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UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

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

**APPELLANT’S UPDATED CERTIFICATE OF CONFERRAL
REGARDING APPELLANT’S ‘MOTION FOR LEAVE... OUT-OF-TIME’**

PLEASE TAKE NOTICE that Appellant (ELIAS MAKERE) - on this 1st day of August 2024 - has finalized conferral with Appellee (ALLSTATE INSURANCE COMPANY). The parties’ conferral, of course, pertains to ‘*Appellant’s Motion for Leave... Out-of-Time*’ (hereinafter “That Motion”) {#12}. The conferral went as follows:

1. At 1:00 PM EST (on Tuesday, July 23, 2024), Appellant emailed Appellee. He thereby asked Appellee whether Appellee had any opposition to That Motion.
2. At 4:30 PM EST (on Tuesday, July 23, 2024), Appellant called Appellee. He thereby asked Appellee whether Appellee had any opposition to That Motion.
3. At no point [on Tuesday, July 23, 2024] did Appellee ever:

- a. Answer Appellant's phone calls; or
 - b. Respond to Appellant's messages (email + voicemail).
4. So, at 10:30 PM EST (on Tuesday, July 23, 2024), Appellant filed That Motion. He thereby informed this Court that Appellee had failed to confer with Appellant. Plus, he added that he would update this Court when/if Appellant did [finally] confer.
5. At 6:42 PM EST (on Thursday, July 25, 2024), Appellant respondent to Appellant's referral request; doing so via email. Appellee told Appellant that Appellee did [indeed] oppose That Motion.
6. Thus - in the spirit of Local Rule 3.01(g) USFLMD^{1/} - Appellant asked Appellee whether it disputed any of the following facts:
- | | |
|--------------|---|
| ¹ | Appellant filed a Rule 60 motion with the district court (filed on 4/26/24). ^{2/} |
| ² | The District Court has yet to issue a decision on Appellant's Rule 60 Motion (as of 7/29/24). |
| ³ | The District Court has never held a hearing/conference between the two parties. ^{3/} |
| ⁴ | Appellant's transcript order form is not yet due. ^{4/} |
| ⁵ | It was Appellee who failed to comply with the Clerk's directive (5/31/24). ^{5/} |
7. On Monday, July 29, 2024, Appellee reiterated its opposition to That Motion. However, **Appellee never disputed any of the [above-listed] facts** (see ¶6 *supra*). So, Appellant gave Appellee a second [& final] chance to dispute the facts.

8. Today - on Thursday, August 1, 2024 - Appellee once again replied to Appellant's referral communications (via email). Appellee, however, still failed to dispute any of the [above-listed] facts (§6 *supra*).

Summary

9. Appellee opposes That Motion, but **Appellee does not dispute any of the pertinent facts contained therein** (despite being afforded ample time to do so).

CONCLUSION

WHEREFORE, Appellant respectfully notifies this Court that he has completed his good faith attempt to confer with Appellee (regarding "Appellant's Motion for Leave... 'Out of Time'" - 7/23/24 {#12}).

Dated this 1st day of August 2024.

Respectfully submitted,

/s/ Elias Makere

ELIAS MAKERE, FSA, MAAA, Appellant

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CERTIFICATE OF COMPLIANCE

1. Type-Volume



This document complies with the word limit of Rule 32(a)(7)(B)(i) Fed. R. App. P., because – excluding the parts of the document exempted by Rule 32(f) – this document contains 414 words.

or



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

2. Typeface and Type-Style



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

8/1/2024

Date

/s/ Elias Makere

Elias Makere, FSA, MAAA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of August 2024, I electronically filed the foregoing with the Clerk of Courts by using PACER; which will send a notice of electronic filing to the attached service list.

/s/ Elias Makere

Endnotes:

^{1/} Persuasive Authority only. Appellant invoked the district court's local rule for persuasive authority only. He recognizes that this Circuit has its own local rules. Local rules, however, which do not expound on the topic of conferral.

^{2/} Filed on 4/26/24. Linked here:

TextBookDiscrimination.com/Files/USFLMD/20000905_GMOT_20240426_104908.pdf

^{3/} Notably, the LT case began 4 years ago (on 8/12/2020).

^{4/} Pursuant to Rule 10-1 11th Cir. R. (via Rule 4 Fed. R. App. P. – referencing Rule 60 Fed. R. Civ. P.). The *Transcript Order Form*, importantly, is the subject of 'That Motion'

^{5/} On May 31, 2024, the Clerk of this Circuit (ie, USCA11) directed Appellee to cure Appellee's CIP deficiency. Appellee, however, has never cured its CIP deficiency (despite having 60+ days to do so).

Electronic Copy: (text-searchable)

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TextBookDiscrimination.com/Allstate/Leave-Time

TextBookDiscrimination.com/Guides/Motions/Leave-Time

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

HTML	TextBookDiscrimination.com/Allstate/Complaint-Full
PDF	TextBookDiscrimination.com/Files/USFLMD/20000905_AAC_20211104_230439.pdf
Video	https://youtu.be/e3mgBP HesXg

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CIP

United States Court of Appeals
Eleventh Circuit

24-11336-J
Makere v Allstate

{unchanged}

UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

Makere v Allstate, 24-11336-J

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

Lower Tribunal:

Lambert, Laura

Magistrate

Howard, Marcia

District Judge

Parties:

Allstate Insurance Company

(NYSE: ALL)

Makere, Elias (FSA, MAAA)

Appellant

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

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