

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

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

PLAINTIFF’S UNILATERAL CASE MANAGEMENT REPORT

On this 23rd Day of December 2021, Plaintiff has established the following dates and discovery plan pursuant to Rule 26(f) Fed. R. Civ. P. and Local Rule 3.02 (also see Rule 1 Fed. R. Civ. P.).

Despite numerous efforts to confer (**Attachment A**), Defendant has refused to cooperate with this Court’s order {Doc #72} to amend the [previously-breached] case management order. Plaintiff asked Defendant to provide anything (case law, rule, regulation, etc.) to substantiate its stance, but Defendant failed to do so.

Thus, in accordance with Roor v Ullah (2:19-cv-222; USFLMD; 5/6/20), Defendant has failed to show “good cause” for its refusal to cooperate (also see Rule 16(b)(4) Fed. R. Civ. P.)

DEADLINE OR EVENT	AGREED DATES
Certificate of Interested Persons and Corporate Disclosure Statement [all parties are directed to complete and file the attached form]	complete
Mandatory Initial Disclosures [pursuant to Fed. R. Civ. P. 26(a)(1)] [Court recommends 30 days after CMR meeting]	complete
Motions to Add Parties or to Amend Pleadings [Rules 14, 15(a) 19, and 20 Fed R. Civ. P.]	2/1/22
Disclosure of Expert Reports [Rule 26(a)(2) Fed R. Civ. P.]	Plaintiff: 4/15/22 Defendant: 5/1/22 Rebuttal: 5/15/22
Class Certification Deadline [Rule 23 Fed. R. Civ. P; <i>Middle District Discovery</i>]	6/1/22
Discovery Deadline [Rule 37 Fed. R. Civ. P; <i>Middle District Discovery</i>] [Court recommends 5 months before trial to allow time for dispositive motions to be filed and decided; all discovery must be commended in time to be completed before this date]	6/1/22
Dispositive and <u>Daubert</u> Motions [Court requires 5 months or more before trial term begins] [Rule 56 Fed. R Civ. P.]	7/1/22
Date of Final Pretrial Meeting [Local Rule 3.06(a) USFLMD]	11/1/22
Deadline for Joint Final Pretrial Statement [Local Rule 3.06(b) USFLMD]	11/15/22
Final Pretrial Conference [Rule 16(e) Fed. R. Civ. P.] [Local Rule 3.06(b) USFLMD]	11/22/22

<p>Trial Term Begins [Court Order (Doc #3) set goal of trial within 18 months of filing complaint; trial term must not be less than 5 months after dispositive motions deadline (unless filing of such motions is waived). Trials before the District Judge will generally be set on a rolling trial term toward the beginning of each month, with a Final Pretrial Conference to be set by the Court the preceding month. If the parties consent to trial before the Magistrate judge, they will be set for a date certain after consultation with the parties]</p>	<p>12/1/22</p>
<p>Estimated Length of Trial [trial days] Jury/Non-Jury</p>	<p>5 days Jury</p>

Mediation	
Deadline:	7/15/21
Mediator's Name:	Scott Cairns
Address:	3300 Bank of America Tower
Address:	50 N. Laura St
Address:	Jacksonville, FL 32207
Telephone:	904.571.5603
<p>[Local Rules Chapter 4 (USFLMD)] [Mediation is mandatory in most Track Two cases; Court recommends either 2-3 months after CMR meeting, or just after discovery deadline; if the parties do not so designate, the Court will designate the mediator and the deadline for mediation. A list of certified mediators is available on the Court's website and from the Clerk's Office.]</p>	

<p>All Parties Consent to Proceed Before Magistrate Judge If yes, the parties shall complete and all counsel and/or unrepresented parties shall execute the attached Form AO-85.</p>	<p>No</p>
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I. Description of the Action

This is an employment discrimination case. It involves harassment, disparate treatment, disparate pay, hostile work environment, retaliation, termination, corruption, and violence. The case is being litigated under both state and federal law (§760 FS, EPA, Title VII, §1981, and §1985).

II. Disclosure Statement

On November 11, 2020, Plaintiff filed his corporate disclosure statement (Rule 7.1 Fed. R. Civ. P.; Local Rule 3.03) {Doc #24}.

III. Related Action(s)

Plaintiff acknowledges his continuing duty – under Local Rule 1.07(c) – to notify the judge of a related action pending in the Middle District or elsewhere by filing a “Notice of a Related Action.” No notice need be filed if there are no related actions as defined by the rule.

IV. No Consent to Magistrate Judge

Plaintiff does not consent to a Magistrate Judge.

V. Preliminary Pretrial Conference

Plaintiff consents to a preliminary pretrial conference before the Court enters a scheduling order.

VI. Discovery Practice

Plaintiff confirms he will comply with his duty to confer with the opposing party in a good faith effort to resolve any discovery dispute before filing a motion. See Local Rule 3.01(g); Middle District Discovery (2021) at §I.A.2.

VII. Discovery Plan

- A.** Yes, Plaintiff agrees to the timing, form, or requirement for disclosures under Rule 26(a).
- B.** Discovery will be needed on all subjects touched on in the Full Verified Complaint {#73; 11/6/2021}.
- C.** Yes, Discovery should be conducted in phases.
- D.** Yes, there are issues about preservation of electronically stored information.
 - i.** Plaintiff suspects that the Society of Actuaries (a non-party) will destroy evidence (see Doc #73 at ¶38).
 - ii.** Plaintiff also suspects that Defendant will destroy/falsify/hide evidence.
- E.** Plaintiff has not yet considered privilege and work-product issues (including whether to ask the Court to include any agreement in an order under Federal Rule of Evidence 502(d)).
- F.** No, Plaintiff does not stipulate to changes to the limitations on discovery imposed under the Federal Rules of Civil Procedure and Local Rule 3.04 (or other limitations).

G. Certificate of Interested Persons and Corporate Disclosure Statement

This Court makes an active effort to screen every case in order to identify parties and interested corporations in which the assigned judge may be a shareholder as well as for other matters that might require consideration of recusal. Therefore, each party, governmental party, intervenor, non-party movant, and Rule 69 garnishee shall file and serve within fourteen (14) days from that party's first appearance a Certificate of Interested Persons and Corporate Disclosure Statement using the attached mandatory form. No party may seek discovery from any source before filing and serving a Certificate of Interested Persons and Corporate Disclosure Statement. All papers, including emergency motions, are subject to being denied or stricken unless the filing party has previously filed and served its Certificate of Interested Persons and Corporate Disclosure Statement. Any party who has not already filed and served the required certificate is required to do so **immediately**. Each party has a continuing obligation to file and serve an amended Certificate of Interested Persons and Corporate Disclosure Statement within eleven days of 1) discovering any ground for amendment, including notice of case reassignment to a different judicial officer; or 2) discovering any ground for recusal or disqualification of a judicial officer.

A party should not routinely list an assigned district judge or magistrate judge as an “interested person” absent some non-judicial interest.

H. Discovery Plan/Deadline

The parties shall not file discovery materials with the Clerk except as ordered by Court. Parties should exchange discovery in the most efficient way, which usually means electronically. In propounding and responding to discovery, the parties are directed to consult and comply with the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Middle District of Florida, and the Middle District of Florida’s Discovery Handbook, available on the Court's website: [www.flmd.uscourts.gov/forms/Civil/2015-](http://www.flmd.uscourts.gov/forms/Civil/2015-Civil_Procedure_Handbook.pdf)

[Civil_Procedure_Handbook.pdf](http://www.flmd.uscourts.gov/forms/Civil/2015-Civil_Procedure_Handbook.pdf). Each party shall timely serve discovery requests so that the rules allow for a response prior to the discovery deadline. The Court may deny as untimely all motions to compel filed after the discovery deadline or those that fail to comply with the meet and confer requirements contained in Local Rule 3.01(g). The Court notes that the words "confer" and "good faith" contemplate the parties will exchange thoughts and arguments to try to resolve an issue and will not simply engage in unilateral noticing that a motion will be filed. In addition to agreeing to comply with the above, the Plaintiff agrees as follows:

Joint Discovery Plan: Plaintiff agrees to the following discovery practices (e.g., method of handling confidential information, method for asserting or preserving a privilege or an objection, arrangement for discovery in phases or only on particular issues): Should Plaintiff inadvertently produce privileged information, Plaintiff recognizes that the law regarding inadvertent disclosure applies and that any privileged information shall immediately be returned to the producing party. Plaintiff acknowledges he might enter into a Confidentiality and Non-Waiver Rule 502 “Clawback” Agreement.

Consent to service by e-mail: Pursuant to Rule 5(b)(2)(E), Plaintiff agrees discovery and other-papers-not-required-to-be-filed-and-served through-the-Court’s-CM/ECF-system will be served by electronic mail. The following persons should be served for Plaintiff: Elias Makere, Justice.Actuarial@gmail.com. The following persons should be served for Defendant: Kimberly Doud, KDoud@Littler.com. This agreement will last until a party notifies the other the agreement is terminated.

I. Confidentiality Agreements/Motions to File Under Seal

Whether documents filed in a case may be filed under seal is a separate issue from whether the parties may agree that produced documents are confidential. The Court is a public forum, and disfavors motions to file under seal. The Court will permit the parties to file

documents under seal only upon motion and order entered under Local Rule 1.11.

The parties may reach their own agreement (without Court endorsement) regarding the designation of materials as “confidential.” The Court discourages unnecessary stipulated motions for a protective order. The Court will enforce appropriate stipulated and signed confidentiality agreements. See Local Rule 1.11(a). Each confidentiality agreement or order shall provide, or shall be deemed to provide, that “no party shall file a document under seal without first having obtained an order granting leave to file under seal on a showing of particularized need.” With respect to confidentiality agreements, Plaintiff agrees as follows: Plaintiff acknowledges he might enter into a Confidentiality and Non-Waiver Rule 502 “Clawback” Agreement.

J. Disclosure or Discovery of Electronically Stored Information and Assertion of Claims of Privilege.

Pursuant to Fed. R. Civ. P. 26(f)(3), Plaintiff has made the following agreements regarding the disclosure and discovery of electronically stored information as well as the assertion of claims of privilege or protection of trial preparation materials after production:

Plaintiff agrees to produce ESI in its native format. If a party seeks metadata for any document (to the extent available) or that any

particular document be produced in native format, they shall make a request to the producing party that is (i) in writing, (ii) identifies the document by Bates-number(s) or provides a detailed description, and (iii) provides the reason for the request. The parties shall endeavor to meet and confer in good faith to address any dispute or concern that arises in connection with such a request.

Plaintiff agrees the production of privileged or work-product protected documents (in any format) inadvertently, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. Plaintiff agrees that should any such issues of privilege or protection present themselves during the course of discovery, as well as any assertions of confidentiality, Plaintiff will make every attempt to reach a resolution, and if unable to do so, he will immediately apply to the Court for a hearing to assist in resolving the issues at hand.

VIII. Requests for Special Handling

Requests for special consideration or handling (requests may be joint or unilateral):

N/A

IX. Certification of Familiarity with the Local Rules

Plaintiff certifies that he has read and is familiar with the Court's Local Rules.

x. Pre-Discovery Initial Disclosures of Core Information Fed. R. Civ. P. 26(a)(1)(A)-(D) Disclosures

In Fall 2020, the parties exchanged the information described in Fed. R. Civ. P. 26(a)(1)(A)-(D).

xi. Mediation

Absent a Court order to the contrary, Plaintiff in every case will participate in Court-annexed mediation as detailed in Chapter Four of the Court's Local Rules. The parties have previously agreed on a mediator from the Court's approved list of mediators as set forth in the table above. Plaintiff agrees to the date stated in the table above as the last date for mediation. The list of mediators is available from the Clerk, and is posted on the Court's web site at www.flmd.uscourts.gov. If the parties do not so designate, the Court will designate the mediator and the deadline for mediation.

xii. Signatures

Respectfully submitted December 23, 2021.

/s/ **Elias Makere**

Elias Makere, FSA, MAAA
3709 San Pablo Rd S #701
904.294.0026
Justice.Actuarial@gmail.com
www.TextBookDiscrimination.com
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CERTIFICATE OF COMPLIANCE

I certify that the size and style of type used in this document is 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 23rd day of December 2021, I electronically filed the foregoing with the Clerk of Courts by using its online filing page.

/s/ Elias Makere

Elias Makere, Plaintiff

Electronic Copy: (text-searchable)

TextBookDiscrimination.com/Files/USFLMD/20000905_NGEN_20211223_000043.pdf

ATTACHMENT A

Emails

Defendant's Refusal to Cooperate with Court Order (to Amend the
Case Management Report)

12/17/2021 - 12/23/2021

From: justice.actuarial@gmail.com
To: KDoud@littler.com; MRamos@littler.com; LShelnut@littler.com
Sent: Friday, December 17, 2021, 1:41 PM
Subject: Case Management Report | Makere v Allstate | 3:20-cv-000905-MMH | Employment Discrimination

Hello Allstate,

Pursuant to Court Order (Doc #72), we need to deliver an **amended case management report** to the judge. I've drafted a proposed version (attached).

If you agree then please sign, and I will file it today.

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):
State Case No.: 2020-CA-003802-XXXX | (Allstate, Duval)
State Case No.: 2021-CA-002763-XXXX | (Early, Duval)
FCHR Case No.: 2019-19238
11th Cir. Case No.: 21-10847
904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: justice.actuarial@gmail.com
To: KDoud@littler.com; MRamos@littler.com; LShelnut@littler.com
Sent: Wednesday, December 22, 2021 11:57 AM
Subject: RE: Case Management Report | Makeere v Allstate | 3:20-cv-000905-MMH | Employment Discrimination

Good Morning Allstate,

You've failed to respond to my proposed case management report – despite having ample time to do so.

Please understand the Court expects a non-adversarial approach to this matter. Yet, considering (1) your demonstrated commitment to telling massive lies; and (2) your penchant for delay, I have to ask you to cooperate with a deadline.

Please know that if I do not hear from you by **12:01 AM EST tomorrow (12/23/2021)** then I will file the Unilateral Case Management Report myself (attached).

I will call you to follow up.

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):
State Case No.: 2020-CA-003802-XXXX | (Allstate, Duval)
State Case No.: 2021-CA-002763-XXXX | (Early, Duval)
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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: MRamos@littler.com;
To: justice.actuarial@gmail.com; KDoud@littler.com; LShelnut@littler.com
Sent: Wednesday, December 22, 2021 3:47 PM
Subject: RE: Case Management Report | Make v Allstate | 3:20-cv-000905-MMH |
Employment Discrimination

Mr. Makere:

The Court directed the parties to confer and file an Amended Case Management Report within 20 days of the filing of a **viable** amended complaint. Because Allstate believes the Third Amended Complaint (i.e., Plaintiff's Full Verified Civil Complaint) is subject to dismissal with prejudice in its entirety, it is Allstate's position that the time to confer and file an Amended Case Management Report has not been triggered. This was noted in footnote 1 of Defendant's Dispositive Motion to Dismiss Plaintiff's Full Verified Complaint With Prejudice (ECF 78).

Michele Ramos

Attorney at Law

407.393.2942 direct, 321.320.4486 mobile

MRamos@littler.com

Pronouns: She/Her

Littler

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From: justice.actuarial@gmail.com
To: KDoud@littler.com; MRamos@littler.com; LShelnut@littler.com
Sent: Wednesday, December 22, 2021 4:16 PM
Subject: RE: Case Management Report | Makeere v Allstate | 3:20-cv-000905-MMH | Employment Discrimination

Dear Allstate,

Do you have anything that can support your position (case law, rules, regulations, court orders, etc.)?

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):
State Case No.: 2020-CA-003802-XXXX | (Allstate, Duval)
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904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: justice.actuarial@gmail.com
To: KDoud@littler.com; MRamos@littler.com; LShelnut@littler.com
Sent: Thursday, December 23, 2021 8:15 AM
Subject: RE: Case Management Report | Makere v Allstate | 3:20-cv-000905-MMH | Employment Discrimination

Good Morning Allstate,

You've failed to provide any "good cause" (Rule 16(b) Fed. R. Civ. P.) for your stance against cooperating with a case management report – as ordered by Court.

So, I'll be filing my Unilateral Case Management Report today (attached; soon-to-be-updated with note on conferral). **Do you have any opposition to it?**

An answer of 'no' will save the Court time (especially given your refusal to cooperate) (see Christmas v Corizon, 8:17-cv-1183-KKM; USFLMD; 3/9/21).

Note: I will call you to follow up.

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):
State Case No.: 2020-CA-003802-XXXX | (Allstate, Duval)
State Case No.: 2021-CA-002763-XXXX | (Early, Duval)
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904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com
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Ancient Proverb: For every wrong there is a right.

From: KDoud@littler.com;
To: justice.actuarial@gmail.com; MRamos@littler.com; LShelNut@littler.com
Sent: Wednesday, December 22, 2021 3:47 PM
Subject: RE: Case Management Report | Makere v Allstate | 3:20-cv-000905-MMH |
Employment Discrimination

Mr. Makere:

We oppose the filing of a unilateral case management report. We do not agree to it. Per the Court order, filing a CMR is not appropriate at this time. 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



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