

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.)	

NOTICE REGARDING PRELIMINARY INJUNCTION HEARING;

CONSENT MOTION FOR ONE BUSINESS DAY EXTENSION OF TIME TO PROVIDE HEARING PLAN, EXHIBIT LIST AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW;

AND PLAINTIFFS’ REQUEST TO REDUCE HEARING TIME TO ONE DAY AND COMMENCE HEARING ON FRIDAY, OCTOBER 19, 2018

Pursuant to the Court’s Amended Discovery Plan for Preliminary Injunction Motion (dkt. 50), Plaintiffs, Robert W. Otto, Ph.D., LMFT, and Julie H. Hamilton, Ph.D., LMFT, individually and on behalf of their patients (“Plaintiffs”), respectfully advise the Court that all parties have conferred and have agreed to limit the upcoming Preliminary Injunction Hearing to argument of counsel based upon the existing record. No additional live testimony will be presented.

Plaintiffs, after conferring with Defendants and with their consent, respectfully request a one business day extension of time, to and including Monday, October 15, 2018, for the parties to provide the Court with a Hearing Plan, their Exhibits Lists, and their Proposed Findings of Fact and Conclusions of Law. Currently, the deadline for these submissions is Friday, October 12, 2018. (Dkt. 50). The parties have been working cooperatively and diligently to complete these submissions, but need a brief extension of time for completion.

Lastly, because the Preliminary Injunction Hearing will be limited to argument of counsel,

Plaintiffs believe that one day will be more than sufficient for the Hearing. The Court has previously reserved two days – October 18 & 19, 2018. (Dkt. 50). Plaintiffs respectfully request that the Court remove Thursday, October 18, 2019 from the hearing schedule, and commence the Hearing on Friday, October 19, 2018 at 10:00 a.m. The parties will address anticipated time requirements in their Hearing Plan, but Plaintiffs believe the balance of the day will be necessary and sufficient.

Defendants have expressed a preference to keep the hearing start time on Thursday, October 18, 2018, so that the parties can also be heard on the second day (Friday), if necessary. Plaintiffs, however, do not see any possibility that argument of counsel can (or should) exceed one day. Plaintiffs believe a Friday hearing is better because it provides the parties with more preparation time to ensure a focused presentation for the Court, and because it will provide the Court with more time to review the parties' voluminous previous and forthcoming pre-hearing submissions.

Respectfully submitted,

/s/ Horatio G. Mihet

Mathew D. Staver (FL Bar 0701092)

Horatio G. Mihet (FL Bar 026581)

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October 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