



KAHN V ALLSTATE
(ALL-IN-ONE)

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TABLE OF CONTENTS | KAHN V ALLSTATE

#	ID	Caption	Doc	Page
1	0007-01	<i>Kahn v Allstate, 3:06-cv-00731</i>	C	4
-	Appendix			37



DISCRIMINATION LAWSUITS FILED AGAINST
ALLSTATE INSURANCE COMPANY

SOVEREIGN: US | Federal

CIRCUIT: 11th Circuit

DISTRICT: USFLMD



0007-01

KAHN v ALLSTATE

3:06-CV-00731

CAPTION: *Kahn v Allstate*, 3:06-cv-00731 (USFLMD 2006)

DISTRICT: USFLMD

CASE NO: 3:06-cv-00731

CASE TYPE: Employment Discrimination

CHARGES: race, retal, sex

WEBPAGE: 0007_01.html

DOCKET: <https://ecf.flmd.uscourts.gov>

DOCKET ENTRY: {#1}

DOCUMENT: Complaint

DATE: 5/1/2006

PAGES: 32



By: Bruce Preissman
 I.D.#: 69996
 715 Cherry Lane, Suite 4
 Southampton, PA 18966
 (215) 322-6990

Attorney for Plaintiff

D.A.B.
 APR 11 2006

ELISE KAIN : COURT OF COMMON PLEAS
 262 Leedom Way : BUCKS COUNTY
 Newtown, PA 18940 : CIVIL TRIAL DIVISION
 Plaintiff, :

vs.

: NO.

0602211 30 - d

AMERICAN HERITAGE LIFE :
 INSURANCE COMPANY :
 individually and/or trading as :
 ALLSTATE FINANCIAL and/or :
 ALLSTATE FINANCIAL WORKPLACE DIVISION: :
 1776 American Heritage Life Drive :
 Jacksonville, FL 32224-6688 :
 and/or :
 ALLSTATE FINANCIAL CORPORATION :
 individually and/or trading as :
 ALLSTATE FINANCIAL and/or :
 ALLSTATE FINANCIAL WORKPLACE DIVISION: :
 2775 Sanders Road :
 Northbrook, IL 60062 :
 and/or :
 ALLSTATE INSURANCE COMPANY :
 Individually and/or trading as :
 ALLSTATE FINANCIAL and/or :
 ALLSTATE FINANCIAL WORKPLACE DIVISION: :
 2775 Sanders Road :
 Northbrook, IL 60062 :
 and/or :
 THE ALLSTATE CORPORATION :
 Individually and/or trading as :
 ALLSTATE FINANCIAL and/or :
 ALLSTATE FINANCIAL WORKPLACE DIVISION: :
 2775 Sanders Road :
 Northbrook, IL 60062 :
 Defendants :

RECEIVED
 PROthonotary
 OF BUCKS COUNTY
 APR 15 AM 10:06

CIVIL ACTION COMPLAINT

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 GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Bucks County Bar Association
135 East State Street, P.O. Box 300
Doylestown, Pennsylvania 18901
(215) 348-9413 or 1-(800)-273-2929

CIVIL ACTION COMPLAINT

PARTIES

1. Plaintiff, Elise Kahn, is an adult individual residing at 262 Leedom Way, Newtown, PA 18940.
2. Defendant, American Heritage Life Insurance Company (hereinafter "AHL"), is a Florida Corporation, that also trades as Allstate Financial and/or Allstate Financial Workplace Division, that maintains a principal place of business at 1776 American Heritage Life Drive, Jacksonville, FL 32224-6688.
3. Defendant, Allstate Financial Corporation, is an Illinois Corporation, that also trades as Allstate Financial and/or Allstate Financial Workplace Division, that maintains a principal place of business at 2775 Sanders Road, Northbrook, IL 60062 which can also be served c/o CT Corporation System, 208 South Lasalle Street, Suite 814, Chicago, IL 60604-1101.
4. Defendant, Allstate Insurance Company, is an Illinois Corporation, that also trades as Allstate Financial and/or Allstate Financial Workplace Division, that maintains a principal place of business at 2775 Sanders Road, Northbrook, IL 60062.
5. Defendant, The Allstate Corporation, is a Delaware Corporation, that also trades as American Heritage Life Insurance Company and/or Allstate Financial and/or Allstate Financial Workplace Division, that maintains a principal place of business at 2775 Sanders Road, Northbrook, IL 60062.

JURISDICTION

6. This Court has jurisdiction over plaintiff's claims pursuant to the Pennsylvania Human Relations Act, 43 P.S. §951 et seq. (hereinafter "PHRA").

FACTUAL BACKGROUND

7. Plaintiff began working for AHL in or about December 2000.

8. In or about that same period of time, Plaintiff was appointed to sell several types of Defendants' insurance products.

9. On or about July 17, 2001 Plaintiff had a first meeting with a representative of the Philadelphia Federal Credit Union (hereinafter "PFCU") for the purpose of selling Defendants' supplemental benefits products.

10. With thousands of members and employees, the PFCU had the potential to be a very large and lucrative account.

11. In or about September/October 2001 Plaintiff had a meeting with AHL's Regional Director and Plaintiff's immediate supervisor, Thom D'Epagnier (male) (hereinafter "D' Epagnier"), wherein D'Epagnier made derogatory comments about women, especially women of Plaintiff's religious background.

12. On or about October 30, 2001, D'Epagnier informed Plaintiff that he was reducing her compensation.

13. In or about January 8-11, 2002 Plaintiff learned that D'Epagnier had assigned Jim Bower (male) the task of trying to close the PFCU account.

14. This was done without Plaintiff's knowledge in an apparent attempt to keep Plaintiff from earning any commissions and/or other compensation associated with the PFCU account.

15. On or about January 11, 2002, plaintiff discussed her concerns with AHL Field Vice President, Joe Richardson (male) (hereinafter "Richardson").

16. Richardson told plaintiff that Pat Ruscio (male), the Allstate property and casualty agent who originally set up the appointment for Plaintiff to pitch Defendants' supplemental benefits products to the PFCU, would be compensated if the deal went forward.

17. Richardson was silent as to any potential compensation for Plaintiff.

18. Thereafter, plaintiff contacted an attorney, John C. Penberthy, III (hereinafter "Penberthy").

19. On January 16, 2002, Penberthy wrote a letter to Richardson, D'Epagnier, Vice President, Donald O. Fennell (male) (hereinafter "Fennell") and Executive Vice President, David A. Bird (male) alleging, among other things, gender discrimination. (See, letter dated January 16, 2002 attached hereto as Exhibit "A".)

20. On or about January 29, 2002 Fennell wrote a letter to Plaintiff, with a copy to Penberthy, terminating Plaintiff's agent contracts and appointments 15 days hence, thereby effectively eliminating Plaintiff's ability to sell Defendants' insurance products. (See, letter dated January 29, 2002 attached hereto as Exhibit "B".)

21. The termination of the agent contracts and appointments was without cause and in retaliation for Plaintiff's complaints of discrimination.

22. Throughout this entire time period, Plaintiff continued to invest a significant amount of time and energy working on the PFCU account.

23. Defendants' were eventually successful in acquiring the PFCU account.

24. As a result of Defendants' conduct, Plaintiff did not become broker of record for the purpose of selling supplemental benefits products to the employees and/or members of the PFCU.

25. As a further result of Defendants' wrongful conduct, Plaintiff has not received any commissions and/or other compensation related to the PFCU account; nor has Plaintiff received any renewal commissions from the other account(s) she had enrolled prior to her termination.

26. On or about April 1, 2002, plaintiff filed a Complaint of Discrimination (hereinafter "first Complaint") with the Pennsylvania Human Relations Commission (hereinafter "PHRC") alleging, inter alia, gender discrimination and retaliation.

27. Said first Complaint was served by the PHRC on Defendants in or about May 2002.

28. Thereafter, Plaintiff received dunning letters from John A. Markum at Allstate Financial, dated June 28, 2002 and July 17, 2002. (See, letters dated June 28, 2002 and July 17, 2002 attached hereto as Exhibits "C" and "D".)

29. Plaintiff then received a letter dated October 18, 2002, from Gary S. Stere, General Counsel for Allstate Financial and/or American Heritage Life Insurance Company, demanding repayment of an advance/draw that Plaintiff received during part of her tenure with Defendants. (See, letter dated October 18, 2002 attached hereto as Exhibit "E".)

30. The sole method for repayment of the advance/draw was to be deductions of a portion of Plaintiff's future earnings with Defendants. (See, letter from D'Epagnier dated December 8, 2000 attached hereto as Exhibit "F".)

31. Defendants' terminated Plaintiff's employment and/or contracts and/or appointments without cause, and/or in retaliation for Plaintiff's complaints of

discrimination making repayment of the advance/draw out of future earnings with Defendants impossible.

32. As a result, and pursuant to Pennsylvania law, Plaintiff was not, and is not, legally obligated to repay said advance/draw.

33. In early August 2003, plaintiff received a collection letter from Daniel J. Lowther, Esq., P.O. Box 1027, Solana Beach, CA 92075 in which he claimed to be writing on behalf of a collection agency, Johnson & Roundtree, regarding "American Heritage/First Coloni." (See, letter dated July 29, 2003 attached hereto as Exhibit "G".)

34. On August 6, 2003 Plaintiff sent Mr. Lowther a letter pursuant to 15 U.S.C. §1692c stating that she disputed the validity of the alleged debt, that she refused to pay the alleged debt and, that she wanted Mr. Lowther and Johnson & Roundtree to cease all further communication with her. (See, letter dated August 6, 2003 attached hereto as Exhibit "H".)

35. Nevertheless, an adverse item related to same later appeared on Plaintiff's credit report.

36. It is Plaintiff's belief that said credit report had an adverse effect on one of her then pending applications for employment, effectively causing her to lose said employment opportunity.

37. Thereafter, Plaintiff then received a collection letter from William L. Goldman, Esq., in Doylestown, PA dated September 15, 2003 trying to collect the same alleged debt. (See, letter dated September 15, 2003 attached hereto as Exhibit "I".)

38. Plaintiff also received a collection letter from Francine Clair Landau, Esq., in Jacksonville, FL dated September 17, 2003 trying to collect the same alleged debt. (See, letter dated September 17, 2003 attached hereto as Exhibit "J.")

39. The above referenced conduct demonstrates an ongoing pattern of harassment, that started shortly after Defendants were served with the first Complaint that Plaintiff filed with the PHRC.

40. On or about September 2003, Plaintiff filed a second Complaint with the PHRC (hereinafter "second Complaint") alleging additional retaliation.

41. Shortly thereafter, the dunning notices stopped.

42. On or about March 18, 2004, Plaintiff received a closure letter dated March 17, 2004 from the PHRC for the first Complaint, indicating that the filing of this civil action is proper at this time.

43. On or about February 25, 2005, Plaintiff received a closure letter dated February 23, 2005 from the PHRC for the second Complaint, indicating that the filing of this civil action is proper at this time.

44. At all times material hereto Defendants were acting by and through their duly appointed employees, agents, servants and/or workmen who were acting within the course and scope of said agency and/or employment relationship with the express and/or implied permission of the Defendants.

COUNT - I
PLAINTIFF v. DEFENDANT(S)
PLAINTIFF'S CLAIMS UNDER THE PHRA

45. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1 through 44 inclusive as fully as though the same were herein set forth at length.

46. Defendants' are persons as that term is defined in the PHRA.

47. The PHRA prohibits persons from engaging in unlawful retaliation.

48. Unlawful retaliation includes, *inter alia*, retaliating against individuals who engage in protected activity.

49. Plaintiff is an individual.

50. Plaintiff's complaints of discrimination, including Penberthy's letter, constitute protected activity.

51. The filing and subsequent prosecution of the first Complaint was protected activity.

52. As outlined above, Defendants' retaliated against Plaintiff after she engaged in protected activity.

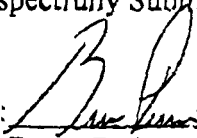
53. As a direct result of Defendants' unlawful conduct, Plaintiff has suffered substantial economic harm including, *inter alia*, lost agent appointments, lost commissions, lost benefits, lost compensation, lost contractual relationships, lost employment opportunities, lost wages and/or lost income.

54. In addition, said unlawful conduct had an adverse effect on Plaintiff's credit rating.

55. Further, Defendants' unlawful conduct caused Plaintiff significant emotional distress.

WHEREFORE, plaintiff, Elise Kahn, demands judgment against the Defendants herein named individually and/or jointly and/or severally for an amount in excess of fifty thousand dollars (\$50,000.00) plus prejudgment interest, court costs, attorneys fees, and any other relief that this Court deems appropriate.

Respectfully Submitted,

By: 
Bruce Preissman
Attorney for Plaintiff

VERIFICATION

I, ELISE KAHN, Plaintiff in this action, verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief.

I understand that false statements therein are made subject to the penalties of 18 PA C.S. § 4904, relating to unsworn falsification to authorities.

Elise Kahn

Date: 3/11/06

JP

JOHN C. PENBERTHY III, ESQUIRE

136 W. Route 38 • Moorestown, NJ 08057 • (856) 231-9922 • Fax (856) 231-9758 • Email: jpenberthy@netgate.com

John C. Penberthy
Jean Willis Penberthy

January 16, 2002

Via Regular Mail and Facsimile

Joe Richardson 610-240-3029
Field Vice President
Allstate Financial
1776 American Heritage Drive
Jacksonville, FL 32224

David Bird 904-992-2658
E.V.P.
Chief Marketing Officer
1776 American Heritage Drive
Jacksonville, FL 32224

Donald O. Fennell 904-992-2740
Vice President
Allstate Financial
1776 American Heritage Drive
Jacksonville, FL 32224

Thom D'Ephagnier 215-591-0453
501 Office Center Drive
Suite 325
Fort Washington, PA 19034

RE: Elise Kahn and American Heritage and Allstate Insurance Co.

Dear Sirs:

I represent Elise Kahn with respect to her business interests. She has informed me that American Heritage and Allstate recently breached an Independent Contractor Agreement with her and is poised to cut her out of a Commission which could exceed ten million dollars over the next five years.

Ms. Kahn, honored the written Agreement with American Heritage and brought the Philadelphia Federal Credit Union deal into Allstate over an 8-month period only to be cut out by Allstate and American Heritage at the 11th hour. This was done because:

- (a) Ms. Kahn stood to make a great deal of money on commission which will now be split between several white males who before the last few weeks one of whom had no relationship with Allstate;
- (b) Thomas D'Epagnier, acting as an agent of Allstate and American Heritage discriminated against her based on gender and racial bias;
- (c) Allstate and American Heritage persist acting in a pattern of unfair dealing as evidenced by the recent EEOC lawsuit filed on the heels of the "Mass Termination" strategy; and

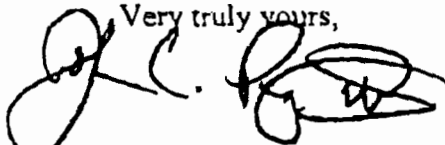
(d) The Companies have been doing business with an independent representative (Chesky), who separately contracted with the credit union to perform services, was approached by Thom D'Ephagnier of Allstate to self-deal by "selling" Allstate to the Credit Union even though he was hired to "gate-keep" the insurance brokers.

Ms. Kahn is willing to earn her commission by servicing the account and building premium dollars by using her experience and resources to expand enrollment with Allstate Products. In the alternative if Allstate wishes to no longer utilize Ms. Kahn's talents, then she expects to receive her commission dollars over the next seven years minus reasonable overhead costs (30%) of gross commissions which she is entitled to.

This demand is made for settlement purposes only and may not be used as evidence in any subsequent proceedings.

Please contact me at your earliest convenience by you wish to discuss this.

Very truly yours,

A handwritten signature in black ink, appearing to read "J.C. Penberthy, III". The signature is stylized with large, sweeping loops and a prominent "J".

JOHN C. PENBERTHY, III, ESQUIRE

JCP:slr

cc: Elise Kahn
Gene Fulgham, Esq.

01/06



Allstate.

FINANCIAL

Workplace Division

Don O. Fennell
Field Vice President

January 29, 2002

Ms. Elise Kahn
1573 Applewood Circle
Yardley, Pa 19067

Subject: Termination of All Agent Appointments

Dear Ms. Kahn:

This is to advise you that pursuant to Paragraph 4(a) of your agent contracts with American Heritage Life Insurance Company, AHL is terminating at will your agent appointment and all agent contracts, effective 15 calendar days from today. This termination effects all agent numbers with AHL to include 5LC10, 5LC30, 7NK60, 6KA00 and 7NK50. Please return all property of AHL in your possession to your regional office.

As of the effective date of this termination, you will have no authority to represent AHL in any manner. Other than for the purpose of returning AHL property, you are requested to discontinue contacting AHL or Allstate agents regarding AHL business or contacting our offices.

If you have questions regarding your contract termination, you may direct those questions to the Home Office to the attention of Mr. Gary Stere, Vice President and Legal Counsel.

We wish you the best in your future endeavors.

Sincerely,

Don Fennell

Cc. Thom D'Epagnier
John C. Penberthy, III

American Heritage Life Insurance Company



Allstate.

FINANCIAL

Workplace Division

June 28, 2002

Ms. Elise Kahn
1573 Applewood Circle
Yardley, PA 19067-5748

Dear Ms. Kahn:

A review of your American Heritage Life terminated account #5LC30 shows that your debit balance exceeds the amount of total deferred commissions. As of June 1, 2002 your debit balance was \$48,603 and your deferred commissions were \$34,628.

Please let me hear from you within the next fifteen (15) days regarding repayment of your outstanding debit balance.

Your prompt attention to this matter will be appreciated.

Very truly yours,

John A. Marcum, FLMI
Renewal Team Leader

JAM/wpc/AG2/jf

cc: Thom D'Epagnier



July 17, 2002

Ms. Elise Kahn
1573 Applewood Circle
Yardley, PA 19067-5748

Dear Ms. Kahn:

A review of your American Heritage Life terminated account #7NK60, 5LC30 shows that your debit balance exceeds the amount of total deferred commissions. As of 7-1-02 your debit balance was \$46,588 and your deferred commissions were \$28,927.

Please let me hear from you within the next fifteen (15) days regarding repayment of your outstanding debit balance.

Your prompt attention to this matter will be appreciated.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John A. Marcum".

John A. Marcum, FLMI
Renewal Team Leader

JAM/wpc/AG2/bw
cc: Melissa McClung
Jayne Silven
Robert Michael



Allstate.
FINANCIAL

Workplace Division

Gary S. Stere
Senior Vice President and
General Counsel

October 18, 2002

Ms. Elise Kahn
1573 Applewood Circle
Yardley, PA 19067-5748

Re: Debit balance with American Heritage Life
Insurance Company; Agent Numbers 5LC10, 6KA00, 7NK50 and 7NK60

Dear Ms. Kahn:

Your account with American Heritage Life Insurance Company has been referred to me for action. You were notified in writing by American Heritage Life of an outstanding debit balance, but you have made no arrangements with this company to pay such outstanding debt.

This letter is notice that American Heritage Life will initiate collection procedures and/or legal action if you do not make payment within 30 days of the date of this letter. Your current debit balance is \$39,501.00. This amount bears interest at the prime rate and is therefore increasing each month.

Your failure to pay this amount will result in the Company's taking action it, with the advice of counsel, may deem necessary for collection.

Please respond immediately before this process moves forward.

Sincerely,

Gary S. Stere

GSS/kc

cc: Mr. John A. Marcum, FLMI



AMERICAN HERITAGE LIFE

A member of the Allstate Group

December 8, 2000

Thom D'Epagnier
Regional Director
PAVNU/MD/DE/DC/NY

Ms. Elise Kahn
29-5 Potters Place
Holland, PA 18966

Dear Elise:

Bob Michael and I want to welcome you first-hand to AHL's new Benefit Specialist program. Both Bob and I feel confident in your abilities and look forward to a long, productive business partnership.

For purposes of clarity, I would like to restate what the Company's expectations are regarding your participation in the program. Your compensation will consist of a monthly advance of \$4,000. This advance is to be repaid by you by applying earned commissions of business written. In addition, you will be advanced 25% of annualized commissions, based on a Level Seven contract schedule. The remainder of these earned commissions will be applied towards repayment of your monthly loan. This program will be reviewed by Bob and me on a monthly basis.

In exchange for payment of the dollars mentioned above, the Company expects these things from you:

1. Dedication to this program. We expect you will give 100% effort to promoting AHL products through direct, Allstate, and independent brokerage sources.
2. You will prepare and submit, via e-mail, your activity report for each week. This is due each Thursday by 6:00 p.m. The report format will be furnished to you.
3. You must acquire a laptop and signature pad for use with presenting and enrolling AHL business. I will be happy to furnish you with system requirements and a source for leasing this equipment. If you wish, you may obtain your laptop through any vendor.
4. We expect you will have a convenient source for sending and receiving fax messages. Much of the information transmitted between agents, clients, and you will be handled in this manner. Ideally, you should have a dedicated line in your office for your fax.
5. We expect you to have five sales presentations to employer groups per week.

Exhibit "F"

Ms. Elise Kahn
December 8, 2000
Page 2

Elise, we are truly excited with the talents you bring to the Benefit Specialist position. I believe you have a unique opportunity to build a first class enrollment organization. Bob, AHL's Home Office, and I fully support your efforts and look forward to working with you. The Training Department is anxious for your visit during the week of December 10, 2000, and Bob and I look forward to introducing you to your assigned Allstate agents.

Once again, Welcome!

Regards,

A handwritten signature in black ink, appearing to read "Thom D'Epagnier". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thom D'Epagnier

Copy: Bob Michael

Law Office
DANIEL J. LOWTHER

P.O. Box 1027
Solana Beach, CA 92075

Date: 07/29/03

ELISE KRAVITZ KAHN
162-44-2905
543 ATWOOD CT
NEWTOWN PA 18940

A02

Re: AMERICAN HERITAGE/FIRST COLONI
Your Account #: ALL100-026629-4
Date of Loss: 07/17/02
Principal Due: 39,295.00
Interest Due: 1,087.34
Total Due: 40,382.34

Dear ELISE KRAVITZ KAHN :
162-44-2905 :

As you know, your creditor has assigned the above claim to the JOHNSON & ROUNTREE collection agency. I am writing to you today at the request of the collector handling the claim to emphasize the need for your immediate attention to the matter.

If you do not have a defense to the claim, please remit payment in full to the agency at once! Or, if that is impossible, contact the agency collector to see if other arrangements can now be made.

If you dispute the claim, please provide the agency with a written statement of the details of your dispute so that they may investigate the facts and allow your creditor to reconsider the claim or to otherwise answer your questions. Or, if you fail to resolve the dispute with the agency, they may perceive that a lawsuit against you is appropriate and necessary.

PLEASE CONTACT THE AGENCY DIRECTLY AT (800) 578-3300. Thank you.

Sincerely,

DL
Daniel J. Lowther

DJL/dl

Exhibit "G"

545 Aswood Ct
Newtown, PA 18940

August 6, 2003

----- Daniel J. Lowther
P.O. Box 1027
Solana Beach, CA 92075

Re: Account number (as listed on your letters): ALL100-025623-1

Dear Mr. Lowther,

Contrary to the assertions in your July 29, 2003 letters, I never received any correspondence from Johnson & Roundtree collection agency. Nevertheless, since you are obviously an agent for Johnson & Roundtree please allow this letter to serve as notice to both you and Johnson & Roundtree

I am writing pursuant to 15 U.S.C. §1692c to inform you that:

1. I dispute the validity of the alleged debt;
2. I refuse to pay the alleged debt; and,
3. I want you and Johnson & Roundtree to cease all further communication with me.

Sincerely,

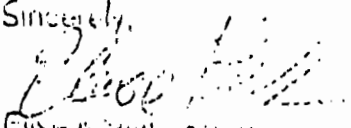

Elise K. Davis

Exhibit "H"

1001

LAW OFFICES OF

WILLIAM L. GOLDMAN, P.C.

WILLIAM L. GOLDMAN •
WILLIAM L. GOLDMAN, JR. •
JOHN D. CONNOR •
PATRICIA H. COOLIDGE

• ALSO ADMITTED IN VA.
• ALSO ADMITTED IN NJ & PA
• ALSO ADMITTED IN ME

90 EAST STATE STREET
POST OFFICE BOX 1989
DOYLESTOWN, PA 18901
(215) 348-1603 • (215) 945-8700
FAX (215) 348-5247

EASTON OFFICE:
(610) 250-8886

LOWER MERION COUNTY
ONE STONYBROOK DRIVE
POST OFFICE BOX 429
LEVITTOWN, PA 19058
(215) 945-8700

NEW JERSEY OFFICE:
(609) 397-2200

lawyers@goldmanlawoffices.com

www.goldmanlawoffices.com

RESPOND TO DOYLESTOWN OFFICE

September 15, 2003

03-0564

Ms. Elise Kravitz Kahn
543 Atwood Court
Newtown, PA 118940

**Re: American Heritage/First Colonial
Vs: Kahn, Elise Kravitz
Amount: \$40,894.54**

Dear Ms. Kahn,

Please note that I represent American Heritage/First Colonial. This matter has been referred to me for my immediate attention and review.

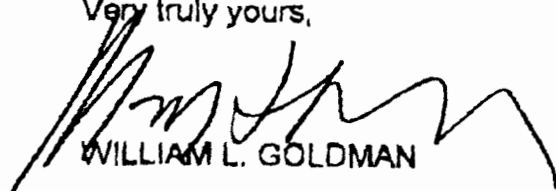
You are hereby formally notified under the prevailing Federal Law, if this account is disputed, you are to notify us in writing within 30 days, indicating the nature of the dispute.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

PLEASE NOTE that all monies must be sent directly to this office and not to our client or to any other attorney or agency.

Note that in attempting to collect this debt any information we obtain will be used for that purpose.

Very truly yours,


WILLIAM L. GOLDMAN

WLG/drl
enc

FRANCINE CLAIR LANDAU
Attorney At Law

3219 Atlantic Boulevard
Jacksonville, Florida 32207

Telephone: (904) 398-8488
Fax: (904) 398-8434

September 17, 2003

Elise Kravitz Kahn
543 Atwood Court
Newtown, PA 18940

Re: American Heritage
Balance Past Due: \$39,295.00 principal, \$1,604.09 interest

Dear Ms. Kahn:

This office represents your above-named creditor, to whom you are indebted in the amount shown. My client tells me that your account is delinquent in that no payment has been made in two years and has placed the matter with me for collection. This office, or another attorney, may be instructed to take whatever legal action is necessary to enforce payment of your account unless suitable arrangements are made.

If legal action becomes necessary, you may be required to pay all court costs and an attorney's fee, if applicable. I encourage you to contact this office within the next ten days to set up a suitable payment arrangement.

YOU MAY GOVERN YOURSELF ACCORDINGLY.

Very truly yours,

Francine Clair Landau

FCL:f

G:\DATA\DATA\COLLECTY\kahn.1tr.upd

Exhibit "J"

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELISE KAHN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. _____
AMERICAN HERITAGE LIFE	:	
INSURANCE COMPANY, ALLSTATE	:	
FINANCIAL CORPORATION,	:	
ALLSTATE INSURANCE COMPANY,	:	
and THE ALLSTATE CORPORATION,	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

Defendants American Heritage Life Insurance Company, Allstate Financial Corporation, Allstate Insurance Company, and The Allstate Corporation (collectively “Defendants”), by and through their undersigned counsel, hereby provide Notice of their Removal of the above-captioned case from the Court of Common Pleas of Bucks County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1332 and 1441(a). Removal is proper for the following reasons:

1. Plaintiff filed a Complaint in the Pennsylvania Court of Common Pleas, Bucks County, Civil Trial Division, under Docket No.: 0602211 30 - 2 (the “State Court Proceeding”), on or about March 15, 2006.
2. A copy of Plaintiff’s Complaint is attached hereto as Exhibits A.
3. Defendants received a copy of Plaintiff’s Complaint on or about April 11, 2006. This is the date the first-served Defendant was notified of the State Court Proceeding.
4. Plaintiff is a citizen and resident of Pennsylvania.

5. Defendant American Heritage Life Insurance Company is a citizen of Florida. It was incorporated and has its principal place of business in Florida. Defendant Allstate Financial Corporation is a citizen of Illinois. It was incorporated and has its principal place of business in Illinois. Defendant Allstate Insurance Corporation is a citizen of Illinois. It was incorporated and has its principal place of business in Illinois. Defendant The Allstate Corporation is a citizen of Delaware and Illinois. It was incorporated in Delaware and has its principal place of business in Illinois. Because the Plaintiff is not a citizen of the same state as any of the Defendants, there is complete diversity of citizenship among the parties.

6. In her Complaint, Plaintiff asserts *inter alia* claims against Defendants for violations of the Pennsylvania Human Relations Act (“PHRA”), 43 Pa. Stat. §§ 951-63, and seeks money damages for “substantial economic harm including lost agent appointments, lost commissions, lost compensation, lost contractual relationships, lost employment opportunities, lost wages, and/or lost income.” Plaintiff also seeks money damages for “significant emotional distress” and damage to her credit rating. In addition, the PHRA provides for an award of attorneys’ fees to prevailing plaintiffs. Therefore, in light of the allegations contained in the Complaint, including the damages alleged, it cannot be determined to any degree of legal certainty that the Plaintiff’s damages will be less than \$75,000, and the jurisdictional threshold is therefore satisfied.

7. Therefore, subject matter jurisdiction exists pursuant to 29 U.S.C. § 1132(a)(1), which provides for jurisdiction in the District Courts of the United States for actions where the amount in controversy exceeds \$75,000.00, exclusive of interests and costs, where litigation is between citizens of different states.

8. For the reasons set forth above, the present action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332.

9. Pursuant to 28 U.S.C. § 1441(b), Allstate is not a citizen of the Commonwealth of Pennsylvania, the State in which this action has been brought.

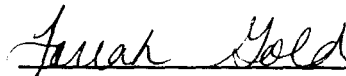
10. Under 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of Pennsylvania is the proper venue for removal jurisdiction because it embraces the place where this action is pending.

11. Pursuant to 28 U.S.C. § 1446(d), Allstate will file a certified copy of the Notice of Removal with the Court of Common Pleas of Philadelphia County, Pennsylvania and also will serve a copy upon plaintiff.

12. By filing this Notice of Removal, Allstate does not waive any defenses that may be available to it, including, but not limited to, the right to contest in personam jurisdiction, improper service of process and improper venue, in this Court or in the court from which this action has been removed.

WHEREFORE, Defendants American Heritage Life Insurance Company, Allstate Financial Corporation, Allstate Insurance Company, and The Allstate Corporation hereby remove the State Court Proceeding to the United States District Court for the Eastern District of Pennsylvania.

Respectfully Submitted,



Daniel V. Johns
Farrah I Gold
Attorney I.D. Nos. 76203 & 89865
BALLARD SPAHR ANDREWS &
INGERSOLL, LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
(215) 665-8500


Dated: May 1, 2006

Attorneys for Defendants
American Heritage Life Insurance Company,
Allstate Financial Corporation, Allstate Insurance
Company, and the Allstate Corporation

CERTIFICATE OF SERVICE

I, Farrah I. Gold, do hereby certify that on the 1st day of May, 2006, I caused a true and correct copy of Defendants' Notice of Removal to be served by first-class mail, postage prepaid, upon the following individual at the address indicated:

Bruce Preissman, Esquire
715 Cherry Lane, Suite 4
Southampton, PA 18966


Farrah I. Gold

Dated: May 1, 2006

FILED

August 8, 2006

2006 AUG 14 PM 2: 43
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

U.S. District Court FLM(1)
Middle District of Florida
Sheryl L. Loesch, Clerk
300 United States Courthouse
80 North Hughey Avenue
Orlando, Florida 32801

RE: KAHN v. AMERICAN HERITAGE LIFE INSURANCE COMPANY, ET AL.
CIVIL ACTION NO. 06-1832

3:06 CV-731-V-16TEM

Dear Clerk:


We herewith enclose the original record, together with a certified copy of the docket entries, in the above-captioned case which has been transferred to your District pursuant to the Memorandum and Order signed June 29, 2006 by Judge J. Curtis Joyner.

Kindly acknowledge receipt on the copy of the letter provided.

Very truly yours,

MICHAEL E. KUNZ
Clerk of Court

By:


Mark Ciamaichelo, Deputy Clerk

cc: Bruce Preissman, Esquire
Farrah Gold, Esquire

Received above material or record file this day of , 20 .

Signature: _____

Date: _____

CLOSED, STANDARD

United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:06-cv-01832-JCJ
Internal Use Only

2006 AUG 14 PM 2:44
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
CORAL GABLES, FLORIDA

KAHN v. AMERICAN HERITAGE LIFE INSURANCE
COMPANY et al
Assigned to: HONORABLE J. CURTIS JOYNER
Cause: 42:1983 Civil Rights Act

Date Filed: 05/01/2006
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

ELISE KAHN

represented by **BRUCE PREISSMAN**
715 CHERRY LANE
STE 4
SOUTHAMPTON, PA 18966
215-322-6990
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**AMERICAN HERITAGE LIFE
INSURANCE COMPANY**

represented by **FARRAH GOLD**
BALLARD SPAHR ANDREWS &
INGERSOLL
1735 MARKET STREET
51ST FLOOR
PHILADELPHIA, PA 19103
215-864-8280
Email: goldf@ballardspahr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**ALLSTATE FINANCIAL
CORPORATION**

represented by **FARRAH GOLD**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**ALLSTATE INSURANCE
COMPANY**

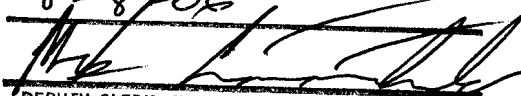
represented by **FARRAH GOLD**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A TRUE COPY CERTIFIED TO FROM THE RECORD

DATED: 8-8-06

Defendant

ATTEST:


DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

THE ALLSTATE CORPORATION

represented by **FARRAH GOLD**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/01/2006	1	NOTICE OF REMOVAL by ALLSTATE INSURANCE COMPANY, THE ALLSTATE CORPORATION, AMERICAN HERITAGE LIFE INSURANCE COMPANY, ALLSTATE FINANCIAL CORPORATION from Court of Common Pleas of Bucks County, case number 0602211 30 - 2, Certificate of Service. (Filing fee \$ 350 receipt number 928205) (ti,) Additional attachment(s) added on 5/2/2006 (ti,). (Entered: 05/02/2006)
05/01/2006		***Set/Clear Flags Set Flag Standard Case Management Track (ti,) (Entered: 05/02/2006)
05/08/2006	2	MOTION to Dismiss filed by ALLSTATE INSURANCE COMPANY, THE ALLSTATE CORPORATION, AMERICAN HERITAGE LIFE INSURANCE COMPANY, ALLSTATE FINANCIAL CORPORATION.Memorandum, Certificate of Service.(GOLD, FARRAH) (Entered: 05/08/2006)
05/22/2006	3	Answer to Defendants' Motion to Dismiss filed by ELISE KAHN, memorandum, certificate of service. (mac,) (Entered: 05/22/2006)
06/01/2006	4	Reply Memorandum of Law in Further Support 2 MOTION to Dismiss filed by ALLSTATE INSURANCE COMPANY, THE ALLSTATE CORPORATION, AMERICAN HERITAGE LIFE INSURANCE COMPANY, ALLSTATE FINANCIAL CORPORATION, Certificate of Service. (GOLD, FARRAH) Modified on 6/5/2006 (fh) (Entered: 06/01/2006)
06/12/2006	5	Original Record together with certified copy of docket entries received from Court of Common Pleas of Bucks County. (mac,) (Entered: 06/13/2006)
07/06/2006	6	MEMORANDUM AND ORDER THAT DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO STATE A CLAIM IS DENIED IN PART AND THE CLERK OF COURT IS ORDERED TO TRANSFER THIS ACTION TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA, THE REMAINDER OF DEFENDANTS' MOTION IS DENIED AS MOOT. SIGNED BY JUDGE J. CURTIS JOYNER ON 6/29/06.7/7/06 ENTERED AND COPIES MAILED AND E-MAILED. (mac,) (Entered: 07/07/2006)
07/06/2006		***Civil Case Terminated. (sf,) (Entered: 07/10/2006)
07/13/2006	7	ORDER THAT THIS COURT'S ORDER OF JUNE 29, 2006 IS HEREBY AMENDED TO ADD THE FOLLOWING PARAGRAPH: IT IS FURTHER ORDERED THAT THE DEFENDANTS ARE

		DIRECTED TO FILE THEIR ANSWER TO THE PLAINTIFF'S COMPLAINT BY AUGUST 30,2006.. SIGNED BY JUDGE J. CURTIS JOYNER ON 7/13/06. 7/13/06 ENTERED AND COPIES MAILED AND E-MAILED.(mac,) (Entered: 07/13/2006)
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APPENDIX



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CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

Congratulations! You're now ***booked up*** on this discrimination lawsuit that was filed against Allstate Insurance Company!

