

To: All CarMax employees (Via Email)

From: Monty Sibley, former CarMax employee and organizer of the KMX Collective

Re: CarMax Loses Defamation Lawsuit against Sibley; Sales Associations may have claim for unpaid wages

Date: May 16, 2018

Greetings:

Those of you who were working on May 1, 2016, received an email from me as the public face of the KMX Collective -- a group of CarMax employees engaging in concerted action for better wages and working conditions. As expected, CarMax fired me five days later on May 6, 2016. The litigation over my firing is still going on two years later. Fortunately, I have a stomach and aptitude for litigation which allows me to go toe-to-toe with both Littler Mendelson (a 1,500 lawyer law firm) and Troutman Sanders (a 900 lawyer law firm) that CarMax hired which has now spiraled into seven (7) separate legal matters.

Among those seven (7) legal matters was *CarMax vs. Sibley* in which CarMax sued me in June 2016 for defamation in Goochland County, Virginia; headquarters for CarMax Corporate. On April 13, 2018, some two (2) years later, during the jury trial of the defamation lawsuit, the judge [dismissed](#) the case holding that CarMax -- despite jerking me around for two (2) years -- didn't have enough proof to get to a jury that I had defamed CarMax.

The point is not the merits of the defamation case; the point is CarMax, like any big corporation, can throw lawyers at employees and the playing field is no longer level. Which brings me to the three points I want to make by this email.

First: As you know, Sales Associates at CarMax are paid \$160/car they sell and \$50 for every car they buy. Many customers come in and just sell their car and the sales associate gets the \$50. However, in my experience in about 35% of the car sales, the purchase of a car by the buyer is accomplished by trading in his or her old car. In that instance, though the sales associate has "bought" the car, CarMax does not pay the associate the \$50 commission. Does this practice violate the plain language of the employment agreement between CarMax and the employee to pay \$50 for every car that is bought? Assuming a Sales Associate sells 75 cars/year that have a trade-in, that is \$3,750/year (\$50 x 75) that a Sales Associate arguably could be getting paid but under the present practice, is not.

Second: Hiring attorneys can be very expensive but, fortunately, there are excellent and affordable options. I recommend signing up with LegalShield - a 46 year-old company that, for a low monthly fee (less than \$1/day) gives its members access to legal services throughout North America. Services include, but are not limited to, consultation for a broad range of issues such as unpaid wages and much more. I invite you to see what's available for you at [WeAreLegalShield.com](http://WeAreLegalShield.com).

Third: Stick a fork in me, I am done. I leave to others the task of taking CarMax into the 21st Century and making sure that its rising tide lifts all boats, not just the yachts of Corporate Management.

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