

- [ABORTION INDUSTRY IN MELBOURNE, FLORIDA](#)
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- [LOTIERZO V A WOMAN'S WORLD](#)
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U.S. District Court
Southern District of Florida (Ft. Pierce)

CIVIL DOCKET FOR CASE #: **2:00-CV-14222**

Lotierzo, et al v. A Woman's World, et al

Filed: 07/19/00

Assigned to: Judge James C. Paine

Jury demand: Plaintiff

Demand: \$5,000

Nature of Suit: 440

Lead Docket: None

Jurisdiction: Federal Question

Dkt# in other court: None

Cause: 18:0241 Conspiracy Against Citizen Rights

ANNE C. LOTIERZO
plaintiff

Frederick Herbert Nelson
FTS 786-2705
407-786-3880
[COR LD NTC]
American Liberties Institute
PO Box 547503
Orlando, FL 32854-7503
407-786-7007

THOMAS J. EUTENEUER
plaintiff

Frederick Herbert Nelson
(See above)
[COR LD NTC]

v.

A WOMAN'S WORLD MEDICAL CENTER, INC.
defendant

Charlene Miller Carres
FTS 222-7799
[COR LD NTC]
577 E Call Street
PO Box 1031

Tallahassee, FL 32302-1031
850-224-2007

CANDACE DYE
defendant

Charlene Miller Carres
(See above)

KELLIE FARNELL
defendant

Charlene Miller Carres
(See above)

BRIAN FRANELL
defendant

Michael K. Spotts
FTS 223-9008
[COR LD NTC]
Kohl & Spotts
50 SE Kindred Street
Suite 107 PO Box 1166
Stuart, FL 34994
561-223-9999

ARNOLD GUERRERO
defendant

Charlene Miller Carres
(See above)

HAZEL HARDING
defendant

Charlene Miller Carres
(See above)

DAVID FELD
defendant

Charlene Miller Carres
(See above)

CARLITO ARROGANTE
defendant

Charlene Miller Carres
(See above)

JOHN AND/OR JANE DOES I-VI
defendant

7/19/00 [Doc. 1](#) COMPLAINT filed; FILING FEE \$150.00 RECEIPT # 222904; A-7; FJL (cg) [Entry date 07/21/00]

7/19/00 Doc. 2 SUMMONS(ES) issued for A Woman's World (cg) [Entry date 07/21/00]

7/19/00 Doc. 3 SUMMONS(ES) issued for Candace Dye (cg) [Entry date 07/21/00]

- 7/19/00 Doc. 4 SUMMONS(ES) issued for Kellie Farnell (cg) [Entry date 07/21/00]
- 7/19/00 Doc. 5 SUMMONS(ES) issued for Brian Franell (cg) [Entry date 07/21/00]
- 7/19/00 Doc. 6 SUMMONS(ES) issued for Arnold Guerrero (cg) [Entry date 07/21/00]
- 7/19/00 Doc. 7 SUMMONS(ES) issued for Hazel Harding (cg) [Entry date 07/21/00]
- 7/19/00 Doc. 8 SUMMONS(ES) issued for David Feld (cg) [Entry date 07/21/00]
- 7/19/00 Doc. 9 SUMMONS(ES) issued for Carlito Arrogante (cg) [Entry date 07/21/00]
- 7/19/00 -- Magistrate identification: Magistrate Judge Lynch (cg) [Entry date 07/21/00]
- 8/7/00 Doc. 10 MOTION with memorandum in support by A Woman's World, Candace Dye, Kellie Farnell, Arnold Guerrero, Hazel Harding, David Feld, Carlito Arrogante to dismiss plaintiffs' complaint (pa) [Entry date 08/08/00]
- 8/10/00 Doc. 11 NOTICE of filing affidavits of service by Anne C. Lotierzo, Thomas J. Euteneuer (ch)
- 8/10/00 Doc. 11 RETURN OF SERVICE executed for A Woman's World on 7/20/00 Answer due on 8/9/00 for A Woman's World (ch)
- 8/10/00 Doc. 11 RETURN OF SERVICE executed for Candace Dye on 7/20/00 Answer due on 8/9/00 for Candace Dye (ch)
- 8/10/00 Doc. 11 RETURN OF SERVICE executed for Kellie Farnell on 7/21/00 Answer due on 8/10/00 for Kellie Farnell (ch)
- 8/10/00 Doc. 11 RETURN OF SERVICE executed for Brian Franell on 7/21/00 Answer due on 8/10/00 for Brian Franell (ch)
- 8/10/00 Doc. 11 RETURN OF SERVICE executed for Arnold Guerrero on 7/20/00 Answer due on 8/9/00 for Arnold Guerrero (ch)
- 8/10/00 Doc. 11 RETURN OF SERVICE executed for Hazel Harding on 7/26/00 Answer due on 8/15/00 for Hazel Harding (ch)
- 8/10/00 Doc. 11 RETURN OF SERVICE executed for David Feld on 7/25/00 Answer due on 8/14/00 for David Feld (ch)
- 8/10/00 Doc. 11 RETURN OF SERVICE executed for Carlito Arrogante on 7/24/00 Answer due on 8/13/00 for Carlito Arrogante (ch)
- 8/10/00 Doc. 12 MOTION by Brian Franell to dismiss complaint, to remove case to State Court, and motion to strike request for Jury Trial (pa) [Entry date 08/11/00]
- 8/10/00 Doc. 13 MEMORANDUM by Brian Franell in support of [12-1] motion to dismiss complaint, [12-2] motion to remove case to State Court, [12-3] motion to strike request for Jury Trial (pa)[Entry date 08/11/00]
- 8/21/00 Doc. 14 AMENDED COMPLAINT by Anne C. Lotierzo, Thomas J. Euteneuer, (Answer due 8/31/00 for John and/or Jane, for Carlito Arrogante, for David Feld, for Hazel Harding, for Arnold Guerrero, for Brian Farnell, for Kellie Farnell, for Candace Dye, for A Woman's World) amending [1-1] complaint, jury trial demanded (cg)
- 8/21/00 Doc. 15 MEMORANDUM by Anne C. Lotierzo, Thomas J. Euteneuer in opposition to [12-1] motion to dismiss complaint, [10-1] motion to dismiss plaintiffs' complaint (cg)
- 8/30/00 Doc. 16 REPLY by A Woman's World, Candace Dye, Kellie Farnell, Arnold Guerrero, Hazel Harding, David Feld to response to [12-1] motion to dismiss complaint, [10-1] motion to dismiss plaintiffs' complaint (pa) [Entry date 08/31/00]

8/31/00 Doc. 17 MOTION by Brian Farnell to dismiss amended complaint, and/or remove to State Court, and motion to strike request for jury trial (pa)

8/31/00 Doc. 18 MEMORANDUM by Brian Farnell in support of [17-1] motion to dismiss amended complaint, [17-2] motion remove to State Court, [17-3] motion to strike request for jury trial, [12-1] motion to dismiss complaint, [12-2] motion to remove case to State Court, [12-3] motion to strike request for Jury Trial (pa) [Entry date 09/01/00]

8/31/00 Doc. 19 REPLY by Brian Farnell to response to [17-1] motion to dismiss amended complaint, [17-2] motion remove to State Court, [17-3] motion to strike request for jury trial, [12-1] motion to dismiss complaint, [12-2] motion to remove case to State Court, [12-3] motion to strike request for Jury Trial (pa) [Entry date 09/01/00]

9/11/00 Doc. 20 NOTICE of filing supplemental authority in support of their motion to dismiss, by A Woman's World, Candace Dye, Kellie Farnell, Arnold Guerrero, Hazel Harding, David Feld, Carlito Arrogante (pa)

9/14/00 Doc. 21 MEMORANDUM by Anne C. Lotierzo, Thomas J. Euteneuer in opposition to [17-1] motion to dismiss amended complaint (cg) [Entry date 09/18/00]

9/26/00 Doc. 22 MOTION with memorandum in support by A Woman's World, Candace Dye, Kellie Farnell, Arnold Guerrero, David Feld, Carlito Arrogante to dismiss amended complaint, and Reply Memorandum of law to plaintiffs' opposition Response to defendants' [17-1] motion to dismiss amended complaint (pa) [Entry date 09/27/00]

10/3/00 Doc. 23 REPLY by Brian Farnell to response to [17-1] motion to dismiss amended complaint (pa) [Entry date 10/04/00]

10/10/00 Doc. 24 REPLY by Brian Farnell to memorandum of law in opposition response to [12-1] motion to dismiss amended complaint (pa)

12/19/00 Doc. 25 ORDER REFERRING PRETRIAL MOTIONS TO UNITED STATES MAGISTRATE JUDGE AND REQUIRING JOINT STATUS REPORT: ORDER OF REFERENCE Referring Motion(s) [10-1] motion to dismiss plaintiffs' complaint referred to Magistrate Frank J. Lynch, [12-3] motion to strike request for Jury Trial referred, [12-1] motion to dismiss complaint referred, [12-2] motion to remove case to State Court referred, [17-1] motion to dismiss amended complaint referred, [17-2] motion remove to State Court referred to Magistrate Frank J. Lynch, [22-1] motion to dismiss amended complaint referred, [22-2] motion Reply Memorandum of law to plaintiffs' opposition Response to defendants' [17-1] motion to dismiss amended complaint referred to Magistrate Frank J. Lynch (signed by Judge James C. Paine on 12/18/00) [EOD Date: 12/19/00] (pa)

12/21/00 Doc. 26 ORDER mooting [10-1] motion to dismiss plaintiffs' complaint, mooting [12-1] motion to dismiss complaint, mooting [12-2] motion to remove case to State Court (Signed by Magistrate Frank J. Lynch on 12/21/00) CCAP [EOD Date: 12/22/00] (cg) [Entry date 12/22/00]

12/22/00 Doc. 27 ORDER SETTING TELEPHONE CONFERENCE Motion hearing before Magistrate Frank J. Lynch set for 10:30 1/19/01 for [22-1] motion to dismiss amended complaint, set for 10:30 1/19/01 for [17-1] motion to dismiss amended complaint (Signed by Magistrate Frank J. Lynch on 12/22/00) CCAP [EOD Date: 12/26/00] (cg) [Entry date 12/26/00]

12/26/00 Doc. 28 NOTICE of service of 12/28/00 order by Anne C. Lotierzo, Thomas J. Euteneuer (cg)

1/18/01 Doc. 29 CONSENT to Trial by Magistrate by Anne C. Lotierzo, Thomas J. Euteneuer, A Woman's World, Candace Dye, Kellie Farnell, Brian Farnell, Arnold Guerrero, Hazel Harding, David Feld, Carlito Arrogante, John and/or Jane (cg) [Entry date 01/19/01]

1/19/01 Doc. 30 ORDER REFERRING CASE TO UNITED STATES MAGISTRATE JUDGE FOR FINAL DISPOSITION:ORDER OF REFERENCE FOR TRIAL to to Judge James C. Paine granting [29-1] Magistrate consolidated consent to proceed before a Magistrate(Signed by Judge James C. Paine on 1/19/01) CCAP [EOD Date: 1/22/01] (pa) [Entry date 01/22/01]

1/19/01 -- CASE reassigned to Magistrate Frank J. Lynch (pa) [Entry date 01/22/01]

1/19/01 Doc. 31 Minutes of hearing on Defts' motions to dismiss amended complaint held before Magistrate Frank J. Lynch on 1/19/01; Tape #: 01-002/FJL Side A (cg) [Entry date 01/23/01]

1/19/01 -- Motion hearing re: [22-1] motion to dismiss amended complaint Motion hearing held, [17-1] motion to dismiss amended complaint Motion hearing held (cg) [Entry date 01/23/01]

1/29/01 Doc. 32 NOTICE of filing original Consent to proceed before a United States Magistrate Judge by Brian Farnell (cg) [Entry date 01/30/01]

1/29/01 Doc. 33 CONSENT to Trial by Magistrate by Anne C. Lotierzo, Thomas J. Euteneuer, A Woman's World, Candace Dye, Kellie Farnell, Brian Farnell, Arnold Guerrero, Hazel Harding, David Feld, Carlito Arrogante (cg) [Entry date 01/30/01]

2/26/01 Doc. 34 ORDER granting [22-1] motion to dismiss amended complaint granting [17-1] motion to dismiss amended complaint; pltf directed to file amended complaint w/in 14 days (Signed by Magistrate Frank J. Lynch on 2/26/01) CCAP [EOD Date: 2/27/01] (cg) [Entry date 02/27/01]

2/28/01 Doc. 35 STIPULATION by A Woman's World, Candace Dye, Kellie Farnell, Arnold Guerrero, Hazel Harding, David Feld, Carlito Arrogante In Re: Substitution of Counsel (pa) [Entry date 03/01/01] [Edit date 03/01/01]

3/26/01 Doc. 36 ORDER OF DISMISSAL AND CLOSING OF CASE FILE All pending motions are denied as moot (Signed by Magistrate Frank J. Lynch on 3/26/01) CCAP [EOD Date: 3/27/01] (cg) [Entry date 03/27/01]

4/9/01 Doc. 37 NOTICE OF APPEAL by Anne C. Lotierzo, Thomas J. Euteneuer of [36-1] order,EOD Date:03/27/01 [34-1] order . EOD Date: 02/27/01; Filing Fee: \$ 105.00; Receipt #: 220911; Copies to USCA and Counsel of Record. (df) [Entry date 04/11/01]

4/24/01 Doc. 38 Appeal Information Sheet re: [37-1] appeal by Thomas J. Euteneuer, Anne C. Lotierzo . No transcript requested. (gp) [Entry date 05/02/01]

5/4/01 -- NOTICE of Receipt of Transmittal Letter from USCA On 4/30/01, Re: [37-1] appeal by Thomas J. Euteneuer, Anne C. Lotierzo USCA NUMBER: 01-12352-JJ (gp) [Entry date 05/14/01]

5/17/01 -- CASE CLOSED. Case and Motions no longer referred to Magistrate. (cg)

7/24/01 Doc. 39 Certificate of readiness transmitted to USCA Re: [37-1] appeal by Thomas J. Euteneuer, Anne C. Lotierzo USCA NUMBER: 01-12352-JJ (mr)

7/24/01 -- Transmitted record on appeal to U.S. Court of Appeals: [37-1] appeal by Thomas J. Euteneuer, Anne C. Lotierzo consisting of One (1) volume of pleadings. USCA #01-12352-JJ (mr)

7/30/01 -- NOTICE of Receipt of record on appeal from USCA Re: [37-1] appeal by Thomas J. Euteneuer, Anne C. Lotierzo USCA NUMBER: 01-12352-JJ (mr)

1/8/02 Doc. 40 ORDER SETTING TELEPHONIC HEARING setting status conference for 1:30 2/7/02 before Magistrate Frank J. Lynch (Signed by Magistrate Frank J. Lynch on 1/8/02) [EOD Date: 1/10/02] (cg) [Entry date 01/10/02]

1/14/02 -- Record on appeal returned from U.S. Court of Appeals: [37-1] appeal by Thomas J. Euteneuer, Anne C. Lotierzo USCA #: 01-12352-JJ file returned to Fort Pierce Clerk's Office (cg)

2/7/02 Doc. 41 Minutes of status conference held before Magistrate Frank J. Lynch on 2/7/02; Tape #: 02-01/FJL Side B (cg) [Entry date 02/11/02]

2/7/02 Doc. 42 ORDER SETTING STATUS CONFERENCE Status conference set for 1:30 4/4/02 before Magistrate Frank J. Lynch (Signed by Magistrate Frank J. Lynch on 2/7/02) [EOD Date: 2/11/02] CCAP (cg) [Entry date 02/11/02]

2/15/02 Doc. 43 MANDATE OF USCA (certified copy)affirming th district court's order granting appellees' motions to dismiss. However, because the district court incorectly concluded that Appellants had to plead a precise date to sustain a FACE Act claim, we REVERSE the district court's dismissal of the Lifeline claim against Hazel Harding [37-1] appeal remanding [37-1] appeal the case for further proceedings consisten with this opionion, by Thomas J. Euteneuer, Anne C. Lotierzo. Finally, Appellees' Motion for Attorneys" Fees is DENIED. Mandate Issued Date: 2/5/02; USCA Appeal #: 01-12352-JJ; Copy to Judge. (mr) [Entry date 02/20/02]

3/6/02 Doc. 44 Certification of regarding defendants verified motion for attorneys' fees pursuant to local rule 7.3 United States District Court, Southern District of Florida, by A Woman's World, Candace Dye, Kellie Farnell, Brian Farnell, Arnold Guerrero, Hazel Harding, David Feld, Carlito Arrogante (Copy of motion for attorney's fees and costs and morandum of law attached) (pa) [Entry date 03/07/02] [Edit date 03/11/02]

3/6/02 Doc. 45 VERITIED MOTION with memorandum in support by A Woman's World, Candace Dye, Kellie Farnell, Brian Farnell, Arnold David Feld, Carlito Arrogante for attorney fees and costs (pa) [Entry date 03/11/02]

3/11/02 Doc. 46 ORDER denying without prejudice [45-1] motion for attorney fees and costs (Signed by Magistrate Frank J. Lynch on 3/11/02) [EOD Date: 3/13/02] (cg) [Entry date 03/13/02]

3/19/02 Doc. 47 MOTION by Anne C. Lotierzo, Thomas J. Euteneuer for Hearing on Pltfs's opposition to Defpts' [45-1] motion for attorney fees and costs (cg) [Entry date 03/20/02]

3/19/02 Doc. 48 RESPONSE by Anne C. Lotierzo, Thomas J. Euteneuer to [45-1] motion for attorney fees and costs (cg) [Entry date 03/20/02]

3/20/02 Doc. 49 ORDER denying [47-1] motion for Hearing on Pltfs's opposition to Defpts' [45-1] motion for attorney fees and costs (Signed by Magistrate Frank J. Lynch on 3/20/02) [EOD Date: 3/21/02] (cg) [Entry date 03/21/02]

3/25/02 Doc. 50 AMENDED VERIFIED MOTION by A Woman's World, Candace Dye, Kellie Farnell, Brian Farnell, Arnold Guerrero, David Feld, Arrogante for attorney fees, to Tax Costs referring to [50-1] motion, [50-2] motion (pa) [Entry date 03/26/02]

3/25/02 Doc. 51 Certification Regarding defendants amended v by A Woman's World, Candace Dye, Kellie Farnell, Brian Farnell, Arnold Guerrero, David Feld, Carlito Arrogante (pa) [Entry date 03/26/02]

4/1/02 -- Case reopened (cg) [Entry date 05/01/02]

4/4/02 Doc. 52 Minutes of status conference held before Magistrate Frank J. Lynch on 4/4/02; Tape #: 02-13/FJL/917-1337 (cg) [Entry date 04/09/02]

4/4/02 Doc. 53 ORDER SETTING TELEPHONE CONFERENCE Scheduling conference set for 1:30 5/15/02 before Magistrate Frank J. Lynch (by Magistrate Frank J. Lynch on 4/4/02) [EOD Date: 4/9/02] CCAP (cg) [Entry date 04/09/02]

4/8/02 Doc. 54 RESPONSE by Anne C. Lotierzo, Thomas J. Euteneuer in opposition to [50-3] amended motion for attorney's fees with incorporated memorandum of law (cg) [Entry date 04/09/02]

4/8/02 Doc. 55 NOTICE of Unavailability by A Woman's World for dates of: 4/29/02 thru 5/17/02 (cg) [Entry date 04/09/02]

4/23/02 Doc. 56 Stipulation for substition of counsel and NOTICE of Change of Address of attorney Michael K. Spotts, Esquire by A Woman's World, Candace Dye, Kellie Farnell, Brian Farnell, Arnold Hazel Harding, David Feld, Carlito Arrogante, John and/or Jane (cg) [Entry date 04/24/02]

4/24/02 Doc. 57 ORDER denying [50-1] motion for attorney fees, denying [50-2] motion to Tax Costs, denying [50-3] amended motion (Signed by Magistrate Frank J. Lynch on 4/24/02) [EOD Date: 4/25/02] (cg) [Entry date 04/25/02]

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