

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 TIME-SENSITIVE MOTION TO WAIVE
THE 21-DAY SAFE HARBOR PROVISION
(FROM RULE 11 – MOTIONS FOR SANCTIONS)**

Plaintiff, ELIAS MAKERE, on this 16th day of April 2024, respectfully asks this Court to relieve Plaintiff from having to observe the 21-day safe harbor provision. A provision that is found in Rule 11 Fed. R. Civ. P.. A provision that is no longer practical for Plaintiff’s forthcoming *Motion for Sanctions* (against Defendant – ALLSTATE INSURANCE COMPANY).

Key Points:

- A.) Points Defendant’s refusal to recognize facts (and/or confer);
- B.) Grounds extrinsic fraud; bad faith; overcome Defendant’s delays

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Background:	Defendant is facing sanctions for defrauding the court
Problem:	Defendant is hostile to conferring (or recognizing facts)
Request:	Court relieves Plaintiff of the 21-day ‘conferral’ period

Rule 1 | Fed. R. Civ. P. | Scope | (highlights added)

“These rules... should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”

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

“(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets.”

Precedent

- 6:17-cv-00236-WWB-EJK - USFLMD (11/2/23)
- 6:17-cv-00236-WWB-EJK - USFLMD (7/17/23)
- 8:20-cv-02602-KKM-AAS - USFLMD (4/6/21)
- 8:20-cv-02311-VMC-AEP - USFLMD (2/11/21)
- 8:20-cv-02533-KKM-TGW - USFLMD (1/25/21)

USFLMD recently granted similar motions

Abbreviations:

- {#NN} - Docket Entry NN [of this case]
- DOAH - Division of Administrative Hearings (Florida)
- FCHR - Florida Commission on Human Relations
- FS - Florida Statutes
- USFLMD - US District Court, Florida, Middle District
- USKSAD - US District Court, Kansas
- USTXND - US District Court, Texas, Northern District

MOTION

I. Relevant History

1. On June 30, 2017, Plaintiff filed an employment discrimination charge with the FCHR (“First Charge”). Pursuant to §760.11(1) FS, he alleged that Defendant had violated his civil rights on the bases of race ***and*** sex.
2. On September 8, 2017, Defendant responded to the First Charge by denying ***both*** allegations. Importantly, the former employer explicitly acknowledged that Plaintiff’s First Charge contained “*allegations of discrimination based upon race and sex discrimination*”.
3. On December 15, 2017 the FCHR concluded its investigation. Notably affirming that race ***and*** sex were the bases of Plaintiff’s First Charge.
4. On January 19, 2018, Plaintiff filed his Petition for Relief (§760.11(6)-(7) FS; §120.569(2)(a) FS). Thus, the First Charge coursed through the State of Florida’s administrative circuit; where Defendant amplified its retaliation against Plaintiff (eg, lethal attack, smear campaigns, etc.) – among other things.
5. So, on April 10, 2019, Plaintiff filed his second discrimination charge against Defendant (“Second Charge”). Emailing it to the FCHR; who blessed it with a same-day timestamp (2:25 PM on 4/10/19). Despite more

state-sponsored treachery (eg, phantom notices, refusal/reluctance to relinquish jurisdiction), Plaintiff was able to enter the court system.

6. On August 12, 2020, Plaintiff initiated this lawsuit.
7. On February 9, 2021, Plaintiff asked this Court to take judicial notice of Plaintiff's [officially] time-stamped charge of discrimination (§5 *supra*).
 - a) Roughly three years later – and due to Defendant's repeated lies (§10-12 *infra*) – Plaintiff supplemented his request. Doing so on November 17, 2023 (#103).
 - b) Importantly – on March 26, 2024 (ie, 3+ years after Plaintiff initially filed it) – this Court granted judicial notice.
8. On May 21, 2021, Defendant filed a document in this court; one which contradicted its/the-state's original [notarized] affirmation/confirmation (§2-3 *supra*). Defendant's document was titled "*Defendant's Response in Opposition...and Supporting Memorandum of Law*" ("That Response") (#53).
 - a) That Response said that Plaintiff's First Charge was on the basis of race ***only*** (ie, Defendant thereby [falsely] claimed that Plaintiff's First Charge did not include a sex discrimination basis).
9. On May 27, 2021, Plaintiff moved this Court to take judicial notice of the facts underlying Defendant's unlawful change-of-tune. The paper was

titled “*Plaintiff’s Motion for Judicial Notice of Defendant’s Official Position Statement...*” {#54} (hereinafter “That Motion”).

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

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

a) Therein, the former employer claimed that Plaintiff’s filing date was April 26, 2019.

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

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

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

i. Plaintiff’s response took dozens of hours to complete.

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

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

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

Recent Transgressions

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

- a) On Page 4 of That New Motion, Defendant [falsely] claimed that Plaintiff’s First Charge (§1 *supra*) was on the basis of race only. Thereby repeating the same lie that Defendant told in 2021 (§8 *supra*).
- b) On Page 7 of That New Motion, Defendant [falsely] claimed that Plaintiff filed his Second Charge on April 26, 2019. Thereby repeating the same lie that Defendant has told numerous times (§12 *supra*).

14. In summary, Defendant has:

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

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

15. On April 11, 2024, Plaintiff told Defendant that Plaintiff was going to file a motion for sanctions [**Exhibit A**]. Defendant responded by saying that it would oppose Plaintiff's request.
16. On April 12, 2024, Plaintiff asked Defendant to pick a time to discuss Defendant's violative conduct. Thereby citing:
 - a) Local Rule 3.01(g) (ie, duty to confer);
 - b) *Davis v. Apfel*, 6:98-cv-0651, 2000 WL 1658575 (USFLMD 8/14/00)
 - c) *Desai v. Tire Kingdom*, 944 F.Supp. 876 (USFLMD 1996); and
 - d) *Donaldson v. Clark*, 819 F.2d 1551 (11th Cir. 1987).
17. Yet, Defendant refused to confer (in further violation of this Court's local rules)^{2/}.
18. Thus, Plaintiff spent the next five (5) days asking Defendant to recognize the facts which prove Defendant's fraud upon the court. He did so via twenty-plus (20+) communications (50-50 on calls/emails). [**Exhibit A/B**]
19. However, Defendant failed to:
 - a) answer direct questions; and/or
 - b) supply specific admissions/refutations.
20. Instead, Defendant opted to lob repeated [bad faith] gripes of a moot point. Thereby cementing its refusal-to-confer (and its waste-of-time).

II. Analysis

21. Plaintiff immediately notified Defendant of its sanctionable misconduct (§13-15 supra).
22. More importantly, Plaintiff sent Defendant a copy of Plaintiff's [forthcoming] *Motion for Sanctions* (§15, **[Exhibit A]**).
23. Defendant responded in bad faith by:
 - a) refusing to correct its transgressions **[Exhibit A]**;
 - b) refusing to confer [in good faith] **[Exhibit A]**; and
 - c) refusing to dispute specific facts [of its misconduct] **[Exhibit B]**.

III. Standard for Review

24. Rule 11 Fed. R. Civ. P. states that this Court can change the 21-day safe harbor period (highlights added):

“The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets.”

– Rule 11 Fed. R. Civ. P.

25. Moreover, Rule 1 Fed. R. Civ. P. gives this Court the power to do so:

“These rules... should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”

– Rule 1 Fed. R. Civ. P.

26. Furthermore, the 11th Circuit has imbued this Court with the “inherent power” to manage its dockets (highlights added):

“A court can only decide an issue if it has the power to do so. The primary question in this appeal is whether a district court has the power to grant or deny sanctions (under the court’s inherent powers or 28 U.S.C. §1927) when it lacks subject-matter jurisdiction over the underlying case. We join our sister circuits in answering yes...”

– *Hyde v. Irish*, 15-13010 (11th Cir. June 17, 2020)

27. USTXND – for persuasive authority – used these powers to establish a method for reviewing motions to waive the safe harbor provision:

“This court does not question Giganti’s conclusion that a party may waive the safe harbor provision. However, before such a waiver can occur, the party must first be served with the motion”

– *Browne v. NASD*, 3:05-cv-02469 (USTXND 12/14/06)

28. In short, federal courts can waive the 21-day safe harbor provision if the movant supplies the nonmovant with a copy of the *sanctions motion*.

IV. Application

29. Plaintiff – in the instant case – has met this burden. He did so by [immediately] serving Defendant (ie, the nonmovant) with his *sanctions motion* (¶15, ¶22, *supra*). Thereby satisfying the method prescribed by Rule 5(b)(2)(E) Fed. R. Civ. P.

30. Therefore – and given Defendant’s showing of bad faith (§23 *supra*) – this Court is well-positioned to grant this motion.

V. Nature of Relief Sought

31. Plaintiff merely seeks removal of the 21-day safe harbor provision [of Rule 11 Fed. R. Civ. P.]. More specifically, he seeks to have it removed for just this one occasion. Whereby he can file his upcoming *Motion for Sanctions* as soon as possible.

CONFERRAL

On Tuesday, April 16, 2024, Defendant told Plaintiff (via email) that it opposes this motion. However, Defendant failed to provide any basis for its opposition; despite being asked multiple times (via phone/email) [over multiple days] to do so.

Thus, Plaintiff believes the foregoing presents a compelling (ie, *Defendant’s demonstrable lies of material fact – and dilatory tactics*) and important (ie, *uphold the Court’s integrity*) reason for obtaining the requested relief.

CONCLUSION

WHEREFORE, Plaintiff respectfully asks this Court to relieve Plaintiff of the 21-day safe harbor provision (of Rule 11(c) Fed. R. Civ. P.). Thereby letting Plaintiff file his forthcoming *Motion for Sanctions* before the 21-day window expires.

Dated this 18th day of April 2024.

Respectfully submitted,

/s/ Elias Makere

ELIAS MAKERE, FSA, MAAA, Plaintiff

PO Box 324

Hobart, IN 46342

P: (904) 294-0026

E: justice.actuarial@gmail.com

W: TextBookDiscrimination.com

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CERTIFICATE OF COMPLIANCE

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April 2024, I electronically filed the foregoing with the Clerk of Courts by using its online filing page. A notice – via CM/ECF – will be sent to the attached service list.

/s/ Elias Makere (4/18/24)

Endnotes:

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

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

Electronic Copy: (text-searchable)

TextBookDiscrimination.com/Files/USFLMD/20000905_GMOT_20240418_100219.pdf

TextBookDiscrimination.com/Allstate/Sanctions02

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

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

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

SERVICE LIST

Kimberly J. Doud, Esquire (0523771)
Lauren C. Robertson, Esquire (1024845)
Michele A. Ramos, Esquire (1008119)
E: kdoud@littler.com
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P: 407.393.2900
F: 407.393.2929
Littler Mendleson, PC
111 North Orange Avenue, Suite 1750
Orlando, FL 32801-2366
(*defendant’s trial lawyers*)

EXHIBIT A

Emails

Defendant's Bad Faith Refusal to Confer/Correct

From: Plaintiff | To: Defendant
4/10/2024 through 4/16/2024

Makere v Allstate

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

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

Hello Allstate,

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

I plan on filing it due to:

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

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

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

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

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

Please answer as soon as you can.

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

Thank you,

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

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

Good Afternoon Allstate,

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

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

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

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

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

Please let me know if you have any questions.

Thank you,

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

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

Mr. Makere:

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

Kimberly Doud

Office Managing Shareholder

407.393.2951 direct, 407.864.1852 mobile, 407.641.9263 fax

KDoud@littler.com

Pronouns: She/Her

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

Good Morning Allstate,

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

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

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

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

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

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

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

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

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

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

Thu., April 18, 2024		14:00
----------------------	--	-------

Thank you,

Elias Makere, FSA, MAAA | Plaintiff

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

904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com

PO Box 324

Hobart, IN 46342

Ancient Proverb: For every wrong there is a right.

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

Mr. Makere,

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

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

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

Regards,
Lauren

Lauren C. Robertson

Associate

407.393.2928 direct, 305.496.9749 mobile

LCRobertson@littler.com

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

Good Morning Allstate,

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

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

“

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

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

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

”

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

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

Thank you,

Elias Makere, FSA, MAAA | Plaintiff

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

904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com

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Hobart, IN 46342

Ancient Proverb: For every wrong there is a right.

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

Hello Allstate,

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

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

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

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

You even notarized it.

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

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

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

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

Thank you,

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

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

Mr. Makere,

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

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

Regards,
Lauren

Lauren C. Robertson

Associate

407.393.2928 direct, 305.496.9749 mobile

LCRobertson@littler.com

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

Hello Allstate,

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

Here’s another key question:

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

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

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

You even notarized it.

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

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

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

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

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

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

Thank you,

Elias Makere, FSA, MAAA | Plaintiff

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

904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com

PO Box 324

Hobart, IN 46342

Ancient Proverb: For every wrong there is a right.

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

Hello Allstate,

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

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

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

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

Plus, your delay is harming me.

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

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

Thank you,

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

Ancient Proverb: For every wrong there is a right.

From: justice.actuarial@gmail.com
Sent: Thursday, April 12, 2024 5:01 PM
To: KDoud@littler.com
Cc: lcrobertson@littler.com; MFilemore@littler.com
Subject: RE: Sanctions (?) | 3:20-cv-00905 | Makere v Allstate | Employment Discrimination

Hello Allstate,

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

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

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

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

Thank you,

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

Ancient Proverb: For every wrong there is a right.

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

Good Morning Allstate,

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

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

Please feel free to refer to the following public records:

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

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

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

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

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

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

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

Thank you,

Elias Makere, FSA, MAAA | Plaintiff

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

904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com

PO Box 324

Hobart, IN 46342

Ancient Proverb: For every wrong there is a right.

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

Mr. Makere,

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

Regards,
Lauren

Lauren C. Robertson

Associate

407.393.2928 direct, 305.496.9749 mobile

LCRobertson@littler.com

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

Allstate,

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

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

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

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

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

Thank you,

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

Ancient Proverb: For every wrong there is a right.

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

Mr. Makere,

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

Regards,
Lauren

Lauren C. Robertson

Associate

407.393.2928 direct, 305.496.9749 mobile

LCRobertson@littler.com

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

Allstate,

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

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

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

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

Please let me know as soon as you can.

Thank you,

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

Ancient Proverb: For every wrong there is a right.

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

Good morning,

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

Regards,
Lauren

Lauren C. Robertson

Associate

407.393.2928 direct, 305.496.9749 mobile

LCRobertson@littler.com

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

Allstate,

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

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

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

Please let me know as soon as you can.

Thank you,

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

Ancient Proverb: For every wrong there is a right.

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

Good Afternoon Allstate,

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

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

Please feel free to refer to the following public records:

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

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

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

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

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

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

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

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

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

Thank you,

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

Ancient Proverb: For every wrong there is a right.

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

Mr. Makere,

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

Regards,
Lauren

Lauren C. Robertson

Associate

407.393.2928 direct, 305.496.9749 mobile

LCRobertson@littler.com

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

Allstate,

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

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

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

Please feel free to refer to the following public records:

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

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

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

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

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

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

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

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

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

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

Thank you,

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

Ancient Proverb: For every wrong there is a right.

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

Good Morning Allstate,

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

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

Please feel free to refer to the following public records:

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

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

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

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

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

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

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

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

Thank you,

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

Ancient Proverb: For every wrong there is a right.

EXHIBIT B

Emails

*Defendant's Refusal to Dispute Specific Facts
(which point to its sanctionable frauds upon the Court)*

From: Plaintiff | To: Defendant
4/16/2024

Makere v Allstate

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

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

Good Afternoon Allstate,

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

Do you dispute any of the following recorded facts:

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

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

Where:

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

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

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

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

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

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

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

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

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

Thank you,

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

Ancient Proverb: For every wrong there is a right.

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

Mr. Makere:

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

Kimberly Doud

Office Managing Shareholder

407.393.2951 direct, 407.864.1852 mobile, 407.641.9263 fax

KDoud@littler.com

Pronouns: She/Her

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

Allstate,

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

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

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

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

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

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

Thank You,

Elias Makere, FSA, MAAA | Plaintiff

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

904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com

PO Box 324

Hobart, IN 46342

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

Allstate,

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

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

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

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

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

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

Thank You,

Elias Makere, FSA, MAAA | Plaintiff

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

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