

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

**ROBERT L. VAZZO and
DAVID H. PICKUP,**

Plaintiffs,

v.

Case No. 8:17-cv-2896-T-36AAS

CITY OF TAMPA,

Defendant,

_____ /

ORDER

This matter comes before the court sua sponte. Robert Vazzo and David Pickup initiated this cause of action against the City of Tampa (“the City”) on December 4, 2017. (Doc. 1). They also moved for a preliminary injunction. (Doc. 3). In response, on January 12, 2018, the City moved to dismiss the plaintiffs’ complaint and objected to the motion for preliminary injunction. (Docs. 22, 23). That same day, amicus curiae Equality Florida submitted legal memoranda in support of the City’s positions. (Docs. 29, 34).

After the parties and Equality Florida requested a hearing to argue the merits of the plaintiffs’ motion for preliminary injunction, the defendant’s motion to dismiss, and Equality Florida’s submissions, the undersigned held a telephonic hearing on April 2, 2018, to schedule oral argument. (Doc. 58). After the telephonic hearing, the parties and Equality Florida indicated June 7th was the soonest everyone would be available for oral arguments. Accordingly, the court scheduled oral argument for June 7, 2018. (Doc. 59).

On May 25, 2018, the plaintiffs moved for leave to amend their complaint. (Doc. 71). The

plaintiffs wish to “add a defendant, a plaintiff and a claim under state law; to provide an update on Plaintiff Pickup’s imminent licensure to provide counseling services in Florida; and to provide some additional details on the nature of [sexual orientation change efforts, or “SOCE”] counseling, the specific SOCE counseling Plaintiffs seek to provide in Tampa, and the vagueness problems of the Ordinance at issue in this lawsuit.” (Doc. 71, p. 1). Under Local Rule 3.01(b), the City has fourteen days from May 25th—until June 8, 2018—to respond to the plaintiffs’ motion. At that point, the motion to amend will be ripe for the court’s consideration.

If the court grants the plaintiffs’ motion for leave to amend their complaint, the City’s motion to dismiss the original complaint will be moot. The original complaint would also no longer be the operable complaint with respect to the plaintiffs’ motion for preliminary injunction. Therefore, holding the June 7th hearing as originally scheduled would be futile in light of the plaintiffs’ pending motion to amend the complaint.

Accordingly, the June 7th hearing on the motion for preliminary injunction and motions to dismiss (Doc. 59) is **CANCELLED**. The hearing will be rescheduled to a later date, if appropriate.

ORDERED in Tampa, Florida on this 31st day of May, 2018.



AMANDA ARNOLD SANSONE
United States Magistrate Judge