

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)	Civil Action No. 8:17-cv-02896-CEH-AAS
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,)	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’ RESPONSE IN OPPOSITION TO DEFENDANTS’ MOTION FOR
LEAVE TO FILE REPLY IN SUPPORT OF THEIR MOTION FOR EXTENSION OF
TIME IN WHICH TO RESPOND TO PLAINTIFFS’ DISCOVERY REQUESTS**

Defendants City of Tampa and Sal Ruggiero (“Defendants”) do not offer the Court anything new in their Motion for Leave to File Reply in Support of Their Motion for Extension of Time in which to Respond to Plaintiffs’ Discovery Requests (dkt. 113) (“Motion for Leave”), and certainly not anything that Defendants could not have addressed in their extension motion. As the course of communication between Plaintiffs’ and Defendants’ counsel demonstrates, Defendants were quite aware of Plaintiffs’ request for deposition dates, and of Plaintiffs’ proposed Rule 30(b)(6) deposition topics. (Dkt. 111-4). Defendants chose not to tell this Court about that request, nor to object to the requested deposition dates, in the extension

motion they filed. (Dkt. 106).

Defendants' Motion for Leave is more noteworthy for what it does **not** offer the Court. Defendants do not offer to explain to this Court: (1) why Defendants need 120 days to respond to the **same** discovery that other municipalities responded to in 30-35 days; (2) why Defendants rejected Plaintiffs' voluntary agreement to narrow the parameters of ESI discovery (search terms, document custodians, and date ranges) within limits that Defendants had indicated were reasonable; (3) why Defendants abruptly cut-off communications with Plaintiffs and filed their extension motion, after Plaintiffs spent considerable time to craft search terms and otherwise limit the discovery complained of; and (4) why Defendants did not tell the Court any of these things in their otherwise lengthy and at times rambling extension motion. Defendants knew that Plaintiffs would raise each of these issues in vigorously opposing the extension motion. (*See, e.g.*, dkt. 111-4) (Plaintiffs' counsel responding to Defendants' counsel's sudden threat that the extension motion would be filed: "What **specifically** does the City find objectionable in our proposal below? ... This move is transparently calculated to deprive Plaintiffs of critical discovery before the hearing. You can anticipate that we will not be gentle in our response. I urge you to reconsider, stand down, and engage in good faith with us to conduct legitimate discovery on an agreeable timetable." (emphasis in original)). Still, Defendants said nothing in their extension motion (dkt. 106), nor do they promise to say anything in their proposed perfunctory paper pile (dkt. 113).

This Court already has everything it needs to deny Defendants' unfounded extension motion, or to give Defendants a modest extension nowhere near the absurd request of 120 days. Defendants' Motion for Leave should be denied.

Respectfully submitted,

/s/ Horatio G. Mihet

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 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 G. Mihet

Horatio G. Mihet

Attorney for Plaintiffs