

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.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA, TALLAHASSEE DIVISION

ELIAS MAKERE, FSA, MAAA	)	<u>Case No (LT) ND</u>
	)	4:22-cv-00315
Plaintiff,	)	
vs.	)	
MARTIN FITZPATRICK; CHARLES SCHREIBER;	)	
MARK WALKER; USFLND; MICHAEL FRANK;	)	
ALLEN WINSOR; HOPE CANNON;	)	
	)	
Defendants,	)	

**PLAINTIFF’S RESPONSE IN OPPOSITION TO
DEFENDANT SCHREIBER’S MOTION FOR SANCTIONS**

Plaintiff, ELIAS MAKERE, on this 31st day of August 2022,
respectfully asks this Court to deny Defendant Schreiber’s “*Motion for Rule
11 Sanctions*” (hereinafter “That Motion”) (filed on-or-around 8/23/22).

Key Points:

- A.) Points redundant; no misconduct
- B.) Grounds *abuse of process*

Table of Contents:	
Context	3 rd Page
Response	4 th Page
Certificates	12 th Page
Exhibits	14 th Page

In this latest round of defendant's attack-on-black, he leads with a right haymaker. Followed up with a right jab.

With his two punches aimed at plaintiff's opening stance, defendant misses; landing on nothing but hot air.

So, may this Court reject defendant's repeated strike, deduct points, and make hay with its inherent power to punish redundancies.

Background:	Schreiber filed a motion to dismiss; and filled it with lies
Problem:	Schreiber sought further dismissal; in a redundant filing
Request:	This Court denies Defendant's motion

Rule 1 | Fed. R. Civ. P. | (emphasis added)

“[These rules] should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”

Rule 12(f) | Fed. R. Civ. P. | (emphasis added)

“The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter”

Precedence

- 5:18-cv-00271-MCR-MJF - USFLND (5/27/21)
- 3:19-cv-00963-MCR-GRJ - USFLMD (4/6/22)
- 3:20-cv-05506-MCR-EMT - USFLMD (3/14/22)

USFLND regularly denies similar motions for sanctions

Abbreviations

- [C###] - Paragraph ### from The Complaint^{2/}
- [M###] - Page ### from ‘That Motion’
- [O###] - Page ### from ‘That Other Motion’
- USFLMD - US District Court, Florida, Middle District
- USFLND - US District Court, Florida, Northern District
- USLAED - US District Court, Louisiana, Eastern District

RESPONSE

I. Background

A. First Federal Action (*Makere v Allstate*)

1. On August 20, 2020, Plaintiff sued Allstate Insurance Company for employment discrimination {3:20-cv-00905; USFLMD}. The action was/is on the bases of race/sex/color/retaliation; and brought under many state & federal statutes. The case continues to this day; albeit hampered by unconstitutional conduct of state actors.

B. Second Federal Action (*Makere v Early*)

2. On-or-around January 31, 2021, Plaintiff sued Edward Gary Early (a state hearing officer) for constitutional deprivations {4:21-cv-00096; USFLND} (hereinafter “That Case”). The action was brought under federal law. It – like the first action – continues to this day; albeit hampered by unconstitutional conduct of other public officers.

C. Current Federal Action (*Makere v Fitzpatrick, et al*)

3. On-or-around April 26, 2022, Plaintiff sued the above-captioned Defendants for constitutional violations. Therein, Plaintiff levied two counts against Defendant Schreiber. The first was through 42 USC §1983 (‘*Ku Klux Klan Act of 1871*’), while the second was through 42 USC §1985.

D. Ultimate Facts

4. Defendant Schreiber entered into a pre-suit pact to deprive Plaintiff of Plaintiff's constitutional rights [C088]. His plan was pockmarked by invidious discrimination on the bases of race & sex. Plus, he was motivated by unlawful contributions (bribes).
5. Defendant Schreiber performed his role in the conspiracy by:
 - a. accepting bribes [C047];
 - b. lying [C050-C054];
 - c. altering electronic records;
 - d. appearing in That Case without authority [C053]; and
 - e. interfering in That Case [C048-C054].
6. To be more specific, Defendant Schreiber's unauthorized lie was captured in public record.
 - a. On March 11, 2022, he admitted (to USFLND) that Plaintiff had sued Mr. Early in Mr. Early's individual capacity only.

This was true.
 - b. However, on that same day (ie, 3/11/22) – and in that same court document – Defendant Schreiber said the opposite.
7. **Defendant Schreiber lied**, and he used that lie as the basis for his appearance/interference in That Case. As an Assistant Attorney General (FL),

Defendant Schreiber was/is prohibited from representing public officials sued solely in their individual capacities (ie, Mr. Early) [C053].

8. As such, Plaintiff has sought both declaratory and injunctive relief against Defendant Schreiber [C146-C147]. Injunctive relief, importantly, aimed at ‘*Enjoining Defendant Schreiber from committing further violations of §1983/§1985*’ and ‘*ever participating in a case in which his client is being sued solely in an individual capacity*’. Such relief cannot come soon enough.

E. Simultaneous State Action (*Makere v Gorsica*)

9. On June 30, 2022, Plaintiff sued Stanley G. Gorsica for similar constitutional deprivations {2022-CA-3804; Duval County; FL}.
10. On August 19, 2022, Mr. Gorsica defaulted on the lawsuit.
11. However, five days later (and seven days late), Defendant Schreiber hopped onto the case to thwart Plaintiff’s recovery of damages (from Mr. Gorsica). Defendant Schreiber – once again – couched his interference on two crucial lies.
 - a. One of which was the same lie he told in That Case (¶6).

12. The *Makere v. Gorsica* case continues to this day; albeit obstructed by Defendant Schreiber’s lie-filled interference.

F. Recent Activity in the Instant Action

13. On August 10, 2022, Defendant Schreiber filed a motion to dismiss this case (“That Other Motion”).

14. Roughly thirteen (13) days later ($\approx$ 8/23/22) Defendant Schreiber filed That Motion.

15. A week after that, USFLMD transferred this action into this Court.

16. Plaintiff has since responded to both requests.

II. Factual Analysis & Summary

17. That Motion and That Other Motion seek the same relief.

18. On page 26 of That Other Motion, Defendant Schreiber asks for full dismissal of this action:

“WHEREFORE, Defendant SCHREIBER respectfully requests that the Court enter an order granting this motion to dismiss, dismissing the Second Amended Complaint with prejudice.

– [O026]

19. On page 22 of That Motion, Defendant Schreiber also asks for full dismissal of this action:

“SCHREIBER respectfully requests that the Court:
• Dismiss this matter with prejudice”

– [M022]

20. Importantly, That Motion was not conditioned on Plaintiff correcting any purported transgression. It was not conditioned on anything, in fact. Instead, Defendant Schreiber gave Plaintiff an ultimatum:

“[That Motion] is not subject to negotiation. Either you do as I ask in the Motion or you can respond to the Motion
– Charles JF Schreiber, Jr (email via counsel); 3:36 PM EST on 8/19/22

21. In response to Plaintiff’s due process follow-up, **Defendant Schreiber made it clear that the only thing That Motion was asking Plaintiff to do was dismiss Defendant Schreiber from this case [Exhibit A].**

22. Moreover, Defendant Schreiber told Plaintiff (over-the-phone) that Defendant Schreiber had neither (a) gotten his co-defendants’ consent; nor (b) spoken with Allstate about That Motion’s requested relief

23. In short, Defendant Schreiber asked the Court to dismiss him from this action. Then he filed another motion asking this Court to do the exact same thing. Therefore, That Motion is a redundant re-pleading of That Other Motion.

III. Plaintiff’s Argument Against That Motion

24. As a redundant filing, That Motion is a below-the-belt strike; one which flout’s this Court’s integrity.

25. In Travelers v. St. Jude, USLAED held that redundant motions retard the litigation process (highlights added):

“The Court finds that counsel for defendants have multiplied the proceedings in this case unreasonably and vexatiously by the filing of defendants' motions to disqualify”

– Travelers v. St. Jude, 154 F.R.D. 143 (USLAED 1994)

“Defense counsel has badgered the Court with these various motions without basis in fact or law, in an attempt to intimidate the Court and retard the progress of the litigation.”

– Travelers v. St. Jude, 154 F.R.D. 143 (USLAED 1994)

In the instant case, That Motion is the ‘retarding’ force that Defendant Schreiber has “badgered” this Court with.

26. Perhaps more poignant is USFLMD’s decision in the Tampa v. SEL Maduro case; which rebuked a re-requesting motion (highlights added):

“[the motion] served no purpose other than to request relief already requested, and to circumvent notice requirements and the spirit of the Federal Rules of Civil Procedure”

“ ... ”

“The relief requested by Plaintiff in its Emergency Motion and in its complaint are materially the same.”

“ ... ”

“The facts of the relief requested in the complaint and Emergency Motion, combined with the notice Plaintiff provided to Defendant lead this Court to question Plaintiffs compliance with the spirit of the Federal Rules of Civil Procedure, which require good faith and fair play, and disapprove ambush tactics and game-playing.”

– Tampa Maritime v. SEL Maduro, 849 F.Supp. 1535 (USFLMD 1994)

27. In the instant action, That Motion’s redundancy has showcased Defendant Schreiber’s “game-playing”. Its preceding ultimatum, of course, emblazoned its lack of good faith (highlights added):¹⁷

“The term “confer” requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter.”

– Division CV-E Rule III(I), Duval County (FL)

28. Ultimately, the Tampa decision took these factors (ie, good faith, redundancy) into consideration when it punished the mispleader (highlights added):

“28 U.S.C. § 1927 permits a court to order payment of excess costs, expenses and attorney’s fees reasonably incurred as a result of an attorney or other person’s conduct that multiplies proceedings in an unreasonable or vexatious manner. As this Court has found that Plaintiffs Emergency Motion served no purpose other than to request relief already requested, and to circumvent notice requirements and the spirit of the Federal Rules of Civil Procedure, this Court can only determine that the filing of the Emergency Motion was unreasonable, multiplicitious, and vexatious. For that reason, this Court finds Plaintiff liable to Defendant for Defendant’s attorney’s fees and costs incurred by Defendant in seeking to vacate the Court’s February 16, 1994 Order granting Plaintiffs Emergency Motion to Enforce Interim Payment Requirements.”

– Tampa Maritime v. SEL Maduro, 849 F.Supp. 1535 (USFLMD 1994)

29. The Tampa decision fits this matter perfectly. Because – in the instant action – Defendant Schreiber filed That Motion for “*no purpose other than to request relief already requested*” (in That Other Motion). “*For that reason*”, this Court is well-positioned to reject it (especially given the power Rule 12(f) Fed. R. Civ. P. bestows upon this Court).

CONCLUSION

WHEREFORE, Plaintiff respectfully asks this Court to deny Defendant Schreiber’s “*Motion for Sanctions*”, because it is a redundant request; one cloned from the same lies/misrepresentations which That Other Motion was fraught with. Plaintiff also asks this Court for all other relief this Court deems just & proper (such as a financial recovery for the work Plaintiff has had to expend on this filing).

Dated this 31st day of August 2022.

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 (contents); thus complying with the font requirements of Local Rule 5.1(C) (USFLND). Also, pursuant to Local Rule 7.1(F), this document has less than 8,000 words (1,625).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of September 2022, I mailed the foregoing to the Clerk of Courts (via ____). I also emailed an electronic copy to the people on the attached service list.

/s/ Elias Makere

Endnotes:

^{1/} Division CV-E Rule III(I) is offered as persuasive authority. Notably, it comes from Florida's 4th Judicial Circuit Court – the court in which this entire action originated.

Link to Underlying Coverup ([HTML](#), [PDF](#), [Video](#))

HTML	TextBookDiscrimination.com/Info/Misc/ALJPerjury/Complaint-Amended.html
PDF	TextBookDiscrimination.com/Files/USFLND/20000096 AAC 20211231 123954.pdf
Video	https://youtu.be/LkfFHLyqg_g

Electronic Copy: (text-searchable)

TextBookDiscrimination.com/Files/USFLMD/22000315 GRSP 20220831 234734.pdf

SERVICE LIST

Ronnie S. Carter, Esquire (948667))
Assistant United States Attorney

T: 904.301.6324
E: Ronnie.Carter@USDOJ.gov

300 N. Hogan St., Ste 700
Jacksonville, FL 32202

*(appearing for Defendants Fitzpatrick/Walker/USFLND) **
*incumbent attorneys due to transfer of district

Miguel Olivella, Esquire (253723)
John Bennett

E: Miguel.Olivella@MyFloridaLegal.com
E: John.Bennett@MyFloridaLegal.com
P: 850.414.3300
F: 850.488.4872

Office of the Attorney General
The Capitol PL-01
Tallahassee, FL 32399-1050

(appearing for Defendant Schreiber)

EXHIBIT A

Emails

From Plaintiff to Defendant Schreiber

Makere v Fitzpatrick, et al
Ku Klux Klan Act of 1871, Bivens

US District Court, Florida, Middle District
3:22-cv-00734

+

US District Court, Florida, Northern District
4:22-cv-00315

8/23/2022

[red arrows added]

From: Justice (Actuarial) <justice.actuarial@gmail.com>
Sent: Tuesday, August 23, 2022 2:42 PM
To: 'Miguel Olivella' <Miguel.Olivella@myfloridalegal.com>
Cc: 'John Bennett' <John.Bennett@myfloridalegal.com>
Subject: RE: Makere v. Fitzpatrick, Case No. 3:22-cv-734 (M.D. Fla.)

Good Afternoon Defendant Schreiber,

This will be my last time asking you to **confirm/clarify what relief you're requesting**. I have a [due process](#) right to know what I'm being accused of (see [Donaldson v. Clark, 819 F.2d 1551 \(11th Cir. 1987\)](#)). Thus, I have to nail down the **facts & information** related to your purported motion for sanctions.

- Info: [Rule 11\(c\) Fed. R. Civ. P.](#) is the controlling authority on Motions for Sanctions
- Info: Rule 11(c)(2) states that the movant **must describe** the specific conduct that allegedly violates jurisprudence
- Info: Rule 11(c)(2) further states that the movant **must rescind** the motion if the alleged violation is cured

Based on what you've written and said, the **only way** you will rescind your purported motion is **if I dismiss** my USFLMD cases (*Makere v Fitzpatrick, Makere v Allstate*).

"My motion is not subject to negotiation. Either you do as I ask in the Motion or you can respond to the Motion"

– Charles JF Schreiber, Jr (via counsel); August 19, 2022 at 1536

- Fact: You are **not authorized** to affect the substantial interests of Defendant **Martin Fitzpatrick** (*Makere v Fitzpatrick et al*; 3:22-cv-00734; USFLMD)
- Fact: You are **not authorized** to affect the substantial interests of Defendant **Mark Walker** (*Makere v Fitzpatrick et al*; 3:22-cv-00734; USFLMD)
- Fact: You are **not authorized** to affect the substantial interests of Defendant **USFLND** (*Makere v Fitzpatrick et al*; 3:22-cv-00734; USFLMD)
- Fact: You are **not authorized** to affect the substantial interests of Defendant **Michael Frank** (*Makere v Fitzpatrick et al*; 3:22-cv-00734; USFLMD)
- Fact: You are **not authorized** to affect the substantial interests of Defendant **Allen Winsor** (*Makere v Fitzpatrick et al*; 3:22-cv-00734; USFLMD)
- Fact: You are **not authorized** to affect the substantial interests of Defendant **Hope Cannon** (*Makere v Fitzpatrick et al*; 3:22-cv-00734; USFLMD)
- Fact: You are **not authorized** to affect the substantial interests of non-party **Allstate Insurance Company** (*Makere v Allstate*; 3:20-cv-00905; USFLMD)
- Fact: You **do not represent** any of the above-named entities in any civil suit involving Plaintiff Elias Makere

So, simple question (for the last time):

- Is your purported Motion for Sanctions **conditioned solely** on whether Elias Makere **dismisses** his lawsuit against Defendant Charles JF Schreiber, Jr.?

Simple Question. Simple Answer ('yes' or 'no'). No Debate.

Important Note: if you don't answer (with a 'yes' or a 'no') by **5PM today (8/23/22)** then I will have to proceed as if the answer is a **'yes'**.

Additional Disclosure: your continued/final refusal to operate in [good faith](#) will be a matter for the court (see [Local Rule 3.01\(g\)](#)). These communications will be evidence.

As always, the attached email outlines the **standards of communication**. So, please govern yourself accordingly.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901
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) <justice.actuarial@gmail.com>
Sent: Tuesday, August 23, 2022 4:11 PM
To: 'Miguel Olivella' <Miguel.Olivella@myfloridalegal.com>
Cc: 'John Bennett' <John.Bennett@myfloridalegal.com>
Subject: RE: Makere v. Fitzpatrick, Case No. 3:22-cv-734 (M.D. Fla.)

Dear Defendant Schreiber,

Moments ago, I spoke to you to get confirmation.

You finally confirmed – unequivocally – that the only way I can avoid your purported sanctions is **if I dismiss you** (Defendant Charles JF Schreiber, Jr.) from the *Makere v Fitzpatrick* case (3:22-cv-00734; USFLMD).

Of course, such dismissal would be *with prejudice*.

So, as I had previously deduced, your purported motion is being proffered for an **improper purpose** (ie, *designed to harass, delay, needlessly increase the cost of litigation*, etc.). I'll elaborate on this important point at a better time (please see [Rule 12 Fed. R. Civ. P.](#)).

Simply put, I find your purported motion to be **frivolous**.

Request: Please do not waste my time with any further frivolity.

Thank You,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905 | (Allstate, USFLMD)
Federal Case No.: 4:21-cv-00096 | (Early, USFLND)
11th Cir. Case No.: 21-11901
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.

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.