

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PAUL WASGATT,
Plaintiff,

v.

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

Defendants.

Civil Action No. 4:20-cv-40188

ORAL ARGUMENT REQUESTED

**DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S
MOTION TO REMAND**

Defendants Allstate Insurance Company (“Allstate”), Glenn T. Shapiro (“Mr. Shapiro”), Scott Blume (“Mr. Blume”) and Edward Norcia (“Mr. Norcia”) (collectively “Defendants”), by their attorneys, hereby submit this Opposition to Plaintiff Paul Wasgatt’s (“Plaintiff”) Motion to Remand. As shown further below, the totality of the evidence demonstrates that, since taking a top leadership position at Allstate’s home office in Northbrook, Illinois in April 2016, Illinois has been Mr. Shapiro’s primary residence and domicile, complete diversity of citizenship exists, and Plaintiff’s motion to remand should be denied.

BACKGROUND

A. Procedural Background

This action was originally filed in Worcester County Superior Court on August 17, 2020. Plaintiff asserts in the Complaint that both Mr. Shapiro and Mr. Blume are Massachusetts residents. Defendants timely removed the action to this Court based on diversity of citizenship on September

15, 2020. Defendants' notice of removal asserts that removal is appropriate pursuant to 28 U.S.C. § 1332(a) and § 1441(a) because the amount in controversy exceeds \$75,000 and there is complete diversity between Plaintiff and all Defendants. In particular, Defendants' notice shows that Plaintiff's allegations that Mr. Shapiro and Mr. Blume are domiciliaries of the Commonwealth are baseless. On October 9, 2020, Plaintiff filed a motion to remand. Plaintiff does not even try to support his allegation in paragraph 5 of the Complaint that Mr. Blume is a Massachusetts resident, and offers no explanation as to his false assertions regarding a purported Sturbridge address for him in the Complaint. Instead, he focuses his efforts on attempting to demonstrate that Mr. Shapiro is really a Massachusetts domiciliary.

B. Mr. Shapiro's Move to Illinois When He Became Employed with Allstate

Prior to April 2016, Mr. Shapiro worked for Liberty Mutual in Boston. While employed with Liberty Mutual, Mr. Shapiro and his wife owned a home at 375 Green Hill Road, Longmeadow, Massachusetts (the "Longmeadow Residence").¹ Mr. Shapiro would work in Boston during the week, staying in a condominium in the city, and then return to the Longmeadow Residence on the weekends.²

In April 2016, Mr. Shapiro became employed as an officer with Allstate Insurance Company, based at the company's headquarters in the Chicago suburb of Northbrook, Illinois.³ From April 2016 through December 2017, Mr. Shapiro served as Executive Vice President, Claims. From January 2018 through January 2020, he held the position of President, Allstate Personal

¹ Exhibit B, Supplemental Declaration of Glenn T. Shapiro ("Shapiro Supp. Decl.") ¶ 4.

² *Id.* ¶ 4.

³ *Id.* ¶ 3.

Lines.⁴ In January 2020, Mr. Shapiro became President, Personal Lines Insurance, Esurance, Encompass, and Answer Financial, and currently serves as one of Allstate's senior most leaders.⁵

Upon receiving the job with Allstate in 2016, Mr. Shapiro and his wife purchased a townhome in Glenview, Illinois on April 26, 2016 ("Glenview Residence").⁶ The Shapiros considered the Glenview Residence their primary home and domicile at that time.⁷ In 2019, Mr. and Mrs. Shapiro sold the Glenview Residence and purchased a larger home in Northbrook, Illinois (the "Northbrook Residence").⁸ While in the process of selling the Glenview Residence, they discovered that they had not filed for or received the General Homestead Exemption in Illinois, to which they were entitled under Illinois property law, as Glenview had been their principal residence since Mr. Shapiro joined Allstate.⁹ The Shapiros were able to correct the error and received the exemption retroactively.¹⁰ The Shapiros continue to file for and receive the Homestead exemption for their Northbrook Residence.¹¹

After moving to Illinois, the Shapiros retained their home in Longmeadow.¹² In July 2018, the Shapiros also purchased a home in Fort Lauderdale, Florida (the "Fort Lauderdale Residence"), which Mr. Shapiro visited on weekends during the winter months.¹³ Prior to returning to

⁴ *Id.* ¶ 3.

⁵ *Id.*

⁶ *Id.* ¶ 5. While Mr. Shapiro recorded a MA homestead declaration in 2012 when the Longmeadow Residence was his primary residence, the protection against creditors that this declaration offered terminated when his primary residence changed to Illinois in 2016. *Id.* ¶ 4.

⁷ *Id.* ¶ 5.

⁸ *Id.* ¶ 7.

⁹ *Id.* ¶ 6.

¹⁰ *Id.* ¶ 10. The Illinois General Homestead Exemption is available for residential property that is the owner's principal dwelling place. The exemption reduces property taxes and provides limited protection against bankruptcy. *See* <https://www2.illinois.gov/rev/localgovernments/property/Pages/taxrelief.aspx>; <https://www2.illinois.gov/rev/individuals/credits/Pages/propertytaxcredit.aspx>.

¹¹ Shapiro Supp. Decl. ¶ 7.

¹² *Id.* ¶ 11.

¹³ *Id.* ¶ 8. Mr. Shapiro does not own a home in Davie, Florida, or Mercer Island, Washington, as Plaintiff alleges.

Massachusetts in late April 2020 due to the pandemic, he had last been in Massachusetts in December 2019.¹⁴ Since purchasing the Fort Lauderdale Residence, but prior to the COVID-19 pandemic, the Shapiros spent the majority of their time in Illinois, followed by the Fort Lauderdale Residence.¹⁵

Since relocating in 2016, Mr. and Mrs. Shapiro registered and insured their two vehicles in Illinois.¹⁶ They registered to vote in Illinois and, since 2018, have voted as Illinois residents.¹⁷ Mr. Shapiro has requested an absentee ballot from Illinois to vote in the 2020 election.¹⁸ Mr. and Mrs. Shapiro filed their state income taxes in Illinois in 2016, and have done so since that time.¹⁹ They also list their Illinois address as their home address on their federal income tax returns.²⁰ Mr. Shapiro also lists his Northbrook address as his home address with Allstate.²¹

In 2017, Mr. Shapiro joined the board of directors of SitStayRead, a non-profit organization based out of Chicago, Illinois.²² And at the beginning of 2020, Mr. and Mrs. Shapiro founded KodiakCare, a non-profit organization based out of Simsbury, Connecticut that helps people whose pets need veterinary care but lack the means to pay for it. Through KodiakCare, Mr. and Mrs. Shapiro have developed partnerships with veterinary care providers in both Illinois and in Boston. The Shapiros chose to focus on those two cities for KodiakCare's work because Mr. Shapiro knew many people from Liberty Mutual in Boston and now lives in the Chicago area, and he believed

¹⁴ *Id.* ¶ 12.

¹⁵ *Id.* ¶ 8.

¹⁶ *Id.* ¶ 10.

¹⁷ See Declaration of Katherine I. Heise ("Heise Decl.") and Exhibit A thereto; Shapiro Supp. Decl. ¶ 14.

¹⁸ Shapiro Supp. Decl. ¶ 14.

¹⁹ *Id.* ¶ 15.

²⁰ *Id.*

²¹ *Id.* ¶ 16.

²² *Id.* ¶ 17.

that targeting those cities for KodiakCare's mission would facilitate fundraising.²³ In addition, a number of board members for KodiakCare are from the Chicago area.²⁴ Mr. Shapiro does not belong to any civic, religious, or community organizations in Massachusetts.²⁵

Mr. Shapiro continues to hold a Massachusetts driver's license.²⁶ Due to Mr. Shapiro's work schedule, he found it easiest to renew his Massachusetts driver's license by mail when the opportunity arose.²⁷ Mr. Shapiro's wife holds an Illinois driver's license.²⁸

C. The Disruption Caused by the COVID-19 Pandemic

On March 12, 2020, Mr. Shapiro flew to Fort Lauderdale, with a return flight scheduled for March 15, 2020, intending to only stay for the weekend.²⁹ During the time Mr. Shapiro was in Fort Lauderdale, Allstate closed its offices to in-person operations due to the COVID-19 pandemic, and Mr. Shapiro never took his return flight to Illinois.³⁰ Instead, Mr. and Mrs. Shapiro sheltered in place for the next several weeks in Fort Lauderdale.³¹ In late April, Mr. and Mrs. Shapiro relocated to their Longmeadow Residence, which they had not visited since Christmas 2019.³² Because of the uncertainty and extenuating circumstances of the COVID-19 health crisis, the Shapiros chose to go to Longmeadow rather than return to Northbrook in order to be closer to their family, two of whom suffer from chronic medical issues.³³ The Shapiros stayed at the

²³ *Id.* ¶ 23.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* ¶ 11.

³⁰ *Id.*

³¹ *Id.* ¶ 11.

³² *Id.* ¶ 12.

³³ *Id.*

Longmeadow Residence until late August.³⁴ During this time, the Shapiros purchased a home for Mr. Shapiro's mother, and executed a deed with their local Massachusetts address.³⁵

In early September, the Shapiros returned home to their Northbrook Residence for five weeks.³⁶ In October, Mr. and Mrs. Shapiro returned to their Longmeadow Residence.³⁷

When Allstate resumes in-person operations, Mr. and Mrs. Shapiro intend to continue to live in the Northbrook, Illinois area as their primary residence and domicile.³⁸ In the meantime, the Shapiros have decided to put their Northbrook Residence on the market, as they have realized the Northbrook home is too large for their needs.³⁹ Should the Northbrook Residence sell, they intend to remain Illinois residents and relocate within the Northbrook area.⁴⁰

LEGAL STANDARD

For diversity jurisdiction purposes, the citizenship of an individual is determined by the location of his domicile. *Rodriguez-Diaz v. Sierra-Martinez*, 853 F.2d 1027, 1030 (1st Cir. 1988). An individual's domicile is "the place where he has his true, fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning." *In re Fresenius GranuFlo/NaturaLyte Dialysate Prods. Liab. Litig.*, 76 F. Supp. 3d 321, 331 (D. Mass. 2015) (citing *Rodriguez-Diaz*, 853 F.2d at 1030).

Federal courts have consistently rejected the proposition that residence alone establishes a party's domicile for the purpose of diversity. *See, e.g., Bank One, Tex., N.A. v. Montle*, 964 F.2d 48, 53 (1st Cir. 1992) ("We add that citizenship or domicile, not residence, is the basis of subject

³⁴ *Id.* ¶ 12.

³⁵ *Id.* ¶ 13.

³⁶ *Id.* ¶ 12.

³⁷ *Id.*.

³⁸ *Id.* ¶ 19.

³⁹ *Id.* ¶ 18.

⁴⁰ *Id.*

matter jurisdiction.”); *Lundquist v. Precision Valley Aviation, Inc.*, 946 F.2d 8, 10 (1st Cir. 1992) (“[Plaintiff] correctly notes that the relevant standard is ‘citizenship,’ i.e., ‘domicile,’ not mere residence...”).

Courts typically take into account a variety of factors indicating the extent of a particular party’s ties to a purported domicile. Such factors include: “the place where civil and political rights are exercised, taxes paid, real and personal property (such as furniture and automobiles) located, driver’s and other licenses obtained, bank accounts maintained, location of club and church membership and places of business or employment.” *Bank One*, 964 F.2d at 50. No single factor is dispositive, and the analysis focuses not simply on the number of contacts with the purported domicile, but also their substantive nature. *Lundquist*, 946 F.2d at 12 (“[D]omicile need not be determined by a mere numerical comparison of the number of factors that may appear to favor each side of the issue.”)

For purposes of diversity jurisdiction, a citizen has only one domicile, regardless of the number of residences maintained. *Hawes v. Club Ecuestre El Comandante*, 598 F.2d 698, 701 (1st Cir. 1979). In order to effect a change in domicile, two things are required: (1) residence in a new domicile and (2) the intention to remain there. *Bank One*, 964 F.2d at 50. A person maintains his domicile until it can be proven, by clear and convincing evidence that his domicile has changed. *Valentin v. Hosp. Bella Vista*, 254 F.3d 358, 366 (1st Cir. 2001). In determining which one of the person’s residences is his or her domicile, the court must focus on the intent of the party, which requires an examination of the entire course of a person’s conduct. *See Aponte-Dávila v. Municipality of Caguas*, 828 F.3d 40, 46-52 (1st Cir. 2016). Indeed, forgoing a holistic evaluation of a person’s circumstances runs a considerable risk of misapprehending a person’s true intent to

establish a permanent home and “makes changing one’s domicile too easy.” *Galva Foundry Co. v. Heiden*, 924 F.2d 729, 730 (7th Cir. 1991).

ARGUMENT

A. The Totality of the Evidence Establishes that Illinois Has Been Mr. Shapiro’s Domicile Since April 2016.

The totality of the evidence shows that Mr. Shapiro changed his domicile from Massachusetts to Illinois in 2016, and at all times relevant to this action has been a domiciliary of Illinois. This Court, therefore, has jurisdiction based on diversity of citizenship.

Mr. Shapiro moved to Illinois in April 2016 with the intent of remaining in Illinois.⁴¹ The facts show that Illinois is where Mr. Shapiro “has his true, fixed home and principal establishment.” *See In re Fresenius*, 76 F. Supp. 3d at 331. For the past four years, since taking a senior executive job with Allstate, he has lived principally in Illinois and, but for the temporary disruption caused by the COVID-19 pandemic, has oriented his life there.⁴² He has worked from Allstate’s Northbrook, Illinois office, maintained a home in Illinois on which he received a homestead exemption, and served in a leadership role in a Chicago-area non-profit organization.⁴³ He pays state income taxes in Illinois and his cars are registered in the state.⁴⁴ He also lists his Illinois address on his federal tax income returns.⁴⁵ Despite the fact that Mr. Shapiro owns multiple homes, Illinois is the state to which Mr. Shapiro continues to return and the place he has considered his primary residence.⁴⁶

⁴¹*Id.* ¶ 5.

⁴² *Id.* ¶ 5, 7-8.

⁴³ *Id.* ¶ 5-8, 12, 14-17, 19.

⁴⁴ *Id.* ¶ 10, 15.

⁴⁵ *Id.* ¶ 15.

⁴⁶ *Id.* ¶ 19.

His connections in Illinois are in stark contrast with his connections to Massachusetts after 2016. Prior to returning to Massachusetts in late April 2020 due to the pandemic, he had last been in Massachusetts in December 2019.⁴⁷ Since July 2018, but prior to the COVID-19 pandemic, Mr. Shapiro spent the majority of his time at his Northbrook, Illinois residence, followed by his Fort Lauderdale home.⁴⁸

Mrs. Shapiro is also an Illinois domiciliary. She holds an Illinois driver's license, and prior to the COVID-19 pandemic spent the majority of her time, along with Mr. Shapiro, in Illinois.⁴⁹ She is registered to vote as an Illinois resident and has voted in Illinois since 2018.⁵⁰ Such facts are further evidence of an Illinois domicile. *Casiano Commc'ns, Inc. v. Velazquez Pinol*, 738 F. Supp. 2d 301, 303 (D.P.R. 2010) (“a person's domicile is presumed to lay together with his spouse”).

Plaintiff's characterization of Mr. Shapiro as a Massachusetts domiciliary is inaccurate and misleading. Plaintiff's assertion that Mr. Shapiro is an “active and frequent member” of the Twin Hills Country Club, for example, is baseless and unsupported in Plaintiff's motion by any evidence. In fact, Mr. Shapiro has not been a member of Twin Hills Country Club for over a decade, nor has he golfed at the Twin Hills golf course in several years.⁵¹

The fact that Mr. Shapiro holds a Massachusetts driver's license is insufficient to establish that Mr. Shapiro's domicile is Massachusetts and not Illinois. Due to Mr. Shapiro's work schedule, Mr. Shapiro renewed his Massachusetts driver's license by mail as a matter of convenience when

⁴⁷ *Id.* ¶ 12.

⁴⁸ *Id.* ¶ 8.

⁴⁹ *Id.* ¶ 5, 9.

⁵⁰ See Exhibit A to Heise Decl. (Cook County Voting Records (October 22, 2020)).

⁵¹ Shapiro Supp. Decl. ¶ 20.

the opportunity arose.⁵² *See Valentin*, 254 F.3d at 366 (taking into account all relevant factors, the fact that plaintiff changed her driver’s license during an extended out of state stay did not prevent her from retaining her domicile); *see also Galva Foundry*, 924 F.2d at 730 (finding that singling out one or just a few factors such as a driver’s license to determine domicile was “unacceptable” as it would allow persons to “change domicile continually,” thereby allowing them to “opt in or out of federal diversity jurisdiction.”). Likewise, the fact that Mr. Shapiro used his Longmeadow address on a local property transfer in Massachusetts earlier this year is also not dispositive of domicile. Use of that address for the property transfer (which was for his mother in any case) has no bearing on what Mr. Shapiro considered to be his domicile.⁵³ *See Aponte-Dávila*, 828 F.3d at 47 (finding in light of all circumstances, the district court erred by placing too much emphasis on representations a party made about his residence in various forms).

Although determining the domicile of a party with multiple homes can present challenges, Mr. Shapiro’s intent and the totality of the evidence demonstrate that Mr. Shapiro’s domicile is Illinois. *See Galva Foundry*, 924 F.2d at 730 (finding even though a defendant purchased a second home which he visited frequently, because he intended to spend most of the year at his first home, the first home was his domicile.)

B. Mr. Shapiro’s Transient Stay in Massachusetts due to the COVID-19 Pandemic is Insufficient to Demonstrate his Intent To Relocate. He Has Not Changed His Domicile Back to Massachusetts.

The First Circuit has repeatedly held that a transient stay in a particular location, in light of unforeseen circumstances, is insufficient evidence of a party’s intent to change its domicile. *See Aponte-Dávila*, 828 F.3d at 40; *Valentin*, 254 F.3d at 361. Although Mr. Shapiro has spent more

⁵² *Id.* ¶ 9.

⁵³ *Id.* ¶ 13.

time this year than the past several years at his Longmeadow Residence due to the COVID-19 pandemic, he intends to reside in Illinois once Allstate offices resume in-person operations, and keep Illinois as his primary residence.⁵⁴ This is not a case of a “floating intention to return to a former domicile,” *Hawes*, 598 F.2d at 701, but rather a fixed intent to remain in Illinois, where he holds a top leadership position with Allstate.

In evaluating what weight should be accorded to extended relocation due to unforeseen circumstances caused by unforeseeable medical treatment and illness, the First Circuit places substantial weight to the substantive connections, specifically the location of one’s employment. *See Valentin*, 254 F.3d at 366 (finding the fact that the plaintiff did not quit her job in her purported domicile weighed heavily in favor of plaintiff’s intent to remain despite spending time out of state for medical care); *Aponte-Dávila*, 828 F.3d at 48 (finding that a plaintiff continued to work and file taxes in his purported domicile was “strong evidence that he never harbored an intention to change his domicile”); *Garcia Perez v. Santaella*, 364 F.3d 348, 354 (1st Cir. 2004) (“But most important was the evidence of an intent to remain ... and earn a livelihood there”).

Like in *Valentin*, Mr. Shapiro remains employed in Illinois and registered his vehicle in Illinois.⁵⁵ *Valentin*, 254 F.3d at 366. He, like millions of other Americans, have been displaced from their ordinary routines and patterns during the pandemic. The fact that Mr. Shapiro has chosen to spend such time in Massachusetts, near family members who have medical conditions, should not be a relevant consideration in regard to his domicile.

⁵⁴ *Id.* ¶ 19.

⁵⁵ *Id.* ¶ 10, 19.

C. The District Court Should Exercise Jurisdiction Over the Massachusetts Independent Contractor Law.

Plaintiff attempts to avoid federal jurisdiction by also seeking remand on the basis that this case includes the Massachusetts independent contractor law and addresses “an important public policy of the state.” However, federal courts have a duty to exercise the jurisdiction that is conferred upon them by Congress. *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 716 (1996). Abstention from the exercise of federal jurisdiction is “the exception, not the rule.” *Colo. Riv. Water Conservation Dist. v. United States*, 424 U.S. 800, 813 (1976). Federal courts exercising diversity jurisdiction routinely resolve state law disputes. *See, e.g. F.D.I.C. v. Sweeney*, 136 F.3d 216, 219 (1st Cir. 1998) (“In a variety of ways, federal courts enforce rights created by state law...”). Specifically, the First Circuit has routinely exercised jurisdiction over Massachusetts’ independent contractor statute. *See, e.g., Mass. Delivery Ass’n v. Healey*, 821 F.3d 187 (1st Cir. 2016); *Schwann v. FedEx Ground Package Sys., Inc.*, 813 F.3d 429 (1st Cir. 2016); *Vargas v. Spirit Delivery & Distrib. Servs. Inc.*, 245 F. Supp. 3d 268 (D. Mass. 2017) (Hillman, J.).

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CONCLUSION

For the reasons set forth above, Plaintiff's motion to remand should be denied.

Dated: October 23, 2020

Respectfully submitted,

/s/ Brian M. Casaceli
Richard C. Van Nostrand
Brian M. Casaceli
Mirick, O'Connell, DeMallie & Lougee,
LLP
1800 West Park Drive | Suite 400 |
Westborough, MA 01581-3926
rvannostrand@mirickoconnell.com
bcasaceli@mirickoconnell.com
Telephone: (508) 860-1453
Facsimile: (508) 207-9347

Robert G. Lian, Jr. (*pro hac vice*)
Katherine I. Heise (*pro hac vice*)
Akin Gump Strauss Hauer & Feld LLP
2001 K Street N.W.
Washington, DC 20006
blian@akingump.com
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

ATTORNEYS FOR DEFENDANTS
ALLSTATE INSURANCE COMPANY,
GLENN T. SHAPIRO, SCOTT BLUME,
AND EDWARD NORCIA.

REQUEST FOR ORAL ARGUMENT

Defendants believe that a hearing on Plaintiff's motion will aid the Court's consideration of the important issues set forth in the briefing and respectfully request oral argument.

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 October 23, 2020.

/s/ Brian M. Casaceli

Brian M. Casaceli

Dated: October 23, 2020

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PAUL WASGATT,
Plaintiff,

v.

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

Defendants.

Civil Action No. 4:20-cv-40188

DECLARATION OF KATHERINE I. HEISE

I, Katherine I. Heise, hereby declare as follows:

1. I am counsel for defendants Allstate Insurance Company, Glenn T. Shapiro, Scott Blume, and Edward Norcia in the above-captioned action.
2. On October 21, 2020, I submitted a FOIA request through the Cook County Clerk website for the voting records of Glenn and Nancy Shapiro.
3. On October 22, 2020, I received, via email, a copy of Mr. and Mrs. Shapiro's voting records.
4. Attached as Exhibit "A," is a true and correct copy of what I received from the Cook County Clerk.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23rd day of October, 2020



Katherine I. Heise (*pro hac vice*)
Akin Gump Strauss Hauer & Feld LLP
2001 K Street N.W.
Washington, DC 20006
kheise@akingump.com
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

SHAPIRO, GLENN THOMAS

Reg. Address: 2460 VIOLET ST GLENVIEW IL, 60026 **Total Items:** 1
Voter ID: 94226795 **Reg. Date:** 11/6/2018 **Status:** ACTIVE

110618	11/06/2018	GENERAL ELECTION		Polling Place Voting (P)	
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I, KAREN A. YARBROUGH, COOK COUNTY CLERK, hereby certify the foregoing to be a true and correct copy of the voting record of SHAPIRO, GLENN THOMAS as it appears on record in my office.

Witness my hand and seal on Oct 22, 2020.

KAREN A. YARBROUGH
COOK COUNTY CLERK

By:



DEPUTY

SHAPIRO, NANCY LEE

Reg. Address: 2655 WOODLAND DR NORTHBROOK IL, 60062 **Total Items:** 2
Voter ID: 94225579 **Reg. Date:** 11/6/2018 **Status:** ACTIVE

031720	03/17/2020	GENERAL PRIMARY ELECTION	DEM	Early Voting (E)	
110618	11/06/2018	GENERAL ELECTION		Polling Place Voting (P)	

I, KAREN A. YARBROUGH, COOK COUNTY CLERK, hereby certify the foregoing to be a true and correct copy of the voting record of SHAPIRO, NANCY LEE as it appears on record in my office.

Witness my hand and seal on Oct 22, 2020.

KAREN A. YARBROUGH
COOK COUNTY CLERK

By:



DEPUTY

Exhibit B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PAUL WASGATT,
Plaintiff,

v.

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

Defendants.

Civil Action No. 4:20-cv-40188

SUPPLEMENTAL DECLARATION OF GLENN T. SHAPIRO

I, Glenn T. Shapiro, hereby declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts stated herein.
2. I am a Defendant in the above-captioned matter.
3. Since January 2020, I have held the position of President, Personal Lines Insurance, Esurance, Encompass, and Answer Financial. From January 2018 through January 2020, I held the position of President, Allstate Personal Lines. From April 2016 through December 2017, I served as Executive Vice President, Claims, with Allstate.
4. Prior to 2016, I was employed by Liberty Mutual in Boston, Massachusetts. My primary residence at the time was 375 Green Hill Road, Longmeadow, Massachusetts. I would work in Boston during the week, staying in a condominium, and go to the Longmeadow home over the weekends. My wife and I purchased our home in Longmeadow in 2004 and recorded a homestead declaration in 2012.

5. When I began to work for Allstate Insurance Company in April 2016, my wife and I relocated to Illinois and purchased a townhome at 2460 Violet Street, Glenview, Illinois. The Glenview residence was our primary residence and domicile from April 2016 through August 2019.

6. At the time we sold our Glenview residence, we discovered that we had not filed for or received the General Homestead Exemption to which we were entitled under Illinois property law. We corrected the error and received the exemption, retroactively, beginning in 2017.

7. Since August 2019, my primary residence and domicile has been 2655 Woodland Drive, Northbrook, Illinois 60062. I treat my home in Northbrook, Illinois as my primary residence for purposes of the General Homestead Exemption under Illinois property law.

8. In July 2018, I purchased a home in Fort Lauderdale, Florida. Since that time, but prior to the COVID-19 pandemic, I spent the majority of the year at my Northbrook, Illinois residence, followed by my Fort Lauderdale home. Of my three homes, until the pandemic struck, I spent the least amount of time at my home in Longmeadow, Massachusetts.

9. I continue to hold a Massachusetts' driver's license. Due to my work schedule, I found it easiest to renew my Massachusetts driver's license by mail when the opportunity arose. My wife, however, holds an Illinois driver's license.

10. I own two automobiles, both of which are registered in Illinois.

11. On March 12, 2020 I flew to my Fort Lauderdale home with a return flight to Illinois scheduled for March 15, 2020, intending to only stay for the weekend. During that time, Allstate closed its offices to in-person operations, and I never took the return flight. Instead, my wife and I sheltered in place in Fort Lauderdale for the next several weeks.

12. In late April, we relocated to our Longmeadow home, where we had not been since Christmas of 2019. My children and grandchildren live in New England, and due to the uncertainty

and extenuating circumstances of the COVID-19 pandemic and some serious health issues of two family members, we decided to stay in Longmeadow through the summer in order to be closer to them. We remained in Longmeadow until September. At that time, we returned to our Northbrook home for five weeks. My wife and I are currently back in Longmeadow, albeit temporarily.

13. While in Longmeadow this summer, I used my local Massachusetts address on a property transfer, when purchasing a home for my mother. I used this address since the transaction took place in Massachusetts, not because I consider Massachusetts to be my primary residence.

14. I am registered to vote in Illinois, and since 2018, have voted in Illinois. I have requested an absentee ballot from Cook County, Illinois to vote in the 2020 election. I will not vote in Massachusetts.

15. Since 2016, I have filed state income tax returns in Illinois. I also listed my Illinois address as my home address on my federal income tax returns.

16. My employer, Allstate, lists my Northbrook, Illinois address as my address of record.

17. Since 2017, I have been a member of the Board for SitStayRead, a non-profit based in Chicago, Illinois. In 2020, my wife and I founded KodiakCare, a non-profit organization based in Simsbury, Connecticut that helps people whose pets need veterinary care but who lack the means to pay for it. We have developed partnerships with veterinary care providers and shelters in both Illinois and in Boston. We selected those two cities as the focus of KodiakCare's work because I know many people in Boston from my time at Liberty Mutual and now in Chicago from my time with Allstate, and I concluded that targeting those cities for KodiakCare's mission would facilitate fundraising. A number of board members for KodiakCare are from the Chicago area. I am not a member of any civic, community, or religious organizations in Massachusetts.

18. I listed my Northbrook home for sale this fall. The home is larger than I need for just my wife and me. Should the home sell, I intend secure another residence in Northbrook, Illinois or the surrounding area.

19. Since 2016, my wife and I have intended that Illinois be our home. It was always our intention to return there when we were away in Florida or Massachusetts. Even with the disruption caused by COVID in 2020 that has resulted in our lengthier stays outside Illinois, it was and is still our intention to return there when Allstate offices reopen, if not sooner. I do not know when that will be at this point.

20. I understand that Plaintiff has stated that I am a member of Twin Hills Country Club in Longmeadow, Massachusetts. I was previously a member of this country club, but I have not been a member, nor paid any dues, since approximately 2010. I have not been to Twin Hills Country Club, nor have I golfed on the Twin Hills Country Club course in over ten years, that I can recall. I am not a member of any other country club.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23rd day of October, 2020



Glenn T. Shapiro