

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

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

and MELISSA EVERETTE and
FONTELLA LUTHER,

Intervening Plaintiffs,

v.

DIVERSIFIED BEHAVIORAL
HEALTH SOLUTIONS, d/b/a
CENTRAL FLORIDA YOUTH
SERVICES,

Defendant.

_____ /

ORDER

This cause is before the Court on:

Dkt. 1 Complaint
Dkt. 52 Amended Complaint - Intervenors
Dkt. 68 Report and Recommendation

The Complaint in this case is based on claims of sexual harassment brought against Defendant Diversified Behavioral Health Solutions, Inc., carried out by Joshua Ford, chief executive officer and president of the Defendant company. As to Intervenors' Amended Complaint, Count I is brought under Title VII, and Count II is brought under the Florida Civil Rights Act.

In the Complaint, Plaintiff EEOC requests a permanent injunction, and direction to Defendant to institute and carry out

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policies, practices and programs which provide equal employment opportunities for all of Defendant's employees, and which eradicate the past effects of discriminatory practices.

Plaintiff also requests compensatory and punitive damages on behalf of Melissa Whittaker (formerly Everette) and Fontella Luther, and the award of costs. Defendant Diversified Behavioral Health Solutions, Inc. is no longer in business, and therefore the requests for a permanent injunction, and for an order directing establishment of policies, practices and programs set forth above, are moot.

After Defendant abandoned the defense of this case, a default was entered. Plaintiff and Intervening Plaintiffs moved for entry of default judgment (Dkts. 49, 56). The Court granted Intervenor Plaintiffs' Motion for Default Judgment, and referred this case to the assigned Magistrate Judge to conduct an evidentiary hearing as to damages. Notice of the evidentiary hearing was provided to Defendant's registered agent (Dkt. 65), who did not appear at the hearing. A Report and Recommendation was entered (Dkt. 68).

In order to clarify the record, the Court grants Plaintiff's Motion for entry of Default Judgment (Dkt. 49), nunc pro tunc 3/26/2007. The Court notes that Plaintiff and Intervenor Plaintiffs participated in the evidentiary proceeding.

The Report and Recommendation recommends the award of back pay, non-economic compensatory damages, and punitive damages, under Title VII. As to Intervenor Melissa Whittaker (formerly Everette), Magistrate Judge Wilson recommends the award of \$12,386.10 in back pay, \$25,000 for emotional distress, and

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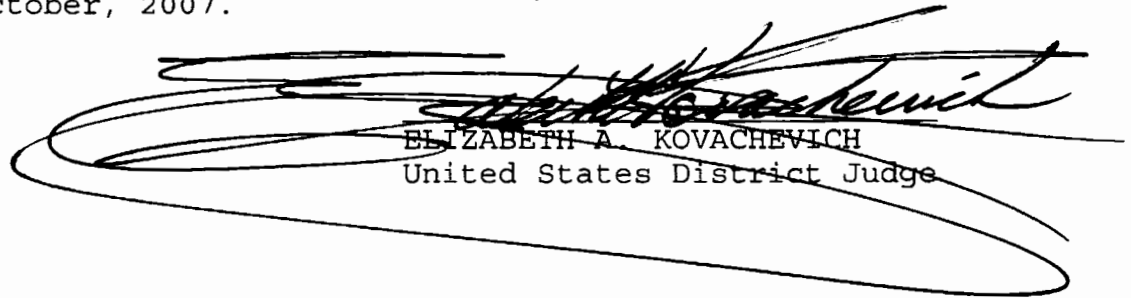
\$25,000 for punitive damages, for a total of \$62,386.10. As to Intervenor Fontella Luther, Magistrate Judge Wilson recommends \$46,611.49 in back pay, \$25,000 for emotional distress, and \$25,000 for punitive damages, for a total of \$96,611.49.

The Court has independently examined the record of this case. No objections have been filed. After consideration, the Court adopts the Report and Recommendation, and incorporates it. Accordingly, it is

ORDERED that the Report and Recommendation is adopted and incorporated by reference. The Court awards Intervenor Plaintiff Melissa Whittaker \$62,386.10 for back pay, emotional distress, and punitive damages, and awards Fontella Luther \$96,611.49 for back pay, emotional distress and punitive damages, for violation of Title VII. The Clerk of Court shall enter a Final Default Judgment in favor of Plaintiff United States Equal Employment Opportunity Commission, and in favor of Intervenor Plaintiffs, in the amount of \$62,386.10 as to Intervenor Plaintiff Melissa Whittaker, and in the amount of \$96,611.49 in favor of Intervenor Plaintiff Fontella Luther, against Defendant Diversified Behavioral Health Solutions, Inc., d/b/a Central Florida Youth Services, for which execution shall issue. The Court reserves jurisdiction for the award of attorney's fees and costs, and any motion, with appropriate documentation, shall be filed within ten days. The Court dismisses Count II of Intervenor's Amended Complaint with prejudice. The Clerk of Court shall close this case.

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DONE and ORDERED in Chambers, in Tampa, Florida on this
24th day of October, 2007.



ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:
All parties and counsel of record