

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

GLORIA J. HARRISON,

EEOC Case No. 15D201700029

Petitioner,

FCHR Case No. 2016-01959

v.

DOAH Case No. 17-2601

21ST CENTURY ONCOLOGY,

FCHR Order No. 19-001

Respondent.

**INTERLOCUTORY ORDER PLACING CASE IN ABEYANCE AND REQUIRING  
STATUS UPDATE FROM RESPONDENT**

This matter is before the Commission for consideration of Respondent's email dated October 23, 2018, submitted by Respondent to the Commission pursuant to the "Interlocutory Order Placing Case in Abeyance and Requiring Status Update from Respondent" dated April 12, 2018 (FCHR Order No. 18-019).

**Findings of Fact and Conclusions of Law**

On May 31, 2017, Judge Van Wyk issued an "Order Closing File and Relinquishing Jurisdiction" relinquishing jurisdiction from the Division of Administrative Hearings to the Commission during the pendency of Respondent's bankruptcy petition.

On August 3, 2017, the Commission issued an interlocutory order placing this case in abeyance until the underlying bankruptcy petition was closed, dismissed, or otherwise discharged. Respondent provided a timely status report and the case was placed in abeyance again on April 12, 2018. Respondent was also directed to update the Commission on the status of the underlying bankruptcy petition by October 12, 2018. Respondent submitted an email with documents attached on October 23, 2018, indicating that Respondent is in the process of reorganizing. The federal docket confirmed that the bankruptcy proceedings are still pending. It should be noted that Respondent provided an order from the bankruptcy judge releasing Respondent from financial responsibility from its debts. However, that order is not being considered for the purposes of this order because no liability has been determined in this case, since it has not yet gone to a hearing at the Division of Administrative Hearings.

Based on the above-findings, we conclude the case should stay in abeyance until the underlying bankruptcy petition is closed, dismissed or otherwise discharged. We further place on Respondent the responsibility of updating the Commission on the status of the underlying bankruptcy petition. Respondent is directed to inform the Commission immediately upon the closure, dismissal or discharge of the petition, or of any event lifting the bankruptcy stay. Upon receipt that the stay is lifted, the case will be transmitted back to the Division of Administrative

Hearings. Further, regardless of whether the bankruptcy stay has been lifted, Respondent is directed to file with the Commission a status report by close of business on June 17, 2019. If no status report is received from Respondent by that time, the assumption will be made that the bankruptcy stay has been lifted and the case will be transmitted back to the Division of Administrative Hearings for further proceedings on the Petition for Relief. The Commission will not pursue this information from the Respondent, or otherwise check on the status of the bankruptcy claim.

Abeyance and Status Report Directive to Respondent

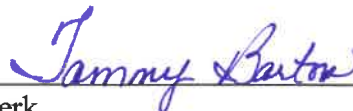
It is hereby ORDERED, this case is placed in abeyance pursuant to the operation of the bankruptcy stay.

Respondent is hereby ORDERED, to inform the Commission immediately upon the lifting of the bankruptcy stay. If no status report is received by the Commission from Respondent by close-of-business on June 17, 2019, the Commission will conclude the bankruptcy stay has been lifted and the matter will be transmitted to the Division of Administrative Hearings for further proceedings on the Petition for Relief.

DONE AND ORDERED this 17 day of January, 2019.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Latanya Peterson, Panel Chairperson;  
Commissioner Jay Pichard; and  
Commissioner Gilbert M. Singer

Filed this 17 day of January, 2019,  
in Tallahassee, Florida.



Clerk  
Commission on Human Relations  
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Suzanne Van Wyk, Administrative Law Judge, DOAH

Sarah Stewart, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 17 day of January, 2019.

By: Tammy Barton  
Clerk of the Commission  
Florida Commission on Human Relations