

CERTIFICATE OF SERVICE

I hereby certify that on this November 13, 2018, I caused a true and correct copy of the foregoing to be filed electronically with the Court's CM/ECF system. Service upon all counsel of record will be effectuated by the Court's electronic notification system.

/s/ Roger K. Gannam
Roger K. Gannam
Attorney for Plaintiffs

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,

Plaintiffs,

v.

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

Defendants.

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

**DEFENDANT CITY OF TAMPA, FLORIDA'S RESPONSES AND OBJECTIONS TO
PLAINTIFF ROBERT VAZZO'S FIRST SET OF REQUESTS FOR ADMISSION,
INTERROGATORIES, AND REQUESTS FOR PRODUCTION**

Defendant City of Tampa, Florida ("City") hereby responds and objects to the first set of requests for admission, interrogatories, and requests for production propounded by Plaintiff Robert L. Vazzo ("Plaintiff").

Preliminary Statement

Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned **narrowed** search terms, date

ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied).

Pursuant to the Court's September 13, 2018 Order, the scope of materials responsive to Plaintiff's discovery requests included: (1) a date range from October 1, 2016 to December 15, 2017; (2) 20 custodians identified in the September 6, 2018 Order (Doc. 119); and (3) 30 search terms identified in the Court's September 6, 2018 Order (Doc. 119)

At the September 13, 2018 hearing, the Court also stated: that "my general rule of thumb with cases and discovery in general is that you cut off at the complaint." (p 26); that "what is appropriate in terms of the discovery for the PI hearing is frankly the pre-enactment of the ordinance and up to the enactment of the ordinance." (p 30); and that "for purposes of merits discovery in this case, should this case get to that point, then I do fine that it is necessary at this time to have the cut-off be December 15, 2017." (p. 28-29).

Consistent with the Court's Order and findings, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the 20 custodians and 30 search terms identified in the Order during the time period of October 1, 2016 to December 15, 2017, those documents are being produced.

To the extent that Plaintiff is nonetheless seeking documents or other information beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City would reserve the right to assert any additional objections that may be appropriate.

Objections to Plaintiff's 'Definitions' and 'Instructions'

To the extent that Plaintiff is seeking documents or other information, above and beyond the parameters of the Court's Order and findings at the September 13, 2018 hearing, which the

City believes would be inappropriate and in violation of the Court's Order, the City would then assert the following objections to Plaintiff's Definitions and Instructions.

1. Plaintiff's definition of 'Defendant,' 'City,' 'You,' and 'Your,' as well as Plaintiff's Instruction No. 2 (titled 'Scope of Knowledge'), explicitly reference the City's attorneys. Plaintiff's broad definition of 'Communication,' which references exchanges "between two or more persons," implicitly contemplates communications involving the City's attorneys. To the extent that any request utilizing these definitions and/or instruction seeks the discovery of communications between the City and its counsel or documents prepared by the City's counsel subsequent to the filing of the present lawsuit and which reflect the mental impressions, conclusions, opinions, and/or legal theories of the City's counsel, the City objects pursuant to attorney-client privilege and work product doctrine. Moreover, drafts of documents prepared by the City's counsel after the filing of the Complaint which reflect counsel's mental impressions, conclusions, opinions, and/or legal theories are not relevant nor proportional to the needs of the case, particularly considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit. The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47, relating to conversion therapy on minors, which was passed by Tampa's City Council on April 6, 2017, and approved by the City's Mayor on April 10, 2017.
2. The City objects to the definitions and instructions to the extent that they seek legal research performed by the City's litigation counsel after the filing of the Complaint concerning the subject matter of the Complaint, including but not limited to, all case law

and legal authority downloaded by the City's litigation counsel, as well as review of other legal authorities in association with the defense of the case. These documents are protected by the work product doctrine and/or attorney-client privilege. Moreover, such documents are not proportional to the needs of the case, particularly considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit. The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47, relating to conversion therapy on minors, which was passed by Tampa's City Council on April 6, 2017, and approved by the City's Mayor on April 10, 2017.

3. With respect to Plaintiff's Instruction No. 8, the City—consistent with the Court's September 13, 2018 Order—is producing an itemized listing of any privileged documents relative to those documents that are the subject of the Court's Order that includes the date range October 1, 2016 to December 15, 2017. However, to the extent that Plaintiff is seeking documents beyond the scope of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City objects to producing a privilege log in the format demanded by Plaintiff to the extent that Plaintiff seeks an item-by-item listing of privileged materials that post-date the filing of the Complaint on December 4, 2017. As set forth by the Middle District court in *Teledyne Instruments, Inc. v. Cairns*, 2013 WL 5781274, *16 (M.D. Fla. Oct. 25, 2013), “[t]he Court has the discretion to allow a party to produce a categorical privilege log.” As further stated in *Teledyne*, a categorical log may be permitted where “(a) a document-by-document listing would be unduly burdensome and (b) the additional information to be gleaned from a more detailed

log would be of no material benefit to the discovering party in assessing whether a claim is well-grounded.” *Id.* Indeed, as noted in *Teledyne*, some federal district courts—including the Southern District of Florida—have adopted local rules¹ exempting such communications from discovery entirely. *Id.* at *15. *See also Nationwide Mut. Fire Ins. Co. v. Kelt, Inc.*, 2015 WL 1470971, *8 (M.D. Fla. March 31, 2015) (recognizing propriety of filing categorical privilege log); *Carley Capital Group v. Deloitte & Touche LLP*, 1999 WL 35797591, *1 n.1 (N.D. Ga. June 30, 1999) (“Privilege logs ordered to be compiled in this case need not list communications between the parties and their counsel in this action or any other documents prepared by attorneys representing the parties in this action that are normally prepared in anticipation of litigation or in the conduct of litigation such as confidential communications between counsel, drafts of pleadings and memoranda containing the mental impressions, conclusions, opinions or legal theories of an attorney.”).

4. The City—consistent with the Court’s September 13, 2018 Order—is producing an itemized log as it relates to documents that are subject to the Court’s Order. However, to the extent that Plaintiff is seeking documents beyond the scope of the Court’s Order, which the City believes would be inappropriate and in violation of the Court’s Order, the City objects to Plaintiff’s demand in Instruction No. 8 that a privilege log be provided simultaneously with the City’s responses, and will provide a privilege log at the applicable time according to applicable law. *See, e.g., U.S. v. Philip Morris Inc.*, 314 F.3d 612, 621 (D.C. Cir. 2003) (“the court should first rule on the pending objections and then, if it overrules those objections, give the party claiming privilege an opportunity to log the

¹ S.D. Fla. Local R. 26.1(e)(2)(C) states that a privilege log need not include “written and oral communications between a party and its counsel after commencement of the action and work product material created after commencement of the action.”

allegedly privileged documents.”). *See also Tedrow v. Cannon*, 186 So.3d 43, 49 (Fla. 2d DCA 2016) (“the party claiming privilege is only required to file such a log after the trial court has made the preliminary determination that the information is otherwise discoverable.”); *Gosman v. Luzinski*, 937 So.2d 293, 296 (Fla. 4th DCA 2006) (“Before a written objection to a request for production of documents is ruled upon, the documents are not ‘otherwise discoverable’ and thus the obligation to file a privilege log does not arise.”)

5. The City objects to Plaintiff’s four-paragraph definition of ‘Identify’ as overly broad and unduly burdensome. *See In re Olympia Holding Corp.*, 189 B.R. 846 (M.D. Fla. 1995) (in finding interrogatories to be overly burdensome, noting that they were “accompanied by five pages of detailed instructions and definitions,’ and that “[t]he word ‘identify’ alone [was] subject to a six paragraph definition.”).
6. The City objects to Plaintiff’s definition of the word “Concerning” as overly broad. Plaintiff’s definition reads like a thesaurus entry, with 35 claimed synonyms.
7. The City objects to the proposed date range included in Instruction No. 13. Pursuant to the Court’s September 13, 2018 Order, the relevant time range has been identified as October 1, 2016 to December 15, 2017. With respect to the date range for discovery requests extending beyond the date of the filing of the Complaint on December 4, 2017, the City further objects on the basis that such discovery is not proportional to the needs of the case.²

With respect to the latter, any communications, actions, events or documents prepared or

² Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court’s Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court’s September 13, 2018 Order.

received after the filing of the Complaint are not proportional to the needs of the case considering: (1) the importance of the issues in the action; (2) the importance of the discovery in resolving the issues; and (3) the burden or expense of the proposed discovery outweighs its likely benefit. The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017.

8. The City objects to Plaintiff's definition of 'Document(s)' insofar as such definition seeks documents "whether or not in the possession, custody, or control of the defendant(s)..." *See, e.g., Zamperla, Inc. v. I.E. Park SrL*, 2014 WL 12614505, *4 (M.D. Fla. Nov. 3, 2014) ("Rule 34 requires production only of documents in a party's possession, custody or control.").
9. The City further objects to Plaintiff's definition of 'Document(s)' and Instructions associated therewith, to the extent that Plaintiff requests that the City produce to Plaintiff a document or copy of a document that the City has previously produced to Plaintiff. This would include, by way of example, documents filed with the Court, documents served on Plaintiff's counsel and any written communications with Plaintiff's counsel.
10. The City objects to Plaintiff's Instruction No. 11, which mandates that "[f]or 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." The Court's Order does not require that Defendants perform this task, but instead requires that Defendants produce all non-privileged

documents in connection with the 20 identified custodians, during the designated time period, relative to the 30 search terms.

Reservation of Rights:

The City expressly reserves its right to challenge the admission into evidence of any document produced in response to Plaintiff's discovery requests.

Responses:

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:

This request is denied as worded. However, the City does admit that the City of Tampa, Florida has received no complaint that any minor has been harmed by SOCE counseling provided within the city limits of the City of Tampa.

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:

The City deems its response to Request for Admission 1 to be an unqualified admission and, therefore, there is no need to respond to Interrogatory 1.

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:

Subject to the City's objection, set forth below, the City deems its response to Request for Admission 1 to be an unqualified admission and, therefore, there is no need to respond to Request for Production 1.

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the 20 custodians identified in the Order during the time period of 10/1/16 to 12/15/17, those documents are being produced.

To the extent that Plaintiff is nonetheless seeking documents beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City would reserve the right to assert any additional objections that may be appropriate.

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:

This request is denied as worded. However, the City does admit that the City of Tampa has received no complaint that any minor was subjected to SOCE counseling within the city limits of the City of Tampa with or without that minor's consent.

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:

The City deems its response to Request for Admission 2 to be an unqualified admission and, therefore, there is no need to respond to Interrogatory 2.

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:

Subject to the City's objection, set forth below, the City deems its response to Request for Admission 2 to be an unqualified admission and, therefore, there is no need to respond to Request for Production 2.

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a

hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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 any studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

Response:

This request is denied as worded. However, the City does admit that the City of Tampa, Florida, prior to enacting Ordinance 2017-47, conducted no empirical studies of any kind relating to the subject matter of Ordinance 2017-47.

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:

The City deems its response to Request for Admission 3 to be an unqualified admission and, therefore, there is no need to respond to Interrogatory 3.

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 any studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

Response:

Subject to the City's objection, set forth below, the City deems its response to Request for Admission 3 to be an unqualified admission and, therefore, there is no need to respond to Request for Production 3.

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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 investigation 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 any studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

Response:

This request is denied as worded. However, the City does admit that the City of Tampa, Florida, prior to enacting Ordinance 2017-47, did not commission or otherwise request any third party to conduct empirical studies of any kind on behalf of the City of Tampa that related to the subject matter of Ordinance 2017-47.

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 any studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

Response:

The City deems its response to Request for Admission 4 to be an unqualified admission and, therefore, there is no need to respond to Interrogatory 4.

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 any studies, research, or investigations undertaken by third parties which the City may have reviewed or relied upon.]

Response:

Subject to the City's objection, set forth below, the City deems its response to Request for Admission 4 to be an unqualified admission and, therefore, there is no need to respond to Request for Production 4.

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

This request is denied as worded. However, the City does admit that the City of Tampa, Florida, to the extent that it relied on any studies, research or investigations

by third parties when it enacted Ordinance 2017-47, relied solely on those papers which are identified in the Ordinance itself.

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:

The City deems its response to Request for Admission 5 to be an unqualified admission and, therefore, there is no need to respond to Interrogatory 5.

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:

Subject to the City's objection, set forth below, the City deems its response to Request for Admission 5 to be an unqualified admission and, therefore, there is no need to respond to Request for Production 5.

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1,

2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Defendants object to this Request for Admission because it is both vague and imprecise and calls for a subjective determination that would be inconsistent to the purpose of a request for admission. The City refers the Plaintiffs to the papers that are identified in Ordinance 2017-47 which speak for themselves.

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 conclusion to exist; and the specific portion of any meeting wherein the City considered that specific discussion.

Response:

See objection to Request for Admission No. 6 and the City's response thereto.

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:

Subject to the City's objection, set forth below, the City deems its response to Request for Admission 6 to be an unqualified admission and, therefore, there is no need to respond to Request for Production 6.

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. The City objects to this Request 7 because the assertion set forth in that request pre-supposes that there were other, "alternative means" of meeting the City's "asserted interest" would have been less restrictive on speech than the Ordinance as enacted. The term "alternative means" is not defined and is vague and imprecise. Further, the term "asserted interest" is neither defined nor is it comprehensible in the context of Request for Admission 7. This Request also seeks information that is not proportional to the needs of the case. Additionally, the Request is vague, ambiguous, calls for speculation, and intrudes upon the work-product doctrine and attorney-client privilege, specifically with respect to the phrase "which would have been less restrictive on speech than the Ordinance as enacted." It is impossible for the City to ascertain whether and to what degree a contemplated (but not enacted) regulatory or legislative action might have restricted speech, and then compare such hypothetical action to the enacted Ordinance. *See Men of Destiny Ministries, Inc. v. Osceola County, Florida*, 2006 WL 2048288, *3 (M.D. Fla. July 20, 2006) ("These Requests [for Admission] all ask the County to address whether it would allow or approve a permit, based on a set of hypothetical facts set forth in the various requests. The Court agrees with the County that such Requests are not proper."). Moreover, whether and to what degree the enacted Ordinance restricts speech is one of the key legal arguments inherent in this litigation, and thus Plaintiff's request plainly seeks the City's attorneys' mental impressions and legal theories, which are protected by Rule 26. *See, e.g., Bingham v. Baycare Health Sys.,*

2016 WL 5106946, *2 (M.D. Fla. Sept. 20, 2016) (noting “the widely recognized notion that the mental impressions and legal theories of attorneys should not be ‘opened to the free scrutiny of their adversaries.’”) (quoting *Hickman v. Taylor*, 329 U.S. 495, 510-514 (1947)).

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 6 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:

Objection. The City objects to this Interrogatory 7 because the assertion set forth in that request pre-supposes that there were other, “alternative means” of meeting the City’s “asserted interest” would have been less restrictive on speech than the Ordinance as enacted. The term “alternative means” is not defined and is vague and imprecise. Further, the term “asserted interest” is neither defined nor is it comprehensible in the context of Interrogatory 7. This Request also seeks information that is not proportional to the needs of the case. Additionally, the Request is vague, ambiguous, calls for speculation, and intrudes upon the work-product doctrine and attorney-client privilege, specifically with respect to the phrase “which would have been less restrictive on speech than the Ordinance as enacted.” It is impossible for the City to ascertain whether and to what degree a contemplated (but not enacted) regulatory or legislative action might have restricted speech, and then compare such hypothetical action to the enacted Ordinance. *See Men of Destiny Ministries, Inc. v. Osceola County, Florida*, 2006 WL 2048288, *3 (M.D. Fla. July 20, 2006) (“These Requests [for Admission] all ask the County to address whether it would allow or approve a permit, based on a set of hypothetical facts set forth in the various requests. The Court agrees with the County that such Requests are not proper.”). Moreover, whether and to what degree the enacted Ordinance restricts speech is one of the key legal arguments inherent in this litigation, and thus Plaintiff’s request plainly seeks the City’s attorneys’ mental impressions and legal theories, which are protected by Rule 26. *See, e.g., Bingham v. Baycare Health Sys.*, 2016 WL 5106946, *2 (M.D. Fla. Sept. 20, 2016) (noting “the widely recognized notion that the mental impressions and legal theories of attorneys should not be ‘opened to the free scrutiny of their adversaries.’”) (quoting *Hickman v. Taylor*, 329 U.S. 495, 510-514 (1947)).

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 both not limited to 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:

Objection. The City further objects to this Request for Production 7 because the assertion set forth in that request pre-supposes that there were other, “alternative means” of meeting the City’s “asserted interest” would have been less restrictive on speech than the Ordinance as enacted. The term “alternative means” is not defined and is vague and imprecise. Further, the term “asserted interest” is neither defined nor is it comprehensible in the context of Request for Production 7. Pursuant to the Court’s Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff’s discovery requests are identified in the Court’s Order marked as Document 119. Indeed, the Court’s Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.” (emphasis supplied). Consistent with the Court’s Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court’s Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiffs are seeking documents above and beyond the parameters of the Court’s Order, which the City believes would be inappropriate and in violation of the Court’s Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request seeks information that is not proportional to the needs of the case. Additionally, the Request is vague, ambiguous, calls for speculation, and intrudes upon the work-product doctrine and attorney-client privilege, specifically with respect to the phrase “which would have been less restrictive on speech than the Ordinance as enacted.” It is impossible for the City to ascertain whether and to what degree a contemplated (but not enacted) regulatory or legislative action might have restricted speech, and then compare such hypothetical action to the enacted Ordinance. *See Men of Destiny Ministries, Inc. v. Osceola County, Florida*, 2006 WL 2048288, *3 (M.D. Fla. July 20, 2006) (“These Requests [for Admission] all ask the County to address whether it would allow or approve a permit, based on a set of hypothetical facts set forth in the various requests. The Court agrees with the County that such Requests are not proper.”). Moreover, whether and to what degree the enacted Ordinance restricts speech is one of the key legal arguments inherent in this litigation, and thus Plaintiff’s request plainly seeks the City’s attorneys’ mental impressions and legal theories, which are protected by Rule 26. *See, e.g., Bingham v. Baycare Health Sys.*, 2016 WL 5106946, *2 (M.D. Fla. Sept. 20, 2016) (noting “the widely recognized notion that

the mental impressions and legal theories of attorneys should not be ‘opened to the free scrutiny of their adversaries.’”) (quoting *Hickman v. Taylor*, 329 U.S. 495, 510-514 (1947)).

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:

The City’s response to Interrogatory 8 is subject to its objection set forth below. Subject to that objection, the City is uncertain as to what Plaintiffs mean by the terms “considering” or “debating” mean. Obviously, it is inherent in the process by which the members of the City Council voted to enact the ordinance that they “considered” prior to casting their respective votes. Whether the dialogue that took place at the public hearings held in connection of the enactment of the ordinance would be considered tantamount to a “debate” is a matter of opinion. Nevertheless, the statements made by all participants at the City Council meetings held on February 16, 2017, March 2, 2017, March 16, 2017 and April 6, 2017 are reflected in the DVDs that have been filed of record and served on Plaintiffs which are the best evidence of what occurred at those meetings and the City incorporates the dialogue contained in the DVDs as part of its answer to this Interrogatory 8. Therefore, the City is unable to respond meaningfully to that component of Interrogatory 8.

With respect to drafting the Ordinance 2017-47 the Tampa City Attorney’s office was asked by the City Council to prepare a proposed ordinance for the City Council’s consideration to be presented at a properly scheduled public hearing. With respect to the City employees who had any involvement as to the drafting of Ordinance 2017-47, those employees are:

Ernie Mueller
Jerrod Simpson
Erin Bradley
c/o City of Tampa
City Attorneys’ Office

With respect to those persons employed by the City who had any involvement in amending Ordinance 2017-47, the answer is none in that the Ordinance has not been amended. With respect to persons employed by the City who had any involvement in voting on Ordinance 2017-47, those persons are the members of the City of Tampa, City Council, specifically:

Mike Suarez, District 1, at large
Charlie Miranda, District 2, at large
Yvonne Yolie Capin, District 3
Harry Cohen, District 4
Frank Reddick, District 5

**Guido Maniscalco, District 6
Luis Viera, District 7**

With respect to persons employed by the City who had any involvement in enacting Ordinance 2017-47, that would include the members of the Tampa City Council, identified above, along with Tampa's Mayor, Bob Buckhorn.

With respect to voting on or enacting the Ordinance, the City Council was present at the public hearings during which the Ordinance was discussed by the members of the City Council along with members of the public. The City Council voted on and passed the Ordinance as a validly enacted ordinance of the City of Tampa. Bob Buckhorn, Mayor of the City of Tampa, then signed it in accordance with the Tampa City Code. The City, again, refers the Plaintiffs to the DVDs of the public hearings which have been made available to the Plaintiffs for their review and which are the best evidence of what happened at those hearings.

The City objects to this Interrogatory to the extent it seeks information subsequent to the filing of the Complaint on December 4, 2017. Any communications, actions, events or documents prepared or received after the filing of the Complaint are not proportional to the needs of the case considering: (1) the importance of the issues in the action; (2) the importance of the discovery in resolving the issues; and (3) the burden or expense of the proposed discovery outweighs its likely benefit. The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. The City further objects to the extent that Interrogatory 8 is intended to seek information beyond the parameters of Magistrate Judge Sansone's order dated September 13, 2018.

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:

Assistant City Attorneys Ernie Mueller and Jerrod Simpson were involved in communications with attorneys representing the City of Boca Raton, Palm Beach County, Florida in connection with enforcement aspects of the Ordinance.

The City objects to this Interrogatory to the extent it seeks information subsequent to the filing of the Complaint on December 4, 2017. Any communications, actions, events or documents prepared or received after the filing of the Complaint are not proportional to the needs of the case considering: (1) the importance of the issues in the action; (2) the importance of the discovery in resolving the issues; and (3) the burden or expense of the

proposed discovery outweighs its likely benefit. The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017.

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:

Objection. This Request seeks information that is not relevant to any party's claim or defense or proportional to the needs of the case. The only "ordinance, regulation, rule, law or provision" at issue in this case is Ordinance 2017-47, which is limited to conversion (i.e., SOCE) therapy performed upon minors by licensed providers. As such, the City's regulation of "other clinical practice methods besides SOCE counseling" has no bearing on Plaintiffs' claim or the City's defenses. Moreover, to determine whether any such regulations have ever been "considered" (but not enacted) by the City would require an analysis of all minutes/proceedings/agenda of City Council and all City regulatory bodies for the period in question. The City further objects to the extent that Interrogatory 10 is intended to seek information beyond the parameters of Magistrate Judge Sansone's order dated September 13, 2018.

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:

Objection. This Request seeks information that is not relevant to any party's claim or defense or proportional to the needs of the case. The only "ordinance, regulation, rule, law or provision" at issue in this case is Ordinance 2017-47, which is limited to conversion (i.e., SOCE) therapy performed upon minors by licensed providers. As such, the City's regulation of "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" has no bearing on Plaintiffs' claim or the City's defenses. Moreover, to determine whether any such regulations have ever been "considered" (but not enacted) by the City would require an analysis of all minutes/proceedings/agenda of City Council and all City regulatory bodies for the time period in question.

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:

Objection. This Request seeks information that is not relevant to any party's claim or defense or proportional to the needs of the case. The only "ordinance, regulation, rule, law or provision" at issue in this case is Ordinance 2017-47, which is limited to conversion (i.e., SOCE) therapy performed upon minors by licensed providers. As such, the City's regulation of "other mental health professionals or professions" has no bearing on Plaintiffs' claim or the City's defenses. Moreover, to determine whether any such regulations have ever been "considered" (but not enacted) by the City would require an analysis of all minutes/proceedings/agenda of City Council and all City regulatory bodies for the time period in question.

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:

Objection. This Request seeks information that is not relevant to any party's claim or defense or proportional to the needs of the case. The only "ordinance, regulation, rule, law or provision" at issue in this case is Ordinance 2017-47, which is limited to conversion (i.e., SOCE) therapy performed upon minors by licensed providers. As such, the City's regulation of "other professions, professionals or professional conduct, besides mental health professions, mental health professionals or SOCE counseling" has no bearing on Plaintiffs' claims or the City's defenses. Moreover, to determine whether any such regulations have ever been "considered" (but not enacted) by the City would require an analysis of all minutes/proceedings/agenda of City Council and all City regulatory bodies for the time period in question.

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:

See the papers that are identified in Ordinance 2017-47 which speak for themselves.

REQUEST FOR PRODUCTION 8:

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

Response:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request intrudes upon the work-product doctrine and attorney-client privilege information. Because the Request is not limited to prior drafts or versions of the subject Ordinance, but rather seeks all documents *concerning* such prior drafts or versions, this Request necessarily encompasses communications between the City and its attorneys related to drafts of the Ordinance as well as documents reflecting mental impressions of the City's attorneys relating to such drafts. As noted previously, Plaintiff explicitly defines 'City' to include the City's attorneys.

REQUEST FOR PRODUCTION 9:

All Documents Concerning the City's drafting, consideration, debate, amendment, voting, or enactment or 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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had

to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. To the extent that this Request seeks any documents subsequent to the filing of the Complaint on December 4, 2017, such documents would not be not proportional to the needs of the case considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit.³ The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. In addition, the City objects to the extent that this request intrudes upon the work-product doctrine and attorney-client privilege information. Because the request seeks all documents *concerning* the Ordinance, it necessarily encompasses all communications between the City and its attorneys related to the Ordinance, as well as documents reflecting all mental impressions of the City's counsel relating to the Ordinance (including those relating to the present lawsuit). As noted previously, Plaintiff explicitly defines 'City' to include the City's attorneys. The City further objects to this Request on the grounds that it uses the omnibus term "Concerning" (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, "[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as 'relating to,' 'pertaining to,' or 'concerning' to modify a general category or broad range of documents or information." *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

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.

³ Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court's Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court's September 13, 2018 Order.

Response:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. To the extent that this Request seeks any documents subsequent to the filing of the Complaint on December 4, 2017, such documents would not be not proportional to the needs of the case considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit.⁴ The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. In addition, to the extent that this request encompasses communications between the City and its attorneys related to the Ordinance, as well as documents reflecting the mental impressions of the City's counsel relating to the Ordinance (including those relating to the present lawsuit), the City objects to this request as intruding upon the work-product doctrine and attorney-client privilege information. As noted previously, Plaintiff explicitly defines 'City' to include the City's attorneys.

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 or Ordinance 2017-47.

Response:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery

⁴ Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court's Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court's September 13, 2018 Order.

requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request intrudes upon the work-product doctrine and attorney-client privilege information. Because the Request seeks "All Communications" between and among the City's employees and officials relating to the Ordinance, it necessarily encompasses all communications between the City and its attorneys related to the Ordinance, as well as documents reflecting all mental impressions of the City's counsel relating to the Ordinance (including those relating to the present lawsuit). As noted previously, Plaintiff explicitly defines 'City' to include the City's attorneys.

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 20-17-47 or any other ban on any form of SOCE counseling.

Response:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request seeks information that is not relevant to any party's claim or defense or proportional to the needs of the case. Moreover, this Request requires

the City to speculate as to the motives of “other Persons,” specifically whether actions taken by such persons were an attempt “to influence the City to adopt or reject” the subject Ordinance “or any other ban on any form of SOCE counseling.” The City further objects to this Request on the grounds that it uses the omnibus term “Concerning” (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, “[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as ‘relating to,’ ‘pertaining to,’ or ‘concerning’ to modify a general category or broad range of documents or information.” *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

REQUEST FOR PRODUCTION 13:

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

Response:

Objection. Pursuant to the Court’s Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff’s discovery requests are identified in the Court’s Order marked as Document 119. Indeed, the Court’s Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.” (Emphasis supplied). Consistent with the Court’s Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court’s Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court’s Order, which the City believes would be inappropriate and in violation of the Court’s Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request intrudes upon the work-product doctrine and attorney-client privilege information. Because the Request seeks “[a]ll Documents concerning the City’s interpretation, application, or enforcement” of the Ordinance, it necessarily encompasses communications between the City and its attorneys related to the Ordinance, as well as documents reflecting all mental impressions of the City’s counsel relating to the Ordinance (including those relating to the present lawsuit). As noted previously, Plaintiff explicitly defines ‘City’ to include the City’s attorneys. The City further objects to this Request on the grounds that it uses the omnibus term “Concerning” (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, “[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as ‘relating to,’ ‘pertaining to,’ or ‘concerning’ to modify a general category or broad range of documents or

information.” *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

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:

Objection. Pursuant to the Court’s Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff’s discovery requests are identified in the Court’s Order marked as Document 119. Indeed, the Court’s Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.” (Emphasis supplied). Consistent with the Court’s Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court’s Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court’s Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff’s discovery requests are identified in the Court’s Order marked as Document 119. Indeed, the Court’s Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.” (emphasis supplied). Consistent with the Court’s Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court’s Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that the Plaintiff is seeking documents above and beyond the parameters of the Court’s Order, which the City believes would be inappropriate and in violation of the

Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. To the degree this Request seeks any documents subsequent to the filing of the Complaint on December 4, 2017, such documents would not be proportional to the needs of the case considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit.⁵ The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. Further, documents post-dating the filing of the Complaint on December 4, 2017 which concern the subject lawsuit, intrude upon the joint defense, common interest, and pooled information privileges. The Court has previously found that "Equality Florida has a defense that shares a common question of law or fact with the City," and that "Equality Florida was 'instrumental' in the passage of Ordinance 2017-47." See Doc. 52, p. 10. As such, the City asserts that any communication occurring after the filing of the Complaint on December 4, 2017, between the City of Tampa, including its attorneys, and Equality Florida, including its attorneys--specifically including, Sylvia H. Walbolt, Brian C. Porter, and other counsel with Carlton Fields Jordan Burt, P.A; Shannon Minter, Christopher Stoll, and other counsel at the National Center for Lesbian Rights; and Scott D. McCoy, David C. Dinielli, J. Tyler Clemons, and other counsel at Southern Poverty Law Center--is privileged.⁶ The City further objects to this Request on the grounds that it uses the omnibus term "Concerning" (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, "[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as 'relating to,' 'pertaining to,' or 'concerning' to modify a general category or broad range of documents or information." *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's

⁵ Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court's Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court's September 13, 2018 Order.

⁶ Each of the aforesaid attorneys and entities are reflected on the signature page in the filings of Equality Florida.

Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.” (Emphasis supplied). Consistent with the Court’s Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court’s Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court’s Order, which the City believes would be inappropriate and in violation of the Court’s Order, the City reserves the right to assert additional objections, including, but not limited to, the following. To the extent that this Request seeks any documents subsequent to the filing of the Complaint on December 4, 2017, such documents would not be proportional to the needs of the case considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit.⁷ The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. Further, documents post-dating the filing of the Complaint on December 4, 2017 which concern the subject lawsuit, intrude upon the joint defense, common interest, and pooled information privileges. Southern Poverty Law Center is counsel to Equality Florida in this matter. The City further objects to this Request on the grounds that it uses the omnibus term “Concerning” (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, “[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as ‘relating to,’ ‘pertaining to,’ or ‘concerning’ to modify a general category or broad range of documents or information.” *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

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:

⁷ Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court’s Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court’s September 13, 2018 Order.

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. To the extent that this Request seeks any documents subsequent to the filing of the Complaint on December 4, 2017, such documents would not be proportional to the needs of the case considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit.⁸ The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. The City further objects to the extent that the term 'advocacy group' is ambiguous. The City also objects to this Request on the grounds that it uses the omnibus term "Concerning" (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, "[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as 'relating to,' 'pertaining to,' or 'concerning' to modify a general category or broad range of documents or information." *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

Additionally, the National Center for Lesbian Rights is also counsel for Equality Florida in this matter. The Court has previously found that "Equality Florida has a defense that shares a common question of law or fact with the City," and that "Equality Florida was 'instrumental' in the passage of Ordinance 2017-47." See Doc. 52, p. 10. As such, the City asserts that any communication occurring after the filing of the Complaint on December 4, 2017, between the City of Tampa, including its attorneys, and Equality Florida, including its attorneys--specifically including, Sylvia H. Walbolt, Brian C. Porter, and other counsel with Carlton Fields Jordan Burt, P.A; Shannon Minter, Christopher Stoll, and other counsel at

⁸ Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court's Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court's September 13, 2018 Order.

the National Center for Lesbian Rights; and Scott D. McCoy, David C. Dinielli, J. Tyler Clemons, and other counsel at Southern Poverty Law Center--is privileged.⁹

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. To the extent that this Request seeks any documents subsequent to the filing of the Complaint on December 4, 2017, such documents would not be proportional to the needs of the case considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit.¹⁰ The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. Further, documents post-dating the filing of the Complaint on December 4, 2017 which concern the subject lawsuit, intrude upon the joint defense, common interest, and pooled information privileges. As Defendants

⁹ Each of the aforesaid attorneys and entities are reflected on the signature page in the filings of Equality Florida.

¹⁰ Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court's Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court's September 13, 2018 Order.

referenced in their Notice of Pendency of Related Action (Doc. 89), a lawsuit was recently filed by SOCE providers against the City of Boca Raton and Palm Beach County in connection with ordinances in those localities that are very similar to the subject Ordinance. Represented by the same counsel as Plaintiffs' counsel here, the providers' complaint in that action includes the same eight causes of action as those in Plaintiffs' First Amended Complaint. Thus, those localities share the City of Tampa's interest in the outcome of litigation and the attorneys for the localities are pursuing a common legal strategy. As such, the City asserts that any communication occurring after the filing of the Complaint on December 4, 2017 between the City, including its attorneys, and the City of Boca Raton and/or Palm Beach County, including their counsel, is privileged. The City further objects to this Request on the grounds that it uses the omnibus term "Concerning" (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, "[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as 'relating to,' 'pertaining to,' or 'concerning' to modify a general category or broad range of documents or information." *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. To the extent that this Request seeks any documents subsequent to the filing of the Complaint on December 4, 2017, such documents would not be proportional to the needs of the case considering: (1) the importance of the issues at stake in this action;

(2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery outweigh its likely benefit.¹¹ The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. Further, documents post-dating the filing of the Complaint on December 4, 2017 which concern the subject lawsuit, intrude upon the joint defense, common interest, and pooled information privileges. As Defendants referenced in their Notice of Pendency of Related Action (Doc. 89), a lawsuit was recently filed by SOCE providers against the City of Boca Raton and Palm Beach County in connection with ordinances in those localities that are very similar to the subject Ordinance. Represented by the same counsel as Plaintiffs' counsel here, the providers' complaint in that action includes the same eight causes of action as those in Plaintiffs' First Amended Complaint. Thus, those localities share the City of Tampa's interest in the outcome of litigation and the attorneys for the localities are pursuing a common legal strategy. As such, the City asserts that any communication occurring after the filing of the Complaint on December 4, 2017 between the City, including its attorneys, and the City of Boca Raton and/or Palm Beach County, including their counsel, is privileged. The City further objects to this Request on the grounds that it uses the omnibus term "Concerning" (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, "[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as 'relating to,' 'pertaining to,' or 'concerning' to modify a general category or broad range of documents or information." *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

REQUEST FOR PRODUCTION 20:

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

Response:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1,

¹¹ Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court's Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court's September 13, 2018 Order.

2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request seeks information that is not proportional to the needs of the case, as the burden and expense in responding to the Request outweighs any likely benefit. Given Plaintiff's expansive definition of 'Concerning,' these Requests would encompass every document having anything to do with the present lawsuit. Thus, the Request also intrudes upon the work-product doctrine and attorney-client privilege information. The City further objects to this Request on the grounds that it uses the omnibus term "Concerning" (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, "[a] discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as 'relating to,' 'pertaining to,' or 'concerning' to modify a general category or broad range of documents or information." *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

REQUEST FOR PRODUCTION 21:

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

Response:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request seeks information that is not proportional to the needs of the case, as the burden and expense in responding to the Request outweighs any likely benefit. Given Plaintiff's expansive definition of 'Concerning,' these Requests would encompass every document having anything to do with the present lawsuit. Thus, the Request also intrudes upon the work-product doctrine and attorney-client privilege information. The City further objects to this Request on the grounds that it uses the omnibus

term “Concerning” (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, “[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as ‘relating to,’ ‘pertaining to,’ or ‘concerning’ to modify a general category or broad range of documents or information.” *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

REQUEST FOR PRODUCTION 22:

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

Response:

Objection. Pursuant to the Court’s Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff’s discovery requests are identified in the Court’s Order marked as Document 119. Indeed, the Court’s Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.” (emphasis supplied). Consistent with the Court’s Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court’s Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court’s Order, which the City believes would be inappropriate and in violation of the Court’s Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request seeks information that is not relevant to any party’s claim or defense or proportional to the needs of the case. Initially, the City notes that it does not have any practical way of identifying those individuals who are providing (or previously provided within the relevant time period) SOCE counseling within the City. Moreover, even if the City could somehow identify any such individuals, Plaintiff’s request for “All Documents Concerning” any such provider would include documents that have no bearing to SOCE counseling. The City further objects to this Request on the grounds that it uses the omnibus term “Concerning” (which includes 35 claimed synonyms in the Definition) to modify a general category or broad range of documents or information. As a matter of law, “[a discovery request is overly broad and unduly burdensome on its face if it uses an omnibus term such as ‘relating to,’ ‘pertaining to,’ or ‘concerning’ to modify a general category or broad range of documents or information.” *Dauska v. Green Bay Packaging, Inc.*, 291 F.R.D. 251, 261 (E.D. Wis. 2013) (citation omitted).

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

To the extent that Plaintiff is seeking documents above and beyond the parameters of the Court's Order, which the City believes would be inappropriate and in violation of the Court's Order, the City reserves the right to assert additional objections, including, but not limited to, the following. This Request is ambiguous as to whether it seeks documents that are not responsive to Plaintiff's other discovery requests. To the degree that it does, any such documents would not be relevant to any party's claims or defenses, and, moreover, would not be proportional to the needs of the case. In addition, to the extent that the Request seeks any documents subsequent to the filing of the Complaint on December 4, 2017, any such documents would not be proportional to the needs of the case considering: (1) the importance of the issues at stake in this action; (2) the importance of the discovery being sought in resolving the issues; and (3) that the burden or expense of the proposed discovery

outweigh its likely benefit.¹² The singular issue in this case is the constitutionality and validity of the enactment of Ordinance No. 2017-47 relating to conversion therapy on minors, which was passed by City Council on April 6, 2017, and approved by the Mayor on April 10, 2017. Additionally, this Request is objectionable to the extent that the request seeks any documents protected by the work-product doctrine and/or attorney-client privilege. Further, the City objects for the reason that the request fails to describe with “reasonable particularity” each item or category of documents to be produced as required by Federal Rule Civ P 34(b)(1). The request of “reasonable particularity” is that the designation be sufficient to apprise a person of ordinary intelligence what does are required. *Dauska v. Green Bay Packaging, Inc.*, 291, FRD 251 261 (E.D. Wis. 2013). As this request relates to each of the other discovery requests, the City restates its objections to each of those discovery requests.

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:

As this Request relates to Interrogatory #10, the City re-states its objection to that interrogatory. The City further objects to the extent that Interrogatory 10 is intended to seek information beyond the parameters of Magistrate Judge Sansone’s order dated September 13, 2018.

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:

As this Request relates to Interrogatory #11, the City re-states its objection to that interrogatory. The City further objects to the extent that Interrogatory 10 is intended to seek information beyond the parameters of Magistrate Judge Sansone’s order dated September 13, 2018.

¹² Although the City maintains that any documents beyond December 4, 2017 are not proportional to the needs of the case, the City recognizes that the Court has identified the appropriate time range as extending up to December 15, 2017, and accordingly the City—consistent with the Court’s Order—is producing documents in that time range for the 20 custodians and 30 search terms relative to the parameters of the Court’s September 13, 2018 Order.

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:

As this Request relates to Interrogatory #12, the City re-states its objection to that interrogatory. The City further objects to the extent that Interrogatory 10 is intended to seek information beyond the parameters of Magistrate Judge Sansone's order dated September 13, 2018.

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:

As this Request relates to Interrogatory #13, the City re-states its objection to that interrogatory. The City further objects to the extent that Interrogatory 10 is intended to seek information beyond the parameters of Magistrate Judge Sansone's order dated September 13, 2018.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's

Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.” (Emphasis supplied). Consistent with the Court’s Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court’s Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court’s Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff’s discovery requests are identified in the Court’s Order marked as Document 119. Indeed, the Court’s Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.” (Emphasis supplied). Consistent with the Court’s Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court’s Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court’s Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff’s discovery requests are identified in the Court’s Order marked as Document 119. Indeed, the Court’s Order, dated September 13, 2018, expressly provides as follows: “The undersigned held a hearing on the City and Ruggiero’s motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs’ discovery requests.”

(Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

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 response to Interrogatory 14 or produced in response to Requests for Production 29 through 38.

Response:

Objection. Pursuant to the Court's Order dated September 13, 2018 (Doc. 121), the only documents that the City is required to produce in response to Plaintiff's discovery requests are identified in the Court's Order marked as Document 119. Indeed, the Court's Order, dated September 13, 2018, expressly provides as follows: "The undersigned held a hearing on the City and Ruggiero's motion on September 5th. (Doc. 118). At that hearing, the undersigned narrowed search terms, date ranges, custodians, and devices the City had to search to determine the scope of materials responsive to the plaintiffs' discovery requests." (Emphasis supplied). Consistent with the Court's Order, to the extent that there are any documents which are responsive and not the subject of a privilege or other protection, and which fall within the parameters of the Court's Order during the time period of October 1, 2016 to December 15, 2017, as it relates to the 20 custodians identified in the September 6, 2018 Order, those documents are being produced.

Verification to Answers to Interrogatories on separate page

Verification to Answers to Interrogatories:

I affirm that based on information furnished to me or of my personal knowledge that the answers to the Interrogatories herein are true and correct to the best of my knowledge, information and belief.

Jerrod Simpson, Assistant City Attorney,
On behalf of Defendant, City of Tampa

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me on this 8th day of October, 2018 by Jerrod Simpson, who is personally known to me or who has produced FL DL as identification who did/did not take an oath.

LORI TIPSON
Notary Public, State of Florida
My Comm. Expires Feb. 10, 2019
No. FF 198202

Notary Public

Lori Tipson

Print, Type or Stamp Name
My Commission expires:

Rule 33 (b) (5) signature of attorney as to Objections to Interrogatories:

/s/ Robert V. Williams

Robert V. Williams
Counsel for Defendant City of Tampa

/s/ Robert V. Williams

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*Attorneys for Defendants, City of Tampa and
Sal Ruggiero, in his official capacity as
Manager of the City of Tampa Neighborhood
Enforcement Division*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of October, 2018, I caused a true and correct copy of the foregoing to be served via electronic mail on counsel for Plaintiff, Horatio G. Mihet (hmihet@lc.org), Roger Gannam (rgannam@lc.org) and Daniel J. Schmid (dschmid@lc.org).

/s/ Robert V. Williams

Robert V. Williams, Esquire