

No. 19-14387

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

ROBERT L. VAZZO, LMFT, individually and on behalf of his patients, and SOLI
DEO GLORIA INTERNATIONAL, INC. d/b/a NEW HEARTS OUTREACH
TAMPA BAY, individually and on behalf of its members, constituents and clients,

Plaintiffs–Appellees,

v.

CITY OF TAMPA, FLORIDA,

Defendant–Appellant.

On Appeal from the United States District Court
for the Middle District of Florida

In Case No.: 8:17-cv-02896-T-02AAS before the Honorable William F, Jung

**PLAINTIFFS–APPELLEES’ SUPPLEMENT TO RESPONSE IN
OPPOSITION TO DEFENDANT–APPELLANT’S MOTION FOR
DISMISSAL AND CANCELLATION OF ORAL ARGUMENT**

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VAZZO, *etc., et al.* v. CITY OF TAMPA, FLORIDA

**PLAINTIFFS–APPELLEES’
CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

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

Alliance Defending Freedom	Florida State Representative Scott Plakon
The Alliance for Therapeutic Choice and Scientific Integrity	Florida State Representative Spencer Roach
Burr & Forman, LLP	Florida State Representative Anthony Sabatini
Bursch, John. J.	Florida State Representative Clay Yarborough
Carlton Fields Jordan Burt, PA	Florida State Senator Ben Albritton
City of Tampa	Florida State Senator Dennis Baxley
Clemons, J. Tyler	Florida State Senator Doug Broxson
Crampton, Stephen M.	Florida State Senator Kelli Stargel
Dinielli, David C.	Freedom of Conscience Defense Fund
Equality Florida Institute, Inc.	Gannam, Roger K.
Family Foundations Counseling, PLLC	Harvey, David E.
Florida State Representative Byron Donalds	Jonna, Paul M.
Florida State Representative Brett Hage	
Florida State Representative Stan McClain	

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Jung, William F.	Price, Max R.
Liberty Counsel, Inc.	Richardson, Ursula D.
LiMandri, Charles S.	Robbins, Dana Lee
LiMandri & Jonna, LLP	Sansone, Amanda Arnold
Lindell Farson & Zebouni, P.A.	Schandavel, Christopher P.
Lindell, J. Michael	Schmid, Daniel J.
McAlister, Mary E.	Soli Deo Gloria International, Inc.
McCoy, Scott D.	Southern Poverty Law Center
Mihet, Horatio G.	Staver, Mathew D.
Minter, Shannon P.	Stoll, Christopher
National Center for Lesbian Rights	Trissell, Jeffrey M.
Piedra, Daniel J.	Vazzo, Robert L.
Porter, Brian C.	Walbolt, Sylvia H.
	Williams, Robert V.

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–Appellees

**PLAINTIFFS–APPELLEES’ SUPPLEMENT TO RESPONSE IN
OPPOSITION TO DEFENDANT–APPELLANT’S MOTION FOR
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Plaintiffs–Appellees, Robert L. Vazzo, LMFT and Soli Deo Gloria International, Inc. d/b/a New Hearts Outreach Tampa Bay, hereby supplement their Response in Opposition to Defendant–Appellant’s Motion for Dismissal and Cancellation of Oral Argument filed on December 3, 2020 (the “Response”), to notify the Court that counsel for the City of Boca Raton, one of the Defendants–Appellees in this Court’s related case *Otto v. City of Boca Raton*, No. 19-10604, advised the undersigned counsel today that the City of Boca Raton intends to petition the Court this week for rehearing of the Court’s *Otto* decision issued November 20, 2020, reported at 2020 WL 6813994.

In Plaintiffs–Appellees’ Response filed in this case, Plaintiffs–Appellees argued, as but one of the grounds for denying the City of Tampa’s motion to dismiss the appeal and cancel oral argument, that “there remains the possibility, if not the probability, that one or both defendants in *Otto* (City of Boca Raton and/or Palm Beach County) may petition this Court for rehearing or the Supreme Court for a writ of certiorari,” and that “[t]he final disposition of such petitions could take months;” and “[t]hus, dismissal of this appeal *without an opinion* is not warranted.” (Resp. 3.) As shown above, the City of Boca Raton does indeed intend to petition the Court for rehearing of the *Otto* decision, which further strengthens Plaintiffs–Appellees’

argument against the Court's disposition of this appeal without an opinion. Accordingly, and for all of the other reasons in the Response, the Court should deny the City's motion to dismiss, and either proceed with the scheduled oral argument on Plaintiffs–Appellees' preemption claims, or affirm the judgment below on either preemption grounds or the alternative First Amendment grounds under this Court's decision in *Otto*.

Dated this December 7, 2020.

/s/ Roger K. Gannam
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**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 310 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–Appellees

CERTIFICATE OF SERVICE

I hereby certify that, on this December 7, 2020, a copy of the foregoing was electronically filed through the Court’s ECF system, which will effect service on the following parties and counsel of record:

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