

**PETITION TO THE UNITED STATES ATTORNEY GENERAL
THE HONORABLE ERIC H. HOLDER, JR.
TO ENFORCE FEDERAL ANTITRUST LAWS SO AS TO PROTECT CONSUMERS
AND SMALL BUSINESS OWNERS FROM THE ANTICOMPETITIVE EFFECTS OF
UNLAWFUL CONSPIRACIES IN THE COLLISION REPAIR MARKET**

Pursuant to the laws and jurisdiction set forth in the Sherman Act (15 U.S.C. § 1, et. al.), Attorney General Robert F. Kennedy, acting on behalf of the United States of America, enacted the 1963 Federal Consent Decree ("Consent Decree"). The Consent Decree legally enjoined 265 insurers and various other coconspirators from conspiring to unreasonably restrain trade and commerce in the collision repair market. The insurers and coconspirators were permanently enjoined from, among other things, placing into effect any plan, program or practice which has the purpose or effect of:

- (1) Sponsoring, endorsing or otherwise recommending any appraiser . . . ;
- (2) Directing, advising or otherwise suggesting that any person or firm do business or refuse to do business with (a) any appraiser . . . or (b) any independent or dealer franchised automotive repair shop . . . ;
- (3) Exercising any control over the activities of any appraiser . . . ;
- (4) Allocating or dividing customers, territories, markets or business among any appraisers . . . ; or
- (5) Fixing, establishing, maintaining or otherwise controlling the prices to be paid for the appraisal of damage to automotive vehicles, or to be charged by independent or dealer franchised automotive repair shops for the repair of damage to automotive vehicles or for replacement parts or labor in connection therewith, whether by coercion, boycott or intimidation or by the use of flat rate or parts manuals or otherwise.

Antitrust laws and the terms of the Consent Decree are not being enforced. As a result, the collision repair market has become plagued with the very same problems it suffered in 1963.

I am a leader in my state's auto body trade association. I know from firsthand experience, and from speaking with countless repairers in my state and throughout the country, that insurers, appraisers, and even some direct repair shops, are systematically conspiring: (1) to depress labor rates; (2) to control repair decisions and processes; (3) to channel or steer repair work to preferred repair shops; (4) to boycott independent repair facilities; and (5) to otherwise work together toward eliminating independent repair facilities in favor of insurer-controlled direct repair programs. Moreover, insurer control over appraisers has become so commonplace and incestuous that many appraisers are literally on the payroll and employed by insurers.

Conditions in the collision repair market are out of control. Consumer rights are being trampled and independent repair shops are being put out of business. The repair industry and the millions of consumers serviced by it are suffering from the lack of legal enforcement. We need your help.

I appreciate that you are new to your position and have many important responsibilities. I respectfully implore you, however, to make a priority of beginning to police the auto repair market and enforce our antitrust laws. The damage of ultimate monopolization will be irreparable if something is not done soon to stem the tide.

Please accept my offer to help and support you in any way I can. Thank you.

Signature: _____ Date: _____

Print Name: _____ Business Address: _____

Trade Assn: _____

Title: _____ Phone Number: _____