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

ELIAS MAKERE, FSA, MAAA	)	<u>Case No (LT)</u>
Plaintiff	)	2024-CA-000628-AXXX-MA
	)	
v.	)	Division: CV-F
	)	
STANDARD INSURANCE COMPANY, UNNAMED DEFENDANT #2, BEN WACKER	)	
Defendant	)	

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
FROM STANDARD INSURANCE COMPANY**

Plaintiff, ELIAS MAKERE, hereby propounds this discovery request on Defendant, STANDARD INSURANCE COMPANY. Pursuant to Rule 1.350 Fla. R. Civ. P. (also see Rule 34 Fed. R. Civ. P.), he asks Defendant to produce [for inspection/reproduction] all documents in its possession/custody/control as detailed herein. Moreover - and in accordance with the aforementioned rules - Defendant must produce such material within thirty (30) days of today's date (ie, 2/16/24 - the service date).

In responding to these requests, Defendant must furnish all available material (including documents/information/records in the possession/custody/control of Defendant's attorneys/etc). If

Defendant is unaware of the existence of any material [responsive to a request], then Defendant must express that in writing.

Lastly, Defendant should use the definitions/instructions [contained herein] when reading, interpreting, and responding to this request.

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 Courier New 12-point Font (contents); thus complying with the font requirements of Rule 9.210(a)(2) Fla. R. App. P. (also see USFLMD Local Rule 1.05(a)).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February 2024, I emailed the foregoing to the people on the attached service list.

/s/ Elias Makere

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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Endnotes:

<u>Guides</u>	TextBookDiscrimination.com/Guides/Discovery/RFP
<u>Handbooks</u>	TextBookDiscrimination.com/Handbooks/Disc/
<u>Samples</u>	TextBookDiscrimination.com/Files/RFP
<u>Templates</u>	TextBookDiscrimination.com/Templates/Duval/Oi_Notice_017_RFP.dotx

Electronic Copy: (text-searchable)

TextBookDiscrimination.com/Files/Duval/24000628_RFP_20240216_023204.pdf

Source of Defendant's Retaliation ([HTML](#), [PDF](#), [Video](#)) | *Makere v Allstate*

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

SERVICE LIST

Justin Scott, Esquire
Jessica Travers, Esquire (*pro hac vice*)

E: JuScott@littler.com
E: JTravers@littler.com
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)

CORRESPONDENCE A

DELIVERY ADDRESSES

As an alternative to appearing in person, you may send your material to the plaintiff (either by postal mail or email):

MAILING ADDRESS (POSTAL)
Elias Makere, FSA, MAAA PO Box 324 Hobart, IN 46342

EMAIL ADDRESS
justice.actuarial@gmail.com

DISCLAIMER

- DO **NOT** CONTACT the plaintiff for anything unrelated to this case.
- DO **NOT** CONTACT the plaintiff for anything unrelated to an associated case (ie, *Makere v Allstate Insurance Company*).

DEFINITIONS

DEFINITIONS

Affiliate

The term "affiliate" of another person or entity refers to a person or entity that, directly or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, such other person or entity.

Agent

The term "agent" shall mean any agent, employee, officer, director, attorney, or any other person acting at the direction of or on behalf of another.

Allstate

"Allstate" refers to Allstate Insurance Company, any subsidiary, parent, affiliate or related corporation or business unit.

Charge of Discrimination

"Charge of Discrimination" shall mean the charge of discrimination dual-filed by Plaintiff with the Florida Commission on Human Relations and the Equal Opportunity Commission (on July 31, 2023).

Communication

"Communication" means any transmission, transfer, sharing or exchange of information or knowledge of any kind, orally, in writing, or in any other manner by one with another at any time or place, and under any circumstances whatsoever.

Complaint

"Complaint" means Plaintiff's Lawsuit against Defendant.

Copy

"Copy" when used in reference to a document means any color or black-&-white facsimile reproduction of a document, regardless of whether that facsimile reproduction is made by means of carbon papers, pressure sensitive paper, xerography or any other means of process.

Correspondence

The term "correspondence" includes all letters, notices, messages, phone logs, electronic mail, or other written communications, between Plaintiff and another party communicating about the subject matter described in the request.

Data

"Data" shall mean to state:

- a. in the case of a document, the date, author, sender, recipient, type of document or some other means of identifying it and its present location and custodian;
- b. in the case of an oral communication, the date, the communicator, communicatee, and the nature of the communication;
- c. in the case of a document within your possession/custody/control, whether you will make it available to Plaintiff for inspection and/or copying;
- d. in the case of a document that was, but is no longer in the your possession/custody/control, what disposition has been made of the document.

Date

The term "date" shall mean the exact date, month and year, if ascertainable, or, if not, the best approximation of the date (based upon relationship with other events).

Defendant

As used herein, "Defendant" refers to Standard Insurance Company, any subsidiary, parent, affiliate or related corporation or business unit.

Document

"Document" means any and all information in tangible form and shall include, without limitation the generality of the foregoing, all letters, telegrams, telexes, teletypes, correspondence, contracts, drafts, agreements, electronic mail, online data, spreadsheets, computer back-up tapes, memory cards, CD-ROMs, DVDs, USB thumb and flash drives, notes to file, reports, memoranda, mechanical or electronic recordings or transcripts of such recordings, blueprints, flow sheets, calendar, diary, journal or day-timer entries, memoranda of telephone or personal conversations, memoranda of meetings or conferences, studies, reports, inter- intra-office communications, quotations, offers, inquiries, bulletins, circulars, statements, manuals, summaries, newsletters, compilations, maps, charts, graphs, propositions, articles, announcements, newspaper clippings, books, records, tables, books of account, ledgers, vouchers, canceled checks, invoices, bills, opinions, certificates, promissory notes and other evidence of indebtedness and all drafts and copies of documents as hereinabove defined by whatever means made, including any documents on computer disks or hardware. If multiple copies of a document exist,

each copy, which is in any way not completely identical to a copy, which is being produced, should also be produced. If documents or information are available on computer, a computer disk containing such information shall be produced.

Apart from the categories described above, the terms "Document" and "Documents" also explicitly include electronically stored information ("ESI"), including but not limited to the following:

- (a) e-mails associated with any personal e-mail accounts (e.g., Yahoo!, Gmail, Hotmail, AOL, AT&T, Blackberry, etc.);
- (b) text messages, short message service (SMS) messages, or multi-media messaging service (MMS) messages;
- (c) instant messaging transcripts;
- (d) posts, entries or other electronic contributions to online websites, forums, or services (e.g. bulletin board posts, Facebook messages, on-line photographs, blog entries);
- (e) any ESI you have created and/or stored using any third-party online service provider, including but not limited to Facebook, MySpace, Google+, Twitter, Instagram, Picasa, Tumblr, LinkedIn, Vine, SnapChat, Pinterest, Monster, WordPress, Blogger or any other social networking, career development, or news and commentary sites, services, blogs, or wikis; and
- (f) any ESI that you have stored using back-up media or third-party storage services such as iCloud, Google Drive, Sky Drive, Dropbox, or Mozy.

Each

"Each" includes the word "every" and "every" includes the word "each." "Any" includes the word "all" and "all" includes the word "any." "And" includes the word "or" and "or" includes the word "and."

EEOC

Equal Employment Opportunity Commission

Electronically Stored Information

"Electronically stored information" and "ESI" shall be interpreted in the broadest sense of the term, and shall mean information created, manipulated, communicated, stored, or best utilized in digital form, requiring the use of computer hardware and software, whether maintained or accessible on hard drives, removable media (e.g., thumb drives, CDs and DVDs), laptop computers or tablets, servers, PDAs, communications devices (e.g., smart phones, iPhones, Blackberry devices, voicemail systems, backup tapes, hosted remote storage or cloud storage systems, internet based sources (e.g., social media), GPS systems, or other digital media. Examples of electronically stored information include, without limitation, computer files, emails, attachments, word processing documents, slideshows, calendars, spreadsheets, voicemails, databases, telephone logs, contact manager information, text messages, instant messages, social media posts, image files, video files, audio files, logs, web pages, website posts, website uploads, internet usage files, history files, and any other electronically created, manipulated, communicated, or stored data. Electronically stored information also includes ancillary electronic information concerning or needed to manage the primary system and file electronic information, including but not limited to metadata.

FCHR

Florida Commission on Human Relations

Identify

The terms "identify" and "identification" when used with respect to a natural person shall mean the provision of that person's name and last known residential and business address and telephone numbers.

The terms "identify" and "identification" when used with respect to a non-natural person shall mean the provision of the name of the entity, its last known address and telephone number, the identification of its most senior executive, partner, or similar managing natural person, and the identification of the executive, officer, director, or partner most knowledgeable about the relevant request or document.

Management

"Management" or "manage" includes any act of directing, conducting, administering, controlling, or handling an identified function or duty.

Person

"Person" means any individual, firm, partnership, corporation, proprietorship, association, governmental body, or other organization or entity.

Pertains

The terms "pertains to" or "pertaining to" mean and include relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts. These terms mean, without limitation, any reference or relationship which either:

- (1) provides information with respect to the subject inquiry, or
- (2) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of inquiry.

Plaintiff

As used herein, the term "Plaintiff" refers to Elias Makere, his agents, representatives, attorneys and all other persons acting or purporting to act on his behalf.

Plaintiff

As used herein, the term "Plaintiff" refers to Elias Makere, his agents, representatives, attorneys and all other persons acting or purporting to act on his behalf.

SOA

"SOA" refers to the Society of Actuaries, any subsidiary, parent, affiliate or related corporation or business unit.

Standard

"Standard" refers to Standard Insurance Company, any subsidiary, parent, affiliate or related corporation or business unit.

Substantiates

"Substantiates" shall mean to establish or support a claim by proof or through evidence.

Tangible Thing

"Tangible thing" shall be interpreted in the broadest sense of the term, and shall mean any tangible object that is neither a document nor electronically stored information.

For any other term not specifically defined, this request incorporates the dictionary definition of that term found in Barron's Dictionary of Legal Terms (5th Ed. 2016). If the term is not contained therein, this subpoena incorporates the dictionary definition of that term found in the Oxford English Dictionary. Also, pursuant to *Klonis v State*, 766 So. 2d 1186, undefined words get their plain meaning.

INSTRUCTIONS

INSTRUCTIONS

Please use these instructions when producing documents or other information in response to this discovery request. This discovery request is intended to cover all documents in the possession of the propounded entity (ie, you) or subject to its custody or control, including information in the possession, custody or control of its attorneys, accountants, investigators, experts, employees, agents and any other persons employed on its behalf, and not merely such information as is known of its own personal knowledge.

Each request refers to all documents that are either known by the propounded entity to exist or that can be located or discovered by reasonably diligent efforts.

Production can be accomplished by timely emailing/mailing the documents to Plaintiff (see section titled "Delivery Addresses", *supra*).

How to Construe this Request

1. In construing this discovery request:
 - a. The use of a masculine, feminine, or neutral pronoun does not exclude the other gender; and
 - b. Whenever appropriate, the singular form of a word should be interpreted in the plural (and vice versa)
 - c. The term "*including*" means "*including, but not limited to.*"
 - d. The use of a verb in any tense shall be construed as the use of that verb in all other tenses
2. Each paragraph below shall operate and be construed independently; and, unless otherwise indicated, no paragraph limits the scope of any other paragraph.
3. The term "all documents" shall be construed to mean every document as defined above, whether an original, a draft, or a copy, that is within your possession, custody, control, or otherwise known to you.
4. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests any information which otherwise might be construed to be outside their scope.
5. The terms "any" and "all" shall be construed as necessary to bring within the scope of these requests any information which otherwise might be construed to be outside their scope.

General Instructions

6. In producing documents requested herein, you will produce documents in full, without abridgement, abbreviation, or editing of any sort.
7. You are required to serve separate and individual responses, as indicated, to these discovery requests (ie, as to each document produced, specify by number the particular request to which it responds).
8. The documents produced shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the paragraphs set forth below.
9. Unless otherwise indicated, these requests refer to the time, place, and circumstances of the occurrences described in the Complaint and any amendments thereto.
10. Documents from any single file should be produced in the same order as they were found in such file. If copies of documents are produced, such copies should be legible and bound or stapled in the same manner as the original.
11. Please photocopy the file label or other identifying information with file folders or other files from which the photocopied documents were obtained or separate (i.e., rubber bands, binder clips or blank sheets of colored paper) the documents produced from each file folder or file so that the parties can subsequently determine or confirm the file folders or files from which the documents were produced.
12. For requests referring to policies, practices, criteria, methods, standards, and/or regulations, please include the corporate and, where different, the individual facility location's documents.
13. Copies, if authenticated, of the original documents may be supplied in response.

Clarity

14. If you find the meaning of any term in these requests to be unclear, you should assume a reasonable meaning, state the meaning you have assumed, and produce documents on the basis of that assumed meaning.

Broadness

15. If an objection is interposed on the basis that a request is overly broad, set forth all information which is relevant and identify the reason the remaining request is overly broad. If an objection is interposed on the basis that a request constitutes an undue burden or expense, set forth all information which may be obtained without undertaking an undue burden or expense and identify the reason the remaining documents requested cannot be obtained without undertaking an undue burden or expense.

Format of Production

16. These requests cover ESI regardless of the form or location of storage, including but not limited to ESI stored using:
- (a) computers, iPads, or other similar electronic devices;
 - (b) cell-phones;
 - (c) personal digital assistants and smart-phones, such as Blackberries, iPhones, or Android phones;
 - (d) digital cameras or digital or analog video recorders;
 - (e) USB storage devices (e.g., thumb drives, memory sticks, compact flash, secure digital cards, iPods, etc.);
 - (f) external hard drives; and
 - (g) diskettes, CDs or DVDs.
17. Thus, please produce ESI in one of the following two formats:
- a. In native format, meaning as it was maintained and used in the ordinary course of business. In doing so, you should not change or attempt to change the data to another format, attempt to remove metadata, change file attributes, or otherwise alter the file or data. For example, email messages should be produced as they were kept in the ordinary course of business in a PST file (if Microsoft Exchange) or NSF file (if Lotus Notes).
- AND/OR
- b. In a fixed image format (PDF or TIFF), with accompanying full text and all file and system-level metadata in a load file format to be agreed upon by the parties. If you elect to produce ESI in a fixed imaged format, Plaintiff reserves the right to demand access to or a copy of the native file format of specific documents. In the event you possess structured data responsive to these requests (e.g., data from a database), notify Plaintiff and we will confer regarding an appropriate method of production.

Timespan

18. If a request is silent as to the timespan for which an answer is requested, the time period shall encompass the period between July 1, 2013 through the trial date of this action; and shall include all documents and information which relate in whole or in part to such period, or to events or circumstances during such period, even though dated, prepared, generated or received prior or subsequent to that period.

Rule 26(b) (5) Privilege Log/Index

19. In compliance with your obligation to provide and produce a privilege log/index in accordance with Rule 26(b)(5), Federal Rules of Civil Procedure (Fed. R. Civ. P.) (see *TIG Ins. Corp. of America v. Johnson*, 799 So. 2d 339 (Fla. 4th DCA 2001)), if any privilege is claimed with respect to any documents, things, communication, and information (hereinafter referred to collectively as "material") covered by these requests for production, or if any such material is withheld by you that you claim is privileged or subject to protection as trial preparation material, you shall:

- a. identify the nature of the privilege (including work-product) that is being claimed and, if the privilege is governed by federal law, indicate the privilege rule being invoked;
 - i. Identify and state the number of the particular request for production for which the particular document, thing, communication, or information is claimed to be privileged, is being withheld, or not being produced.
 - ii. Identify the custodian of the document.
- b. provide the following material, unless the divulgence of such material would cause disclosure of the allegedly privileged material:
 - i. the name, job title (or capacity), email address, street address, and phone number of the author of the particular document, thing, communication, or information;
 - ii. the name, job title (or capacity), email address, street address, and phone number of each recipient of the particular document, thing, communication, or information;
 - iii. where not apparent, the relationship between the author, addressees, and recipients.
 - iv. the type of document (e.g., letter or memorandum);
 - v. the number of pages;
 - vi. the number of attachments or appendices;
 - vii. indicated or blind copies;
 - viii. the date that the particular document, thing, communication, or information was prepared and if different, the date(s) on which it was sent to or shared with persons other than the author(s);
 - ix. a description of any non-privileged material contained within the document, thing, communication, or information;
 - x. the title and description of the particular document, thing, communication, or information;
 - xi. the subject matter addressed in the particular document, thing, communication, or information;
 - xii. the purpose(s) for which the particular document, thing, communication, or information was prepared or communicated;

- xiii. the specific basis for the claim that it is privileged, being withheld, or not being produced;
- xiv. the identity of all persons having knowledge of any facts related to the claim of privilege; and
- xv. description of all events, transactions, or occurrences related to the claim of privilege.

The above information shall be furnished in writing at the time of your response to these requests, unless otherwise ordered by the court.

Destruction of Documents

20. If any document responsive to these requests has been lost, mutilated, destroyed, or otherwise no longer exists in usable form, please submit a written statement that:

- (a) describes in detail the nature of the requested material and its contents;
- (b) identifies the person(s) who created, prepared or authored the requested material and, if applicable, all recipients of the requested material;
- (c) specifies the date(s) on which the requested material was created, prepared or transmitted;
- (d) specifies the date on which the requested material ceased to exist in usable form; and
- (e) describes the conditions and/or circumstances under which it ceased to exist in usable form, including:
 - (f) the identity of each person who authorized, requested, directed, or otherwise participated in the loss, mutilation, destruction or other action causing the requested material to cease to exist in usable form and;
 - (g) the reason(s) for the loss, mutilation, destruction or other action causing the requested material to cease to exist in usable form;
 - (h) the location and manner of the loss, mutilation, destruction or other action causing the requested material to cease to exist in usable form.

Supplemental Documents

21. These requests shall be continuing and deemed to include any and all responsive documents within your possession, custody, or control or within the possession, custody, or control of your outside experts, attorneys, consultants, or other agents or advisers (see Rule 26(e) Fed.R.Civ.P.).
22. If you know of any document responsive to these requests that is not in your possession, custody, or control, for each such document identify the document by providing the following information:
 - a. The date of the document;
 - b. The type of document (e.g.: letter, memorandum, etc.);
 - c. A description of the subject matter;
 - d. The author of the document and the addressee;
 - e. The location of the document; and
 - f. The custodian of the document.
23. If subsequent to the date you produce documents responsive to these requests you discover or receive additional documents that are responsive to these requests, promptly produce all such additional documents.

NOTARIZATION

STATE OF _____

COUNTY OF _____

The foregoing was sworn to and subscribed before me, an officer duly authorized in the State of _____ to take oaths and acknowledgments, by _____ who is either personally known to me or who produced satisfactory identification as follows _____, and who did take an oath.

Done this _____ day of _____ 2020.

Print Name (Notary Public)

Signature

My Commission Expires:

(stamp/seal)

DOCUMENT REQUESTS

To: Defendant | Standard Insurance Company
From: Plaintiff | Elias Makere, FSA, MAAA
Case No.: 2024-CA-000628-AXXX-MA | Makere v Standard
Court: 4th Judicial Circuit Court, Duval County, Florida
Subject: Production of Records | 001 | Invitation to Interview

This is a discovery request for an employment discrimination case.

1. Please produce all documents and recordings that relate to your discussions, correspondence, or communications with any individual, including but not limited to former and current employees, and sponsors of Standard regarding *Makere v Standard*.
2. Please produce all documents relating to or reflecting any conversation or communication between any past or present employee, agent or representative of Standard concerning or regarding the claims and/or defenses in *Makere v Standard*, including, but not limited to, voicemails, telephone text messages, handwritten notes, message slips, e-mails, journal entries, summaries, memoranda, facsimiles, communications via Facebook, MySpace, Twitter, Instagram or other social media, or other records regarding any conversations or communications.
3. Please produce all documents and recordings that relate to the interview invitation that you submitted to Plaintiff. Your produced material shall include – but not be limited to – voicemails, text messages, handwritten notes, message slips, e-mails, journal entries, summaries, memoranda, facsimiles, communications via Facebook, MySpace, Twitter, Instagram, LinkedIn, UpWork, or other records regarding any conversations or communications.

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