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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MARTIN BELAND,

Case No.: 16-3950

Petitioner,

FCHR Case No.: 2016-00463

vs.

WALT DISNEY PARKS AND
RESORTS U.S., INC.,¹

Respondent.

**RESPONDENT'S MOTION FOR LEAVE TO REPLY TO
RESPONSE TO MOTION TO DISMISS**

Pursuant to Rule 28-106.204(1), Respondent, Walt Disney Parks and Resorts U.S., Inc. ("WDPR"), requests leave to file a brief reply to Petitioner, Martin Beland's opposition to WDPR's Motion to Dismiss. In support of this Motion, WDPR states as follows:

Under Rule 28-106.204(1), a party may seek leave to file a reply to an opposition to a motion. WDPR requests leave to file a short reply memorandum of no more than five pages, to be filed within five business days of the date of an order on this motion, in order to address matters raised for the first time in Beland's response, including documents attached to the response that were not previously provided to WDPR. These matters include the following:

- the chronology surrounding Beland's alleged submission of his December 23, 2015 Charge of Discrimination to the EEOC, including the EEOC's dismissal of his claim on November 30, 2015;
- the legal effect of an untimely charge of discrimination on an EEOC intake questionnaire that was never signed by the petitioner and never verified, especially where neither the charge nor the intake questionnaire was provided to the respondent; and

¹ The caption on the Initial Order incorrectly identified The Walt Disney Company. Walt Disney Parks and Resorts U.S., Inc. was Petitioner's employer. The parties have stipulated to the amendment of the caption to identify WDPR in lieu of The Walt Disney Company.

- the inclusion of a claim (hostile work environment) in the untimely Technical Assistance Questionnaire that was submitted to the FCHR, but that was not included in the intake questionnaire submitted to the EEOC.²

Permitting WDPR to file a short reply memorandum to the contentions raised in the Petitioner's opposition will facilitate a just and fair resolution of these issues and will not cause any undue delay in the resolution of this matter.

WHEREFORE, WDPR respectfully requests that this tribunal enter an order granting it leave to file a reply as set forth herein and grant such other and further relief as deemed just and proper.

CERTIFICATE OF CONFERENCE

Counsel for WDPR has attempted to confer with counsel for the Petitioner regarding the relief sought herein, but has not received a response.

/s/ Mary Ruth Houston

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*Attorneys for Respondent, Walt Disney Parks and
Resorts U.S., Inc.*

² WDPR notes that up until Beland's service of his opposition, it had never received copies of the Intake Questionnaire to the EEOC or the December 23, 2015 EEOC charge of discrimination.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of August, 2016, I electronically filed the foregoing in the Division of Administration Hearing using the eALJ filing system. I also certify that a copy of the foregoing was served via electronic mail and via U.S. Mail, postage prepaid to the following:

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/s/ Mary Ruth Houston

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