

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:22-cv-20312-BB**

Gonzalez v. U.S. Department of Agriculture
Assigned to: Judge Beth Bloom
Referred to: Magistrate Judge Alicia M. Otazo-Reyes
Cause: 05:0552 Freedom of Information Act

Date Filed: 01/29/2022
Date Terminated: 02/24/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Joey D Gonzalez Ramos

represented by **Joey D Gonzalez Ramos**
Joey Gonzalez, Attorney, P.A.
P. O. Box 145073
Coral Gables, FL 33114
United Sta
3057203114
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ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Agriculture

represented by **Noticing Non Active AUSA**
Email: USAFLS-NonActiveAUSA@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carlos Javier Raurell
United States Attorney's Office
99 NE 4 Street
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305-961-9243
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Unknown Employees of the U.S.
Department of Agriculture and The
Department of Justice**
in their individual and personal capacity

Defendant

Vanessa Eisemann
*USDA Employee, in her individual and
official capacity*
TERMINATED: 04/13/2022

represented by **Carlos Javier Raurell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/29/2022	<u>1</u>	COMPLAINT against U.S. Department of Agriculture. Filing fees \$ 402.00 receipt number BFLSDC-15358323, filed by Joey D Gonzalez. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summon(s) Summons AG, # <u>3</u> Summon(s) Summons USAO, # <u>4</u> Summon(s) Summons USDA)(Gonzalez Ramos, Joey) (Entered: 01/29/2022)

01/29/2022	<u>2</u>	<p>Clerks Notice of Judge Assignment to Judge Beth Bloom.</p> <p>Pursuant to 28 USC 636(c), the 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 Consent form found on our website. It is not necessary to file a document indicating lack of consent.</p> <p>Pro se (NON–PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON–PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (dj) (Entered: 01/31/2022)</p>
01/31/2022	<u>3</u>	Clerks Notice to Filer (Clerk's Notice Filed In Error – see DE 10) (dj) Modified text on 2/1/2022 (jc). (Entered: 01/31/2022)
01/31/2022	<u>4</u>	Clerks Notice to Filer (Clerk's Notice Filed In Error – see DE 10) (dj) Modified text on 2/1/2022 (jc). (Entered: 01/31/2022)
01/31/2022	<u>5</u>	Clerks Notice to Filer (Clerk's Notice Filed In Error – see DE 10) (dj) Modified text on 2/1/2022 (jc). (Entered: 01/31/2022)
01/31/2022	<u>6</u>	Clerks Notice to Filer re: Electronic Case. Party(ies) Improperly Formatted. The Filer failed to enter the party name(s) in accordance with the CM/ECF Format for Adding Parties for Attorneys Guide. The correction was made. It is not necessary to re–file the document. (dj) (Entered: 01/31/2022)
01/31/2022	<u>7</u>	NOTICE by Joey D Gonzalez Ramos re 4 Clerks Notice to Filer re: Electronic Case (Attachments: # <u>1</u> Exhibit A–Payment Confirmation Email) (Gonzalez Ramos, Joey) (Entered: 01/31/2022)
01/31/2022	<u>8</u>	ORDER REQUIRING SCHEDULING REPORT AND CERTIFICATES OF INTERESTED PARTIES. Signed by Judge Beth Bloom on 1/31/2022. <i>See attached document for full details.</i> (ebz) (Entered: 01/31/2022)
01/31/2022	<u>9</u>	ORDER PROVIDING INSTRUCTIONS TO PRO SE LITIGANT. Signed by Judge Beth Bloom on 1/31/2022. <i>See attached document for full details.</i> (ebz) (Entered: 01/31/2022)
02/01/2022	<u>10</u>	Clerks Notice of Docket Correction re 5 Clerks Notice to Filer re: Summons(es), 4 Clerks Notice to Filer re: Filing Fee, 3 Clerks Receipt re: Non Receipt. Document(s) Filed in Error ; Document restricted and docket text modified. (jc) (Entered: 02/01/2022)
02/01/2022	<u>11</u>	Summons Issued as to U.S. Department of Agriculture, U.S. Attorney and U.S. Attorney General (jc) (Entered: 02/01/2022)
03/03/2022	<u>12</u>	ORDER TO FILE PROOF OF SERVICE. Within seven (7) days of perfecting service upon Defendants, Plaintiff shall file proof of such service with the Court. Failure to effectuate service of a summons and the complaint on Defendants by the stated deadline will result in dismissal without prejudice and without further notice. Signed by Judge Beth Bloom on 3/3/2022. <i>See attached document for full details.</i> (ebz) (Entered: 03/03/2022)
03/04/2022	<u>13</u>	First AMENDED COMPLAINT against U.S. Department of Agriculture, Unknown Employees of the U.S. Department of Agriculture and The Department of Justice, Vanessa Eisemann, filed by Joey D Gonzalez Ramos. (Attachments: # <u>1</u> Exhibit A – OIG email to Hillary Clark, # <u>2</u> Exhibit B – Text Messages Dang – Plaintiff, # <u>3</u> Exhibit C – Email Tucker distributing survey, # <u>4</u> Exhibit D – Emails Murphy – Eisemann)(Gonzalez Ramos, Joey) (Entered: 03/04/2022)
03/04/2022	<u>14</u>	SUMMONS (Affidavit) Returned Executed by Joey D Gonzalez Ramos. U.S. Department of Agriculture served on 2/8/2022, response/answer due 4/11/2022. (Attachments: # <u>1</u> Affidavit Affidavit of Service on the USA)(Gonzalez Ramos, Joey) (Entered: 03/04/2022)
03/04/2022	<u>15</u>	NOTICE by Joey D Gonzalez Ramos <i>of summons to be issued</i> (Gonzalez Ramos, Joey) (Entered: 03/04/2022)
03/07/2022	<u>16</u>	Summons Issued as to Vanessa Eisemann. (ebz) (Entered: 03/07/2022)

03/14/2022	<u>17</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>13</u> Amended Complaint/Amended Notice of Removal, by Vanessa Eisemann, U.S. Department of Agriculture. Attorney Carlos Javier Raurell added to party Vanessa Eisemann(pty:dft), Attorney Carlos Javier Raurell added to party U.S. Department of Agriculture(pty:dft). (Raurell, Carlos) (Entered: 03/14/2022)
03/14/2022	18	PAPERLESS ORDER granting ECF No. <u>17</u> Motion for Extension of Time to File. All named Defendants shall respond to Plaintiff's First Amended Complaint on or before May 9, 2022. Signed by Judge Beth Bloom (mk00) (Entered: 03/14/2022)
03/14/2022		Set/Reset Response/Answer Due Deadline: Vanessa Eisemann response/answer due 5/9/2022; U.S. Department of Agriculture response/answer due 5/9/2022; Unknown Employees of the U.S. Department of Agriculture and The Department of Justice response/answer due 5/9/2022. Per DE# 18 Order. (ebz) (Entered: 03/14/2022)
04/04/2022	<u>19</u>	Joint SCHEDULING REPORT – Rule 16.1 by Joey D Gonzalez Ramos (Attachments: # <u>1</u> Exhibit A – ELECTION OF MAGISTRATE FOR FINAL DISPOSITION OF MOTIONS)(Gonzalez Ramos, Joey) (Entered: 04/04/2022)
04/05/2022	<u>20</u>	ORDER SETTING TRIAL AND PRE-TRIAL SCHEDULE, REQUIRING MEDIATION, AND REFERRING CERTAIN MATTERS TO MAGISTRATE JUDGE: (Amended Pleadings due by 6/6/2022., Discovery due by 12/13/2022., Fact Discovery due by 12/13/2022., Expert Discovery due by 12/13/2022., Joinder of Parties due by 6/6/2022., Mediation Deadline 12/27/2022., In Limine Motions due by 1/4/2023., Dispositive Motions due by 1/4/2023., Motions due by 1/4/2023., Pretrial Stipulation due by 3/27/2023., Jury Trial set for 4/10/2023 09:00 AM in Miami Division before Judge Beth Bloom., Calendar Call set for 4/4/2023 01:45 PM in Miami Division before Judge Beth Bloom), ORDER REFERRING CASE to Mediation. (Mediation Deadline 12/27/2022), ORDER REFERRING CASE to Magistrate Judge Alicia M. Otazo-Reyes for Discovery Matters. Signed by Judge Beth Bloom on 4/5/2022. <i>See attached document for full details.</i> (ebz) <u>Pattern Jury Instruction Builder</u> – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here. (Entered: 04/05/2022)
04/08/2022	<u>21</u>	ORDER TO FILE PROOF OF SERVICE re <u>16</u> Summons Issued. Accordingly, it is ORDERED AND ADJUDGED that Plaintiff shall file proof of service upon Defendant Vanessa Eisemann with the Court by no later than April 15, 2022. Signed by Judge Beth Bloom on 4/8/2022. <i>See attached document for full details.</i> (pc) (Entered: 04/11/2022)
04/13/2022	<u>22</u>	NOTICE of Voluntary Dismissal OF VANESSA EISEMANN AS A PARTY IN THIS ACTION by Joey D Gonzalez Ramos (Gonzalez Ramos, Joey) (Entered: 04/13/2022)
04/13/2022	<u>23</u>	Order of Dismissal Approving <u>22</u> Notice of Voluntary Dismissal; Dismissing without prejudice all Claims against Defendant Vanessa Eisemann. Signed by Judge Beth Bloom on 4/13/2022. <i>See attached document for full details.</i> (ls) (Entered: 04/13/2022)
04/18/2022	<u>24</u>	MOTION TO DISMISS <u>13</u> Amended Complaint/Amended Notice of Removal, FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss for Lack of Jurisdiction <u>13</u> Amended Complaint/Amended Notice of Removal, (Responses due by 5/2/2022) by U.S. Department of Agriculture. (Attachments: # <u>1</u> Exhibit USDA's Jan. 18, 2022 MSPB pleading referenced in Plaintiff's First Am. Compl.)(Raurell, Carlos) (Entered: 04/18/2022)
04/26/2022	<u>25</u>	Defendant's MOTION to Stay <i>Discovery</i> by U.S. Department of Agriculture. Responses due by 5/10/2022 (Attachments: # <u>1</u> Exhibit Plaintiff's First Request for Production, # <u>2</u> Exhibit Plaintiff's First Request for Admission)(Raurell, Carlos) (Entered: 04/26/2022)
04/27/2022	26	PAPERLESS ORDER THIS CAUSE is before the Court upon a <i>sua sponte</i> review of the record. On April 5, 2022, the Court ordered the parties to select a mediator pursuant to Local Rule 16.2, schedule a time, date and place for mediation, and jointly file a proposed order scheduling mediation on or before April 26, 2022. ECF No. <u>20</u> (the "Scheduling Order"). To date, the parties have not complied, nor have they shown cause. Accordingly, it is ORDERED AND ADJUDGED that on or before May 4, 2022 , the parties shall comply with the requirements of the Scheduling Order, and jointly file a proposed order scheduling mediation. Failure to comply will result in sanctions, including, but not

		limited to, dismissal without prejudice without further notice. The parties are reminded that pursuant to the procedures outlined in the CM/ECF Administrative Procedures, the proposed order is also to be emailed to bloom@flsd.uscourts.gov in Word format. The CM/ECF Administrative Procedures may be viewed at www.flsd.uscourts.gov. All other deadlines set forth in the Scheduling Order shall remain strictly in place. Signed by Judge Beth Bloom (mk00) (Entered: 04/27/2022)
05/02/2022	<u>27</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>24</u> MOTION TO DISMISS <u>13</u> Amended Complaint/Amended Notice of Removal, FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction <u>13</u> Amended Complaint/Amended Notice of Removal, by Joey D Gonzalez Ramos. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Gonzalez Ramos, Joey) (Entered: 05/02/2022)
05/02/2022	28	PAPERLESS ORDER granting ECF No. <u>27</u> Motion for Extension of Time. Plaintiff shall file a response to Defendant's Motion to Dismiss, ECF No. <u>24</u> , on or before May 9, 2022. Signed by Judge Beth Bloom (mk00) (Entered: 05/02/2022)
05/02/2022		Set/Reset Deadlines/Hearings as to <u>24</u> MOTION TO DISMISS <u>13</u> Amended Complaint/Amended Notice of Removal, FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction <u>13</u> Amended Complaint/Amended Notice of Removal, . Responses due by 5/9/2022 Per DE 28 Order. (ebz) (Entered: 05/02/2022)
05/04/2022	<u>29</u>	NOTICE of Mediator Selection and Hearing. <i>Robert A. Dulberg</i> Selected/Added Joey D Gonzalez Ramos as Mediator. Mediation Hearing set for 12/15/2022. (Gonzalez Ramos, Joey) (Entered: 05/04/2022)
05/04/2022	30	Clerks Notice to Filer re <u>29</u> Notice of Mediator Selection and/or Hearing. Parties/Mediator Not Added ; ERROR – The Filer failed to add all parties from the complaint/petition/removal, etc. or the mediator. Filer is instructed to file a Notice of Entry of Parties Listed into CM/ECF and add the additional parties/mediator. (ebz) (Entered: 05/04/2022)
05/05/2022	<u>31</u>	ORDER SCHEDULING MEDIATION before Robert A. Dulberg. Mediation Hearing set for 12/15/2022 01:30 PM Signed by Judge Beth Bloom on 5/4/2022. <i>See attached document for full details.</i> (ebz) (Entered: 05/05/2022)
05/09/2022	<u>32</u>	RESPONSE in Opposition re <u>24</u> MOTION TO DISMISS <u>13</u> Amended Complaint/Amended Notice of Removal, FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction <u>13</u> Amended Complaint/Amended Notice of Removal, filed by Joey D Gonzalez Ramos. Replies due by 5/16/2022. (Attachments: # <u>1</u> Exhibit A – Emails between Eisemann and Murphy, # <u>2</u> Exhibit B – Ramsey's files, # <u>3</u> Exhibit C – Dianne Lipsey's Depositions, # <u>4</u> Exhibit D – Dang's Texts, # <u>5</u> Exhibit E – Final Response FOIA Kuhn, # <u>6</u> Exhibit F – Motion for Protective Order, # <u>7</u> Exhibit G – Moore's Response to Motion Protective Order)(Gonzalez Ramos, Joey) (Entered: 05/09/2022)
05/10/2022	<u>33</u>	RESPONSE in Opposition re <u>25</u> Defendant's MOTION to Stay <i>Discovery OR FOR EXTENSION OF TIME TO RESPOND TO PENDING DISCOVERY</i> filed by Joey D Gonzalez Ramos. Replies due by 5/17/2022. (Attachments: # <u>1</u> Exhibit A – Email Motion to Stay Conference)(Gonzalez Ramos, Joey) (Entered: 05/10/2022)
05/12/2022	<u>34</u>	Defendant's REPLY to Response to Motion re <u>24</u> MOTION TO DISMISS <u>13</u> Amended Complaint/Amended Notice of Removal, FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction <u>13</u> Amended Complaint/Amended Notice of Removal, filed by U.S. Department of Agriculture. (Raurell, Carlos) (Entered: 05/12/2022)
05/12/2022	<u>35</u>	MOTION for Leave to File <i>SURREPLY TO DEFENDANTS REPLY TO MOTION TO DISMISS COUNT I OF PLAINTIFFS FIRST AMENDED COMPLAINT</i> by Joey D Gonzalez Ramos. (Gonzalez Ramos, Joey) (Entered: 05/12/2022)
05/13/2022	<u>36</u>	RESPONSE to Motion re <u>35</u> MOTION for Leave to File <i>SURREPLY TO DEFENDANTS REPLY TO MOTION TO DISMISS COUNT I OF PLAINTIFFS FIRST AMENDED COMPLAINT</i> filed by U.S. Department of Agriculture. Replies due by 5/20/2022. (Raurell, Carlos) (Entered: 05/13/2022)

05/13/2022	<u>37</u>	REPLY to Response to Motion re <u>35</u> MOTION for Leave to File <i>SURREPLY TO DEFENDANTS REPLY TO MOTION TO DISMISS COUNT I OF PLAINTIFFS FIRST AMENDED COMPLAINT</i> filed by Joey D Gonzalez Ramos. (Gonzalez Ramos, Joey) (Entered: 05/13/2022)
05/15/2022	<u>38</u>	ORDER ON MOTION FOR LEAVE TO FILE SUR-REPLY. Plaintiff's Motion, DE <u>35</u> , is DENIED. Signed by Judge Beth Bloom on 5/13/2022. <i>See attached document for full details.</i> (ebz) (Entered: 05/16/2022)
05/16/2022	<u>39</u>	REPLY TO PLAINTIFF'S RESPONSE TO MOTION re <u>25</u> Defendant's MOTION to Stay <i>Discovery</i> filed by U.S. Department of Agriculture. (Raurell, Carlos) Modified text on 5/16/2022 (ebz). (Entered: 05/16/2022)
06/21/2022	<u>40</u>	ORDER ON MOTION TO DISMISS. Defendant's Motion to Dismiss, DE <u>24</u> , is GRANTED IN PART AND DENIED IN PART. Plaintiff's claim against USDA in Count I is DISMISSED WITHOUT PREJUDICE and with leave to amend. Plaintiffs claim against unknown employees of the USDA and DOJ is DISMISSED WITH PREJUDICE. Plaintiff shall file his Second Amended Complaint by no later than July 1, 2022. Defendant's Motion to Stay, DE <u>25</u> , is DENIED AS MOOT. Signed by Judge Beth Bloom on 6/21/2022. <i>See attached document for full details.</i> (ebz) (Entered: 06/21/2022)
07/01/2022	<u>41</u>	Second AMENDED COMPLAINT against U.S. Department of Agriculture, Unknown Employees of the U.S. Department of Agriculture and The Department of Justice filed in response to Order Granting Motion for Leave, filed by Joey D Gonzalez Ramos. (Attachments: # <u>1</u> Exhibit A-Plaintiff Evaluation, # <u>2</u> Exhibit B-Texts from SA Jake Dang, # <u>3</u> Exhibit C-Murphy Subpoena, # <u>4</u> Exhibit D-Truong Response Motion For Additional Discovery, # <u>5</u> Exhibit E-Murphy email to Eisemann and Truong, # <u>6</u> Exhibit F-Moore MSPB Motion, # <u>7</u> Exhibit G-Murphy email to Eisemann Admin Leave)(Gonzalez Ramos, Joey) (Entered: 07/01/2022)
07/14/2022	<u>42</u>	ANSWER and Affirmative Defenses to Amended Complaint by U.S. Department of Agriculture. (Raurell, Carlos) (Entered: 07/14/2022)
07/18/2022	<u>43</u>	MOTION for Protective Order by John J. Murphy. (Attachments: # <u>1</u> Exhibit)(ebz) (Entered: 07/19/2022)
07/19/2022	<u>44</u>	PAPERLESS ORDER Setting Hearing on <u>43</u> MOTION for Protective Order for 8/4/2022 at 9:30 AM in Miami Division before Magistrate Judge Alicia M. Otazo-Reyes. The parties shall call the conference number 1-888-684-8852 at the appointed time, then enter access code 4791317 and security code 0804. Please dial in at least ten minutes before the hearing begins and wait until your case is called. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 7/19/2022. (kvz) (Entered: 07/19/2022)
07/27/2022	<u>45</u>	Plaintiff's RESPONSE to <u>43</u> MOTION for Protective Order by Joey D Gonzalez Ramos. (Attachments: # <u>1</u> Exhibit A - Accusatory Filings, # <u>2</u> Exhibit B - Murphy's Deposition Demands, # <u>3</u> Exhibit C - Attorney profile Walker, Murphy & Nelson, # <u>4</u> Exhibit D - Murphy and Eiseman's emails, # <u>5</u> Exhibit E - Emails to Murphy, Truong and Eisemann)(Gonzalez Ramos, Joey) (Entered: 07/27/2022)
08/04/2022	<u>46</u>	PAPERLESS Minute Entry for proceedings held before Magistrate Judge Alicia M. Otazo-Reyes: Telephonic Motion Hearing held on 8/4/2022 re <u>43</u> MOTION for Protective Order filed by John J. Murphy. Total time in court: 49 minutes. Attorney Appearance(s): Plaintiff Joey D. Gonzalez Ramos, appeared pro se. Carlos Javier Raurell appeared as counsel for Defendant. Movant John Murphy, Esq. appeared pro se. Order to follow. (Digital ATT Recording AOR_01_8-4-2022 and DAR Back-up 09:26:26 - 10:14:31) (sl) . (Entered: 08/04/2022)
08/04/2022	<u>47</u>	ORDER re August 4, 2022 Hearing re <u>43</u> Motion for Protective Order. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 8/4/2022. <i>See attached document for full details.</i> (kvz) (Entered: 08/04/2022)
08/21/2022	<u>48</u>	NOTICE OF FILING JOHN J. MURPHY III'S RESPONSES TO PLAINTIFF'S INTERROGATORIES by Joey D Gonzalez Ramos re <u>47</u> Order (Attachments: # <u>1</u> Exhibit A- Responses to Plaintiff Interrogatories by Murphy) (Gonzalez Ramos, Joey) Modified text on 8/22/2022 (ebz). (Entered: 08/21/2022)
08/23/2022	<u>49</u>	REVERSED. ORDER granting <u>43</u> Motion for Protective Order. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 8/23/2022. <i>See attached document for full details.</i> (kvz)

		Modified per DE <u>64</u> Order on 10/28/2022 (ebz). (Entered: 08/23/2022)
09/03/2022	<u>50</u>	Plaintiff's APPEAL of Magistrate Judge <u>47</u> Order to District Court (Attachments: # <u>1</u> Exhibit Exhibit A – MSPB Initial Decision, # <u>2</u> Exhibit Exhibit B –Murphy email exchange – Admin Leave, # <u>3</u> Exhibit Exhibit C – MSJ in ADR I, # <u>4</u> Exhibit Exhibit D – Emails to Murphy, Truong and Eisemann, # <u>5</u> Exhibit Exhibit E – Murphy's Demands, # <u>6</u> Exhibit Exhibit F – Murphy's Responses to Plaintiff Interrogatories)(Gonzalez Ramos, Joey) (Entered: 09/03/2022)
09/15/2022	<u>51</u>	MOTION for Protective Order by Dianne C. Lipsey. (Attachments: # <u>1</u> Exhibit)(ebz) (Entered: 09/16/2022)
09/16/2022	<u>52</u>	PAPERLESS ORDER Setting Hearing on <u>51</u> MOTION for Protective Order for 10/3/2022 at 1:30 PM in Miami Division before Magistrate Judge Alicia M. Otazo–Reyes. Zoom Conference instructions will be provided to counsel and Non–party Dianne Lipsey via e–mail. Signed by Magistrate Judge Alicia M. Otazo–Reyes on 9/16/2022. (kvz) (Entered: 09/16/2022)
09/19/2022		PAPERLESS ORDER RESETTING Hearing on <u>51</u> MOTION for Protective Order. The Motion Hearing previously set for 10/3/2022 is hereby RESET for 9/26/2022 at 1:30 PM in Miami Division before Magistrate Judge Alicia M. Otazo–Reyes. The parties and Non–party Dianne Lipsey shall use the Zoom Conference instructions and link that were previously provided via e–mail. Signed by Magistrate Judge Alicia M. Otazo–Reyes on 9/19/2022. (kvz) (Entered: 09/19/2022)
09/20/2022	<u>53</u>	NOTICE by Joey D Gonzalez Ramos <i>Emails by John J. Murphy III</i> (Attachments: # <u>1</u> Exhibit A – Murphy's email to Eisemann, # <u>2</u> Exhibit B – Server Report – Dianne Lipsey, # <u>3</u> Exhibit C – Murphy's emails regarding Dianne Lipsey) (Gonzalez Ramos, Joey) (Entered: 09/20/2022)
09/20/2022	<u>54</u>	MOTION TO PRECLUDE MURPHYS PARTICIPATION IN THE HEARING SCHEDULED FOR SEPTEMBER 26, 2022 See <u>53</u> Notice (Other) for image by Joey D Gonzalez Ramos. (ebz) (Entered: 09/20/2022)
09/20/2022	<u>55</u>	Clerk's Notice to Filer re <u>53</u> Notice (Other),. Two or More Document Events Filed as One ; ERROR – Only one event was selected by the Filer but more than one event was applicable to the document filed. The docket entry was corrected by the Clerk. It is not necessary to refile this document but in the future, the Filer must select all applicable events. (ebz) (Entered: 09/20/2022)
09/24/2022	<u>56</u>	RESPONSE in Opposition re <u>51</u> MOTION for Protective Order by <i>Dianne Lipsey</i> filed by Joey D Gonzalez Ramos. Replies due by 10/3/2022. (Attachments: # <u>1</u> Exhibit A – Plaintiff's 2016 Performance Evaluation, # <u>2</u> Exhibit B – Excerpts from Dianne Lipsey's Deposition, # <u>3</u> Exhibit C – Murphy's email to Eisemann ref admin leave, # <u>4</u> Exhibit D – ADR Vantage FY22 Revenue from USASPENDING.GOV)(Gonzalez Ramos, Joey) (Entered: 09/24/2022)
09/26/2022	<u>57</u>	ORDER granting <u>51</u> Motion for Protective Order; denying 54 Motion to Preclude Murphy's Participation in the September 26, 2022 Hearing. Signed by Magistrate Judge Alicia M. Otazo–Reyes on 9/26/2022. <i>See attached document for full details.</i> (kvz) (Entered: 09/26/2022)
09/26/2022	<u>58</u>	PAPERLESS Minute Entry for Zoom proceedings held before Magistrate Judge Alicia M. Otazo–Reyes: Motion Hearing held on 9/26/2022 re <u>51</u> MOTION for Protective Order filed by Dianne C. Lipsey, 54 MOTION TO PRECLUDE MURPHYS PARTICIPATION IN THE HEARING SCHEDULED FOR SEPTEMBER 26, 2022 re <u>53</u> Notice (Other), filed by Joey D. Gonzalez Ramos. Total time in court: 17 minutes. Attorney Appearance(s): Joey D. Gonzalez Ramos appeared pro se. Carlos Javier Raurell appeared on behalf of Defendant U.S. Department of Agriculture. Diane Lipsey (ADR Vantage) was present. John J. Murphy, Esq. was present. Order entered D.E. <u>57</u> . (Zoom AOR_9–26–2022 and DAR Back–up 13:38:29 – 13:56:45) (sl) (Entered: 09/26/2022)
09/27/2022	<u>59</u>	Unopposed MOTION for Extension of Time File Appeal to Magistrate Judge's Order by October 19, 2022 by Joey D Gonzalez Ramos. Responses due by 10/11/2022 (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Gonzalez Ramos, Joey) (Entered: 09/27/2022)

09/28/2022	60	PAPERLESS ORDER granting ECF No. <u>59</u> Unopposed Motion for Extension of Time. Plaintiff may file an appeal to Magistrate Judge Otazo–Reyess Order, ECF No. <u>57</u> , on or before October 19, 2022. Signed by Judge Beth Bloom (sgr) (Entered: 09/28/2022)
09/28/2022	<u>61</u>	TRANSCRIPT of DISCOVERY HEARING held on 08/04/2022 before Magistrate Judge Alicia M. Otazo–Reyes, 1–25 pages. Court Reporter: Joanne Mancari, jemancari@gmail.com. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/19/2022. Redacted Transcript Deadline set for 10/31/2022. Release of Transcript Restriction set for 12/27/2022. (jes) (Entered: 10/04/2022)
10/11/2022	<u>62</u>	TRANSCRIPT of MOTION HEARING held on 09/26/2022 before Magistrate Judge Alicia M. Otazo–Reyes; 1–11 pages. Court Reporter: Joanne Mancari, jemancari@gmail.com. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/1/2022. Redacted Transcript Deadline set for 11/14/2022. Release of Transcript Restriction set for 1/9/2023. (jes) (Entered: 10/11/2022)
10/19/2022	<u>63</u>	Plaintiff's APPEAL of Magistrate Judge <u>57</u> Order on Motion for Protective/Confidentiality Order,, Order on Motion for Miscellaneous Relief, to District Court (Attachments: # <u>1</u> Exhibit A – Murphy's email to Eisemann, # <u>2</u> Exhibit B – Process Server Report – Dianne Lipsey, # <u>3</u> Exhibit C – Murphy's Email Regarding Dianne Lipsey's Subpoena, # <u>4</u> Exhibit D – Hearing Transcript)(Gonzalez Ramos, Joey) (Entered: 10/19/2022)
10/27/2022	<u>64</u>	ORDER ON PLAINTIFF'S OBJECTIONS TO MAGISTRATE JUDGE'S ORDER. Plaintiff's Objections, DE <u>50</u> , are SUSTAINED. The Supplemental Order, <u>49</u> , is REVERSED. Signed by Judge Beth Bloom on 10/27/2022. <i>See attached document for full details.</i> (ebz) (Entered: 10/28/2022)
12/02/2022	<u>65</u>	ORDER sustaining <u>63</u> Appeal/Objection of Magistrate Judge Order to District Court. Signed by Judge Beth Bloom on 12/1/2022. <i>See attached document for full details.</i> (drz) (Entered: 12/02/2022)
12/16/2022	<u>66</u>	FINAL MEDIATION REPORT by Robert A. Dulberg. Disposition: Case did not settle.(Salmon, John) (Entered: 12/16/2022)
01/04/2023	<u>67</u>	Unopposed MOTION for Leave to File Excess Pages <i>in Motion for Summary Judgment and Statement of Material Facts</i> by U.S. Department of Agriculture. (Raurell, Carlos) (Entered: 01/04/2023)
01/04/2023	68	PAPERLESS ORDER granting ECF No. <u>67</u> Defendant's Unopposed Motion for Leave to File Excess Pages. Defendant's Motion for Summary Judgment may exceed the page limit by eight (8) pages and Defendant's Statement of Material Facts may exceed the page limit by two (2) pages. Signed by Judge Beth Bloom (sgr) (Entered: 01/04/2023)
01/04/2023	<u>69</u>	Statement of: Undisputed Material Facts <i>in Support of Defendant's Motion for Summary Judgment</i> by U.S. Department of Agriculture (Attachments: # <u>1</u> Exhibit Murphy Deposition Transcript, # <u>2</u> Exhibit Eisemann Deposition Transcript, # <u>3</u> Exhibit USDA Interrogatory Answers, # <u>4</u> Exhibit Truong Deposition Transcript, # <u>5</u> Exhibit USDA Supplemental Response to Interrogatory No. 9, # <u>6</u> Exhibit Declaration of Alexis Graves, # <u>7</u> Appendix Attachment A to Graves Decl, # <u>8</u> Appendix Attachment B to Graves Decl, # <u>9</u> Appendix Attachment C to Graves Decl, # <u>10</u> Appendix Attachment D to Graves Decl, # <u>11</u> Appendix Attachment E to Graves Decl, # <u>12</u> Appendix Attachment F to Graves Decl, # <u>13</u> Appendix Attachment G to Graves Decl, # <u>14</u> Appendix Attachment H to Graves Decl, # <u>15</u> Appendix Attachment I to Graves Decl, # <u>16</u> Appendix Attachment J to Graves Decl, # <u>17</u> Appendix Attachment K to Graves Decl)(Raurell, Carlos) (Entered: 01/04/2023)
01/04/2023	<u>70</u>	Defendant's MOTION for Summary Judgment by U.S. Department of Agriculture. Responses due by 1/18/2023 (Attachments: # <u>1</u> Affidavit Declaration of Alexis Graves, # <u>2</u> Appendix Attachment A to Graves Decl, # <u>3</u> Appendix Attachment B to Graves Decl, # <u>4</u> Appendix Attachment C to Graves Decl, # <u>5</u> Appendix Attachment D to Graves Decl, # <u>6</u> Appendix Attachment E to Graves Decl, # <u>7</u> Appendix Attachment F to Graves Decl, # <u>8</u> Appendix Attachment G to Graves Decl, # <u>9</u> Appendix Attachment H to Graves Decl, #

		<u>10</u> Appendix Attachment I to Graves Decl, # <u>11</u> Appendix Attachment J to Graves Decl, # <u>12</u> Appendix Attachment K to Graves Decl)(Raurell, Carlos) (Entered: 01/04/2023)
01/17/2023	<u>71</u>	MOTION for Extension of Time Extension of time through January 23, 2023 re <u>70</u> Defendant's MOTION for Summary Judgment by Joey D Gonzalez Ramos. Responses due by 1/31/2023 (Gonzalez Ramos, Joey) (Entered: 01/17/2023)
01/17/2023	72	PAPERLESS ORDER granting ECF No. <u>71</u> Plaintiff's Unopposed Motion for Extension of Time to File Response to Defendant's Motion for Summary Judgment. Plaintiff shall respond to the Motion for Summary Judgment on or before January 23, 2023. Signed by Judge Beth Bloom (sgr) (Entered: 01/17/2023)
01/17/2023		Set/Reset Deadlines/Hearings as to <u>70</u> Defendant's MOTION for Summary Judgment . Per DE 72 Order. Responses due by 1/23/2023 (ebz) (Entered: 01/18/2023)
01/23/2023	<u>73</u>	Second MOTION for Extension of Time to File Response/Reply/Answer as to <u>70</u> Defendant's MOTION for Summary Judgment by Joey D Gonzalez Ramos. (Gonzalez Ramos, Joey) (Entered: 01/23/2023)
01/23/2023	74	PAPERLESS ORDER granting ECF No. <u>73</u> Plaintiff's Second Unopposed Motion for Extension of Time to File Response to Defendant's Motion for Summary Judgment. Plaintiff shall file his Response on or before January 30, 2023. Signed by Judge Beth Bloom (sgr) (Entered: 01/23/2023)
01/23/2023		Set/Reset Deadlines/Hearings as to <u>70</u> Defendant's MOTION for Summary Judgment . Per DE 74 Order. Responses due by 1/30/2023 (ebz) (Entered: 01/23/2023)
01/30/2023	<u>75</u>	RESPONSE in Opposition re <u>70</u> Defendant's MOTION for Summary Judgment filed by Joey D Gonzalez Ramos. Replies due by 2/6/2023. (Attachments: # <u>1</u> Exhibit A – Plaintiff's Performance Evaluations, # <u>2</u> Exhibit B – Plaintiff's Sworn Declaration OIG Investigation, # <u>3</u> Exhibit C – Plaintiff's Deposition ADR Vantage Case, # <u>4</u> Exhibit D – MSPB Initial Decision, # <u>5</u> Exhibit E – Eisemann's Email to Murphy, # <u>6</u> Exhibit F – Lipsey's Deposition ADR Vantage Case, # <u>7</u> Exhibit G – Emails Between Murphy and Eisemann, # <u>8</u> Exhibit H – Motion for Summary Judgment – ADR Vantage, # <u>9</u> Exhibit I – USDA Motion to Intervene – ADR Vantage, # <u>10</u> Exhibit J – Truong's sick leave emails, # <u>11</u> Exhibit K – Truong's IT Assessment emails, # <u>12</u> Exhibit L – Truong's Deposition, # <u>13</u> Exhibit M – Eisemann's Deposition, # <u>14</u> Exhibit N – Responses to Plaintiff's Interrogatories, # <u>15</u> Exhibit O – Murphy's Deposition, # <u>16</u> Exhibit P – Ramsey's Deposition)(Gonzalez Ramos, Joey) (Entered: 01/31/2023)
01/31/2023	<u>76</u>	RESPONSE TO DEFENDANT'S STATEMENT re <u>69</u> Statement of: Undisputed Material Facts in Support of Defendant's Motion for Summary Judgment by U.S. Department of Agriculture Replies due by 2/7/2023. (Gonzalez Ramos, Joey) Modified document link and text on 1/31/2023 (ebz). (Entered: 01/31/2023)
01/31/2023	77	Clerk's Notice to Filer re <u>76</u> Response in Opposition to Motion,. Incorrect Document Link ; ERROR – The filed document was not correctly linked to the related docket entry. The correction was made 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. (ebz) (Entered: 01/31/2023)
02/02/2023	<u>78</u>	Defendant's REPLY to <u>76</u> Response in Opposition to Motion, <i>RESPONSE TO PLAINTIFF'S STATEMENT OF FACTS</i> by U.S. Department of Agriculture. (Raurell, Carlos) (Entered: 02/02/2023)
02/02/2023	<u>79</u>	Defendant's REPLY to Response to Motion re <u>70</u> Defendant's MOTION for Summary Judgment filed by U.S. Department of Agriculture. (Raurell, Carlos) (Entered: 02/02/2023)
02/06/2023	<u>80</u>	ORDER SCHEDULING TRIAL AND ORDER OF INSTRUCTIONS BEFORE CALENDAR CALL: Pretrial Stipulation due by 3/27/2023. Jury Trial set for 4/10/2023 09:00 AM in Miami Division before Judge Beth Bloom. Calendar Call set for 4/4/2023 01:45 PM before Judge Beth Bloom. Signed by Judge Beth Bloom on 2/6/2023. <i>See attached document for full details.</i> (ebz) <i>Pattern Jury Instruction Builder</i> – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here . (Entered: 02/06/2023)

		02/06/2023)
02/24/2023	<u>81</u>	ORDER ON MOTION FOR SUMMARY JUDGMENT: ORDER granting <u>70</u> Motion for Summary Judgment. Signed by Judge Beth Bloom on 2/24/2023. <i>See attached document for full details.</i> (nan) (Entered: 02/24/2023)
02/24/2023	<u>82</u>	FINAL JUDGMENT in favor of U.S. Department of Agriculture, Unknown Employees of the U.S. Department of Agriculture and The Department of Justice, Vanessa Eisemann against Joey D Gonzalez Ramos Closing Case. Clerk of Court shall CLOSE this case. To the extent not otherwise disposed of, any scheduled hearings are CANCELED, all pending motions are DENIED AS MOOT, and all deadlines are TERMINATED. Signed by Judge Beth Bloom on 2/24/2023. <i>See attached document for full details.</i> (nan) (Entered: 02/27/2023)