

retaliate against Spriggs in any way." Thus, Spriggs returned to the Forestville store on March 10, 1997. Upon his return, he claims Stickell presented him with an unreasonable list of duties, which he could not possibly complete in his scheduled work day. When he saw the list, Spriggs left the store and never returned.

Following the recent appeal, the case was remanded to district court for trial, based on evidence that "a jury could rationally conclude that although Diamond's institution of an anti-harassment policy represented a reasonable step toward preventing the type of abuse suffered by Spriggs, the company unreasonably failed to correct Stickell's offending behavior by neglecting to enforce the policy."

Mike Sumsy, general council and chief financial officer for the company, said Diamond Triumph expects to prevail in the case, as it has already been dismissed from district court

twice. "We've had it dismissed twice at the lower court, and we're quite confident that we will prevail again there," Sumsy said.

DialMark Sues LYNX Services by PPG for Various Charges, Including Defamation

DialMark Inc. of South Jordan, Utah, has filed a suit against Pittsburgh-based LYNX Services of PPG Industries because it refuses to accept EDI transferred through its software. In the suit, DialMark charges LYNX with unfair competition and defamation, injurious falsehood, tortious interference and punitive damages. According to DialMark, LYNX will only accept its paper invoices, and charges it \$7.50 for each one it processes. DialMark claims customers have sent it transcripts of instances when they've attempted to pass DialMark-

processed EDI's on to LYNX and they have been refused; in addition, these customers say they have been told that the reasoning for the refusal is that company co-president John Wharton stole LYNX's or GTS Services' codes when he worked there previously to use in his own company's software.

Although the suit has been filed, DialMark has not served it on LYNX and, according to co-president Doug Call, it hopes not to have to serve the suit.

"We're still trying to work toward an equitable solution and avoid going to court," he said. "We're just anxious to resolve the problem and move on."

PPG's John Ruch declined to comment on the matter.

Car Dealer Charged with Offering Fraudulent Windshield-Etching

The California Department of Motor Vehicles (DMV) has charged Gunderson Chevrolet in El Monte, Calif., with multiple counts of fraud, deceit and misrepresentation. Central to the charges is the sale of a windshield etching theft protection program by the car dealer, where identification numbers were etched on the windows of vehicles to clearly identify the vehicle in the case of theft. According to the DMV, the company claimed that if the vehicle were then stolen, the owner of the vehicle participating in the program could receive up to \$5,000.

In its filing, the DMV alleges that Gunderson Chevrolet fraudulently used and misrepresented the nature and the price of the theft protection program in more than 1,500 cases and added more than \$400 to the price of each vehicle.

Despite the suggested price of \$299 for the windshield etching theft protection program and the fact that the

STANDARDS



AGRSS Gains New Member; Sets November as Goal for Submitting Amended ANSI Standard

The Auto Glass Repair Safety Standards (AGRSS) Committee moved closer to a finalized ANSI standard at its last committee meeting on March 17 in Miami. According to AGRSS chairperson Cindy Minon, the meeting was so successful that the committee hopes to have a finalized standard submitted to ANSI by November. After each meeting, the working document is mailed to all committee members, who then have a chance to make comments on the document before the next meeting. Those comments are then debated at the following meeting and the document is amended accordingly.

At the March meeting, the committee covered 18 comments and implemented all of them into the document. The amended document was sent again to committee members in mid-April. They will have to get their comments in by the first week of June, before AGRSS's next meeting on June 20 in Seattle. "At that point in time, we are hoping to answer any kind of negative votes, if there are any, and then if we can accomplish all of that in June, at that time it will go out to the general public and they will have an opportunity to comment on it," Minon said.

The committee also gained a new member, Chuck Bibbiano of Glass America.

continued on page 14