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THE LAW FIRM OF PUCKETT AND FARAJ, PC

April 05, 2011

Via Facsimile (614) 887-1878

STATE AUTO Insurance Companies
Claims Service Office
Heather DuMelle
PO BOX 182822
Columbus, OH 43218-2822

Re: Claim Number FARA-0000316-112109; claim for bank fees resulting from dishonored check

Dear Ms. DuMelle,

On February 17, 2011, Ms. Faraj received two checks from your company in the amount of \$4,046.00 and \$4,760.00 that were mailed on 02/16/2011. Ms. Faraj deposited the checks on the morning of February 18, 2011. I received a call from you informing me that Ms. Faraj should not cash the "check" sent to her and that you would issue another check. I was able to reach Ms. Faraj on the afternoon of February 18, 2011 to pass the information on. She explained that she had received two checks and that both had been deposited. I inspected the envelopes and the check stubs of both checks. The check stubs indicate that they were issued on "2-16-2011." The postmarks on the envelopes indicate that the checks were mailed on 02/16/2011. Shortly after depositing the checks Ms. Faraj noticed that the entire amount of the two checks was credited to her account.

In reliance on the checks and the funds credited to her account, Ms. Faraj made several financial transactions. But because the check for \$4760.00 was dishonored by your bank, it left her with a negative balance and hundreds of dollars in service and overdraft fees. The total amount in overdraft and service fees is \$540.89. *See attached bank statements.* I request that you immediately remit the amount of \$540.89 to reimburse Ms. Faraj for the overdraft and service fees she incurred as a result of the dishonored check. She is entitled to be reimbursed because the initial error was State Auto's. It is not foreseeable that your company would issue a check in error and unreasonable to expect her to hold the checks to determine whether she was entitled to one or both of them. She reasonably relied on a check issued by your company and deposited believing it would be honored. The fact that you called me to inform me of the error is of no relevance unless the check was deposited after she was informed. By the time I reached her, the checks had already been deposited. The bank statement, as you can see, reflects that. Moreover, your phone call was confusing because you made it sound like a check was issued in error and another would be issued to replace it. That led me to believe that she would receive one check and another would follow later. She, however, received two checks on the same day,

at the same time. The receipt of two checks at the same time further contributed to our confusion. How was she to know the right check from the wrong check?

The problem could have been avoided altogether had you sent the check to our firm as your company had done on every other previous occasion. As you are aware, I have represented Ms. Faraj since November of 2009. There is no reason for any correspondence, including payments, to be sent directly to her. It should have been mailed to our Firm. It is our Firm's policy to deposit checks and to wait until they have cleared. By doing so, we avoid these types of issues and the consequential problems that invariably arise from them. The \$540.89 in service fees is a substantial amount for Ms. Faraj that she has had to incur through no fault of her own. She received checks from her insurance company and reasonably relied on them. By the time she discovered that one check was erroneously sent, it was too late to do anything about it. The error, therefore, is not hers and she should not have to bear the financial burden for that error.

I understand that there was a verbal altercation between you and Ms. Faraj. To the extent that she may have been discourteous, I offer an apology. She should not have called you and she should have waited for me to return to handle the problem. I know, however, that you can understand the frustration people experience when banks charge their outrageously high service fees and overdraft fees while a customer helplessly looks on, unable to deposit any money to stop the hemorrhage, and unable to limit the fees.

You have been a consummate professional in handling this matter. I hope you will give my request to refund Ms. Faraj's bank fees due consideration and approve it.

Sincerely,



Haytham Faraj, Esq

IMII 03/18/11
 SEKNEH FARAJ
 NAZIHA M FARAJ
 26646 LAWRENCE DR

DDA STATEMENT HISTORY

12.57.19 PAGE 4

ACCT NO. 800-000-0000-4515733027
 DATE LAST STATEMENT 03/15/11
 DATE THIS STATEMENT 03/18/11

*****DDA TRANSACTIONS*****

BEGINNING BALANCE	CHECKS/OTHER DEBITS NO.	TOTAL AMOUNT	DEPOSITS/OTHER CREDITS NO.	TOTAL AMOUNT	ENDING BALANCE
0.78	43	6089.66	5	13048.18	6959.30

DATE	CHECK#	AMOUNT	TYPE	TRANSACTION DESCRIPTION	BALANCE
02/10		1.45	DBT	PURCHASE 2979 C43	1082.13
02/14		20.00	ATM	CASH 2979	1062.13
02/14		16.98	DBT	PURCHASE 2979 C43	1045.15
02/14		15.23	DBT	PURCHASE 2979 C43	1029.92
02/14		10.60	DBT	PURCHASE 2979 C43	1019.32
02/15		1000.00	DBT	PURCHASE 2979 C43	19.32
02/15		1.45	DBT	PURCHASE 2979 C43	17.87
02/16		1.45	DBT	PURCHASE 2979 C43	16.42
02/17		4.16	DBT	PURCHASE 2979 C43	12.26
02/18		8806.00	DEPOSIT		8818.26
02/22		1258.96	DBT	PURCHASE 2979 C43	7559.30
02/22		600.00	ATM	CASH 2979	6959.30

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**RBS CITIZENS, N.A.
 DBA CHARTER ONE
 25350 FORD ROAD
 DEARBORN HEIGHTS, MI 48127
 BREANNE BUSZ**

IMII 03/18/11
 SEKNEH FARAJ
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DDA STATEMENT HISTORY

12.57.19 PAGE 5

ACCT NO. 800-000-0000-4515733027
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*****DDA TRANSACTIONS*****

BEGINNING	CHECKS/OTHER DEBITS	DEPOSITS/OTHER CREDITS	ENDING
BALANCE	NO. TOTAL AMOUNT	NO. TOTAL AMOUNT	BALANCE
0.78	55 7719.42	5 13048.18	5329.54

DATE	CHECK#	AMOUNT	TYPE	TRANSACTION DESCRIPTION	BALANCE
02/22		400.00	ATM CASH	2979	6559.30
02/22		300.00	ATM CASH	2979	6259.30
02/22		255.45	DBT PURCHASE	2979 C43	6003.85
02/22		129.51	DBT PURCHASE	2979 C43	5874.34
02/22		128.64	DBT PURCHASE	2979 C43	5745.70
02/22		116.76	DBT PURCHASE	2979 C43	5628.94
02/22		82.63	DBT PURCHASE	2979 C43	5546.31
02/22		76.32	DBT PURCHASE	2979 C43	5469.99
02/22		52.99	DBT PURCHASE	2979 C43	5417.00
02/22		40.00	ATM CASH	2979	5377.00
02/22		24.01	DBT PURCHASE	2979 C43	5352.99
02/22		23.45	DBT PURCHASE	2979 C43	5329.54

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DDA STATEMENT HISTORY

12.57.19 PAGE 6

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*****DDA TRANSACTIONS*****

BEGINNING BALANCE	CHECKS/OTHER DEBITS NO.	TOTAL AMOUNT	DEPOSITS/OTHER CREDITS NO.	TOTAL AMOUNT	ENDING BALANCE
0.78	66	7971.45	6	13052.43	5081.76

DATE	CHECK#	AMOUNT	TYPE	TRANSACTION DESCRIPTION	BALANCE
02/22		22.50	DBT	PURCHASE 2979 C43	5307.04
02/22		16.00	DBT	PURCHASE 2979 C43	5291.04
02/22		10.60	DBT	PURCHASE 2979 C43	5280.44
02/22		3.10	DBT	PURCHASE 2979 C43	5277.34
02/22		1.64	DBT	PURCHASE 2979 C43	5275.70
02/22		1.55	DBT	PURCHASE 2979 C43	5274.15
02/23		4.25	POS	CREDIT 2979	5278.40
02/23		148.89	DBT	PURCHASE 2979 C43	5129.51
02/23		19.50	DBT	PURCHASE 2979 C43	5110.01
02/23		12.72	DBT	PURCHASE 2979 C43	5097.29
02/23		8.78	DBT	PURCHASE 2979 C43	5088.51
02/23		6.75	DBT	PURCHASE 2979 C43	5081.76

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DDA STATEMENT HISTORY

12.57.19 PAGE 7

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*****DDA TRANSACTIONS*****

BEGINNING	CHECKS/OTHER DEBITS	DEPOSITS/OTHER CREDITS	ENDING
BALANCE	NO. TOTAL AMOUNT	NO. TOTAL AMOUNT	BALANCE
0.78	78 14135.78	6 13052.43	1082.57-

DATE	CHECK#	AMOUNT	TYPE	TRANSACTION DESCRIPTION	BALANCE
02/23		3.17	DBT	PURCHASE 2979 C43	5078.59
02/24		20.00		DEPOSITED CK RETD FEE	5058.59
02/24		4760.00		DEPOSITED CHECK RETD	298.59
02/24		167.40	DBT	PURCHASE 2979 C43	131.19
02/24		100.00	DBT	PURCHASE 2979 C43	31.19
02/24		56.29	DBT	PURCHASE 2979 C43	25.10-
02/24		52.99	DBT	PURCHASE 2979 C43	78.09-
02/24		1.55	DBT	PURCHASE 2979 C43	79.64-
02/25		185.00		OVERDRAFT	264.64-
02/25		610.20	DBT	PURCHASE 2979 C43	874.84-
02/25		109.18	DBT	PURCHASE 2979 C43	984.02-
02/25		98.55	DBT	PURCHASE 2979 C43	1082.57-

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DDA STATEMENT HISTORY

12.57.19 PAGE 8

ACCT NO. 800-000-0000-4515733027
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 DATE THIS STATEMENT 03/18/11

*****DDA TRANSACTIONS*****

BEGINNING	CHECKS/OTHER DEBITS	DEPOSITS/OTHER CREDITS	ENDING
BALANCE	NO. TOTAL AMOUNT	NO. TOTAL AMOUNT	BALANCE
0.78	90 14580.61	6 13052.43	1527.40-

DATE	CHECK#	AMOUNT	TYPE	TRANSACTION DESCRIPTION	BALANCE
02/25		52.99	DBT	PURCHASE 2979 C43	1135.56-
02/25		31.88	DBT	PURCHASE 2979 C43	1167.44-
02/25		25.52	DBT	PURCHASE 2979 C43	1192.96-
02/25		18.97	DBT	PURCHASE 2979 C43	1211.93-
02/25		18.92	DBT	PURCHASE 2979 C43	1230.85-
02/25		2.60	DBT	PURCHASE 2979 C43	1233.45-
02/28		259.00		OVERDRAFT	1492.45-
03/01		6.99		SERVICE CHARGE	1499.44-
03/02		6.99		SERVICE CHARGE	1506.43-
03/03		6.99		SERVICE CHARGE	1513.42-
03/04		6.99		SERVICE CHARGE	1520.41-
03/07		6.99		SERVICE CHARGE	1527.40-

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DDA STATEMENT HISTORY

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ACCT NO. 800-000-0000-4515733027
DATE LAST STATEMENT 03/15/11
DATE THIS STATEMENT 03/18/11

*****DDA TRANSACTIONS*****

BEGINNING BALANCE	CHECKS/OTHER DEBITS NO.	TOTAL AMOUNT	DEPOSITS/OTHER CREDITS NO.	TOTAL AMOUNT	ENDING BALANCE
0.78	99	14800.46	7	15606.43	806.75

DATE	CHECK#	AMOUNT	TYPE	TRANSACTION DESCRIPTION	BALANCE
03/08		6.99		SERVICE CHARGE	1534.39-
03/09		6.99		SERVICE CHARGE	1541.38-
03/10		6.99		SERVICE CHARGE	1548.37-
03/11		6.99		SERVICE CHARGE	1555.36-
03/14		2554.00		APOLLO GROUP 03112011MD	998.64
03/14		6.99		SERVICE CHARGE	991.65
03/14		40.00		WITHDRAWAL	951.65
03/15		100.00		ATM CASH 2979	851.65
03/15		24.90		DBT PURCHASE 2979 C43	826.75
03/15		20.00		ATM CASH 2979	806.75

LAST PAGE

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RBS CITIZENS, N.A.
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BREANNE BUSZ

IMI3 03/18/11
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 26646 LAWRENCE DR

DDA STATEMENT INQUIRY

12.58.26 PAGE 1

ACCT NO. 800-000-0000-4515733027
 DATE THIS STATEMENT 03/18/11
 DATE LAST STATEMENT 03/15/11

*****DDA TRANSACTIONS*****

BALANCE	CHECKS/OTHER	DEBITS	DEPOSITS/OTHER	CREDITS	BALANCE
LAST STATEMENT	NO.	TOTAL AMOUNT	NO.	TOTAL AMOUNT	THIS STATEMENT
806.75	7	505.12	0	0.00	301.63

DATE	CHECK#	AMOUNT	TYPE	TRANSACTION DESCRIPTION	BALANCE
03/16		300.00	POS DEBIT	2979	
03/16		100.17	DBT PURCHASE	2979 C43	
03/16		40.11	DBT PURCHASE	2979 C43	
03/16		15.00	DBT PURCHASE	2979 C43	
03/16		2.61	DBT PURCHASE	2979 C43	348.86
03/17		7.23	DBT PURCHASE	2979 C43	
03/17		40.00	ATM CASH		301.63

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