

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROBERT L. VAZZO, LMFT, etc., et al.,)
)
) Plaintiffs,)
) Case No. 8:17-cv-2896-T-02AAS
v.)
)
CITY OF TAMPA, FLORIDA,)
)
) Defendant.)
)

PLAINTIFFS' AGREED MOTION TO EXTEND MEDIATION DEADLINE

Plaintiffs, with the agreement of Defendant, respectfully move the Court for an order extending the parties' mediation deadline to a date after the Court's disposition of Plaintiffs' Motion for Preliminary Injunction (Doc. 85) and/or the parties' respective motions for summary judgment. Plaintiffs show the Court as follows in support of this motion:

1. Pursuant to the Court's Case Management and Scheduling Order (Doc. 63, the "Scheduling Order"), the parties' mediation deadline is June 14, 2019.
2. Pursuant to the Court's Order (Doc. 167) modifying the Scheduling Order, the deadline for the parties' respective motions for summary judgment is August 5, 2019.
3. The undersigned Plaintiffs' counsel have litigated numerous First Amendment and similar cases against governmental parties, and have discerned through that experience that cases such as the instant case are poor candidates for settlement through mediation, and that mediation conferences in such cases are typically unproductive. By contrast, civil cases involving commercial, injury, insurance, and other similar issues, which the undersigned counsel also have extensive experience litigating, are generally compatible with mediation and are often settled through court-ordered mediation.

4. The parties have extensively considered, briefed, and argued before the Court their respective legal and factual positions on Plaintiffs' preliminary injunction motion, most (if not all) of which issues are anticipated also to be before the Court in the parties' respective forthcoming motions for summary judgment. Resolution of the issues in dispute will require judicial guidance, which cannot be provided by a neutral mediator.

5. Defendant's counsel is in agreement that the constitutional and other legal issues at the center of this case make it a poor candidate for settlement by mediation, and therefore is in agreement with the extension requested in this motion.

6. Alternatively, in the event the Court leaves the mediation schedule unchanged, Plaintiffs Vazzo and Pickup, both of whom reside out-of-state, request leave to participate in the mediation conference by telephone while their undersigned counsel attend in person.

7. Plaintiffs are mindful of the Court's commitment to final resolution of this case according to the Scheduling Order, and do not submit this motion for purposes of delaying the trial or otherwise delaying a final resolution.

WHEREFORE, Plaintiffs respectfully request an order extending the parties' mediation deadline to a date after the Court's disposition of Plaintiffs' Motion for Preliminary Injunction (Doc. 85) and/or the parties' respective motions for summary judgment or, alternatively, granting the out-of-state Plaintiffs leave to participate in mediation telephonically.

Respectfully submitted,

/s/ Roger K. Gannam
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CERTIFICATE OF SERVICE

I hereby certify that on this May 6, 2019, 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