

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KIMBERLY PETERSEN, derivatively and on behalf of THE ALLSTATE CORPORATION,

Plaintiff,

v.

THOMAS J. WILSON, STEVEN E. SHEBIK, JUDITH A. SPRIESER, KERMIT R. CRAWFORD, MICHAEL L. ESKEW, F. DUANE ACKERMAN, JACK M. GREENBERG, ROBERT D. BEYER, HERBERT L. HENKEL, SIDDHARTH N. MEHTA, ANDREA REDMOND, JOHN W. ROWE, MARY ALICE W. TAYLOR, JACQUES P. PEROLD, and MATTHEW E. WINTER,

Defendants,

-and-

THE ALLSTATE CORPORATION, a Delaware Corporation,

Nominal Defendant.

Case No. 1:18-cv-03598

Hon. Robert W. Gettleman

JOINT STATUS REPORT

Plaintiff Kimberly Petersen, defendants F. Duane Ackerman, Robert D. Beyer, Kermit K. Crawford, Michael L. Eskew, Jack M. Greenberg, Herbert L. Henkel, Siddharth N. Mehta, Jacques P. Perold, Andrea Redmond, John W. Rowe, Steven E. Shebik, Judith A. Sprieser, Mary Alice W Taylor, Thomas J. Wilson, and Matthew E. Winter, and nominal defendant The Allstate Corporation (“Allstate”), by and through their respective counsel, respectfully submit this status report in accordance with the minute order entered on June 22, 2021, (ECF No. 68).

1. This is a stockholder derivative action. In an opinion and order entered on December 4, 2018 (ECF No. 37), the Court stayed all proceedings in this action pursuant to the

Colorado River abstention doctrine until the final resolution of an earlier-filed state court action, *Biefeldt v. Wilson, et al.*, Case No. 2017-CH-10676 (Ill. Cir. Ct.), in which substantially similar stockholder derivative claims were asserted by a different alleged Allstate stockholder. The stay will remain in effect through “any appeals” in the *Biefeldt* action. (*Id.*) The Court further ordered that “[w]hen the state court proceedings conclude, any party may move this court to lift the stay and proceed [] in a manner consistent with the court’s rulings and any preclusion principles that may apply.” (*Id.*)

2. In *Biefeldt*, on February 24, 2021, the Circuit Court of Cook County, Chancery Division, granted the defendants’ motion to dismiss the plaintiffs’ second amended complaint with prejudice based on their failure to make a demand on the Allstate board before instituting suit. On March 26, 2021, the *Biefeldt* plaintiffs filed a notice of appeal with the Illinois Appellate Court. Briefing with respect to that appeal was completed on November 8, 2021.

3. The parties agree that the continued stay of this action should remain in effect until a non-appealable final order of judgment has been entered in *Biefeldt*. The parties also agree that, because of the stay order, there is no need to include in this joint status report any additional information that may be required in other cases as a result of the Court’s minute order dated June 4, 2020 (Dkt. 61).

DATED: November 17, 2021

Respectfully submitted,

By: /s/ Kenneth L. Schmetterer

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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2021, I caused to be filed, electronically, the foregoing with the Clerk of Court using the CM/ECF system. The electronic filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Lori A. Fanning

Lori A. Fanning