

CITY OF MIAMI
OFFICE OF THE CITY ATTORNEY
MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Victoria Méndez, City Attorney
DATE: October 22, 2020
RE: Office of the City Attorney - General File for FY 2019-2020
Litigation Report for the Months of June, July & August 2020
Matter ID No.: 19-2538

In order to keep you informed of the status of pending litigation matters currently handled by the Office of the City Attorney, provided below is a summary of significant results and new cases in June, July & August 2020, and other important updates. My attorneys and I remain available to discuss any of these matters in further detail at your convenience.

SIGNIFICANT RESULTS IN JUNE, JULY & AUGUST:

DENIAL OF MOTION FOR RELIEF FROM JUDGMENT: *Juanita Kho v. City of Miami*, Miami-Dade County Circuit Court, Case No. 14-19068 (**EJE/JTM**). This is a case in which the plaintiff alleged that she tripped and fell due to a defective sidewalk condition. Over the City's objections, the trial court allowed the plaintiff to rely on an unauthenticated Google Maps photo as her key piece of evidence. The jury ultimately awarded the plaintiff \$90,000.00. On appeal, the City successfully argued that the plaintiff failed to authenticate the Google Maps photo. The City insisted that there should be no special exceptions for Google Maps photos—plaintiffs must prove the reliability of those photos like any other photo. The Third District adopted the City's arguments, reversed the jury's verdict, and instructed the trial court to enter judgment in the City's favor. It was the first case in Florida to address how to authenticate Google Maps photos at trial. On remand, the trial court entered judgment in the City's favor as instructed, but the plaintiff filed a motion for relief from the judgment. She claimed the City failed to provide her with evidence before trial that would have supported her claim of a defective sidewalk. In response, the City pointed out that the so-called newly discovered evidence had nothing to do with the sidewalk at issue in the case. After hearing the City's arguments, the trial court denied the plaintiff's motion.

CODE ENFORCEMENT PROSECUTION: *City of Miami v. 7301 Belle Meade, LLC*, Miami-Dade County Circuit Court, Case No. 20-14138 CA 01 (**RGD**). The City filed an injunction against the property owner of 7301 Belle Meade Island Drive to compel compliance with the City Code and local Emergency Orders. The single-family home was being rented out on a short-term basis in violation of Article 4, Table 3 of Miami 21 and had done remodeling work without the proper permits. The home had become a place of massive parties and music video shoots during

the pandemic. The neighbors were being constantly subjected to all-night parties, loud music, cars parked all over the streets blocking access, trash left everywhere, people walking up and down street at all hours, armed “security” at the front of the residence to allow party goers access among other indignities. The owner refused to communicate with the City after numerous attempts by Police, Code Enforcement, and the Office of the City Attorney. The City filed suit along with an emergency motion to enjoin any further activity on July 6, 2020. By July 22, 2020, the property owner signed a settlement agreement agreeing to cease and desist all illegal rentals, allow City departments access to the property upon an immediate complaint of violation of the City Code, allow a City inspection for monitoring with 72 hours notice, and provide a rider to the new current long term lease that requires compliance with all State, County, and City law, including emergency orders.

DISMISSAL OF CLAIMS AGAINST CITY AND CODE INSPECTOR: *Julian Alexander Alabado and Jose Alabado vs. City of Miami and Frank Marcos*, Miami-Dade County Circuit Court, Case No. 20-235 CA (01) (CAG). In this case, Plaintiff Julian Alabado alleged that on June 10, 2018, he was assaulted by Code Enforcement Inspector Frank Marcos while Plaintiff was working at his father's food truck which was parked at the Valero gas station at the intersection of N.W. 7th Avenue and 7th Street. Plaintiff alleged battery claims against the City and Defendant Marcos as an individual. Additionally, Plaintiff Jose Alabado alleged the City intentionally interfered with his business by cancelling permits and shutting it down. Plaintiffs sought compensatory damages, punitive damages, and lost business revenue in excess of \$15,000. The Defendants moved to dismiss the complaint and asserted the claims were barred by sovereign immunity and the court lacked subject matter jurisdiction over the amount in controversy. The trial court granted the Defendants’ motion to dismiss and gave Plaintiffs twenty days to file an amended complaint. Plaintiffs failed to file an amended complaint.

JUDGMENT FOR THE CITY AS TO REVERTER CLAUSE: *1000 Brickell, Ltd. and Kai Properties, Ltd. v. City of Miami*, Miami-Dade County Circuit Court, Case No. 14-11755-CA-23 (CAG/EJE). This case arises from a warranty deed that conveyed property to the City, which became known as the Allen Morris Brickell Park. The warranty deed included a reverter clause. It provided that if “any” part of the property was “used for any purpose other than public park purposes,” the entire property would revert to the grantor or its successors in interest. Years later, the City and Plaintiff 1000 Brickell, Ltd., entered into a consent agreement that authorized La Cucina Management, Inc., d/b/a Perricone’s Marketplace, to use a portion of the property for its restaurant. The Plaintiffs eventually sued the City, claiming that the property reverted back to them because Perricone’s Marketplace exceeded the scope of use authorized by the consent agreement. The Plaintiffs not only sought possession of the property; they also sought damages in the form of rent payments made by Perricone’s Marketplace to the City. Both the Plaintiffs and the City moved for summary judgment. Ultimately, the trial court entered judgment in favor of the City. The Plaintiffs have appealed.

APPELLATE VICTORY - DEMOLITION ORDER: *Cutting Edge Real Estate Solutions, LLC v. City of Miami*, Miami-Dade County Circuit Court Appellate Division, Case No. 19-131-AP-01. (EJE). This was an appeal of a final demolition order. The property was located at 1877 N.W. 22nd Avenue. The Appellant raised two issues on appeal: (1) the Unsafe Structures Panel failed to consider the proper valuation criteria in the City's Code; and (2) the Appellant did not receive

proper notice of the hearing. The City filed an answer brief disputing both claims. The Court then issued a decision that adopted the City's arguments.

DENIAL OF PETITION FOR WORKERS COMPENSATION BENEFITS: *Saul Fernandez v. City of Miami*, OJCC 16-19788ERA (WAJ). The claimant worked for the City of Miami as a police officer from 1982 until 1990. From 2000 until the present, he has worked as a police officer for the City of Sweetwater. The claimant was injured on-the-job on December 24, 1986 while at the City of Miami when he was involved in a motor vehicle collision. He has been authorized by the City of Miami to treat under workers' compensation since then for orthopedic injuries and the City of Miami has continued to provide workers' compensation benefits resulting from the 1986 accident. Thereafter, beginning in 2016, the claimant filed Petition(s) for Benefits seeking recovery of medical benefits – payment of Baptist Hospital bills for dates of service beginning on January 29, 2016 – as well as attorney's fees and costs, which the City of Miami denied. The final hearing on the matter was scheduled and the City's defenses included, *inter alia*, the existence of a new and intervening incident occurring on January 25, 2016 [which the claimant denied] which was the actual cause of the injury precipitating the need for the hospitalization at issue. Additionally, the City challenged the legal sufficiency of the opinions rendered by the medical expert testifying on behalf of the claimant. The Judge of Compensation Claims, Judge Almeyda, denied the benefits sought in the Petition for Benefits as well as attorney's fees and costs.

APPEAL GRANTED BY FEMA: *FEMA Public Assistance Eligibility Determination – City of Miami*, PA ID086-45000-00 FEMA-4337-DR-FL, Project 63175 (KLM). This is a successful administrative appeal to the Federal Emergency Management Agency ("FEMA") with regard to the City of Miami Fire Training Center. Following damages caused by Hurricane Irma, the City had applied to FEMA for \$239,319.00 to repair the facility. FEMA denied the City's application, based on its determination that the damages at issue were the result of conditions that predated the Hurricane. The City appealed that determination. FEMA granted the City's appeal for the entire amount of \$239,319.00.

APPEAL – SOCCER STADIUM REFERENDUM: *Bruce C. Matheson v. City of Miami, et al.*, Third District Court of Appeal, Case No. 3D19-711 (JAG). Plaintiff filed an emergency complaint for declaratory relief challenging the Soccer Stadium Referendum. The trial court granted summary judgment in favor of the City and Intervenor Miami Freedom Park. On appeal, after oral argument, the Third District Court of Appeal affirmed the summary judgment.

APPEAL – COCONUT GROVE PLAYHOUSE: *Miami-Dade County v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 19-167 AP (KLM). In this matter, Miami-Dade County appealed a mayoral veto of a resolution of the City Commission that granted the County's appeal of a decision of the City's Historic and Environmental Preservation Board, which had denied the County a certificate of appropriateness, which was necessary to allow the County to move forward with its proposed plan to redevelop the Coconut Grove Playhouse ("the Playhouse"). The certificate of appropriateness was required in this circumstance because the Playhouse has been designated historic by the City. In response to the County's petition, the City initially filed a motion to dismiss, arguing that the mayoral veto is not subject to an appeal to the circuit appellate division under the Florida Rules of Appellate Procedure because the mayoral veto

is not a quasi-judicial action. On appeal, the Circuit Court issued an opinion dismissing the County's appeal. The Court agreed with the City, that it lacked jurisdiction over the appeal because the mayoral veto was not a quasi-judicial action subject to an appeal to the circuit appellate division under the Florida Rules of Appellate Procedure. The County is seeking further appellate review.

NEGLIGENCE ACTION (PERSONAL INJURY CLAIM): *Anthony Castillo v. City of Miami & Bolt Mobility Corporation*, Miami-Dade County Circuit Court, Case No. 20-10825 CA 05. (JTM). The Plaintiff alleged that on September 8, 2019, on the Miami River Greenway near 64 SE 4th Street in Miami, the rented Bolt scooter he was riding struck a dangerous condition which caused him to crash, fall, and fracture his right arm. The Plaintiff alleged the City negligently maintained the subject location and Bolt negligently rented out its scooters. The City tendered its defense to Bolt pursuant to the indemnification clause in Bolt's Motorized Scooter Pilot Permit Program Application. Shortly thereafter, a settlement was reached between the Plaintiff and Bolt that included a release and dismissal of the City.

NEGLIGENCE ACTION (PERSONAL INJURY CLAIM): *Josefa Diaz, as Parent and Natural Guardian of Bryan Orozo Diaz, a minor v. City of Miami, Florida Department of Transportation, and Russell Engineering, Inc.*, Miami-Dade County Circuit Court, Case No. 19-24530 CA 25 (JTM). The Plaintiff alleged that on June 27, 2016, her minor son tripped, fell, and was injured due to a construction barricade near Flagler Street and Northwest 11th Avenue in Miami. The Plaintiff alleged the defendants negligently maintained the subject location and failed to warn of the alleged dangerous condition. The City asserted that the subject sidewalk was not within the maintenance jurisdiction of the City. On August 18, 2020, the Court entered an Agreed Order approving the Plaintiff's settlement with FDOT, Russell Engineering, and Liberty Mutual Insurance Company. The Plaintiff filed a Notice of Voluntary Dismissal With Prejudice regarding all defendants, including the City.

DISMISSAL IN ULTRA LAWSUIT: *Amal Kabbani et al. v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-905 CA 21 (**Outside Counsel**). This is an action filed by fourteen residents of downtown Miami claiming that the City of Miami improperly authorized the City Manager to execute an agreement with the entity responsible for the Ultra Music Festival. Plaintiffs sought declaratory and injunctive relief to preclude the use of Bayfront Park for the event. Count I of the amended complaint alleged the City violated the Citizens Bill of Rights which guarantees residents the right to freedom from excessive noise. Count II of the amended complaint sought injunctive relief to prevent the concert because the noise levels as recorded in 2018 would create a public nuisance. Count III of the amended complaint sought a declaratory judgment that the resolution authorizing the license agreement with Ultra violated Sections 29-A and 29-B of the City Charter because the City did not provide for competitive bidding, did not obtain an appraisal for fair market value, and did not provide the public with reasonable access to the waterfront and other areas inside the park. In addition, Plaintiffs alleged the agreement constituted an illegal lease of City waterfront property, not a license agreement. Similarly, Count IV of the amended complaint sought a declaratory judgment that the City violated Chapter 18, Article V of the City Code because the agreement was subject to competitive bidding which did not take place. After hearing arguments from Ultra, the City and the Plaintiffs, Judge David Miller dismissed the action. Pursuant to the license agreement, outside counsel for the City has been retained by Ultra at no cost to the City. The plaintiffs have appealed.

VOLUNTARY DISMISSAL IN NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Derrick Devine v. City of Miami*, Miami-Dade County Circuit Court, Case No. 19-31412 CA 23 (JTM). The Plaintiff alleged that on April 1, 2018, on northbound Florida's Turnpike in Miami, Officer Kevin Targia negligently operated a City vehicle, which caused a collision and injured the Plaintiff. The case was scheduled for a jury trial on September 8, 2020. The City filed a Motion for Summary Judgment arguing that (1) Officer Targia was acting outside the course and scope of his employment at the time of the alleged incident, and (2) the City cannot be held liable for his actions under Florida's Dangerous Instrumentality Doctrine. Thereafter, the Plaintiff filed a Notice of Voluntary Dismissal.

AFFIRMANCE OF SUMMARY JUDGMENT IN NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Charles J. Bencomo and Stacy Bencomo v. City of Miami*, Third District Court of Appeal, Case No. 3D19-1604. (EJE). This case involves a motor vehicle accident between the plaintiffs and an off-duty police officer, who was driving home in a police vehicle. The plaintiffs, who alleged that they were injured in the car accident, filed suit and sought to hold the City liable. Relying on the Fourth District's decision in *Garcia v. City of Hollywood*, 966 So. 2d 5 (Fla. 4th DCA 2007), which concludes that a municipality is not liable in this context, the City successfully moved for summary judgment. The plaintiffs appealed. On appeal, the City urged the Third District to affirm the summary judgment by adopting the Fourth District's reasoning in *Garcia*, thereby limiting the City's liability for the actions of off-duty officers going forward. The Third District ultimately agreed to affirm and rely on *Garcia*.

VOLUNTARY DISMISSAL IN NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Justin Lee Ravit v. City of Miami & John Peter Kocur*, Miami-Dade County Circuit Court, Case No. 19-20397 CA 30 (JTM). The Plaintiff alleged that on December 16, 2017, on southbound I-95 in unincorporated Miami-Dade County, Officer Kocur negligently operated a City vehicle within the course and scope of his employment, which caused a collision and injured the Plaintiff. The City took the position that Officer Kocur was acting outside the course and scope of his employment at the time of the alleged incident. On June 29, 2020, the Plaintiff filed a Notice of Voluntary Dismissal With Prejudice regarding the City. In exchange, the City agreed not to pursue litigation costs.

NEW CASES OPENED IN JUNE, JULY & AUGUST 2020

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Kendra Watson v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-10596 CA 01 (NMR). Plaintiff, Kendra Watson, sued the City of Miami alleging that on December 12, 2018, she was involved in a motor vehicle accident with a City of Miami employee operating a City of Miami-owned vehicle at or near the intersection of NW 7th Avenue and NW 18th Street. Plaintiff alleges that the City is "vicariously liable" for the employee's negligence. Plaintiff further alleges that she sustained bodily injuries, pain and suffering, loss of capacity for the enjoyment of life as a direct as proximate cause of the negligence.

NEGLIGENCE ACTION (TRIP AND FALL): *Lydia Maria Placeres v. City of Miami, et al.*, Miami-Dade County Circuit Court, Case No. 20-3204 CA 01 (NMR). Plaintiff, Lydia Maria

Placeres, alleges that on February 14, 2020, she "tripped and fell over an uneven section of the sidewalk" adjacent to Nordstrom Rack while an invitee at the Shops at Midtown Miami. In addition to the City of Miami, Plaintiff also listed Midtown Equities, LLC d/b/a the Shops at Midtown Miami and Midtown Miami CDD d/b/a Midtown Miami Community Development District as defendants in the case. Plaintiff's trip allegedly caused her to suffer personal injuries, lost earning capacity, pain and suffering, and enjoyment of life. Plaintiff allege that the City failed to keep and maintain the sidewalk in a reasonably safe condition and that it also breached its duty to warn her of the alleged dangerous condition.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Jackira Ortiz, et al. v. City of Miami, et al.*, Miami-Dade County Circuit Court, Case No. 20-10659 CA 01 (NMR). Plaintiffs, Jackira Ortiz and Joselyn Santana, sued the City of Miami alleging that on December 27, 2018, they were involved in a motor vehicle accident with a City of Miami police vehicle operated by Ofc. Daniel Guell, at or near US 1 and 211 Street. Ofc. Daniel Guell was also named as a Defendant in the case. Plaintiffs further allege that they sustained bodily injuries, pain and suffering, loss of capacity for the enjoyment of life, and lost wages as a direct as proximate cause of the negligence.

NEGLIGENCE CLAIM (PUNITIVE DAMAGES): *Julian Alexander Alabado and Jose Alabado vs. City of Miami and Frank Marcos*, Miami-Dade County Circuit Court, Case No. 20-235 CA (01) (CAG). Plaintiff Julian Alabado alleges that on June 10, 2018, he was assaulted by Code Enforcement Inspector Frank Marcos while Plaintiff was working at his father's food truck which was parked at the Valero gas station at the intersection of N.W. 7th Avenue and 7th Street. Plaintiff alleges battery claims against the City and Defendant Marcos as an individual. Additionally, Plaintiff Jose Alabado alleges the City intentionally interfered with his business by cancelling permits and shutting down his business. Plaintiffs seek compensatory damages, punitive damages, and lost business revenue in excess of \$15,000.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Ivette Newland v. City of Miami, et. al.*, Miami-Dade County Circuit Court, Case No. 20-007466 CA 01 (04) (JPO). The plaintiff alleges a motor vehicle accident with a City of Miami Fire Department vehicle.

NEGLIGENCE ACTION (MOTOR VEHICLE AND PEDESTRIAN ACCIDENT): *Rosa Ponce v. City of Miami, et. al.*, Miami-Dade County Circuit Court, Case No. 20-007358 CA 01 (25) (JPO). Motor vehicle accident with City of Miami police officer Wilfredo Manuel Alfonso. Plaintiff alleges that on April 14, 2016, Alfonso made an improper left turn and ran her over as she was crossing the street in the pedestrian crosswalk.

NEGLIGENCE ACTION (TRIP AND FALL): *Julio Gonzalez and Aileen Gonzalez v. City of Miami, et. al.*, Miami-Dade County Circuit Court, Case No. 20-009926 CA 01 (11) (JPO). Plaintiff Julio Gonzales and his wife Aileen Gonzalez (Broward residents) allege that on May 16, 2016, bring this action to recover for injuries allegedly caused by a trip and fall at the Wynwood Arcade.

WORKERS COMPENSATION PETITION: *Teresa Borkowski vs. City of Miami*, OJCC 20-012159ERA (RSO). The Claimant alleges that, on July 14, 2015, she experienced pain in both

legs while seated and driving. The Claimant is a former police sergeant for the City of Miami who began employment on May 11, 1987. She retired on January 17, 2016.

DECLARATORY ACTION: *Daniel Rodriguez-Obregon v. City of Miami et al.*, Miami-Dade County Circuit Court, Case No. 2020-013609 CA 27 (**NMR**). This case is a declaratory action seeking to determine the amount of the City's lien on the settlement proceeds of a personal injury suit. The Plaintiff was the beneficiary of the City's health care plan. Plaintiff, while a beneficiary of the plan, suffered a catastrophic spinal cord injury as the result of an accident. The City paid monies on Plaintiff's behalf for medical services related to the crash. Plaintiff sued the culpable parties and the suit was resolved through settlement. The City, through its agent Conduent, asserted a lien on any settlement proceeds. Plaintiff is disputing the lien amount and seeks a declaratory judgment to establish that the Florida Collateral Source Statute applies.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Bernadin, Harold v. City of Miami*, Miami Dade County Circuit Court, Case No. 20-13824 CA 13 (**NMR**). The Plaintiff alleges that on July 4, 2019, at NW 20th St. and NW 13th Ave., Angel Fernandez's negligent operation of a City police vehicle caused it to collide with the City trolley being operated by the Plaintiff, and injure the Plaintiff.

NEGLIGENCE ACTION (TRIP AND FALL): *Vazquez, Antonio v. City of Miami & Miami-Dade County*, Miami Dade County Circuit Court, Case No. 18-26995 CA 25 (**JTM**). The Plaintiff has filed suit against the City and County alleging that on July 7, 2017, he tripped and fell on negligently maintained pavement at 318 NW 25th St. in Miami and was injured.

ELECTIONS LAWSUIT: *City of Miami v. Miami-Dade County, et al.*, Miami-Dade County Circuit Court, Case No. 2020-014640 CA 01 (22) (**KLM/Outside Counsel**). In this matter, the City brought a lawsuit against the County and the Supervisor of Elections alleging that the County's refusal to provide for additional early voting sites for the upcoming August 2020 primary election in the City's predominantly Hispanic-American districts constituted a violation of the constitutional rights of the voters in those districts and of the Florida Early Voting Statute. The City filed an emergency motion seeking injunctive relief that would require the County to designate additional early voting sites in these areas. After a hearing on the City's motion for injunctive relief, the trial court denied the City's motion.

RECALL MATTER: *Joe Carollo v. Piper, et al.*, Miami-Dade County Circuit Court, Case No. 20-14475 CA 01 (**KLM**). Commissioner Carollo filed an action for declaratory and injunctive relief related to the recall effort against him. The lawsuit challenges the legality of the petitions and the petition process on a number of grounds, including timeliness. The City Clerk is named as a defendant in this case. Upon hearing argument from the parties, the trial court found as a matter of law that the petitioners were untimely.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Leonardo Guzman v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-012158 CA 01 (04) (**JPO**). The Plaintiff, Leonardo Guzman, filed a one-count lawsuit against the City, alleging that on or about September 23, 2019, Officer Joshua Perez was driving a 2019 Jeep Compass near the intersection of NW 31st

Street and negligently operated his vehicle, thereby crashing into Plaintiff's vehicle. Plaintiff alleges that Officer Perez's vehicle was rented from Royal Rent A Car.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Johnny Sims v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-014485 CA 01 (15) (**DAH**). Plaintiff alleges that on August 28, 2017, the passenger car that he was operating was struck on the righthand side by a marked City of Miami Public Service Aide vehicle driven by City PSA Mariam Tarver when PSA Tarver failed to stop at a stop sign while traveling northbound at NW 11th Avenue and NW 62nd Street in Miami, Florida. Plaintiff alleges that he suffered permanent and/or continuing bodily injuries and lost and will continue to lose wages.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Jose Rosales, as parent and natural guardian of B.R., a minor, v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-008752 CA 01 (11) (**DAH**). Plaintiff alleges that on September 26, 2019, B.R. (a minor) was struck by a marked City of Miami Police vehicle driven by Police Officer Travis Lindsay while B.R. was riding his bicycle near the intersection of N.W.12th Avenue and N.W. 36th Street in the City of Miami. Plaintiff claims that as a result of the negligence B.R. suffered bodily injury, medical expenses, lost wages and other damages.

CIVIL RIGHTS ACTION: *Bruce Jorgensen vs. City of Miami, Unknown City of Miami Personnel, Unknown Miami-Dade County Personnel, City of Plantation, Unknown City of Plantation Personnel, Broward County, Unknown Broward County Personnel, Dianna Myrtidis, Unknown Resident Persons, and Unknown Insular Persons*, United States District Court, Case No. 20-cv-20469-MGC (**DAH**). Pro Se Plaintiff alleges he was deprived of his constitutional rights on January 26, 2016, when he was arrested while onboard a flight that was about to take off due to a legal proceeding initiated by the Plantation Police Department relating to his missing minor child which caused him to be detained in Miami-Dade and Broward Counties and prosecuted in Broward County for State of Florida criminal charges. Plaintiff's criminal case for abandoning his minor child was later dismissed by the Broward County State Attorney's Office in March 2016 and his son was later discovered in Vero Beach, Florida. Plaintiff has also named his landlord whom he claims allowed Law Enforcement Officers to search his rented home without a search warrant. Plaintiff alleges civil rights violations under 42 U.S.C. section 1983 and further alleges that he has been damaged economically and emotionally.

WORKERS COMPENSATION PETITION: *James Mungin v. City of Miami*, OJCC 20-015873MGK (**RS0**). The Claimant alleges that, on July 3, 2019, he was involved in a motor vehicle accident while operating a Solid Waste vehicle when he lost consciousness and the vehicle veered off the road and into a building. The Claimant sustained injury to both knees, both shoulders, and possible head trauma. The claim was partly denied; diagnosis of seizure/syncope, tetralogy of fallot, and brain tumor are conditions that are personal in nature and not related to the compensable accident/injury. A Petition for Benefits was filed on July 14, 2020.

WORKERS COMPENSATION PETITION: *Jonathan Yavneh v. City of Miami*, OJCC 20-009932ERA (**RSO**). The Claimant alleges that, on December 30, 2008, he was diagnosed with unspecified essential hypertension. The claim was accepted as compensable under §112.18, Fla. Stat., the "Heart Bill" and benefits provided accordingly. Request for Assignment of Case Number

filed by Suzanne Gorowitz April 23, 2020 in order to file motion and order approving attorney's fees in relation to washout settlement of all claims.

WORKERS COMPENSATION PETITION: *Gustavo Rojas v. City of Miami*, OJCC No. 20-016499JII (**WAJ**). The claimant is an employee of the City of Miami Department of Solid Waste who was injured on the job on October 31, 2008 when he felt pain in the right knee and lower extremity while pushing on the brakes and accelerator of a City vehicle on-the-job. The claimant hired an attorney and filed a Petition for Benefits seeking medical, indemnity, attorney's fees, costs, penalties and interest.

WORKERS COMPENSATION PETITION: *Gustavo Rojas v. City of Miami*, OJCC No. 20-016496JII (**WAJ**). The claimant is an employee of the City of Miami Department of Solid Waste who was injured on the job on May 3, 2013 when he felt pain in left ankle, left leg, left knee, and left foot when he stepped in a hole while exiting a City vehicle on-the-job. The claimant hired an attorney and filed a Petition for Benefits seeking medical, indemnity, attorney's fees, costs, penalties and interest.

WORKERS COMPENSATION PETITION: *Gustavo Rojas v. City of Miami*, OJCC No. 20-016498JII (**WAJ**). The claimant is an employee of the City of Miami Department of Solid Waste who was injured on the job on June 23, 2014 when he felt pain in head, neck, tongue, and shoulder when he struck a pothole causing him to strike the top of the cab of a City vehicle on-the-job. The claimant hired an attorney and filed a Petition for Benefits seeking medical, indemnity, attorney's fees, costs, penalties and interest.

WORKERS COMPENSATION PETITION: *Gustavo Rojas v. City of Miami*, OJCC No. 20-016495JII (**WAJ**). The claimant is an employee of the City of Miami Department of Solid Waste who was injured on the job on August 15, 2017 when he felt pain in the left wrist and upper extremity when his left ankle caused him to fall while exiting a City vehicle on-the-job. The claimant filed a Petition for Benefits seeking medical, indemnity, attorney's fees, costs, penalties and interest.

WORKERS COMPENSATION PETITION: *Gustavo Rojas v. City of Miami*, OJCC No. 20-016500JII (**WAJ**). The claimant is an employee of the City of Miami Department of Solid Waste who was injured on the job on January 28, 2020 when he felt pain in the left wrist, left hand, left elbow and right, hand, wrist, and elbow when he allegedly operated the steering wheel and joy stick of a City vehicle "excessively" on-the-job. The claimant filed a Petition for Benefits seeking medical, indemnity, attorney's fees, costs, penalties and interest.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Colter, Joshua v. City of Miami*, Miami Dade County Circuit Court, Case No. 20-10827 CA 01 (**JTM**). The Plaintiff alleges (1) general negligence and (2) gross negligence against the City claiming that on April 3, 2019, at the 1100 block of SR 842 in Fort Lauderdale, his vehicle was rear-ended twice by an unmarked SUV, which then left the scene. It was later determined the vehicle was rented to the City's Police Department by Hertz. The Plaintiff alleges the City was generally negligent because it did not pay attention to other drivers, rear-ended the Plaintiff twice, and then drove away. The Plaintiff further

alleges the City was grossly negligent because the "conduct involves extremely reckless or careless behavior that was consciously indifferent." The Plaintiff alleges he was injured as a result.

DISCRIMINATION ACTION: *Ryan Williams v. City of Miami*, Miami Dade County Circuit Court, Case No. 2020-014927-CA 01 (04) (**SKP**). Former Police Officer Ryan Williams filed a 6-Count Complaint alleging the City violated the Florida Civil Rights Act by terminating him because of his disability or perceived disability (stuttering), and by failing to accommodate him.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *William A. Reyes Amado v. City of Miami; Miami-Dade County Circuit Court*, Case No. 20-013399 CA 01 (04) (**JPO**). Plaintiff filed one-count lawsuit against the City alleging that officer Imani Naje Raheim Davis negligently caused a motor vehicle accident on April 20, 2019.

WORKERS COMPENSATION PETITION: *Roy LEMUS v. City of Miami*, OJCC 20-018259SMS (**RSO**). The Claimant alleges that, on April 13, 2020, he was exposed to the Coronavirus and contracted covid-19, and consequential injuries of posttraumatic stress; high blood pressure / cardiovascular issues, and injuries to body generally including left eye. The Claimant filed a Petition for Benefits on August 12, 2020 requesting indemnity and medical benefits.

MISCELLANEOUS MATTERS: During the months of June, July & August 2020, 51 pre-suit tort claim matters; 3 foreclosure matters; 4 workers compensation lien subrogation matters; and 8 tax deed matters were opened by this Office. The details of the above matters are not included in this report. If you wish to be briefed on any or all of these additional matters, a meeting will be coordinated at your convenience.