



LEGAL ADVISORY SERVICES

SMALL CLAIMS CASE PROGRAM GUIDELINES

The GCADA Legal Advisory Services Program will provide at no charge “legal advisory services” for Consumer Sales Practices Act, odometer and breach of warranty inquiries and demands where the dealership is a potential Defendant or a potential Third Party Defendant; or as a Defendant in a small claims action (\$3,000 or less). The LAS requires all participating dealerships to forward a newly received demand or small claims lawsuit to the attention of Louis Vitantonio, President, to determine whether the representation is provided under the LAS.

Covered

Our no charge legal advisory service includes the following elements:

1. Review and consideration of the demand or small claims complaint;
2. The drafting and filing of an answer in small claims court, if necessary;
3. Court appearances in small claims court, if necessary;
4. Consultation on the dealership's legal position;
5. Drafting responses to demand letters;
6. Investigating and interviewing of witnesses, if necessary;
7. Telephone advice;
8. Responsive correspondence to opposing counsel, if necessary;
9. Settlement negotiations, if requested/applicable;
10. Drafting of releases for settlements, if necessary/applicable.

Legal counsel reserves the right to settle a small claims suit at any time 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.

Not Covered

The following items are not covered under the LAS, nor will the following items be conducted through the LAS since they are of a nature that are specific to the services provided by dealership's own retained legal counsel in the specific matter and are therefore beyond the scope of services offered and handled under the LAS:

1. Expert fees, court costs, transcript expenses, court reporter fees, travel expenses, electronic legal research, or law clerks and paralegals' work product;
2. The representation of the dealership in a court other than a small claims court;
3. The drafting and filing of the answer, third party complaint and counter-claims;
4. Drafting, filing, reviewing, evaluating, analyzing and/or responding to discovery, dispositive motions, supporting briefs and/or responsive motions;
5. Court appearances including Case Management Conferences, Pre-trials, mediations, arbitrations or trials, and preparation for same, other than small claims court;
6. Conducting depositions including preparing dealership personnel and/or expert witnesses for his/her deposition(s);
7. Conducting appeals;
8. Settlement payments or judgments;
9. Class Action defense representation and advice;
10. Any work where the dealership is the Plaintiff unless indicated above or counter claimant.
11. Legal work other than Consumers Sales Practices Act, odometer, and breach of warranty defense representation and advice.

If you have any additional questions please contact Louis Vitantonio by telephone at 440.746.1500 or by email at lvitt@gcada.org.