

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No. 2-09-cv-10333

v.

**JULIAN A. COOK, JR.
United States District Judge**

**RONALD D. PETERSON,
GLENN E. JOHNSON and
FIRST PITCH PROPERTIES, LLC**

Defendants.

**DEFENDANT PETERSON'S ANSWER TO UNITED STATES
MOTION FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF**

On August 6, 2010, a jury in this Fair Housing Act case found that Ronnie D. Peterson and First Pitch Properties were liable for the actions of Glenn Johnson on an agency theory. The jury awarded six women who were sexually harassed by Glenn Johnson a total of \$36,510 in compensatory damages. The jury also imposed punitive damages of \$26,295 against Ronnie Peterson, and \$300 against First Pitch Properties. (The punitive damages imposed against Glenn Johnson were \$51,895 – approximately twice those imposed against Ronnie Peterson).

This Court entered a final judgment on August 6, 2010. (Attached as Exhibit 1)
According to the Clerk's docket sheet, the case is closed. (See first page, Exhibit 2).

The government has now filed an untimely motion to amend this final judgment by seeking to have this court add civil penalties and injunctive relief. Ronnie Peterson opposes the motion for the reasons below.

I. THIS COURT SHOULD DENY THE GOVERNMENT'S MOTION BECAUSE IT IS AN UNTIMELY MOTION TO AMEND THE JUDGMENT UNDER F.R.CIV.P. 59(e)

This Court entered a final judgment on August 6, 2010, and closed the case. The government did not file its motion for civil penalties and injunctive relief until 45 days later on September 20, 2010. Because this Court entered a Judgment on August 6, 2010, the government's motion is to amend or alter the judgment which was already entered, in order to add civil penalties and/or injunctive relief to that judgment. The only avenue for making such a motion under the Federal Rules of Civil Procedure is under Rule 59(e) which provides:

"Motion to Alter or Amend a Judgment. A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment."

Rule 59(e) is strict in its language concerning timeliness – the motion must be filed within 28 days of entry of the judgment.¹ In fact, there is another rule which makes clear that this Court has no discretion to allow a late filing. Rule 6(b)(2) states that "A court must not extend the time to act under Rules 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(b). The judgment was entered on August 6, 2010. The government had only until September 3, 2010 to file its motion to amend the judgment to add civil penalties and/or injunctive relief. The government waited 17 days too long to ask this Court to amend the judgment to add civil penalties and/or injunctive relief.² For this reason alone, this Court must deny the government's motion.

¹Last year, the government had only 10 days from the date of entry of the judgment to file its motion under F.R.Civ.P. 59(e). However, in 2009, Rule 59(e) was amended to allow the moving party 28 days from entry of the judgment in which to file a motion to amend or alter.

²The government might attempt to argue that they wanted to wait until they got the transcript before they filed their motion here. However, this argument is belied by two facts: 1) the transcripts were filed on August 27, 2010, which gave the government another week to timely file their motion; and 2) they did not rely on the transcript at all in their motion – there was not one transcript reference made in their 19 page motion.

II. THIS COURT SHOULD NOT IMPOSE CIVIL PENALTIES AGAINST MR. PETERSON

Under the Fair Housing Act, the District Court “may, to vindicate the public interest, assess a civil penalty against the respondent.” 42 U.S.C. 3614(d)(1)(D). In describing how this provision should be applied, the House Judiciary Committee indicated that these civil penalties

are maximum, not minimum penalties, and are not automatic in every case. When determining the amount of a penalty against a defendant the court should consider the nature and circumstances of the violation, the degree of culpability, any history of prior violations, the financial circumstances of that defendant and the goal of deterrence, and other matters as justice may require.

H.R.Rep. No. 100-711, at 40(1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2201.

The Sixth Circuit ruled 17 years ago consistent with the legislative history that the word “may” in the Fair Housing Act gives the district court **complete discretion** whether the award civil penalties. *Smith & Lee Associates, Inc. v City of Taylor, Michigan*, 13 F.3d 920, 932 (6th Cir. 1993).

If this Court somehow finds that the government’s motion is timely, this Court should not impose civil penalties against Ronnie Peterson because the statutory considerations do not warrant the imposition of such penalties against Ronnie Peterson.

In making this determination, this Court should be careful, as the jury was, in separating out the conduct from Glenn Johnson from Ronnie Peterson. Ronnie Peterson and First Pitch were found to be liable for punitive damages under an agency theory, not for engaging in sexual harassment on their own. Glen Johnson’s actions were reprehensible; in contrast, Ronnie Peterson’s acts were ones of omission, not commission. And despite at least two years of investigation, and a year-and-a-half of litigation, the only evidence that the government presented that Ronnie Peterson was told anything about Glen Johnson by any of the many tenants in his 11 houses was the testimony of Shawn Taylor and Shenel McFarlin. The government claims in its

brief at p. 2 that “Shawn Taylor and Shenel McFarlin testified that they complained to Defendant Peterson about Defendant Johnson’s unlawful conduct and harassment in 2006 and 2007.” **This was not their testimony.** Shawn Taylor testified that Glen Johnson had asked her out (which is not a violation of the Fair Housing Act.) Shenel McFarlin testified that she told Ronnie Peterson that Glenn Johnson “was hollering at her.” This again is not a violation of the Fair Housing Act. Ronnie Peterson categorically denied that either Ms. Taylor or Ms. McFarlin told him that Glenn Johnson was asking them out.

In contrast, it is extremely important to note that Shenel McFarlin and Barbara Taylor both informed the Ann Arbor Fair Housing Commission in 2007 that Glenn Johnson had engaged in repeated acts of sexual harassment in graphic detail, and that this information was given to the government, but that neither the Housing Commission, nor the government made this information known to Ronnie Peterson, so that he could do something about it. The Commission and the government sat on this information for months, which kept Ronnie Peterson in the dark, and allowed Glen Johnson to continue his actions on other unsuspecting tenants. Ronnie Peterson would have stopped the harassment if he had known about it. This writer asked the government’s expert, Dr. Louis Fitzgerald, her reaction to the Fair Housing Commission not telling Mr. Peterson for more than a year about the harassment. Dr. Fitzgerald said that this “was indeed unfortunate.” The same can be said with regard to eviction proceedings. Barbara Scott, Shenel McFarlin, Tameka Williams, and Julena Mills were all evicted, and many fought to stay in the homes. None of the four made complaints to Ronnie Peterson during the eviction proceedings. Mr. Peterson would naturally think that if a tenant wants to stay in his home, things must be O.K. with the landlord/tenancy.

Thus, even taking the evidence in a light most favorable to the government, all Ronnie Peterson was told over the three years that Glenn Johnson was around were two short statements by Shenel McFarlin and Shawn Taylor that Glenn Johnson was asking them out. For three years no tenant, no tenant's lawyer, no one from the Ann Arbor Fair Housing Commission, and no one from the government told Ronnie Peterson about Glenn Johnson engaging in quid pro quo and in a pattern and practice of sexual harassment despite Glen Johnson's myriad actions. The Ann Arbor Fair Housing Commission, and the government intentionally failed to tell Ronnie Peterson in early 2007 that two of his tenants were being sexually harassed. In fact Barbara Scott complained that she had been forced to have sex. If Ronnie Peterson had been told by the Fair Housing Commission or by Barbara Scott's attorney in the landlord-tenant proceedings at that time that Glenn Johnson had demanded and got sex from Barbara Scott in order for her to get the key, Ronnie Peterson would have put a stop to Glenn Johnson immediately. This would have prevented four women who later rented from Mr. Peterson – Shenel McFarlin, Sharee McClendon, Tamika Williams, and Julena Mills – from being around Glenn Johnson. Yet the government wants to place all of the blame on Ronnie Peterson.

What is clear from this litigation is that Ronnie Peterson has been a landlord since the 70's, has had numerous tenants over the last 30 years, and that not one of his tenants were sexually harassed until he made the unknowing mistake of allowing Glenn Johnson to volunteer after Mr. Peterson's parents died and he lost interest in the properties. No one in 30 years has accused Ronnie Peterson of sexually harassing anyone. He worked in the juvenile court in Washtenaw County, retired from there, now works for AFSCME, and has been a Washtenaw County Commissioner for seven terms. Because of his popularity, he won a hard fought primary election which was held during the middle of this trial. He rented to tenants who could not find

anywhere else to live, and did not evict tenants until they had not paid their rent for many months. He rented his properties for 30 years with no problems. He never required an application. He never did a credit check. He never did a background check. Until First Pitch was formed, he did not require leases – they were month to month. He was a good landlord who often did repairs himself. He would never have been sitting in this courtroom but for Glenn Johnson.

The government complains that Ronnie Peterson should never have allowed Glenn Johnson, a convicted felon, to be around his tenants, and that Mr. Peterson should have provided Johnson with training to prevent sexual harassment. The problem with these arguments is that two of Mr. Johnson's employers – Fairfax Manner and the Ypsilanti Public School – also hired Glenn Johnson even though he was a convicted felon, and both provided him with training in sexual harassment before and at the same time that he was around Mr. Peterson's tenants, but according to Fairfax Manner, this did not prevent Mr. Johnson from sexually harassing his female co-employees at Fairfax Manner. Moreover, the government did not produce any evidence that a "one man show" landlord like Ronnie Peterson typically provides training in sexual harassment to a volunteer.

Another factor that this Court should consider in determining the degree of culpability is to compare Glenn Johnson's blameworthiness versus Mr. Peterson. Glenn Johnson's actions were reprehensible, while Ronnie Peterson was found to be his agent. Despite this, the government has made no distinction in the amount of penalties they are asking for – they want the maximum as to both men, as opposed to scaling down the request as to Mr. Peterson in view of the major difference in his blameworthiness.

Another listed factor is the economic circumstances of Mr. Peterson. It is clear from the uncontested evidence presented at the trial that Mr. Peterson has lost hundreds of thousands of dollars on these 11 houses. (The government had its economic CPA expert sitting in court throughout Mr. Peterson's testimony – tellingly, he was not called by the government to refute one iota of Mr. Peterson's tax returns or testimony concerning the properties, or his testimony concerning the current status of the loans on the property.) Mr. Peterson owes almost \$650,000 on the mortgages on these properties, even though their market value is at best between \$200,000 and \$250,000. He cannot walk away from the properties because the \$400,000 he has in a C.D. is pledged to University Bank as a personal guarantee on these loans. Not only can't he walk away from these loans – because he is paying interest and property taxes every year on these loans, he is losing between \$75,000 and \$135,000 per year in actual money in making these payments. His tax returns, which were entered into evidence, shows that he has actual money losses of:

\$73,000 in 2005

\$102,000 in 2006

\$135,000 in 2007

\$94,000 in 2008

These are not paper losses. These are interest only mortgage payments, and property tax payments. Practically all of the wages he earns is going to servicing these “upside-down” properties.

The final listed factor is deterrence. Mr. Peterson does not need to be deterred – as has been stated, he would not be in this litigation but for Glenn Peterson. He has no one but himself involved with his properties, and in the future, he will never have anyone but himself involved with his properties. On the related matter of injunctive relief, if this Court finds that the

government's motion is timely, Mr. Peterson has no objection to injunctive relief as long as it is reasonable. Indeed, from the moment Mr. Peterson was first notified of the sexual harassment by the government in November, 2008, he was amenable to injunctive relief, but not to money damages. Consequently, litigation ensued.

For all of these reasons, Defendant Ronnie Peterson asks this Court to deny the government's motion.

Dated: October 4, 2010.

/ Don Ferris
DON FERRIS P26436
Ferris & Salter, P.C. AS1364
Attorney for Defendant Ronnie Peterson
4158 Washtenaw Avenue
Ann Arbor, MI 48108
(734) 677-2020

CERTIFICATE OF SERVICE

I certify that on July 18, 2010, a copy of the forgoing Answer to Plaintiff's Motion in Limine re Peterson's Witness List has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send notice of the filing to the following CM/ECF participants:

Jay Courtright

Judith Levy

Dated: October 4, 2010.

/ Don Ferris
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Ferris & Salter, P.C. AS1364
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 09-cv-10333

HON. JULIAN ABELE COOK, JR.

RONALD D. PETERSON,
GLENN E. JOHNSON and FIRST
PITCH PROPERTIES, LLC,

Defendants.

_____ /

JUDGMENT FOR PLAINTIFF
Jury Verdict

This action came before the Court for trial by jury. This action was tried and the jury has rendered its verdict.

IT IS ORDERED that Plaintiff recover of Defendants the amount of \$115,000.00.

DAVID J. WEAVER
CLERK OF COURT

By: s/Kay Doaks
Deputy Clerk

Dated: August 6, 2010

Approved as to form:

s/Julian Abele Cook, Jr.
U.S. District Court Judge

CLOSED, JURY TRIAL

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:09-cv-10333-JAC-DAS**

United States of America v. Peterson et al
Assigned to: District Judge Julian Abele Cook
Referred to: Magistrate Judge Donald A Scheer
Cause: 42:405 Fair Housing Act

Date Filed: 01/29/2009
Date Terminated: 08/06/2010
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff**United States of America**

represented by **Cornelius J. Courtright**
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V.

Defendant**Ronald D Peterson**

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Defendant

Glen E Johnson

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 734-971-0110
 Fax: 734-971-9759
 Email: dstinger2684@sbcglobal.net
TERMINATED: 04/27/2010
ATTORNEY TO BE NOTICED

Defendant

First Pitch Properties LLC

represented by **Cornelius J. Courtright**
 (See above for address)
ATTORNEY TO BE NOTICED

Donald W. Ferris , Jr.
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/29/2009	<u>1</u>	COMPLAINT filed by United States of America against all defendants with Jury Demand. No summons requested. County of 1st Plaintiff: Wayne - County Where Action Arose: Washtenaw - County of 1st Defendant: Washtenaw. [Previously dismissed case: No] [Possible companion case(s): None] (Levy, Judith) (Entered: 01/29/2009)
02/05/2009	<u>2</u>	ATTORNEY APPEARANCE: Donald W. Ferris, Jr appearing on behalf of Ronald D Peterson (Ferris, Donald) (Entered: 02/05/2009)
02/05/2009	<u>3</u>	ANSWER to Complaint with Jury Demand and Affidavit of Service by Ronald D Peterson. (Ferris, Donald) (Entered: 02/05/2009)
02/05/2009	<u>4</u>	AFFIDAVIT of Donald W. Ferris, Jr. re <u>2</u> Attorney Appearance, <u>3</u> Answer to Complaint Service by Ronald D Peterson (Ferris, Donald) (Entered: 02/05/2009)
02/06/2009		REQUEST for SUMMONS for Glen E Johnson. (Levy, Judith) (Entered: 02/06/2009)

02/06/2009	<u>5</u>	ANSWER to Complaint with Jury Demand <i>First Amended Answer To Complaint</i> by Ronald D Peterson. (Ferris, Donald) (Entered: 02/06/2009)
02/06/2009	<u>6</u>	AFFIDAVIT of Don Ferris re <u>5</u> Answer to Complaint <i>First Amended Answer To Complaint Affidavit Of Service</i> by Ronald D Peterson (Ferris, Donald) (Entered: 02/06/2009)
02/06/2009	<u>7</u>	ANSWER to Complaint with Affirmative Defenses with Jury Demand <i>Affirmative Defenses</i> by Ronald D Peterson. (Ferris, Donald) (Entered: 02/06/2009)
02/06/2009	<u>8</u>	AFFIDAVIT of Don Ferris re <u>7</u> Answer to Complaint <i>Affirmative Defenses Affidavit of Service</i> by Ronald D Peterson (Ferris, Donald) (Entered: 02/06/2009)
02/09/2009	<u>9</u>	SUMMONS Issued for *Glen E Johnson* (DHam) (Entered: 02/09/2009)
02/19/2009	<u>10</u>	WAIVER OF SERVICE Returned Executed. Ronald D Peterson waiver sent on 1/29/2009, answer due 3/30/2009. (Levy, Judith) (Entered: 02/19/2009)
02/19/2009	<u>11</u>	ANSWER to Complaint with Affirmative Defenses with Jury Demand by Glen E Johnson. (Goldstein, David) (Entered: 02/19/2009)
02/20/2009	<u>12</u>	NOTICE TO APPEAR: Scheduling Conference set for 3/23/2009 02:30 PM before District Judge Julian Abele Cook (See image for important information) (KDoa) (Entered: 02/20/2009)
03/03/2009	<u>13</u>	Return of Service executed on 2/10/09 as to Glen E Johnson. (JCre) (Entered: 03/04/2009)
03/05/2009	<u>14</u>	NOTICE of Appearance by Jennifer E. McAllister on behalf of United States of America. (McAllister, Jennifer) (Entered: 03/05/2009)
03/18/2009		Minute Entry -SCHEDULING CONFERENCE set for March 23, 2009 ADJOURNED. Scheduling Conference ADJOURNED to 3/30/2009 10:30 AM before District Judge Julian Abele Cook (KDoa) (Entered: 03/18/2009)
04/22/2009	<u>15</u>	DISCOVERY plan jointly filed pursuant to Federal Rules of Civil Procedure 26(f) (Ferris, Donald) (Entered: 04/22/2009)
04/30/2009	<u>16</u>	DISCOVERY plan jointly filed pursuant to Federal Rules of Civil Procedure 26(f) (Attachments: # <u>1</u> Exhibit Certificate of Service) (Goldstein, David) (Entered: 04/30/2009)
06/05/2009	<u>17</u>	STIPULATED PROTECTIVE ORDER Signed by District Judge Julian Abele Cook. (KDoa) (Entered: 06/05/2009)
06/08/2009	<u>18</u>	[STRICKEN] CERTIFICATE OF SERVICE by Glen E Johnson (Goldstein, David) Modified on 6/15/2009 (DEld). (Entered: 06/08/2009)
06/08/2009	<u>19</u>	[STRICKEN] CERTIFICATE OF SERVICE by Glen E Johnson (Goldstein, David) Modified on 6/15/2009 (DEld). (Entered: 06/08/2009)
06/09/2009	<u>20</u>	[STRICKEN] NOTICE by Ronald D Peterson <i>Deposition of Barbara Scott with Certificate of Service</i> (Ferris, Donald) Modified on 6/15/2009 (DEld). (Entered: 06/09/2009)
06/09/2009	<u>21</u>	[STRICKEN]NOTICE by Ronald D Peterson <i>Deposition of Julena Mills with Certificate of Service</i> (Ferris, Donald) Modified on 6/15/2009 (DEld). (Entered: 06/09/2009)
06/09/2009	<u>22</u>	[STRICKEN] NOTICE by Ronald D Peterson <i>Deposition of Monique Richardson with Certificate of Service</i> (Ferris, Donald) Modified on 6/15/2009 (DEld). (Entered: 06/09/2009)

		06/09/2009)
06/09/2009	23	[STRICKEN] NOTICE by Ronald D Peterson <i>Deposition of Shennel McFarlin with Certificate of Service</i> (Ferris, Donald) Modified on 6/15/2009 (DEld). (Entered: 06/09/2009)
06/09/2009	24	[STRICKEN] NOTICE by Ronald D Peterson <i>Deposition of Tameka Williams with Certificate of Service</i> (Ferris, Donald) Modified on 6/15/2009 (DEld). (Entered: 06/09/2009)
06/10/2009	26	NOTICE of Error re 19 Certificate of Service, 18 Certificate of Service. (DEld) (Entered: 06/11/2009)
06/10/2009	27	NOTICE of Error re 21 Notice (Other), 20 Notice (Other), 23 Notice (Other), 24 Notice (Other), 22 Notice (Other). (DEld) (Entered: 06/11/2009)
06/11/2009	25	STIPULATION AND PROTECTIVE ORDER Signed by District Judge Julian Abele Cook. (KDoa) (Entered: 06/11/2009)
07/10/2009	28	SCHEDULING ORDER: Discovery due by 9/30/2009 Dispositive Motion Cut-off set for 10/30/2009 Final Pretrial Conference set for 1/25/2010 03:00 PM before District Judge Julian Abele Cook Jury Trial set for 2/2/2010 08:30 AM before District Judge Julian Abele Cook Signed by District Judge Julian Abele Cook. (Refer to image for additional dates) (KDoa) (Entered: 07/10/2009)
07/10/2009	29	ORDER OF COURTROOM DECORUM. Signed by District Judge Julian Abele Cook. (KDoa) (Entered: 07/10/2009)
08/03/2009	30	ORDER REFERRING OTHER MATTERS to Magistrate Judge *SCHEER*: *Expedited Status Conference regarding discovery dispute*. Signed by District Judge Julian Abele Cook. (KDoa) (Entered: 08/03/2009)
08/03/2009	31	MOTION to Quash <i>SUBPOENAS AND IN THE ALTERNATIVE</i> , MOTION for Protective Order <i>AND FOR AN EXPEDITED HEARING AND MEMORANDUM OF LAW IN SUPPORT</i> by United States of America. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - 7-22-09 Correspondence with attachments from Donald Ferris, # 3 Exhibit B - 7-27-09 Correspondence to Mr. Ferris and Mr. Goldstein, # 4 Exhibit C - 7-8-09 Correspondence from Donald Ferris) (Levy, Judith) (Entered: 08/03/2009)
08/04/2009	32	RESPONSE to 31 MOTION to Quash <i>SUBPOENAS AND IN THE ALTERNATIVE</i> MOTION for Protective Order <i>AND FOR AN EXPEDITED HEARING AND MEMORANDUM OF LAW IN SUPPORT</i> filed by Ronald D Peterson. (Ferris, Donald) (Entered: 08/04/2009)
08/04/2009		Minute Entry -Telephone Status Conference held on 8/4/2009, re 31 MOTION to Quash <i>SUBPOENAS AND IN THE ALTERNATIVE</i> for Protective Order filed by United States of America before Magistrate Judge Donald A Scheer. (Not placed on record) Disposition: Motion Granted (MLan) (Entered: 08/04/2009)
08/10/2009	33	ORDER REFERRING MOTION to Magistrate Judge Donald A Scheer: 31 MOTION to Quash <i>SUBPOENAS AND IN THE ALTERNATIVE</i> MOTION for Protective Order <i>AND FOR AN EXPEDITED HEARING AND MEMORANDUM OF LAW IN SUPPORT</i> filed by United States of America. Signed by District Judge Julian Abele Cook. (KDoa) (Entered: 08/10/2009)

08/20/2009	34	MOTION for Leave to File <i>TO FILE AN AMENDED COMPLAINT AND MEMORANDUM IN SUPPORT</i> by United States of America. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1 - First Amended Complaint and Request For Jury Trial, # 3 Exhibit 2 - 6-11-09 letter to Judith E. Levy from Don Ferris, # 4 Exhibit 3 - Filing Endorsement, # 5 Exhibit 4 - Quit Claim Deed) (Levy, Judith) (Entered: 08/20/2009)
08/21/2009	35	ORDER granting 31 Motion to Quash and for Protective Order. Signed by Magistrate Judge Donald A Scheer. (MLan) (Entered: 08/21/2009)
09/16/2009	36	WITNESS LIST by United States of America (Levy, Judith) (Entered: 09/16/2009)
09/23/2009	37	[STRICKEN] NOTICE by Ronald D Peterson <i>To Take Deposition of Louise Fitzgerald Duces Tecum</i> (Ferris, Donald) Modified on 9/24/2009 (DWor). (Entered: 09/23/2009)
09/23/2009	38	[STRICKEN] NOTICE by Ronald D Peterson <i>To Take Deposition of Rodney Crawford Duces Tecum</i> (Ferris, Donald) Modified on 9/24/2009 (DWor). (Entered: 09/23/2009)
09/23/2009	39	[STRICKEN] NOTICE by Ronald D Peterson <i>To Take Deposition of Louise Fitzgerald Duces Tecum</i> (Ferris, Donald) Modified on 9/24/2009 (DWor). (Entered: 09/23/2009)
09/23/2009	40	WITNESS LIST by Ronald D Peterson (Ferris, Donald) (Entered: 09/23/2009)
09/24/2009	41	NOTICE of Error re 37 Notice (Other). (DWor) (Entered: 09/24/2009)
09/24/2009	42	NOTICE of Error re 38 Notice (Other). (DWor) (Entered: 09/24/2009)
09/24/2009	43	NOTICE of Error re 39 Notice (Other). (DWor) (Entered: 09/24/2009)
12/07/2009	44	ORDER granting 34 Motion for Leave to File. Signed by District Judge Julian Abele Cook. (KDoa) (Entered: 12/07/2009)
12/10/2009	45	AMENDED COMPLAINT with Jury Demand filed by United States of America against First Pitch Properties LLC, Ronald D Peterson, Glen E Johnson. (Levy, Judith) (Entered: 12/10/2009)
01/14/2010	46	ANSWER to Amended Complaint <i>and Affidavit of Service</i> by Ronald D Peterson. (Ferris, Donald) (Entered: 01/14/2010)
01/14/2010	47	ANSWER to Amended Complaint <i>and Affidavit of Service</i> by First Pitch Properties LLC. (Ferris, Donald) (Entered: 01/14/2010)
01/15/2010		Minute Entry - JOINT PRETRIAL ORDER, PRETRIAL CONFERENCE AND TRIAL DATES ARE CANCELLED. Dates will be rescheduled by the Court at a later date. (KDoa) (Entered: 01/15/2010)
03/11/2010		Set Deadlines/Hearings: Scheduling Conference set for 3/17/2010 04:00 PM before District Judge Julian Abele Cook (KDoa) (Entered: 03/11/2010)
03/25/2010	48	MOTION for Withdrawal of Attorney David I. Goldstein by Glen E Johnson. (Attachments: # 1 Exhibit Proposed Order, # 2 Exhibit Certificate of Service) (Goldstein, David) (Entered: 03/25/2010)
04/27/2010	49	ORDER granting 48 Motion to Withdraw as Attorney. Attorney David I. Goldstein terminated. Signed by District Judge Julian Abele Cook. (KDoa) (Entered: 04/27/2010)
04/27/2010	50	NOTICE TO APPEAR: Pretrial Conference set for 7/19/2010 01:00 PM before District Judge Julian Abele Cook Jury Trial set for 7/27/2010 08:30 AM before District Judge

		Julian Abele Cook (KDoa) (Entered: 04/27/2010)
06/09/2010	<u>51</u>	AMENDED NOTICE TO APPEAR: Joint Proposed Pretrial Order and Motions in Limine due 7/12/10; Final Pretrial Conference set for 7/19/2010 01:00 PM before District Judge Julian Abele Cook Jury Selection set for 7/27/10; Jury Trial set for 7/28/2010 08:30 AM before District Judge Julian Abele Cook (KDoa) (Entered: 06/09/2010)
06/09/2010	<u>52</u>	NOTICE TO APPEAR: Status Conference set for 6/17/2010 09:15 AM before District Judge Julian Abele Cook (KDoa) (Entered: 06/09/2010)
06/25/2010	<u>53</u>	NOTICE of Appearance by Cornelius J. Courtright on behalf of Glen E Johnson. (Courtright, Cornelius) (Entered: 06/25/2010)
07/09/2010	<u>54</u>	MOTION in Limine <i>REGARDING DEFENDANT PETERSON'S TRIAL WITNESSES AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE REGARDING DEFENDANT PETERSON'S WITNESS LIST</i> by United States of America. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 - Ronald Peterson's Witness List, # <u>3</u> Exhibit 2 - 9-24-09 e-mail Correspondence to Don Ferris from Judith Levy, # <u>4</u> Exhibit 3 - 6-23-10 Letter to Don Ferris) (Levy, Judith) (Entered: 07/09/2010)
07/12/2010	<u>55</u>	MOTION in Limine <i>AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE</i> by United States of America. (Levy, Judith) (Entered: 07/12/2010)
07/12/2010	<u>56</u>	MOTION in Limine <i>AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE</i> by United States of America. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 - Deposition Transcript of Barbara Denise Scott, # <u>3</u> Exhibit 2 - Complaint of Non-Payment of Rent, # <u>4</u> Exhibit Declaration Of Elizabeth Kiyo Wharton, # <u>5</u> Exhibit 4 - Barbara Denise Scott's Answer, # <u>6</u> Exhibit 5 - Fair Housing Discrimination Intake Form, # <u>7</u> Exhibit 6 - Barbara Denise Scott's Motion To dismiss Complaint and For Summary Disposition, # <u>8</u> Exhibit 7 - Brief for The Appellant/Oral Argument Requested, # <u>9</u> Exhibit 8 - Order of Dismissal of Defendant's Motion For Reconsideration of Motion To Dismiss Complaint and for Summary Disposition, # <u>10</u> Exhibit 9 - Claim of Appeal, # <u>11</u> Exhibit 10 - Consent Order To Dismiss Defendant/Appellant's Appeal and Plaintiff/Appellee's Complaint & Settlement Agreement, # <u>12</u> Exhibit 11 - Order To Release Escrow form, # <u>13</u> Exhibit 12 - Order of 1/15/2009 of the U.S. District Court Middle District of Florida) (Levy, Judith) (Entered: 07/12/2010)
07/12/2010	<u>57</u>	MOTION in Limine <i>REGARDING DEFENDANT JOHNSON'S TRIAL WITNESSES AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE REGARDING DEFENDANT JOHNSON'S WITNESS LIST</i> by United States of America. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 - Final Pretrial Order, # <u>3</u> Exhibit 2 - 6-23-10 Letter to Jay Courtright) (Levy, Judith) (Entered: 07/12/2010)
07/13/2010	<u>58</u>	ORDER re <u>54</u> MOTION in Limine <i>REGARDING DEFENDANT PETERSON'S TRIAL WITNESSES AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE REGARDING DEFENDANT PETERSON'S WITNESS LIST</i> , <u>56</u> MOTION in Limine <i>AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE</i> , <u>55</u> MOTION in Limine <i>AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE</i> , <u>57</u> MOTION in Limine <i>REGARDING DEFENDANT JOHNSON'S TRIAL WITNESSES AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE REGARDING DEFENDANT JOHNSON'S WITNESS LIST</i> : (Responses due by 7/19/2010 ,

		Replies due by 7/21/2010) Signed by District Judge Julian Abele Cook. (KDoa) (Entered: 07/13/2010)
07/14/2010	59	CONSENT TO JURY SELECTION PROCEEDINGS BEING CONDUCTED BY UNITED STATES MAGISTRATE JUDGE. (DWor) (Entered: 07/16/2010)
07/19/2010	60	RESPONSE to 57 MOTION in Limine <i>REGARDING DEFENDANT JOHNSON'S TRIAL WITNESSES AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE REGARDING DEFENDANT JOHNSON'S WITNESS LIST</i> filed by Ronald D Peterson. (Ferris, Donald) (Entered: 07/19/2010)
07/19/2010	61	RESPONSE to 56 MOTION in Limine <i>AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE</i> filed by Ronald D Peterson. (Ferris, Donald) (Entered: 07/19/2010)
07/19/2010		Minute Entry - Final Pretrial Conference held on 7/19/2010 before District Judge Julian Abele Cook. (KDoa) (Entered: 08/06/2010)
07/20/2010	62	RESPONSE to 56 MOTION in Limine <i>AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE</i> filed by Ronald D Peterson. (Ferris, Donald) (Entered: 07/20/2010)
07/20/2010	63	NOTICE by United States of America <i>of Intent to Refer to Defendant Johnson's Criminal Conviction</i> (Levy, Judith) (Entered: 07/20/2010)
07/20/2010	64	MOTION to Strike 62 Response to Motion by United States of America. (Levy, Judith) (Entered: 07/20/2010)
07/20/2010	65	MOTION for Withdrawal of Attorney Jay Courtright by All Parties. (Courtright, Cornelius) (Entered: 07/20/2010)
07/21/2010	66	REPLY to 55 MOTION in Limine <i>AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE</i> by United States of America. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Expert Report by Dr. Louise Fitzgerald, # 3 Exhibit B - McClendon Deposition Excerpts (Pages 19, 20, 100, 101) (Levy, Judith) (Entered: 07/21/2010)
07/21/2010	67	REPLY to 54 MOTION in Limine <i>REGARDING DEFENDANT PETERSON'S TRIAL WITNESSES AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE REGARDING DEFENDANT PETERSON'S WITNESS LIST</i> by United States of America. (Levy, Judith) (Entered: 07/21/2010)
07/21/2010	68	REPLY to 56 MOTION in Limine <i>AND MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' MOTION IN LIMINE</i> by United States of America. (Levy, Judith) (Entered: 07/21/2010)
07/22/2010	69	NOTICE by United States of America re 40 Witness List <i>OF DEFENDANT PETERSON</i> (Levy, Judith) (Entered: 07/22/2010)
07/23/2010	70	MEMORANDUM <i>IN SUPPORT OF A SINGULAR TRIAL</i> by United States of America (Levy, Judith) (Entered: 07/23/2010)
07/23/2010	71	MEMORANDUM <i>in support of Bifurcated Trial on the Issue of Punitive Damages</i> by Ronald D Peterson (Ferris, Donald) (Entered: 07/23/2010)