

CLOSED

**U.S. District Court
Southern District of Florida (Ft. Pierce)
CIVIL DOCKET FOR CASE #: 2:02-cv-14139-JCP**

U.S. - EEOC v. Emergency Medicine, et al
Assigned to: Senior Judge James C. Paine
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 05/01/2002
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**United States Equal Employment
Opportunity Commission**

represented by **Kenneth Lawrence Gillespie**
Equal Employment Opportunity
Commission
Miami District Office
2 S Biscayne Boulevard
2700 One Biscayne Tower
Miami, FL 33131-2483
305-530-6006
Fax: 536-4494
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rachel H. Shonfield
Equal Employment Opportunity
Commission
Miami District Office
2 S Biscayne Boulevard
2700 One Biscayne Tower
Miami, FL 33131-2483
305-530-6007
TERMINATED: 12/05/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Emergency Medicine Associates, Inc.

represented by **Alec Dane Russell**
Gray Robinson
1800 W Hibiscus Boulevard
Suite 138 PO Box 1870
Melbourne, FL 32902-1870
321-727-8100
Fax: 984-4122
Email: arussell@gray-robinson.com
LEAD ATTORNEY

*ATTORNEY TO BE NOTICED***Andrew Stanton Hament**

Ford & Harrison LLP
One Harbor Place
1901 S. Harbor City Boulevard
Suite 501
Melbourne, FL 32901
(321) 724-5970
Fax: (321) 724-5979
Email: ahament@fordharrison.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Theodore Livingston Shinkle**

Gray Robinson
1800 W Hibiscus Boulevard
Suite 138 PO Box 1870
Melbourne, FL 32902-1870
321-727-8100
Fax: 984-4122
Email: tshinkle@gray-robinson.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Indian River Memorial Hospital, Inc.**represented by **Grant David Petersen**

Ogletree Deakins Nash Smoak & Stewart
100 N Tampa Street
Suite 3600
Tampa, FL 33602
813-289-1247
Fax: 289-6530

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Helen Price Palladeno**

Ogletree Deakins Nash Smoak & Stewart
100 N Tampa Street
Suite 3600
Tampa, FL 33602
813-289-1247
Fax: 289-6530
Email:

helen.palladeno@ogletreedeakins.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Intervenor Plaintiff**

Gloria Farina
M.D.

represented by **David Hanan Spalter**
David H. Spalter
180 Park Avenue North
Suite 200
Winter Park, FL 32789
407-647-8911
Fax: 628-4994
Email: dspalter@schwartzlawfirm.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jill S. Schwartz
Jill S. Schwartz & Associates
180 Park Avenue North
Suite 200
Winter Park, FL 32789
407-647-8911
Fax: 628-4994
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

Emergency Medicine Associates, Inc.

Intervenor Defendant

Indian River Memorial Hospital, Inc.

Date Filed	#	Docket Text
05/01/2002	<u>1</u>	COMPLAINT filed; FILING FEE waived Magistrate Judge Frank J. Lynch, Jr. (cj, Deputy Clerk) (Entered: 05/02/2002)
05/02/2002	<u>2</u>	SUMMONS() issued for Emergency Medicine (at, Deputy Clerk) (Entered: 05/03/2002)
05/02/2002	<u>3</u>	SUMMONS() issued for Indian River Memoria (at, Deputy Clerk) (Entered: 05/03/2002)
05/20/2002	<u>4</u>	Intervenor's COMPLAINT by Gloria Farina against Emergency Medicine, Indian River Memoria (cg, Deputy Clerk) (Entered: 05/22/2002)
05/20/2002	<u>5</u>	MOTION by Gloria Farina for leave to file Intervenor complaint (cg, Deputy Clerk) (Entered: 05/22/2002)
07/03/2002	<u>6</u>	MOTION by Indian River Memoria to dismiss complaint (at, Deputy Clerk) (Entered: 07/08/2002)

07/03/2002	7	MEMORANDUM OF LAW by Indian River Memoria in support of [6-1] motion to dismiss complaint (at, Deputy Clerk) (Entered: 07/08/2002)
07/08/2002	8	MOTION with memorandum in support by Emergency Medicine to dismiss complaint , or in the alternative for summary judgment (at, Deputy Clerk) (Entered: 07/09/2002)
07/10/2002	9	ORDER GRANTING MOTION TO INTERVENE granting [5-1] motion for leave to file Intervenor complaint. The Intervenor Complaint filed on 5/21/02 (DE #4) is deemed filed as of the date of this order. (Signed by Judge James C. Paine on 7/9/02) [EOD Date: 7/10/02] (at, Deputy Clerk) (Entered: 07/10/2002)
07/12/2002	10	EMERGENCY UNOPPOSED MOTION with memorandum in support by U.S. - EEOC to extend time to file a consolidated response to defendants' motions to dismiss and for summary judgment (at, Deputy Clerk) (Entered: 07/15/2002)
07/16/2002	11	ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME granting [10-1] motion to extend time to file a consolidated response to defendants' motions to dismiss and for summary judgment Response to motion reset to 8/1/02 for [8-1] motion to dismiss complaint, reset to 8/1/02 for [8-2] motion for summary judgment, reset to 8/1/02 for [6-1] motion to dismiss complaint (Signed by Judge James C. Paine on 7/15/02) [EOD Date: 7/17/02] (at, Deputy Clerk) (Entered: 07/17/2002)
07/17/2002	12	MOTION by Emergency Medicine for clarification of [9-1] order AND SUPPORTING LEGAL AUTHORITY (at, Deputy Clerk) (Entered: 07/17/2002)
07/24/2002	13	ORDER GRANTING DEFENDANT'S MOTION FOR CLARIFICATION granting [12-1] motion for clarification of [9-1] order (Signed by Judge James C. Paine on 7/24/22) [EOD Date: 7/24/02] (at, Deputy Clerk) (Entered: 07/24/2002)
07/31/2002	14	CONSOLIDATED RESPONSE by U.S. - EEOC to [8-1] motion to dismiss complaint, [8-2] motion for summary judgment, [6-1] motion to dismiss complaint (at, Deputy Clerk) (Entered: 08/01/2002)
08/02/2002	15	MOTION by Gloria Farina for Jill S. Schwartz and Jeffrey Feulner to appear pro hac vice (at, Deputy Clerk) (Entered: 08/02/2002)
08/02/2002		Filing Fee Paid; FILING FEE \$150.00 RECEIPT# 716743 for Jill S. Schwartz and Jeffrey Feulner to appear PHV (at, Deputy Clerk) (Entered: 08/02/2002)
08/09/2002	16	REPLY MEMORANDUM IN SUPPORT by Indian River Memoria to response to [6-1] motion to dismiss complaint (at, Deputy Clerk) (Entered: 08/12/2002)
08/09/2002	17	AFFIDAVIT OF JEFFERY SUSI by Indian River Memoria Re: [16-1] response reply (at, Deputy Clerk) (Entered: 08/12/2002)
08/12/2002	18	ORDER GRANTING PRO HAC VICE APPEARANCES granting [15-1] motion for Jill S. Schwartz and Jeffrey Feulner to appear pro hac vice (Signed by Judge James C. Paine on 8/12/02) [EOD Date: 8/13/02] (at, Deputy Clerk) (Entered: 08/13/2002)
08/12/2002	19	REPLY MEMORANDUM IN SUPPORT by Emergency Medicine to response to [8-1] motion to dismiss complaint, [8-2] motion for summary judgment (at, Deputy Clerk) (Entered: 08/13/2002)

10/07/2002	20	ORDER OF REFERENCE Referring Motion(s) [8-1] motion to dismiss complaint referred to Magistrate Frank J. Lynch, [8-2] motion for summary judgment referred to Magistrate Frank J. Lynch, [6-1] motion to dismiss complaint referred to Magistrate Frank J. Lynch (signed by Judge James C. Paine on 10/7/02) [EOD Date: 10/8/02] (kw, Deputy Clerk) (Entered: 10/08/2002)
10/16/2002	21	REPORT AND RECOMMENDATIONS of Magistrate Frank J. Lynch recommending that [6-1] motion to dismiss complaint, [8-2] motion for summary judgment be DENIED with out prejudice. Motion no longer referred. Signed on: 10/16/02 Objections to R and R due by 10/28/02 CCAP (cg, Deputy Clerk) (Entered: 10/18/2002)
10/28/2002	22	OBJECTION by Emergency Medicine to [21-1] report and recommendations (at, Deputy Clerk) (Entered: 10/29/2002)
10/29/2002	23	OBJECTION by Indian River Memoria to [21-1] report and recommendations (at, Deputy Clerk) (Entered: 10/30/2002)
11/13/2002	24	RESPONSE by Gloria Farina to [23-1] objection, [22-1] objection (at, Deputy Clerk) (Entered: 11/14/2002)
11/13/2002	25	CONSOLIDATED RESPONSE by U.S. - EEOC to [23-1] objection (at, Deputy Clerk) (Entered: 11/14/2002)
11/15/2002	26	Joint Scheduling Report of Scheduling Meeting by U.S. - EEOC, Gloria Farina, Emergency Medicine, Indian River Memoria (at, Deputy Clerk) (Entered: 11/18/2002)
12/18/2002	27	ORDER ADOPTING THE REPORT AND RECOMMENDATION ON DEFENDANT INDIAN RIVER MEMORIAL HOSPITAL, INC'S MOTION TO DISMISS (DE#6) AND DEFENDANT EMERGENCY MEDICINE ASSOCIATES, INC'S MOTION TO DISMISS, OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT (DE #8) adopting [21-1] report and recommendations denying [8-1] motion to dismiss complaint, denying [8-2] motion for summary judgment, denying [6-1] motion to dismiss complaint (Signed by Judge James C. Paine on 12/16/02) [EOD Date: 12/18/02] CCAP (at, Deputy Clerk) (Entered: 12/18/2002)
12/23/2002	28	Answer and affirmative defenses by Emergency Medicine (cg, Deputy Clerk) (Entered: 12/24/2002)
12/23/2002	29	Answer and affirmative defenses by Emergency Medicine as to the Intervening complaint (cg, Deputy Clerk) (Entered: 12/24/2002)
01/08/2003	30	ANSWER to Complaint by Indian River Memoria (gp, Deputy Clerk) (Entered: 01/09/2003)
01/08/2003	31	ANSWER to Intervenor-Plaintiff Gloria Farina, M.D. Complaint by Indian River Memoria (gp, Deputy Clerk) (Entered: 01/09/2003)
03/14/2003	32	ORDER SETTING JURY TRIAL AND DIRECTING PRETRIAL PROCEDURES setting Deadline for filing of All Pretrial Motions by 12/9/03; Jury Trial set for 9:30 a.m. on 2/9/04; Pretrial Stipulation due on or before 12/29/03; Calendar Call set for 9:00 a.m. on 1/29/04; All Discovery Deadline

		11/24/03; (Signed by Judge James C. Paine on 3/14/03) [EOD Date: 3/17/03] CCAP (at, Deputy Clerk) (Entered: 03/17/2003)
03/14/2003	33	ORDER MANDATING MEDIATION referring case to mediation. 15 days to appoint mediator (Signed by Judge James C. Paine on 3/14/03) [EOD Date: 3/17/03] (at, Deputy Clerk) (Entered: 03/17/2003)
06/18/2003	34	NOTICE of Unavailability by Emergency Medicine for dates of: 7/3/03 thru 7/20/03 (cg, Deputy Clerk) (Entered: 06/20/2003)
11/10/2003	36	MOTION by Emergency Medicine for final summary judgment or in the alternative partial summary judgment (at, Deputy Clerk) (Entered: 11/17/2003)
11/10/2003	37	MEMORANDUM OF LAW by Emergency Medicine in support of [36-1] motion for final summary judgment or in the alternative partial summary judgment (at, Deputy Clerk) (Entered: 11/17/2003)
11/10/2003	38	NOTICE of Filing Depositions by Emergency Medicine (at, Deputy Clerk) (Entered: 11/17/2003)
11/10/2003	39	DEPOSITION of Gloria Farina, MD (at, Deputy Clerk) (Entered: 11/17/2003)
11/10/2003	40	VIDEOTAPED DEPOSITION of Gloria Farina MD Volume II (at, Deputy Clerk) (Entered: 11/17/2003)
11/10/2003	41	VIDEOTAPED DEPOSITION of Gloria Farina MD volume III (at, Deputy Clerk) (Entered: 11/17/2003)
11/10/2003	42	DEPOSITION of James Dozier MD Volume I (at, Deputy Clerk) (Entered: 11/17/2003)
11/10/2003	43	DEPOSITION of James Dozier MD Volume II (at, Deputy Clerk) (Entered: 11/17/2003)
11/13/2003	35	NOTICE of FILING ATTACHMENT TO EMA'S MOTION FOR FINAL SUMMARY JUDGMENT by Emergency Medicine (at, Deputy Clerk) (Entered: 11/17/2003)
11/17/2003	44	MOTION with memorandum in support by Emergency Medicine for protective order from taking second deposition , and to quash subpoena (at, Deputy Clerk) (Entered: 11/19/2003)
11/19/2003	45	ORDER OF REFERENCE Referring Motion(s) [44-1] motion for protective order from taking second deposition referred to Magistrate Frank J. Lynch, [44-2] motion to quash subpoena referred to Magistrate Frank J. Lynch (signed by Judge James C. Paine on 11/19/03) [EOD Date: 11/20/03] (at, Deputy Clerk) (Entered: 11/20/2003)
11/20/2003	46	UNOPPOSED JOINT MOTION by U.S. - EEOC, Gloria Farina to extend time to file responses to Emergency Medicine Associates motion for summary judgment (at, Deputy Clerk) (Entered: 11/21/2003)
11/20/2003	47	Unopposed MOTION by U.S. - EEOC for substitution of Kenneth L. Gillespie as cnsl (cg, Deputy Clerk) (Entered: 11/21/2003)

11/21/2003	48	ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSES TO DEFENDANT, EMERGENCY MEDICAL ASSOCIATES, INC'S MOTION FOR SUMMARY JUDGMENT granting [46-1] joint motion to extend time to file responses to Emergency Medicine Associates motion for summary judgment Response to motion reset to 12/12/03 for [36-1] motion for final summary judgment or in the alternative partial summary judgment (Signed by Judge James C. Paine on 11/21/03) [EOD Date: 11/24/03] (at, Deputy Clerk) (Entered: 11/24/2003)
11/24/2003	49	MOTION with memorandum in support by U.S. - EEOC to compel discovery (at, Deputy Clerk) (Entered: 11/25/2003)
11/26/2003	50	NOTICE OF WITHDRAWAL by Emergency Medicine of [44-1] motion for protective order from taking second deposition, [44-2] motion to quash subpoena (at, Deputy Clerk) (Entered: 11/26/2003)
12/02/2003	51	JOINT MOTION with memorandum in support by U.S. - EEOC to extend time to file pretrial stipulation (at, Deputy Clerk) (Entered: 12/03/2003)
12/04/2003	52	RESPONSE by Indian River Memoria to [49-1] motion to compel discovery (mh, Deputy Clerk) (Entered: 12/05/2003)
12/05/2003	53	ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL STIPULATION granting [51-1] motion to extend time to file pretrial stipulation. Parties shall have until and including 1/9/03 within which to provide their Pretrial Stipulation. (Signed by Judge James C. Paine on 12/4/03) [EOD Date: 12/8/03] (at, Deputy Clerk) (Entered: 12/08/2003)
12/05/2003	54	ORDER GRANTING UNOPPOSED SUBSTITUTION OF COUNSEL granting [47-1] motion for substitution of Kenneth L. Gillespie as cnsl. Rachel H. Shonfield shall be relieved as counsel for the Plaintiff EEOC. All further papers and pleadings shall be served on substitute counsel for plaintiff Kenneth L. Gillespie. (Signed by Judge James C. Paine on 12/1/03) [EOD Date: 12/8/03] (at, Deputy Clerk) (Entered: 12/08/2003)
12/08/2003	55	NOTICE OF WITHDRAWAL by Emergency Medicine of [36-1] motion for final summary judgment or in the alternative partial summary judgment (at, Deputy Clerk) (Entered: 12/09/2003)
12/10/2003	56	AMENDED NOTICE OF WITHDRAWAL by Emergency Medicine of [36-1] motion for final summary judgment or in the alternative partial summary judgment (at, Deputy Clerk) (Entered: 12/11/2003)
12/10/2003	57	NOTICE of Filing Consent Decree by U.S. - EEOC (at, Deputy Clerk) (Entered: 12/11/2003)
12/18/2003	58	FINAL report of Mediator. Disposition: Settled (lh, Deputy Clerk) (Entered: 12/22/2003)
12/23/2003	59	CONSENT DECREE (Signed by Judge James C. Paine on 12/23/03) [EOD Date: 12/24/03] (at, Deputy Clerk) (Entered: 12/24/2003)
01/12/2004	60	ORDER DIRECTING CLERK'S OFFICE TO CLOSE CASE The Clerk's Office CLOSE this case and deny all pending motions without prejudice as MOOT. (Signed by Judge James C. Paine on 1/12/04) [EOD Date: 1/13/04] (at, Deputy

		Clerk) (Entered: 01/13/2004)
01/12/2004		CASE CLOSED. Case and Motions no longer referred to Magistrate. (at, Deputy Clerk) (Entered: 01/13/2004)

PACER Service Center**Transaction Receipt**

07/26/2007 13:42:10

PACER Login:	hs0328	Client Code:	eeoc
Description:	Docket Report	Search Criteria:	2:02-cv-14139-JCP
Billable Pages:	4	Cost:	0.32