

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION**

PAUL WASGATT,
Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,
GLENN T. SHAPIRO, SCOTT BLUME and
EDWARD NORCIA,
Defendants.

CIVIL ACTION NO. 4:20-CV-40118

**DEFENDANTS SCOTT BLUME
AND EDWARD NORCIA'S
MOTION TO DISMISS**

This action brought by Plaintiff, Paul Wasgatt (“Plaintiff”), arises out of his former relationship with Allstate Insurance Company (“Allstate”) as an insurance sales agent. In his Complaint, Plaintiff asserts three claims against Allstate – misclassification of him as an independent contractor in violation of M.G.L. c. 149 § 148B (Count 1); termination in violation of public policy (Count 2); and breach of contract (Count 3). In addition to his claims against Allstate, Plaintiff also names and seeks to hold three Allstate employees - Glenn T. Shapiro, Scott Blume (“Mr. Blume”), and Edward Norcia (“Mr. Norcia”) – individually liable under M.G.L. c. 149 § 148B.

Defendants’ Blume and Norcia, Allstate’s Territory Sales Manager and Sales and Recruiting Leader respectively, have moved pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss the claims asserted against them individually as the allegations set forth in the Complaint are insufficient to state a claim against them.¹ As more particularly set forth herein, Plaintiff has not alleged that Mr. Blume and Mr. Norcia hold the type of corporate office nor exercise the type of management responsibilities for Allstate that meet the plausibility standard articulated by the

¹ Defendant Shapiro has not moved to dismiss.

Supreme Court in Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007). Accordingly, Mr. Blume and Mr. Norcia respectfully request that this Court dismiss them from Count 1 of Plaintiff's Complaint, with prejudice.

In support of their Motion, Mr. Blume and Mr. Norcia submit the accompanying Memorandum of Law.

WHEREFORE, for the reasons set forth above and in their accompanying Memorandum of Law, Mr. Blume and Mr. Norcia respectfully request that this Court grant their Motion and dismiss Count 1 of Plaintiff's Complaint against them, with prejudice.

**ALLSTATE INSURANCE COMPANY,
GLENN T. SHAPIRO, SCOTT BLUME &
EDWARD NORCIA**

By their attorneys,

/s/ Brian M. Casaceli

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Dated: October 20, 2020

CERTIFICATE OF SERVICE

I, Brian M. Casaceli, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this day.

/s/ Brian M. Casaceli

Brian M. Casaceli

Dated: October 20, 2020

LOCAL RULE 7.1 CERTIFICATION

I, Brian M. Casaceli, hereby certify that I contacted Plaintiff's counsel on October 2, 2020, in part, to inform him that Defendants Norcia and Blume intended to file a motion to dismiss themselves from this matter and to meet and confer over the same in a good faith attempt to narrow or resolve the issues that are the subject of this motion. In a later email to opposing counsel sent on October 6, 2020, I indicated to him that I would be available to discuss on October 8, 2020. Despite my good faith attempts to communicate with opposing counsel, we were not able to communicate and, therefore, this matter could not be narrowed or resolved.

/s/ Brian M. Casaceli

Brian M. Casaceli

Dated: October 20, 2020