

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

ROBERT W. OTTO, et al.)
v.) Civil Action No.: 9:18-cv-80771-RLR
CITY OF BOCA RATON, et al.,)

PLAINTIFFS' DISCOVERY MEMORANDUM FOR AUGUST 2, 2018 HEARING

This is a discovery dispute over **four days**, arising almost three months (11 weeks) prior to the October 5, 2018 Preliminary Injunction Hearing, and within a discovery period spanning seven months. Plaintiffs regret having to trouble the Court with what should have been a trivial squabble resolved among courteous professionals. Plaintiffs come to the Court only as a last resort, after numerous requests – in writing and via telephone – for Defendant Palm Beach County (“County”) to quit playing discovery games and comply with its clear obligations were rejected.

The County (but, critically, **not** its co-defendant, City of Boca Raton (“City”)) is refusing outright to respond to Plaintiff Otto’s Second Set of Discovery Requests (comprised of 5 Interrogatories and 15 Document Requests) (attached as **Exhibit A**), and is refusing outright to designate a Rule 30(b)(6) witness to testify on a handful of additional topics identified in Plaintiffs’ Amended Deposition Notice (**attached as Exhibit B**) (added topics in **bold** font), on the ground that they were served four days late. **The City Defendant has made no such absurd objection.**

This lawsuit was filed on June 13, 2018. On July 9, 2018, the Court entered a general discovery scheduling order (“General Discovery Order”) (dkt. 19), directing that “**discovery shall begin immediately**” (emphasis in original), and setting a February 11, 2019 discovery cut-off. (*Id.* at 1-2). Four days later, on July 13, 2018, the Court entered a separate subset of abbreviated discovery deadlines (“PI Discovery Order”), to ensure that the parties could complete some discovery prior to the October 5, 2018 Preliminary Injunction Hearing. (Dkt. 25). This latter order provided that, if the parties served written discovery by July 17, 2018, then the 30-day response

deadline under the Civil Rules would be shortened to just 20 days for Plaintiffs (August 6), and 24 days for Defendants (August 20). (*Id.* at 1).

On July 17, Plaintiff Otto served a First Set of Discovery Requests on the County, comprised of 7 Requests for Admission, 9 Interrogatories, and 24 Requests for Production (attached as **Exhibit C**). Plaintiffs also served a Notice of Rule 30(b)(6) Depositions, designating 12 topics (attached as **Exhibit D**).

On the same date, the County also served written discovery upon Plaintiffs, and it is truly **massive**, consisting of a combined **101 Requests for Admission, 48 Interrogatories, and 22 Requests for Production**. Plaintiffs are making Herculean efforts and working around the clock to respond on the abbreviated, 20-day timeframe.

Four days later, on July 21, Plaintiff Otto served the Second Set of Discovery Requests (Exh. A) and Amended Deposition Notice (Exh. B), requesting a few additional items inadvertently omitted from the First Set. **Plaintiffs made it clear to the County that they did not expect to receive responses on the abbreviated timetable established by the PI Discovery Order, but rather on the 30-day timetable under the Civil Rules**. Nevertheless, the County indicated that it would not respond on any timetable, and would ignore both, because they were “late.” Multiple emails and phone calls were not successful in obtaining the County’s compliance.

For numerous reasons, only some of which can be bullet-listed in the short space available here, the County’s position is not just wrong, but unreasonable:

- There is not even a suggestion, let alone clear warning, in the PI Discovery Order that it completely supplants or stays the General Discovery Order, the Civil Rules and the Local Rules, and it is not reasonable for the County to contend that it does. Plaintiff Otto’s Second Set of Discovery did **not** seek expedited compliance under the PI Discovery Order, and was timely under the General Discovery Order and Civil Rules – almost **seven months** prior to the discovery cut off, and **six weeks** prior to the County’s deposition.
- With the PI Hearing scheduled for October 5, 2018, a decision on the weighty constitutional

issues before the Court may not be issued until November or beyond. Yet the parties have expert disclosure obligations in early December, and all discovery closes on February 11, 2019. (Dkt. 19 at 1-2). It is not reasonable for the County to contend that no other discovery can take place until after the Preliminary Injunction motion is decided.

- The Amended Deposition Notice was served six weeks prior to the County's deposition scheduled for August 30, 2018. Local Rule 26.1(h) provides that **one week's** notice is reasonable. Thus, it is unreasonable for the County to contend that six weeks' notice is insufficient to prepare its witness on the few topics added in the Amended Notice.
- Plaintiffs intend to depose the County under Rule 30(b)(6) only once. Excluding topics from the August 30 deposition would require another deposition and be extremely wasteful.
- Conversely, allowing the additional deposition topics would mean that the County would not have much of a burden in responding to the modest Second Set of Discovery Requests, because they address the same topics.
- The County's suggestion that Plaintiffs are seeking to drown or sandbag the County with discovery is offensive. Plaintiff Otto's two sets of requests to the County are measured and legitimate, and even **combined** are still **dwarfed** by the County's massive requests.
- As noted, the City Defendant has not interposed the same objection, despite receiving identical requests at identical times, and despite being copied on all of the meet-and-confer communications. This shows that the County is alone in its unreasonable interpretation of the PI Discovery Order. Moreover, denying Plaintiffs relief as to the County would split discovery as to the two defendants on separate tracks – a severe and unnecessary complication.
- Lastly, even if the County's lone interpretation of the PI Discovery Order were somehow correct, it cannot be forgotten that this is a dispute over **four days**, and that even with the "late" discovery requests, the County still has **six weeks** to prepare for its deposition, and **30 days** to provide responses (more than allowed in the PI Discovery Order). Given the PI Discovery Order's failure to state that no other discovery is permitted during the pendency of the PI motion, if Plaintiffs were incorrect in their interpretation that they could serve additional written discovery after July 17, 2018, they regret their mistake and ask the Court to excuse it. The County's attempt to evade legitimate, non-oppressive discovery and capitalize on a minor and excusable "delay" elevates form over substance, and is the type of gamesmanship that gives discovery – and lawyers – a bad rap. The Court should not countenance it.

For these and other reasons to be discussed at the August 2, 2018 hearing, Plaintiffs respectfully request that the Court require the County to respond fully to the Second Set of Discovery and Amended Deposition Notice, within the time provided by the Civil Rules. Because the County's refusal is unreasonable, Plaintiffs also request a fee and cost award sufficient to deter similar future conduct and to make Plaintiffs whole.

Respectfully Submitted,

/s/ Horatio G. Mihet

Horatio G. Mihet (FL Bar 026581)

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July 2018, I caused a true and correct copy of the foregoing to be electronically filed with this Court. Service will be effectuated on all counsel of record via this Court's ECF/electronic notification system.

/s/ Horatio G. Mihet

Horatio G. Mihet

Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

ROBERT W. OTTO, PH.D. LMFT,)	
individually and on behalf of his patients,)	
JULIE H. HAMILTON, PH.D., LMFT,)	
individually and on behalf of her patients,)	Civil Action No.: <u>9:18-cv-80771-RLR</u>
)	
Plaintiffs,)	
v.)	
)	
CITY OF BOCA RATON, FLORIDA,)	
and COUNTY OF PALM BEACH,)	
FLORIDA,)	
)	
Defendants.)	

**PLAINTIFF ROBERT W. OTTO’S SECOND SET OF
DISCOVERY REQUESTS TO DEFENDANT PALM BEACH COUNTY, FLORIDA**

Pursuant to Fed. R. Civ. P. 26, 33, 34 and 36, and S.D. Fla. L.R. 26.1, Plaintiff Robert W. Otto, LMFT, individually and on behalf of his patients, hereby propounds the following Second Set of Discovery Requests to Defendant Palm Beach County, Florida (“Defendant” or the “County”). Defendant is directed to serve verified and completed responses, and its document production, in conformance with the above-cited rules, via electronic means, **on or before August 20, 2018.**

Defendant is further instructed to respond pursuant to the same “DEFINITIONS” and “INSTRUCTIONS” contained in Plaintiff Otto’s First Set of Discovery Requests (pp. 1-6), served on July 17, 2018, which are incorporated by reference as if fully set for herein.

ADDITIONAL INTERROGATORIES

INTERROGATORY 10:

Identify each and every County ordinance, regulation, rule, law or provision that the County has considered, enacted or enforced, which regulates any other clinical practice methods besides SOCE counseling.

RESPONSE:

INTERROGATORY 11:

Identify each and every County ordinance, regulation, rule, law or provision that the County 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:

INTERROGATORY 12:

Identify each and every County ordinance, regulation, rule, law or provision that the County 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:

INTERROGATORY 13:

Identify each and every County ordinance, regulation, rule, law or provision that the County 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:

INTERROGATORY 14:

Identify each and every research (and not merely position papers or other opinions) to which the County refers as “overwhelming research” in the following statement within Ordinance 2017-046:

"WHEREAS, the Palm Beach County Board of County Commissioners hereby finds the overwhelming research demonstrating that sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, trans-gender 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, trans-gender or questioning persons.”

RESPONSE:

ADDITIONAL REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION 25:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 10, which the County has considered, enacted or enforced to regulate any other clinical practice methods besides SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 25:

REQUEST FOR PRODUCTION 26:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 11, which the County 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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 26:

REQUEST FOR PRODUCTION 27:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 12, which the County 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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 27:

REQUEST FOR PRODUCTION 28:

All Documents Concerning any ordinance, regulation, rule, law or provision identified in Your response to Interrogatory 13, which the County 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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 28:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 29:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 30:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 31:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 32:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 33:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 34:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 35:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 36:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 37:

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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 38:

REQUEST FOR PRODUCTION 39:

All Documents showing or evidencing the time, circumstances and extent to which the County considered any of the research identified in Your responses to Interrogatory 14 or produced in response to Requests for Production 29 through 38.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 39:

Respectfully submitted,

/s/ Horatio G. Mihet

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July 2018, I caused a true and correct copy of the foregoing to be served via electronic mail on counsel for each party of record, including:

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Attorneys for Defendant City of Boca Raton, Florida

/s/ Horatio G. Mihet

Horatio G. Mihet

Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

ROBERT W. OTTO, PH.D. LMFT,)	
individually and on behalf of his patients,)	
JULIE H. HAMILTON, PH.D., LMFT,)	
individually and on behalf of her patients,)	Civil Action No.: <u>9:18-cv-80771-RLR</u>
)	
Plaintiffs,)	
)	
v.)	
)	
CITY OF BOCA RATON, FLORIDA, and)	
COUNTY OF PALM BEACH, FLORIDA,)	
)	
Defendants.)	

**PLAINTIFFS’ FIRST AMENDED
NOTICE OF TAKING DEPOSITIONS OF DEFENDANTS**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6), Federal Rules of Civil Procedure, and the Court’s Joint Discovery Plan for Preliminary Injunction Motion (“Joint Discovery Plan”) (dkt. 25), Plaintiffs will take the following depositions upon oral examination before a court reporter or some other officer duly authorized by law to take depositions, at the dates, times, and locations shown for the witnesses (or at such other date(s), time(s), and location(s) as to which the parties may mutually agree), for the purpose of discovery or as evidence in this action, which depositions will be recorded by stenographic and audiovisual means:

WITNESS	DATE, TIME	LOCATION
COUNTY OF PALM BEACH, FLORIDA	August 30, 2018 9:00 A.M.	TBD
CITY OF BOCA RATON, FLORIDA	August 31, 2018 9:00 A.M.	TBD

Each deposition will commence on the date and time specified and continue thereafter until the deposition has been completed.

DESCRIPTION OF MATTERS FOR EXAMINATION

Each Defendant, pursuant to Rule 30(b)(6), Federal Rules of Civil Procedure, will designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on the Defendant's behalf, regarding the matters for examination set forth below, subject to the definitions also set forth below.

DEFINITIONS

The following definitions apply to the matters for examination below:

- A. “**Minor**” means an individual under eighteen (18) years of age.
- B. As directed to Defendant City of Boca Raton, Florida, the “**Ordinance**” means City of Boca Raton Ordinance 5407, adopted by the City Council of the City of Boca Raton, Florida on October 10, 2017.
- C. As directed to Defendant County of Palm Beach, Florida, the “**Ordinance**” means Palm Beach County Ordinance No. 2017-046, adopted by the Board of County Commissioners of Palm Beach County, Florida on December 19, 2017.
- D. “**SOCE**” means sexual orientation change efforts, including without limitation any counseling, practice, or treatment that assists an individual in changing his or her sexual orientation or gender identity, and further including without limitation any efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender or sex.

MATERS FOR EXAMINATION

- 1. Defendant's purported interest in banning SOCE counseling for minors, including without limitation any complaint or other evidence of alleged harm Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

2. Any evidence that any minor within Defendant's jurisdiction was subjected to SOCE counseling against his or her will, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

3. Any evidence of alleged harm posed by voluntary SOCE counseling for minors who desire, request, or willingly consent to SOCE counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

4. Any evidence of alleged harm caused by voluntary SOCE counseling for minors within Defendant's jurisdiction who desired, requested, or willingly consented to SOCE counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

5. Any evidence that minors lack the ability to consent to voluntary SOCE counseling, or have the ability to consent to other treatments or procedures such as abortions, gender transition/reassignment, or same-sex relationship-affirming counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

6. Any less restrictive alternative to the Ordinance which Defendant considered prior to adopting the Ordinance, and all reasons for rejecting any such alternative.

7. All communications and coordination, between Defendant and Equality Florida or any other advocacy group, regarding the Ordinance or any other effort to ban SOCE for minors.

8. Defendant's consideration, debate, enactment, interpretation, application, and enforcement of the Ordinance, including Defendant's internal and external communications regarding same.

9. The factual matters disclosed in Defendant's Initial Disclosures, **Defendant's response to Plaintiffs' Complaint (whether by answer, motion or otherwise), and**

Defendant's response to Plaintiffs' Motion for Preliminary Injunction, together with any supporting materials or exhibits thereto.

10. Each subject covered by each Request for Admission, Interrogatory, or Request for Production within Plaintiff Otto's First **and Second** Sets of Discovery Requests to Defendant, served on July 17, 2018 **and July 21, 2018, respectively.**

11. The factual matters disclosed or asserted in Defendant's written responses to Plaintiff Otto's First **and Second** Sets of Discovery Requests to Defendant.

12. Documents produced by Defendant in its Initial Disclosures or in response to Plaintiff Otto's First **or Second** Sets of Discovery Requests to Defendant.

13. The extent to which Defendant regulates: (a) any other clinical practice methods besides SOCE counseling; (b) 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; (c) any other mental health professionals or professions, besides marriage and family therapy or marriage and family therapists; or (d) any other professions, professionals or professional conduct, besides mental health professions, mental health professionals or SOCE counseling. Without limitation, this topic includes any other ordinances or regulations that Defendant has considered, enacted or enforced as to sub-topics (a)-(d).

/s/ Horatio G. Mihet

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July 2018, I caused a true and correct copy of the foregoing to be served via electronic mail on counsel for each party of record, including:

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WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.

Attorneys for Defendant City of Boca Raton, Florida

/s/ Horatio G. Mihet

Horatio G. Mihet

Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

ROBERT W. OTTO, PH.D. LMFT,)	
individually and on behalf of his patients,)	
JULIE H. HAMILTON, PH.D., LMFT,)	
individually and on behalf of her patients,)	Civil Action No.: <u>9:18-cv-80771-RLR</u>
)	
Plaintiffs,)	
v.)	
)	
CITY OF BOCA RATON, FLORIDA,)	
and COUNTY OF PALM BEACH,)	
FLORIDA,)	
)	
Defendants.)	

**PLAINTIFF ROBERT W. OTTO’S FIRST SET OF
REQUESTS FOR ADMISSION, INTERROGATORIES, AND REQUESTS
FOR PRODUCTION TO DEFENDANT PALM BEACH COUNTY, FLORIDA**

Pursuant to Fed. R. Civ. P. 26, 33, 34 and 36, S.D. Fla. L.R. 26.1, and the Court’s Joint Discovery Plan for Preliminary Injunction Motion (“Joint Discovery Plan”) (dkt. 25), Plaintiff Robert W. Otto, LMFT, individually and on behalf of his patients, hereby propounds the following First Set of Requests for Admission (“RFA”), Interrogatories, and Requests for Production (“RFP”), (collectively “Discovery Requests”), to Defendant Palm Beach County, Florida (“Defendant” or the “County”). Defendant is directed to serve verified and completed responses, and its document production, in conformance with the above-cited rules and the Joint Discovery Plan, via electronic means, on or before August 10, 2018.

Defendant is further instructed to respond pursuant to the following Definitions and Instructions:

DEFINITIONS

Throughout these Discovery Requests, whether capitalized or not, the following terms shall have the following definitions:

1. “**All**” shall be construed as all, each, any, and every.
2. “**And**” and “**or**” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Discovery Requests all information that might otherwise be construed to be outside of their scope.
3. “**Communication**” means any meeting, interview, conference, conversation, discussion, correspondence, message, or other occurrence whereby thoughts, opinions, facts, or data are transmitted or otherwise exchanged between two or more persons by any means including but not limited to electronic, written, telephonic, or in person.
4. “**Complaint**” means any formal or informal, written or verbal, notice, report, statement, description, information, account, or narrative, from any source.
5. “**Concerning**” means in any way, directly or indirectly, referring to, describing, evidencing, constituting, relating to, alluding to, amending, assisting with, cancelling, commenting on, comprising, confirming, considering, contradicting, discussing, endorsing, identifying, incorporating, mentioning, modifying, negating, pertaining to, qualifying, reflecting, regarding, relevant to, representing, revoking, showing, suggesting, supplementing, supporting, terminating, underlying, or otherwise involving the stated subject matter.
6. “**Defendant,**” “**County,**” “**You,**” and “**Your**” mean Palm Beach County, Florida, its subsidiaries and affiliates, its Mayor and Board of County Commissioners members, and all other principals, officers, employees, agents, consultants, attorneys, and/or others acting on their behalf.
7. “**Document(s)**” has the broadest possible meaning permissible under the Federal Rules of Civil Procedure and/or applicable precedent, including, without limitation, any handwritten, typewritten, printed, recorded, electronic, or electronically stored information, or graphic matter however produced or reproduced, whether or not in the possession, custody, or control of the defendant(s) or the plaintiff(s), and whether or not claimed to be privileged against discovery on any ground, including but not limited to: all contracts, reports, records, lists, memoranda, correspondence, telegrams, telexes, telefaxes, emails, appointment calendars, diaries,

schedules, films, videos, photographs, sound recordings, signed or unsigned documents, as well as sent or unsent drafts of documents. A draft or non-identical copy is a separate Document within the meaning of this term.

8. **“Identify”** means to state, when used in reference to –

(a) **a natural person**, his or her: (i) full name; (ii) present or last known home address (including street name and number, city or town, state and zip code), and telephone number; (iii) present or last known business address (including street name and number, city or town, state and zip code), and telephone number; (iv) present or last known occupation, position, business affiliation, and job description; and (v) occupation, position, business affiliation, and job description at the time relevant to the particular Discovery Request being answered;

(b) **a company, corporation, association, partnership, or legal entity other than a natural person**: (i) its full name; (ii) a description of the type of organization or entity; (iii) the full address of its principal place of business; (iv) the jurisdiction of incorporation or organization; and (v) the date of its incorporation or organization;

(c) **a document**: (i) its description (for example, letter, memorandum, report, etc.); (ii) its title; (iii) its date; (iv) the number of pages thereof; (v) its subject matter; (vi) the identity of its author(s), signatory or signatories, and any person who participated in its preparation; (vii) the identity of its addressee(s) or recipient(s); (viii) the identity of each person to whom copies were sent and each person by whom copies were received; (ix) its present location; and (x) the identity of its present custodian(s) (if any such document was but is no longer, in your possession or subject to your control, state what disposition was made of it and when);

(d) **an oral communication or statement**: (i) the date and time it occurred; (ii) the place it occurred; (iii) the complete substance of the communication; (iv) the identity of each person to whom such communication was made, by whom such communication was made, and who was present when such communication was made; (v) if by telephone, the identity of each person who made the telephone call, who received the telephone call, and who otherwise participated in the call; and (vi) the identity of all documents recording, memorializing, or

concerning the subject of the communication.

9. “**Including**” is used to illustrate only and should not be construed as limiting in any way.

10. “**Minor**” means any Person less than 18 years of age.

11. “**Ordinance 2017-046**” and “**Ordinance**” mean Palm Beach County, Florida Ordinance 2017-046 passed by the Board of County Commissioners on December 19, 2017.

12. “**Person**” means and includes all natural persons, entities, governmental units, partnerships, firms, corporations, companies, associations, joint ventures, any other form of business organization or arrangement, and any form of public, private, or legal entity.

13. “**Sexual orientation change efforts,**” “**SOCE counseling,**” and “**SOCE**” mean any counseling, practice, or treatment that assists an individual to change his or her sexual orientation or gender identity, including efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender or sex.

14. The singular form of any noun or pronoun includes the plural, and vice versa.

15. Terms in the present tense include terms in the past tense, and terms in the past tense include terms in the present tense.

INSTRUCTIONS

1. **Duty to Supplement.** These Discovery Requests shall be deemed continuing in nature so as to require timely supplemental responses when necessary to reflect events occurring and information becoming available subsequent to the serving of Your initial response.

2. **Scope of Knowledge.** Answers to these Discovery Requests are to be based upon all knowledge or information available to the County, including, but not limited to, all information or knowledge derivable from government or other records, and all knowledge or information possessed by any Person, including but not limited to any employee, agent, attorney, expert witness, consultant, representative, or other advisor, subject to the instruction, direction, or control of the County.

3. **Lack of Knowledge.** With respect to any Discovery Request that the County may allege that it is unable to answer due to insufficient knowledge, the County must specify the nature of all inquiries made in an attempt to fully answer the Discovery Request.

4. **Form of Responses.** Each Discovery Request is to be answered separately and fully. If responding on a different document, for the convenience of the Court and the parties please restate each Discovery Request prior to the County's written response.

5. **OBJECTIONS.** You should answer each Discovery Request fully, unless it is objected to, in which event the County shall answer each part to which it does not object and specifically and separately specify the grounds for any objection. **Pursuant to the Standing Discovery Order in this case (dkt. 12), the County:**

- (a) "shall not make nonspecific, boilerplate objections";
- (b) "shall not make General Objections that are not tied to a particular discovery request";
- (c) "shall not recite a formulaic objection followed by an answer to [any] request," and shall not "object to a discovery request, and then state that 'notwithstanding the above,' the [County] will respond to the discovery request, subject to or without waiving such objection";
- (d) shall not make any "vague, overly broad, or unduly burdensome" objections without "explain[ing] the specific and particular way in which a request is vague, overly broad, or unduly burdensome";
- (e) shall not make any "undue burden" objections unless "supported by a statement (generally an affidavit) with specific information demonstrating how the request is overly burdensome";
- (f) shall not make any "vagueness" objections without an "attempt to obtain clarification from opposing counsel **prior** to objecting on vagueness grounds" (emphasis added); and

(g) shall not make any “overbroad or unduly burdensome” objections without “confer[ing] in good faith with opposing counsel to narrow the scope of the request **before** asserting these objections” (emphasis added).

6. **Signatures.** The answers are to be signed by an authorized representative of the County and objections, if any, are to be signed by the attorney making them.

7. **Oath.** Pursuant to Fed. R. Civ. P. 33(b)(3), the answers to Interrogatories shall be provided under oath.

8. **PRIVILEGE ASSERTIONS.** If the County refuses to answer any portion of any Discovery Request on the ground of any privilege, the County shall: (a) identify the privilege claimed; (b) provide a privilege log simultaneously with its responses containing, at a minimum, all of the information required by S.D. Fla. L.R. 26.1(e)(2)(B) and (C); and (c) answer fully the remaining portion of the Discovery Request.

9. **Business Records.** If the County elects to respond to any Interrogatory by reference to business records pursuant to Fed. R. Civ. P. 33(d), the County shall strictly comply with all requirements of S.D. Fla. L.R. 26.1(e)(3)(A)–(C), including the 14-day production deadline.

10. **Bates Labeling.** All documents produced by the County shall be sequentially Bates stamped in a manner that does not cover or obstruct any other content.

11. **Responsive Document Identification.** For each Discovery Request as to which the County is producing documents, the County shall identify in its written response to that Discovery Request the Bates ranges of documents produced which are responsive to that request.

12. **Production of Entire Document.** If any part of a document is responsive to any request herein, produce the entire document.

13. **Date Range.** Unless otherwise specifically noted, the relevant date range for these Discovery Requests is **January 1, 2008** to the present, and extending through the end of this litigation, including all appeals.

DISCOVERY REQUESTS

REQUEST FOR ADMISSION 1:

Admit that the County has not received any Complaint that any Minor was harmed by any SOCE counseling provided within the County.

RESPONSE:

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 County that a Minor was harmed by any SOCE counseling provided within the County, Identify (per Definition # 8): 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:

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 County that a Minor was harmed by any SOCE counseling provided within the County, produce:

- (a) all Documents Concerning that Complaint;
- (b) all Documents Concerning how that Complaint was processed, handled, investigated, prosecuted, and/or resolved by the County;
- (c) all Documents Concerning any interview, investigation, or report conducted by the County in connection with that Complaint;

- (d) all internal Communications of County personnel regarding that Complaint; and
- (e) all Communications of County personnel with any Person(s) not employed by the County regarding that Complaint.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 1:

REQUEST FOR ADMISSION 2:

Admit that the County has not received any Complaint that any Minor was subjected to SOCE counseling within the County against that Minor's wishes or without that Minor's consent.

RESPONSE:

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 County that a Minor was subjected to SOCE counseling within the County against that Minor's wishes or without that Minor's consent, Identify (per Definition # 8): 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:

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 County that a Minor was subjected to SOCE counseling within the County 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 County;
- (c) all Documents Concerning any interview, investigation, or report conducted by the County in connection with that Complaint;
- (d) all internal Communications of County personnel regarding that Complaint; and
- (e) all Communications of County personnel with any Person(s) not employed by the County regarding that Complaint.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 2:

REQUEST FOR ADMISSION 3:

Admit that, prior to enacting Ordinance 2017-046, the County did not conduct or commission any of its own empirical studies, research, or investigation to determine whether any Minor within the County 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 County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE:

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 County prior to enacting Ordinance 2017-046 to determine whether any Minor within the County 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 # 8): 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 County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE:

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 County prior to enacting Ordinance 2017-046 to determine whether any Minor within the County 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 County personnel regarding that study, research, or investigation; and
- (c) all Communications of County personnel with any Person(s) not employed by the County regarding that study, research, or investigation.

[For the sake of clarity, this RFP is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 3:

REQUEST FOR ADMISSION 4:

Admit that, prior to enacting Ordinance 2017-046, the County did not conduct or commission any of its own empirical studies, research, or investigations 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 County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE:

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 County prior to enacting Ordinance 2017-046 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 # 8): 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 County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE:

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 County prior to enacting Ordinance 2017-046 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 County personnel regarding that study, research, or investigation; and
- (c) all Communications of County personnel with any Person(s) not employed by the County regarding that study, research, or investigation.

[For the sake of clarity, this RFP is limited to empirical studies, research, or investigations that the County itself undertook or commissioned, as opposed to studies, research, or investigations undertaken by third parties which the County may have reviewed or relied upon.]

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 4:

REQUEST FOR ADMISSION 5:

Admit that none of the third party empirical studies, research, investigations, resolutions, or position papers which the County reviewed prior to enacting Ordinance 2017-046 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:

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 County prior to enacting Ordinance 2017-046, 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 County considered that specific conclusion.

RESPONSE:

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 County reviewed prior to enacting Ordinance 2017-046, 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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 5:

REQUEST FOR ADMISSION 6:

Admit that, prior to enacting Ordinance 2017-046, the County 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:

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 County prior to enacting Ordinance 2017-046 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 discussion to exist; and the specific portion of any meeting wherein the County considered that specific discussion.

RESPONSE:

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 County reviewed prior to enacting Ordinance 2017-046, and which you contend to have examined the ability or inability of Minors to consent to SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 6:

REQUEST FOR ADMISSION 7:

Admit that, prior to enacting Ordinance 2017-046, the County 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:

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 7 is anything other than an unqualified admission, then for each less restrictive alternative to Ordinance 2017-046 considered or discussed by the County, Identify: the alternative measure considered or discussed by the County; all efforts conducted by the County 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:

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 2017-046 considered or discussed by the County, including but not limited to all Documents Concerning any effort conducted by the County 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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 7:

ADDITIONAL INTERROGATORIES

INTERROGATORY 8:

Identify (per Definition # 8) all Persons employed by the County who had any involvement in drafting, considering, debating, amending, voting on, or enacting Ordinance 2017-046, and describe the nature of each such Person's involvement.

RESPONSE:

INTERROGATORY 9:

Identify (per Definition # 8) all Persons (including organizations) with which the County consulted, collaborated, or otherwise communicated Concerning the drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046, and describe the nature of each such Person's involvement.

RESPONSE:

ADDITIONAL REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION 8:

All Documents Concerning prior drafts or versions of Ordinance 2017-046 considered by the County.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 8:

REQUEST FOR PRODUCTION 9:

All Documents Concerning the County's drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046, 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:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 9:

REQUEST FOR PRODUCTION 10:

All Documents reviewed or considered by the County in the drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046, including but not limited to all empirical studies, data, statistics, analyses, research, position papers, testimony, letters, correspondence, or communications.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 10:

REQUEST FOR PRODUCTION 11:

All Communications between or among County Commissioners, the mayor, or any other County employees or officials regarding the County's drafting, consideration, debate, amendment, voting, or enactment of Ordinance 2017-046.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 11:

REQUEST FOR PRODUCTION 12:

All Documents Concerning any lobbying or attempts of any advocacy groups or other Persons to influence the County to adopt or reject Ordinance 2017-046 or any other ban on any form of SOCE counseling.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 12:

REQUEST FOR PRODUCTION 13:

All Documents Concerning the County's interpretation, application, or enforcement of Ordinance 2017-046, including but not limited to any enforcement memoranda or any guidelines provided to enforcement officials.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 13:

REQUEST FOR PRODUCTION 14:

All Documents Concerning the County's enforcement of, or attempts to enforce, Ordinance 2017-046 against any Person, including, without limitation, all violation notices, fines, warnings, citations, court documents, or Communications.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 14:

REQUEST FOR PRODUCTION 15:

All Communications between the County and Equality Florida Concerning this lawsuit, any Plaintiff, SOCE counseling, 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 County and any attorneys for Equality Florida regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 15:

REQUEST FOR PRODUCTION 16:

All Communications between the County and Rand Hoch and/or the Palm Beach County Human Rights Council Concerning this lawsuit, any Plaintiff, SOCE counseling, 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 County and any attorneys for Mr. Hoch or the Palm Beach County Human Rights Council regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 16:

REQUEST FOR PRODUCTION 17:

All Communications between the County and any advocacy group (other than Equality Florida or the Palm Beach County Human Rights Council) Concerning this lawsuit, any Plaintiff, SOCE counseling, 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 County and any attorneys for advocacy groups regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 17:

REQUEST FOR PRODUCTION 18:

All Communications between the County and the City of Boca Raton, Florida Concerning this lawsuit, any Plaintiff, SOCE counseling, City of Boca Raton Ordinance 5407, 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 County and any attorneys for the City of Boca Raton regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 18:

REQUEST FOR PRODUCTION 19:

All Communications between the County and the City of Tampa Concerning this lawsuit, any Plaintiff, SOCE counseling, 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 County and any attorneys for the City of Tampa regarding the enumerated subjects.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 19:

REQUEST FOR PRODUCTION 20:

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

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 20:

REQUEST FOR PRODUCTION 21:

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

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 21:

REQUEST FOR PRODUCTION 22:

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

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 22:

REQUEST FOR PRODUCTION 23:

Each Document and category of Documents identified or referred to in Your Initial Disclosures served on July 13, 2018, which was not already provided in response to any of the foregoing Discovery Requests.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 23:

REQUEST FOR PRODUCTION 24:

Each Document You reviewed or referenced to obtain Your answer to any of the foregoing Discovery Requests, which was not already provided in response to any of the foregoing Discovery Requests.

RESPONSE:

BATES RANGES OF DOCUMENTS RESPONSIVE TO RFP 24:

Respectfully submitted,

/s/ Horatio G. Mihet

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July 2018, I caused a true and correct copy of the foregoing to be served via electronic mail on counsel for each party of record, including:

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Attorneys for Defendant City of Boca Raton, Florida

/s/ Horatio G. Mihet

Horatio G. Mihet

Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

ROBERT W. OTTO, PH.D. LMFT,)	
individually and on behalf of his patients,)	
JULIE H. HAMILTON, PH.D., LMFT,)	
individually and on behalf of her patients,)	Civil Action No.: <u>9:18-cv-80771-RLR</u>
)	
Plaintiffs,)	
)	
v.)	
)	
CITY OF BOCA RATON, FLORIDA, and)	
COUNTY OF PALM BEACH, FLORIDA,)	
)	
Defendants.)	

PLAINTIFFS’ NOTICE OF TAKING DEPOSITIONS OF DEFENDANTS

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6), Federal Rules of Civil Procedure, and the Court’s Joint Discovery Plan for Preliminary Injunction Motion (“Joint Discovery Plan”) (dkt. 25), Plaintiffs will take the following depositions upon oral examination before a court reporter or some other officer duly authorized by law to take depositions, at the dates, times, and locations shown for the witnesses (or at such other date(s), time(s), and location(s) as to which the parties may mutually agree), for the purpose of discovery or as evidence in this action, which depositions will be recorded by stenographic and audiovisual means:

WITNESS	DATE, TIME	LOCATION
COUNTY OF PALM BEACH, FLORIDA	August 30, 2018 9:00 A.M.	TBD
CITY OF BOCA RATON, FLORIDA	August 31, 2018 9:00 A.M.	TBD

Each deposition will commence on the date and time specified and continue thereafter until the deposition has been completed.

DESCRIPTION OF MATTERS FOR EXAMINATION

Each Defendant, pursuant to Rule 30(b)(6), Federal Rules of Civil Procedure, will designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on the Defendant's behalf, regarding the matters for examination set forth below, subject to the definitions also set forth below.

DEFINITIONS

The following definitions apply to the matters for examination below:

- A. “**Minor**” means an individual under eighteen (18) years of age.
- B. As directed to Defendant City of Boca Raton, Florida, the “**Ordinance**” means City of Boca Raton Ordinance 5407, adopted by the City Council of the City of Boca Raton, Florida on October 10, 2017.
- C. As directed to Defendant County of Palm Beach, Florida, the “**Ordinance**” means Palm Beach County Ordinance No. 2017-046, adopted by the Board of County Commissioners of Palm Beach County, Florida on December 19, 2017.
- D. “**SOCE**” means sexual orientation change efforts, including without limitation any counseling, practice, or treatment that assists an individual in changing his or her sexual orientation or gender identity, and further including without limitation any efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender or sex.

MATERS FOR EXAMINATION

- 1. Defendant's purported interest in banning SOCE counseling for minors, including without limitation any complaint or other evidence of alleged harm Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

2. Any evidence that any minor within Defendant's jurisdiction was subjected to SOCE counseling against his or her will, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

3. Any evidence of alleged harm posed by voluntary SOCE counseling for minors who desire, request, or willingly consent to SOCE counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

4. Any evidence of alleged harm caused by voluntary SOCE counseling for minors within Defendant's jurisdiction who desired, requested, or willingly consented to SOCE counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

5. Any evidence that minors lack the ability to consent to voluntary SOCE counseling, or have the ability to consent to other treatments or procedures such as abortions, gender transition/reassignment, or same-sex relationship-affirming counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

6. Any less restrictive alternative to the Ordinance which Defendant considered prior to adopting the Ordinance, and all reasons for rejecting any such alternative.

7. All communications and coordination, between Defendant and Equality Florida or any other advocacy group, regarding the Ordinance or any other effort to ban SOCE for minors.

8. Defendant's consideration, debate, enactment, interpretation, application, and enforcement of the Ordinance, including Defendant's internal and external communications regarding same.

9. The factual matters disclosed in Defendant's Initial Disclosures.

10. Each subject covered by each Request for Admission, Interrogatory, or Request for Production within Plaintiff Otto's First Set of Requests for Admission, Interrogatories, and Requests for Production to Defendant, served on July 17, 2018.

11. The factual matters disclosed or asserted in Defendant's written responses to Plaintiff Otto's First Set of Requests for Admission, Interrogatories, and Requests for Production to Defendant.

12. Documents produced by Defendant in its Initial Disclosures or in response to Plaintiff Otto's First Set of Requests for Admission, Interrogatories, and Requests for Production to Defendant.

/s/ Horatio G. Mihet

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Horatio G. Mihet
Roger K. Gannam
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Phone: (407) 875-1776
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Email: hmihet@lc.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July 2018, I caused a true and correct copy of the foregoing to be served via electronic mail on counsel for each party of record, including:

Rachel Fahey

Primary Email: rfahey@pbcgov.org

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Kim Phan, Esquire

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