

NO. 19-10604-A

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ROBERT W. OTTO, PH.D., LMFT, individually and on behalf of his patients, and
JULIE H. HAMILTON, PH.D., LMFT, individually and on behalf of her patients,

Plaintiffs/appellants,

v.

CITY OF BOCA RATON, FLORIDA, and COUNTY OF PALM BEACH,
FLORIDA,

Defendants/appellees.

From the United States District Court
for the Southern District of Florida

**APPELLEE COUNTY OF PALM BEACH, FLORIDA'S
RESPONSE IN OPPOSITION TO APPELLANTS'
MOTION TO EXPEDITE APPEAL**

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**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

ROBERT W. OTTO, et al. v. CITY OF BOCA RATON, et al.

Case No. 19-10604-A

Appellee COUNTY OF PALM BEACH, FLORIDA files this Certificate of Interested Persons and Corporate Disclosure Statement, listing the parties and entities interested in this appeal, as required by Federal Rule of Appellate Procedure 26.1-1. and Eleventh Circuit Rule 26.1:

Abbott, Daniel L., trial and appellate co-counsel for defendant/appellee City of Boca Raton

Alliance for Therapeutic Choice, amicus in support of Plaintiffs/Appellants

Berger, Mary Lou, defendant/appellee Palm Beach County Commissioner

Carlton Fields Jordan Burt, P.A., counsel for Equality Florida Institute Inc., amicus
in support of defendants/appellees

City of Boca Raton, Florida, defendant/appellee

Cole, Jamie A., trial co-counsel for defendant/appellee City of Boca Raton

Dreier, Douglas C., counsel for The Trevor Project, amicus in support of
defendants/appellees

ROBERT W. OTTO, et al. v. CITY OF BOCA RATON, et al.

Case No. 19-10604-A

Dunlap, Aaron C., counsel for Equality Florida Institute Inc., amicus in support of
defendants/appellees

Equality Florida Institute, Inc., amicus in support of defendants/appellees

Fahey, Rachel, trial co-counsel for defendant/appellee Palm Beach County

Flanigan, Anne R., trial and appellate co-counsel for defendant/appellee City of
Boca Raton

Gannam, Roger K., trial and appellate co-counsel for plaintiffs/appellants

Gibson, Dunn & Crutcher LLP, counsel for The Trevor Project, amicus in support
of defendants/appellees

Guedes, Edward G., appellate co-counsel for defendant/appellee City of Boca Raton

Hamilton, Julie H., Ph.D., LMFT, plaintiff/appellant

Hvizd, Helene C., appellate counsel for defendant/appellee Palm Beach County

Kay, Eric S., appellate co-counsel for defendant/appellee City of Boca Raton

Kerner, Dave, defendant/appellee Palm Beach County Commissioner

Liberty Counsel, trial and appellate counsel for plaintiffs/appellants

Mack, Bernard, defendant/appellee Palm Beach County Commissioner

Mayotte, Monica, defendant/appellee City of Boca Raton Council Member

ROBERT W. OTTO, et al. v. CITY OF BOCA RATON, et al.

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McKinlay, Melissa, defendant/appellee Palm Beach County Commissioner

Mihet, Horatio Gabriel, trial and appellate co-counsel for plaintiffs/appellants

O'Rourke, Andrea Levine, defendant/appellee City of Boca Raton Council Member

Otto, Robert W., Ph.D., LMFT, plaintiff/appellant

Palm Beach County, Florida, defendant/appellee

Phan, Kim, trial co-counsel for defendant/appellee Palm Beach County

Price, Max R., counsel for Alliance for Therapeutic Choice, amicus in support of
plaintiffs/appellants

Reinhart, Bruce E., United States Magistrate Judge

Rodgers, Jeremy, defendant/appellee City of Boca Raton Deputy Mayor

Rosenberg, Robin L., United States District Judge

SDG Counseling, LLC, company of plaintiff/appellant Robert W. Otto, Ph.D.,
LMFT

Singer, Scott, defendant/appellee City of Boca Raton Mayor

Staver, Matthew Duane, trial and appellate co-counsel for plaintiffs/appellants

The Trevor Project, amicus in support of defendants/appellees

Thomson, Andy, defendant/appellee City of Boca Raton Council Member

ROBERT W. OTTO, et al. v. CITY OF BOCA RATON, et al.

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Valeche, Hal R., defendant/appellee Palm Beach County Commissioner

Walbolt, Sylvia H., counsel for Equality Florida Institute Inc., amicus in support of
defendants/appellees

Weinroth, Robert S., defendant/appellee Palm Beach County Commissioner

Weiss, Gregg K., defendant/appellee Palm Beach County Commissioner

Weiss Serota Helfman Cole & Bierman, P.L., counsel for defendant/appellee City
of Boca Raton

Yasko, Jennifer A., counsel for Equality Florida Institute Inc., amicus in support of
defendants/appellees

No publicly traded company or corporation has an interest in the outcome of this
appeal.

Defendant/Appellee, County of Palm Beach, Florida, through undersigned counsel, respectfully requests this honorable Court deny Plaintiffs/Appellants' Motion to Expedite Appeal because Appellants have failed to establish good cause to expedite this appeal, and as grounds therefor would show:

As the District Court noted "this case is about whether Defendants can prohibit the licensed therapists from administering SOCE [Sexual Orientation Change Efforts] therapy to minors where the available medical and subject matter literature concludes that the therapy is harmful to minors." SD DE 141 - pg 2. In denying Plaintiffs' motion for preliminary injunction, the District Court concluded that the City of Boca Raton and Palm Beach County had "identified a compelling interest in protecting the safety and welfare of minors", indeed "[p]rotecting minors may be the paradigm example of a compelling interest." SD DE 141, pg 4. The District Court noted that the City of Boca Raton and the County relied on "extensive credible evidence of the damage that conversion therapy inflicts" which evidence came from well-known research organizations and subject matter experts. SD DE 141 - pg 4.

In their suit, Plaintiffs challenge ordinances passed by the City of Boca Raton and Palm Beach County on October 10, 2017, and December 19, 2017, respectively. Plaintiffs/Appellants waited eight months after the first ordinance was passed to file

suit challenging the ordinances. SD DE 1.

As the District Court noted, neither of the Defendants' ordinances restricts conduct or speech outside of a formal therapy session, and even within a formal therapy session, the ordinances allow therapists to recommend SOCE to patients, express their views to patients, provide SOCE to everyone 19 years-of-age and above, and refer minors to unlicensed counselors, such as religious leaders, to receive SOCE. SD DE 141 - pgs 7,9. Plaintiff/Appellant Dr. Hamilton's "Homosexuality 101" videos remain readily available on the internet. <https://lindaseiler.com/homosexuality-101-dr-julie-hamilton/>;

<http://homosexuality101.com/>; <http://www.voicesofchange.net/dr-julie-harren-hamilton.html>.

Given the delay occasioned by Plaintiffs/Appellants themselves in waiting eight months after the City of Boca Raton's ordinance was passed to file suit, the extremely limited infringement on Plaintiffs/Appellants formal therapy, the "extensive credible evidence of the damage that conversion therapy inflicts", and the available avenues for Plaintiffs/Appellants to continue to voice their views, no good cause has been shown to expedite this appeal.

WHEREFORE, Defendant/Appellee County of Palm Beach, Florida,

respectfully requests this honorable Court deny Plaintiffs/Appellants' Motion to Expedite Appeal.

Respectfully submitted,

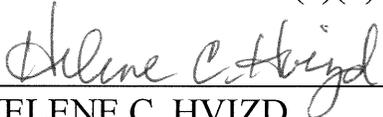


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CERTIFICATE OF COMPLIANCE

This document complies with the word limit of FRAP 27(d)(2)(A) because, excluding the parts of the document exempted by FRAP 32(f), this document contains 404 words. This document complies with the typeface requirements of FRAP 32(a)(5) and the type-style requirements of FRAP 32(a)(6).

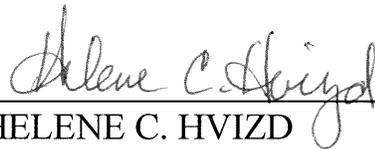


HELENE C. HVIZD

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Florida Bar Number 868442

CERTIFICATE OF SERVICE

I CERTIFY that on March 4, 2019, I electronically filed the foregoing Appellee County of Palm Beach, Florida's Response in Opposition to Appellants' Motion to Expedite Appeal with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system. Service will be accomplished by the CM/ECF system.



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