

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

**Case No. 9:18-CV-80771-ROSENBERG/REINHART**

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,

Plaintiffs,

vs.

CITY OF BOCA RATON, FLORIDA,  
and COUNTY OF PALM BEACH,  
FLORIDA,

Defendants.

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**THE TREVOR PROJECT'S REPLY IN SUPPORT OF  
ITS MOTION FOR LEAVE TO FILE *AMICUS* BRIEF**

The Trevor Project files this reply to respond to Plaintiffs' arguments that The Trevor Project's proposed *amicus* brief "would be neither useful nor timely," and would introduce new "factual matter before the Court." ECF 70 at 1. Plaintiffs are incorrect on all three assertions, and Plaintiffs can identify no valid ground to deny The Trevor Project's motion.

First, Plaintiffs argue that The Trevor Project's proposed *amicus* brief is "not useful" because The Trevor Project has no "relevant connection" to Defendants' ordinances when they were enacted. ECF 70 at 2. In adjudicating whether Plaintiffs are entitled to a preliminary injunction that would temporarily permit minors to be subjected to conversion therapy, this Court is obligated to consider "the balance of equities and the public interest." *Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018). Directly to that end, The Trevor Project could contribute to the Court's understanding of the public interest at play in this case because of its perspective regarding the devastating and life-long psychological impact that conversion therapy can inflict upon lesbian, gay, bisexual, transgender, queer, and questioning ("LGBTQ") youth based upon its own firsthand accounts with LGBTQ youth and the voluminous academic literature. This

information is indisputably useful to the Court's evaluation of Plaintiffs' motion for preliminary injunction.

Second, Plaintiffs argue that The Trevor Project's motion is untimely because it will "disrupt the current preliminary injunction proceedings." ECF 70 at 3. Plaintiffs do not argue that the filing of this *amicus* brief will disrupt the Court's schedule for hearing and deciding on the motion for preliminary injunction. Indeed, the hearing on the motion will not occur until October 18-19, 2018, which is far in advance of when The Trevor Project would file its *amicus* brief. Instead, Plaintiffs complain that their decision to oppose The Trevor Project's motion and file a written response pulled them away from deposition preparation. *Id.* Plaintiffs of course did not need to oppose this motion, and regardless Plaintiffs' opposition is already on file, so that work is now complete.

Third, The Trevor Project entered this litigation to be a "friend of the court," and not, as Plaintiffs purport, to be a fact witness. ECF 70 at 2, 4; *see also A.R. v. Dudek*, No. 13-61576-CIV, 2014 WL 12519764, at \*4 (S.D. Fla. Apr. 7, 2014) ("An *amicus* is not a party to the litigation, but rather participates for the benefit of the court only."). Its proposed *amicus* brief will provide unique insight into how the practice of conversion therapy threatens LGBTQ youth. By drawing on its own experiences with LGBTQ youth as well as academic literature, The Trevor Project will provide a different and unique perspective on the potential harm to the public interest at issue in the injunction that would not otherwise be covered in the briefing. This is of course the role that *amici* routinely play in assisting this and other courts.

Just a few months ago, a sister district court permitted Equality Florida to file an *amicus* brief in defense of a nearly identical ordinance in Tampa. *See Vazzo v. City of Tampa*, No. 8:17-cv-2896-T-36AAS, 2018 WL 1629216, at \*6 (M.D. Fla. Mar. 15, 2018). This Court should allow The Trevor Project to do the same. For the reasons set forth herein and in The Trevor Project's opening memorandum, the Court should grant it leave to file an *amicus curiae* brief in support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction within 20 days of the Court's Order.

Dated: August 30, 2018

Respectfully submitted,

/s/ Douglas C. Dreier

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### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record on the Service List below.

/s/ Douglas C. Dreier

Douglas C. Dreier

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