

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
PROGRESSIVE NORTHEASTERN INSURANCE
COMPANY,

plaintiff

-against-

NORTHSTATE AUTOBAHN, INC. d/b/a
NORTHSTATE CUSTOM AUTO, and
GREGORY T. COCCARO,

Defendants
-----X

I, Michael J. West, hereby affirm under the penalties of perjury as follows:

1. That I am the owner/operator of Southtowne Auto Rebuild Incorporated, of Tukwila, Washington. This is a collision repair facility that I have owned and operated for 36 years. My credentials and curriculum vitae are attached as Exhibit A of this affidavit.
2. I have reviewed numerous documents, exhibits, photographs, affidavits, and examinations of the individuals involved in this issue, a list of which I have attached as Exhibit B.
3. On May 15, 2007, I inspected a Mercedes-Benz E320 Station Wagon Vin # WDBUH82J64X126471 which was owned by Dr. Elena Bilik, at a collision repair facility in Montgomery, New York. After lifting the vehicle and removing the underbody covers, I inspected the vehicle for signs of post structural repair. I found fresh undercoating in only one spot on the right rear floor pan. This is not what I would expect after a vehicle had been set up and measured and 12 hours of frame repair carried out. There should have been signs on this vehicle with less than 5,000 road miles, of stress relieving marks, other tell tale indications, or some miniscule marks from 12 hours of corrective work. Indeed, in the words of the defendant's expert, Phillip Mosley, I too, found the vehicle indistinguishable from a vehicle that had never been damaged in an accident, except for the evident repair on the right rear floor pan.
4. In reading the examinations of both the repairman, Mark Winkler and the principal owner, Gregory Cocco, of North State Custom Auto, they both stated that Dr. Bilik's Mercedes-Benz E320 had been set up and measured, on a Car-O-Liner frame bench, with computerized measuring, for corrective repairs to the structure. While Car-O-Liner has the ability of printing out diagnostic sheets of existing measurement deviations, preferred measurements, and lastly, proof of all final corrected control points, as assurance and documentation that all corrections have been made, no documentation exists.

5. North State Custom has stated, along with Estate Motors, that they are a Mercedes-Benz Certified Collision Repair Facility. The requirements to attain this certification, requires the facility to have training for their employees and certain very specific types of equipment, including frame/structural straightening machines/benches. Car-O-Liner is not an approved machine, nor do they claim to be. The Car-O-Liner has a universal measuring system, (adjustable) as opposed to the recommended and required Celette Dedicated Fixture (jigs bolted to bench) System. Mark Winkler stated that all of North State's machines are the same, Car-O-Liners. This is a huge breach of the Mercedes-Benz Certified Repair Program. Dr. Bilik took her car where she thought it would be repaired according to Mercedes-Benz authorized, recommended and certified procedures.
6. Documentation of repairs is a keystone standard of the collision repair industry, especially when working with an insurer. North State was very willing to provide Progressive with the alignment specifications of the suspension system, proving damage, but not at all willing to provide computerized and logo identifying specifications of the Car-O-Liner, because it is not a Mercedes-Benz approved system, or method. In addition, I-CAR (Inter-Industry Conference on Auto Collision Repair) states that "collision repairs must be performed using recommended or tested procedures from vehicle makers." Also, that record keeping includes "verifying the repairs that were made, keeping computer printouts or worksheets on file, showing wheel alignment readings and vehicle structural dimensions before and after repairs." In addition, keeping receipts for all sublet work, that is performed. Photographs of procedures that may come into question are invaluable, such as pulling and squaring the liftgate opening, or the damage that was caused by removing the liftgate glass, or the actual removal of the left rear door, or the right quarter glass. There is no documentation that these operations were performed. Documentation is a very common practice in the collision repair industry.
7. Excessive hours were billed against the Bilik vehicle by both the bodyman, Mark Winkler and the painter, Maurice Longmore. These excessively high hours would not have been claimable, unless North State's repair order had not been so grossly inflated. The average weekly hours for a 5 day week, spanning a 5 week period that the Bilik vehicle was worked on for bodyman, Mark Winkler ran 58.7 hours for a week, 58.7 hours for a week, 105 hours for a week, 127.1 hours for a week, and 82.8 hours for a week. These are weekly totals, over a 5 week period, in which Dr. Bilik's vehicle was worked on. In reviewing Mark Winkler's time cards for this period of time, he never was clocked in for more than 9.7 hours in a day and several times less than 5 hours per day. In addition to the Bilik vehicle, he worked on 8 other cars during that same time frame. However, his two highest and fourth highest weeks, over an 18 week period, were when he was working on Dr. Bilik's vehicle. During these three week periods, he averaged 25.4 hours per day for a week, 21.0 hours per day for a week, and 16.5 hours per day for a week. The painter, Maurice Longmore, worked more consistently and more hours per day, always clocking 10 to 12 hours per day, five days a week. He worked on the Bilik vehicle on 02/15/05 for 9.2 hours and claimed 40.45 hours on the Bilik vehicle during that pay period. He averaged 20.0 hours per day that week.

8. North State admits that it charged for parts that were never placed on the Bilik vehicle. I calculated $\$636.20 + \47.72 (7.5%) tax = $\$683.92$ in parts that were charged for, but not installed.
9. North State replaced parts that didn't require replacement. The right front passenger seat belt should not deploy the pretensioner, unless it is buckled. This is according to the defense expert, Phillip Mosley of Mercedes-Benz. According to the Mercedes-Benz Repair Shop Manual, the front seat belts will not deploy the pretensioners, unless they are buckled and an airbag deploys. Dr. Bilik was alone in her vehicle when the airbags deployed. The rear seat belts have no such buckle inquiry system and deploy anytime an airbag deploys. Cost of this seat belt was $\$258.00 + \53.00 (one hour labor @ $\$53.00$ per hour) + $\$23.33$ (7.5% tax) = $\$334.33$.
10. North State charged for operations that were not necessary for this repair job. It was not necessary to remove and reinstall the door weatherstrips, for a charge of $\$127.00 + \9.53 (7.5% tax) = $\$136.53$. Taking them off can damage the clips and the interior door paint. They had no need to paint the door jambs and charged 4.0 hours of masking time to prevent overspray from getting onto the jambs and onto the weatherstrips. In addition, there was no known reason to remove and reinstall the left rear door for $\$79.50 + \5.96 (7.5% tax) = $\$85.46$.
11. North State made labor charges for overlapping operations. When a vehicle is set up on a frame bench, part of set up time that is allowed, is for removing and reinstalling the 4 wheels. North State charged 6.0 hours of labor to set up and measure the Bilik vehicle. This includes removing and reinstalling of the wheels. North State charged replacement time of .3 hours per each of the four wheels, or 1.2 hours @ $\$53.00 = \$63.60 + \$4.77$ (7.5% tax) = $\$68.37$. Then they charged an additional $\$100.00$ to mount and balance four tires. If the mounting, as it states, is covered in the $\$100.00$, then replacement time is not justified. In addition, North State charges 4.0 hours of repair to the left roof rail, that they are replacing at a charge of 8.0, plus 2.5 hours to the left inner quarter, which I could see no damage to at all, after removing the trim. Most of this additional 6.5 hours should have been amply covered in 5.0 hours of labor, charged to align the left quarter and tailgate opening. 6.5 hours @ $\$53.00 = \$344.50 + \$25.84$ (7.5% tax) = $\$370.34$.
12. North State has excessive charges for additional operations such as 4 wheel alignments. The labor time allowed in the flat rate manual is 1.8 hours at North State's mechanical rate @ $\$53.00 = \95.40 . North State charged $\$225.00$ even though they perform their own alignments.
13. Finally, there are unexplained cost shifting inconsistencies between the Preliminary Estimate from North State and the Estimate of Record. Licensed adjuster Lovero examined the Bilik vehicle on North State's lift, with Gregory Cocarro Jr. pointing out damage to him. Lovero did not see damage to the right rocker panel, even though the car is on a lift and Gregory Cocarro Jr. is helping him. He sees a damaged moulding, as does North State, but he doesn't see an 8.0 hour dent that North State writes on their Preliminary Estimate. Then on the Estimate of Record, the second North State estimate,

that 8.0 hour dent shrinks to 3.0 hours, but a dent for 3.0 hours in the left rocker that no one saw, appears.

14. The above observations and opinions are based on my inspection of the vehicle and review of all the relevant materials supplied to me by the Plaintiffs Attorneys. In addition, I expect to re-inspect the Bilik vehicle again and reserve the right to add to this affidavit in the future.

Dated: March 31, 2008

Michael J. West

Michael J. West

*Michael J. West an individual known to me
signed this document of his free will before me
on 3/31/08*

Dana Dick

*Dana Dick
a notary in King County*



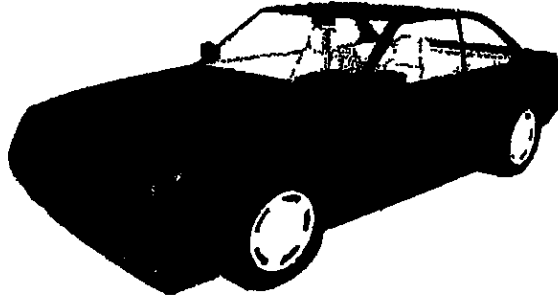
Structural Parts Steel Program 1

Opening The Class



Topic B. Obligations To The Customer And Liability (cont'd)

B-2

Obligations To Customer

The Collision Repair Industry has an obligation to correctly repair the customer's vehicle. Collision repairs must be performed using:

- recommended or tested procedures from vehicle makers, I-CAR, and other research and testing organizations.
- quality replacement parts and materials.
- repair processes and parts as written and agreed upon in the repair order. If items on the repair agreement are not consistent with the repair order, it can be considered fraud.

Performing proper collision repairs requires using parts and procedures that keep remaining warranties intact.

Instructor Information

Topic B. Obligations To The Customer And Liability (cont'd)

Instructor Information

Collision repairs must restore:

- safety.
- structural integrity.
- durability.
- performance.
- fit.
- finish.

Throughout the damage analysis and repair process the repairer and insurer must:

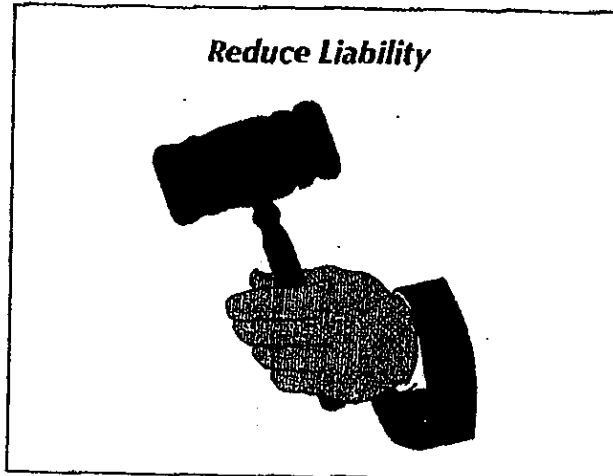
- communicate with each other.
- maintain constant communication with the customer.
- be in agreement with each other and the customer on how repairs will be performed.
- inform the customer of any changes in the repair plan from the original repair agreement, and explain the changes and why they have to be made.

Topic B. Obligations To The Customer And Liability (cont'd)

Instructor Information



B-3



To reduce liability:

- make sure that all repairs are performed thoroughly and correctly.
- perform repairs as listed in the damage report.
- have documentation of required repairs available for customers.
- be sure of the proper procedures. Technicians are considered the experts and are expected to be knowledgeable on how to perform a quality repair.

Liability insurance that covers the repair facility may not always cover all damages. For example:

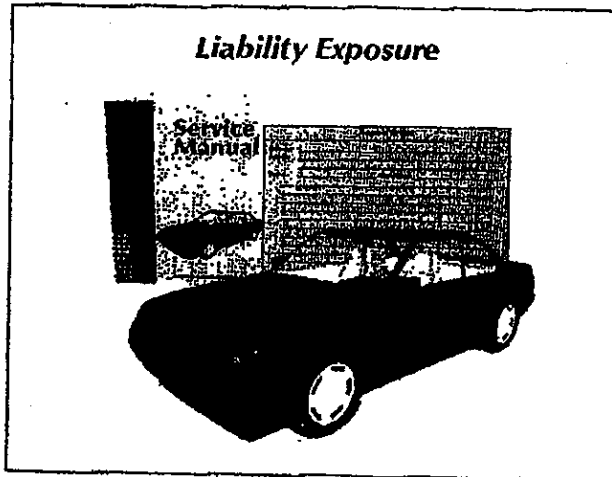
- the policy may not cover faulty repairs, leaving liability responsibility completely on the facility.
- a shop owner may find that repair facility liability coverage may not cover the full amount awarded in a lawsuit. The shop owner would have to pay the difference.

Topic B. Obligations To The Customer And Liability (cont'd)

Instructor Information



B-4

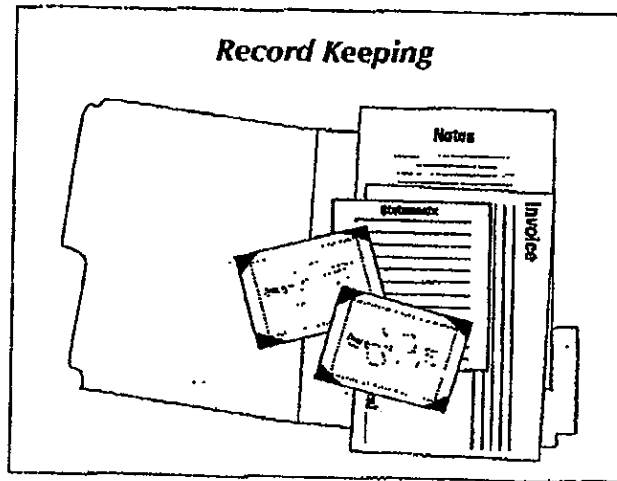


It is difficult to reduce the risk of liability exposure. The part that the repairer can control is the chance of being found at fault. Chances can be minimized by:

- using recommended or tested procedures from the vehicle makers, I-CAR, or other research and testing organizations.
- using quality replacement parts and materials that restore fit, finish, durability, and perform at least as well as the original.
- keeping thorough records.

Topic B. Obligations To The Customer And Liability (cont'd)**Instructor Information**

B-5



Keeping thorough records includes more than recording the date, mileage, and pre-existing damage. Record keeping also includes:

- making sure all notes are legible.
- verifying the repairs that were made or not made.
- having the customer sign a waiver for repairs that they do not want performed. Repairers must determine their liability on not repairing safety systems such as restraint and anti-lock brake systems.
- keeping computer printouts or worksheets on file showing wheel alignment readings or vehicle dimensions before and after repairs.
- keeping scan tool printouts and records of computer codes for airbag, anti-lock brake, emission, and powertrain control module (PCM) systems.
- attaching the OEM or other tested procedure printout to the vehicle repair order.
- keeping receipts for all sublet work performed.

Exhibit A

Resume

March 2008

Michael J. West

Personal:

Age: 62
Birth: November 16, 1945
Married, three children

Employment:

1972-Present: Owner and Operator of Southtowne Auto Rebuild, Inc., 14864 Tukwila Int'l Blvd., Tukwila, Washington 98168

1995-Present: I-CAR welding test examiner in Washington State; the first welding test examiner for the state.

2005-Present: I-CAR Instructor (Inter-Industry Conference on Auto Collision Repair) for Aluminum Straightening (STA01), Aluminum Panel Replacement (PRA01), Structural Straightening Aluminum (SSA01), Structural Part Aluminum Programs 1 & 2 (SPA01 & SPA02), Welding & Cutting Aluminum (WCA01, 02, & 03), Frontal Impact Damage Analysis (DAM05), Plastic Repair Programs 1 & 2 (PLA01 & PLA02), Moveable & Stationary Glass Programs 1 & 2 (GLA01 & GLA02), Adhesive Bonding (ADH01), Structural Parts Steel Programs 1, 2, 3 & 6 (SPS01, SPS02, SPS03 & SPS06), Exterior Panel Repair and Replacement Program 2 (EXT02), Squeeze-Type Resistance Spot Welding (WSC04), and Automotive Foams (FOM01).

2006-Present: I-CAR Aluminum Weld Quality Test administrator and examiner.

1970-1972: North End Auto Rebuild – Seattle, WA

1965-1970: Boeing Airplane Co. (Body Shop) – Seattle, WA

1964-1965: Logan Garage (Journeyman technician) – Denver, CO

1964: Seifert Pontiac-Cadillac (Autobody apprentice) – Denver, CO

Education and Training:

11/2007: - I-CAR Steel Unitized Structures Technologies and Repair

10/2007: - I-CAR Advanced High-Strength Steel Overview

4/2007: - I-CAR Frontal Impact Analysis

- 5/2006:** - I-CAR Automotive Foams
- 4/2006:** - I-CAR Automotive Aluminum GMA (MIG) Welding Qualification Test
- 2/2006:** - I-CAR Structural Aluminum Design & Repair Process Program 1
- I-CAR Structural Aluminum Design & Repair Process Program 2
- 3/2005:** - I-CAR Electric and Electric Hybrid Vehicles
- 10/2004:** - I-CAR GMA (MIG) Welding (Steel) Re-Qualification Test (every 5 yrs.)
- 6/2004:** - I-CAR Aluminum Panel Replacement
- I-CAR Structural Parts Steel Program 3
- I-CAR Structural Parts Steel Program 6
- 6/2003:** - I-CAR Aluminum GMA (MIG) Welding/Straightening
- 5/2003:** - I-CAR Corrosion Protection
- 4/2003:** - I-CAR Structural Steel Straightening
- 12/2002:** - Columbia Basin College Aluminum Repair Workshop
- AMI New Vehicle Technology
- 3/2002:** - Dale Carnegie Management Workshop
- 11/2000:** - I-CAR Metal Bonding
- 10/1999:** - I-CAR Automotive Mig Welding Test
- 6/1996:** - I-CAR Collision Repair 2000
- 12/1996:** - I-CAR Glass Replacement
- 12/1994:** - I-CAR Aluminum Repair Welding
- 10/1994:** - I-CAR Automotive Mig Welding Test
- 2/1994:** - I-CAR Steering and Suspension
- 1/1993:** - I-CAR Advance Vehicle Systems
- 11/1992:** - I-CAR Electronic 1 & 2
- I-CAR Steering and Suspension
- I-CAR Finish Matching
- 6/1992:** - I-CAR Plastic Repair

- 3/1989:** - I-CAR Unibody Refresher
- 2/1988:** - I-CAR Plastic Repair
- 9/1984:** - I-CAR Finish Color Matching
- 1963-1964:** - Emily Griffith Opportunity School in Denver, CO, collision repair program at this long established trade school.

Certifications:

2001: I-CAR (Inter-Industry Conference on Auto Collision Repair) Platinum Class Individual Technician

1996: Institute of Automotive Service Excellence (ASE) Certified Auto Collision Estimator

1995: I-CAR Qualified Welder (Aluminum & Steel)

1980: ASE Certified Master Collision Repair/Refinish Technician. (Re-certified every 5 years)

Other Positions:

2007: Board of Directors for Certified Automotive Parts Association (CAPA) National Board Member of Governor's Washington Auto Theft Prevention Authority

2005: Board of Directors for Automotive Service Association (ASA) -WA

2004 to present: Government Affairs Chairman for ASA-WA

2004 to present: Government Affairs Committee Member for ASA National

1999 to 2004: Vice Chairman of the Collision Division Operations Committee, of the Automotive Service Association (ASA)

1997 to Present: Governmental Affairs Chairman for Autobody Craftsman Association (ACA) of Washington State.

1996 to 2002: Member of the Board of Directors of ASE

1999 to 2002: South Seattle Community College, including chairman of Autobody Program Advisory committee

1988 to 1998: Member of Advisory Committees of the Collision Repair Programs for Renton Technical College, including Chairman of the Autobody Program from 1992 to 1994.

1992 to 1993: President of the ACA

1985: Chapter Director of ACA

Awards:

2002: Body Shop Business Magazine's Executive of the Year Award

1997: Autobody Repair News/ASE/Emil Stanley Award for the highest test score nationally for certification test in Non-Structural Analysis and Collision Repair.

1992: Collision Repair Technician of the Year, awarded by Body Shop Business Magazine, in conjunction with the Institute for Automotive Service Excellence, for high certification test scores in both Body and Paint tests.

Publications:

1997 to Present: Contributing Editor for Body Shop Business Magazine

Articles Published 1998 to Present:

April 1998

Article Title: Why Test and Train Techs?

I-CAR Training and ASE Certification - What It Means For You

- why training and certification is important, its benefits, and info. on I-CAR and ASE

September 1998

Article Title: Straighten or Fill?

To Metal Finish or Fill? - That is the Question

- when to metal finish or to use filler

October 1998

Article Title: The Dirt on Dustless Sanding

Dustless Sanding

- the benefits of dustless sanding and info. on investing in a vacuum system

February 1999

Article Title: Testing Weld-Through Primers

Weld Through Primers - Do They Really Work?

- weld through primer comparisons and protecting your welds so they are long lasting, rust prevention

March 1999

Article Title: *Stuck on Plastics*

Plastic Painting Problems - P.P.P.'s

- different types of plastics and how to prep them for paint, flexibility

July 1999

Article Title: *Where have all the Graduates Gone?*

Where Have All the Graduate Gone?

- our industry is not run by over-sexed, behavioral or drug impaired people. It takes skill and is very technical. Education is the Key!

August 1999

Article Title: *I'm Just a Bill*

Legislation! Be Aware, Be Active, Get Involved

- shops should be involved in their state and federal associations and keep current on the issues that involve their industry

September 1999

Article Title: *Office Procedures to Prevent Chaos*

Front Office Procedures

- making sure all the parts are in the shop and finding out about alarms, radio codes, locking lugs, etc...

February 2000

Article Title: *Behind the Paint*

Automotive Paint History

- the history of automotive paint

Article Title: *No Grease Monkeys Here*

Improving Our Industry's Image

- how the auto collision repair industry is perceived and why, how to improve our industry image

March 2000

Article Title: *Start with a Good Foundation*

The Importance of a True Foundation

- making sure a frame is straight before trying to fit parts

April 2000

Article Title: *Why Use Used Parts?*

Recycled Parts - Where's the Money for the Repairers?

- what are the incentives for shops to use LKQ parts

August 2000

Article Title: *Taking the Pain Out of Glass*

Glass Replacement - To Do or Not to Do? That is the Question.

- the pros of a shop doing its own glass replacement, rather than subletting it out

March 2001

Article Title: *More Brain, Less Brawn*

A Metal Man's Musings Slow Start - Fast Finish

- the first 10 minutes of planning on a job, and how it can make or break your profit and turn-around-time

May 2001

Article Title: *The Name is Bond...Adhesive Bond*

To Bond or Not to Bond - That is the Question

- pros and cons of adhesive bonding and weld bonding

August 2001

Article Title: *See Spot Run*

Squeeze Type Resistance Spot Welding

- pros and cons of STRSW (Squeeze Type Resistance Spot Welding), STRSW vs. plug welding

Article Title: *Wheels In Motion*

Don't Get Set Back by "Set Back"

- what is wheel set back, how to determine if there is wheel set back, and how to fix it

January 2002

Article Title: *Nature vs. Nurture*

Employee Development

- employees, level of skill, advancement of employees, qualification vs. hiring to train

March 2002

Article Title: *Putting the "Squeeze" on Repairs*

Squeeze Type Resistance Spot Welding - S.T.R.S.W.

- do and don'ts of spot welding, buying a welder, using the welder, O.E. recommendations

August 2002

Article Title: *32 Steps to Painless, Profitable Plastic Repair*

Plastic Repair

- repair rather than replace, types of plastics, how to determine what type of plastic you have, and how to repair each

September 2002

Article Title: *Inherent DV-One Man's Disbelief*

Diminished Value...Is It Real?

- what is diminished value, different types and perceptions, does it really exist

October 2002

Article Title: *Plastic Filler - A Good Product in Bad Hands*

The Basics of Plastic Filler

- history, technical interests, types, pros and cons, problems, how to's of using plastic filler

August 2003

Article Title: *Aluminum is Coming!*

Is Aluminum Better? Ours Not to Question Why!

- history, reparability, corrosion, and reasons for using aluminum

December 2003

Article Title: *Hybrids: Why They're Here to Stay*

Hybrids... The Wave of the Future

- history, environmental concerns, fuel efficiency, pros and cons of battery powered vehicles, dangers and precautions

February 2004

Article Title: *STRSW: Try It. You'll Like It*

Squeeze Type Resistance Spot Welding

- history, advantages and disadvantages, types of spot welder guns, spot weld cutting, recommendations

April 2004

Article Title: *By Door Rate Dollars, We're in the Dumper*

By Door Rate Dollars, We're in the Dumper

- labor rates: mechanical vs. body repair, legal issues, how to increase profit, insurance company control

June 2005

Article Title: *Skinning A Door – Without Using Filler*

Skinning A Door – Without Using Filler

- a step by step process on how to skin a door, lists tools needed

December 2005

Article Title: *The Heat is On*

Heat Inductors in the Collision Repair Industry

- what they are, how they work, and how to use heat inductors

February 2006

Article Title: *Heat Shrinking Metal*

Heat Shrinking Metal

- step by step process on how to shrink metal, lists tools needed

April 2006

Article Title: *Repairing Hybrid Electric Vehicles*

Hybrid Electric Vehicles (HEV's)

- what is a HEV, how they work, and safety issues

July 2006

Article Title: *Aluminum Dent Repair with a Stud Welder*

Aluminum Dent Repair with a Stud Welder

- understanding aluminum and why you should learn to repair it, step by step process on how to repair a dent in aluminum with a stud welder

September 2006

Article Title: *Working with Boron Steel*

Boron Steel

- what is boron steel, concerns in working with boron steel, types of welding done, procedures for cutting and welding, and corrosion protection

January 2007

Article Title: *Auto Foam – Proper Application and Placement*

Automotive Foam

- types of foam and their uses, suppliers and producers of automotive foam, application methods and other automotive foam considerations

April 2007

Article Title: *Long Live the Oxyacetylene Torch*

The Often Maligned Oxyacetylene Torch

- uses of the Oxyacetylene torch, how to use it and why it should be used in certain cases

September 2007

Article Title: *So You Wanna Weld Aluminum?*

So You Wanna Weld Aluminum

- purchasing an aluminum welder, comparisons, pricing and differences of an aluminum vs. steel welder

November 2007

Article Title: *Galvanic Corrosion and Cross Contamination*

Galvanic Corrosion, Cross Contamination and Other Things That Go Bump In the Night

- what is galvanic corrosion and cross contamination, different metals react differently, how it occurs and consequences of

January 2008

Article Title: *Proper Plastic Repair Procedures*

Looking for Good Work? Maybe It's in the Scrap Pile

- why repair plastics, identifying different types of plastic, plastic repair methods and procedures

To be published in up-coming BSB Magazine issues:

- Metal Straightening without Filler

Prior Testimony and Compensation:

** I testified as an expert in automobile repair at a deposition in *Moeller v. Farmers Insurance Company of Washington*, No. 99-2-07840-6 (Super. Ct. Pierce County, Washington).

** Served as an expert witness for the *Adams v. Nationwide* trial in Dallas, Texas: July 19-July 29, 2004

Compensation is \$200.00 per hour.

Exhibit B

**Re: Progressive Northeastern Insurance Company v. North State
Autobahn, Inc., et al
Index No.: 8750/2005**

1. Complaint in Progressive v. North State
2. Answer to Complaint in Progressive v. North State
3. NY Law regarding body shops
4. Documents produced by John Galanin from Estate Motors including schematics and invoices
5. Peter Pratti reports sent April 13, 2005 and March 27, 2007
6. Deposition of Dean Kacmarczyk with exhibits
7. Chart of North State Estimate, invoices and Progressive estimates
8. All invoices regarding the Bilik vehicle after December 3, 2004
9. Payroll reports for Mark Winkler
10. Payroll reports for Maurice Longmore
11. EBT of Gregory T. Cocco on 12/4/06 with exhibits
12. EBT of Gregory R. Cocco on 10/12/07
13. EBT of Douglas Graham on 5/18/07
14. EBT of Douglas Graham on 9/17/07 with exhibits
15. EBT of Mark Winkler on 4/24/07 with exhibit
16. EBT of Mark Winkler on 10/12/07
17. EBT of Maurice Longmore on 12/1/06
18. EBT of Maurice Longmore on 10/12/07
19. EBT of Joseph Lovero on 1/25/08 with exhibits
20. EBT of Joseph Lovero on 2/5/08 with exhibits
21. EBT of Jason Ceasar on 4/18/07 with exhibits
22. EBT of Jason Ceasar on 11/27/07 with exhibits
23. EBT of Nicholas Stanton on 11/27/06 with exhibits
- All Progressive estimates are included as exhibits to the EBT of Nicholas Stanton
24. Chart prepared by DBB comparing North State estimates and Progressive estimates
25. Deposition of Elena Bilik on 10/04/07
26. Deposition of Elena Bilik on 11/16/07
27. Deposition of Gregory Cocco, Jr., taken 11/30/06
28. Spreadsheets prepared by Anthony Ciccodicola on questionable parts
29. MBUSA Certification
30. Deposition of Vincenzo Consigliati taken 10/25/07. Attached as Exhibit "A" are copies of all repair orders for work performed on the Bilik vehicle from April 2004 to March 2005.

CURRICULUM VITAE OF MICHAEL J. WEST

I, Michael J. West, being duly first sworn, state that:

INTRODUCTION

1. My name is Michael J. West. I reside in SeaTac, Washington. I have personal knowledge of the facts set forth in this Affidavit, and I am competent to testify thereto.

STATEMENT OF QUALIFICATIONS

2. For the last thirty-six (36) years, I have owned and operated an autobody repair shop, Southtowne Auto Rebuild, Inc., in Tukwila, Washington, where I work daily as a repair technician and production manager. During the performance of my job duties, I am engaged in all of the functions necessary to accomplish repairs to major collision damaged vehicles, including estimating, welding, frame and unibody diagnosis and repair, plastic repair, glass work, suspension component repair and replacement, metal straightening, supplemental restraint system work, automotive electronics, and painting.

3. I have obtained a number of accreditations from various certifying entities in the automobile collision repair industry. These accreditations include being certified in Damage Analysis and Estimating, and as a Master Collision Repair/Refinishing Technician by ASE (Institute of Automotive Service Excellence). I have also attained the I-CAR (Inter-Industry Conference on Auto Collision Repair) Platinum Individual Status. These certifications and accreditations signify a high level of individual training and testing in automobile collision repair work.

4. A number of honors have been bestowed on me for knowledge of automobile collision repair techniques. For example, Body Shop Business Magazine

named me the Collision Technician of 1992 for my high ASE test scores in both Body and Paint. In 1997, I also received the Auto Body Repair News/ASE/Emil Stanley Award for achieving the highest test score in Non-Structural Analysis and Damage Repair nationally. In 2002, I was named Autobody Executive of the Year by Body Shop Business Magazine at the National Autobody Congress Exhibition (NACE) in Dallas, Texas.

5. I also have served in leadership positions in organizations devoted to excellence in automobile collision repair. Over the last decade, I served as a Chapter Director and President of the ACA (Autobody Craftsman Association) of Washington State. Presently, I serve on the Board of Directors of the Autobody Craftsman Association (ACA), the Automotive Service Association (ASA) of Washington State and the Certified Automotive Parts Association (CAPA). I currently serve as chairman of the Governmental Affairs Committee for both the ACA and ASA-WA. I served a five year term on the Operations Committee of ASA National and two three year terms on the Board of Directors of the Institute for Automotive Service Excellence at Leesburg, Virginia ending in May 2002, representing the Collision Repair/Refinish Committee as chairman. ASE is responsible for certifying the expert ability and knowledge of the over 400,000 certified automotive repair workers in the United States, of which 45,000 are collision repairers. I have also been appointed to serve as a Board Member of the Governor's Washington Auto Theft Prevention Authority.

6. I currently serve as a contributing editor for Body Shop Business Magazine, a national trade magazine devoted to the automobile collision repair industry.

I also have authored a number of magazine articles for various magazines devoted to automobile collision repair.

7. Over the last three decades, I have maintained an interest in continuing education and vocational training within the automobile collision repair industry. I served on the Advisory Board of the Renton Technical College in Renton, Washington, including a two-year stint as Chairman of the college's Autobody Program Committee. I also served in the same capacity at South Seattle Community College for a four year period. I am currently an I-CAR Instructor at Lake Washington Technical College, Clover Park Technical College and Bates Technical College, instructing collision repair professionals in aluminum repair and welding. I currently teach 21 different I-CAR classes, in many aspects of the collision repair industry.

8. A complete description of my qualification, including educational background, list of publications, prior testimony and compensations is set forth in the attached Exhibit "A."

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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PROGRESSIVE NORTHEASTERN
INSURANCE COMPANY,

Plaintiff's Expert Disclosure
Pursuant To CPLR 3101(d)(i)

Plaintiff,

v.

Index No.: 8750/2005

NORTH STATE AUTOBAHN, INC. d/b/a
NORTH STATE CUSTOM AUTO, and
GREGORY T. COCCARO,
Defendants.

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SIRS:

PLEASE TAKE NOTICE, that undersigned hereby serves the following Response to the Defendant's Demand for Expert Witness Information:

Plaintiff intends to call as its expert, Michael J. West, 14864 Tukwila International Boulevard, Tukwila, Washington 98168. Attached is the Curriculum Vitae of Mr. West.

This witness will testify with respect to his findings and conclusions of the circumstances surrounding the incident which is the subject matter of the within action. The substance and facts on which said expert is expected to testify include: Examination of the Invoices/Records of the defendant; Examination of the appraisals/estimates of the plaintiff; Examination of all deposition transcripts, photos, and conversations with witnesses and Examination of the subject vehicle.

Based upon a review of the aforementioned, the witness is expected to provide expert testimony that the manner in which Defendant performed its work and calculated the time and materials involved in the repair of the vehicle was not consistent with industry standards and was indicative of fraudulent and improper activity.

The Plaintiff reserves its right to amend or supplement this expert disclosure in accordance with the rules of court.

Respectfully Submitted,

By: _____
Michael R. Nelson
Nelson Levine de Luca & Horst, LLP
Four Sentry Parkway, Suite 300
Blue Bell, PA 19422
mnelson@nldhlaw.com
610-862-6500

Dated: _____

cc: Anthony J. Mamo, Jr., Esquire