

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.

ELIAS MAKERE, FSA, MAAA

Plaintiff

V.

ALLSTATE INSURANCE COMPANY,

Defendant

Case No (LT)

3:20-cv-00905-MMH-JRK

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A REPLY TO
DEFENDANT’S RESPONSE IN OPPOSITION TO
THE SUBPOENA DIRECTED TO THE SOCIETY OF ACTUARIES**

Plaintiff, ELIAS MAKERE, on this 5th day of January 2021, respectfully asks this Honorable Court for permission to file a reply to "*Defendant's Response in Opposition to... Subpoena... Society of Actuaries (A Non-Party)*" (filed on 12/23/20; Dkt No 32) (hereinafter "That Filing").

1. Plaintiff has been *pro se* throughout this case.
2. On December 4, 2020, he notified Defendant of his intent to request issuance of a non-party subpoena directed to the Society of Actuaries ("SOA"). For 10 days, Defendant neglected to respond/object.
3. Thus, on December 15, 2020, Plaintiff asked this court to issue/endorse his prospective subpoena (Dkt No 26;) (hereinafter "That Request"). Certifying that he had not "received any objection [from Defendant] in 10+ days".

4. Yet, eight (8) days later, Defendant submitted That Filing.
5. Pursuant to Local Rule 3.01(c)-(d), Plaintiff believes a "reply" to That Filing would satisfy the fair element of a "*just, speedy, and inexpensive determination*" (ie, Rule 1 Fed. R. Civ. P.); for the following reasons:
 - a. First, Plaintiff did not expect That Filing. This is so because Defendant - despite having 10+ days to voice opposition - never objected to That Request.^{1/} If it had then Plaintiff would have relayed as much to this Court.
 - b. Secondly, Plaintiff did not think this Court would construe That Request as a motion (thereby giving way to That Filing). This is so because none of his phone calls (Court Clerk, Legal Hotline^{2/}) or research (USNYWD's docket^{3/}) indicated it would. If he had known, however, then Plaintiff would have fully briefed this Court accordingly.
6. Thus, Plaintiff would like an opportunity to properly brief this Court. In fact, the information in his reply will unearth an important gem. A gem which will further illuminate this Court of an allegation in Plaintiff's Complaint (please see ¶33 from Dkt No 1).
 - a. An allegation that goes to the heart of (i) Defendant's liability; and (ii) Plaintiff's calculation for punitive damages.

7. Moreover, Plaintiff's reply will help highlight That Filing's lack of standing and lack of merit.

Size

8. Pursuant to Local Rule 3.01(c), Plaintiff believes his reply will be roughly 13-18 pages; and similar in structure to Plaintiff's recent submissions (see Dkt No 34, Dkt No 35). Plus, he believes he can submit it within 7 days of a Court order.

CONFERRAL

On January 4, 2021, Defendant told Plaintiff that it opposed this motion. Plaintiff still put forth a sincere effort to resolve the issue (follow-up emails, phone calls), but to no avail. As an end, Defendant avoided his questions & offers with one conclusory objection (**Exhibit A**).

Plaintiff respects Local Rule 3.01(g) but has reached a stalemate.

CONCLUSION

WHEREFORE, Plaintiff respectfully asks this Court to please grant him permission to file a reply to "*Defendant's Response in Opposition to... Subpoena... Society of Actuaries (A Non-Party)*"; and provide any further relief/instruction this Honorable Court deems just and proper.

Dated this 5th day of January 2021.

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

Get **Booked Up** on Justice!

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 5th day of January 2021, 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:

^{1/} Please see Auto-Owners v SE Floating Docks, 231 FRD 426 (USFLMD 2005) where this Court opined that 10 days was ample response time for a party's objection to a non-party subpoena. ^{3/} USNYWD's Docket = PACER's free demo site which has actual dockets from the Western District of New York (2007Q1-Q2).

^{2/} "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*)

Pro Se Comment for Posterity:

May this Honorable Court – in its deliberations on local rules, pro se guides, and discovery handbooks – please consider the challenge a pro se litigant faces with non-party subpoenas. I think that subpoenas, in general, are arcane to the average joe (they are to me). If we're lucky, we'll learn about their mechanical process (especially clunky for pro se litigants serving non-parties).

First, we have to get a blank copy; then fill it out, send it to the court, receive it from the clerk, find a process server, send it to the process server, pay money, pray we did everything right, receive the affidavit of service, file the affidavit with the court, and then await the hijinks the subpoenaed party has in store for us.

As an average joe, I benefit greatly when the Clerk's office streamlines this process (usually by rubber-stamping subpoena requests). I think the benefit is shared, too; especially in light of my current plight: in which my civil opponent [spontaneously] opposed my bland subpoena application. Causing me to ask this court for leave to reply. I think this episode's done more harm than good (for me and for the court).

So, I figured I'd offer this *pro se* commentary in the event you guys view this saga unfavorably.

With all Thanks & Respects to this Honorable Court.
- average joe

EXHIBIT A

Plaintiff’s Good Faith Efforts To Avoid Court Intervention
(pursuant to Local Rule 2.04(h) and 3.01(g))

Emails

1/4/2021 – 1/5/2021

Plaintiff and Defendant

From: justice.actuarial@gmail.com <justice.actuarial@gmail.com>
Sent: Monday, January 4, 2021 8:30 AM
To: KDoud@littler.com;
Cc: MRamos@littler.com; HAJohnson@littler.com
Subject: Leave to Reply (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination |

Hello Allstate,

Do you have any objection to my upcoming "*Motion for Leave to File a Reply to Defendant's Response in Opposition to Plaintiff's Request for Issuance of Subpoena to the SOA (a Non-Party)*"?

I plan on filing it under Rule 1 Fed.R.Civ.P., and Local Rule 3.01 USFLMD.

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

Document:	<i>Plaintiff's Motion for Leave to File a Reply to Defendant's Response in Opposition to Plaintiff's Request for Issuance of Subpoena to the SOAH (a Non-Party)?</i>
------------------	--

Purpose = provide the Court Plaintiff's rationale for the subpoena; especially considering Defendant's refusal to indicate opposition in the 10+ days prior to the subpoena request.

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 | www.TextBookDiscrimination.com
 3709 San Pablo Rd. S. #701
 Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: KDoud@littler.com;
Sent: Monday, January 4, 2021 10:37 AM
To: justice.actuarial@gmail.com
Cc: MRamos@littler.com; MFilmore@littler.com; LShelNut@littler.com
Subject: Re: Leave to Reply (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination |

Mr. Makere,

Allstate objects to your request for leave to file a Reply. Thank you

Kimberly Doud
Shareholder
407.393.2951 direct, 407.864.1852 mobile, 407.641.9263 fax
KDoud@littler.com

From: justice.actuarial@gmail.com <justice.actuarial@gmail.com>
Sent: Monday, January 4, 2021 11:32 AM
To: KDoud@littler.com;
Cc: MRamos@littler.com; MFilmore@littler.com; LShelnut@littler.com
Subject: Re: Leave to Reply (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination |

Hello Allstate,

On what grounds do you object?

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 | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: KDoud@littler.com;
Sent: Monday, January 4, 2021 11:45 AM
To: justice.actuarial@gmail.com
Cc: MRamos@littler.com; MFilmore@littler.com; LShelNut@littler.com
Subject: Re: Leave to Reply (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination |

There is no basis for a Reply and no requirement for Allstate to respond within 10 days. Thank you.

Kimberly Doud
Shareholder
407.393.2951 direct, 407.864.1852 mobile, 407.641.9263 fax
KDoud@littler.com

From: justice.actuarial@gmail.com <justice.actuarial@gmail.com>
Sent: Tuesday, January 5, 2021 8:01 AM
To: KDoud@littler.com;
Cc: MRamos@littler.com; MFilmore@littler.com; LShelNut@littler.com
Subject: Re: Leave to Reply (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination |

Dear Allstate,

Basis = Local Rule 3.01 USFLMD

"(d) A motion requesting leave to file... a reply... shall specify the length..."

Also, 10 days was ample time. Please see Auto-Owners v SE Floating Docks, 231 FRD 426 (USFLMD 2005).

USFLMD = US District Court, Florida, Middle District

Does this help or are you staying put on your opposition?

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 | 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: Tuesday, January 5, 2021 3:41 PM
To: KDoud@littler.com;
Cc: MRamos@littler.com; MFilemore@littler.com; LShelNut@littler.com
Subject: Re: Leave to Reply (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination |

Hello Allstate,

I haven't heard back from you (note: I've also called you multiple times), and I need to exhaust all potential resolutions to this impending filing.

May you please answer these questions:

- In light of this morning's email (ie, Local Rule 3.01, Auto-Owners v SE Floating Docks, 231 FRD 426), are you still in **opposition** to my *Motion for Leave*?
- What **harm** would a reply cause you?
- Are you willing to **rescind** your filing?
 - "Your Filing" = "*Defendant's Response in Opposition to Plaintiff's Request for Issuance of a Subpoena Directed to the Society of Actuaries (A Non-Party)*" (Dkt No. 32; 12/23/20)

Further delays are harming my case.

Please let me know as soon as possible.

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 | www.TextBookDiscrimination.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.

From: KDoud@littler.com;
Sent: Tuesday, January 5, 2021 3:51 PM
To: justice.actuarial@gmail.com
Cc: MRamos@littler.com; MFilmore@littler.com; LShelNut@littler.com
Subject: Re: Leave to Reply (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employment Discrimination |

Mr. Makere:

Allstate objects to your request for leave to file a Reply. Thank you.

Kimberly Doud
Shareholder
407.393.2951 direct, 407.864.1852 mobile, 407.641.9263 fax
KDoud@littler.com

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.