

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES EQUAL  
EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

MELISSA EVERETT and  
FONTELLA LUTHER,

Intervenors,

v.

CASE NO. 8:05-CV-1813-T-17TGW

DIVERSIFIED BEHAVIORAL  
HEALTH SOLUTIONS, INC.,  
Etc.,

Defendant.

\_\_\_\_\_ /

ORDER

This cause is before the Court on:

Dkt. 24 Motion to Consolidate  
Dkt. 30 Opposition

Plaintiff Intervenors Everett and Luther and Plaintiff Rodney Jones request the consolidation of their cases against Defendant.

The Complaint and Intervenors' Complaint in this case is based on claims of gender-based hostile work environment commencing in December, 2002. The employment of Intervenors Everett and Luther was terminated in 2005. Intervenors' claims of retaliation have not been added to the Complaint at this time.

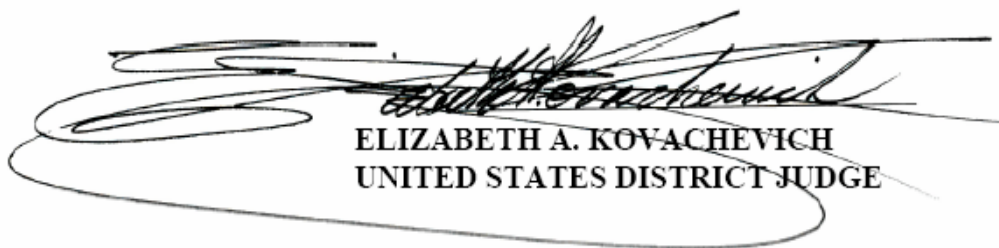
Case No. 8:05-CV-1813-T-17TGW

In Case No. 8:05-CV-2358-T-17, the Complaint is based on wrongful discharge. Plaintiff alleges his employment was terminated in 2004 for complaining about sexual harassment of other employees.

The Court recognizes that there are some common questions of fact, and it appears there will be common questions of law. However, each Plaintiff will still have to prove each individual claim. Consolidation will not necessarily result in improved economy and efficiency because of the factual differences between the claims. The Court also recognizes that separate trials will avoid various logistical problems associated with the presentation of evidence. After consideration, the Court **denies** the Motion to Consolidate. Accordingly, it is

**ORDERED** that the Motion to Consolidate is **denied**.

**DONE and ORDERED** in Chambers, in Tampa, Florida on this 7th day of July, 2006.



ELIZABETH A. KOVACHEVICH  
UNITED STATES DISTRICT JUDGE

Copies to:  
All  
parties and counsel of record