

**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

**DEFENDANTS' MOTION FOR EXTENSION OF TIME IN WHICH TO
RESPOND TO PLAINTIFFS' DISCOVERY REQUESTS AND
REQUEST EXPEDITED CONSIDERATION**

Defendants, in accordance with Fed. R. Civ. P. 6 (b), hereby requests an extension of (1) ninety days in which to respond to the following discovery requests received from Plaintiff on August 9, 2018: Plaintiffs' First set of Requests for Admissions, Interrogatories, and Requests for Production to Defendant, City of Tampa; and (2) an additional thirty days thereafter in which to produce those relevant and non-privileged documents which Defendants are able to locate which are responsive to the document request. The reasons why the requested extension is both necessary and reasonable are set forth below:

1. On April 6, 2017, Tampa City Council passed Ordinance No. 2017-47 relating to conversion therapy on patients who are minors (“the Ordinance”), and on April 10, 2017, Mayor Bob Buckhorn approved the Ordinance.

2. On December 4, 2017, Plaintiffs filed their Complaint (Doc. 1) and original Motion for Preliminary Injunction (Doc. 3).

3. Eight months later, on January 12, 2018, the City filed its Motion to Dismiss (Doc. 22) and Response in Opposition to Motion for Preliminary Injunction (Doc. 23).

4. On February 20, 2018, the parties filed a Joint Motion to Stay Discovery and Scheduling of Trial Deadlines pending final resolution of Plaintiffs’ Motion for Preliminary Injunction (Doc. 49). In the joint motion, the parties moved the Court to, *inter alia*, stay discovery pending final resolution of Plaintiffs’ Motion for Preliminary Injunction. The parties further stated that “during the February 9th conference, the parties agreed that resolution of Plaintiffs’ pending Motion for Preliminary Injunction (Doc. 3) including any appeals taken by either party, may substantially alter the scope of discovery or otherwise help frame any discovery, and may significantly impact and alter the course and conduct of this litigation, including shaping the first amendment and statutory questions presented in this action.” (Doc. 49, p.1, ¶2.) The parties also stated therein that “The parties do not submit this motion for purposes of undue delay, and no party will be prejudiced by granting the relief requested herein.” (Doc. 49, p. 3, ¶ 8).

5. On April 11, 2018, the Court denied the joint motion to stay discovery and scheduling trial deadlines pending a final resolution of Plaintiffs’ Motion for Preliminary Injunction (Doc. 61). However, in its Order the Court further stated that “to the extent that

the parties seek to stay proceedings while an appeal is pending, the parties may file a new motion at the appropriate time.” (Doc. 61, p. 8).

6. The parties subsequently filed a Case Management Report on April 18, 2018 (Doc. 62); and the Court thereafter entered a Case Management and Scheduling Order on May 9, 2018 (Doc. 63).

7. Pursuant to the Case Management and Scheduling Order, the parties were to exchange Initial Disclosures by May 18, 2018 (Doc. 63 p. 1). One day before the due date, on May 17, 2018, the City served its Initial Disclosures on Plaintiffs. One day thereafter, on May 18, 2018, Plaintiffs served their Initial Disclosures on the City.

8. On the eve of Memorial Day weekend, May 25, 2018, Plaintiffs filed a Motion for Leave to File Amended Complaint (Doc. 71). In Plaintiffs’ motion, Plaintiffs allege that “this litigation is still in its infancy” (Doc. 71, p. 6, ¶20) and that “trial is not scheduled to even begin until December 2019 – **over one and a half years from the filing of the instant Motion.**” (Doc. 71, p. 6, ¶20). (Emphasis in original.)

9. On June 12, 2018, the Court granted Plaintiffs’ Motion for leave to Amend the Complaint (Doc. 76); and later that evening on June 12, 2018 Plaintiffs filed their Amended Complaint (Doc. 78).

10. On June 20, 2018, Attorney Robert V. Williams accepted service of the Amended Complaint on behalf of Defendant Ruggiero (Doc. 81) and on June 20, 2018 Attorney Robert V. Williams entered his appearance on behalf of Defendant Ruggiero (Doc. 82, 83).

11. On June 26, 2018, the City filed a Motion to Dismiss the First Amended Complaint (Doc. 84), and later that same day Plaintiffs filed their Second Motion for Preliminary Injunction (Doc.85).

12. On June 29, 2018, Plaintiffs filed “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” (Doc. 87). The Unopposed Motion that was filed by Plaintiffs – which allows Plaintiffs up to August 10, 2018 in which to 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” (Doc. 87, p.2) - effectively allows the Plaintiffs an extension of approximately 31 days in which to respond to the City’s Motion to Dismiss filed on June 26, 2018 (Doc. 84), or a total of **45 days in which to respond to the City’s Motion to Dismiss** from the time that the City’s Motion to Dismiss was filed on June 26, 2018.

13. On August 7, 2018 Plaintiffs filed an “unopposed motion for extension of time to file consolidated response to Defendants’ Motions to dismiss and reply in support of second motion for preliminary injunction” wherein plaintiffs sought an additional two week extension, up and through August 24, 2018, and represented therein that during the additional response period the Plaintiffs had “many other professional commitments” including hearings and extensive travel where they would be out of the office and unable to attend to Plaintiffs’ consolidated response for many of the days of their response

period.(Doc. 104.) Defendants, as a matter of professional courtesy, did not object to Plaintiffs' motion and the Court granted the unopposed motion ((Doc. 105.).

14. On August 9, 2018, just two days after Plaintiffs filed their motion for extension, wherein the Plaintiffs alleged their lack of time to respond, their being out of the office, and their need for an additional two weeks, and after Defendants agreed to the further extension, Plaintiffs apparently found the time to prepare and serve the Defendants with extensive discovery requests denominated "Plaintiff Robert L. Vazzo's First Set of Requests for Admissions, Interrogatories, and Requests for Production to Defendant City of Tampa, Florida", requiring Defendants' response by Saturday, September 8, 2018.¹ A copy of these discovery requests are attached hereto as Exhibit "A".²

15. Plaintiffs' voluminous discovery requests are extraordinary in scope³ and will require a monumental effort on the part of the Defendants to respond for a number of reasons, including the following:

- (a) The breadth and scope of discovery being sought is overwhelming and the requests are all the more challenging given the large number of City employees;⁴
- (b) It will take an enormous amount of time and effort for Defendants to: (1) locate responsive information, (2) review responsive information, (3)

¹ Pursuant to Fed. R. Civ. P. 6(a)(2)(C), "if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday."

² Anticipating Plaintiffs' response that "the discovery had already been prepared", that response implicitly evokes the response "then why did you wait so many months to serve it?"

³ And, in many respects, objectionable on their face.

⁴ The City of Tampa employs more than 4,000 individuals.

assemble responsive documents, (4) Bates stamp responsive documents, (5) review documents for privilege and confidentiality, and (6) prepare an appropriate privilege log; and

- (c) Given the constraints of time of City personnel, strain on City resources, and the need to perform the duties and obligations of the City on behalf of its citizens, the amount of time being requested for an extension is not only reasonable but, as a practical matter, absolutely necessary.

16. Above and beyond the fact that the Defendants will need an extension of at least ninety days within which to respond to the discovery requests, plus thirty days thereafter in which to produce responsive documents that are not privileged, the request for extension by the Defendants is further reasonable and appropriate given the following:

- (a) the City has already timely produced and, indeed, produced one day early on May 17, 2018, to Plaintiffs, its Initial Disclosures including: (1) the name, address (where known), and telephone number (where known), of each individual likely to have discoverable information – along with the subjects of that information – that the City may use to support its claims or defenses, unless the use would be solely for impeachment; (2) a copy of all documents, data, compilations, and tangible things that are in the possession, custody, or control of the City that the City may use to support its claims or defenses, unless the use would be solely for impeachment; and (3) a copy of the City's excess liability policy under which an insurance business may be liable to satisfy all

or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment;

(b) It is also important to note that this case essentially boils down to the singular issue of whether the Ordinance – which provides that it is unlawful in the City for any Provider to practice conversion therapy efforts on any individual who is a minor regardless of whether the Provider receives monetary compensation in exchange for said services – is valid. And further to that issue, the legislative findings of City Council - which are contained in the certified copy of the Ordinance of which this Court has taken judicial notice (Doc. 51, p.4) – reflect that a number of medical and mental health organizations have found that sexual orientation change efforts (“SOCE”) therapy may pose a serious threat to the health and well-being of the effected persons, and many such organizations have concluded that there is a lack of credible evidence that such therapy is effective. See certified copy of the Ordinance (Doc. 24-1) which attaches thereto the documents cited in the Ordinance in support of the legislative findings (Doc. 24-1 through 24-7); and

(c) This case is in the initial phase of litigation. Indeed, in Plaintiffs’ Motion for Leave to Amend the Complaint, filed on May 25, 2018, Plaintiffs’ referred to this case as being “**still in its infancy**” (Doc. 71, p.6) (emphasis supplied) and noted, moreover, the trial is not scheduled to even begin until December, 2019 – over one and a half years after the filing of said motion. (Doc. 71, p.6). Moreover, in the event of any appeal from the Court’s ruling on the Motion for

Preliminary Injunction, the trial of this case may very well be postponed substantially beyond December, 2019. In that regard, the Defendants would note that in the case of *Café 207, Inc. v. St. Johns County*, 856 F. Supp. 641 (M.D. Fla. 1994) *aff'd per curiam* 66 F.3d 272 (11th Cir. 1995), wherein plaintiff “suggested that the case be abated pending the appeal from the denial of preliminary injunction. That was done. Then, when the case returned from the Court of Appeals, the Court allowed some limited discovery before taking under submission the pending cross motions for summary judgment.” *Id.* at 650 n.5.

17. The Defendants have not opposed, and the Court has approved, the following:

(a) The City did not object to Plaintiffs’ unopposed motion, filed on January 23, 2018, to file a thirty-five page consolidated response in opposition to the City’s motion to dismiss and reply in support of motion for preliminary injunction (Doc. 37); and the Court granted the motion (Doc. 39).

(b) The City did not object to Plaintiffs’ unopposed motion, filed on January 25, 2018, for a one business day extension of time to file consolidated response to motion to dismiss and reply in support of preliminary injunction (Doc. 40); and the Court granted the motion (Doc. 41).

(c) The City did not object to Plaintiffs’ preference that oral argument on the original motions to dismiss, and Plaintiffs’ original Motion for Preliminary Injunction, be scheduled for June 7, 2018, which was approximately fifty-two

(52) days after the first date - April 16, 2018 - that was offered by the Court for oral argument on the motions to dismiss and motion for preliminary injunction.⁵ After Plaintiffs' counsel advised the Court that "The parties have conferred and would like the hearing date to be scheduled for June 7", the Court issued an Order on April 2, 2018 scheduling oral argument on the motion for preliminary injunction and motions to dismiss for June 7, 2018 (Doc. 59).⁶

⁵ In that regard, on April 2, 2018, the Court held a telephonic hearing to discuss scheduling a hearing on the motions to dismiss and motion for preliminary injunction during which the Court inquired of Plaintiffs' counsel: "Are there any periods of time that you already know you're in trial or that you have a previously planned vacation or something that - days you already know are absolutely not available?" (Doc. 73, p.8). In response, Plaintiffs' counsel stated as follows: "Thank you, Your Honor, for being sensitive to that. Unfortunately, the month of May is really impossible on our schedule. We do have some time the week of April 16th as well as the first couple of weeks in June. So depending on how far the Court is looking out, we would ask the month of May be protected." (Doc. 73, p.8). The Court then inquired of the City's counsel as to whether there were "any scheduling issues" on the City's end (Doc. 73, p.8), and the City's counsel responded: "No. I believe we can accommodate just about anything. I think the only dates that would be challenging would be May 7th, 8th, 15th, 21 and 22. But even then, if that was the Court's pleasure, we could accommodate the Court." (Doc. 73, p.8-9). The Court then inquired of counsel for Equality Florida, and counsel for Equality Florida stated: "April 26 and 27 I'm supposed to be out of town at an ABA meeting. Other than that, I can make myself available." (Doc. 73, p.9). Immediately after the telephonic hearing, the Court - through the Court's Law Clerk - then offered the parties and Equality Florida the following dates for oral argument on the original motion for preliminary injunction and original motions to dismiss: April 16, 17th, 18th, 23rd, 24th, 26th, and 27th; and June 6th, 7th, 8th, 11th, 12th, and 13th. Thereafter, Plaintiffs' counsel advised counsel for the City and Equality Florida as follows: "Plaintiffs are available on June 6, 7, and 8, with a preference of June 7. Please let me know ASAP whether we may present that to the Court. I would like to respond to the Court's inquiry today." Counsel for Equality Florida thereafter responded to Plaintiffs' request as follows: "We are available all dates in June and also prefer June 7". The City's counsel then responded to Plaintiffs' request by stating: "The City is available on June 6, 7 and 8, and is agreeable to the June 7th date you prefer." Later that morning, on April 2, 2018, Plaintiffs' counsel then advised the Court as follows: "The parties have conferred and would like the hearing date to be scheduled for June 7. Thank you."

⁶ On May 31, 2018, the Court cancelled the June 7, 2018 hearing as a result of the Plaintiffs' filing a motion to amend the complaint. (Doc. 72).

(d) The Defendants did not object to Plaintiffs' unopposed motion, filed on June 29, 2018, which permits Plaintiffs to file, up to August 10, 2018, "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." (Doc. 87, p.2.) This briefing schedule effectively amounts to allowing Plaintiffs forty-five days from the date of filing of City's Motion to Dismiss Amended Complaint - on June 26, 2018 - in which to respond to City's Motion to Dismiss Amended Complaint. The Court granted the unopposed motion. (Doc. 88).

(e) The Defendants did not object to Plaintiffs' unopposed motion, filed on August 7, 2018, which allows Plaintiffs a further two week extension, up and through August 24, 2018, in which to file an omnibus response in opposition to both motions to dismiss, and in reply to the preliminary injunction motion (Doc. 104). **This additional extension in favor of the Plaintiffs effectively amounts to allowing Plaintiffs fifty-nine days from the date of filing of City's Motion to Dismiss Amended Complaint – on June 26, 2018 – in which to respond to the City's Motion to Dismiss the Amended Complaint.** On August 7, 2018 the Court granted the unopposed motion for extension of Plaintiffs. (Doc. 105.)

17. It is not insignificant that almost eight months elapsed between the time of the enactment of the Ordinance in April, 2017, and the filing of the original Complaint in December, 2017, and more than one year elapsed after the enactment of the Ordinance and before Plaintiff Soli Deo Gloria International, Inc. d/b/a New Hearts Outreach Tampa Bay,

individually and on behalf of its members, constituents and clients, challenged the Ordinance.⁷

18. It is significant that this is the first time Defendants have requested an extension as it relates to responding to discovery requests, and that Plaintiffs have not heretofore served any discovery requests on Defendants.

19. It is also significant that Plaintiffs' decision not to initiate discovery until this time, rather than many months ago, obviously was a strategic decision by Plaintiffs; and Plaintiffs' failure to seek discovery until this time should not unfairly prejudice the Defendants relative to the time that is needed to properly respond to the discovery requests.

20. Finally, to the extent that Plaintiffs argue that they would like – or believe they may need – some discovery responses prior to the hearing on the motions to dismiss and motion for preliminary injunction, Defendants respond as follows:

(a) On April 2, 2018, at the telephonic hearing on the scheduling of the original motion for preliminary injunction and motions to dismiss, when the Court inquired of Plaintiffs' counsel whether it would be oral argument only or an evidentiary hearing also, Plaintiffs' counsel stated "I believe that the hearing can be an oral-argument only, and that the Court can decide the matters before it on the data of the record that has already been provided in the parties' submission." (Doc. 73, p. 5.) The City and Equality Florida also agreed to oral argument hearing only. (Doc. 73, p. 5-6.);

⁷ On May 25, 2018, Plaintiffs sought to amend the Complaint to also include as an additional plaintiff Soli Deo Gloria International, Inc d/b/a New Hearts Outreach Tampa Bay, individually and on behalf of its members. (Doc. 71.)

(b) Given Plaintiffs' prior position before the Court, and the fact that Defendants are not injecting any new evidence into their Response to the Second Motion for Preliminary Injunction, there should be no need for an evidentiary hearing on the Second Motion for Preliminary Injunction;

(c) The City has already provided Plaintiffs with their Initial Disclosures which identifies : (1) the name, address (where known), and telephone number (where known), of each individual likely to have discoverable information – along with the subjects of that information – that the City may use to support its claims or defenses, unless the use would be solely for impeachment; (2) a copy of all documents, data, compilations, and tangible things that are in the possession, custody, or control of the City that the City may use to support its claims or defenses, unless the use would be solely for impeachment; and (3) a copy of the City's excess liability policy under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment;

(d) The Plaintiffs have heretofore delayed seeking any discovery from Defendants and, if the Plaintiffs believed they needed any discovery in connection with a hearing on their motion for preliminary injunction, they could have issued those discovery requests earlier in the litigation, and even with the extension being sought by Defendants herein, Plaintiffs would have

received responses before the upcoming scheduled hearing on October 10, 2018;⁸

(e) Plaintiffs' strategical decision not to serve discovery requests earlier in this case should not unfairly prejudice the Defendants as it relates to the time the Defendants will need to properly respond to the massive discovery requests propounded by Plaintiffs;

(f) The Defendants are not seeking an evidentiary hearing at the upcoming hearing in October and, even if Plaintiffs do seek an evidentiary hearing on its Motion for Preliminary Injunction, the Defendants would, at most, be presenting rebuttal evidence; and

(g) Even if the Defendants were to present rebuttal evidence, which Defendants do not anticipate at this time, it would not warrant Defendants responding to the massive discovery requests, served by Plaintiffs, prior to the hearing. In that regard, if Plaintiffs elect an evidentiary hearing and identify which witness they may call, and what document(s) said individual(s) may rely on or consider relative to any such testimony, the Defendants could also identify which individual, if any, they may call as a rebuttal witness, and any document(s) on which such a witness may rely or consider. This would be an extremely limited and targeted discovery process which is far different from

⁸ Pursuant to Fed. R. Civ. P. 26(d)(2), Plaintiffs could have delivered early Rule 34 requests on the City more than seven months ago in December, 2017. Yet, strategically, Plaintiffs waited more than seven months thereafter before serving discovery requests on the City on August 9, 2018.

the unduly burdensome discovery that is the subject of the Plaintiffs' discovery requests; and

(h) Finally, it is self-evident that discovery is irrelevant to the disposition of the Motions to Dismiss.

Memorandum of Law

Fed. R. Civ. P. 6(b)(1) provides in relevant part that: "When an act may or must be done within a specified time, the Court may, for good cause, extend the time: (A) with or without motion or notice if the Court acts, or if a request is made before the original time or its extension expires. . . ."

Given the unique set of facts set forth above, the Defendants believe that there is substantial good cause for this Court to exercise its discretion to grant the requested relief herein. Indeed, if the relief requested herein is not granted the Defendants will be unduly and significantly prejudiced by an inadequate amount of time to: (a) locate responsive information, (b) review responsive information, (c) assemble responsive documents, (d) Bates stamp responsive documents, (e) review documents for privilege and confidentiality, and (f) catalog privilege documents, and it will place an unduly burdensome strain on City staff and City resources.

Finally, as articulated above, the requested extension is particularly reasonable and appropriate given the history and facts of this case as described above. Moreover, the granting of the requested relief should not impact any Court imposed deadlines. Indeed, the Defendants would note that even if this Honorable Court grants the relief requested herein – which this Court should do for all of the reasons described above – the Defendants'

discovery responses would be due approximately one year before the December 2, 2019 trial term begins, and the trial date may be substantially extended beyond December, 2019 if there are any appeals from the ruling on the motion for preliminary injunction.

CONCLUSION

For all of the foregoing reasons, it is respectfully requested that this Honorable Court enter an Order as follows: (1) granting the Defendants' within Motion; (2) allowing the Defendants an extension of ninety days, up and through Monday, December 10, 2018, in which to respond to the discovery requests served by Plaintiffs, to wit, Plaintiffs' first set of requests for admissions, interrogatories and requests for production; and (3) allowing the Defendants an additional thirty days, after responding to the discovery requests, to and including January 9, 2019, within which to produce those non-privileged documents that have been located that are responsive to the document requests.

REQUEST FOR EXPEDITED RULING

Because of the time sensitivity, Defendants respectfully request the Court adjudicate the within Motion on an expedited basis.

CERTIFICATE OF GOOD FAITH COMPLIANCE WITH LOCAL RULE 3.01(g)

In accordance with Local Rule 3.01(g), counsel, Robert V. Williams, has conferred with counsel for Plaintiffs concerning the relief requested herein and counsel for Plaintiffs has objected to the relief requested herein.

/s/ Robert V. Williams
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August 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
Attorney

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF FLORIDA
Tampa Division

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| ROBERT L. VAZZO, LMFT, <i>et al.</i> , |) | |
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| |) | |
| v. |) | |
| |) | |
| CITY OF TAMPA, FLORIDA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF ROBERT L. VAZZO’S FIRST SET OF
REQUESTS FOR ADMISSION, INTERROGATORIES, AND REQUESTS
FOR PRODUCTION TO DEFENDANT CITY OF TAMPA, FLORIDA**

Pursuant to Fed. R. Civ. P. 26, 33, 34 and 36, and M.D. Fla. L.R. 3.03, Plaintiff Robert L. Vazzo, LMFT, individually and on behalf of his patients, hereby propounds the following First Set of Requests for Admission (“RFA”), Interrogatories, and Requests for Production (“RFP”), (collectively “Discovery Requests”), to Defendant City of Tampa, Florida (“Defendant” or the “City”). Defendant is directed to serve verified and completed responses, and its document production, in conformance with the above-cited rules, via electronic means, within thirty (30) days hereof, that is on or before **September 8, 2018**.

Defendant is further instructed to respond pursuant to the following DEFINITIONS (pp. 2-4) and INSTRUCTIONS (pp. 5-8):

DEFINITIONS

Throughout these Discovery Requests, whether capitalized or not, the following terms shall have the following definitions:

1. “**All**” shall be construed as all, each, any, and every.
2. “**And**” and “**or**” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Discovery Requests all information that might otherwise be construed to be outside of their scope.
3. “**Civil Discovery Handbook**” means the Handbook on Civil Discovery Practice adopted by the United States District Court for the Middle District of Florida, available at <http://www.flmd.uscourts.gov/sites/flmd/files/documents/florida-middle-district-courts-civil-discovery-handbook.pdf>
4. “**Communication**” means any meeting, interview, conference, conversation, discussion, correspondence, message, or other occurrence whereby thoughts, opinions, facts, or data are transmitted or otherwise exchanged between two or more persons by any means including but not limited to electronic, written, telephonic, or in person.
5. “**Complaint**” means any formal or informal, written or verbal, notice, report, statement, description, information, account, or narrative, from any source.
6. “**Concerning**” means in any way, directly or indirectly, referring to, describing, evidencing, constituting, relating to, alluding to, amending, assisting with, cancelling, commenting on, comprising, confirming, considering, contradicting, discussing, endorsing, identifying, incorporating, mentioning, modifying, negating, pertaining to, qualifying, reflecting, regarding, relevant to, representing, revoking, showing, suggesting, supplementing, supporting, terminating, underlying, or otherwise involving the stated subject matter.
7. “**Defendant**,” “**City**,” “**You**,” and “**Your**” mean the City of Tampa, Florida, its subsidiaries and affiliates, its Mayor and City Council members, and all other principals, officers, employees, agents, consultants, attorneys, and/or others acting on their behalf.

8. “**Document(s)**” has the broadest possible meaning permissible under the Federal Rules of Civil Procedure and/or applicable precedent, including, without limitation, any handwritten, typewritten, printed, recorded, electronic, or electronically stored information, or graphic matter however produced or reproduced, whether or not in the possession, custody, or control of the defendant(s) or the plaintiff(s), and whether or not claimed to be privileged against discovery on any ground, including but not limited to: all contracts, reports, records, lists, memoranda, correspondence, telegrams, telexes, telefaxes, emails, appointment calendars, diaries, schedules, films, videos, photographs, sound recordings, signed or unsigned documents, as well as sent or unsent drafts of documents. A draft or non-identical copy is a separate Document within the meaning of this term.

9. “**Identify**” means to state, when used in reference to –

(a) **a natural person**, his or her: (i) full name; (ii) present or last known home address (including street name and number, city or town, state and zip code), and telephone number; (iii) present or last known business address (including street name and number, city or town, state and zip code), and telephone number; (iv) present or last known occupation, position, business affiliation, and job description; and (v) occupation, position, business affiliation, and job description at the time relevant to the particular Discovery Request being answered;

(b) **a company, corporation, association, partnership, or legal entity other than a natural person**: (i) its full name; (ii) a description of the type of organization or entity; (iii) the full address of its principal place of business; (iv) the jurisdiction of incorporation or organization; and (v) the date of its incorporation or organization;

(c) **a document**: (i) its description (for example, letter, memorandum, report, etc.); (ii) its title; (iii) its date; (iv) the number of pages thereof; (v) its subject matter; (vi) the identity of its author(s), signatory or signatories, and any person who participated in its preparation; (vii) the identity of its addressee(s) or recipient(s); (viii) the identity of each person to whom copies were sent and each person by whom copies were received; (ix) its present location; and (x) the identity of its present custodian(s) (if any such document was but is no longer, in your

possession or subject to your control, state what disposition was made of it and when);

(d) **an oral communication or statement:** (i) the date and time it occurred; (ii) the place it occurred; (iii) the complete substance of the communication; (iv) the identity of each person to whom such communication was made, by whom such communication was made, and who was present when such communication was made; (v) if by telephone, the identity of each person who made the telephone call, who received the telephone call, and who otherwise participated in the call; and (vi) the identity of all documents recording, memorializing, or concerning the subject of the communication.

10. **“Including”** is used to illustrate only and should not be construed as limiting in any way.

11. **“Minor”** means any Person less than 18 years of age.

12. **“Ordinance 2017-47”** and **“Ordinance”** mean the City of Tampa, Florida Ordinance 2017-47, signed into law by Mayor Bob Buckhorn on April 10, 2017.

13. **“Person”** means and includes all natural persons, entities, governmental units, partnerships, firms, corporations, companies, associations, joint ventures, any other form of business organization or arrangement, and any form of public, private, or legal entity.

14. **“Sexual orientation change efforts,” “SOCE counseling,”** and **“SOCE”** mean any counseling, practice, or treatment that assists an individual to change his or her sexual orientation or gender identity, including efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender or sex.

15. The singular form of any noun or pronoun includes the plural, and vice versa.

16. Terms in the present tense include terms in the past tense, and terms in the past tense include terms in the present tense.

INSTRUCTIONS

1. **Duty to Supplement.** These Discovery Requests shall be deemed continuing in nature so as to require timely supplemental responses when necessary to reflect events occurring and information becoming available subsequent to the serving of Your initial response.

2. **Scope of Knowledge.** Answers to these Discovery Requests are to be based upon all knowledge or information available to the City, including, but not limited to, all information or knowledge derivable from government or other records, and all knowledge or information possessed by any Person, including but not limited to any employee, agent, attorney, expert witness, consultant, representative, or other advisor, subject to the instruction, direction, or control of the City.

3. **Lack of Knowledge.** With respect to any Discovery Request that the City may allege that it is unable to answer due to insufficient knowledge, the City must specify the nature of all inquiries made in an attempt to fully answer the Discovery Request.

4. **Form of Responses.** Each Discovery Request is to be answered separately and fully. If responding on a different document, for the convenience of the Court and the parties please restate each Discovery Request prior to the City's written response.

5. **OBJECTIONS.** You should answer each Discovery Request fully, unless it is objected to, in which event the City shall answer each part to which it does not object and specifically and separately specify the grounds for any objection. **Pursuant to the Civil Discovery Handbook**, the City:

- (a) shall not make any generalized objections, but shall only make specific objections matched to specific requests (Sections III(A)(6) & IV(B)(1));
- (b) shall not make any "[b]oilerplate objections such as 'the request is overly broad, unduly burdensome, and outside the scope of permissible discovery' ... without a full, fair explanation particular to the facts of the case" (*id.*);
- (c) shall "explicitly" state "[w]hen the scope of the document production is narrowed by one or more objections," or "when an answer is narrowed by

one or more objections,” and shall explain the “nature of the documents withheld” and the “nature of the information withheld” (Sections III(A)(7) & IV(B)(1)); and

- (d) shall “clearly describe the limitation in its response,” “[w]hen production is limited by [any] objection” or “when an answer is narrowed by one or more objections” (Sections III(A)(8) and IV(B)(1)).

6. **Signatures.** The answers are to be signed by an authorized representative of the City and objections, if any, are to be signed by the attorney making them.

7. **Oath.** Pursuant to Fed. R. Civ. P. 33(b)(3), the answers to Interrogatories shall be provided under oath.

8. **PRIVILEGE ASSERTIONS.** If the City refuses to answer any portion of any Discovery Request on the ground of any privilege, the City shall:

- (a) answer fully any remaining portion of the Discovery Request which is not claimed to be privileged;
- (b) identify the privilege claimed; and
- (c) provide a privilege log simultaneously with its responses containing, at a minimum: [the language below is copied *verbatim* from the **Civil Discovery Handbook**, pp. 20-21]

i. **For Documents:**

- (1) A description of the document, e.g., letter or memorandum;
- (2) Its date;
- (3) The name, address and employer of the author(s) of the document, or the person giving, recording and/or transcribing a statement;
- (4) Purpose for which the document was created and transmitted;
- (5) Subject of the document;

- (6) Persons to whom the document is addressed;
- (7) Persons indicated thereon as having received copies;
- (8) Name, address, job title and employer of any person known or believed to have received or seen the document or any copy or summary thereof;
- (9) The relationship to each other of the author, addressee, and any other recipient;
- (10) Degree of confidentiality with which it was treated at the time of its creation and transmission, and since;
- (11) Other information sufficient to identify the document for a subpoena duces tecum, including, if available, bates numbers assigned to the document; and
- (12) Any other facts relevant to the elements of the particular privilege or protection asserted.

ii. **For Oral Communications:**

- (1) The general subject matter of the communication;
- (2) Its date;
- (3) The place where the communication was made;
- (4) The name, address and employer of the person making the communication;
- (5) The name(s), address(es) and employer(s) of the person(s) present when the communication was made;
- (6) The relationship to each other of the speaker and persons present; and
- (7) Any other facts relevant to the elements of the particular privilege or protection asserted.

9. **Business Records**. If the City elects to respond to any Interrogatory by reference to business records pursuant to Fed. R. Civ. P. 33(d), the City shall strictly comply with all requirements of Civil Discovery Handbook Section III(A)(10)(a)-(f) (“Producing Business Records in Lieu of Answering Interrogatories”).

10. **Bates Labeling**. All documents produced by the City shall be sequentially Bates stamped in a manner that does not cover or obstruct any other content.

11. **Responsive Document Identification**. For each Discovery Request as to which the City is producing documents, the City shall identify in its written response to that Discovery Request the Bates ranges of documents produced which are responsive to that request.

12. **Production of Entire Document**. If any part of a document is responsive to any request herein, produce the entire document.

13. **Date Range**. Unless otherwise specifically noted, the relevant date range for these Discovery Requests is **January 1, 2010** to the present, and extending through the end of this litigation, including all appeals.

DISCOVERY REQUESTS

REQUEST FOR ADMISSION 1:

Admit that the City has not received any Complaint that any Minor was harmed by any SOCE counseling provided within the City.

RESPONSE:

INTERROGATORY 1:

[If your response to RFA 1 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 1 is anything other than an unqualified admission, then for each Complaint received by the City that a Minor was harmed by any SOCE counseling provided within the City, Identify (per Definition # 9): the Person(s) making the Complaint, the date of the Complaint, the nature of the conduct and harm alleged in the Complaint, the Person(s) receiving the Complaint, the Person(s) allegedly providing the SOCE counseling, the location(s) of the SOCE counseling, the date(s) of the SOCE counseling, the nature of the SOCE counseling, and the Person(s) allegedly harmed.

RESPONSE:

REQUEST FOR PRODUCTION 1:

[If your response to RFA 1 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 1 is anything other than an unqualified admission, then for each Complaint received by the City that a Minor was harmed by any SOCE counseling provided within the City, produce:

- (a) all Documents Concerning that Complaint;
- (b) all Documents Concerning how that Complaint was processed, handled, investigated, prosecuted, and/or resolved by the City;
- (c) all Documents Concerning any interview, investigation, or report conducted by the City in connection with that Complaint;

- (d) all internal Communications of City personnel regarding that Complaint; and
- (e) all Communications of City personnel with any Person(s) not employed by the City regarding that Complaint.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 1:

REQUEST FOR ADMISSION 2:

Admit that the City has not received any Complaint that any Minor was subjected to SOCE counseling within the City against that Minor's wishes or without that Minor's consent.

RESPONSE:

INTERROGATORY 2:

[If your response to RFA 2 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 2 is anything other than an unqualified admission, then for each Complaint received by the City that a Minor was subjected to SOCE counseling within the City against that Minor's wishes or without that Minor's consent, Identify (per Definition # 9): the Person(s) making the Complaint, the date of the Complaint, the nature of the conduct and harm alleged in the Complaint, the Person(s) receiving the Complaint, the Person(s) allegedly providing the SOCE counseling, the location(s) of the SOCE counseling, the date(s) of the SOCE counseling, the nature of the SOCE counseling, and the Person(s) allegedly subjected involuntarily to SOCE counseling.

RESPONSE:

REQUEST FOR PRODUCTION 2:

[If your response to RFA 2 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 2 is anything other than an unqualified admission, then for each Complaint received by the City that a Minor was subjected to SOCE counseling within the City against that Minor's wishes or without that Minor's consent, produce:

- (a) all Documents Concerning that Complaint;
- (b) all Documents Concerning how that Complaint was processed, handled, investigated, prosecuted, and/or resolved by the City;
- (c) all Documents Concerning any interview, investigation, or report conducted by the City in connection with that Complaint;
- (d) all internal Communications of City personnel regarding that Complaint; and
- (e) all Communications of City personnel with any Person(s) not employed by the City regarding that Complaint.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 2:

REQUEST FOR ADMISSION 3:

Admit that, prior to enacting Ordinance 2017-47, the City did not conduct or commission any of its own empirical studies, research, or investigation to determine whether any Minor within the City had been harmed by any SOCE counseling or had been subjected to any SOCE counseling against the Minor's wishes or without the Minor's consent.

[For the sake of clarity, this RFA is limited to empirical studies, research, or investigations that the City itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

RESPONSE:

INTERROGATORY 3:

[If your response to RFA 3 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 3 is anything other than an unqualified admission, then for each study, research, or investigation conducted or commissioned by the City prior to enacting Ordinance 2017-47 to determine whether any Minor within the City had been harmed by any SOCE counseling or had been subjected to any SOCE counseling against the Minor's wishes or without the Minor's consent, Identify (per Definition # 9): the Person(s) who conducted the study, research, or investigation; the date(s) when the study, research, or investigation was conducted; the nature of that study, research, or investigation; the results of that study, research, or investigation; and any Person(s) allegedly found to have been harmed by, or involuntarily subjected to, SOCE counseling.

[For the sake of clarity, this Interrogatory is limited to empirical studies, research, or investigations that the City itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

RESPONSE:

REQUEST FOR PRODUCTION 3:

[If your response to RFA 3 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 3 is anything other than an unqualified admission, then for each study, research, or investigation conducted by the City prior to enacting Ordinance 2017-47 to determine whether any Minor within the City had been harmed by any SOCE counseling or had been subjected to any SOCE counseling against the Minor's wishes or without the Minor's consent, produce:

- (a) all Documents Concerning that study, research, or investigation;
- (b) all internal Communications of City personnel regarding that study, research, or investigation; and
- (c) all Communications of City personnel with any Person(s) not employed by the City regarding that study, research, or investigation.

[For the sake of clarity, this RFP is limited to empirical studies, research, or investigations that the City itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 3:

REQUEST FOR ADMISSION 4:

Admit that, prior to enacting Ordinance 2017-47, the City did not conduct or commission any of its own empirical studies, research, or investigations to determine whether voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor.

[For the sake of clarity, this RFA is limited to empirical studies, research, or investigations that the City itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

RESPONSE:

INTERROGATORY 4:

[If your response to RFA 4 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 4 is anything other than an unqualified admission, then for each study, research, or investigation conducted or commissioned by the City prior to enacting Ordinance 2017-47 to determine whether voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor, Identify (per Definition # 9): the Person(s) who conducted the study, research, or investigation; the date(s) when the study, research, or investigation was conducted; the nature of that study, research, or investigation; the results of that study, research, or investigation; and any Person(s) allegedly found to have been harmed by any voluntary SOCE counseling.

[For the sake of clarity, this Interrogatory is limited to empirical studies, research, or investigations that the City itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

RESPONSE:

REQUEST FOR PRODUCTION 4:

[If your response to RFA 4 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 4 is anything other than an unqualified admission, then for each study, research, or investigation conducted by the City prior to enacting Ordinance 2017-47 to determine whether voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor, produce:

- (a) all Documents Concerning that study, research, or investigation;
- (b) all internal Communications of City personnel regarding that study, research, or investigation; and
- (c) all Communications of City personnel with any Person(s) not employed by the City regarding that study, research, or investigation.

[For the sake of clarity, this RFP is limited to empirical studies, research, or investigations that the City itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 4:

REQUEST FOR ADMISSION 5:

Admit that none of the third party empirical studies, research, investigations, resolutions, or position papers which the City reviewed prior to enacting Ordinance 2017-47 concluded that voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor.

RESPONSE:

INTERROGATORY 5:

[If your response to RFA 5 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 5 is anything other than an unqualified admission, then for each third party study, research, investigation, resolution, or position paper reviewed by the City prior to enacting Ordinance 2017-47, Identify: the specific conclusion which you contend to have been made therein regarding voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive; the specific page number(s) where you contend that conclusion to exist; and the specific portion of any meeting wherein the City considered that specific conclusion.

RESPONSE:

REQUEST FOR PRODUCTION 5:

[If your response to RFA 5 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 5 is anything other than an unqualified admission, then produce each third party empirical study, research, investigation, resolution, or position paper which the City reviewed prior to enacting Ordinance 2017-47, and which you contend to have concluded that voluntary SOCE counseling, which a Minor who experiences unwanted same-sex attraction or gender confusion requests, consents to, and/or wishes to receive, is harmful to that Minor.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 5:

REQUEST FOR ADMISSION 6:

Admit that, prior to enacting Ordinance 2017-47, the City did not review any empirical studies, research, investigations, resolutions, or position papers examining the ability or inability of Minors to consent to SOCE counseling.

RESPONSE:

INTERROGATORY 6:

[If your response to RFA 6 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 6 is anything other than an unqualified admission, then Identify: each study, research, investigation, resolution, or position paper reviewed by the City prior to enacting Ordinance 2017-47 which You contend to have examined the ability or inability of Minors to consent to SOCE counseling; the specific page number(s) where you contend that discussion to exist; and the specific portion of any meeting wherein the City considered that specific discussion.

RESPONSE:

REQUEST FOR PRODUCTION 6:

[If your response to RFA 6 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 6 is anything other than an unqualified admission, then produce each study, research, investigation, resolution, or position paper which the City reviewed prior to enacting Ordinance 2017-47, and which you contend to have examined the ability or inability of Minors to consent to SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 6:

REQUEST FOR ADMISSION 7:

Admit that, prior to enacting Ordinance 2017-47, the City did not consider or discuss any alternative means of meeting its asserted interests which would have been less restrictive on speech than the Ordinance as enacted.

RESPONSE:

INTERROGATORY 7:

[If your response to RFA 7 is solely an unqualified admission, you may state so in response here and skip the remainder of this Interrogatory].

If your response to RFA 7 is anything other than an unqualified admission, then for each less restrictive alternative to Ordinance 2017-47 considered or discussed by the City, Identify: the alternative measure considered or discussed by the City; all efforts conducted by the City to determine the feasibility or efficacy of that alternative measure; all reasons for rejecting that alternative measure; and the specific portion(s) of any meeting where that alternative measure was considered or discussed.

RESPONSE:

REQUEST FOR PRODUCTION 7:

[If your response to RFA 7 is solely an unqualified admission, you may state so in response here and skip the remainder of this RFP].

If your response to RFA 7 is anything other than an unqualified admission, then produce all Documents Concerning each less restrictive alternative to Ordinance 2017-47 considered or discussed by the City, including but not limited to all Documents Concerning any effort conducted by the City to determine the feasibility or efficacy of any less restrictive alternative, and all Documents showing the specific portion(s) of any meeting where that alternative measure was considered or discussed.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 7:

ADDITIONAL INTERROGATORIES

INTERROGATORY 8:

Identify (per Definition # 9) all Persons employed by the City who had any involvement in drafting, considering, debating, amending, voting on, or enacting Ordinance 2017-47, and describe the nature of each such Person's involvement.

RESPONSE:

INTERROGATORY 9:

Identify (per Definition # 9) all Persons (including organizations) with which the City consulted, collaborated, or otherwise communicated Concerning the drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-47, and describe the nature of each such Person's involvement.

RESPONSE:

INTERROGATORY 10:

Identify each and every City ordinance, regulation, rule, law or provision that the City has considered, enacted or enforced, which regulates any other clinical practice methods besides SOCE counseling.

RESPONSE:

INTERROGATORY 11:

Identify each and every City ordinance, regulation, rule, law or provision that the City has considered, enacted or enforced, which regulates any other types of clients or services that mental health professionals are permitted to serve or offer, besides SOCE counseling or clients who seek SOCE counseling.

RESPONSE:

INTERROGATORY 12:

Identify each and every City ordinance, regulation, rule, law or provision that the City has considered, enacted or enforced, which regulates any other mental health professionals or professions, besides marriage and family therapy or marriage and family therapists.

RESPONSE:

INTERROGATORY 13:

Identify each and every City ordinance, regulation, rule, law or provision that the City has considered, enacted or enforced, which regulates any other professions, professionals or professional conduct, besides mental health professions, mental health professionals or SOCE counseling.

RESPONSE:

INTERROGATORY 14:

Identify each and every research (and not merely position papers or other opinions) to which the City refers as “overwhelming research” in the following statement within Ordinance 2017-47:

“WHEREAS, the City Council hereby finds the overwhelming research demonstrating that sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, transgender or questioning persons, ...”

and, for each research you identify, Identify each page which you contend to contain the stated conclusion “that sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, transgender or questioning persons.”

RESPONSE:

ADDITIONAL REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION 8:

All Documents Concerning prior drafts or versions of Ordinance 2017-47 considered by the City.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 8:

REQUEST FOR PRODUCTION 9:

All Documents Concerning the City's drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-47, including but not limited to all staff notes or reports, all legislative memoranda, all research documents, and all transcripts or audio or video recordings of any meeting wherein the Ordinance or any ban on SOCE counseling was considered or discussed.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 9:

REQUEST FOR PRODUCTION 10:

All Documents reviewed or considered by the City in the drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-47, including but not limited to all empirical studies, data, statistics, analyses, research, position papers, testimony, letters, correspondence, or communications.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 10:

REQUEST FOR PRODUCTION 11:

All Communications between or among City Council members, the mayor, or any other City employees or officials regarding the City's drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-47.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 11:

REQUEST FOR PRODUCTION 12:

All Documents Concerning any lobbying or attempts of any advocacy groups or other Persons to influence the City to adopt or reject Ordinance 2017-47 or any other ban on any form of SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 12:

REQUEST FOR PRODUCTION 13:

All Documents Concerning the City's interpretation, application, or enforcement of Ordinance 2017-47, including but not limited to any enforcement memoranda or any guidelines provided to enforcement officials.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 13:

REQUEST FOR PRODUCTION 14:

All Documents Concerning the City's enforcement of, or attempts to enforce, Ordinance 2017-47 against any Person, including, without limitation, all violation notices, fines, warnings, citations, court documents, or Communications.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 14:

REQUEST FOR PRODUCTION 15:

All Communications between the City and Equality Florida Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-47, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the City and any attorneys for Equality Florida regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 15:

REQUEST FOR PRODUCTION 16:

All Communications between the City and the Southern Poverty Law Center Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-47, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the City and any attorneys for the Southern Poverty Law Center regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 16:

REQUEST FOR PRODUCTION 17:

All Communications between the City and any advocacy group (other than Equality Florida or the Southern Poverty Law Center) Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-47, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the City and any attorneys for advocacy groups regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 17:

REQUEST FOR PRODUCTION 18:

All Communications between the City and Palm Beach County Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-47, Palm Beach County Ordinance 2017-046, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the City and any attorneys for Palm Beach County regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 18:

REQUEST FOR PRODUCTION 19:

All Communications between the City (of Tampa) and the City of Boca Raton Concerning this lawsuit, any Plaintiff, SOCE counseling, Ordinance 2017-47, Boca Raton Ordinance 5407, or any other actual or proposed ban on any form of SOCE counseling. For the sake of clarity and without limitation, as with all other requests, this Request is intended to encompass Communications between any attorneys for the City of Boca Raton and any attorneys for the City of Tampa regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 19:

REQUEST FOR PRODUCTION 20:

All Documents Concerning Plaintiff Robert L. Vazzo's alleged engagement in or provision of any SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 20:

REQUEST FOR PRODUCTION 21:

All Documents Concerning Plaintiff David H. Pickup's alleged engagement in or provision of any SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 21:

REQUEST FOR PRODUCTION 22:

All Documents Concerning any provider of SOCE counseling within the City.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 22:

REQUEST FOR PRODUCTION 23:

Each Document and category of Documents identified or referred to in Your Initial Disclosures served on May 17, 2018, which was not already provided in response to any of the foregoing Discovery Requests.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 23:

REQUEST FOR PRODUCTION 24:

Each Document You reviewed or referenced to obtain Your answer to any of these Discovery Requests, which was not already provided in response to any of the foregoing Discovery Requests.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 24:

REQUEST FOR PRODUCTION 25:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 10, which the City has considered, enacted or enforced to regulate any other clinical practice methods besides SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 25:

REQUEST FOR PRODUCTION 26:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 11, which the City has considered, enacted or enforced to regulate any other types of clients or services that mental health professionals are permitted to serve or offer, besides SOCE counseling or clients who seek SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 26:

REQUEST FOR PRODUCTION 27:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 12, which the City has considered, enacted or enforced to regulate any other mental health professionals or professions, besides marriage and family therapy or marriage and family therapists.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 27:

REQUEST FOR PRODUCTION 28:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 13, which the City has considered, enacted or enforced to regulate any other professions, professionals or professional conduct, besides mental health professions, mental health professionals or SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 28:

REQUEST FOR PRODUCTION 29:

All Documents Concerning each research (and not merely position papers or other opinions) identified in Your response to Interrogatory 14.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 29:

REQUEST FOR PRODUCTION 30:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is impossible for a therapist to successfully assist a Minor in changing or reducing his or her unwanted romantic attractions to the same sex.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 30:

REQUEST FOR PRODUCTION 31:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is impossible for a therapist to successfully assist a Minor in changing or reducing unwanted same-sex sexual behaviors.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 31:

REQUEST FOR PRODUCTION 32:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is impossible for a therapist to successfully assist a gender confused Minor in re-gaining confidence and peace with his or her anatomical sex.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 32:

REQUEST FOR PRODUCTION 33:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safe and effective to affirm a Minor in his or her belief that he or she is of a sex or gender that is different from his or her anatomical sex, and/or that there are no short- or long-term negative effects of doing so.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 33:

REQUEST FOR PRODUCTION 34:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is psychologically, emotionally or physically safe and effective to assist a Minor in transitioning to a sex different from his or her anatomical sex, and/or that there are no short- or long-term negative effects of doing so.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 34:

REQUEST FOR PRODUCTION 35:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safe and effective to withhold therapy from a Minor who is distressed about his or her unwanted homosexual attractions, and who desires to receive therapy to reduce those unwanted attractions.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 35:

REQUEST FOR PRODUCTION 36:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safe and effective to only offer therapy that affirms and supports a distressed Minor who is seeking change regarding unwanted homosexual attractions or gender identity confusion, rather than helping that Minor to make the changes he or she is seeking.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 36:

REQUEST FOR PRODUCTION 37:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safer to wait until a Minor turns 18 years of age before providing therapy for unwanted homosexual attractions or gender identity confusion.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 37:

REQUEST FOR PRODUCTION 38:

A copy of all research studies (and not merely position statements or other opinions) that you contend to conclude or demonstrate that it is safer, better or more desirable for a Minor who desires change and seeks counseling regarding unwanted homosexual attractions or gender identity confusion to receive that counseling from a non-licensed provider rather than a licensed provider.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 38:

REQUEST FOR PRODUCTION 39:

All Documents showing or evidencing the time, circumstances and extent to which the City considered any of the research identified in Your responses to Interrogatory 14 or produced in response to Requests for Production 29 through 38.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 39:

/s/ Horatio G. Mihet

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August 2018, I caused a true and correct copy of the foregoing to be served via electronic mail on counsel for each party of record, including: Robert V. Williams (rwilliams@burr.com; pturner@burr.com), Jerry M. Gewirtz (jerry.gewirtz@tampagov.net; Kimber.spitsberg@tampagov.net), and Robin Horton Silverman (robin.horton-silverman@tampagov.net; leticia.mckinney@tampagov.net).

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