

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

RACHELLE BEAUBRUN, KAYLA  
BUCHANAN, AMANDA DIMURO,  
KRISTEN GODUTO, KARA  
GUGGINO, SARA HOEHN, APRIL  
JOHNSON, MAGGIE LEON,  
REBECCA MORA, TERRY NAGY-  
PHILIPS, LAUREN REYNOLDS,  
ANN URSINY, CRISTIAN  
VILLALTA-GARCIA and KAREN  
WATSON,

Plaintiffs,

v.

Case No. 5:19-cv-615-Oc-32PRL

UNITED STATES OF AMERICA,

Defendant.

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**ORDER**

The Court held a hearing on June 4, 2020, regarding, in part, Defendant's Motion to Dismiss or alternatively to Sever (Doc. 25). The transcript of that hearing is incorporated herein. For the reasons stated on the record, it is

**ORDERED:**

1. The Court **GRANTS in part, DENIES in part, and DEFERS ruling in part** on Defendant's Motion to Dismiss or alternatively to Sever (Doc. 25).

- a. The Motion is **GRANTED** to the extent that Plaintiffs' negligence per se, negligent hiring, and negligent training claims are dismissed without prejudice. In filing an amended complaint, Plaintiffs must also plead sufficient facts to meet the physical injury or commission of a sexual act requirement as set forth in 28 U.S.C. § 1346(b)(2) for the six challenged Plaintiffs.
- b. The Motion is **DENIED without prejudice** as to Defendant's arguments relating to the discretionary function exception and equitable tolling as to Plaintiff Guggino's claims arising from conduct at FCI Tallahassee.
- c. The Motion is **DENIED as moot** to the extent Defendant sought to dismiss any failure to investigate, retaliatory transfer, or access to counsel claims, because Plaintiffs' counsel confirmed at the hearing that Plaintiffs were not raising those as separate claims but only as relevant background.
- d. The Court **DEFERS** ruling on Defendant's request regarding severance.

2. Plaintiffs who are represented by Bryan Busch, Esquire shall file an Amended Complaint as discussed at the hearing by **June 22, 2020**.

3. Defendant shall respond to the Amended Complaint by **July 15, 2020**. If Defendant files a motion to dismiss, Plaintiffs shall respond by **August 5, 2020**.

4. By **June 22, 2020**, counsel for Defendant and Plaintiffs Leon, Dimuro, Mora, and Reynolds shall submit a proposed plan regarding severance of their claims.

5. All parties shall serve mandatory initial disclosures by **June 22, 2020**.

**DONE AND ORDERED** at Jacksonville, Florida, this 8<sup>th</sup> day of June, 2020.



TIMOTHY J. CORRIGAN  
United States District Judge

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c:  
Counsel of Record