

CLOSED

**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:09-cv-01891-EAK-TBM**

Gambuzza et al v. Parmenter et al
Assigned to: Judge Elizabeth A. Kovachevich
Referred to: Magistrate Judge Thomas B. McCoun III
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/04/2009
Date Terminated: 06/01/2010
Jury Demand: Defendant
Nature of Suit: 555 Prisoner Civil Rights
(Prison Condition)
Jurisdiction: Federal Question

Plaintiff

Michael Lindsey Gambuzza
#2008 006155
Manatee County Jail
14470 Harlee Road
Palmetto, FL 34221
*on behalf of themselves and all others
similarly situated*

represented by **James E. Felman**
Kynes, Markman &Felman, P.A.
100 S Ashley Dr – Ste 1300
PO Box 3396
Tampa, FL 33601–3396
813/229–1118
Fax: 813/221–6750
Email: JFelman@kmf-law.com
TERMINATED: 03/11/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua Aaron Glickman
Florida Justice Institute, Inc.
3750 Miami Tower
100 SE 2nd St
Miami, FL 33131–2309
202–709–5744
Fax: 866–893–0416
Email: josh@sjlawcollective.com
TERMINATED: 07/05/2012
LEAD ATTORNEY

Katherine Earle Yanes
Kynes, Markman &Felman, P.A.
100 S Ashley Dr – Ste 1300
PO Box 3396
Tampa, FL 33601–3396
813/229–1118
Fax: 813–221–6750
Email: KYanes@kmf-law.com
TERMINATED: 03/11/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Randall Challen Berg , Jr.
Florida Justice Institute, Inc.
3750 Miami Tower
100 SE 2nd St
Miami, FL 33131–2309
305/358–2081
Fax: 305/358–0910
Email: rberg@floridajusticeinstitute.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shawn Alex Heller
Social Justice Law Collective, P.L.
P.O. Box 70327
Washington, DC 20024

202-709-5744
Fax: 866-893-0416
Email: shawn@shawnheller.com
TERMINATED: 09/17/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sylvia H. Walbolt
Carlton Fields, PA
4221 W Boy Scout Blvd – Ste 1000
PO Box 3239
Tampa, FL 33601-3239
813/223-7000
Fax: 813/229-4133
Email: swalbolt@carltonfields.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Christopher Scott Drescher
#2008-006156
Manatee County Jail
14470 Harlee Road
Palmetto, FL 34221
on behalf of themselves and all others
similarly situated

represented by **James E. Felman**
(See above for address)
TERMINATED: 03/11/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua Aaron Glickman
(See above for address)
TERMINATED: 07/05/2012
LEAD ATTORNEY

Katherine Earle Yanes
(See above for address)
TERMINATED: 03/11/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Randall Challen Berg , Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shawn Alex Heller
(See above for address)
TERMINATED: 09/17/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sylvia H. Walbolt
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Deborah Sorensen
on behalf of themselves and all others
similarly situated

represented by **Joshua Aaron Glickman**
(See above for address)
TERMINATED: 07/05/2012
LEAD ATTORNEY

Randall Challen Berg , Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shawn Alex Heller

(See above for address)
TERMINATED: 09/17/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sylvia H. Walbolt
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine Earle Yanes
Kynes, Markman & Felman, PA
100 S Ashley Dr – Ste 1300
PO Box 3396
Tampa, FL 33601–3396
813/229–1118
Fax: 813–221–6750
Email: KYanes@kmf-law.com
TERMINATED: 03/11/2011
ATTORNEY TO BE NOTICED

Plaintiff

Barbara Schnurr
on behalf of themselves and all others
similarly situated

represented by **Joshua Aaron Glickman**
(See above for address)
TERMINATED: 07/05/2012
LEAD ATTORNEY

Randall Challen Berg , Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shawn Alex Heller
(See above for address)
TERMINATED: 09/17/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sylvia H. Walbolt
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine Earle Yanes
(See above for address)
TERMINATED: 03/11/2011
ATTORNEY TO BE NOTICED

V.

Defendant

Lieutenant Parmenter
individually
TERMINATED: 02/18/2010

represented by **Richard A. Giuffreda**
Purdy, Jolly, Giuffreda & Barranco, PA
Suite 1216
2455 E Sunrise Blvd
Ft Lauderdale, FL 33304
954/462–3200 Ext 104
Fax: 954/462–3861
Email: richard@purdylaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lieutenant Parmenter
in his official capacity
TERMINATED: 02/18/2010

represented by **Jason Lee Scarberry**
Purdy, Jolly, Giuffreda & Barranco, PA*
Suite 1216
2455 E Sunrise Blvd
Ft Lauderdale, FL 33304
954/462-3200 ext. 109
Fax: 954/462-3861
Email: Jason@purdylaw.com
TERMINATED: 04/18/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Ackles Captain
individually
TERMINATED: 02/18/2010

represented by **Jason Lee Scarberry**
(See above for address)
TERMINATED: 04/18/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Ackles Captain
in his official capacity
TERMINATED: 02/18/2010

Defendant

Jamey Higginbotham
individually
TERMINATED: 02/18/2010

Defendant

Jamey Higginbotham
in his official capacity
TERMINATED: 02/18/2010

Defendant

Brad Steube
individually
TERMINATED: 02/18/2010

represented by **Richard A. Giuffreda**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Brad Steube
Sheriff, in their official capacities

represented by **Jason Lee Scarberry**
Purdy, Jolly, Giuffreda & Barranco, PA
Suite 1216
2455 E Sunrise Blvd
Ft Lauderdale, FL 33304
954/462-3200 ext. 109
Fax: 954/462-3861
Email: Jason@purdylaw.com
TERMINATED: 04/18/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

T. McGuire
individually
TERMINATED: 02/18/2010

Defendant

represented by

T. McGuire
in his official capacity
TERMINATED: 02/18/2010

Jason Lee Scarberry
(See above for address)
TERMINATED: 04/18/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

L. Brooks
individually
TERMINATED: 02/18/2010

Defendant

L. Brooks
in his official capacity
TERMINATED: 02/18/2010

Defendant

C. Bejarano
individually
TERMINATED: 02/18/2010

Defendant

C. Bejarano
in his official capacity
TERMINATED: 02/18/2010

represented by **Jason Lee Scarberry**
(See above for address)
TERMINATED: 04/18/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James Higginbotham
Major, in their official capacities

represented by **Jason Lee Scarberry**
(See above for address)
TERMINATED: 04/18/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard A. Giuffreda
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Anthony Ackles
Captain, in their official capacities

represented by **Jason Lee Scarberry**
(See above for address)
TERMINATED: 04/18/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard A. Giuffreda
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Diane Parmenter
Lieutenant, in their official capacities

represented by **Jason Lee Scarberry**
(See above for address)
TERMINATED: 04/18/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard A. Giuffreda
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/04/2009	<u>1</u>	COMPLAINT against Brad Steube(in his official capacity), T. McGuire(individually), T. McGuire(in his official capacity), L. Brooks(individually), L. Brooks(in his official capacity), C. Bejarano(individually), C. Bejarano(in his official capacity), Parmenter Lieutenant(individually), Parmenter Lieutenant(in his official capacity), Ackles Captain(individually), Ackles Captain(in his official capacity), Jamey Higgenbotham(individually), Jamey Higgenbotham(in his official capacity), Brad Steube(individually) filed by Michael Lindsey Gambuzza, Christopher Scott Drescher. (NOTE: Complaint does not contain an original signature – it appears to be a photo copy)(LYB) (Entered: 09/15/2009)
09/21/2009	<u>2</u>	NOTICE of designation under Local Rule 3.05 – track 1. (AO) (Entered: 09/21/2009)
09/22/2009	<u>3</u>	ORDER reassigning this case to the Honorable Elizabeth A. Kovachevich for all further proceedings pursuant to Local Rule 1.04. Signed by Judge James D. Whittemore on 9/21/2009. (KE) (Entered: 09/22/2009)
09/22/2009	4	Case reassigned to Judge Elizabeth A. Kovachevich. New case number: 8:09-cv-1891-T-17TBM. Judge James D. Whittemore no longer assigned to the case. (LYB) (Entered: 09/22/2009)
09/22/2009	<u>5</u>	STANDING ORDER: Filing of documents that exceed twenty-five pages. Signed by Judge Elizabeth A. Kovachevich on 9/22/2009. (LYB) (Entered: 09/22/2009)
10/26/2009	<u>6</u>	MOTION to appoint counsel (<i>pro bono</i>) by Michael Lindsey Gambuzza, Christopher Scott Drescher. (Attachments: # <u>1</u> Exhibit A)(Yanes, Katherine) Motions referred to Magistrate Judge Thomas B. McCoun III. (Entered: 10/26/2009)
10/28/2009	<u>7</u>	ORDER granting <u>6</u> Katherine Earle Yanes', James E. Felman's, and Kynes, Markman and Felman's request for appointment as pro bono counsel on behalf of the Plaintiffs. Signed by Judge Elizabeth A. Kovachevich on 10/28/2009. (SM) (Entered: 10/28/2009)
12/23/2009	<u>8</u>	MOTION to extend time to Serve the Complaint by Michael Lindsey Gambuzza, Christopher Scott Drescher. (Yanes, Katherine) (Entered: 12/23/2009)
12/28/2009	9	ENDORSED ORDER granting <u>8</u> Counsel's Motion to extend time to file a complaint. The complaint shall be filed on or before February 26, 2010. Signed by Judge Elizabeth A. Kovachevich on 12/28/2009. (SM) (Entered: 12/28/2009)
02/18/2010	<u>10</u>	AMENDED COMPLAINT against Ackles Captain(in his official capacity), Jamey Higgenbotham(in his official capacity), Lieutenant Parmenter(in his official capacity), Brad Steube(in his official capacity) filed by Christopher Scott Drescher, Michael Lindsey Gambuzza, Deborah Sorensen, Barbara Schnurr.(Yanes, Katherine) (Entered: 02/18/2010)
03/15/2010	<u>11</u>	*** DOCUMENT TERMINATED, COUNSEL NOTIFIED TO REFILE WAIVERS SEPARATELY *** WAIVER OF SERVICE returned executed on 03/09/2010 by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen as to Anthony Ackles, James Higginbotham, Diane Parmenter, Brad Steube(Sheriff, in their official capacities). (Attachments: # <u>1</u> Exhibit Waivers)(Yanes, Katherine) Modified on 3/15/2010 (LYB). (Entered: 03/15/2010)
03/15/2010	<u>12</u>	WAIVER OF SERVICE returned executed on 03/09/2010 by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen as to Anthony Ackles. (Attachments: # <u>1</u> Exhibit Waiver)(Yanes, Katherine) (Entered: 03/15/2010)
03/15/2010	<u>13</u>	WAIVER OF SERVICE returned executed on 03/09/2010 by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen as to James Higginbotham. (Attachments: # <u>1</u> Exhibit Waiver)(Yanes, Katherine) (Entered: 03/15/2010)

03/15/2010	<u>14</u>	WAIVER OF SERVICE returned executed on 03/09/2010 by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen as to Diane Parmenter. (Attachments: # <u>1</u> Exhibit Waiver)(Yanes, Katherine) (Entered: 03/15/2010)
03/15/2010	<u>15</u>	WAIVER OF SERVICE returned executed on 03/09/2010 by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen as to Brad Steube(Sheriff, in their official capacities). (Attachments: # <u>1</u> Exhibit Waiver)(Yanes, Katherine) (Entered: 03/15/2010)
03/23/2010	<u>16</u>	AMENDED NOTICE of designation under Local Rule 3.05 – track 2. (CLM) (Entered: 03/23/2010)
04/09/2010	<u>17</u>	NOTICE of Appearance by Jason Lee Scarberry on behalf of C. Bejarano(in his official capacity), Ackles Captain(in his official capacity), Jamey Higgenbotham(individually), T. McGuire(in his official capacity), Lieutenant Parmenter(individually), Brad Steube(Sheriff, in their official capacities) (Scarberry, Jason) (Entered: 04/09/2010)
04/15/2010	<u>18</u>	MOTION to dismiss Plaintiff's Amended Complaint (<i>And Memorandum of Law</i>) by Anthony Ackles, James Higginbotham, Diane Parmenter. (Scarberry, Jason) (Entered: 04/15/2010)
04/15/2010	<u>19</u>	<i>Defendant Sheriff's</i> ANSWER and affirmative defenses with Jury Demand to <u>10</u> Amended complaint by Brad Steube(Sheriff, in their official capacities).(Scarberry, Jason) (Entered: 04/15/2010)
04/19/2010	<u>20</u>	NOTICE of Appearance by Richard A. Giuffreda on behalf of Anthony Ackles, James Higginbotham, Diane Parmenter, Brad Steube(Sheriff, in their official capacities) (Giuffreda, Richard) (Entered: 04/19/2010)
04/21/2010	<u>21</u>	CASE MANAGEMENT REPORT. (Yanes, Katherine) (Entered: 04/21/2010)
04/23/2010	<u>22</u>	RESPONSE to motion re <u>18</u> MOTION to dismiss Plaintiff's Amended Complaint (<i>And Memorandum of Law</i>) filed by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen. (Yanes, Katherine) (Entered: 04/23/2010)
04/23/2010	<u>23</u>	Unopposed MOTION for miscellaneous relief, specifically Set Class Certification Briefing Schedule by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen. (Yanes, Katherine) (Entered: 04/23/2010)
04/27/2010	<u>24</u>	ORDER granting <u>23</u> Motion to set class certification briefing schedule. Signed by Judge Elizabeth A. Kovachevich on 4/27/2010. (JNB) (Entered: 04/27/2010)
05/12/2010	<u>25</u>	MOTION to disqualify judge <i>for Bias or Prejudice (And Memorandum of Law)</i> by Anthony Ackles, James Higginbotham, Diane Parmenter, Brad Steube(Sheriff, in their official capacities). (Attachments: # <u>1</u> Exhibit A–Plf's Compl, # <u>2</u> Exhibit B–Order, # <u>3</u> Exhibit C–Amended Compl, # <u>4</u> Exhibit D–Phone Memo, # <u>5</u> Exhibit E–Order, # <u>6</u> Exhibit F–Affidavit of Michele Hall, # <u>7</u> Exhibit G–Email dated 9/10/2009, # <u>8</u> Exhibit H–handwrittten notes)(Scarberry, Jason) (Entered: 05/12/2010)
05/17/2010	<u>26</u>	MEMORANDUM in opposition re <u>25</u> Motion to disqualify judge filed by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen. (Yanes, Katherine) (Entered: 05/17/2010)
05/21/2010	<u>27</u>	MOTION for leave to file Reply Memorandum in Support of their Motion to Disqualify (<i>And Memorandum of Law</i>) by Anthony Ackles, James Higginbotham, Diane Parmenter, Brad Steube(Sheriff, in their official capacities). (Scarberry, Jason) (Entered: 05/21/2010)
05/28/2010	<u>28</u>	ORDER that this case is dismissed. The Clerk is directed to close this case. Signed by Judge Elizabeth A. Kovachevich on 5/28/2010. (SM) (Entered: 05/28/2010)
06/23/2010	<u>29</u>	*** DOCUMENT TERMINATED, COUNSEL NOTIFIED TO REFILE AS A MOTION *** NOTICE by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen <i>of Substitution of Counsel</i> (Yanes, Katherine) Modified on 6/24/2010 (LYB). (Entered: 06/23/2010)

06/23/2010	<u>30</u>	NOTICE of Appearance by Randall Challen Berg, Jr on behalf of Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen (Berg, Randall) (Entered: 06/23/2010)
06/23/2010	<u>31</u>	MOTION for reconsideration <i>and Recusal</i> by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen. (Berg, Randall) (Entered: 06/23/2010)
06/25/2010	<u>32</u>	NOTICE of Appearance by Joshua Aaron Glickman on behalf of Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen (Glickman, Joshua) (Entered: 06/25/2010)
06/25/2010	<u>33</u>	NOTICE of Appearance by Shawn A. Heller on behalf of Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen (Heller, Shawn) (Entered: 06/25/2010)
07/01/2010	<u>34</u>	MEMORANDUM in opposition re <u>31</u> Motion for reconsideration filed by Anthony Ackles, James Higginbotham, Lieutenant Parmenter(individually), Brad Steube(Sheriff, in their official capacities). (Scarberry, Jason) (Entered: 07/01/2010)
07/09/2010	<u>35</u>	MOTION for to withdraw as attorney by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen. (Yanes, Katherine) (Entered: 07/09/2010)
08/18/2010	<u>36</u>	NOTICE of Appearance by Sylvia H. Walbolt on behalf of Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen (Walbolt, Sylvia) (Entered: 08/18/2010)
03/11/2011	<u>37</u>	ORDER granting <u>35</u> Counsel's Motion to withdraw as attorney. On or before March 25, 2011, the parties shall comply with the requirements of this order. Signed by Judge Elizabeth A. Kovachevich on 3/11/2011. (SM) (Entered: 03/11/2011)
03/25/2011	<u>38</u>	RESPONSE re <u>37</u> Order on motion to withdraw as attorney filed by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen. (Glickman, Joshua) (Entered: 03/25/2011)
03/29/2011	<u>39</u>	ORDER that on or before April 1, 2011, Defendants shall show cause why they have not filed their memorandum of law as to whether this case is moot. On that same date, Defendants shall file their memorandum of law as directed in the March 11, 2011 order. Signed by Judge Elizabeth A. Kovachevich on 3/29/2011. (SM) (Entered: 03/29/2011)
03/29/2011	<u>40</u>	RESPONSE TO ORDER TO SHOW CAUSE re <u>39</u> Order filed by Ackles Captain(individually), James Higginbotham, Lieutenant Parmenter(in his official capacity), Brad Steube(Sheriff, in their official capacities). (Scarberry, Jason) (Entered: 03/29/2011)
03/30/2011	<u>41</u>	RESPONSE re <u>37</u> Order on motion to withdraw as attorney filed by Ackles Captain(in his official capacity), James Higginbotham, Lieutenant Parmenter(individually), Brad Steube(Sheriff, in their official capacities). (Scarberry, Jason) (Entered: 03/30/2011)
04/15/2011	<u>42</u>	NOTICE by Anthony Ackles, James Higginbotham, Diane Parmenter, Brad Steube(Sheriff, in their official capacities) <i>of Appearance/ Substitution of Counsel</i> (Giuffreda, Richard) (Entered: 04/15/2011)
04/19/2011	<u>43</u>	MOTION to substitute attorney by Anthony Ackles, James Higginbotham, Lieutenant Parmenter(individually), Brad Steube(individually). (Giuffreda, Richard) (Entered: 04/19/2011)
04/21/2011	44	ENDORSED ORDER granting <u>43</u> Motion to substitute attorney. Signed by Judge Elizabeth A. Kovachevich on 4/21/2011. (SM) (Entered: 04/21/2011)
06/07/2011	<u>45</u>	NOTICE of supplemental authority by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen (Attachments: # <u>1</u> Exhibit U.S. Dist. Ct. Decision Enjoining Postcard Only Jail Policy)(Berg, Randall) (Entered: 06/07/2011)

06/23/2011	<u>46</u>	RESPONSE re <u>45</u> Notice of supplemental authority filed by Anthony Ackles, James Higginbotham, Diane Parmenter, Brad Steube(Sheriff, in their official capacities). (Giuffreda, Richard) (Entered: 06/23/2011)
07/03/2012	<u>47</u>	MOTION for Joshua A. Glickman to withdraw as attorney by Christopher Scott Drescher, Michael Lindsey Gambuzza, Barbara Schnurr, Deborah Sorensen. (Glickman, Joshua) (Entered: 07/03/2012)
07/04/2012	48	ENDORSED ORDER granting <u>47</u> Attorney Glickman's Motion to withdraw as attorney. Signed by Judge Elizabeth A. Kovachevich on 7/4/2012. (SM) (Entered: 07/04/2012)
09/12/2012	<u>49</u>	Unopposed MOTION for Shawn Heller to withdraw as attorney by All Plaintiffs. (Heller, Shawn) (Entered: 09/12/2012)
09/14/2012	50	ENDORSED ORDER granting <u>49</u> Shawn Heller's unopposed Motion to withdraw as attorney. Signed by Judge Elizabeth A. Kovachevich on 9/14/2012. (SM) (Entered: 09/14/2012)