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

SHANNON SCHEMEL,)
STEPHEN OVERMAN,)
and MICHAEL TSCHIDA,)
Plaintiffs,) Case No. 2:22-cv-
V.	00079-JLB-MRM
CITY OF MARCO ISLAND, FLORIDA, and))
TRACY FRAZZANO, in her official capacity)
as Chief of Police for the City of Marco Island,)
Defendants.)

REQUEST FOR ORAL ARGUMENT

Defendants have filed a motion under Fed.R.Civ.P. 12(b)(6) to dismiss this case for failure to state a claim upon which relief can be granted. Plaintiffs Shannon Schemel, Stephen Overman, and Michael Tschida hereby request that the Court conduct an oral argument on the motion, limited to 15 minutes for each side.

Plaintiffs are requesting oral argument in light of the important and complex constitutional issues raised by their Complaint. The City of Marco Island has installed surveillance cameras that record the movements of Island residents 24 hour a day, seven days a week, and it retains those records for three years. Plaintiffs allege that this surveillance violates their legitimate expectations of privacy, in violation of the U.S. and Florida Constitutions.

The Supreme Court's 2018 decision in *Carpenter v. United States*, 138 S. Ct. 2206 (2018), highlighted the threat to personal privacy created by the development and deployment by the government of ever-more-sophisticated electronic surveillance

systems. In the years following that decision, lower courts around the country have been developing new case law governing Fourth Amendment limitations on such deployment. Plaintiffs submit that conducting an oral argument on the motion to dismiss will permit the parties to assist the Court in applying this constantly evolving constitutional law to the surveillance system Plaintiffs are challenging in this case.

Dated: April 25, 2022 Respectfully submitted,

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By: /s/ Richard A. Samp Richard A. Samp, Virginia Bar No. 33856 rich.samp@ncla.legal Sheng Li, Md. Bar No. 1508180001 sheng.li@ncla.legal

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic filing on April 25, 2022, on all counsel of record on the Service List.

/s/ Richard A. Samp

Service List: Ann R. Flanigan, aflanigan@wsh-law.com

Kaitlyn N. Kelley, kkelley@wsh-law.com Weiss Serota Helfman Cole & Bierman, P.L.

200 East Broward Blvd., Suite 1900

Fort Lauderdale, FL 33301