

## LEGAL ADVISORY SERVICES (LAS) PROGRAM

One of the many benefits GCADA member dealers receive is the legal representation provided through GCADA's Legal Advisory Services Program (or LAS Program). Legal representation is provided for those inquiries and demands from consumer counsel regarding issues involving consumer-based claims, including those alleging Consumer Sales Practices Act, odometer and breach of warranty violations. The LAS Program allows for covered legal services at no charge to member dealers. *Additional services within a calendar year, as outlined below, will be charged at a discounted rate to GCADA members.* The LAS Program includes the following services:

### A) Items included in basic membership dues:

The GCADA staff will continue to advise dealers on all consumer matters, as well as provide various other services including:

- Issue Review and Advice
- Ohio BMV Dealer Licensing Assistance
- Limited Legal Research
- Contract Review (GCADA Vendors)
- Autocap Consultation
- GCADA Stock Forms
- Service/Sales Posters
- Regulatory Guidance
- Sales Tax Guidance
- Memos Providing Legal Guidance
- Legislative Review Memos
- Contact with Governmental Agencies on Dealers' Behalf (BMV, DOT, AG, Local Law Enforcement)

### B) Items included in ADEAF dues, but limited to 1 - 2 services per year at no cost:

The following services are also included in your ADEAF dues, but will be limited annually to the number provided next to each service description. (Upon each request of services, the dealer will be notified in writing of how many free services remain available for each category). **Thus, if a member dealer requests any of the additional services outlined below beyond the annual limit, the dealership will be billed the GCADA Member Price for each service:**

#### 1) **Small Claims Case Representation (1)**

Description: Preparation of pleadings where necessary, travel expenses, witness preparation, case preparation (testimony, exhibits) trial representation, objections to findings and/or settlement negotiations, and drafting of settlement agreements.

Pricing: Average estimated hours – 9 hours @ \$150 per hour = \$1350; **GCADA member price \$675**

#### 2) **Consumer Transaction Review (2)**

Description: Review and provide advice regarding complex consumer transactions. Often involves review of transactional documents, may include research and/or contact with regulatory agency on dealer's behalf.

Pricing: Average estimated hours – 1 hour @ \$150 per hour = \$150; **GCADA member price \$75**

#### 3) **Release Drafting (2)**

Description: Drafting of settlement agreement. Usually involves interview of dealership personnel familiar with the claim to be settled and review of some transactional documents to craft specific release.

Pricing: Average estimated hours – 1 hour @ \$150 per hour = \$150; **GCADA member price \$50**

#### 4) Subpoena/Document Review (1)

Description: Review of Subpoena/Document request from opposing counsel, consumer and/or law enforcement agent, review of deal file/service file/relevant documents. Correspondence with counsel requesting documents to try to determine nature of request and limit document production to minimum documents needed for case. Object to requests if necessary (to protect dealer's confidential information). Prepare and submit formal response to records request.

Pricing: Average estimated hours – 2 hours @ \$150 per hour = \$300; **GCADA member price \$200**

#### 5) Dealer Litigation Review/Consulting (2)

Description: Review and response to demand letters from plaintiff attorneys. Review of non-LAS covered litigation (i.e. those cases filed in Courts other than Small Claims) including review of pleadings and relevant deal/service files. Review typically provides the dealer specific advice about evidence issues or defenses to the litigation, and sometimes involves similar discussion with dealer's counsel.

Pricing: Average estimated hours – 2 hours @ \$150 per hour = \$300; **GCADA member price \$200**

#### 6) Advertising Review Compliance (2)

Description: Preview the dealership advertising proof for compliance with the Federal and Ohio advertising guidelines.

Pricing: Average estimated hours – .5 hour @ \$150 per hour = \$75; **GCADA member price \$25**

### LEGAL ADVISORY SERVICES SUMMARY

Legal Service	Number of Free Services *Provided per Calendar Year	Estimated Cost	Member Discount *After Free Service Provided
Small Claims Representation	1	\$1350.00	<b>\$675.00</b>
Consumer Transaction Review	2	\$150.00	<b>\$75.00</b>
Release Drafting	2	\$150.00	<b>\$50.00</b>
Subpoena/Document Review	1	\$300.00	<b>\$200.00</b>
Litigation Review/Consulting	2	\$300.00	<b>\$200.00</b>
Advertising Review Compliance	2	\$75.00	<b>\$25.00</b>

**COVERED SERVICES DO NOT INCLUDE THE FOLLOWING:**

- ✓ Covered Services do not include expert fees, court costs, transcript expenses, court reporter fees, travel expenses, electronic legal research, or law clerks and paralegals' work product;
- ✓ The representation of the dealership in a court other than a small claims court;
- ✓ The drafting and filing of the answer, third party complaint and counterclaims;
- ✓ Drafting, filing, reviewing, evaluating, analyzing and/or responding to discovery, dispositive motions, supporting briefs and/or responsive motions;
- ✓ Court appearances including case management conferences, pretrials, mediations, arbitrations or trials, and preparation for same, other than small claims court;
- ✓ Conducting depositions including preparing dealership personnel and/or expert witnesses for his/her deposition(s);
- ✓ Conducting appeals;
- ✓ Settlement payments or judgments;
- ✓ Class Action defense representation and advice;
- ✓ Covered services do not include any work where the dealership is the Plaintiff unless indicated above or counter claimant;
- ✓ Covered services do not include any legal work other than Consumers Sales Practices Act, odometer, and breach of warranty defense representation and advice.

Legal counsel reserves the right to settle a small claims suit at anytime if, in counsel's opinion, it is the prudent legal and/or financial course of action. If the dealership refuses to consent to the settlement then the dealership will be responsible for all continuing legal representation. Legal counsel also reserves the right to utilize co-counsel as necessary.

**LAS LEGAL COUNSEL:**

**Louis A. Vitantonio, Jr.**, GCADA President was named to that position in 2010, after serving as GCADA's Director of Legal & Regulatory Affairs for 8 years. Mr. Vitantonio oversees GCADA's daily operations, including the Association's Legal Services Program; Workers' Compensation and Unemployment Program; Industry Relations; Legislative Affairs; Federal, State and Local Law Interpretation; Regulatory/ Agency Affairs; SAFE Program and Dealer Licensing. He received his Juris Doctor degree from Cleveland - Marshall College of Law. Activities and affiliations include: National Automotive Trade Association Executives, American Society of Association Executives (ASAE), Member; American, Ohio and Cuyahoga County Bar Association, Member; National Association of Dealership Counsel, Member.

**Ellen L. Mastrangelo**, GCADA Senior Staff Counsel has over 20 years of legal experience in automotive and consumer law, previously serving as an Assistant Attorney General on the Consumer Protection Automotive Enforcement Team for 5 years, and working in-house for a local automotive chain as General Counsel for 12 years. She is a graduate of Kenyon College and the University of Cincinnati - College of Law, and is a member of the Ohio State Bar Association, the Lake County Bar Association and the National Association of Dealership Counsel.

**Nick A. Hanna**, GCADA Staff Counsel started his career with GCADA in June, 2008, and was admitted to the practice of law in November, 2008. He graduated Cum Laude from Baldwin-Wallace College and is a graduate of the Cleveland Marshall - College of Law, a member of the Ohio State Bar Association, and a Life Member of the Cleveland Marshall Law Alumni Association.