

CLOSED

**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:05-cv-01813-EAK-TGW**

United States Equal Employment Opportunity Commission v.
Diversified Behavioral Health Solutions, Inc.
Assigned to: Judge Elizabeth A. Kovachevich
Referred to: Magistrate Judge Thomas G. Wilson
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 09/29/2005
Date Terminated: 10/24/2007
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**United States Equal Employment
Opportunity Commission**

represented by **Carla Johanna Von Greiff**
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V.

Intervenor Plaintiff

Melissa Everette

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Adria Lynn Silva**

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TERMINATED: 04/13/2007**ATTORNEY TO BE NOTICED****Alicia Palomino**

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ATTORNEY TO BE NOTICED**Cheryl A. Cooper**

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ATTORNEY TO BE NOTICED**Walter C. Thomas, Jr.**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant**Diversified Behavioral Health Solutions,
Inc.***formerly known as*

Central Florida Youth Services, Inc.

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Date Filed	#	Docket Text
09/29/2005	<u>1</u>	COMPLAINT against Diversified Behavioral Health Solutions, Inc. ; jury demand , filed by United States Equal Employment Opportunity Commission.(ag) (Entered: 09/30/2005)
09/29/2005	<u>2</u>	Summons issued as to Diversified Behavioral Health Solutions, Inc. Consent(s) issued. (ag) (Entered: 09/30/2005)

10/17/2005	<u>3</u>	RELATED CASE ORDER AND NOTICE of designation under Local Rule 3.05 - track 2. Notice of pendency of other actions due by 10/28/2005.Signed by Deputy Clerk on 10/17/2005. (cl-m) (Entered: 10/17/2005)
10/18/2005	<u>4</u>	MOTION to substitute attorney by United States Equal Employment Opportunity Commission. (Lewis, Muslima) (Entered: 10/18/2005)
10/19/2005	5	ENDORSED ORDER granting <u>4</u> Motion to substitute attorney. . Signed by Judge Elizabeth A. Kovachevich on 10/19/2005. (jm,) (Entered: 10/19/2005)
10/27/2005	<u>6</u>	MOTION to intervene by Melissa Everette, Fontella Luther. (Attachments: # <u>1</u>)(Silva, Adria) (Entered: 10/27/2005)
11/18/2005	<u>7</u>	RETURN of service executed on 11/8/2005 by United States Equal Employment Opportunity Commission as to Diversified Behavioral Health Solutions, Inc. (ejc) (Entered: 11/22/2005)
11/28/2005	<u>8</u>	NOTICE of Appearance by Peter W. Zinober on behalf of Diversified Behavioral Health Solutions, Inc. (Zinober, Peter) (Entered: 11/28/2005)
11/28/2005	<u>9</u>	NOTICE of Appearance by Megan Lenker Pritts on behalf of Diversified Behavioral Health Solutions, Inc. (Pritts, Megan) (Entered: 11/28/2005)
11/28/2005	<u>10</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>Complaint</i> by Diversified Behavioral Health Solutions, Inc.. (Pritts, Megan) (Entered: 11/28/2005)
11/29/2005	11	ENDORSED ORDER granting <u>10</u> Motion for Extension of Time to File Response/Reply. Responses due by 12/12/2005. Signed by Judge Elizabeth A. Kovachevich on 11/29/2005. (jm,) (Entered: 11/29/2005)
12/08/2005	<u>12</u>	ANSWER to complaint <i>and Affirmative Defenses</i> by Diversified Behavioral Health Solutions, Inc..(Pritts, Megan) (Entered: 12/08/2005)
01/06/2006	<u>13</u>	CASE MANAGEMENT REPORT. (Lewis, Muslima) (Entered: 01/06/2006)
01/09/2006	<u>14</u>	ORDER granting <u>6</u> Motion to intervene . Signed by Judge Elizabeth A. Kovachevich on 1/9/2006. (jm,) (Entered: 01/09/2006)
01/09/2006	<u>15</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Discovery due by 1/12/2077. Dispositive motions due by 2/12/2007. This case is a 30 hour jury trial.Signed by Judge Elizabeth A. Kovachevich on 1/9/2006. (jm,) (Entered: 01/09/2006)
01/10/2006	<u>16</u>	NOTICE by Melissa Everette, Fontella Luther <i>of filing of Plaintiff Intervenor's Complaint and Plaintiff Intervenor's Complaint</i> (Attachments: # <u>1</u>)(Silva, Adria) (Entered: 01/10/2006)
01/10/2006	<u>17</u>	NOTICE by Melissa Everette, Fontella Luther <i>of filing Substitute Complaint and Plaintiff Intervenor's Complaint</i> (Attachments: # <u>1</u>)(Silva, Adria) (Entered: 01/10/2006)
01/11/2006	<u>18</u>	INTERVENOR'S COMPLAINT, filed by Melissa Everette, Fontella Luther.(Helwig, Peter) (Entered: 01/11/2006)

01/30/2006	<u>19</u>	ANSWER to intervenor complaint <i>and Affirmative Defenses</i> by Diversified Behavioral Health Solutions, Inc..(Pritts, Megan) (Entered: 01/30/2006)
03/28/2006	<u>20</u>	NOTICE by Diversified Behavioral Health Solutions, Inc. <i>of Withdrawal of Counsel</i> (Pritts, Megan) (Entered: 03/28/2006)
03/29/2006	<u>21</u>	NOTICE of Appearance by Luisette Gierbolini on behalf of Diversified Behavioral Health Solutions, Inc. (Gierbolini, Luisette) (Entered: 03/29/2006)
03/30/2006	<u>22</u>	Unopposed MOTION to substitute attorney by United States Equal Employment Opportunity Commission. (Cooper, Cheryl) (Entered: 03/30/2006)
04/04/2006	23	ENDORSED ORDER granting <u>22</u> Motion to substitute attorney. . Signed by Judge Elizabeth A. Kovachevich on 4/4/2006. (jm,) (Entered: 04/04/2006)
06/07/2006	<u>24</u>	MOTION to consolidate cases by Melissa Everette, Fontella Luther. (Attachments: # <u>1</u> Exhibit)(Silva, Adria) (Entered: 06/07/2006)
06/14/2006	<u>25</u>	Joint MOTION to quash Subpoenas <i>or Modify Subpoenas and for Protective Order</i> by Melissa Everette, Fontella Luther, United States Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D# <u>5</u> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F)(Cooper, Cheryl) (Entered: 06/14/2006)
06/15/2006	<u>26</u>	MOTION to substitute attorney by United States Equal Employment Opportunity Commission. (Wells, Michael) (Entered: 06/15/2006)
06/15/2006	<u>27</u>	NOTICE of withdrawal of motion by United States Equal Employment Opportunity Commission <i>Motion to Substitute Attorney</i> (Wells, Michael) (Entered: 06/15/2006)
06/15/2006	<u>28</u>	Unopposed MOTION to substitute attorney by United States Equal Employment Opportunity Commission. (Wells, Michael) (Entered: 06/15/2006)
06/19/2006	29	ENDORSED ORDER granting <u>28</u> Motion to substitute attorney. . Signed by Judge Elizabeth A. Kovachevich on 6/19/2006. (jm,) (Entered: 06/19/2006)
06/26/2006	<u>30</u>	RESPONSE in opposition re <u>24</u> MOTION to consolidate cases filed by Diversified Behavioral Health Solutions, Inc.. (Attachments: # <u>1</u> Exh. 1 - Affidavit of Joshua Ford# <u>2</u> Exh. 2 - Responses to Interrogatories 6 and 7# <u>3</u> Exh. 3 - Affidavit of Bruce Manssuer# <u>4</u> Exh. 4 - EEOC Rule 26 Initial Disclosures# <u>5</u> Exh. 5 - Intervenors' Rule 26 Initial Disclosures# <u>6</u> Exh. 6 - Rodney Jones' Rule 26 Initial Disclosures)(Gierbolini, Luisette) (Entered: 06/26/2006)
06/28/2006	<u>31</u>	NOTICE by Diversified Behavioral Health Solutions, Inc. re <u>30</u> Response in opposition to motion, <i>of Filing</i> (Attachments: # <u>1</u> Notarized Affidavits of Joshua Ford and Bruce Manssuer)(Gierbolini, Luisette) (Entered: 06/28/2006)
06/30/2006	<u>32</u>	MOTION to extend time to respond to plaintiffs' motion to quash subpoenas by Diversified Behavioral Health Solutions, Inc.. (Gierbolini, Luisette) (Entered: 06/30/2006)
07/07/2006	<u>33</u>	ORDER denying <u>24</u> Motion to consolidate cases . Signed by Judge Elizabeth A. Kovachevich on 7/7/2006. (jm,) (Entered: 07/07/2006)

07/07/2006	34	ORDER granting 32 Motion to extend time to July 24, 2006, to respond to plaintiffs' motion . Signed by Judge Thomas G. Wilson on 7/7/2006. (Wilson, Thomas) (Entered: 07/07/2006)
07/24/2006	35	RESPONSE in opposition re 25 Joint MOTION to quash Subpoenas <i>or Modify Subpoenas and for Protective Order</i> filed by Diversified Behavioral Health Solutions, Inc.. (Attachments: # 1 Plaintiffs' Rule 26 Disclosures# 2 Intervenor's Rule 26 Disclosures# 3 Lees-Haley, Checklist of Information to Obtain in Psychological and Neuropsychological Cases# 4 Order# 5 Employment Application# 6 Employment Application# 7 Standards of Conduct# 8 EEOC's Response to Request for Production# 9 EEOC Enforcement Guidance: Compensatory and Punitive Damages Available under Section 102 of the Civil Rights Act of 1991)(Gierbolini, Luisette) (Entered: 07/24/2006)
07/31/2006	36	Oral argument is scheduled for August 16, 2006 in Courtroom 12A at 2:30 PM before Magistrate Judge Thomas G. Wilson on the following motion: Motion 25 : Joint MOTION to quash Subpoenas or Modify Subpoenas and for Protective Order (DH) (Entered: 07/31/2006)
08/14/2006	37	MOTION Postpone/Reschedule Oral Argument Currently Set for August 16, 2006 by Diversified Behavioral Health Solutions, Inc.. (Gierbolini, Luisette) (Entered: 08/14/2006)
08/14/2006	38	ORDER granting 37 Motion to postpone hearing, and the hearing set for August 16, 2006, is cancelled . Signed by Judge Thomas G. Wilson on 8/14/2006. (Wilson, Thomas) (Entered: 08/14/2006)
08/18/2006	39	MOTION for Zinober & McCrea, P.A. to withdraw as attorney by Diversified Behavioral Health Solutions, Inc.. (Gierbolini, Luisette) (Entered: 08/18/2006)
08/18/2006	40	MOTION Motion Requesting Sixty (60) Days for Defendant to Retain New Counsel re 39 MOTION for Zinober & McCrea, P.A. to withdraw as attorney by Diversified Behavioral Health Solutions, Inc.. (Gierbolini, Luisette) (Entered: 08/18/2006)
08/29/2006	41	ENDORSED ORDER granting 40 Motion for stay of 60 days to permit Defendant to obtain new counsel . Signed by Judge Elizabeth A. Kovachevich on 8/29/2006. (jm,) (Entered: 08/29/2006)
08/29/2006	42	ENDORSED ORDER ruling deferred 39 Motion to withdraw as attorney until new counsel has filed an appearance. . Signed by Judge Elizabeth A. Kovachevich on 8/29/2006. (jm,) (Entered: 08/29/2006)
11/06/2006	43	MOTION for Zinober & McCrea, P.A. to withdraw as attorney <i>for Defendant</i> by Diversified Behavioral Health Solutions, Inc.. (Gierbolini, Luisette) (Entered: 11/06/2006)
11/07/2006	44	ENDORSED ORDER granting 43 Motion to withdraw as attorney.. Signed by Judge Elizabeth A. Kovachevich on 11/7/2006. (jm,) (Entered: 11/07/2006)
11/07/2006	45	ORDER TO SHOW CAUSE why sanctions should not be entered as to Diversified Behavioral Health Solutions, Inc.Show Cause Response due by 11/21/2006. Signed by Judge Elizabeth A. Kovachevich on 11/7/2006. (jm,) (Entered: 11/07/2006)

11/07/2006	<u>46</u>	ENDORSED ORDER denying as moot <u>39</u> Motion to withdraw as attorney. Signed by Judge Elizabeth A. Kovachevich on 11/7/2006. (jm,) (Entered: 11/07/2006)
12/15/2006	<u>47</u>	MOTION to amend/correct <i>Intervenors' Complaint</i> by Melissa Everette, Fontella Luther. (Attachments: # <u>1</u> Exhibit Letters of Determination# <u>2</u> Exhibit Notices of Right to Sue# <u>3</u> Proposed Amended Complaint)(Silva, Adria) (Entered: 12/15/2006)
12/19/2006	<u>48</u>	MOTION for Extension of Time to Complete Discovery <i>AND EXTEND REMAINING LITIGATION DEADLINES</i> by United States Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit)(Wells, Michael) Motions referred to Magistrate Judge Thomas G. Wilson. (Entered: 12/19/2006)
01/03/2007	<u>49</u>	MOTION for default judgment against Diversified Behavioral Health Solutions, Inc. <i>AND REQUEST FOR ENTRY OF DEFAULT</i> by United States Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit)(Wells, Michael) Motions referred to Magistrate Judge Thomas G. Wilson. (Entered: 01/03/2007)
01/04/2007	50	ENDORSED ORDER granting <u>47</u> motion to amend/correct <i>Intervenors' Complaint</i> , which shall be filed within ten days. Signed by Judge Elizabeth A. Kovachevich on 1/4/2007. (jm,) (Entered: 01/04/2007)
01/04/2007	51	ENDORSED ORDER granting <u>48</u> Motion for Extension of Time to Complete Discovery. The discovery cutoff is 4/12/2007 and dispositive motions shall be filed by 5/14/2007. Signed by Judge Elizabeth A. Kovachevich on 1/4/2007. (jm,) (Entered: 01/04/2007)
01/08/2007	<u>52</u>	AMENDED COMPLAINT <i>Intervenors' Amended Complaint</i> against Diversified Behavioral Health Solutions, Inc. with Jury Demand filed by Melissa Everette, Fontella Luther.(Silva, Adria) (Entered: 01/08/2007)
01/19/2007	<u>53</u>	ORDER referring motion for evidentiary hearing and report and recommendation: <u>49</u> MOTION for default judgment against Diversified Behavioral Health Solutions, Inc. filed by United States Equal Employment Opportunity Commission. Signed by Judge Elizabeth A. Kovachevich on 1/19/2007. (jm,) Motions referred to Thomas G. Wilson. (Entered: 01/19/2007)
01/24/2007	<u>54</u>	ORDER granting <u>49</u> Motion for Default Judgment, Clerk directed to enter a default against the defendant in accordance with F.R.Civ.P. 55.. Signed by Judge Thomas G. Wilson on 1/24/2007. (Williams, Carrie) (Entered: 01/25/2007)
01/25/2007	<u>55</u>	CLERK'S ENTRY OF DEFAULT as to Diversified Behavioral Health Solutions, Inc. (cda) (Entered: 01/25/2007)
01/31/2007	<u>56</u>	MOTION for default Failure to Defend by Melissa Everette, Fontella Luther. (Silva, Adria) Motions referred to Magistrate Judge Thomas G. Wilson. (Entered: 01/31/2007)
02/01/2007	<u>57</u>	NOTICE by United States Equal Employment Opportunity Commission of <i>Substitution of Counsel</i> (Von Greiff, Carla) (Entered: 02/01/2007)

02/02/2007	<u>58</u>	ENDORSED ORDER re <u>57</u> Notice (Other) filed by United States Equal Employment Opportunity Commission, approving substitution. Signed by Judge Elizabeth A. Kovachevich on 2/2/2007. (jm,) (Entered: 02/02/2007)
02/07/2007	<u>59</u>	ORDER granting <u>25</u> Motion to quash - subpoenas regarding the plaintiff-intervenor's personnel files are quashed and the files need not be produced.. Signed by Judge Thomas G. Wilson on 2/7/2007. (Williams, Carrie) (Entered: 02/07/2007)
03/26/2007	<u>60</u>	ENDORSED ORDER granting <u>56</u> Motion for default. Signed by Judge Elizabeth A. Kovachevich on 3/26/2007. (jm,) (Entered: 03/26/2007)
03/26/2007	<u>61</u>	ORDER REFERRING CASE to Magistrate Judge to conduct evidentiary hearing and for report and recommendation. Signed by Judge Elizabeth A. Kovachevich on 3/26/2007. (jm,) (Entered: 03/26/2007)
04/12/2007	<u>62</u>	NOTICE of Appearance by Adria Lynn Silva on behalf of Melissa Everette, Fontella Luther (Silva, Adria) (Entered: 04/12/2007)
04/12/2007	<u>63</u>	Unopposed MOTION for Adria Lynn Silva to withdraw as attorney <i>for health reasons</i> by Melissa Everette, Fontella Luther. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Silva, Adria) (Entered: 04/12/2007)
04/13/2007	<u>64</u>	ENDORSED ORDER granting <u>63</u> Motion to withdraw as attorney.. Signed by Judge Elizabeth A. Kovachevich on 4/13/2007. (jm,) (Entered: 04/13/2007)
06/05/2007	<u>65</u>	ORDER setting Evidentiary hearing concerning the issue of damages and the entry of a permanent injunction on 6/25/07 at 2:30 PM. The Clerk is DIRECTED to send a copy of this Order to the defendant's registered agent, Joshua Ford, 2643 Gulf to Bay Boulevard, Suite 1560-454, Clearwater, FL 33759. Signed by Judge Thomas G. Wilson on 6/5/2007. (Williams, Carrie) (Entered: 06/05/2007)
06/22/2007	<u>66</u>	CORRESPONDENCE from Joshua D. Ford (Williams, Carrie) (Entered: 06/22/2007)
06/25/2007	<u>67</u>	MINUTE ENTRY for proceedings held before Judge Thomas G. Wilson : Evidentiary Hearing (Damages) held on 6/25/2007. Testimony of Melissa Fay Whittaker, Fontella Yvette Luther and Rodney Keith Jones. Matter taken under advisement. (2:41 - 3:55) Court Reporter: Paul Spangler (Williams, Carrie) (Entered: 06/25/2007)
09/27/2007	<u>68</u>	REPORT AND RECOMMENDATION re <u>1</u> Complaint filed by United States Equal Employment Opportunity Commission, <u>52</u> Amended complaint filed by Melissa Everette, Fontella Luther, <u>18</u> Intervenor Complaint filed by Melissa Everette, Fontella Luther. Signed by Judge Thomas G. Wilson on 9/27/2007. (Wilson, Thomas) (Entered: 09/27/2007)
10/24/2007	<u>69</u>	ORDER adopting <u>68</u> REPORT AND RECOMMENDATION re <u>1</u> Complaint filed by United States Equal Employment Opportunity Commission, <u>52</u> Amended complaint filed by Melissa Everette, Fontella Luther, <u>18</u> Intervenor Complaint filed by Melissa Everette, Fontella Luther.REPORT AND RECOMMENDATION re <u>1</u> Complaint filed by United States Equal Employment Opportunity Commission, <u>52</u> Amended complaint filed by Melissa Everette, Fontella Luther, <u>18</u> Intervenor Complaint filed by Melissa Everette, Fontella Luther. The Clerk of

		Court shall enter a Final Default Judgment in favor of Plaintiff and Intervenor Plaintiffs against Defendant, for which execution shall issue. The Court reserves jurisdiction for the award of fees and costs. The Court dismisses Count II of Intervenor's Amended Complaint with prejudice. The Clerk of Court shall close this case. Signed by Judge Elizabeth A. Kovachevich on 10/24/2007. (jm,) (Entered: 10/24/2007)
10/24/2007	<u>70</u>	JUDGMENT in favor of United States Equal Employment Opportunity Commission, Fontella Luther, Melissa Everette against Diversified Behavioral Health Solutions, Inc. (Signed by Deputy Clerk) (cda) (Entered: 10/24/2007)
11/05/2007	<u>71</u>	NOTICE of Appearance by Alicia Palomino on behalf of Melissa Everette, Fontella Luther (Palomino, Alicia) (Entered: 11/05/2007)
11/05/2007	<u>72</u>	Unopposed MOTION for Extension of Time to File <i>Application for Attorneys' Fees and Costs with its Accompanying Memorandum of Law</i> by Melissa Everette, Fontella Luther. (Palomino, Alicia) (Entered: 11/05/2007)
11/06/2007	73	ENDORSED ORDER granting <u>72</u> Motion for Extension of Time to File to 11/21/2007. Signed by Judge Elizabeth A. Kovachevich on 11/6/2007. (jm,) (Entered: 11/06/2007)
11/20/2007	<u>74</u>	MOTION for attorney fees by Melissa Everette, Fontella Luther. (Palomino, Alicia) (Entered: 11/20/2007)
11/20/2007	<u>75</u>	MEMORANDUM in support re <u>74</u> Motion for attorney fees filed by Melissa Everette, Fontella Luther. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Palomino, Alicia) (Entered: 11/20/2007)
11/28/2007	<u>76</u>	NOTICE of Appearance by Walter C. Thomas, Jr on behalf of Melissa Everette, Fontella Luther (Thomas, Walter) (Entered: 11/28/2007)

PACER Service Center

Transaction Receipt

03/18/2008 17:21:24

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