

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

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)

Civil Action No.: 9:18-cv-80771-RLR

INJUNCTIVE RELIEF SOUGHT

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
WITH INCORPORATED MEMORANDUM OF LAW**

TABLE OF CONTENTS

TABLE OF CONTENTS.....i

TABLE OF AUTHORITIES.....iii

REQUEST FOR HEARING.....vii

PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION.....1

MEMORANDUM OF LAW IN SUPPORT.....1

BACKGROUND FACTS.....2

LEGAL ARGUMENT.....3

I. PLAINTIFFS HAVE A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON THE MERITS.3

 A. The Ordinances Unconstitutionally Discriminate On The Basis Of Viewpoint.....3

 B. The Ordinances Unconstitutionally Discriminate On The Basis Of Content.....7

 1. No Compelling Government Interests Support The Ordinances.....9

 a. “Dubious” decisions from other Circuits do not constitute a compelling interest.....9

 b. Defendants cannot assert a compelling interest in preventing harm from voluntary SOCE counseling to willing minor clients.....10

 c. Defendants’ own studies admit that “no empirical research” supports banning voluntary SOCE counseling for willing minor clients, and Defendants cannot manufacture a compelling interest by misrepresenting those studies.....11

 2. The Ordinances Are Not Narrowly Tailored.....12

 C. The Ordinances Are Unconstitutional Prior Restraints.....15

 D. The Ordinances Are Unconstitutionally Vague.....16

 E. Defendants’ Enactment Of The Ordinances Is *Ultra Vires* And *Void Ab Initio*.....17

II. PLAINTIFFS ARE SUFFERING IRREPARABLE INJURY.....19

III. THE BALANCE OF THE EQUITIES FAVORS INJUNCTIVE RELIEF.....20

IV. INJUNCTIVE RELIEF SERVES THE PUBLIC INTEREST.....20

CONCLUSION.....21

TABLE OF AUTHORITIES

Cases

ACLU of Ill. v. Alvarez, 679 F.3d 583 (7th Cir. 2012).....20

ASF, Inc. v. City of Seattle, 408 F. Supp. 2d 1102 (W.D. Wash. 2005)16

Awad v. Ziriox, 670 F.3d 1111 (10th Cir. 2012)15

Bantham Books, Inc. v. Sullivan, 372 U.S. 58 (1963)15

Broadrick v. Oklahoma, 413 U.S. 601 (1973)17

Cate v. Oldham, 707 F.2d 1176 (11th Cir. 1983)19

City Council of L.A. v. Taxpayers for Vincent, 466 U.S. 789 (1984)4

Classy Cycles, Inc. v. Bay Cnty., 201 So.3d 779 (Fla. 2016)18

Connally v. Gen. Const. Co., 269 U.S. 385 (1926)16

Conant v. Walters, 309 F.3d 629 (9th Cir. 2002)5, 6

D’Ambra v. City of Providence, 21 F. Supp. 2d 106 (D.R.I. 1998)16

Elrod v. Burns, 427 U.S. 347 (1976)19, 20

Florida Bar v. Went For It, Inc., 515 U.S. 618 (1995)6

Forsyth Cnty. v. Nationalist Movement, 505 U.S. 123 (1992)15

Grayned v. City of Rockford, 408 U.S. 104 (1972)16, 17

Horton v. City of St. Augustine, 272 F.3d 1318 (11th Cir. 2001)15

Howard v. City of Jacksonville, 109 F. Supp. 2d 1360 (M.D. Fla. 2000).....16

Joelner v. Vill. of Washington Park, 378 F.3d 613 (7th Cir. 2004).....20

KH Outdoor, LLC v. City of Trussville, 458 F.3d 1261 (11th Cir. 2006).20

King v. Governor of New Jersey, 767 F.3d 216 (3d Cir. 2014)8

Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist., 508 U.S. 384 (1993)4

Legal Servs. Corp. v. Valazquez, 531 U.S. 533 (2001)5

Machesky v. Bizzell, 414 F.2d 283 (5th Cir. 1969)20

NAACP v. Button, 371 U.S. 415 (1963)8, 16

Northeastern Fla. Chapter of the Ass’n of Gen. Contractors of Am. v. City of Jacksonville, 896 F.2d 1283 (11th Cir. 1990)19

Pickup v. Brown, 740 F. 3d 1208 (9th Cir. 2014)9

R.A.V. v. City of St. Paul, 505 U.S. 377 (1992)7, 13, 14

Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015)7, 8

Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819 (1995).....3

Sable Commc’ns of Cal., Inc. v. FCC, 492 U.S. 115 (1989)13

Sarasota Alliance For Fair Elections, Inc. v. Browning, 28 So.3d 880 (Fla. 2010).....17, 18

Schneider v. New Jersey, 308 U.S. 147 (1939)20

Searcy v. Harris, 888 F.2d 1314 (11th Cir. 1989)4

Siegel v. Lepore, 234 F.3d 1163 (11th Cir. 2000)3

Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd., 502 U.S. 105 (1991).....8

Sorrell v. IMS Health, 131 S. Ct. 2653 (2011)3, 5, 10, 13

Time, Inc. v. Hill, 385 U.S. 374 (1967)20

United States v. Frandsen, 212 F.3d 1231 (11th Cir. 2000)15

United States v. Salerno, 481 U.S. 739 (1987)15

Vill. of Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455 U.S. 489 (1982).....16

Ward v. Rock Against Racism, 491 U.S. 781 (1989)13

Wollschlaeger v. Florida, 848 F.3d 1293 (11th Cir. 2017)*passim*

Statutes

Fed. R. Civ. P. 65.....1

Fla. Stat. Ann. §491.009.....13, 14

Fla. Stat. Ann. §491.001.....14

Fla. Admin. Code §64B5-5.001.....14

S.D. Fla. L.R. 7.1.....1

REQUEST FOR HEARING

Pursuant to S.D. Fla. L.R. 7.1(b)(2), Plaintiffs hereby request that their Motion for Preliminary Injunction be scheduled for a hearing at the Court's earliest opportunity. Given the significant First Amendment issues presented in Plaintiffs' Motion for Preliminary Injunction, and the ongoing and irreparable injury being visited on Plaintiffs and their clients each day Defendants' Ordinances remain in effect, Plaintiffs believe that oral argument would assist this Court in understanding and deciding the weighty constitutional issues presented in the instant Motion.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65 and S.D. Fla. L.R.7.1, Plaintiffs, ROBERT W. OTTO, PH.D. LMFT and JULIE H. HAMILTON, PH.D., LMFT, individually and on behalf of their patients, respectfully move this Court to enter a preliminary injunction enjoining Defendants, CITY OF BOCA RATON, FLORIDA ("City") and COUNTY OF PALM BEACH ("County"), together with their officers, agents, servants, employees, and others who are in active concert or participation with them, from enforcing Boca Raton City Ordinance 5407 ("City Ordinance") and Palm Beach County Ordinance 2017-046 ("County Ordinance") (collectively "Ordinances"), on the grounds that the Ordinances violate the First Amendment and Florida law.

MEMORANDUM OF LAW IN SUPPORT

"We found no empirical research on adolescents who request SOCE."¹

By enacting the Ordinances, Defendants are storming the office doors of therapists, thrusting themselves into the sacrosanct relationship of counselor and client, and running roughshod over the clients' and counselors' cherished First Amendment liberties. Defendants' justification for such unconscionable actions is that they do not approve of counseling which addresses the possibility of reducing or eliminating minors' unwanted same-sex attractions ("SSA") or desires to "transition to another gender," **even if the clients desire such change.** Defendants offer no evidence of harm arising from such **voluntary** treatment, but rely upon position papers from advocacy groups, an inconclusive study, and court decisions upholding similar ordinances in other states, which the Eleventh Circuit has dismissed as "dubious."

¹ 2009 American Psychological Association Task Force Report on Appropriate Therapeutic Response to Sexual Orientation, on which **Defendants** principally rely. (Verified Complaint, Ex. C, p. 73) (emphasis added).

Wollschlaeger v. Florida, 848 F.3d 1293, 1307 (11th Cir. 2017) (en banc). The Ordinances are in gross violation of the Constitution and Florida law, and should be enjoined.

BACKGROUND FACTS

Plaintiffs refer to the sworn facts set forth in the Verified Complaint (“VC”) filed simultaneously with this Motion and Memorandum, and incorporate those facts herein as if set forth in full. Without limitation, Plaintiffs particularly emphasize the following facts:

Plaintiffs Robert Otto (“Dr. Otto”) and Julie Hamilton (“Dr. Hamilton”) are licensed marriage and family therapists practicing in the City of Boca Raton and County of Palm Beach. (VC ¶¶ 125, 140). As part of their practices, they counsel **willing** minors who are experiencing unwanted SSA and would like to reduce or eliminate the unwanted desires. (VC ¶¶ 126, 142). Many of the clients are Christians who struggle with the conflict between their unwanted SSA and their sincerely held religious beliefs, and they ask Plaintiffs for help in reducing or eliminating SSA to relieve the conflict. (VC ¶¶ 129, 145). The talk therapy that Plaintiffs use to help their clients achieve their goals of reducing or eliminating SSA constitutes Sexual Orientation Change Efforts (“SOCE”) counseling, which the Ordinances now prohibit. (VC ¶¶ 126, 142).

Plaintiffs would never force any therapy on any unwilling client, minor or adult. (VC ¶¶ 131-35, 143-54). Plaintiffs only conduct therapy to assist clients, including minors, with **goals and objectives that the clients themselves set**. (*Id.* ¶¶ 71-82, 131-35, 143-54). **Plaintiffs would never engage in any counseling with any minor client unless the client himself or herself desires counseling and provides informed consent.** (*Id.*).

Defendants’ Ordinances prohibit licensed professionals such as Plaintiffs from engaging in voluntary SOCE counseling under threat of fines and disciplinary actions. (VC, Exs. A, B). Defendants have carved out individualized exemptions and exceptions for counseling that affirms

and supports minors' SSA and desires to "transition to another gender," thereby punishing only the viewpoint that these attractions can be changed if the client desires. (VC Exs. A, B). The Ordinances purport to be aimed at protecting minors from harm caused by SOCE counseling, but offer no evidence of such harm for SOCE counseling **that is voluntarily sought, given and received**. (VC ¶¶131, 144). State regulatory officials have confirmed that there are no records of complaints of harm from voluntary SOCE counseling. (VC Ex. F). In addition, the Ordinances purport to impose differential regulations on practitioners than are imposed elsewhere in Florida, exceeding Defendants' constitutional and statutory authority. (*Id.* ¶¶ 139, 161, 267-81).

LEGAL ARGUMENT

Injunctive relief is appropriate where, as here: (1) Plaintiffs have a substantial likelihood of success on the merits, (2) Plaintiffs will suffer irreparable injury absent injunctive relief, (3) the balance of the equities tips in Plaintiffs' favor, and (4) the injunction would serve the public interest. *Siegel v. Lepore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc). Plaintiffs meet these criteria and the injunction should issue.

I. PLAINTIFFS HAVE A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON THE MERITS.

A. The Ordinances Unconstitutionally Discriminate On The Basis Of Viewpoint.

A viewpoint-based restriction on private speech has never been upheld by the Supreme Court or any court. Indeed, a finding of viewpoint discrimination is dispositive. *See Sorrell v. IMS Health*, 131 S. Ct. 2653, 2667 (2011). "It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys." *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995). "When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the

more blatant.” *Id.* at 829. In fact, **viewpoint-based regulations are always unconstitutional.** *See, e.g., Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394 (1993) (“the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others”) (quoting *City Council of L.A. v. Taxpayers for Vincent*, 466 U.S. 789, 804 (1984)). *See also Searcy v. Harris*, 888 F.2d 1314, 1324 (11th Cir. 1989) (the government “may not discriminate between speakers who will speak on the topic merely because it disagrees with their views”); *id.* at 1325 (“**The prohibition against viewpoint discrimination is firmly embedded in first amendment analysis.**” (emphasis added)).

The Ordinances are textbook examples of viewpoint discrimination. On their face, the Ordinances purport to allow licensed therapists to discuss the subject of sexual orientation, but explicitly prohibit only one particular viewpoint on that subject, namely that unwanted SSA can be reduced or eliminated to the benefit of the client, if the client so desires. The Ordinances define “conversion therapy” in such a way that it is clear that Defendants are targeting only one viewpoint, *i.e.*, SOCE that seeks to “eliminate or reduce sexual or romantic attractions or feelings **toward individuals of the same gender or sex.**” (VC, Ex A at 6 (emphasis added)). Similarly, the Ordinances permit counselors to accept and facilitate SSA, even if their minor clients are merely questioning such feelings, but prohibit counselors from counseling minor clients to change unwanted SSA, even when the minor clients themselves request and seek that outcome. (*Id.*).

The Ordinances purport to prohibit licensed counselors from engaging in any practice that seeks to change behaviors, gender identity, or gender expression. But the plain text of the Ordinances demonstrates that they only prohibit such counseling for minor clients who wish to reduce or eliminate behaviors, identity, or expressions that differ from their biological sex. That this is true cannot be questioned because the Ordinances specifically exempt counseling that

“provides support and assistance to a person undergoing gender transition.” (VC, Ex. A at 6; Ex. B at 5). To undergo “gender transition,” one has to be – at minimum – seeking to change from one gender to the other. To transition is to change. So, under the Ordinances, if a minor client wants to undergo radical surgery to alter their appearance or genitalia, Defendants have no problem with a counselor providing counseling to assist in that change. But, if a minor client merely wants to speak with a counselor about unwanted feelings concerning their gender identity or expression, the counselor is absolutely prohibited from engaging in such counseling if it aids the minor in reducing unwanted other-sex identity, behaviors, or expressions. There can be no question that this is viewpoint discrimination.

The Supreme Court and several other courts have invalidated regulations of professional speech as unconstitutional viewpoint discrimination. *See Sorrell*, 131 S. Ct. 2653 (2011); *Legal Servs. Corp. v. Valazquez*, 531 U.S. 533 (2001); *Conant v. Walters*, 309 F.3d 629 (9th Cir. 2002). In these cases, the courts recognized the axiomatic truth that the government is not permitted to impose its viewpoint on speakers, even professional speakers subject to licensing requirements and regulation.

In *Velazquez*, the Court addressed a federal funding limitation on legal aid attorneys that operated in the same viewpoint-based manner as the Ordinances. *Velazquez*, 531 U.S. at 537-38. The law provided that attorneys could not receive funds if they challenged welfare laws. The Court invalidated the law as viewpoint discriminatory, because it had the effect of prohibiting “advice or argumentation that existing welfare laws are unconstitutional or unlawful,” and thereby excluded certain “vital theories and ideas” from the lawyers’ representation. *Id.* at 547-49.

In *Conant*, the Ninth Circuit invalidated a federal policy that punished physicians for communicating with their patients about the benefits or options of marijuana as a potential

treatment. *Conant*, 309 F.3d at 633. The Ninth Circuit noted that the doctor-patient relationship is entitled to robust First Amendment protection:

An integral component of the practice of medicine is the communication between a doctor and a patient. **Physicians must be able to speak frankly and openly to patients.** That need has been recognized by courts through the application of the common law doctor-patient privilege.

Id. at 636 (emphasis added). Far from being a First Amendment orphan, such professional speech “may be entitled to the strongest protection our Constitution has to offer.” *Id.* at 637 (quoting *Florida Bar v. Went For It, Inc.*, 515 U.S. 618, 634 (1995)). The ban impermissibly regulated physician speech based on viewpoint:

The government’s policy in this case seeks to punish physicians on the basis of the content of doctor-patient communications. Only doctor-patient conversations that include discussions of the medical use of marijuana trigger the policy. Moreover, the policy does not merely prohibit the discussion of marijuana; it condemns expression of a particular viewpoint, i.e., that medical marijuana would likely help a specific patient. Such condemnation of particular views is especially troubling in the First Amendment context.

Id. at 637-38 (emphasis added). The court rejected as inadequate the government’s justification that the policy prevented clients from engaging in harmful behavior, and permanently enjoined enforcement of the policy. *Id.* at 638-39.

The Ordinances here operate almost identically to the federal policy enjoined in *Conant*. Just as the policy in *Conant* prohibited physicians from speaking about the benefits of marijuana to a suffering patient, so do the Ordinances prohibit counselors from speaking about the potential for reduction or elimination of unwanted same-sex attractions, or desires to “transition to another gender,” that might benefit a client distressed by the unwanted desires. In both cases, the laws express a preference for the message the government approves of and disdain attached to punishment for the viewpoint with which the government disagrees. As was true of the law in *Conant*, the Ordinances here should be invalidated as unconstitutional viewpoint discrimination.

B. The Ordinances Unconstitutionally Discriminate On The Basis Of Content.

“Content-based laws—those that target speech on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling government interests.” *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2226 (2015); *see also R.A.V. v. City of St. Paul*, 505 U.S. 377, 395 (1992) (same). “Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both distinctions are drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.” *Reed*, 135 S. Ct. at 2227 (emphasis added). Put simply, the Supreme Court has handed down a firm rule: laws that are content based on their face must satisfy strict scrutiny. *Id.*; *see also id.* at 2233 (“As the Court holds, what we have termed ‘content-based’ laws must satisfy strict scrutiny.”) (Alito, J., concurring).

Importantly, this firm rule mandating strict scrutiny of facially content-based restrictions applies regardless of the government’s alleged purpose in enacting the law. *Id.* at 2227. “On its face, the [law] is a content-based regulation of speech. We thus have no need to consider the government’s justifications or purposes for enacting the [law] to determine whether it is subject to strict scrutiny.” *Id.* In so holding, the Court rejected the lower court’s rationale that the alleged purpose behind enacting the content-based law can justify subjecting it to diminished constitutional protection. *Id.* “But this analysis skips the crucial first step . . . determining whether the law is content neutral on its face.” *Id.* at 2228. The answer to that question, the *Reed* Court said, is dispositive of the level of scrutiny applicable to the regulation of speech. *Id.* “A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of animus toward the ideas contained in the

regulated speech.” *Id.* (emphasis added). “[A]n innocuous justification cannot transform a facially content-based law into one that is content neutral.” *Id.*

This rule also applies to content-based restrictions of the speech of licensed professionals.

Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the regulation of professional conduct rendered the statute consistent with the First Amendment, observing that **it is no answer to say that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.**

Id. at 2229 (citing *NAACP v. Button*, 371 U.S. 415, 438-39 (1963)) (emphasis added). The en banc Eleventh Circuit, too, has unequivocally stated that the prohibition on content-based laws applies equally to laws targeting the speech of licensed professionals. *Wollschlaeger*, 848 F.3d at 1307 (“Speech is speech, and it must be analyzed as such for purposes of the First Amendment”) (quoting *King v. Governor of New Jersey*, 767 F.3d 216, 229 (3d Cir. 2014)); *id.* at 1308 (rejecting Florida’s contention that it can prohibit certain types of speech as a regulation of licensed professionals) (“Keeping in mind that no law abridging freedom of speech is ever promoted as a law abridging freedom of speech . . . we do not find the [state’s] argument persuasive.”).

Thus, content-based laws must satisfy strict scrutiny, even if targeted at licensed professionals. *Reed*, 135 S. Ct. at 2229. **There are no exceptions to this rule.**² Indeed, the notion that a content-based restriction on speech is presumptively unconstitutional is “so engrained in our First Amendment jurisprudence that last term we found it so ‘obvious’ as to not require explanation.” *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105,

² The concurring Justices confirm the concrete nature of the rule. *See, e.g., Reed*, 135 S. Ct. at 2234 (Breyer, J., concurring) (noting that under the majority’s rule, a finding of content discrimination is “**an automatic strict scrutiny trigger.**” (emphasis added)); *id.* at 2236 (Kagan, J., concurring in the judgment) (“Says the majority, When laws single out specific subject matter, they are facially content based; and when they are facially content based, they are **automatically subject to strict scrutiny.**” (emphasis added)).

115-16 (1991). The burden is on Defendants to prove they can satisfy strict scrutiny, and they cannot meet that burden.

1. **No Compelling Government Interests Support The Ordinances.**

a. **“Dubious” decisions from other Circuits do not constitute a compelling interest.**

Defendants claim that the Ordinances are justifiable exercises of their interests in protecting their citizens because other federal courts have upheld similar prohibitions enacted in other states. (VC, Ex. A at 4 (citing *Pickup v. Brown*, 740 F. 3d 1208 (9th Cir. 2014)); Ex. B at 3). However, Defendants ignore the fact that they are in the Eleventh, not the Ninth, Circuit, and the Eleventh Circuit has expressed “serious doubts about whether *Pickup* was correctly decided,” because “characterizing speech as conduct is a dubious constitutional enterprise.” *Wollschlaeger*, 848 F.3d at 1309. “[W]e do not think it is appropriate to subject content-based restrictions on speech by those engaged in a certain profession to mere rational basis review,” as the Ninth Circuit had done in *Pickup*. *Id.* at 1311.

In *Wollschlaeger*, the en banc Eleventh Circuit invalidated portions of Florida’s Firearm Owners’ Privacy Act (FOPA), which prohibited physicians from “making a written inquiry or asking questions concerning the ownership of a firearm or ammunition by the patient or by a family member of the patient, or the presence of a firearm in a private home.” *Id.* at 1302-03. The Court found that the provisions regulated speech on the basis of content by restricting (and providing disciplinary sanctions for) speech by medical professionals on the subject of firearm ownership. *Id.* Specifically, the court noted that because the restrictions “apply only to the speech of doctors and medical professionals, and only on the topic of firearm ownership,” they were “speaker-focused and content-based restrictions.” *Id.* at 1307. The Eleventh Circuit found that the provisions could not even satisfy intermediate scrutiny, let alone the strict scrutiny required for presumptively

unconstitutional content-based regulations. *Id.* This binding precedent from the Eleventh Circuit specifically rejecting the constitutional analysis employed by the Ninth Circuit in *Pickup* vitiates Defendants' reliance upon that case to justify enactment of the Ordinances.

b. Defendants cannot assert a compelling interest in preventing harm from voluntary SOCE counseling to willing minor clients.

Defendants assert that they have compelling interests in preventing minors from receiving SOCE counseling because it could potentially be harmful to them. This assertion is not only based on intentional misrepresentations of various studies, *see* Section I.B.1.c *infra*, but is also insufficient as a matter of law to serve as a compelling interest. *Wollschlaeger* noted that laws targeting the content of certain doctor-patient or counselor-client communications cannot be justified by the “paternalistic assertion that the policy was valid because patients might otherwise make bad decisions” if left to determine the best course of counseling for themselves. 848 F.3d at 1310. Indeed, just because Defendants “may generally believe that doctors and medical professionals should not ask about, nor express views hostile to, [a certain topic or course of counseling], [they] ‘may not burden the speech of others in order to tilt the public debate in a preferred direction.’” *Id.* at 1313-14 (quoting *Sorrell* 564 U.S. at 578-79). Where, as here, “[t]he record demonstrates that some patients do not object to questions and advice about [the prohibited content of speech], and some even express gratitude for their doctor’s discussion of the topic,” a law is unconstitutional if it “does not provide for such patients a means by which they can hear from their doctors on the topic.” *Id.* at 1313.

There are no such means provided in the Ordinances. Instead, Defendants assert that they need to protect minors from purported harms they claim would result if licensed professionals talked to willing minors about the possibility that unwanted same-sex attractions or desires to

“transition to another gender” can be changed, **even if the clients seek and desire such discussions.** (VC, Ex. A at 5; Ex. B at 3-4). No such harm will occur, according to Defendants, if counselors support and affirm minors’ same-sex attractions or desires to “transition to another gender,” (VC, Ex. A at 6; Ex. B at 5), revealing that Defendants are attempting to tilt the debate in favor of those advocating against SOCE counseling, not prevent purported harm. However, Defendants do **“not have carte blanche to restrict the speech of doctors and medical professionals on a certain subject without satisfying the demands [of the First Amendment].”** *Wollschlaeger*, 848 F.3d at 1314 (emphasis added). Defendants cannot support the claim that the Ordinances are necessary to protect a purported state interest in preventing harm from a politically undesirable type of counseling.

- c. Defendants’ own studies admit that **“no empirical research” supports banning voluntary SOCE counseling for willing minor clients, and Defendants cannot manufacture a compelling interest by misrepresenting those studies.**

Defendants also contend that the Ordinances serve a compelling state interest by pointing to statements and reports issued by professional associations which supposedly establish that SOCE counseling is harmful to minors. In particular, Defendants cite to the 2009 American Psychological Association Task Force Report on Appropriate Therapeutic Response to Sexual Orientation (“APA Report”), and the subsequent resolution, as justification for prohibiting SOCE counseling. (VC, Ex. A at 2-4; Ex. B at 1-3).

However, the APA Report does not support the conclusion that voluntary SOCE counseling is harmful to minor clients who desire to receive it. In fact, the APA Report specifically noted that the research is inadequate to draw **any** conclusions concerning SOCE counseling. (VC Ex. C). The APA Report specifically noted that “sexual orientation issues in children are **virtually**

unexamined.” (VC Ex. C at 91 (emphasis added)), and noted that “[t]here is a lack of published research on SOCE among children.” (*Id.* at 72). The APA Report also concluded that “there is a dearth of scientifically sound research on the safety of SOCE. **Early and recent research studies provide no clear indication of the prevalence of harmful outcomes.**” (*Id.* at 42 (emphasis added)). The APA Report also noted that it could make no conclusions about SOCE counseling for those minors who request such counseling because “**We found no empirical research on adolescents who request SOCE.**” (*Id.* at 73 (emphasis added)).

The APA Report also noted that its conclusions were necessarily limited because they are not based on specific studies from individuals, including minors, who request SOCE counseling. (*Id.* at 76). In fact, contrary to Defendants’ representations, the APA Report noted that it found evidence of **benefit** to individuals seeking such counseling. (*Id.* at 43, 85) The APA Report specifically noted that “[s]ome individuals report that they went on to lead outwardly heterosexual lives, developing a sexual relationship with an other-sex partner, and adopting a heterosexual identity.” (*Id.* at 84-85). Since the APA admitted that its report was inconclusive and that there was **no evidence regarding** the effect of SOCE counseling on children, it does not support Defendants’ claim that the Ordinances are necessary to protect children from harm.

Furthermore, the Board of Medical Quality Assurance for the State of Florida has also admitted that it has no records of any complaints against any licensed professionals in Florida related to SOCE counseling. (VC Ex. F). Absent such evidence, Defendants cannot establish a compelling state interest sufficient to support a content- and viewpoint-based speech restriction.

2. **The Ordinances Are Not Narrowly Tailored.**

Even if Defendants could substantiate compelling interests for the Ordinances’ prohibition on SOCE counseling, which they cannot, Defendants could not meet their burden of showing that

the Ordinances are narrowly tailored. “It is not enough to show that the Government’s ends are compelling; the means must be carefully tailored to achieve those ends.” *Sable Commc’ns of Cal., Inc. v. FCC*, 492 U.S. 115, 126 (1989). There must be a ‘fit between the . . . ends and the means chosen to accomplish those ends.’” *Wollschlaeger*, 848 F.3d at 1312 (quoting *Sorrell*, 564 U.S. at 572). While “perfect clarity and precise guidance have never been required even of regulations that restrict expressive activity, government may regulate the area of First Amendment freedoms only with narrow specificity.” *Id.* at 1320 (quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 794 (1989)).

The Supreme Court has clearly established that “The government may not regulate a [‘mode of speech’] based on hostility—or favoritism—towards the underlying message expressed.” *R.A.V.* 505 U.S. at 386. As shown above, the Ordinances are based on political preferences to ban such counseling, not on scientific evidence of harm. Where, as here, other, content-neutral alternatives exist, government cannot fulfill its narrow tailoring burden by ignoring those alternatives. *See id.* at 395 (“The existence of adequate content-neutral alternatives thus ‘undercut[s] significantly’ any defense of such a statute, casting considerable doubt on the government’s protestations that the ‘asserted justification is in fact an accurate description of the purpose and effect of the law.’” (citations omitted)).

The Ordinances woefully fail narrow tailoring. They are not necessary to prevent harm (which has not been proven) because existing Florida law and the ethical codes of the professions engaging in this form of counseling already prohibit practices that actually harm patients. (VC ¶¶ 83-95). Licensed marriage and family therapists are already prohibited by law from “[m]aking misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed, registered, or certified” by Florida’s Marriage and Family Therapy Board. *See Fla. Stat.*

Ann. §491.009(1)(l). They are prohibited by law from engaging in any practice that is harmful to clients or patients, such as “[f]ailing to meet minimum standards of performance in professional activities when measured against generally prevailing peer performance.” Fla. Stat. Ann. §491.009(1)(r).

Existing Florida law regulating professional counselors also imposes upon them a legal obligation to abide by the other ethical requirements of their profession. *See* Fla. Stat. Ann. §491.001(1)(t). These ethical obligations include codes promulgated by the American Association of Marriage and Family Therapists (“AAMFT Code”). Standard 1 of the AAMFT Code mandates that counselors not harm their clients or engage in practices that might do so. (VC ¶¶89-90). Standard 1.1 of the AAMFT Code prohibits licensed marriage and family therapists, such as Dr. Otto and Dr. Hamilton, from discriminating against clients based on their sexual orientation or gender identity (VC ¶91). If violated, these provisions come with legal sanction under existing Florida law. *See* Fla. Admin. Code §64B5-5.001. Thus, Defendants’ assertions that no other alternatives or existing laws prevent the harm they allege are demonstrably false. (VC Ex. A at 5; Ex. B at 4). The fact that children are already protected from harmful and dangerous therapies reveals that Defendants’ underlying purpose is not protecting minors. Statutes, regulations and ethical rules already protect minors without suppressing speech. Under *R.A.V.*, if Defendants had content-neutral means of preventing the alleged harm, failing to employ those means demonstrates that the Ordinances are not narrowly tailored as a matter of law. *R.A.V.*, 505 U.S. at 395.

Moreover, if Defendants were concerned with alleged harms resulting to minors who are involuntarily subjected to counseling against their will, Defendants could have banned those practices without indiscriminately outlawing voluntary SOCE counseling to willing patients. Indeed, informed consent would be another less restrictive means to achieve Defendants’

purported interests. When legislation virtually identical to the Ordinances was being debated in California, several mental health organizations recognized that this type of “legislation is attempting to undertake an unprecedented restriction on psychotherapy.” (*See* VC Ex. G at 1). They proposed informed consent language that would have been much more narrowly tailored than the unprecedented intrusion into the relationship between counselor and willing client. (*Id.*). Although this alternative is in the public record, Defendants either never considered it or rejected it for no good reason.

In sum, a complete ban a viewpoint regarding SSA is not the least restrictive means to achieve any governmental interest. Total prohibitions on constitutionally protected speech are “hardly an exercise of narrow tailoring.” *Awad v. Ziriax*, 670 F.3d 1111, 1131 (10th Cir. 2012). Absent narrow tailoring the Ordinances cannot survive strict scrutiny.

C. The Ordinances Are Unconstitutional Prior Restraints.

Prior restraints against constitutionally protected expression are highly suspect and disfavored. *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 130 (1992). In fact, “any system of prior restraints comes to this Court bearing the heavy presumption against its constitutional validity.” *Banham Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963). This is why “[t]he Supreme Court and [the Eleventh Circuit] consistently have permitted facial challenges to prior restraints without requiring a plaintiff to show that there are no conceivable set of facts where the application of the particular government regulation might or would be constitutional.” *United States v. Frandsen*, 212 F.3d 1231, 1236 (11th Cir. 2000); *Horton v. City of St. Augustine*, 272 F.3d 1318, 1331-32 (11th Cir. 2001) (“the Supreme Court itself in *Salerno* acknowledged [that prior restraints are the] exception to the ‘unconstitutional-in-every-conceivable-application’ rule” (quoting *United States v. Salerno*, 481 U.S. 739, 745 (1987))).

Total prohibitions, such as the Ordinances here, constitute prior restraints. *See, e.g., Howard v. City of Jacksonville*, 109 F. Supp. 2d 1360, 1364 (M.D. Fla. 2000) (“This Court also finds that . . . moratoria are governed by prior restraint analysis in the same manners as permitting schemes.”); *D’Ambra v. City of Providence*, 21 F. Supp. 2d 106, 113-14 (D.R.I. 1998) (same); *ASF, Inc. v. City of Seattle*, 408 F. Supp. 2d 1102, 1108 (W.D. Wash. 2005) (total prohibitions on protected expression fail prior restraint analysis).

Here, as in *ASF*, the Ordinances go “a step further in suppressing protected speech.” *Id.* The Ordinances completely prohibit SOCE counseling, even voluntary counseling, with minors in the City and County. There is no exception to the Ordinances’ perpetual prohibition on protected expression. As the court held in *Howard*, such bans are subject to prior restraint analysis. *Howard*, 109 F. Supp. 2d at 1364. The Ordinances fail that analysis.

D. The Ordinances Are Unconstitutionally Vague.

A law is unconstitutionally vague and overbroad if it “either forbids or requires the doing of an act in terms so vague that [persons] of common intelligence must necessarily guess at its meaning and differ as to its application.” *Connally v. Gen. Const. Co.*, 269 U.S. 385, 391 (1926). Government policies “must be so clearly expressed that the ordinary person can intelligently choose, in advance, what course it is lawful for him to take.” *Id.* at 393. “Precision of regulation” is the touchstone of the First Amendment. *Button*, 371 U.S. at 435. “It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined.” *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). While all regulations must be reasonably clear, “laws which threaten to inhibit the exercise of constitutionally protected” expression must satisfy “a more stringent vagueness test.” *Vill. of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 499 (1982). Such a law must give “adequate warning of what activities it proscribes”

and must “set out explicit standards for those who apply it.” See *Broadrick v. Oklahoma*, 413 U.S. 601, 607 (1973) (citing *Grayned*, 408 U.S. at 108).

The Ordinances do not fulfill either requirement and thus force both those enforcing the Ordinances and mental health professionals to guess at their meaning and differ as to their application. Defendants attempted to defeat a vagueness claim by offering statements of intended limitations in the preliminary provisions of the Ordinances (VC Ex. A at 4-5, Ex. B at 3). However, those limiting statements are not part of the operative terms of the Ordinances and so are unavailing. Because sexual orientation and gender identity are fluid and changing concepts, licensed professionals such as Dr. Otto and Dr. Hamilton are left to guess about what they are permitted to say to their clients who present with unwanted same-sex attractions or unwanted desires to “transition to another gender.” (VC ¶¶96-110). The Ordinances leave licensed counselors uncertain whether and at what point a particular recommendation or even a particular statement with a minor client will cost them hundreds of dollars in fines and other disciplinary actions. Similarly, code enforcement officers and others tasked with enforcing the Ordinances are uncertain at what point a counselor has crossed the line. This does not satisfy the stringent test required for the threat to Plaintiffs’ First Amendment rights. *Village of Hoffman*, 455 U.S. at 499.

E. Defendants’ Enactment Of The Ordinances Is *Ultra Vires* And *Void Ab Initio*.

Plaintiffs also have a substantial likelihood of success on the merits because the Ordinances are *ultra vires* enactments that violate the Florida Constitution and statutes. A local government enactment will be considered inconsistent with state law if (1) the Legislature “has preempted a particular subject area” or (2) the local enactment conflicts with a state statute.” *Sarasota Alliance For Fair Elections, Inc. v. Browning*, 28 So.3d 880, 886 (Fla. 2010). The Ordinances fail on both counts. The State has impliedly preempted the field of regulation of mental health professionals

through enactment of a comprehensive licensing and disciplinary scheme in Florida Statutes, Title XXXII, Chapter 491. Furthermore, the Ordinances conflict with Florida law by purporting to make illegal a form of counseling that the state legislature permits.

Preemption is implied when “the state legislative scheme of regulation is pervasive and the local legislation would present the danger of conflict with that pervasive regulatory scheme.” *Sarasota*, 28 So.3d at 886. When determining if implied preemption applies, the court must look at the provisions of the policy as a whole, the nature of power exercised by the legislature, the object sought to be attained by the statute, and the character of the obligations imposed by the statute. *Classy Cycles, Inc. v. Bay Cnty.*, 201 So.3d 779, 784 (Fla. 2016). In *Classy Cycles*, the Florida Supreme Court held that local ordinances regarding insurance requirements for certain vehicles were impliedly preempted by the State. *Id.* at 788-90. The court reasoned that the State had created a pervasive and extensive scheme of regulation and that the local ordinances were “attempt[s] to regulate in an area well-covered by existing statutes” and thus were impliedly preempted. *Id.* at 788. Where the State has not specifically granted any authority to local officials to be involved with certain regulation, the State’s extensive law in that particular area demonstrates implied preemption. *Id.* The same is true of the Ordinances here, as Florida has enacted a pervasive and comprehensive scheme for regulating mental health professionals. (VC ¶¶84-88).

The Ordinances conflict with Section 491.009 of the Florida Statutes, and Rule 64B4-5.001, in purporting to impose additional fees and penalties and, more importantly, attempting to expand upon conduct that would subject a provider to discipline. The Ordinances purport to make illegal in the City and County a form of therapy that is legal elsewhere in Florida. Thus, the Ordinances are in direct conflict with Florida law that has occupied the field of professional

regulation for mental health counselors. The Ordinances are void as *ultra vires* acts in violation of Defendants' authority under the laws and Constitution of the State of Florida.

II. PLAINTIFFS ARE SUFFERING IRREPARABLE INJURY.

Plaintiffs are suffering and will continue to suffer immediate and irreparable injury absent injunctive relief. Indeed, "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Cate v. Oldham*, 707 F.2d 1176, 1188 (11th Cir. 1983); *Northeastern Fla. Chapter of the Ass'n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1285 (11th Cir. 1990).

As was true of the law invalidated in *Wollschlaeger*, the Ordinances here discriminate on the basis of content and viewpoint, prohibiting only the viewpoint that same-sex attractions and desires to "transition to another gender" can be changed if unwanted. The Ordinances silence licensed counselors who wish to engage in a course of counseling with consenting minor clients that aligns with the clients' sincerely held religious beliefs. Such a prohibition constitutes a deprivation of First Amendment rights and imposes immediate and irreparable harm on Plaintiffs and their clients.

Plaintiffs are suffering irreparable injury by being silenced in their ability to speak to their willing, minor clients about counseling which is legally available throughout Florida, and which can assist the clients in reducing or eliminating unwanted same-sex attractions. (VC ¶¶ 162-182). If Plaintiffs violate the Ordinances' prohibitions, then they are subject to fines and other disciplinary actions. (VC ¶¶ 29, 35). If they follow the Ordinances' requirements, then Plaintiffs will be subject to sanctions for violating ethical codes mandating that the clients have the right to self-determination and that the counselor should not impose an ideology on the clients. (*Id.* ¶¶ 138, 160). The imposition of punishment for discussing a course of counseling desired by the clients

and permitted by professional standards is a deprivation of constitutional rights, and constitutes a *priori* irreparable harm.

III. THE BALANCE OF THE EQUITIES FAVORS INJUNCTIVE RELIEF.

An injunction in this matter will protect the very rights the Supreme Court has characterized as “lying at the foundation of a free government of free men.” *Schneider v. New Jersey*, 308 U.S. 147, 151 (1939). The granting of a preliminary injunction that enjoins enforcement of the Ordinances will not impose any harm on the City or County. As noted above, “even a temporary infringement of First Amendment rights constitutes a serious and substantial injury.” *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 72 (11th Cir. 2006). Conversely, “there can be no harm to [the government] when it is prevented from enforcing an unconstitutional statute.” *Joelner v. Vill. of Washington Park*, 378 F.3d 613, 620 (7th Cir. 2004). That is because the government “has no legitimate interest in enforcing an unconstitutional [law].” *KH Outdoor*, 458 F.3d at 1272. As such, there can be no comparison between the irreparable and unconscionable loss of First Amendment freedoms suffered by Plaintiffs and their clients absent injunctive relief, and Defendants’ non-existent interest in enforcing unconstitutional ordinances. The balance of the equities tips decidedly in Plaintiffs’ favor, and the preliminary injunction should issue.

IV. INJUNCTIVE RELIEF SERVES THE PUBLIC INTEREST.

The protection of First Amendment rights is of the highest public interest. *See Elrod v. Burns*, 427 U.S. at 373. This protection is *ipso facto* in the interest of the general public because “First Amendment rights are not private rights [but] rights of the general public [for] the benefits of all of us.” *Machesky v. Bizzell*, 414 F.2d 283, 288-90 (5th Cir. 1969) (citing *Time, Inc. v. Hill*, 385 U.S. 374 (1967)). Indeed, “[i]njunctive relief protecting First Amendment freedoms are **always in the public interest**,” *ACLU of Ill. v. Alvarez*, 679 F.3d 583, 590 (7th Cir. 2012) (emphasis added).

CONCLUSION

For the foregoing reasons, the preliminary injunction should issue.

/s/ Horatio G. Mihet

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**Pro hac vice pending*

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June 2018, I caused the foregoing to be electronically filed with this Court through this Court's ECF/electronic filing system, and I caused a true and correct copy of the same to be served via process server on the following individuals:

Defendant City of Boca Raton, Florida
c/o Scott Singer, Mayor
201 West Palmetto Park Road
Boca Raton, FL 33432

County of Palm Beach, Florida
c/o Melissa McKinlay, Mayor
301 N. Olive Avenue, Suite 1201
West Palm Beach, FL 33401

/s/ Horatio G. Mihet
Horatio G. Mihet

**OBJECTION – DOUBLE BILLING
(Attending / Traveling / Preparing for Depositions)**

| DATE | DESCRIPTION | HOURS | TIMEKEEPER |
|-------------|---|--------------|-------------------|
| 08/14/18 | Preparation for depositions of defendants | 3.70 | RKG |
| 08/18/18 | Prepare for upcoming depositions of Plaintiffs | 2.70 | HGM |
| 08/29/18 | Prepare for and attend deposition of Otto (7.0); debrief with clients and LC team (0.50); prepare for deposition of Hamilton (1.20) | 8.70 | HGM |
| 08/29/18 | Preparation for and attendance at deposition of R.Otto (7.20); drafting of correspondence to Defendants' counsel regarding discovery deficiencies (2.10) | 9.30 | RKG |
| 08/30/18 | Attend deposition of Hamilton; debrief with client and LC team | 6.50 | HGM |
| 08/30/18 | Preparation for and attendance at deposition of J. Hamilton (6.70); continued drafting of e-mail correspondence to Defendants' counsel detailing discovery deficiencies (2.10); return travel to Orlando (3.10); e-mail correspondence to Defendants' counsel regarding conference on discovery disputes (0.30) | 12.20 | RKG |
| 09/15/18 | Prepare for upcoming depositions of County and City, including review of studies relied upon by Defendants to enact the Ordinances in suit | 4.30 | HGM |
| 09/16/18 | Further preparation for depositions of County and City | 2.30 | HGM |
| 09/17/18 | Further preparation for County and City depositions – incorporate defendants' document productions into question outlines | 11.20 | HGM |
| | Preparation for depositions of Defendants | 1.10 | RKG |
| 09/18/18 | Review email correspondence from Otto and Hamilton on thoughts for questions in depositions of Defendants | 1.10 | DJS |
| | Further preparation for upcoming depositions of defendants, including review of key documents from discovery | 12.10 | HGM |
| | Preparation for deposition of Palm Beach County | 4.70 | RKG |
| 09/19/18 | Travel to WPB for depositions of County and City | 3.10 | HGM |
| | Final preparation for depositions of County and City | 11.70 | HGM |

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| | Preparation for deposition of Palm Beach County; travel to West Palm Beach for same | 12.70 | RKG |
| 09/20/18 | Attend deposition of County; debrief with clients and LC team; consider strategy for follow-up discovery and PI hearing in light of deposition testimony | 7.80 | HGM |
| | Prepare for deposition of City, especially in light of County's deposition responses and positions | 5.40 | HGM |
| | Preparation for and attendance at deposition of Palm Beach County (8.60); preparation for deposition of City of Boca Raton | 11.80 | RKG |
| 09/21/18 | Attend deposition of City; debrief with clients and LC team; consider strategy for PI hearing and further litigation in light of deposition testimony | 6.30 | HGM |
| | Travel home following depositions of County and City | 2.90 | HGM |
| | Preparation for and attendance at deposition of City of Boca Raton; return travel to Orlando | 11.30 | RKG |
| | TOTAL HOURS: | 152.9 | |

OBJECTION – EXCESSIVE PREPARATION FOR ORAL ARGUMENT

| DATE | DESCRIPTION | HOURS | TIMEKEEPER |
|-------------|--|--------------|-------------------|
| 12/31/19 | Attention to scheduling moot court and compiling brief binders in preparation for oral argument; discuss oral argument details and logistics with clients and LC team | 0.90 | HGM |
| 01/06/20 | Review case law and Ordinances in preparation for Oral Argument | 4.50 | MDS |
| 01/07/20 | Preparation for oral argument at 11 th Cir. | 0.70 | RKG |
| 01/08/20 | Review file in preparation for Oral Argument (Opening Brief and District Court Order) | 4.10 | MDS |
| 01/09/20 | Preparation for moot court and upcoming oral argument | 0.40 | HGM |
| | Review file in preparation for Oral Argument (Briefs of City and County) | 3.50 | MDS |
| 01/10/20 | Review file in preparation for Oral Argument (reviewing Reply Brief, Supplemental Authorities, and Plaintiffs' Proposed Findings of Fact) | 6.50 | MDS |
| 01/13/20 | Preparation for oral argument moot court | 1.60 | RKG |
| 01/14/20 | Prepare for oral argument; discuss oral argument strategy with LC team | 0.50 | HGM |
| | Review caselaw & Ordinances and prepare draft Oral Argument outline | 5.80 | MDS |
| 01/20/20 | Review caselaw in preparation for Oral Argument | 2.90 | MDS |
| 01/29/20 | Receive and review email correspondence from JMS re providing panel information for oral argument; review panel bios and review First Amendment opinions from panel members; provide analysis to LC team | 5.10 | DJS |
| | Review case law in preparation for Oral argument | 0.90 | MDS |
| 02/04/20 | Review briefing, caselaw, and appendix materials for moot court with MDS for upcoming oral argument | 3.10 | DJS |
| 02/005/20 | Prepare for moot court | 2.90 | DJS |
| | Travel to Orlando for moot court | 3.80 | HGM |
| | Review party and amicus briefs in preparation for moot court | 2.60 | HGM |
| | Review Briefs, Ordinances, and caselaw in preparation for Oral Argument | 5.40 | MDS |

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| | Analysis of issues regarding Eleventh Circuit oral argument and preparation for moot court session | 1.30 | RKG |
| 02/06/20 | Attend moot court oral argument with MDS, RKG, and HGM via telephone | 1.50 | DJS |
| | Further preparation for moot court; participate in moot court; debrief with LC team | 4.50 | HGM |
| | Travel home following moot court | 3.90 | HGM |
| | Prepare for and participate in Moot Court oral argument preparation | 3.50 | MDS |
| | Preparation for and attendance at moot court session regarding Eleventh Circuit oral argument | 8.70 | RKG |
| 02/07/20 | Attention to misc issues re preparations for oral argument; review internal discussion re avoiding constitutional questions re same; provide thoughts and feedback from moot session with MDS | 3.30 | DJS |
| | Research regarding canon of constitutional avoidance; memorandum to M. Staver regarding same | 5.40 | RKG |
| | Review Appellate Briefs (Opening, Answer, and Reply) and arguments in preparation for Oral Argument | 3.30 | MDS |
| | Review Supplemental Authority filed by Boca Raton (Doyle v. Hogan) | 0.50 | MDS |
| 02/10/20 | Travel to Miami for oral argument at 11th Circuit | 2.50 | HGM |
| | Further preparation with LC team for oral argument; research potential preemption issues that may arise at argument | 4.30 | HGM |
| | Prepare and practice final moot court in preparation for Oral Argument | 1.90 | MDS |
| | Review Order on appeal from District Court in preparation for Oral Argument, including case citations and holdings | 1.50 | MDS |
| | Review Vazzo Opinion re preemption and research Eleventh Circuit and Supreme Court precedent | 3.40 | MDS |

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| | regarding preemption and First Amendment claims at the Preliminary Injunction stage | | |
| | Review Supreme Court and Court of Appeals precedents re: Content-based restrictions, Professional Speech, Counseling speech cases (Pickup, King, Moore-King, NIFLA, Wollschlaeger, Vazzo, Doyle, Conant, Holder, Reed, McCullen, Bruni, and more) in preparation for Oral Argument | 4.40 | MDS |
| | Reviewing Proposed Post-Hearing Findings of Fact and Conclusions of Law in preparation for Oral Argument and Depositions | 2.10 | MDS |
| | Research regarding application of constitutional avoidance canon to preliminary injunction proceedings; research regarding avoidance of First Amendment questions in favor of state preemption questions | 4.50 | RKG |
| 02/11/20 | Final preparations for oral argument; attend 11th Circuit oral argument; debrief with clients and LC team following argument | 5.20 | HGM |
| | Prepare for Oral Argument reviewing briefs, relevant case law, Ordinances, and argument points | 3.10 | MDS |
| | TOTAL HOURS: | 124 | |



OBJECTION – BLOCK BILLING

| DATE | DESCRIPTION | HOURS | TIMEKEEPER |
|-------------|--|--------------|-------------------|
| 10/27/17 | Receive and review draft ordinance 20 - XXX, an ordinance of PBC BOCC prohibiting conversion therapy; discuss potential challenge with LC team; research potential clients; email to file | 1.30 | RLM |
| 12/04/17 | Review status of SOCE ordinance; discuss potential challenge with LC team | 0.40 | RLM |
| 12/08/17 | Receive and review email from Robert Otto regarding challenge to SOCE ban; review ordinances; respond to Mr. Otto | 0.80 | RLM |
| 12/13/17 | Receive and review amended County ordinance banning SOCE counseling; consider impact of amendments; discuss same with Julie Hamilton | 1.10 | RLM |
| 12/18/17 | Receive and review email from Robert Otto regarding challenge to SOCE ban; review APA report and issues; respond to Mr. Otto | 0.50 | RLM |
| 12/19/17 | Receive and review email from Robert Otto regarding LC representation in challenge to SOCE ban; discuss moving forward to litigation with LC team | 0.50 | RLM |
| 12/22/17 | Prepare contracts of representation for SOCE ban clients; discuss same with clients and obtain signatures; obtain information from clients regarding their clients and practices, for inclusion in complaint | 1.30 | RLM |
| 02/09/18 | Receive and review email correspondence from HGM and legal team re complaint and file opening; review SOCE ordinances and consider potential constitutional challenge | 1.60 | DJS |
| | Consider strategy for constitutional challenge to SOCE bans in Boca Raton and Palm Beach County; discuss same with LC team | 0.80 | HGM |
| 02/15/18 | Continued drafting of Motion and Memorandum in support of Preliminary Injunction; review local court rules related to same to ensure compliance | 5.50 | MEM |
| 02/19/18 | Review memorandum from Dr. Hamilton regarding background facts and revise Complaint and Motion for Preliminary injunction | 3.50 | MEM |
| 03/14/18 | Review litigation status and strategy; update litigation file | 0.50 | HGM |
| 06/07/18 | Receive and review email correspondence from Otto re discussing complaint and verifications; telephone call with Otto re same; receive and review signed verifications re same | 0.50 | DJS |

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| 06/08/18 | <p>Review, edit, proofread and finalize complaint, exhibits, and motion for preliminary injunction; email same to HGM for review</p> <p>Telephone call from Julie Hamilton re discussing complaint and allegations; receive and review signed verification from Hamilton re same</p> | 4.10 0.60 | DJS DJS |
| 06/12/18 | <p>Attention to finalizing pleadings re complaint and PI motion, including attention to HGM questions regarding factual claims and cited cases in complaint and PI motion, and discussion same with HGM; review HGM edits and revisions to pleadings; prepare initial pleadings for filing</p> | 7.10 | DJS |
| 06/13/18 | <p>Final review and revision of initial pleadings; discuss and revise same with LC team; finalize and file same</p> <p>Receive, review, organize and internally file Complaint, Civil Cover Sheet, Summons - City of Boca Raton, FL, Summons - County of Palm Beach, FL, Exhibit A - City Ordinance, Exhibit B- County Ordinance, Exhibit C- APA Report, Exhibit D - Cummings Article, Exhibit E - ACPeds Statement, Exhibit F - BMQA Confirmation, Exhibit G - CA Ltr.</p> | 8.10 1.10 | HGM LGA |
| 06/14/18 | <p>Receive and review email correspondence from HGM re discussing assignment of judge; review judicial history and free speech cases from Judge Rosenberg re same and consider strategy for litigation in light of same; email discussion with legal team re same</p> <p>Attention to preparing pleadings for service of process; email discussion with legal assistant re same</p> <p>Review judicial assignment; review background of assigned judge; assign research on judge background to LC team</p> <p>Finalize and file Motion for Preliminary Injunction; attention to service of process issues</p> <p>Review summonses as issued by Clerk; discuss service of process issues with LC team</p> | 3.10 0.50 0.40 0.60 0.30 | DJS DJS HGM HGM HGM |
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| | Review media articles re complaint filed; review discussion from Rand Hoch re same; email discussion with legal team with misc issues re same and consider implications for litigation | 0.50 | DJS |
| | Review local media coverage of lawsuit and consider discovery targets and objectives based on advocacy groups identified in the news articles; discuss same with LC team | 0.40 | HGM |
| 06/18/18 | Receive and review email correspondence from HGM re motion for preliminary injunction denied without prejudice because of service issues; email discussion among legal team re same | 0.50 | DJS |
| | Review Order denying without prejudice first PI motion for lack of service; attention to service of process issues and strategy for refiling motion | 0.50 | HGM |
| 06/22/18 | Review Affidavits of Service; file same; revise and finalize Preliminary Injunction Motion for re-filing, to indicate successful service of process; file same | 0.80 | HGM |
| 06/26/18 | Review Supreme Court's decision in NIFLA; consider implications for SOCE litigation | 1.70 | HGM |
| 06/27/18 | Review Court's initial scheduling order; communicate with counsel for County regarding need for meet and confer prior to drafting Joint Scheduling report; follow up emails regarding same; attention to drafting Joint Report | 1.80 | HGM |
| | Review the Court's standing discovery Order; formulate discovery strategy in light of the Order | 1.40 | HGM |
| | Review local rules and standing orders; formulate litigation and discovery strategy in light of same | 0.70 | HGM |
| | Reviewing NIFLA opinion from Supreme Court that overruled Pickup and King SOCE cases; consider strategy for litigation of Otto matter in light of same | 1.20 | MDS |
| 06/29/18 | Review communication regarding alleged service defects and request for extension of time from City's counsel; review status of service and service affidavit to rectify alleged defects; discuss same with LC team and process server; respond to counsel inquiry; review as-filed extension motion of City | 0.80 | HGM |
| 07/02/18 | Attention to issues re service of process; discuss same with legal assistant and HGM; email correspondence to process server re same | 0.80 | DJS |

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| | <p>Receive call from County counsel regarding extension of time to respond to Complaint; review proposed unopposed motion regarding same; communicate with County counsel regarding same; review as-filed motion; review Order granting both Defendants' motions for extension of time</p> | 0.90 | HGM |
| | <p>Review local rules and administrative orders regarding Joint Scheduling Report and Proposed Scheduling Order; consider strategy for same; draft same; discuss same with counsel for defendants</p> | 3.60 | HGM |
| 07/05/18 | <p>Receive inquiry from County counsel regarding proposed Rule 30(b)(6) deposition topics; draft initial round of proposed topics; provide same to counsel for defendants</p> | 0.70 | HGM |
| | <p>Review Order permitting discovery prior to PI hearing; formulate discovery strategy; discuss upcoming deposition schedule and strategy with LC team and clients, in multiple phone and email communications; formulate written proposal on PI briefing schedule and PI discovery; communicate same to defense counsel</p> | 2.20 | HGM |
| | <p>Revise draft Joint Scheduling Report and Proposed Scheduling Order to reflect changes agreed upon at parties' meet and confer; provide revised version to Defendants' counsel and solicit any further changes for finalizing document</p> | 0.90 | HGM |
| 07/06/18 | <p>Receive and review email correspondence from and discussion among legal team re discovery pre-PI hearing; review caselaw re exigent nature of PI, limited factual record for PI, etc; prepare email memo to HGM re same</p> | 0.60 | DJS |
| | <p>Review County's counter-proposal on PI discovery and briefing; consider response strategy; assign research issues re PI urgency to LC team; review research results; formulate response to Defendants and counter-proposal; provide same to all parties</p> | 2.60 | HGM |
| | <p>Finalize and file Joint Scheduling Report and Proposed Scheduling Order; provide Proposed Order to chambers</p> | 0.60 | HGM |

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| 07/09/18 | Prepare for meet and confer regarding PI discovery and briefing schedule; participate in meet and confer; follow up communication with all counsel regarding same | 1.10 | HGM |
| 07/10/18 | Draft revised PI discovery plan, following input from the parties at meet and confer; multiple email and telephone communications with Defendants' counsel to negotiate and revise terms | 2.80 | HGM |
| 07/11/18 | Numerous additional emails and telephone calls with defense counsel to negotiate PI schedule; consider discovery needs and respond to PI discovery scheduling proposal and counter-proposals; draft Joint Proposed PI Scheduling Order; discuss and revise same with defense counsel; finalize and email same to chambers | 3.60 | HGM |
| 07/12/18 | Review City and County websites for potential document custodians and witnesses in preparation for Initial Disclosures; review file for documents in plaintiffs' possession and control for initial disclosures; prepare initial disclosures; email correspondence to HGM re same | 6.90 | HGM |
| | Review Order requiring notice of telephonic appearance at status conference; review and revise draft notice; finalize and file same | 0.60 | HGM |
| 07/13/18 | Email correspondence to and discussion with HGM and clients re upcoming discovery issues and potential needs | 1.10 | DJS |
| | Review and revise Plaintiffs' initial disclosures; finalize and serve same upon all parties | 2.20 | HGM |
| | Review City's and County's initial disclosures, and documents provided therewith and consider strategy for seeking redress of deficiencies; communicate with Defendants regarding deficiencies in initial disclosures | 1.60 | HGM |
| | Formulate discovery strategy in light of Defendants' initial disclosures and discuss same with clients and LC team | 1.10 | HGM |
| 07/16/18 | Review request for consent to intervene from City of Miami Beach; consider response strategy and discuss same with LC team; draft response | 0.40 | HGM |
| 07/17/18 | Receive and review email correspondence from HGM providing discovery requests for review and | 1.40 | DJS |

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| | comment; review discovery requests and edit same; provide same to HGM for finalizing | | |
| | Further drafting and revising discovery requests to defendants; discuss and revise same with LC team; finalize and serve same | 8.20 | HGM |
| | Draft 30(b)(6) deposition notice for Defendants; discuss and revise same with LC team; finalize and serve same | 1.30 | HGM |
| 07/18/18 | Email correspondence to and discussion with HGM and clients re discovery requests; review discovery requests from defendants for PI issues; attention to potential objections; review court's standing order re discovery | 3.90 | DJS |
| | Initial review of Defendants' discovery requests to Plaintiffs; formulate response strategy; discuss same with clients and task them with various assignments to assist in responding to requests | 1.40 | HGM |
| 07/20/18 | Attention to preparing search terms and identifying document custodians for discussion with defense counsel in response to discovery requests; telephone and email discussion with HGM re same | 1.20 | DJS |
| 07/23/18 | Review second set of discovery requests to defendants and revised notice of 30(b)(6) topics; review email discussion between HGM and defense counsel regarding same, and consider potential additional discovery topics | 1.10 | DJS |
| | Receive communication from County's counsel claiming untimeliness of Second Set of Discovery Requests; respond in writing to same; telephonic meet and confer to attempt to resolve dispute; draft confirming email to counsel | 1.30 | HGM |
| 07/24/18 | Receive and review email correspondence from Hamilton re providing initial responses to discovery request; review same and consider incorporation into responses | 1.20 | DJS |
| | Review email from County counsel regarding County's position on "late" discovery requests; telephone discussion with County's counsel to attempt to resolve discovery dispute; confirming email to County counsel; detailed email to court | 1.80 | HGM |

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| | requesting discovery hearing to resolve dispute; discuss hearing strategy and timing with LC team | | |
| 07/25/18 | Further research and drafting of detailed communication to County and City counsel regarding ESI search terms, document custodians, scope of discovery efforts, etc.; finalize and send communication | 1.70 | HGM |
| | Review email from chambers regarding scheduling of discovery hearing; respond to same; review Order setting discovery hearing; discuss same with counsel for County | 0.30 | HGM |
| 07/26/18 | Receive and review email correspondence from HGM re discovery memo; review same; email discussion with HGM re same; review defense response re same | 0.90 | DJS |
| | Draft Discovery Memorandum for August 2 Hearing; compile exhibits; revise, finalize and file same | 4.60 | HGM |
| 07/27/18 | Review Otto final responses to interrogatories, RFA, and RTP and documents produced; email discussion with Hamilton and Otto re discovery responses; attention to preparing responses re same | 3.10 | DJS |
| | Discuss discovery issues and document search with clients; review communications from City and County counsel regarding document search and document production; consider strategy for responding to same | 0.80 | HGM |
| 07/30/18 | Continue preparing responses to discovery requests to Otto and Hamilton; prepare final version of responses to Otto and Hamilton RFAs; email correspondence to HGM re providing same | 7.90 | DJS |
| | Review Order canceling referral of discovery dispute to magistrate judge and resetting discovery hearing; consider implications of same; consider strategy for discovery hearing and discuss same with LC team | 0.40 | HGM |
| 07/31/18 | Attention to gathering all documents for production from clients; email discussion with clients re same; telephone call with Otto re questions on interrogatory responses; attention to reviewing studies being produced to defendants; email discussions with HGM re same | 8.90 | DJS |
| 08/01/18 | Prepare final versions of responses to request to produce; compile documents for production re same | 6.10 | DJS |

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| | Initial review of Defendants' MTDs; consider timing, staffing and strategy for oppositions; discuss same with LC team | 0.70 | HGM |
| | Research and draft response to Defendants' motion for protective order and for extension of time to respond to discovery requests; discuss and revise same with LC team; finalize and file same | 7.80 | HGM |
| | Review and revise draft notice of telephonic appearance at discovery conference; finalize and file same | 0.80 | HGM |
| 08/02/18 | Review response in opposition to motion for extension of time to respond to second discovery requests; email discussion with legal team re same | 0.40 | DJS |
| | Prepare for discovery hearing; attend same telephonically; debrief with LC team; consider strategy for further discovery and PI hearing in light of discovery hearing | 1.80 | HGM |
| | Preparation for and attendance at telephonic discovery hearing | 1.70 | RKG |
| 08/03/18 | Telephone call from HGM discussing search terms cooperation and research for same; review caselaw re same issue; email memorandum to HGM re same | 2.10 | DJS |
| | Review and revise draft objections and responses to Defendants' discovery requests; review communications with clients regarding same | 2.20 | HGM |
| 08/05/18 | Draft Request for Discovery Hearing to Magistrate Judge Reinhart; revise, finalize and serve same | 1.30 | HGM |
| 08/06/18 | Receive and review email correspondence from and discussion with clients re modifications or changes needed in discovery responses; attention to same | 4.90 | DJS |
| 08/07/18 | Review revisions to PI discovery plan submitted by defendants; further revisions to same; multiple additional communications with defense counsel regarding same | 1.90 | HGM |
| | Research and draft memorandum of law for upcoming discovery hearing; revise, finalize and file same | 4.70 | HGM |

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| 08/08/18 | Review email correspondence and discussion re discovery plan and misc issues; discuss same with HGM | 0.50 | DJS |
| | Email correspondence to and discussion with HGM re responses to MTDs and potential extension of pages; prepare outline for consolidated response; email correspondence to HGM Re providing same | 1.50 | DJS |
| | Multiple additional communications with defense counsel regarding revisions to PI hearing and discovery plan; finalize joint plan; provide same to Court; review amended plan entered by the Court | 2.10 | HGM |
| 08/10/18 | Draft joint motion to postpone mediator selection and mediation scheduling; multiple discussions regarding same with all counsel | 1.10 | HGM |
| | Prepare for discovery hearing re ESI protocol; attend telephonic hearing; debrief with LC team | 0.90 | HGM |
| 08/13/18 | Review newly released study re effectiveness of SOCE counseling; email discussion with legal team and clients re same | 1.50 | DJS |
| 08/14/18 | Conclude drafting of response opposing MTDs; review, edit, proofread and finalize same; email correspondence to HGM re providing same | 6.10 | DJS |
| | Draft motion for leave to file consolidated MTD response, and for extension of time; revise, finalize and file same | 0.90 | HGM |
| 08/17/18 | Attention to misc discovery issues; obtain and produce supplemental discovery responses on studies supporting SOCE and misc issues; telephone discussion with HGM re interrogatories and misc issues; attention to producing DVDs to County re Hamilton production | 3.40 | DJS |
| | Review discovery deficiency letter from Palm Beach County; solicit, receive and consider client input on issues raised; respond to County counsel | 1.10 | HGM |
| | Communication with clients regarding finalizing of interrogatory responses; communicate with County counsel to provide status and request short extension | 0.60 | HGM |
| | Attend telephonic meet and confer with counsel for Defendants to attempt to resolve various discovery | | |

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| | disputes and issues; consider strategy for discovery following meet and confer and discuss same with LC team; review and revise follow up letter to Defendants' counsel | 1.60 | HGM |
| 08/19/18 | Receive and review email correspondence from HGM re interrogatory responses for Hamilton and Otto; discuss same with HGM; email discussion re specific objection to same | 0.40 | DJS |
| 08/20/18 | Review and revise Plaintiffs' interrogatory responses, discuss and revise same with LC team, and finalize and serve same (1.90); review supplemental document production of plaintiffs and include same in service emails to Defendants (0.70) | 2.60 | HGM |
| 08/21/18 | Review as-served discovery responses for Otto and Hamilton; deposition preparation communication to clients in light of discovery responses | 0.50 | HGM |
| 08/22/18 | Follow up research of issues covered in MTD opposition, and revision of opposition to address recent case developments | 12.10 | DJS |
| | Review County's discovery deficiency email; consider response strategy; discuss same with LC team; participate in telephonic meet and confer with County's counsel; communication with client to request additional information sought by County | 1.30 | HGM |
| 08/23/18 | Review and revise draft Opposition to Motion to Dismiss; research additional issues for opposition; discuss and revise same with LC team; revise, finalize and file same | 12.70 | HGM |
| | Attend to County's complaints about discovery responses; communication with clients to determine if additional information can be provided to resolve dispute; discuss discovery strategy with LC team; review back-and-forth discovery dispute communications with County, including County's request for discovery hearing; review Order setting discovery hearing | 1.40 | HGM |
| 08/27/18 | Receive and review email correspondence from HGM re documents produced from County and City; telephone call re reviewing same; attention to initial review of documents produced | 5.50 | DJS |
| | Attention to preparing supplemental responses and document production for Hamilton and Otto; obtain | 1.30 | DJS |

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| | <p>studies for production re same; email discussion with HGM re same</p> <p>Review client input for supplemental interrogatory responses; draft First Supplemental Interrogatory Responses for Otto; draft First Supplemental Interrogatory Responses for Hamilton; revise, finalize and serve supplemental responses; discuss same with clients</p> <p>Review and revise discovery memorandum on privilege and damages calculations; discuss and revise same with LC team; review as-filed memorandum and discuss need for errata with LC team; review as-filed errata; discuss timing of discovery hearing and deposition preparation with clients</p> | <p>1.40</p> <p>1.30</p> | <p>HGM</p> <p>HGM</p> |
| 08/28/18 | <p>Telephone call from HGM re discussing magistrate's order on discovery issue and appealability; review statutes and caselaw re same; prepare and provide email memo to HGM and RKG re same</p> <p>Attend discovery conference with magistrate; debrief with clients and LC team</p> | <p>3.40</p> <p>1.80</p> | <p>DJS</p> <p>HGM</p> |
| 08/31/18 | <p>Review Defendants' initial response to meet and confer letter; review Defendants' objections to Plaintiffs' 30(b)(6) deposition notice; consider response and scheduling strategy and discuss same with LC team</p> | <p>0.60</p> | <p>HGM</p> |
| 09/04/18 | <p>Review draft discovery letter to Defendants' counsel; discuss and revise same with LC team; consider strategy for upcoming discovery hearing and briefing of issues; review follow up communications to Court and counsel regarding discovery disputes</p> <p>Prepare for discovery meet and confer; attend telephonic discovery conference; debrief with LC team</p> | <p>1.30</p> <p>1.10</p> | <p>HGM</p> <p>HGM</p> |
| 09/06/18 | <p>Telephone call from HGM re need for research on discovery proportionality issues; review caselaw and statutes re same; prepare and provide email memorandum to HGM re same</p> | <p>5.10</p> | <p>DJS</p> |
| 09/07/18 | <p>Telephone call from HGM re research needed on 30(b)(6) witness testifying as to process for searching for discovery; prepare and provide email memorandum to HGM re same</p> | <p>2.30</p> | <p>DJS</p> |

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| 09/12/18 | Receive and review email correspondence from HGM re preemption argument in County's PI opposition; review County's argument re same; review statutes and caselaw re responding to same argument; draft and send email memorandum to HGM re addressing issues re same | 7.20 | DJS |
| 09/13/18 | Organize documents productions of defendants; identify key documents for upcoming depositions and organize same in folders; final review of productions by County and City Review additional discovery items received from County; consider implications of same and discuss with LC team | 8.10 0.40 | DJS HGM |
| 09/15/18 | Review and revise Objection to magistrate judge's discovery ruling regarding other regulations; discuss and revise same with LC team; review as-filed Objection | 0.80 | HGM |
| 09/17/18 | Further preparation for County and City depositions – incorporate defendants’ document productions into question outlines | 11.20 | HGM |
| 09/18/18 | Further preparation for upcoming depositions of defendants, including review of key documents from discovery | 12.10 | HGM |
| 09/20/18 | Attend deposition of County; debrief with clients and LC team; consider strategy for follow-up discovery and PI hearing in light of deposition testimony | 7.80 | HGM |
| 09/21/18 | Attend deposition of City; debrief with clients and LC team; consider strategy for PI hearing and further litigation in light of deposition testimony | 6.30 | HGM |
| 10/10/18 | Review as-filed PI reply and supporting materials; consider strategy for PI hearing; discuss same with LC team and clients | 1.40 | HGM |
| 10/11/18 | Review PI Discovery Plan for upcoming deadlines; draft email to Defense counsel regarding Trial Plan and PI Hearing; discuss hearing timing and strategy with LC team; Draft Notice regarding PI hearing and motion to extend prehearing filing deadlines; revise, finalize and file same; review Order granting same Review exhibit lists provided by City and County; review and revise Plaintiffs' exhibits lists; discuss same with LC team | 1.90 1.50 | HGM HGM |
| 10/12/18 | Review caselaw and statutes, pleadings, and briefing re preparing for drafting sections of findings of fact | 6.10 | DJS |

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| | and conclusions of law; draft same; email correspondence to HGM and RKG re same | | |
| 10/15/18 | Prepare for PI Hearing; consider strategy on exhibits and transcripts; draft motion for leave to bring electronic equipment to the courtroom; finalize and file motion | 2.50 | HGM |
| 10/18/18 | Telephone call from HGM re discussing hearing on PI and need for research; review caselaw re commercial speech and it being limited to proposals for economic transactions; review caselaw re narrow tailoring and need for consideration prior to adopting ordinance; prepare email memorandum to HGM and RKG re same | 4.40 | DJS |
| | Attend PI Hearing; debrief with clients and LC team | 9.40 | HGM |
| 10/24/18 | Analysis of issues regarding hearing exhibits; attention to compiling, organizing and filing same with court | 4.70 | RKG |
| 11/07/18 | Telephone call from HGM re discussing burden of proof in preliminary injunction cases; review caselaw re same; prepare email correspondence re same | 4.10 | DJS |
| | Review transcript of PI hearing and notes; consider strategy for post-hearing submission of Proposed Findings and Conclusions; create detailed list of items to be added to previous draft; discuss same with LC team | 2.40 | HGM |
| 11/08/18 | Continue review caselaw re burden of proof in preliminary injunction case; prepare additional email memo to RKG and HGM re same. | 4.10 | DJS |
| 11/09/18 | Receive and review email correspondence from HGM re discussing RAV v City of St Paul and County's position on same; review same; review caselaw re RAV and progeny re refuting County's position; prepare email memorandum insert for proposed order re same | 4.90 | DJS |
| 11/15/18 | Review media reports of new movie regarding conversion therapy; consider impact on pending challenge to conversion therapy ban; discuss same with clients | 0.40 | HGM |
| 11/19/18 | Review CBS story on conversion therapy featuring Dr. Hamilton; consider implications for case; discuss same with clients | 0.40 | HGM |
| 01/31/19 | Reviewing Report and Recommendation of Tampa Magistrate on change counsel case and preparing response for filing in the District Court in Otto matter | 1.50 | MDS |

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| 02/12/19 | Receive and review email correspondence from HGM re discussing response to supplemental authority; discussion re same | 0.40 | DJS |
| | Review Boca Raton's motion for leave to file response to supplemental notice re: Tampa decision; review proposed response; consider strategy for responding to same; discuss outline of response with LC team | 0.80 | HGM |
| | Review and revise draft Response to Boca Raton's motion for leave to file response to supplemental authority re Tampa decision; discuss same with LC team; review as filed response | 0.80 | HGM |
| 02/13/19 | Receive and review order denying preliminary injunction; email discussion among legal team re discussing order and appeal; prepare notice of appeal re same | 3.30 | DJS |
| 03/06/19 | Consider timing, strategy and staffing for opening brief on appeal; discuss same with LC team | 0.40 | HGM |
| 03/09/19 | Review outline for opening brief; discuss same with LC team | 0.40 | HGM |
| 04/09/19 | Review opening brief at Eleventh Circuit, review caselaw re incalculable loss being irreparable harm for injunctive purposes | 3.70 | DJS |
| | Continued drafting of opening brief, filing of same | 14.10 | RKG |
| 04/10/19 | Discussion among legal team re appendix pagination and record cites, contact clerk re discussing same; email correspondence to RKG re discussing same | 0.70 | DJS |
| 04/15/19 | Review proposed amicus brief on behalf of Foundation for Moral Law; internal email with LC team re same | 0.60 | DJS |
| 04/24/19 | Review City and County request for consent to EOT on response brief; discuss same with LC team; review communications with counsel regarding same | 0.30 | HGM |
| 06/26/19 | Review amicus briefs from Trevor Project, APA, and SPLC; review caselaw re opposing partisan amicus briefs and adding facts and issues to same; prepare memo opposing motion for leave to file amicus; email same to HGM and RKG | 5.40 | DJS |
| 07/01/19 | Consider strategy for seeking word limit extension on reply brief; discuss same with LC team; review communications with defendants' counsel regarding same | 0.40 | HGM |

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| 07/15/19 | Conclude drafting of reply brief; revise, finalize and file same | 12.60 | RKG |
| 12/16/19 | Review inquiry of availability for oral argument from 11th Circuit clerk; discuss same with LC team | 0.30 | HGM |
| 12/18/19 | Review 11th Cir clerk request for oral argument availability; discuss same with LC team | 0.30 | HGM |
| 12/31/19 | Attention to scheduling moot court and compiling brief binders in preparation for oral argument; discuss oral argument details and logistics with clients and LC team. | 0.90 | HGM |
| 01/29/20 | Receive and review email correspondence from JMS re providing panel information for oral argument; review panel bios and review First Amendment opinions from panel members; provide analysis to LC team | 5.10 | DJS |
| 02/05/20 | Review party and amicus briefs in preparation for moot court | 2.60 | HGM |
| | Analysis of issues regarding Eleventh Circuit oral argument and preparation for moot court session | 1.30 | RKG |
| 02/07/20 | Attention to misc issues re preparations for oral argument; review internal discussion re avoiding constitutional questions re same; provide thoughts and feedback from moot session with MDS | 3.30 | DJS |
| 02/10/20 | Review Supreme Court and Court of Appeals precedents re: Content-based restrictions, Professional Speech, Counseling speech cases (Pickup, King, Moore-King, NIFLA, Wollschlaeger, Vazzo, Doyle, Conant, Holder, Reed, McCullen, Bruni, and more) in preparation for Oral Argument | 4.40 | MDS |
| | Reviewing Proposed Post-Hearing Findings of Fact and Conclusions of Law in preparation for Oral Argument and Depositions | 2.10 | MDS |
| 02/11/20 | Final preparations for oral argument; attend 11th Circuit oral argument; debrief with clients and LC team following argument | 5.20 | HGM |
| | Prepare for Oral Argument reviewing briefs, relevant case law, Ordinances, and argument points | 3.10 | MDS |
| 02/12/20 | Overview Oral Argument with co-counsel; organizing of arguments and file documents for further litigation strategy | 1.70 | MDS |
| 02/18/20 | Discuss litigation status and strategy with LC team; consider impact of express preemption law on | 1.20 | HGM |

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| | pending litigation and discuss same with legislative contact and LC team | | |
| 11/20/20 | Receive and review opinion from 11th Circuit enjoining SOCE ordinance based on violation of the First Amendment; email discussion with legal team re same; email discussion with clients re same; telephone call with MDS re discussing same | 3.10 | DJS |
| | Review 11th Circuit decision on appeal; discuss with LC team; teleconference with clients to discuss victory and strategy for next steps | 1.90 | HGM |
| | Review Court of Appeals decision, communicate with clients, and review next steps in litigation | 2.40 | MDS |
| 11/21/20 | Review media coverage of 11th Circuit decision for statements made by City and County; draft public records request to County for post-decision public statements and communications, for potential use in merits litigation | 1.30 | HGM |
| 11/23/20 | Review Palm Beach County response to public records request regarding post-judgment communications; discuss same with LC team; respond to same | 0.40 | HGM |
| 12/03/20 | Receive and review email correspondence from HGM re discussing potential en banc petition being filed; review rules re same and discuss same with legal team | 0.50 | DJS |
| 12/07/20 | Review case for Defendants Motion for Rehearing or Rehearing En Banc and for Facebook threats on the Trevor Project page against the judges, to apprise the Court of Appeals of same | 1.30 | MDS |
| 12/08/20 | Review and revise draft letter to 11th Cir re potential Facebook threat on page of amicus Trevor Project; discuss same with LC team | 0.50 | HGM |
| 12/10/20 | Review media articles regarding potential amici lining up to support Defendants' en banc rehearing efforts; consider strategy for addressing same; discuss same with LC team | 0.70 | HGM |
| 12/11/20 | Receive and review petition for rehearing and rehearing en banc; review same; discuss same with legal team and discuss strategy re potential response/opposition | 2.10 | DJS |
| | Review rehearing petition filed by Defendants; consider possible response points and strategy; discuss same with LC team | 3.20 | HGM |

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| 12/12/20 | Review communications from putative experts regarding 2020 APA efforts to prohibit SOCE counseling; consider implications of same for ongoing litigation; discuss same with LC team | 0.80 | HGM |
| 12/18/20 | Review amicus briefs filed by 4 separate groups of amici, in support of panel rehearing or en banc consideration; consider strategy for further litigation on appeal and on the merits in district court, after remand | 2.60 | HGM |
| 12/22/20 | Review communication from 11th Circuit seeking response timing to pending amicus motions; consider strategy for responding to amicus motions; discuss same with LC team | 0.70 | HGM |
| 12/24/20 | Review and revise draft opposition to various amici motions; discuss same with LC team; review as-filed opposition; discuss same with clients | 2.20 | HGM |
| 01/13/21 | Review as-filed amicus briefs; consider implications for appeal and future merits litigation in district court | 3.20 | HGM |
| 05/02/22 | Consider recent First Amendment decision from 11th Circuit and feasibility of filing it as notice of supplemental authority in pending appeal; discuss same with LC team | 0.40 | HGM |
| 07/19/22 | Receive and review order and opinion denying en banc review; discuss same with legal team; prepare email memorandum to legal team re salient points from en banc opinion | 1.40 | LGA |
| | Review 11th Circuit denial of en banc petition; consider next steps for appeal and for merits litigation in lower court; discuss same with LC team | 2.20 | HGM |
| 07/26/22 | Review Eleventh circuit's IOP on mandate issuance; telephone calls with case mgr to review | 1.40 | LGA |
| 07/29/22 | Receive and review mandate from 11th Circuit; discuss implications with legal team | 0.50 | DJS |
| 08/01/22 | Review news article regarding recommendation from architect of unconstitutional ordinances that Defendants repeal them to moot case; consider mootness arguments; discuss same with LC team; draft follow up email to defense counsel regarding mootness and next step | 1.90 | HGM |
| 08/04/22 | Review efforts by Defendants to repeal ordinances and moot injunctive relief; draft Motion to Lift Stay and enter Preliminary Injunction; revise, finalize and file same | 3.30 | HGM |
| | | 1.40 | LGA |

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| | Email (multiple) discussion re repeal of city ordinance, filing of docs and researching city meetings and minute | | |
| 08/05/22 | Review email correspondence from HGM re discussing response to mootness suggestion by city; review prepared response re same; review caselaw re mootness and nominal damages and mootness and declaratory relief; email memorandum to HGM re providing same for response; review final version of response re same | 1.50 | DJS |
| | Review City of Boca Raton's Suggestion of Mootness; discuss response strategy with LC team | 1.20 | MDS |
| 08/08/22 | Review damages calculations from clients; research damages categories; communication with clients to discuss recoverable damages and calculation of same; discuss settlement strategy in view of client damages with LC team | 1.40 | HGM |
| 08/09/22 | Receive and review response from County on motion to enter injunction; discuss same with HGM; review caselaw re permissible scope of injunction and district court discretion; prepare email memorandum to HGM re same; discuss same with HGM | 3.10 | DJS |
| | Review Boca Raton's response in opposition to motion to lift stay and enter preliminary injunction; consider strategy for reply; assign research items to LC team; review results of research; draft reply; revise, finalize and file Reply | 4.20 | HGM |
| 08/11/22 | Receive and review order from district court on motion to lift stay and enter injunction; discuss same with legal team; review caselaw and FRAP re motion to enforce mandate; prepare email memorandum to legal team re same; discuss motion to enforce mandate at 11th Circuit re same | 3.20 | DJS |
| 08/12/22 | Consider strategy for seeking mandamus relief from Eleventh Circuit re district court's delay in issuing injunction; assign research items to LC team; review research results and formulate plan for mandamus petition | 4.30 | HGM |
| | Review District Court Minutes Entry and responses by Defendants re: Lack of enforcement of the Mandate and discuss with LC team preparation of Motion and Memo of Law to Enforce the Mandate at the Court of Appeals | 1.20 | MDS |

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| 08/13/22 | Research and draft Motion to Enforce Mandate (mandamus petition) for Eleventh Circuit; discuss follow up research items and results with LC team; revise draft motion to enforce mandate | 10.70 | HGM |
| 08/14/22 | Further research and drafting of motion to enforce mandate; discuss and revise same with LC team | 3.30 | HGM |
| 08/15/22 | Review final version of motion to enforce mandate; review order from 11th Circuit re discussing same; discussion among legal team re same Telephone call with clerk re Motion to Enforce, merits panel and general procedural questions; review applicable rules and IOPs; update legal team | 1.60 2.30 | DJS LGA |
| 08/16/22 | Telephone call from HGM re discussing First Amendment not requiring enforcement; review caselaw re same; prepare email memorandum to HGM providing authority re same Review City's and County's separate responses to mandamus petition; research and draft combined Reply to same; finalize and file reply | 0.60 5.20 | DJS HGM |
| 08/17/22 | Review as filed mandamus pleadings and supporting documents at Eleventh Circuit; discuss same with LC team; consider next step | 1.40 | HGM |
| 08/18/22 | Further review of writ of mandamus; consider next steps in lower court; discuss same with clients Review preliminary injunction entered by district court following writ of mandamus; consider implications and next steps for litigation; discuss same with LC team Receive and review Order from DC Granting PI and update file and calendars | 1.10 0.80 0.40 | HGM HGM LGA |
| 08/19/22 | Consider research issues for punitive damages, section 1985 claims and other strategic issues for moving litigation forward; assign research issues to LC team | 0.70 | HGM |
| 08/22/22 | Review results of research on conspiracy claim; consider strategy for pleading same; discuss same with LC team | 1.10 | HGM |

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| 08/23/22 | Receive and review email from HGM re discussing liberal amendment standard; prepare email memorandum outlining 11th Circuit caselaw re same | 0.70 | DJS |
| | Monitor council meetings of City and County re repeal of unconstitutional ordinances; consider implications for mootness and further litigation | 1.60 | HGM |
| 08/24/22 | Receive and review email correspondence from HGM re mootness as a factual inquiry; review caselaw re same; prepare email memorandum re discussing same | 1.40 | DJS |
| 08/25/22 | Multiple communications with counsel for defendants regarding Joint Notice on scheduling; review proposed revisions to draft Joint Notice; further revisions and negotiations of same; finalize and file Joint Notice | 4.30 | HGM |
| 08/26/22 | Discuss strategy and objectives for amending complaint with LC team; assign research and drafting tasks | | |
| | | 0.30 | HGM |
| | | | |
| 09/06/22 | Discuss complaint amendment issues and strategy with LC team; redirect and refocus drafting effort | 0.90 | HGM |
| 09/07/22 | Receipt and review of 9th Circuit Tingley v. Ferguson decision; consider implications for merits litigation in Otto | 0.80 | RKG |
| 09/08/22 | Review Boca Raton resolution condemning SOCE; consider implications for lawsuit and mootness arguments; discuss same with LC team | 1.30 | HGM |
| | Review new research article on SOCE provided by client; consider implications for litigation and discuss same with client | 1.30 | HGM |
| | | | |
| 09/13/22 | Further preparation for status conference; attend telephonic status conference; debrief with clients and LC team | 1.90 | HGM |
| 09/29/22 | Consider need for EOT on motion for leave to amend complaint; discuss same with defense counsel to obtain consent; draft, revise, finalize and file EOT motion | 1.70 | HGM |

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| 10/12/22 | Review and revise draft Amended Complaint and motion for leave to file same; discuss and revise same with LC team | 4.90 | HGM |
| 10/13/22 | Conclude review and revision of motion for leave to file amended complaint, and proposed amended complaint; finalize and file motion | 6.60 | HGM |
| 10/14/22 | Receipt and review of motion for leave to file first amended complaint; analysis of issues regarding same | 0.80 | RKG |
| 10/24/22 | Review Boca Raton's notice of non-opposition to motion for leave to amend complaint; consider implications and discuss same with LC team | 0.30 | HGM |
| 10/25/22 | Review Order granting motion for leave to amend complaint; consider next steps; discuss same with LC team | 0.50 | HGM |
| 10/28/22 | Update and file amended complaint following court order granting leave to file; process and re-file exhibits | 1.10 | HGM |
| 11/10/22 | Review motions to dismiss amended complaint; discuss same with legal team | 1.60 | DJS |
| | Initial review of motions to dismiss filed by City and County; consider response strategy, staffing and timing | 1.10 | HGM |
| | Receipt and initial review of Defendants' motions to dismiss; analysis of issues regarding same | 0.70 | RKG |
| 11/16/22 | Review inquiry from client regarding litigation status and estimated timeline; respond to same; provide advice regarding interacting with council members on unrelated subject at same time as litigation remains pending | 0.50 | HGM |
| 11/18/22 | Review deadline for responding to motions to dismiss; consider timing and strategy for response; discuss same with LC team; communication with counsel for Defendants to request consent to extension of time | 0.70 | HGM |
| 11/21/22 | Review response from County re refusal to consent to EOT for MTD response; consider strategy for EOT motion in light of opposition | 0.40 | HGM |
| 11/23/22 | Email correspondence to and discussion with HGM re extending time to respond to MTD | 0.30 | DJS |

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| | Draft contested EOT motion for MTD responses; discuss and revise same with LC team; finalize and file same; review Order granting same | 3.20 | HGM |
| 12/07/22 | Receive and review email from HGM re motions to dismiss; review prior motions to dismiss from 2018; email correspondence to HGM re same Consider strategy for MTD opposition; discuss drafting and research points and issues with LC team | 0.30 1.30 | DJS HGM |
| 12/10/22 | Review outline for MTD response; consider strategy and discuss revisions to outline with LC team | 0.80 | HGM |
| 12/12/22 | Analysis of issues regarding amendment of complaint and motions to dismiss | 2.50 | RKG |
| 12/16/22 | Telephone call from HGM re discussing response opposing MTD; email correspondence to HGM re same | 0.50 | DJS |
| 12/19/22 | Review and revise draft opposition to motions to dismiss; discuss and revise same with LC team; finalize and file same | 7.70 | HGM |
| 12/20/22 | Review request from County for extension of time to file Reply ISO motion to dismiss; respond to same; follow-up communications regarding same | 0.40 | HGM |
| 12/21/22 | Review defendants' joint motion for EOT on MTD replies; review order granting same; consider litigation schedule and timing | 0.30 | HGM |
| 01/07/23 | Review County and City's replies in support of motions to dismiss; consider need and feasibility for further briefing | 2.20 | HGM |
| 01/27/23 | Review Order directing Plaintiffs to file motion for leave to take jurisdictional discovery; consider strategy for same; assign research and drafting tasks to LC team | 0.80 | HGM |
| 02/08/23 | Further review City's Offer of Judgment; review research results on implications of rejecting offers of judgment; consider strategy for response; further discuss offers of judgments with LC team and clients Review Offer of Judgment from Boca Raton and prepare for next steps | 2.30 0.60 | HGM MDS |

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| 02/09/23 | Draft notice of acceptance of City's offers of judgment; revise, finalize and file same | 1.10 | HGM |
| | Review and revise draft motion for leave to take jurisdictional discovery, and draft subpoenas and discovery requests; discuss and revise same with LC team; revise, finalize and file same | 9.20 | HGM |
| 02/10/23 | Review email correspondence from HGM re discussing acceptance of offer of judgment; review email correspondence with clients re discussing same; review client responses re same | 0.60 | DJS |
| 02/22/23 | Initial review of offers of judgment from County; discuss same with LC team | 0.70 | HGM |
| | Review Offer of Judgment from Palm Beach County and prepare for next steps. | 0.60 | MDS |
| | TOTAL | 592.5 hours | |
| | Block billing that followed the County's Offer of Judgment. | | |
| 03/01/23 | ***Receive and review email correspondence from HGM re discussing offers of judgment from county; discuss same with HGM; receive and review responses from clients re same ¹ | 0.50 | DJS |
| | Review County's offers of judgment; discuss same with clients and LC team; consider response to same | 0.70 | HGM |
| | Review City's and County's separate responses in opposition to motion for leave to take jurisdictional discovery; consider reply timing and strategy | 1.10 | HGM |
| 03/09/23 | Review report and recommendation on motion for jurisdictional discovery; discuss same with HGM; draft notice of non-objection | 0.60 | LAW |
| | Review report and recommendation on motion for jurisdictional discovery | 0.30 | HGM |
| 03/14/23 | Review City's and County's notices of non-objection to report and recommendation on jurisdictional | 0.50 | HGM |

¹ All block billed time entries after 2/22/23: the date of the County's Offers of Judgment are non-compensable, but were included by the County in the abundance of caution. The total block billed hours that precede the County's Offers add up to 592.5 hours. The total hours for block billed entries that followed the County's Offer adds up to 41.3 hours. The total hours for all block billed entries is 633.8 hours.

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| | discovery motion (0.20); revise, finalize and file Plaintiffs' notice of non-objection to same (0.30) | | |
| 03/30/23 | Review follow up order re submission of final judgment; discuss status of final judgment proposal with LC team | 0.40 | HGM |
| 04/04/23 | Review and revise draft proposed final judgment, and discuss same with counsel for defendants | 1.90 | HGM |
| 04/05/23 | Review redline revisions from City and County to final judgment proposal; multiple email discussions with City and County's counsel to negotiate terms of proposed final judgment; reach agreement; provide agreed proposal for final judgment to chambers as ordered by the Court | 2.60 | HGM |
| | Receipt and review of e-mail correspondence between H.Mihet and Defendants' counsel regarding proposed final judgment, analysis of issues regarding same | 1.10 | RKG |
| 04/06/23 | Review final judgment as entered by the Court; calculate deadlines for post-judgment cost and fee proceedings and discuss same with LC team | 0.90 | HGM |
| 04/11/23 | Communication with clients regarding procedures and requirements for obtaining payments from defendants; provide payment information to City and County | 0.80 | HGM |
| 04/21/23 | Review results of research on fee motions, including hourly rates; discuss same, and strategy for drafting of fee petition, with LC team | 0.90 | HGM |
| | Analysis of issues for fee motion in district court; begin drafting fee motion | 4.70 | RKG |
| 04/27/23 | Review and organize taxable costs invoices for inclusion in Bill of Costs; draft Bill of Costs | 2.80 | HGM |
| 04/28/23 | Conclude drafting of Bill of Costs; provide same, including invoices, to counsel for defendants in meet-and-confer attempt required by local rules | 1.30 | HGM |
| 05/01/23 | Consider strategy and timing for fee petition and discuss same with LC team | 0.70 | HGM |
| 05/02/23 | Review objections to proposed bill of costs from City and County; assign research items to LC team; review results of research; preliminary response to City and County | 1.10 | HGM |
| | Detailed review of 80+ page billing report for fee petition; exercise billing judgment | 4.90 | HGM |

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| 05/03/23 | Further detailed review of every time entry in 80+ page billing report; exercise billing judgment | 4.60 | HGM |
| 05/05/23 | Revise Bill of Costs in compromise effort with Defendants, to address objections; re-formulate cost invoices as exhibits; provide revised Bill of Costs to Defendants in email detailing Plaintiffs' position on costs and apportionment | 0.90 | HGM |
| | Review invoices for non-taxable costs; exercise billing judgment; categorize same and prepare totals for inclusion in fee petition | 2.10 | HGM |
| 05/08/23 | Discuss fee petition timing and strategy with LC team; attention to supporting materials and declaration | 3.10 | HGM |
| 05/09/23 | Review and revise fee petition; discuss same with LC team; review and revise supporting Declaration and materials | 2.80 | HGM |
| | Total block billed hours after County's Offer of Judgment | 41.3 hours | |
| | TOTAL HOURS: | 633.8 | |

OBJECTION – POST OFFER OF JUDGMENT BILLING

| DATE | DESCRIPTION | HOURS | TIMEKEEPER |
|-------------|--|--------------|-------------------|
| 02/22/23 | Review Offer of Judgment from Palm Beach County and prepare for next steps | 0.60 | MDS |
| 02/23/23 | Analysis of issues regarding county offers of judgment | 0.60 | RKG |
| | Communications with counsel for City regarding accepted offers of judgment and timing of payments to Plaintiffs | 0.30 | HGM |
| | Research whether Rule 68-triggered judgment must first be entered before plaintiff may seek attorneys' fees; review docket filings related to offers of judgment | 1.90 | LAW |
| 03/01/23 | Receive and review email correspondence from HGM re discussing offers of judgment from county; discuss same with HGM; receive and review responses from clients re same | 0.50 | DJS |
| | Review County's offers of judgment; discuss same with clients and LC team; consider response to same | 0.70 | HGM |
| | Review City's and County's separate responses in opposition to motion for leave to take jurisdictional discovery; consider reply timing and strategy | 1.10 | HGM |
| 03/03/23 | Draft Notice of Acceptance of County's Offer of Judgment; revise, finalize and file same | 0.80 | HGM |
| 03/06/23 | Review Order requiring submission of proposed final judgment, and consider strategy and timing for complying with same (0.40); assign research issues to LC team | 0.40 | HGM |
| 03/07/23 | Research requirements for final judgments; draft proposed final judgment; email discussion with HGM re final judgments | 1.50 | LAW |
| 03/09/23 | Review report and recommendation on motion for jurisdictional discovery; discuss same with HGM; draft notice of non-objection | 0.60 | LAW |
| | Review report and recommendation on motion for jurisdictional discovery | 0.30 | HGM |
| 03/14/23 | Review City's and County's notices of non-objection to report and recommendation on jurisdictional discovery motion; revise, finalize and file Plaintiffs' notice of non-objection to same | 0.50 | HGM |

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| 03/30/23 | Review follow up order re submission of final judgment; discuss status of final judgment proposal with LC team | 0.40 | HGM |
| 04/04/23 | Review and revise draft proposed final judgment, and discuss same with counsel for defendants | 1.90 | HGM |
| 04/05/23 | Review redline revisions from City and County to final judgment proposal; multiple email discussions with City and County's counsel to negotiate terms of proposed final judgment; reach agreement; provide agreed proposal for final judgment to chambers as ordered by the Court | 2.60 | HGM |
| | Receipt and review of e-mail correspondence between H.Mihet and Defendants' counsel regarding proposed final judgment, analysis of issues regarding same | 1.10 | RKG |
| 04/06/23 | Review final judgment as entered by the Court; calculate deadlines for post-judgment cost and fee proceedings and discuss same with LC team | 0.90 | HGM |
| 04/11/23 | Communication with clients regarding procedures and requirements for obtaining payments from defendants; provide payment information to City and County | 0.80 | HGM |
| | Discuss strategy and timing for fee petition with LC team | 0.50 | MDS |
| 04/20/23 | Discuss time entries with LC team, in view of forthcoming fee petition | 0.30 | HGM |
| 04/21/23 | Research attorney fee awards in S.D. Fla.; email research findings in memo to HGM; follow up research on fees and hourly rates as requested by HGM | 6.20 | LAW |
| | Discuss status of payment of final judgments with clients, and with counsel for City and County | 0.60 | HGM |
| | Review results of research on fee motions, including hourly rates; discuss same, and strategy for drafting of fee petition, with LC team | 0.90 | HGM |
| | Analysis of issues for fee motion in district court; begin drafting fee motion | 4.70 | RKG |
| 04/24/23 | Continued drafting of fee motion | 4.50 | RKG |
| 04/27/23 | Review and organize taxable costs invoices for inclusion in Bill of Costs; draft Bill of Costs | 2.80 | HGM |

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| | Continued drafting of fee motion | 4.60 | RKG |
| 04/28/23 | Conclude drafting of Bill of Costs; provide same, including invoices, to counsel for defendants in meet-and-confer attempt required by local rule | 1.30 | HGM |
| | Conclude drafting of Bill of Costs; provide same, including invoices, to counsel for defendants in meet-and-confer attempt required by local rule | 1.20 | RKG |
| 05/01/23 | Consider strategy and timing for fee petition and discuss same with LC team | 0.70 | HGM |
| 05/02/23 | Review objections to proposed bill of costs from City and County; assign research items to LC team; review results of research; preliminary response to City and County | 1.10 | HGM |
| | Detailed review of 80+ page billing report for fee petition; exercise billing judgment | 4.90 | HGM |
| | Continued drafting of fee motion | 5.80 | RKG |
| 05/03/23 | Further detailed review of every time entry in 80+ page billing report; exercise billing judgment | 4.60 | HGM |
| 05/04/23 | Conclude review of billing records; review results of research on hourly rates in Palm Beach County; calculate lodestar; discuss fee petition timing and strategy with LC team; communications with Defense counsel regarding extension of time to serve fee petition; review defendants' objections to bill of costs, assign research issues to LC team, review results of research, and formulate response position | 4.70 | HGM |
| | Research recoverable taxable costs for prevailing party | 0.80 | RKG |
| 05/05/23 | Revise Bill of Costs in compromise effort with Defendants, to address objections; re-formulate cost invoices as exhibits; provide revised Bill of Costs to Defendants in email detailing Plaintiffs' position on costs and apportionment | 0.90 | HGM |
| | Continued drafting of motion to district court for attorney's fees and nontaxable expenses; drafting of declaration of H. Mihet in support | 8.50 | RKG |
| | Review invoices for non-taxable costs; exercise billing judgment; categorize same and prepare totals for inclusion in fee petition | 2.10 | HGM |

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| 05/08/23 | Discuss fee petition timing and strategy with LC team; attention to supporting materials and declaration Continued drafting of declaration of H. Mihet in support of motion to district court for attorney's fees and nontaxable expenses; continued drafting of motion | 3.10 10.10 | HGM RKG |
| 05/09/23 | Review and revise fee petition; discuss same with LC team; review and revise supporting Declaration and materials Continued drafting of fee and cost motion | 2.80 9.80 | HGM RKG |
| | TOTAL HOURS: | 105.0 | |

OBJECTION – ATTORNEYS BILLING FOR CLERICAL/SECRETARIAL WORK

| DATE | DESCRIPTION | HOURS | TIMEKEEPER |
|-------------|---|--------------|-------------------|
| 12/27/17 | Open and organize new litigation file | 1.10 | LGA |
| 03/14/18 | Review litigation status and strategy; update litigation file | 0.50 | HGM |
| 06/13/18 | Final preparation of PI memo for filing, including preparation of table of contents and table of authorities (1.10); prepare final versions of all pleadings and exhibits (2.20); prepare civil cover sheet (0.30); prepare summons (0.30); email final pleadings of all to HGM for filing (0.20) | 4.10 | DJS |
| | Final review and revision of initial pleadings; discuss and revise same with LC team; finalize and file same | 8.10 | HGM |
| | Receive, review, organize and internally file Complaint, Civil Cover Sheet, Summons - City of Boca Raton, FL, Summons - County of Palm Beach, FL, Exhibit A - City Ordinance, Exhibit B- County Ordinance, Exhibit C- APA Report, Exhibit D - Cummings Article, Exhibit E - ACPeds Statement, Exhibit F - BMQA Confirmation, Exhibit G - CA Ltr | 1.10 | LGA |
| 06/14/18 | Attention to preparing pleadings for service of process; email discussion with legal assistant re same | 0.50 | DJS |
| | Finalize and file Motion for Preliminary Injunction; attention to service of process issues | 0.60 | HGM |
| 06/18/18 | Email correspondence to Veritext re Service of Summons issue | 0.40 | LGA |
| 06/22/18 | Review Affidavits of Service; file same; revise and finalize Preliminary Injunction Motion for re-filing, to indicate successful service of process; file same | 0.80 | HGM |
| 07/02/18 | Attention to issues re service of process; discuss same with legal assistant and HGM; email correspondence to process server re same | 0.80 | DJS |
| 07/06/18 | Finalize and file Joint Scheduling Report and Proposed Scheduling Order; provide Proposed Order to chambers | 0.60 | HGM |
| 07/12/18 | Review Order requiring notice of telephonic appearance at status conference; review and revise draft notice; finalize and file same | 0.60 | HGM |
| 07/13/18 | Review and revise Plaintiffs' initial disclosures; finalize and serve same upon all parties | 2.20 | HGM |
| | | 1.20 | LGA |

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| | Reviewing Scheduling Order and Inputting all Dates on Atty's Calendars | | |
| 07/17/18 | Draft 30(b)(6) deposition notice for Defendants; discuss and revise same with LC team; finalize and serve same | 1.30 | HGM |
| 07/21/18 | Further drafting of Otto Second Set of Discovery Requests to each defendant (1.10); further drafting of Plaintiffs' Amended Notice of taking defendants' depositions (0.60); finalize and serve all documents (0.20); discuss same with clients (0.30) | 2.20 | HGM |
| 07/26/18 | Draft Discovery Memorandum for August 2 Hearing; compile exhibits; revise, finalize and file same | 4.60 | HGM |
| 08/01/18 | Prepare final versions of responses to request to produce; compile documents for production re same | 6.10 | DJS |
| | Research and draft response to Defendants' motion for protective order and for extension of time to respond to discovery requests; discuss and revise same with LC team; finalize and file same | 7.80 | HGM |
| | Review and revise draft notice of telephonic appearance at discovery conference; finalize and file same | 0.80 | HGM |
| 08/05/18 | Draft Request for Discovery Hearing to Magistrate Judge Reinhart; revise, finalize and serve same | 1.30 | HGM |
| 08/07/18 | Research and draft memorandum of law for upcoming discovery hearing; revise, finalize and file same | 4.70 | HGM |
| 08/14/18 | Draft motion for leave to file consolidated MTD response, and for extension of time; revise, finalize and file same | 0.90 | HGM |
| 08/16/18 | Review and revise Otto and Hamilton responses to Defendants' written discovery requests; discuss same with clients; finalize and serve responses to RFAs and RFPs | 4.70 | HGM |
| 08/17/18 | Attention to misc discovery issues; obtain and produce supplemental discovery responses on studies supporting SOCE and misc issues; telephone discussion with HGM re interrogatories and misc issues; attention to producing DVDs to County re Hamilton production | 3.40 | DJS |
| 08/20/18 | Review and revise Plaintiffs' interrogatory responses, discuss and revise same with LC team, and finalize and serve same (1.90); review supplemental document production of plaintiffs and include same in service emails to Defendants (0.70) | 2.60 | HGM |

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| 08/27/18 | Review client input for supplemental interrogatory responses; draft First Supplemental Interrogatory Responses for Otto; draft First Supplemental Interrogatory Responses for Hamilton; revise, finalize and serve supplemental responses; discuss same with clients | 1.40 | HGM |
| 09/10/18 | Attention to deposition scheduling and deposition issues; discuss same with LC team, clients and counsel for defendants | 0.80 | HGM |
| 09/13/18 | Organize documents productions of defendants; identify key documents for upcoming depositions and organize same in folders; final review of productions by County and City | 8.10 | DJS |
| 10/15/18 | Prepare for PI Hearing; consider strategy on exhibits and transcripts; draft motion for leave to bring electronic equipment to the courtroom; finalize and file motion | 2.50 | HGM |
| 10/24/18 | Review communications with court reporter regarding PI hearing transcript Analysis of issues regarding hearing exhibits; attention to compiling, organizing and filing same with court | 0.20 4.70 | HGM RKG |
| 02/22/19 | Draft Notice of Appearance; Draft Transcript Information Form; File same | 0.80 | HGM |
| 04/09/19 | Continued drafting of opening brief, filing of same | 14.10 | RKG |
| 04/15/19 | Preparation of appendix to brief | 1.10 | RKG |
| 04/16/19 | Revision and filing of appendix to brief | 2.10 | RKG |
| 07/15/19 | Conclude drafting of reply brief; revise, finalize and file same | 12.60 | RKG |
| 12/11/19 | Review email correspondence and discussion concerning scheduling oral argument sooner in Feb before 11th Circuit panel in Miami | 0.30 | DJS |
| 12/16/19 | Review inquiry of availability for oral argument from 11th Circuit clerk; discuss same with LC team | 0.30 | HGM |
| 12/18/19 | Review 11th Cir clerk request for oral argument availability; discuss same with LC tea | 0.30 | HGM |
| 12/31/19 | Attention to scheduling moot court and compiling brief binders in preparation for oral argument; discuss oral argument details and logistics with clients and LC team | 0.90 | HGM |
| 05/12/22 | Telephone call to clerk re discussion of appeal status | 0.40 | LGA |
| 07/13/22 | Review file status of case pending en banc petition | 0.40 | MDS |
| 07/15/22 | Telephone call to Clerk and Case Mgr re: Status of petition/case | 0.30 | LGA |
| 07/17/22 | Telephone call to case mgr re case status | 0.30 | LGA |

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| 07/19/22 | Telephone call to case mgr re update on case | 0.40 | LGA |
| 07/26/22 | Review Eleventh circuit's IOP on mandate issuance; telephone calls with case mgr to review | 1.40 | LGA |
| 07/27/22 | Telephone conference with case mgr re issuance of mandate; update legal team | 0.40 | LGA |
| 08/15/22 | Revise, finalize and file Motion to Enforce Mandate (mandamus petition) at Eleventh Circuit (4.40); coordinate communications with clerk to ensure time-sensitive treatment of motion (0.30); draft, finalize and file Notice of filing mandamus petition for district court (0.40); review Eleventh Circuit order requiring responses to mandamus petition by noon tomorrow (0.20); draft, revise and file Notice of same to district court (0.40); update clients on proceedings (0.50) | 6.20 | HGM |
| 08/19/22 | Telephone call with clerk re follow - up on USDC's order | 0.30 | LGA |
| 08/25/22 | Multiple communications with counsel for defendants regarding Joint Notice on scheduling; review proposed revisions to draft Joint Notice; further revisions and negotiations of same; finalize and file Joint Notice | 4.30 | HGM |
| 09/13/22 | Receive and review order post conference with amended complaint deadlines - update atty calendars | 0.40 | LGA |
| 10/13/22 | Conclude review and revision of motion for leave to file amended complaint, and proposed amended complaint; finalize and file motion | 6.60 | HGM |
| 10/25/22 | Receive and review order resetting deadlines for amended complaint; update calendars and set notifications | 0.40 | LGA |
| 10/28/22 | Update and file amended complaint following court order granting leave to file; process and re-file exhibits. | 1.10 | HGM |
| 11/23/22 | Draft contested EOT motion for MTD responses; discuss and revise same with LC team; finalize and file same; review Order granting same | 3.20 | HGM |
| 12/19/22 | Review and revise draft opposition to motions to dismiss; discuss and revise same with LC team; finalize and file same | 7.70 | HGM |
| 02/09/23 | Draft notice of acceptance of City's offers of judgment; revise, finalize and file same | 1.10 | HGM |
| | Review and revise draft motion for leave to take jurisdictional discovery, and draft subpoenas and discovery requests; discuss and revise same with LC team; revise, finalize and file same | 9.20 | HGM |

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| | Phone conferences with HGM to discuss discovery issues (0.40); research proper acceptance of Rule 68 offers of judgment and discuss research results with HGM (1.20); continue drafting of proposed discovery requests and subpoenas (2.90); research timing of petitioning for attorneys' fees under Rule 54(d) after a plaintiff accepts a Rule 68 offer of judgment (2.20); research case law re implications of a Rule 68-triggered judgment on the remaining parties in multi-defendant case (2.0); draft email memo to HGM with research findings re attorneys' fees after accepting Rule 68 offer of judgment (0.90) | 9.60 | LAW |
| 03/03/23 | Draft Notice of Acceptance of County's Offer of Judgment; revise, finalize and file same | 0.80 | HGM |
| 03/14/23 | Review City's and County's notices of non-objection to report and recommendation on jurisdictional discovery motion (0.20); revise, finalize and file Plaintiffs' notice of non-objection to same (0.30) | 0.50 | HGM |
| 04/05/23 | Review redline revisions from City and County to final judgment proposal; multiple email discussions with City and County's counsel to negotiate terms of proposed final judgment; reach agreement; provide agreed proposal for final judgment to chambers as ordered by the Court | 2.60 | HGM |
| 04/06/23 | Review final judgment as entered by the Court; calculate deadlines for post-judgment cost and fee proceedings and discuss same with LC team | 0.90 | HGM |
| | TOTAL HOURS: | 171.7 | |

OBJECTION – SOLICITING/RESEARCHING POTENTIAL CLIENTS

| DATE | DESCRIPTION | HOURS | TIMEKEEPER |
|-------------|---|--------------|-------------------|
| 10/27/17 | Receive and review draft ordinance 20 - XXX, an ordinance of PBC BOCC prohibiting conversion therapy; discuss potential challenge with LC team; research potential clients; email to file (duplicate) | 1.30 | RLM |
| 10/31/17 | Receive and review email correspondence from Julie Hamilton regarding potential challenge to SOCE bans | 0.30 | RLM |
| 12/13/17 | Telephone conference with potential plaintiffs for SOCE ban challenge; discuss effect of ordinance; causes of action | 1.20 | RLM |
| 12/19/17 | Receive and review email from Robert Otto regarding LC representation in challenge to SOCE ban; discuss moving forward to litigation with LC team | 0.50 | RLM |
| 12/22/17 | Email correspondence with potential plaintiff in challenge to SOCE ban | 0.30 | RLM |
| | | | |
| | | | |
| 01/09/18 | Telephone discussion with additional prospective plaintiffs in challenge to SOCE ban | 0.50 | RLM |
| | TOTAL HOURS: | 4.1 | |

**OBJECTION – ATTORNEY FAMILIARIZING/EDUCATING
SELF WITH LOCAL RULES**

| DATE | DESCRIPTION | HOURS | TIMEKEEPER |
|-------------|---|--------------|-------------------|
| 02/09/18 | Review local court rules regarding motions and page limits | 0.50 | MEM |
| 02/15/18 | Continued drafting of Motion and Memorandum in support of Preliminary Injunction; review local court rules related to same to ensure compliance | 5.50 | MEM |
| 06/27/18 | Review the Court's standing discovery Order; formulate discovery strategy in light of the Order | 1.40 | HGM |
| | Review local rules and standing orders; formulate litigation and discovery strategy in light of same | 0.70 | HGM |
| 07/02/18 | Review local rules and administrative orders regarding Joint Scheduling Report and Proposed Scheduling Order; consider strategy for same; draft same; discuss same with counsel for defendants | 3.60 | HGM |
| 12/03/20 | Receive and review email correspondence from HGM re discussing potential en banc petition being filed; review rules re same and discuss same with legal team | 0.50 | DJS |
| 07/19/22 | Detailed file review of timeline to talk with case mgr and research eleventh circuit IOPs for options to move case forward | 1.40 | LGA |
| 07/26/22 | Review Eleventh circuit's IOP on mandate issuance; telephone calls with case mgr to review | 1.40 | GLA |
| 08/15/22 | Telephone call with clerk re Motion to Enforce, merits panel and general procedural questions; review applicable rules and IOPs; update legal team | 2.30 | LGA |
| 08/31/22 | Review Defendants' municipal ordinances for updates (0.60); Review and analyze CA11 decision on preliminary injunction (0.70); Continued drafting of amended complaint (3.50); review local rules for amended complaints (0.30) | .3 | LAW |
| 02/01/23 | Begin drafting motion for leave to take jurisdictional discovery (3.20); review docket filings for factual research on jurisdictional discovery motion (1.10); research case law and issues involving jurisdictional facts in dispute (2.10); revise and finalize outline to draft motion for leave to take discovery (0.40); review local rules for filing motions and taking discovery (0.30) | .3 | LAW |
| | TOTAL HOURS: | 17.9 | |

OBJECTION – TIME SPENT BY COUNSEL FOR PREVAILING PARTIES IN CONNECTION WITH AMICUS BRIEFS SUPPORTING THEIR POSITION

| DATE | DESCRIPTION | HOURS | TIMEKEEPER |
|-------------|---|--------------|-------------------|
| 09/14/18 | Consider feasibility of amicus support on PI motion; discuss same with LC team | 0.30 | HGM |
| 10/11/18 | Review amicus brief of Alliance for Therapeutic Choice; discuss same with amicus counsel | 2.40 | HGM |
| 03/13/19 | Review request from potential amicus to provide support for plaintiffs at Eleventh Circuit; respond to same | 0.30 | HGM |
| 03/15/19 | Discuss potential amicus topics with potential amici | 0.40 | HGM |
| 04/15/19 | Review proposed amicus brief on behalf of Foundation for Moral Law; internal email with LC team re same | 0.60 | DJS |
| 04/15/19 | Review proposed amicus brief from Foundation for Moral Law; discuss same with LC team | 0.30 | HGM |
| 04/16/19 | Communication with proposed amicus regarding background facts and timing of potential amicus brief | 0.30 | HGM |
| 06/11/19 | Review amicus request for consent to filing amicus brief; discuss same with LC team | 0.30 | HGM |
| 06/13/19 | Review communications with potential amicus counsel; discuss amicus status with LC team | 0.30 | HGM |
| | TOTAL HOURS: | 5.2 | |