

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**ROBERT L. VAZZO,
DAVID H. PICKUP, SOLI DEO
GLORIA INTERNATIONAL, INC.
d/b/a NEW HEARTS OUTREACH
TAMPA BAY**

Plaintiffs,

v.

Case No. 8:17-cv-2896-T-36AAS

**CITY OF TAMPA and
SAL RUGGIERO,**

Defendants,

_____ /

ORDER

This Order follows a hearing the undersigned held on the City of Tampa (City) and Sal Ruggiero's motion for extension of time (Doc. 106) and the plaintiffs' response (Doc. 111). The City and Ruggiero request a ninety-day extension to respond to the plaintiffs' first set of requests for admissions, interrogatories, and production. (Doc. 106, p. 15). The City and Ruggiero also request an additional thirty-days, after responding to the plaintiffs' outstanding discovery requests, to produce non-privileged documents responsive the plaintiffs' discovery requests. (*Id.*). The plaintiffs oppose the City and Ruggiero's requested extension. (Doc. 111). The plaintiffs assert that their outstanding discovery requests are necessary for the preliminary injunction hearing scheduled for October 10, 2018. (*Id.* at 5–8).

At yesterday's hearing, the undersigned, in consultation with the parties' counsel, narrowed search terms, date ranges, custodians, and devices¹ the City must query to determine the scope of materials responsive to the plaintiffs' discovery requests. The undersigned narrowed the parameters the parties unsuccessfully had attempted to negotiate, in the following manner:

Date Ranges

With respect to the date ranges the City must search when it searches the custodians' devices and queries search terms listed below, the City must test the following three date ranges so that the court may compare the number of "hits" to determine an appropriate date range for review and production:

1. October 1, 2016, to April 15, 2017;
2. October 1, 2016, to December 15, 2017;² and
3. October 1, 2016, to August 31, 2018.

¹ The search terms, date ranges, custodians, and devices are derived from what the plaintiffs' counsel originally proposed to the defendants' counsel in an email dated August 17, 2018. (Doc. 111-4, pp. 2-4.)

² At the hearing, counsel for the City and Ruggiero requested the cut-off date for the second date range instead be December 4, 2017. The City is welcome to conduct a fourth search with the date range from October 1, 2016, to December 4, 2017, for comparison to the second date range the court ordered. The City and Ruggiero could then bring any necessary information it learns from that comparison to the court's attention at the September 12th telephonic hearing.

Custodians

1. Bob Buckhorn
2. Mike Suarez
3. Lorena Hardwick
4. Charlie Miranda
5. Mary Bryan
6. Yvonne Yolie Capin
7. Cynthia Sarff
8. Harry Cohen
9. Ian Whitney
10. Frank Reddick
11. Cedrick McCray
12. Guido Maniscalco
13. Carrie Henriquez
14. Luis Viera
15. Christopher Berg
16. Salvatore Territo
17. Martin Shelby
18. Earnest Mueller
19. Shirley Foxx-Knowles
20. Sal Ruggiero

Devices

With respect to searches of electronic devices and email accounts, the City's search is limited to computers, servers, and email accounts (i.e., tampa.gov email addresses) maintained by the City of Tampa. The City need not search custodians' personal electronic devices or email accounts.

Search Terms

1. "sexual orientation change efforts"
2. "SOCE"
3. "S.O.C.E."
4. "reparative therapy"
5. "reparative counseling"
6. "conversion therapy"
7. "conversion counseling"
8. conversion /5 ban
9. "reorientation therapy"
10. "reorientation counseling"
11. "change counseling"
12. "change therapy"
13. "gay therapy"
14. gay /5 ban
15. "APA Report"

16. "APA Task Force"
17. "APA Resolution"
18. "American Psychological Association"
19. "Rand Hoch"
20. Vazzo
21. Pickup /3 David
22. Pickup /10 Brown
23. King /10 New Jersey
24. "Equality Florida"
25. SPLC
26. "Southern Poverty Law Center"
27. NCLR
28. "National Center for Lesbian Rights"
29. 2017-47
30. "Liberty Counsel"

For the reasons stated at the hearing, the following is **ORDERED**:

1. The City and Ruggiero's motion for extension of time to respond to discovery requests (Doc. 106) is **TAKEN UNDER ADVISEMENT** pending the hearing set in paragraph 2 below.
2. A telephonic hearing is set for **September 13, 2018, at 9:00 a.m.** To access the telephonic hearing, the parties must call 888-808-6929 and

enter access code 2487394 when prompted. Attendees must access the telephonic hearing from a landline.

3. The parties must have a telephone call to discuss the City's search results (i.e., number of hits) by **4:00 p.m. on September 12, 2018**. The parties are encouraged to use this opportunity to discuss the extent to which an agreement may be reached as to any further limitations on the parameters of pre-hearing discovery and the timing for that discovery.
4. The City and Ruggiero's deadline to provide written responses to the plaintiffs' discovery requests is extended to **September 17, 2018**. If the City and Ruggiero, after performing the City's search and discussing the results with the plaintiffs' counsel, require additional time for their written responses, the City and Ruggiero may bring that request to the court's attention at the telephonic hearing.

ORDERED in Tampa, Florida on September 6, 2018.



AMANDA ARNOLD SANSONE
United States Magistrate Judge