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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

ELIAS MAKERE, FSA, MAAA )  
 )  
Plaintiff ) Case No (LT)  
 ) **3:20-cv-00905-MMH-LLL**  
 )  
v. )  
 )  
ALLSTATE INSURANCE COMPANY, )  
 )  
Defendant )

---

**PLAINTIFF’S RENEWED MOTION FOR SANCTIONS**

---

Plaintiff, ELIAS MAKERE, on this 6<sup>th</sup> day of May 2024, respectfully asks this Court to levy sanctions – pursuant to Rule 11 Fed. R. Civ. P. – against Defendant, ALLSTATE INSURANCE COMPANY.

Key Points:

- A.) Points demonstrable lies of material fact; prejudice to Plaintiff;
- B.) Grounds extrinsic fraud upon the court; bad faith;

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**Background:** Court judicially noticed material facts  
**Problem:** Defendant injured Plaintiff with material lies  
**Request:** Court punishes Defendant for defiling the judiciary

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**Rule 11(c)(1) | Fed. R. Civ. P. | Sanctions | (highlights added)**

*“If... the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any... party that violated [it]”*

**Rule 37(b)(2)(A) | Fed. R. Civ. P. | Sanctions | (highlights added)**

*“the court where the action is pending may issue further just orders [which may include]:*

*(ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses...;*

*(iii) striking pleadings in whole or in part;*

*(vi) rendering a default judgment against the disobedient party;”*

**Local Rule 2.01(e) | USFLMD | Conduct | (highlights added)**

*“(e) CONDUCT. A lawyer appearing in the Middle District must remain familiar with, and is bound by, the rules governing the professional conduct of a member of The Florida Bar.”*

**Rule 3-4.3 | Rules Regulating the Florida Bar | Misconduct**

*“The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline”*

Precedent

- 3:22-cv-00731-TJC-LLL - USFLMD (2/5/24)
- 6:23-cv-01115-RBD-LHP - USFLMD (1/24/24)
- 3:20-cv-00857-MMH-LLL - USFLMD (6/13/23)
- 6:18-cv-01499-WWB-LHP - USFLMD (3/8/22)
- 5:20-cv-00095-JSM-PRL - USFLMD (2/9/22)
- 5:20-cv-00227-JSM-PRL - USFLMD (4/21/21)
- 2:19-cv-00248-JLB-MRM - USFLMD (1/19/21)

This Court has recently granted similar motions for sanctions

Abbreviations:

- {#NN} - Docket Entry NN [of this case]
- FCHR - Florida Commission on Human Relations
- FS - Florida Statutes
- USFLMD - US District Court, Florida, Middle District

## MOTION

### **I. Relevant History**

1. On June 30, 2017, Plaintiff filed an employment discrimination charge with the FCHR (“First Charge”). Pursuant to §760.11(1) FS, he alleged that Defendant had violated his civil rights on the bases of race ***and*** sex.

**[Exhibit A]**

2. On September 8, 2017, Defendant responded to the First Charge by denying ***both*** allegations. Importantly, the former employer explicitly acknowledged that Plaintiff’s First Charge contained “*allegations of discrimination based upon race and sex discrimination*”. **[Exhibit B]**

3. On December 15, 2017 the FCHR concluded its investigation. Notably affirming that race ***and*** sex were the bases of Plaintiff’s First Charge.

**[Exhibit C]**

4. On January 19, 2018, Plaintiff filed his Petition for Relief (§760.11(6)-(7) FS; §120.569(2)(a) FS). Thus, the First Charge coursed through the State of Florida’s administrative circuit; where Defendant amplified its retaliation against Plaintiff (eg, lethal attack, smear campaigns, etc.) – among other things.

5. So, on April 10, 2019, Plaintiff filed his second discrimination charge against Defendant (“Second Charge”). Emailing it to the FCHR; who

blessed it with a same-day timestamp (2:25 PM on 4/10/19). **[Exhibit D/E]** Despite more state-sponsored treachery (eg, phantom notices, refusal/reluctance to relinquish jurisdiction), though, Plaintiff was able to enter the court system.

6. On August 12, 2020, Plaintiff initiated this lawsuit.
7. On February 9, 2021, Plaintiff asked this Court to take judicial notice of Plaintiff's [officially] time-stamped charge of discrimination (§5 *supra*).
  - a) Roughly three years later – and due to Defendant's repeated lies (§10-12 *infra*) – Plaintiff supplemented his request. Doing so on November 17, 2023 {#103}.
  - b) Importantly – on March 26, 2024 (ie, 3+ years after Plaintiff initially filed it) – this Court granted judicial notice.
8. On May 21, 2021, Defendant filed a document in this court; one which contradicted its/the-state's original [notarized] affirmation/confirmation (§2-3 *supra*). Defendant's document was titled "*Defendant's Response in Opposition...and Supporting Memorandum of Law*" ("That First Response") {#53}.
  - a) That First Response said that Plaintiff's First Charge was on the basis of race ***only***. In other words, Defendant thereby [falsely] claimed that Plaintiff's First Charge did not include a sex discrimination basis (highlights/underlines added):

*“On June 30, 2017, Plaintiff filed a Charge of Discrimination (“First Charge”) with the FCHR, which alleged racial discrimination, as well as retaliation, in violation of the FCRA. See Exhibit A...*

*On January 19, 2018, Plaintiff filed a 231-page Petition for Relief (“First Petition”) with the FCHR. See Exhibit C. The First Petition included allegations of race discrimination not previously presented to the FCHR and therefore not part of the FCHR investigation. Plaintiff also, **for the first time**, alleged sex discrimination and/or sexual harassment”*

*- Allstate Insurance Company; (5/21/21) {#53 at 3}*

9. On May 27, 2021, Plaintiff moved this Court to take judicial notice of the facts underlying Defendant’s unlawful change-of-tune. The paper was titled *“Plaintiff’s Motion for Judicial Notice of Defendant’s Official Position Statement...”* {#54} (hereinafter “That Motion”).

a) On October 13, 2021, this Court denied That Motion. However, it instructed Plaintiff to attach the position statement to his amended complaint. Plaintiff obliged (see {#73} at Exh. D).

10. On October 31, 2023, Defendant filed a motion for summary judgment (“That Request”) {#99}.

a) Therein, the former employer claimed that Plaintiff’s filing date [for his Second Charge] was April 26, 2019.

i. A false claim that Defendant based its arguments on.

11. Fourteen days later – on November 14, 2023 – Plaintiff responded in opposition {#101}.

a) Thereby pointing out the fatal flaw in That Request.

12. On November 28, 2023, Defendant replied {#103}. Therein, it acknowledged that April 10, 2019 was – indeed – the date that Plaintiff filed his Second Charge. Defendant even attached the document (which featured the April 10, 2019 timestamp); referencing it as follows:

*“...as evidenced by Ex. 1 attached hereto, the April 10, 2019, Complaint reveals the [Second Charge]...”*

- Defendant | *Reply to ‘That Request’* | Page 4 | {103}

### Recent Transgressions

13. On April 11, 2024, Defendant filed “*Defendant’s Amended Motion for Determination of... Attorneys’ Fees*” (“That New Motion”).<sup>1/</sup> Whereby Defendant continued with its demonstrable lies of material fact.

a) On Page 4 of That New Motion, Defendant [falsely] claimed that Plaintiff’s First Charge (¶1 *supra*) was on the basis of race only. Thereby repeating the same lie that Defendant told in 2021 (¶8 *supra*) (highlights added):

*“Thereafter, on June 30, 2017, Plaintiff filed a Charge of Discrimination (“2017 Charge”) with the FCHR alleging claims of race discrimination and retaliation in violation of the FCRA. See Dkt. 99-1. The First Charge did not allege any claim of sex or color discrimination or sexual harassment.”*

- *Allstate Insurance Company; (4/11/24) {#114 at 4}*

- b) On Page 7 of That New Motion, Defendant [falsely] claimed that Plaintiff filed his Second Charge on April 26, 2019. Thereby repeating the same lie that Defendant has told numerous times (§10, §12 *supra*) (highlights added):

*“on April 26, 2019, Plaintiff filed a second Charge of Discrimination (“2019 Charge”) with the FCHR.”*

- *Allstate Insurance Company; (5/21/21) {#114 at 7}*

14. In summary, Defendant has:

- a) repeated its lie about [not] being sued for sex discrimination;
- b) repeated its lie about [not] being sued on April 10, 2019; and
- c) used both lies as the basis for its latest molestation of Plaintiff’s substantial rights.

#### Defendant’s Contempt for Recognizing Facts (and/or Conferral)

15. On April 11, 2024, Plaintiff told Defendant that Plaintiff was going to file a motion for sanctions **[Exhibit F]**. After receiving a copy of Plaintiff’s prospective motion, Defendant responded by saying that it would oppose Plaintiff’s request.

16. On April 12, 2024, Plaintiff asked Defendant to pick a time to discuss Defendant’s violative conduct. Thereby citing:

- a) Local Rule 3.01(g) (ie, duty to confer);

- b) *Davis v. Apfel*, 6:98-cv-0651, 2000 WL 1658575 (USFLMD 8/14/00)
  - c) *Desai v. Tire Kingdom*, 944 F.Supp. 876 (USFLMD 1996); and
  - d) *Donaldson v. Clark*, 819 F.2d 1551 (11<sup>th</sup> Cir. 1987).
17. Yet, Defendant refused to confer (in further violation of this Court's local rules)<sup>2/</sup>.
18. Thus, Plaintiff spent the next three weeks asking Defendant to recognize the facts which prove Defendant's fraud upon the court. He did so via twenty-plus (20+) communications (50-50 on calls/emails). **[Exhibit F]**
19. However, Defendant failed to:
- a) answer direct questions; and/or
  - b) supply specific admissions/refutations.
20. Instead, Defendant opted to lob repeated [bad faith] gripes of a moot point. Thereby cementing its refusal-to-confer (and its waste-of-time).

## II. Analysis

21. Defendant's pattern of deceit has perpetrated a fraud upon this Court. One which it exercised with its two demonstrable lies of material fact.
- a) First, Defendant demonstrated its deceit when it told its [repeated] lie regarding the sex discrimination basis [found within Plaintiff's First Charge] (¶8, ¶13a *supra*).

b) Second, Defendant multiplied its deceit when it told its [repeated] lie regarding the filing date of Plaintiff's Second Charge (§10, §12, §13b *supra*).

22. Defendant has also exercised bad faith throughout this proceeding. Thereby illustrating its dishonest conduct at two distinct points.

a) One such distinct point was in May/June 2021. Whereby Defendant refused to:

- i. correct its misconduct;
- ii. answer direct questions regarding its misconduct; and
- iii. confer in good faith (pursuant to Rule 11 Fed. R. Civ. P.).

b) Another distinct point was in April/May 2024. Whereby Defendant – once again – refused to:

- i. correct its misconduct;
- ii. answer direct questions regarding its misconduct; and
- iii. confer in good faith (pursuant to Rule 11 Fed. R. Civ. P.).

23. Then, fully exercised & hydrated, Defendant arced a frivolous motion into this Court (§13 *supra*). It did so when it used its two lies (§21) – individually and in total – to seek attorney fees. Thereby aiming to [further] molest Plaintiff's time & money.

a) *But-for* Defendant's frivolous motion {#110}/{#114}, Plaintiff would not have had to respond with five filings of his own (see {#112},

{#115}, {#116}, {#120}, and {#122}). Nor would Plaintiff have had to exhaust dozens of responsive communications (§18). All of these activities, pertinently, took Plaintiff more-than twenty (20) hours to complete.

b) Also, *but-for* Defendant’s frivolous motion, this Court would not have cause to entertain the thought of reaching into Plaintiff’s wallet.

24. Plaintiff immediately notified Defendant of its sanctionable misconduct (§15-20 supra). Importantly, Plaintiff sent Defendant a copy of Plaintiff’s prospective *Motion for Sanctions* (§15).

25. Defendant, of course, responded in bad faith. An act that has multiplied this proceeding – in an unreasonable and vexatious way. An act, notably, that has defiled the integrity of this Court. An attack on the judiciary, importantly, that this Court can punish (and deter).

### III. Standard for Review

26. Rule 11 Fed. R. Civ. P. gives this Court the power to sanction violative litigants (highlights added):

*“If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation... A motion for sanctions must be made separately from any other motion and must*

*describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.*"

- Rule 11 Fed. R. Civ. P.

27. The US Supreme Court, importantly, has reinforced this "inherent power" (highlights added):

*"It has long been understood that "[c]ertain implied powers must necessarily result to our Courts of justice from the nature of their institution"...Prior cases have outlined the scope of the inherent power of the federal courts. For example, the Court has held that a federal court has the power to control admission to its bar and to discipline attorneys who appear before it...In addition, it is firmly established that "[t]he power to punish for contempts is inherent in all courts."*

- *Chambers v. Nasco, 501 US 32 (1991)*

28. The Nasco Court further explained that fraud and/or bad faith are prime reasons for receiving sanctions (highlights added):

*"In this regard, if a court finds "that fraud has been practiced upon it, or that the very temple of justice has been defiled," it may assess [sanctions] against the responsible party... as it may when a party "shows bad faith by delaying or disrupting the litigation..."*

- *Chambers v. Nasco, 501 US 32 (1991)*

29. Thus, in short, this Court has the authority to sanction litigants who:

- a) perpetrate frauds upon the court; and/or
- b) exercise bad faith while disrupting the proceeding.

#### IV. Application

30. Defendant – in the instant case – has committed both offenses.

31. For starters, Defendant [repeatedly] perpetrated a fraud upon this Court

(¶21 supra). The textbook definition of Extrinsic Fraud is as follows:

*“fraud that prevents a party... from having a fair opportunity to present or litigate [his rights] at trial. It is a ground for equitable relief from a judgment.”*

– *Barron’s Dictionary of Legal Terms, 5<sup>th</sup> Edition*

32. The 11<sup>th</sup> Circuit Court of Appeals has long-established that fraud upon

the court is sanctionable (highlights added):

*“Courts have the inherent authority to control the proceedings before them, which includes the authority to impose “reasonable and appropriate” sanctions. See Malautea v. Suzuki Motor Co., Ltd., 987 F.2d 1536, 1545 (11th Cir. 1993). A court also has the power to conduct an independent investigation to determine whether it has been the victim of fraud.”*

– *Martin v. Automobili, 307 F.3d 1332 (11<sup>th</sup> Cir. 2002)*

33. As the record shows, Defendant’s lie about [not] being charged with sex

discrimination was aimed at preventing Plaintiff from ever having a full

& fair opportunity to litigate his case (¶8 supra).

- a) Then, Defendant repeated that lie in its attempt to take Plaintiff’s money (¶13).

34. In McDonnell-Douglas v. Green, 411 US 792 (1973) (“The Seminal Case”), the US Supreme Court held that excluding a charged basis of discrimination equates to a violation of due process:

*“We cannot agree that the dismissal of [employee’s race] claim was harmless error... [Employee] should have been accorded the right to prepare his case and plan the strategy of trial with the knowledge that the [race] cause of action was properly before the [Lower Tribunal]. Accordingly, we remand the case for trial of [employee]’s claim of racial discrimination consistent with the views set forth below.”*

– McDonnell-Douglas v. Green, 411 US 792 (1973)

35. In Taser v. Phazzer (6:16-cv-00366-PGB-LHP), this Court held that repeated lies will justify sanctions (highlights added):

*“Simply put, like Ms. Robinson, [nonmovant] will lie and misdirect until confronted with irrefutable evidence. [Nonmovant] perpetrated the same deception when he claimed that Leonidas LLC was created for Mr. Chang due to his limited fluency in English. (Doc. 719, pp. 13–14). And again when he lied by saying his cousin Jason Abboud formed Phazzer IP. (Id. at p. 15). This has been a pattern throughout the underlying litigation and these proceedings... 1. Taser’s Motion for Default and Sanctions against [Nonmovant] (Doc. 719) is GRANTED.”*

– Taser v. Phazzer, 6:16-cv-00366 (USFLMD 1/17/24)

36. Thus, this Court is well-positioned to enter sanctions against Defendant in the instant case. And Plaintiff hereby asks this Court to do just that, because – as in the Taser case – Defendant is a nonmovant who has [repeatedly] “perpetrated the same deception” in this Court.

37. Similarly, Plaintiff also asks this Court to sanction Defendant for Defendant's commitment to acts of bad faith.

38. The 11<sup>th</sup> Circuit has detailed that a determination of bad faith is founded on **dishonesty** (highlights added):

*"The text of Rule 11 permits sanctions only if the objectionable court paper is "signed in violation of this rule." Id. at 1507. Accordingly, the court's inquiry focuses only on the merits of the pleading gleaned from facts and law known or available to the attorney at the time of filing."*

- *Jones v. International*, 49 F.3d 692 (11<sup>th</sup> Cir. 1995)

The 11<sup>th</sup> Circuit further directs district courts to focus sanction reviews on the transgressor's dishonest conscience:

*"The court is expected to avoid using the wisdom of hindsight and should test the signer's conduct by inquiring what was reasonable to believe at the time the pleading, motion, or other paper was submitted."*

- *Souran v. Travelers*, 982 F.2d 1497 (11<sup>th</sup> Cir. 1993)

Plus, the textbook definition of bad faith continues to harp on dishonesty (highlights added):

*"breach of faith; willful failure to respond to plain, well-understood statutory or contractual obligations; dishonesty in fact in the conduct or transaction concerned."*

- *Barron's Dictionary of Legal Terms*, 5<sup>th</sup> Edition

39. **Defendant was dishonest.** It was dishonest from the get-go (§21-22).

- a) It is indisputable that the underlying ‘*fact known/available*’ to Defendant at the time it submitted That First Response was the first exhibit that Defendant attached to it (§8 *supra*).
  - b) It is indisputable that the underlying ‘*fact known/available*’ to Defendant at the time it submitted That Request (and That New Motion) was the exhibit that Defendant attached to it (§12 *supra*).
40. Thus, Defendant’s own submissions have contradicted its “factual contentions”.
41. **Defendant lied.** The Courts say so. The textbooks say so. And – given Defendant’s continued lack of self-correction (§22 *supra*) – this tribunal should say so, too.
42. Plaintiff, of course, hereby asks this Court to ‘*say so*’ with appropriate sanctions.
- a) Especially considering how Plaintiff satisfied the 21-day safe harbor provision – found in Rule 11 Fed. R. Civ. P. (§24 *supra*).
    - i. Please accord Rule 5(b)(2)(E) Fed. R. Civ. P.

**V. Nature of Relief Sought**

43. Rule 37(b)(2)(A) Fed. R. Civ. P. prescribes several types of sanctions that a district court can impose on a transgressor. Plaintiff proffers (vi) as the appropriate punishment.

44. Explicitly stated, Plaintiff asks this Court to enter final judgment against Defendant. Because – in addition to defrauding this Court – Defendant is actually guilty of the underlying offenses {#73}.
45. Moreover, this Court can enter this final judgment after vacating its prior judgment {#108}. The US Supreme Court has set the precedent for such an occasion (highlights added):

*“Of particular relevance here, the inherent power also allows a federal court to vacate its own judgment upon proof that a fraud has been perpetrated upon the court. See Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U. S. 238 (1944); Universal Oil Products Co. v. Root Refining Co., 328 U. S. 575, 328 U. S. 580 (1946). This “historic power of equity to set aside fraudulently begotten judgments,” Hazel-Atlas, 322 U.S. at 322 U. S. 245, is necessary to the integrity of the courts, for”*

– Chambers v. Nasco, 501 US 32 (1991)

46. Such relief – in the instant case – will instill integrity in the judiciary. The same integrity which Defendant’s fraudulence has attacked.

### **CONFERRAL**

Given the nature of this request, Plaintiff has communicated with Defendant numerous times. The first communication was an email on April 11<sup>th</sup>; and the most recent were phone calls (+ emails) on May 2<sup>nd</sup>.

Defendant only participated in one phone call, though; whereby it:

- (a) refused to acknowledge its lie;
- (b) refused to answer direct questions; and

(c) refused to correct its misconduct

please see **[Transcript A]**.

Since then, Defendant has chosen to stand in opposition to this motion.

Thus – pursuant to Local Rule 3.01(g)(3) (*Duty to Confer in Good Faith*) and Rule 11(c)(2) Fed. R. Civ. P. (*21 days to self-correct*), Plaintiff has no other option but to ask for relief from Defendant’s lawlessness. Relief, importantly, in which he has compelling reasons (ie, *deter litigant perjury; protect the judiciary’s integrity; etc.*) to seek.

### **CONCLUSION**

WHEREFORE, Plaintiff respectfully asks this Court to levy sanctions against Defendant for Defendant’s violation of Rule 11(b) Fed. R. Civ. P.

Dated this 6<sup>th</sup> day of May 2024.

Respectfully submitted,

/s/ Elias Makere

**ELIAS MAKERE, FSA, MAAA**, Plaintiff

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**CERTIFICATE OF COMPLIANCE**

I certify that the size and style of type used in this document is Times New Roman 14-point Font (caption) and Century Schoolbook 13-point Font (contents); thus complying with the font requirements of Local Rule 1.08.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6<sup>th</sup> day of May 2024, I electronically filed the foregoing with the Clerk of Courts by using its online filing page. A notice – via CM/ECF – will be sent to the attached service list.

/s/ Elias Makere (5/6/24)

Endnotes:

<sup>1/</sup> On 4/10/24, Defendant filed a violative motion. That violative motion sparked Plaintiff’s *motion for sanctions*. The next day (ie, 4/11/24), Plaintiff notified this Court of his forthcoming *motion for sanctions* (see {#112}). Minutes later, this Court denied Defendant’s violative motion (*sua sponte*) {#113}. Defendant refiled it, though; in nearly identical form. Thereby naming it “*Defendant’s Amended Motion for Determination of... Attorneys’ Fees*”

<sup>2/</sup> On at least two occasions, this Court has rejected Defendant’s court filings (*sua sponte*). Doing so, pertinently, due to Defendant’s breach of Local Rule 3.01(g).

**Electronic Copy:** (text-searchable)

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[TextBookDiscrimination.com/Allstate/Sanctions02](https://TextBookDiscrimination.com/Allstate/Sanctions02)

[Allstate's Penchant for Employment Discrimination \(500+ Cases\)](#)

[How-To Guide: How to Write a Motion for Sanctions](#)

[How-To Guide: How to Write a Motion to Waive the 21-Day Safe Harbor Provision](#)

Link to Complaint ([HTML](#), [PDF](#), [Video](#))

**SERVICE LIST**

---

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{#53-1}  
Page 8 of 16  
Page ID 1653  
5/21/2021  
3:20-cv-00905

# EXHIBIT A

Charge of Discrimination

6/30/2017

From: Plaintiff  
To: State Agency (FCHR)

*Makere v Allstate*

FCHR: 2017-01432  
USFLMD: 3:20-cv-00905-MMH-LLL

[marked]

{first page only}

201701432

RACIAL DISCRIMINATION | ALLSTATE CORPORATION | FLORIDA | 6/30/2017

Elias Makere, ASA

Phone

Fax

Email [inquiry.allstate@gmail.com](mailto:inquiry.allstate@gmail.com)



## EMPLOYEMENT DISCRIMINATION

Racial Discrimination, Sex Discrimination

This document introduces the racial discrimination of a former Allstate employee. The discrimination involved racist dolls, epithets, hostility, ostracism, discrimination of terms/conditions/compensation, and termination. I am looking for justice, an examination of the facts, and an eradication of Allstate's racial discrimination.

RECEIVED  
FLORIDA COMMISSION ON  
RACIAL DISCRIMINATION  
2017 JUN 30 PM 12:32

# EXHIBIT B

Position Statement

9/8/2017

From: Defendant  
To: State Agency (FCHR)

*Makere v Allstate*

FCHR: 2017-01432  
USFLMD: 3:20-cv-00905-MMH-LLL

[marked]

{first page only}



**Charmaine Neal**  
Lead Consultant  
Workforce Relations Team  
Human Resources

September 8, 2017

Alicia Maxwell  
Employment Investigator  
Florida Commission on Human Relations  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399

Re: Charge No.: FCHR 201701432  
Complainant: Elias Makere  
Respondent: Allstate Insurance Company

Investigator Maxwell,

This letter sets forth the position of Respondent, Allstate Insurance Company (“Allstate”), regarding the above-referenced charge of discrimination. I am serving as the contact person; therefore, please address all communications to my attention.

The facts set forth in this letter are based upon a preliminary investigation of the circumstances of the allegations against Allstate.<sup>1</sup> It is Allstate’s policy not to discriminate with regard to race, sex, age, national origin, sexual orientation, gender identity/gender expression, citizenship, disability, and status as a veteran with a disability or veteran of the Vietnam Era (Exhibit 1-Policy Guide). As outlined below, the allegations of discrimination based upon race and sex discrimination from Elias Makere (hereinafter “Ms. Makere” or “Complainant”) are without merit.

FACTS

# EXHIBIT C

Notice of Determination

12/15/2017

From: State Agency (FCHR)  
To: Plaintiff/Defendant

*Makere v Allstate*

FCHR: 2017-01432  
USFLMD: 3:20-cv-00905-MMH-LLL

[marked]

{first page only}



**Rick Scott**  
Governor

*State of Florida*  
**Florida Commission on Human Relations**

*An Equal Opportunity Employer • Affirmative Action Employer*

4075 Esplanade Way • Room 110 • Tallahassee, Florida 32399-7020  
(850) 488-7082 / FAX: (850) 487-1007  
<http://fchr.state.fl.us>

*United in One Goal: Equal Opportunity and Mutual Respect*



**Rebecca Steele**  
Chair  
**Michelle Wilson**  
Executive Director

FCHR No. 201701432

Mr. Elias Makere  
3709 San Pable Road S., #701  
Jacksonville, FL 32224

**COMPLAINANT**

Allstate Corporation  
c/o Ms. Charmaine Neal, HR-Workforce Relations Lead Consultant  
2775 Sanders Rd. F5  
Northbrook, IL 60062

**RESPONDENT**

**DETERMINATION: NO REASONABLE CAUSE**

Complainant filed a complaint of discrimination alleging that Respondent violated the Florida Civil Rights Act of 1992. The Florida Commission on Human Relations has completed its investigation of this matter.

Complainant worked for Respondent as an Actuary. Complainant alleged that Respondent discriminated against him based on his race and sex. However, the investigation did not support Complainant's allegations. The investigation did not reveal enough evidence to establish that Complainant reported discriminatory harassment to Respondent. Complainant alleged that Respondent graded his required exams so that he would fail as an excuse to terminate him based on his race. However, the investigation revealed that the required exams were administered and graded anonymously by "The Society of Actuaries" and not Respondent. Therefore, the Respondent could not have been responsible for Complainant failing his exams. Complainant was terminated for failing his exam and not securing a non-actuarial position. The investigation did not reveal evidence of discrimination.

On the basis of the report from the Commission's Office of Employment Investigations and recommendation from the Commission's Office of General Counsel, pursuant to the authority delegated to me as Executive Director of the Florida Commission on Human Relations, I have determined that no reasonable cause exists to believe that an unlawful practice occurred.

Michelle Wilson

Dated: Dec. 15, 2017

# EXHIBIT D

Plaintiff's Submission of Administrative Complaint  
(ie, 'Second Charge')

4/10/2019

Email

From: Plaintiff

To: State Agency (FCHR)

*Makere v Allstate*

FCHR: 2019-19238 | EEOC: 15D-2019-00685

USFLMD: 3:20-cv-00905-MMH-LLL

[marked]

{entire email}

**Williams, DarLinda**

---

**From:** justice.actuarial@gmail.com  
**Sent:** Wednesday, April 10, 2019 8:00 AM  
**To:** FCHR Website Email  
**Subject:** Complaint | Employment Discrimination | Makere v Allstate  
**Attachments:** EEOC-Form-5.pdf; 0a\_Complaint\_001\_Employment.pdf



Good Morning FCHR,

May you please investigate my employment discrimination complaint against Allstate Insurance Company?

Thank you,

Elias Makere, Complainant  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com)  
3709 San Pablo Rd. S. #701  
Jacksonville, FL 32224

# EXHIBIT E

Plaintiff's Submission of Administrative Complaint  
(ie, 'Second Charge')  
4/10/2019  
Charge

From: Plaintiff  
To: State Agency (FCHR)

*Makere v Allstate*

FCHR: 2019-19238 | EEOC: 15D-2019-00685  
USFLMD: 3:20-cv-00905-MMH-LLL

[marked]

{first page only}

Elias Makere, Complainant  
3709 San Pablo Rd. S #701  
Jacksonville, FL 32224

Phone: 904.294.0026  
Fax:  
Email: [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com)

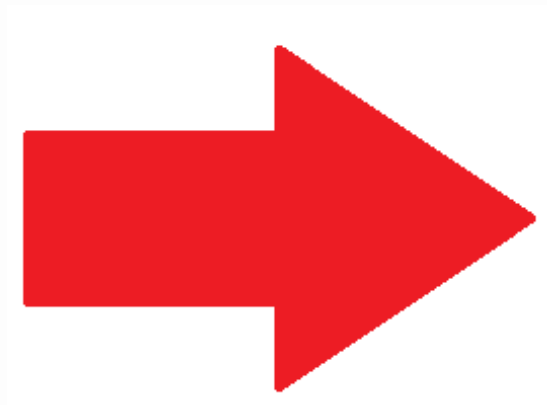
MAKERE  
V  
ALLSTATE

# COMPLAINT ATTACHMENT

*Employment Discrimination (Race, Sex, Retaliation)*

Here is the attachment to the employment discrimination complaint.

Petitioner: Elias Makere  
Dates: November 2013 – July 2018  
Race: Black  
Sex: Male  
Retaliation: Yes



RECEIVED  
FLORIDA COMMISSION ON  
HUMAN RELATIONS  
2019 APR 10 PM 2:35

# EXHIBIT F

*Plaintiff's Good Faith Efforts to Allow Defendant to Correct  
Misconduct*

4/10/2024 through 5/2/2024

Emails  
Between Plaintiff & Defendant\*

*Makere v Allstate*

FCHR: 2017-01432  
FCHR: 2019-19238 | EEOC: 15D-2019-00685  
USFLMD: 3:20-cv-00905-MMH-LLL

\* via counsel

**From:** justice.actuarial@gmail.com  
**Sent:** Thursday, April 11, 2024 1:00 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; VLopez@littler.com; LShelNut@littler.com  
**Subject:** Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

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Hello Allstate,

Do you have any opposition to my upcoming “*Motion for Sanctions*” (attached, [linked](#))?

I plan on filing it due to:

- (a) **your [repeated] lies of material fact;**
- (b) your frivolous motion (filed on 4/10/24); and
- (c) the prejudice that your obstructive/dilatory maneuvers have caused me.

Of course, I’ll be filing it under [Rule 11\(c\) Fed. R. Civ. P.](#) (also confer [Local Rule 2.01\(e\) USFLMD](#); and [Rule 3-4.3 RRTFB](#)).

<b>Plaintiff:</b>	Elias Makere, FSA, MAAA
<b>Defendant:</b>	Allstate Insurance Company
<b>Case Number:</b>	3:20-cv-00905-MMH-LLL
<b>Court:</b>	US Middle District – Jacksonville Division
<b>Type:</b>	Employment Discrimination (§1981 US, §760 FS, EPA, Title VII, etc.)

<b>Document:</b>	<i>Plaintiff’s Renewed Motion for Sanctions</i>
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Purpose = (1) deter further falsehoods; (2) prevent miscarriage of justice; (3) streamline district court proceeding; (4) eliminate/crystallize point-on-appeal; (5) streamline federal appeal; (6) help supply jurors with details of state-sponsored discrimination (as detailed in [the complaint](#)).

Of course, **if you rescind your latest filing** (ie, the one with your demonstrable lies - ≈4/10/24), **then I’ll forego my sanctions request** (please see [Rule 11\(c\)\(2\) Fed. R. Civ. P.](#)).

Please answer as soon as you can.

- Note: Due to time constraints, I will follow-up with you by phone to get your answer(s).

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342  
*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com  
**Sent:** Thursday, April 11, 2024 5:51 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; VLopez@littler.com; LShelNut@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

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Good Afternoon Allstate,

May you please reference these three documents as you contemplate my forthcoming motion for sanctions

	Description	Signature Date	Docket Entry	Filename
First Attachment	<i>Plaintiff's First Administrative Complaint</i>	6/30/2017	53-1	<a href="#">Sanctions02-001-20000905 GRSP 20210521 190224 ExhA.pdf</a>
Second Attachment	<i>Defendant's Official Position Statement</i>	9/8/2017	54-1	<a href="#">Sanctions02-002-4h Motion 007 JudNote-PositionStatement.pdf</a>
Third Attachment	<i>Defendant's Response in Opposition to...Motion to Amend</i>	5/21/2017	53	<a href="#">Sanctions02-003-20000905 GRSP 20210521 190224 ExhA.pdf</a>

This pertains to Sanctions (under [Rule 11\(b\) Fed. R. Civ. P.](#)).

Just a few minutes ago, you called me to discuss **your violative court filing**. A violative court filing which the Court just rejected – *sua sponte* (≈ Docket Entry 113). A violative court filing which ***featured your two lies of material fact*** (each thereby debunked by your own signed submissions – to government entities {please see [§837.06 FS](#)}). During your call with me, you feigned ignorance to your contradictions/lies.

Therefore, I'm supplying you with these documents which crystallize one of your crucial lies. Of course, I'll follow up accordingly.

Please let me know if you have any questions.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK | (Allstate, USFLMD)  
Federal Case No.: 4:21-cv-00096-MW-MAF | (Early, USFLND)  
11<sup>th</sup> Cir. Case No.: [21-11901](#)

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3709 San Pablo Rd. S. #701

Jacksonville, FL 32224

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**From:** KDoud@littler.com  
**Sent:** Thursday, April 11, 2024 6:16 PM  
**To:** justice.actuarial@gmail.com  
**Cc:** lcrobertson@littler.com; VLopez@littler.com;  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

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Mr. Makere:

As Lauren advised you earlier today, Allstate opposes your motion for sanctions. Thank you.

**Kimberly Doud**

Office Managing Shareholder

407.393.2951 direct, 407.864.1852 mobile, 407.641.9263 fax

[KDoud@littler.com](mailto:KDoud@littler.com)

Pronouns: She/Her

**From:** justice.actuarial@gmail.com  
**Sent:** Friday, April 12, 2024 9:51 AM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; VLopez@littler.com; LShelNut@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

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Good Morning Allstate,

What is your availability for a **conferral phone call** to discuss ‘This Motion’ (and this motion only)?  
Where: “**This Motion**” ≈ “*Plaintiff’s Renewed Motion for Sanctions*” (to be filed on-or-before May 3, 2024)

[USFLMD Local Rule 3.01\(g\)](#) states that civil litigants have a **duty to confer**. Considering the nature of this motion (ie, *sanctions*), I think it’s particularly important to do so:

“Thus, although an effective opportunity to contest and explain does not always necessitate a separate, full-blown evidentiary hearing, there must be some reasonable opportunity to challenge the imposition of [Rule 11](#) sanctions.”  
- [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#)

This “reasonable opportunity to challenge sanctions” begins with conferral:

“[Middle District Local Rule 3.01\(g\)](#) requires a moving party to confer with opposing counsel prior to filing a motion... The purpose of the rule is to require the parties to communicate and resolve certain types of disputes without court intervention.”  
- [Desai v. Tire Kingdom, 944 F.Supp. 876 \(USFLMD 1996\)](#)

USFLMD has established that the word “communicate” requires an in-person and/or telephonic discussion:

“[Rule 3.01\(g\)](#) requires counsel and unrepresented parties to confer, which I construe to mean speak to each other in person or by telephone, in a good faith attempt to resolve disputed issues”  
- [Davis v. Apfel, 6:98-cv-00651; 2000 WL 1658575 \(USFLMD 8/14/00\)](#)

Given the geographic distance between you & I, a telephonic conferral would be most logical. Moreover, the public records (which showcase your extrinsic fraud upon the court) can easily be discussed over-the-phone.

So, may you please tell me what your availability is for the following windows:

Date	Option A	Option B
Fri., April 12, 2024	--	14:00
Mon., April 15, 2024	10:00	14:00
Tue., April 16, 2024	10:00	14:00
Wed., April 17, 2024	10:00	

Thu., April 18, 2024

14:00

Thank you,

Elias Makere, FSA, MAAA | Plaintiff

Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)

904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)

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Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** lcrobertson@littler.com;  
**Sent:** Friday, April 12, 2024 10:08 AM  
**To:** justice.actuarial@gmail.com  
**Cc:** KDoud@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Mr. Makere,

I responded to you yesterday (April 11, 2024) at 5:40 p.m. confirming our conferral call on both Defendant's Motion for Fees and your Motion for Sanctions. Attached above for ease reference is the 4/11/24, 5:40 p.m. email.

Allstate opposes your motion, which the Court previously denied in its March 27, 2024 Order. There is no need for further an additional conferral call as our position has not changed.

However, if you're still attempting to leverage your potential motion for sanctions as a settlement offer (i.e., you will forego filing your motion for sanctions if Allstate withdraws its motion for fees), I will confer with my client and let you know their response. Please confirm if this is still your intent.

Regards,  
Lauren

**Lauren C. Robertson**

Associate

407.393.2928 direct, 305.496.9749 mobile

[LCRobertson@littler.com](mailto:LCRobertson@littler.com)

**From:** justice.actuarial@gmail.com  
**Sent:** Friday, April 12, 2024 11:01 AM  
**To:** KDoud@littler.com  
**Cc:** MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

Good Morning Allstate,

The word “settlement” never came out of my mouth yesterday. Nor did I ever discuss/suggest settlement with you (during our call on 4/11/24). Perhaps it’d be a good idea to review the [call transcript](#).

The last time I ever mentioned settlement [with you] was on March 24, 2022 (ie, 2+ years ago). If you confer the attached document you’ll find the outline of that discussion. Nevertheless, here’s a quick breakdown:

“

*The material issues of this case are clear: you're guilty as sin. The severity of your guilt, however, is still to be determined.*

<i>Material Fact #1:</i>	<i>You fired the black guy “solely” because he failed actuarial exam #9.</i>
<i>Material Fact #2:</i>	<i>You never fired anyone else for failing an actuarial exam.</i>
<i>Material Fact #3:</i>	<i>None of your other employees – who also failed exams – were black men.</i>
<i>Material Fact #4:</i>	<i>All of your other employees – who also failed exams – failed easier exams (eg, Exam 1, Exam 7, etc.)</i>
<i>Material Fact #5:</i>	<i>Material facts 1-4 are indisputable</i>
<i>Material Fact #6:</i>	<i>You made the black guy pay \$<u>1,025</u> for an actuarial exam fee</i>
<i>Material Fact #7:</i>	<i>You never made any of your other employees do the same (none of whom - of course - were black men)</i>
<i>Material Fact #8:</i>	<i>You denied the black guy the <u>work-from-home privilege</u> (on countless occasions)</i>
<i>Material Fact #9:</i>	<i>You granted the work-from-home privilege for all of your other actuarial employees (all of whom were non-black-men).</i>
<i>Material Fact #10:</i>	<i>Out of all your ASAs, you paid the black guy the <u>lowest salary</u></i>

*You know these facts; and I know these facts.  
We don't need to do the song & dance for these issues...  
So, I'm offering to rescind all discovery... In return, I'm asking that you:  
(a) pay me liquidated damages (see attachment - 14th page; and [Rule 26\(a\)\(1\)\(iii\)](#));*

”

If you’d like to accept what’s in that attached email (or rebut it) then just let me know. Plus, if you’d like a more formal version then let me know.

Please know, though, that **I will not entertain any offers [from you] that fail to include compensatory damages** (for the injuries you inflicted upon me). Please also know that I cannot afford to entertain any further delays (especially regarding my forthcoming motion for sanctions – for *your repeated frauds upon the court*). So, I'm moving onto the next phase.

Thank you,

Elias Makere, FSA, MAAA | Plaintiff

Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)

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Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com  
**Sent:** Friday, April 12, 2024 12:03 PM  
**To:** lcrobertson@littler.com  
**Cc:** KDoud@littler.com; MFilemore@littler.com;  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Hello Allstate,

May you please answer either 'yes' or 'no' to the following question?

- *Did Elias Makere's 6/30/17 administrative complaint charge you with sex discrimination?*

Please feel free to consult the attached document ([linked](#)). It's **your official position statement** (from September 8, 2017). It was the very first document that you filed in this case. Whereby you confirmed that:

“...the allegations of discrimination based upon race and sex discrimination from Elias Makere”  
- [Allstate Insurance Company \(9/8/17\) - Official Position Statement](#)

**You even notarized it.**

Well, according to [11<sup>th</sup> Circuit](#) precedent (please see [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#); among other decisions/rules), **you deserve the opportunity to address the facts surrounding my upcoming motion for sanctions**. Of course, I'm seeking sanctions against you for your [repeated] material lie about [not] being charged with sex discrimination. The facts/records show that you always were charged with sex discrimination. In fact, you – yourself – acknowledged that you were sued on the basis of sex discrimination. Now, you're telling a lie (one which forms the basis of your latest molestation of my substantial rights).

Therefore, I'm giving you this opportunity to address the facts surrounding my upcoming motion for sanctions. For your convenience, here's the question:

- *Did Elias Makere's 6/30/17 administrative complaint charge you with sex discrimination?*

Please let me know your answer as soon as possible (I have to move onto the next phase).

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** lcrobertson@littler.com  
**Sent:** Friday, April 12, 2024 12:12 PM  
**To:** justice.actuarial@gmail.com  
**Cc:** KDoud@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

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Mr. Makere,

This is my third response to you confirming the outcome of our conferral call yesterday afternoon. I responded to you yesterday 4/11/24 at 5:40 p.m. and this morning at 10:08 a.m. Kimberly Doud also responded to you in writing twice yesterday as well confirming Allstate opposes your motion.

I, again, confirm the outcome of our conferral call, and Allstate opposes your motion for sanctions. Your motion for sanctions re-raises the same arguments previously asserted in your prior motion, which the Court denied in its March 27, 2024 Order. We will respond in writing to your motion.

Regards,  
Lauren

**Lauren C. Robertson**

Associate

407.393.2928 direct, 305.496.9749 mobile

[LCRobertson@littler.com](mailto:LCRobertson@littler.com)

**From:** justice.actuarial@gmail.com  
**Sent:** Friday, April 12, 2024 1:06 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Hello Allstate,

The correct/only answer to my previous question is “yes”. As in, “*Yes, Elias Makere’s 6/30/17 administrative complaint charged Allstate Insurance Company with sex discrimination*”. This [previously-listed] question is a key part of my upcoming motion for sanctions.

**Here’s another key question:**

- *On September 8, 2017, did you acknowledge that Elias Makere’s first discrimination complaint was on the bases of race **and** sex?*

Please feel free to consult the attached document ([linked](#)). It’s **your official position statement** (from September 8, 2017). It was the very first document that you filed in this case. Whereby you confirmed that:

“...the allegations of discrimination based upon race and sex discrimination from Elias Makere”  
- [Allstate Insurance Company \(9/8/17\) - Official Position Statement](#)

**You even notarized it.**

Please know that your opposition to my forthcoming motion [for sanctions] is unavailing here. The questions I’m putting to you deal with the “*good faith efforts*” that litigants must engage in (prior to seeking sanctions). Please see:

- [Local Rule 3.01\(g\) USFLMD](#);
- [Davis v. Apfel, 6:98-cv-0651, 2000 WL 1658575 \(USFLMD 8/14/00\)](#);
- [Desai v. Tire Kingdom, 944 F.Supp. 876 \(USFLMD 1996\)](#); and
- [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#)

Also, please remember that the Court used **a procedural technicality to save you from previous sanctions**. A technicality that was not supported by any binding appellate court precedent (from an published opinion – which was authored **after** my original motion). You’ve obviously used that unwarranted grace as a greenlight to further molest my substantial rights. I’m giving you a chance – as prescribed by the 11<sup>th</sup> Circuit – to honor the factual red light (which should preclude your continued extrinsic frauds).

Therefore, please answer that question. For your convenience, here it is:

- *On September 8, 2017, did you acknowledge that Elias Makere’s first discrimination complaint was on the bases of race **and** sex?*

So, please let me know your answer (I'm moving onto the next phase).

Thank you,

Elias Makere, FSA, MAAA | Plaintiff

Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)

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**From:** justice.actuarial@gmail.com  
**Sent:** Friday, April 12, 2024 1:38 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Hello Allstate,

Your answer to my second question is still outstanding. May you please answer it **before 3:30 PM EST today (4/12/24)**?

- Question #2: *On September 8, 2017, did you acknowledge that Elias Makere's first discrimination complaint was on the bases of race **and** sex?*

Moreover, you've had ample time to answer (dating back to May 27, 2021 – when I first notified you of your prejudicial *fraud upon the court* (now you're repeating/compounding it); see [Rule 11\(c\) Fed. R. Civ. P.](#))

Undue delay is a factor in handing down sanctions (please see [Hutto v. Finney, 437 US 678](#)).

Plus, your delay is harming me.

So, may you please answer Question #2 **by 3:30 PM EST today (4/12/24)**?

- Question #2: *On September 8, 2017, did you acknowledge that Elias Makere's first discrimination complaint was on the bases of race **and** sex?*

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
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**From:** justice.actuarial@gmail.com  
**Sent:** Thursday, April 12, 2024 5:01 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Hello Allstate,

3:35 PM came & went, but I didn't get your answer. So, I'll have to move onto the **third & fourth** questions [of factual concern].

- **Question #3:** *On May 21, 2021, did you lie about whether Elias Makere charged you with sex discrimination?*
- **Question #4:** *On April 11, 2024, did you lie about whether Elias Makere charged you with sex discrimination?*

Of course – and as you know – I'm seeking sanctions against you for (among other things) your [repeated] material lie about [not] being charged with sex discrimination. The facts/records show that you always were charged with sex discrimination. In fact, you – yourself – acknowledged that you were sued on the basis of sex discrimination (see Question #2 below). Now, you're telling your redundant lie (one which forms the basis of your latest molestation of my substantial rights). Well, jurisprudence holds that you deserve a chance to address the facts surrounding your transgressions.

So, may you please give me your answer before **10:00 AM EST** (on Monday, April 15, 2024)?

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
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Hobart, IN 46342

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**From:** justice.actuarial@gmail.com  
**Sent:** Monday, April 15, 2024 10:30 AM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Good Morning Allstate,

10:00 AM came & went, but I didn't get your answer. So, I'll have to move onto the fifth & sixth questions:

- **Question #5:** *Did Elias Makere email the FCHR his Second Charge of discrimination on April 10, 2019?*
- **Question #6:** *Did the FCHR put a timestamp on Elias Makere's Second Charge of Discrimination (featuring a 4/10/19 date)?*

Please feel free to refer to the following public records:

	Description	Date	Filename
First Attachment	Plaintiff's Email to the FCHR (w/ Second Charge attached)	4/10/2019	<a href="#">Sanctions02-004-4p Brief_004 Complaint-B-FCHR-Email.pdf</a>
Second Attachment	The FCHR's Official Timestamp (of Plaintiff's Second Charge)	4/10/2019	<a href="#">Sanctions02-005-4p Brief_004 Complaint-B-FCHR-Timestamp.pdf</a>

**note:** "Second Charge" refers to the dual-filed charge of employment discrimination which Elias Makere filed against Allstate Insurance Company (on April 10, 2019).

Of course, these questions pertain to sanctions (under [Rule 11\(b\) Fed. R. Civ. P.](#)).

According to [11<sup>th</sup> Circuit](#) precedent (please see [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#); among other decisions/rules), **you deserve the opportunity to address the facts surrounding my upcoming motion for sanctions.** Of course, I'm seeking sanctions against you – among other things – for your [repeated] material lie about the filing date of my *Second Charge of Discrimination* [against you]. The facts/records show that I filed that charge on April 10, 2019 (ie, not the April 26, 2019 date that you've lied about). In fact, you – yourself – acknowledged that I filed my charge on April 10, 2019 (see {#103}). Now, you're compounding your lie (one which forms the basis of your latest molestation of my substantial rights).

Therefore, I'm giving you this opportunity to address the facts surrounding my upcoming motion for sanctions. For your convenience, here are the questions:

- **Question #5:** *Did Elias Makere email the FCHR his Second Charge of discrimination on April 10, 2019?*
- **Question #6:** *Did the FCHR put a timestamp on Elias Makere's Second Charge of Discrimination (featuring a 4/10/19 date)?*

Please give me your answers before **2:00 PM EST today** (ie, Monday, April 15, 2024)?

Thank you,

Elias Makere, FSA, MAAA | Plaintiff

Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)

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PO Box 324

Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** lcrobertson@littler.com  
**Sent:** Monday, April 15, 2024 10:39 AM  
**To:** justice.actuarial@gmail.com  
**Cc:** KDoud@littler.com; MFilemore@littler.com;  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Mr. Makere,

This is now our fourth response to you on this issue. We previously conferred with you last week and advised Allstate opposes your motion for sanctions.

Regards,  
Lauren

**Lauren C. Robertson**

Associate

407.393.2928 direct, 305.496.9749 mobile

[LCRobertson@littler.com](mailto:LCRobertson@littler.com)

**From:** justice.actuarial@gmail.com  
**Sent:** Monday, April 15, 2024 10:50 AM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Allstate,

I've made it clear – on multiple occasions – that I'm no longer asking you about your stance on my upcoming motion [for sanctions]. Rather, **I'm asking you direct questions about your guilt**.

For convenience, here are the last two questions (which you've yet to answer):

- **Question #5:** *Did Elias Makere email the FCHR his Second Charge of discrimination on April 10, 2019?*
- **Question #6:** *Did the FCHR put a timestamp on Elias Makere's Second Charge of Discrimination (featuring a 4/10/19 date)?*

If I don't get your answers **by 2:00 PM EST today (ie, 4/15/24)**, then I'm going to move onto the next phase. As an alternative, you can just tell me – explicitly – that you refuse to answer these two questions.

Please let me know as soon as you can (note: I'll call you to follow up).

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** lcrobertson@littler.com  
**Sent:** Monday, April 15, 2024 10:54 AM  
**To:** justice.actuarial@gmail.com  
**Cc:** KDoud@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Mr. Makere,

We have advised you Allstate opposes your motion. Allstate will state its position in writing when it files its brief in opposition to your forthcoming motion.

Regards,  
Lauren

**Lauren C. Robertson**

Associate

407.393.2928 direct, 305.496.9749 mobile

[LCRobertson@littler.com](mailto:LCRobertson@littler.com)

**From:** justice.actuarial@gmail.com  
**Sent:** Monday, April 15, 2024 11:16 AM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Allstate,

I just called you to reiterate that I'm no longer seeking your stance on my upcoming motion [for sanctions]. Rather, **I'm asking you direct questions about your guilt**.

For convenience, here are the last two questions (which you've yet to answer):

- **Question #5:** *Did Elias Makere email the FCHR his Second Charge of discrimination on April 10, 2019?*
- **Question #6:** *Did the FCHR put a timestamp on Elias Makere's Second Charge of Discrimination (featuring a 4/10/19 date)?*

Once again – if I don't get your answers **by 2:00 PM EST today (ie, 4/15/24)**, then I'm going to move onto the next phase. As an alternative, you can just tell me – **explicitly** – that you refuse to answer these two questions.

Please let me know as soon as you can.

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** lcrobertson@littler.com  
**Sent:** Monday, April 15, 2024 11:18 AM  
**To:** justice.actuarial@gmail.com  
**Cc:** KDoud@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Good morning,

The case has been dismissed and there is nothing further to discuss.

Regards,  
Lauren

**Lauren C. Robertson**

Associate

407.393.2928 direct, 305.496.9749 mobile

[LCRobertson@littler.com](mailto:LCRobertson@littler.com)

**From:** justice.actuarial@gmail.com  
**Sent:** Monday, April 15, 2024 11:26 AM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Allstate,

Is your communication (regarding case dismissal) **an affirmation that you've rescinded your violative motion?**

Your violative motion, of course, was titled "*Defendant's Amended Motion for Determination of... Attorneys' Fees*" (filed on April 11/12, 2024; see {#110} and {#114}). Your violative motion, of course, featured multiple lies of material fact. Material lies, of course, which have sparked my forthcoming *motion for sanctions*. Of course, my forthcoming motion for sanctions is contingent upon you rescinding your violative motion (ie, {#110} and {#114}).

Therefore – pursuant to [Rule 11\(c\) Fed. R. Civ. P.](#) – are you rescinding your violative motion?

Please let me know as soon as you can.

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com  
**Sent:** Monday, April 15, 2024 2:34 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Good Afternoon Allstate,

2:00 PM came & went, but I didn't get your answers. So, I'll have to move onto the seventh question:

- **Question #7:** *On February 9, 2021, did Elias Makere send you – via a Court filing – a copy of his officially-timestamped Second Charge of Discrimination (which featured a 4/10/19 date)?*

Please feel free to refer to the following public records:

	Description	Filed on Date	Filename
First Attachment <sup>1</sup>	Plaintiff's Request for Judicial Notice of the Correct Date	2/9/2021	<a href="#">Sanctions02-006-3w Motion 004 JudNote-FCHRCharge.pdf</a>

**note:** "Second Charge" refers to the dual-filed charge [of employment discrimination] which Elias Makere filed against Allstate Insurance Company (on April 10, 2019).

<sup>1</sup> the document is too large [for this mail server] to deliver. Thus, please access/download it via the [link](#) (above).

Of course, this question pertains to sanctions (under [Rule 11\(b\) Fed. R. Civ. P.](#)).

According to [11<sup>th</sup> Circuit](#) precedent (please see [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#); among other decisions/rules), **you deserve the opportunity to address the facts surrounding your guilt**. Of course, I'm seeking sanctions against you – among other things – for your [repeated] material lie about the filing date of my *Second Charge of Discrimination* [against you]. The facts/records show that I filed that charge on April 10, 2019 (ie, not the April 26, 2019 date that you've lied about). In fact, you – yourself – acknowledged that I filed my charge on April 10, 2019 (see {#103}). Now, you're compounding your lie (one which forms the basis of your latest molestation of my substantial rights).

Therefore, I'm giving you this opportunity to address the facts surrounding my upcoming motion for sanctions. For your convenience, here are the questions:

- **Question #7:** *On February 9, 2021, did Elias Makere send you – via a Court filing – a copy of his officially-timestamped Second Charge of Discrimination (which featured a 4/10/19 date)?*

Please give me your answer **before 5:00 PM EST today** (ie, Monday, April 15, 2024)? Thereafter, I'll be moving onto the final leg of this due process journey.

Lastly, please remember that I'm not asking you for your stance on my motion. Rather, I'm asking you direct questions about your guilt. So, please refrain from injecting empty gripes into this electronic record.

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342

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**From:** lcrobertson@littler.com  
**Sent:** Monday, April 15, 2024 4:04 PM  
**To:** justice.actuarial@gmail.com  
**Cc:** KDoud@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Mr. Makere,

The Court already considered your position on your request for sanctions associated with our position regarding the filing date and denied the same. There is nothing further to discuss. If you plan on moving forward with your motion for sanctions, which at this juncture we find to be vexatious, please be advised Allstate will seek all appropriate relief under Rule 11 for having to defend against the same.

Regards,  
Lauren

**Lauren C. Robertson**

Associate

407.393.2928 direct, 305.496.9749 mobile

[LCRobertson@littler.com](mailto:LCRobertson@littler.com)

**From:** justice.actuarial@gmail.com  
**Sent:** Monday, April 15, 2024 5:25 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Allstate,

Given the circumstances (ie, your dishonesty; time limitations; etc), I find that your lack-of-an-answer reflects your [continued] refusal-to-answer. A refusal-to-answer that highlights your **failure to confer in good faith**. A failure which violates [USFLMD Local Rule 3.01\(g\)](#). A violation, of course, which the Court has [repeatedly] had to admonish you for (ie, see [#113](#)).

Moreover, the 5:00 PM EST deadline has come & gone; and I must move onto the next questions:

- **Question #8:** *On October 31, 2023, did you claim that April 26, 2019 was the filing date of my Second Charge of Discrimination (which featured a 4/10/19 timestamp)?*
- **Question #9:** *On November 28, 2023, did you concede that April 10, 2019 was – indeed – the filing date of my Second Charge of Discrimination (which featured a 4/10/19 timestamp)?*
- **Question #10:** *On April 11, 2024, did you claim that April 26, 2019 was the filing date of my Second Charge of Discrimination (which featured a 4/10/19 timestamp)?*

Please feel free to refer to the following public records:

	Description	Date Filed	Docket Entry	Filename
First Attachment	<i>Defendant's 2023 Lie about the Filing Date</i>	10/31/23	{#99}	<a href="#">Sanctions02-008-20000905 GMOT 20231030 150426.pdf</a>
Second Attachment	<i>Defendant's 2023 Contradiction Regarding the Filing Date</i>	11/28/23	{#103}	<a href="#">Sanctions02-009-20000905 RP 20231128 222755.pdf</a>
Third Attachment	<i>Defendant's 2024 Lie About the Filing Date</i>	4/11/24	{#114}	<a href="#">Sanctions02-010-20000905 GMOT 20240411 165100.pdf</a>

**1<sup>st</sup> note:** "Second Charge" refers to the dual-filed charge [of employment discrimination] which Elias Makere filed against Allstate Insurance Company [on April 10, 2019].

**2<sup>nd</sup> note:** I marked [each of] the attached documents to highlight your immediately-pertinent lies

Of course, this question pertains to sanctions (under [Rule 11\(b\) Fed. R. Civ. P.](#)).

According to [11<sup>th</sup> Circuit](#) precedent (please see [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#); among other decisions/rules), **you deserve the opportunity to address the facts surrounding your guilt**. Of course, I'm seeking sanctions against you for – among other things – your

[repeated] material lie about the filing date of my *Second Charge of Discrimination* [against you]. The facts/records show that I filed that charge on April 10, 2019 (ie, not the April 26, 2019 date that you've lied about). In fact, you – yourself – acknowledged that I filed my charge on April 10, 2019 (see {#103}). Now, you're compounding your lie (one which forms the basis of your latest molestation of my substantial rights).

Therefore, I'm giving you this opportunity to address the facts surrounding my upcoming motion for sanctions. For your convenience, here are the questions:

- **Question #8:** *On October 31, 2023, did you claim that April 26, 2019 was the filing date of my Second Charge of Discrimination (which featured a 4/10/19 timestamp)?*
- **Question #9:** *On November 28, 2023, did you concede that April 10, 2019 was – indeed – the filing date of my Second Charge of Discrimination (which featured a 4/10/19 timestamp)?*
- **Question #10:** *On April 11, 2024, did you claim that April 26, 2019 was the filing date of my Second Charge of Discrimination (which featured a 4/10/19 timestamp)?*

Please give me your answers **before 10:00 AM EST tomorrow** (ie, Tuesday, April 16, 2024)? Thereafter, I'll be moving onto the next phase.

Lastly, please remember that I'm not asking you for your stance on my motion. Rather, I'm asking you direct questions about your guilt. So, please refrain from injecting empty gripes into this electronic record.

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com  
**Sent:** Tuesday, April 16, 2024 9:02 AM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Good Morning Allstate,

The 10:00 AM EST deadline has come & gone, but I didn't get your answer (neither via phone nor email). So, I have to move onto the next [and – perhaps – final] question:

- **Question #11:** *On April 26, 2024, did the Court judicially notice the fact that I filed my Second Charge of Discrimination on 4/10/19?*

Please feel free to refer to the following public records:

	Description	Filed on Date	Filename
<b>First Attachment</b>	<i>Court's Judicial Notice of the 4/10/19 Filing Date</i>	3/26/24	<a href="#">Sanctions02-011-20000905_OGEN_20240326_1540.pdf</a>

**note:** "Second Charge" refers to the dual-filed charge [of employment discrimination] which Elias Makere filed against Allstate Insurance Company (on April 10, 2019).

Of course, this question pertains to sanctions (under [Rule 11\(b\) Fed. R. Civ. P.](#)).

According to [11<sup>th</sup> Circuit](#) precedent (please see [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#); among other decisions/rules), **you deserve the opportunity to address the facts surrounding your guilt**. Of course, I'm seeking sanctions against you for – among other things – your [repeated] material lie about the filing date of my *Second Charge of Discrimination* [against you]. The facts/records show that I filed that charge on April 10, 2019 (ie, not the April 26, 2019 date that you've lied about). In fact, you – yourself – acknowledged that I filed my charge on April 10, 2019 (see {#103}). Now, you're compounding your lie (one which forms the basis of your latest molestation of my substantial rights).

Therefore, I'm giving you this opportunity to address the facts surrounding my upcoming motion for sanctions. For your convenience, here are the questions:

- **Question #11:** *On April 26, 2024, did the Court judicially notice the fact that I filed my Second Charge of Discrimination on 4/10/19?*

Please give me your answer **before 1:00 PM EST today** (ie, Tuesday, April 16, 2024)? Thereafter, I'll be moving onto the terminal point of this due process journey.

Lastly, please remember that I'm not asking you for your stance on my motion. Rather, I'm asking you direct questions about your guilt. So, please refrain from injecting empty gripes into this electronic record.

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342

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**From:** justice.actuarial@gmail.com  
**Sent:** Tuesday, April 16, 2024 10:21 AM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

Good Afternoon Allstate,

The 1:00 PM EST deadline came & went, but I didn't get your answer (neither via phone nor email). So, I have to move onto the next phase.

Do you dispute any of the following recorded facts:

#	<u>Fact</u>
<a href="#">1</a>	Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">2</a>	On September 8, 2017, Allstate acknowledged that Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">3</a>	On May 21, 2021, Allstate lied – in a court filing – about whether Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">4</a>	On April 11, 2024, Allstate lied – in a court filing – about whether Elias Makere's First Charge charged Allstate with sex discrimination

#	<u>Fact</u>
<a href="#">5</a>	Elias Makere emailed [the FCHR] his Second Charge on April 10, 2019
<a href="#">6</a>	The FCHR put an April 10, 2019 timestamp on Elias Makere's Second Charge
<a href="#">7</a>	On February 9, 2021, Elias Makere sent Allstate – via a court filing – a copy of his officially-timestamped Second Charge
<a href="#">8</a>	On October 31, 2023, Allstate claimed that April 26, 2019 was the filing date of Elias Makere's Second Charge
<a href="#">9</a>	On November 28, 2023, Allstate conceded that April 10, 2019 was the filing date of Elias Makere's Second Charge
<a href="#">10</a>	On March 26, 2024, the Court judicially noticed the fact that Elias Makere filed his Second Charge on April 10, 2019
<a href="#">11</a>	On April 11, 2024, Allstate lied – in a court filing – about the filing date of Elias Makere's Second Charge

Where:

- "First Charge" = the employment charge of discrimination that Elias Makere filed [against Allstate Insurance Company] on June 30, 2017.
- "Second Charge" = the employment charge of discrimination that Elias Makere filed [against Allstate Insurance Company] on April 10, 2019.

Of course, these facts come from public record. Plus, they relate to my upcoming motion for sanctions (under [Rule 11\(b\) Fed. R. Civ. P.](#)).

According to [11<sup>th</sup> Circuit](#) precedent (please see [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#); among other decisions/rules), **you deserve the opportunity to address the facts surrounding your guilt**. Of course, I'm seeking sanctions against you for – among other things – your [repeated] material lie about:

- (a) the fact that I always/originally charged you with sex discrimination; and
- (b) the filing date of my *Second Charge of Discrimination* [against you].

The facts/records show that my original complaint charged you with sex discrimination. In fact, you – yourself – acknowledged that I charged you with sex discrimination. Yet, now you're telling a lie (one which forms the basis of your latest molestation of my substantial rights).

The facts/records also show that I filed my *Second Charge* on April 10, 2019 (ie, not the April 26, 2019 date that you've lied about). In fact, you – yourself – acknowledged that I filed my charge on April 10, 2019 (see {#103}). Now, you're compounding your lie (one which forms the basis of your latest molestation of my substantial rights).

Therefore, I'm giving you this opportunity to address the facts surrounding my upcoming motion for sanctions. For your convenience, here are the questions:

Please give me your answer **before 4:00 PM EST today** (ie, Tuesday, April 16, 2024)? Thereafter, I'll be moving onto the court-intervention phase of this due process journey.

Lastly, please remember that I'm not asking you for your stance on my motion. Rather, I'm asking you whether you dispute the undisputed/recorded facts (from above). So, please refrain from injecting empty gripes into this electronic record.

Thank you,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
PO Box 324  
Hobart, IN 46342

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**From:** KDoud@littler.com  
**Sent:** Tuesday, April 16, 2024 2:20 PM  
**To:** justice.actuarial@gmail.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Mr. Makere:

Allstate's position has been provided. We dispute your claims and characterizations. There is no basis for sanctions. The Court dismissed the case. Thank you.

**Kimberly Doud**

Office Managing Shareholder

407.393.2951 direct, 407.864.1852 mobile, 407.641.9263 fax

[KDoud@littler.com](mailto:KDoud@littler.com)

Pronouns: She/Her

**From:** justice.actuarial@gmail.com  
**Sent:** Tuesday, April 16, 2024 2:51 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

Allstate,

Please be specific about which one of the recorded facts you dispute (so far, you've failed to do so via email/phone). To make things easier, I used hyperlinks to help you read/download the public records from which these facts are derived. For convenience sake, here are those recorded facts:

#	Fact
<a href="#">1</a>	Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">2</a>	On September 8, 2017, Allstate acknowledged that Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">3</a>	On May 21, 2021, Allstate lied – in a court filing – about whether Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">4</a>	On April 11, 2024, Allstate lied – in a court filing – about whether Elias Makere's First Charge charged Allstate with sex discrimination

#	Fact
<a href="#">5</a>	Elias Makere emailed [the FCHR] his Second Charge on April 10, 2019
<a href="#">6</a>	The FCHR put an April 10, 2019 timestamp on Elias Makere's Second Charge
<a href="#">7</a>	On February 9, 2021, Elias Makere sent Allstate – via a court filing – a copy of his officially-timestamped Second Charge
<a href="#">8</a>	On October 31, 2023, Allstate claimed that April 26, 2019 was the filing date of Elias Makere's Second Charge
<a href="#">9</a>	On November 28, 2023, Allstate conceded that April 10, 2019 was the filing date of Elias Makere's Second Charge
<a href="#">10</a>	On March 26, 2024, the Court judicially noticed the fact that Elias Makere filed his Second Charge on April 10, 2019
<a href="#">11</a>	On April 11, 2024, Allstate lied – in a court filing – about the filing date of Elias Makere's Second Charge

Also, please take note that these facts pertain to my upcoming motion for sanctions (under [Rule 11\(b\) Fed. R. Civ. P.](#)). *But for* your violative motion (see {#110} and {#114}) – which the Court sua sponte struck (without prejudice) – I wouldn't be compelled to seek sanctions against you.

Of course, please give me your answer **before 4:00 PM EST today** (ie, Tuesday, April 16, 2024)? Alternatively, please tell me – explicitly – that you refuse to answer my question. For clarity, here it is:

➤ Which one of the recorded facts (*supra*) do you dispute (if any)?

Thank You,

Elias Makere, FSA, MAAA | Plaintiff

Federal Case No.: 3:20-cv-00905-MMH-LLL | (Allstate, USFLMD)

904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)

PO Box 324

Hobart, IN 46342

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**From:** justice.actuarial@gmail.com  
**Sent:** Tuesday, April 16, 2024 3:17 PM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

---

Allstate,

The **4:00 PM EST** deadline came & went, but you've – once again – failed to provide a direct answer. Your failure's highlighted by the fact that you've had ample time to *confer in good faith* (via phone and/or email). Your failure further illustrates your contempt for [honesty](#); the [Local Rules of Court](#); and [the equal protections of the law](#).

So, I'm moving onto the next phase. I'm doing so, of course, while equipped with your [demonstrated] failure to dispute any of the pertinent facts. As summarized in this table:

<u>#</u>	<u>Fact</u>
<a href="#">1</a>	Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">2</a>	On September 8, 2017, Allstate acknowledged that Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">3</a>	On May 21, 2021, Allstate lied – in a court filing – about whether Elias Makere's First Charge charged Allstate with sex discrimination
<a href="#">4</a>	On April 11, 2024, Allstate lied – in a court filing – about whether Elias Makere's First Charge charged Allstate with sex discrimination

<u>#</u>	<u>Fact</u>
<a href="#">5</a>	Elias Makere emailed [the FCHR] his Second Charge on April 10, 2019
<a href="#">6</a>	The FCHR put an April 10, 2019 timestamp on Elias Makere's Second Charge
<a href="#">7</a>	On February 9, 2021, Elias Makere sent Allstate – via a court filing – a copy of his officially-timestamped Second Charge
<a href="#">8</a>	On October 31, 2023, Allstate claimed that April 26, 2019 was the filing date of Elias Makere's Second Charge
<a href="#">9</a>	On November 28, 2023, Allstate conceded that April 10, 2019 was the filing date of Elias Makere's Second Charge
<a href="#">10</a>	On March 26, 2024, the Court judicially noticed the fact that Elias Makere filed his Second Charge on April 10, 2019
<a href="#">11</a>	On April 11, 2024, Allstate lied – in a court filing – about the filing date of Elias Makere's Second Charge

These pertinent facts, of course, pertain to my upcoming motion for sanctions (under [Rule 11\(b\) Fed. R. Civ. P.](#)). A motion that I seek to file as soon as possible.

Therefore, please be on the lookout for an accompanying email.

Thank You,

Elias Makere, FSA, MAAA | Plaintiff

Federal Case No.: [3:20-cv-00905-MMH-LLL](#) | (Allstate, USFLMD)

904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)

PO Box 324

Hobart, IN 46342

*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com  
**Sent:** Thursday, May 2, 2024 11:00 AM  
**To:** KDoud@littler.com  
**Cc:** lcrobertson@littler.com; MFilemore@littler.com  
**Subject:** Aborted Phone Call | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Renewed Motion for Sanctions

---

Hello Allstate,

Would you like to **review** a copy of my **phone call recitation**? It's 7 pages. It's based on my contemporaneous notes.

Note: Just a few minutes into our conversation I gave you the greenlight to record the call. Yet, you hung up just seconds later (objecting to any recording).

Please know that I was planning on supplementing this transcript with additional conversations (from a formal conferral – see [Local Rule 3.01\(g\)](#); [Rule 11\(c\) Fed. R. Civ. P.](#)). However, your subsequent actions (eg, bad faith refusal to confer; continued dishonesty) made that impossible.

Of course, all of this pertains to my forthcoming motion for sanctions. A motion that – as you know – is based on:

- (a) **your [repeated] lies of material fact;**
- (b) your frivolous motion (filed on 4/11/24);
- (c) the prejudice that your obstructive/dilatory maneuvers have caused me; and
- (d) more

Thus, please let me know if you'd like to review a copy of my phone call recitation?

Thank You,

Elias Makere, FSA, MAAA | Plaintiff  
Federal Case No.: [3:20-cv-00905-MMH-LLL](#) | (Allstate, USFLMD)  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
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Hobart, IN 46342

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# TRANSCRIPT A

*Plaintiff's Good Faith Efforts to Allow Defendant to Correct  
Misconduct*

Phone Call  
Written Recitation

Thursday, April 11, 2024  
5:30 PM EST

Between: Plaintiff, Defendant\*

*Makere v Allstate*

FCHR: 2017-01432  
FCHR: 2019-19238 | EEOC: 15D-2019-00685  
USFLMD: 3:20-cv-00905-MMH-LLL

*Source: Plaintiff's contemporaneous notes during conversation*

\* via counsel

Caller: 305.496.9749 | Defendant's Counsel (Lauren R.)  
 Recipient: 904.294.0026 | Plaintiff (Elias Makere)  
 Date: 4/11/2024  
 Time: 5:30 PM EST  
 Subject: Conferral Phone Call | Defendant's Violative Motion  
 Legend: "P:" = Plaintiff | "D:" = Defendant  
 Note: "\*\*\*\*" means that the transcriber could not decipher

---

{phone ringing}

#	Spkr	Speech
01	<b>P:</b>	Hello, this is Elias
02	<b>D:</b>	Hi, is this Mr. Makere? Mr. Makere?
03	<b>P:</b>	Yeah; this is Elias; what's up?
04	<b>D:</b>	Hi, this is Lauren Robertson... ..conferral on our motion...
05	<b>P:</b>	Well, what's the basis for your motion?
06	<b>D:</b>	The motion speaks for itself. Have you read it?
07	<b>P:</b>	Yeah, I've read it. Are you saying that you're going to file it as-is?
08	<b>D:</b>	Yes, I'm just getting your position on it.
09	<b>P:</b>	Your motion is based on massive lies; you're defrauding the Court; and I'm seeking sanctions against you (for doing so). Question #1: did you affirm - and notarize - that Elias Makere's June 30, 2017 charge of discrimination charged you with sex discrimination?
10	<b>D:</b>	I don't have the document in front of me right now.

...

#	Spkr	Speech
11	<b>P:</b>	<p>You've had plenty of time to acknowledge these records, because I've sent them to you plenty of times. They're even on the docket. You've even forwarded/filed them yourself. Nevertheless, I'll send them to you again; okay?</p> <p>The bottom line is that you guys acknowledged it - back on September 8, 2017 - and we're almost seven years later; yet you're still telling the same lies. Okay; so, I'm gonna send it to you via email; and we can follow-up after that.</p> <p>Okay, so your second lie is the April 10<sup>th</sup> date.</p> <p>Question #2: Do you dispute the fact that I filed my Second Charge of Discrimination on April 10, 2019?</p>
12	<b>D:</b>	Our motion speaks for itself.
13	<b>P:</b>	<p>But you're basing it on lies. Remember, you're gonna have your 21-day window. Okay, I'm gonna be filing this motion for sanctions. Because, it's clear that you're going to continue with your lies.</p> <p>April 10, 2019 is the date.</p> <p>Question #3: Do you dispute the fact that the Court judicially noticed that I filed my Second Charge on April 10, 2019?</p>
14	<b>D:</b>	I don't know about that.
15	<b>P:</b>	Didn't they just do that (a few days ago) on March 26 <sup>th</sup> ?
16	<b>D:</b>	I don't think so.
17	<b>P:</b>	<p>Okay; I'm gonna take a look at that again. I don't have a lot of time for your baloney. But there's a lot of baloney in your motion. So, you seem to be having a hard time facing the reality of the lies that you're telling there.</p> <p>I don't have a lot of patience for you guys, because I've been telling this to you for a long time, Lauren.</p>

		<p>I think two years ago I asked you explicitly not to tell another lie about me, and here you are telling more lies about me.</p> <p>Okay; now, you talked about the February 8, 2021 order; do you recognize that the Judge just adjusted that order?</p>
18	<b>D:</b>	I've written that in my motion...
19	<b>P:</b>	<p>Okay; that's a "yes". I don't have time for the word soup. Even in your motion you acknowledged that [the Judge] later amended that order.</p> <p>And then on October 13, 2021, [the Judge] explicitly told me to include "all claims" in the Third Amended Complaint - and that's an exact quote "all claims".</p> <p>Question: do you dispute the fact that the Court directed me to include "all claims" in the Third Amended Complaint?</p>
20	<b>D:</b>	The record speaks for itself.
21	<b>P:</b>	<p>Okay; then check the record; and check your facts before you write things in Court. And stop wasting my time; and stop wasting the Court's time. Okay.</p> <p>You have a duty to do your homework. So, I'm giving you this opportunity:</p> <ul style="list-style-type: none"> <li>• to do your homework, Lauren;</li> <li>• to get your facts straight; and</li> <li>• to stop telling lies</li> </ul> <p>If you fail to do that then I'm filing more sanctions on you.</p> <p>Okay; I'm giving you guys a diplomatic opportunity to get your stuff together. And if you don't then I'll file for sanctions against you.</p> <p>Alright; so get your facts straight.</p> <p>You have a duty - under the Rule 3-4.3 Rules Regulating the Florida Bar - is that you need to get your facts straight before you file things. And also under Rule 11(b) of the Federal Rules of Civil Procedure. You are supposed to attest that you have done your homework (essentially). So, you need to do</p>

		<p>your homework; I'm not here playing games with you guys.</p> <p>You discriminated against me; then you've been telling lies; and covering up those lies with more lies &amp; more lies; and then you're throwing more baloney out here. Get your facts straight; okay. We're gonna talk about my [upcoming] Motion for Sanctions.</p>
22	<b>D:</b>	Are you threatening me?
23	<b>P:</b>	<p>Get real; I told you to get your facts straight. That's what I need you to focus on. You can take some notes down if you'd like; okay?</p> <p>In fact, you might want to record this. If you have any problems about what I'm saying to you right now then you might want to record this. You have my permission to record this conversation.</p> <p>Lauren C. Robertson, get your facts straight. And when you put anything on the court docket make sure it's accurate. Stop telling lies about me; I've said this many times - stop telling lies. Okay; I'm not gonna have a lot of conversation about this. If you want to take it some kind of way; you can take it some kind of way.</p> <p>The bottom line is that you need to get your facts straight before you write anything about me or say anything to me (particularly in court).</p>
24	<b>D:</b>	I don't consent to having this conversation recorded.
25	<b>P:</b>	<p>I haven't recorded anything. I'm just giving you the opportunity to record this so that you can avoid twisting my words.</p> <p>Okay?</p>

---

{...call ended (defendant hung up) | ≈ 5:35 PM EST...}


---

Verification Under Oath Pursuant to 28 USC §1746

I am the plaintiff in this case, and I was present for the phone call in which these quotes came from. I drafted this recitation; and asked the defendant if it wanted to review it (no answer). My recitation was based on my notes. I would love an opportunity to have a quick hearing in which a full conversation can be recorded and/or transcribed.

Nevertheless, I declare under penalty of perjury that the foregoing is a true and correct recitation of the phone call I had with Allstate's attorney; and is based on my contemporaneous notes. Executed on this 3<sup>rd</sup> day of May 2024.

UNITED STATES OF AMERICA



5/3/2024

---

Elias Makere, Plaintiff/Transcriber

PLAINTIFF'S  
AFFIDAVIT

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

ELIAS MAKERE, FSA, MAAA )  
 )  
Plaintiff ) Case No (LT)  
 ) **3:20-cv-00905-MMH-LLL**  
 )  
v. )  
 )  
ALLSTATE INSURANCE COMPANY, )  
 )  
Defendant )

---

**PLAINTIFF’S AFFIDAVIT IN SUPPORT OF  
‘PLAINTIFF’S RENEWED MOTION FOR SANCTIONS’**

---

The affiant, Elias Makere, swears or affirms as follows:

**Background**

1. I am over the age of eighteen (18).
2. I am a plaintiff in the above-captioned case.
3. This affidavit is made in good faith.

**Familiarity**

4. I have read the Local Rules of Court, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Middle District’s Discovery Handbook, and much more.
5. The information in this affidavit is based on my own personal knowledge.

## Facts

6. Allstate has been operating in bad faith throughout this entire legal action.

7. It's done so by hurling lie after lie. This pattern dates back many years.

a. In 2015 - when I worked for Allstate - management knew I didn't want to be around my harassers. Yet they forced me to be near them. They did so in the face of letting everyone else work from home.

i. They fibbed by saying '*sitting hear my coworkers was a condition of my employment.*' Of course, that so-called condition was a discriminatory lie.

ii. Allstate let everyone else (in the actuarial department; and otherwise) work from home. In other words, the condition never existed, but Allstate fabricated it to injure me.

b. In 2016, Allstate knew that failure of an FSA exam was not a fire-able offense (or any offense - for that matter). Yet they used that as an excuse to terminate my employment. They did so in the face of letting everyone else fail actuarial exams.

i. Allstate fibbed by saying they fired me "solely" because I failed actuarial exam number nine (out of 10). Of course, that was a lie.

ii. They fired me due to their adherence to discrimination/retaliation.

iii. They had dozens of other employees who also failed actuarial exams (some who passed 0). Allstate never fired them, though. In fact, Allstate promoted some of them (into my newly-terminated job). All of whom, importantly, were of a different demographic.

c. In 2018, Allstate knew that one of their employees put a racist doll on my desk (which sat there for months). Yet, they claimed that no one ever did such a thing (even adding that they investigated the matter). Of course, the person [who put the racist doll on my desk] admitted it - at all times.

8. The lie that Allstate told on May 21, 2021 was - at the time (perhaps) - its biggest lie.

a. As before (ie, ¶7a-7c), Allstate knew that I would seek sanctions for its lies. This Court, though, used a technicality to let Allstate off the hook.

b. So - just as I had originally foretold (see {#59}), unfortunately - Allstate continued its subterfuge (¶9 *infra*).

9. On April 11, 2024 Allstate repeated its lie (about being charged with sex discrimination).

10. That same day (ie, 4/11/24), Allstate compounded its lie with another material falsehood (about me filing my 2<sup>nd</sup> charge on April 10, 2019).

11. The fact-of-the-matter is that Allstate has continually lied about its unlawful discrimination. It's enlisted others along the way, and it's poised to do more lying in the future.

a. During my phone call with Allstate, the employer - once again - dodged my simple 'yes-or-no' questions. Allstate thereby ended the call by invoking the stereotyped retreat of 'dark-guy-is-discomforting-me' (eg, "are you threatening me?" - **Transcript A at 22**). Allstate pulled this obstructionist's stunt earlier (during our [original] sanctions call on 6/11/2021).

i. Allstate, of course, has used that stereotyped retreat many times before.

b. So, I put the same questions in writing; and emailed them. Yet - once again - Allstate refused to give direct answers to any of them.

12. In short, Allstate's stereotyped retreat was fake; its presentation of integrity was fake; and its contentions of material fact were also fake. The records prove it, and a short hearing should force the company to either: (a) fess up; (b) vocalize its frauds; and/or (c) remain silent. All of which will lead to sanctions.

## Request

13. May you please penalize Allstate's fraud-upon-the-court?

14. Also, may you please hold a short hearing/conference to ask

Allstate the following questions:

- a. *"Did Elias Makere's 6/30/17 administrative charge [of employment discrimination] list sex discrimination?"*
- b. *"On September 8, 2017, did you acknowledge that Elias Makere's discrimination complaint was on the basis of race and sex?"*
- c. *"On May 21, 2021, did you lie about whether Elias Makere charged you with sex discrimination?"*
- d. *"On April 11, 2024, did you lie about whether Elias Makere charged you with sex discrimination?"*
- e. *"Did Elias Makere's 4/10/19 email ask the FCHR to investigate you for employment discrimination?"*
- f. *"Did the FCHR put a timestamp (which read '2019 APR 10 PM 2:35) on Elias Makere's 'Second Charge'?"*
- g. *"On February 9, 2021, did Elias Makere file a court document which showed a true & correct copy of his [officially-timestamped] 'Second Charge'?"*
- h. *"On October 31, 2023, did you claim that April 26, 2019 was the filing date of Elias Makere's 'Second Charge'?"*

i. "On March 26, 2024, did the Court judicially notice the fact that Elias Makere filed his 'Second Charge' on April 10, 2019?"

j. "On April 11, 2024, did you lie about the filing date of Elias Makere's 'Second Charge'?"

Allstate's responses to those questions lead to grounds for sanctions.

15. Lastly, may you please enter final judgment against Allstate?

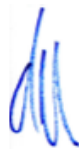
Thank you.

---

### Verification Under Oath Pursuant to 28 USC §1746

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 6<sup>th</sup> day of May 2024.

UNITED STATES OF AMERICA



/s/ Elias Makere 5/6/2024

---

Elias Makere, Plaintiff/Affiant

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