

PLAINTIFF' S AFFIDAVIT

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

ELIAS MAKERE, FSA, MAAA	)	Case No (LT)
Plaintiff	)	3:20-cv-00905-MMH-LLL
	)	
v.	)	
	)	
ALLSTATE INSURANCE COMPANY,	)	
Defendant	)	

**PLAINTIFF’S AFFIDAVIT IN SUPPORT OF
‘PLAINTIFF’S RENEWED MOTION FOR SANCTIONS’**

The affiant, Elias Makere, swears or affirms as follows:

Background

1. I am over the age of eighteen (18).
2. I am a plaintiff in the above-captioned case.
3. This affidavit is made in good faith.

Familiarity

4. I have read the Local Rules of Court, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Middle District’s Discovery Handbook, and much more.
5. The information in this affidavit is based on my own personal knowledge.

Facts

6. Allstate has been operating in bad faith throughout this entire legal action.

7. It's done so by hurling lie after lie. This pattern dates back many years.

a. In 2015 - when I worked for Allstate - management knew I didn't want to be around my harassers. Yet they forced me to be near them. They did so in the face of letting everyone else work from home.

i. They fibbed by saying '*sitting hear my coworkers was a condition of my employment.*' Of course, that so-called condition was a discriminatory lie.

ii. Allstate let everyone else (in the actuarial department; and otherwise) work from home. In other words, the condition never existed, but Allstate fabricated it to injure me.

b. In 2016, Allstate knew that failure of an FSA exam was not a fire-able offense (or any offense - for that matter). Yet they used that as an excuse to terminate my employment. They did so in the face of letting everyone else fail actuarial exams.

i. Allstate fibbed by saying they fired me "solely" because I failed actuarial exam number nine (out of 10). Of course, that was a lie.

- ii. They fired me due to their adherence to discrimination/retaliation.
 - iii. They had dozens of other employees who also failed actuarial exams (some who passed 0). Allstate never fired them, though. In fact, Allstate promoted some of them (into my newly-terminated job). All of whom, importantly, were of a different demographic.
- c. In 2018, Allstate knew that one of their employees put a racist doll on my desk (which sat there for months). Yet, they claimed that no one ever did such a thing (even adding that they investigated the matter). Of course, the person [who put the racist doll on my desk] admitted it - at all times.
8. The lie that Allstate told on May 21, 2021 was - at the time (perhaps) - its biggest lie.
- a. As before (ie, ¶7a-7c), Allstate knew that I would seek sanctions for its lies. This Court, though, used a technicality to let Allstate off the hook.
 - b. So - just as I had originally foretold (see {#59}), unfortunately - Allstate continued its subterfuge (¶9 *infra*).
9. On April 11, 2024 Allstate repeated its lie (about being charged with sex discrimination).

10. That same day (ie, 4/11/24), Allstate compounded its lie with another material falsehood (about me filing my 2nd charge on April 10, 2019).

11. The fact-of-the-matter is that Allstate has continually lied about its unlawful discrimination. It's enlisted others along the way, and it's poised to do more lying in the future.

a. During my phone call with Allstate, the employer - once again - dodged my simple 'yes-or-no' questions. Allstate thereby ended the call by invoking the stereotyped retreat of 'dark-guy-is-discomforting-me' (eg, "are you threatening me?" - **Transcript A at 22**). Allstate pulled this obstructionist's stunt earlier (during our [original] sanctions call on 6/11/2021).

i. Allstate, of course, has used that stereotyped retreat many times before.

b. So, I put the same questions in writing; and emailed them.

Yet - once again - Allstate refused to give direct answers to any of them.

12. In short, Allstate's stereotyped retreat was fake; its presentation of integrity was fake; and its contentions of material fact were also fake. The records prove it, and a short hearing should force the company to either: (a) fess up; (b) vocalize its frauds; and/or (c) remain silent. All of which will lead to sanctions.

Request

13. May you please penalize Allstate's fraud-upon-the-court?

14. Also, may you please hold a short hearing/conference to ask

Allstate the following questions:

- a. *"Did Elias Makere's 6/30/17 administrative charge [of employment discrimination] list sex discrimination?"*
- b. *"On September 8, 2017, did you acknowledge that Elias Makere's discrimination complaint was on the basis of race and sex?"*
- c. *"On May 21, 2021, did you lie about whether Elias Makere charged you with sex discrimination?"*
- d. *"On April 11, 2024, did you lie about whether Elias Makere charged you with sex discrimination?"*
- e. *"Did Elias Makere's 4/10/19 email ask the FCHR to investigate you for employment discrimination?"*
- f. *"Did the FCHR put a timestamp (which read '2019 APR 10 PM 2:35) on Elias Makere's 'Second Charge'?"*
- g. *"On February 9, 2021, did Elias Makere file a court document which showed a true & correct copy of his [officially-timestamped] 'Second Charge'?"*
- h. *"On October 31, 2023, did you claim that April 26, 2019 was the filing date of Elias Makere's 'Second Charge'?"*

i. "On March 26, 2024, did the Court judicially notice the fact that Elias Makere filed his 'Second Charge' on April 10, 2019?"

j. "On April 11, 2024, did you lie about the filing date of Elias Makere's 'Second Charge'?"

Allstate's responses to those questions lead to grounds for sanctions.

15. Lastly, may you please enter final judgment against Allstate?

Thank you.

Verification Under Oath Pursuant to 28 USC §1746

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 6th day of May 2024.

UNITED STATES OF AMERICA



/s/ Elias Makere 5/6/2024

Elias Makere, Plaintiff/Affiant
