



**ALFA International**  
THE GLOBAL LEGAL NETWORK

***“Don’t Send That Email!”***

**And Other Training Tips for Non-Legal Employees to Effectively  
Manage Product Liability Risk**

***December 15, 2022***





# PRESENTERS



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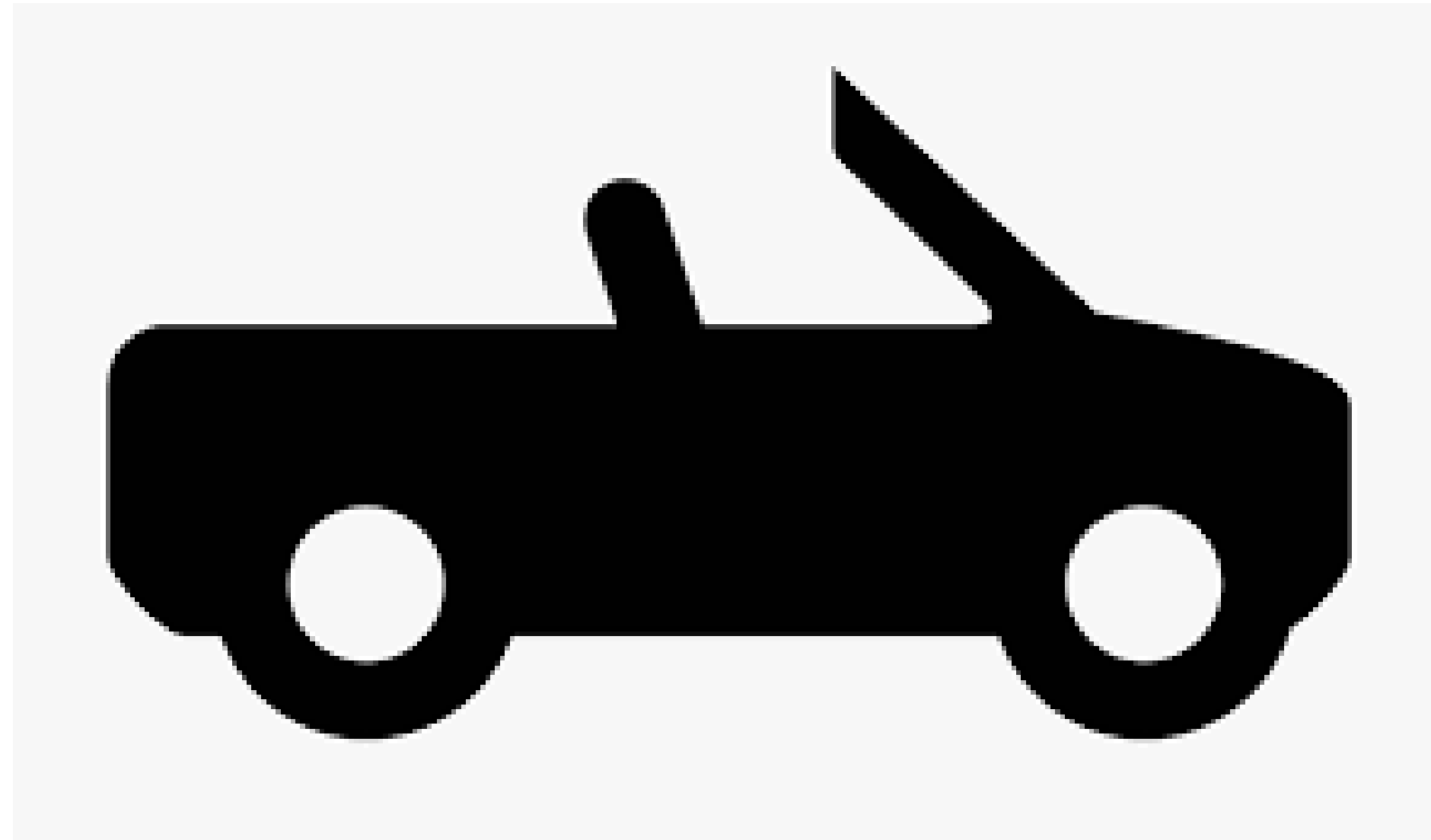


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# CHARLIE'S DREAM CAR



# 2023 STELLAR Convertible



# Dazzling Downtown Autos (“DDA”) Junior Salesperson





# 2023 STELLAR Convertible



# Email from DDA to STELLAR

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**From:** STELLAR Dealer Support  
**Sent:** Monday, December 5, 2022 2:08 PM  
**To:** Brian  
**Subject:** RE: Tinting Options for STELLAR Convertibles

Hello Brian:

This is not an available feature on the 2023 models. STELLAR has no plans to introduce darker tinting options. Please note that any aftermarket alterations to the electrochromic glass panel will void the vehicle's warranty.

**Russell**  
*Dealer Support Representative*  
STELLAR

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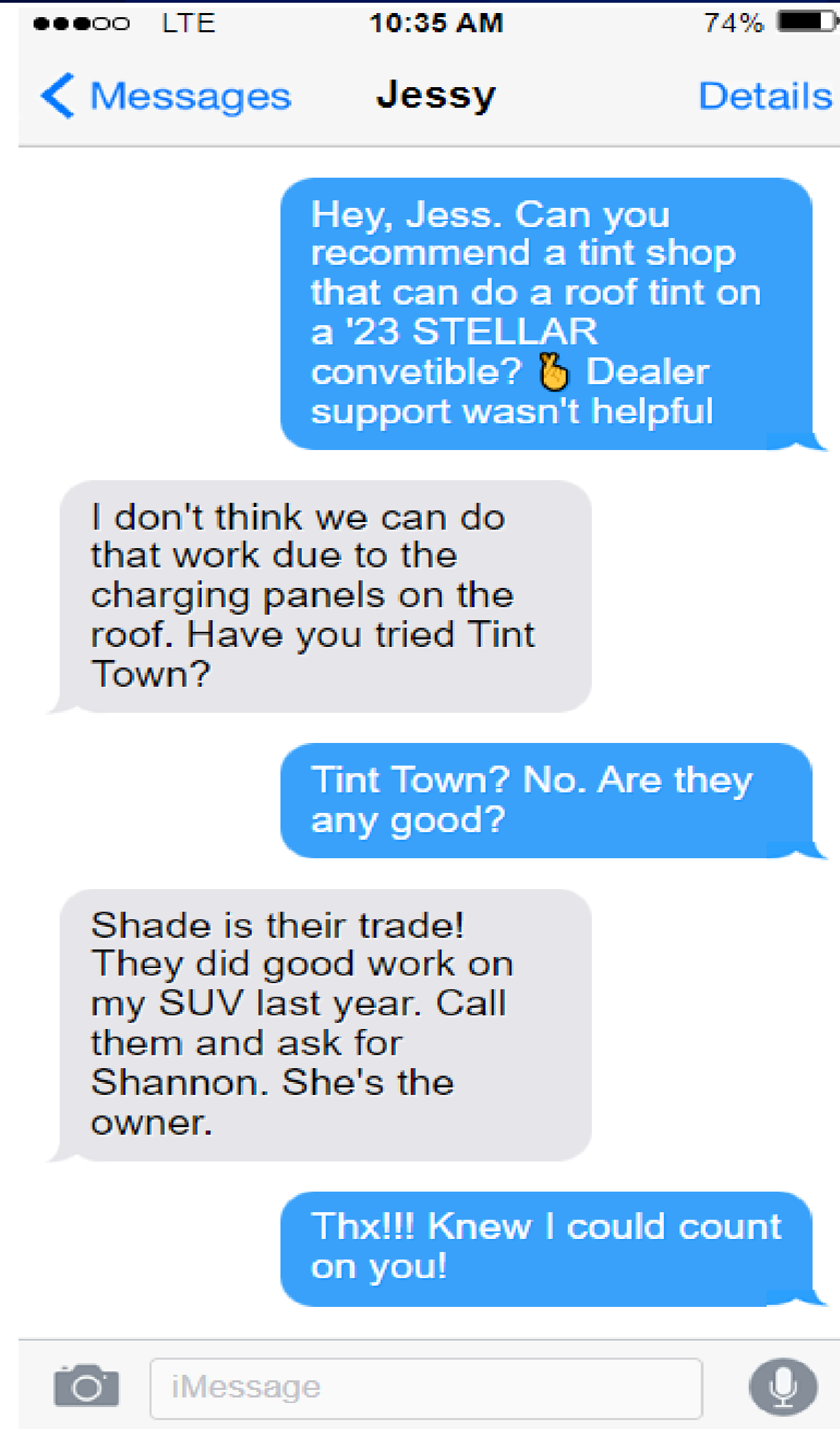
**From:** Brian  
**Sent:** Monday, December 5, 2022 10:15 AM  
**To:** STELLAR Dealer Support  
**Subject:** Tinting Options for STELLAR Convertibles

Good Day:

Customer would like the glass sunroof tinted on one of the 2023 convertibles. Is that feature available direct from STELLAR, or should I refer customer to an authorized third-party shop?

**Brian**  
*Junior Salesperson*  
Dazzling Downtown Autos

# Texts Between DDA and STELLAR





# STELLAR TRAINING TIPS

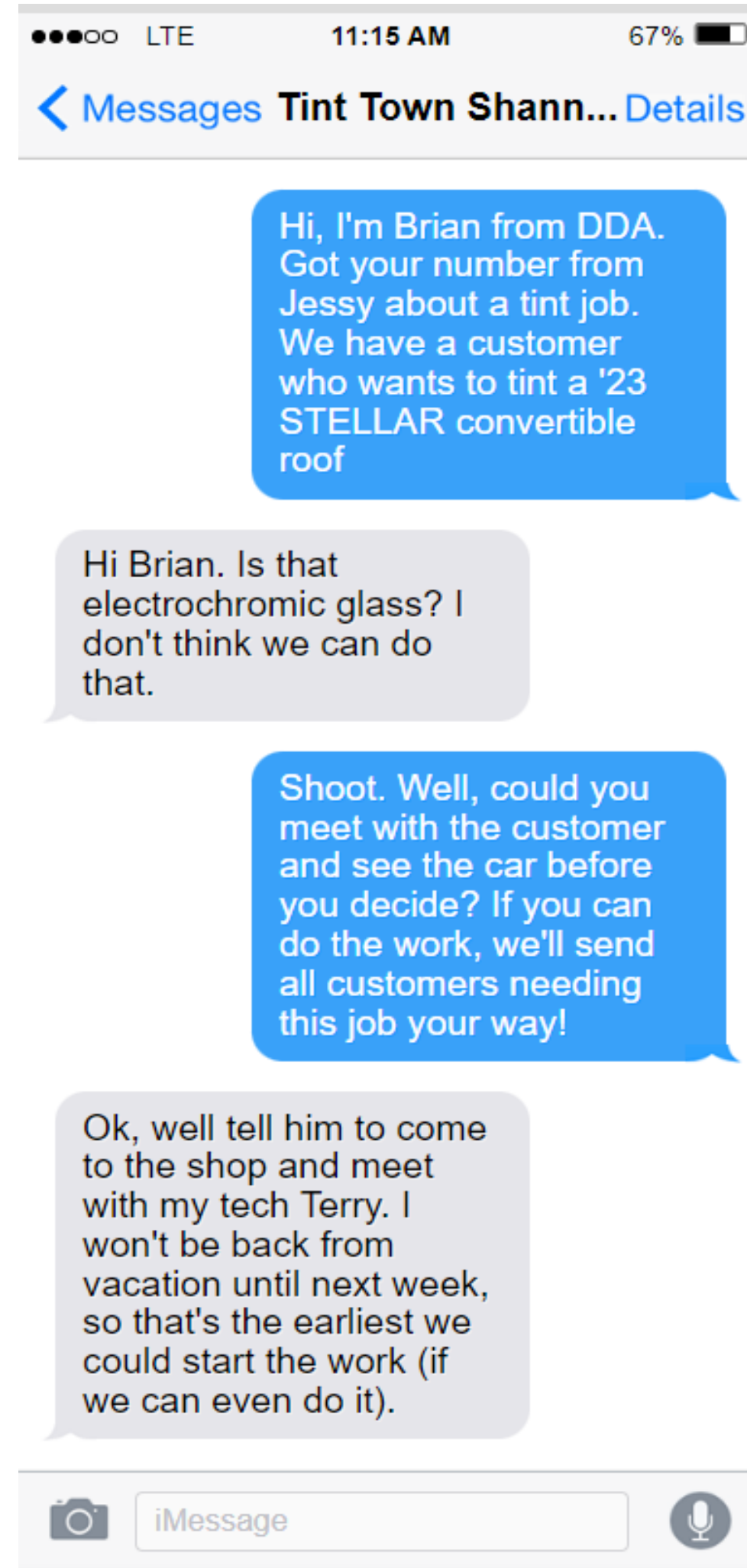


# STELLAR

- Email from “Dealer Support Representative” compared to text from a “helpful” friend.
  - Company policy on aftermarket alterations is clearly stated compared to unclear text from “unauthorized” employee
- Liability exposure when recommending to vendor with no vendor agreement in place.
- Written versus verbal communication



# Texts Between DDA and Tint Town



# Email from DDA to Customer

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**From:** Charlie  
**Sent:** Wednesday, December 7, 2022 12:30 PM  
**To:** Brian  
**Subject:** RE: Great News About Your Dream Car!

Amazing News! Don't sell it before I get there, please! I will head to DDA after work today!

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**From:** Brian  
**Sent:** Wednesday, December 7, 2022 12:15 PM  
**To:** Charlie  
**Subject:** Great News About Your Dream Car!

Great News, Charlie!!!! Tint Town can do the work. They came recommended by STELLAR. They are the BEST and MOST EXPERIENCED tint shop in the area and will do the work FAST. The '23 convertible you want is still here, but I've had a few calls today from others asking if we have any in stock. Let me know if you're still interested.

**Brian**  
*Junior Salesperson*  
Dazzling Downtown Autos



# DDA TRAINING TIPS

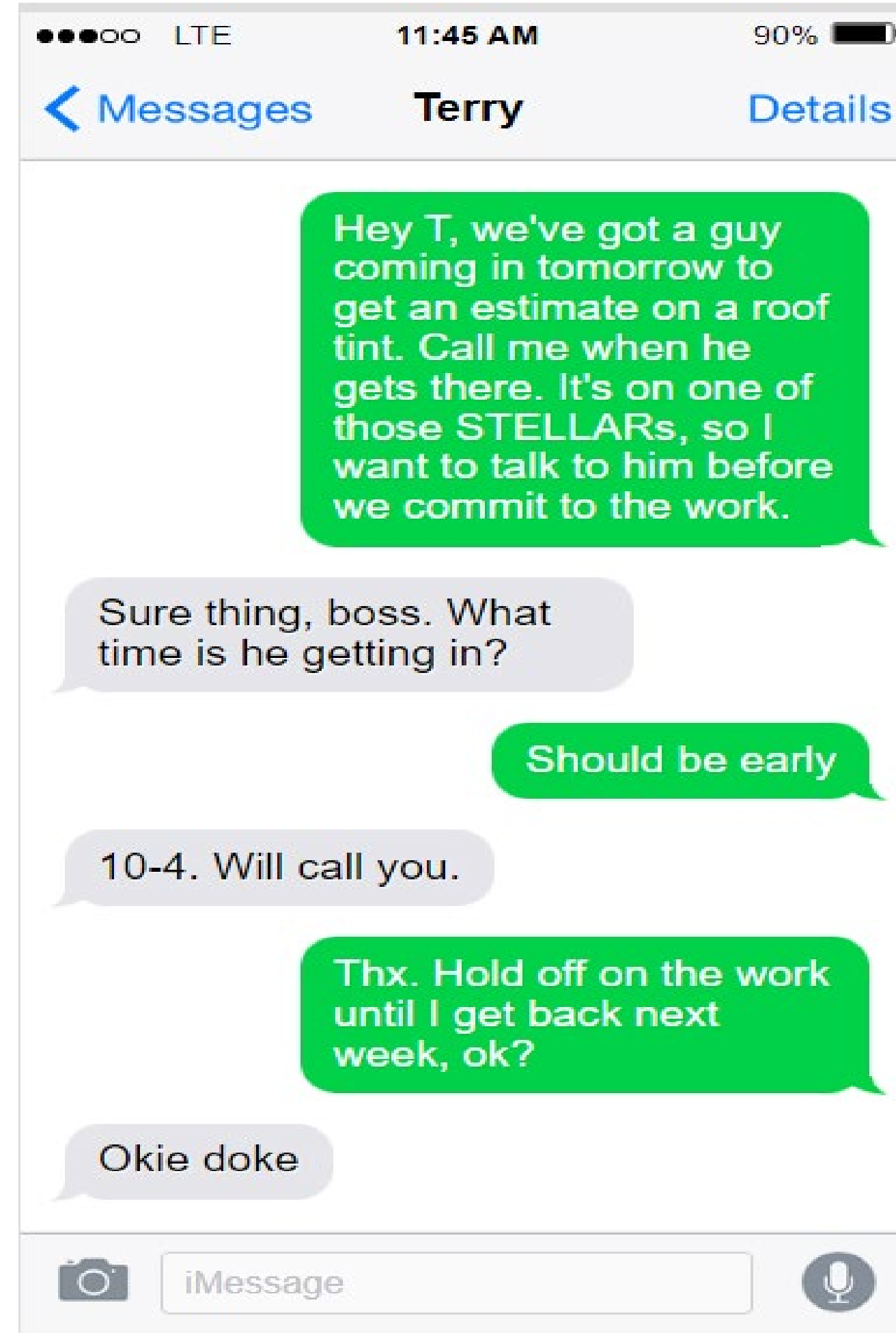


# DDA

- Apparent versus Actual Authority
- Non-disclosure of STELLAR's policy on aftermarket alterations
- Non-disclosure of Tint Town's concerns regarding ability to do the work
- Non-disclosure of time frame to commence work
- Use of personal phone



# Texts Between Tint Town Supervisor and Technician



# Communications Between Tint Town and Customer

- “We do hundreds of these tint jobs a month”
- “This seems straightforward”
- “We have never had an unsatisfied customer”
- “We will have this done in no time”





# TINT TOWN TRAINING TIPS



# Tint Town

## - Issues

- Taking work with knowledge tinting will affect functionality
- Correspondence confirming Tint Town's knowledge
- Employee performed work without supervisor approval
- Under the table payments & expedited work
- Employee guarantees and promises

## - Company policies to avoid potential issues

- Written communications
- Require supervisor approval
- Work orders, disclosures, and waivers
- No expedited work without prior approval
- No under the table payments
- No guarantees or promises to customers

## - Training of employees

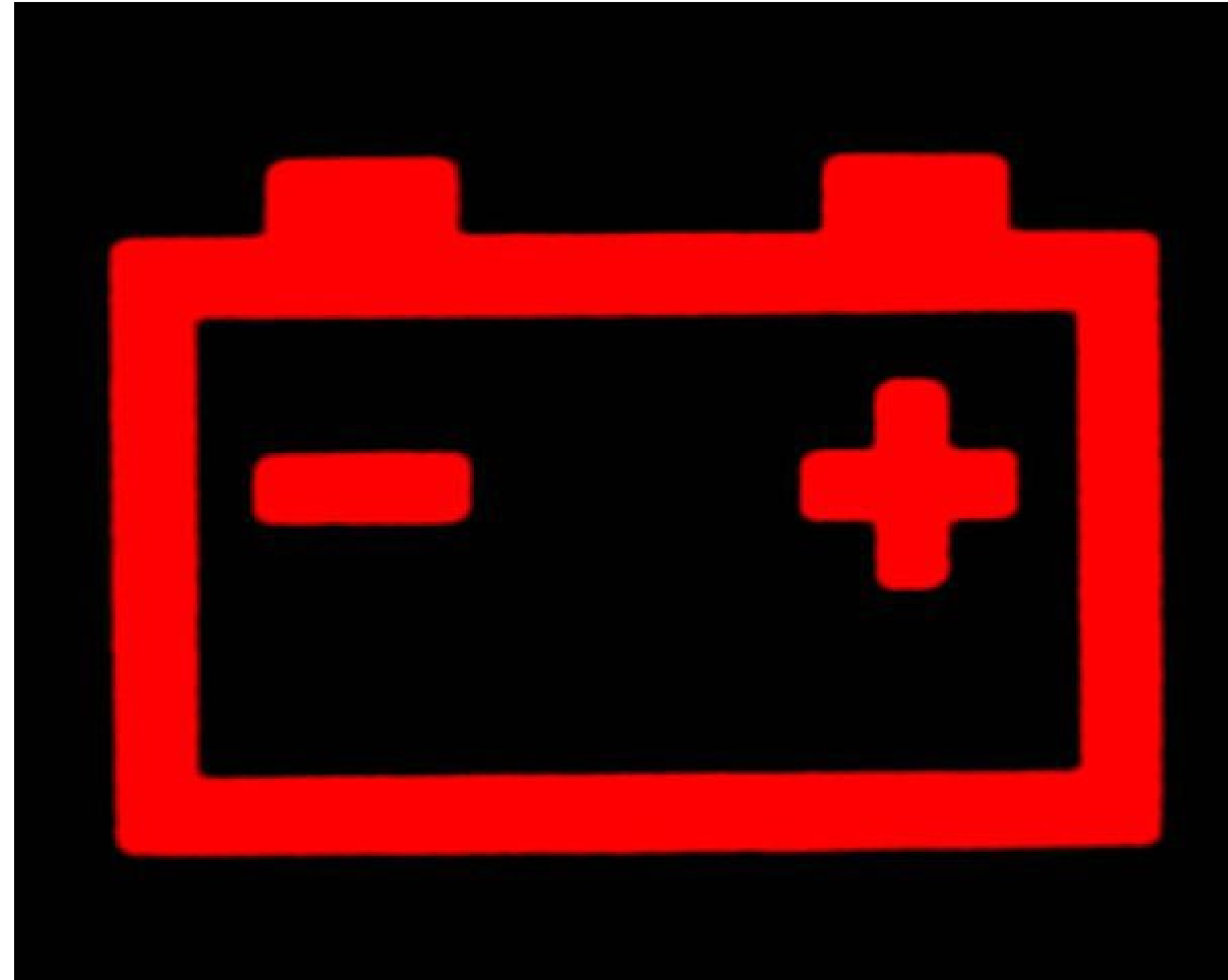
- Without context, employees less likely to follow policies
- Provide training/examples to employees which explain purpose of company policies
- Provide new technology updates and training

# THE ACCIDENT





# Tint Town



# CLE POP-UP QUESTION

**Who is Charlie Likely Going to Sue For His Injuries?**

- a)** STELLAR, the manufacturer
- b)** DDA, the dealership
- c)** Tint Town, the aftermarket alteration vendor
- d)** ALL OF THE ABOVE

IN THE UNITED STATES DISTRICT COURT

CHARLIE

\*

Plaintiff,

\*

v.

\*

Civil Action: 1-22-cv

STELLAR MOTORWORKS, et al.

\*

Defendants.

\*

\* \* \* \* \*

COMPLAINT

Plaintiff bring this action against Defendants, STELLAR MotorWorks (“STELLAR”),  
Dazzling Downtown Autos (“DDA”), and Tint Town LLC (“TINT TOWN”), both jointly and  
severally, and alleges upon information and belief as follows:



17. Defendants, possessing actual knowledge that modifications or alterations to the Vehicle's electrochromic glass sunroof would render the solar battery-charging properties of the Vehicle useless, failed to disclose and/or intentionally withheld this information from Plaintiff to induce him to purchase the Vehicle.

18. Defendants, possessing actual knowledge that STELLAR's own internal policy prohibited modifications or alterations to the Vehicle's electrochromic sunroof, intentionally misled Plaintiff by referring him to TINT TOWN to perform work on the Vehicle.

# Discovery

**Request for Production No. 1:** Any and all communications between You and the Plaintiff relating to the sale of the vehicle identified in the Complaint herein.

**Request for Production No. 2:** Any and all communications between You and any other of the named Defendants relating to the sale of the vehicle identified in the Complaint herein.

**Request for Production No. 3:** Any and all communications between You and the Plaintiff relating to tinting work that was contemplated to be performed or actually performed on the vehicle identified in the Complaint.

**Request for Production No. 4:** Any and all communications between You and any other of the named Defendants relating tinting work that was contemplated to be performed or actually performed on the vehicle identified in the Complaint.

# Importance of Training

- Lawsuit means a disruption to the business even if some Defendants may get out on summary judgment.
- Defendants may not know about “informal” or “unauthorized” communications until discovery.
- Employees who had “unauthorized” communications may no longer be with the company.



# Questions?

**THANK YOU!**  
**If you have any questions, please  
contact one of the presenters**



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