

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

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,	)	Civil Action No. 9:18-cv-80771-RLR
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
CITY OF BOCA RATON, FLORIDA, and	)	
COUNTY OF PALM BEACH, FLORIDA,	)	
	)	
Defendants.	)	

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**PLAINTIFFS’ NOTICE OF WRIT OF MANDAMUS ORDER  
FROM THE ELEVENTH CIRCUIT COURT OF APPEALS**

Plaintiffs, ROBERT W. OTTO, PH.D. LMFT and JULIE H. HAMILTON, PH.D., LMFT, hereby provide notice to the parties and the Court that the Eleventh Circuit Court of Appeals has issued a writ of mandamus to this Court, directing the Court “to comply with [the Eleventh Circuit’s] mandate and enter a preliminary injunction [against Defendants’ unconstitutional ordinances] by 5:00 p.m. on Friday, August 19, 2022.” A copy of this Order is attached hereto as Exhibit A.

DATED this August 17, 2022.

Respectfully submitted,

/s/ Horatio G. Mihet  
Mathew D. Staver (Fla. 0701092)  
Horatio G. Mihet (Fla. 026581)  
Roger K. Gannam (Fla. 240450)  
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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this August 17, 2022, 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*

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 19-10604-AA

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ROBERT W. OTTO,  
JULIE H. HAMILTON,

Plaintiffs - Appellants,

versus

CITY OF BOCA RATON, FLORIDA,  
COUNTY OF PALM BEACH, FL,

Defendants - Appellees.

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

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BEFORE: GRANT and LAGOA, Circuit Judges.\*

BY THE COURT:

Before the Court is “Plaintiffs-Appellants’ Motion to the Merits Panel to Enforce Mandate,” which is construed as a petition for a writ of mandamus to enforce this Court’s mandate. *See Piambino v. Bailey*, 757 F.2d 1112, 1120 (11th Cir. 1985) (“If the trial court fails fully to implement the mandate, the aggrieved party may apply to the appellate court for enforcement, by petitioning for a writ of mandamus.”). The appellees have filed responses to the motion.

“The law of our circuit concerning the obligations of a district court to follow our mandates is settled.” *Litman v Mass. Mut. Life Ins. Co.*, 825 F. 2d 1506, 1511 (11th Cir. 1987) (en banc)

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\* This order is being entered by a quorum pursuant to 28 U.S.C. § 46(d).

(collecting cases). “A district court when acting under an appellate court’s mandate cannot vary it or examine it for any other purpose than execution or give any other or further relief.” *Id.* at 1510-11 (internal citations omitted). “When an appellate court issues a specific mandate it is not subject to interpretation; the district court has an obligation to carry out the order.” *Id.* at 1511.

Here, this Court’s mandate “reverse[d] the district court’s order and remand[ed] for entry of a preliminary injunction consistent with th[e] opinion.” The mandate issued on July 29, 2022, and the district court has not yet entered a preliminary injunction consistent with the opinion. Accordingly, the petition for a writ of mandamus is GRANTED as follows: the district court is directed to comply with this Court’s mandate and enter a preliminary injunction by 5:00 p.m. on Friday, August 19, 2022.

The Clerk’s Office is directed to provide a copy of this order to the district court.