

CLOSED

U.S. District Court
Middle District of Florida (Ft. Myers)
CIVIL DOCKET FOR CASE #: 2:05-cv-00460-JES-SPC

Equal Employment Opportunity Commission v. Gargiulo, Inc.
Assigned to: Judge John E. Steele
Referred to: Magistrate Judge Sheri Polster Chappell
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/29/2005
Date Terminated: 01/23/2007
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Carla Johanna Von Greiff**
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Intervenor Plaintiff

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Intervenor Plaintiff

Changolia Julien

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Intervenor Plaintiff

Solange Marcelin

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Gregory Scott Schell
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Intervenor Plaintiff

Carmelia Pierre

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Rhonda Brownstein
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Gregory Scott Schell
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Intervenor Plaintiff

Loundy Saint-Hilaire

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Monica Ann Ramirez
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Rhonda Brownstein
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Gregory Scott Schell
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V.

Defendant

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Mediator

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 PRO SE

Date Filed	#	Docket Text
09/29/2005	<u>1</u>	COMPLAINT against Gargiulo, Inc. ; jury demand ; injunctive relief sought, filed by Equal Employment Opportunity Commission.(slu) (Entered: 10/03/2005)
10/03/2005		Summons issued as to Gargiulo, Inc.. (slu) (Entered: 10/03/2005)
10/04/2005	<u>2</u>	RELATED CASE ORDER AND NOTICE of designation under Local Rule 3.05 - track 2. Notice of pendency of other actions due by 10/17/2005.Signed by Judge Sheri Polster Chappell on 10/4/2005. (LAG,) (Entered: 10/04/2005)
10/04/2005	<u>3</u>	INTERESTED PERSONS ORDER Certificate of interested persons and corporate disclosure statement due by 10/17/2005.Signed by Judge John E. Steele on 10/4/2005. (LAG,) (Entered: 10/04/2005)
10/14/2005	<u>4</u>	NOTICE of pendency of other actions re <u>2</u> order of compliance to Local Rule by Equal Employment Opportunity Commission Related case(s): no (Lewis,

		Muslima) (Entered: 10/14/2005)
10/14/2005	<u>5</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>3</u> Interested persons order by Equal Employment Opportunity Commission. (Lewis, Muslima) (Entered: 10/14/2005)
11/18/2005	<u>6</u>	NOTICE of unavailability of counsel byGargiulo, Inc. from December 19, 2005 to December 28, 2005. (Hultman, Lorraine) (Entered: 11/18/2005)
11/21/2005	9	RETURN of service executed on 11/3/05 by Equal Employment Opportunity Commission as to Gargiulo, Inc. (kma) (Entered: 11/25/2005)
11/23/2005	<u>7</u>	Unopposed MOTION for Extension of Time to File Response/Reply by Gargiulo, Inc.. (Hultman, Lorraine) (Entered: 11/23/2005)
11/25/2005	<u>8</u>	ORDER granting <u>7</u> the Defendant's Unopposed Motion to Enlarge Time. The Defendants shall have up to and including DECEMBER 2, 2005 to answer or otherwise plead to the Plaintiff's Complaint. Signed by Judge Sheri Polster Chappell on 11/25/2005. (lmh,) (Entered: 11/25/2005)
11/25/2005	<u>10</u>	INTERESTED PERSONS ORDER Certificate of interested persons and corporate disclosure statement due by 12/6/2005.Signed by Judge John E. Steele on 11/25/2005. (LAG,) (Entered: 11/25/2005)
12/02/2005	<u>11</u>	MOTION to dismiss Plaintiff's Complaint <i>and Supporting Memorandum of Law</i> by Gargiulo, Inc.. (Hultman, Lorraine) (Entered: 12/02/2005)
12/03/2005	<u>12</u>	Unopposed MOTION to intervene <i>and Incorporated Memorandum of Law</i> by Viergela Jean-Francois, Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire. (Attachments: # <u>1</u> Exhibit Complaint in Intervention)(Ramirez, Monica) (Entered: 12/03/2005)
12/03/2005	<u>13</u>	NOTICE by Viergela Jean-Francois, Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire <i>to Amend Certificate of Service</i> (Ramirez, Monica) (Entered: 12/03/2005)
12/05/2005	<u>14</u>	NOTICE of pendency of other actions re order of compliance to Local Rule by Gargiulo, Inc. Related case(s): no (Hultman, Lorraine) (Entered: 12/05/2005)
12/05/2005	<u>15</u>	CERTIFICATE of interested persons and corporate disclosure statement by Gargiulo, Inc.. (Hultman, Lorraine) (Entered: 12/05/2005)
12/08/2005	<u>16</u>	ORDER granting <u>12</u> the Intervenors Viergela Jean-Francois, Changolia Julien, Carmelia Pierre, Loundy Saint-Hilaire, and Solange Marcelin's Unopposed Motion to Intervene. The Clerk is directed to enter Viergela Jean-Francois, Changolia Julien, Carmelia Pierre, Loundy Saint-Hilaire, and Solange Marcelin as party Plaintiffs to the instant action and have the case caption revised to reflect their new status in this case. Signed by Judge Sheri Polster Chappell on 12/8/2005. (lmh,) (Entered: 12/08/2005)
12/19/2005	<u>17</u>	MEMORANDUM in opposition re <u>11</u> Motion to dismiss filed by Equal Employment Opportunity Commission. (Lewis, Muslima) (Entered: 12/19/2005)
01/06/2006	<u>18</u>	CERTIFICATE of interested persons and corporate disclosure statement by Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire. (Ramirez, Monica) (Entered: 01/06/2006)

01/06/2006	<u>19</u>	NOTICE of pendency of other actions re order of compliance to Local Rule by Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire Related case(s): No (Ramirez, Monica) (Entered: 01/06/2006)
01/09/2006	<u>20</u>	MOTION to dismiss Plaintiff's Intervenor's Complaint <i>or For More Definite Statement and Supporting Memorandum of Law</i> by Gargiulo, Inc.. (Hultman, Lorraine) (Entered: 01/09/2006)
01/11/2006	<u>21</u>	NOTICE by Viergela Jean-Francois, Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire <i>of Filing Complaint</i> (Ramirez, Monica) (Entered: 01/11/2006)
01/11/2006	<u>22</u>	Joint INTERVENOR'S COMPLAINT, filed by Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire.(Ramirez, Monica) (Entered: 01/11/2006)
01/18/2006	<u>23</u>	MOTION to dismiss Complaint in Intervention <i>or for More Definite Statement and Supporting Memorandum of Law</i> by Gargiulo, Inc.. (Hultman, Lorraine) (Entered: 01/18/2006)
01/23/2006	<u>24</u>	AMENDED COMPLAINT <i>In Intervention For Damages and Injunctive Relief</i> against Gargiulo, Inc., filed by Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire.(Ramirez, Monica) (Entered: 01/23/2006)
01/24/2006	<u>25</u>	ORDER terminating as moot <u>20</u> defendant's Motion to Dismiss because the motion was prematurely filed; and denying as moot <u>23</u> defendant's Motion to Dismiss due to plaintiff intervenors' amended pleading. (See Order for details). Signed by Judge John E. Steele on 1/24/2006. (ATZ) (Entered: 01/24/2006)
01/27/2006	<u>26</u>	NOTICE of change of address by Monica Ann Ramirez (Ramirez, Monica) (Entered: 01/27/2006)
02/03/2006	<u>27</u>	NOTICE of Appearance by Jason L. Gunter on behalf of Viergela Jean-Francois (Gunter, Jason) (Entered: 02/03/2006)
02/06/2006	<u>28</u>	Unopposed MOTION to Appear Telephonically <i>at Case Management Conference</i> by Gargiulo, Inc.. (Hultman, Lorraine) (Entered: 02/06/2006)
02/06/2006	<u>29</u>	Unopposed MOTION to Appear Telephonically <i>to Conduct Case Management Conference</i> by all plaintiffs. (Lewis, Muslima) (Entered: 02/06/2006)
02/06/2006	<u>30</u>	CERTIFICATE of interested persons and corporate disclosure statement <i>Amended</i> by Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire. (Ramirez, Monica) (Entered: 02/06/2006)
02/07/2006	<u>31</u>	CERTIFICATE of interested persons and corporate disclosure statement by Viergela Jean-Francois. (Gunter, Jason) (Entered: 02/07/2006)
02/07/2006	<u>32</u>	NOTICE of pendency of other actions re order of compliance to Local Rule by Viergela Jean-Francois Related case(s): No (Gunter, Jason) (Entered: 02/07/2006)
02/07/2006	<u>33</u>	<i>Defendant's ANSWER</i> to amended complaint <i>in Intervention for Damages and Injunctive Relief</i> by Gargiulo, Inc..(Hultman, Lorraine) (Entered: 02/07/2006)

02/08/2006	<u>34</u>	ORDER granting <u>28</u> the Defendant, Garguilo, Inc.'s Unopposed Motion to Attend Case Management Conference by Telephone. The Plaintiff and Plaintiff-Intervenors' Unopposed Motion to Conduct Case Management Conference Telephonically <u>29</u> is GRANTED. Signed by Judge Sheri Polster Chappell on 2/8/2006. (lmh,) (Entered: 02/08/2006)
02/09/2006	<u>35</u>	CASE MANAGEMENT REPORT. (Ramirez, Monica) (Entered: 02/09/2006)
02/22/2006	<u>36</u>	CASE MANAGEMENT AND SCHEDULING ORDER. Signed by Judge Sheri Polster Chappell on 2/22/2006. (LAG,) (Entered: 02/22/2006)
03/06/2006	<u>37</u>	NOTICE by Equal Employment Opportunity Commission of <i>Selection of a Mediator</i> (Brown, Jennifer) (Entered: 03/06/2006)
03/13/2006	<u>38</u>	APPEARANCE of non-resident counsel and designation of local counsel by Gregory Scott Schell on behalf of Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire. Local Counsel: Gregory S. Schell. Non-Resident Counsel: Rhonda Brownstein. (Schell, Gregory) (Entered: 03/13/2006)
03/14/2006	<u>39</u>	ORDER granting the Appearance of Non-Resident Attorney <u>38</u> . Rhonda Brownstein, Esq., of the Southern Poverty Law Center, 400 Washington Avenue, Montgomery, AL 36104, shall be admitted pro hac vice on behalf of the Plaintiffs-Intervenors Julien, Marcelin, Pierre and Saine-Hilaire. Signed by Judge Sheri Polster Chappell on 3/14/2006. (lmh,) (Entered: 03/14/2006)
03/22/2006	<u>40</u>	OPINION AND ORDER granting in part and denying in part <u>11</u> Motion to dismiss. The Court dismisses the Complaint without prejudice and plaintiff may amend its Complaint within 11 days of this Opinion and Order. Signed by Judge John E. Steele on 3/22/2006. (RKM) (Entered: 03/22/2006)
03/29/2006	<u>41</u>	MOTION for Extension of Time to File <i>Amended Complaint And Notice Regarding Court's Opinion and Order</i> by Equal Employment Opportunity Commission. (Von Greiff, Carla) (Entered: 03/29/2006)
03/30/2006	<u>42</u>	ORDER granting <u>41</u> the Plaintiff EEOC's Motion for a Three (3) Week Extension of Time Until April 24, 2006 Within Which to File Its Amended Complaint and Notice Regarding Court's Opinion and Order. Signed by Judge Sheri Polster Chappell on 3/30/2006. (lmh,) (Entered: 03/30/2006)
03/31/2006	<u>43</u>	RESPONSE in opposition re <u>41</u> MOTION for Extension of Time to File <i>Amended Complaint And Notice Regarding Court's Opinion and Order and Request that Court Amend Its Order Granting Plaintiff's Motion</i> filed by Garguilo, Inc.. (Hultman, Lorraine) (Entered: 03/31/2006)
04/03/2006	<u>44</u>	NOTICE by Equal Employment Opportunity Commission of <i>Substitution of Counsel</i> (Von Greiff, Carla) (Entered: 04/03/2006)
04/05/2006	<u>45</u>	CERTIFICATE of interested persons and corporate disclosure statement <i>Amended</i> by Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire. (Ramirez, Monica) (Entered: 04/05/2006)
04/10/2006	<u>46</u>	NOTICE of unavailability of counsel by Garguilo, Inc. from June 13, 2006 to June 22, 2006. (Hultman, Lorraine) (Entered: 04/10/2006)

04/24/2006	47	AMENDED COMPLAINT against Gargiulo, Inc., filed by Equal Employment Opportunity Commission.(Von Greiff, Carla) (Entered: 04/24/2006)
04/24/2006	48	MOTION for clarification <i>and/or Reconsideration Regarding Certain Portions of the Court's March 22, 2006 Opinion and Order</i> by Equal Employment Opportunity Commission. (Von Greiff, Carla) (Entered: 04/24/2006)
05/05/2006	49	ANSWER to amended complaint of <i>Plaintiff EEOC</i> by Gargiulo, Inc..(Hultman, Lorraine) (Entered: 05/05/2006)
06/12/2006	50	ORDER directing defendant to file a response to 48 Plaintiff's Motion for Clarification and/or Reconsideration within TEN (10) DAYS of this Order. If no response is received, the Court will rule on the pending motion without the benefit of a response and without further notice. (See Order for details). Signed by Judge John E. Steele on 6/12/2006. (ATZ) (Entered: 06/12/2006)
06/13/2006	51	RESPONSE to motion re 48 MOTION for clarification <i>and/or Reconsideration Regarding Certain Portions of the Court's March 22, 2006 Opinion and Order</i> filed by Gargiulo, Inc.. (Hultman, Lorraine) (Entered: 06/13/2006)
06/21/2006	52	APPEARANCE of non-resident counsel and designation of local counsel by Monica Ann Ramirez on behalf of Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire. Local Counsel: Gregory S. Schell. Non-Resident Counsel: Mary Catherine Bauer. (Ramirez, Monica) (Entered: 06/21/2006)
06/22/2006	53	ORDER granting the Motion to Appear Pro Hac Vice. See Order for Details. Signed by Judge Sheri Polster Chappell on 6/22/2006. (lmh,) (Entered: 06/22/2006)
07/25/2006	54	NOTICE of Appearance by Monica Ann Ramirez on behalf of Viergela Jean-Francois (Ramirez, Monica) (Entered: 07/25/2006)
07/25/2006	55	CERTIFICATE of interested persons and corporate disclosure statement re 45 Certificate of interested persons and corporate disclosure statement <i>Amended</i> by Viergela Jean-Francois, Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire. (Ramirez, Monica) (Entered: 07/25/2006)
07/25/2006	56	NOTICE of Appearance by Monica Ann Ramirez on behalf of Viergela Jean-Francois, Changolia Julien, Solange Marcelin, Carmelia Pierre, Loundy Saint-Hilaire (Ramirez, Monica) (Entered: 07/25/2006)
08/03/2006	57	ORDER denying 48 Plaintiff EEOC's Motion for Clarification and/or Reconsideration Regarding Certain Portions of the Court's March 22, 2006 Opinion and Order Granting and Denying in Part Defendant's Motion to Dismiss EEOC's Complaint. See Order for details. Signed by Judge John E. Steele on 8/3/2006. (ATZ) (Entered: 08/03/2006)
10/12/2006	58	Joint MOTION to quash Or Modify Subpoenas Duces Tecum <i>by Plaintiff Intervenors And</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6, R.T. Tampa Franchise Order# 7 Exhibit 7, Dept. of Transportation Order# 8 Exhibit 8, SCI Funeral Services Order# 9 Exhibit 9, American Express Order# 10 Exhibit 10, City Of Waldo Order)(Von Greiff, Carla) (Entered: 10/12/2006)

10/17/2006	59	ORDER granting in part and denying in part 58 the Plaintiff United States Equal Opportunity Commission and the Plaintiff Intervenor's Joint Motion to Quash or Modify Subpoenas Duces Tecum. SEE ORDER FOR DETAILS. Signed by Judge Sheri Polster Chappell on 10/17/2006. (Imh,) (Entered: 10/17/2006)
11/08/2006	60	NOTICE of unavailability of counsel by Equal Employment Opportunity Commission from December 18, 2006 to January 2, 2007. (Von Greiff, Carla) (Entered: 11/08/2006)
11/08/2006	61	NOTICE of unavailability of counsel by Gargiulo, Inc. from 12/20/2006 to 01/05/2007. (Hultman, Lorraine) (Entered: 11/08/2006)
11/13/2006	62	NOTICE by Equal Employment Opportunity Commission of <i>Scheduling Mediation</i> (Von Greiff, Carla) (Entered: 11/13/2006)
12/04/2006	63	NOTICE by Equal Employment Opportunity Commission <i>Regarding Change of Date and Location of Mediation</i> (Von Greiff, Carla) (Entered: 12/04/2006)
12/11/2006	64	Joint MOTION to extend time to Designate Expert Witnesses And Exchange Expert Witness Reports by Equal Employment Opportunity Commission. (Von Greiff, Carla) (Entered: 12/11/2006)
12/13/2006	65	ORDER granting 64 the Joint Motion to Extend Time to Designate Expert Witnesses and Exchange Expert Witness Reports. The parties shall have up to and including FEBRUARY 8, 2007 to disclose their expert reports. Signed by Judge Sheri Polster Chappell on 12/12/2006. (Imh,) (Entered: 12/13/2006)
12/14/2006	66	NOTICE of Mediation by James B. Chaplin. (js) (Entered: 12/15/2006)
12/18/2006	67	NOTICE of mediation by James B. Chaplin. (js) (Entered: 12/18/2006)
01/22/2007	68	Joint MOTION Approval of Consent Decree by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit Consent Decree)(Von Greiff, Carla) (Entered: 01/22/2007)
01/22/2007	69	ORDER ADOPTING CONSENT DECREE granting 68 Motion for approval of consent decree. The Clerk shall enter judgment adopting the Consent Decree (to be entered contemporaneously with the entry of this Order) with the Court retaining jurisdiction over its enforcement and by attaching a copy of the Consent Decree to said judgment. The Clerk is further directed to close the case and terminate all deadlines as moot. Signed by Judge John E. Steele on 1/22/2007. (RKM) (Entered: 01/22/2007)
01/22/2007	70	CONSENT DECREE Signed by Judge John E. Steele. (Attachments: #(1) Exhibit A; #(2) Exhibit B)(RKM) (Entered: 01/22/2007)
01/23/2007	71	JUDGMENT (Signed by Deputy Clerk) (js) (Entered: 01/23/2007)

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