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1D22-3590
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STATE OF FLORIDA
FIRST DISTRICT COURT OF APPEALS

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ELIAS MAKERE, FSA, MAAA
(Appellant/Plaintiff)

v.

STANLEY GORSICA, ET AL
(Appellee/Defendant)
****

On Appeal From The
4th Judicial Circuit, Duval County, Florida
16-2022-CA-003804-XXXX-MA

****

APPELLANT'S INITIAL BRIEF

****

Elias Makere, FSA, MAAA
Appellant ("Civilian X")
PO Box 324
Hobart, IN 46342
P: 904.294.0026
E: Justice.Actuarial@gmail.com
W: TextBookDiscrimination.com
Get ***Booked Up*** on Justice!

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he judged himself and judged that he was untouchable/
he wrote his own judgment because he was the real judge below/

he lied, deceived; he did just as he pleased/
yet, the judgment's error was clear for all to see/

so, may this higher court make a simple call/
to tell the lower court to apply the rules for one-&-all//

|

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ABBREVIATIONS

1DCA	First District Court of Appeals (FL)
ALJ	Administrative Law Judge
DCA	District Court of Appeals (FL)
DOAH	Division of Administrative Hearings (FL)
EEOC	Equal Employment Opportunity Commission
FCHR	Florida Commission on Human Relations
FS	Florida Statute
LT	Lower Tribunal
USCA11	US Court of Appeals, 11th Circuit
USFLMD	US District Court, Florida, Middle District
USFLND	US District Court, Florida, Northern District

INTRODUCTION

Appellant, Elias Makere, is the Plaintiff in the lower tribunal; and will be referred to in this brief as "Civilian X" (Rule 9.210 Fla. R. App. P.)[7/]. Appellee, Mr. Stanley Gorsica, is the Defendant below; and will be referred to as "Officer Y". Allstate Insurance Company, a co-defendant below, will be referred to as "Company Y". Mr. Edward Gary Early, another co-defendant, will be referred to as "Judge Y".

The following references will be used in this brief:

[A_] Appendix on Appeal[1/]

All statutory and rule references are made to their 2020 versions (unless otherwise indicated).

JURISDICTIONAL STATEMENT

The Lower Tribunal had jurisdiction over this matter under §760.11 FS (via §47.021 (*multi-defendant jurisdiction*)). On October 17, 2022, the LT set aside the default that was properly entered against Officer Y. The LT used that decision, notably, as the foundation for three other collateral orders. Seventeen days later – on November 4, 2022 – Civilian X filed a timely notice of appeal (under Rule 9.030(b)(1)(b)); thereby appealing all four orders. Thus, this Court has jurisdiction (pursuant to Art. V §4(b)(1) FL Constitution.

STATEMENT OF THE ISSUES ON APPEAL

I. Whether a court can rubber-stamp a verbatim proposed order that is fundamentally false.

STATEMENT OF THE CASE

Overview

1. This is a civil rights case (42 USC §1981, 42 USC §1983, 42 USC §1985) between a civilian (Appellant-'Civilian X'), a state official (Appellee-'Officer Y'), a state hearing officer ('Judge Y'), and a former employer ('Company Y').
2. Civilian X charged Company Y with violating Civilian X's civil rights by (a) subjecting him to a hostile work environment; (b) subjecting him to unequal terms & conditions; (c) terminating him; and (d) retaliating against him.
    a. First, he filed suit under state law (§760 FS). Then, he added federal charges (§1981, Title VII, EPA).
3. His federal charges against Company Y coincided with his federal charges against both Judge Y and Officer Y. A pair of executive branch agents with the following details:
    a. Judge Y, a Florida public official (§112.3145 FS), was an ALJ at all times material hereto. The two most prominent acts that Civilian X charged him with were: (a) **destroying evidence**; and (b) **committing perjury**.
    b. Officer Y, another Florida official (§112.3145 FS), worked for Florida's Commission on Human Relations (§760.03 FS, §760.04 FS).

4. In order to understand how/why these two officials had occasion to interact with Civilian X, we must review the preceding dispute. An employment discrimination lawsuit between Civilian X and Company Y.

Underlying Facts (Hostilities, Disparities, Terminations, etc.)

5. Company Y, a publicly-traded private corporation (which has been sued over 900 times in federal court alone – for discrimination[2/]), engaged with Civilian X - at all times material hereto – in the state of Florida. At first, Company Y did so as Civilian X's active employer. Then, it did so as his former employer.
6. On November 18, 2013, Civilian X began working for Company Y. **[A0090]**
7. Company Y admitted him into its Actuarial Career Program ("ACP") alongside many of his newfound co-workers. The ACP's goal was to develop its members into FSAs (Fellows of the Society of Actuaries). **[A0090]**
8. At the time of hiring, Civilian X had passed six (6) actuarial exams, and had a little over one year of experience. This meant that he would have to pass four (4) more exams to attain the desired credential. **[A0090]**
9. Throughout Civilian X's 3-year tenure, Company Y subjected him to a hostile work environment. With harassment that included – but was not limited to:

a. Unwanted date requests from his direct manager **[A0091]-[A0092]**;

b. Racist dolls **[A0097]**, racist characterizations **[A0095][A0097]**; and

c. Cursing at Civilian X for buying a condolence card **[A0098]**;

10. Company Y also conditioned Civilian X's employment on racial inferiority. Highlights included – but were not limited to:

a. Paying Civilian X a lower ASA salary than it paid other similarly-situated employees **[A0096]**;

b. Proclaiming that Civilian X's newly acquired actuarial credentials (ASA) "*devalue[d] the profession*" **[A0096]**.

11. Recognizing the employer's animus, Civilian X begged management to let him work from home **[A0098]**; doing so on a routine basis. A request that Company Y always denied.

a. A work privilege, however, that Company Y granted to everyone else in its actuarial department. **[A0099]**

12. Yet every time Civilian X tried to avoid the hostilities, Company Y targeted him for more.

a. In Fall 2015, an IT manager phoned Civilian X, told him a series of lies, then explained how he would get Civilian X fired. That same manager carried out the plan **[A0099]-[A0101]**.

i. That IT manager, importantly, had been charged with employment discrimination before **[A0142][A0147]**.

b. Also, in Fall 2015, Civilian X's direct manager relayed a message from a different IT manager. A different IT manager who wanted Civilian X fired. **[A0100]**

13. Given these facts & circumstances, Civilian X filed an internal discrimination complaint. The primary subject of the complaint (¶12a) acknowledged that it was based on "racism".

14. Thereafter, Company Y worsened the work environment for Civilian X. With acts which included – but were not limited to:

    a. Job replacement **[A0101]**;

    b. Denied raises **[A0101]**;

    c. Sabotaged work **[A0101]**; and

    d. Company Y forcing Civilian X to pay for an actuarial exam fee while never doing the same to its other employees. **[A0102]**

15. Company Y met Civilian X's additional internal complaints with indignation. Telling Civilian X to "*figure out if this [was] the place for [him] to work*". **[A0101]**

16. Soon thereafter – on Friday, August 12, 2016 – Company Y told Civilian X that it was terminating his employment; effective immediately. **[A0103]**

    a. Notably, Civilian X's direct manager made the decision just hours after Civilian X declined her last date request (doing so on 8/10/16).

17. Company Y's reason for firing Civilian X was that Civilian X had failed an actuarial exam. It gave no other reason. **[A0101]**

18. Yet, Company Y had many other employees who also failed actuarial exams. Some who failed multiple exams; all who failed easier exams. Discriminatorily, though, Company Y never fired any of them. **[A0104]**

19. Plus, immediately after firing Civilian X, Company Y replaced him with two employees who had never even passed one exam. The disparity in qualifications was drastic (0 exams passed vs 8 exams passed). **[A0104]**

20. Right after termination, Civilian X passed the exam-in-question, and continued to avoid Company Y (and its employees). **[A0105]**

    a. From 8/12/16 until now: Civilian X has never done any work for the employer, never tried, and never inquired. **[A0105]**

21. He did, however, attempt to seek justice & repair from the harassment/discrimination/retaliation that Company Y subjected him to. As well as punishment for the unlawful conduct Company Y has subjected [and will subject] others to (see ¶12ai).[2/]

External Discrimination Complaint #1 (*Civilian X v Company Y*)

22. On June 30, 2017, Civilian X filed an employment discrimination complaint with the FCHR. Pursuant to §760.11(1) FS, he alleged that Company Y had violated his civil rights on the bases of race ***and*** sex **[A0106][A0157].**

23. On September 8, 2017, Allstate denied ***both*** allegations **[A0106][A0159].** Stating that it fired Civilian X for a legitimate reason. Specifically, because he had failed an actuarial exam **[A0162]** (highlights added):

> *"[Civilian X] was terminated solely because he failed his [FSA] exam."*
>
> - Allstate Insurance Company | 9/8/17 | **[A0162]**

24. On December 15, 2017, the FCHR concluded its investigation. Notably affirming that race ***and*** sex were the bases of Civilian X's complaint **[A0168].**

25. On January 19, 2018, Civilian X filed his Petition for Relief with the FCHR. Just as in his original charge, he listed only race and sex as the protected characteristics for his complaint. Thus, pursuant to §760.11(7) FS and §120.569 FS, the FCHR transmitted it to DOAH. **[A0107][A0129]**

26. During the pendency of that administrative action, Company Y enlisted its employees to dissuade Civilian X from continuing with his suit. Doing so in a variety of ways:

    a. Death threats **[A0114]-[A0115];**

    b. Smear campaigns **[A0107]-[A0111];** and

    c. Lethal attacks **[A0114]-[A0118].**

27. Additionally, after a series of procedural irregularities (authority breaches, deposition sit-ins, recusals, etc.), Judge

Y (ie, Edward Gary Early) became the administrative hearing officer over the case (circa November 13, 2018).[3/] **[A0181]**

28. Judge Y – in his quest to cover for Company Y – further violated Civilian X's constitutional rights. He did so by (a) **destroying evidence [A0182]-[A0183]**; and (b) **committing perjury [A0183]-[A0185]**. His acts, of course, were enhanced by the unconstitutional transgressions of Officer Y.

29. On June 27, 2019, Officer Y ratified Judge Y's perjury (and constitutional infringements) **[A0125]**. He did so, notably, by even shunning state law (§760.03(5) FS). A statute which forbids holding FCHR case-disposition meetings with less than a 3-person panel.

30. In September 2019, Civilian X asked the FCHR whether it (and/or its officers) could accept bribes during the investigative phase of a discrimination complaint. Three months later (12/10/19), the agency replied with "an emphatic yes". **[A0127]**.

    a. Knowing this (and more), Civilian X has held Officer Y responsible for perpetuating these discriminatory & unconstitutional injustices (¶42, *infra*).

31. Due to these attacks (and during them), Civilian X sought subsequent relief. First: against Company Y (¶32-34, *infra*); second: against Judge Y (¶35-37, *infra*); and third: against all three entities (ie, Officer Y, et al.) (¶42-53 *infra*).

External Discrimination Complaint #2 (*Civilian X v Company Y*)

32. Thus, on April 10, 2019, Civilian X filed his second discrimination complaint against Company Y **[A0090]**. Emailing it to the FCHR; who blessed it with a same-day timestamp (2:35PM on 4/10/19) **[A0153]-[A0155]**.

33. This second complaint – which was dual-filed with the EEOC – included Company Y's post-termination retaliation (¶26, *supra*).

34. October 7, 2019 marked the deadline for the FCHR's determination, but the state agency failed to produce one (at least not on time) **[A0213]**.

Federal Lawsuit #1 (*Civilian X v Company Y*)

35. Despite the inequities **[A0210]-[A0228]**, Civilian X filed suit in federal court. Doing so on August 12, 2020. Doing so, importantly, under both federal (42 USC §1981) and state law (§760 FS).

    a. note: Civilian X first filed suit in state court (on 6/30/2020). That state case subsequently consolidated with his ongoing federal case.[4/]

    b. Plus, Civilian X's initial complaint excluded his Title VII charges **[A0215]**.

    c. Later – and once the inequities began diminishing – he attached them **[A0216]** (circa March 9, 2021).

d. Importantly, the Title VII charges and the state charges were hydrated by Civilian X's second administrative complaint (¶32-34, *supra*).

36. In Spring 2021, Civilian X amended his complaint. An amendment that Company Y met with a second motion to dismiss.

a. This subsequent motion featured a crucial lie.

b. A crucial lie, importantly, that was the same one promulgated by Judge Y (¶38-39, *infra*).

c. A crucial lie that Civilian X met with:

i. a motion for sanctions;

ii. a motion in limine; and

iii. additional charges (ie, *fraud-on-the-court*).

37. In October 2021, USFLMD ordered Civilian X to amend his complaint once more, and Civilian X obliged **[A0083]**. The case continues to this day; albeit, hampered by the constitutional infringements inflicted by Judge Y and Officer Y.

Federal Lawsuit #2 (*Civilian X v Judge Y*)

38. On-or-around January 31, 2021, Civilian X sued Judge Y for constitutional deprivations (4:21-cv-00096; USFLND) ("That Case"). He brought the action under federal law (42 USC §1983, 42 USC §1985), and did so at USFLND **[A0175]**.

39. That Case is centered around Judge Y's demonstrable perjury **[A0183]-[A0185]**. And it continues to this day; albeit hampered by further unconstitutional conduct by other public officials.[6/]

40. That Case, notably, has made itself into federal appellate court; twice in fact.
    a. The first time was in Spring 2021.
        i. That appeal was successful (21-11901).
        ii. Plus, it prompted the 11th Circuit Court of Appeals (US) to deem That Case to be one of "***first impression***". Thereby certifying that the local federal court system has never seen a judge who (a) **destroyed evidence**; and/or (b) **committed perjury**.
    b. The second time was right now (22-13613-G, *Makere v Early*; USCA11).
41. Judge Y's illegalities, of course, were enhanced by the unconstitutional acts that Officer Y carried out (¶29 *supra*).

Current Lawsuit (State Court) (*Civilian X v Officer Y, et al.*)

42. On June 30, 2022, Civilian X sued Officer Y under the '*Ku Klux Klan Act of 1871*' (42 USC §1983). **[A0010]**
43. He sued Officer Y, importantly, in Officer Y's individual capacity only. **[A0012]** The same capacity he had *always* sued Judge Y in.
44. Also, the lawsuit never included any charges under §768 FS.
    a. The statute never appeared in Civilian X's complaint (and that was deliberate). **[A0010]-[A0016]**
45. The following month – on July 27, 2022 – a process server duly served Officer Y. **[A0018]**

46. Twenty-three days later (on August 19, 2022), the LT Clerk entered default against Officer Y (pursuant to Rule 1.500(a) Fla. R. Civ. P.; and Civilian X's timely motion). **[A0020]**

47. That same day, Civilian X moved the LT for *Final Judgment after Default*. He followed up four days later with a motion to set the case for trial.

48. Then, on August 24, 2022 (five days after default, and seven days late), Officer Y made his appearance below. Doing so with: (i) a motion to dismiss; and (ii) a motion to set aside default.

49. He propped both motions up on two fundamental lies.

    a. First, he claimed that he was being sued in his official capacity. In a responsive filing, Civilian X proved Officer Y's claim to be a known false statement. **[A0021]-[A0041]**

    b. Second, Officer Y claimed that he was being sued under §768. Another false statement that Civilian X demonstrated was a lie. **[A0042]-[A0075]**

50. The following month, Civilian X and Officer Y filed a joint pre-hearing stipulation of facts **[A0076]-[A0081]**. Some of the facts, notably, debunked Officer Y's two lies (¶49).

51. Nevertheless, on September 28, 2022, the LT held a motion hearing. Therein, the lower court directed Officer Y to draft proposed orders.

    a. Officer Y obliged, and annulled the two fundamental lies he proffered in his preceding motions. **[A0230]-[A0250]**

i. However, he retained the false determination which his two lies were the sole producers of.

52. Twenty-one days later – on October 17, 2022 – the LT adopted Officer Y's four proposed orders **[A0252]-[A0269]**.

Verbatim.

53. Soon thereafter, Civilian X filed a timely notice of appeal. And this proceeding commenced.

Procedural Summary

54. Put briefly, the LT set aside default by rubber-stamping a proposed order that was based on two crucial lies.

55. The lies are demonstrable, they constitute a clear error of law, and they have interfered with Civilian X's entitlement to a recovery of his property interests (Joshua v Gainesville, 768 So. 2d 432 (Fla. 2000)).

STANDARD OF REVIEW

56. Orders to deny *final judgment after default* (as well as *orders setting aside default*) are appealable, and reviewable under a *de novo* standard (see Conetta v National, 182 FRD 403 (DRI 1998)).

57. Moreover, a trial court's order of dismissal is reviewed ***de novo*** (see Castillo v Allegro, 603 F. App'x. 913, 915 (11th Cir. 2015)). Under that standard, the Court must accept all factual allegations in the Complaint as true and make all inferences in

the light most favorable to the plaintiff (ie, Civilian X) (see Chaparro v. Carnival Corp., 693 F. 3d 1333, 1335 (11th Cir. 2012)). Plus, courts must liberally construe *pro se* pleadings (see Tannenbaum v United States, 148 F. 3d 1262, 1263 (11th Cir. 1998)).

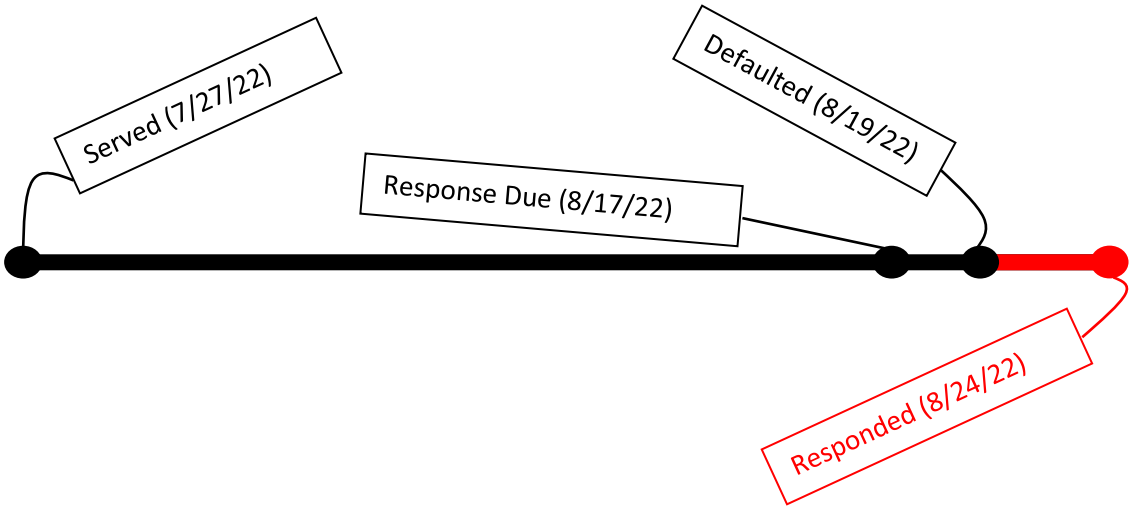
SUMMARY OF ARGUMENT

58. The Lower Tribunal – infused with the lies from below – committed a clear error of law. It did so when it used the product of Officer Y's two fundamental lies to (a) set aside default; and (b) deny final judgment after default.

59. Thus, this Court of Appeals is well-positioned to fix the clear errors from below. And remand this cause to allow Civilian X to recover his duly entitled damages from Officer Y (Willyerd v Anderson, 312 So.2d 504 (Fla. 1975)).

ISSUE I

The Lower Tribunal Committed a Clear Error by Rubber-Stamping Officer Y's False Statement Regarding Timeliness



OVERVIEW I

60. The Lower Tribunal erred when it rubber-stamped Officer Y's proposed order to set aside default; a proposed order that was manifested by material lies.

STANDARD OF REVIEW I

61. Fortunately, this Court has the power to remand this issue back, because appellate courts perform *de novo* reviews of *orders-on-default* (and default judgment) (highlights added):

> *"The first issue before this Court is to determine what standard should be used by a district court in reviewing a magistrate judge's decision to vacate a default judgment.*
>
> ...
>
> *[Defaulting Party] thought it had a live case when it filed its motion to vacate in February 1998. Certainly the case was better before default, but defendant had a right to make that motion. A denial of that motion would have forced it to pay the judgment or appeal. That is as dispositive as it gets in the district court.*
>
> ...
>
> *Therefore, this Court reviews [the decision] de novo."*
>
> - Conetta v National, 182 FRD 403 (DRI 1999)

62. Furthermore, in Holton, the 11th Circuit defined what a "clearly erroneous" factual finding is:

> *"[A] finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed."*

- Holton v City of Thomasville, 425 F.3d 1325 (11th Cir. 2005)

ARGUMENT I

63. The LT's decision to set aside default suffered from clear error. Namely, it claimed that Officer Y had appeared on time (highlights added):

> *"[Officer Y] filed the Motion to Dismiss within the time required by law pursuant to Fla. R. Civ. P. 1.140(a)(2)(A)"*
>
> - Lower Tribunal | 10/17/222 | **[A0255]**

64. **This is false**.

65. **Officer Y failed to appear on time**. He filed his *motion-to-dismiss* five (5) days after default was entered (¶48). A default which the clerk correctly entered, pursuant to Rule 1.140(a) (highlights added):

> *"(1) Unless a different time is prescribed in a statute of Florida, a defendant must serve an answer within 20 days after service of original process and the initial pleading"*
>
> - Rule 1.140(a) Fla. R. Civ. P.

66. That rule gave Officer Y **twenty (20) days** (from **July 27, 2022**) to file his motion to dismiss. And – pursuant to Rule 2.514(a) Fla. R. Jud. Admin. – that **twenty (20) day** window closed on **August 17, 2022.**

67. As the record shows, the LT Clerk properly entered default against Officer Y on August 19, 2022 (¶44).

68. Five days after default – on August 24, 2022 - Officer Y filed his *motion-to-dismiss*; thereby making his appearance.

69. The record is clear and unexceptional, **Officer Y did not file his *motion-to-dismiss* on time.**

Lack of any Exceptions

70. Moreover, Officer Y did not qualify for any exceptions. For one, he was sued in his individual capacity only. Not only did he stipulate this fact **[A0078]**, but the appealed-order even stated it (highlights added):

> *"On June 30, 2022, [Civilian X] filed his Complaint for Violation of Civil Rights ("Complaint"). [Civilian X] names [Officer Y] as a former staff attorney (FCHR) who he sues in his individual capacity."*
>
> - Lower Tribunal | 10/17/222 | **[A0254]**

71. Rule 1.140 does not provide any exceptions to Florida officials sued in their individual capacities only.

72. It does, however, provide exception for state officials sued in their *official* capacities (a capacity in which Officer Y was

never sued in). Crucially, that exception only applies when "*sued pursuant to section 768.28*" (highlights added):

> *"(A) Except when sued pursuant to section 768.28, Florida Statutes... an officer or employee of the state sued in an official capacity must serve an answer to the complaint... within 40 days after service"*
>
> - Rule 1.140(a)(2) Fla. R. Civ. P.

73. So, once again, Officer Y does not qualify for this exception. For two reasons:
    a. He has been sued in his "individual capacity" only; and
    b. He was never sued under §768.28 FS.
74. In fact, this latter point (ie, '*never sued under §768.28 FS*') was noted in the appealed order:

> *"[Civilian X]'s Complaint did not include any causes of action under Chapter 768, Florida Statutes."*
>
> - Lower Tribunal | 10/17/222 | **[A0255]**

75. Plus, it was a fact for which the parties stipulated **[A0078]**.
76. These self-defeating facts invalidate the LT's verbatim copy of Officer Y's proposed order. According to the courts, this is a classic case of clear error (highlights added):

> *"Where, as here, the adopted findings are those proposed by a party before trial, a greater chance is created that those findings may be clearly erroneous. Indeed, the present findings include some for which no supporting evidence was submitted at trial.*

...

the rules governing review do not envision an appellate court shirking its duty to reverse an appealed judgment that is clearly based on legal error and unsupported by evidence in the record.

...

We review judgments, not the rhetoric in opinions. Nonetheless, the language in an opinion, or in a set of findings and conclusions, may indicate that numerous harmful errors of law produced an erroneous conclusion, and that the decisional approach of the district court led to a judgment not supported in law by the facts of record. That happened here."

- Lindemann v American Hoist, 730 F.2d 1452 (Fed. Cir. 1984)

77. That classic occurrence happened in the Lindemann case, and it happened here. Of course, the Lindemann court reversed the trial court's decision (highlights added):

> *The district court's judgment is reversed and the case is remanded for further proceedings consistent with this opinion.*
>
> *REVERSED and REMANDED."*

- Lindemann v American Hoist, 730 F.2d 1452 (Fed. Cir. 1984)

Civilian X asks for the same treatment in the instant case.

78. Especially since the US Supreme Court – via the Federal Circuit's Hybritech decision – virtually commands it (highlights added):

> *"The district court produced the reported opinion, findings, and conclusions, which use*

> *nearly verbatim [appellee]'s pre-trial brief and pre-trial proposed findings of fact and conclusions of law*
>
> ...
>
> *The Supreme Court, in Anderson v. City of Bessemer City, N.C., 470 U.S. 564, 105 S.Ct. 1504, 84 L.Ed.2d 518 (1985), strongly criticized the practice of "verbatim adoption of findings of fact prepared by prevailing parties, particularly when those findings have taken the form of conclusory statements unsupported by citation to the record.""*
>
> - Hybritech v Monoclonal, 802 F.2d 1367 (1986)

79. With this *Supreme* 'criticism' of the LT's verbatim adoption in tow, this Court is well-positioned to reverse the decision below **[A0252]**; as well as its three bedfellows **[A0258]-[A0269]**.

CONCLUSION I

80. Officer Y defaulted. The LT was wrong to adopt his proposed order verbatim. And, it committed a material error by claiming Officer Y filed his *motion-to-dismiss* on time.

81. The LT's material error – regarding Officer Y's timeliness – is grounds for reversal of its '*Order Setting Aside Default*'.

82. WHEREFORE, this Appellate Court is well-positioned to reverse the decision from below. Because based on the '*entire evidence*', this Court is imbued with '*the definite and firm conviction*' that the Lower Tribunal made a mistake (United States v US Gypsum, 333 US 364 (1948)).

(//)

---

without exception, appellee only had twenty days/
the record is clear, and the rules: we must obey/
yet, the lower court behaved to the highest court's dismay/
so, may this Court remand what's beneath, right where default lays//

(//)

CONCLUSION

But for the Lower Tribunal committing the error of claiming Appellee (Officer Y) appeared on time, this appeal would not exist.

WHEREFORE, Appellant (Civilian X) asks this Court to (a) vacate the lower tribunal's order, (b) reverse it, and (c) remand this case for conclusion of a default proceeding.

Dated this 8th day of December 2022.

Respectfully submitted,

/s/ Elias Makere
ELIAS MAKERE, FSA, MAAA, Appellant
PO Box 324
Hobart, IN 46342
P: (904) 294-0026
E: justice.actuarial@gmail.com
W: TextBookDiscrimination.com
Get ***Booked Up*** on Justice!

CERTIFICATE OF COMPLIANCE

1. Type-Volume

☒ This document complies with the page limit of Rule 9.210(a)(5)(B) Fla. R. App. P., because - excluding the parts of the document exempted by Rule 9.210(a)(5)(E) - this document contains 23 pages (ie, less than 50).

2. Typeface and Type-Style

☒ This document uses Courier New (12-Pt) Font; thereby complying with the typeface requirements of Rule 9.210(a)(2) Fla. R. App. P..

12/8/2022 — Date

/s/ Elias Makere — Elias Makere, FSA, MAAA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December 2022, I electronically filed the foregoing with the Clerk of Courts by using the Florida Courts e-Filing portal; which will send a notice of electronic filing to the attached service list.

/s/ Elias Makere

Endnotes:

[1/] [A0210] means page 210 from the appendix.

[2/] at USFLMD alone, Allstate has been sued by more than 15 employees [for discrimination] since 1990:

Augello v Allstate, (2:01-cv-00115)
Bologna v Allstate, (2:01-cv-00645)
Braedyn v Allstate, (6:06-cv-00739)
Brennan v Allstate, (5:02-cv-00168)
Cola v Allstate, (6:02-cv-01001)
Davis v Allstate, (8:20-cv-00852)
Dorsey v Allstate, (3:02-cv-00434)
Howard v Allstate, (8:01-cv-00513)
Huber v Allstate, (6:96-cv-01254)
Kahn v AHL, (3:06-cv-00731)
Lyons v Allstate, (8:96-cv-00690)
Makere v Allstate, (3:20-cv-00905)
Martin v Allstate, (3:96-cv-01247)
Martin v Allstate, (8:98-cv-02598)
McCranie v Allstate, (3:92-cv-00664)
Mendivil v Allstate, (8:01-cv-02415)
Ortiz v Allstate, (2:10-cv-00280)
Reis v Allstate, (8:12-cv-02452)
Rice v Allstate, (8:98-cv-00601)
Thompson v Allstate, (8:97-cv-02055)
Wright v Allstate, (6:20-cv-00305)
Wynn v AHL, (3:01-cv-00341)

[6/] please see *Makere v Fitzpatrick* (4:22-cv-00315; USFLND)

[7/] Rule 9.210 Fla. R. App. P. follows the explicit provision from Rule 28(d) Fed. R. App. P.(see **Committee Note – *1977 Amendment***)

Link to Underlying Complaint (HTML, PDF, Video)

HTML	TextBookDiscrimination.com/Allstate/Complaint-Full.html
PDF	TextBookDiscrimination.com/Files/USFLMD/20000905_AAC_20211104_230439.pdf
Video	https://youtu.be/e3mgBPHesXg

Electronic Copy: (text-searchable)

TextBookDiscrimination.com/Files/1DCA/22003590_IB_20221207_092617.pdf

SERVICE LIST

Charles Schreiber, Jr., Esquire (0843075)
John Bennett

E: Charles.Schreiber@MyFloridaLegal.com
E: John.Bennett@MyFloridaLegal.com
P: 850.414.3300
F: 850.488.4872

Office of the Attorney General
The Capitol PL-01
Tallahassee, FL 32399-1050

(appearing for appellee Gorsica)
