

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

Case No.: 0:21-cv-60515-MORENO/STRAUSS

PRESTIGE INSURANCE GROUP, LLC,
a Delaware Limited Liability Company and
ULISES CICCARELLI, an individual,

Plaintiffs,

v.

ALLSTATE INSURANCE COMPANY,
An Illinois Corporation,

Defendant.

**DEFENDANT ALLSTATE INSURANCE COMPANY'S UNOPPOSED MOTION
TO SUBSTITUTE EXHIBIT IN DOCKET ENTRY [ECF NO. 14]**

Defendant Allstate Insurance Company, by and through its undersigned counsel and pursuant to Local Rule 7.1(a) of the Local Rules for the U.S. District Court for the Southern District of Florida, hereby files its Unopposed Motion to Substitute Exhibit in Docket Entry [ECF No. 14] ("Unopposed Motion"). Defendant respectfully requests that the Court remove Exhibit 1 from Docket Entry 14 [ECF No 14-1], as the exhibit contains confidential and proprietary information, and replace it with a redacted version of that same exhibit, which is attached hereto as Revised Exhibit 1. In support thereof, Defendant states as follows:

1. On March 5, 2021, Plaintiffs filed their complaint [ECF No. 1]. On April 28, 2021, Defendant filed its Memorandum in Support of its Partial Motion to Dismiss Plaintiffs' Complaint [ECF No. 14] (the "Original Motion to Dismiss"). The sole exhibit to the Original Motion to Dismiss was an unredacted copy of the Supplement for the R3001 Agreement (the

“Supplement”), which is referenced in the Original Motion. [*See* ECF No. 14-1].

2. On October 6, 2021, the Court dismissed Plaintiffs’ Complaint without prejudice and denied Defendant’s Original Motion to Dismiss with leave for Defendant to re-file should Plaintiffs file an amended complaint. [*See* ECF No. 18.]

3. On October 14, 2021, Plaintiffs filed their Amended Complaint [ECF No. 19]. In connection with preparing Defendant’s response to the Amended Complaint, undersigned’s client became aware that the Supplement previously filed and attached to the Original Motion to Dismiss was not redacted as it should have been.

4. The Supplement should have initially been filed in redacted form as it contains confidential and proprietary information. Among the sensitive information in the Supplement are terms and rules related to the payment of commissions to agencies on the sale or renewal of Allstate policies. The Supplement also contains rules around the types of business agencies can write, along with other policies and practices related to the relationship between Allstate and its agencies. This and other information in the Supplement is commercially sensitive because it has economic value to Allstate and provides it with a competitive advantage. [*See* ECF No. 14-1 (“The following material is confidential and proprietary information which is the exclusive property of Allstate Insurance Company and may not be disclosed to third parties, other than outside advisors or as required by law, without first having obtained written permission from the Company).”]

5. On October 28, 2021, Defendant filed its Memorandum in Support of its Motion to Dismiss Plaintiffs’ First Amended Complaint [ECF No. 20] (the “Second Motion to Dismiss”) and included a redacted copy of the Supplement as an exhibit. [*See* ECF No. 20-1.] The redacted Supplement contains the only relevant portion of the document cited in the

Second Motion to Dismiss. The remainder of the information in the Supplement is not relevant to the pending motion.

6. Because the Supplement filed as Exhibit 1 to the Original Motion to Dismiss contains confidential and proprietary information, Defendant respectfully requests that it be removed from the docket (from ECF No. 14), and replaced with the redacted form attached hereto as Revised Exhibit 1. Plaintiffs do not oppose the request.¹

WHEREFORE, Defendant Allstate Insurance Company respectfully requests an Order directing the Clerk of the Court to remove Exhibit 1 from Docket Entry 14 [ECF No 14-1], and replace it with a redacted version of that same exhibit (attached hereto as Revised Exhibit 1).

CERTIFICATE OF COMPLIANCE WITH S.D. FLA. L.R. 7.1(a)(3)

Pursuant to Local Rule 7.1(a)(3), I hereby certify that counsel for the movant has conferred with all parties or non-parties who may be affected by the relief sought in this Unopposed Motion in a good faith effort to resolve the issues and there is no objection to the relief sought herein.

¹ To the extent the Supplement cannot be removed and substituted with the redacted version without deleting the entire docket entry, undersigned counsel will gladly re-file its Original Motion to Dismiss with Revised Exhibit 1.

Dated: February 16, 2022
Miami, Florida

Respectfully submitted,

By: /s/ Ingrid H. Ponce
INGRID H. PONCE, ESQ.
Florida Bar No. 166774
iponce@stearnsweaver.com
STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.
Museum Tower, Suite 2200
150 West Flagler Street
Miami, Florida 33130
Telephone: (305) 789-3200
Facsimile: (305) 789-3395

ROBERT G. LIAN, JR., ESQ.
DC Bar No. 446313 (*pro hac vice*)
blian@akingump.com
ALLISON S. PAPADOPOULOS, ESQ.
DC Bar No. 1023010 (*pro hac vice*)
apapadopoulos@akingump.com
KATHERINE I. HEISE, ESQ.
DC Bar No. 1672558 (*pro hac vice*)
kheise@akingump.com
AKIN GUMP STRAUSS HAUER & FELD LLP
2001 K Street, N.W.
Washington, DC 20006
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

Attorneys for Defendant
ALLSTATE INSURANCE COMPANY

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 16th day of February, 2022, a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served through electronic mail via transmission of Notices of Electronic Filing generated by CM/ECF to:

Eric A. Parzianello, Esq.
eparzianello@hsplc.com
John A. Hubbard, Esq.
jhubbard@hsplc.com
HUBBARD SNITCHLER & PARZIANELLO PLC
999 Vanderbilt Beach Road
Suite 200
Naples, Florida 34108

/s/ Ingrid H. Ponce

INGRID H. PONCE

SUPPLEMENT REVISION NOTICE



REVISED EXHIBIT 1



To holders of: Supplement for the R3001 Agreement

Date: December 23, 2019

No: 76

From: 360° Finance and Distribution Strategy & Program Development

This is a complete revision of the Supplement for the R3001 Agreement. This version of the Supplement replaces the previous version of the Supplement, and each page of this has a date of December 23, 2019. If you have a previous version of the Supplement, please replace it with this version. The following highlights some of the changes that have been made to the Supplement:

Chapter / Section Number	Chapter / Section Name	Explanation of Change
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]

UNITED STATES DISTRICT COURT
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ULISES CICCARELLI, an individual,

Plaintiffs,

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ALLSTATE INSURANCE COMPANY,
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Defendant.

**ORDER GRANTING DEFENDANT ALLSTATE INSURANCE COMPANY'S
UNOPPOSED MOTION TO SUBSTITUTE EXHIBIT IN DOCKET ENTRY
[ECF NO. 14]**

THIS CAUSE has come before the Court on the Defendant's Unopposed Motion to Substitute Exhibit in Docket Entry [ECF No. 14]. The Court being otherwise fully advised in the premises and noting that the Motion is unopposed, it is hereby

ORDERED AND ADJUDGED as follows:

1. Defendant Allstate Insurance Company's Unopposed Motion to Substitute Exhibit in Docket Entry [ECF No. 14] is **GRANTED**; and
2. The Clerk of Court is directed to remove Exhibit 1 from Docket Entry 14 [ECF No. 14-1] and replace it with a redacted version of that same exhibit attached to Docket Entry 24 [ECF No. 24-1] (the "Revised Exhibit 1"), a copy of which is also attached to this Order.

DONE AND ORDERED in Chambers in Miami, Florida, this ____ day of February,
2022.

FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to Counsel of Record

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Explanation of Change

Chapter / Section Number	Chapter / Section Name	Explanation of Change
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

