

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**BARBARA ANDREAS, STEPHEN
CRIBB, ADAM PAJER, STEVEN
GIBBONS, CHERON HAYES,
CATHRYN KOEPKE and SETH
SCHMIDT,**

Plaintiffs,

v.

Case No. 6:23-cv-107-ACC-EJK

**THE WALT DISNEY COMPANY,
DISNEY PARKS, EXPERIENCES
AND PRODUCTS, INC., REEDY
CREEK IMPROVEMENT
DISTRICT, WALT DISNEY
PARKS AND RESORTS U.S. INC.,
DISNEY GIFT CARD SERVICES,
INC., DISNEY HUMAN
RESOURCES SERVICES CO.,
LLC, and DISNEY VACATION
CLUB MANAGEMENT LLC,**

Defendants.

ORDER

This cause comes before the Court on review of the Notice of Removal (Doc. 1) filed by Defendants The Walt Disney Company (“TWDC”), Walt Disney Parks and Resorts U.S. Inc. (“WDPR”), Disney Gift Card Services, Inc. (“Disney Gift Card”), Disney Human Resources Services Co., LLC (“Disney HR”), and Disney Vacation Club Management LLC (“DVC”) (collectively, the “Removing

Defendants”) and the First Amended Complaint (Doc. 1-1) filed by Plaintiffs Barbara Andreas, Stephen Cribb, Adam Pajer, Steven Gibbons, Cheron Hayes, Cathryn Koepke, and Seth Schmidt.

On June 29, 2022, Plaintiffs Barbara Andreas, Stephen Cribb, and Adam Pajer sued Defendants TWDC and WDPR in the Circuit Court of the Ninth Judicial Circuit in and for Osceola County, Florida.¹ (Doc. 1-3 at 4-27). In their original Complaint, Plaintiffs Andreas, Cribb, and Pajer asserted one count against Defendants TWDC and WDPR under Florida law. (*See id.* (citing Fla. Stat. § 448.101, *et seq.*)). Thereafter, on December 23, 2022, Plaintiffs Barbara Andreas, Stephen Cribb, Adam Pajer, Steven Gibbons, Cheron Hayes, Cathryn Koepke, and Seth Schmidt (collectively, “Plaintiffs”) filed the First Amended Complaint, in which they assert additional state and federal claims against TWDC and WDPR, as well as Disney Parks, Experiences and Products, Inc. (“DPEP”), Reedy Creek Improvement District (“Reedy Creek”), Disney Gift Card, Disney HR, and DVC (collectively, “Defendants”). (Doc. 1-1). On January 20, 2023, the Removing Defendants removed the case to this Court, with the consent of Defendants DPEP and Reedy Creek. (*See* Doc. 1 ¶ 4; Doc. 3).

In their First Amended Complaint, Plaintiffs generally allege that Defendants wrongfully terminated their employment after Plaintiffs requested exemptions from

¹ Case No. 2022-CA-1697.

Defendants’ COVID-19 vaccine mandates and otherwise objected to Defendants’ increased safety protocols for unvaccinated cast members. (*See* Doc. 1-1). At various points in time, Plaintiffs requested exemptions from the vaccine mandate based on their religious beliefs, and two Plaintiffs—Hayes and Koepke—additionally requested medical exemptions or accommodations. (*See id.*). Throughout the First Amended Complaint, Plaintiffs assert claims against Defendants pursuant to Florida’s Private Whistleblower Act, Fla. Stat. § 448.101 *et seq.*, Florida’s Public Whistleblower Act, Fla. Stat. § 112.3187 *et seq.*, Florida’s Civil Rights Act, Fla. Stat. §§ 760.07, 760.10, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and the Americans with Disabilities Act of 1990, 42 U.S.C. § 12111 *et seq.* (*See id.*). Plaintiffs also assert a claim against all Defendants seeking a declaratory judgment stating that Defendants’ COVID-19 “vaccinate-or-terminate mandate violates [their] privacy rights under the Florida Constitution and is otherwise unlawful.” (*Id.* ¶¶ 264-273). In total, the seven Plaintiffs assert nine claims against seven Defendants in their 65-page First Amended Complaint. (*See id.*).

Upon review of the First Amended Complaint, the Court finds that the individual claims of each Plaintiff must be severed—and each Plaintiff must file a separate complaint—because there are great variations in the factual circumstances underlying the claims of each Plaintiff. Among other variations, Plaintiffs worked for different corporations within the overarching Disney umbrella; thus, each Plaintiff should pursue his or her claims only as they relate to the corporations

relevant to his or her employment. (*See id.*). Plaintiffs also sought exemptions from the vaccine mandate and safety protocols for a variety of reasons and at different times. (*See id.*). Although each Plaintiff alleges that he or she sought a religious exemption, the reasons for Plaintiffs' requested exemptions varied, as did the safety protocols to which Plaintiffs objected. (*See id.*). Some Plaintiffs objected to both the vaccine and mask mandates, whereas others objected to the vaccine requirement only, and Plaintiffs Hayes and Koepke requested medical exemptions or accommodations in addition to religious exemptions. (*Compare id.* ¶ 52 with *id.* ¶ 142). Additionally, Plaintiffs had various job duties and different levels of interaction with other cast members and guests, which implicated different safety protocols. (*See id.*). Specifically, Plaintiffs Hayes and Koepke worked remote whereas the other Plaintiffs did not. (*Id.* ¶ 186).

This Court has broad and inherent discretion to manage its docket and the cases before it. *Young v. City of Palm Bay, Fla.*, 358 F.3d 859, 863–64 (11th Cir. 2004); *Johnson v. Bd. of Regents of Univ. of Ga.*, 263 F.3d 1234, 1268–69 (11th Cir. 2001). A critical weapon in the Court's docket management arsenal is its discretionary authority to, on just terms, "sever any claim against a party." Fed. R. Civ. P. 21; *Estate of Amergi ex rel. Amergi v. Palestinian Auth.*, 611 F.3d 1350, 1367 (11th Cir. 2010) (holding that an effort "to simplify a case that was becoming increasingly unmanageable" was a "sound administrative reason[]" to sever). While Plaintiffs' claims involve certain common factual issues, each Plaintiff will need to

present individualized proof to succeed on his on her claims, which could lead to a logistical nightmare at trial. For these reasons, severing each Plaintiff's claims best serves judicial economy and the interests of justice.


Based on the foregoing, it is ordered as follows:

1. Plaintiffs' claims are hereby **SEVERED**. The claims of Plaintiff Barbara Andreas shall remain in the instant case. On or before February 14, 2023, Plaintiff Andreas shall file an amended pleading in this case that asserts only her claims.

2. On or before February 14, 2023, the other six Plaintiffs shall file separate actions asserting only their individual claims. Each case shall consist of only one Plaintiff, and a filing fee shall be paid for each new case.

3. All cases filed pursuant to the preceding paragraphs shall be assigned to the undersigned judge and Magistrate Judge Embry J. Kidd. At the time each new case is filed, Plaintiffs' counsel shall provide the Clerk with a copy of this Order and shall notify the Clerk that, pursuant to this Order, the case is to be assigned to the undersigned judge and Magistrate Judge Kidd.

DONE and **ORDERED** in Chambers, in Orlando, Florida on January 24,
2023.


ANNE C. CONWAY
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties