

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF FLORIDA
Tampa Division

ROBERT L. VAZZO, LMFT, individually)	
and on behalf of his patients, DAVID H.)	
PICKUP, LMFT, individually and on)	Civil Action No.: <u>8:17-cv-02896-CEH-AAS</u>
behalf of his patients,)	
)	
Plaintiffs,)	INJUNCTIVE RELIEF SOUGHT
)	
v.)	
)	
CITY OF TAMPA, FLORIDA,)	
)	
Defendant)	

**PLAINTIFFS’ UNOPPOSED MOTION FOR LEAVE TO FILE CONSOLIDATED
OPPOSITION TO DEFENDANT’S MOTION TO DISMISS AND REPLY IN SUPPORT
OF PRELIMINARY INJUNCTION**

Pursuant to M.D. Fla. Local Rule 3.01(c) and (d), Plaintiffs, Robert L. Vazzo, LMFT, and David H. Pickup, LMFT, individually and on behalf of their patients (collectively “Plaintiffs”), by and through the undersigned counsel, hereby move this Court for leave to file a consolidated Opposition to Defendants’ Motion to Dismiss and Reply in Support of Preliminary Injunction, not to exceed thirty-five (35) pages for the consolidated filing. For the following reasons, this Court should grant Plaintiff’s Motion.

1. On December 4, 2017, Plaintiffs filed their Verified Complaint (dkt. 1, “Complaint”) and Motion for Preliminary Injunction. (Dkt. 3, “PI Motion”).

2. On December 18, 2017, Defendant moved for a fifty percent (50%) enlargement of the page limit allotted for its response to Plaintiffs’ PI Motion. (Dkt. 17).

3. On January 3, 2018, this Court granted Defendant’s motion, permitting the City to file a 30-page response to Plaintiffs’ PI Motion. (Dkt. 21).

4. In addition to exceeding the page limit in its Response to Plaintiffs’ PI Motion (dkt.

23), Defendant submitted a motion to dismiss (dkt. 22), and three separate and voluminous requests for judicial notice. (Dkt. 24-26).

5. Defendant's response to Plaintiff's PI Motion totals 31 pages (dkt. 23), its motion to dismiss totals 26 pages (dkt. 22), its first request for judicial notice with exhibits totals 373 pages (dkt. 24 to 24-7), its second request for judicial notice totals 67 pages (dkt. 25 to 25-2), and its third request for judicial notice totals 163 pages (dkt. 26 to 26-4). In sum, therefore, Plaintiffs' must now respond to over **660 pages** filed by Defendant.

6. M.D. Fla. Local Rule 3.01(b) limits Plaintiffs to a twenty (20) page response to the City's extraordinarily voluminous submissions.

7. To provide a comprehensive response to Defendant's contentions, Plaintiffs need leave from this Court to exceed the page limit in their response in opposition to Defendant's motion to dismiss.

8. Plaintiffs also request that this Court grant leave to include, in the same consolidated filing, a reply in support of their PI Motion.

9. In the interests of judicial economy, Plaintiffs have exercised significant discretion and will limit the length of their consolidated filing to thirty-five (35) pages.

10. Plaintiffs do not submit this motion for purposes of undue delay, and no party will be prejudiced by the relief requested in the instant motion.

11. Granting this motion will assist the Court in determining the weighty issues before the Court.

12. Prior to filing the instant motion, Plaintiffs' counsel conferred with counsel for Defendant, who indicated that Defendant consents to the relief requested herein. The motion is therefore unopposed.

WHEREFORE, Plaintiffs request that this Court grant Plaintiffs leave to file a consolidated Response in Opposition to Defendant's Motion to Dismiss and Reply in Support of Motion for Preliminary Injunction not to exceed thirty-five (35) pages.

Respectfully submitted,

/s/ Daniel J. Schmid

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**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2018, I caused a true and correct copy of the foregoing to be filed electronically with this Court. Service will be effectuated on all counsel of record via this Court's ECF/electronic service system.

/s/ Daniel J. Schmid

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