

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’ UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE BILL OF COSTS AND MOTION FOR ATTORNEY’S FEES AND NONTAXABLE EXPENSES

Plaintiffs, for good cause shown below, and on an unopposed basis, respectfully move the Court for a two-week extension of time, to and including November 1, 2019, to file their bill of costs and motion for prevailing party attorney’s fees and nontaxable expenses. Plaintiffs show the Court good cause exists for the extension requested in this motion, as follows:

1. Under Local Rule 4.18, Plaintiffs’ claims for costs, attorney’s fees, and nontaxable expenses¹ are due to be filed on or before October 18, 2019.
2. One of Plaintiffs’ counsel primarily responsible for this matter is in the middle of a six-week federal trial in California, and Plaintiffs’ counsel are otherwise pressed by other matters

¹ As Plaintiffs will show the Court in their forthcoming fee motion, attorney's fees and nontaxable expenses are recoverable by a plaintiff under 42 U.S.C. § 1988 when the Court passes on the plaintiff’s constitutional claims but adjudicates a pendent claim in the plaintiff’s favor. *See, e.g., Maher v. Gagne*, 448 U.S. 122, 132 (1980) (“[C]learly Congress was not limited to awarding fees only when a constitutional or civil rights claim is actually decided. **We agree with the courts below that Congress was acting within its enforcement power in allowing the award of fees in a case in which the plaintiff prevails on a wholly statutory, non-civil-rights claim pendent to a substantial constitutional claim . . .**” (emphasis added)); *Church of Scientology of Cal. v. Cazares*, 638 F.2d 1272 (5th Cir. 1981).

and deadlines which have interfered with their ability to devote the necessary time to reviewing billing records, applying appropriate billing judgment, and drafting their papers.

3. Prior to filing this motion, the undersigned Plaintiffs' counsel conferred with counsel for Defendant, and is authorized to represent to the Court that Defendant does not oppose the extension requested herein. The motion is, therefore, **unopposed**.

4. Plaintiffs do not submit this motion as a result of lack of diligence or otherwise for the purpose of unjustified delay.

WHEREFORE, good cause having been shown, Plaintiffs respectfully request an order extending their time to file their bill of costs and motion for attorney's fees and nontaxable expenses to and including November 1, 2019.

Respectfully submitted,

/s/ Roger K. Gannam
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CERTIFICATE OF SERVICE

I hereby certify that on this October 11, 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