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UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

ELIAS MAKERE, FSA, MAAA)
Appellant/Plaintiff) CASE NUMBER
) **24-11336-JJ**
)
v.)
)
ALLSTATE INSURANCE COMPANY) (LT)
) 3:20-cv-00905-MMH-LLL
) US District Court, Florida, Middle District
Appellee/Defendant)

**APPELLANT’S MOTION FOR JUDICIAL NOTICE OF
APPELLEE’S OFFICIAL POSITION STATEMENT**

Appellant, ELIAS MAKERE, on this 15th day of November 2024, respectfully moves this Court to take judicial notice of the *Official Position Statement* that Appellee filed with the Florida Commission on Human Relations (FCHR) (on September 8, 2017).

Key Points:

- A.) Points sex vs no sex [discrimination]; Appellee’s fraud
- B.) Grounds issue-on-appeal (*manifest injustice*)

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Background: Appellant charged Appellee with sex discrimination
Problem: Appellee’s material lie will defraud this Court
Request: This Court judicially notices Appellee’s statement

Rule 201 | Fed. R. Evid. | Judicial Notice

“(b) KINDS OF FACTS THAT MAY BE JUDICIALLY NOTICED. The court may judicially notice a fact that...

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”

Rule 402 | Fed. R. Evid. | General Admissibility of... Evidence

“Relevant evidence is admissible unless [prohibited by law]”

Addendum 8 | 11th Cir. R. | Rules Governing Attorney Discipline..

“When alleged attorney misconduct is brought to the attention of the Court... the Court may dispose of the matter through the use of its inherent, statutory, or other powers; refer the matter to an appropriate state bar agency for investigation and disposition... or take any other action the Court deems appropriate.”

Rule 3-4.3 RRTFB | Misconduct and Minor Misconduct

“The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer’s relations as a lawyer or otherwise, whether committed within Florida or outside the state...”

Precedence

- 02-16215 - 11th Cir. (1/30/04)
- 07-12874 - 11th Cir. (2/4/09)

This Court usually grants motions for judicial notice

Abbreviations

- [OB###] - Paragraph ### from Appellant’s Opening Brief
- FCHR - Florida Commission on Human Relations
- FS - Florida Statute
- LT - Lower Tribunal
- USFLMD - US District Court, Florida, Middle District
- USFLSD - US District Court, Florida, Southern District

MOTION

I. Background | Administrative History

1. On June 30, 2017, Appellant filed an employment discrimination complaint with the FCHR (“First Charge”). Pursuant to §760.11(1) FS, he alleged that Appellee had violated his rights on the bases of race **and** sex. **[Exhibit A]**
2. On September 8, 2017, Appellee denied both allegations. Thereby acknowledging - explicitly - that Appellant’s First Charge contained “allegations of discrimination based upon race **and** sex discrimination” (emphasis added). **[Exhibit B]**
3. On December 15, 2017, the FCHR concluded its investigation. Notably affirming that race **and** sex were the bases of Appellant’s First Charge. **[Exhibit C]**
4. On April 10, 2019 - and due to Appellee’s continued retaliation - Appellant sent the FCHR his second discrimination complaint (“Second Charge”). **[OB023]-[OB032]**

II. Background | Judicial History

5. On August 12, 2020, Appellant sued Appellee in federal court. Doing so under both federal (42 USC §1981) and state law (§760 FS).
6. On May 21, 2021, Appellee filed a document in the District Court; thereby [falsely] stating that Appellant’s First

Charge did **not** include a basis of sex discrimination (highlights 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...

On January 19, 2018, Plaintiff filed a 231-page Petition for Relief (“First Petition”) with the FCHR... Plaintiff also, for the first time, alleged sex discrimination and/or sexual harassment.”

- Allstate (3:20-cv-00905; USFLMD 5/21/21)

[Exhibit D]

7. Yet - within that same court filing - Appellee attached a document. A document, importantly, that showed that Appellant’s First Charge did [indeed] include a basis of sex discrimination. **[Exhibit E]**
8. So, twenty-one days (21) later - on June 11, 2021 - Appellant moved the LT to punish Appellee (via Rule 11 Sanctions) for Appellee’s material lie. **[Exhibit F]** Appellant’s motion, however, remained pending for 2+ years (see ¶10 *infra*).
9. On June 25, 2021, Appellee responded to Appellant’s motion; thereby acknowledging the fact that Appellant accused Appellee with perpetrating a fraud upon the LT. **[Exhibit G]**
10. At last, on March 26, 2024 (ie, 2+ years later), the LT finally ruled on Appellant’s [first] *Motion for Sanctions* (¶8 *infra*).

Thereby denying it on account of a procedural technicality (highlights added):

“Appellant asserts that he satisfied the [procedural requirement] via emails and phone calls he exchanged with opposing counsel...However, [the procedural rule] specifically requires service of the motion...Accordingly [Appellant’s First] Motion for Sanctions is due to be denied.”

- USFLMD (3:20-cv-00905; 3/26/24 {#108})

11. On April 11, 2024 - and imbued with the LT’s rescue - Appellee repeated its perjury. Thereby telling the LT [once again] that Appellant’s First Charge did [not] include a basis of sex discrimination. Appellee did so, notably, while [once again] aiming to molest Appellant’s time & money. **[Exhibit H]**

12. So, on May 6, 2024, Appellant [once again] moved the LT to punish Appellee (via Rule 11 Sanctions) for Appellee’s [repeated] lie of material fact. **[Exhibit I]**

13. On August 9, 2024, the LT deferred ruling on Appellant’s [Renewed] Motion for Sanctions (§11 supra); thereby ripening this appeal.

III. Analysis of Appellee’s Perjury

14. Appellant’s First Charge included a sex discrimination basis (§1 supra).

15. Appellee **knew** that Appellant’s First Charge included a sex discrimination basis (§2 *supra*). In fact – in its very first [notarized] filing – Appellee [explicitly] **acknowledged** the sex discrimination basis (highlights added):

“As outlined below, the allegations of discrimination based upon race and sex discrimination from [Appellant] are...”

- Allstate (2017-01432; FCHR 9/8/17)

16. Plus, the State of Florida (via the FCHR) affirmed that Appellant’s First Charge was based on race **and** sex (§3 *supra*).

17. In the face of these realities/acknowledgements/affirmations, though, Appellee decided to lie (§6 *supra*). In fact, Appellee exacerbated its lie by attaching the [contradictory] proof to its dishonest filing (§7 *supra*).

18. Unfortunately, the LT let Appellee’s lie fester for 2+ years. Culminating in the LT propping up a procedural technicality to rescue Appellee from accountability (§10 *supra*). A technicality which the LT did not [even] support with any binding appellate court precedent (instead, the LT used an unpublished opinion from a sister court (USFLSD)).

19. Imbued with this unwarranted grace, Appellee repeated its lie (§11 *supra*). And it did so, notably, in its [consummate] molestation of Appellant’s time & money. A molestation that:

- a. perpetrated a fraud upon the LT; and
- b. will perpetrate a fraud upon this Court.

IV. Purpose of Judicial Notice

20. As a remedy, judicial notice [of the underlying fact] will help minimize the corrosive effects that Appellant’s [repeated] lie could/will have on these proceedings.

21. First, the document (ie, *Appellee’s Official Position Statement* - [**Attachment B**]) will show that the basis of Appellant’s First Charge [against Appellee] **always** included sex discrimination.

a. According to the US Supreme Court - as enunciated in McDonnell-Douglas v Green, 411 US 792 - exclusion of a protected characteristic equates to a violation of due process.

22. Moreover, Appellant’s perjured statements to the contrary (§15, §19 supra) act as an extrinsic fraud upon the court (emphasis added):

“[Extrinsic Fraud is defined as] fraud that prevents a party from knowing about his or her rights or defenses or from having a fair opportunity to present or litigate them at a trial. It is a ground for equitable relief from a judgment.”

- Barron’s Dictionary of Legal Terms, 5th Edition

This is applicable [to the instant case] because Appellant proffered its [repeated] false statements to abridge Appellant’s full & fair opportunity to litigate his case (see

14th Amendment). Appellee did so, notably, throughout a multi-year conquest [of fraud].

23. As the 11th Circuit Court of Appeals established (ie, this Court), fraud upon the court is (a) sanctionable; and (b) an impetus for investigation:

“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 (11th Cir. 2002)

Thus, these two elements (*due process, extrinsic fraud*) are crucial to the fair adjudication of this case.

24. Secondly, judicial notice [of *Appellee’s Official Position Statement* - [**Attachment B**]] will serve as **judicial estoppel** against Appellee’s continued falsehoods on the topic:

“The doctrine of judicial estoppel prevents a party from asserting a factual position in a legal proceeding that is contrary to a position previously taken by him in a prior legal proceeding.”

- Bates v. Long Island, 997 F.2d 1028 (2d Cir. 1993)

As the Second Circuit explained in Simon, the purpose of judicial estoppel is to reinforce integrity:

“The courts invoke judicial estoppel as a means to “preserve the sanctity of the oath” or to “protect judicial integrity by avoiding the risk of inconsistent results in two proceedings.” Bates, 997 F. 22 at 1038”

- Simon v Safelite, 128 F.3d 68 (2d Cir. 1997)

25. As detailed throughout this cause of action, Appellant has been lacking integrity for a long time. **[OB001]-[OB033]**

a. To be specific, Appellant - in the [originating] state administrative tribunal - took the [official/notarized] position that Appellant charged it with sex discrimination (among other things).

b. Now, - in the federal judiciary - Appellant has been [falsely] claiming the opposite.

26. Thus, this Court is well-positioned to take judicial notice of *Appellee’s Official Position Statement*. Especially considering how the document:

a. is public record (see Menominee v Thompson, 161 F.3d 449 (7th Cir. 1998));

b. is relevant (see Rule 402 Fed. R. Evid.);

c. will support this Court’s inherent power to punish Appellee for Appellee’s [ongoing/imminent] perjury (Addendum 8 11th Cir. R.; Rule 3-4.3 RRTFB); and

d. will help judicially estop Appellee from [further] eroding the judiciary’s adjudicative abilities.

V. Nature of Relief Sought

27. Appellant hereby asks this Court to judicially notice *Appellee’s Official Position Statement* (appended as [**Attachment B**]) only to the following extent:

a. It is a fact that - on September 8, 2017 - Appellee acknowledged that Appellant charged Appellee with both race **and** sex discrimination.

VI. Argument in Support of Taking Judicial Notice

28. Rule 201(b) Fed. R. Evid. bestows this Court with the power to take judicial notice of “a fact that is not subject to reasonable dispute”.

a. Here, in the instant case, Appellee cannot reasonably dispute the proffered item. Mainly because the item came directly from Appellee. In fact, Appellee: signed it; dated it; and had it notarized (thereby submitting it under the penalty of perjury).

29. In the Zurich case, the LT maintained that it can take judicial notice of material arising from prior proceedings:

“Notably, courts may take judicial notice of documents arising from a prior proceeding because they are matters of public record and ‘capable of accurate and ready determination by resort to sources whose accuracy could not reasonably be questioned.’”

- *Zurich v Southern*, 314 F. Supp. 3d 1284 (USFLMD 2018)

30. The LT’s Zurich decision, importantly, was founded on this Court’s decision in Horne v. Potter, 392 F. App’x 800 (11th Cir. 2010). Therein, this Court held that it can take judicial notice of items that are **public record** (highlights added):

“The district court properly took judicial notice of the documents in [the plaintiff’s] first case, which were public records that were “not subject to reasonable dispute” because they were “capable of accurate and ready determination by resort to sources whose accuracy could not reasonably be questioned.””

- Horne v Potter, 392 F. App’x 800 (11th Cir. 2010)

31. Plus, the US Supreme Court ruled that a court can take limited/pertinent judicial notice:

“Accordingly, a court may take notice of another court’s order only for the limited purpose of recognizing the “judicial act” that the order represents or the subject matter of the litigation.””

- United States v Jones, 29 F.3d 1549 (11th Cir. 1994)

32. In short, these judicial decisions fit Appellant’s motion perfectly. As he is only asking for this Court to take official recognition of material that is public record.

CONFERRAL

On November 12, 2024, Appellee responded that it opposes this motion. Appellant thereby asked Appellee whether Appellee disputed the underlying fact (ie, that Appellee acknowledged - on 9/8/17 - that Appellant’s First Charge included a basis of sex

discrimination). Appellee, however, never gave a direct answer (despite multiple emails/calls).

Moreover, Appellant asked Appellee whether Appellee disputed that **Attachment B** was a true & correct copy of *Appellee’s Official Position Statement*. Appellee, however, remained silent.

[Attachment A]

Thus, given all-of-the-above, Appellant finds a compelling (ie, *due process; extrinsic fraud*) and important (ie, *issue-on-appeal*) reason for this motion.

CONCLUSION

WHEREFORE, Appellant respectfully asks this Court to take judicial notice of *Appellee’s Official Position Statement* (accord Rule 27 Fed. R. App. P.).^{1/} **[Attachment B]**

Dated this 15th day of November 2024.

Respectfully submitted,

/s/ Elias Makere

ELIAS MAKERE, FSA, MAAA, Appellant

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Hobart, IN 46342

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W: TextBookDiscrimination.com

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Endnotes:

^{1/} Moreover, Appellant will supplement this motion with records of Appellee’s repeated perjury. Repeated perjury that Appellee will consummate with its [prospective] *answer brief*.

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

HTML	TextBookDiscrimination.com/Allstate/Complaint-Full
PDF	TextBookDiscrimination.com/Files/USFLMD/20000905 AAC 20211104 230439.pdf
Video	https://youtu.be/e3mgBPHesXg

Electronic Copy: (text-searchable)

TextBookDiscrimination.com/Files/CA11/24011336 GMOT 20241115 102518.pdf

TextBookDiscrimination.com/Allstate/JudicialNotice02

[How-To: Write a Motion for Judicial Notice](#)

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111 North Orange Avenue, Suite 1750
Orlando, FL 32801-2366
(defendant’s trial lawyers)

CERTIFICATE OF COMPLIANCE

1. Type-Volume

This document complies with the word limit of Rule 27(d) (2) (A) Fed. R. App. P., because - excluding the parts of the document exempted by Rule 32(f) - this document contains 2,132 words.

or

~~This brief complies with the line limit prescribed by Rule 32(a) (7) (B) (i) Fed. R. App. P., because - excluding the parts of the document exempted by Rule 32(f) - this document contains [NNNN] lines of monospaced text.~~

2. Typeface and Type-Style

This document uses Courier New (12-Pt) Font; thereby complying with the typeface requirements of Rule 32(a) (5) (B) Fed. R. App. P.. This document also satisfies the type-style requirements of Rule 32(a) (6).

11/15/2024 /s/ Elias Makere
Date Elias Makere, FSA, MAAA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November 2024, I electronically filed the foregoing with the Clerk of Courts by using PACER; which will send a notice of electronic filing to the people on the [attached] service list.

/s/ Elias Makere

CIP

United States Court of Appeals
Eleventh Circuit

24-11336-JJ
Makere v Allstate

{unchanged}

UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

Makere v Allstate, 24-11336-J

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

Lower Tribunal:

Lambert, Laura

Magistrate

Howard, Marcia

District Judge

Parties:

Allstate Insurance Company

(NYSE: ALL)

Makere, Elias (FSA, MAAA)

Appellant

Appellant is not a subsidiary/affiliate of a publicly owned corporation. Pursuant to Rule 26.1-2 11th Cir. R., Appellant does not know of any other entities that have interest in this case. Appellant hereby certifies that this CIP is complete.

EXHIBIT A

SHORT TITLE: Appellant’s ‘First Charge’ of Discrimination

DATE: 6/30/2017

DOC TYPE: Legal Filing (State Administrative Agency)

DOC NUMBER: --

TRIBUNAL: Florida Commission on Human Relations

CASE NO: 2017-01432

CASE CAPTION: *Makere v Allstate*

SIZE: 1 Page*

*NOTE: This is an excerpt of a larger document

201701432

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

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

Phone 904.294.0026
Fax
Email 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
EMPLOYMENT
2017 JUN 30 PM 12:32

EXHIBIT B

SHORT TITLE: Appellee’s Acknowledgment of the Truth

DATE: 9/8/2017

DOC TYPE: Legal Filing (State Administrative Agency)

DOC NUMBER: --

TRIBUNAL: Florida Commission on Human Relations

CASE NO: 2017-01432

CASE CAPTION: *Makere v Allstate*

SIZE: 1 Page*

*NOTE: This is an excerpt of a larger document



Allstate
You're in good hands.

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.¹ 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

Allstate Insurance Company is the nation's largest publicly held personal lines insurer and is licensed to sell and service personal lines insurance and financial products. Mr. Makere began his career with Allstate Benefits, a subsidiary of Allstate Insurance Company on November 18, 2013. He was an Actuary Associate from the time he was hired until he was involuntary termination on September 13, 2016. As an Actuary Associate, Mr. Makere

¹ This position statement, including all attachments, is submitted solely in the interests of cooperating with the EEOC in an effort to achieve informal administrative resolution of this charge. In submitting this position statement, Allstate does not intend to waive any defenses it may have to the charge, or in any way prejudice itself with respect to any issue, whether of a procedural or substantive nature. In addition, the information contained herein is submitted on the basis of the undersigned's current understanding of the facts, which may change as more information is gathered.

EXHIBIT C

SHORT TITLE: Government Affirmation of the Truth

DATE: 12/15/2017

DOC TYPE: Legal Filing (State Administrative Agency)

DOC NUMBER --

TRIBUNAL: Florida Commission on Human Relations

CASE NO: 2017-01432

CASE CAPTION: *Makere v Allstate*

SIZE: 1 Page



Rick Scott
Governor

State of Florida

Florida Commission on Human Relations

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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
Executive Director

Dated: Dec. 15, 2017

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EXHIBIT D

SHORT TITLE: Appellee’s Lie about the Basis of the First Charge

DATE: 5/21/2021

DOC TYPE: Legal Filing (Trial Court)

DOC NUMBER 53

TRIBUNAL: US District Court, Florida, Middle District

CASE NO: 3:20-cv-00905

CASE CAPTION: *Makere v Allstate*

SIZE: 1 Page (Third Page Only)*

*NOTE: This is an excerpt of a larger document

I. BACKGROUND AND PROCEDURAL HISTORY¹

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 December 15, 2017, the FCHR issued a Determination: No Cause, and a Notice of Determination: No Cause, by which the FCHR determined that reasonable cause did not exist to believe an unlawful employment practice occurred. *See* Exhibit B.

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. Many of the allegations involved incidents occurring well prior to June 30, 2016 (365 days before the filing of the First Charge). The parties engaged in vigorous motion practice, and a four-day final evidentiary hearing was conducted including Plaintiff’s own testimony and testimony of 15 Allstate witnesses, who Plaintiff cross-examined. On April 18, 2019, the Administrative Law Judge (“ALJ”) issued a 111-page Recommended Order finding Allstate committed no unlawful employment practice and recommending the FCHR dismiss the First Petition in its entirety. *See* Exhibit D. Notably, the ALJ addressed each allegation of

¹ Defendant previously set forth this history in its Dispositive Motion to Dismiss Plaintiff’s Complaint with Prejudice (ECF 4) and Dispositive Motion to Dismiss Plaintiff’s Amended Complaint and Second Amended Complaint with Prejudice (ECF 49).

EXHIBIT E

SHORT TITLE: Appellee’s Submission of the Truth

DATE: 5/21/2021

DOC TYPE: Legal Filing (Trial Court)

DOC NUMBER 53-1

TRIBUNAL: US District Court, Florida, Middle District

CASE NO: 3:20-cv-00905

CASE CAPTION: *Makere v Allstate*

SIZE: 1 Page (Eighth Page Only)*

*NOTE: This is an excerpt of a larger document

201701432

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

Elias Makere, ASA

Phone

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Email 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.

2017 JUN 30 PM 12:32
RECEIVED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TALLAHASSEE, FLORIDA

EXHIBIT F

SHORT TITLE: Appellant’s [First] Motion for Sanctions

DATE: 6/11/2021

DOC TYPE: Legal Filing (Trial Court)

DOC NUMBER 59

TRIBUNAL: US District Court, Florida, Middle District

CASE NO: 3:20-cv-00905

CASE CAPTION: *Makere v Allstate*

SIZE: 3 Pages (1st, 2nd, + 3rd pages only)*

*NOTE: This is an excerpt of a larger document

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

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

PLAINTIFF'S MOTION FOR SANCTIONS

Plaintiff, ELIAS MAKERE, on this 11th day of June 2021, respectfully asks this Honorable Court to levy sanctions against Defendant, ALLSTATE INSURANCE COMPANY, pursuant to Rule 11 Fed. R. Civ. P..

Key Points:

A.) Points demonstrable lie of material fact

B.) Grounds extrinsic fraud, bad faith

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Background: Defendant knowingly made a false statement of material fact
Problem: Defendant's actions have ushered a fraud upon this Court
Request: Court sanctions Defendant for defiling the judiciary

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 attorney, law firm, or party that violated the rule..."

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, or from introducing designated matters in evidence;

(iii) striking pleadings in whole or in part;

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

Local Rule 2.01(e) | USFLMD | Conduct

"(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"

Precedence

- 5:20-cv-00227-JSM-PRL - USFLMD (4/21/21)
- 2:19-cv-00248-JLB-MRM - USFLMD (1/19/21)
- 8:19-cv-01962-SDM-AEP - USFLMD (1/14/21)
- 8:20-cv-00309-CEH-AAS - USFLMD (12/17/20)
- 2:18-mc-00019-JES-NPM - USFLMD (12/4/20)
- 6:14-cv-01539-ACC-EJK - USFLMD (11/9/20)
- 6:19-cv-01252-GAP-DCI - USFLMD (10/29/20)
- 5:19-cv-00591-JSM-PRL - USFLMD (10/8/20)

USFLMD recently granted motions for sanctions

Abbreviations

FCHR - Florida Commission on Human Relations
 USFLMD - US District Court, Florida, Middle District
 USFLSD - US District Court, Florida, Southern District

MOTION

I. Immediate Pertinent History

1. On September 8, 2017, Defendant filed its official position statement with a state agency of Florida (the FCHR). Therein, the company acknowledged that Plaintiff charged it with race and sex discrimination.
2. On May 21, 2021, however, Defendant submitted a filing in this Honorable Court to the contrary. The document was titled "*Defendant's Response in Opposition to Plaintiff's Motion for Leave to Amend Complaint and Supporting Memorandum of Law*" (hereinafter "That Response", Doc No 53).
 - a) That Response said that Plaintiff's employment discrimination complaint was on the basis of race only.
3. On May 27, 2021, Plaintiff moved this Honorable 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 to the Florida Commission on Human Relations*" (hereinafter "That Motion", Doc No 54).

II. Analysis

4. The acknowledgement which Defendant gave in 2017 read as follows (highlights added):

"As outlined below, the allegations of discrimination upon race and sex discrimination from [Plaintiff] (hereinafter "Ms. Makere" or "Complainant") are without merit."

- Allstate Insurance Company | 9/8/2017

EXHIBIT G

SHORT TITLE: Appellee Acknowledging Accusations of Fraud

DATE: 6/25/2021

DOC TYPE: Legal Filing (Trial Court)

DOC NUMBER 61

TRIBUNAL: US District Court, Florida, Middle District

CASE NO: 3:20-cv-00905

CASE CAPTION: *Makere v Allstate*

SIZE: 1 Page (First page only)*

*NOTE: This is an excerpt of a larger document

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

ELIAS MAKERE, FSA, MAAA

CASE NO.: 3:20-cv-905-J-34JRK

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

_____ /

ELIAS MAKERE, FSA,

CASE NO.: 3:20-cv-00921-J-34JRK

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

_____ /

ELIAS MAKERE,

CASE NO.: 3:20-cv-00922-J-34JRK

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

_____ /

**DEFENDANT'S RESPONSE IN OPPOSITION TO
PLAINTIFF'S MOTION FOR SANCTIONS**

Defendant, ALLSTATE INSURANCE COMPANY ("Allstate" or "Defendant"), by and through its undersigned counsel, hereby files its Response in Opposition to Plaintiff's Motion for Sanctions (ECF 59) and requests this Court deny Plaintiff's requested relief.

EXHIBIT H

SHORT TITLE: Appellee’s [Repeated] Lie about the Basis of
the First Charge

DATE: 4/11/2024

DOC TYPE: Legal Filing (Trial Court)

DOC NUMBER 114

TRIBUNAL: US District Court, Florida, Middle District

CASE NO: 3:20-cv-00905

CASE CAPTION: *Makere v Allstate*

SIZE: 1 Page (Fourth Page Only)*

*NOTE: This is an excerpt of a larger document

remained in good standing with Allstate's ACP. *See id.*, ¶ 40.

3. As a result, on August 12, 2016, Allstate terminated Plaintiff as an Actuarial Associate. *See id.* at ¶ 43. However, Allstate continued to pay Plaintiff for an additional thirty days so he could apply for other open Allstate positions for which he was qualified. *See id.* at **Ex. A** at ¶ 29.

4. Plaintiff did not secure an alternative position, so his termination became effective September 12, 2016. *See id.*, ¶ 33.

B. 2017 FCHR Charge

5. 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.

6. On December 15, 2017, the FCHR issued its No Cause Determination stating: "the FCHR [had] determined that reasonable cause *did not* exist to believe an unlawful employment practice occurred." *See* Dkt. 99-2. (emphasis added).

7. On January 19, 2018, Plaintiff appealed the FCHR's No Cause Determination by filing a 232-page Petition for Relief ("First Petition") with the FCHR. *See* Dkt. 99-3. The First Petition included allegations of race discrimination not previously presented during the FCHR's investigation. Plaintiff also alleged, for the first time, allegations of sex discrimination and/or sexual harassment. Further, the First Petition included many allegations of alleged conduct occurring

EXHIBIT I

SHORT TITLE: Appellant’s [Second] Motion for Sanctions

DATE: 5/6/2024

DOC TYPE: Legal Filing (Trial Court)

DOC NUMBER 122

TRIBUNAL: US District Court, Florida, Middle District

CASE NO: 3:20-cv-00905

CASE CAPTION: *Makere v Allstate*

SIZE: 2 Pages (1st + 2nd pages only)*

*NOTE: This is an excerpt of a larger document

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 6th 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;

Table of Contents:

Context	2 nd Page
Motion	3 rd Page
Certificates	18 th Page
Exhibits	19 th Page
Transcripts	68 th Page
Affidavits	74 th Page

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

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

ATTACHMENT A

Conferral Emails

From: Appellant/Plaintiff/Employee X'
To: Appellee/Defendant/'Company Y'

November 2024

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Monday, November 04, 2024 8:00 AM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Hello Allstate,

As noted multiple times¹, you are destined to commit [at least] three counts of perjury [at the [11th Circuit Court of Appeals – US](#)]. Thus, it’s my duty² to alert the court/public of your imminent defiling-of-the-judiciary.

So, do you have any objection to my upcoming “*Motion for Judicial Notice of Appellee’s Original Position Statement (Dated 9/8/17)*”?

I’m filing it pursuant to [Rule 10\(e\)\(2\) Fed. R. App. P.](#), [Rule 28\(j\) Fed. R. App. P.](#), [Local Rule 27-1 11th Cir. R.](#), and [Rules 201/301/302 Fed.R.Evid.](#)

Plaintiff:	Elias Makere, FSA, MAAA
Defendant:	Allstate Insurance Company
Case Number:	3:20-cv-00905-MMH-LLL
Court:	US Court of Appeals, 11 th Circuit
Lower Court:	US District Court, Florida, Middle District (Jacksonville)
Type:	Employment Discrimination (42 USC §1981 , §760 FS , EPA , Title VII)

Document:	<i>Appellant’s Motion for Judicial Notice of Appellee’s Original Position Statement</i>
------------------	---

¹ see [Initial Brief](#) at ¶20; see [Response... Summary Judgment](#) at ¶24/35/50/etc.; see [Motion... Sanctions](#) at ¶2/3/8/13/14/21/33/

² see [Florida’s False Claims Act](#); see [18 USC §1001](#); see [18 USC §1018](#); see [Addendum 8 11th Cir. R.](#); see [Rule 3-4.3 RRTFB](#)

Purpose = (1) substantiate Appellee’s extrinsic fraud-upon-the-court; (2) substantiate the manifest injustice that has descended upon this case; (3) supply factual framework surrounding Appellee’s discrimination; (4) streamline federal appeal; (5) help supply the details for which the Court needs; (6) corner your perjurious guilt; and more.

Please answer as soon as you can.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224
Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Wednesday, November 06, 2024 12:16 PM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination |
Position Statement (9/8/17)

Good Afternoon Allstate,

Two days have passed, but I still haven’t heard back from you (regarding your position on my upcoming motion).

So, may you please let me know if you dispute the following fact:

1. In Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#), he listed race **and** sex as the bases for his discrimination complaint
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith* – persuasive authority).

Please answer before **5:00 PM EST Today (11/6/2024)**.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Thursday, November 07, 2024 8:31 AM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination |
Position Statement (9/8/17)

Good Morning Allstate,

5PM came & went, yet you **failed to dispute** the underlying fact (ie, that ‘In Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#), he listed race **and** sex as the bases for his discrimination complaint’). Thus, that fact has gone **undisputed**. Onwards...

May you please let me know if you dispute the following fact:

2. In Allstate Insurance Company’s Response [to Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)], **Allstate acknowledged** that race **and** sex were the bases for Elias Makere’s [First Charge of Discrimination](#)
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith* – persuasive authority).

Please answer before **1:00 PM EST Today (11/7/2024)**.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Thursday, November 07, 2024 1:02 PM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination |
Position Statement (9/8/17)

Good Afternoon Allstate,

1PM came & went, yet you [once again] **failed to dispute** the underlying fact (ie, that ‘*In Allstate Insurance Company’s Response [to Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)], **Allstate acknowledged** that race and sex were the bases for Elias Makere’s [First Charge of Discrimination](#)’). Thus, that fact has gone **undisputed**. Onwards...*

May you please let me know if you dispute the following fact:

3. In the Florida Commission on Human Relations’ **Notice of Determination** [regarding Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)], **the State of Florida acknowledged** that race and sex were the bases for Elias Makere’s [First Charge of Discrimination](#)
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith – persuasive authority*).

Please answer before **5:00 PM EST Today (11/7/2024)**.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Friday, November 08, 2024 9:01 AM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination |
Position Statement (9/8/17)

Good Morning Allstate,

5PM came & went (once again), yet you [once again] **failed to dispute** the underlying fact (ie, that ‘*In the Florida Commission on Human Relations’ Notice of Determination [regarding Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)], the State of Florida acknowledged that race and sex were the bases for Elias Makere’s [First Charge of Discrimination](#)’). Thus, that fact has [once again] gone **undisputed**. Onwards...*

May you please let me know if you dispute the following fact:

4. On May 21, 2021, Allstate Insurance Company filed a document in the District Court (ie, USFLMD); thereby [falsely] stating that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) did **not** include a basis of sex discrimination
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith – persuasive authority*).

Please answer before **1:00 PM EST Today (11/8/2024)**.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Friday, November 08, 2024 1:06 PM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination |
Position Statement (9/8/17)

Good Afternoon Allstate,

1PM came & went (once again), yet you [once again] **failed to dispute** the underlying fact (ie, that ‘*On May 21, 2021, Allstate Insurance Company filed a document in the District Court (ie, USFLMD); thereby [falsely] stating that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) did **not** include a basis of sex discrimination*’). Thus, that fact has [once again] gone **undisputed**. Onwards...

May you please let me know if you dispute the following fact:

5. On May 21, 2021, Allstate Insurance Company attached a document [to its District Court filing] that showed that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) did **indeed** include a basis of sex discrimination
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith – persuasive authority*).

Please answer before **5:00 PM EST Today (11/8/2024)**.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Monday, November 11, 2024 9:31 AM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination |
Position Statement (9/8/17)

Good Morning Allstate,

5PM came & went (once again), yet you [once again] **failed to dispute** the underlying fact (ie, that ‘*On May 21, 2021, Allstate Insurance Company [attached a document](#) [to its District Court filing] that showed that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) did **indeed** include a basis of sex discrimination’). Thus, that fact has [once again] gone **undisputed**. Onwards...*

May you please let me know if you dispute the following fact:

6. On June 11, 2021, Elias Makere (ie, me/Appellant/Plaintiff) moved the District Court to punish you (via [Rule 11 Sanctions](#)) (for your lie regarding the fact that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) included a basis of sex discrimination).
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith – persuasive authority*).

Please answer before **1:00 PM EST Today (11/11/2024)**.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Monday, November 11, 2024 1:50 PM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination |
Position Statement (9/8/17)

Good Afternoon Allstate,

1PM came & went (once again), yet you [once again] **failed to dispute** the underlying fact (ie, that ‘*On June 11, 2021, Elias Makere (ie, me/Appellant/Plaintiff) moved the District Court to punish you (via [Rule 11 Sanctions](#)) (for your lie regarding the fact that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) included a basis of sex discrimination)*’). Thus, that fact has [once again] gone **undisputed**.
Onwards...

May you please let me know if you dispute the following fact:

7. On June 25, 2021, Allstate Insurance Company (ie, you/Appellee/Defendant) responded to Elias Makere’s [Rule 11 Motion for Sanctions](#); thereby **acknowledging** the fact that Elias Makere charged you with **perpetrating a fraud** upon the District Court (ie [USFLMD](#)) (regarding your lie about the inclusion of a sex discrimination basis [in Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)])
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith – persuasive authority*).

Please answer before **5:00 PM EST Today (11/11/2024)**.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Tuesday, November 12, 2024 11:46 AM
To: Doud, Kimberly <KDoud@littler.com>
cc: Robertson, Lauren C. <LCRobertson@littler.com>; Vega, Eddie <EVega@littler.com>;
Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination |
Position Statement (9/8/17)

Good Morning Allstate,

5PM came & went (once again), yet you [once again] **failed to dispute** the underlying fact (ie, that ‘*On June 25, 2021, Allstate Insurance Company (ie, you/Appellee/Defendant) responded to Elias Makere’s [Rule 11 Motion for Sanctions](#); thereby **acknowledging** the fact that Elias Makere charged you with **perpetrating a fraud** upon the District Court (ie [USFLMD](#)) (regarding your lie about the inclusion of a sex discrimination basis [in Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)\]](#))’). Thus, that fact has [once again] gone **undisputed**. Onwards...*

May you please let me know if you dispute the following fact:

8. On April 11, 2024, Allstate Insurance Company (ie, you/Appellee/Defendant) told the District Court (ie [USFLMD](#)) Allstate’s repeated lie about the inclusion of a sex discrimination basis [in Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)\]](#)
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith – persuasive authority*).

Please answer before **2:00 PM EST Today (11/12/2024)**.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Robertson, Lauren C. <LRobertson@littler.com>
Sent: Tuesday, November 12, 2024 8:40 PM
To: Justice (Actuarial) <justice.actuarial@gmail.com>; Doud, Kimberly <KDoud@littler.com>
cc: Vega, Eddie <EVega@littler.com>; Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Mr. Makere,

Allstate opposes your Motion for Judicial Notice of Appellee’s Original Position Statement for the same reasons set forth in its Response to your Motion for Judicial Notice of Appellant’s Full Administrative Complaint Dated 4/10/19. No fact has gone undisputed. Allstate disagrees with your characterizations below. Thank you!

Regards,
Lauren

Lauren C. Robertson
Associate
407.393.2928 direct, 305.496.9749 mobile
LRobertson@littler.com



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111 N Orange Ave, Suite 1750, Orlando, FL 32801

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Tuesday, November 12, 2024 9:05 PM
To: Robertson, Lauren C. <LCRobertson@littler.com>; Doud, Kimberly <KDoud@littler.com>
cc: Vega, Eddie <EVega@littler.com>; Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Good Evening Allstate,

What “*characterizations*” do you disagree with?

For the sake of convenience, here are the eight undisputed facts:

1. In Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#), he listed race **and** sex as the bases for his discrimination complaint
 - a. please see the first attachment (Op_A_*.pdf)
2. In Allstate Insurance Company’s Response [to Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)], **Allstate acknowledged** that race **and** sex were the bases for Elias Makere’s [First Charge of Discrimination](#)
 - a. please see the second attachment (Op_B_*.pdf)
3. In the Florida Commission on Human Relations’ **Notice of Determination** [regarding Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)], **the State of Florida acknowledged** that race **and** sex were the bases for Elias Makere’s [First Charge of Discrimination](#)
 - a. please see the third attachment (Op_C_*.pdf)
4. On May 21, 2021, Allstate Insurance Company filed a document in the District Court (ie, USFLMD); thereby [falsely] stating that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) did **not** include a basis of sex discrimination
 - a. please see the fourth attachment (Op_D_*.pdf)
5. On May 21, 2021, Allstate Insurance Company attached a document [to its District Court filing] that showed that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) did **indeed** include a basis of sex discrimination
 - a. please see the fifth attachment (Op_E_*.pdf)
6. On June 11, 2021, Elias Makere (ie, me/Appellant/Plaintiff) moved the District Court to punish you (via [Rule 11 Sanctions](#)) (for your lie regarding the fact that Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#) included a basis of sex discrimination).
 - a. please see the sixth attachment (Op_F_*.pdf)
7. On June 25, 2021, Allstate Insurance Company (ie, you/Appellee/Defendant) responded to Elias Makere’s [Rule 11 Motion for Sanctions](#); thereby **acknowledging** the fact that Elias Makere charged you with **perpetrating a fraud** upon the District Court (ie [USFLMD](#)) (regarding your lie about the inclusion of a sex discrimination basis [in Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)])
 - a. please see the seventh attachment (Op_G_*.pdf)
8. On April 11, 2024, Allstate Insurance Company (ie, you/Appellee/Defendant) told the District Court (ie [USFLMD](#)) Allstate’s repeated lie about the inclusion of a sex discrimination basis [in Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)])
 - a. please see the eighth attachment (Op_H_*.pdf)

Please let me know.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Robertson, Lauren C. <LCRobertson@littler.com>
Sent: Tuesday, November 12, 2024 9:21 PM
To: Justice (Actuarial) <justice.actuarial@gmail.com>; Doud, Kimberly <KDoud@littler.com>
cc: Vega, Eddie <EVega@littler.com>; Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Mr. Makere,

Allstate’s position will be addressed in its response. Allstate opposes your Motion. No facts have gone undisputed by Allstate.

Regards,
Lauren

Lauren C. Robertson
Associate
407.393.2928 direct, 305.496.9749 mobile
LCRobertson@littler.com



Labor & Employment Law Solutions | Local Everywhere
111 N Orange Ave, Suite 1750, Orlando, FL 32801

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Tuesday, November 12, 2024 9:40 PM
To: Robertson, Lauren C. <LCRobertson@littler.com>; Doud, Kimberly <KDoud@littler.com>
cc: Vega, Eddie <EVega@littler.com>; Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Good Evening Allstate,

What is your availability for a quick phone call?

The goal of the call will be to exhaust all ‘*good faith efforts to resolve [my upcoming] motion*’ (please confer [Local Rule 3.01\(g\) USFLMD](#) – persuasive authority).

Therein, you’ll have an opportunity to:

- (1) get a **concise explanation** of what you’re being accused of (ie, perjury; defrauding the court; etc.);
- (2) get a **precise rundown** of the facts-at-hand;
- (3) **examine** the facts;
- (4) **address** your accuser;
- (5) **narrow down** the issues;
- (6) **save** judicial resources/intervention; and
- (7) more

So, may you please tell me what your availability is [for a phone call regarding my upcoming motion]?

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

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From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Wednesday, November 13, 2024 9:21 AM
To: Robertson, Lauren C. <LCRobertson@littler.com>; Doud, Kimberly <KDoud@littler.com>
cc: Vega, Eddie <EVega@littler.com>; Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Good Morning Allstate,

2PM came & went (once again), yet you [once again] **failed to [directly] dispute** the underlying fact (ie, that ‘*On April 11, 2024, Allstate Insurance Company (ie, you/Appellee/Defendant) told the District Court (ie [USFLMD](#)) Allstate’s repeated lie about the inclusion of a sex discrimination basis [in Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)\]](#)’). Thus, that fact has [once again] gone **undisputed**.
Onwards...*

May you please let me know if you dispute the following fact:

8. On May 6, 2024 Elias Makere (ie, Me/Plaintiff/Appellant) moved the District Court (ie, [USFLMD](#)) to punish you (via [Rule 11](#) sanctions) for **your [repeated] material lie** [regarding the existence of a sex discrimination basis [in Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)\]](#)]
 - a. please see the first attachment ([linked here](#)).

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith – persuasive authority*).

Please answer before **1:00 PM EST Today (11/13/2024)**.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901; 22-13587
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Wednesday, November 13, 2024 1:01 PM
To: Robertson, Lauren C. <LCRobertson@littler.com>; Doud, Kimberly <KDoud@littler.com>
cc: Vega, Eddie <EVega@littler.com>; Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Good Afternoon Allstate,

1PM came & went (once again), yet you [once again] **failed to [directly] dispute** the underlying fact (ie, that ‘*On April 11, 2024, Allstate Insurance Company (ie, you/Appellee/Defendant) told the District Court (ie USFLMD) Allstate’s repeated lie about the inclusion of a sex discrimination basis [in Elias Makere’s [First Charge of Discrimination \(circa 6/30/17\)](#)]*’). Thus, that fact has [once again] gone **undisputed**.

In summary, you’ve failed to [directly] dispute all of these underlying facts (pointing to **your ongoing/imminent perjury**):

#	<u>Undisputed Fact</u>	<u>Link</u>
1	In Elias Makere’s First Charge of Discrimination (circa 6/30/17) , he listed <u>race</u> and <u>sex</u> as the bases for his discrimination complaint	Op_A_FirstCharge.pdf
2	In Allstate Insurance Company’s Response [to Elias Makere’s First Charge of Discrimination (circa 6/30/17)], Allstate acknowledged that <u>race</u> and <u>sex</u> were the bases for Elias Makere’s First Charge of Discrimination	Op_B_RespondentAnswer.pdf
3	In the Florida Commission on Human Relations’ Notice of Determination [regarding Elias Makere’s First Charge of Discrimination (circa 6/30/17)], the State of Florida acknowledged that <u>race</u> and <u>sex</u> were the bases for Elias Makere’s First Charge of Discrimination	Op_C_NOD.pdf
4	On May 21, 2021, Allstate Insurance Company filed a document in the District Court (ie, USFLMD); thereby [falsely] stating that Elias Makere’s First Charge of Discrimination (circa 6/30/17) did not include a basis of <u>sex</u> discrimination	Op_D_Perjury_20210521.pdf
5	On May 21, 2021, Allstate Insurance Company attached a document [to its District Court filing] that showed that Elias Makere’s First Charge of Discrimination (circa 6/30/17) did indeed include a basis of <u>sex</u> discrimination	Op_E_Perjury_20210521.pdf
6	On June 11, 2021, Elias Makere (ie, me/Appellant/Plaintiff) moved the District Court to punish you (via Rule 11 Sanctions) (for your lie regarding the fact that Elias Makere’s First Charge of Discrimination (circa 6/30/17) included a basis of sex discrimination).	Op_F_Sanctions_20210611.pdf
7	On June 25, 2021, Allstate Insurance Company (ie, you/Appellee/Defendant) responded to Elias Makere’s Rule 11 Motion for Sanctions ; thereby acknowledging the fact that Elias Makere charged you with perpetrating a fraud upon the District Court (ie USFLMD) (regarding your lie about the inclusion of a sex discrimination basis [in Elias Makere’s First Charge of Discrimination (circa 6/30/17)])	Op_G_Acknowledge.pdf

8	On April 11, 2024, Allstate Insurance Company (ie, you/Appellee/Defendant) told the District Court (ie USFLMD) Allstate’s repeated lie about the inclusion of a sex discrimination basis [in Elias Makere’s First Charge of Discrimination (circa 6/30/17))]	Op_H_RepeatedLie.pdf
9	On May 6, 2024 Elias Makere (ie, Me/Plaintiff/Appellant) moved the District Court (ie, USFLMD) to punish you (via Rule 11 sanctions) for your [repeated] material lie [regarding the existence of a sex discrimination basis [in Elias Makere’s First Charge of Discrimination (circa 6/30/17))]	Op_I_Sanctions.pdf

Of course, I’m sending you these facts & questions in accordance with [Rule 3.01\(g\) USFLMD](#) (*duty to confer in good faith – persuasive authority*).

For the final time, may you please let me know if you have any direct disputes to any of these facts. Please answer before **4:00 PM EST Today (11/13/2024)**. As usual, I’ll call you to follow up.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
 Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
 Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
 11th Cir. Case No.: 21-11901; 22-13587
 904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
 3709 San Pablo Rd. S. #701
 Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: Robertson, Lauren C. <LRobertson@littler.com>
Sent: Wednesday, November 13, 2024 1:29 PM
To: Justice (Actuarial) <justice.actuarial@gmail.com>; Doud, Kimberly <KDoud@littler.com>
cc: Vega, Eddie <EVega@littler.com>; Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Mr. Makere:

We oppose you motion. We dispute the statements contained the table below as characterized. We will set forth our position in response to your motion. At this time, there is nothing further to confer about.

Kimberly Doud

Office Managing Shareholder
407.393.2951 direct, 407.864.1852 mobile, 407.641.9263 fax
KDoud@littler.com

Pronouns: She/Her



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111 N Orange Ave, Suite 1750, Orlando, FL 32801

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Wednesday, November 13, 2024 2:10 PM
To: Doud, Kimberly <KDoud@littler.com>; Robertson, Lauren C. <LCRobertson@littler.com>
cc: Vega, Eddie <EVega@littler.com>; Filmore, Michelle <MFilmore@littler.com>
Subject: RE: Judicial Notice (?) | 24-11336 | Makere v Allstate | Employment Discrimination | Position Statement (9/8/17)

Good Afternoon Allstate,

Do you dispute that the attached document is a **true & correct copy** of your *Position Statement (9/8/17)*?

Defendant’s/Appellee’s/Allstate’s Notarized Position Statement (9/8/17)	TextBookDiscrimination.com/Files/CA11/Op_z_FullResponse.pdf
--	--

Pursuant to [Rules 201/301/302 Fed.R.Evid.](#) (also see [§90 FS](#)), the Court must have record of your knowledge of the undisputed fact(s).

Please let me know before 4:00 PM EST today (11/13/24).

Thank You,

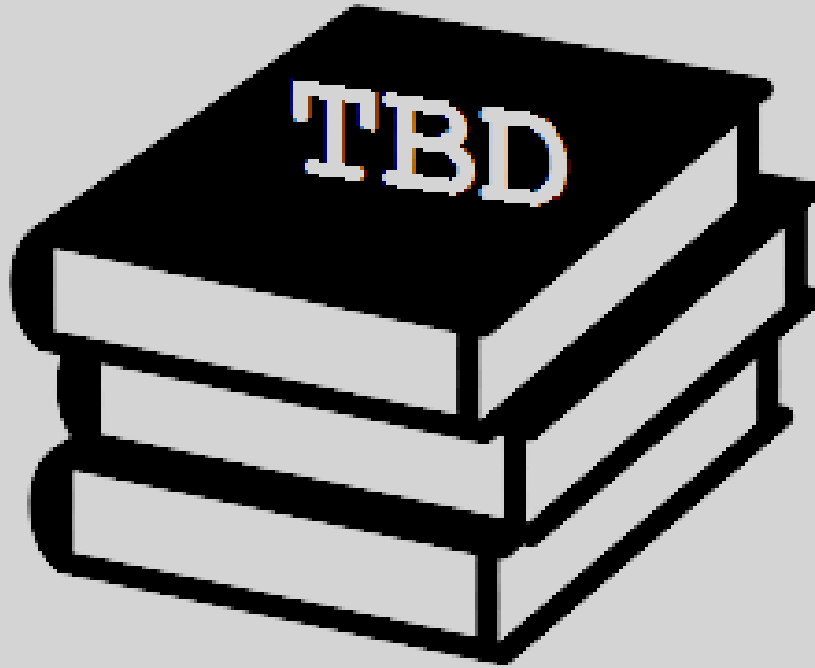
Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
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