

IN THE UNITED STATES DISTRICT COURT  
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

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

Plaintiffs,

v.

CITY OF TAMPA, FLORIDA, and  
SAL RUGGIERO, in his official capacity  
As Manager of the City of Tampa  
Neighborhood Enforcement Division

Defendants.

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DEFENDANTS' RESPONSE TO COURT'S ORDER DATED JULY 3, 2018

Defendants, City of Tampa and Sal Ruggiero, in his official capacity as Manager of the City of Tampa Neighborhood Enforcement Division, hereby respond to the Court's Order dated July 3, 2018 Order as follows:

1. With respect to hearing dates on which the parties are available for hearing on the Motion for Preliminary Injunction and Motions to Dismiss, Defendants are available as follows: September 5, 2018, September 7, 2018 and September 18, 2018. Defendants understand from Sylvia Walbolt, representing the Amicus, that she is also available on those dates.

2. With respect to whether the hearing will be evidentiary or non-evidentiary, it is Defendants' position that, similar to the previously scheduled hearing on June 7, 2018 which was cancelled, the hearing should be non-evidentiary except that the Court should consider each of the submissions, previously submitted by Defendants, including: (a) judicial notice of a certified copy of Ordinance 2017-47 (Doc.24); (b) judicial notice of a certified copy of the Clerk file related to Ordinance 2017-47 (Doc. 25); (c) judicial notice of transcripts of Tampa City Council meetings in which individuals offered public comments on Ordinance 2017-47 prior to its enactment (Doc. 26); and (d) judicial notice of DVDs of the Tampa City Council meetings in which the council presented Ordinance 2017-47 for reading and adoption (Doc. 27). It is Defendants' understanding from Sylvia Walbolt, counsel for Amicus, that she is also in agreement that the hearing be non-evidentiary as was previously scheduled for June 7, 2018.

3. Defendants understand that Plaintiffs may wish to await receipt of the Defendants' response to the motion for preliminary injunction before agreeing to a non-evidentiary hearing, and that Plaintiffs will be communicating their position to the Court. Defendants understand that it is Plaintiffs' position that they had the benefit of the City's response to Plaintiffs' Motion for Preliminary Injunction before it could agree to a non-evidentiary hearing previously, and need the same benefit here. In response to Plaintiffs' position, the Defendants observe that they are not seeking the Court to consider any evidence beyond the requests for judicial notice which would have been before the Court at the June 7, 2018 hearing, and Defendants will not be injecting any new evidence into their response for preliminary injunction. As such, there should be no need for Plaintiffs to

await receipt of the Defendants' response before agreeing – as they did before – to a non-evidentiary hearing. In the event, however, that Plaintiffs take the position that they do wish an evidentiary hearing, the Defendants reserve the right to present any rebuttal evidence. In addition, the Defendants believe it would be unrealistic to conclude the hearing in one day.

/s/ Robert V. Williams

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And

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 2018, I caused a true and correct copy of the foregoing to be filed electronically with the Clerk of Court. Service will be effectuated on all counsel of record via the Court's ECF/Electronic Service System.

/s/ Robert V. Williams  
Robert V. Williams, Esquire