

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

**PLAINTIFFS’ PARTIALLY UNOPPOSED MOTION FOR 24-HOUR EXTENSION
OF TIME TO FILE REPLY MEMORANDUM IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION
AND REQUEST FOR EXPEDITED CONSIDERATION**

Plaintiffs, ROBERT W. OTTO, PH.D. LMFT, individually and on behalf of his patients, and JULIE H. HAMILTON, PH.D., LMFT, individually and on behalf of her patients, pursuant to S.D. Fla. L. R. 7.1, and on a partially unopposed basis, move the Court for a 24-hour extension of time, to and including October 9, 2018, to file their reply memorandum in support of motion for preliminary injunction. Plaintiffs respectfully request expedited consideration, and state as follows in support, of this motion:

1. Pursuant to this Court’s Order of August 8, 2018 (DE 50), Plaintiffs' reply memorandum in support of their Motion for Preliminary Injunction (DE 8) is due to be filed on October 8, 2018.
2. Since Defendants filed their respective memoranda in opposition to Plaintiffs’ preliminary injunction motion:
 - a. Plaintiffs’ counsel prepared for and attended a discovery hearing in this case in West Palm Beach on September 12, and filed written objections to the Magistrate Judge’s ruling on September 15;
 - b. Plaintiffs’ counsel prepared for and took the depositions of the County and City Defendants’ respective Rule 30(b)(6) witnesses on September 20 and 21;

c. Plaintiffs' counsel received the transcripts of the County and City Defendants on September 27 and October 2, respectively;

d. Plaintiffs' counsel prepared filings in one state and three federal appeals; and

e. Plaintiffs' lead counsel prepared for and traveled to California for hearings in two separate matters on October 3 and October 5.

3. In addition to the foregoing matters, which included out-of-state travel for Plaintiffs' lead counsel spanning four of five business days last week, Plaintiffs' counsel have been working diligently to complete Plaintiffs' reply memorandum by today's deadline. Due to the large number of issues to be covered in Plaintiffs' reply in rebuttal of matters raised in Defendants' respective opposition memoranda, however, including substantial factual matters requiring the distillation and presentation of thousands of pages of discovery materials, Plaintiffs' counsel need an additional 24 hours to complete the reply in an appropriately organized, clear, and concise submission.

4. Due to the press of the other matters listed above, and in particular Plaintiffs' lead counsel's travel through the end of last week, Plaintiffs' counsel were unable to anticipate the need for the additional 24 hours until two days ago, on Saturday. Early Saturday afternoon Plaintiffs' counsel attempted to reach Defendants' respective counsel by e-mail, which is the usual method of communication between the parties' counsel, to confer regarding Defendants' positions on the requested extension, but did not receive Defendants' counsel's responses until this morning.¹ Defendant City of Boca Raton consents to Plaintiffs' requested extension. Defendant Palm Beach County consents to a lesser, 16-hour extension, through 4:00 PM tomorrow.

5. Having worked through the weekend on the reply, and anticipating working around the clock to finish the reply even within the requested 24-hour extension period, Plaintiffs' counsel represent to the Court that the full 24-hour extension is needed. Plaintiffs' counsel further 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.

¹ Defendants' counsel's responding this morning to Plaintiffs' counsel's e-mail, sent on Saturday, is understandable and in no way criticized herein.

WHEREFORE, for good cause shown, Plaintiffs' respectfully request that the Court consider this motion on an expedited basis, and enter an order extending Plaintiffs' deadline to file their reply memorandum in support of preliminary injunction by 24 hours, to October 9, 2018.

Respectfully submitted,

/s/ Roger K. Gannam
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CERTIFICATE OF SERVICE

I hereby certify that on this October 8, 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/ Roger K. Gannam
Roger K. Gannam
Attorney for Plaintiffs