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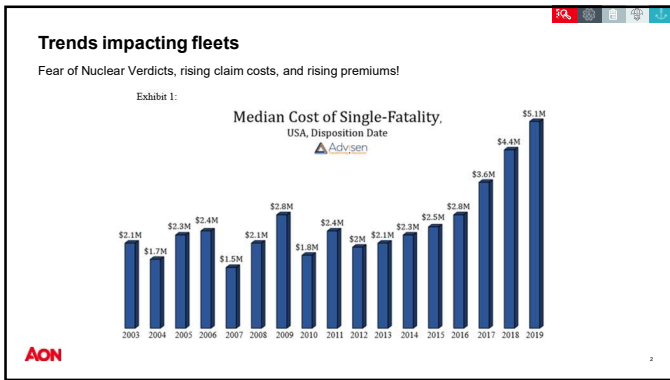
Fleet/Auto Loss Crisis Management

Victor Matchesky, CDS

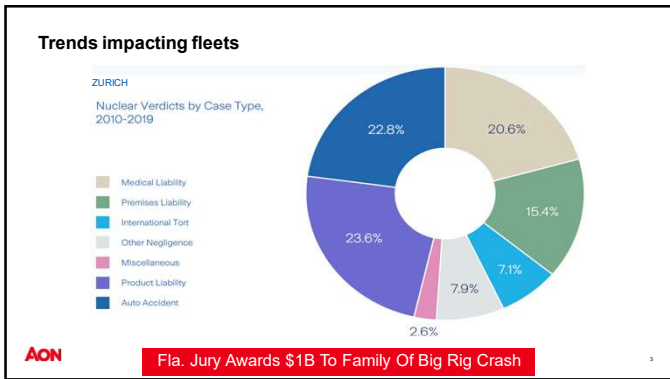
April 17th 2024



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Quick Room Survey

- » Who has a process for handling fleet losses when they occur?
- » Who has a process for classifying and handling "serious" losses?
- » Who has a process for capturing information at the scene, internal data, and preparing for possible litigation?
- » Who has a process for handling litigation and those who will be deposed?




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Loss Reporting



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Loss Reporting Best Practice

- ✓ You should have a formalized process for loss reporting
 - All those who operate vehicles and supervise these operators should be trained in this process.
 - Part of this process is who owns what parts of the process.
 - Key contacts and numbers should be kept in the vehicle and available to supervisors.
- ✓ Don't forget to include:
 - Accident kits in vehicles.
 - Instructions and training on what to do and not do at the scene.

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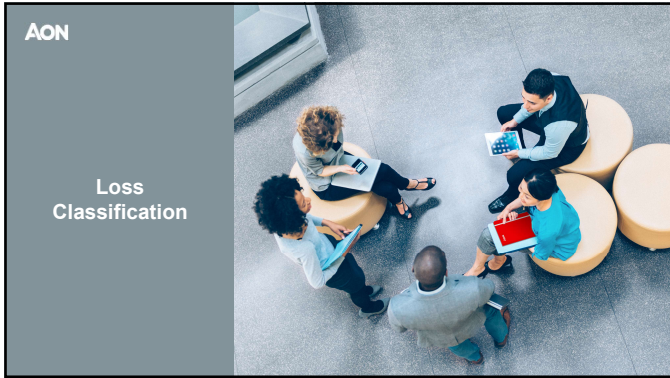
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- ### Loss Reporting Best Practice
- All drivers should report incidents or accidents to their manager or directly to their operation company safety department. Don't have driver call Claim Service Provider or Carrier.
 - Safety will report the accident immediately to Claim Service Provider or Carrier via phone, electronic mail, or web site.
 - If the scene is still active and there are severe injuries, safety should escalate the claim at the time of report to Claim Service Provider or Carrier.
 - In addition to reporting to Claim Service Provider or Carrier, safety will report any escalated claims internally as directed by the Company and the Risk Manager.
 - Claim Service Provider or Carrier will also provide notice specific to escalated claims.
 - Safety will continue their investigation in conjunction with Claim Service Provider or Carrier. Once the claim is escalated, Claim Service Provider or Carrier will take the lead in dispatching any resources to the scene.
 - For non-escalated claims, safety should communicate the results of any internal investigation or communications with claimants to the resolution manager handling the claim.
 - Notice requirements from Claim Service Provider or Carrier to Client and the Company should conform to the special handling instructions.
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- ### Loss Reporting Best Practice
- Review your reporting processes with
 - Internal claims managers, legal staff, risk managers, etc.
 - Claim Service Provider or TPA
 - Broker
 - Insurance Carrier
 - Attorneys you work with.
 - If your Claim Service Provider or Carrier manages your claims be as active in the process as you can be.
 - Establish this expectation early
 - Have frequent claims reviews with a focus on trends, large, and developing losses.
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Classifying Losses

- ✓ Losses should be classified or categorized
 - Incidents
 - Typically, are road debris, vandalism, animal strikes, etc.
 - Accidents
 - Involve another party regardless of the amount of damage.
- ✓ Accidents should be further classified or categorized
 - Serious or high-profile occurrence.
 - All other occurrences.

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What is a "Serious or high-profile" Loss?


- ✓ Anyone willing to share their company's definition?
- ✓ Serious injuries or damages
 - Fatality
 - Significant burns
 - Potential brain injury (visible head injury, loss of consciousness, confusion, etc.)
 - Loss, or loss of use, of a limb, or other body part.
 - Sensory loss such as hearing, vision, or touch.
 - Pedestrian
 - Significant damage any vehicle requiring removal of the occupants with jaws of life.
 - Consider other factors that might indicate significant injuries, such as the party's responsiveness at the scene or how the party was taken from the scene of the accident.
 - Did the driver interact or communicate with the injured party at the scene, which can help evaluate observable injuries?

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What is a "Serious or high-profile" Loss?

- ✓ High-profile
 - Multi-vehicle (more than 4) accidents.
 - Public or higher-profile cases, such as cases where a news organization responds to the scene.
 - Accidents where an arrest of an involved party is made at the scene.
 - Accidents involving heavy or extensive damage to non-automotive property such as buildings or public infrastructure.
 - Damages caused by release of hazardous materials.
- ✓ What about the "all other occurrences"
 - Many adopt the best of still retaining internal documents.
 - Claims should be monitored for development.




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Additional "Serious or high-profile" Loss Considerations

- ✓ Before a loss ever occurs identify the following
 - Process for getting AI (Accident Investigator) or attorney to the scene.
 - Who will take lead when loss occurs and provide direction internally.
 - Process for dealing with the media.
 - Are there DOT requirements that must be met, like post accident testing, and who ensures compliance.
- ✓ Build your team
 - Have an attorney or network of attorneys and AIs that are familiar with your company and your processes should a loss occur.




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Data Capture and Retention



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Data Capture and Retention

- ✓ Establish retention standards and have a document outlining them.
- ✓ Develop a post loss data collection checklist.
- ✓ Identify where the data resides and who can obtain it.


| | |
|---|---|
| <ul style="list-style-type: none"> ✓ Driver Documentation <ul style="list-style-type: none"> ▪ DQ (Driver Qualification) file ▪ Personnel file ▪ Driving records (logs & receipts) ✓ Vehicle Documentation <ul style="list-style-type: none"> ▪ Registrations and titles ▪ Inspection, repair, & maintenance records ▪ Photographs of vehicle ▪ Messaging ▪ Telematics ▪ ECM Reports | <ul style="list-style-type: none"> ✓ Trip Documentation <ul style="list-style-type: none"> ▪ Bills of Lading ▪ Trip & dispatch documentation ▪ ELD, Log, or any other supporting documents ✓ Company Policy's and SOPs <ul style="list-style-type: none"> ▪ Fleet safety program ▪ Driver's manual or handbook ▪ Maintenance standards ▪ Hiring standards and procedures |
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Before Litigation Happens



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Before Litigation Happens

- ✓ Who here today has been a deponent or 30B6?
 - How was it?
 - How were you selected?
 - How were you prepared?



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Before Litigation Happens

✓ Before a loss or litigation ever occurs identify the following

- Who will the company use as its 30B6 or deponents?
- Rule 30(b)(6) requires the organization to designate witnesses who will testify not only to information that is "known" to the organization, but also to information that is "reasonably available."
- Advise having more than one and use people with expertise in specific areas.
- Get deposition training before a deposition is ever discussed.
 - Learn about the deposition process.
 - Learn about confronting the reptile theory.
 - Do some mock depositions.
 - Do mock data collection to ensure you can capture documents.

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