

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.)	

**PLAINTIFFS’ UNOPPOSED MOTION FOR LEAVE TO FILE CONSOLIDATED
RESPONSE IN OPPOSITION TO DEFENDANTS’ SEPARATE MOTIONS TO DISMISS
AND FOR A ONE-WEEK EXTENSION OF TIME**

Pursuant to Fed. R. Civ. P. 6(b) and S.D. Fla. L. R. 7.1, and with the consent of all parties, Plaintiffs Robert W. Otto, Ph.D., LMFT, and Julie H. Hamilton, Ph.D., LMFT, individually and on behalf of their patients (“Plaintiffs”), respectfully move this Court for: (a) leave to file a consolidated response in opposition to the separate motions to dismiss filed by Defendants Palm Beach County (“County”) and City of Boca Raton (“City”), and (b) a one-week extension of time, to and including August 22, 2018. In support, Plaintiffs show the Court as follows:

- 1) On August 1, 2018, the County and City filed separate motions to dismiss Plaintiffs’ Complaint. (Dkts. 34, 39).
- 2) Plaintiffs’ two responses in opposition, of 20 pages each, are currently due tomorrow, August 15, 2018. S.D. Fla. L. R. 7.1(c).
- 3) Defendants’ separate motions to dismiss raise many issues in common, and some issues separately. Plaintiffs believe that filing a consolidated response of 35 pages will be more efficient than filing two separate responses of 20 pages each, and will streamline the Court’s review.
- 4) Plaintiffs have been working diligently on their response. However, because of the large number of issues raised, and because of pre-existing professional commitments of Plaintiffs’ counsel during the response period (including out-of-state travel for hearings on the west coast and

in Massachusetts), Plaintiffs need a brief, one-week extension to complete their response.

5) This request is not being filed for purposes of undue delay. No party will be prejudiced by the relief requested herein, and the extension, if granted, will not affect any other deadlines in this litigation.

6) Prior to filing this motion, the undersigned counsel for Plaintiffs conferred with counsel for both Defendants, who indicated that Defendants consent to the relief requested herein. This motion is therefore unopposed.

WHEREFORE, for good cause show, Plaintiffs respectfully request that this Motion be granted, and that the Court permit them to file one consolidated response of 35 pages or less to Defendants' separate motions to dismiss, on or before August 22, 2018.

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

CERTIFICATE OF SERVICE

I hereby certify that on this 14th 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