

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ROBERT L. VAZZO, LMFT, et al,  
  
Plaintiffs,  
  
v.  
  
CITY OF TAMPA, FLORIDA,  
  
Defendant,

No. 8:17-cv-02896-CEH-AAS

**MOTION FOR LEAVE TO FILE REPLY TO PLAINTIFFS’  
RESPONSE IN OPPOSITION TO PROPOSED INTERVENOR  
EQUALITY FLORIDA’S MOTION TO INTERVENE**

Pursuant to Local Rule 3.01 (c) and (d), proposed intervenor Equality Florida Institute Inc. (“Equality Florida”) hereby moves the Court for leave to file a short reply of no more than five (5) pages to Plaintiffs’ Response In Opposition to Proposed Intervenor Equality Florida’s Motion To Intervene (Dkt. 42). In support of this motion, Equality Florida states the following:

1. On December 4, 2017, Plaintiffs concurrently filed their complaint and a motion for a preliminary injunction against enforcement of the challenged ordinance. Dkt. 1, 3. Defendant City of Tampa’s time to file its responses was extended to January 12, 2018, and the City timely filed its responses on that date.

2. Equality Florida filed its amended motion to intervene on January 12, 2018. Defendant City of Tampa does not oppose the motion to intervene. Plaintiffs filed their 18-page response in opposition to the motion to intervene on January 26, 2018.

3. In their response, Plaintiffs assert that *Town of Chester v. Laroe Estates, Inc.*, 137 S. Ct. 1645 (2017), bars Equality Florida’s intervention herein and that Equality Florida’s failure to cite *Laroe Estates* purportedly shows that Equality Florida, through its undersigned counsel,

will not offer “truthful or trustworthy analysis to this Court.” Dkt. 42 at 2. Equality Florida would show in reply that *Laroe Estates* is not relevant to this Court’s analysis because it applies only to intervention as of right under Fed. R. Civ. Pro. 24(a), whereas Equality Florida has moved for permissive intervention under Fed. R. Civ. Pro. 24(b). *Laroe Estates* is thus inapplicable and does not change the rule that intervention under Rule 24(b) does not require proof of Article III standing, which Equality Florida satisfies in any event.

4. The reply will also address Plaintiffs’ assertion that permissive intervention requires Equality Florida to have enforcement authority or responsibility. Dkt 42 at 11–12. Equality Florida would show in reply that enforcement authority is not a requirement for permissive intervention in support of an Ordinance. Even *Norris v. Detzner*, No. 3:15-cv-343, 2015 WL 12669919 (N.D. Fla. Sept. 17, 2015), on which Plaintiffs rely, does not support this narrow reading of permissive intervention.

5. If permitted to reply, Equality Florida requests that the Court afford it three (3) business days from the date of its Order to address the above discussed points more fully. This motion is not filed for purposes of delay, and the relief sought in this motion will not prejudice any party. Equality Florida believes that a reply would assist the Court in ruling on its motion to intervene.

WHEREFORE, proposed intervenor Equality Florida respectfully requests that it be granted leave to file a reply to Plaintiffs’ response in opposition to its motion to intervene.

**LOCAL RULE 3.01(g) CERTIFICATION**

Counsel for Equality Florida has conferred with counsel for the parties. Counsel for Plaintiffs represented that Plaintiffs oppose the motion. Counsel for Defendant represented that Defendant does not oppose the motion.

Respectfully submitted,

/s/ Sylvia Walbolt

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on February 2, 2018, the foregoing was electronically filed with the Clerk of Court by using the CM/ECF system, which will also send a notice of electronic filing to all counsel of record.

*/s/ Sylvia Walbolt* \_\_\_\_\_  
Attorney