

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 FOR EXTENSIONS OF TIME FOR OPPOSING AND REPLY
MEMORANDA OF LAW ON DEFENDANTS’ RESPECTIVE MOTIONS TO DISMISS**

The Parties jointly and respectfully move the Court for extensions of their respective deadlines for serving memoranda of law on Defendants’ respective motions to dismiss (DE 34, 39). Plaintiffs seek a one-day extension of time for their consolidated opposition memorandum, and Defendants seek a seven-business day extension for their respective reply memoranda. The Parties state as follows in support of this motion:

1. Pursuant to this Court’s Order of August 14, 2018 (DE 54), Plaintiffs' consolidated response in opposition to Defendant City of Boca Raton's Motion to Dismiss (DE 34) and Defendant Palm Beach County's Motion to Dismiss (DE 39) is due by August 22, 2018. Pursuant to Local Rule 7.1(c), Defendants’ respective reply memoranda will be due seven (7) days after service of Plaintiffs’ consolidated response.

2. Respective counsel for the Parties have all been diligently working on discovery responses, which for both Plaintiffs and Defendants have required agreed extensions of time to

complete. Counsel have cooperated with each other to accommodate the additional time needed to complete the discovery responses.

3. In addition, Plaintiffs' counsel have been working diligently to complete Plaintiffs' consolidated response by today's deadline. Due to the large number of issues to be covered in Plaintiffs' consolidated response, however, combined with Plaintiffs' lead counsel's having to travel out of state for a hearing in a Vermont federal case earlier this week, and the unanticipated additional time needed to complete discovery responses (see above)—both coming during a critical week in the discovery and motion briefing schedule, Plaintiffs' counsel need one additional day to complete the response in an appropriately organized, clear, and concise submission.

4. Defendants' respective counsel, in addition to completing Defendants' responses to Plaintiffs' written discovery, are also preparing for the depositions of Plaintiffs next week on August 29 and 30, and preparing Defendants' respective memoranda in opposition to Plaintiffs' preliminary injunction motion, due September 10. The additional time needed to complete written discovery responses, the time needed to prepare for the depositions of Plaintiffs next week, and the time needed to prepare legal memoranda in opposition to Plaintiffs' preliminary injunction motion, all necessitate a seven-business day extension of time for Defendants to file their respective reply memoranda in support of their motions to dismiss.

5. Plaintiffs' counsel have not disregarded the Court's admonition in its August 13 Order (DE 55, n.1) that the parties should anticipate deadlines to avoid moving for extension on a deadline. Plaintiffs' counsel, however, anticipated in good faith being able to comply with today's deadline for Plaintiffs' consolidated response, and only determined late last night that the additional day would be necessary. Plaintiffs' counsel represent to the Court that they would not

be seeking this extension unless it were absolutely necessary, despite Plaintiffs' counsel's best efforts to avoid it.

WHEREFORE, for good cause shown, the Parties jointly and respectfully request that the Court enter an order extending Plaintiffs' deadline for their consolidated response to Defendants' respective motions to dismiss by one day, to August 23, 2018, and extending Defendants' respective deadlines for their reply memoranda by seven business days, to September 10, 2018.

Respectfully submitted,

/s/ Horatio G. Mihet

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CERTIFICATE OF SERVICE

I hereby certify that on this August 22, 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