

**UNITED STATES DISTRICT COURT
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-40118
Superior Court Civil Action No. 2085cv00903

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF
HIS MOTION TO REMAND**

Plaintiff Paul Wasgatt (“Plaintiff” and/or “Mr. Wasgatt”) brings the present memorandum of law in support of his motion to remand pursuant to 28 U.S.C. § 1447(c) as set forth herein. The present motion is brought in response defendants’ faulty removal whereby by defendants seek to create diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) by incorrectly claiming that defendant Glenn T. Shapiro (“Mr. Shapiro”) is a resident of Illinois and is not in fact a resident of 375 Green Hill Road, Longmeadow, Massachusetts (“Longmeadow Residence”), his home and primary residence since 2004.¹

Mr. Shapiro and his wife, Nancy Shapiro (“Mr. and Mrs. Shapiro”), purchased and have maintained the Longmeadow Residence as their primary residence. The Longmeadow Residence has continually been Mr. Shapiro’s residence since 2004, while apparently also owning a house in Florida and one in Washington State.² When Mr. Shapiro was a senior executive with Liberty

¹ See Exhibit “1”, Warranty Deed on 375 Green Hill Road, Longmeadow, MA. Additionally, prior to purchasing the current Longmeadow Residence, Mr. Shapiro owned a home down the street at 159 Green Hill Road, Longmeadow, MA. See Exhibit “2” Warranty Deed on 159 Green Hill Road, Longmeadow, MA.

² 96th Ave, Mercer Island, WA; and 9281 Southern Orchard Rod., N.Ap. NORT, Davie, FL.

Mutual, working at the opposite end of the state in Boston, the Longmeadow Residence served as his primary residence and he commuted to Boston when necessary. As did his predecessor at Allstate Insurance Company (“Allstate”), Matthew Winter, Mr. Shapiro continued his practice of long commutes when he accepted the position as President of Personal Lines Insurance for Allstate. By remaining in residence in Longmeadow, Massachusetts Mr. Shapiro has been able to retain his Massachusetts driver’s license, vote as a Massachusetts resident, use his membership at the Twin Hills Country Club, remain in the social circles of the numerous senior insurance executives who reside throughout the western portions of Massachusetts and Connecticut, maintain a home base for his family, and enjoy all of the other benefits that flow from maintaining a long term residence in Longmeadow, Massachusetts.

In 2012 Mr. and Mrs. Shapiro recorded a homestead exemption on the Longmeadow Residence;³ thus representing to the world that the Longmeadow Residence was their primary residence.⁴ There has been no need to reaffirm or record additional homestead exemptions since Mr. Shapiro has not since refinanced the Longmeadow Residence. Equally important is that there is no record of Mr. Shapiro removing the homestead exemption because the Longmeadow Residence was no longer his primary residence. Mr. Shapiro’s vague suggestion of the filing of a homestead in Illinois is false and misleading -- there is no record of such a filing and nor should there be.⁵ Plaintiff is informed and believes, and based on that information belief, that Mr. Shapiro

³ See Declaration of Homestead, Exhibit “3”. Additionally, the Declaration of Homestead is a notarized document, wherein Mr. and Mrs. Shapiro appeared before a notary and showed proof of identification -- MA Driver’s License. In order to obtain a homestead, Mr. Shapiro had to state under oath that the Longmeadow Residence was his primary residence. M.G.L. c. 188 § 5.

⁴ Mr. and Mrs. Shapiro had previously recorded a Declaration of Homestead on their 159 Green Hill Road, Longmeadow, MA property when they purchased it in 2000. *See* footnote 1 above.

⁵ Under Illinois law, if one owns a residence in Illinois and it is that person’s primary residence, then they are eligible for an automatic homestead exemption on that property. The key, however, to becoming eligible for an Illinois homestead exemption is contingent upon a valid showing that the person claiming the exemption is a residence of Illinois and the home claimed to be protected by a homestead exemption is that person’s primary residence. 735 ILCS 5/12-901. A search of the Illinois land records showed no recording of a homestead by Mr. Shapiro.

represented under pains and penalties perjury to the insurer of the Longmeadow Residence that the Longmeadow Residence was his primary residence.⁶

As of the date of the filing of the present action, Mr. Shapiro was registered to vote at the Longmeadow Residence⁷ and held a Massachusetts driver's license listing the Longmeadow Residence as his primary residence.⁸ Mr. Shapiro has been a registered voter in Massachusetts since 2002,⁹ as well as, on information and belief, renewing his Massachusetts driver's license in March of 2018. Mr. Shapiro, at the time of the filing of the present action is believed to have been an active and frequent attending member of the Twin Hills Country Club, which abuts his Longmeadow Residence.

As recently as July 17, 2020, Mr. and Mrs. Shapiro transferred property they owned located at 79 Wenonah Drive a/k/a 79 Wenonah Road, Longmeadow, Massachusetts. In the Quitclaim Deed, which is recorded with the Office of the County Recorder, Mr. Shapiro represented that his residence was the Longmeadow Residence.¹⁰

There is no record of Mr. and Mrs. Shapiro being legally separated or divorced. They hold themselves out to public as married couple living together.

When the Covid-19 pandemic struck, all Allstate employees were ordered to work from home. Mr. Shapiro accordingly ceased his trips to Allstate's corporate headquarters in Illinois, and remained at his Longmeadow Residence working from home -- not at a house located somewhere in Illinois. Mr. Shapiro was present at the Longmeadow Residence at about 1:25 p.m.

⁶ If Mr. Shapiro is in fact a resident of Illinois at the time of the filing of the present action, he would have committed insurance fraud if he submitted any claims under his home owner's policy. M.G.L.c. 266 § 111A.

⁷ If Mr. Shapiro is found to have been a resident of Illinois, but is voting in Massachusetts, then Mr. Shapiro has been engaging in voter fraud. M.G.L.c. 51 §1.

⁸ As acknowledged in defendants' supplemental filings, the Notice of Removal falsely stated that Mr. Shapiro holds an Illinois driver's license. In acknowledging falsity of this representation, defendants' supplemental filings fail to make clear that Mr. Shapiro has at all times held a Massachusetts driver's license.

⁹ See Voter Registration, Exhibit "4".

¹⁰ See Quitclaim Deed, Exhibit "5".

on a Tuesday, August 25, 2020, when he personally accepted accept service of the complaint in the present action.¹¹

In neither the Notice of Removal nor his supplement declaration does Mr. Shapiro set forth sufficient facts or offer documents supporting the removal of the present action to federal court. Mr. Shapiro states in his declaration his titles at Allstate and then summarily claims he is a resident of Illinois. In doing so, he does not identify at what point in time he became a resident of Illinois and no longer considered the Longmeadow Residence to be his primary residence. Nor does Mr. Shapiro disclose the fact that he is a registered voter of Massachusetts with his residence designated as the Longmeadow Residence. Nor does he disclose to the Court that he holds a Massachusetts driver's license, which he appears to have renewed in March of 2018, two years after commencing to work for Allstate in Illinois. The fact that he renewed his driver's license in Massachusetts instead of obtaining an Illinois driver's license is conclusive evidence that Mr. Shapiro never intended to transfer his residency from Massachusetts to Illinois, but rather always intended to remain a resident of Massachusetts -- which he represented under oath to the Massachusetts Registry of Motor Vehicles.¹² His statement that he pays income taxes in Illinois because is employed in Illinois is irrelevant and misleading. Whatever state Mr. Shapiro works in, irrespective of his residency, he is required by state law to pay taxes to that state. Form IL-1040, non-resident tax form (for those who work in Illinois but are the resident of another state).

The facts thus weigh heavily on the side of, if not conclusively for, finding that Mr. Shapiro is a resident of Massachusetts, *not* Illinois. It is incumbent upon Mr. Shapiro to allege in his removal petition specific and sufficient facts demonstrating the existence of diversity jurisdiction.

¹¹ See Affidavit of Rob Burnieka of Unique Legal Services, Exhibit "6".

¹² If Mr. Shapiro's residency is Illinois, then he made false statements to the RMV, under oath in violation of M.G.L. c. 90 § 24(2)(a), which carries a penalty of up to 2 years imprisonment.

Defendants may not now go back and amend their Notice of Removal with new and additional purported facts. Wells v. Celanese Corp. of America, 239 F. Supp. 602, 603 (E.D. Tenn 1964). In determining citizenship and domicile, the courts look to see where the person has his fixed and principal residence to which he returns when he is absent or intends to return. Rodriguez-Diaz v. Sierra-Martinez, 853 F.2d 1027, 1029 (1st Cir. 1988)(“It is domicile at the time suit is filed...”). A fundamental element for establishing change in domicile is the establishment of a residence in the new domicile and intent to remain. Hawes v. Club Ecuestre El Comandante, 598 F.2d 696, 701 (1st Cir. 1979).

Primary considerations for the determination of citizenship are where does the person hold his driver’s license and where does he vote:

When determining "the citizenship of the parties to determine if the suit meets the requirements of diversity jurisdiction, the court must look to the citizenship of the parties at the time the action was filed and at the time of **removal**." *Audi Performance & Racing, LLC v. Kasberger*, 273 F. Supp. 2d 1220, 1225 (M.D. Ala. 2003). "For diversity purposes, citizenship means domicile; mere residence in the State is not sufficient." *Mas v. Perry*, 489 F.2d 1396, 1399 (5th Cir. 1974). "[D]omicile is established by physical presence in a place in connection with a certain state of mind concerning one's intent to remain there." *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 48, 109 S. Ct. 1597, 104 L. Ed. 2d 29 (1989). The factors considered in determining domicile include home ownership, driver's license, voting registration, location of family, location of business and where taxes are paid. See *Turner v. Pennsylvania Lumbermen's Mut. Fire Ins. Co.*, No. 307-CV-374-J-32TEM, 2007 U.S. Dist. LEXIS 78086, 2007 WL 3104930, at *4 (M.D. Fla. Oct. 22, 2007); see also *McCormick*, 293 F.3d at 1258. No plaintiffs may be domiciliaries of the same state as any defendant. *Travaglio v. Am. Exp. Co.*, 735 F.3d 1266, 1268 (11th Cir. 2013). Tillman v. Uber Techs., Inc., 2018 U.S. Dist. LEXIS 26991, *2-3.

Here, Mr. Shapiro holds a Massachusetts driver’s license, which he appears to have renewed in 2018, two years after commencing working for Allstate. Additionally, Mr. Shapiro is a registered voter of Longmeadow Massachusetts since 2002. Finally, he owns a home in Longmeadow,

Massachusetts, which he recorded a homestead exemption on the property and never removed the homestead exemption.

Statutes conferring removal jurisdiction are construed strictly because removal jurisdiction encroaches on a state court's jurisdiction. Alinsub v. T-Mobile, 414 F.Supp.2d 825, 827 (W.D. Tenn. 2006)(“Doubts about removal ‘should be resolved in favor of remand to the courts’ [citation omitted]”). The burden rests with the defendant seeking to remove a case. Id. at 528. As discussed above, defendants have not met that burden. Moreover, there is a strong state interest in this case because it addresses an important public policy of the state. The legislature for the Commonwealth of Massachusetts passed specific laws precluding companies and their management from engaging in the misclassification of employees as independent contractors, wrongful conduct that the Massachusetts Attorney General has characterized as a form of insurance fraud.

In 2004, the Massachusetts legislature amended its independent contractor statute, Chapter 149, section 148D, making the statute one of the most, if not the most, stringent in the Nation. The statute reflects a strong public policy disfavoring the classification of those providing services to another as independent contractors. The Massachusetts Attorney General has rendered an advisory opinion stating that “[t]he need for proper classification of individuals in the workplace is of paramount importance to the Commonwealth.”

The Attorney General further stated in its advisory opinion:

Entities that misclassify individuals are in many cases committing insurance fraud and deprive individuals of many protections and benefits, both public and private, that employees enjoy. Misclassified individuals are often left without unemployment insurance and worker's compensation benefits. In addition, misclassified individuals do not have access to employer-provided health care and may be paid reduced wages or cash as wage payments. [emph. added].

In conclusion, the Court is respectfully requested to remand the case to the Worcester Superior Court based on the showing by Plaintiff that Mr. Shapiro resided in Massachusetts at the

time of the filing of the complaint and the lack of showing by defendants that Mr. Shapiro's domicile at the time of the filing the present action was Illinois. If, however, the Court deems that the location of Mr. Shapiro's primary residence is sufficiently unclear in order to rule on the present motion, then Plaintiff requests the opportunity to engage in expedited discovery on the limited issue of Mr. Shapiro's residency at the time of the filing of the present action.

DATED: October 9, 2020

PLAINTIFF,
Paul Wasgatt,
By His Attorney,

/s/ Timothy K. Cutler
Timothy K. Cutler (BBO# 636124)
CUTLER & WILENSKY LLP
460 Totten Pond Road, Suite 410
Waltham, Massachusetts 02451
(617) 232-7500 Telephone
(617) 232-7560 Facsimile
tim@cutlerlegal.com

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and 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 9th, 2020.

/s/ Timothy K. Cutler
Timothy K. Cutler

Bk 14546 Pg 331 #92106
10-08-2004 @ 01:57p

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that we, **NOAH B. GOODMAN** and **LORI A. GOODMAN**, husband and wife, of Longmeadow, Massachusetts

in consideration of Six Hundred Twenty-five Thousand and 00/100 (\$625,000.00) Dollars

grant to **GLENN T. SHAPIRO** and **NANCY L. SHAPIRO**, husband and wife, 159 Green Hill Road, Longmeadow, Massachusetts, as tenants by the entirety

with Warranty Covenants

the land in Longmeadow, Hampden County, Massachusetts, being known and designated as Lot No. 43 as shown on a plan of lots entitled Twin Hills Estates, Sub-Division Section D, which plan is recorded in the Hampden County Registry of Deeds in Book of Plans 114, Page 89, to which plan reference is hereby made for a more detailed description.

Said premises subject to easements to Western Massachusetts Electric Company and New England Telephone and Telegraph Company by instruments recorded in the Hampden County Registry of Deeds in Book 3057, Page 570; Book 3217, Page 132; Book 3403, Page 347, if affecting locus.

Said premises are subject to restrictions contained in a deed from Longmeadow Development Corp. to Albert G. Burati, et ux, dated January 22, 1969 and recorded in the Hampden County Registry of Deeds in Book 3397, Page 256.

Property: 375 Green Hill Road, Longmeadow, MA


CASH \$2850.00
FEE \$2850.00
10/08/2004 11:19
000000 #92106
01
SPRINGFIELD
DEEDS REGISTRY
HAMPDEN COUNTY
MASSACHUSETTS

Being the same premises conveyed to the grantors herein by deed dated January 30, 2001 and recorded in the Hampden County Registry of Deeds in Book 11492, Page 471.

Executed as a sealed instrument this 6th day of October, 2004.



Noah B. Goodman

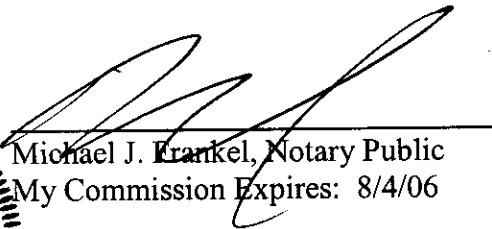


Lori A. Goodman

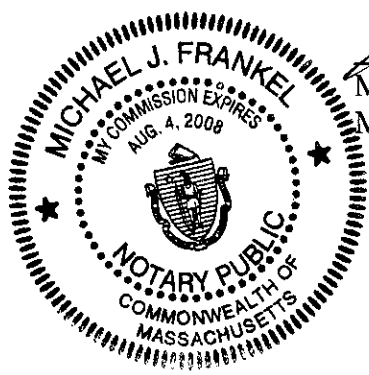
COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

On this 6th day of October, 2004, before me, the undersigned notary public, personally appeared Noah B. Goodman and Lori A. Goodman, personally known to me to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Michael J. Frankel, Notary Public
My Commission Expires: 8/4/06



DONALD E. ASHE, REGISTER
HAMPDEN COUNTY REGISTRY OF DEEDS

Massachusetts Warranty Deed

I, KARL-ERWIN PIEJKO, of Longmeadow, Hampden County, Massachusetts,

for consideration paid of TWO HUNDRED FIFTY-FIVE THOUSAND AND 00/100 (\$255,000.00) DOLLARS

grant to NANCY L. SHAPIRO AND GLENN T. SHAPIRO, HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY,

of 159 GREEN HILL ROAD, LONGMEADOW, MA 01106

with Warranty Covenants

The land in Longmeadow, Hampden County, Massachusetts, being known and designated as Lot #67 as shown on a Plan of Lots recorded in Hampden County Registry of Deeds in Book of Plans 120, Page 48 and 49; said lot being more particularly bounded and described as follows:

WESTERLY by Green Hill Road, one hundred fifty (150) feet;

NORTHERLY by Lot #68 as shown on said plan, two hundred (200) feet;

EASTERLY by land now or formerly of Longmeadow Development Corp., one hundred fifty (150) feet; and

SOUTHERLY by Lot #66 as shown on said plan, two hundred one (201) feet.

Subject to easement rights of Western Massachusetts Electric Company et al under instrument dated September 1, 1964 and February 24, 1969 and recorded as aforesaid in Book 3057, Page 570 and 3403, Page 347, respectively.

TOGETHER with the rights to use the ways on said plan and Green Hill Road in Common with others lawfully entitled thereto for all purposes for which public streets are commonly used.

Subject to restrictions of record.

Being the same premises conveyed to Grantor by deed of Ahmed F. Mouchantat and Katherine A. Mouchantat dated May 31, 1996 recorded with the Hampden Registry of Deeds in Book 9508, Page 224.

159 Green Hill Rd Long

SPRINGFIELD
DEEDS REG 12
HAMPDEN
08/14/20 12:53PM
0000011301
FEE \$1162.80
CASH \$1162.80

WITNESS my hand and seal this 8 day of June, 2000.

Karl-Ewrin Piejko
Karl-Ewrin Piejko

STATE OF Massachusetts

COUNTY: Hampden

DATE: 06/08/00

Then personally appeared the above named Karl-Erwin Piejko, and acknowledged the foregoing instrument to be his free act and deed, before me,

Liza Tsyrek
Notary Public
My Commission Expires: 12/09/05

File # 1099329

Liza Tsyrek

DONALD E. ASHE, REGISTER
HAMPDEN COUNTY REGISTRY OF DEEDS

4. Select ONE of the following:

- Deed is recorded in Hampden Registry of deeds
(district/county)
 in 14546 and 331
(book) (page)
- Certificate of Title _____ Registered in the Land Registration Office
(number)
 in _____ and _____
(book) (page)
- Inheritance from _____ Docket Number _____
(number) (county)
- For manufactured homes, license number _____

5. I/we, whose names are signed on this document, acknowledge that I/we sign it voluntarily for its stated purpose.

To be signed by Applicant(s) in front of Notary Public.

Signed under pains and penalties of perjury this

Glenn T. Shapiro and Nancy L. Shapiro 10th Day of November, 2012
Glenn T. Shapiro and Nancy L. Shapiro

For Use by Notary Public Only:

COMMONWEALTH OF MASSACHUSETTS

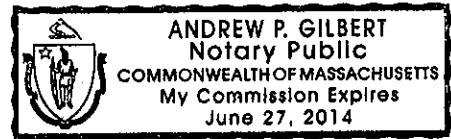
Hampden, ss.
November 10, 2012, before me, the undersigned notary public, personally appeared
Glenn T Shapiro and Nancy L Shapiro
(name(s) of the document signer(s))

proved to me through satisfactory evidence of identification, which were (drivers license, passport, etc.)

MA Drivers License
to be the person(s) who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his) (her) (their) knowledge and belief.

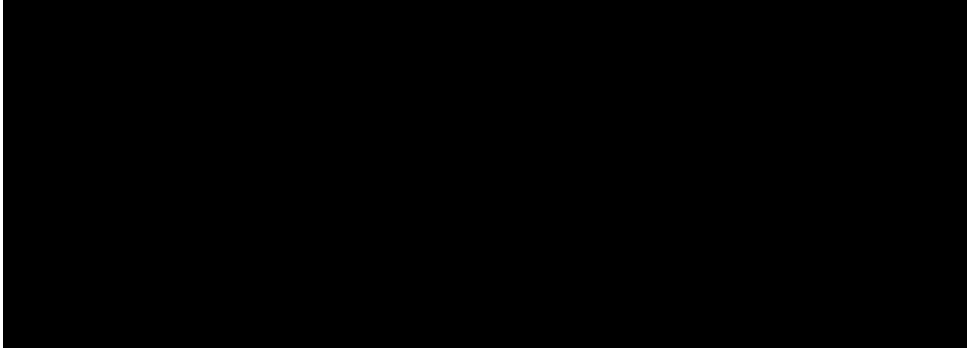
Notary Public: Andrew P Gilbert

My commission expires: June 27, 2014

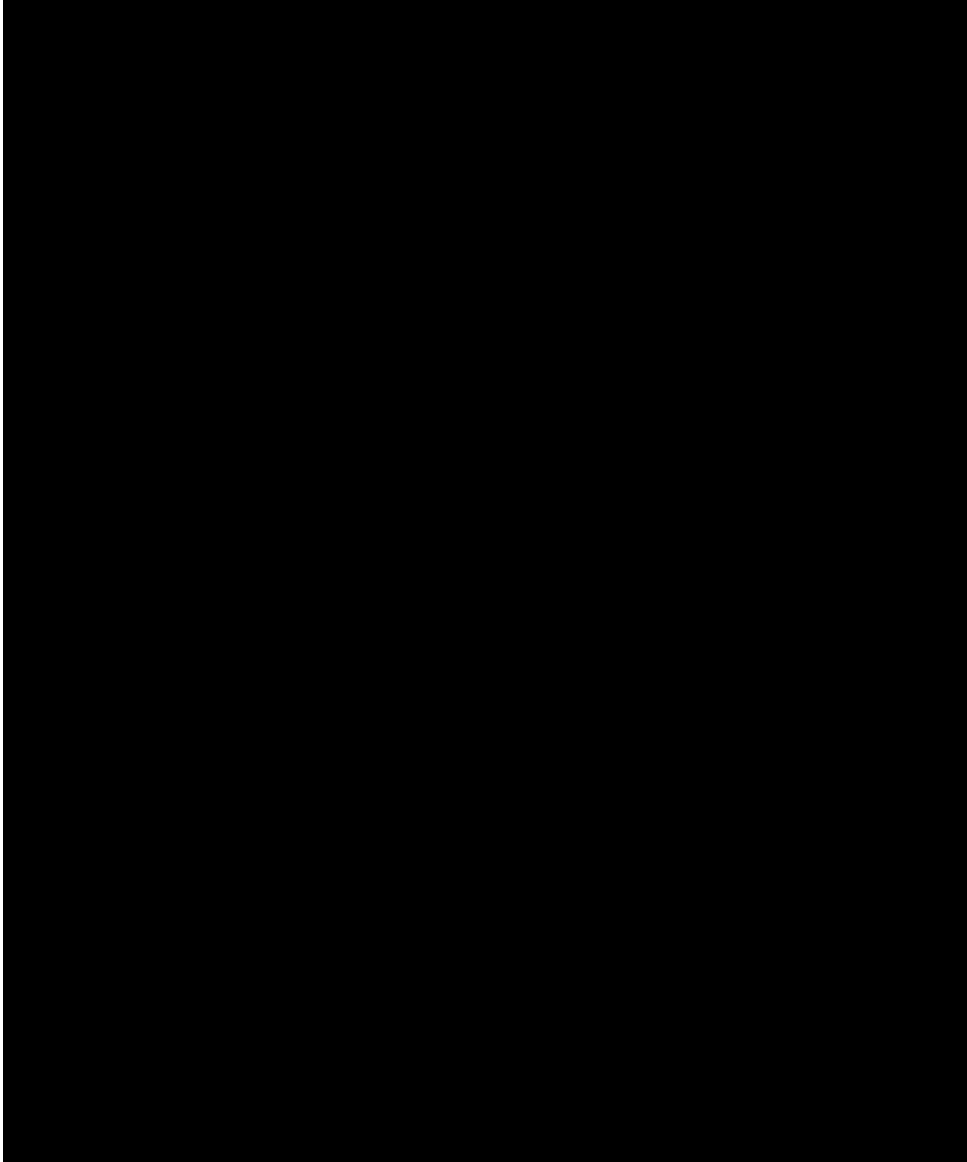


Record Seq	Voter ID #	Last Nm	First Nm	Mdl Nm	Title	Res. St #	Res. St Suff	Res. St Nan	Res. Apartr	Res. Zip Co	Mail Street	Mail Apartr	Mail City or	Mail State	Mail Zip Co	Party	Date of Birth	Date of Reg.
7659	01SGN176	SHAPIRO	GLENN	T		375				1106	375 GREEN HILL RD		LONGMEAI MA		1106 D			4/27/2002
7757	09SNY226	SHAPIRO	NANCY	L		375				1106	375 GREEN HILL RD		LONGMEAI MA		1106 D			4/30/2001

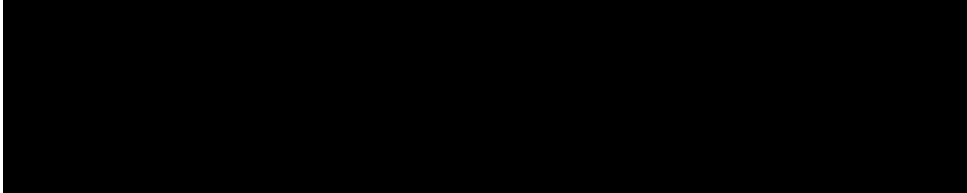
Ward # Precinct # Congressional District State Representative Voter Status Poll ID Required



0 D 2 30 103 A N



0 D 2 30 103 A N



07-17-2020 @ 02:25p

MASSACHUSETTS STATE EXCISE TAX
HAMPDEN COUNTY REGISTRY OF DEEDS
Date: 07-17-2020 @ 02:25pm
Ctl#: 1220 Doc#: 38579
Fee: \$1,869.60 Cons: \$410,000.00

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that WE, **PATRICK J. SHEEHY** and **LESLIE A. SHEEHY**, As Tenants by the Entirety, of 35 Ely Road, Longmeadow, Hampden County, Massachusetts for consideration paid and in full consideration

of **FOUR HUNDRED TEN THOUSAND and no/100 (\$410,000.00) DOLLARS,**

grant to **GLENN T. SHAPIRO** and **NANCY L. SHAPIRO**, husband and wife, of 375 Green Hill Road, Longmeadow, Hampden County, Massachusetts, As Tenants by the Entirety,

with **Quitclaim Covenants,**

(See Exhibit "A" attached and made a part hereof)

As per M.G.L. Chapter 188, sect. 13, the Grantors, under oath and subject to the pains and penalties of perjury, does hereby depose, state and certify that: (i) They release all rights of Homestead in the subject realty, (ii) that no spouse, non-owner spouse, former spouse, or any other person resides in the home, and (iii) at the time of delivery of this deed, no spouse, former spouse, or any other person is entitled to claim the benefit of an existing estate of homestead.

All my right, title and interest in the land in Springfield, Hampden County, Massachusetts, being further bounded and described in Exhibit "A" attached hereto and made part hereof.

BEING the same premises conveyed to the grantors by deed of Rachel N. Hermany, dated August 30, 2001 and recorded in the Hampden County Registry of Deeds in Book 11844, Page 392.

79 Wenonah Drive, aka 79 Wenonah Road, Longmeadow, Hampden County, Massachusetts

Witness my hand and seal this 15 day of July, 2020.

Michael J. Murphy
Michael J. Murphy

Patrick J. Sheehy
PATRICK J. SHEEHY

Leslie A. Sheehy
LESLIE A. SHEEHY

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

July 15th, 2020

On this 15 day of July, 2020, before me, the undersigned notary public, personally appeared **PATRICK J. SHEEHY** and **LESLIE A. SHEEHY** proved to me through satisfactory evidence of identification, which were photographic identification with signature issued by a federal or state governmental agency, () personal knowledge of the undersigned, () oath or affirmation of a credible witness, to be the persons whose names are signed on the preceding or attached document, and who swore, subscribed and affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief and acknowledged to me that they signed it voluntarily for its stated purpose.

Michael J. Murphy
My Comm. Expires 05/20/2027

*Michael J. Murphy
MY Comm. Exp:
05/20/2027

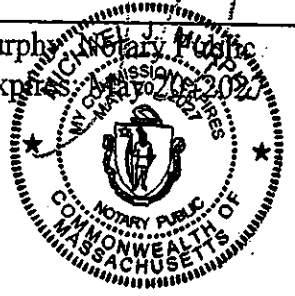


EXHIBIT "A"

Legal Description

79 Wenonah Drive aka 79 Wenonah Road, Hampden County, Massachusetts

Certain land in Longmeadow, Hampden County, Massachusetts, known and designated as Lot #15 (Fifteen) as shown on a plan of Lots recorded in the Registry of Deeds for said County of Hampden in Book of Plans 50, Pages 41 and 42, said lot being more particularly bounded and described as follows:

NORTHERLY by Wenonah Road, One Hundred Forty and 00/100 (140.00) Feet;

EASTERLY by Lot #14 (Fourteen) as shown on said plan, One Hundred Twenty-Five and 00/100 (125.00) Feet;

SOUTHERLY by York Drive, One Hundred Forty and 00/100 (140.00) Feet; and

WESTERLY by Lot #16 (Sixteen) as shown on said plan, One Hundred Twenty-Five and 00/100 (125.00) Feet.

SUBJECT TO Rights of Western Massachusetts Electric Company and New England Telephone and Telegraph Company under instrument dated October 13, 1955, and recorded as aforesaid in Book 2423, Page 32.

SUBJECT TO Restrictions of records if any are in force and applicable.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL WASGATT,
Plaintiff,

v.

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

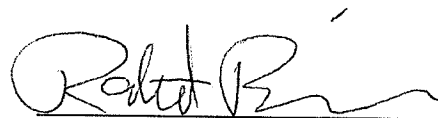
Civil Action No. 4:20-cv-40118
Superior Court Civil Action No. 2085cv00903

AFFIDAVIT OF ROBERT BURNIEIKA

I, Robert Burnieika, do swear and depose as follows:

1. I am the owner of Unique Legal Solutions. I have been a process server for twelve years.
2. On August 25, 2020 at approximately 1:25 p.m., I went to 375 Green Hill Road, Longmeadow, Massachusetts and served a package in hand on Glenn T. Shapiro.
3. When I arrived at the residence of 375 Green Hill Road, Longmeadow, Massachusetts, a woman answered the door and had to hold back two dogs. At that time, I informed her that I had a package to serve on Glenn Shapiro.
4. Mr. Shapiro appeared at the door and informed me that he was expecting a service package containing a deposition notice. I handed him the package that I was sent to deliver by CUTLER & WILENSKY LLP and left the residence.
5. I recognized Mr. Shapiro because prior to serving him I had looked him up on-line and viewed a picture of him. As such, I am able to confirm that it was Mr. Shapiro who appeared at the door of 375 Green Hill Road, Longmeadow, Massachusetts at approximately 1:25 p.m. on August 25, 2020 and accepted in hand the package containing the complaint in the above-captioned action.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS 9th DAY OF
OCTOBER 2020.


ROBERT BURNIEIKA