

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

Case No.: 9:18-cv-80771-RLR

ROBERT W. OTTO, PH.D., LMFT,
individually ,and on behalf of his patients,
JULIE H. HAMILTON, PH.D., LMFT,
individually and on behalf of her patients,

Plaintiffs,

v.

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

Defendants.

**DEFENDANT, PALM BEACH COUNTY'S MOTION FOR EXTENSION OF TIME TO
FILE RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE TO TAKE
JURISDICTIONAL DICOVERY**

Pursuant to Rule 6(b), Fed. R. Civ. P., and Local Rule 7.1, Defendant, Palm Beach County (County), respectfully moves this Court for a 10-day extension of time to respond to Plaintiffs' Motion to Take Jurisdictional Discovery [DE 197]. In support thereof, the County states as follows:

1. On February 9, 2023, Plaintiffs filed their Motion for Leave to Take Jurisdictional Discovery [DE 197]. Attached to Plaintiffs' Motion are six exhibits intended to be illustrative of the discovery requests that the Plaintiffs propose to take of the parties and non-parties. The County's deadline to respond to the Motion is February 19, 2023.

2. On February 9, 2023, shortly prior to filing their Motion for Jurisdictional Discovery, Plaintiffs filed their Notice of Acceptance of the Offers of Judgment of Defendant City of Boca Raton, Florida and Plaintiff's Request for Clerk's Entry of Judgment [DE 196].

3. Much of the Plaintiffs' Motion focuses on facts attributed solely to the City of Boca Raton, which, in light of the Plaintiffs' acceptance of the City's Rule 68 Offers is no longer a party. Notwithstanding, Plaintiffs, similar to their approach in the Consolidated Response in Opposition to the Defendants' Motions to Dismiss, [DE 188] do not distinguish between the individual Defendants when presenting their case for jurisdictional discovery.

4. The County intends to file a response in opposition to the Plaintiffs' Motion, including the improper proposed discovery requests attached thereto. However, due to previously scheduled events, including two motion hearings, and an all-day deposition, the undersigned requires additional time in which to draft a response.

5. Further, in light of the Plaintiffs' acceptance of the City's Rule 68 Offers [DE 196], the County is in the process of evaluating a similar approach to resolve the case. A ten-day extension of time will give the County sufficient time to evaluate and potentially make its own Offers of Judgment, which, if accepted by the Plaintiffs, will negate the need for jurisdictional discovery altogether.

6. The instant motion is being made in good faith and not for the purpose of delay. Moreover, Plaintiffs will not suffer any unfair prejudice by the Court granting the brief extension requested in the instant motion.

7. The undersigned has contacted counsel for the Plaintiffs, who has indicated that he objects to the extension, unless the County agrees to additional conditions.

WHEREFORE, the Defendant, Palm Beach County, respectfully requests that his Honorable Court enter an order extending the County's deadline to file its Response to the Plaintiffs' Motion to March 1, 2023.

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)

The undersigned certifies that on February 13, 2023, she exchanged emails with Plaintiffs' counsel in a good faith effort to resolve the issues raised in the instant motion. Plaintiffs' counsel indicated that he objects to the extension, unless the County agrees to additional conditions.

Respectfully submitted this 13th day of February, 2023.

/s/ Marianna Sarkisyan
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 13, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send an electronic notice to the authorized CM/ECF filers.

/s/ Marianna Sarkisyan
Marianna Sarkisyan, Esquire
Florida Bar No. 57059