

>> Chief Justice Carlos Muniz: OUR NEXT CASE IS STEAK N SHAKE, INC. v. WILFRED RAMOS, CASE NO. SC2024-0099.

>> Petitioner: MAY IT PLEASE THE COURT COUNSEL I WOULD LIKE TO RESERVE FIVE MINUTES.

MY NAME IS J. ROBERT McCORMACK I WOULD LIKE TO RESERVE 5 MINUTES OR REBUTTAL, PLEASE.

THE PRIMARY PURPOSE OF THE ADMINISTRATIVE REQUIREMENT IN ANY STATUTE OR AT LEAST IN THE STATUTE HAS BEEN STATED IN DIFFERENT CASES.

ONE, TO NOTIFY THE EMPLOYER OF THE DISCRIMINATORY PRACTICE AND TO PROVIDE THE COMMISSION WITH THE FIRST OPPORTUNITY TO PERFORM ITS ROLE IN OBTAINING VOLUNTARY COMPLIANCE AND CONCILIATE IN THE MATTER.

HERE, BOTH MY CLIENT, STEAK AND SHAKE AND THE FLORIDA COMMISSION WERE DENIED THE PROPER NOTICE AND THAT OPPORTUNITY.

BECAUSE MR. WILFRED RAMOS, JR. SOLELY ELECTED TO SEEK RELIEF UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT.

>> Justice: CAN YOU ELABORATE ON WHY?

SUBSEQUENTLY THE LAW IS THE SAME, RIGHT?

IN TERMS OF THE CONDUCT AND WHAT WOULD GIVE RISE TO LIABILITY?

I KNOW THERE MIGHT BE DIFFERENT LIMITATIONS, PERIOD'S OR DIFFERENT ADMINISTRATIVE REQUIREMENTS BUT IN TERMS OF YOU KNOWING WHAT THE FACTUAL ALLEGATIONS ARE AND LIABILITY.

I MEAN, MY SENSE IS THERE'S NO DIFFERENCE BETWEEN THE ADA AND THE FLORIDA LAW WOULD BE.

>> Petitioner: THERE ARE SUBTLETIES YOUR HONOR BUT I THINK YOU CHARACTERIZED IT CORRECTLY AND THAT SUBSEQUENTLY THEY ARE THE SAME. THERE'S A LOT OF DIFFERENCES WHEN IT COMES TO PROCEDURE AND THERE ARE, I WOULD SAY SIGNIFICANT DIFFERENCES WHERE IT COMES TO RELIEF ALSO. AND THAT IS IMPORTANT HERE BECAUSE AS YOU KNOW THE STATUTE NOT ONLY REQUIRES THE CHARGING PARTY TO IDENTIFY THE BASES FOR HIS CLAIM BUT ALSO THE RELIEF SOUGHT.

THE RELIEF SOUGHT IS A VERY LARGE PART OF WHY SOLELY IDENTIFYING THE ADA AS THE BASIS FOR YOUR CLAIM IN THIS PARTICULAR INSTANCE WHEN YOU READ THROUGH THE CHARGE OF DISCRIMINATION THERE'S NOTHING ELSE.

THERE IS NO OTHER WAY TO ASCERTAIN.

>> Justice: CAN I PRESS ON THAT FOR A MINUTE THE CHARGE OF DISCRIMINATION IS OPERATIVELY TWO-PAGE AND INCLUDE SOME INSTRUCTIONS AFTER THAT.

WE ARE REVERSE ENGINEERING A LOT OF LEGAL DECISION-MAKING FROM THE FACT THAT IT TAKES A BOX THAT SAYS CHARGE PRESENTED TO EEOC.

IT DOESN'T TALK ABOUT THE SUBSTANTIVE CHOICE OF LAW IT JUST SAYS TO WHOM WHETHER THE EPA OR THE EEOC IS PRESENTED.

AND WHEN IT COMES TO THE DISCRIMINATION STATEMENT IT IS JUST ONE ESSENTIALLY ONE SENTENCE LONG.

I BELIEVE I HAVE BEEN DISCRIMINATED AGAINST ON THE BASIS OF MY DISABILITY OR

PERCEIVED DISABILITY AND RETALIATION OF MY REQUEST FOR REASONABLE ACCOMMODATION IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT AS AMENDED.

IT SOUNDS TO ME LIKE ALL THIS IS A STATEMENT OF A REQUEST FOR ACCOMMODATION.

I THINK WE ARE READING INTO THIS A WHOLE LOT MORE THAN WHAT IS THERE. IT SEEMS TO ME THIS IS A GENERAL STATEMENT AT THAT POINT BY CLAIMANT SAYING THAT I BELIEVE I WAS RETALIATED AGAINST BECAUSE I WANTED AN ACCOMMODATION AND I DIDN'T GET IT.

THAT WOULD SEEM TO SOUND TO ME BOTH IN FEDERAL AND STATE LAW AND I DON'T HEAR ANY LIMITING LANGUAGE WHERE HE SAYS I MEAN ONLY FOR THIS TO BE THE CASE UNDER THE ADA.

>> Petitioner: BUT WHAT RELIEF IS HE SEEKING?

AT THE TIME HE FILED DISCHARGE HIS EMPLOYMENT HAD NOT YET BEEN TERMINATED.

SO YOUR PRESUMPTION COULD BE CORRECT.

>> Justice: THE ARGUMENT YOU JUST MADE TO ME SEEMS TO BE DIFFERENT THAN THE LEGAL ERROR THAT HE FAILED TO REFERENCE FLORIDA LAW.

SO IF I UNDERSTAND YOUR BRIEF CORRECTLY FROM A CONTEXTUAL STANDPOINT YOU ARE TYING THAT TERM INTO RELIEF.

IN OTHER WORDS THE LEGAL REQUIREMENT THAT THE STATUTE PROVIDES TO NAME BOTH FEDERAL AND STATE LAW AND FEDERAL LAW IS NAMED YOU TIED TO THE WORD RELIEF, CORRECT?

>> Petitioner: THERE'S NOTHING ELSE TO TIE TO THE RELIEF YOUR HONOR .BECAUSE HE DIDN'T ASK FOR ANY RELIEF

OTHER THAN IDENTIFYING ONE STATUTE -

>> Justice: THE WAY YOU USED RELIEF THERE IN THE ARGUMENT ACCOMMODATION REINSTATEMENT BACK PAY AND DAMAGES HOW WOULD WE DISCERN FROM THE STATUTE JUST ON THE PLAIN LANGUAGE OF THE STATUTE THAT THAT TERM RELIEF ALSO REQUIRES A STATEMENT OF THE LAW VIOLATED?

>> Justice: I DON'T THINK IT GETS US THERE YOUR HONOR.

I AM BEING VERY GENEROUS.

MY INTERPRETATION IS THAT THE RELIEF SOUGHT IS NOT IN THERE.

YOU HAVE TO REALLY -

>> Justice: BUT YOUR WHOLE ARGUMENT IN THE BRIEF AS THE JUSTICE WAS SAYING. IF HE HAD NAMED, IF HE SAID I WAS DISCRIMINATED AGAINST IN VIOLATION OF THE FLORIDA HUMAN CIVIL RIGHTS ACT THAT IS NOT THE RELIEF WE WOULD BE SEEKING.

>> Petitioner: BUT IT WOULD GIVE US AN IDEA OF WHAT WE ARE DEFENDING.

>> Justice: YOU KNOW WHAT YOU ARE DEFENDING.

>> Petitioner: YOU CAN SEE THERE WAS A DUAL FILING A FILING WITH THE EEOC AND WITH HUMAN RELATIONS COMMISSION.

SO THE CHARGE SAYS.

THE RECORD DOES NOT REFLECT THAT.

>> Justice: YOU ARE NOT SAYING THAT THIS WAS NOT PROPERLY FILED WITH FLORIDA'S FEPA THE FAIR EMPLOYMENT PRACTICES OF THE FLORIDA HUMAN RELATIONS.

>> Petitioner: I DON'T THINK IT WAS JUDGE.

>> Justice: BUT YOU HAVE NOT ARGUED THAT.

IN FACT YOU SAID THE OPPOSITE.

I'M NOT TRYING TO BE HARD ON YOU BUT IT'S JUST LIKE -

>> Petitioner: LET ME CLARIFY.

>> Justice: BUT DO NOT CLARIFY SOMETHING THAT IS INCONSISTENT WITH YOUR BRIEF.

>> Petitioner: EVEN IF HE DID, EVEN IF IT WAS DULY FILED PROPERLY HE DID ASK THAT IT BE DULY FILED.

IF THAT IS WHAT YOU ARE GETTING AT I STOP THERE.

>> Justice: I FIND IT CONFUSING.

I THINK THIS ISSUE IS OFF THE TABLE.

I THINK YOU HAVE CONCEDED THAT IT IS DULY FILED BUT WHEN I LOOK AT IT AND MAYBE IT'S BECAUSE I DON'T KNOW HOW THIS WORKS BUT TO ME IT SEEMS LIKE DULY FILED MEANS THE CHARGES PRESENTED TO BOTH AGENCIES AND THAT WOULD MEAN, BOTH THE FEPA BOX WOULD ALSO BE CHECKED AND THERE ARE TWO OPPORTUNITIES TO DO THAT.

NEITHER IS CHECKED AND IT'S ALSO GOT THE BLANK LINE FOR THE STATE OR LOCAL AGENCY IF ANY AND THE EEOC AND THAT BLANK LINE IS NOT FILLED IN.

MAYBE THAT IS JUST THE WAY IT ROLES AND THEY NEVER DO THAT BUT YOUR CONCESSION NEEDS TO BE BASED ON THIS BOILERPLATE LANGUAGE ABOVE HIS DIGITAL SIGNATURE THAT SAYS I WANT THIS CHARGE FILED BOTH WITH THE EEOC AND THIS STATE OR LOCAL AGENCY IF ANY, CORRECT?

>> Petitioner: CORRECT YOUR HONOR.

THE ISSUE HERE IS PROPER NOTICE AND PROPER NOTICE WAS NOT PROVIDED. IF YOU LOOK AT THE LANGUAGE IN BELLAMY-

>> Justice: BUT IT SEEMS TO ME IF YOU KNOW WHAT IS FILED TO SOME EXTENT, AND YOU CAN SEE THAT IT HAS BEEN FILED WITH HUMAN RELATIONS COMMISSION YOU'VE GOT TO NOTICE THAT HE'S WANTING TO GO DOWN THE FLORIDA LAW TRACK.

>> Petitioner: IS NOT JUST NOTICE TO US BUT IS ALSO NOTED BY THE FLORIDA COMMISSION.

BEAR WITH ME.

BELLAMY IS WHY WE ARE HERE.

IT STATES THAT AN EMPLOYER CANNOT BE PLACED ON NOTICE THAT A CLAIMANT IS CLAIMING A VIOLATION OF THE FCRA WHEN HIS CHARGE ONLY ASSERTS A VIOLATION OF FEDERAL LAW.

THAT'S US.

THAT'S THE EMPLOYER.

SUNBEAM TELEVISION IS THE ONE THAT I QUOTED FIRST SAYING NOTIFY THE EMPLOYER OF THE DISCRIMINATORY PRACTICES AND PROVIDE THE COMMISSION

WITH THE FIRST OPPORTUNITY TO INVESTIGATE AND CONCILIATE.
AND SEEK VOLUNTARY COMPLIANCE.

THAT PART OF IT I AM NOT CONCEDED BECAUSE I DON'T THINK THAT WAS DONE BY
THE RECORD THAT WE HAVE HERE.

IF WE LOOK AT THE RECORD THE NOTICE THAT WAS PROVIDED UNDER WORKSHARE
AGREEMENT WHICH WE ALL KNOW REQUIRES THE CHARGE BE TRANSMITTED WITHIN
10 DAYS.

WE KNOW IT WASN'T DONE.

WE KNOW THERE WAS 150 DAYS THAT THIS FORUM INDICATES AND THAT'S RECORD
171 THE FORM INDICATES THAT THE CHARGE WAS TRANSMITTED.

THERE'S NOTHING ON THAT THAT SUGGESTS IN FACT IT IS TO THE CONTRARY
BECAUSE WE HAVE MICHELLE WILSON THE DIRECTOR AT THE TIME NAME TYPED IN
BY THE EEOC THAT PREPARED THE FORM.

WE ALSO HAVE A PLACE FOR HER SIGNATURE SAYING SHE RECEIVED IT WHICH IS IN
SIGNED.

>> Justice: IS THIS IN YOUR BRIEF?

>> Petitioner: NO.

>> Justice: WHY ARE WE TALKING ABOUT IT?

I'M TRULY CONFUSED ON HOW THIS IS RELEVANT TO THE ISSUE ON APPEAL

>> Petitioner: IT IS RELEVANT BECAUSE IT DOESN'T SHOW THERE IS OPPORTUNITY.

>> Justice: GO AHEAD.

IF WE ARE FOCUSED ON THE LEGAL ISSUE THE LEGAL ISSUE HAS BEEN PRESENTED
AS A CONFLICT BETWEEN DISTRICTS WHICH IS WHETHER OR NOT IN ORDER TO
MEET THE STATUTORY CONDITION PRECEDENT ONE MUST ALLEGE A VIOLATION OF
LOCAL FLORIDA AND FEDERAL LAW IF THE REFERENCE IS TO FEDERAL LAW.
IT HAS NOTHING TO DO IF WHETHER OR NOT SOMETHING IS ACTUALLY FILED IN THE
RIGHT LOCATION.

SO HOW DOES THAT WHETHER OR NOT IT WAS FILED AND FORMED THE STATUTORY
OF WHAT THE STATUTE REQUIRES?

>> Petitioner: BECAUSE THE IMPORTANT POINT, IN ORDER FOR YOU TO DO WHAT YOU
ARE CHARGED WITH THE DOING YOU ACTUALLY HAVE TO HAVE THE NOTICE.
AND WHEN YOU CHOOSE.

>> Justice: CAN I ASK YOU A QUESTION ON THAT?

IN TERMS OF HOW THIS OPERATES?

IS THERE ANY REASON IN TERMS OF THE ACT AS A WHOLE AND THE WAY IT IS
STRUCTURED INCLUDING THE ADMINISTRATIVE ROLE TO DUAL FILE IF YOU ARE NOT
SEEKING RELIEF IN THE STATE COURTS?

OR UNDER STATE LAW.

>> Petitioner: YES BECAUSE YOU CAN HAVE EITHER AGENCY INVESTIGATE EITHER
CLAIM.

IN THIS CASE THE AGENCY THAT RECEIVED THE CHARGE WAS INVESTIGATING AN
ADA CLAIM.

IT'S A FEDERAL AGENCY THAT RECEIVED IT.

THE STATE AGENCY COULD RECEIVE IT AND INVESTIGATE ONLY AN ADA CLAIM OR INVESTIGATE THE STATE CLAIM.

THE STATUTE ALSO SAYS A FAIR EMPLOYMENT PRACTICES AGENCY A LOCAL AGENCY COULD RECEIVE THE CHARGE AND DO THE INVESTIGATION AND SEEK CONCILIATION.

>> Justice: SO IN TERMS OF WHAT OUR HOLDING WOULD BE BECAUSE YOU EMPHASIZE A LOT BUT IT SPECIFICALLY MENTIONS THE FEDERAL ADA. BUT IF THE NARRATIVE HERE WOULD HAVE JUST SAID I WAS DISCRIMINATED AGAINST BECAUSE I AM DISABLED AND I WANT BACK PAY, FRONT PAY OR WHATEVER AND ACCOMMODATION IN THAT CASE THE MERE FACT THAT IT WAS DUAL FILED WOULD BE ENOUGH TO PUT YOU ON NOTICE?

>> Petitioner: IF YOU READ BELLAMY THAT'S EXACTLY WHAT THEY CAME UP WITH YOUR HONOR.

>> Justice: SO ESSENTIALLY IRONICALLY AN INTELLIGENT FILER AND THIS IS PART OF THE CHALLENGE.

IT IS SET UP TO BE A TRAP FOR THE UNWARY.

BECAUSE THE REQUIREMENTS THAT YOU ARE ARGUING FOR, THE FORM IS NOT REALLY DESIGNED TO CAPTURE THAT.

BASICALLY I'M BETTER OFF NOT SAYING WHATEVER LAW MIGHT APPLY AND I DON'T KNOW HOW THAT HELPS YOU WITH NOTICE.

I AM JUST DESCRIBING FACTS AND THEN THAT PUTS YOU ON NOTICE I GUESS ACCORDING TO YOUR THEORY OF ANY LAW THAT MIGHT POSSIBLY APPLY?

>> Petitioner: THAT'S WHERE YOU NEED TO GET INTO THE PROCEDURAL ASPECTS.

THE LAW REQUIRES THE FLORIDA COMMISSION TO ACT WITHIN 180 DAYS.

AND AT BEST THEY DID NOT GET THE CHARGE UNTIL 150 DAYS HAD PASSED.

BECAUSE IT RELATES TO THE DATE OF FILING IT DOES NOT RELATE TO THE DATE THE FLORIDA COMMISSION ACTUALLY RECEIVES THE CHARGE.

SO I THINK THAT HAD THE FLORIDA COMMISSION RECEIVED THE CHARGE THERE IS A POSSIBILITY THEY TAKE -AND THAT IS WHAT THE FORM THAT I WAS GETTING OUT THAT WASN'T SIGNED ACTUALLY SAYS THAT THE FLORIDA COMMISSION HAS THE OPPORTUNITY ON THE FORM IF THEY SIGN IT AND THEY GET IT TO SAY YES.

WE DO WANT TO INVESTIGATE THIS CHARGE OR NO, WE ARE NOT GOING TO INVESTIGATE THE CHARGE AND THEN THEY SEND IT BACK TO THE EEOC AND THAT IS WHERE THEY ARE ACTUALLY SHARING WHERE AS HERE THERE IS NOT ANY KIND OF SHARING THAT APPEARS TO HAVE OCCURRED.

>> Justice: I FEEL LIKE I'M NOT FOLLOWING THIS PART OF YOUR ARGUMENT AND I WANT TO MAKE SURE I'M CLEAR BECAUSE I'M NOT UNDERSTANDING.

ARE YOU SAYING THE FACT THAT THESE TWO GOVERNMENT AGENCIES DIDN'T OPERATE PERFECTLY TOGETHER SHOULD BE HELD AGAINST MR. RAMOS?

>> Petitioner: IN PART IT RELATES TO HIM BUT WHAT I'M SAYING IS IT SHOULDN'T ALLOW HIM TO GET INTO COURT UNDER ONLY FLORIDA LAW UNDER FLORIDA COURT BECAUSE THAT SHIP HAD SAILED FOR HIM ALREADY.

HE DIDN'T DO WHAT HE NEEDED TO DO AT THE TIME THAT HE SHOULD HAVE DONE IT

IN ORDER TO PERFECT THE CLAIM AND THAT GOES TO THE SMJ OF THE TRIAL COURT.

>> Justice: SPECIFICALLY WHAT HE FAILED TO DO IF HE HAD NOT MENTIONED THE ADA HE WOULD'VE BEEN OKAY.

>> Petitioner: HE SHOULD HAVE.

AND I WILL SAVE MY TIME TO REBUTTAL.

WHAT WAS YOUR QUESTION JUDGE?

>> Justice: YOU WILL BE ABLE TO RESPOND TO WHAT SHE SAID.

YOU CAN'T JUST SAVE STUFF FOR A BOTTLE.

>> Petitioner: THERE WAS A QUESTION?

>> Justice: MY QUESTION IS YOU SAID THAT HE FAILED TO DO WHAT HE SAID HE WAS GOING TO DO BUT IT SOUNDS LIKE THERE'S AN ERROR OF CO-MENTION IS ANOTHER WAY OF LOOKING AT IT.

BECAUSE THE WAY I UNDERSTAND YOUR ARGUMENT IF YOU WOULD NOT HAVE LISTED THE ADA HE WOULD BE FINE.

>> Petitioner: AND DON'T FORGET HE'S NOT DOING THIS ON HIS OWN.

HE'S GETTING ASSISTANCE FROM SOMEONE INTERNALLY.

>> Justice: THAT DOES NOT MATTER.

WE NEED TO THINK OF WHAT THAT WOULD MEAN FOR THE FUTURE BECAUSE IT SOUNDS LIKE YOU ARE SAYING THAT HE'S LISTING NO STATUTE AND IT IS DUAL FILED THAN IT'S OKAY?

>> Petitioner: THAT'S HOW I READ BELLAMY AND I THINK THEY ARE RIGHT.

>> Respondent: MAY IT PLEASE THE COURT, MY NAME IS ASHLEY RICHARDSON AND I AM REPRESENTING WILFRED RAMOS, JR..

>> CAN YOU SPEAK UP A LITTLE BIT.

>> Respondent: I DON'T THINK ANYONE HAS EVER SAID THAT TO ME BEFORE. YES I WILL DO MY BEST.

>> Justice: YOU ARE TALKING TO A JUDGE AS DEAF AS I AM.

>> Respondent: I WILL USE MY OUTSIDE VOICE.

MY NAME IS ASHLEY RICHARDSON AND I AM REPRESENTING WILFRED RAMOS, JR..

I WANT TO ADDRESS MY OWN ARGUMENTS IN REVERSE.

MY COLLEAGUE WAS TALKING ABOUT THE GREATER IMPLICATIONS OF WHAT A RULING FROM THE SUPREME COURT ON THE SPLIT BETWEEN BELLAMY AND RAMOS CAN LOOK LIKE AND THAT'S IMPORTANT GOOD MR. RAMOS WAS A PRO SE INDIVIDUAL WHEN HE CONTACTED THE EEOC WHO HELPED HIM PREPARE DISCHARGE.

AS MENTIONED A NUMBER OF TIMES THAT IS A FORM DOCUMENT SO IN ORDER TO COMPLY WITH HIS VERY NARROW AND ODD RULING THAT BELLAMY HAS PUT OUT THERE ESSENTIALLY A LAYPERSON THIS GREETING EMPLOYEE NEEDS TO KNOW THAT THEY NEED TO ALTER THE FORM DOCUMENT TO INCLUDE THESE I'M GOING TO CALL THEM MAGIC WORDS OR A PASSWORD IN A PARTICULAR SECTION IN ORDER TO BE CONSIDERED FOR FILING OR PRESERVING THEIR STATE LAW.

>> Justice: TO THAT POINT I KNOW THE FORM NOR SAYS WHAT DO YOU WANT?

IT SAYS THE PARTICULARS ARE AND THEN THE DISCRIMINATION STATEMENT.

THIS PERSONAL HARM IN THIS DISCRIMINATION STATEMENT AND IT BREAKS THOSE TWO THINGS DOWN.

MY QUESTION FOR YOU IS OBVIOUSLY WE WOULD BE IN A DIFFERENT PLACE IF NOT JUST THERE WAS NO CHOICE OF LAW TO THE CHIEFS QUESTION BUT ALSO IF YOU WOULD HAVE AFFIRMATIVELY SAID I SEEK REASONABLE ACCOMMODATION, RIGHT? IS YOUR ARGUMENT THAT EVEN THOUGH HE DIDN'T PHRASE IT THAT WAY THE STATEMENT THAT I BELIEVE I HAVE BEEN DISCRIMINATED ON THE BASIS OF MY DISABILITY AND BY RETALIATION FOR MY REQUEST FOR REASONABLE ACCOMMODATION MEANS HIS REQUEST, HIS PRAYER FOR RELIEF WAS JUST REASONABLE ACCOMMODATION OR IS THERE OTHER FORM OF PRAYER FOR RELIEF THAT YOU SEE HERE THAT I DON'T.

>> Respondent: HE WAS INDICATING THAT HE WAS DENIED A REASONABLE ACCOMMODATION AND HAD YET NOT BEEN TERMINATED WHEN THE FIRST CHARGE WAS FILED IN SEEKING TO READDRESS THAT BY HAVING HIS ACCOMMODATION EITHER GRANTED OR -

>> Justice: TO THAT POINT WHEN HE IS TERMINATED HE DOESN'T AMEND THIS TO SEEK WRONGFUL TERMINATION OR BACKPAY OR FRONT PAY OR ANYTHING ELSE, RIGHT?

>> Respondent: THIS IS NOT AN ISSUE PRESENTLY.

>> Justice: YOUR CLAIM RISES AND FALLS ON WHETHER THE STATEMENT IS A SUFFICIENT PRAYER FOR RELIEF THAT HE WANTED REASONABLE ACCOMMODATION.

>> Respondent: THAT IN THE LARGER ARGUMENT IS THE CHARGE AS A WHOLE ACTUALLY INDICATES TO BOTH COMMISSIONS AND STEAK N SHAKE IN THIS INSTANCE THAT HE ATTEMPTED TO PURSUE STATE LAW REMEDIES AT THIS TIME.

>> Justice: THEY ARE NOT ARGUING ABOUT THE RULING.

IF WE ARE LOOKING AT THE ABSTRACT DID HE COMPLY WITH THE STATUTE BY THE SHORT STATEMENT OF THE FACTS IN A CLAIM FOR RELIEF BUT THEY ARE NOT DEFENDING IT ON THAT BASIS.

THE ISSUE IS WHETHER THE FAILURE TO NAME -THE COMBINATION OF THE FAILURE TO NAME AND OR THE AFFIRMATIVE NAMING OF THE FEDERAL IF THAT DIDN'T PUT THEM ON NOTICE.

THERE COULD BE ANOTHER FLAW WITH THIS.

>> Respondent: RIGHT.

THE EXCLUSIVE FLAW THAT WE ARE ADDRESSING IN THIS ONE THE DISTINCTION BETWEEN THE RAMOS DECISION.

THE SECLUSION IN THE FCRA IN THAT PARTICULAR SECTION.

IN THE HAVE TO FAIL FOR A NUMBER OF REASONS THE FIRST IS THAT CHAPTER 760 ITSELF SAYS IT SHOULD BE INTERPRETED AND CONSTRUED LIBERALLY TO ALLOW A GRIEVED EMPLOYEE ACCESS AND THE ACT ITSELF PROVIDES.

AND BY LIMITING-

>> Justice: THAT'S HOW AN ARGUMENT OF 760 SHALL BE CONSTRUED NOT AN ARGUMENT OF HOW THIS FORM SHOULD BE CONSTRUED.

>> Respondent: RIGHT BUT THIS IS PART AND PARCEL FOR HIM TO CONTINUE HIS

CLAIM IN COURT.

>> Justice: THE FORM IS AN EEOC FORM NOT A FLORIDA FORM.

>> Respondent: YES.

>> Justice: HERE THE DESIRE WHEN YOU SAY THE STATUTE SHOULD BE CONSTRUED LIBERALLY, GREAT.

BUT THAT DOESN'T TELL ME THAT THIS FORM NEEDS TO BE CONSTRUED LIBERALLY.

>> Respondent: I UNDERSTAND THE POINT AND I THINK IF WE LOOK TO 760-

>> Justice: WHAT PROVISION OF 760 DO YOU WANT ME TO READ LIBERALLY?

>> Respondent: IS LESS ABOUT READING, I THINK IN OUR CASE 760 NEEDS TO BE READ AS IT IS.

THE POSITION THAT BELLAMY TAKES WOULD RESTRICT THAT AND THE BELLAMY OPINION IS WHAT I'M ARGUING HAS NOT BEEN LIBERALLY CONSTRUED.

>> Justice: WHAT HE IS SAYING IS LIBERAL THING ONLY MATTERS ONCE YOU HAVE IDENTIFIED THE PART OF THE STATUTE THAT YOU ARE TRYING TO CONSTRUE. AND SO ARE YOU SAYING -WHAT SPECIFIC PART OF THE STATUTE?

>> Respondent: 5011 SUBSET ONE THE INSTRUCTION OF WHAT IT TAKES TO FILE A CHARGE SUFFICIENT TO PRESERVE YOUR STATE LAW CLAIMS.

IF WE LOOK AT THAT PROVISION IS SPECIFIC YOU HAVE 365 DAYS.

YOUR CHARGE NEEDS TO INCLUDE THE NAME OF YOUR EMPLOYER OR THE PERSON WHO HAS WRONGED YOU IN A SHORT OR PLAIN STATEMENT OF THOSE FACTS.

IN THE MIDDLE OF THAT SECTION IS THE PHRASE IN LIEU OF FILING THE COMPLAINT WITH THE COMMISSION WHICH IS DEFINED BY THE FC HR A COMPLAINT UNDER THIS SECTION OF FCRA MAY BE FILED WITH THE FEDERAL OPPORTUNITY COMMISSION.

THEY TAKE THAT FILING RIGHT THERE IS A METHOD OF SATISFYING THESE PREREQUISITES OF GETTING YOUR CLAIM BEFORE ONE OF THE AGENCIES.

MR. RAMOS DID ALL OF THOSE THINGS.

WE DISCUSSED ALL THE VARIOUS CHECKBOXES ON THE EEOC FORM BUT DIRECTLY ABOVE HIS SIGNATURE IS THE LINE I WANT MY CHARGE TO BE DUAL FILED WITH THE STATE AGENCY.

>> Justice: DO YOU THINK THAT DOES ANYTHING TOWARDS THE STATEMENT OF RELIEF?

>> Respondent: THE STATEMENT OF RELIEF ISSUE, I THINK YOU ADDED WHEN MY COLLEAGUE WAS UP, FOR EXAMPLE IF I FILE A CHARGE AND SAY I'VE BEEN DISCRIMINATED AGAINST BECAUSE OF MY GENDER BECAUSE SOMEONE ELSE GOT A JOB THAT I FEEL I WAS ENTITLED TO I COULD SAY AND I WANT THAT JOB.

THAT WOULD BE ASKING FOR RELIEF.

IN THE PETITIONER'S REPLY BRIEF THEY INSISTED THAT ASKING FOR RELIEF MEANS WE NEED TO IDENTIFY THE STATUTORY SCHEME AT ISSUE AND THAT IS NOWHERE IN CHAPTER 760.

THAT THERE'S ANY REQUIREMENT.

HE HAS TO PUT THE NAME OF HIS EMPLOYER AND WHAT HAPPENS AND WHEN IT HAPPENED SO WE CAN DETERMINE OR NOT WHETHER THE COMPLAINT WAS FILED.

>> Justice: AND THE RELIEF.

CAN YOU HELP US UNDERSTAND THIS FORM SO THE BOILERPLATE ABOVE HIS SIGNATURE DID HE NEED TO DO ANYTHING TO MAKE THAT APPEAR?

>> Respondent: AM PRETTY SURE EVERYTHING ON THAT FORM EXCEPT FOR THE PARTICULAR DETAILS AS PART OF THE FORM.

>> Justice: SO IF I WANT THIS FILED WITH THE EEOC OR ANY AND THEN YOU GO TO THE NEXT PAGE OF THE FORM THERE IS THIS LINE THAT SAYS BENEATH THE LINE IT SAYS STATE OR LOCAL AGENCY IF ANY AND EEOC BUT THERE'S NOTHING WRITTEN IN THERE.

AND MAYBE HE WAVED TO THIS MAY BE BECAUSE IT GOT FILED AND IT SHOULD NOT HAVE BEEN SENT OVER TO THE FLORIDA THING WHO KNOWS.

BUT IN TERMS OF INDICATING IF YOU ACTUALLY HAD TO DO SOMETHING AFFIRMATIVELY IN ORDER FOR IT TO BE DUAL FILED IS IT A FAIR READING OF THIS FORM TO SAY HE ACTUALLY DID DO IT EVEN IF HE DIDN'T CHECK THE BOX OR FILL IN THE AGENCY THING HERE AND THEN THIS LANGUAGE, I COULD SEE IF THERE WAS A BOX HERE OR IF HE HAD TO DO SOMETHING TO MAKE THAT LANGUAGE APPEAR THAT WAS JUST ON THE FORM IT LOOKS LIKE.

>> Respondent: I UNDERSTAND THE ARGUMENT THAT THERE IS A LONG LINE OF CASES STARTING WITH GREGORY OUT OF THE 11TH CIRCUIT THAT HAS TRICKLED DOWN TO VARIOUS COURTS.

IT IS CHECK THE BOX LINE OF CASES AND THAT'S WHAT WE REFER TO IT AS.

WE NEED TO LOOK AT THE CHARGE AS A WHOLE.

THERE'S A LOT OF INSTANCES FOR EXAMPLE SOMEONE WILL FORGET TO CHECK THE GENDER BOX BUT THAT PARTICULAR SECTION EXCLUSIVELY OR EXTENSIVELY TALKS ABOUT GENDER DISCRIMINATION PROVIDING EXAMPLES THE NAMES OF COMPARATORS AND OTHER INFORMATION IN THOSE CASES NOTICE HAS BEEN FOUND SUFFICIENT THAT THE GENDER DISCRIMINATION CLAIMS IS PRESERVED EVEN THOUGH THE BOX WAS NOT CHECKED.

>> Justice: YOU THINK THE HOLD DUAL FILING THING IS IRRELEVANT, TOO?

>> Respondent: NOT THAT I FIND IT IRRELEVANT.

>> Justice: IT SOUNDS LIKE THE FACT THAT IT WAS SENT OVER TO THE FLORIDA AGENCY SOUNDS LIKE IT WAS ALMOST BY ACCIDENT.

AND HE DIDN'T DO WHAT HE NEEDED TO DO TO FILL OUT THE FORM TO MAKE A DUAL FILE.

>> Respondent: HE DIDN'T CHECK THE BOX BUT HE ALSO DIDN'T FILE THE CHARGE.

>> Justice: IF WE WERE GOING TO GET INTO THAT AND IT WOULDN'T EVEN MATTER WHAT HE SAID ABOUT WHAT HIS CLAIM WAS.

>> Respondent: I UNDERSTAND THAT.

>> Justice: TO MAKE SURE I'M UNDERSTANDING THIS I DON'T THINK IT MATTERS FOR THIS CASE BECAUSE I THINK THE POINT HAS BEEN CONCEDED IF I UNDERSTAND IT CORRECTLY.

THE FEPA BOX WOULDN'T ORDINARILY BE CHECKED?

>> Respondent: I HAVE SEEN IT CHECKED IN AS A PLAINTIFF'S ATTORNEY I WOULD PREFER IT BE CHECKED OBVIOUSLY.

>> Justice: AND WITH THAT LINE ON THE SECOND PAGE THE BLANK LINE OF BOTH STATE OR LOCAL AGENCY OR IF ANY BE FILLED IN, ALSO?

>> Respondent: I HAVE SEEN IT FILLED OUT BOTH WAYS.

>> Justice: SOMETIMES I MIGHT CHECK THE BOX BUT NOT FILL IN THE LINE AND I ASSUME SOMETIMES THEY MIGHT FILL IN THE LINE AND NOT CHECK BOX.

>> Respondent: I AM A RULE FOLLOWER ENDED IT DRIVES ME INSANE.

>> Justice: MAYBE IT IS CHARGEABLE TO THE COMPLAINT IT BUT EXPLAINABLE BY THE INCOMPETENCE OF THE FOLKS AT THE EEOC.

>> Respondent: AND THIS IS WHERE IT COMES INTO PLAY.

WE CANNOT PENALIZE AN EMPLOYEE FOR RELYING ON THE SERVICES OF ONE OF THESE AGENCIES AND THIS IS THE CHARGE THAT'S GENERATED.

THEY READ THE PARTICULARS THEIR NAME IS SPELLED CORRECTLY THE PERSON THAT WRONGED THEM IS IN GOOD PEER THEY SIGN THE FORM AND THEY ASSUME THEY'VE DONE EVERYTHING CORRECT AND TO THAT POINT THAT WAS BROUGHT UP IN THE PREVIOUS ARGUMENT.

THE EMPLOYEE CANNOT BE CHARGED WITH THE FAILURES OF THE AGENCY AND THERE'S ACTUALLY THE DEP CASE OUT OF THE FIRST DISTRICT WHICH WAS A DATE STAMP CASE THE SAME GENERAL CONCEPT OF I HAVE DONE MY JOB ACCORDING TO THE STATUTE, I HAVE INCLUDED ALL THE INFORMATION I AM SUPPOSED TO DO. I TURNED IT OVER TO THE AGENCY BUT IF THE AGENCY THEN FAILS TO DO SOMETHING THAT IS SUPPOSED TO DO IT IS NOT CHARGEABLE BACK TO THE EMPLOYEE.

THE FACT THAT THE EEOC WAITED AS LONG AS THEY DID TO SEND THE CHARGE THAT'S NOT MR. WILFRED RAMOS, JR.'S FALL.

BUT BECAUSE THEY DID SEND IT DOES STRONGLY SUGGEST THAT HE DID DUAL FILE THE CHARGE.

AND I DON'T THINK THERE'S A QUESTION IF IT HAPPENS BUT IT IS TO PRESERVE THE STATE WATCH CHANGE.

IT'S AN INCREDIBLY NARROW ARGUMENT.

AND I THINK ONLY SAYS IF HE SAID EVERYTHING OR SAID NOTHING YOU HAVE TO GO TO COURT.

BUT IF YOU SAY A LITTLE BIT YOU DON'T GO TO COURT AND THAT CAN'T STAND. THAT PUTS A WHOLE CLASS OF PERSONS OF GRIEVED EMPLOYEES AT RISK OF LOSING THEIR RIGHT UNDER FLORIDA LAW BASED ON A BIZARRE TECHNICALITY THAT IS NOT ACTUALLY PART OF THE STATUTE.

>> Justice: WE ARE TALKING ABOUT TIMING AND WHETHER WE SHOULD SHIFT THE SUBJECT AND I DON'T KNOW IF MR. WILFRED RAMOS, JR. IS THE RIGHT PERSON TO MAKE THIS ARGUMENT.

THE EEOC SENT HIS NOTICE OF RIGHT TO SUE AND THEN HE TAKES 16 MONTHS TO SUE.

DO YOU HAVE A TIME BAR ISSUE?

ISN'T IT THE LAW THAT HE HAS ONE YEAR?

>> Respondent: NO WE DON'T.

IT'S ACTUALLY FOUR YEARS.

UNDER THE JOSHUA LINE OF NOTICES IF THERE IS NOT A NOTICE OF THE F CRA -

>> Justice: THAT IS INTERESTING.

IT DOES SEEM TO SUGGEST WHICH LEGAL RUBRIC HE CHOOSES BECAUSE YOU SORT OF LIVE BY THE SWORD AND DIE BY THE SWORD HERE.

IN ORDER FOR HIM NOT TO BE TIME-BARRED YOU NEED HIM TO BE FILING THIS WITH THE EEOC AND NOT BE F CRA.

>> Respondent: THEY MADE A SIMILAR POINT BUT I DON'T THINK THE ARGUMENT FOLLOWS THROUGH.

THEY CONTEMPLATE THAT THE OTHERS AGENCY HAVE BEEN THE ONES THAT ACT OR INVESTIGATE ON THERE BEHALF.

THEY HAVE DIFFERENT LINES ASSOCIATED WITH IT.

IF YOU GET A RIGHT TO SUE TO THE EEOC YOU ONLY HAVE 90 DAYS TO BRING YOUR FEDERAL CLAIMS.

IF YOU RECEIVE A NOTICE FROM THE FCRA IS A POSSIBILITY.

THEY HAVE THE RIGHT TO INVESTIGATE EVERY CHARGE GOING TOWARDS IT WHETHER IT'S PROVIDED BY THE EEOC OR NOT.

THEY JUST CHOSE TO DO THAT AND WE HAVE NO IDEA WHY IN THIS CASE.

THEY ALSO HAVE THE ABILITY TO ISSUE ANY KIND OF STATEMENT EVEN IF IT JUST SAYS WE ARE NOT DOING ANYTHING WITH YOUR CASE PROCEED TO COURT AND IF THEY DO THAT WITHIN 180 DAYS MR. WILFRED RAMOS, JR. IS HONORED TO A FOUR YEAR LIMIT US THAT TO US.

AND IF THEY DON'T IT IS STILL VALID LAW.

SO TO THAT POINT THERE COULD BE A TIMING ISSUE.

IT'S NOT AN ISSUE HERE BUT IT'S NOT AN ISSUE PERIOD.

>> Justice: SO IF YOU PUT YOURSELF IN THE POSITION OF THE RESPONDENT, IN TERMS OF HOW THIS WHOLE THING WORKS WHAT ARE THEY ON NOTICE OF? WHEN SOMEONE DOES SPECIFICALLY IDENTIFY THE FEDERAL LAW, THEY ARE SILENT ON FLORIDA LAW AND THEY ARE NOT DOING ANYTHING EXPLICITLY TO EVEN DO WHAT YOU NEED TO DO TO INDICATE THAT YOU WANT FLORIDA AGENCY TO LOOK AT IT, WHAT IS GOING ON GIVE FOR FLORIDA LAW?

>> Respondent: I THINK NOTICE WAS PROVIDED.

WE HAVE IT ABOVE HIS SIGNATURE THAT HE WANTED IT DUAL FILED.

>> Justice: THAT'S ON EVERY SINGLE FORM, RIGHT?

>> Respondent: I DON'T ACTUALLY KNOW THAT ANSWER.

I THINK IT IS INCLUDED BUT HIS SIGNATURE IS DIRECTLY BELOW IT.

>> Justice: I'M NOT SAYING THIS IS BAD FOR YOU NECESSARILY I'M JUST TRYING TO SEE IF THERE'S A WAY TO MAKE SENTENCE OF THIS. BASICALLY WHEN THEY ONLY IDENTIFY FEDERAL LAW ESSENTIALLY A NOTICE, YOU KIND OF HAVE TO FOCUS ON THE FACTUAL ALLEGATIONS AND LOOK AT THE SUBSTANCE OF FLORIDA LAW AND KIND OF FIGURED OUT FOR YOURSELF.

THE BASICALLY FROM A NOTICE PERSPECTIVE THE FACT THAT THE PERSON COMPLAINING ONLY IDENTIFIES FEDERAL LAW THAT IS BASIC FROM YOUR

PERSPECTIVE IT IS IRRELEVANT.

WHAT KIND OF NOTICE OF THE FLORIDA CLAIM OR WHAT IS THE SOURCE OF THE NOTICE THAT THEY MIGHT BE ON THE HOOK FOR A FLORIDA LAW VIOLATION?

>> Respondent: THAT IN ANY CIRCUMSTANCE WOULD BE A REQUEST FOR DUAL LAW. AND THAT IS WHAT THE REQUEST IN IS IN SUBSECTION 1. YOU CAN FILE WITH THE EEOC AND STILL PRESERVE THE STATE LAW CLAIMS.

WHILE THERE COULD BE ADDITIONAL LANGUAGE OR PERHAPS AN EEOC FORM AND USE TWEAKING TO BE A LITTLE MORE SPECIFIC IN THE CIRCUMSTANCE WITH THE FORMS THAT WE ARE LOOKING AT MR. RAMOS SUGGESTED IT BE DUAL FILED AND THERE WAS NO DISPUTE IT WAS AND THAT SHOULD BE SUFFICIENT NOTICE TO THE EMPLOYER.

IT WAS SUFFICIENT NOTICE BY THE EEOC ALBEIT LATE BUT EVERYONE WAS AWARE THAT THIS WAS GOING TO BE A POSSIBILITY.

NOW IN TERMS OF THE FACTS AND THE OTHER IDENTIFICATION OR THE OTHER INFORMATION PROVIDED, THE CLAIMS ARE ESSENTIALLY THE SAME IN TERMS OF WHAT FACTUAL SUPPORT IS REQUIRED UNDER FEDERAL AND STATE LAW BEGIN PROVIDING THE PARTICULAR SECTION, LET STEAK AND SHAKE OR ANY OTHER EMPLOYER NO TO DATE IT AND REQUEST SOME KIND OF RESPONSE FROM THE EMPLOYER.

SO THAT NOTICE IS PROVIDED.

NO ONE WAS WITHOUT IT AT THIS POINT.

WE HAVE THIS ONE OUTLIER CASE IN BELLAMY THAT PROVIDES US VERY SPECIFIC AND VERY NARROW EXCEPTION THAT WOULD PROHIBIT PROBABLY A NUMBER OF EMPLOYEES FROM PROCEEDING WITH FLORIDA CLAIMS IF THIS WAS TO BE THE LAW GOING FORWARD.

WHICH AGAIN IS BACK TO THE LIBERAL INTERPRETATION WHICH RUNS CONTRARY TO THAT.

IF THE STATUTE ALLOWS FOR DUAL FILING THE F CRA HAS COMPLICATED SAID THAT THEY WOULD FILE WITH OTHERS BECAUSE IT WOULD MAKE THE PROCESS EASIER ON THE EMPLOYEE.

IF WE INCLUDE THIS VERY SPECIFIC PASSWORD LANGUAGE AT THE END WHAT IS THE POINT OF DUAL FILING?

>> Justice: YOU COULD ALSO SAY WHAT IS THE POINT OF NOTICE IF YOU CAN ALLEGE ONLY ONE LAW AND THEN CLAIM THAT YOU HAVE GIVEN NOTICE OF THE OTHER STUFF.

YOUR STRONG ARGUMENTS ON THE SUBSTANCE.

I GUESS I'M NOT SURE HOW MUCH SINCE THE SOUL MAKES AND THAT'S THE BOTTOM LINE.

>> Respondent: I AGREE WITH THE SENTIMENT.

FOR OUR PURPOSES WE NEED TO LOOK AT THE CHARGE AS A WHOLE.

>> Justice: CAN I ASK YOU ABOUT THE ADMINISTRATIVE CODE AND HOW THAT PLAYS INTO THE FLORIDA ADMINISTRATIVE CODE?

THE STATUTE LEAVES A LOT OF ROOM.

THE ADMINISTRATIVE CODE COMES IN AND SAYS COMPLAINT SUFFICIENT IF IT IS WRITTEN AND VERIFIED IDENTIFIED THE PARTIES AND THE ACTION COMPLAINED OF. IT IS NOT CONSISTENT WITH YOUR INTERPRETATION THAT IF HE IS COMPLAINING OF AN ACTION THAT VIOLATES THE ADA THAT UNDER FLORIDA LAW THAT VIOLATION WOULD BE SIMILAR?

>> Respondent: I THINK THE ACTION YOU JUST READ FROM THE CODE IS PERFECTLY IN LINE WITH THE REQUIREMENTS OF SEVEN 6011 SUBSET ONE WHICH IS BASICALLY WE NEED THE INFORMATION OF WHO THEY ARE AND WHAT HAPPENED TO DETERMINE IF WE CAN ACTUALLY INVESTIGATE THIS.

THERE IS A LINE OF ARGUMENT IN THE PETITIONER'S BRIEF ABOUT THE PHRASE UNDER THIS SECTION.

AND IT'S APPLICABILITY TO BE THE ARGUMENT WE HAVE HERE.

AND THAT'S BECAUSE THERE'S OTHER CIVIL RIGHT STATUTES.

THERE IS HOUSING ACTS AND THINGS OF THAT NATURE AND TO BRING THAT CLAIM UNDER THIS SECTION WE NEED TO PROVIDE THE INFORMATION YOU JUST READ.

NAME, RANK, EMPLOYEE NUMBER TO MAKE SURE THE FCRA KNOWS IT IS WITH A FAIR WORKERS CLAIM.

AND THEN THE FCRA WAS A B CANNOT HEAR THIS PARTICULAR CLAIM AS YOU BROUGHT IT SO TRIED AGAIN.

AND THAT'S WHAT WE ARE BRINGING IT BACK TO.

SO IF THERE ARE NO ADDITIONAL QUESTIONS WE WOULD ASK THE COURT AFFIRMED THE SECOND DECISION ON RAMOS AND SQUASH BELLAMY.

>> Petitioner: I THINK THIS IS STARTING TO BRING IT ALL TOGETHER.

THE NOTICE ISSUE IS WHY I AM FOCUSED ON THIS.

IF YOU LOOK AT THE POSITION STATEMENT, STEAK N SHAKE ON MAY 10TH FILED THEIR POSITION STATEMENT.

THERE'S NOTHING OTHER THAN FEDERAL LAW CITED IN THAT POSITION STATEMENT. THEY ARE DEFENDING A FEDERAL CLAIM ONLY BECAUSE IT WAS POINTED OUT THAT THERE IS A FEDERAL CLAIM ONLY.

AND AGAIN, EVEN THOUGH MR. RICHARDSON CLAIMS THAT BELLAMY -

>> Justice: IT DOESN'T SAY ONLY.

THERE IS A REFERENCE TO THE FDA THAT ARE IDENTICAL IN RESPECT TO FLORIDA LAW.

BUT IT DOESN'T SAY ONLY.

AND I UNDERSTAND THAT IS THE BASIS FOR YOUR ARGUMENT THAT THAT IS KIND OF THE QUESTION THE FACT THAT THIS IS REFERENCE DOES IT MEAN THE REFERENCE TO THE ADA IS THERE MEANS THAT HE IS ONLY TALKING ABOUT ADA WHEN HE IS ASKING WHEN IT IS CONCEDED THAT HE IS ASKING FOR THIS ALSO TO GO TO THE STATE AGENCY.

>> Petitioner: I WOULD DISAGREE WITH THE INTERPRETATION UNDER THIS SECTION MEANS AS AN EMPLOYMENT TERMINATION CLAIM.

IT MEANS THAT UNDER THIS SECTION WHICH IS THE SECTION UNDER THE FLORIDA CIVIL RIGHTS ACT IN THAT PARTICULAR SECTION OF THE FLORIDA CIVIL RIGHTS ACT

AND EVERY CASE THAT HAS INTERPRETED IT EXCEPT FOR THIS ONE HAS INTERPRETED IT EXACTLY THAT WAY.

YOU HAVE TO GIVE MEANING TO THE WORDS OF THE STATUTE.

THOSE ARE -THAT IS THE MEANING OF THOSE WORDS.

AND BELLAMY IS NOT THAT OUTLIER.

THIS CASE IS THE OUTLIER.

I WANT TO ADDRESS THE ACCESS TO REMEDIES ARGUMENT THAT MR. RICHARDSON MADE BECAUSE THERE'S NOTHING IN THE RECORD THAT PRESCRIBED ANY ACCESS TO ANY REMEDY THAT MR. RAMOS HAD.

HE HAD SEVERAL OPPORTUNITIES AND IF YOU LOOK AT THE TIMELINE HE WASN'T FIRED BUT HE FILED THIS CLAIM NOVEMBER 14TH 2017 WAS HIS CHARGE RECORD 151.

ON MAY 10TH MY CLIENT SUBMITTED ITS POSITION STATEMENT ONLY ADDRESSING THE FEDERAL LAW.

HE RECEIVED A RIGHT TO SUE ON SEPTEMBER 4TH, 2018 GIVING HIM 90 DAYS TO FILE AN ACTION IN FEDERAL COURT.

VERY SPECIFICALLY LAID OUT HIS RIGHT AND IT IS INTERESTING BECAUSE ON NOVEMBER 4TH OF 2018 MR. RAMOS STILL HAD TIME IF HE CHOSE TO PURSUE HIS STATE REMEDY.

HE COULD HAVE ACTUALLY FILED A CLAIM WITH THE FLORIDA COMMISSION, COULD HAVE FILED UP THERE'S PLENTY OF COMMUNICATIONS WITHIN THE RECORD BETWEEN THE PARTIES.

THE ONLY ONES WITH MY PARTY SAYING THEY WOULD AGREE TO MEDIATE IN NOVEMBER WHEN THEY WERE ASKED AND THE MAY 10TH POSITION STATEMENT WHERE THEY ARE ONLY DEFENDING A FEDERAL CLAIM.

SO WAITING THAT MUCH TIME TO FILE ONLY UNDER STATE LAW WHEN HE HASN'T EXHAUSTED HIS ADMINISTRATIVE REMEDIES.

IT DEPRIVES THE COURT OF SMJ.

AND THAT IS REALLY THE BASIS HERE.

MY CLIENT SHOULD NOT HAVE TO DEFEND A CLAIM OVER FOUR YEARS LATER WHEN THE CLAIM HAD EXPIRED REALLY.

AND SO THAT IS THE POINT.

GIVEN THAT I ASK THAT YOU REVERSE THE SECOND DCA AND UPHOLD THE DECISION IN BELLAMY.

THANK YOU.

>> Justice: THANK YOU SIR.

WE ARE GOING TO TAKE A 10 MINUTE RECESS.

>> Marshal: ALL RISE!