

Country Companies in a Country Court House

In a small hearing room on the third floor of the Marion County Courthouse in Salem Illinois, a momentous event took place on Wednesday, April 25. As a steady rain fell, citizens of this quiet town went about their morning business. Later this day, one medium sized insurance company would be making a calculated business decision, which would have devastating consequences for others in their industry.

As three collision shop owners climbed granite steps in the courthouse, they passed numerous quotes and murals devoted to William Jennings Bryan. As the birthplace of this historical figure, Salem was not shy in promoting their connection to this favorite son. Bryan was a remarkable figure, in that with numerous political failures and a historic courtroom defeat, he is still studied and revered for his mastery of the spoken language and his unwavering convictions.

The three owners waited at the railing on the third floor of the nearly empty courthouse. A few women could be seen through an open door of the law library browsing law books. A young couple wandered on the second floor obviously in search of a marriage license. As one o'clock approached, the three began to doubt they were in the right building. Just as they were preparing to walk back to the first floor, groups of men appeared in the atrium and began the trek up. The total number of people in this small courthouse just tripled in number. Plaintiff and Defense attorneys who numbered at least nine, quickly found their way to the room reserved for this event.

The collision representatives found seats on a bench in the cramped hearing room. A few feet away, a heated discussion was taking place between two of the defense attorneys and an attorney for the plaintiffs. It became clear that the argument was the result of the Country Companies attorney denying their responsibility for a copy fee incurred during the lawsuit. Even though another attorney intervening quickly settled the dispute, the irony of the situation was not lost on the three collisions shop owners. As the moment approached for Country Companies to part with over \$6,200,000.00 in monies obtained through the use of aftermarket parts, they haggled over paying \$3,600.00 for a copy fee.

Shortly Judge David Sauer entered the courtroom and all quickly came to order. After the judge requested an introduction of all present, he began his thoughts on the case and a summation of the settlement. Judge Sauer spoke for nearly forty-five minutes on the issues of the case and his concern for the class being properly compensated. He made the interesting observation that if Country Companies had not reached a settlement, and had suffered an adverse trial verdict, the punitive damages could have been substantial. The attorneys on both sides were questioned at length on the method used to determine the settlement amount, and if it reflected the true savings by the insurer using non-OEM body parts. After praising the attorneys from both sides for well-prepared and cited briefs, Judge Sauer signed the order for the Settlement Agreement to take effect.

Country Companies seemed to take pride in the fact that this agreement does not admit guilt, and the terms of discontinuing participation in CAPA and the use of aftermarket body parts is a result of a settlement, not a judgment. With the recent release of the Avery v. State Farm Appeal decision, it appears that Country Companies indeed made a wise decision. It may also be seen as an acknowledgment by insurers, that a credible defense against consumer fraud and breach of contract may be impossible in the future. Other insurers may not be as fortunate in their situations as Country Companies. This company came to an agreement at a unique time, and under different circumstances than other insurers will face. With current decisions and case law, future class members and their legal representatives may not be so lenient in pursuing justice.

Articles

William Jennings Bryan had a deep distrust of unchecked power and wealth. He recognized that theft by the powerful against the weak tended not to be punished or penalized in our society. As the sun broke through the clouds on this afternoon, it is certain Mr. Bryan was smiling.

Story provided courtesy of



If you were, or are insured with the [Country Companies Insurance](#) and submitted a claim for automobile collision repair after July 1, 1993....you may be eligible for funds distributed under this settlement agreement.

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