

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RAUL FOJAS, Derivatively on Behalf of)
ALLSTATE CORP.,)
)
Plaintiff,)
v.)
)
F. DUANE ACKERMAN, JAMES G. ANDRESS,)
ROBERT D. BEYER, W. JAMES FARRELL,)
JACK M. GREENBERG, RONALD T. LEMAY,)
EDWARD M. LIDDY, J. CHRISTOPHER)
REYES, H. JOHN RILEY, JR., JOSHUA I.)
SMITH, JUDITH A. SPRIESER, MARY ALICE)
TAYLOR, THOMAS J. WILSON,)
)
Defendants,)
- and -)
ALLSTATE CORP., a Delaware corporation,)
)
Nominal Defendant.)

No. 1:08 CV 00423
Judge William T. Hart

**DEFENDANTS’ MOTION TO DISMISS
FOR FAILURE TO ADEQUATELY PLEAD DEMAND FUTILITY**

Pursuant to Federal Rule of Civil Procedure 23.1(b) and Delaware Chancery Court Rule 23.1, nominal defendant Allstate Corporation and individual defendants F. Duane Ackerman, James G. Andress, Robert D. Beyer, W. James Farrell, Jack M. Greenberg, Ronald T. LeMay, Edward M. Liddy, J. Christopher Reyes, H. John Riley, Jr., Joshua I. Smith, Judith A. Sprieser, Mary Alice Taylor, and Thomas J. Wilson (collectively, defendants) respectfully move this court for dismissal of the Verified Shareholder Derivative Complaint in this action for failure to adequately plead demand futility. In support of this motion, defendants incorporate herein the accompanying Memorandum in Support of Defendants’ Motion to Dismiss for Failure to Adequately Plead Demand Futility.

Dated: April 25, 2008

Respectfully Submitted,

/s/ Jonathan E. Hinkemeyer
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Counsel for the Individual Defendants

CERTIFICATE OF SERVICE

I, Jonathan E. Hinkemeyer, an attorney, hereby certify that on April 25, 2008, I electronically filed the foregoing **Defendants' Motion to Dismiss For Failure to Adequately Plead Demand Futility** with the Clerk of Court using the CM/ECF system which sent notification of such filings to all counsel of record.

/s/ Jonathan E. Hinkemeyer