

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ROBERT L. VAZZO, LMFT, individually  
and on behalf of his patients, et al.

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

Plaintiffs,

v.

CITY OF TAMPA, FLORIDA, et al.

Defendants

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DEFENDANTS' MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF THEIR  
MOTION FOR EXTENSION OF TIME IN WHICH TO RESPOND TO PLAINTIFFS'  
DISCOVERY REQUESTS AND REQUEST FOR EXPEDITED CONSIDERATION

Pursuant to Middle District of Florida Local Rule 3.01(d), Defendants move the Court for leave to file a Reply in Support of their Motion for Extension of Time (Doc. 106), not to exceed five pages, within two or three business days of the Court granting leave to file the Reply.

The purpose for the filing of a Reply is, primarily, to address the issue of the 30(b)(6) deposition(s) which is the subject of Plaintiffs' Memorandum in Opposition to Defendants' Motion for Extension ("Plaintiffs' Memorandum") (Doc. 111) but which is not the subject of the Defendants' Motion for Extension and which is not the subject of Plaintiffs' First Set of Request for Admissions, Interrogatories, and Request for Production of Documents. Contrary to Plaintiffs' suggestion that Defendants do not request any delay of a 30(b)(6) deposition, or otherwise oppose a 30(b)(6) deposition in September, 2018, and contrary to any suggestion that Defendants do not object to the topics which are referenced in Plaintiffs' email attached as an exhibit to Plaintiffs' Memorandum, the

Defendants do in fact: (a) vigorously oppose any 30(b)(6) deposition prior to Defendants' serving their objections and responses to the Plaintiffs' discovery requests and prior to the production of any documents in association with the Defendants' responses, and (b) vigorously oppose many of the topics which are the subject of Plaintiffs' email attached to Plaintiffs' Memorandum (Ex. D.) Indeed, if and when Plaintiffs serve a 30(b)(6) notice on the Defendants seeking to take such a deposition - which has not yet occurred - the Defendants will file an appropriate motion for protective order expressly articulating the Defendants' position as to their objection to the timing of any such 30(b)(6) deposition and the lack of propriety of many of the topics identified in Plaintiffs' email.

It would be extremely prejudicial to Defendants if the Court, in ruling on Defendants' Motion for Extension, were to address the issue of 30(b)(6) deposition(s), when the issue of a 30(b)(6) deposition, including the timing and topics of the deposition, is not properly before the Court and is not the subject of Defendants' Motion for Extension. And it is for that reason that Defendants request leave to file a Reply to address this significant concern.

In addition, Defendants also seek leave to respond to other points raised in Plaintiffs' Memorandum and which are not addressed in Defendants' Motion for Extension. The absence of the opportunity to do so will unfairly prejudice the Defendants.

#### Conclusion

For the aforesaid reasons, Defendants respectfully request that this Honorable Court: (1) grant the within Motion, and (2) permit Defendants to file a Reply, not

exceeding five pages, within two or three business days of the Court authorizing the filing of a Reply.

Request For Expedited Ruling

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

Certificate Of Good Faith

In accordance with Local Rule 3.01(g), counsel Robert Williams has conferred with counsel for Plaintiffs concerning the relief requested herein. Counsel for Plaintiffs has requested the undersigned to state the Plaintiffs' position as follows: Plaintiffs will file a written opposition to this Motion for Leave to File a Reply within twenty-four (24) hours.

/s/ Robert V. Williams

Robert V. Williams, Esquire

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> 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  
Robert V. Williams, Esquire