

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,)	INJUNCTIVE RELIEF SOUGHT
v.)	
)	
CITY OF BOCA RATON, FLORIDA,)	
and COUNTY OF PALM BEACH,)	
FLORIDA,)	
)	
Defendants.)	

**JOINT MOTION TO POSTPONE MEDIATOR SELECTION,
MEDIATION SCHEDULING AND MEDIATION
UNTIL AFTER PRELIMINARY INJUNCTION HEARING**

The Parties jointly and respectfully move the Court to postpone their August 10, 2018 deadline (dkt. 19) for designating a mediator and scheduling mediation until after the October 18-19, 2018 preliminary injunction hearing (dkt. 42). The Parties are currently engaged in and focused on the discovery allowed by this Court for the preliminary injunction hearing. (Dkt. 50). The Parties believe that this discovery, and the forthcoming preliminary injunction hearing itself, will better inform them as to their respective mediation positions and needs, including which mediator might be a good fit for this case and the date when mediation should be scheduled to maximize the chances of success (*e.g.*, before or after additional merits discovery).

The Parties note that the Court already intends to “hold a status conference for the parties to inform the Court of what additional discovery is needed” following the preliminary injunction hearing. (Dkt. 42). The Parties suggest that this status conference would also be an appropriate time to address mediation. The Parties do not believe that postponing the mediator selection and mediation scheduling until after the preliminary injunction hearing will, by itself, otherwise delay the overall progress of this case.

WHEREFORE, for good cause shown, the Parties jointly and respectfully request that the Court postpone their August 10, 2018 deadline for designating a mediator and scheduling mediation until a future date to be decided at the status conference following the October 18-19

preliminary injunction hearing.

Respectfully submitted,

/s/ Horatio G. Mihet

Mathew D. Staver (FL Bar 0701092)

Horatio G. Mihet (FL Bar 026581)

Roger K. Gannam (FL Bar 240450)

Daniel J. Schmid*

LIBERTY COUNSEL

P.O. Box 540774

Orlando, FL 32854

Phone: (407) 875-1776

Email: court@lc.org

**Pro hac vice* admission pending

Attorneys for Plaintiffs

/s/ Rachel Fahey

Rachel Fahey (FL Bar 105734)

Primary Email: rfahey@pbcgov.org

Secondary Email: dfishel@pbcgov.org

Kim Phan, Esquire (FL Bar 026781)

Primary Email: kphan@pbcgov.org

Secondary Email: ldennis@pbcgov.org

PALM BEACH COUNTY ATTORNEY

Litigation Section

300 North Dixie Highway, Third Floor West

Palm Beach, Florida 33401

Phone: (561) 355-6337

Fax: (561) 355-4234

*Attorneys for Defendant County of Palm
Beach*

/s/ Daniel L. Abbott

Daniel L. Abbott (FL Bar 767115)

Primary email: dabbott@wsh-law.com

Secondary email: pgrotto@wsh-law.com

Jamie A. Cole (Florida Bar 767573)

Primary email: jcole@wsh-law.com

Secondary email: msarraff@wsh-law.com

WEISS SEROTA HELFMAN

COLE & BIERMAN, P.L.

200 East Broward Boulevard, Suite 1900

Fort Lauderdale, FL 33301

Phone: (954) 763-4242

Fax: (954) 764-7770

Attorneys for Defendant City of Boca Raton

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August 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/ Horatio G. Mihet

Horatio G. Mihet

Attorney for Plaintiffs