

Richard O. Neville, M.B.A.

Management Consultant

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Education

A.B. Harvard, 1958, *cum laude*
M.B.A. Columbia, 1964, marketing. Graduated in top third of class.

Professional Experience

Harbridge House, Inc., management consultants, 1964-1970
Organized Neville Associates Inc, management consultants, in 1971.
Began serving as a consulting and testifying expert in lawsuits in 1981.

Industries

Automobiles and light trucks: manufacturers, dealers, and consumers
Heavy and medium trucks: manufacturers and dealers
Recreational vehicles, manufactured homes
Motorcycles and ATVs
Construction machinery
Automotive finance and floor planning sources (wholesale and retail)
Automotive insurance (diminution of value issues)

Areas of Expertise

Allocation: supply, turn and earn, rate of travel	Departmental operations: new vehicle, used vehicle, service, parts, F&I
Automotive patent infringement claims, reasonable royalty	Diminution of value insurance claims
Class action claims in automotive industry	Economic damages: presentation or rebuttal
Customer complaints of improper or unfair treatment —new and used vehicle sales, leasing, financing, service, warranty, vehicle service contracts	Employee compensation claims
Dealer bankruptcy issues	Floor planning issues: audits, credit limits, SOT, SAU, lenders' security interests
Dealer facilities issues	Franchise terminations and constructive terminations (liability and damages)
Dealer financial performance	Manufacturer goals for dealer: fairness, measurement
Dealer inventory: new, used, parts—proper levels, turnover, value	New dealer application issues
Dealer market penetration: measurement, adequacy	Sale of dealership issues
Dealer add-point or move-point protests	Working capital: measurement, adequacy

Publications Authored

- *Expert Witness Topics In Dealer Litigation* (attorney newsletter)
- *Successful Dealer* (former contributing editor to truck industry magazine)

Professional and Civic Certifications

Certified Management Consultant, 1980-2000
Guardian Ad Litem, State of Florida, 1990-

Commissioner, South Trail Fire District, Lee County, Florida, 1999-; Secretary-Treasurer, 2000-2006; Chairman 2006-

Director, Harvard Club of Lee County, 1995-; President, 2000-2002

Director, BMW Vintage/Classic Register USA (and predecessor), 1975-2004

Non-Litigation Experience In Automotive and Related Industries, 1964-1999

Assignment	Client
Develop and present seminars for dealers on: general management, financial management, sales management (including F&I), parts management, service management, body shop management, and salesmanship	Volkswagen of America, Inc. Kenworth Truck Company, division of PACCAR Inc Peterbilt Motors Company, division of PACCAR Inc Mack Trucks, Inc. Western Star Trucks Associates Commercial Corp. Detroit Diesel Corporation Allison Transmissions Winnebago Industries, Inc. (recreational vehicles)
Research, write, and present an <i>NADA Business Management Seminar</i> on dealer financial management	National Automobile Dealers Association, and Virginia dealer group
Research, write and publish an 11-chapter Operating Manual entitled <i>Used Vehicle Profit Center</i>	Volkswagen of America, Inc.
Research, write and publish several self-study guide-books for dealer parts employees, including <i>Fundamentals of the Volkswagen (Audi) Parts Business</i>	Volkswagen of America, Inc. Peterbilt Motors Company (similar truck-oriented publication)
Research and write multi-chapter <i>Dealer Operating Manual</i> . Chapters cover all aspects of dealer operations.	Kenworth Truck Company Peterbilt Motors Company
Conduct organization study of field organization, and means of delivering wholesale and retail credit to dealers and customers	Paccar Financial Corp. International Harvester Credit Corporation (now Navistar Financial)
Conduct study to compare exclusive dealers for a brand to dual or multi-franchise dealers	PACCAR Inc
Develop and present seminars for dealer parts managers and parts employees of the parent company	Mazda Motors of America Thermo King Corporation
Assist dealers directly with in-house consulting and facilitation of management meetings	Kenworth Northwest, Inc., Peterbilt of Wisconsin, Inc., Worldwide Equipment, Inc., Gulf Coast Truck and Equipment Co., Inc., Gallagher Truck Center
Prepare and present seminars at national conventions, on various dealer-related topics	National Automobile Dealers Association (NADA) American Truck Dealers, Division of NADA Automotive Parts Rebuilders Association
Conduct study on efficacy of field organization and its interface with dealers	Stanley Hydraulic Tools, Division of The Stanley Works Hyster Company

Cases Prior to 2004 (*party retaining me in italics*)

Peterbilt of Florida, Inc. and James E. Deas v. *PACCAR Inc.*, 1981
Kenworth of Quincy, *et al.*, v. *Associates Commercial Corp.*, 1981
Missouri Truck Sales, Inc. v. *C.I.T. Corporation et al.*, 1984
Thomas H. Scott and Truck Center, Inc. v. Navistar Company and Navistar Credit Co., 1986
Peterbilt of Nashville, Inc. (bankrupt), 1985
Mirando Toyota, et al., v. *Toyota Motor Sales, U.S.A. Inc. et al.*, 1989
C-B Kenworth, Inc., a/k/a GMC Trucks of Portland v. General Motors Corp., 1988
A-B International Trucks, Inc., v. Navistar International Transportation Corp., 1988
Kelleher & Mixer, Inc. v. Chrysler Motors Corporation, 1990
CIF Machinery Corp. et al. v. *Dresser Industries, Inc., et al.*, 1989
Thor Industries, Inc. and Airstream, Inc. v. Herbert F. Boeckmann II, Rexhall Industries, Inc., and William J. Rex, 1991
John R. Williams and John B. Williams v. *Dresser Industries, Inc.*, 1992
Arthur Dietrich Company, Inc. v. *Dresser Industries, Inc.*, 1993
Steve Barnett, Inc. v. *Subaru of America, Inc.*, 1993
Freedman Truck Center, Inc. v. General Motors Corporation, Volvo GM, et al., 1994
Freightliner Corporation. v. *Gulf Coast Truck and Equipment Company, Inc.*, 1994
Sonnie Crawford, et al., v. *Sunset Chevrolet, Inc.*, 1995
Robert A. Salvian and Ann A. Clark v. *American Honda Motor Co., Inc.*, 1995
Love Pontiac, Cadillac, Buick, GMC Truck, Inc. v. General Motors Corporation, 1995
Action Truck Center, Inc. v. Freightliner Corporation, 1995
Hudson v. *Terry Taylor's DeLand Nissan, Inc.*, 1996
Plaza Lincoln-Mercury, Inc. v. Marold and Ford Motor Credit Co. (Third Party Deft.), 1996
Kristal Dodge Corporation v. Chrysler Motors Corporation, 1996
Rose Equipment, Inc. v. Freightliner Corporation, 1996
Maryjane Garcia and Thomas Cook, et al., v. General Motors Corporation, 1997
John R. Brewer, Jr. v. *RV World, Inc, et al.*, 1997
2MR, Inc. dba Albemarle Honda v. American Honda Motor Co., Inc., Cardiges, Hendrick, Brooks, et al., 1997
Suzanne Buck v. *Frank Buck* (Client: Pocono Peterbilt), 1998
Coblentz Truck Center, Inc. et al. v. James L. Hebe, Freightliner Corp., Freightliner Trucks of Dothan, Inc., et al., 1998
Dwight W. Andrus v. *Charles M. Hetherwick and Horace Mann Insurance Company*, 1998
Wantagh Auto Sales, Inc. v. Ford Motor Company, 1999
Kars-Yes Financial, Inc. v. DeWann White (and cross-complaint by White), 1999
Basta v. *Courtesy Imports, Inc., et al.*, 1999
Bowlin v. *J.B.H. of Longwood, Inc., d/b/a Jimmy Bryan Honda*, 1999
Ward, et al. v. *The Farmers Insurance Group et al.*; Scheinthal v. *Texas Farmers Ins. Company et al.*, 1999

Coast Automotive Group, Ltd. d/b/a TSE Motor Cars v. VW Credit, Inc., Volkswagen of America, Audi of America, et al., 1999

VW Credit, Inc. et al. v. *Coast Automotive Group, Ltd. v. Volkswagen of America, Inc. et al.*, 1999

Clean Earth Environmental Group, Inc. v. *Volvo Commercial Finance, LLC The Americas*, 2000

Deutsche Financial Services Corporation, Plaintiff and Counter-Defendant v. Pacific Southwest Bank, Third-Party Plaintiff v. Ganis Credit Corporation, Third-Party Defendant, 2000

Jacki Rucker v. Rancho Grande Motors, et al., 2000

Lund Industries, Incorporated v. G. T. Styling, LLC, 2000

Moeller v. *Farmers Insurance Exchange, Farmers Insurance Company of Washington* (Class Action), 2001

Martin Luther King v. *King Motor Company of Fort Lauderdale*, Primus Automotive Financial Services, Inc. and Kia Motors of America, Inc., 2001

Tena Trotter and Delores Smith v. *FRN of Tulsa LLC., d/b/a Tulsa Auto Collection, f/k/a Doenges Bros. Ford, Inc.*, 2001

Donna Soders, et al. v. General Motors Corporation (class action), 2001-2008

Dow Hammond Trucks Company v. *International Truck and Engine Corporation*, 2001

Walter Porter, et al. v. *McNatt Motor Co., Inc., d/b/a Northpark Mazda Acura Isuzu, et al*, 2001

Shahriar Gohari, et al., v. *John R. Darvish*, 2001

Crown Automotive Sales Co., Inc., v. *L. R. Realty Corp., Fleet Environmental Services, LLC*, and Kemper National Insurance Companies, 2001

Corning Truck & Radiator Service, Inc. v. *International Truck and Engine Corp.*, 2001

Lisa Daniel v. *Texas Farmers Insurance Company*, 2001

Erin A. Hall, et al. v. *Horace Mann Insurance Company*; Eric Davenport et al. v. *Gainsco Inc. and Gainsco County Mutual Insurance Company*, 2001

Lund Industries, Incorporated v. EGR, Incorporated, 2001

Robert C. Hoeffner, Jr. v. *International Truck and Engine Corp. and Sun State Intl. Trucks, Inc.*, 2002

International Truck and Engine Corp. and International Truck Intellectual Property Company, LLC, v. Dow Hammond Trucks Co., 2002

Joy Henderson v. *Steve Moore Chevrolet, Inc., d/b/a Maroone Chevrolet of Greenacres* and Capital One Auto Finance, Inc., 2002

Dow Hammond Trucks Company v. *International Truck and Engine Corporation*, 2002

Wayne Pottinger v. *AutoNation USA Corporation*, 2002

R. Straman Company and Newport Convertible Engineering, Inc. v. Volkswagen of America and *Six Dealers*, 2002-2003

Cases From 2003-2004, with detail on those involving deposition or trial testimony

Volvo Commercial Finance LLC, The Americas v. Carolina Trucks and Equipment, Inc.

Venue	U. S. District Court for the District of South Carolina, Columbia Division
Dates	Consulted, December 2002 – March 2004; deposition January 29, 2004
Issues	Alleged dealer default on floor plan obligations; sold trucks out of trust

James W. Cargile and Truck City Ford Sales, Inc. v. Ford Motor Company, et al., 2003-2004

Keith Shackelford and Deborah Shackelford v. John Chezik Homerun, Inc., d/b/a John Chezik Honda (Class Action)

Venue	Circuit Court, Clay County, Missouri, Case No. CV102-003841 CC, Division 2
Dates	Consulted, March 2003 – May 2007; deposition November 21, 2003, certification hearing testimony December 18, 2003; trial on merits testimony May 2, 2007
Issues	Dealer's failure to honor money-back guarantee on vehicle service contracts

Rose v. *Nationwide Mutual Insurance Company, et al.* (Class Action), 2003-2004

Scammell v. *Farmers Insurance Exchange, Farmers Insurance Co. of Washington* (Class Action), 2003-2004

Brunswick Powersports, Inc. v. Kawasaki Motors Corp., U.S.A., and Power Sports Plus, L.L.C., 2003-2004

Open Road BMW, Inc. v. BMW of North America, LLC and Hunterdon BMW

Venue	New Jersey Motor Vehicle Franchise Committee
Dates	Consulted, August 2003 – August 2004; testified at hearing June 22, July 29, August 27, 2004
Issues	Dealer protest to relocation of another BMW dealer within its relevant marketing area

Cooleys, Inc. v. International Truck and Engine Corporation

Venue	State of Wisconsin, Division of Hearings and Appeals
Dates	Consulted, September - December 2003; deposition December 3, 2003, hearing December 17, 2003
Issues	Dealer protest to manufacturer's disapproval of dealer's proposed new location

Adams v. *Nationwide Mutual Insurance Company, et al.* (Class Action), 2003

Harold D. Ritchie v. *Monaco Coach Corporation, et al.* (Class Action), 2003

Carolina Trucks and Equipment, Inc. v. Volvo Trucks North America

Venue	U. S. District Court for the District of South Carolina, Columbia Division, 3 02-2605-10
Dates	Consulted, March 2004 – October 2005; trial testimony October 19, 2005
Issues	Claims by former dealer under Federal Automobile Dealers' Day in Court Act, and others

Haley v. Charles River East, Inc. et al., 2004-2005

CADCO, Inc. and Bankers National Inc. d/b/a Imperial Homes, Inc. v. Fleetwood Homes, Inc. and Coachman Homes, Inc.

Venue	State of Missouri, Circuit Court of St. Louis County, Cause # 02CC-003687 W CV, Div. No. 6
Dates	Consulted, June 2004 – May 2005; deposition April 21, 2005; trial testimony May 16, 2005
Issues	Damages claimed by dealer from alleged improper sales in protected market

Perez Investments, Inc. d/b/a Rick Perez Autonet vs. DaimlerChrysler Financial L.L.C. and DaimlerChrysler Motors Corporation

Venue	Texas Motor Vehicle Board, Docket # 03-0033LIC
Dates	Consulted, June-July 2004; deposition July 9, 2004
Issues	Allegation that manufacturer and captive finance company forced dealer into Chapter 11

International Truck and Engine Corporation v. Kile International Trucks, Inc.

Venue	Eighteenth Judicial Circuit, DuPage County, Illinois
Dates	Consulted, August 2004 – July 2006; deposition March 8-9, 2006
Issues	Alleged non-performance of dealer under dealer agreement; damages (not a termination action)

Wausau Truck Center, Inc. v. Volvo Trucks North America, Inc.

Venue	State of Wisconsin, Division of Hearings and Appeals, No. TR-04-0008
Dates	Consulted, October 2004 – July 2005; deposition July 15, 2005 (did not testify at hearing)
Issues	Alleged unfair termination of dealer agreement

The People of the State of California v. Don Collins Buick, Inc., 2004-2005

Lambert Buick Pontiac GMC, Inc. v. General Motors Corporation

Venue	Ohio Motor Vehicles Dealers Board, Case No. 04-07-MVDB-295-D
Dates	Consulted, December 2004 – April 2005; deposition April 8, 2005
Issues	Dealer protest of proposed add point

Yamile Botella v. *Klein Motors, Inc. d/b/a Ford of North Miami Beach*, 2005-2006

Barbara and Roy Thompson v. *Monaco Coach Corporation et al.*, 2005

Kelley v. *La Mesa RV Center, Inc.*, et al., 2005-2006

Cuevas v. *Windward Auto Sales, Inc.*, et al., 2005

Volvo Commercial Finance LLC The Americas v. Jerome C. Nunn, 2006

Shetler v. Kite Brothers, LLC and Monaco Coach Corporation

Venue	14 th Judicial District Court, Parish of Calcasieu, State of Louisiana. Case 2003-005859, Div. D
Dates	Consulted, March - June 2006; deposition June 5, 2006
Issues	Alleged commercial damages arising from non-performance of motor home

Donald Schaffer, James Kamps *et al.* v. *T. Michael Doyle et al.*, 2006

Reda Mae Palmer v. *Web Industries, Inc. dba Anderson Chrysler Jeep*, 2006-2007

Julie C. Gentzhorn v. *Bill Heard Chevrolet, Inc., Plant City*, 2006

David Coleman v. Lazy Days RV Center, Inc.

Venue	U. S. District Court, Middle District of Florida, Tampa Division, Case #8:05-CV-00930-EAK-TBM
Dates	Consulted, May – September 2006 ; deposition September 13, 2006
Issues	Alleged odometer irregularity in sale of motor home, and damages

Kile International Trucks, Inc. v. *International Truck and Engine Corporation*, 2004-2006

Equipoise PM LLC v. International Truck and Engine Corporation

Venue	U. S. District Court, Northern District of Illinois, Eastern Division, Case No. 05 C 6008
Dates	Consulted, July 2006 – February 2008; deposition Nov. 29, 2006; trial testimony February 20, 2008
Issues	Alleged manufacturer violations of Federal Dealer Day In Court Act, breach of contract, involving Dealcor operator

Johnsons' Select Motor Cars, Inc., et al. v. American Suzuki Motor Corporation

Venue	Florida Department of Highway Safety and Motor Vehicles, Case No. 06-2208
Dates	Consulted, August 2006; deposition August 17, 2006
Issues	Refusal of manufacturer to approve sale of dealership to applicants

Boss Motors Inc. v. DaimlerChrysler Motor Company LLC, 2006-2007

Combined Ventures, Inc., Larry D. Hauptrief, et al. v. DaimlerChrysler Motor Company LLC

Venue	District Court of Grayson County, Texas, 15 th Judicial District
Dates	Consulted, November 2006 – May 2008;
Issues	Allegation that manufacturer assisted in covering up “cooked books” at dealership purchased by plaintiffs; fraud; losses by dealer principal plaintiff from inaccurate financial statements; improper termination of dealer agreement

Tennessee Rentals, LLC (Bankrupt), 2007

Bensco One, L.L.C. v. Volkswagen of America, Inc.

Venue	U. S. District Court for the Eastern District of Louisiana, Case No. 06-1591
Dates	Consulted, April 2007 - March 2008 ; deposition June 26, 2007
Issues	Violation of Automobile Dealer’s Day In Court statute, and other issues

Bensco One, L.L.C. v. General Motors Corporation, 2007

Mechanical Breakdown Protection, Inc., et al. v. National Auto Warranty Services, Inc., et al.

Venue	Circuit Court of Jackson County, Missouri, at Independence, Case No. 0516-CV25993, Div. 17
Dates	Consulted, July-October 2007 ; deposition October 9, 2007
Issues	Damages from non-performance on agreement in vehicle service contract industry

Adell Brothers Children’s Trust v. Novi Expo Center, Inc.

Venue	State of Michigan, Arbitration Proceedings, Case No. 06-075119-CZ
Dates	Consulted, July 2007-February 2008; deposition October 4, 2007, arbitration testimony February 6-7, 2008
Issues	Suitability of proposed subleased property for automotive dealer use

Schaepkoetter Sales and Service Company v. *International Truck and Engine Corporation*, 2007

Transport Truck & Trailer, Inc., et al., v. Freightliner LLC, et al.

Venue	United States District Court for the District of Idaho, Case No. CV 06-282-BLW
Dates	Consulted, September – November 2007; deposition November 14, 2007
Issues	Dealer termination and related issues

Snowden v. Farmers Insurance Company, Inc.

Venue	Circuit Court, Faulkner County, Arkansas, First Division, Case No. CIV-2000-338
Dates	Consulted, December 2007- October 2008
Issues	Alleged diminished value of vehicles damaged in accidents and repaired

Volvo Financial Services v. Murphy

Venue	Superior Court, State of California, County of San Bernardino, Case No. SCVSS 134705
Dates	Consulted, November 2008-March 2009
Issues	Buyer default on loan secured by recreational vehicle

Berge Service Center, Inc. v. Volkswagen of America, Inc.

Venue	Arizona Department of Transportation, Executive Hearing Office, Docket No. DLR/F 1154
Dates	Consulted, January 2009-
Issues	Dealer protest of manufacturer's proposed new dealership (add point)

John E. Dean and Midwest Muffler and Brake, Inc. v. Weaver's Auto Mechanical & Collision Repair, Inc.

Venue	District Court, Johnson County, Kansas, Case No. 08-CV06923
Dates	Consulted, March-June 2009 ; deposition May 5, 2009
Issues	Breach of contract, fraudulent misrepresentation, tortious interference...and unjust enrichment alleged in sale of Midwest's business to Weaver's

Cases involving testimony at hearing or trial: 1, 5, 10, 16, 28, 36, 37, 50, 58, 62, 66, 67, 70, 72, 89, 97. **Total 16 (16%)**. Depositions: 39