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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

ELIAS MAKERE, FSA, MAAA

Plaintiff

v.

ALLSTATE INSURANCE COMPANY,

Defendant

)  
)  
)  
)  
)  
)  
)

Case No (LT)  
**3:20-cv-00905-MMH-JRK**

---

**PLAINTIFF'S MOTION FOR JUDICIAL NOTICE OF  
PLAINTIFF'S GOOD FAITH EFFORTS TO  
RESOLVE DISCOVERY ISSUES**

---

Plaintiff, ELIAS MAKERE, on this 21st day of December 2020, respectfully moves this Honorable Court to take judicial notice of the recent communications, rescission notices, and suspension notices between Plaintiff and Defendant. Items which will show that Plaintiff put forth diligent, good faith efforts towards resolving current discovery issues.

Key Points:

- A.) Note                      This is not Plaintiff's response to Defendant's motions
- B.) Grounds                Refute Defendant's insinuations (Rule 301 Fed.R.Evid.)

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**Background:** Plaintiff worked diligently to resolve discovery issues  
**Problem:** Defendant repeatedly suggested that Plaintiff did not  
**Request:** This Court incorporates the facts contained herein

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#### **Rule 201 | Fed. R. Evid. | Judicial Notice**

*"(b) KINDS OF FACTS THAT MAY BE JUDICIALLY NOTICED. The court may judicially notice a fact that is not subject to reasonable dispute because it: ...*

*(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned."*

#### **Rule 301 | Fed R. Evid. | Presumptions | emphasis added**

*"In a civil case, unless a federal statute or these rules provide otherwise, the party against whom a presumption is directed has the burden of producing evidence to rebut the presumption. But this rule does not shift the burden of persuasion, which remains on the party who had it originally.*

#### **§90.202 FS | Matters Which May Be Judicially Noticed**

*"A court may take judicial notice of the following matters, to the extent that they are not embraced within s. 90.201:*

*(12) Facts that are not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned."*

#### Precedence

- 5:20-cv-00332-Oc-38PRF - USFLWD (12/7/20)  
USFLMD recently granted a motion for judicial notice

#### Abbreviations

USFLMD - US District Court, Florida, Middle District

## MOTION

### **I. Background History**

1. Plaintiff initiated this action *pro se*.
2. On October 9, 2020, this Court entered an order to inform Plaintiff of the procedural rules he would need to adhere to (rules of civil procedure, rules of court, etc.); as well as USFLMD's legal hotline<sup>1/</sup>.
3. Plaintiff took heed. In fact - within days - he began building a website directed towards *pro se* litigants. It forced him to continually re-read the rules this Court pointed out to him.
4. As such, Plaintiff took to heart two rules that dealt with resolving discovery issues: Local Rule 2.04(h) ("*cooperation...*") and Local Rule 3.01(g) ("*...good faith effort... stipulate...*"). As can be gleaned from the immediate facts that follow.

### **II. Immediate Facts**

5. On November 18, 2020, Plaintiff notified Defendant of his prospective subpoena on a non-party (**Exhibit A**).
6. Over the next two weeks, Plaintiff sent Defendant **16 responsive emails** on the topic (**Exhibit B**).
7. On December 3, 2020, Plaintiff spoke with Defendant over the phone.
8. On December 4, 2020, Plaintiff sent Defendant the final version of the subpoena (**Exhibit C**). That same day, Defendant delivered it to the non-party.
9. From December 4<sup>th</sup> through December 18<sup>th</sup>, Plaintiff sent Defendant **an additional 10 emails** to help alleviate Defendant's discovery concerns (**Exhibit D**).

10. Altogether, Plaintiff communicated with Defendant **26 times** in the 30-day span. And he made **discovery concessions** along the way (rescissions, suspensions, etc.) (**Exhibit E**). He also **spoke with three attorneys** via the legal hotline; all pertaining to discovery (**Exhibit F**).

11. Nevertheless, on December 18, 2020, Defendant filed a motion regarding the aforementioned subpoena. Therein, Defendant suggested that Plaintiff had ignored Defendant's concerns. Thereby raising a negative presumption on Plaintiff.

12. A presumption contradicted by fact.

13. A presumption that – pursuant to Rule 301 Fed. R. Evid. – Plaintiff has the burden of disproving (by "*producing evidence to rebut the presumption*").

### **CONCLUSION**

WHEREFORE, Plaintiff respectfully asks this Court to take judicial notice of the facts contained herein. Plaintiff also asks this Honorable Court to await his upcoming responses to Defendant's recent motions (filed on 12/18/2020).

On December 21, 2020, Defendant told Plaintiff (via email) that it opposed this motion.

Dated this 21st day of December 2020.

Respectfully submitted,

/s/ Elias Makere

**ELIAS MAKERE, FSA, MAAA**, Plaintiff

3709 San Pablo Rd. S # 701

Jacksonville, FL 32224

P: (904) 294-0026

E: justice.actuarial@gmail.com

W: TextBookDiscrimination.com

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**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 Local Rule 1.05(a).

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21st day of December 2020, I electronically filed the foregoing with the Clerk of Courts by using its online filing page. I also emailed it to the attached service list.

**/s/ Elias Makere**

**Endnotes:**

<sup>1/</sup> "Legal Hotline" = Federal Bar Association's Legal Information Program

**SERVICE LIST**

---

Kimberly J. Doud, Esquire (0523771)  
Heather A. Johnson, Esquire (*pro hac vice*)  
Michele A. Ramos, Esquire (1008119)

E: kdoud@littler.com  
E: hajohnson@littler.com  
E: mramos@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*)

---

# EXHIBIT A

Plaintiff's Notice of Production from Non-Party

Email

11/18/2020

**From:** justice.actuarial@gmail.com  
**Sent:** Wednesday, November 18, 2020 4:47 PM  
**To:** KDoud@littler.com; hajohnson@littler.com; MRamos@littler.com  
**Subject:** Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

Do you have any objection to my upcoming “*Request for Issuance of a Subpoena Directed to Non-Party Witness Janice Bradley*”?

I plan on filing it next week, pursuant to Rules 26(d), 34(c), and 45(d) Fed. R. Civ. P.

|                     |                                               |
|---------------------|-----------------------------------------------|
| <b>Plaintiff:</b>   | Elias Makere, FSA, MAAA                       |
| <b>Defendant:</b>   | Allstate Insurance Company                    |
| <b>Case Number:</b> | 3:20-cv-00905-MMH-JRK                         |
| <b>Court:</b>       | US Middle District – Jacksonville Division    |
| <b>Type:</b>        | Employment Discrimination (§1981 US, §760 FS) |

|                  |                                                                                             |
|------------------|---------------------------------------------------------------------------------------------|
| <b>Document:</b> | Plaintiff’s Request for Issuance of a Subpoena Directed to Non-Party Witness Janice Bradley |
|------------------|---------------------------------------------------------------------------------------------|

Witness Bradley has information pertinent to Allstate’s:

- Disparate pay;
- Disparate privileges;
- Disparate qualifications;
- Unlawful retaliation; and
- Discriminatory termination practices

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
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*Ancient Proverb: For every wrong there is a right.*

# EXHIBIT B

Plaintiff's Follow-Up

Emails

11/24/2020 - 12/4/2020

Note: inconsequential emails in the chain were removed (eg, "pwd =123")

**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Tuesday, November 24, 2020 2:16 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Dear Allstate,

- What law permits you to accept service on a non-party?
- Which terms are undefined, vague, and/or ambiguous?
- What information [in Plaintiff's Subpoena] would violate Witness Bradley's constitutional rights?
- What information [in Plaintiff's Subpoena] would violate Witness Bradley's statutory rights?
- What common law privacy rights are you referring to?

I am willing to adjust my discovery request for good cause. May you please provide information to support your statements?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
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Jacksonville, FL 32224

*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Monday, November 30, 2020 1:47 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

I haven't heard from you in six days. I'm available to talk tomorrow afternoon.

May you please let me know which time works best for you?

|                | Date    | Time         |
|----------------|---------|--------------|
| Availability A | 12/1/20 | 10:00 AM EST |
| Availability B | 12/1/20 | 3:00 PM EST  |

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Monday, November 30, 2020 2:39 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

My schedule changed a bit. Here's my updated availability:

|                | Date    | Time        |
|----------------|---------|-------------|
| Availability A | 12/1/20 | 3:00 PM EST |
| Availability B | 12/2/20 | 3:00 PM EST |

Please let me know.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
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Jacksonville, FL 32224

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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Wednesday, December 02, 2020 12:46 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice) | {[Part 1 of 6]}

---

Hello Allstate,

May you please respond in a timely manner?

Note: I called you this morning regarding this.

Also, are you available for a phone call this afternoon (you haven't chosen a time yet – despite having 48 hours to do so)?

|                | Date    | Time         |
|----------------|---------|--------------|
| Availability A | 12/2/20 | 3:00 PM EST  |
| Availability B | 12/3/20 | 11:00 AM EST |

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
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Jacksonville, FL 32224

*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Wednesday, December 02, 2020 1:13 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice) | {[Part 1 of 6]}

---

Hello Allstate,

Here's my availability for tomorrow afternoon (Thursday, December 3, 2020) :

|                | Date    | Time        |
|----------------|---------|-------------|
| Availability A | 12/3/20 | 3:00 PM EST |
| Availability B | 12/3/20 | 4:00 PM EST |

Also, what is the **ETA** for your answer to my reply [to your first objection] (see attachment)?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
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Jacksonville, FL 32224

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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Wednesday, December 02, 2020 3:29 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice) | {[Part 1 of 6]}

---

Hello Allstate,

I am accepting your answer as a “Yes”. In other words, “Yes, Defendant is satisfied with Plaintiff’s adjustments based on Defendant’s first objection (from the 10pm email on 11/30/20)”.

I will address your second objection shortly (ie, “overly broad, unduly burdensome...”).

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
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Jacksonville, FL 32224

*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Wednesday, December 02, 2020 3:31 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice) | {[Part 2 of 6]}

Dear Allstate,

For your second objection, please let me know if the following will suffice:

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Defendant's Objection:</b> | "Several of the requests in the subpoena are overly broad, unduly burdensome and not proportional to the needs of the case. For example, multiple requests seek "all" documents and/or "recordings" without any effort to define or limit the request to items relating to the issues of this case and without reasonable temporal limitation. These requests are contrary to the rule of proportionality contained in Federal Rule of Civil Procedure 26(b)(2)(C)." |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                 |                                                                                                                                                                                                                   |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plaintiff's Response #1:</b> | <b>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.</b> |
| <b>Detail #1:</b>               | Plaintiff will include " <i>Plaintiff's Response #1</i> " (ie, the above clause) in the Non-Party Subpoena for Witness Bradley                                                                                    |
| <b>Plaintiff's Question #1:</b> | Does " <i>Plaintiff's Response #1</i> " (above) resolve your objection regarding the temporal limitation of "all documents" and/or "all recordings" (see Defendant's Objection - above)                           |

|                                 |                                                                                                                                                                                                                                        |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plaintiff's Response #2:</b> | <b>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.</b> |
| <b>Detail #2:</b>               | Plaintiff will include " <i>Plaintiff's Response #2</i> " (ie, the above clause) in the Non-Party Subpoena for Witness Bradley                                                                                                         |
| <b>Plaintiff's Question #2:</b> | Does " <i>Plaintiff's Response #2</i> " (above) resolve your objection regarding the broadness of the underlying discovery request?                                                                                                    |

|                                 |                                                                                                                                                                                            |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plaintiff's Response #3:</b> | <b>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.</b> |
| <b>Detail #3:</b>               | Plaintiff will include " <i>Plaintiff's Response #3</i> " (ie, the above clause) in the Non-Party Subpoena for Witness Bradley                                                             |
| <b>Plaintiff's Question #3:</b> | Does " <i>Plaintiff's Response #3</i> " (above) resolve your objection regarding the discovery requests seeking "all" documents and/or "recordings"?                                       |

May you please respond as soon as possible (so that we can discuss your remaining objections)?

Thank you,

Federal Case No.: 3:20-cv-00905-MMH-JRK

Duval Case No.: 2020-CA-003802-XXXX

FCHR Case No.: 2019-19238

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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Thursday, December 03, 2020 12:41 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** Phone Call Recording (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Discovery (1P010)

---

Dear Allstate,

In an effort to facilitate the “*just, speedy, and inexpensive determination*” of this civil dispute (Makere v Allstate) do you **consent** to having our upcoming phone call recorded?

|            | Date    | Time        | From      | To        | Case Number   |
|------------|---------|-------------|-----------|-----------|---------------|
| Phone Call | 12/3/20 | 4:00 PM EST | Defendant | Plaintiff | 3:20-cv-00905 |

Benefits of recording:

- Minimize lies
- Minimize mischaracterizations
- Reduce the Court’s need to deliberate on lies & mischaracterizations
- Save Plaintiff’s time
- Focus on the facts of the matter (ie – inter alia – ‘*Allstate firing the black guy for failing the 9<sup>th</sup> exam while rewarding his non-black-male co-workers who hadn’t even passed the first one*’)

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Thursday, December 03, 2020 2:20 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Subpoena Request - Bradley | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice) | {[Part 2 of 6]}

Dear Allstate,

For your second objection, please let me know if the following will suffice:

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Defendant's Objection:</b>   | "Several of the requests in the subpoena are overly broad, unduly burdensome and not proportional to the needs of the case. For example, multiple requests seek "all" documents and/or "recordings" without any effort to define or limit the request to items relating to the issues of this case and without reasonable temporal limitation. These requests are contrary to the rule of proportionality contained in Federal Rule of Civil Procedure 26(b)(2)(C)."                                                       |
| <b>Plaintiff's Response #1:</b> | <b>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.</b> |
| <b>Detail #1:</b>               | Plaintiff will include " <i>Plaintiff's Response #1</i> " (ie, the above clause) in the Non-Party Subpoena for Witness Bradley                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Plaintiff's Question #1:</b> | Does " <i>Plaintiff's Response #1</i> " (above) resolve your objection based on "overly broad, unduly burdensome..." (see Defendant's Objection - above)?                                                                                                                                                                                                                                                                                                                                                                  |

May you please respond as soon as possible (so that we can discuss your remaining objections)?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
 Federal Case No.: 3:20-cv-00905-MMH-JRK  
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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Thursday, December 03, 2020 10:41 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** Waiver of Subpoena Service | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Bradley, Janice

---

Hello Allstate,

Here is the ***Waiver of Subpoena Service*** agreement that we talked about earlier.

It also has the ***Affidavit of Service*** (ie, the “receipt”) appended to it.

May you please sign the agreement and return it? I just want to memorialize the agreement in case a trial/appellate court wants it.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
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Jacksonville, FL 32224

*Ancient Proverb: For every wrong there is a right.*

**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Friday, December 04, 2020 4:22 PM  
**To:** MRamos@littler.com  
**Cc:** KDoud@littler.com; MFilmore@littler.com; LShelnut@littler.com  
**Subject:** RE: Waiver of Subpoena Service | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Bradley, Janice

---

Okay, that's fine with me.

I made a minor layout edit, though:

| First Page                      |                                    |
|---------------------------------|------------------------------------|
| BEFORE                          | AFTER                              |
| "...Defendant): Janice Bradley" | "...Defendant):<br>Janice Bradley" |

Reason: allow for easier visual recognition/comparison when other employees get subpoenaed (ie, some may have longer names that span two lines).

Alright, I'm going to send you the subpoena right now.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
3709 San Pablo Rd. S. #701  
Jacksonville, FL 32224

*Ancient Proverb: For every wrong there is a right.*

# EXHIBIT C

Subpoena Service

Email

12/4/2020

**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Friday, December 04, 2020 4:25 PM  
**To:** KDoud@littler.com; MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com  
**Subject:** Non-Party Subpoena | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Bradley, Janice (1P010)

---

Hello Allstate,

As agreed, may you please deliver this subpoena to your employee Janice Bradley (a non-party individual with information pertinent to the case)?

|                     |                                               |
|---------------------|-----------------------------------------------|
| <b>Plaintiff:</b>   | Elias Makere, FSA, MAAA                       |
| <b>Defendant:</b>   | Allstate Insurance Company                    |
| <b>Case Number:</b> | 3:20-cv-00905-MMH-JRK                         |
| <b>Court:</b>       | US Middle District – Jacksonville Division    |
| <b>Type:</b>        | Employment Discrimination (§1981 US, §760 FS) |

|                   |                                                    |
|-------------------|----------------------------------------------------|
| <b>Document:*</b> | Subpoena Duces Tecum to Non-Party Janice Bradley** |
| <b>Date:</b>      | 12/4/2020                                          |

\* the parties previously agreed to waive subpoena service for this individual

\*\* plaintiff made final edits to the discovery request to coincide with defendant's objections

As soon as possible, may you please return the completed ***Affidavit of Service*** upon confirmation that you've delivered the subpoena to the intended person?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
 Federal Case No.: 3:20-cv-00905-MMH-JRK  
 Duval Case No.: 2020-CA-003802-XXXX  
 FCHR Case No.: 2019-19238  
 904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
 3709 San Pablo Rd. S. #701  
 Jacksonville, FL 32224

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# EXHIBIT D

Discovery Communications

Email

12/4/2020

Note: inconsequential emails in the chain were removed (eg, “thank you”).

**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Tuesday, December 08, 2020 11:42 AM  
**To:** KDoud@littler.com; hajohnson@littler.com; MRamos@littler.com  
**Cc:** MFilemore@littler.com; LShelnut@littler.com  
**Subject:** Stipulation of Fact (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

In exchange for removing **RFP J997 (*Demographics Identification*)**, may you please stipulate the following facts with me:

1. Janice Bradley is black.
2. Janice Bradley is female.

My subpoena (which you delivered last Friday, December 4, 2020), had a *Request for Production* labeled **J997** (on the last page). It asked for documents that would identify Witness Bradley's demographics. I'm willing to rescind those **J997** document requests if you would just stipulate to the two facts from above (ie, race, gender).

I think this rescission would help reduce the workload surrounding a potential motion to quash - in the spirit of Rule 1 Fed.R.Civ.P and Rule 1.01 Local Rules of the USFLMD ("*just, speedy, inexpensive determination...*").

So, may you please stipulate that Employee Janice Bradley is a black female?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
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Jacksonville, FL 32224

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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Wednesday, December 09, 2020 3:02 PM  
**To:** MRamos@littler.com  
**Cc:** KDoud@littler.com; LShelnut@littler.com; 'Filmore, Michelle A.' <MFilmore@littler.com>  
**Subject:** RE: Subpoena Request - SOA | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Society of Actuaries)

---

Hello Allstate,

It may help to know that – although the SOA document is 58 pages – the discovery request is only 31 pages long.

The first 27 pages are almost identical to the subpoena for Non-Party Janice Bradley (delivered on 12/4/20).

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  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://www.TextBookDiscrimination.com)  
3709 San Pablo Rd. S. #701  
Jacksonville, FL 32224

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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Wednesday, December 16, 2020 2:00 PM  
**To:** MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com; 'Doud, Kimberly' <KDoud@littler.com>  
**Subject:** RE: Stipulation of Fact (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

May you please give me an update? We've crossed the one-week mark.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://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 <justice.actuarial@gmail.com>  
**Sent:** Thursday, December 17, 2020 8:50 AM  
**To:** MRamos@littler.com  
**Cc:** KDoud@littler.com; LShelnut@littler.com; 'Filmore, Michelle A.' <MFilmore@littler.com>  
**Subject:** RE: Makere v. Allstate Insurance Company - Case No. 3:20-cv-00905-MMH-JRK | Conferral On Defendant's Motion to Stay Discovery and Motion for Protective Order

---

Dear Allstate,

I might be agreeable to some parts of your motion (or perhaps even all of it). For instance, as I mentioned earlier (see attached email), I'm willing to rescind **RFP J997** if you stipulate to the underlying facts (ie, Witness Bradley's race & gender). In that same vein, I will also rescind **RFP J313** if you make the following stipulation:

1. Allstate Insurance Company has allowed Janice Bradley to work from home.

With your cooperation, I might agree to quashing the Bradley Subpoena in its entirety. Please see Local Rule 2.04(h) and Local Rule 3.01(g).

May you please tell me whether or not you can stipulate to the fact listed above?

I will continue to work with you regarding your discovery concerns.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://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 <justice.actuarial@gmail.com>  
**Sent:** Thursday, December 17, 2020 11:20 AM  
**To:** MRamos@littler.com  
**Cc:** KDoud@littler.com; LShelnut@littler.com; 'Filmore, Michelle A.' <MFilmore@littler.com>  
**Subject:** RE: Makere v. Allstate Insurance Company - Case No. 3:20-cv-00905-MMH-JRK | Conferral On Defendant's Motion to Stay Discovery and Motion for Protective Order

---

Okay, Thank you.

Allstate, I rescind Discovery Request **J997** ("Demographics Identification").

I've memorialized this in the attached notice.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://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 <justice.actuarial@gmail.com>  
**Sent:** Thursday, December 17, 2020 12:36 PM  
**To:** MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com; 'Doud, Kimberly' <KDoud@littler.com>  
**Subject:** RE: Stipulation of Fact (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

In exchange for removing **RFP J309 (SOA Certificates)**, may you please stipulate the following facts with me:

1. Janice Bradley has never had an ASA Certificate (from the Society of Actuaries) while employed by Allstate.
2. Janice Bradley has never had an FSA Certificate (from the Society of Actuaries) while employed by Allstate.

My subpoena (which you delivered on Friday, December 4, 2020), had a *Request for Production* labeled **J313** (≈ page 31). It asked for documents that would show that Witness Bradley has never attained an actuarial credential with the Society of Actuaries (eg, ASA/FSA).. I'm willing to rescind those **J309** document requests if you would just stipulate to the two facts from above (ie, ASA, FSA).

I think this rescission would help reduce the workload surrounding a potential motion to quash - in the spirit of Rule 1 Fed.R.Civ.P, Rule 1.01 Local Rules of the USFLMD ("*just, speedy, inexpensive determination...*"), Local Rule 2.04(h) ("*cooperation...*"), and Local Rule 3.01(g) ("*...good faith effort...stipulate...*").

So, may you please stipulate that Employee Janice Bradley does not have either actuarial credential ASA, FSA)?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://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 <justice.actuarial@gmail.com>  
**Sent:** Thursday, December 17, 2020 4:37 PM  
**To:** MRamos@littler.com  
**Cc:** MFilmore@littler.com; LShelnut@littler.com; 'Doud, Kimberly' <KDoud@littler.com>  
**Subject:** RE: Stipulation of Fact (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

In exchange for removing **RFP J308 (SOA Transcript)**, may you please stipulate the following facts with me:

1. Janice Bradley never passed an actuarial exam prior to her employment with Allstate.
2. Janice Bradley never passed an actuarial exam during her employment with Allstate.

My subpoena (which you delivered on Friday, December 4, 2020), had a *Request for Production* labeled **J308** (≈ page 30). It asked for documents that would show that Witness Bradley never passed an actuarial exam. I'm willing to rescind those **J308** document requests if you would just stipulate to the two facts from above (ie, none prior, none during).

I think this rescission would help reduce the workload surrounding a potential motion to quash (and/or a motion to stay discovery) - in the spirit of Rule 1 Fed.R.Civ.P, Rule 1.01 Local Rules of the USFLMD ("*just, speedy, inexpensive determination...*"), Local Rule 2.04(h) ("*cooperation...*"), and Local Rule 3.01(g) ("*...good faith effort...stipulate...*").

So, may you please stipulate that Employee Janice Bradley has never passed an actuarial exam?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://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 <justice.actuarial@gmail.com>  
**Sent:** Friday, December 18, 2020 8:16 AM  
**To:** MRamos@littler.com  
**Cc:** MFilemore@littler.com; LShelnut@littler.com; 'Doud, Kimberly' <KDoud@littler.com>  
**Subject:** Discovery Stipulation | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

In exchange for removing **RFPs J113-J115 (Pay Disparity)**, may you please agree to the following stipulations with me:

1. Allstate will produce all of Janice Bradley's W2s from 2013 to today's date\*.
  2. Allstate will produce all of Janice Bradley's 1099 from 2013 to today's date\*\*.
  3. Allstate will produce all of Janice Bradley's wage information from 2013 to today's date.
- \*W2 = IRS Form W-2; the wage & tax statement that employers send to their employees  
\*\* 1099 = IRS Form 1099 (all iterations)

My subpoena (which you delivered on Friday, December 4, 2020), had three *Requests for Production* labeled **J113, J114, and J115** (≈ pages 25-27). It asked for documents that would show the wages that Defendant paid Employee Bradley. I'm willing to rescind those **J113/J114/J115** document requests if you would just agree to provide the income information yourself.

I think this rescission would help reduce the workload surrounding a potential motion to quash (and/or a motion to stay discovery) - in the spirit of Rule 1 Fed.R.Civ.P, Rule 1.01 Local Rules of the USFLMD ("*just, speedy, inexpensive determination...*"), Local Rule 2.04(h) ("*cooperation...*"), and Local Rule 3.01(g) ("*...good faith effort...stipulate...*").

So, may you please agree to provide Employee Bradley's wage information?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
Federal Case No.: 3:20-cv-00905-MMH-JRK  
Duval Case No.: 2020-CA-003802-XXXX  
FCHR Case No.: 2019-19238  
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3709 San Pablo Rd. S. #701  
Jacksonville, FL 32224

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**From:** justice.actuarial@gmail.com <justice.actuarial@gmail.com>  
**Sent:** Friday, December 18, 2020 9:17 AM  
**To:** MRamos@littler.com  
**Cc:** MFilemore@littler.com; LShelnut@littler.com; 'Doud, Kimberly' <KDoud@littler.com>  
**Subject:** Suspended Requests | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination | Non-Party Production (Bradley, Janice)

---

Hello Allstate,

In an effort to help streamline this case, I'm going to **temporarily suspend\*** the following discovery requests:

| <u>ID</u>   | <u>Title</u>              |
|-------------|---------------------------|
| <b>J103</b> | Communications (Allstate) |
| <b>J104</b> | Communications (SOA)      |
| <b>J225</b> | Littler Emails            |
| <b>J226</b> | Legal Representation      |
| <b>J310</b> | Myrick                    |
| <b>J311</b> | Higgins                   |

\*Temporarily Suspend = release the discovered party (ie, Employee Bradley) from the need to have to produce the material. This release is not permanent; and, thus, the discovered party may be required to oblige at a later date (see Rule 26(e)(1) Fed.R.Civ.P.).

My subpoena (which you delivered on Friday, December 4, 2020), had these *Requests for Production* (≈ pages 23-33).

I think this suspension would help reduce the workload surrounding a potential motion to quash (and/or a motion to stay discovery) - in the spirit of Rule 1 Fed.R.Civ.P, Rule 1.01 Local Rules of the USFLMD ("*just, speedy, inexpensive determination...*"), Local Rule 2.04(h) ("*cooperation...*"), and Local Rule 3.01(g) ("*...good faith effort...stipulate...*").

So, may you please agree to provide Employee Bradley's wage information?

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
 Federal Case No.: 3:20-cv-00905-MMH-JRK  
 Duval Case No.: 2020-CA-003802-XXXX  
 FCHR Case No.: 2019-19238  
 904.294.0026 | [justice.actuarial@gmail.com](mailto:justice.actuarial@gmail.com) | [www.TextBookDiscrimination.com](http://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 <justice.actuarial@gmail.com>  
**Sent:** Friday, December 18, 2020 10:12 AM  
**To:** MRamos@littler.com  
**Cc:** KDoud@littler.com; LShelnut@littler.com; 'Filmore, Michelle A.' <MFilmore@littler.com>  
**Subject:** RE: Makere v. Allstate Insurance Company - Case No. 3:20-cv-00905-MMH-JRK | Conferral On Defendant's Motion to Stay Discovery and Motion for Protective Order

Hello Allstate,

I'm still committed to resolving the discovery issues that you've presented (Local Rule 3.01(g)). Here's a snapshot of everything:

| #  | ID   | Title                               | Status                          | Pending Party* |
|----|------|-------------------------------------|---------------------------------|----------------|
| 1  | J103 | Communications (Allstate)           | suspended                       | n/a            |
| 2  | J104 | Communications (SOA)                | suspended                       | n/a            |
| 3  | J113 | Pay Disparity (IRS Form W-2)        | pending (stipulated rescission) | Defendant      |
| 4  | J114 | Pay Disparity (IRS Tax Form 1099)   | pending (stipulated rescission) | Defendant      |
| 5  | J115 | Pay Disparity (IRS Tax Transcripts) | pending (stipulated rescission) | Defendant      |
| 6  | J225 | Littler Emails                      | suspended                       | n/a            |
| 7  | J226 | Legal Representation                | suspended                       | n/a            |
| 8  | J308 | SOA Transcript                      | pending (stipulated rescission) | Defendant      |
| 9  | J309 | SOA Certificates                    | pending (stipulated rescission) | Defendant      |
| 10 | J310 | Myrick                              | suspended                       | n/a            |
| 11 | J311 | Higgins                             | suspended                       | n/a            |
| 12 | J313 | Work-from-Home Privilege            | pending (stipulated rescission) | Defendant      |
| 13 | J997 | Demographics Identification         | rescinded                       | n/a            |

\*Pending Party = the party that is currently responsible for the next update

Please note that these thirteen items encompass the entire Discovery Request to Non-Party Janice Bradley. As you can see, I've rescinded one, suspended six, and asked for stipulations on the rest. So, I believe *the ball is in your court*.

- I. With that, I think **you possess** the relief you're seeking in your *Motion to Quash*.
- II. Also, I think your prospective '*Motion for Protective Order on Non-Party Bradley*' is almost entirely dependent on your stipulations. May you please tell me: **do you seek a protective order on Non-Party Bradley regardless of the thirteen RFPs in Plaintiff's subpoena?**
- III. Lastly, considering the circumstances (timing, objections to Bradley, no objections to the SOA), I think your potential '*Motion to Stay Discovery*' is largely based on discovery on your employee(s). I've tried to address that with the rescissions, suspensions, and stipulations. I'm still committed to alleviating issues and/or joining your motion. **May you please tell me all the grounds for which you base your potential '*Motion to Stay Discovery*'?**

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant  
 Federal Case No.: 3:20-cv-00905-MMH-JRK

Duval Case No.: 2020-CA-003802-XXXX

FCHR Case No.: 2019-19238

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Jacksonville, FL 32224

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# EXHIBIT E

Discovery Concessions  
(waivers, rescissions, suspensions)

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

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

---

**JOINT AGREEMENT FOR THE WAIVER OF SERVICE  
ON NON-PARTY JANICE BRADLEY  
(AN EMPLOYEE OF DEFENDANT)**

---

Pursuant to Rule 1 Fed. R. Civ. P., the parties agree to waive service of process on the following individual (who is not a party to this action, but is an employee of Defendant):

Janice Bradley

Plaintiff will send his subpoena to Defendant's trial counsel, who will then deliver it to the individual (accord **Appendix A**).

Dated this 3rd day of December 2020.

/S/ Kimberly J. Doud  
Kimberly J. Doud, Esquire  
(0523771)  
E: kdoud@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 lawyer)

/s/ Elias Makere  
**ELIAS MAKERE, FSA, MAAA**  
3709 San Pablo Rd. S # 701  
Jacksonville, FL 32224  
P: (904) 294-0026  
E: justice.actuarial@gmail.com  
W: [TextBookDiscrimination.com](http://TextBookDiscrimination.com)  
Get **Booked Up** On Justice!

(Plaintiff, Pro Se)

# APPENDIX

[RETURN OF SERVICE]

**AFFIDAVIT OF SERVICE**

**Court:** US District Court, Florida, Middle District  
**Case No.:** 3:20-cv-00905-MMH-JRK  
**Plaintiff:** Elias Makere, FSA, MAAA  
**Defendant:** Allstate Insurance Company  
**Date Delivered:** December 4, 2020

I received this subpoena for Janice Bradley on December 4, 2020. This individual is one of Defendant's employees.

- I delivered a true copy of this subpoena via electronic mail.
- The date of delivery was December 4, 2020.

Plaintiff and Defendant previously agreed to this form of service.

I declare under penalty of perjury that this information is true.

Dated: December 4, 2020.      Respectfully submitted,

LITTLER MENDELSON, P.C.

BY: /s/ Kimberly J. Doud  
Kimberly J. Doud, Esquire  
Fla. Bar No.: 523771  
Email: [kdoud@littler.com](mailto:kdoud@littler.com)

Michele A. Ramos, Esq.  
Florida Bar No.: 1008119  
Email: [mrmos@littler.com](mailto:mrmos@littler.com)

111 N. Orange Avenue, Suite 1750  
Orlando, Florida 32801-2366  
Telephone: (407) 393-2942  
Facsimile: (407) 393-2929

Counsel for Defendant

ELIAS MAKERE, FSA, MAAA

Plaintiff

V.

ALLSTATE INSURANCE COMPANY,

Defendant

Case No (LT)  
**3:20-cv-00905-MMH-JRK**

**NOTICE OF RESCINDED DISCOVERY REQUEST  
(J997)**

PLEASE TAKE NOTICE that Non-Party Janice Bradley does **not** have to respond to Discovery Request **J997**. Details are as follows:

1. On December 4, 2020, Plaintiff effectuated subpoena service for a *Request for Production* (hereinafter "The Request"). It was directed to Janice Bradley (a non-party).
2. The Request contained several, labeled items for production. The last of which was labeled "J997". It was for "Demographics Identification".
3. On December 17, 2020, Plaintiff and Defendant agreed to a stipulation of facts (pertaining to **J997**).
4. As such, Plaintiff no longer needs a response to **J997**.

WHEREFORE, Plaintiff would like to inform Non-Party Janice Bradley that she does not need to respond to discovery request **J997**. All other parts of The Request, however, are still due.

**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 Local Rule 1.05(a).

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of December 2020, I emailed the foregoing to the attached service list. Pursuant to civil rules, Plaintiff has not filed it elsewhere.

**/s/ Elias Makere**

**ELIAS MAKERE, FSA, MAAA**, Plaintiff  
3709 San Pablo Rd. S # 701  
Jacksonville, FL 32224  
P: (904) 294-0026  
E: justice.actuarial@gmail.com  
W: [TextBookDiscrimination.com/Allstate](https://TextBookDiscrimination.com/Allstate)  
Get **Booked Up** on Justice!

**SERVICE LIST**

---

Kimberly J. Doud, Esquire (0523771)  
Heather A. Johnson, Esquire (*pro hac vice*)  
Michele A. Ramos, Esquire (1008119)

E: kdoud@littler.com  
E: hajohnson@littler.com  
E: mramos@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*)

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ELIAS MAKERE, FSA, MAAA

Plaintiff

V.

ALLSTATE INSURANCE COMPANY,

Defendant

Case No (LT)

**3:20-cv-00905-MMH-JRK**

**NOTICE OF SUSPENDED DISCOVERY REQUESTS**  
**[PERSON 310]**

PLEASE TAKE NOTICE that Non-Party Janice Bradley does **not** have to respond to the following discovery requests by the prescribed due date:

| <u>ID</u>   | <u>Title</u>              | <u>Page</u> |
|-------------|---------------------------|-------------|
| <b>J103</b> | Communications (Allstate) | 23          |
| <b>J104</b> | Communications (SOA)      | 24          |
| <b>J225</b> | Littler Emails            | 28          |
| <b>J226</b> | Legal Representation      | 29          |
| <b>J310</b> | Myrick                    | 32          |
| <b>J311</b> | Higgins                   | 33          |

1. On December 4, 2020, Plaintiff effectuated subpoena service for a *Request for Production* (hereinafter "The Request"). It was directed towards Janice Bradley (a non-party).
2. The Request contained several labeled items for production. All of which were due within 20 days.
3. On December 18, 2020, Plaintiff notified Defendant that he would suspend the above-listed discovery requests.

4. As such, Plaintiff does not currently seek responses to these listed requests (ie, **J103/J104/J225/J226/J310/J311**).

5. At a later time, Plaintiff may reinstate any or all of them.

WHEREFORE, Plaintiff would like to inform Non-Party Janice Bradley that - at this time - she does not need to respond to the discovery requests listed above. All other parts of The Request, however, are still due.

Respectfully submitted,

/s/ Elias Makere

**ELIAS MAKERE, FSA, MAAA**, Plaintiff

3709 San Pablo Rd. S # 701

Jacksonville, FL 32224

P: (904) 294-0026

E: justice.actuarial@gmail.com

W: [TextBookDiscrimination.com/Allstate](http://TextBookDiscrimination.com/Allstate)

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#### **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 Local Rule 1.05(a).

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of December 2020, I emailed the foregoing to the attached service list. Pursuant to civil rules, Plaintiff has not filed it elsewhere.

**SERVICE LIST**

---

Kimberly J. Doud, Esquire (0523771)  
Heather A. Johnson, Esquire (*pro hac vice*)  
Michele A. Ramos, Esquire (1008119)

E: kdoud@littler.com  
E: hajohnson@littler.com  
E: mramos@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*)

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# EXHIBIT F

Plaintiff's Use of 'Legal Hotline'

(signed contracts)

# Legal Information Program

## Limited Scope Agreement

The Legal Information Program, a project sponsored by the Jacksonville, Orlando, and Tampa chapters of the Federal Bar Association, provides limited legal information to people proceeding in federal court without a lawyer. The program is staffed by lawyers from Jacksonville Area Legal Aid, Community Legal Services of Mid Florida, and Bay Area Legal Services.

### Scope of Services

If you are proceeding in federal court without a lawyer (either as the plaintiff or the defendant), you may meet face-to-face with a licensed lawyer for limited legal information during program hours. The lawyers do not, cannot, and will not represent you. No matter how many times you use the program, you will continue to represent yourself and continue to make your own decisions about your case.

Here's what the lawyers may do:

- ✓ Provide information about federal court procedures
- ✓ Provide information about law applied to the facts
- ✓ Provide information about where a case should be filed
- ✓ Provide information about orders or other paperwork
- ✓ Provide information about preparing pleadings
- ✓ Provide information about preparing motions
- ✓ Provide information about discovery practices
- ✓ Provide information about mediation and settlement
- ✓ Provide guidance on where to access legal information
- ✓ Provide information about courtroom attire and decorum
- ✓ Provide referrals to other services, if appropriate

Here's what the lawyers may not do:

- ✗ Not provide help with a criminal matter
- ✗ Not provide help with an immigration matter
- ✗ Not provide help with a bankruptcy matter
- ✗ Not provide help with a state-court matter
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- ✗ Not provide help by computer or, in most instances, by telephone
- ✗ Not provide research or write documents
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- ✗ Not provide any appearance on someone's behalf
- ✗ Not pay costs or fees incurred by a party
- ✗ Not provide help obtaining appointed counsel or serve as counsel
- ✗ Not provide help if the lawyer already helped the opponent
- ✗ Not provide help if it would violate Florida Bar rules
- ✗ Not provide help to someone found to be vexatious
- ✗ Not provide help to someone who overuses the program

# Legal Information Program

## Duration of Legal Help

This agreement to help you ends when your appointment is over. The lawyer will not help you after the appointment. You remain your own legal representative. Each time you seek help through the program, you must sign a new agreement. The program resources are limited, so if your claim is deemed without merit or frivolous, or you are deemed to overuse the program, you cannot continue to use it.

## Cooperation

To be the most helpful he or she can be, the lawyer needs your full and complete cooperation. You agree to answer any question truthfully, completely, and to the best of your knowledge. The lawyer's services are limited by the information you provide. If you do not cooperate fully and truthfully, you may not use the program.

## Attorney's Fees & Costs

Filing or defending a case costs money. The program will pay no fees or costs associated with your case. You are responsible for all fees and costs. The lawyer may provide information about how to request a waiver of court filing fees. The lawyer will not charge you an attorney's fee.

## Declining to Help

The program provides limited help on a one-time or occasional basis. It is a privilege, not a right. The lawyer may decline to help for any reason. Reasons may include your legal problem is beyond program services, the program has helped your opponent, your visits have become too frequent or take up more time than is fair to others, the lawyer believes he or she has already helped you as much as possible, or the lawyer's help would violate the Florida Rules of Professional Conduct.

## Confidentiality

Subject to the limits of the Florida Rules of Professional Conduct, the lawyer you meet with will keep personal information you provide confidential. You must give your informed consent for them to disclose that information. The lawyer may disclose to the Court you used the program but not what you discussed during your visit.

*If you agree to the limited help as described in this agreement, print and sign your name below. The lawyer you meet with will also sign below.*

|                                                 |
|-------------------------------------------------|
| Name: <u>Elias Makere, FSA, MAAAA</u>           |
| Date: <u>11/30/2020</u>                         |
| Phone: <u>904.294.0026</u>                      |
| First Time Program User? <u>Yes (thank you)</u> |
| Signature: <u>/s/ Elias Makere</u>              |

|                          |
|--------------------------|
| Lawyer: _____            |
| Date: _____              |
| Case No. (if any): _____ |
| Signature: _____         |

We would like to make this program the best it can be. Would you be willing to be contacted at a later date to tell us about your experience with it and give feedback on how it can be improved?      **YES** ☐      **NO** ☐

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|                                     |
|-------------------------------------|
| Name: <u>Elias Makere, FSA, MAA</u> |
| Date: <u>12/4/2020</u>              |
| Phone: <u>904.294.0026</u>          |
| First Time Program User? <u>no</u>  |
| Signature: <u>/s/ Elias Makere</u>  |

|                          |
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| Date:                    | <u>12/11/2020</u>              |
| Phone:                   | <u>904.294.0026</u>            |
| First Time Program User? | <u>no</u>                      |
| Signature:               | <u>/s/ Elias Makere</u>        |

|                    |       |
|--------------------|-------|
| Lawyer:            | _____ |
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