

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:16-cv-23020-RNS**

Gil v. Winn Dixie Stores, Inc.  
Assigned to: Judge Robert N. Scola, Jr  
Referred to: Magistrate Judge Alicia M. Otazo-Reyes  
Cause: 42:12182 Americans with Disabilities Act

Date Filed: 07/12/2016  
Jury Demand: None  
Nature of Suit: 446 Civil Rights: Americans with Disabilities - Other  
Jurisdiction: Federal Question

**Plaintiff****Juan Carlos Gil**

represented by **Richard Francis Della Fera**  
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V.

**Defendant****Winn Dixie Stores, Inc.**

represented by **Susan Virginia Warner**  
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Date Filed	#	Docket Text
07/12/2016	<a href="#"><u>1</u></a>	COMPLAINT against Winn Dixie Stores, Inc.. Filing fees \$ 400.00 receipt number 113C-

		8908519, filed by Juan Carlos Gil. (Attachments: # <a href="#">1</a> Civil Cover Sheet, # <a href="#">2</a> Summon(s)) (Dinin, Scott) (Entered: 07/12/2016)
07/12/2016	<a href="#">2</a>	Judge Assignment to Judge Robert N. Scola, Jr (bb) (Entered: 07/13/2016)
07/12/2016	<a href="#">3</a>	Clerks Notice pursuant to 28 USC 636(c). Parties are hereby notified that the U.S. Magistrate Judge Alicia M. Otazo-Reyes is available to handle any or all proceedings in this case. If agreed, parties should complete and file the attached form. (bb) (Entered: 07/13/2016)
07/13/2016	<a href="#">4</a>	Summons Issued as to Winn Dixie Stores, Inc. (bb) (Entered: 07/13/2016)
07/18/2016	<a href="#">5</a>	SUMMONS (Affidavit) Returned Executed on <a href="#">1</a> Complaint with a 21 day response/answer filing deadline by Juan Carlos Gil. Winn Dixie Stores, Inc. served on 7/14/2016, answer due 8/4/2016. (Dinin, Scott) (Entered: 07/18/2016)
08/03/2016	<a href="#">6</a>	Order Requiring Discovery And Scheduling Conference, Order Requiring Verified Statement In ADA Case, And Order Referring Discovery Matters To The Magistrate Judge. Signed by Judge Robert N. Scola, Jr. on 8/2/2016. (ar2) (Entered: 08/03/2016)
08/05/2016	<a href="#">7</a>	ANSWER and Affirmative Defenses to Complaint by Winn Dixie Stores, Inc.. Attorney Susan Virginia Warner added to party Winn Dixie Stores, Inc.(pty:dft). (Warner, Susan) (Entered: 08/05/2016)
08/22/2016	<a href="#">8</a>	Joint SCHEDULING REPORT - <b>Rule 26(f)</b> by Juan Carlos Gil (Dinin, Scott) (Entered: 08/22/2016)
08/24/2016	<a href="#">9</a>	Notice of <b>NO</b> Pending, Refiled, Related or Similar Actions by Juan Carlos Gil (Dinin, Scott) (Entered: 08/24/2016)
08/31/2016	<a href="#">10</a>	Scheduling Order And Order Of Referral To Mediation: Mediation Deadline 12/30/2017., Amended Pleadings due by 9/23/2016., Expert Discovery due by 1/20/2017., Fact Discovery due by 12/2/2016., Joinder of Parties due by 9/23/2016., Dispositive Motions due by 12/16/2016., In Limine Motions due by 2/14/2017., Motions due by 2/14/2017., Pretrial Stipulation due by 3/17/2017., Status Report due by 10/28/2016., Calendar Call set for 4/11/2017 at 9:00 AM in Miami Division before Judge Robert N. Scola Jr., Jury Trial set for 4/17/2017 in Miami Division before Judge Robert N. Scola Jr., Mediation Deadline 12/30/2017. Signed by Judge Robert N. Scola, Jr on 8/29/2016. (ail) (Entered: 08/31/2016)
08/31/2016	11	CASE REFERRED to Mediation.per ordder <a href="#">10</a> (mr1) (Entered: 08/31/2016)
09/15/2016	<a href="#">12</a>	NOTICE of Mediator Selection: Karen Evans, Esq. selected. Filed/Added by Juan Carlos Gil, Karen Evans, Esq.. Mediation Hearing set for 12/13/16 at 10:00 AM. (Dinin, Scott) (Entered: 09/15/2016)
09/15/2016	<a href="#">13</a>	NOTICE by Juan Carlos Gil re <a href="#">10</a> Order,,, Set/Reset Deadlines/Hearings,,, Order Referring Case to Mediation,, <a href="#">12</a> Notice of Mediator Selection (Optional Hearing) (Attachments: # <a href="#">1</a> Proposed Order Scheduling Mediation) (Dinin, Scott) (Entered: 09/15/2016)
10/20/2016	<a href="#">14</a>	ORDER Scheduling Mediation before Karen Evans - Mediation Hearing set for 12/13/2016 at 10:00 AM Signed by Judge Robert N. Scola, Jr on 10/18/2016. (ail) (Entered: 10/20/2016)
10/24/2016	<a href="#">15</a>	Defendant's MOTION for Judgment on the Pleadings by Winn Dixie Stores, Inc.. (Warner, Susan) (Entered: 10/24/2016)
10/28/2016	<a href="#">16</a>	STATUS REPORT ( <i>Joint- Interim</i> ) by Juan Carlos Gil (Dinin, Scott) (Entered: 10/28/2016)

11/03/2016	<a href="#">17</a>	NOTICE OF UNAVAILABILITY by Winn Dixie Stores, Inc. for dates of 11/21-30 & 12/21/16-1/4/17 (Warner, Susan) (Entered: 11/03/2016)
11/07/2016	<a href="#">18</a>	RESPONSE in Opposition re <a href="#">15</a> Defendant's MOTION for Judgment on the Pleadings filed by Juan Carlos Gil. Replies due by 11/17/2016. (Dinin, Scott) (Entered: 11/07/2016)
11/17/2016	<a href="#">19</a>	REPLY to Response to Motion re <a href="#">15</a> Defendant's MOTION for Judgment on the Pleadings filed by Winn Dixie Stores, Inc.. (Warner, Susan) (Entered: 11/17/2016)
11/18/2016	<a href="#">20</a>	Notice of Supplemental Authority re <a href="#">18</a> Response in Opposition to Motion by Juan Carlos Gil (Dinin, Scott) (Entered: 11/18/2016)
12/01/2016	<a href="#">21</a>	Plaintiff's MOTION for Extension of Time to Complete Discovery by Juan Carlos Gil. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Dinin, Scott) (Entered: 12/01/2016)
12/09/2016	22	PAPERLESS ORDER: The Court denies, without prejudice, <a href="#">21</a> the Plaintiff's Motion for Extension of Time to Complete Discovery. The Plaintiff requested the Court extend the discovery deadline until January 15, 2017. But the dispositive-motion deadline in this case is Dcember 16, 2016. In this Court's experience, an extension of the discovery deadline often necessitates a corresponding extension of the dispositive-motion deadline. Similarly, an extension of the dispositive-motion deadline necessitates an extension of the trial date. So, it appears to the Court that the Plaintiff is, in effect, requesting an extension of the trial date. If that is the situation, the Plaintiff must make that request clear and show good cause to support the request. If that is not the situation, the Plaintiff must explain why, given the circumstances of this case, an extension of the discovery deadline would not create a corresponding need to extend the dispositive-motion deadline, and the trial date. Signed by Judge Robert N. Scola, Jr. on 12/9/2016. (kbr) (Entered: 12/09/2016)
12/12/2016	<a href="#">23</a>	Statement of: <i>Interest</i> by UNITED STATES OF AMERICA (Harrell-James, Veronica) (Entered: 12/12/2016)
12/13/2016	<a href="#">24</a>	FINAL MEDIATION REPORT by Karen Evans. Disposition: Case did not settle.(Evans, Karen) (Entered: 12/13/2016)
12/19/2016	<a href="#">25</a>	Defendant's MOTION to Strike <a href="#">23</a> Statement of <i>Interest</i> by Winn Dixie Stores, Inc.. Responses due by 1/3/2017 (Warner, Susan). Added MOTION for Leave to File on 12/20/2016 (asl). (Entered: 12/19/2016)
12/20/2016	26	Clerks Notice to Filer re <a href="#">25</a> Defendant's MOTION to Strike <a href="#">23</a> Statement of <i>Interest or, in the alternative, leave to file a response</i> . <b>Motion with Multiple Reliefs Filed as One Relief</b> ; ERROR - The Filer selected only one relief event and failed to select the additional corresponding events for each relief requested in the motion. The docket entry was corrected by the Clerk. It is not necessary to refile this document but future filings must comply with the instructions in the CM/ECF Attorney User's Manual. (asl) (Entered: 12/20/2016)
12/27/2016	<a href="#">27</a>	RESPONSE to Motion re <a href="#">25</a> Defendant's MOTION to Strike <a href="#">23</a> Statement of <i>Interest or, in the alternative, leave to file a response</i> MOTION for Leave to File filed by UNITED STATES OF AMERICA. Replies due by 1/3/2017. (Harrell-James, Veronica) (Entered: 12/27/2016)
01/03/2017	<a href="#">28</a>	REPLY to Response to Motion re <a href="#">25</a> Defendant's MOTION to Strike <a href="#">23</a> Statement of <i>Interest or, in the alternative, leave to file a response</i> MOTION for Leave to File filed by Winn Dixie Stores, Inc.. (Warner, Susan) (Entered: 01/03/2017)
03/03/2017	<a href="#">29</a>	Witness List by Juan Carlos Gil.. (Dinin, Scott) (Entered: 03/03/2017)
03/03/2017	<a href="#">30</a>	NOTICE by Winn Dixie Stores, Inc. of <i>Use of Deposition Testimony at Trial</i> (Warner, Susan) (Entered: 03/03/2017)

03/10/2017	<a href="#">31</a>	NOTICE by Winn Dixie Stores, Inc. of <i>Cross-Designations and Objections</i> (Warner, Susan) (Entered: 03/10/2017)
03/15/2017	<a href="#">32</a>	ORDER denying <a href="#">15</a> Motion for Judgment on the Pleadings; denying <a href="#">25</a> Motion to Strike ; denying <a href="#">25</a> Motion for Leave to File. Signed by Judge Robert N. Scola, Jr on 3/15/2017. (ail) (Entered: 03/15/2017)
03/17/2017	<a href="#">33</a>	Witness List <i>Amends DE#29</i> by Juan Carlos Gil.. (Dinin, Scott) (Entered: 03/17/2017)
03/17/2017	<a href="#">34</a>	PRETRIAL STIPULATION ( <i>Joint</i> ) by Juan Carlos Gil (Attachments: # <a href="#">1</a> Exhibit A Ptf Exhibit List, # <a href="#">2</a> Exhibit B Def Exhibit List, # <a href="#">3</a> Exhibit C Ptf Witness List, # <a href="#">4</a> Exhibit D Def Witness List)(Dinin, Scott) (Entered: 03/17/2017)
03/27/2017	<a href="#">35</a>	Witness List <i>Second Amended replaces and supersedes DE#33</i> by Juan Carlos Gil.. (Dinin, Scott) (Entered: 03/27/2017)
03/27/2017	<a href="#">36</a>	Defendant's MOTION to Strike <a href="#">34</a> Pretrial Stipulation <i>Plaintiff's Trial Witness Thomas Logan and Trial Exhibits P-18 and P-19</i> by Winn Dixie Stores, Inc.. Responses due by 4/10/2017 (Attachments: # <a href="#">1</a> Exhibit A, Plaintiff's Initial Disclosures, # <a href="#">2</a> Exhibit B, Plaintiff's Responses to Requests for Production, # <a href="#">3</a> Exhibit C, Plaintiff's Verified Responses to Interrogatories, # <a href="#">4</a> Exhibit D, Expert Witness Report Disclosure Email, # <a href="#">5</a> Exhibit E, Notice of Taking Deposition of Chris Keroack)(Warner, Susan) (Entered: 03/27/2017)
03/30/2017	<a href="#">37</a>	NOTICE of Attorney Appearance by Richard Francis Della Fera on behalf of Juan Carlos Gil. Attorney Richard Francis Della Fera added to party Juan Carlos Gil(pty:pla). (Della Fera, Richard) (Entered: 03/30/2017)
03/31/2017	<a href="#">38</a>	Proposed Findings of Fact and Proposed Conclusions of Law by Juan Carlos Gil. (Dinin, Scott) (Entered: 03/31/2017)
03/31/2017	<a href="#">39</a>	Proposed Findings of Fact and Proposed Conclusions of Law by Winn Dixie Stores, Inc.. (Warner, Susan) (Entered: 03/31/2017)
04/04/2017	<a href="#">40</a>	Plaintiff's MOTION Deem Admissions and Incorporated Memorandum of Law by Juan Carlos Gil. (Dinin, Scott) (Entered: 04/04/2017)
04/04/2017	<a href="#">41</a>	RESPONSE in Opposition re <a href="#">40</a> Plaintiff's MOTION Deem Admissions and Incorporated Memorandum of Law filed by Winn Dixie Stores, Inc.. Replies due by 4/11/2017. (Attachments: # <a href="#">1</a> Exhibit A, March 31, 2017 Emails, # <a href="#">2</a> Exhibit B, April 4, 2017 Emails) (Warner, Susan) (Entered: 04/04/2017)
04/06/2017	42	PAPERLESS ORDER: The Plaintiff has filed a <a href="#">40</a> Motion to Deem Admissions, and the Defendant has filed a <a href="#">41</a> response. In order to expedite the briefing schedule in advance of the calendar call scheduled for April 11, 2017, the Court resets the reply deadline. The Plaintiff's reply to the Defendant's <a href="#">41</a> response is due on or before April 7, 2017. Signed by Judge Robert N. Scola, Jr. on 4/6/2017. (jle) (Entered: 04/06/2017)
04/06/2017	43	PAPERLESS ORDER RESETTING HEARING due to a scheduling conflict on the Court's calendar. Calendar Call reset to Monday 4/10/2017 09:00 AM in Miami Division before Judge Robert N. Scola Jr. Signed by Judge Robert N. Scola, Jr on 4/6/2017. (jh) (Entered: 04/06/2017)
04/07/2017	<a href="#">44</a>	Plaintiff's REPLY to <a href="#">41</a> Response in Opposition to Motion, 42 Order, ( <i>To Deem Admissions</i> ) by Juan Carlos Gil. (Dinin, Scott) (Entered: 04/07/2017)
04/10/2017	45	PAPERLESS ORDER: At the calendar call on April 10, 2017, the Court granted in part the <a href="#">36</a> Defendant's motion to strike the Plaintiff's witness Thomas Logan and the Plaintiff's exhibits P-18 and P-19. The Court denied as moot the motion to strike the witness,

		because the Plaintiff has filed an <a href="#">35</a> amended witness list that does not include Thomas Logan. The Court granted without prejudice the Defendant's motion to strike the Plaintiff's exhibits P-18 and P-19, because the exhibits have not yet been created and therefore have not been disclosed to the Defendant. Signed by Judge Robert N. Scola, Jr. on 4/10/2017. (jle) (Entered: 04/10/2017)
04/10/2017	46	<p>PAPERLESS Minute Entry for proceedings held before Judge Robert N. Scola, Jr: Calendar Call held on 4/10/2017. Parties announced they are trial ready. The non-jury trial is estimated to last 1 to 2 days - 3 witnesses. Non-jury trial is set for Tuesday 05/09/2017 at 9:00 AM. Total time in court: 10 minutes. Attorney Appearance(s): Richard Francis Della Fera, Scott Richard Dinin, and Susan Virginia Warner. Court Reporter: Robin Dispenzieri, 305-523-5659 / Robin_Dispenzieri@flsd.uscourts.gov.</p> <p>NOTICE OF NEW POLICY RE ELECTRONIC SUBMISSION OF EXHIBITS. Unless otherwise ordered by the presiding Judge, Administrative Order 2016-70 directs that within three (3) days of the conclusion of a proceeding, parties must file in the CMECF system electronic versions of most documentary exhibits admitted into evidence (excluding sealed exhibits in criminal cases), including photographs of non-documentary physical exhibits. At the time of filing the electronic exhibits, the attorney for the filing party shall complete and file a Certificate of Compliance Re Admitted Evidence. Electronically filed exhibits are subject to CM/ECF Administrative Procedures, Section 6, Redaction of Personal Information, Privacy Policy, and Inappropriate Materials. Failure to file the electronic exhibits and Notice of Compliance within three (3) days may result in the imposition of sanctions. The Certificate of Compliance Re Admitted Evidence, a Quick Reference Guide to Electronically Filing Trial Exhibits, and the full text of Administrative Order 2016-70 can be found at the Courts website, <a href="http://www.flsd.uscourts.gov">http://www.flsd.uscourts.gov</a> (jh) (Entered: 04/10/2017)</p>
04/10/2017	47	PAPERLESS SCHEDULING ORDER: Bench Trial set for 5/9/2017 09:00 AM in Miami Division before Judge Robert N. Scola Jr., at the Wilkie D. Ferguson U.S. Courthouse, 400 North Miami Avenue, Courtroom 12-3, 12th floor, Miami, Florida. Signed by Judge Robert N. Scola, Jr on 4/10/2017. (jh) (Entered: 04/10/2017)
04/11/2017	<a href="#">48</a>	ORDER denying <a href="#">40</a> Plaintiff's MOTION Deem Admissions and Incorporated Memorandum of Law. Signed by Judge Robert N. Scola, Jr on 4/7/2017. (ail) (Entered: 04/11/2017)
04/20/2017	<a href="#">49</a>	Exhibit List - <i>Amended from DE#34-1</i> by Juan Carlos Gil.. (Attachments: # <a href="#">1</a> Exhibit P-18, # <a href="#">2</a> Exhibit P-19)(Dinin, Scott) (Entered: 04/20/2017)
04/25/2017	<a href="#">50</a>	Exhibit and Witness List - <i>Plaintiff's Second Amended</i> by Juan Carlos Gil.. (Attachments: # <a href="#">1</a> Trial Exhibit P-20, # <a href="#">2</a> Trial Exhibit P-21)(Dinin, Scott) (Entered: 04/25/2017)
04/26/2017	51	PAPERLESS ORDER: The non-jury trial in this matter is rescheduled for June 5, 2017 at 9:15 a.m. Signed by Judge Robert N. Scola, Jr. on 4/26/2017. (jle) (Entered: 04/26/2017)
05/09/2017	<a href="#">52</a>	Defendant's MOTION to Strike <a href="#">50</a> Exhibit and Witness List <i>Exhibits P-18, P-20 &amp; P-21</i> by Winn Dixie Stores, Inc.. Responses due by 5/23/2017 (Warner, Susan) (Entered: 05/09/2017)
05/09/2017	<a href="#">53</a>	Exhibit List - <i>Third Amended</i> by Juan Carlos Gil.. (Attachments: # <a href="#">1</a> Exhibit 20, # <a href="#">2</a> Exhibit 21)(Dinin, Scott) (Entered: 05/09/2017)
05/30/2017	54	PAPERLESS ORDER: The Plaintiff has informed the Court that his expert witness will not be available to testify until June 6, 2017. The bench trial in this matter will begin as scheduled at 9:15 a.m. on Monday, June 5, 2017, and the Court will recess after the testimony of the first two witnesses. The Plaintiff's expert witness will begin his testimony

		at 9:15 a.m. on June 6, 2017. Signed by Judge Robert N. Scola, Jr. on 5/30/2017. (jle) (Entered: 05/30/2017)
05/31/2017	<a href="#">55</a>	ORDER granting in part and denying as moot in part <a href="#">52</a> Motion to Strike. Show Cause Response due by 6/2/2017. Signed by Judge Robert N. Scola, Jr. on 5/31/2017. (jle) (Entered: 05/31/2017)
05/31/2017	<a href="#">56</a>	AMENDED ORDER granting in part and denying as moot in part the <a href="#">52</a> Defendant's Motion to Strike. The Plaintiff shall show cause why the Court should not award the Defendant attorneys' fees on or before 12:00 p.m. on June 2, 2017. Signed by Judge Robert N. Scola, Jr. on 5/31/2017. (jle) (Entered: 05/31/2017)
05/31/2017	<a href="#">57</a>	Exhibit List <i>Amended</i> by Winn Dixie Stores, Inc... (Warner, Susan) (Entered: 05/31/2017)
06/02/2017	<a href="#">58</a>	RESPONSE TO ORDER TO SHOW CAUSE re <a href="#">56</a> Order, by Juan Carlos Gil. (Dinin, Scott) (Entered: 06/02/2017)
06/04/2017	<a href="#">59</a>	Notice of Supplemental Authority by Juan Carlos Gil (Attachments: # <a href="#">1</a> Exhibit) (Della Fera, Richard) (Entered: 06/04/2017)
06/05/2017	<a href="#">60</a>	Minute Entry for proceedings held before Judge Robert N. Scola, Jr: Bench Trial held on 6/5/2017. Day 1. Witnesses testified: Juan Carlos Gil, and Rodney Cornwell, corporate representative for defendant. Court Reporter: Glenda Powers, 305-523-5022 / Glenda_Powers@flsd.uscourts.gov. (jh) (Entered: 06/05/2017)
06/05/2017	<a href="#">61</a>	Notice of Supplemental Authority ( <i>Second</i> ) by Juan Carlos Gil (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit) (Della Fera, Richard) (Entered: 06/05/2017)
06/06/2017	<a href="#">62</a>	Minute Entry for proceedings held before Judge Robert N. Scola, Jr: Bench Trial held and completed on 6/6/2017. Day 2. Witness Chris Keroack testified. Matter taken under advisement. Court Reporter: Carly Horenkamp, 305-523-5147 / Carleen_Horenkamp@flsd.uscourts.gov. (jh) (Entered: 06/06/2017)