

COMMONWEALTH OF VIRGINIA

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2021 MAY 26 AM 11:52

FAIRFAX COUNTY CIRCUIT COURT

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

Civil Action No. 2021\_03802

PAUL SHAO,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant

**Plaintiff's MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION  
FOR DEFAULT FOR FAILURE TO APPEAR**

Plaintiff Paul Shao ("Shao") brings the present memorandum of law in support of his *Motion for Default for Failure to Appear* pursuant to Va. Sup Ct. R. 3:8 and 3:19. The present memorandum is brought in response to defendant's lead attorney, Mr. Scott Humphrey of Seyfarth Shaw, for Allstate in the case of the Eastern District of Virginia. Mr. Humphrey demanded Plaintiff to withdraw the present motion in his May 24, 2021 email to Shao as a *pro se* litigant. (Exhibit A.)

Plaintiff wants to emphasize that his *Motion for Default for Failure to Appear* is for the deadline date of 4/8/21, 21 days after my complaint was serviced on 3/19/21. The *Summons-Civil Action* clearly states pursuant to Va. Sup. Ct. R. 3:8 and 3:19, "[U]nless within 21 days after such service, response is made by filing in the Clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted [...]" An ordinary consumer may be blind to these laws, but Mr. Humphrey is a learned and seasoned lawyer, who must know them in his soul and heart. He was the lead attorney for Allstate in many recent cases: *Allstate v. Gilchrist et al* (3/3/21, 1:21-cv-00148, S.D. Ohio); *Allstate v. Cannon III et al* (1/19/21: 9:21-cv-80103, S.D. Florida); *Lyles v. Allstate* (9/30/20, 9:20-cv-00148, D. South Carolina), etc. In all these cases, he had observed the deadline date set forth by the federal court and had expected the opposing party to act the same. He obviously preferred the federal court over the state court. His failure of observing the deadline date of the *Summons* of this court was intentional, but he lacked the courtesy to pay respect to this court by motioning for an extension of deadline date of 4/8/21, before removing the case to the federal court. When the removal of the case failed, he wants this court to take into consideration of a filing *Defendant Allstate Insurance Company's Answer and Affirmative Defenses*, filed on 4/26/21 (18 days after the deadline date of this court) in another court, as an answer to Shao's initial complaint in this court. Plaintiff opposes such a move by Allstate via Mr. Humphrey, which degrades the integrity of this honorable court and the Va. Sup. Ct. R. 3:8 and 3:19.

Dated: May 16, 2021

**PAUL SHAO,**  
*Pro Se Litigant*



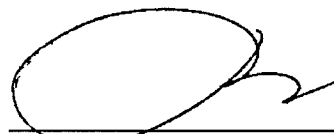
Paul Shao  
9233 Lee Masey Drive,  
Lorton, Virginia 22079  
(202) 290-6300 Telephone  
[paulyshao@gmail.com](mailto:paulyshao@gmail.com)

### CERTIFICATE OF SERVICE

I certified that on May 26, 2021, a copy of the foregoing Declaration of Paul Shao was filed with the clerk's office of the Court, emailed, and mailed to Defendant at the following address:

J. Scott Humphrey  
[shumphrey@seyfarth.com](mailto:shumphrey@seyfarth.com)  
SEYFARTH SHAW LLP  
233 S. Wacker Dr., Suite 800  
Chicago, IL 60606-6448

Renée B. Appel, Esq.  
[rapel@sayfarth.com](mailto:rapel@sayfarth.com)  
SEYFARTH SHAW LLP  
975 F Street, N.W.  
Washington, DC 20004-1454



Paul Shao

# Exhibit A

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**Motion for Default**

6 messages

Paul Shao &lt;paulyshao@gmail.com&gt;

Mon, May 24, 2021 at 2:47 PM


To: "Humphrey, J. Scott" &lt;SHumphrey@seyfarth.com&gt;, "Appel, Renee" &lt;RAppel@seyfarth.com&gt;

Hi Scott and Renee,

I am not sure whether you are attorneys for this state circuit court case. Out of courtesy, attached please find a copy of my court filings of the Motion for Default for Failure to Appear.

Regards,  
Paul.

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 **Filed Motion for Default.pdf**  
1908K

Humphrey, J. Scott &lt;SHumphrey@seyfarth.com&gt;

Mon, May 24, 2021 at 4.25 PM

To: Paul Shao &lt;paulyshao@gmail.com&gt;, "Appel, Renee" &lt;RAppel@seyfarth.com&gt;

Cc: "Gregory, Lauren" &lt;LGregory@seyfarth.com&gt;

Paul:

Your motion for default states that Allstate has not answered your Complaint. Allstate did, however, file its Answer to your Complaint on April 26th, and Renee sent you a copy of the Answer on the 26th as well. Nevertheless, attached is another copy of the Answer. Although we answered your Complaint when the case was pending in Federal court, the Answer transfers along with the rest of the case back to state court. Accordingly, Allstate has answered your Complaint and, as such, please withdraw your motion.

Also, I noticed that your motion is dated May 19th and you stated that you provided us with a copy of the motion on May 19th. Unfortunately, you did not provide us with a copy of the motion until this afternoon. In the future, please provide us with a copy of the notice on the day it is filed.

Thanks.

Scott

**J.Scott Humphrey** | Partner | Seyfarth Shaw LLP  
233 S. Wacker Drive | Suite 8000 | Chicago, Illinois 60606-6448  
Direct: +1-312-460-5528 | Fax: +1-312-460-7528  
shumphrey@seyfarth.com | www.seyfarth.com



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**From:** Paul Shao <paulyshao@gmail.com>  
**Sent:** Monday, May 24, 2021 1:47 PM  
**To:** Humphrey, J. Scott <SHumphrey@seyfarth.com>; Appel, Renee <RAppel@seyfarth.com>  
**Subject:** Motion for Default

[EXT. Sender]

[Quoted text hidden]

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 **2021-04-26 DKT 3 Defendant Allstate Insurance Company's Answer and Affirmative Defenses.pdf**  
8949K

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Paul Shao <paulyshao@gmail.com>  
To: "Humphrey, J. Scott" <SHumphrey@seyfarth.com>  
Cc: "Appel, Renee" <RAppel@seyfarth.com>, "Gregory, Lauren" <LGregory@seyfarth.com>

Mon, May 24, 2021 at 10:04 PM

Hi Scott.

My sincere apology for sending you not my 19th of May filings of this *Motion for Default for Failure to Appear*. I did not know I needed to do that. This is why I did not have the Certificate of Service included at the end of the said motion. I am not aware that you have filed an admission *pro hac vice* in this honorable court. Nor Renee had filed a Notice of Appearance with this court, even though she did with the District Court for the Eastern District of Virginia. I thought the two court systems are separate and administered distinctively. I admit my ignorance as a *pro se* litigant, which caused me to fail sending you the filings on 5/19/21.

The Motion for Default is for the deadline date of 4/8/21, 21 days after my complaint was serviced on 3/19/21. The Summons-Civil Action clearly states pursuant to Va. Sup. Ct. R. 3.8 and 3:19, "[U]nless within 21 days after such service, response is made by filing in the Clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted [..]" An ordinary consumer may be blind to these laws but you, sir, are a learned and seasoned lawyer, who must know them in your soul and heart. It seems that you have a preference for the federal court over the state court. Would it be more proper for you to motion for an extension prior to the deadline date of 4/8/21, paying respect to this court, before you remove the case to the federal court? You are the lead attorney for Allstate in many recent cases Allstate v. Gilchnst et al (3/3/21, 1:21-cv-00148, S.D. Ohio), Allstate v. Cannon III et al (1/19/21: 9:21-cv-80103, S.D. Florida); Lyles v. Allstate (9/30/20, 9.20-cv-00148, D. South Carolina), and etc. In all these cases, you had observed the deadline date set forth by the court and had expected the other party to do so. It seems to me that you deliberately ignored the deadline date of this court in your response to this case, because you felt that you would be more successful in the federal court. When the removal of the case failed, you want this court to take into consideration of a filing *Defendant Allstate Insurance Company's Answer and Affirmative Defenses*, filed on 4/26/21 (18 days after the deadline date of this court) in another court, as an answer to my complaint. I am in awe of the power of a legal professional.

I will not withdraw this *Motion for Default for Failure to Appear* of mine, to pay my respect to the integrity of this court and the Va. Sup. Ct. R. 3.8 and 3:19. I respectfully decline your demand, believing a legal professional should observe and respect the deadline date, set forth by the court in accordance with the state laws.

Regards,  
Paul.