

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

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

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

Plaintiffs,

v.

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

Defendants.

PALM BEACH COUNTY'S MOTION FOR LEAVE TO FILE SUR-REPLY

Defendant, Palm Beach County, (County) by and through its undersigned counsel asks this Court for leave to file a limited Sur-Reply to the Plaintiffs' Reply to Defendants' Response in Opposition to Plaintiffs' Motion for Attorney's Fees (DE 235) and states as follows:

1. On June 26, 2023, the County filed its response to Plaintiffs' Motion for Attorney's Fees and Non-Taxable Expenses. (DE 228). The County raised as one of the objections to the hourly rates proposed by the Plaintiffs the fact that several of the attorneys were not admitted before this Court.

2. On July 20, 2023, the Plaintiffs filed their Reply (DE 235) in which they alleged that the non-admitted attorneys in question never "appeared" before this Court, and should thus be compensated at attorney rates. This argument is novel, and was not raised in the Plaintiffs' Motion for Attorney's fees or in affidavits in support thereof. In fact, this position is contrary to Mr. Mihet's Declaration in Support of Plaintiffs' Verified Motion for Attorneys' Fees (DE 221-1) in

which he claims that Mr. Schmid “is admitted to appear in this Court.” Accordingly, the County seeks leave from this Court to file a limited sur-reply, not exceeding three pages, to address the issue of “appearance.” In the alternative, the County asks for leave to file exhibits in support of its position, which the County contends will definitively refute the Plaintiffs’ claims.

3. Counsel for the County reached out to counsel for the other parties. Co-Defendant, the City of Boca Raton does not object to the motion. The County was unable to obtain the Plaintiffs’ position prior to filing of this motion.

Respectfully submitted on this 21st day of July, 2023.

/s/ Marianna Sarkisyan

Marianna Sarkisyan, Esquire
Assistant County Attorney
Florida Bar No. 57059
300 North Dixie Highway, Suite 359
West Palm Beach, Florida 33401
Tel: (561) 355-6019; Fax: (561) 355-4234
Email: msarkisyan@pbcgov.org
lrowan@pbcgov.org
mjcullen@pbcgov.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 21, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send an electronic notice to the authorized CM/ECF filers.

/s/ Marianna Sarkisyan

Marianna Sarkisyan, Esquire
Assistant County Attorney
Florida Bar No. 57059
300 North Dixie Highway, Suite 359
West Palm Beach, Florida 33401
Tel: (561) 355-6019; Fax: (561) 355-4234
Email: msarkisyan@pbcgov.org
lrowan@pbcgov.org
mjcullen@pbcgov.org