

Judge Tosses Progressive's Fraud Suit Against New York Body Shop

BODY SHOP BUSINESS
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New York body shop owner Greg Coccaro can mark one in the industry's "win" column after a New York state Supreme Court judge yesterday tossed out a fraud case filed against him by Progressive Insurance.

Coccaro and his Mercedes-Benz certified collision repair facility – North State Custom Auto in West Chester County, NY – were accused by Progressive of committing fraud in charges for work performed by North State on a customer's vehicle in 2005. **After three weeks of testimony from the defense, New York Supreme Court Judge Mary Smith dismissed Progressive's case with prejudice, meaning the company cannot bring any new action on the claim again.** One deciding factor in the case being thrown out was that **Progressive issued North State a check for the repairs that didn't note any protest toward the cost.**

Progressive spokeswoman Cristy Cote said Tuesday the company was not happy with the case's outcome.

"We are disappointed in the court's decision to dismiss the case, and we plan to appeal," she said.

Coccaro said that he was "elated with the judge's decision," and is "extremely grateful and touched by all of the support and encouragement shown by fellow members of the collision repair industry."

Coccaro was defended by industry attorney Erica Eversman and New York attorney Tony Mamo. Several collision repairers testified in defense of Coccaro's workmanship, invoicing and character, including Mike Orso, president of the New York State Auto Collision Technicians Association (NYSACTA).

"That was a true David and Goliath battle," Orso said of the trial. "This is a huge win for the little guy and a huge win for our industry. If Progressive can do this to Greg, they can do this to anyone."

Orso was scheduled to testify for the defense regarding the repairs completed by North State Custom, as well as to offer an opinion on the repair and invoicing.

"I was retained early in this case and had not known Greg previous to this matter other than as a face at NYSACTA meetings. When I traveled to New York City to inspect the car I had no idea what I was in store for," he said. "After 15 years of Wreck Check post repair inspections I have about seen it all. This Mercedes was as close to original as humanly possible."

Ed Kizenberger, NYSACTA Executive Director said Coccaro made the association "proud."

"He stood tall and never wavered," Kizenberger said. "It is a testimony to his character that he never backed down and remained true to his principles. North State has and always will be an example of standing strong for what you believe is right."

Coccaro did not receive any compensation from Progressive but has the option to file a suit against the company. Mamo and Orso have noted that Coccaro spent thousands of dollars building his defense.

Coccaro is also suing Progressive for alleged steering. Click [HERE](#) to read our news story about the case and other steering instances in New York and to be linked to a TV news report about the issue.

ABAC and CCRE Collecting Donations for Coccaro

BODY SHOP BUSINESS

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The Auto Body Association of Connecticut (ABAC) and the Coalition of Collision Repair Excellence (CCRE) are taking up donations to help Greg Coccaro of North State Custom in Bedford Hills, N.Y., pay his roughly \$200,000 in legal bills following a court case with Progressive. Progressive Insurance sued Coccaro for **alleged fraud in charges for a 2005 repair. Coccaro's case, which a New York state Supreme Court judge dismissed Tuesday, lasted about three weeks.**

"This collision repair industry owes him a un-repayable debt for his courage and perseverance in the face of great adversity," ABAC President Bob Skrip wrote in a letter to industry members. "If Greg lost the case, it had the potential to lead to financial ruin."

Coccaro also is suing Progressive for alleged steering, Skrip noted. If Coccaro can recoup his losses with that case, all donations will go to charitable organizations throughout the United States. CCRE and ABAC are also planning a ceremony in the near future to present the donations to Coccaro and his family.

To make a donation, make a checks payable to Greg Coccaro. Mail checks to: ABAC, 104 Cheshire Rd., Prospect, CT 06712.

For more information, e-mail Skrip at indabodybiz@aol.com. Click [HERE](#) to read our story about the trial.

Progressive lawsuit vs. New York shop dismissed by judge

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By: Brian Albright



fraud trial that pitted Progressive Insurance against an independent repair shop in Bedford Hills, N.Y., came to an abrupt end on Aug. 5 when New York State Supreme Court Judge Mary Smith dismissed Progressive's case against the shop.

"I'm happy, to say the least," says Greg Coccaro, owner of North State Custom. "This has been on my mind 24/7 for the last three years. It was emotionally and financially draining, and it took a pretty big toll on our company."

Progressive first filed suit against North State Custom Auto in 2005, claiming that Coccaro had attempted to defraud the insurer on repairs conducted on a one-year-old Mercedes. The vehicle was damaged after rolling down an embankment. Progressive initially estimated the damage at slightly more than \$7,000, then rewrote the estimate for more than \$26,000. Coccaro's final invoice was \$34,091.37.

The trial began on July 14, with Coccaro represented by Erica Eversman of Ohio-based Vehicle Information Services and New York attorney Tony Mamo of Medina, O'Brien, Mamo & Garcia in Sleepy Hollow, N.Y. After Progressive presented its case in late July, Coccaro's attorneys filed a motion for a directed verdict. The judge dismissed Progressive's claims without hearing from a single defense witness.

"I was actually quite shocked that it ended that quickly," Coccaro says. "My attorneys did a fabulous job."

Smith dismissed Progressive's case with prejudice, which means the company can't bring new action on the claim. Progressive plans to appeal the ruling.

"This was a true David and Goliath battle. This is a huge win for the little guy and a huge win for our industry," says Mike Orso, president of the New York State Auto Collision Technicians Association (NYSACTA), in a prepared statement.

Orso was scheduled to testify on Coccaro's behalf. "If Progressive could do this to Greg they can do it to anyone."

North State Custom is a family-run business, and is one of just a few shops in New York state that has been CL Class certified by Mercedes-Benz.

"After 15 years of Wreck Check post-repair inspections I have about seen it all," Orso says. "This Mercedes was an exception in that it was repaired as close to original as humanly possible. Right down to the texture of the vinyl coating texture on the underside of the floor. After examination and review of the pleadings it didn't take long to see Greg was being singled out as Progressive's whipping boy."

Orso has been making waves in the New York collision industry as of late by filing a number of successful lawsuits against insurance companies for labor and material shortages under the state's General Business Law, which prohibits misleading and deceptive business practices.

Last year, Coccaro filed a \$40-million lawsuit against Progressive because of damage done to his business through the company's alleged steering and deceptive trade practices. Five of the original eight causes of action were dismissed, but the remaining three claims (totaling \$15 million) are moving forward. The case is currently in the discovery phase.

"Greg made us proud, he stood tall and never wavered," says Ed Kizenberger, NYSACTA executive director. "It is a testimony to his character that he never backed down and remained true to his principles. North State has and always will be an example of standing strong for what you believe is right."

Progressive Insurance vs Greg Coccaro Fraud Case Thrown Out of NY Supreme Court



Written by Autobody News staff

Saturday, 23 August 2008

A widely watched fraud trial pressed by Progressive Insurance against Gregory Coccaro of North State Custom in Bedford Hills, NY, was dismissed by State Supreme Court Judge Mary Smith on August 5.

Significantly, the case was dismissed “with prejudice”—meaning the court barred Progressive from filing another case on the claim ---effectively ending **Progressive’s options**---and the judge acted before the defense could call a single witness. Regardless, Coccaro estimates his shop has spent well over \$400 K in defending the case. He estimates Progressive must have spent twice as much as he did.

Representing the defense were Erica Eversman of Vehicle Information Services and New York attorney Tony Mamo. The attorneys requested a directed verdict from the judge, after Progressive presented its case, which the judge granted. A directed verdict by the judge means that, as a matter of law, no reasonable jury could decide in the plaintiff's favor. Progressive indicated that it would appeal the ruling.

The ruling leaves Cocarro free to pursue his \$15 M suit against Progressive

The complaint alleges that Progressive has engaged in a scheme to injure North State and deceive the public by engaging in deceptive business practices---including telling customers that North State inflates estimates, does shoddy work, and is a problem shop.

Coccaro's suit was reduced from \$40M to \$15M after Progressive attorneys successfully argued that **NY law does not allow an insurance company to be sued for steering**.

When Coccaro's suit against Progressive was filed, the New York State Auto

Collision Technicians Association (NYSACTA) was quick to support him. At the time, Mike Orso, President of NYSACTA said, "We all know the tricks and games that are being played by a majority of the insurance companies, their appraisers and adjusters. The inside information obtained in this lawsuit only confirms our suspicions..."

"It's not about the money," Coccaro said at the time. "It was never about the money. I just couldn't stand by and watch them destroy my reputation and the business I worked hard to create. If they could do this to me, they could do this to anyone."

July 15, 2008

It's On - David vs. Goliath, Auto Insurance Style

Opening arguments in Progressive Insurance vs. North State Custom began today in the New York Supreme Court. In case you've been under a rock, here's the Reader's Digest version of the particulars:

Progressive Insurance is suing North State Custom and its owner, Greg Coccaro, for fraud in the repair of a Mercedes Benz for one of its insureds in 2005. One of Progressive's insured got into a single car accident in 2005, and a Progressive appraiser wrote a damage appraisal at the accident site for \$7,142. The insured wanted his car repaired at North State Custom - a shop that specializes in Mercedes Benz repairs and is certified by Mercedes Benz, but that is not a Progressive DRP shop.

After repairs began, and upon further inspection by a Progressive field rep, Progressive amended the damage appraisal to a total of \$26,804. But this was still far below North State Custom's final bill of \$34,091. Big discrepancy.

Apparently the car has been wrapped in plastic, in storage, awaiting this trial. Imagine being the insured, without your car for three-plus years! Mr. Coccaro is being represented by team of lawyers, including our friend, Erica Eversman.

Other shops and shop associations are taking sides in this fight as well.

According to CollisionWeek.com, some of the witnesses include Phil Mosley of Mercedes Benz of Westchester Collision Center in Ohio - another Mercedes Benz certified repair center, testifying for Mr. Coccaro - and Mike West of Southtowne Auto Rebuild in Washington State - a shop owner, CAPA board member, and current ASA-Washington Collision chairman, testifying for Progressive.

Not only is Mr. Coccaro not caving under what must be enormous pressure from a team of Progressive attorneys, but he's filed a counter suit, accusing

Progressive of violating New York State laws against steering, pressuring insureds to choose particular shops, and libel.

Both of these suits are being watched, really closely, by other shops, other insurers, and legislators from several states. While this first suit isn't about big money - if Progressive wins, they will most likely be awarded the \$78,000 they are asking for, and if Mr. Coccaro wins, he walks away with nothing but his reputation intact - but it will either throw open wide or slam closed the door to who is the repair expert. Can an insurer really state that a shop, certified by the vehicle manufacturer, doesn't know better than a generalist field adjuster what repairs are necessary to make a vehicle safe and in pre-accident condition? Does a shop have a leg to stand on when a repairer says they won't pay for specific operations?

According to Mr. Coccaro's attorney, this first trial should last about two weeks. There is no date set for the countersuit as of yet.

--Chrisa