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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

ELIAS MAKERE,

)

Petitioner,

)

)

Case No. 18-0373

vs.

)

2017-01432

)

ALLSTATE CORPORATION,

)

Respondent

)

**PETITIONER’S MOTION FOR OFFICIAL RECOGNITION OF
DOAH CASE NO. 09-2391**

The Petitioner, ELIAS MAKERE (“Petitioner”), on this 18th day of May, 2018, respectfully moves the Court to take official recognition of the following:

Case No. 09-2391 *Galarretta-Pedroso v Visa International Service Assoc., Inc.* (DOAH)

Key Points:

- | | |
|----------------|--|
| A.) Precedence | The DOAH has previously ruled on similar motions |
| B.) Conferred | The Petitioner contacted the Respondent regarding this Motion. |
| C.) Conferred | The Petitioner contacted the Agency regarding this Motion. |

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Background: The Petitioner is preparing an upcoming motion

Problem: The upcoming motion is potentially large and complex

Solution: The Petitioner simplifies the upcoming motion by requesting official recognition of an important part

Request: The Court makes Official Recognition of the order in DOAH Case No. 09-2391

§120.569(2)(i) Florida Statutes

“(i) When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material. ”

§90.202 Florida Statutes

“A court may take judicial notice of the following matters...

(5) Official actions of the legislative, executive, and judicial departments of the United States and of any state, territory, or jurisdiction of the United States.

(7) Rules of court of any court of this state or of any court of record of the United States or of any other state, territory, or jurisdiction of the United States. ”

Legal Citations

- §120.569(2)(i) - Florida Statutes
- §90.202 - Florida Statutes (Past Rulings)

Precedence

- DOAH Case No. 09-4637 - Case Law
The DOAH granted a similar motion (recognition of a prior DOAH Case).

MOTION

The Petitioner intends to use the order in DOAH Case No. 09-2391 (hereinafter "The Order") in this case.

A true and correct copy of The Order is attached.

See **Exhibit A**

CONFERRAL

At 11:12 AM on May 18, 2018, the Petitioner contacted the Respondent about The Order. He asked the Respondent two important questions about The Order. He also asked the Respondent to reply by 12:00 PM.

The Respondent did not respond.

At 11:14 AM on May 18, 2018, the Petitioner called the Respondent about The Order.

The Respondent refused to talk.

In short, the Petitioner attempted to get the Respondent to recognize The Order, but to no avail.

CONCLUSION

WHEREFORE, the Petitioner respectfully requests that this Court take official recognition of the order in DOAH Case No. 09-2391 for this case.

Dated this 18th Day of May, 2018.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2018, I electronically filed the foregoing with the Clerk of Courts by using the Florida Courts E-filing Portal which will send a notice of electronic filing to the following:

Liebler, Gonzalez & Portuondo
44 West Flagler Street
Courthouse Tower 25th Floor
Miami, FL 33130
(respondent's lawyer)

on behalf of:
Allstate Corporation
2775 Sanders Road F5
Northbrook, IL 60062
(respondent)

Tammy S. Barton, Agency Clerk
Florida Commission on Human Relations
Room 110
4075 Esplanade Way
Tallahassee, Florida 32399-7020
(agency)

Elias Makere
3709 San Pablo Rd. S #701
Jacksonville, FL 32224
(petitioner)

s/ Elias Makere

EXHIBIT A

'The Order'
DOAH Case No. 09-2391
Dated 12/8/2009

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SANDRA GALARRETTA-PEDROSO,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 09-2391
	)	
VISA INTERNATIONAL SERVICE	)	
ASSOC., INC.,	)	
	)	
Respondent.	)	
_____	)	

ORDER DENYING MOTION TO DISMISS

This cause came before the undersigned on Respondent's Motion to Dismiss, to which Petitioner filed a response in opposition. Respondent requests that all alleged discriminatory acts occurring prior to October 20, 2007, be time-barred, as being beyond 365 days, in that Petitioner filed her charge of discrimination on October 20, 2008.

Section 760.11, Florida Statutes, provides in pertinent part:

(1) Any person aggrieved by a violation of ss. 760.01-760.10 may file a complaint with the commission within 365 days of the alleged violation, naming the employer, employment agency, labor organization, or joint labor-management committee, or, in the case of an alleged violation of s. 760.10(5), the person responsible for the violation and describing the violation.

In determining the motion to dismiss, all of the allegations of the discriminatory complaint are accepted as true and in a light most favorable to Petitioner, including, all inferences being drawn in favor of Petitioner. Fox v. Professional Wrecker Operators of Florida, Inc., 801 So. 2d 175, 178 (Fla. 5th DCA 2001); City of Gainesville v. Florida Department of Transportation, 778 So. 2d 519, 522 (Fla. 1st DCA 2001).

The record reflects that Petitioner's complaint was filed with the Florida Commission on Human Relations on October 20, 2008. The complaint alleges that the earliest discrimination occurred in September 2006 and the latest occurred on October 26, 2007. The complaint further alleges that Petitioner was terminated on October 26, 2007. An inference is drawn that discriminatory acts occurred continuously between September 2006 and October 26, 2007, with the last occurring on October 26, 2007, when Petitioner was terminated. Consequently, at this point in the proceedings, all discriminatory acts alleged by Petitioner to have occurred during the aforementioned time period are included and are not barred.

Based on the foregoing, it is

ORDERED that the motion is denied.

DONE AND ORDERED this 8th day of December, 2009, in Tallahassee, Leon County, Florida.

Errol H. Powell

ERROL H. POWELL
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 8th day of December, 2009.

COPIES FURNISHED:

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