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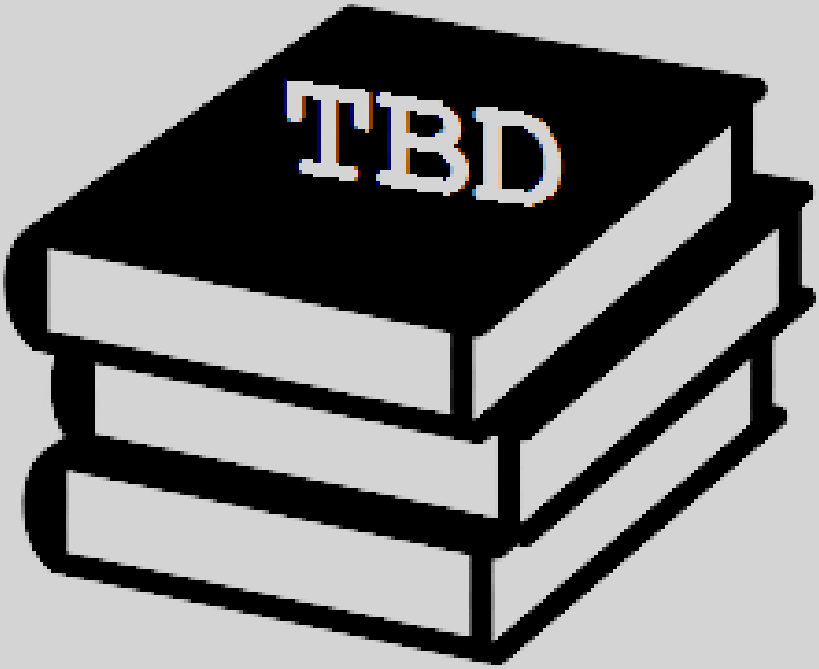

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Jacksonville Sheriff's Office
Civil Processing Unit
501 E. Bay St.
Jacksonville, FL 32202

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

ELIAS MAKERE, FSA	)	
Plaintiff,	)	
	)	
vs.	)	Case No (LT): 2020-CA-003802-XXXX
	)	Division: CV-D
ALLSTATE INSURANCE COMPANY,	)	
Defendant,	)	

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IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

ELIAS MAKERE, FSA	)	
Plaintiff,	)	
	)	
vs.	)	Case No (LT): 2020-CA-003802-XXXX
	)	Division: CV-H
ALLSTATE INSURANCE COMPANY,	)	
Defendant,	)	

PROCESS SERVICE MEMORANDUM

TO:
Sheriff of Duval County, Florida | Civil Processing Division

PLEASE SERVE:
Allstate Insurance Company
1776 American Heritage Life Dr
Jacksonville, FL 32224
c/o Registered Agent/Corporate Employee

IF THE PARTY TO BE SERVED OWNS, HAS, AND/OR IS KNOWN TO HAVE GUNS OR OTHER WEAPONS, DESCRIBE WHAT TYPE OF WEAPON(S):
--

SPECIAL INSTRUCTIONS:
1. If you buzz the gate, the security guard should let you in.
   a. If the guard refuses, however, then please deliver the **summons** to anyone on the service list (attached).
2. Please send Plaintiff a copy of the return service.
3. Please take notice of the attached certificate of civil indigence; entitling Plaintiff to service free of charge.

DATED: August 6, 2020

Elias Makere, FSA (Plaintiff)
3709 San Pablo Rd S #701
Jacksonville, FL, 32224
904.294.0026
justice.actuarial@gmail.com

SERVICE LIST

Mr. Michael DeKoning
366 Royal Tern Rd S
Ponte Vedra Beach, FL 32082
(Duval County)

Mr. Keith Hauschildt
25 Players Club Villas Rd #25
Ponte Vedra Beach, FL 32082
(Duval County)

Mr. Keith Hauschildt
21 Little Bay Harbor Dr.
Ponte Vedra Beach, FL 32082
(Duval County)

Mrs. Liz Mahin
4308 Lake Woodbourne Dr
Jacksonville, FL 32217
(Duval County)

Mr. Scott Randles
8610 Crooked Tree Dr.
Jacksonville, FL 32256
(Duval County)

Mr. Richard Schaefer
135 Jardin De Mer, Apt 1F
Jacksonville Beach, FL 32250
(Duval County)

Mrs. Lisa Henry
1988 Hovington Cir. W
Jacksonville, FL 32246
(Duval County)

Mr. Louis Posick
7889 Little Fox Ln
Jacksonville, FL 32256
(Duval County)

Mrs. Janice Bradley
8343 Princeton Square Blvd E
Jacksonville, FL 32256
(Duval County)

FILED 07/06/2020 03:30:05 PM

RONNIE FUSSELL
Clerk of the Circuit Court

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NUMBER: **16-2020-CA-003802-XXXX-MA**

DIVISION: **CV-H (Circuit Court)**

ELIAS MAKERE, FSA

Plaintiff(s)

vs.

ALLSTATE INSURANCE COMPANY

Defendant(s)

CERTIFICATE OF INDIGENCY

I, RONNIE FUSSELL, Clerk of the Circuit and County Courts, Duval County, Florida, do hereby certify that petitioner Elias Makere, FSA has filed an affidavit of indigency is this case in accordance with Section 57.081(1), Florida Statutes, and it appear that said affidavit is sufficient and that the petitioner, is entitled to receive the services of the courts, sheriffs, and clerks with respect to this proceeding. Witness my hand and seal at Jacksonville, Florida this **6th day of July, A.D. 2020**.

RONNIE FUSSELL
CLERK OF THE CIRCUIT COURT

By: **M.** F. **Merk**
Deputy Clerk

Filing # 111355892 E-Filed 08/05/2020 06:17:52 PM

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

ELIAS MAKERE, FSA	)	
Plaintiff,	)	
	)	
vs.	)	Case No (LT): 2020-CA-003802-XXXX
	)	Division: CV-H
ALLSTATE INSURANCE COMPANY,	)	
Defendant,	)	

SUMMONS

TO:

Allstate Insurance Company
1776 American Heritage Life Dr
Jacksonville, FL 32224
c/o Greg Guidos

A **lawsuit** has been filed against you. You have **20 calendar days** after this summons is served on you to file a written response to the attached **Amended Complaint** in this Court. A phone call will not protect you; your written response, including the above case number and named parties, must be filed if you want the Court to hear your case.

If you do not file your response on time, **you may lose the case**, and the Court may enter a default against you for the relief requested in the amended complaint. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you **must** also mail (or take a photocopy/carbon copy of) your written response to the Plaintiff:

Elias Makere, FSA
3709 San Pablo Rd. S #701
Jacksonville, FL 32224
P: 904.294.0026
E: justice.actuarial@gmail.com

ACCEPTED: DUVAL COUNTY, RONNIE FUSSELL, CLERK, 08/07/2020 08:08:09 AM

THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE:

YOU ARE COMMANDED to serve this Summons and a copy of the Amended Complaint in this lawsuit on the above-named Defendant.

DATED ON: Aug 07, 20 20

Ronnie Fussell
Clerk of the Circuit Court

Christine Kent
Deputy Clerk

If the party serving summons has designated email address(es) for service, or is represented by an attorney, you may designate email address(es) for service by or on you. Service must be in accordance with Florida Rules of Judicial Administration 2.516.

Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents, upon request.

WARNING: Rule 1.285, Florida Rules of Civil Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.

NOTICES TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this Hearing should contact the ADA Coordinator no later than seven (7) days prior to the proceeding at **1-904-272-7040** or via Florida Relay Service at **1-800-955-8771 (TDD)**.

IMPORTANT

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IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) dias, contados a partir del recibo de esta notificacion, para contester la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada Telefonica no lo protegera; si usted desea que el tribunal considers su defense, debe presenter su respuesta por escrito, incluyendo el numer del caso y los nombres de las partes, interesadas en dicho caso. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisites legales. Si lo desea, puede usted consulter a un abogado immediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparencen en laguia Telefonica. Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a lapersona denominada abajo como "Plaintiff/Plaintiff's attorney" (demandate o abogado, del Demanadante).

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Des poursuites judiaciaries ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cet'te citation pour deposer une response estrite a la painte ci-jointe aupres de ce Tribunal. Un simple coup de telephone est insuffisant pour voius proteger; vous etes oblige de deposer votre reponse escrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees iei, si vous souhaitez que le Tribunal entende votre cause. Si vousne deposez pas votre response escrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucum preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephone a un service de reference d'avocats ou a un bureau d'assitsance juridique (figurant a l'annuaire de telephones). Si vous choisissez de deposer vous-meme une reponse escrite, il vous faurdra egalement, en meme temps que cette formalite, faire parvenir ou expediere une copie de votre response escrite au "Plaintiff/Plaintiff's attorney" (Plaignant ou a son avocat) nome ci-dessous.

Filing # 111355892 E-Filed 08/05/2020 06:17:52 PM

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

ELIAS MAKERE, FSA	)	
Plaintiff,	)	
	)	
vs.	)	Case No (LT): 2020-CA-003802-XXXX
	)	Division: CV-H
ALLSTATE INSURANCE COMPANY,	)	
Defendant,	)	

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Allstate Insurance Company
1776 American Heritage Life Dr
Jacksonville, FL 32224
c/o Greg Guidos

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Elias Makere, FSA
3709 San Pablo Rd. S #701
Jacksonville, FL 32224
P: 904.294.0026
E: justice.actuarial@gmail.com

ACCEPTED: DUVAL COUNTY, RONNIE FUSSELL, CLERK, 08/07/2020 08:08:09 AM

THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE:

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DATED ON: Aug 07, 20 20

Ronnie Fussell
Clerk of the Circuit Court

Christine Kent
Deputy Clerk

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Filing # 110296347 E-Filed 07/15/2020 03:53:34 PM

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

ELIAS MAKERE, FSA	)	
Plaintiff,	)	
	)	
vs.	)	Case No (LT): 2020-CA-3802-XXXX
	)	Division: CV-H
ALLSTATE INSURANCE COMPANY,	)	
Defendant,	)	

AMENDED COMPLAINT

COMES NOW, Plaintiff, Elias Makere on this 15th day of July 2020 and hereby sues Defendant, Allstate Insurance Company and states the following:

I. NATURE OF THE CLAIM

1. This action is brought under the Florida Civil Rights Act of 1992 as amended ("FCRA"), and 42 U.S.C. 1981 The Civil Rights Act of 1886 ("Section 1981") to redress Defendant's unlawful employment practices towards Plaintiff. Charges which include - but are not limited to - unlawful retaliation, unlawful interference, color discrimination, race discrimination, and sex discrimination.

II. JURISDICTION: AMOUNT

2. Plaintiff seeks declaratory relief, injunctive relief, and damages in excess of thirty thousand dollars ($30,000) - exclusive of interest, costs, and attorney fees.

ACCEPTED: DUVAL COUNTY, RONNIE FUSSELL, CLERK, 07/16/2020 09:45:15 AM

III. JURISDICTION: PARTIES

3. At all times material hereto, Plaintiff was a resident of Jacksonville, FL (Duval County). Thus, he was an "Employee", a "Person", an "Aggrieved Person", and an "Individual" as defined by the FCRA.
4. At all times material hereto, Defendant (a Florida corporation), had its principal place of business in Jacksonville, FL (Duval County). Employing fifteen (15) or more employees at all times pertinent. As such, Defendant satisfies the definition of an "employer" - as contemplated by §760.02(7) FS.

IV. JURISDICTION: VENUE

5. Defendant's unlawful conduct was committed within the jurisdiction of this Court. Thus, pursuant to §47.011 FS, this venue is correct.

V. ADMINISTRATIVE PREREQUISITES

6. All conditions precedent to bringing this action have been satisfied.
7. Plaintiff timely filed a charge of discrimination with the Florida Commission on Human Relations (FCHR); which dual-filed his complaint with the Equal Employment Opportunity Commission (EEOC). His filing fell within 365 days of [one of] Defendant's discrete acts of discrimination (see **Exhibit A**).
8. More than 180 days have passed since Plaintiff filed his charge of discrimination with the FCHR, and therefore, Plaintiff has timely filed this civil action within the applicable period of limitation (pursuant to §760.11(8) FS).

VI. STATEMENT OF THE FACTS

9. Plaintiff, a black male, began working for Defendant on November 18, 2013.
10. Defendant 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).
11. At the time of hiring, Plaintiff 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.
12. Defendant hired Plaintiff into its entry-level position named "Actuarial Technician" even though he was qualified for Defendant's higher "Actuarial Associate" position. He reported directly to Ms. Lisa Henry.
13. Right off the bat, Ms. Henry subjected Plaintiff to sexual harassment; severe enough to alter the terms & conditions of his employment.
    a. A few Saturdays into Plaintiff's employment, Ms. Henry asked him to join her for dinner-&-a-movie. She added – voluntarily – that her husband would not be there. Plaintiff was distressed:
        i. For one, he had just moved to Jacksonville; did not know anyone else in the city; and was reliant on work income.
        ii. Secondly, he did not want a personal relationship with Ms. Henry.
        iii. Moreover, he did not want a romantic/sexual relationship with Ms. Henry either.

Plaintiff declined Ms. Henry's first date request.

It would not be her last.

14. Throughout Plaintiff's 3-year tenure with Defendant, Ms. Henry asked him out on a near-weekly basis. Usually asking him to go bowling with her. In that 33-month span, Ms. Henry never asked any other employee to go bowling with her. Just Plaintiff.
15. As a result, Plaintiff tried to avoid contact with Ms. Henry. Most notably, by abstaining from lunch outings. For instance, he exchanged his night-time gym visits with lunch-time gym visits (the gym was on Defendant's property) to dodge further harassment.[1/]
16. In early December 2013, Plaintiff took and passed three minor exams.[2/] Ms. Henry sat in as his proctor. He took the exams on company property.
17. Later that month, Plaintiff took and passed his seventh (7th) actuarial exam (the "Final Assessment"). These tests qualified Plaintiff for his first actuarial credential: the ASA (Associate of the Society of Actuaries).
18. To receive it, he would have to attend the Society of Actuaries' ("SOA") in-person course. The course was held in Atlanta, GA (ie, 500 miles from Plaintiff/Defendant).
19. In the days leading up to his multi-day trip, Ms. Henry offered to join Plaintiff. The trip included a hotel stay. She asked him in front of her own manager, Mr. Richard Schaefer. Plaintiff found her request to be illegitimate and sexually-motivated.

20. As a result, Plaintiff ramped up his measures for avoiding Ms. Henry. For example, he minimized face-to-face meetings with her by putting more detail in his Monday-morning updates.
    a. Note: these face-to-face meetings featured Ms. Henry staring at Plaintiff's privates; excessively.
21. Around this same time, the racial harassment ramped up, too. In a Spring 2014 inter-departmental meeting, Ms. Henry characterized Plaintiff as being racially inferior.
    a. Doing so by saying a task was so easy she could get a "*monkey to do [it]*". She elaborated, "*[it] will sit down, look at a piece of paper, then look up to compare it to what's on the computer*". It seemed she was casting Plaintiff as this monkey.
        i. After all, he was Ms. Henry's only [in-house] direct report. Plus, likening black people to monkeys was a classic way of imputing racial inferiority onto them.
    b. Just minutes later, Ms. Henry's offensive remarks crystallized. Upon returning to the cubicles, she directed Plaintiff to sit down at his seat. Then, she printed out a spreadsheet, placed it on his desk, and instructed him to compare the printout to the computer screen to see if the numbers were the same.
    c. Plaintiff *was* the monkey.
22. As Defendant's only black actuary, Plaintiff's employment was conditioned on racial inferiority. Here are some highlights:
    a. When Plaintiff received his ASA credential – a major, equalizing milestone for Defendant's actuaries - Defendant paid him a lower salary than it paid his peers.

b. In June 2014, Mr. Louis Posick (an actuarial manager) proclaimed that Plaintiff's recent credentials "*devalue[d] the profession*". Despite the fact that:

   i. Plaintiff passed the same exams that everyone else did;

   ii. Plaintiff received his ASA faster than most of his peers/predecessors.

   As became the norm, Defendant eschewed facts for the fictions of Plaintiff's racial inferiority.

c. Mr. Posick's direct report, Mr. Kazuhiko Nagai, followed suit by issuing a nonstop array of harassment directed at Plaintiff. Harassment which involved mocking, ridicule, and incessant invasions of space. Harassment punctuated by a racist doll (a monkey that Mr. Nagai placed on Plaintiff's desk – in plain sight).

d. Mr. Posick's other direct report, Mr. Phil Kite, joined in by characterizing Plaintiff as a monkey, too. In Fall 2015, as Mr. Nagai's racist monkey doll sat on Plaintiff's desk, Mr. Kite yelled loudly, "*[Plaintiff] you look like a chimpanzee!!!*".

e. In Summer 2015, Ms. Marilou Halim (an actuarial manager) screamed profanities at Plaintiff as he sat studying in a small conference room. His '*crime*': buying a condolence card for a grieving co-worker.

f. In Spring 2016, on two separate occasions, Ms. Henry said that "*[Plaintiff was the] monkey we can't let grow into a gorilla*". Once again playing on the theme of black inferiority.

23. Three things were clear:
    a. Defendant held its actuarial department in high esteem; basing that prestige on the notion of high intelligence.
    b. Defendant viewed black people as being racially inferior; basing that disdain on the notion of low intelligence.
    c. Defendant believed that black actuaries – and Plaintiff in particular – defiled the sanctity of its actuarial department; just by virtue of their existence.
24. Recognizing Defendant's animus, Plaintiff begged management to let him work from home. He asked on a routine basis. Mainly in response to direct hostilities (eg, mocking & ridicule, racist dolls, racist characterizations, racial proclamations, etc.).
    a. Defendant denied his requests every time; giving the following excuse: '*Plaintiff could not work from home because sitting near his coworkers was a condition of his employment*'. Fateful.
    b. Defendant, however, allowed its non-black employees to work from home.
        i. Ms. Bridget Tennant – who also reported to Ms. Henry – had been working from home for over a decade (her home was in Maryland; 700 miles away).
        ii. Ms. Tetyana Dostie – who reported to Ms. Halim – was granted her contemporaneous work-from-home request.
        iii. Defendant has allowed many other non-black actuarial employees to work from home.
25. Yet every time Plaintiff attempted to avoid the harassment, Defendant targeted him for more. Graduating the harassment into discrimination.

26. In Fall 2015, Mr. David Dickson (an IT manager) initiated Defendant's systematic method for discrimination. He called Plaintiff at 5:17 pm, introduced himself, told Plaintiff a series of lies, then threatened to get Plaintiff fired. It was a severe, surprising, and unwarranted escalation.

    a. Additionally, in November 2015, prior to his call, Mr. Dickson approached Plaintiff in the parking lot after dark. Plaintiff was on his bicycle heading home. Mr. Dickson told Plaintiff in an ominous tone, "*be careful on your bike.*" Plaintiff saw it as a threat. One which later came to fruition (¶47, *infra*).

    b. Also, in Fall 2015, Ms. Marianne Poriecca (an IT manager) told Plaintiff's direct manager (Ms. Henry) that she wanted Plaintiff fired ("*I can't believe he still works here*"). A message that Ms. Henry relayed to Plaintiff in early 2016. A message - that Ms. Henry admitted - was made without reason.

27. There was no legitimate reason for someone to hunt for Plaintiff's termination.

    a. Note: at this point, Plaintiff had passed his eighth (8^{th}) actuarial exam and was working on number nine (9).

28. Plaintiff thereby filed an internal discrimination complaint against Mr. Dickson. Who acknowledged that it was based on "racism". As it turns out, Mr. Dickson has been charged with employment discrimination before.[3/]

29. Management responded by sending several staff members to replace Plaintiff's employment. The most explicit one was Mr. James Parks; who said that management (Mr. Schaefer, Mr. Dickson) sent him to take over for Plaintiff. Plaintiff obliged; sharing his knowledge and skills - as he had always done with all of his work (with everyone).
30. Also, in retaliation for Plaintiff's internal complaint, Ms. Henry denied Plaintiff a raise in 2016. Instead, she gave Plaintiff the standard actuarial salary increase for having passed an actuarial course (the DMAC)[4/]. Plaintiff subsequently filed an internal retaliation complaint against Ms. Henry.
31. Matters only got worse for Plaintiff. Perhaps, the most significant event was when a non-actuarial co-worker sabotaged his work. On June 30, 2016, Ms. Patricia Boland staged an actuarial miscalculation; and attempted to blame it on Plaintiff. Plaintiff caught her in the act, though.
32. Alarmed that anyone would do that (ie, deliberately attempt to get Plaintiff fired), Plaintiff reported it - among other things (see Racist Doll ¶22cd, see Mr. Dickson ¶28, see Ms. Henry ¶30) - to Mr. Schaefer. Who told Plaintiff, "*[Plaintiff] you're paranoid*", coupled with "*you should figure out if this is the place for you to work*".
33. The message was clear: discrimination was going to win out.
    a. A message which was further emphasized when Plaintiff learned that Defendant made him purchase his actuarial exam ($1,025) while not requiring the same of his non-black peers (Mr. Victor Ciurte, Mr. Kazuhiko Nagai, etc.).

34. Within a week-or-so Plaintiff received negative results from his ninth (9th) actuarial exam. He believed foul play was involved. Nevertheless, Plaintiff had thereby failed to satisfy Defendant's "1-in-3 rule".
    a. Note: Defendant's ACP had a "1-in-3 rule". The rule stated that an employee had to pass one exam in three attempts. Failure to satisfy that rule could lead to removal from the program.
35. Shortly thereafter, on-or-around August 10, 2016, Ms. Henry approached Plaintiff at his desk. It was at about 5:12 pm. She – once again – asked Plaintiff to go out with her (bowling). This request was different, though, because Defendant had severely compromised Plaintiff's employment. Nevertheless, Plaintiff - once again - declined to go out with Ms. Henry. Shocked; she stood at the corner of his desk; mouth open; for about 2-3 seconds.
36. Just hours later, Ms. Henry filed to have Plaintiff terminated.
37. That Friday (August 12, 2016), Ms. Henry escorted Plaintiff to the 1st floor for a meeting. It was not a regular staff meeting (as had been described). Instead, it was a termination meeting. The HR manager, Mr. Ellis Manucy, conducted it. He informed Plaintiff he was being fired because he failed his actuarial exam. He added that it was "*extremely rare*". No other reason was given.

38. The failure was not rare; the termination response was (and discriminatory). Here is a list of Defendant's employees who also failed to satisfy the "1-in-3" actuarial exam requirement:

    a. Mr. Victor Ciurte
    b. Ms. Tetyana Dostie
    c. Mr. Josh Garcia
    d. Mr. Phil Kite
    e. Ms. Anna Lunder
    f. Mr. Kazuhiko Nagai
    g. Ms. Bridget Tennant

    None of whom were black (let alone black men).

39. Moreover, Defendant had a number of employees who were never even required to satisfy the "1-in-3 rule". Including, but not limited to, Ms. Nasreen Ali. Likewise, Ms. Ali was neither black nor a man.

40. Immediately after terminating Plaintiff, Defendant hired two non-actuaries to assume his responsibilities. Neither of whom had even attempted an actuarial exam (let alone pass one). They were Ms. Boland and Mr. Christopher Mirisola. Again – neither were black (let alone black men).

41. Within a month, Ms. Henry approached Plaintiff in a restaurant near Plaintiff's home. She followed up with friendly emails to his personal account.

    Plaintiff never replied.

42. Additionally, Plaintiff never re-applied for employment with Defendant. Nor did he ever inquire about returning to Defendant's employ.

43. Plaintiff was still focused on attaining his FSA. That Fall, he passed his ninth (9^{th}) actuarial exam.

44. On June 30, 2017, Plaintiff filed a charge of discrimination with the FCHR ("Originating Charge"). It was on the basis of race and sex.
45. As the case progressed to the administrative hearing phase, Plaintiff contacted several non-parties to begin discovery.
46. One person, Mr. Kirk Higgins, went on attack in response. Filing documents aimed at embarrassing Plaintiff - in violation of §120.569(2)(e) FS; even calling local police departments to try to dig up dirt on Plaintiff. Importantly, Mr. Higgins explicitly stated that his actions were motivated by (i) his relationship with Defendant; and (ii) Plaintiff's demographics.
47. In April 2018, Plaintiff was hit by a car while riding his bicycle. The car was traveling 45 mph (reportedly). Mr. Dickson's 2015 threat had indeed played out (¶26 *supra*).
48. Plaintiff was also getting death threats on the phone; and supplemental taunts through the mail.
49. In July 2018 - during the administrative case - Defendant encouraged Mr. Higgins to file unauthorized documents against Plaintiff; instructing him on what to say. Defendant was behind these attacks.
50. That same month, Plaintiff's former employer (Genworth Financial) reduced his retirement benefits substantially. They mailed him the notice. Yet, Plaintiff had never given Genworth his Florida address. It was clear that Defendant (via Genworth) was taking retaliatory actions to further damage Plaintiff's employment and compensation.
51. Around this time, Plaintiff passed his tenth (10^{th}) actuarial exam; and achieved FSA status (see **Exhibit C**). Soon thereafter, Plaintiff notified the FCHR; eventually leading to these charges.

VII. ULTIMATE FACTS

52. Defendant only fired the black man who failed an actuarial exam.

a. It preceded this adverse employment action with years of harassment. Punctuated by:
   i. unwanted sexual attention;
   ii. date requests;
   iii. racist dolls;
   iv. racist characterizations;
   v. and more.

b. The harassment was coupled with disparate treatment. Highlighted by:
   i. paying Plaintiff a lower salary than his non-black-male peers;
   ii. forcing Plaintiff to pay $1,025 for an actuarial exam while not doing the same to Plaintiff's non-black-male counterparts; and
   iii. denying Plaintiff the work-from-home privilege that it granted Plaintiff's non-black-male coworkers.

c. Defendant followed up this adverse act with:
   i. financial retaliation;
   ii. professional retaliation;
   iii. and lethal retaliation.

COUNT I: RACIAL DISCRIMINATION | §760.11 FS, et. seq.

53. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VI (Paragraphs 9 through 51).
54. Defendant continuously treated Plaintiff less favorably and unfairly compared to his non-black coworkers. The offensive and derogatory remarks/actions were related to Plaintiff's race; and were so severe and pervasive they created a hostile work environment for Plaintiff.
55. Defendant's resulting decision to terminate Plaintiff was motivated by Plaintiff's race.

COUNT II: SEXUAL DISCRIMINATION | §760.11 FS, et. seq.

56. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VI (Paragraphs 9 through 51).
57. Defendant continuously treated Plaintiff less favorably and unfairly compared to his non-male coworkers. Ms. Henry's sexual harassment related to Plaintiff's gender; and was so severe and pervasive it created a hostile work environment for Plaintiff.
58. Defendant's resulting decision to terminate him was motivated by Plaintiff's sex.

COUNT III: RETALIATION | §760.11 FS, et. seq.

59. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VI (Paragraphs 9 through 51).
60. Defendant retaliated against Plaintiff because he complained about Defendant's discriminatory practices (both internally and externally).

COUNT IV: RACE DISCRIMINATION | 42 U.S.C. §1981 et. seq.

61. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VI (Paragraphs 9 through 51).
62. Defendant continuously treated Plaintiff less favorably and unfairly compared to his non-black coworkers. The offensive and derogatory remarks/actions were related to Plaintiff's race; and were so severe and pervasive they created a hostile work environment for Plaintiff.
63. Defendant's resulting decision to terminate Plaintiff was motivated by Plaintiff's race.

PRETEXT

64. Defendant claimed that it terminated Plaintiff for a legitimate business reason by asserting that it terminated Plaintiff "solely" because he failed an actuarial exam (see **Exhibit B**).
65. Yet, when Defendant's non-black-male employees also failed actuarial exams Defendant never fired them.
66. Notably, Defendant replaced Plaintiff with unqualified non-black-male employees. Neither of whom had passed even one actuarial exam.
    a. The disparity in qualifications (ie, 0 exams vs 8 exams) "*jumps off the page and smacks you in the face*".
67. As such, Defendant's reason for terminating Plaintiff was illegitimate, and merely a pretext for unlawful discrimination.

DAMAGES

68. As a direct and proximate result of said acts, Plaintiff has suffered – and continues to suffer – loss of employment, loss of income, loss of other employment benefits, loss of earning capacity and has suffered and continues to suffer mental anguish, distress, pain, great expense, inconvenience, professional damage and other pecuniary and nonpecuniary losses.

69. As a further result of Defendant's discrimination, Plaintiff has incurred legal fees and will continue to incur legal fees.

RESERVATION OF RIGHTS

70. Defendant's acts, discriminatory patterns, and unlawful practices demonstrate a callous disregard and reckless indifference to Plaintiff that justifies an award of punitive damages at trial. Upon an evidentiary showing and hearing, Plaintiff reserves the right to amend his pleadings to assert a claim for punitive damages against Defendant.

71. Plaintiff may retain an attorney to represent him in prosecuting this action and if so will be obligated to pay them a reasonable fee for their services.

    a. Pursuant to 42 USC §1988, Plaintiff is entitled to request that the Court allow him to recover his reasonable attorney's fees incurred in successfully prosecuting this cause, should he retain an attorney.

REQUEST FOR JURY TRIAL

72. Pursuant to Section 22 of the Florida Constitution, Plaintiff respectfully requests that this honorable Court grant him a trial by jury on all issues so triable.

REQUEST FOR RELIEF

73. WHEREFORE Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant on all claims herein, and enter an Order providing the following relief:

a. Declaring that Defendant violated the FCRA;

b. Enjoining Defendant from committing further violations of the FCRA;

c. Awarding Plaintiff back pay and front pay, including interest, in the form of lost wages, including lost fringe benefits, which resulted from the illegal discrimination, harassment and wrongful termination.

d. Awarding Plaintiff the cost of this action, together with reasonable attorney's fees (if any).

e. Awarding Plaintiff pre-judgment interest.

f. Awarding Plaintiff punitive damages; and

g. Awarding such other and further relief as is just, equitable, and proper.

Dated this 30th day of June 2020.

Respectfully submitted,

ELIAS MAKERE
s/ Elias Makere, Pro Se
3709 San Pablo Rd. S # 701
Jacksonville, FL 32224
Tel: (904) 294-0026
E-mail: justice.actuarial@gmail.com

Endnotes:

1/ evidenced by electronic badge records.

2/ "minor" exams in the sense that they were not one of the 10 "actuarial" exams mentioned earlier. Specifically, these "minor" exams were the VEEs – necessary for obtaining actuarial credentials with the Society of Actuaries.

3/ in-or-around 2011, a former employee named Clare Latham charged Mr. Dickson with sexual discrimination.

4/ the DMAC is a course on decision-making and professionalism.

EXHIBIT A

Charge of Discrimination

Makere v Allstate
FCHR Case No. 2019-19238

April 10, 2019

Florida
Commission on Human Relations

EEOC Form 5 (11/09)

FCHR NO. 201919238

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

[X] FEPA
[ ] EEOC

Florida Commission On Human Relations and EEOC

State or local Agency, if any

Name *(indicate Mr., Ms., Mrs.)*	Home Phone *(Incl. Area Code)*	Date of Birth
Elias Makere	904.294.0026	08/02/83

Street Address / City, State and ZIP Code: 3709 San Pablo Rd. S. #701; Jacksonville, FL 32224

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No. *(Include Area Code)*
Allstate Benefits	15+	800.521.3535

Street Address / City, State and ZIP Code: 1776 American Heritage Life Dr.; Jacksonville, FL 32224

Name	No. Employees, Members	Phone No. *(Include Area Code)*
Allstate Insurance Company	15+	847.402.7367

Street Address / City, State and ZIP Code: 2700 Sanders Rd; Northbrook, IL 60070

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

[√] RACE [√] COLOR [√] SEX [ ] RELIGION [ ] NATIONAL ORIGIN
[√] RETALIATION [ ] AGE [ ] DISABILITY [ ] GENETIC INFORMATION
[ ] OTHER *(Specify)*

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
November 2013	July 2018

[√] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s))*:

Allstate only fires the black employees who fail exams.

5 Years of racial/sexual harassment.

- **Racist Dolls, Racist Characterizations**
- **Date Requests (Dinner-&-a-Movie)**
- **Targeted discrimination**

Culminating in a discriminatory termination.

Complainant failed an actuarial exam. Respondent terminated him because of it.

Respondent has half-a-dozen other employees who have failed exams. Respondent did not fire any of them. All of whom were non-black.

In fact, Respondent has staff that have never even passed an exam; they keep their jobs.

Complainant complained (internally, externally), and Respondent retaliated against him. The most recent act of retaliation occurred in July 2018.

RECEIVED
FLORIDA COMMISSION ON
HUMAN RELATIONS
2019 APR 26 AM 10: 34

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

4/10/2019
Date

Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EXHIBIT B

Position Statement

From: Respondent
To: Agency

[marked]

Complainant was terminated solely because he failed to pass his ASA exam and as a result, he became ineligible to maintain his status in the Allstate Financial Actuarial Career Program (ACP).

Lastly, Complainant's allegation that more African-American actuarial employees were involuntarily terminated is without merit. Complainant was the only employee that Respondent terminated in his department between 2014 and 2016.

CONCLUSION

Complainant's charge of discrimination based upon race without merit. Accordingly, Respondent requests that this Charge be dismissed in its entirety. Should you have any additional questions, please do not hesitate to contact me at (847) 402-7367.

Sincerely,

Charmaine Neal

Charmaine Neal
Human Resources Lead Consultant

Attachments

EXHIBIT C

Photo

Petitioner Receiving his FSA (final actuarial credential)

'A Picture Says a 1,000 Words'. This one says the following:

Allstate fired the black guy for slipping in front of his destination – which he later got to – but rewarded his non-black peers for not even coming close.

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

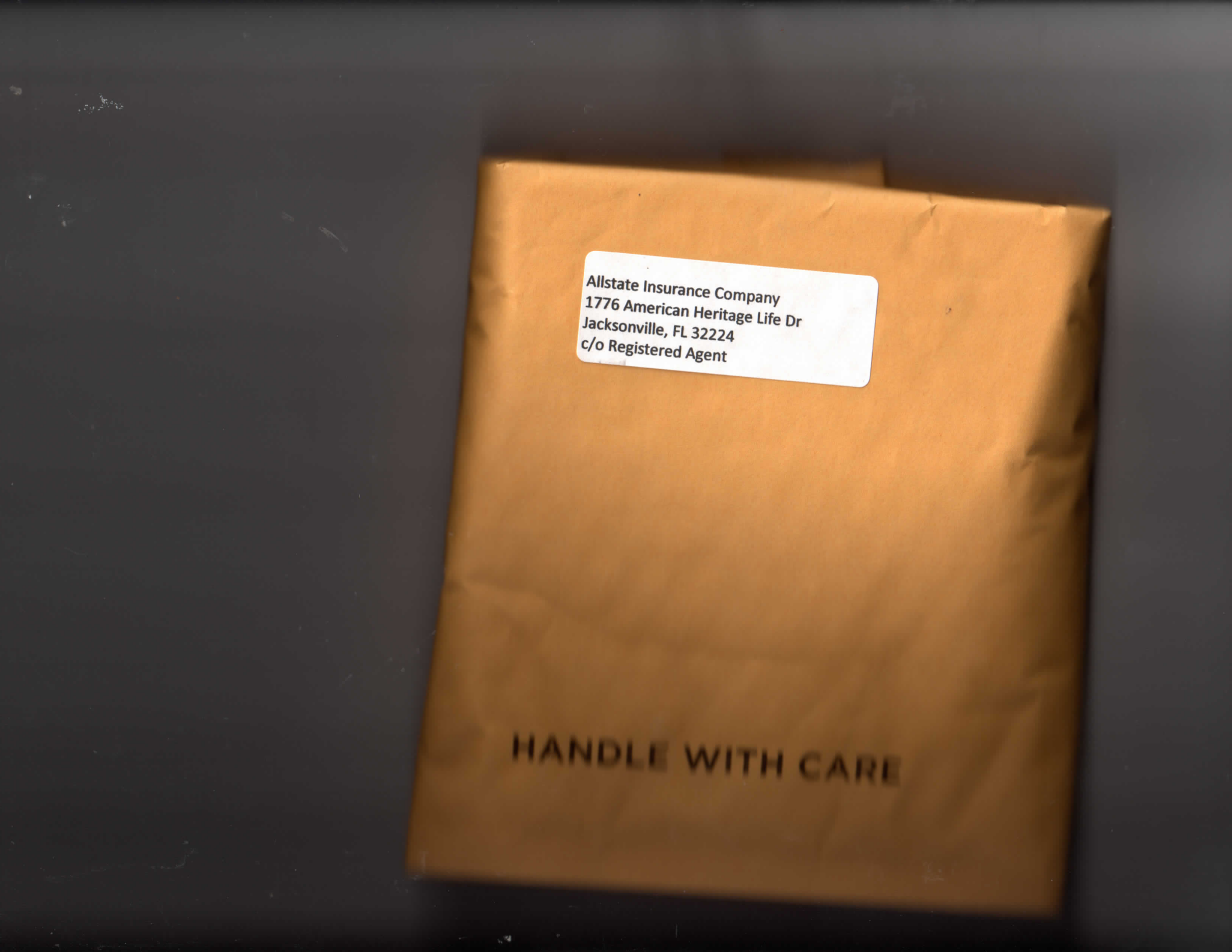
ELIAS MAKERE, FSA	)	
Plaintiff,	)	
	)	
vs.	)	Case No (LT): 2020-CA-003802-XXXX
	)	Division: CV-D
ALLSTATE INSURANCE COMPANY,	)	
Defendant,	)	

CONTACT INFO

Plaintiff*:
Elias Makere, FSA
3709 San Pablo Rd. S #701
Jacksonville, FL 32224
P: 904.294.0026
E: justice.actuarial@gmail.com

Defendant:
Allstate Insurance Company
1776 American Heritage Life Dr.
Jacksonville, FL 32224

*Note: The plaintiff is the party that initiated this summons

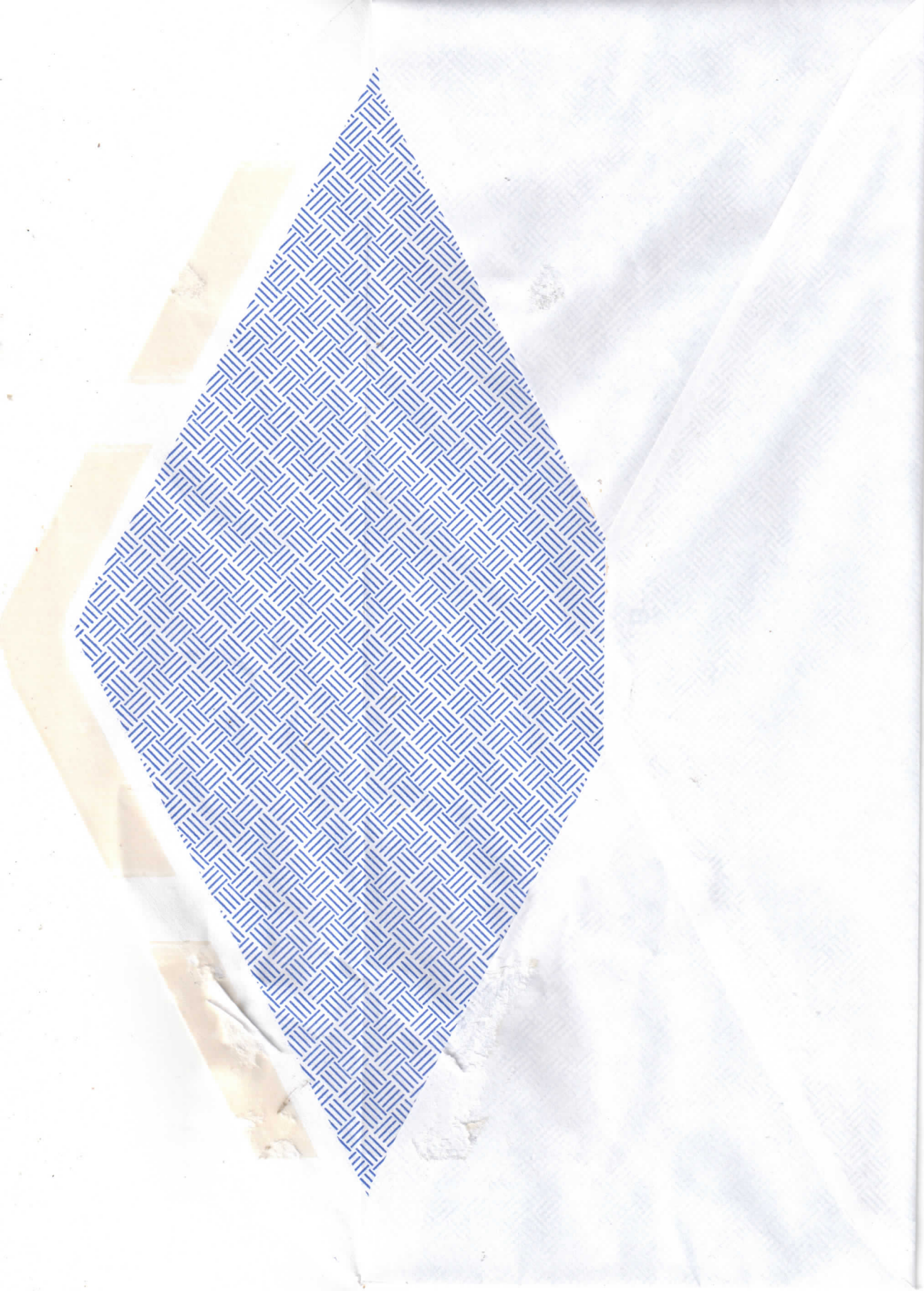

Allstate Insurance Company
1776 American Heritage Life Dr
Jacksonville, FL 32224
c/o Registered Agent
HANDLE WITH CARE

SELF

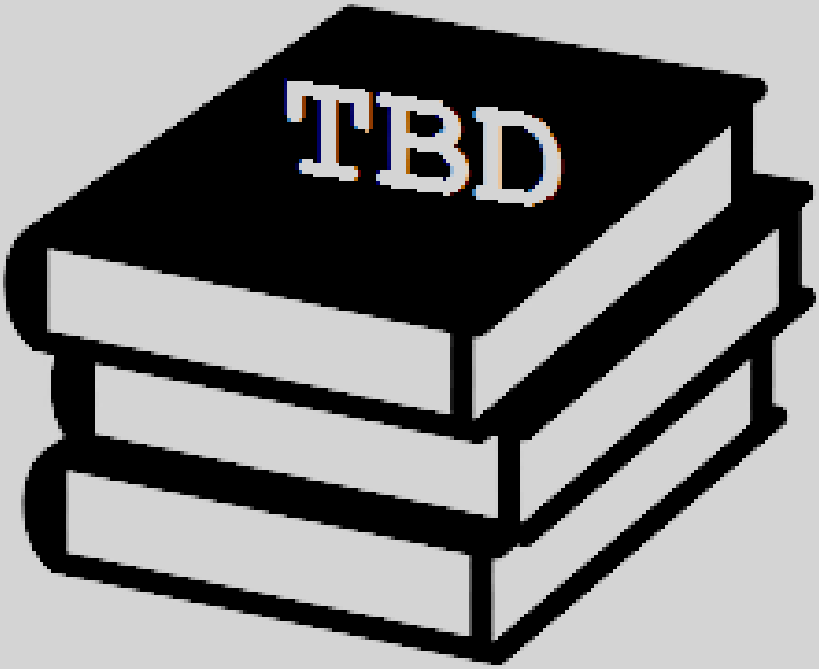
Scotch™

Jacksonville Sheriff's Office
Civil Processing Unit
501 E. Bay St.
Jacksonville, FL 32202

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



BUY™	SELL™	SHOP™



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