

BUY™

SELL™

SHOP™



Downloaded From
www.TextBookDiscrimination.com



SELL YOUR OWN SAMPLES

(help others get the justice that they deserve)



BUY™

SELL™

SHOP™

www.TextBookDiscrimination.com

Get ***Booked Up*** on Justice!

© TBD Corporation. All Rights Reserved.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Elias Makere, FSA, MAAA		
Address	PO Box 324		
	Hobart	IN	46342
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Lake		
Telephone Number	904.294.0026		
E-Mail Address	Justice.Actuarial@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Stanley George Gorsica		
Job or Title (if known)	Former State Official (FCHR)		
Address	PO Box 13612		
	Tallahassee	FL	32317
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Leon		
Telephone Number	850.907.6809		
E-Mail Address (if known)	SGorsica@GorsicaLaw.com		
☒ Individual capacity ☐ Official capacity			

Defendant No. 2

Name	Allstate Insurance Compny		
Job or Title (if known)	Corporation (Publicly Traded)		
Address	1776 American Heritage Life Dr.		
	Jacksonville	FL	32224
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Duval		
Telephone Number	407.393.2900		
E-Mail Address (if known)	KDoud@Littler.com		
☐ Individual capacity ☐ Official capacity			

Defendant No. 3

Name	Edward Gary Early		
Job or Title (if known)	Administrative Law Judge (DOAH)		
Address	1230 Apalachee Pkwy		
	Tallahassee	FL	32399
	City	State	Zip Code
County	Leon		
Telephone Number	850.488.9675 x5462		
E-Mail Address (if known)	Edward.Early@DOAH.State.FL.US		

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name			
Job or Title (if known)			
Address			
	City	State	Zip Code
County			
Telephone Number			
E-Mail Address (if known)			

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

28 USC §1343; 28 USC §1346; 42 USC §1981; 42 USC §1983; 42 USC §1985.

1st Amendment - Access to the Courts

7th Amendment - Trial by Jury

14th Amendment - Equal Protection, Due Process

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Gorsica was a public official (of a state agency) violating the constitution.

Allstate is a company commandeering public officials to violate the constitution.

Defendant Early is a state hearing officer violating the constitution.

Importantly, Plaintiff fully incorporates the operative complaints in *Makere v Allstate* (3:20-cv-905) and *Makere v Early* (4:21-cv-96) herein. Hereby restating and re-alleging each & every factual allegation.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Florida.

United States of America.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Spring 2018 - Fall 2022

continuing violation

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

--- Background ---

Plaintiff sued his former employer (Allstate) for employment discrimination (race, sex).

All of the material facts of Plaintiff's case were (1) in his favor, (2) clear-cut, and (3) not dependent on interpretation (ie, he had a very strong case). Anti-black propaganda, however, was against him.

--- Violations ---

Gorsica (a) ratified perjury; (b) omitted charges; (c) engaged in bribery; and (d) did more.

In March 2022, 1DCA established that FCHR bribery is clearly unlawful.

Defendant Early (a) destroyed evidence; (b) perjured himself; and (c) engaged in bribery.

Allstate (a) engaged in bribery; (b) perpetrated frauds; (c) conspired; (d) discriminated; and (e) did more.

All defendants have been infused with invidious discrimination (on the bases of race & sex).

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

--- Constitutional Injuries ---

- ▶ Lost/impaired chance at accessing the court (1st)
- ▶ Lost/impaired chance at a trial by jury (7th)
- ▶ Lost/impaired chance at a fair trial (due process - 14th)
- ▶ Lost/impaired chance at equal protections under the law (14th)

--- Financial Injuries ---

- ▶ Loss of Income
- ▶ Legal Costs
- ▶ Professional Impairment

--- Non-Pecuniary Injuries ---

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

--- Punitive Damages ---

(deter Defendants' comrades from similar transgressions; combat Defendants' disregard for the law)

Upon an evidentiary showing, Plaintiff reserves the right to amend his pleadings to assert a claim for punitive damages.

--- Declaratory Relief ---

Declare that Defendants violated Plaintiff's constitutional rights

--- Injunctive Relief ---

Enjoin Defendants from further unlawful conduct

Enjoin Defendants from further interference/obstruction of the Makere v Allstate case (3:20-cv-00905)

--- Equitable Relief ---

Plaintiff seeks an award of all other relief that is just, equitable, and proper.

Plaintiff expects damages to exceed \$30,000 (allocated properly).

Thus, Plaintiff asks this Court to permit such a final calculation to await the appropriate time.

VI. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/03/2022

Signature of Plaintiff /s/ Elias Makere

Printed Name of Plaintiff Elias Makere, FSA, MAAA

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City *State* *Zip Code*

Telephone Number _____

E-mail Address _____

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

ELIAS MAKERE, FSA, MAAA	)	
Plaintiff,	)	
	)	
vs.	)	Case No (LT): 2022-CA-3804
STANLEY GORSICA; EDWARD	)	Division: CV-E
GARY EARLY; ALLSTATE	)	
INSURANCE COMPANY	)	Jury Trial Demanded
Defendant,	)	☒ Yes ☐ No

SUPPLEMENT TO AMENDED CIVIL COMPLAINT

COMES NOW, Plaintiff, Elias Makere on this 3rd day of November 2022 and hereby supplements his civil rights complaint (against the above-listed defendants). A complaint which Plaintiff filed today.

I. BACKDROP

1. This supplement is being supplied pursuant to Rule 1.110(b) Fla. R. Civ. P., and Rule 1.130 Fla. R. Civ. P.. Plaintiff is **s**imultaneously **s**ubmitting this **s**upplement in the **s**pirit of Rule 11(b) Fed. R. Civ. P..

II. JURISDICTION: AMOUNT

2. Pursuant to Art. V §5 FL Constitution, §48.193(1)(a) FS, 28 USC §2201, and 28 USC §2202, Plaintiff seeks declaratory relief, injunctive relief, and damages in excess of thirty thousand dollars (\$30,000) - exclusive of interest, costs, and attorney fees (also see 42 USC §1988, Rule 54 Fed. R. Civ. P., Rule 1.525 Fla. R. Civ. P.).

III. JURISDICTION: PARTIES

3. At all times material hereto, Plaintiff was a resident of Jacksonville, FL.

4. Upon information and belief, STANLEY GEORGE GORSICA ("Defendant Gorsica") - at all times material hereto - worked and lived in-or-around Tallahassee, FL. Furthermore, Defendant was a public official for Florida's Commission for Human Relations (§760.03 FS, §760.04 FS). A state agency for the territory's executive branch (§20.22 FS).

5. At all times material hereto, ALLSTATE INSURANCE COMPANY ("Defendant Allstate") (a Florida corporation), had its principal place of business in Jacksonville, FL (Duval County). Employing fifteen (15) or more employees at all times pertinent. As such, Defendant Allstate has satisfied the definition of an "employer" - as contemplated by Title VII (as well as the FCRA).

6. Upon information and belief, EDWARD GARY EARLY ("Defendant Early") - at all times material hereto - worked and lived in-or-around Tallahassee, FL. Furthermore, Defendant was an administrative law judge (see §120.65 FS) for Florida's Division of Administrative Hearings. A state agency for the territory's executive branch (§20.22(2)(f) FS).

IV. RELATED CASES

7. Since August 2020, Plaintiff and Defendant Allstate have been litigating [a related federal case](#) ("The Case") at USFLMD; pursuant to 28 USC §1331 FS (and §1391). Plaintiff amended his complaint ("The Complaint") in November 2021.

8. Plus, dating back to February 2021, Plaintiff and Defendant Early have been litigating [another related case](#) ("That Case") at USFLND. Plaintiff later amended his complaint ("That Complaint") on-or-around December 31, 2021.

V. JURISDICTION: VENUE

9. Some of Defendants' unlawful conduct was committed within the jurisdiction of this Court. Importantly, the majority of the witnesses/discovery-subjects live in the Middle District (Duval County). Thus, pursuant to 28 USC §1404, venue is properly laid in this Court.

VI. STATUTORY PREREQUISITES

10. No administrative remedies need to be exhausted before initiating actions against Defendants Gorsica/Early. Neither §1981, §1983, nor §1985 require any pre-suit measures.
11. Moreover, all administrative remedies have been satisfied regarding Defendant Allstate. Plaintiff timely filed suit within ninety (90) days of receiving his right-to-sue letter from the EEOC.^{1/}
12. Thus, the matters before this Court are ripe for adjudication.

VII. LEGAL APPLICATION

COUNT I: DEFENDANT EARLY | 42 USC §1983 | 1ST AMENDMENT

13. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 108 of That Complaint.
14. Defendant Early's unlawful actions (individually and in total) abridged Plaintiff's right to petition the government for a redress of grievances against [Defendant] Allstate.
15. While acting under the *color of state law*, Defendant Early denied Plaintiff access to the courts (see §760.11(7) FS). An act that violated Plaintiff's First Amendment right.

16. Defendant Early did so via **evidence destruction** (§843 FS, §918 FS), **perjury** (§837.06 FS), and **bribery** (§838 FS).

COUNT II: DEFENDANT EARLY | 42 USC §1983 | 7TH AMENDMENT

17. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 108 of That Complaint.

18. Defendant Early's unlawful actions (individually and in total) abridged Plaintiff's right to a trial-by-jury against [Defendant] Allstate.

19. While acting under the *color of state law* Defendant Early prevented Plaintiff from receiving that 7th Amendment right (also see Art. I §22 FL Constitution).

20. Pursuant to §760.11(7), Plaintiff had a statutory avenue to a jury trial in Florida. *But for* Defendant Early's illegalities (§19-48, That Complaint), Plaintiff would have enjoyed that constitutional guarantee.

COUNT III: DEFENDANT EARLY | 42 USC §1983 | 14TH AMENDMENT (D)

21. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 108 of That complaint.

22. Defendant Early's unlawful actions (individually and in total) abridged Plaintiff's right to due process. It is well settled that a violation of due process occurs when

an agency excludes/removes a legal basis from a claimant's discrimination charge.

23. Thus, while acting under *color of state law*, Defendant Early violated Plaintiff's constitutional rights (14th Amendment US Constitution) by criminally removing the sex discrimination basis from Plaintiff's complaint.

COUNT IV: DEFENDANT EARLY | 42 USC §1983 | 14TH AMENDMENT

24. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 108 of That Complaint.
25. Defendant Early's unlawful actions (individually and in total) abridged Plaintiff's right to a fair trial against [Defendant] Allstate.
26. While acting under the *color of state law*, Defendant Early discriminatorily prevented Plaintiff from attaining the legal protections that government affords other similarly-situated people.
27. Defendant Early did so when he (a) **hid crucial evidence** (¶19-22, That Complaint); (b) **perjured himself** (¶23-39, That Complaint); and (c) **bribed officials** (¶40-48, That Complaint).

28. As such, Defendant Early violated Plaintiff's constitutional rights to the "equal protection of [§760.11 FS]" (14th Amendment US Constitution).

COUNT V: DEFENDANT EARLY | 42 USC §1983 | SUPREMACY CLAUSE

29. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 108 of That Complaint.

30. Defendant Early's unlawful actions (individually and in total) breached Article VI Section 2 of the US Constitution (ie, the "Supremacy Clause"). He did so when he usurped the federal government's power to protect Plaintiff from 1st, 7th, and 14th amendment violations.

COUNT VI: DEFENDANT EARLY | PERJURY

31. Plaintiff hereby restates and realleges paragraphs 23 through 39 of That Complaint.

32. Defendant Early - operating with the guise of state authority - broke the law (§837.06 FS) **by making a false statement of material fact**. He sold his falsehood to another state agency - which was acting in its official capacity (§23-33, That Complaint).

33. That agency (the FCHR) bought his lie; and thereby cemented Defendant Early's violation of Plaintiff's constitutional rights (1st Amendment - *access to the court*; 7th Amendment

- *jury trials*; 14th Amendment - *due process*; 14th Amendment
- *equal protection*; Art. VI §2 - *supremacy clause*).

COUNT VII: DEFENDANT EARLY | 42 USC §1985

34. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 108 of That Complaint.
35. Defendant Early unleashed his repertoire when he deprived Plaintiff of a full & fair opportunity to litigate his underlying case in Florida. Conduct which included - among other things - **evidence destruction** (§19-22, That Complaint), **perjury** (§23-39, That Complaint), and **bribery** (§40-48, That Complaint).
36. In his illegal trek, Defendant Early has enlisted state officials (§41-43, That Complaint) as well as federal ones (ie, Fitzpatrick and Walker) (§44-48, That Complaint) to further his bidding. Bidding which has: (a) obstructed the legal process (§49-52, That Complaint); (b) violated constitutional law (§52, That Complaint); and (c) been borne out of invidious discrimination for black people (§45, 52, 56, 62, 68, 74, 79, 89, 91, That Complaint).

COUNT VIII: DEFENDANT GORSICA | 42 USC §1983

37. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 51, 56 through 59, and 112 through 114 of That Complaint.
38. Defendant Gorsica entered into a pre-suit pact to deprive Plaintiff of Plaintiff's constitutional rights. The covenant was marked by an anti-black devotion. And its scheme involved impeding, hindering, obstructing, and defeating black people's pursuits of justice.
39. Under the color of state law, Defendant Gorsica has been accomplishing his objectives by (a) **accepting bribes (§58, That Complaint)**; (b) **ratifying Defendant Early's perjury (§30-31, That Complaint)**; (c) **ratifying Allstate's lies**; (d) **altering the administrative record (§59, That Complaint)**; (e) **rendering a final order without a full panel (§59b, That Complaint)** - as required by §760.03 FS; (f) **enforcing two unconstitutional state statutes (§59 That Complaint)** - §760.06(4) and §760.11(7); and (g) **mailing Plaintiff's crucial document to someone else (§59, That Complaint)**.
40. Defendant Gorsica's actions have deprived Plaintiff of (a) access to the courts (1st Amendment); (b) a trial-by-jury (7th Amendment); (c) the equal protections of the law (14th Amendment); and (d) due process (14th Amendment). Plus,

Defendant Gorsica's conduct has been pockmarked by invidious discrimination.

COUNT IX: DEFENDANT GORSICA | 42 USC §1985

41. Plaintiff hereby incorporates Paragraphs 37 through 40.
42. Defendant Gorsica violated §1985 by conspiring with public and private actors (eg, Defendant Early, Defendant Allstate, respectively).

COUNT X: ALLSTATE RETALIATION | 42 USC §1981

43. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 135 of The Complaint.
44. Defendant Allstate continuously treated Plaintiff less favorably and unfairly compared to his non-black-male coworkers. The offensive and derogatory remarks/actions were related to Plaintiff's race/gender/color; and were so severe and pervasive they created a hostile work environment for Plaintiff.
45. Thereafter, Defendant Allstate retaliated against Plaintiff because he complained [internally] about Defendant Allstate's discriminatory practices.
46. Defendant Allstate's resulting decision to fire Plaintiff was motivated by Plaintiff's demographics; and in retaliation (Opposition Clause).

47. Defendant Allstate also retaliated against Plaintiff because he filed suit against the company (under the Participation Clause). It did so by interfering with his efforts to recover damages inflicted upon him by Defendant Allstate's discriminatory animus.

a. Most directly by instructing its former employee to file unauthorized and unlawful documents to obstruct Plaintiff's pursuit of justice (§73-85, The Complaint).

b. Most severely by enlisting a man to follow and strike Plaintiff with his vehicle (§86-95, The Complaint).

The adverse acts that Plaintiff suffered were causally related to his lawsuit because (a) Defendant Allstate knew Plaintiff had engaged in a protected activity; (b) the events took place in close temporal proximity to the complaint going public; (c) the attacks came from the same motivating themes; and (d) the attacks were material/severe.

COUNT XI: ALLSTATE | 42 USC §1985

48. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 135 of The Complaint.

49. Defendant Allstate has dipped into its reservoir of tactics to deprive Plaintiff of a full & fair opportunity to

litigate his case. Conduct which has included - among other things - intimidation (§63, The Complaint), death threats (§87, The Complaint), lethal attacks (§91-95, The Complaint), corruption (§19-51, That Complaint; §128a The Complaint), bribery (§40-51, That Complaint; §128c, The Complaint), evidence destruction (§19-22, That Complaint), and perjury (§23-39, That Complaint; §94b, §115, §121, §123b, The Complaint).

50. In its unlawful trek, Defendant Allstate has enlisted former employees (§73-85, The Complaint), current employees (§86-95, The Complaint), in-house attorneys (§96-99, The Complaint), administrative attorneys (§78-85, §105-112, The Complaint), judicial attorneys (§129, The Complaint), state officers (§94b.iii, The Complaint), and state agencies (§127-128, The Complaint) to do its bidding. Bidding which has (a) obstructed the legal process (§128c.iii[1]); and (b) violated constitutional law (§128, The Complaint).

a. Defendant Allstate - via the State of Florida - violated Plaintiff's 1st Amendment right to access the court (please see §760.11(7) FS) (§126-128, The Complaint).

b. Defendant Allstate - via the State of Florida - violated Plaintiff's 7th Amendment right to a trial-by-jury (please see §760.11(7) FS).

c. Defendant Allstate - via the State of Florida - violated Plaintiff's 14th Amendment right to due process. Especially regarding Plaintiff's sex discrimination charge (§23-40, That Complaint).

d. Defendant Allstate - via the State of Florida - violated Plaintiff's 14th Amendment right to equal protection.

51. This statute (42 USC §1985) was designed to cure these actions. Thus, Plaintiff is entitled to relief & recovery from Defendant Allstate's unlawful interference with Plaintiff's civil rights.

COUNT XII: ALLSTATE'S INTENTIONAL DISCRIMINATION | 42 USC §1981a

52. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 135 of The Complaint.

53. Defendant Allstate intended to discriminate against Plaintiff (§93b.i[2], The Complaint). It fielded unwarranted calls for his termination (§30, The Complaint), it directed former employees to attack him (§132, The Complaint), and it commandeered a state agency to deprive

Plaintiff of his constitutional rights (§134, The Complaint).

54. Thus, Plaintiff is entitled to a full recovery of all compensatory and punitive damages allowable (under both state & federal law).

COUNT XIII: ALLSTATE RETALIATION | §760 FS

55. Plaintiff hereby incorporates Paragraphs 43 through 47. The State of Florida has similar protections (against civil rights retaliation) as does the Federal Government. Therefore, Defendant Allstate also violated §760 FS when it retaliated against Plaintiff.

COUNT XIV: PAY DISCRIMINATION | 29 USC §206, et. seq.

56. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 135 of The Complaint.

57. Defendant Allstate continually paid Plaintiff a salary that was lower than his opposite-sex peers. The pay disparity began when Plaintiff attained his ASA (§18, §25, The Complaint), and continued until his unlawful termination.

58. Defendant conditioned Plaintiff's salary on Plaintiff's [un]willingness to engage in a personal/romantic/sexual relationship with his direct manager (§12-13, §20-21, The Complaint).

59. As such, the compensation level that Defendant Allstate set for Plaintiff was motivated by his gender.

COUNT XV: ALLSTATE'S RACIAL DISCRIMINATION | 42 USC §2000e

60. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 135 of The Complaint.

61. Defendant Allstate continuously treated Plaintiff less favorably and unfairly compared to his non-black coworkers. The offensive and derogatory remarks/actions were related to Plaintiff's race; and were so severe and pervasive they created a hostile work environment for Plaintiff.

62. Defendant Allstate's resulting decision to terminate Plaintiff was motivated by Plaintiff's race.

COUNT XVI: ALLSTATE'S SEX DISCRIMINATION | 42 USC §2000e

63. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 135 of The Complaint.

64. Defendant Allstate continuously treated Plaintiff less favorably and unfairly compared to his non-male coworkers. Ms. Henry's sexual harassment related to Plaintiff's gender; and was so severe and pervasive it created a hostile work environment for Plaintiff.

65. Defendant's resulting decision to terminate him was motivated by Plaintiff's sex.

COUNT XVII: ALLSTATE'S COLOR DISCRIMINATION | 42 USC §2000e

66. Plaintiff hereby restates and realleges each and every factual allegation contained in Paragraphs 8 through 135 of The Complaint.
67. Defendant Allstate continuously treated Plaintiff less favorably and unfairly compared to coworkers of a different complexion.
68. Defendant Allstate's resulting decision to terminate him was motivated by Plaintiff's skin tone.

COUNT XVIII: ALLSTATE'S RETALIATION | 42 USC §2000e, et. seq.

69. Plaintiff hereby incorporates Paragraphs 43 through 47. The modern legislature created similar protections (against civil rights retaliation) as did the civil war era legislature. Therefore, Defendant Allstate also violated Title VII when it retaliated against Plaintiff.

JUDICIAL IMMUNITY

70. The Doctrine of Judicial Immunity does not attach to this case for several fundamental reasons.
71. First, Defendant Early was not performing a judicial act. The **evidence destruction** that he committed while scanning the trial transcript was an **administrative task**; one which DOAH's clerical employees could have done. In fact, Florida statutorily prescribes transcript management to be

conducted by non-judges (§27.0061 FS, §28.13 FS, §120.65 FS).

72. Secondly, the matters that Defendant Early forced himself onto were outside of his jurisdiction. It is well-settled that the FCHR has sole jurisdiction over determining the subject matter of a discrimination complaint (ie, whether a complaint alleges, race, sex, etc.).

a. Moreover, §120.57(k) FS only granted Defendant Early special power to enter (1) findings of fact; and (2) conclusions of law. In other words, no state statute gave Defendant Early power to issue those two statements (statements he perjured himself to submit).

b. In a nutshell, **Defendant Early perjured himself while performing a non-judicial task.**

73. Third, and perhaps most importantly, **Defendant Early broke the law** (§843/§918 FS - *obstruction*; §837.06 FS - *perjury*; §838 FS - *bribery*). Judicial Immunity does not cover legal violations.

INDIVIDUAL CAPACITY

74. Defendant Gorsica is being sued in his **individual capacity only**. His misconduct & illegalities do not compute back to the state. This is the case because Florida expressly

prohibited his actions (ie, perjury ratification, bribery) (see ¶58b from That Complaint).

75. Defendant Early is also being sued in his **individual capacity only**. His misconduct & illegalities do not compute back to the state. This is the case because Florida expressly prohibited his actions (ie, evidence destruction, perjury, bribery) via statutes.

76. It has been well-established: no one sitting in Defendant Early's proverbial seat would have been authorized to commit such acts.

77. It must also be stressed: the public never relied on Defendant Early to commit the acts for which he is being sued.

a. The people of Florida never conferred special power upon Defendant Early to manage trial transcripts (¶19-22, That Complaint). Moreover, the people prohibited him from **destroying evidence** (§843/§918 FS).

b. The people of Florida never conferred special power upon Defendant Early to (a) decide what the basis of a discrimination charge is; (b) issue a "*statement of the issue*"; and/or (c) issue a "*preliminary statement*" (¶23-39 That Complaint). Moreover, the people prohibited him from **committing perjury** (§837.06 FS).

c. Lastly, the people of Florida never conferred special power upon Defendant Early to bribe officials (§44-48 That Complaint). Moreover, the people prohibited him from **committing bribery** altogether (§838 FS).

78. Since the people never granted Defendant Early the power to commit such acts, the people cannot be held responsible for resolving them.

DAMAGES

79. As a direct and proximate result of said acts, Plaintiff has suffered - and continues to suffer - financial loss and loss of earning capacity. Plus, he has suffered (and continues to suffer) mental anguish, distress, pain, great expense, inconvenience, professional damage and other pecuniary and nonpecuniary losses.

80. As a further result of Defendants' constitutional breaches, Plaintiff has incurred legal fees and will continue to incur legal fees.

RESERVATION OF RIGHTS

81. Defendants' unlawful acts and discriminatory patterns demonstrate a disdain for Plaintiff's rights; thereby justifying an award of punitive damages at trial. Upon an evidentiary showing and hearing, Plaintiff reserves the right to amend his pleadings to assert a claim for punitive damages against the proper defendants.

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

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

REQUEST FOR JURY TRIAL

83. Pursuant to Art. I §22 of the Florida Constitution (also see Rule 1.430 Fla. R. Civ. P.; the 7th Amendment of the US Constitution; Rule 38(b) Fed. R. Civ. P.; and Rule 81(c) Fed. R. Civ. P.), Plaintiff respectfully asks that this Court grant him a trial by jury on all issues so triable.

REQUEST FOR RELIEF

Relief from Stanley Gorsica, Former State Official (FCHR)

84. WHEREFORE Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant Gorsica (Counts VIII-IX), and enter an Order providing the following relief:

- a. Declaring that Stanley Gorsica violated §1983;
- b. Declaring that Stanley Gorsica violated §1985;
- c. Enjoining Stanley Gorsica from committing further violations of §1983;

- d. Enjoining Stanley Gorsica from committing further violations of §1985;
- e. Enjoining Stanley Gorsica from ever enforcing a statute (ie §760.06(4) FS) that will permit him to receive gifts/bequests/etc.
- f. Enjoining Stanley Gorsica from ever enforcing a statute (ie §760.11(7) FS) that will prevent a civil rights litigant from (a) accessing a judicial trial court of competent jurisdiction; and/or (b) accessing a trial-by-jury.

Relief from Allstate Insurance Company

85. WHEREFORE Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant Allstate (Counts X-XVIII), and enter an Order providing the following relief:

- a. Declaring that Allstate violated the EPA;
- b. Declaring that Allstate violated Title VII;
- c. Declaring that Allstate violated §1981;
- d. Declaring that Allstate violated §1985;
- e. Enjoining Allstate from committing further civil rights violations (FCRA, EPA, Title VII, §1981, §1985);

f. Awarding Plaintiff medical compensation for the vehicular assault that Allstate carried out on Plaintiff;

Relief from Edward Gary Early, ALJ

86. WHEREFORE Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant Early (Counts I-VII), and enter an Order providing the following relief:

- a. Declaring that Defendant Early violated §1983;
- b. Declaring that Defendant Early violated §1985;
- c. Enjoining Defendant Early from committing further violations of §1983;
- d. Enjoining Defendant Early from committing further violations of §1985;

Relief from All Defendants

87. WHEREFORE Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against each defendant (Counts I-XX), and enter an Order providing the following relief:

- a. Awarding Plaintiff compensatory damages (back pay, front pay, including interest, lost fringe benefits, etc.) which each defendant's unlawful act(s) precluded him from obtaining.

- b. Awarding Plaintiff the cost of this action, together with reasonable attorney's fees (if any).
- c. Awarding Plaintiff pre-judgment interest;
- d. Awarding Plaintiff punitive damages;
- e. Awarding Plaintiff nominal damages; and
- f. Awarding such other and further relief as is just, equitable, proper, and sound.

Dated this 3rd day of November 2022.

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

Get **Booked Up** on Justice!

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November 2022, I filed the foregoing with the Clerk of Courts by using its online filing portal.

CERTIFICATE OF GOOD FAITH

I HEREBY CERTIFY that pursuant to Rule 11 Fed. R. Civ. P. the foregoing: (1) has been submitted in good faith; (2) is supported by existing law; (3) is supported by indisputable evidence (and will likely be compounded with further evidence); and (4) the complaint otherwise complies with the requirements of Rule 11.

 /s/ Elias Makere

Verification Under Oath Pursuant to §92.525 FS and 28 USC §1746

I declare under penalty of perjury that the foregoing is true and correct. Moreover, the ultimate, material facts laid out above come from publicly available sources. Thus, they are not subject to dispute because *"they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned"*. Other factual allegations come from my own personal observation, knowledge, and experience – coupled with circumstantial evidence of the matter.

Executed on this 3rd day of November 2022.

UNITED STATES OF AMERICA



11/3/2022

Elias Makere, Plaintiff/Affiant

Endnotes:

^{1/} please see "*Plaintiff's Memorandum of Law on Equitable Tolling*" (filed on-or-around 11/8/21 in 'The Case' {3:20-cv-905; USFLMD})

Electronic Copy (text-searchable, hyperlinked) | This Complaint:
TextBookDiscrimination.com/Files/Duval/22003804_AAC_20221103_162855.pdf

Electronic Copy | Allstate Discrimination:
TextBookDiscrimination.com/Files/USFLMD/20000905_AAC_20211104_230439.pdf
TextBookDiscrimination.com/Allstate/Complaint-Full
<https://youtu.be/e3mgBP HesXg>

Electronic Copy | Judge's Perjury:
TextBookDiscrimination.com/Files/USFLND/21000096_AAC_20211231_140129.pdf
TextBookDiscrimination.com/Info/Misc/ALJPerjury/Complaint-Full
https://youtu.be/_RaJXFfXOCE

BUY™

SELL™

SHOP™



Downloaded From
www.TextBookDiscrimination.com



SELL YOUR OWN SAMPLES

(help others get the justice that they deserve)



BUY™

SELL™

SHOP™

www.TextBookDiscrimination.com

Get ***Booked Up*** on Justice!

© TBD Corporation. All Rights Reserved.