutes

5 FOSTER REESE, III: 00 hours, 10 minutes

6 That \$ _____ is the deposition officer's
7 charges to the _____ for
8 preparing the original deposition transcript and any
9 copies of exhibits;

10 That pursuant to information given to the
11 deposition officer at the time said testimony was
12 taken, the following includes counsel for all parties
13 of record:

14 E. Todd Tracy, Counsel for the Plaintiffs;

15 Foster Reese, III, Counsel for the Defendants.

16 That a copy of this certification was served on
17 all parties shown herein on _____ and
18 filed with the Clerk pursuant to Rule 203.3.

19 I further certify that I am neither counsel
20 for, related to, nor employed by any of the parties or
21 attorneys in the action in which this proceeding was
22 taken, and further that I am not financially or
23 otherwise interested in the outcome of the action.

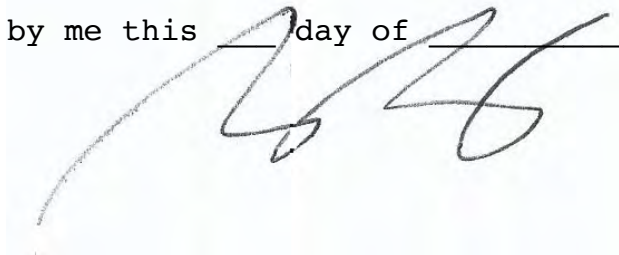
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Certified to by me this _____ day of _____,

2017.



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