

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No.: 9:18-cv-80771-RLR

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,

v.

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

Defendants.

**JOINT NOTICE OF FILING ROBERT W. OTTO, PH.D., LMFT'S
OBJECTIONS AND RESPONSES TO PALM BEACH COUNTY'S PRELIMINARY
INJUNCTION INTERROGATORIES AND REQUESTS FOR ADMISSIONS**

The Defendants, PALM BEACH COUNTY and CITY OF BOCA RATON, by and through the undersigned counsel, hereby file this Notice of Filing Robert W. Otto, Ph.D., LMFT's Objections and Responses to Palm Beach County's Preliminary Injunction Interrogatories served on August 20, 2018 (attached hereto as Exhibit A) and Robert W. Otto, Ph.D., LMFT's Objections and Responses to Palm Beach County's Preliminary Injunction Requests for Admissions served on August 16, 2018 (attached hereto as Exhibit B).

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 10, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send an electronic notice to the authorized CM/ECF filers.

/s/ Rachel Fahey

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

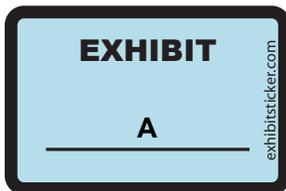
ROBERT W. OTTO, PH.D. LMFT,)	
individually and on behalf of his patients,)	
JULIE H. HAMILTON, PH.D., LMFT,)	
individually and on behalf of her patients,)	Civil Action No.: <u>9:18-cv-80771-RLR</u>
)	
Plaintiffs,)	INJUNCTIVE RELIEF SOUGHT
v.)	
)	
CITY OF BOCA RATON, FLORIDA,)	
and COUNTY OF PALM BEACH,)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

**PLAINTIFF ROBERT W. OTTO, PH.D., LMFT’S OBJECTIONS AND RESPONSES
TO THE PRELIMINARY INJUNCTION INTERROGATORIES
OF DEFENDANT PALM BEACH COUNTY**

Pursuant to Fed. R. Civ. P. 26 and 33, and Local Rule 26.1, Plaintiff Robert W. Otto, Ph.D., LMFT (“Otto”), by and through counsel, hereby provides the following responses and objections to Defendant County of Palm Beach’s Preliminary Injunction Interrogatories. Otto hereby reserves all objections to the relevance, use or admissibility of any of these Interrogatories and responses. Subject to the foregoing, Otto objects and otherwise responds as follows:

1. Please state the name and address of the person or persons answering these interrogatories and if applicable the official position or relationship with the party to whom the interrogatories are directed.

RESPONSE: The person providing the substantive information disclosed in these interrogatory responses, and verifying them under oath, is Plaintiff Robert W. Otto, who may be contacted through his undersigned counsel. The objections to these interrogatories are made by the undersigned counsel.



2. Explain the legal basis for your assertion that a minor can legally undergo gender reassignment surgery and breast augmentation without the consent of a parent or legal guardian.

OBJECTION: Otto objects to this Interrogatory because it misstates Otto's positions. Otto further objects to this interrogatory because it expressly calls for a legal conclusion. Otto is not a lawyer. The "legal basis" for his positions is provided by his counsel in briefs, and is not a proper subject of interrogatories to Otto.

3. Describe in detail everything you included when you sought the informed consent of a minor to conduct any therapeutic practice that seeks to change the minor's sexual orientation or gender identity.

OBJECTIONS: Otto objects to this Interrogatory on the ground that it fails to specify a time period. To the extent the Interrogatory purports to request information about Otto's speech or conduct after the enactment of the Ordinance in suit, Otto objects and declines to respond on the basis of the Fifth Amendment privilege against self-incrimination. Although Otto has been forced to alter his speech and conduct after the enactment of the Ordinance in order to avoid a knowing violation, Otto notes that the Ordinance is not only vague and ambiguous in what it purports to prohibit, but also purports to impose criminal penalties for any violation, whether knowing or unknowing. Accordingly, Otto does not wish to provide the County with any information upon which to prosecute him for any unknowing violations of the Ordinance. Otto will therefore respond to the Interrogatory as if limited to his speech or conduct prior to the enactment of the Ordinance.

Otto further objects to this Interrogatory because it inappropriately calls for a narrative response and requires him to "describe in detail everything" he says or does on the requested subject. This is impossible to do in an interrogatory response, particularly in the context of the client-driven and client-centered therapy he practices, where no two interactions are exactly alike. Otto will therefore respond to the Interrogatory as if limited to what Otto generally says or does, or wishes to say or do, on the requested topic. To the extent Otto provides examples, they are not exhaustive or inclusive of "everything" Otto says or does, or wishes to say or do, in every context. Otto is prepared to supplement his response with deposition testimony, and otherwise as appropriate in discovery.

RESPONSE: Otto notes that the way this Interrogatory is worded implies that sexual orientation is a fixed concept that he is trying to change. Otto objects to that characterization as misleading and disagrees with the Interrogatory's premise, assumption and articulation of the issue. Otto notes that his marriage and family therapy practice is focused solely on helping a client achieve his or her stated goals, not a preconceived notion that he "seeks" to change behaviors, thoughts or feelings. Otto focuses on the issues that the client wants to address, including those situations where clients seek assistance in conforming their identity and attractions to their sincerely held religious beliefs, values, and concept of self.

For the Informed Consent Form for Counseling Regarding Unwanted Same-Sex Attractions and Behaviors, which Otto has adopted for clients of his practice, SDG Counseling, LLC, see Otto 008-009, produced in response to the County's Requests for Production.

4. Describe in detail everything you included when you sought the informed consent of a minor to conduct any therapeutic practice that seeks to reduce or eliminate "unwanted same-sex attractions or behaviors."

OBJECTIONS: Otto objects to this Interrogatory on the ground that it fails to specify a time period. To the extent the Interrogatory purports to request information about Otto's speech or conduct after the enactment of the Ordinance in suit, Otto objects and declines to respond on the basis of the Fifth Amendment privilege against self-incrimination. Although Otto has been forced to alter his speech and conduct after the enactment of the Ordinance in order to avoid a knowing violation, Otto notes that the Ordinance is not only vague and ambiguous in what it purports to prohibit, but also purports to impose criminal penalties for any violation, whether knowing or unknowing. Accordingly, Otto does not wish to provide the County with any information upon which to prosecute him for any unknowing violations of the Ordinance. Otto will therefore respond to the Interrogatory as if limited to his speech or conduct prior to the enactment of the Ordinance.

Otto further objects to this Interrogatory because it inappropriately calls for a narrative response and requires him to "describe in detail everything" he says or does on the requested subject. This is impossible to do in an interrogatory response, particularly in the context of the client-driven and client-centered therapy he practices, where no two interactions are exactly alike. Otto will therefore respond to the Interrogatory as if limited to what Otto generally says or does, or wishes to say or do, on the requested topic. To the extent Otto provides examples, they are not exhaustive or inclusive of "everything" Otto says or does, or wishes to say or do, in every context. Otto is prepared to supplement his response with deposition testimony, and otherwise as appropriate in discovery.

RESPONSE: Otto notes that the way this Interrogatory is worded implies that sexual orientation is a fixed concept that he is trying to change. Otto objects to that characterization as misleading and disagrees with the Interrogatory's premise, assumption and articulation of the issue. Otto notes that his marriage and family therapy practice is focused solely on helping a client achieve his or her stated goals, not a preconceived notion that he "seeks" to change behaviors, thoughts or feelings. Otto focuses on the issues that the client wants to address, including those situations where clients seek assistance in conforming their identity and attractions to their sincerely held religious beliefs, values, and concept of self.

For the Informed Consent Form for Counseling Regarding Unwanted Same-Sex Attractions and Behaviors, which Otto has adopted for clients of his practice, SDG

Counseling, LLC, see Otto 008-009, produced in response to the County's Requests for Production.

5. Describe in detail everything you wish to be able to say outside of a therapy session that you contend is prohibited by the County's ordinance.

OBJECTIONS: Otto objects to this Interrogatory because it inappropriately calls for a narrative response and requires him to "describe in detail everything" he wishes to say or do on the requested subject. This is impossible to do in an interrogatory response, particularly where the Interrogatory purports to ask about every situation "outside of a therapy session" that Otto would ever find himself in, or every speech, communication, presentation or interaction "outside of a therapy session" that Otto would ever participate in. Otto will therefore respond to the Interrogatory as if limited to what Otto generally might wish to say in some instances outside of a formal therapy session. To the extent Otto provides examples, they are not exhaustive or inclusive of "everything" Otto wishes to say in every context. Otto is prepared to supplement his response with deposition testimony, and otherwise as appropriate in discovery.

Otto further objects to this Interrogatory because it calls for a legal conclusion. Otto is not a lawyer, but will provide his understanding of how the Ordinance, which is vague and ambiguous, appears to work in some instances.

RESPONSE: Otto notes that, according to the Ordinance, so-called "conversion therapy" – which Otto has never used to describe his practice and knows of no other licensed mental health professional who employs such term – means "the practice of seeking to change an individual's sexual orientation or gender identity, including but not limited to efforts to change behaviors, gender identity, or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex." Otto notes that the Ordinance also states that, "It shall be unlawful for any Provider to engage in conversion therapy on any minor regardless of whether the Provider receives monetary compensation in exchange for such services."

Otto is left to guess at any number of situations in which these provisions would prohibit him from discussing certain issues outside of a formal therapy session. Based on the Ordinance, as a licensed provider, Otto is not permitted to attempt to help a minor with changes the minor wishes to make, even if he is not getting paid. Even if Otto is outside of his counseling office, and merely talking to or trying to help a friend's son or daughter address their unwanted same-sex attractions, behaviors, identity, or gender confusion, the Ordinance would prohibit that kind of speech. Under the Ordinance, Otto also notes that such a restriction would apply to conversations he would have with his own grandchild or with other minors in his extended family or network of friends.

The Ordinance prohibits "the practice of seeking to change," which in Otto's field consists of conversations between him and those whom he is trying to help. Therefore, the Ordinance prohibits Otto from even having conversations that would seek to help minors

with changes they wish to make in the areas prohibited by the Ordinance, even if he is outside the office, not getting paid for such help. Otto also notes that such a broad prohibition may even apply to him giving lectures, speeches, or lessons at a church or local organization that desires to assist parents and children who are struggling with such issues.

Otto would also like to be able to advertise his services to minors who seek to reduce or eliminate their unwanted same-sex attractions, behaviors, identity, or gender confusion (and their parents). Otto would like to be able to advertise on websites, through radio, in published print, in brochures, through verbal communications, and via other mechanisms to offer his services in this area. Because of the Ordinance, however, Otto is prohibited from distributing such advertisements because he cannot advertise something that he is not legally permitted to offer.

6. Describe in detail everything you wish to be able to say in therapy to a minor patient that you contend is prohibited by the County's ordinance.

OBJECTIONS: Otto objects to this Interrogatory because it inappropriately calls for a narrative response and requires him to "describe in detail everything" he wishes to say or do on the requested subject. This is impossible to do in an interrogatory response, particularly in the context of the client-driven and client-centered therapy he practices, where no two interactions are exactly alike. Otto will therefore respond to the Interrogatory as if limited to what Otto generally might wish to say in some instances in a therapy session with a minor. To the extent Otto provides examples, they are not exhaustive or inclusive of "everything" Otto wishes to say in every context. Otto is prepared to supplement his response with deposition testimony, and otherwise as appropriate in discovery.

Otto further objects to this Interrogatory because it calls for a legal conclusion. Otto is not a lawyer, but will provide his understanding of how the Ordinance, which is vague and ambiguous, appears to work in some instances.

RESPONSE: Otto contends that the Ordinance is prohibiting him from saying anything that might possibly be construed, understood, or inferred to be seeking to help a minor reduce or eliminate unwanted same-sex attractions, behaviors, or identity or gender confusion, even when such statements are not uttered with the express aim of changing a minor's sexual orientation or gender identity. Otto notes that he does not engage in therapy where his goal is to change any client's sexual orientation or gender identity, but that he seeks to help clients achieve the goals that the clients themselves determine are appropriate for them. Under the Ordinance, not only is Otto prohibited from engaging in such talk therapy with his clients, but his clients are prohibited from even having certain goals in the therapeutic alliance, even when those goals are necessary for the clients to live consistently with their sincerely held religious beliefs, values, and concept of self.

Otto cannot possibly describe in this response every potential issue or statement that he might like to address in a therapeutic setting because his talk therapy practice is never the same for every client. Otto's practice focuses on conversations and discussions that address

what the clients present with, what the clients wish to explore or address, and the goals and aims that the clients wish to pursue.

Some examples of what Otto is prohibited from discussing in his practice include the following: talking about a minor client's unwanted, non-heterosexual sexual behaviors, thoughts, or feelings; conversations concerning the origins of the client's unwanted feelings; conversations concerning potential causes of such unwanted feelings, such as social information, experiences, and potential abuse; and conversations concerning the client's religious beliefs and how the client's unwanted attractions or feelings collide with those religious beliefs.

Otto would like to be able to discuss family and other support available to the client. He would talk about how the client has dealt with unwanted same-sex attractions or feelings to date, about setting up boundaries to assist the client make the choices the client wants to make, and about triggers. Otto would like to talk about what goals the client has for this area of life, including any changes to specific behaviors or thoughts that the client may see as problematic. Otto would like to talk about how adolescent brain development impacts a teen's ability to make rational decisions rather than emotional decisions. Otto would like to talk about different feelings that people may have but choose not to act upon. Otto would also like to talk about how people sometimes use sex, relationships and pornography to medicate or cope with uncomfortable feelings. Otto would also like to talk about neurochemistry and how that plays a part in sexuality.

Because of the Ordinance, Otto cannot discuss any of these issues or topics in therapy sessions with minors, because they may lead to change or may be construed as "efforts to change."

7. Describe in detail what "talk therapy" practices you employed, prior to the passage of the County's ordinance, to reduce or eliminate same-sex attractions. Specify what concepts and information you communicated as "truth," what advice was generally given, and what tools you generally recommended the minor employ.

OBJECTIONS: Otto objects to this Interrogatory because it inappropriately calls for a narrative response and requires him to "describe in detail" the therapy he provided and advice he gave to every SOCE counseling client prior to the enactment of the Ordinance. This is impossible to do in an interrogatory response, particularly in the context of the client-driven and client-centered therapy he practices, where no two interactions are exactly alike. Otto will therefore respond to the Interrogatory as if limited to Otto's general approach to talk therapy with same-sex attracted clients prior to the enactment of the Ordinance. To the extent Otto provides examples, they are not exhaustive or inclusive of everything Otto said or did in such therapy sessions. Otto is prepared to supplement his response with deposition testimony, and otherwise as appropriate in discovery.

RESPONSE: Otto incorporates his response to Interrogatory 6 to illustrate the general nature of his talk therapy sessions with same-sex attracted clients prior to the enactment of the Ordinance.

As to the question related to “truth,” Otto notes that approximately 90 percent of his clients profess to be Bible-believing Christians with sincerely held religious beliefs that the Bible is the source of all truth. Otto shares those beliefs and therapy sessions sometimes include discussion of Biblical truths, including that God created men and women, that they are distinctly different, and that their design was purposeful. Otto’s Christian, Jewish, and Muslim clients all hold the same sincerely held religious beliefs as Otto in this area.

Otto sometimes also conveys the biological truth that male and female bodies are different even down the individual cell level. Otto sometimes shares that every cell in man’s body has an X and a Y chromosome, and every cell in the female body has 2 X chromosomes (with the only exception being the sperm and egg cells which only have one chromosome). Otto sometimes discusses neuro-chemistry and its impact on human sexuality.

8. Identify the author(s), title, publication date, journal, publisher and location of all articles, research papers, or reports that support or substantiate the efficacy of the therapy you describe in your answer to interrogatory number 7 above.

OBJECTION/RESPONSE: Otto objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, and impracticable, as it would call for a virtually endless production of every possible article, research paper, report, etc. that supports the use of client-centered therapy. Construing this Interrogatory as limited to those articles, research papers, and reports that Otto has reviewed, gained some personal insight from, and recalls as of the time of this response, Otto provides the following response: See PLJoint 081-793 produced in response to the County’s Requests for Production.

9. Describe in detail what “talk therapy” practices you employed, prior to the passage of the County’s ordinance, to seek to change a minor’s sexual orientation or gender identity. Specify what concepts and information you communicated as “truth,” what advice was generally given, and what tools you generally recommended the minor employ.

OBJECTIONS: Otto objects to this Interrogatory because it inappropriately calls for a narrative response and requires him to “describe in detail” the therapy he provided and advice he gave to every SOCE counseling client prior to the enactment of the Ordinance. This is impossible to do in an interrogatory response, particularly in the context of the client-driven and client-centered therapy he practices, where no two interactions are exactly alike. Otto will therefore respond to the Interrogatory as if limited to Otto’s general approach to talk therapy with same-sex attracted clients and gender confused clients prior

to the enactment of the Ordinance. To the extent Otto provides examples, they are not exhaustive or inclusive of everything Otto said or did in such therapy sessions. Otto is prepared to supplement his response with deposition testimony, and otherwise as appropriate in discovery.

RESPONSE: Otto incorporates his responses to Interrogatories 6 and 7 to illustrate the general nature of his talk therapy sessions with same-sex attracted clients prior to the enactment of the Ordinance.

Otto has not found it helpful to discuss sexual orientation as a concept in itself during therapy sessions. He notes that sexual orientation is not a behavior, thought, or feeling, and that labeling such behaviors, thoughts, and feelings with the “sexual orientation” label presupposes that such a trait is fixed and immutable, which the scientific literature does not support. Both the research Otto has reviewed and his own experience in his practice confirms that such a fixed and immutable description is not accurate.

Otto further responds that he has not yet had clients present issues related to gender identity or gender identity confusion.

10. Identify the author(s), title, publication date, journal, publisher and location of all articles, research papers, or reports that support or substantiate the efficacy of the therapy you describe in your answer to interrogatory number 9 above.

OBJECTION/RESPONSE: Otto incorporates by reference, as if fully restated herein, his Objection/Response to Interrogatory 8.

11. Describe in detail what you tell minors in therapy, as part of your therapeutic practice, are the root causes of their “unwanted same-sex attractions, behaviors, and identity.”

OBJECTIONS: Otto objects to this Interrogatory on the ground that it fails to specify a time period. To the extent the Interrogatory purports to request information about Otto’s speech or conduct after the enactment of the Ordinance in suit, Otto objects and declines to respond on the basis of the Fifth Amendment privilege against self-incrimination. Although Otto has been forced to alter his speech and conduct after the enactment of the Ordinance in order to avoid a knowing violation, Otto notes that the Ordinance is not only vague and ambiguous in what it purports to prohibit, but also purports to impose criminal penalties for any violation, whether knowing or unknowing. Accordingly, Otto does not wish to provide the County with any information upon which to prosecute him for any unknowing violations of the Ordinance. Otto will therefore respond to the Interrogatory as if limited to his speech or conduct prior to the enactment of the Ordinance.

Otto further objects to this Interrogatory because it inappropriately calls for a narrative response and requires him to “describe in detail” what he has told every SOCE counseling

minor client prior to the enactment of the Ordinance. This is impossible to do in an interrogatory response, particularly in the context of the client-driven and client-centered therapy he practices, where no two interactions are exactly alike. Otto will therefore respond to the Interrogatory as if limited to Otto's general approach to talk therapy with same-sex attracted clients and gender confused clients prior to the enactment of the Ordinance. To the extent Otto provides examples, they are not exhaustive or inclusive of everything Otto said or did in such therapy sessions. Otto is prepared to supplement his response with deposition testimony, and otherwise as appropriate in discovery.

RESPONSE: According to the research, there is no conclusive information about the root causes of unwanted same-sex attractions, behaviors, and identity. According to the APA, both nature and nurture play a role. According to the APA Handbook on Sexuality and Psychology (2014), there may be a link between lack of a same-sex parent and later homosexuality. The authors of various studies have also described a possible correlation between sexual abuse and homosexuality.

In his practice, depending on the needs of his individual clients, Otto generally discusses several things that can serve as contributing factors to a client's unwanted same-sex attractions, behaviors, and identity, such as societal influences, peers, peer influences, abuse, parenting issues, parent and child relationship issues, trauma, and curiosity. Otto discusses with his clients that there is no research that can point to one single "root cause" of an individual's unwanted same-sex attractions, behaviors, or identity, but notes that the research does not support the commonly proclaimed myth that people are "born gay."

12. Describe in detail what you tell minors in therapy, as part of your therapeutic practice, about gender roles and identities.

OBJECTIONS: Otto objects to this Interrogatory on the ground that it fails to specify a time period. To the extent the Interrogatory purports to request information about Otto's speech or conduct after the enactment of the Ordinance in suit, Otto objects and declines to respond on the basis of the Fifth Amendment privilege against self-incrimination. Although Otto has been forced to alter his speech and conduct after the enactment of the Ordinance in order to avoid a knowing violation, Otto notes that the Ordinance is not only vague and ambiguous in what it purports to prohibit, but also purports to impose criminal penalties for any violation, whether knowing or unknowing. Accordingly, Otto does not wish to provide the County with any information upon which to prosecute him for any unknowing violations of the Ordinance. Otto will therefore respond to the Interrogatory as if limited to his speech or conduct prior to the enactment of the Ordinance.

Otto further objects to this Interrogatory because it inappropriately calls for a narrative response and requires him to "describe in detail" what he has told every SOCE counseling minor client prior to the enactment of the Ordinance. This is impossible to do in an interrogatory response, particularly in the context of the client-driven and client-centered therapy he practices, where no two interactions are exactly alike. Otto will therefore respond to the Interrogatory as if limited to Otto's general approach to talk therapy with

same-sex attracted clients and gender confused clients prior to the enactment of the Ordinance. To the extent Otto provides examples, they are not exhaustive or inclusive of everything Otto said or did in such therapy sessions. Otto is prepared to supplement his response with deposition testimony, and otherwise as appropriate in discovery.

RESPONSE: Otto notes that approximately 90 percent of his clients profess to be Bible-believing Christians with sincerely held religious beliefs that the Bible is the source of all truth, including on matters of gender roles. Otto shares those beliefs and therapy sessions sometimes include discussion of Biblical truths, including that God created men and women, that they are distinctly different, and that their design was purposeful. Otto's Christian, Jewish, and Muslim clients all hold the same sincerely held religious beliefs as Otto in this area. Otto's conversations in this area have involved speaking of gender roles and a client's identity from a Christian perspective and viewpoint, specifically looking at what the Bible says on such matters.

13. Describe the principles and methods of the "talk therapy" practices you wish to use but claim that you cannot because of the passage of the County's ordinance.

OBJECTION/RESPONSE: Otto incorporates by reference, as if fully restated herein, his Objections and Responses to Interrogatories 6, 7 and 9.

In addition, Otto states that, because the Ordinance is vague and ambiguous, he does not know how the County is interpreting and applying it, and he does not know the full extent of what the Ordinance prohibits. In essence, the Ordinance prohibits Otto from assisting his minor clients in accomplishing the goals they have for their lives, many of which arise because of their sincerely held religious beliefs, values, and concept of self. Some of his clients' goals are no longer permissible under the Ordinance. The County has taken away the fundamental right of certain clients to self-determination in that they cannot have the goals of changing homosexual behaviors, seeking to understand and thereby diminish, if possible, homosexual attractions; and becoming more secure in their biological sex when their gender identity does not match their biological sex.

14. Describe the principles and methods of the "talk therapy" practices that can reduce or eliminate same-sex attractions.

OBJECTION/RESPONSE: Otto incorporates by reference, as if fully restated herein, his Objections and Responses to Interrogatories 6, 7 and 9.

15. Describe the principles and methods of the “talk therapy” practices that can change a minor’s sexual orientation or gender identity.

OBJECTION/RESPONSE: Otto incorporates by reference, as if fully restated herein, his Objections and Responses to Interrogatories 6, 7 and 9.

16. Identify the author(s), title, publication date, journal, publisher and location of all articles, research papers, or reports that support or substantiate the conclusion that unwanted same-sex attractions result from trauma.

OBJECTION/RESPONSE: Otto objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, and impracticable, as it would call for a virtually endless production of every possible article, research paper, report, etc. that supports the correlation between unwanted same-sex attractions and sexual abuse or trauma. Construing this Interrogatory as limited to those articles, research papers, and reports that Otto has reviewed, gained some personal insight from, and recalls as of the time of this response, Otto provides the following response:

Dr. Lawrence S. Mayer and Dr. Paul R. McHugh, “Sexuality and Gender: Findings from a Biological, Psychological, and Social Sciences.” The New Atlantis, Fall 2016, <https://www.thenewatlantis.com/publications/number-50-fall-2016>

Friedman, M.S., Marshal, M.P., Guadamuz, T.E., et. al. “A Meta-Analysis of Disparities in Childhood Sexual Abuse, Parental Physical Abuse, and Peer Victimization Among Sexual Minority and Sexual Nonminority Individuals.” American Journal of Public Health, August 2011, <https://ajph.aphapublications.org/doi/10.2105/AJPH.2009.190009>

17. Have you ever counseled a minor to assist them in coping with wanted same-sex attractions? If so, please identify how many minors you have so helped in the last 5 years.

RESPONSE: Otto has not counseled a minor seeking to cope with wanted same-sex attractions. Otto is a Christian counselor. He has worked at a Christian counseling center on the campus of a Christian church. He has marketed his services via Christian friends, churches, Christian schools, and doctors and lawyers who are Christians. Most of Otto’s clients share the same Christian convictions or are at least comfortable working from this framework. If a client was looking for help becoming comfortable with same-sex attractions, Otto would refer that client to professionals who would be better able to help, as is common in his profession.

18. In the year prior to the passage of the County's ordinance at issue, what percentage of your practice involved counseling that sought to change a minor's gender identity of [*sic*] sexual orientation and what percentage of your counseling sought to assist a minor in embracing or coping with a non-heterosexual orientation or a gender identity that differed from their anatomical sex?

RESPONSE: Otto has not had a client present with issues related to gender identity or gender identity confusion. As to minors who present with stated goals to conform their sexual attractions, behaviors, or identity to their sincerely held religious beliefs, values, or concept of self, in a typical year prior to the enactment of the Ordinance they accounted for a small part (approximately five percent) of Otto's practice.

19. Explain with specificity and in detail (a) the decline in profit your practice has sustained since or as a result of the passage of the County's conversion-therapy ban ordinance at issue; (b) identify the actual dollar amount of the decline in profit; (c) and identify the specific methodology you utilized to compute (a) and (b) above.

OBJECTION: Otto objects to this Interrogatory on the grounds that it is premature. The Preliminary Injunction Hearing is concerned exclusively with the irreparable and incalculable harm that the unconstitutional Ordinance is imposing on Otto and his clients each and every day it remains in effect, by virtue of its indiscriminate ban on constitutionally protected speech, and its violation of other constitutional liberties. This is the primary harm this lawsuit seeks to redress. Accordingly, it is not proper for "Preliminary Injunction Interrogatories" to request a calculation of money damages. Otto does not seek money damages at the Preliminary Injunction Hearing.

In the subsequent merits and damages phase of discovery following the Preliminary Injunction Hearing, Otto will attempt to calculate his lost revenues and profits from the clients he has had to turn away following enactment of the Ordinance, and will provide same to Defendants, provided Defendants stipulate that such disclosure does not amount to any waiver of Otto's Fifth Amendment Privilege with respect to any other information. To the extent lost revenues and profits from clients turned away on account of the Ordinance can be calculated, they would constitute only a portion of the harm suffered by Otto and his clients, and they could not make Otto or his clients whole for the irreparable harm imposed by the Ordinance.

20. Identify by first and last initial and age only all minor clients with whom you completely terminated your professional relationship because of the passage of the County's ordinance at issue and the date of the termination.

OBJECTION: Otto objects and declines to respond on the basis of the Fifth Amendment privilege against self-incrimination. Although Otto has been forced to alter his speech and conduct after the enactment of the Ordinance in order to avoid a knowing violation, Otto notes that the Ordinance is not only vague and ambiguous in what it purports to prohibit, but also purports to impose criminal penalties for any violation, whether knowing or unknowing. Accordingly, Otto does not wish to provide the County with any information upon which to prosecute him for any unknowing violations of the Ordinance.

Otto further objects to this interrogatory on the grounds that it seeks information protected by the psychotherapist-patient privilege and that it asks him to divulge too much identifying information regarding his clients.

Otto is willing to provide the number of "Doe" clients or potential clients, and their ages, whom he has had to turn away, or for whom he has had to alter the scope of therapy on account of the Ordinance, but only if Defendants stipulate that such disclosure does not amount to any waiver of Otto's Fifth Amendment Privilege, or the psychotherapist-patient privilege, with respect to any other information.

21. Identify by first and last initial and age only all minor clients with whom you substantially changed your professional relationship because of the passage of the County's ordinance at issue.

OBJECTION: Otto objects and declines to respond on the basis of the Fifth Amendment privilege against self-incrimination. Although Otto has been forced to alter his speech and conduct after the enactment of the Ordinance in order to avoid a knowing violation, Otto notes that the Ordinance is not only vague and ambiguous in what it purports to prohibit, but also purports to impose criminal penalties for any violation, whether knowing or unknowing. Accordingly, Otto does not wish to provide the County with any information upon which to prosecute him for any unknowing violations of the Ordinance.

Otto further objects to this interrogatory on the grounds that it seeks information protected by the psychotherapist-patient privilege and that it asks him to divulge too much identifying information regarding his clients.

Otto is willing to provide the number of "Doe" clients or potential clients, and their ages, whom he has had to turn away, or for whom he has had to alter the scope of therapy on account of the Ordinance, but only if Defendants stipulate that such disclosure does not

amount to any waiver of Otto's Fifth Amendment Privilege, or the psychotherapist-patient privilege, with respect to any other information.

22. Identify by first and last initial and age only all clients whom were minors (under age 18) when they initially engaged your counseling services that are or were experiencing unwanted same-sex attractions and wanted to reduce or eliminate the unwanted desire within the last ten years.

OBJECTION: To the extent the Interrogatory purports to request information about Otto's minor clients after the enactment of the Ordinance in suit, Otto objects and declines to respond on the basis of the Fifth Amendment privilege against self-incrimination. Although Otto has been forced to alter his speech and conduct after the enactment of the Ordinance in order to avoid a knowing violation, Otto notes that the Ordinance is not only vague and ambiguous in what it purports to prohibit, but also purports to impose criminal penalties for any violation, whether knowing or unknowing. Accordingly, Otto does not wish to provide the County with any information upon which to prosecute him for any unknowing violations of the Ordinance. Otto will therefore respond to the Interrogatory as if limited to the nine (9) years prior to the enactment of the Ordinance.

Otto further objects to this Interrogatory on the grounds that it seeks information protected by the psychotherapist-patient privilege and that it asks him to divulge too much identifying information in relation to these clients. Otto construes this Interrogatory to only request the number and approximate ages of clients seeking help for unwanted same-sex attractions.

RESPONSE: In the nine (9) years prior to the enactment of the Ordinance, Otto had the following minor clients who sought help with unwanted same-sex attractions:

Doe 1 (high school student)
Doe 2 (high school student)
Doe 3 (high school student)
Doe 4 (high school student)

23. Do you admit that therapy you wish to provide is a mental health treatment? If not, please explain why.

RESPONSE: Otto admits that the SOCE counseling he wishes to provide to the minor clients who seek and desire it is a form of treatment carried out solely through speech, and agrees with the Eleventh Circuit Court of Appeals that characterizing speech as treatment or procedure in an effort to afford it less First Amendment protection is a dubious constitutional enterprise.

24. Do you admit that therapy you wish to provide is professional conduct? If not, please explain why.

RESPONSE: Otto denies that the SOCE counseling he wishes to provide to the minor clients who seek and desire it is professional conduct, and agrees with the Eleventh Circuit Court of Appeals that characterizing speech as conduct in an effort to afford it less First Amendment protection is a dubious constitutional enterprise.

As to Objections:

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VERIFICATION

I, Robert W. Otto, Ph.D., LMFT, declare under penalty of perjury under the laws of the United States of America that the foregoing interrogatory responses are true and correct.

/s/ Robert W. Otto
Robert W. Otto, Ph.D., LMFT

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of August 2018, a true and correct copy of the foregoing was served on all counsel of record via electronic mail, including:

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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.: 9:18-cv-80771-RLR

Plaintiffs,)

INJUNCTIVE RELIEF SOUGHT

v.)

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

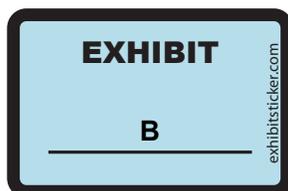
Defendants)

**PLAINTIFF ROBERT W. OTTO, PH.D., LMFT’S RESPONSES AND OBJECTIONS
TO THE PRELIMINARY INJUNCTION REQUESTS FOR ADMISSION
OF DEFENDANT PALM BEACH COUNTY**

Pursuant to Fed. R. Civ. P. 26 and 36, and Local Rule 26.1, Plaintiff Robert W. Otto, Ph.D., LMFT (“Otto”), by and through counsel, hereby provides the following responses and objections to Defendant County of Palm Beach’s Preliminary Injunction Requests for Admission. Unless specifically admitted, each Request or part thereof is hereby DENIED. Any and all admissions are subject to the qualifications and conditions stated in the response containing that admission, and subject to any stated objections. Otto hereby reserves all objections to the relevance, use or admissibility of any of these requests and responses. Subject to the foregoing, Otto admits, denies, objects and otherwise responds as follows:

1. Admit that you practice your profession exclusively within the city limits of the City of Boca Raton.

RESPONSE: Denied.



2. Admit that your professional conduct is subject to government regulation.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Notwithstanding, Otto admits that his professional conduct is subject to government regulation at the state level by the State of Florida Department of Business and Professional Regulation, which licenses and regulates the practice of mental health professions within legal and constitutional boundaries. Otto denies that his professional conduct is subject to regulation by local (county or city) governments.

3. Admit that local governments have the power to regulate ineffective medical and mental health treatments.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Notwithstanding, Otto denies that local governments have the power to regulate medical and mental health treatments.

4. Admit that local governments have the power to regulate harmful medical and mental health treatments.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Notwithstanding, Otto denies that the local governments have the power to regulate medical and mental health treatments.

5. Admit that Palm Beach County has the police power to regulate the practice of professions.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Notwithstanding, Otto denies that Palm Beach County has the power to regulate licensed professionals in the conduct or practice of their profession.

6. Admit that Palm Beach County has the police power to legislate in the interest of protecting the physical and psychological well-being of minors.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Notwithstanding, Otto admits that Palm Beach County has the power to legislate in the interest of protecting the well-being of minors, but only to the extent such legislation is authorized under the Florida Constitution and statutes, and only if such legislation does not violate statutory or constitutional protections.

7. Admit that protecting the physical and psychological well-being of minors is a legitimate government interest.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Otto further objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Notwithstanding, Otto admits that protecting the well-being of minors from provable serious or fatal harm is a legitimate government interest. Otto otherwise denies this request.

8. Admit that Palm Beach County has a compelling interest in protecting the physical and psychological well-being of minors.

OBJECTION/RESPONSE: Otto objects to this request to because it calls for a legal conclusion. Notwithstanding, Otto admits that protecting the well-being of minors from provable serious or fatal harm is a compelling government interest. Otto otherwise denies this request.

9. Admit that protecting the integrity and ethics of medical and mental health professions in a legitimate government interest.

OBJECTION/RESPONSE: Otto objects to this request because it calls of a legal conclusion. Otto further objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Notwithstanding, Otto admits that protecting the integrity and ethics of medical and mental health professions, subject to constitutional and statutory protections, is a legitimate government interest for those governmental bodies constitutionally and statutorily empowered to regulate such professions, in this case the State of Florida and its agencies. Otto denies that protecting the integrity and ethics of medical and mental health professions is a legitimate interest of local governments.

10. Admit that Palm Beach County has a compelling interest in protecting the integrity and ethics of medical and mental health professions.

OBJECTION/RESPONSE: Otto objects to this request because it calls of a legal conclusion. Notwithstanding, Otto denies this request.

11. Admit that a government's authority over minors' activities is broader than like actions of adults.

OBJECTION/RESPONSE: Otto objects to this request because it calls of a legal conclusion. Otto further objects to this request because it is vague and ambiguous in that it fails to specify the "activities" as to which it seeks an admission or the level or branch of "government" to which it refers. Notwithstanding, Otto admits that, subject to constitutional and statutory protections, an appropriate government body may regulate certain activities of minors, such as driving, smoking or drinking, to a greater extent than it can for adults. Otto denies that any government body can exceed its proper authority, violate or intrude upon the parent-child relationship, override the parents' duty or responsibility to direct the upbringing of their children, or otherwise violate the statutory or constitutional rights of minors or adults.

12. Admit that being lesbian, gay, bisexual, or transgender is not a mental disease.

OBJECTION/RESPONSE: Otto objects to this request because it is compound. Otto further objects to this request because it is vague and ambiguous in that it fails to identify terms like "transgender" and "mental disease." Otto further objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto states that the practice of mental health professionals is to treat the underlying issues manifesting in psychological distress for a client. Notwithstanding, Otto admits that the Diagnostic and Statistical Manual of Mental Disorders does not list "being lesbian, gay, bisexual or transgender" as a mental condition, although it does list "gender dysphoria."

13. Admit that being lesbian, gay, bisexual, or transgender is not a mental disorder.

OBJECTION/RESPONSE: Otto objects to this request because it is compound. Otto further objects to this request because it is vague and ambiguous in that it fails to identify terms like "transgender" and "mental disorder." Otto further objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto states that the practice of mental health professionals is to treat the underlying issues manifesting in psychological distress for a client. Notwithstanding, Otto admits that the Diagnostic and Statistical Manual of Mental Disorders does not list "being lesbian, gay, bisexual or transgender" as a mental condition, although it does list "gender dysphoria."

14. Admit that being lesbian, gay, bisexual, or transgender is not a mental illness.

OBJECTION/RESPONSE: Otto objects to this request because it is compound. Otto further objects to this request because it is vague and ambiguous in that it fails to identify terms like "transgender" and "mental illness." Otto further objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto states that the practice of mental health professionals is to treat the underlying issues manifesting in psychological distress for a client. Notwithstanding, Otto admits that the Diagnostic and Statistical Manual of Mental Disorders does not list "being lesbian, gay, bisexual or transgender" as a mental condition, although it does list "gender dysphoria."

15. Admit that being lesbian, gay, bisexual, or transgender is not a deficiency.

OBJECTION/RESPONSE: Otto objects to this request because it is compound. Otto further objects to this request because it is vague and ambiguous in that it fails to identify terms like “transgender” and “deficiency.” Otto further objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto states that the practice of mental health professionals is to treat the underlying issues manifesting in psychological distress for a client. Notwithstanding, Otto admits that the Diagnostic and Statistical Manual of Mental Disorders does not list “being lesbian, gay, bisexual or transgender” as a mental condition, although it does list “gender dysphoria.” Otto also admits that many patients believe that their same-sex attractions or feelings, or their gender identity confusion, feels like a deficiency to them, for which they would like counseling. Lastly, Otto admits that people experiencing same-sex attractions or feelings, or gender identity confusion, are not “deficient” or less valuable than other persons.

16. Admit that being lesbian, gay, bisexual, or transgender is not a shortcoming.

OBJECTION/RESPONSE: Otto objects to this request because it is compound. Otto further objects to this request because it is vague and ambiguous in that it fails to identify terms like “transgender” and “shortcoming.” Otto further objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto states that the practice of mental health professionals is to treat the underlying issues manifesting in psychological distress for a client. Notwithstanding, Otto admits that the Diagnostic and Statistical Manual of Mental Disorders does not list “being lesbian, gay, bisexual or transgender” as a mental condition, although it does list “gender dysphoria.” Otto also admits that many patients believe that their same-sex attractions or feelings, or their gender identity confusion, feels like a shortcoming to them, for which they would like counseling. Lastly, Otto admits that people experiencing same-sex attractions or feelings, or gender identity confusion, are not less valuable than other persons.

17. Admit that, in therapy, you only affirm or encourage a minor’s sexual orientation if it is heterosexual.

RESPONSE: Denied.

18. Admit that, in therapy, you do not affirm or encourage a minor’s homosexual orientation.

RESPONSE: Denied. Otto states that, in therapy, he does not affirm or deny a minor’s homosexual orientation. Instead, Otto listens to understand the client’s perspective and addresses the underlying issues leading to the client’s distress.

19. Admit that, in therapy, you do not affirm or encourage a minor's gender identity if it differs from the minor's anatomical sex.

RESPONSE: Denied. Otto states that he has not encountered this scenario with his clients.

20. Admit that "aversion therapy" techniques used in conversion therapy, such as inducing nausea, vomiting or paralysis; providing electronic shocks; or snapping a rubber band around a patient's wrist when the patient becomes aroused to same-sex erotic images or thoughts are unethical in your profession.

RESPONSE: Otto objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit, since no licensed mental health professional he knows has ever or would ever use such techniques as part of SOCE counseling. Notwithstanding, Otto admits that it would be unethical to perform any of the above-listed methods in SOCE counseling.

21. Admit that a minor's decision making ability is not fully developed.

RESPONSE: Admitted.

22. Admit that minor do not have the mental capacity to consistently make wise decisions about their sexuality.

RESPONSE: Otto objects to this request because it is vague and ambiguous because of its use of undefined terms such as "consistently" and "wise." Notwithstanding, Otto admits that minors need guidance, advice and counseling to make wise decisions about their sexuality, and further admits that minors should be encouraged to delay sexual activity and sexual identity labels until adulthood.

23. Admit that minors are a particularly vulnerable population.

RESPONSE: Otto objects to this request because it is vague and ambiguous because of its use of undefined terms such as "particularly," and because it does not identify any specific vulnerabilities as to which it seeks an admission. Notwithstanding, Otto admits that minors can be vulnerable when they lack the protection and support of family, but denies that minors who live in homes with stable, adult parents are necessarily vulnerable.

24. Admit that minors are influenced by their parents or legal guardians.

RESPONSE: Admitted.

25. Admit that minors are typically dependent upon their parents or legal guardians for shelter and provision.

RESPONSE: Admitted.

26. Admit that rejection can harm minors.

OBJECTION/RESPONSE: Otto objects to this request because it is vague and ambiguous, in that it fails to define “rejection” or identify any specific types of rejection as to which an admission is sought. Notwithstanding, Otto admits that some types of rejection (such as self-rejection) can be harmful to minors, while other types of rejection (such as rejection of harmful or illegal behaviors) can be beneficial to minors. Otto therefore denies that all rejection is harmful to minors.

27. Admit that, unless otherwise provided for by law, minors cannot legally consent.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Otto further objects to this request because it is vague and ambiguous, in that it does not identify the “consent” as to which an admission is sought, nor does it identify to what “law” it is referring. Notwithstanding, Otto denies that minors are always incapable of providing consent.

28. Admit that minors cannot legally consent to therapy that would seek to change their sexual orientation or gender identity.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Otto further objects to this request because it is based on the false assumption or conclusion that SOCE counseling is or can be “done” to a person without that person’s active, voluntary and willing participation. Notwithstanding, Otto denies that minors are always incapable of providing consent, and denies that minors are incapable of forming or participating in the formation of goals for their own therapy.

29. Admit that minors cannot legally consent to therapy that would seek to change their sexual orientation or gender identity without a consenting parent or legal guardian.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Otto further objects to this request because it is based on the false assumption or conclusion that SOCE counseling is or can be “done” to a person without that person’s active, voluntary and willing participation. Notwithstanding, Otto admits that, generally, before a minor can voluntarily participate in SOCE counseling, the minor’s parent or legal guardian must also give their permission. Otto denies that minors are always incapable of providing consent, and denies that minors are incapable of forming or participating in the formation of goals for their own therapy.

30. Admit that a minor's parent or legal guardian must provide legal consent for any therapeutic treatment of the minor that seeks to change the minor's sexual orientation or gender identity.

OBJECTION/RESPONSE: Otto objects to this request because it calls for a legal conclusion. Otto further objects to this request because it is based on the false assumption or conclusion that SOCE counseling is or can be "done" to a person without that person's active, voluntary and willing participation. Notwithstanding, Otto admits that, generally, before a minor can voluntarily participate in SOCE counseling, the minor's parent or legal guardian must also give their permission. Otto denies that minors are always incapable of providing consent, and denies that minors are incapable of forming or participating in the formation of goals for their own therapy.

31. Admit that you have never conducted any therapy that sought to change a minor's sexual orientation or gender identity without the consent of the minor's parent or legal guardian.

RESPONSE: Otto admits that he has never conducted any SOCE counseling with a minor without the consent of both the minor and a parent or legal guardian, and without the voluntary, active and willing participation of the minor.

32. Admit that a minor's parents or legal guardian participates in setting the therapeutic goals of your treatment of the minor.

RESPONSE: Otto admits that when more than one individual participates in therapy together, each individual identifies the therapeutic goals that individual seeks in therapy. Otto further admits that parents or legal guardians approve the therapeutic goals of their minors. To the extent this request implies that a minor's parent or legal guardian can set therapeutic goals for a minor which the minor does not agree with, or that parents or legal guardians can force minors to participate in SOCE counseling against the minor's wishes, Otto denies those implications and denies that he would engage in or continue in any SOCE counseling with a minor in such context.

33. Admit that "talk therapy," as described in paragraphs 73, 74, and 76 of your complaint, is a practice used in your profession.

RESPONSE: Otto admits that his "talk therapy" is a practice carried out solely through speech and further admits that characterizing speech as a practice in the effort to label it as conduct is a dubious constitutional enterprise.

34. Admit that “talk therapy,” as described in paragraphs 73, 74, and 76 of your complaint, is a treatment used in your profession.

RESPONSE: Otto admits that his “talk therapy” is a form of treatment carried out solely through speech and further admits that characterizing speech as treatment in the effort to label it as conduct is a dubious constitutional enterprise.

35. Admit that “talk therapy,” as described in paragraphs 73, 74, and 76 of your complaint, is a form of mental health counseling.

RESPONSE: Otto notes that he is a licensed marriage and family therapist and not a licensed mental health counselor, and that those are two different professional licenses governed by separate professional regulations. Notwithstanding, upon information and belief Otto admits that his “talk therapy” may be a form of mental health counseling carried out solely through speech, and further admits that characterizing speech as anything other than speech in the effort to label it as conduct is a dubious constitutional enterprise.

36. Admit that “talk therapy,” as described in paragraphs 73, 74, and 76 of your complaint, is a mental health treatment or procedure.

RESPONSE: Otto admits that his “talk therapy” is a form of treatment carried out solely through speech and further admits that characterizing speech as treatment or procedure in the effort to label it as conduct is a dubious constitutional enterprise.

37. Admit that you wish to conduct therapeutic practices that seek to change a minor’s sexual orientation.

OBJECTION/RESPONSE: Otto objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto further objects to this request because it misstates the practice of licensed marriage and family therapists and is based on a false assumption and premise. Notwithstanding, Otto denies that he seeks to conduct any therapeutic practice that pursues any goals other than those identified by the client, which a client willingly and actively pursues.

38. Admit that you wish to conduct therapeutic practices that seek to change a minor’s gender identity.

OBJECTION/RESPONSE: Otto objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto further objects to this request because it misstates the practice of licensed marriage and family therapists and is based on a false assumption and premise. Notwithstanding, Otto denies that he seeks to conduct any therapeutic practice that pursues any goals other than those identified by the client, which

a client willingly and actively pursues.

39. Admit that, since the passage of the County's ordinance 2017-046, you have provided information regarding "conversion therapy," as it is defined in the County's ordinance, outside of the counselling [*sic*] or therapy setting.

OBJECTION/RESPONSE: Otto objects to this request because it is vague and ambiguous in that it fails to define what "information regarding 'conversion therapy'" means, and fails to identify with reasonable specificity the "information" as to which an admission is sought. Otto further objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. This lawsuit is about constitutionally protected speech that the ordinance prohibits, and not about constitutionally protected speech that the ordinance permits. Notwithstanding, Otto admits that he has spoken to individuals outside of counseling or therapy sessions concerning certain aspects of his practice of licensed marriage and family therapy and about the ordinance itself.

40. Admit that you have provided therapy that sought to change the patient's sexual orientation to a patient under the age of 5.

RESPONSE: Denied.

41. Admit that you have provided therapy that sought to change the patient's sexual orientation to a patient under the age of 10.

RESPONSE: Denied.

42. Admit that you have provided therapy that sought to change the patient's gender identity to a patient under the age of 5.

RESPONSE: Denied.

43. Admit that you have provided therapy that sought to change the patient's gender identity to a patient under the age of 10.

RESPONSE: Denied.

44. Admit that your religion does not require you to conduct therapeutic practices that seek to change a minor's sexual orientation.

OBJECTION/RESPONSE: Otto objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Notwithstanding, Otto denies that his religion does not require him to assist his patients in living according to their sincerely held religious beliefs, including in matters relating to human sexuality and sexual attractions and behaviors.

45. Admit that your religion does not require you to conduct therapeutic practices that seek to change a minor's gender identity.

OBJECTION/RESPONSE: Otto objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Notwithstanding, Otto denies that his religion does not require him to assist his patients in living according to their sincerely held religious beliefs, including in matters relating to human sexuality and sexual attractions and behaviors.

46. Admit that County's ordinance 2017-046 does not reference any religion.

RESPONSE: Denied.

47. Admit that County's ordinance 2017-046 does not reference any religious practice or conduct.

RESPONSE: Denied.

48. Admit that you cannot change a minor's sexual orientation.

RESPONSE: Otto objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto further objects to this request because it misstates the practice of licensed marriage and family therapists and is based on a false assumption and premise. Notwithstanding, Otto denies the implication that a minor's sexual orientation is rigid and unchangeable, denies that a minor's sexual orientation can never change, and denies that Otto cannot safely and effectively assist minors in understanding themselves and making the changes that the minors desire for their lives.

49. Admit that you cannot change a minor's gender identity.

RESPONSE: Otto objects to this request because it seeks an admission on matters not relevant to any issues in this lawsuit. Otto further objects to this request because it misstates the practice of licensed marriage and family therapists and is based on a false assumption and premise. Notwithstanding, Otto denies the implication that a minor's gender identity is rigid and unchangeable, denies that a minor's gender identity can never change, and

denies that Otto cannot safely and effectively assist minors in understanding themselves and making the changes that the minors desire for their lives.

50. Admit that psychological harms may take years to manifest or be identified.

RESPONSE: Otto objects to this request because it is vague and ambiguous, in that it fails to specify the “psychological harms” as to which an admission is sought. Notwithstanding, Otto admits that some psychological harms – like the harms being inflicted by the County’s Ordinance 2017-046 on the minors it deprives of the counseling and assistance they seek – may take years to be fully manifested or understood.

51. Admit that it is unethical to perform therapeutic practices that may harm a minor.

RESPONSE: Otto objects to this request because it misstates the practice of licensed marriage and family therapists and is based on a false assumption and premise. Otto admits that it is unethical to purposefully harm minors in therapy, but Otto denies the implication and premise of this request that voluntary SOCE counseling that is consistent with a minor’s goals and beliefs, and that a minor seeks and willingly receives, can be harmful to that minor. Otto further denies that any study has ever found that voluntary SOCE counseling that is consistent with a minor’s goals and beliefs, and that a minor seeks and willingly receives, can be harmful to that minor. Otto admits that withholding voluntary, client-directed SOCE counseling from willing minors, or forcing gay- or transgender-affirming therapy on minors who do not wish to receive or for whom such therapy conflicts with their goals, desires and beliefs, is extremely harmful and therefore unethical.

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August 2018, a true and correct copy of the foregoing was served on all counsel of record via electronic mail, including:

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