

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 A ONE BUSINESS DAY EXTENSION OF TIME TO FILE CONSOLIDATED RESPONSE TO MOTION TO DISMISS AND REPLY IN SUPPORT OF PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 6(b) and M.D. Fla. Local Rule 3.0, 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 a one business day extension of time, to and including January 29, 2018, to file their consolidated Response in Opposition to City’s Motion to Dismiss and Reply in Support of Preliminary Injunction, and their Response to Defendant’s requests for judicial notice.

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) and also requested a twenty-four (24) day extension of time to respond to Plaintiffs’ Complaint and PI Motion. (Dkt. 16).

3. On January 3, 2018, this Court granted Defendant’s motion, permitting the City to

file a 30-page response to Plaintiffs' PI Motion and granted Defendant a 24-day extension of time to respond to Plaintiffs' Complaint and PI Motion. (Dkt. 21).

4. Plaintiffs' response is therefore due **tomorrow, January 26, 2018**.

5. 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).

6. 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.

7. In addition to Defendant's voluminous submissions to this Court, Plaintiffs have also been forced to respond to an additional fifty-two (52) pages of filings by a Proposed Intervenor. (Dkts. 30, 31, 33, 34, 36). Plaintiffs will respond to the intervention motion within the current deadline of January 26, 2018.

8. Thus, Plaintiffs were required to undertake significant effort to respond to **712 pages** of submissions during their original fourteen (14) day response window.

9. Plaintiffs have been working diligently to comply with the original deadlines for their responses to the Defendant and Proposed Intervenor's voluminous submissions and are continuing to work to provide a comprehensive response to all submissions.

10. Plaintiffs need a very brief **one business day** extension, to and including January 29, 2018 to file their consolidated Response in Opposition to Defendant's Motion to Dismiss and Reply in Support of Preliminary Injunction and their Response to Defendant's request for judicial

notice.

11. 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.

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

13. 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 a one business day extension, to and including January 29, 2018 to file their consolidated Response in Opposition to Defendant's Motion to Dismiss and Reply in Support of Preliminary Injunction.

Respectfully submitted,

/s/ Daniel J. Schmid

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**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on this 25th 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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