

Article from Dealer Magazine (http://www.imakenews.com/dealercomm1/e_article001045955.cfm?x=b11,0,w)

March 18, 2008

Stuff I read in depositions – Settle the complaints

by Gil VanOver

I've read more than a few depositions over the last couple of years. Some of the questions asked by plaintiff's attorneys shed light on the risks faced in a dealership's operations. Today I will discuss settling the complaints.



Background

This consumer sued the dealership alleging a number of boilerplate complaints, including technical Truth in Lending violations, deceptive practices claims and bemoaning the lack of a FTC Used Car Buyer's Guide. The following transcript goes to the heart of the reason the consumer sought out an attorney to begin with.

Interrogation

Attorney: Mr. Consumer, you have brought a number of complaints against my client, ABC Motors.

Consumer: Yes.

Attorney: You allege that the dealer failed to properly complete the Retail Installment Sales Contract.

Consumer: Uh-huh.

Attorney: Please answer yes or no. The stenographer cannot properly transcribe utterances.

Consumer: OK.

Attorney: Can you tell me how the dealer failed to properly complete the Retail Installment Sales Contract?

Consumer: My attorney told me they didn't do it right.

Attorney: Can you describe how the dealer didn't do it right?

Consumer: Nope, just my attorney told me they didn't do it right.

Attorney: Well, if you did not know that the dealer allegedly did not do it right, why did you go to your attorney with this concern?

Consumer: I didn't. I went to her because the salesman cheated me out of my floor mats.

Attorney: What do you mean?

Consumer: The salesman promised me floor mats and did not give them to me. I called my attorney to get my floor mats and she said she might not be able to get my floor mats, but to bring my paperwork in and there might be some other way to sue the dealer. I brought my paperwork in and she looked at it and told me the dealer didn't do the papers right.

Solution

People are a funny bunch. If we feel wronged, we will seek our revenge in just about any legal way possible. Failure to deliver floor mats can turn into a technical Truth in Lending claim.

One dealer I am aware of has complaints. He is aggressive. He sells cars. He doesn't have lawsuits. He makes a concerted effort to resolve any complaints that come his way. He will go to the attorney's office with file in hand and explain his side of the story very early in the process. He has a working relationship with his state's Attorney General and local DMV office.

Most importantly, after he resolves a complaint with the customer, he sends the customer a gift certificate for lunch for two at an Applebee's or Chili's or Fridays or Red Robin, whichever is closest to the customer's home.

His philosophy is the first check written is the cheapest settlement. He won't let a pair of inexpensive floor mats turn into a potential class action lawsuit over technical Truth in Lending violations.

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