

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)
behalf of his patients, and SOLI DEO)
GLORIA INTERNATIONAL, INC.)
d/b/a NEW HEARTS OUTREACH)
TAMPA BAY, individually and on behalf)
of its members, constituents and clients,)
)
Plaintiffs,)

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

INJUNCTIVE RELIEF SOUGHT

v.)
)

CITY OF TAMPA, FLORIDA, and)
SAL RUGGIERO, in his official capacity)
as Manager of the City of Tampa)
Neighborhood Enhancement Division,)
)
Defendants)

**PLAINTIFFS’ UNOPPOSED MOTION FOR THE COURT TO ADOPT
THE PARTIES’ AGREED BRIEFING SCHEDULE AND PAGE LIMITS
ON MOTIONS TO DISMISS AND MOTION FOR PRELIMINARY INJUNCTION;
AND REQUEST FOR HEARING ON PENDING MOTIONS;
AND REQUEST FOR EXPEDITED CONSIDERATION**

With the consent of all parties, Plaintiffs Robert L. Vazzo, LMFT, David H. Pickup, LMFT, and Soli Deo Gloria International, Inc. (“Plaintiffs”), respectfully move the Court to adopt the following briefing schedule and page limits on the pending motions to dismiss and motion for preliminary injunction, and to schedule a hearing on the pending motions following the conclusion of briefing. In support, Plaintiffs show the Court as follows:

1. Defendant City of Tampa (“City”) filed a motion to dismiss Plaintiffs’ Amended Complaint on June 26, 2018. (Dkt. 84). On the same date, Plaintiffs filed their Renewed Motion for Preliminary Injunction. (Dkt. 85). In addition, Defendant Sal Ruggiero (“Ruggiero”)

anticipates that he will file his own motion to dismiss the Amended Complaint, on or before the current due date of July 10, 2018.

2. The motions to dismiss and the preliminary injunction motion raise important, complex and weighty issues of constitutional, state and federal law. Some of the issues overlap, while others do not. After thorough consideration and discussion, the parties believe that the following briefing schedule is the most practical and efficient way for the parties to brief the weighty issues before the Court:

- a. **July 10, 2018** – Defendant Ruggiero will file his own motion to dismiss, of up to 10 pages, raising only issues unique to his defense and not otherwise covered in the City’s motion to dismiss.
- b. **July 24, 2018** – Ruggiero and the City will file their Joint Response in Opposition to Plaintiffs’ Motion for Preliminary Injunction, which will be up to 35 pages.
- c. **August 10, 2018** – Plaintiffs will file one omnibus response in opposition to both motions to dismiss, and in reply to the preliminary injunction motion, which will be up to 45 pages.

3. The briefing schedule above contemplates modest extensions (approximately two weeks) of some of the deadlines that would otherwise prevail under the Court’s local rules. These extensions are sought in good faith, not for purposes of undue delay, and after careful consideration of the parties’ existing professional commitments and the amount of effort required to properly and fully brief the issues before the Court.

4. The page limits above also reflect an increase of the limits provided by the Court’s local rules. However, the parties believe that this increase is necessary to provide the Court with

adequate briefing on the multitude of significant issues raised, including matters of constitutional standing, the amenability of City officials to suit, and the requirements and strictures of the First Amendment. Moreover, by submitting one omnibus response to all pending motions, Plaintiffs will endeavor to efficiently address all issues in one brief, whose combined length would be comparable to, if not shorter than, the filing of multiple response briefs.

5. In connection with earlier briefing in this case on the original dismissal and preliminary injunction motions, this Court has already granted the parties leave to file oversized briefs of similar length as sought herein, and has already granted Plaintiffs leave to file one omnibus response/reply to the then-pending motions. (*E.g.*, dkts. 21, 39). The proposed briefing schedule and page limits herein would essentially maintain the same briefing posture and structure, with the necessary adjustment for the additional motion to dismiss to be filed by Defendant Ruggiero, which was not part of the earlier briefing.

6. Following the completion of briefing, the parties are in agreement that the Court would benefit from oral argument on the pending motions, and, therefore, oral argument is hereby requested.

7. Lastly, unless the Court enters the briefing schedule requested above, the parties face briefing deadlines on the pending motions as early as July 10, 2018. With that deadline approaching quickly, and the intervening July 4 holiday, the parties would benefit from and much appreciate the Court's expedited consideration of this unopposed Motion.

WHEREFORE, for good cause shown, and with the consent of all parties, Plaintiffs respectfully request that: (1) the Court enter and adopt the Parties' agreed briefing schedule and page limits set forth herein; (2) the Court schedule a hearing on the motions to dismiss and the preliminary injunction motion as soon as practicable after the conclusion of briefing; and (3) the

Court consider this unopposed Motion on an expedited basis.

Respectfully submitted,

/s/ Horatio Mihet
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 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/ Horatio Mihet
Horatio G. Mihet
Attorney for Plaintiffs