

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

WILLIAM J. SCHNEIDER, CASEY
BRUCE, DIANE DOCCHIO, and
MARGARET CUSICK, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

COUNTYWIDE PETROLEUM
COMPANY, SPC REALTY COMPANY
f/k/a SUPERIOR PETROLEUM
COMPANY; OM ANSH ENTERPRISE,
INC. and BRIAN HAENZE d/b/a AUTO
GALLERY & ACCESSORIES and as
TAG TOWING AND COLLISION,

Defendants.

CIVIL DIVISION

No. GD-18-012296

**ANSWER AND NEW MATTER
TO PLAINTIFF'S AMENDED
CLASS ACTION COMPLAINT**

Filed on behalf of: Defendants,
Brian Haenze d/b/a Auto Gallery &
Accessories and Tag Towing and
Collision

Counsel of record for this party:

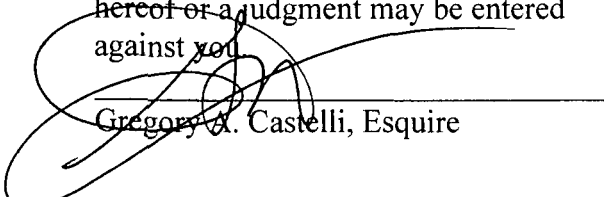
Gregory A. Castelli, Esquire
PA I.D. # 74517

Greg Castelli & Associates
2600 Brownsville Road
Pittsburgh, PA 15227

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NOTICE TO PLEAD
TO: PLAINTIFFS

You are hereby notified to file a written
Response to the enclosed Answer and New
Matter Within (20) days from service
hereof or a judgment may be entered
against you.



Gregory A. Castelli, Esquire

JURY TRIAL DEMANDED

RECORDS
CIVIL DIVISION
ALLEGHENY COUNTY
PA

19 DEC 13 PM 12:04

FILED

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Brian H. Harte

Signature: 

Name: Guy A. Orselli

Attorney No.: 74517

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AMENDED CLASS ACTION COMPLAINT**

AND NOW, comes the Defendants Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision (hereafter collectively "Defendant") and files the within Answer and New Matter to Plaintiff's Amended Class Action Complaint, and states as follows:

INTRODUCTION

1. To the extent that the allegations contained in Paragraph 1 of the Amended Class Action Complaint are directed towards this Defendant, no response is required from Brian Haenze, d/b/a Auto Gallery & Accessories and as TAG Towing and Collision. To the extent that a response is required, the allegations contained in Paragraph 1 of the Amended Class Action Complaint constitute conclusion of law to which no response is required. To the extent that a response may

be deemed required, then and only then are the allegations denied. In any event it is specifically denied that this Defendant engaged in illegal or predatory towing practices.

2. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

3. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

4. Admitted.

5. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial. In any event it is specifically denied that this party is a “hyper-vigilant towing business”. However, it is admitted that this party does tow vehicles that are parked and left unattended by individuals on the Co-Defendants private property in violation of the posted tow warning signs.

6. The facts and allegations contained in paragraph 6 are specifically denied as stated as this part has a statutory lien on said vehicles.

7. The facts and allegations contained in paragraph 7 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

THE PARTIES

8. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 8 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

9. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

10. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

11. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

12. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 12 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

13. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 13 of the Amended Class Action

Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

14. Admitted.

15. Admitted.

16. Admitted.

JURISDICTION AND VENUE

17. The facts and allegations contained in paragraph 17 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

18. The facts and allegations contained in paragraph 18 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

19. The facts and allegations contained in paragraph 19 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

FACTUAL ALLEGATIONS

I. THE BP FUELING STATIONS

20. It is admitted that there is a BP station located at 1829 West Liberty Avenue, Pittsburgh, Pennsylvania 15226, however with regards to the remainder of the facts and allegations after a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 20

21. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 21 of the Amended Class

Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

22. It is admitted that the Property Defendant and Brian Haenze have an agreement for him to tow vehicles, however, it is denied that he was ever employed by the Property Defendant.

23. Paragraph 23 is denied as stated.

II. TAG Towing

24. Admitted.

25. Admitted.

26. Paragraph 26 is denied as stated as it is admitted that Tag Towing does most of its business in Allegheny County, Pennsylvania, however with regards to no-consensual tows, after a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegation and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

27. The facts and allegations contained in paragraph 27 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

28. Although it is admitted that Tag Towing tows vehicles that are parked in violation of the posted no parking signs as requested by the property owners, the remainder of the facts and allegations are denied.

29. The facts and allegations contained in paragraph 29 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that the response is

necessary, the facts and allegations in paragraph 29 are denied insofar as they refer or state that the Defendant was engaged in any wrongful conduct.

30. The facts and allegations contained in paragraph 30 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

III. Defendants Charge Consumers More Than The Law Allows.

31. The facts and allegations contained in paragraph 31 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

32. The facts and allegations contained in paragraph 32 constitute conclusion of law to which no response is necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

33. The facts and allegations contained in paragraph 33 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

34. The facts and allegations contained in paragraph 34 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 34 are denied insofar as they refer to a statute or ordinance that speaks for itself.

35. The facts and allegations contained in paragraph 35 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary,

the allegations contained in Paragraph 35 are denied insofar as they refer to a statute or ordinance that speaks for itself.

36. The facts and allegations contained in paragraph 36 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 31 are denied insofar as they refer to a statute or ordinance that speaks for itself.

37. The facts and allegations contained in paragraph 37 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 37 are denied insofar as they refer to a writing that speaks for itself.

38. The facts and allegations contained in paragraph 38 are denied as stated.

39. The facts and allegations contained in paragraph 39 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied.

40. The facts and allegations contained in paragraph 40 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 40 are denied insofar as they refer to a writing that speaks for itself.

41. The facts and allegations contained in paragraph 41 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 41 are denied insofar as they refer to a writing that speaks for itself.

42. The facts and allegations contained in paragraph 42 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 42 are denied.

IV. TAG Towing Consistently Charges \$220-\$250 Towing Fees.

43. The allegations contained in paragraph 43 are denied.

44. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 44a, 44b, 44c, 44d, 44e of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial. Should the Court deem that a response is necessary to the facts and allegations set forth herein, they are all denied.

V. TAG Towing Had Actual knowledge of Pittsburgh's Fee Caps.

45. The facts and allegations contained in paragraph 45 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 45 are denied insofar as they refer to a statute that speaks for itself and as to TAG Towing' knowledge.

46. The facts and allegations contained in paragraph 46 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 46 are denied insofar as they refer to a statute that speaks for itself and as to TAG Towing' knowledge.

47. The facts and allegations contained in paragraph 47 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 47 are denied insofar as they refer to a statute that speaks for itself and as to TAG Towing' knowledge.

48. The facts and allegations contained in paragraph 48 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 48 are denied insofar as they refer to a statute that speaks for itself and as to TAG Towing' knowledge.

VI. Property Defendants Knew And Promoted These Illegal Towing Practices.

49. The facts and allegations contained in paragraph 49 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 49 are directed towards another party and thus a response is not required from this Defendant, and as such it is further deemed denied. As a further response, and after a reasonable investigation, this party is without information as the "property Defendant's knowledge" and as such this party is unable to form a belief as to the truthfulness of the matters set forth causing the paragraph to be further deemed denied.

50. The facts and allegations contained in paragraph 50 and paragraph 50 subsections a b and c constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 49 are directed towards another party and thus a response is not required from this Defendant, and as such it is further deemed denied. As a further response, and after a reasonable investigation, this party is without information as the “property Defendant’s knowledge” and as such this party is unable to form a belief as to the truthfulness of the matters set forth causing the paragraph to be further deemed denied.

51. The facts and allegations contained in paragraph 51 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 51 are directed towards another party and thus a response is not required from this Defendant, and as such it is further deemed denied. As a further response, and after a reasonable investigation, this party is without information as the “property Defendant’s knowledge” and as such this party is unable to form a belief as to the truthfulness of the matters set forth causing the paragraph to be further deemed denied. Furthermore, as to this parties knowledge the alleged facts set forth in paragraph 51 are specifically denied.

VII. Plaintiff’s Experience

a. William J. Schneider

52. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 52 of the Amended Class Action

Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

53. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 53 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

54. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 54 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

55. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 55 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

56. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 52 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

b. Casey Bruce

57. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 57 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

58. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 58 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

59. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 59 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

60. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 60 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

61. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 61 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

c. Diane Docchio

62. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 62 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

63. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 63 of the Amended Class Action

Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

64. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 64 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

65. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 65 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

66. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 66 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

d. Margaret Cusick

67. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 67 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

68. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 68 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

69. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 69 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

70. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 70 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

71. After a reasonable investigation this party is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 71 of the Amended Class Action Complaint and as such are deemed denied pursuant to the Pennsylvania Rules of Civil Procedure, and strict proof thereof is demanded at the time of trial.

CLASS ACTION ALLEGATIONS

72. The facts and allegations contained in paragraph 72 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 72 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

73. The facts and allegations contained in paragraph 73 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 73 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

74. The facts and allegations contained in paragraph 74 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 74 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

75. The facts and allegations contained in paragraph 75 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 75 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

76. The facts and allegations contained in paragraph 76 and 76 subsections a, b, c, d, e, and f constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 76 and 76 subsections a, b, c, d, e and f are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

77. The facts and allegations contained in paragraph 77 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 77 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

78. The facts and allegations contained in paragraph 78 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 78 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

79. The facts and allegations contained in paragraph 79 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 79 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

80. The facts and allegations contained in paragraph 80 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 80 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

81. The facts and allegations contained in paragraph 81 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 81 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

82. The facts and allegations contained in paragraph 82 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 82 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

83. The facts and allegations contained in paragraph 83 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 83 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

84. The facts and allegations contained in paragraph 84 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 84 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

85. The facts and allegations contained in paragraph 85 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 85 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

CAUSES OF ACTION

COUNT I

Asserted on behalf of Plaintiff's and Class, against All Defendants Violations of Pennsylvania's Unfair Trade Practices and Consumer Protection Law

86. Defendant incorporates here in his answers to paragraphs 1 - 85 as if fully set forth at length herein.

87. The facts and allegations contained in paragraph 87 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary,

the allegations contained in Paragraph 87 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

88. The facts and allegations contained in paragraph 88 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 88 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

89. The facts and allegations contained in paragraph 89 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 89 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

90. The facts and allegations contained in paragraph 90 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 90 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

91. The facts and allegations contained in paragraph 91 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 91 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is

specifically denied that this party or any of its agents engaged in any conduct that was fraudulent and/or deceptive which created any likelihood of confusion or of misunderstanding.

92. The facts and allegations contained in paragraph 92 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 92 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that this party or any of its agents engaged in any conduct that was fraudulent and/or deceptive which created any likelihood of confusion or of misunderstanding.

93. The facts and allegations contained in paragraph 93 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 93 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that this party or any of its agents engaged in any conduct that was fraudulent and/or deceptive which created any likelihood of confusion or of misunderstanding.

94. The facts and allegations contained in paragraph 94 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 94 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

95. The facts and allegations contained in paragraph 95 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 95 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that the Plaintiff's owed a debt as defined by the PaFCEUA but it is admitted that the lien on the Plaintiff's vehicle was created by operation of law via Pennsylvania statute.

96. The facts and allegations contained in paragraph 96 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 96 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that the Plaintiff's owed a debt as defined by the PaFCEUA but it is admitted that the lien on the Plaintiff's vehicle was created by operation of law via Pennsylvania statute. To the extent that a response is necessary, the allegations contained in Paragraph 96 are specifically denied.

97. The facts and allegations contained in paragraph 97 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 97 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that the Plaintiff's owed a debt as defined by the PaFCEUA but it is admitted that the lien on the Plaintiff's vehicle was created by operation of law via Pennsylvania statute.

98. The facts and allegations contained in paragraph 98 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 98 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that the Plaintiff's owed a debt as defined by the PaFCEUA but it is admitted that the lien on the Plaintiff's vehicle was created by operation of law via Pennsylvania statute.

99. The facts and allegations contained in paragraph 99 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 99 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that the Plaintiff's owed a debt as defined by the PaFCEUA but it is admitted that the lien on the Plaintiff's vehicle was created by operation of law via Pennsylvania statute. To the extent that a response is necessary, the allegations contained in Paragraph 99 are specifically denied.

100. The facts and allegations contained in paragraph 100 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 100 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that the Defendant and or any of its agents made any knowingly false representations/statements to the Plaintiffs. It is further denied that the Defendant and or any of his agents engaged in any fraudulent, false or deceptive behavior or made any false statements, knowing or otherwise.

101. The facts and allegations contained in paragraph 101 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 101 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself. Furthermore, should the Court require an answer, it is specifically denied that the Defendant and or any of its agents made any knowingly false representations/statements to any of the Plaintiffs. It is further denied that the Defendant and or any of his agents engaged in any fraudulent, false or deceptive behavior or made any false statements, knowing or otherwise.

102. The facts and allegations contained in paragraph 102 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 102 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

103. The facts and allegations contained in paragraph 103 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is necessary, the allegations contained in Paragraph 103 are denied insofar as they refer to a statute or Rule of Civil Procedure which speaks for itself.

COUNT II

Asserted on behalf of Plaintiffs and Class, against All Defendants Misappropriation/Conversion

104. Defendant incorporates here in his answers to paragraphs 1 - 103 as if fully set forth at length herein.

105. The facts and allegations contained in paragraph 105 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the allegations contained in Paragraph 105 are denied.

106. The facts and allegations contained in paragraph 106 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the allegations contained in Paragraph 106 are denied.

107. The facts and allegations contained in paragraph 107 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the allegations contained in Paragraph 107 are denied.

108. The facts and allegations contained in paragraph 108 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the allegations contained in Paragraph 108 are denied.

109. The facts and allegations contained in paragraph 109 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 109 are denied.

110. The facts and allegations contained in paragraph 110 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the allegations contained in Paragraph 110 are denied.

111. The facts and allegations contained in paragraph 111 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 111 are denied.

112. The facts and allegations contained in paragraph 112 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 112 are denied.

113. The facts and allegations contained in paragraph 113 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 113 are denied.

COUNT III

Asserted on behalf of Plaintiffs and Class, against Property Defendants Negligence

114. Defendant incorporates here in his answers to paragraphs 1 - 113 as if fully set forth at length herein.

115. The facts and allegations set forth in paragraph 115 are directed towards another Defendant and as such no response is required from this Defendant. As such the facts and allegations are deemed denied. However, to the extent that a response is required, then the facts and allegations set forth constitute conclusion of law to which no response is deemed necessary.

As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are denied.

116. The facts and allegations set forth in paragraph 116 are directed towards another Defendant and as such no response is required from this Defendant. As such the facts and allegations are deemed denied. However, to the extent that a response is required, then the facts and allegations set forth constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are denied.

117. The facts and allegations set forth in paragraph 117 are directed towards another Defendant and as such no response is required from this Defendant. As such the facts and allegations are deemed denied. However, to the extent that a response is required, then the facts and allegations set forth constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are denied.

118. The facts and allegations set forth in paragraph 118 are directed towards another Defendant and as such no response is required from this Defendant. As such the facts and allegations are deemed denied. However, to the extent that a response is required, then the facts and allegations set forth constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are denied.

119. The facts and allegations set forth in paragraph 119 are directed towards another Defendant and as such no response is required from this Defendant. As such the facts and allegations are deemed denied. However, to the extent that a response is required, then the facts

and allegations set forth constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are denied.

COUNT IV

**Asserted on behalf of Plaintiffs and Class, against Property Defendants
Negligence Per Se – Violation of 75 Pa. C.S.A. §3353(c) and Pennsylvania's Vehicle Code
and Ordinance Section 525.05**

120. Defendant incorporates here in his answers to paragraphs 1 - 119 as if fully set forth at length herein.

121. The facts and allegations contained in paragraph 121 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 121 are denied.

122. The facts and allegations contained in paragraph 122 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 122 are denied.

123. The facts and allegations contained in paragraph 123 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 123 are denied.

124. The facts and allegations contained in paragraph 124 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 124 are denied.

125. The facts and allegations contained in paragraph 125 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 125 are denied.

126. The facts and allegations contained in paragraph 126 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 126 are denied.

127. The facts and allegations contained in paragraph 127 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 127 are denied.

128. The facts and allegations contained in paragraph 128 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 128 are denied.

COUNT V

Asserted on behalf of Plaintiffs and Class, against Defendant Haenze d/b/a TAG Towing Negligence

129. Defendant incorporates here in his answers to paragraphs 1 - 128 as if fully set forth at length herein.

130. The facts and allegations contained in paragraph 130 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 130 are denied.

131. The facts and allegations contained in paragraph 131 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 131 are denied.

132. The facts and allegations contained in paragraph 132 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 132 are denied.

133. The facts and allegations contained in paragraph 133 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 133 are denied.

134. The facts and allegations contained in paragraph 134 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 134 are denied.

COUNT VI

**Asserted on behalf of Plaintiffs and Class, against Defendant Haenze d/b/a TAG Towing
Negligence Per Se – Violations of Pennsylvania's Vehicle Code and Ordinance Section 525**

135. Defendant incorporates here in his answers to paragraphs 1 - 134 as if fully set forth at length herein.

136. The facts and allegations contained in paragraph 136 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 136 are denied.

137. The facts and allegations contained in paragraph 137 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 137 are denied.

138. The facts and allegations contained in paragraph 138 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 138 are denied.

139. The facts and allegations contained in paragraph 139 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 139 are denied.

140. The facts and allegations contained in paragraph 140 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 140 are denied.

141. The facts and allegations contained in paragraph 141 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 141 are denied.

142. The facts and allegations contained in paragraph 142 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 142 are denied.

COUNT VII

Asserted on behalf of Plaintiffs and Class, against All Defendants Constructive Fraud

143. Defendant incorporates here in his answers to paragraphs 1 - 142 as if fully set forth at length herein.

144. The facts and allegations contained in paragraph 144 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 144 are denied.

145. The facts and allegations contained in paragraph 145 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 145 are denied.

146. The facts and allegations contained in paragraph 146 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 146 are denied.

147. The facts and allegations contained in paragraph 147 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 147 are denied.

148. The facts and allegations contained in paragraph 148 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 148 are denied.

149. The facts and allegations contained in paragraph 149 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 149 are denied.

150. The facts and allegations contained in paragraph 150 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 150 are denied.

151. The facts and allegations contained in paragraph 151 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 151 are denied.

COUNT VIII

**Asserted on Behalf of Plaintiffs and Class, against All Defendants
Breach of Contract/Implied Contract (In the Alternative)**

152. Defendant incorporates here in his answers to paragraphs 1 - 151 as if fully set forth at length herein.

153. The facts and allegations contained in paragraph 153 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 153 are denied.

154. The facts and allegations contained in paragraph 154 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 154 are denied.

155. The facts and allegations contained in paragraph 155 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 155 are denied.

156. The facts and allegations contained in paragraph 156 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 156 are denied.

157. The facts and allegations contained in paragraph 157 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 157 are denied.

158. The facts and allegations contained in paragraph 158 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 158 are denied.

159. The facts and allegations contained in paragraph 159 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 159 are denied.

160. The facts and allegations contained in paragraph 160 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 160 are denied.

161. The facts and allegations contained in paragraph 161 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 161 are denied.

162. The facts and allegations contained in paragraph 162 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 162 are denied.

163. The facts and allegations contained in paragraph 163 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil

Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 163 are denied.

COUNT IX

Asserted on behalf of Plaintiffs and All Classes, against All Defendants Unjust Enrichment

164. Defendant incorporates here in his answers to paragraphs 1 - 163 as if fully set forth at length herein.

165. The facts and allegations contained in paragraph 165 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 165 are denied.

166. The facts and allegations contained in paragraph 166 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 166 are denied.

167. The facts and allegations contained in paragraph 167 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 167 are denied.

168. The facts and allegations contained in paragraph 168 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 168 are denied.

169. The facts and allegations contained in paragraph 169 constitute conclusion of law to which no response is deemed necessary. As such, pursuant to the Pennsylvania Rules of Civil Procedure, the facts and allegations are deemed denied. To the extent that a response is deemed necessary, the facts and allegations contained in Paragraph 169 are denied.

REQUEST FOR RELIEF

WHEREFORE, the collective Defendants herein, Brian Haenze, Auto Gallery & Accessories, and TAG Towing and Collision respectfully request that this Honorable Court deny Plaintiff's requests for relief as to each count and as to any other such relief sought and enter Judgement in collective Defendants favor and against the Plaintiffs.

NEW MATTER

170. The Amended Class Action Complaint fails in its entirety fails to state a claim against Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

171. Count I of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

172. Count II of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

173. Count III of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

174. Count IV of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

175. Count V of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

176. Count VI of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

177. Count VII of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

178. Count VIII of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

179. Count IX of the Amended Class Action Complaint fails to state a claim as to Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision for which relief may be granted.

180. The proposed class is not proper for certification.

181. The proposed class cannot be certified under the Pennsylvania Rules of Civil Procedure because the proposed class and/or class representatives fail to meet the numerosity, commonality, typicality, adequacy and predominance requirements for class action.

182. Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision acted reasonably and appropriately at all relevant times.

183. None of the Plaintiffs nor any of the putative class members purchased or leased any goods or services from Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision.

184. Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision did not violate the UTPCPL.

185. Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision did not violate the PaPCEUA.

186. Plaintiffs and the putative class member were trespassers.

187. Plaintiffs and the Putative class members were trespassers who were given the appropriate legal warning, notice, that their vehicles would be towed and assumed the risk of their alleged injuries an/or damages.

188. Despite the appropriate legal warnings that the Plaintiffs and purported Plaintiff's vehicle would be towed, the Plaintiff's and purported Plaintiff's chose to trespass by parking their vehicles in a location where they knew or should have known that they were subject to being towed.

189. The Plaintiff's and purported Plaintiff's had a duty to mitigate their alleged damages and are thus barred from collecting any damages.

190. The claims for punitive damages violates and is thus barred by the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution on the following Grounds including, but not limited to:

- a. it is a violation of the due process and equal protection clauses of the Fourteenth Amendment of the United States

Constitution to impose punitive damages, which are penal in nature, against a civil defendant upon plaintiff's satisfying a burden of proof which is less than beyond a reasonable doubt burden of proof required in criminal cases;

- b. the procedures, pursuant to which punitive damages are awarded, may result in the award of joint and several judgments against multiple defendants for different alleged acts of wrongdoing, which judgments infringe the due process and equal protection clauses of the Fourteenth Amendment of the United States Constitution;
- c. the procedure, pursuant to which punitive damages are awarded, fail to provide a reasonable or substantive limit on the amount of the award which thereby, violates the due process clause of the Fourteenth Amendment of the United States Constitution;
- d. the procedures, pursuant to which punitive damages are awarded, fail to provide specific standards for the amount of the award of punitive damages which, thereby, violates the due process clause of the Fourteenth Amendment of the United States Constitution;
- e. the procedures, pursuant to which punitive damages are awarded, result in the imposition of different penalties for the same or similar acts and, thus, violate the equal protection clause of the Fourteenth Amendment of the United States Constitution;
- f. the procedures, pursuant to which punitive damages are awarded, permit the imposition of punitive damages in excess of the maximum criminal fine or administrative penalty for the same or similar conduct, which, thereby, infringes the due process clause of the Fifth and Fourteenth Amendments and the equal protection clause of the Fourteenth Amendment of the United States Constitution;
- g. the procedures, pursuant to which punitive are awarded, permit the imposition of excessive fines in violation of the Eighth Amendment of the United States Constitution;
- h. the award of punitive damages to Plaintiffs or any putative class member in the action would constitute a deprivation of property without due process of law; and

- i. the procedures, pursuant to which punitive damages are awarded, permit the imposition of an excessive fine and penalty.

191. The claims for punitive damages violates and are thus barred by the provisions of the Pennsylvania Constitution, including but not limited to the following:

- a. it is a violation of the due process and equal protection clauses to impose punitive damages, which are penal in nature, against a civil defendant upon plaintiff's satisfying a burden of proof which is less than beyond a reasonable doubt burden of proof required in criminal cases;
- b. the procedures, pursuant to which punitive damages are awarded, may result in the award of joint and several judgments against multiple defendants for different alleged acts of wrongdoing;
- c. the procedures, pursuant to which punitive damages are awarded, fail to provide a reasonable or substantive limit on the amount of the award against the defendant;
- d. the procedures, pursuant to which punitive damages are awarded, fail to provide specific standards for the amount of the award of punitive damages;
- e. the procedures, pursuant to which punitive damages are awarded, result in the imposition of different penalties for the same or similar acts;
- f. the procedures, pursuant to which punitive damages are awarded, permit the imposition of punitive damages in excess of the maximum criminal fine or administrative penalty for the same or similar conduct;
- g. the procedures, pursuant to which punitive are awarded, permit the imposition of excessive fines;
- h. the award of punitive damages to Plaintiffs or any putative class member in the action would constitute a deprivation of property without due process of law; and
- i. the procedures, pursuant to which punitive damages are awarded, permit the imposition of an excessive fine and penalty.

192. To the extent developed in discovery, this Defendant pleads all defenses applicable under Pa.R.C.P. 1030, including, but not limited to, accord and satisfaction, arbitration and award, laches, release, res judicata, statute of limitations and waiver.

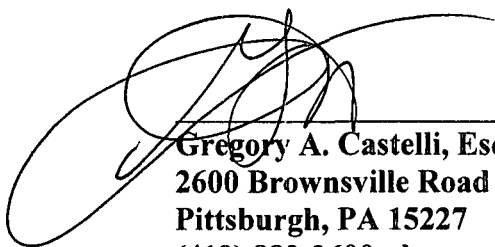
193. To the extent applicable, this Defendant pleads the expiration of the applicable statute of limitations as a complete and/or partial bar to Plaintiff's or putative plaintiff's class member's claims.

194. Plaintiffs' and the putative class members' claims are limited and/or barred by their contributory and/or comparative negligence.

195. Brian Haenze d/b/a Auto Gallery & Accessories and TAG Towing and Collision reserves the right to amend their Answer and New Matter to assert any further affirmative defenses that discovery may reveal as may be appropriate and proper.

WHEREFORE, the collective Defendants herein, Brian Haenze, Auto Gallery & Accessories, and TAG Towing and Collision respectfully request that this Honorable Court deny Plaintiff's requests for relief as to each count and as to any other such relief sought and enter Judgement in collective Defendants favor and against the Plaintiffs.

GREG CASTELLI & ASSOCIATES

A large, stylized handwritten signature in black ink, appearing to read 'G. Castelli', is written over a horizontal line.

Gregory A. Castelli, Esquire
2600 Brownsville Road
Pittsburgh, PA 15227
(412) 882-2600 phone
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JURY TRIAL DEMANDED

VERIFICATION

I, Brian Haenze hereby verify that I have reviewed the foregoing Answer and New Matter to Amended Class Action Complaint and that the averments of fact set forth are true and correct to the best of my knowledge. I understand that the statements made herein are made subject to the Penalties of perjury pursuant to 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: 11-27-19



Brian Haenze

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the within Answer and New Matter to Plaintiff's Amended Class Action Complaint was served upon the following, as set forth below on the 13th day of December, 2019 by United States Postal Service, first class, postage prepaid:

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VIA ELECTRONIC MAIL

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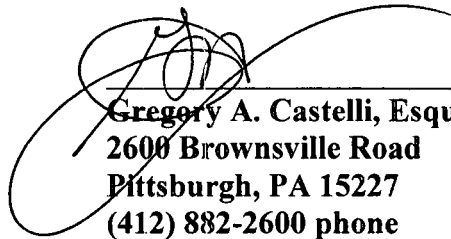
Zoran Lazarevic

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GREG CASTELLI & ASSOCIATES

A handwritten signature in black ink, appearing to read 'G. Castelli', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Gregory A. Castelli, Esquire

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