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PERSONAL INJURY
SOCIAL SECURITY
WORKERS' COMPENSATION
DIVISION OF
ADMINISTRATIVE
HEARINGS

March 22, 2004

Sharyn L. Smith, Chief Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

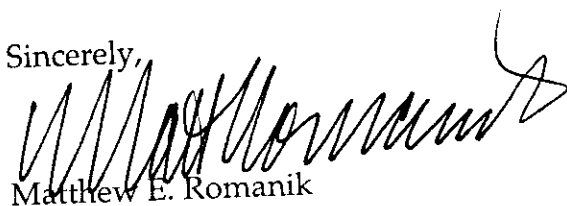
Re: Rose Youngs vs. Toucan's Restaurant n/k/a Skylark's Sport Shack
FCHR No.: 21-00425
EEOC No.: 15DA10158
Case No.: 03-2457 *BJ5-CLWS*

Dear Judge Smith:

Enclosed please find the original and one copy of a Motion for Rehearing together with a proposed Order for your review. Upon your approval of the Order, kindly have your judicial assistant forward copies to the parties in the envelopes provided.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Matthew E. Romanik

MER:00-238-ED-R
Enclosure

cc: All interested parties

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
04 MAR 24 PM 1:15
DIVISION OF
ADMINISTRATIVE
HEARINGS

Rose Youngs,)	
)	
Petitioner,)	
)	
vs.)	Case No. 03-2457
)	21-00425
Toucan's Restaurant n/k/a)	
Skylark's Sport Shack,)	
)	
Respondent)	

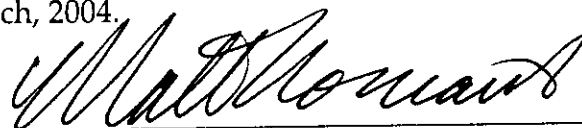
MOTION FOR REHEARING

COMES NOW the petitioner, Rose Youngs, by and through her undersigned counsel and states the following:

1. A hearing in this matter was held on September 25, 2003.
2. A final Order has not yet been entered by the Florida Commission on Human Relations, and subsequent information has become known which indicates that Craig Pistilli, whom the Court's Recommended Order found intentionally treated Ms. Rose Youngs in a discriminatory manner based on sex, may actually be a director of the corporation which ran Toucans' Restaurant.
3. Based on the foregoing and representations of Ms. Pistilli, at the time of the Hearing, that Mr. Pistilli did not have any control over any employee in the restaurant, and that Mrs. Pistilli, herself, was the owner/operator of the restaurant, the Petitioner respectfully requests the Court reopen evidence taking to properly determine whether Mr. Pistilli may have, in fact, been an officer or director of the corporation which owned the business.
4. Opposing counsel has been contacted and does object to the granting of this Motion.

WHEREFORE, the undersigned attorney respectfully requests that the Division of Administrative Hearings schedule a rehearing in regards to the above captioned claim.

DATED THIS 22 day of March, 2004.



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Attorney for Claimant

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

Rose Youngs,)	
)	
Petitioner,)	
)	
vs.)	Case No. 03-2457
)	21-00425
Toucan's Restaurant n/k/a)	
Skylark's Sport Shack,)	
)	
Respondent)	

ORDER ON MOTION FOR REHEARING

THIS CAUSE came on upon the claimant's Motion for Rehearing filed herein by the foregoing attorney and being advised in the premises, it is:

ORDERED AND ADJUDGED that the Petitioner will be granted a rehearing in the above matter.

DONE AND ORDERED this _____ day of _____, 20_____
in Tallahassee, Leon County, Florida.

Sharyn L. Smith, Chief Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Filed with the Clerk of the
Division of Administrative Hearing
this _____ day of _____
20_____.

CERTIFICATE OF SERVICE

This is to certify that the above Order was entered by the Division of Administrative Hearings and a copy was served by U.S. mail on each party and counsel at the addresses listed below this _____ day of _____, 20__.

Clerk of the Division of Administrative Hearing

COPIES FURNISHED:

Ms. Rose Youngs
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Edgewater, FL 32141
Petitioner

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Respondent, Toucan's Restaurant

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