

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL ERBY, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

ALLSTATE FIRE AND CASUALTY INS.  
CO.,

Defendant.

CASE NO. 2:18-cv-04944-PBT

**FIRST AMENDED CLASS ACTION COMPLAINT**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney, and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**PHILADELPHIA BAR ASSOCIATION**  
Lawyer Referral and Information Service  
One Reading Center  
Philadelphia, Pennsylvania 19107  
Telephone: (215) 238-1701

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas or sus objeciones a las demandas en contra de su personá. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero or sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**  
**ASOCIACIÓN DE LICENCIADOS DE FILADELFIA**  
Servicio De Referencia E Información Legal  
One Reading Center  
Filadelfia, Pennsylvania 19107

### **PARTIES**

1. Plaintiff, Michael Erby ("Plaintiff") is a citizen of Pennsylvania and resides at 316 Cloudless Sky Drive, Mechanicsburg, Pennsylvania 17050.

2. Defendant, Allstate Fire and Casualty Ins. Co. ("Defendant" or "Allstate") is an insurance company incorporated at 2775 Sanders Road, North Brook, IL 60062 and has a nationwide presence that regularly conducts business within the Commonwealth of Pennsylvania.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over Defendant because it is a corporation subject to the laws of the Commonwealth of Pennsylvania and does sufficient business in, has sufficient minimum contacts with or otherwise intentionally avails itself of the markets of the Commonwealth of Pennsylvania through the promotion and marketing of its insurance.

4. Pursuant to Pa.R.Civ.P. No. 1006(f), venue is proper in this Court because class members were not provided proper compensation for the total loss of their vehicle pursuant to Pennsylvania law in this county.

### **FACTUAL BACKGROUND**

5. Plaintiff was involved in an automobile accident on August 25, 2016.

6. Plaintiff was operating a Honda Accord when his vehicle was struck by a third party, Joanna Dennstaedt, who was driving a Cadillac Escalade who was insured by Allstate.

7. As a result of the accident, Plaintiff's vehicle was destroyed at a cost too high for repair.

8. In an attempt to reimburse Plaintiff for his loss, Defendant provided a Market Valuation Report where it found that the value for Plaintiff's vehicle was \$18,195. The base value of the vehicle was \$18,094. The CCC valuation average of statewide and base vehicle

values was \$18,144.50. In addition to the adjusted value of the vehicle, Defendant provided an adjustment to settle of \$900 (reflecting a negotiated higher valuation of the vehicle) and a DMV fee of \$60 totaling \$19,104.50. See Exhibit "A" for Market Valuation Report provided by Defendant.

9. Plaintiff and Defendant reduced their agreement to writing, expressly stating Plaintiff authorized the release of the title of his vehicle in exchange for a settlement check from Defendant. See Exhibit "B" for Title Release Authorization.

10. Plaintiff was not provided any reimbursement for sales taxes for the total loss of his vehicle.

11. It is upon information and belief that Defendant does not reimburse sales tax or any other tax for reimbursement on the total loss of vehicles.

#### **SUMMARY OF DEFENDANT'S OBLIGATIONS**

12. Under Pennsylvania law and other state jurisdictions, when evaluating a car for a total loss, the valuation should include:

(4) Applicable sales tax on the replacement cost of a motor vehicle shall be included as part of the replacement value.

31 Pa. Code § 62.3(e)(4).

13. When settling a total loss claim, an insurance carrier is required to be reimbursed for the sales tax on the replacement vehicle. Failure to do so is a per se violation of Pennsylvania law and/or the insurers contractual obligations.

#### **CLASS ACTION ALLEGATIONS**

14. Plaintiff brings this action pursuant to Pennsylvania Rules of Civil Procedure 1701 on behalf of the following class:

All individuals whose vehicles were reimbursed by Allstate due to total loss who were not paid the applicable sales tax as required for reimbursement pursuant to 31 Pa. Code. § 62.3(e)(4).

15. It is upon information and belief that Defendant does not pay sales tax on all vehicles that are subject to total loss, in contravention to Pennsylvania law.

16. The exact number of the class members is unknown as such information is in exclusive control of Defendant. However, due to the nature and commerce involved, Plaintiff believes the class consists of thousands of insureds statewide making joinder of the class members impractical.

17. Common questions of law and fact affect the right of each class member in a common relief by way of damages is sought for the Plaintiff and class members.

18. Common questions of law and fact that affect the class members include but are not limited to:

- a. Whether Defendant was legally obligated to pay sales tax to insureds and third parties for vehicles subject to total loss;
- b. Whether Defendant is liable to reimburse class members for sales tax not paid or reimbursed;
- c. Whether Defendant violated Pennsylvania law under its reimbursement procedures;
- d. Whether Defendant was deceptive in connection with the reimbursement procedures to insured; and
- e. Whether Defendant knew or should have known that its reimbursement procedures were unlawful.

19. The claims and defenses of Plaintiff as a representative plaintiff are typical of the claims and defenses of the class because Defendant wrongfully withheld funds due Plaintiff and the class members by failing to pay sales tax on the total loss of their vehicles.

20. Plaintiff, as a representative plaintiff will fairly and adequately assert and protect the interests of the class.

- a. Plaintiff has hired attorneys who are experienced in prosecuting class actions and will adequately represent the interests of the class; and
- b. Plaintiff has no conflict of interest that will interfere with the maintenance of a class action.

21. A class action provides a fair and efficient method for adjudication of the controversy for the following reasons:

- a. The common questions of law and fact set forth in paragraph 18 predominate over any questions involving only individual class members;
- b. The class is so numerous that joinder is impractical, however, the class is not so numerous as to create manageability problems. There are no unusual legal or factual issues which would create manageability problems;
- c. Prosecution of separate actions by individual members of the class would create a risk of inconsistent and varying results against Defendant when confronted with incompatible standards of conduct;
- d. Adjudications with respect to individual members of the class could, as a practical matter, be dispositive of any interest of other members

not parties to such adjudications and substantially impair their ability to protect their interests;

- e. Plaintiff is unaware of any other litigation in Pennsylvania challenging Defendant's failure to pay sales tax;
- f. Upon information and belief, Defendant is responsible for paying and reimbursing sales tax to insureds and third parties for vehicles subject to total loss;
- g. The claims of the individual class members are small in relation to the expense of litigation making a class action the only procedure in which class members can, as a practical matter, recover. However, the claims of injured class members are large enough to justify the expense and effort of maintaining a class action.

**COUNT I**  
**BREACH OF CONTRACT**

22. Plaintiff incorporates by reference paragraphs 1 through 21 as if fully set forth herein.

23. After Plaintiff's vehicle was deemed totaled, Defendant offered Plaintiff \$19,104.50 for the title of Plaintiff's vehicle. This number was based on the Market Valuation Report provided by Defendant and did not include the sales tax Plaintiff paid on the vehicle. See Exhibit B.

24. Since Plaintiff's vehicle was totaled, Plaintiff accepted Defendant's offer of \$19,104.50, rather than suffering a total loss of his vehicle without payment.

25. In exchange for \$19,104.50, Defendant conferred the benefit of retaining the title to Plaintiff's vehicle in order for the Defendant to monetize the scrap metal of the vehicle.

26. This offer, consideration, and acceptance was reduced to writing as evidenced by the Title Release Authorization supplied by Defendant and signed by the Plaintiff. See Exhibit B.

27. Specifically, the Plaintiff signed that he authorized the release of the vehicle's Certificate of Title upon the receipt of the settlement check from Defendant.

28. Pursuant to Pennsylvania law, an insurer or a carrier must reimburse the applicable sales tax to a party when reimbursing that individual or entity for the total loss of his vehicle.

29. As a result of Plaintiff's accident on August 25, 2016, Plaintiff was not reimbursed the sales tax by Defendant for the total loss of his vehicle.

30. Since Plaintiff and Defendant had a contract to exchange the value of the vehicle for the title of the vehicle, Defendant had a contractual duty to reimburse Plaintiff for the sales tax of the vehicle.

31. Accordingly, Plaintiff and the class request reimbursement of the sales tax that Defendant had a contractual obligation to pay.

WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, respectfully requests this Court grant the following relief:

- a. Determine that under Pennsylvania Rule of Civil Procedure 1701, et seq., this civil action may be maintained as a class action, and certify it as such;
- b. Award the actual damages incurred by the Plaintiff and the Members of the Class as a result of the wrongful acts complained of, along with pre-judgment and post-judgment interest at the maximum rate allowed by law;

- c. Award the punitive damages to Plaintiff and the Class of Plaintiffs he represents;
- d. Award Plaintiff reimbursement of costs and expenses incurred in pursuing this litigation.

**COUNT II**  
**BREACH OF QUASI CONTRACT/UNJUST ENRICHMENT (in the alternative)**

32. Plaintiff incorporates by reference paragraphs 1 through 31 as if fully set forth herein.

33. After Plaintiff's accident on August 25, 2016, Plaintiff accepted Defendant's offer of \$19,104.50 for the title of Plaintiff's vehicle, rather than Plaintiff accepting a total loss.

34. Defendant's offer of \$19,104.50 did not include the sales tax that Plaintiff paid on his vehicle.

35. Defendant conferred the benefit of possessing the title of Plaintiff's vehicle to use for scrap metal, without fully reimbursing Plaintiff for the full value of the vehicle including the sales tax.

36. Despite the requirement under Pennsylvania laws, it is upon information and belief that Defendant does not pay sales tax for a total loss of vehicles.

37. Therefore, Defendant's retention of the benefits provided by Plaintiff, the title of the car, without compensating Plaintiff for the sales tax is unjust enrichment.

38. Accordingly, Plaintiff and the class request reimbursement for the sales tax.

39. By the requirements of the law, Defendant had a contractual obligation to pay class members damages and reimbursement for sales tax.

WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, respectfully requests this Court grant the following relief:

- c. Determine that under Pennsylvania Rule of Civil Procedure 1701, et seq., this civil action may be maintained as a class action, and certify it as such;
- d. Award the actual damages incurred by the Plaintiff and the Members of the Class as a result of the wrongful acts complained of, along with pre-judgment and post-judgment interest at the maximum rate allowed by law;
- e. Award the punitive damages to Plaintiff and the Class of Plaintiffs he represents;
- f. Award Plaintiff reimbursement of costs and expenses incurred in pursuing this litigation.

**COUNT III**  
**VIOLATION OF PENNSYLVANIA'S UNFAIR TRADE PRACTICES ACT AND**  
**CONSUMER PROTECTION LAW (UTPCPL 73 PA.C.S.A. 201-1 et seq)**

40. Plaintiff incorporates by reference paragraphs 1 through 39 as if fully set forth herein.

41. Defendant conducted reimbursement of total loss in an unfair manner by not providing reimbursement for sales tax as required under Pennsylvania law.

42. Defendant engaged in deceptive acts by failing to pay sales tax on vehicles that were subject to total loss.

43. Defendant failed to provide Plaintiff and members of the class sales tax reimbursement pursuant to 31 Pa. Code § 62.3(e)(4).

44. Plaintiff and members of the class relied on Defendant and assumed Defendant would follow Pennsylvania law in providing reimbursement on their vehicles.

45. As a result of Defendant's deceptive acts, Plaintiff and members of the class are entitled to reimbursement to sales tax.

WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, respectfully requests this Court grant the following relief:

- a. Determine that under Pennsylvania Rule of Civil Procedure 1701, et seq., this civil action may be maintained as a class action, and certify it as such;
- b. Award the actual damages incurred by the Plaintiff and the Members of the Class as a result of the wrongful acts complained of, along with pre-judgment and post-judgment interest at the maximum rate allowed by law;
- c. Award the punitive damages to Plaintiff and the Class of Plaintiffs he represents;
- d. Award Plaintiff reimbursement of costs and expenses incurred in pursuing this litigation.

**COUNT IV**  
**BREACH OF MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER ACT**

47. Plaintiff incorporates by reference paragraphs 1 through 46 as if fully set forth herein.

48. Under Pennsylvania law, 31 Pa. Code 62.3(e)(4), when reimbursing for total loss of a vehicle, an appraiser shall reimburse the sales tax paid by the owner of the vehicle. The act specifically intends to protect a class of individuals who have suffered a total loss of their vehicle.

49. Plaintiff and members of the class are the intended beneficiary of 31 Pa. Code 69.3(4)(4) to collect sales tax. Defendant is covered by the regulation in that it is responsible for reimbursing all individuals who suffered a total loss to their vehicle.

50. Plaintiff and members of the class are intended to be protected by 31 Pa. Code 62.3(e)(4) which requires reimbursement of sales tax. Defendant failed to provide sales tax to members of the class and, thus, members of the class are entitled to reimbursement as a private right of action.

51. Plaintiff and members can seek reimbursement of sales tax and enforce 31 Pa. Code 62.3(e)(4) through a legal action. It was intended under 31 Pa. Code 62.3(e)(4) to allow Plaintiff recovery for the sales tax and, thus, intended that Plaintiff may sue for violations.

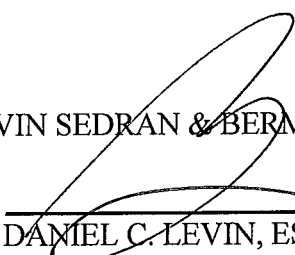
WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, respectfully requests this Court grant the following relief:

- a. Determine that under Pennsylvania Rule of Civil Procedure 1701, et seq., this civil action may be maintained as a class action, and certify it as such;
- b. Award the actual damages incurred by the Plaintiff and the Members of the Class as a result of the wrongful acts complained of, along with pre-judgment and post-judgment interest at the maximum rate allowed by law;
- c. Award the punitive damages to Plaintiff and the Class of Plaintiffs he represents;
- d. Award Plaintiff reimbursement of costs and expenses incurred in pursuing this litigation.

Date: January 18, 2019

LEVIN SEDRAN & BERMAN LLP

BY:

  
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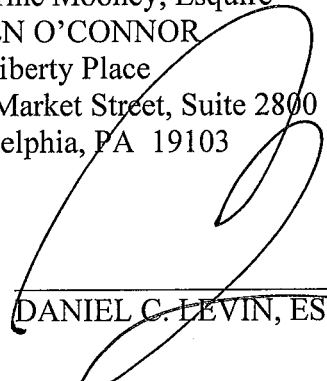
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*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

This is to certify that on this 18<sup>th</sup> day of January, 2019, I have served a true and correct copy of a Plaintiff's First Amended Class Action Complaint upon the below counsel via First Class Mail.

Katharine Mooney, Esquire  
COZEN O'CONNOR  
One Liberty Place  
1650 Market Street, Suite 2800  
Philadelphia, PA 19103



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DANIEL C. LEVIN, ESQUIRE

# EXHIBIT A

# CCC ONE MARKET VALUATION REPORT

Prepared for ALLSTATE FIRE &amp; CASUALTY INS CO



## REPORT SUMMARY



### CLAIM INFORMATION

Owner	Erby, Michael 316 Cloudless Sky Dr, null, null Mechanicsburg, PA 17050-3804
Loss Vehicle	2014 Honda Accord Sedan EX-L w/ Continuously Variable Transmission
Loss Incident Date	08/25/2016
Claim Reported	09/09/2016

The CCC ONE® Market Valuation Report reflects CCC Information Services Inc.'s opinion as to the value of the loss vehicle, based on information provided to CCC by ALLSTATE FIRE & CASUALTY INS CO.

Loss vehicle has 4% greater than average mileage of 35,100.



### INSURANCE INFORMATION

Report Reference Number	82122968 -3
Claim Reference	000426372892B03
Adjuster	Tackack, Scott
Odometer	36,413
Last Updated	11/16/2016 02:40 PM

#### PENNSYLVANIA STATEWIDE VALUE

The Pennsylvania Statewide Value is based on all Pennsylvania valuations for a similarly equipped 2014 Honda Accord Sedan EX-L



### VALUATION SUMMARY

<b>Pennsylvania Statewide Value</b>	<b>\$ 18,195.00</b>
<b>Base Vehicle Value</b>	<b>\$ 18,094.00</b>
<b>CCC Valuation (average of statewide and base vehicle values)</b>	<b>\$ 18,144.50</b>
<b>Adjusted Vehicle Value</b>	<b>\$ 18,144.50</b>
ADJUSTMENT TO SETTLE	+ \$ 900.00
DMV FEE	+ \$ 60.00

<b>Total</b>	<b>\$ 19,104.50</b>
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#### BASE VEHICLE VALUE

This is derived from comparable vehicle(s) available or recently available in the marketplace at the time of valuation, per our valuation methodology described on the next page.

#### ADJUSTED VEHICLE VALUE

This is determined by adjusting the CCC Valuation Amount to account for the actual condition of the loss vehicle and certain other reported attributes, if any, such as refurbishments and after factory equipment.

Appraiser's Signature: .....

The total may not represent the total of the settlement as other factors (e.g. license and fees) may need to be taken into account.

#### Inside the Report

Valuation Methodology.....	2
Vehicle Information.....	3
Vehicle Condition.....	6
Comparable Vehicles.....	7
Valuation Notes.....	10
Supplemental Information.....	11

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03

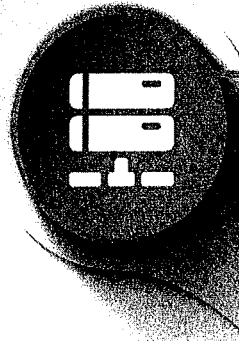
## VALUATION METHODOLOGY

### How was the valuation determined?



#### CLAIM INSPECTION

ALLSTATE FIRE & CASUALTY INS CO has provided CCC with the zip code where the loss vehicle is garaged, loss vehicle VIN, mileage, equipment, as well as loss vehicle condition, which is used to assist in determining the value of the loss vehicle.

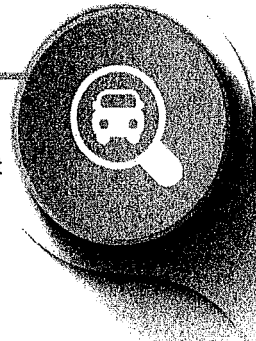


#### DATABASE REVIEW

CCC maintains an extensive database of vehicles that currently are or recently were available for sale in the U.S. This database includes vehicles that CCC employees have physically inspected, as well as vehicles advertised for sale by dealerships or private parties. All of these sources are updated regularly.

#### SEARCH FOR COMPARABLES

When a valuation is created the database is searched and comparable vehicles in the area are selected. The zip code where the loss vehicle is garaged determines the starting point for the search. Comparable vehicles are similar to the loss vehicle based on relevant factors.

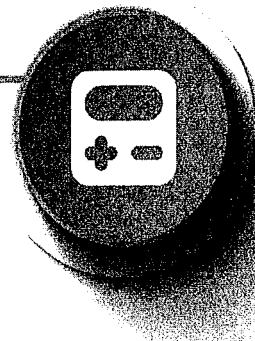


#### CALCULATE BASE VEHICLE VALUE

Adjustments to the price of the selected comparable vehicles are made to reflect differences in vehicle attributes, including mileage and options. Dollar adjustments are based upon market research.

Finally, the Base Vehicle Value is the weighted average of the adjusted values of the comparable vehicles based on the following factors:

- Source of the data (such as inspected versus advertised)
- Similarity (such as equipment, mileage, and year)
- Proximity to the loss vehicle's primary garage location
- Recency of information



# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03



## VEHICLE INFORMATION

### VEHICLE DETAILS

Location	MECHANICSBURG, PA 17050-3804
VIN	1HGCR2F89EA211213
Year	2014
Make	Honda
Model	Accord Sedan
Trim	EX-L
Body Style	w/Continuously Variable Transmission
Body Type	Sedan
Engine -	
Cylinders	4
Displacement	2.4L
Fuel Type	Gasoline
Carburation	Gasoline Direct Injection
Transmission	Automatic Transmission
Curb Weight	3358 lbs

Vehicles sold in the United States are required to have a manufacturer assigned Vehicle Identification Number(VIN). This number provides certain specifications of the vehicle.

Please review the information in the Vehicle Information Section to confirm the reported mileage and to verify that the information accurately reflects the options, additional equipment or other aspects of the loss vehicle that may impact the value.

### VEHICLE ALLOWANCES

Odometer	36,413	- 187
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Allowances are factors influencing the value of the loss vehicle when compared to a typical vehicle. The typical vehicle is a vehicle of the same year, make, and model as the loss vehicle, including average mileage, and all standard equipment. These allowances are displayed for illustrative purposes only.

The Base Vehicle Value is calculated from the comparable vehicles with adjustments to reflect the loss vehicle configuration

### VEHICLE HISTORY SUMMARY

CCC VINguard®	1 Possible Total Loss
Experian AutoCheck	Title Check
Insurance Services Organization/ National Insurance Crime Bureau	4 Records Found
National Highway Traffic Safety Administration	1 Recall

Using the VIN for this vehicle, VINguard® detected discrepancies or prior history requiring additional research.

See Supplemental Information section for additional details.

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03



## VEHICLE INFORMATION

### VEHICLE EQUIPMENT

<b>Odometer</b>	36,413	
<b>Transmission</b>	Automatic Transmission	
<b>Power</b>	Power Steering	
	Power Brakes	
	Power Windows	
	Power Locks	
	Power Mirrors	
	Power Driver Seat	
	Power Passenger Seat	
	Power Trunk/Gate Release	
<b>Decor/Convenience</b>	Air Conditioning	
	Climate Control	
	Tilt Wheel	
	Cruise Control	
	Rear Defogger	
	Intermittent Wipers	
	Console/Storage	
	Overhead Console	
	Memory Package	
	Keyless Entry	
	Telescopic Wheel	
	Message Center	
<b>Seating</b>	Bucket Seats	
	Leather Seats	
	Heated Seats	
<b>Radio</b>	AM Radio	
	FM Radio	
	Stereo	
	Search/Seek	
	CD Player	
	Steering Wheel Touch Controls	
	Auxiliary Audio Connection	

To the left is the equipment of the loss vehicle that ALLSTATE FIRE & CASUALTY INS CO provided to CCC.

**Standard** This equipment is included in the base configuration of the vehicle at time of purchase.

**Additional** Equipment that is not Standard but was noted to be on the loss vehicle.

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03



## VEHICLE INFORMATION

### VEHICLE EQUIPMENT

	Satellite Radio	✓
Wheels	Aluminum/Alloy Wheels	✓
Roof	Electric Glass Roof	✓
Safety/Brakes	Air Bag (Driver Only)	✓
	Passenger Air Bag	✓
	Anti-lock Brakes (4)	✓
	4-wheel Disc Brakes	✓
	Front Side Impact Air Bags	✓
	Head/Curtain Air Bags	✓
	Backup Camera W/ Parking Sensors	✓
	Hands Free	✓
	Alarm	✓
	Traction Control	✓
	Stability Control	✓
	Lane Departure Warning	✓
Exterior/Paint/Glass	Dual Mirrors	✓
	Heated Mirrors	✓
	Tinted Glass	✓
	Fog Lamps	✓
	Signal Integrated Mirrors	✓
	Clearcoat Paint	✓
	Metallic Paint	✗

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03



## VEHICLE CONDITION

### COMPONENT CONDITION

	Condition	Inspection Notes	Value Impact
<b>INTERIOR</b>			
Seats	PRIVATE OWNER		\$ 0
Carpets	PRIVATE OWNER		\$ 0
Dashboard	PRIVATE OWNER		\$ 0
Headliner	PRIVATE OWNER		\$ 0
<b>EXTERIOR</b>			
Sheet Metal	PRIVATE OWNER		\$ 0
Trim	PRIVATE OWNER		\$ 0
Paint	PRIVATE OWNER		\$ 0
Glass	PRIVATE OWNER		\$ 0
<b>MECHANICAL</b>			
Engine	PRIVATE OWNER		\$ 0
Transmission	PRIVATE OWNER		\$ 0
<b>TIRES</b>			
Front Tires	PRIVATE OWNER		\$ 0
Rear Tires	PRIVATE OWNER		\$ 0
<b>Total Condition Adjustments</b>			<b>\$ 0</b>

ALLSTATE FIRE & CASUALTY INS CO uses condition inspection guidelines to determine the condition of key components of the loss vehicle prior to the loss. The guidelines describe physical characteristics for these key components, for the condition selected based upon age. Inspection Notes reflect observations from the appraiser regarding the loss vehicle's condition.

CCC makes dollar adjustments that reflect the impact the reported condition has on the value of the loss vehicle as compared to Private Owner condition. These dollar adjustments are based upon interviews with dealerships across the United States.

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03



## COMPARABLE VEHICLES

Source	Vehicle	Price	Adjusted Comparable Value
<b>Comp 1</b>			
Source: Inspected Inventory Brenner Chrysler/jeep Mechanicsburg, PA (717) 766-7685 3 Miles From Mechanicsburg, PA	<b>2014 Honda Accord Sedan</b> <b>Ex-I W/continuously</b> <b>Variable Transmission</b> <b>Pzev 4 2.4I Gasoline</b> <b>Gasoline Direct Injection</b> Odometer: 18,208 VIN: 1HGCR2F84EA191341 Stock #: JG291B Updated Date: 06/22/2016	\$ 22,977 (Take)	\$ 19,111
<b>Comp 2</b>			
Source: Inspected Inventory Bobby Rahal Honda Mechanicsburg, PA (888) 665-0180 3 Miles From Mechanicsburg, PA	<b>2014 Honda Accord Sedan</b> <b>Ex-I W/continuously</b> <b>Variable Transmission</b> <b>Pzev 4 2.4I Gasoline</b> <b>Gasoline Direct Injection</b> Odometer: 32,298 VIN: 1HGCR2F83EA085947 Stock #: P7768 Updated Date: 08/01/2016	\$ 21,212 (Take)	\$ 18,418
<b>Comp 3</b>			
Source: Inspected Inventory Apple Honda York, PA (800) 960-9041 22 Miles From Mechanicsburg, PA	<b>2014 Honda Accord Sedan</b> <b>Ex-I W/continuously</b> <b>Variable Transmission</b> <b>Pzev 4 2.4I Gasoline</b> <b>Gasoline Direct Injection</b> Odometer: 23,200 VIN: 1HGCR2F81EA123451 Stock #: 160827A Updated Date: 08/24/2016	\$ 21,989 (Take)	\$ 18,711
<b>Comp 4</b>			
Source: Autotrader Bob Ruth Ford Dillsburg, PA (717) 432-9614 10 Miles From Mechanicsburg, PA	<b>2014 Honda Accord Sedan</b> <b>Ex-I W/continuously</b> <b>Variable Transmission</b> <b>Pzev 4 2.4I Gasoline</b> <b>Gasoline Direct Injection</b> Odometer: 32,887 VIN: 1HGCR2F8XEA279911 Stock #: SV1224 Updated Date: 07/01/2016	\$ 19,940 (List)	\$ 17,928
<b>Comp 5</b>			

Comparable vehicles used in the determination of the Base Vehicle Value are not intended to be replacement vehicles but are reflective of the market value, and may no longer be available for sale.

**List Price** is the sticker price of an inspected dealer vehicle and the advertised price for the advertised vehicle.

**Take Price** is the amount that the dealership will accept to sell the inspected vehicle, though a lower price may be obtainable through negotiation.

**Distance** is based upon a straight line between loss and comparable vehicle locations.

**Adjusted Comparable Value** represents the price of the comparable vehicle with adjustments for options, mileage, condition, and year/model/trim as compared to the loss vehicle.

A condition adjustment is also made to set the comparable vehicle to Private Owner condition, which the loss vehicle is also compared to in the Vehicle Condition section.

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03



## COMPARABLE VEHICLES

Source: Autotrader	<b>2014 Honda Accord Sedan</b>	\$ 19,784	\$ 18,458
Faulkner Honda	<b>Ex-I W/continuously</b>	(List)	
Harrisburg, PA	<b>Variable Transmission</b>		
(717) 346-0191	<b>Pzev 4 2.4I Gasoline</b>		
10 Miles From Mechanicsburg, PA	<b>Gasoline Direct Injection</b>		
	Odometer: 37,777		
	VIN: 1HGCR2F80EA236081		
	Stock #: EA236081A		
	Updated Date: 08/08/2016		

### Comp 6

Source: Autotrader	<b>2014 Honda Accord Sedan</b>	\$ 20,297	\$ 17,796
Faulkner Honda	<b>Ex-I W/continuously</b>	(List)	
Harrisburg, PA	<b>Variable Transmission</b>		
(717) 346-0191	<b>Pzev 4 2.4I Gasoline</b>		
10 Miles From Mechanicsburg, PA	<b>Gasoline Direct Injection</b>		
	Odometer: 29,304		
	VIN: 1HGCR2F81EA089415		
	Stock #: EA089415A		
	Updated Date: 08/23/2016		

### Comp 7

Source: Autotrader	<b>2014 Honda Accord Sedan</b>	\$ 19,308	\$ 16,709
Faulkner Honda	<b>Ex-I W/continuously</b>	(List)	
Harrisburg, PA	<b>Variable Transmission</b>		
(717) 346-0191	<b>Pzev 4 2.4I Gasoline</b>		
10 Miles From Mechanicsburg, PA	<b>Gasoline Direct Injection</b>		
	Odometer: 28,560		
	VIN: 1HGCR2F89EA094166		
	Stock #: EA094166A		
	Updated Date: 08/23/2016		

### Comp 8

Source: Autotrader	<b>2014 Honda Accord Sedan</b>	\$ 19,408	\$ 16,465
Faulkner Honda	<b>Ex-I W/continuously</b>	(List)	
Harrisburg, PA	<b>Variable Transmission</b>		
(717) 346-0191	<b>Pzev 4 2.4I Gasoline</b>		
10 Miles From Mechanicsburg, PA	<b>Gasoline Direct Injection</b>		
	Odometer: 25,896		
	VIN: 1HGCR2F8XEA186435		
	Stock #: EA186435A		
	Updated Date: 08/23/2016		

### Comp 9

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03



## COMPARABLE VEHICLES

Source: Autotrader	<b>2014 Honda Accord Sedan</b>	\$ 21,404	\$ 17,698
Faulkner Honda	<b>Ex-I W/continuously</b>	(List)	
Harrisburg, PA	<b>Variable Transmission</b>		
(717) 213-3378	<b>Pzev 4 2.4I Gasoline</b>		
10 Miles From Mechanicsburg, PA	<b>Gasoline Direct Injection</b>		
	Odometer: 19,604		
	VIN: 1HGCR2F86EA211220		
	Stock #: EA211220A		
	Updated Date: 06/27/2016		

### Comp 10

Source: Autotrader	<b>2014 Honda Accord Sedan</b>	\$ 19,887	\$ 18,586
Hoffman Ford	<b>Ex-I W/continuously</b>	(List)	
Harrisburg, PA	<b>Variable Transmission</b>		
(800) 781-2497	<b>Pzev 4 2.4I Gasoline</b>		
12 Miles From Mechanicsburg, PA	<b>Gasoline Direct Injection</b>		
	Odometer: 43,784		
	VIN: 1HGCR2F82EA177633		
	Stock #: 710391		
	Updated Date: 08/24/2016		

### Comp 11

Source: Autotrader	<b>2014 Honda Accord Sedan</b>	\$ 17,698	\$ 18,939
Ciocca Honda	<b>Ex-I W/continuously</b>	(List)	
Harrisburg, PA	<b>Variable Transmission</b>		
(717) 901-4700	<b>Pzev 4 2.4I Gasoline</b>		
12 Miles From Mechanicsburg, PA	<b>Gasoline Direct Injection</b>		
	Odometer: 68,796		
	VIN: 1HGCR2F80EA013913		
	Stock #: H143913		
	Updated Date: 07/19/2016		

### Comp 12

Source: Autotrader	<b>2014 Honda Accord Sedan</b>	\$ 20,484	\$ 16,144
Ciocca Honda	<b>Ex-I W/continuously</b>	(List)	
Harrisburg, PA	<b>Variable Transmission</b>		
(717) 901-4700	<b>Pzev 4 2.4I Gasoline</b>		
12 Miles From Mechanicsburg, PA	<b>Gasoline Direct Injection</b>		
	Odometer: 13,909		
	VIN: 1HGCR2F86EA296740		
	Stock #: H146740		
	Updated Date: 07/25/2016		

## CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03



### VALUATION NOTES

11/16/2016 14:40 - Pre/Post Tax data modified after Valuation

11/16/2016 14:40 - PVADJ CHANGE REQUESTED BY: ADJUSTER,UNKNOWN(UNK)

11/16/2016 14:39 - Sales Tax data modified after Valuation

11/16/2016 14:39 - Pre/Post Tax data modified after Valuation

11/16/2016 14:39 - PVADJ CHANGE REQUESTED BY: TACKACK,SCOTT(CHV6V)

This Market Valuation Report has been prepared exclusively for use by ALLSTATE FIRE & CASUALTY INS CO, and no other person or entity is entitled to or should rely upon this Market Valuation Report and/or any of its contents. CCC is one source of vehicle valuations, and there are other valuation sources available.

Regulations concerning vehicle value include Pennsylvania Administrative Code Section 62.3. Any person who knowingly and with intent to injure or defraud any insurer files an application or claim containing any false, incomplete, or misleading information shall, upon conviction, be subject to imprisonment for up to seven years and payment of a fine of up to \$15,000.

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03

## SUPPLEMENTAL INFORMATION



### VEHICLE HISTORY INFORMATION

Using the VIN for this vehicle, VINguard® detected discrepancies or prior history requiring additional research. Please review the information detailed below.

#### VINguard®

VINguard® Message: VINguard has decoded this VIN without any errors

#### Previous Total Loss Submission:

Duplicate VIN 82123413 - previously submitted by ALLSTATE8007764510  
on 09/09/2016 claim ref # 000426372892b03 in  
MECHANICSBURG, PA

#### ISO Vehicle History:

<b>Number of times reported to ISO:</b>	4
<b>ISO's file number:</b>	H0246226237
Loss date:	08/25/2016
Claim ref:	000426372892B03
Point of Impact:	Right Front
Mileage:	0036413
ISO notified:	09/09/2016
Loss date:	06/10/2015
Phone:	0000000000
Claim ref:	PAFPA01150500199EXP1
Loss date:	08/25/2016
Phone:	7175407500
Claim ref:	0426372892
Loss date:	08/25/2016
Phone:	0000000000
Claim ref:	PAFPA01160597219EXP1

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03

## SUPPLEMENTAL INFORMATION



### EXPERIAN® AUTOCHECK® VEHICLE HISTORY REPORT

#### TITLE CHECK

Abandoned	✓ No Abandoned Record Found
Damaged	✓ No Damaged Record Found
Fire Damage	✓ No Fire Damage Record Found
Grey Market	✓ No Grey Market Record Found
Hail Damage	✓ No Hail Damage Record Found
Insurance Loss	● Insurance Loss Record Found
Junk	✓ No Junk Record Found
Rebuilt	✓ No Rebuilt Record Found
Salvage	✓ No Salvage Record Found

#### EVENT CHECK

NHTSA Crash Test Vehicle	✓ No NHTSA Crash Test Vehicle Record Found
Frame Damage	✓ No Frame Damage Record Found
Major Damage Incident	✓ No Major Damage Incident Record Found
Manufacturer Buyback/Lemon	✓ No Manufacturer Buyback/Lemon Record Found
Odometer Problem	✓ No Odometer Problem Record Found
Recycled	✓ No Recycled Record Found
Water Damage	✓ No Water Damage Record Found
Salvage Auction	✓ No Salvage Auction Record Found

#### VEHICLE INFORMATION

Accident	● Accident Record Found
Corrected Title	✓ No Corrected Title Record Found
Driver Education	✓ No Driver Education Record Found
Fire Damage Incident	✓ No Fire Damage Incident Record Found
Lease	✓ No Lease Record Found
Lien	✓ No Lien Record Found
Livery Use	✓ No Livery Use Record Found
Government Use	✓ No Government Use Record Found
Police Use	✓ No Police Use Record Found
Fleet	✓ No Fleet Record Found
Rental	✓ No Rental Record Found
Fleet and/or Rental	✓ No Fleet and/or Rental Record Found
Reposessed	✓ No Reposessed Record Found
Taxi use	✓ No Taxi use Record Found
Theft	✓ No Theft Record Found
Fleet and/or Lease	✓ No Fleet and/or Lease Record Found
Emissions Safety Inspection	✓ No Emissions Safety Inspection Record Found
Duplicate Title	✓ No Duplicate Title Record Found

#### RESULTS FOUND

#### RESULTS FOUND

#### RESULTS FOUND

CCC provides ALLSTATE FIRE & CASUALTY INS CO information reported by Experian regarding the 2014 Honda Accord Sedan (1HGCR2F89EA211213). This data is provided for informational purposes. Unless otherwise noted in this Valuation Detail, CCC does not adjust the value of the loss vehicle based upon this information.

#### LEGEND :

- ✓ No Event Found
- Event Found
- Information Needed

#### TITLE CHECK

##### EVENT FOUND

AutoCheck's database for this loss vehicle found historical events that might indicate a significant automotive problem. These problems can indicate past automotive damage or warnings associated with the vehicle title:

#### EVENT CHECK

##### THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss vehicle show no historical events that indicate a significant automotive problem. These problems can indicate past previous car damage, theft, or other significant problems.

#### VEHICLE INFORMATION

##### INFORMATION FOUND

AutoCheck found additional information on this vehicle. These records will provide more history for this loss vehicle

#### ODOMETER CHECK

##### THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss vehicle show no indication of odometer rollback or tampering was found. AutoCheck determines odometer rollbacks by searching for records that indicate odometer readings less than a previously reported value. Other odometer events can report events of tampering, or possible odometer breakage.

# CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03

## SUPPLEMENTAL INFORMATION



**FULL HISTORY REPORT RUN DATE: 11/16/2016**

Below are the historical events for this vehicle listed in chronological order.

EVENT DATE	RESULTS FOUND	ODOMETER READING	DATA SOURCE	EVENT DETAIL
06/24/2014	PA	12	Motor Vehicle Dept.	TITLE (Lease Reported)
06/24/2014	MECHANICSBURG, PA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL (Lease Reported)
09/30/2015	MECHANICSBURG, PA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
08/25/2016	PA		Auto Insurance Source	VEHICLE REPORTED AS TOTAL LOSS
08/25/2016	CUMBERLAND COUNTY, PA		State Agency	ACCIDENT REPORTED
08/25/2016	PA		Police Report	LEFT FRONT IMPACT COLLISION
08/25/2016	PA		Police Report	ACCIDENT REPORTED
08/25/2016	PA		Police Report	AIR BAG DEPLOYED
08/25/2016	PA		State Agency	VEHICLE DAMAGE REPORTED AS DISABLING
08/25/2016	PA		Police Report	VEHICLE WAS TOWED

### AUTOCHECK TERMS AND CONDITIONS:

Experian's Reports are compiled from multiple sources. It is not always possible for Experian to obtain complete discrepancy information on all vehicles; therefore, there may be other title brands, odometer readings or discrepancies that apply to a vehicle that are not reflected on that vehicle's Report. Experian searches data from additional sources where possible, but all discrepancies may not be reflected on the Report.

These Reports are based on information supplied to Experian by external sources believed to be reliable, BUT NO RESPONSIBILITY IS ASSUMED BY EXPERIAN OR ITS AGENTS FOR ERRORS, INACCURACIES OR OMISSIONS. THE REPORTS ARE PROVIDED STRICTLY ON AN "AS IS WHERE IS" BASIS, AND EXPERIAN FURTHER EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE REGARDING THIS REPORT.

YOU AGREE TO INDEMNIFY EXPERIAN FOR ANY CLAIMS OR LOSSES, INCLUDING COSTS, EXPENSES AND ATTORNEYS FEES, INCURRED BY EXPERIAN ARISING DIRECTLY OR INDIRECTLY FROM YOUR IMPROPER OR UNAUTHORIZED USE OF AUTOCHECK VEHICLE HISTORY REPORTS.

Experian shall not be liable for any delay or failure to provide an accurate report if and to the extent which such delay or failure is caused by events beyond the reasonable control of Experian, including, without limitation, "acts of God", terrorism, or public enemies, labor disputes, equipment malfunctions, material or component shortages, supplier failures, embargoes, rationing, acts of local, state or national governments, or public agencies, utility or communication failures or delays, fire, earthquakes, flood, epidemics, riots and strikes.

These terms and the relationship between you and Experian shall be governed by the laws of the State of Illinois (USA) without regard to its conflict of law provisions. You and Experian agree to submit to the personal and exclusive jurisdiction of the courts located within the county of Cook, Illinois.

## CCC ONE MARKET VALUATION REPORT

Owner: Erby, Michael  
Claim: 000426372892B03

### SUPPLEMENTAL INFORMATION



#### NHTSA VEHICLE RECALL

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The National Highway Traffic Safety Administration has issued 1 safety related recall notices that may apply to the above valued vehicle.

**NHTSA Campaign ID :** 15V121000

**Mfg's Report Date :** MAR 01, 2015

**Component :** ENGINE AND ENGINE COOLING:ENGINE

**Potential Number Of Units Affected :** 137

**Summary :** American Honda Motor Co. (Honda) is recalling certain model year 2014 Accord L4 vehicles manufactured July 29, 2014, to July 31, 2014, 2015 Accord L4 vehicles manufactured August 14, 2014, to January 30, 2015, and 2015 CR-V vehicles manufactured September 9, 2014, to February 6, 2015. The affected vehicles may have been assembled with improperly torqued connecting rod bolts, which can cause the engine to lose power or leak oil.

**Consequence :** Loss of engine power may result in a vehicle stall, increasing the risk of a crash. If the engine leaks oil in the proximity of hot engine or exhaust components, there is an increased risk of a fire.

**Remedy :** Honda will notify owners, and dealers will replace the engine short block, free of charge. The recall began on March 27, 2015. Owners may contact Honda customer service at 1-888-234-2138. Honda's number for this recall is JP2 (for Accord models) and JP3 (for CR-V models).

**Dates Of Manufacture :** JUL 28, 2014 to JUL 30, 2014

**Manufacturer Recall No. :** JP2-Accord, JP3-CR-V

# EXHIBIT B

**Request for Lien Payoff Statement  
&  
Title Release Authorization**

Date: 11/17/16

Lender: Honda Lease Trust

Street: 201 Little Falls Dr.

City/State/Zip: Wilmington, DE 19808-1674

Lender Phone Number: 800-916-9939

Borrower: Michael Erby

Vehicle Description: 2014 honda accord

VIN #: 1hgc2f89ea211213

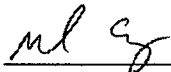
Account Number: 183458441

Claim Number: 0426372892 - erby

To Whom It May Concern:

**Request for Lien Payoff Statement**

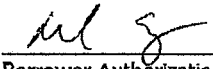
I hereby authorize the release of financial information regarding the above referenced vehicle and account, to the Allstate Insurance Company in regard to the above referenced account.



Borrower Authorization (Signature required)

**Title Release Authorization**

I hereby authorize the release and mailing of the Certificate of Title (in regard to the above referenced account) directly to the Allstate Insurance Company upon the lender's receipt of Allstate's settlement check.



Borrower Authorization (Signature required)

**FRAUD PREVENTION - PENNSYLVANIA WARNING**

Any person who knowingly and with intent to injure or defraud any insurer files an application or claim containing any false, incomplete or misleading information shall, upon conviction, be subject to imprisonment for up to seven years and payment of a fine of up to \$15,000.

SHANNON HARP