

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

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

Plaintiffs,

v.

Case No.: 8:17-CV-2896-WFJ-AAS

CITY OF TAMPA,

Defendant.

**DEFENDANT CITY OF TAMPA'S MOTION FOR EXTENSION OF TIME
TO FILE OBJECTIONS TO REPORTS AND RECOMMENDATIONS
AND REQUEST FOR EXPEDITED RULING**

Defendant, the City of Tampa (the "City") by and through its undersigned counsel, files this Motion for Extension of Time to File Objections to the Report and Recommendation on the City's Motion to Dismiss (Doc. 148) and the Report and Recommendation on Plaintiffs' Motion for Preliminary Injunction (Doc. 149) under Federal Rule of Civil Procedure 6(b). The grounds for the requested relief and the reasons supporting it are as follows:

1. On January 30, 2019, Magistrate Judge Amanda Sansone entered a Report and Recommendation recommending that the City's Motion to Dismiss (Doc. No. 84) be Granted in Part and Denied in Part. On that same date, the Court also entered a Report and Recommendation recommending that the Plaintiffs' Motion for Preliminary Injunction (Docs. 85, 145) be Granted in Part and Denied in Part.

2. On January 31, 2019, the Court entered an Endorsed Order requiring that any objections to the Reports and Recommendations (Docs. 148, 149) be filed no later than February 16, 2019 (Doc. 151). Because the date imposed by the Court is Saturday, February 16, 2019 and the following Monday, February 18, 2019 is a federal holiday, any objections to the Reports and Recommendations are due on Tuesday, February 19, 2019. *See* Fed. R. Civ. P. 6(a)(1)(C).

3. The City has worked diligently to prepare and file its objections to the Reports and Recommendations by the date imposed by the Court.

4. Yesterday, on February 13, 2019, Judge Robin L. Rosenberg of the Southern District of Florida in the matter of *Otto et al. v. City of Boca Raton, Florida et al.*, 9:18-CV-80771-Rosenberg/Reinhart, entered a 60-page Order denying the plaintiffs' motion for preliminary injunction. *Robert W. Otto & Julie H. Hamilton, Plaintiffs, v. City Of Boca Raton, Florida, & County Of Palm Beach, Florida, Defendants.*, No. 9:18-CV-80771, 2019 WL 588645, at *1 (S.D. Fla. Feb. 13, 2019).

5. That case involves the same challenges brought by the same counsel as Plaintiffs' counsel in this action and analyzes substantively similar ordinances promulgated by the City of Boca Raton, Florida and County of West Palm Beach, Florida to the ordinance at issue here.

6. Because the Southern District matter involves substantively similar ordinances as the ordinance presently before the Court, the City asks for additional time to consider the opinion.¹

7. Accordingly, the City respectfully requests an extension of time up to and including March 1, 2019 to file its objections to the Reports and Recommendations.

8. This motion is filed in good faith and not for the purpose of undue delay.

¹ On February 14, 2019, the plaintiffs in the Southern District action filed a Notice of Interlocutory Appeal concerning the Order denying the preliminary injunction filed by the plaintiffs in that action.

9. No party will be unfairly prejudiced by the relief requested. Moreover, the City believes that the Court will benefit from having the analysis contained in Judge Rosenberg's opinion for its consideration.

10. In light of the fact that Judge Rosenberg's Order was only entered yesterday, the City's Motion for Extension of Time is timely filed. Since the City's objections are presently due to be filed on Tuesday, February 19, 2019, the City respectfully asks this Court to expedite ruling on this Motion for Extension of Time so that the City may proceed accordingly and file a proper response that allows the Court to have for its consideration the information necessary to thoroughly consider the Reports and Recommendations concerning an issue of great importance.

WHEREFORE, for the foregoing reasons, the City of Tampa moves for entry of an order granting its Motion for Extension of Time up to and including March 1, 2019 to file its objections to the Report and Recommendation on Plaintiffs' Motion for Preliminary Injunction and the Report and Recommendation on the City's Motion to Dismiss.

LOCAL RULE 3.01(g) CERTIFICATION

Counsel for Defendant City of Tampa hereby certifies that counsel conferred with counsel for Plaintiffs, who does not agree with the relief requested by this motion.

Respectfully Submitted,

/s/ Robert V. Williams
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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2019, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will serve all registered users in this case.

/s/ Robert V. Williams
Robert V. Williams, Esq.