

No. 19-10604

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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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,  
Plaintiffs–Appellants

v.

CITY OF BOCA RATON, FLORIDA, and  
COUNTY OF PALM BEACH, FLORIDA  
Defendants–Appellees

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On Appeal from the United States District Court  
for the Southern District of Florida  
In Case No. 9:18-cv-80771-RLR before the Honorable Robin L. Rosenberg

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**PLAINTIFFS-APPELLANTS' AGREED  
MOTION FOR SECOND EXTENSION OF TIME TO FILE BRIEF**

**\*\*\*TIME SENSITIVE\*\*\***

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*Attorneys for Plaintiffs–Appellants*

**No. 19-10604**

*OTTO, etc., et al. v. CITY OF BOCA RATON, etc., et al.*

**PLAINTIFFS-APPELLANTS'  
CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

Plaintiffs-Appellants hereby certify that the following individuals and entities are known to have an interest in the outcome of this case:

Abbott, Daniel L.

Carlton Fields Jordan Burt, P.A.

City of Boca Raton, Florida

Cole, Jamie A.

Dreier, Douglas C.

Dunlap, Aaron C.

Equality Florida Institute, Inc.,

Fahey, Rachel Marie

Flanigan, Anne R.

Gannam, Roger K.

Gibson, Dunn & Crutcher LLP

Hamilton, Julie H., Ph.D., LMFT

Hoch, Rand

Hvzd, Helene C.

Liberty Counsel, Inc.

Mihet, Horatio G.

**No. 19-10604**

OTTO, *etc., et al.* v. CITY OF BOCA RATON, *etc., et al.*

Otto, Robert W., Ph.D. LMFT

Palm Beach County, Florida

Palm Beach County Human Rights Council

Phan, Kim

Reinhart, Hon. Bruce E.

Rosenberg, Hon. Robin L.

SDG Counseling, LLC

Staver, Mathew D.

Sutton, Stacey K.

The Trevor Project

Walbolt, Sylvia H.

Weiss Serota Helfman Cole & Bierman, P.L.

Yasko, Jennifer A.

No publicly traded company or corporation has an interest in the outcome of this case.

/s/ Roger K. Gannam  
Roger K. Gannam  
*Attorney for Plaintiffs–Appellants*

**PLAINTIFFS-APPELLANTS' AGREED, TIME SENSITIVE  
MOTION FOR SECOND EXTENSION OF TIME TO FILE BRIEF**

Plaintiffs–Appellants, ROBERT W. OTTO, Ph.D. LMFT and JULIE H. HAMILTON, Ph.D. LMFT (collectively, “Counselors”), pursuant to Fed. R. App. P. 26 and 27, and 11th Cir. R. 26-1, 27-1, and 31-2, and on an agreed basis, respectfully move the Court for a one-week extension of time, to and including April 16, 2019, to file their brief, and respectfully request that the Court treat this motion as “time sensitive” pursuant to 11th Cir. R. 27-1(b)(1). Counselors show the Court as follows in support of this motion:

1. Counselors’ brief is currently due April 9, 2019. Counselors received a 14-day extension of time from the Clerk, by telephone, on March 20, 2019.

2. Counselors’ counsel are diligently working on Counselors’ brief, even around the clock, in order to meet the current deadline. But since requesting the first extension of time, counsel also have had to contend with (a) depositions in a California federal case nearly every business day, including three this week (April 2, 3, and 4) requiring travel to San Francisco and Los Angeles; (b) multiple depositions in two separate federal cases requiring travel to Boston and Baltimore, one of which is scheduled for a two-day evidentiary hearing the week of April 8; (c) appellate briefs due in the First and Third Circuits; (d) briefs due in two separate Indiana federal court matters on April 4 and 5; and (e) the preparation and filing of a certiorari petition at the Supreme Court.

3. Initially, the continuing depositions in the California federal case referenced above were scheduled for nearly every business day in March, to be completed before April 1. More recently, however, the discovery schedule has been extended to April 15, and more depositions scheduled on nearly every business day. This development was not foreseeable to Counselors.

4. The undersigned counsel are mindful of the disfavored nature of second requests for extension of time to file briefs, and file this request only because of the extraordinary demands on their time as set forth above, including those that were unforeseeable to Counselors. Counselors would not seek this second extension if it was not absolutely necessary, and if their counsel could complete their brief any sooner. Counselors do not intend to seek any additional extension, should the Court grant this second request.

5. Granting the relief requested herein will not prejudice any party, nor unduly delay the efficient resolution of this appeal or the administration of justice. Because all transcripts necessary for this appeal were already prepared when the appeal was filed, the briefing on this appeal will proceed apace and be completed promptly and in line with other typical appeals, even with the 21-day total extension provided to Appellants, if the instant request is granted.

6. Prior to filing this motion, the undersigned counsel for Counselors conferred with respective counsel for the Defendants-Appellees and is authorized to

represent to the Court that the Defendants-Appellees consent to the requested extension. **The motion is, therefore, unopposed.**

7. Counselors respectfully request that the Court treat this motion as “time sensitive” pursuant to 11th Cir. R. 27-1(b)(1). Counselors’ brief is due in five days (three business days), on April 9, 2019, and Counselors need this Court’s guidance as they continue to draft, focus, and finalize their brief. Counselors filed this motion as soon as it became clear to them that the extension would be necessary.

WHEREFORE, for good cause shown, Counselors respectfully request that the Court enter an order extending their deadline for filing their brief to April 16, 2019.

Dated this April 4, 2019.

/s/ Roger K. Gannam  
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*Attorneys for Plaintiffs–Appellants*

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. This document complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A). Not counting the items excluded from the length by Fed. R. App. P. 32(f), this document contains 598 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6). This document has been prepared using Microsoft Word in 14-point Times New Roman font.

/s/ Roger K. Gannam  
Roger K. Gannam  
*Attorney for Plaintiffs-Appellants*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this April 4, 2019, a copy of the foregoing motion was electronically filed through the Court’s ECF system, which will effect service on the following counsel and parties of record:

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/s/ Roger K. Gannam  
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