

**CITY OF MIAMI
OFFICE OF THE CITY ATTORNEY
MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission
FROM: Victoria Méndez, City Attorney
DATE: September 17, 2021
RE: Office of the City Attorney - General File for FY 2020-21
Litigation Report for March-August 2021
Matter ID No.: 20-2070

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, new cases, and other important updates from March through August 2021. My attorneys and I remain available to discuss any of these matters in further detail at your convenience.

SIGNIFICANT RESULTS AND UPDATES:

DECLARATORY AND INJUNCTIVE RELIEF (FDOT EASEMENTS): *Manuel Prieguez v. City of Miami and Florida Department of Transportation*, Miami-Dade County Circuit Court, Case No. 21-008797 CA 01 (**HJH/JAG**). Plaintiff filed an Amended Complaint against the City of Miami for declaratory relief and injunctive relief arguing that the City violated Section 29-B of the Charter by giving notice of and passing a resolution authorizing the City Manager to enter into an agreement with the Florida Department of Transportation. The proposed agreement called for the exchange of easements from the City to maintain and operate two bridges in return for the transfer of real property owned by the State to the City. Mr. Prieguez sought a declaration and an injunction preventing the City from negotiating or completing the proposed exchange. The Court held an emergency injunction hearing on April 28, 2021. After the conclusion of the hearing the Court entered an order denying the injunction. The City then filed a Motion to Dismiss the Amended Complaint. After a hearing, the trial court granted the Motion to Dismiss without prejudice. The Plaintiff has filed a Second Amended Complaint and the City has filed a Motion to Dismiss which is pending.

LABOR LITIGATION: *City of Miami v. Reynaldo Irias and Yaesid Ortiz*, Third District Court of Appeal, Case No. 3D20-297 (**EJE**). This case arises from the resignations of two police officers, who were investigated by the FBI and Internal Affairs. Eventually, Internal Affairs learned of information linking the officers to a tow truck scheme, whereby officers would call a certain tow truck operator from the scene of an accident who would then tow the cars to a particular repair shop. Internal Affairs interviewed the officers, in the presence of union representatives, as part of

the investigation. Afterward, the officers were given two options: resignation or termination. The officers executed letters of resignation. After resigning, the officers filed grievances against the City and sought arbitration, claiming that their resignations were involuntary and demanding reinstatement. The officers alleged a violation of the Collective Bargaining Agreement governing interrogations. The City then filed a declaratory judgment action in circuit court, arguing the issue of whether the officers resigned voluntarily or involuntarily must be resolved by the court and not an arbitrator. The trial court disagreed with the City, granted summary judgment for the officers, and ordered arbitration. On appeal, the City argued that the arbitration provision in the Collective Bargaining Agreement did not govern resignations. The City explained that only officers who are currently employed with the City or who were terminated may seek the benefit of arbitration. Officers who resign voluntarily must seek relief in court instead. The Third DCA agreed with the City, reversed the summary judgment, and remanded for an evidentiary hearing on whether the officers resigned voluntarily or involuntarily.

NEGLIGENCE ACTION: *Enrique Salazar Franco v. the City of Miami, et al.*, Miami-Dade County Circuit Court, Case No. 20-20716 CA (21) (**CAG**). In this case, the Plaintiff alleged that on July 16, 2020, he was driving a moped through the intersection of S.W. 7th Street and S.W. 1st Court when he was involved in a collision with a motor vehicle and sustained personal injuries. Plaintiff alleged that stop signs at the intersection had been removed thereby creating a dangerous condition which led to the accident. Plaintiff alleged the City owned or maintained the property adjacent to the intersection and had a duty to maintain the stop signs or other traffic control devices for traffic traveling North on S.W. 1st Court. The City was one of ten defendants in this action which is related to construction of the Underline at the location in question. The City's Public Works Department had issued a road closure permit to the general contractor. The City moved to dismiss the third amended complaint asserting that Miami-Dade County was responsible for maintaining stop signs under the County Code. In addition, the City contended it had no duty to report a missing stop sign and Plaintiff's negligence claims included discretionary, planning-level functions for which the City was entitled to sovereign immunity. On April 15, 2021, the trial court held a hearing on the City's motion to dismiss and granted it with prejudice.

CIVIL RIGHTS ACTION: *Omar Mohsen Ibrahim Fouad v. City of Miami Police Department, Sergeant Gomez, and Officer Rodriguez*, Broward County Circuit Court, Case No. 19-024180 (13) (**DAH**). Pro Se Plaintiff alleged in his complaint that on August 7, 2018, he was assaulted and his civil rights were violated by City of Miami Police Department Officer Rony Rodriguez when he was involuntarily committed due to mental distress pursuant to Florida's Baker Act. In both matters Plaintiff claimed bodily injury and mental anguish and sought compensatory damages. A hearing on City of Miami's Motion to Dismiss Plaintiff's Complaint was held on April 6, 2021, and Plaintiff's Complaint was dismissed by the Court.

CIVIL RIGHTS ACTION: *Adacia Douglas v. Officer Christopher J. Perales, City of Miami Police Department, Darrell McMillian, Cheyana Duncan, Chapman Partnership, City of Miami, and Unknown Police Officer #27237*, Miami-Dade County Circuit Court, Case No. 20-002297 CA 01 (25) (**DAH**). Pro Se Plaintiff alleged that on November 4, 2019, Chapman Partnership affiliates Darrell McMillan and Cheyana Duncan called the City of Miami Police to have Plaintiff removed from the sidewalk in front of the Chapman Partnership located at 1550 N.

Miami Avenue, Miami, Florida, as they were allegedly told to do by the Chapman Partnership and that Officer Christopher J. Perales and Unknown Police Officer #27237 arrived and arrested him for trespassing and as a retaliatory measure due to Pro Se Plaintiff filing numerous Internal Affairs and Court cases against City of Miami Police Officers. Pro Se Plaintiff claimed physical and mental injury. A hearing on City of Miami's Motion to Dismiss Plaintiff's Complaint was held on April 6, 2021, and Plaintiff's Complaint was dismissed by the Court.

CIVIL RIGHTS ACTION: *Adacia Douglas v. City of Miami Police Department*, Miami-Dade County Circuit Court, Case No. 20-005659 CA 01 (09) (**DAH**). Pro Se Plaintiff alleged that the City of Miami Police Department and the entire Miami-Dade Criminal Justice System has continually worked to deprive him of his Constitutional Rights leading to his arrest on December 25, 2019, when he was preaching and engaging in political advocacy on the sidewalk located at the corner of Flagler Street and 1st Avenue in Downtown Miami. A hearing on City of Miami's Motion to Dismiss Plaintiff's Complaint was held on April 21, 2021, and Plaintiff's Complaint was dismissed by the Court.

CODE ENFORCEMENT: *Haydee Alfaro Gonzalez v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case Nos. 18-88-AP & 18-249-AP (Consolidated) (**KLM/RGD**). In this case, appellant Gonzalez appealed from separate orders of the Code Enforcement Board and the Unsafe Structures Panel. Both orders stem from unpermitted work on the boarding house located on appellant's property. The issue was raised by the City once before in 1995, and the appellant was able to overturn the code enforcement board order then. Since that appeal, inspections and research revealed that much additional unpermitted work has been done on the property. The appellant conceded several of the charges at the hearing but challenged whether there had been any additional bedrooms and bathrooms added to the property since 1995. Following full briefing and oral argument, on May 11, 2021, the appellate division issued its opinion, which affirmed the orders of the code enforcement board and unsafe structures panel, in full. The court found that both proceedings before the City boards afforded appellant due process and comported with the essential requirements of law. The Court also found that both orders were supported by competent, substantial evidence.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Gimenez v. City of Miami*, Miami-Dade County Circuit Court, Case No.19-30490 CA (01) (**NMR/EJE**). In this case, the Plaintiffs alleged that on February 14, 2019, they were involved in an automobile accident that occurred at SW 59 Avenue and SW 2 Terrace when the second motorist drove past an intersection with a downed stop sign, colliding with and injuring the Plaintiffs. A prior accident had occurred in the same intersection shortly before, knocking down the stop sign. The Plaintiffs alleged that the accident was the result of the negligence of City of Miami Public Service Aids ("PSAs") due to their alleged failure to direct traffic when responding to the prior accident that downed the stop sign. The City filed a Motion for Final Summary Judgment, asserting that the Plaintiffs' negligence claims against the City were barred by the doctrine of sovereign immunity because the PSAs were engaged in a discretionary function of government. On June 1, 2021, the trial court held a hearing on the City's Motion for Final Summary Judgment, which was granted.

CIVIL RIGHTS ACTION: *Rayan Rodriguez v. City of Miami and Amado Rubio*, Miami-Dade County Circuit Court, Case No. 18-33036 CA 01 (CAG). Plaintiff alleged he suffered personal injuries when he was assaulted by City employee Amado Rubio at Domino Park on February 23, 2015. Plaintiff sued Rubio for assault and battery and brought claims against the City for liability under respondent superior and negligent hiring, retention, and supervision. On July 27, 2021, the trial court granted the City of Miami's motion for partial summary judgment and dismissed the claims for negligent hiring, retention, and supervision.

WRONGFUL DEATH ACTION: *Catherine Costello, as Personal Representative of the Estate of Rocky Costello, decedent and Catherine Costello, individually as natural mother of Rocky Costello, deceased v. City of Miami, Miami-Dade County, City of Miami Police Department, Turner Guilford Knight Correctional Center and Miami-Dade Corrections and Rehabilitation Department*, Miami-Dade County Circuit Court, Case No. 19-37031 CA 24 (CAG). This is an action for wrongful death brought by the mother of an adult male involved in a motor vehicle accident and then arrested by Miami Police department officers on December 20, 2017. Plaintiff claims City employees should have recognized that Plaintiff's decedent had a serious medical issue and transported him immediately to a hospital. He passed away on December 26, 2017. Fire-Rescue responded to the scene and treated the decedent for an apparent opioid overdose. After the decedent regained consciousness, he attempted to flee the scene and refused further medical care. Miami-Dade County Fire Rescue transported the decedent to the hospital from the jail later that day when he complained of chest pains. On July 21, 2021, the trial court dismissed the case with prejudice because Plaintiff failed to appear for deposition and plaintiff failed to comply with the order entered when her counsel withdrew.

NEW CASES

CIVIL RIGHTS ACTION: *Lamont Collins v. City of Miami, et al.*, United States District Court, Southern District of Florida, Case No. 21-cv-20635-DPG (DAH). Pro Se Plaintiff filed suit in Federal Court against the City of Miami, City of Miami Police Officer Kenneth Lewis, City of Miami Police Officer Wandler Phillippe, and the Doubletree Grand Hotel alleging civil rights violations for a pattern/custom of City of Miami Police Internal Affairs Investigations that validate Officer violations of Department Policy; the City of Miami's lack of supervision/training of Officers; illegal detainment and false arrest under the Fourth Amendment; and violation of Equal Protection and Due Process Rights under the Fourteenth Amendment due to his arrest related to his arrest for accosting and threatening guests at the Doubletree Grand Hotel while brandishing a knife on February 13, 2018. Pro Se Plaintiff is seeking monetary damages.

CIVIL RIGHTS ACTION: *Donald Bell Jr v. Officer Jeffrey Collier*, United States District Court, Southern District of Florida, Case No. 19-25291 (DAH). Pro Se Plaintiff alleges that on July 3, 2019, his civil rights were violated under the United States Constitution when he was arrested by City of Miami Police Officer Jeffrey Collier for various cocaine possession charges. Plaintiff claims in his suit that he was falsely imprisoned, maliciously prosecuted, and that his

Fourth Amendment protections were violated as a result of his arrest by Officer Collier. Plaintiff is seeking \$5,000,000 in unspecified damages.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Elsa Alfaya v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-006386- CA 01 (JPO). According to the Complaint, on or about December 19, 2019, the plaintiff was injured by a City of Miami Employee, Rebecka Rowley at approximately SW 27th Avenue and SW 16th Terrace.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Samaletha Frazier v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-003629 CA 01 (NMR). Plaintiff Samaletha Frazier alleges that on August 14, 2018, she was involved in a motor vehicle accident with City of Miami employee, M. Warner, at approximately 305 NW 3rd Avenue. Plaintiff alleges that M. Warner was negligently operating a vehicle owned by the City. As a direct and proximate cause of said accident, Plaintiff alleges that she suffered bodily injuries.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT/PEDESTRIANS): *Elida Sanchez, individually and as mother of Jennifer Sanchez, a minor v. City of Miami and Gabriel Castillo*, Miami-Dade County Circuit Court, Case No. 2021- 4281-CA-01 (LKW). Plaintiff alleges that on November 17, 2017, Officer Gabriel Castillo negligently operated a City vehicle at or near the intersection of NW 5th Avenue and NW 35th Street so it crashed into Plaintiffs, who were pedestrians.

NEGLIGENCE ACTION (TRIP AND FALL): *Susana Fadruga v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-4428 CA 01 (LKW). The Plaintiff alleges that on October 7, 2019, at 1325 NW 14th Avenue in Miami, she tripped, fell, and was injured due to "improperly placed / maintained metal plates on the sidewalk."

NEGLIGENCE ACTION (TRIP AND FALL): *Ivis Tamajon v. City of Miami, Miami-Dade County, and FDOT*, Miami-Dade County Circuit Court, Case No. 20-025504 CA 01 (NMR). The Plaintiff filed suit against the City, FDOT, and Miami-Dade County alleging that on January 25, 2017, she fell into a hole due to a broken utility meter on the sidewalk at 342 NW 11 Street. Plaintiff further alleges that she sustained bodily injuries as a result of the fall.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Joseph Damintas and Anna Damintas v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-2445 CA 01 (NMR). According to the Complaint, on November 26, 2019, City of Miami Employee Frank Bernard Eve was driving on NW 6th Avenue near NW 62nd Street and collided with Plaintiff's vehicle. The Plaintiffs allege Mr. Bernard and was within the course and scope of his employment, and they suffered bodily damages as well as property damages to the vehicle.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Marcia Baracaldo v. Tanja Wiesmann, Noelle Meier, City of Miami, Enterprise Leasing Company of Florida, LLC*, Miami-Dade County Circuit Court, Case No. 2021-5515 CA 01 (NMR). The Plaintiff's complaint alleges, inter alia, that on June 8, 2017, Officer Antionette Hinson was travelling east on SW 8th Street approaching the intersection of SW 8th Ave, when Officer Hinson collided into the rear of Baracaldo's vehicle causing injury.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Alexander Fallad v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-006325 CA 01 (NMR). Plaintiff Alexander Fallad alleges that on April 1, 2019, he was involved in a motor vehicle accident with City of Miami employee, Eddie Rodriguez, at approximately NW 41st Street and NW 7th Street. Plaintiff alleges that Eddie Rodriguez was negligently operating a vehicle owned by Defendant City of Miami. As a direct and proximate cause of said accident, Plaintiff alleges that he suffered bodily injuries.

EMPLOYMENT LITIGATION (EXAM CHALLENGE): *Tejera v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-6836-CA-15 (KRJ/SKP). Sgt. Reinaldo Tejera brought a 3-part complaint seeking (1) declaratory relief (2) injunctive relief and (3) alleging a breach of contract claim. Tejera contends that the Oral Board Exercise for the 2017 Lt. exam did not utilize sound measurement technique and that the Oral Board Exercise did not fairly determine the relative capacity of the persons examined. Tejera further contends that the seniority scores were improperly calculated according to Civil Service Rule 6.7.

EMPLOYMENT LITIGATION (EXAM CHALLENGE): *Gomez v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-6843 CA-01 (KRJ/SKP). Sgt. Edwin Gomez brought a 3-part complaint seeking (1) declaratory relief (2) injunctive relief and (3) alleging a breach of contract claim. Gomez contends that the Oral Board Exercise for the 2017 Lt. exam did not utilize sound measurement technique and that the Oral Board Exercise did not fairly determine the relative capacity of the persons examined. Gomez further contends that the seniority scores were improperly calculated according to Civil Service Rule 6.7.

EMPLOYMENT LITIGATION (EXAM CHALLENGE): *Marana v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-6872-CA-01 (KRJ/SKP). Sgt. Robert Marana brought a 3-part complaint seeking (1) declaratory relief (2) injunctive relief and (3) alleging a breach of contract claim. Marana contends that the Oral Board Exercise for the 2017 Lt. exam did not utilize sound measurement technique and that the Oral Board Exercise did not fairly determine the relative capacity of the persons examined. Marana further contends that the seniority scores were improperly calculated according to Civil Service Rule 6.7.

EMPLOYMENT LITIGATION (EXAM CHALLENGE): *Blackerby v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-6845 CA 01 (KRJ/SKP). Sgt. John Blackerby brought a 3-part complaint seeking (1) declaratory relief (2) injunctive relief and (3) alleging a breach of contract claim. Blackerby contends that the Oral Board Exercise for the 2017 Lt. exam did not utilize sound measurement technique and that the Oral Board Exercise did not fairly determine the relative capacity of the persons examined. Blackerby further contends that the seniority scores were improperly calculated according to Civil Service Rule 6.7.

EMPLOYMENT LITIGATION (EXAM CHALLENGE): *Small v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-6880-CA-01 (KRJ/SKP). Sgt. Orville Small brought a 3-part complaint seeking (1) declaratory relief (2) injunctive relief and (3) alleging a breach of contract claim. Small contends that the Oral Board Exercise for the 2017 Lt. exam did not utilize sound measurement technique and that the Oral Board Exercise did not fairly determine the relative

capacity of the persons examined. Small further contends that the seniority scores were improperly calculated according to Civil Service Rule 6.7.

PUBLIC RECORDS ACTION: *Micky Biss v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-793-CA-01 (EJE/DAH/RGD). This is a public records case where the plaintiff/petitioner alleges two counts against the City: (1) declaratory relief (enforcement of the public records law); and (2) writ of mandamus. He alleges that the City failed to provide documents responsive to his request, although he admits that he did not pay for the records.

PUBLIC RECORDS ACTION: *Department of Off-Street Parking d/b/a Miami Parking Authority v. Will Wiseheart*, Miami-Dade County Circuit Court, Case No. 2021-7577-CA-01 (EJE/JMS/NMR). This is a public records case in which the Miami Parking Authority filed a one-count complaint for declaratory relief. The issue presented is whether certain records fall under the exemption in section 119.0712(2), Florida Statutes.

UNSAFE STRUCTURE APPEAL: *Swift-Perez and Rebuild Miami Edgewater, LLC v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-7 AP (JAG). Property owner and other person appealed decision of Unsafe Structure Panel which ordered demolition of temporary tent structure within 30 days and ordered concrete lab and pillars repaired or demolished within 180 days.

CODE ENFORCEMENT APPEAL: *Hernandez v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-10 AP (JAG). Appeal from the order of the Code Enforcement Board.

NEGLIGENCE ACTION (TRIP AND FALL): *Benjamin Ferrer v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-000287 CA 01 (NMR). The Plaintiff filed suit against the City alleging that on July 26, 2019, on the sidewalk near NE 20 Street and NE 2nd Ave, he tripped, fell, and was injured due to an alleged dangerous condition (i.e., a piece of metal sticking out of the sidewalk).

NEGLIGENCE ACTION (SCOOTER): *Armando Blanco v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-7507-CA-01 (LKW). The Complaint alleges that Plaintiff was operating a motorized scooter on June 29, 2019, at or near Biscayne Blvd. and NE 8th-9th St., when Plaintiff struck a broken, uncovered, negligently maintained and/or unreasonably dangerous tree paver ring hidden in the sidewalk and, consequently, sustained injuries. The Complaint further alleges that the City breached its duty of care by, inter alia, failing to maintain the sidewalk in a reasonably safe condition, failing to warn, creating, and/or allowing a dangerous condition, and allowing the use of scooters in the incident area. The Complaint does not specify whether Plaintiff rented the scooter from Uber, Lyft, etc.

NEGLIGENCE ACTION (BICYCLIST): *Gilberto Franque v. Miami-Dade County and City of Miami*, Miami-Dade County Circuit Court, Case No. 2019-23159-CA-30 (LKW). Plaintiff filed an Amended Complaint against the City and Miami-Dade County; the initial Complaint was only against the County. The Amended Complaint alleges that on June 23, 2017, Plaintiff struck a pothole at "NE 15 St Bayshore Drive, North of 15 Street" and was thrown off his bicycle and

sustained injuries to his person and bicycle. Plaintiff claims that the City failed to maintain the roadway and warn of a dangerous condition.

NEGLIGENCE ACTION (TRIP AND FALL): *Lourdes Fernandez v. City of Miami and Miami Parking Authority*, Miami-Dade County Circuit Court, Case No. 21-007262 CA 01 (NMR). The Plaintiff filed suit against the City and the MPA alleging that on April 11, 2019, near NW 14th Avenue and 7th Street (Marlins Stadium Third Base Garage), she tripped, fell, and was injured due to a yellow tactile paving on the sidewalk that was allegedly in disrepair.

NEGLIGENCE ACTION (BICYCLIST): *Johnnie Jackson v. City of Miami*, Miami-Dade County Circuit Court, Case No. 18-042128 CA 01 (CAG). This is an action to enforce a settlement agreement in the amount of \$1,500. The Plaintiff was purportedly involved in a bike accident on December 21, 2014, when he rode into a pothole covered in water in the area of N.W. 12th Avenue and N.W. 54th Street in Miami. Plaintiff's counsel claimed he reached a settlement agreement with the City's adjuster in April of 2019. However, the Plaintiff passed away on June 30, 2018. The Plaintiff's daughter signed a release on behalf of her father, but she did not have power of attorney and was not appointed personal representative of his estate so the City contended she was not authorized to execute the release. In the absence of a validly executed release, the City did not tender the settlement check to opposing counsel.

EMPLOYMENT DISCRIMINATION ACTION: *Glenn v. City of Miami*, United States District Court, Southern District of Florida, Case No. 21-CV-21429-FAM (KRJ/SKP). City employee Michelle Glenn filed a multiple count complaint stemming on allegations that the Solid Waste Director, Mario Nunez, sexually harassed her and treated her differently based on her sex, race, and national origin, including the failure to promote her to the position of Assistant Director.

PUBLIC RECORDS ACTION: *Samuel Scott v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-8084-CA-01 (EJE/JCP/TMF). This is a public records case in which the plaintiff alleges that the City turned over some but not all of the documents responsive to his public records request.

CODE ENFORCEMENT APPEAL: *Perez v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-17 AP (JAG/RSD). Appeal from the order of the Code Enforcement Board. Appellant also filed a proceeding under the Florida Land Use and Environmental Dispute Resolution Act (FLUDRA) which stays the appeal.

INTERGOVERNMENTAL ACTION (REMOVAL OF BARRICADES): *Miami-Dade County v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-5408 CA 06 (HJH/GKW/EJE). This is an action brought by Miami-Dade County relating to barriers erected by the City of Miami for the safety of local residents. The barricades were placed at the following locations: SW 22nd Street and SW 14 Avenue; SW 23 Street and 17 Avenue; SW 22 Street and 16 Avenue; and SW 22 Street and 16 Court. The County sued the City seeking an emergency injunction requiring the removal of the barriers.

ORDINANCE REGULATING DISPENSARIES: *MRC44, LLC, and 60 NE 11th, LLC v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-9508 CA (01) (CAG). Plaintiffs are corporations with property interests in the City of Miami and seek to own and operate medical marijuana treatment centers pursuant to Art. 10, Sec. 29 of the Florida Constitution and section 381.986 of the Florida Statutes. The statute provides that a municipality may, by ordinance, totally ban dispensaries from being located within its boundaries or enact an ordinance allowing them with criteria for location and permitting requirements. Plaintiffs seeks a declaratory judgment that they may establish marijuana treatments centers in any location within the City regardless of transect zone and without permits because they City has not enacted an ordinance banning dispensaries. The City removed the case to federal court and seeks a determination as to the application of state law where federal law criminalizes the sale of marijuana.

LAND USE ACTION: *Prieguez v. City of Miami and Florida Department of Transportation*, Miami-Dade County Circuit Court, Case No. 21-8797 (HJH). Plaintiff filed an Amended Complaint against the City of Miami for declaratory relief and injunctive relief arguing that the City violated Section 29-B of the Charter by giving notice of and passing a resolution authorizing the City Manager to enter into an agreement with the Florida Department of Transportation. The proposed agreement called for the exchange of easements from the City to maintain and operate two bridges in return for the transfer of real property owned by the State to the City. Mr. Prieguez seeks a declaration and an injunction preventing the City from negotiating or completing the proposed exchange.

CIVIL RIGHTS ACTION: *Lorod Mills v. City of Miami, Kevin Harrison, Raphael Muina, and Jonathan Vazquez*, Miami-Dade County Circuit Court, Case No. 21-006090 CA 01 (13) (DAH). Plaintiff filed suit alleging that he was battered by City of Miami Police Officers Kevin Harrison, Raphael Muina, and Jonathan Vazquez on March 22, 2017, during his arrest outside a nightclub located at NW 36th Street and 24th Avenue, Miami, Florida. Plaintiff alleges that he suffered serious bodily injury. Plaintiff's claims are brought under state law and 42 U.S.C. section 1983 for violations of the Fourth and Fourteenth Amendments. Plaintiff is seeking compensatory and punitive damages.

NEGLIGENCE ACTION (SCOOTER): *Alex Fernando Mejia Sanchez v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021--6013-CA-01 (LKW/Outside counsel). The Complaint alleges that on or about June 15, 2019, Plaintiff was riding a Lyft scooter on the sidewalk of Biscayne Blvd. and NE 8th Street when Plaintiff allegedly fell off the scooter and was injured due to a hole in the sidewalk or uneven sidewalk. Plaintiff claims the City is liable because it did not maintain the sidewalk in a reasonably safe condition. Lyft has retained counsel to defend the City.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Roberto Campos v. City of Miami and City of Miami Police Department*, Miami-Dade County Circuit Court, Case No. 21-6913 CA (25) (CAG). Plaintiff alleges he suffered injuries on January 6, 2020, when he was involved in a motor vehicle accident with a City police vehicle.

NEGLIGENCE ACTION (TRIP AND FALL): *Magaly Perez v. Granada Shopping Plaza, Moore Properties, Horizon Properties, and City of Miami*, Miami-Dade County Circuit Court,

Case No. 2020- 13749- CA- 01 (**JPO**). According to the First Amended Complaint, the Plaintiff alleges that on September 30, 2019, the Plaintiff was walking on the sidewalk on SW 7th Street between 48th and 49th Avenue, adjacent to the Granada Shopping Center when she tripped and fell on an uplifted, uneven sidewalk concrete slab. Plaintiff alleges that the City maintains and controls the sidewalk and Defendant Granada maintained and controlled the premises known as Grenada Shopping Center.

NEGLIGENCE ACTION (TRIP AND FALL): *Lynda Brewer v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-025737 CA 01 (10) (**JPO**). The Plaintiff alleges that on or about Marcy 23, 2019 she tripped and fell on an uneven piece of sidewalk located on SW 33rd Avenue and Coral Way.

NEGLIGENCE ACTION: *Aracelia G. Fandino v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-8440 CA (01) (**CAG**). Plaintiff alleges that on May 21, 2018, she sustained permanent injuries including a fractured vertebrae when she was dropped from a gurney while being transported to the hospital by City of Miami Fire Rescue paramedic-firefighters. Plaintiff alleged a claim for negligence and a claim for gross negligence against the City.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Ansley Amador Olozoga v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-010845 CA 01 (25) (**JPO**). Plaintiff alleges that on April 21, 2018, City of Miami Officer Patrick Poll negligently caused a car accident with her vehicle.

NEGLIGENCE ACTION (TRIP AND FALL): *Linda Reyes v. Miami-Dade County, City of Miami, and Florida Department of Transportation*, Miami-Dade County Circuit Court, Case No. 2019-2626 CA 06 (**JPO**). The Plaintiff filed a three-count complaint alleging negligence against the County, City, and FDOT, claiming that on or about August 4, 2017, the City maintained the southeast corner of the sidewalk located at NW 8th Street and NW 1st Court, Miami, FL 33136, and she tripped and fell due to a large hole which was broken, uneven, and improperly maintained.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Yailen Gonzalez v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-8426 (**HJH**). This is an action for damages by a passenger on a motorcycle travelling westbound on Rickenbacker Causeway at the overpass leading to US 1 South on May 27, 2018, who claims she was injured when a police vehicle allegedly struck her boyfriend's motorcycle resulting in his death.

NEGLIGENCE ACTION (TROLLEY ACCIDENT/PEDESTRIAN): *Kamilah Wallace v. Limousines of South Florida, Inc. and City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-008596 CA 01 (**LKW**). Plaintiff alleges that on August 11, 2020, she was rollerblading southbound on Biscayne Boulevard near NE 9th Street when a City of Miami Trolley driven by "a City of Miami, employee, agent, contractor, or sub-contractor and/or employee, contractor, sub-contractor, or independent contractor of Limousines of South Florida," drove into Plaintiff knocking her to the ground and injuring her.

NEGLIGENCE ACTION (TRIP AND FALL): *Bernice Harris v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-009565-CA-01 (**LKW**). Plaintiff alleges that on January 4, 2018, she was walking on the sidewalk adjacent to Historic Saint Agnes Church on NW 3 Avenue,

when she tripped and fell over the cracked and uneven sidewalk and sustained injuries. The Complaint further alleges that the City "is in charge of maintaining the proper care of the restrooms located on the Defendant, City of Miami, premises, located at NW 3rd Ave & NW 19 St, Miami, FL" and the City breached its duty of care.

NEGLIGENCE ACTION (TRIP AND FALL): *Ramon Rosell v. City of Miami and Miami-Dade County*, Miami-Dade County Circuit Court, Case No. 2020-003425-CA 06 (**JPO**). The Plaintiff's First Amended Complaint alleges that on March 18, 2018, the Plaintiff stepped into a uncovered water meter cover hole in the sidewalk located on NW 10th Avenue and 21st Street and suffered severe and permanent injuries.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT/SCOOTER): *Javin Jonathan Rodriguez-Perez v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-012119 CA 01 (**NMR**). Plaintiff alleges that on September 26, 2020, he was involved in a motor vehicle accident at NE 2nd Avenue and NE 16th Street with Christopher Leon who was negligently operating a vehicle owned by Defendant City of Miami. The Plaintiff was driving a privately-owned scooter southbound on NE 2nd Avenue when the City of Miami driver allegedly attempted to make a left turn onto NE 16th Street without yielding to oncoming traffic. As a direct and proximate cause of said accident, he alleges that he has suffered permanent and/or continuing bodily injuries.

INJUNCTION ACTION: *TCM Funding v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-9534 CA 08 (**RSD**). Complaint for injunctive relief to stop demolition of property located at 1771 NW 40 Street. Plaintiff is a hard money lender who failed to appear, after notice, at the Unsafe Structure Panel hearing and did not file any appeal within 30 days of the Panels order on October 30, 2020. After a hearing held on June 1, 2021, Judge Simon denied the Plaintiff's motion for temporary injunction and gave them time to refile. No complaint has been refiled and the City is moving forward with demolition.

CIVIL RIGHTS APPEAL: *Effs v. City of Miami, et al.*, United States Court of Appeals, Eleventh Circuit, Case No. 21-11672-D (**JAG**). Plaintiff brought action in federal court against the City and Alexi Figueroa. The court dismissed the case against both defendants and the Plaintiff only appealed as to Defendant Figueroa. The City filed a Motion to Dismiss the appeal as to the City and the Court granted the Motion.

COCONUT GROVE PLAYHOUSE VETO APPEAL: *City of Miami v. Miami-Dade County*, Miami-Dade County Circuit Court, Appellate Division, Case No. 3D21-1411 (**JAG**). Coconut Grove Playhouse related appeals. The City filed a second-tier petition for writ of certiorari challenging the circuit court's finding that the mayor violated due process by engaging in ex parte contacts during the veto period. The County filed a cross-petition challenging the circuit court's finding that the veto was supported by competent substantial evidence and complied with the essential requirements of the law.

EMPLOYMENT LITIGATION: *Raposo v. City of Miami*, United States District Court, Southern District of Florida, Case No. 21-CV-22342-JLK (**SKP/KRJ**). Parks Employee Felix

Raposo filed a 2-part Complaint alleging the City violated the FCRA and the ADEA when it failed to promote him to numerous positions. The City removed the case to Federal Court.

EMPLOYMENT LITIGATION: *Valdes v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-12490CA-01 (04) (**KRJ/SKP**). Sergeant Maximiliano Valdes filed a 2-count Complaint for Declaratory and Injunctive relief challenging the City's giving of medical accommodations to two employees who were then promoted to the position of lieutenant over him. Valdes is requesting a promotion to lieutenant and backpay. The City has filed a motion to dismiss.

EMPLOYMENT LITIGATION: *Lai v. City of Miami*, United States District Court, Southern District of Florida, Case No. 1:21-cv-22394-KMM (**KRJ/SKP**). former Police Lieutenant Nathania Lai filed a five-part complaint alleging (1) pregnancy discrimination-Title VII, (2) gender discrimination- Title VII, (3) Retaliation in violation of Sec. 1981 (4) gender discrimination-FCRA and (5) retaliation- FCRA. On September 3, 2021, the Court granted the City's Motion to Dismiss when Ms. Lai's counsel failed to file a response.

PUBLIC RECORDS ACTION: *Grant Stern v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-013178-CA-01 (**EJE/GKW**). This is a public records lawsuit where the petitioner demands FDLE documents from the City of Miami--documents that were only briefly held by a City police officer and never in the City's custody. In addition to three counts claiming a public records law violation, the petitioner alleges one count of a First Amendment Law violation.

CODE ENFORCEMENT APPEAL: *Pappas v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-25 AP (**JAG**). Appeal from the order of the Code Enforcement Board.

CODE ENFORCEMENT APPEAL: *7301 Belle Meade, LLC v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-27 AP (**JAG**). Appeal from the order of the Code Enforcement Board.

CODE ENFORCEMENT APPEAL: *Petrozza v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-28 AP (**JAG**). Appeal from the order of the Code Enforcement Board.

EMPLOYMENT LITIGATION: *City of Miami v. Papier and Papier*, Miami-Dade County Circuit Court, Case No. 21-016509-CA-01 (08) (**SKP/KRJ**). The City filed a declaratory action asking the Court to determine the arbitrability of former Deputy Chief Ronald Papier and Commander Nerly Papiers' grievances. This case is related to a Rule 16 Civil Service Matter that the Papiers filed requesting to rollback to their prior positions of Captain in order to have grievance rights prior to their terminations.

UNSAFE STRUCTURE APPEAL: *U.S. Bank National Association v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-31 AP (**JAG**). Appellant challenged the order of the USP requiring demolition of unsafe single-family structure within 30 days. Appellant argued that the Panel did not consider the valuation criteria. After full briefing, including

an appendix establishing that the Panel had before it the required valuation records, the Appellate Division affirmed.

UNSAFE STRUCTURE PETITION: *City of Miami v. U.S. Bank National Association*, Third District Court of Appeal, Case No. 3D21-1573 (JAG). Appellant moved for a stay of demolition. The Appellate Division of the Circuit Court granted the stay, and the City filed a petition for writ of certiorari to the Third District Court of Appeal. After briefing, the Third District denied the petition. However, shortly thereafter, the Appellate Division affirmed the demolition order.

CODE ENFORCEMENT APPEAL: *Badia v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-32 AP (JAG). Appeal from the order of the Code Enforcement Board.

NEGLIGENCE ACTION (BICYCLIST): *Brayan Ariel Toledo Meza v. City of Miami and Florida Drawbridges Inc.*, Miami-Dade County Circuit Court, Case No. 2021-08427-CA 01 (JPO). Plaintiff alleges that on January 9, 2019, he was a pedestrian bicyclist using the sidewalk on the West Flagler Street Bridge, when he fell into a hole in the sidewalk that had an abrupt change in elevation causing him to fall and sustain injury.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Harris v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-010711-CA 01 (JPO). The Plaintiff claims that on or about May 16, 2017, she occupied a vehicle traveling on NW 10th Ave and NW 54th Street, when City of Miami employee Darlene Jones's vehicle crashed into her car causing injuries.

NEGLIGENCE ACTION (BICYCLIST): *Frank Blanco v. City of Miami, Miami-Dade County, and Florida Department of Transportation*, Miami-Dade County Circuit Court, Case No. 2021-017573 CA 01 (JPO). The plaintiff alleges that on September 10, 2018, he was riding his bicycle on the sidewalk of SW 6 Avenue near SW 1 Street in Miami. While riding, he was suddenly and without warning thrown off his bicycle as a result of missing and broken concrete slab on the sidewalk which created a hole, causing him to suffer serious and permanent injuries. Plaintiff claims that the City (and the County and FDOT) is responsible for the condition.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Ivonne Pena, et al. v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-018970 CA 01 (NMR). Plaintiffs Ivonne Pena and Maria Pena allege that on July 18, 2019, they were involved in a motor vehicle accident at NW 12th Avenue and NW 16th Street with a negligently operated motor vehicle owned by the City of Miami. Plaintiff Ivonne Pena was the driver, and Maria Pena was the passenger. As a direct and proximate cause of said accident, Plaintiffs allege that they suffered permanent and/or continuing bodily injuries.

CIVIL RIGHTS ACTION: *Emanuel David Williams v. City of Miami, et al.*, Miami-Dade County Circuit Court, Case No. 21-19202 CA 22 (HJH). This is an action for false arrest and excessive force and related causes of action under state and federal law relating to an arrest of Plaintiff by MPD officers on September 22, 2019.

NEGLIGENCE ACTION: *Claudia Castellanos v. City of Miami and Inspection Experts, Inc.*, Miami-Dade County Circuit Court, Case No. 21-19280 CA (04) (CAG). Plaintiff alleged she suffered personal injuries on September 27, 2019, when she attempted to exit the James Lawrence King Building and a revolving door malfunctioned. Plaintiff claimed that the City, which owned the building leased to the federal government, was negligent in failing to properly maintain and secure the revolving door. In addition, Plaintiff alleged Defendant Inspection Experts, Inc., was under contract with the City to inspect and maintain the revolving door at the James Lawrence King Building for safe operation and was negligent in its inspection and maintenance of the subject revolving door.

EMPLOYMENT LITIGATION: *Carr v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-CV-22719 DPG (KRJ/SKP). The Plaintiff alleges discrimination and retaliation against the City.

LAND USE APPEAL: *MacArthur Properties III, LLC v. City of Miami and Miami Design District Associates, LLC*, Miami-Dade County Circuit Court, Appellate Division, Case No. 21-40 AP (JAG). MacArthur Properties III, LLC has filed a petition for writ of certiorari challenging the Miami design district retail street SAP.

PUBLIC RECORDS ACTION: *In re Interest of K.S.*, Miami-Dade County Circuit Court, Case No. J21000621 (DAH). Petition filed petition for writ of mandamus to obtain public records on behalf of minor.

CIVIL RIGHTS ACTION: *Oscar Julien-Riou v. City of Miami, Miami-Dade County, City of Miami Police Department, and Ioannys Llanes*, United States District Court, Southern District of Florida, Case No. 21-cv-22034-JAL (CAG). Plaintiff filed this federal civil rights lawsuit claiming that on December 10, 2018, he was falsely arrested and subjected to excessive force at Alonzo Kelly Park. Plaintiff was in the park after 7:00 pm when he was approached by Ofc. Llanes who advised him the park was closed. The officer suspected Plaintiff attempted to throw something on the ground as he got up to leave and the officer responded by grabbing Plaintiff and taking him to the ground. The officer arrested Plaintiff for resisting arrest without violence and the State Attorney's Office ultimately dismissed the charges. Plaintiff alleged federal civil rights claims and state law claims against the City, Miami-Dade County, the Police Department and Officer Llanes.

NEGLIGENCE ACTION (TRIP AND FALL): *Deloris Jackson v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-004431-CA-01 (NMR). Plaintiff alleges that on or about October 7, 2019, she tripped and fell due to a dangerous condition on the sidewalk located at NW 16 Street west of NW 12 Avenue in Miami, Florida.

NEGLIGENCE ACTION (BICYCLIST): *Lisa v. City of Miami, et. al.*, Miami-Dade County Circuit Court, Case No. 2021-011947 CA 01 (NMR). The Plaintiff is alleging that on October 14, 2020, near NE 14 Street and Herald Plaza, she was riding her bicycle when she was struck across the face by a metal chain hung between two poles stretching across the street.

CIVIL RIGHTS ACTION: *Robert Latimore and Damaris Rodriguez-Latimore v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-13581 CA (11) (CAG). Plaintiff Robert Latimore alleges that on September 29, 2019, he was driving his car in the area of N.W. 17th Avenue and 36th Street when he was wrongfully stopped by police for having illegally tinted windows. Plaintiff's wife, Damaris Rodriguez-Latimore, was following her husband in another vehicle and stopped at the scene. When police ran a background check on Mr. Latimore, they found an injunction that prohibited him from being in his wife's company. The plaintiff was transported to jail where it was subsequently determined that the injunction had been dismissed and Plaintiff was released from custody. Plaintiff alleges claims of negligence and false arrest. Plaintiff's wife alleges a claim for negligence and loss of consortium.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Janssy Isaier Fuentes v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-014496-CA-01 (LKW) Plaintiff alleges that he was injured in a motor vehicle accident on December 10, 2020, at NW 7th Street and N. Red Road in Miami, Florida, by Nestor Amores who negligently operated a vehicle owned by the City of Miami.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Margie Romero v. City of Miami*, Miami-Dade County Circuit Court, Case No. 17-16902 CA 01 (NMR). Plaintiff alleges that on October 4, 2019, she was involved in a motor vehicle accident at 700 NW 57th Avenue with Wislyn Joseph who was negligently operating a vehicle owned by City of Miami. As a direct and proximate cause of said accident, she alleges that he has suffered permanent and/or continuing bodily injuries.

CIVIL RIGHTS ACTION: *Oswald F. Querales Castillo v. Katherine Fernandez Rundle, Miami Police Department, the City of Miami Civilian Investigative Panel, and Consumer Finance Protection Bureau*, United State District Court, Southern District of Florida, Case No. 21-cv-22551-MGC (DAH). Pro Se Plaintiff filed suit alleging constitutional deprivations after his arrest for misdemeanor battery after pushing the mother of his two minor daughters causing her to hit her head on a fence behind her. Plaintiff is suing the State Attorney, Miami Police Department, the City of Miami Civilian Investigative Panel, and the Consumer Finance Protection Bureau for not assisting him in a financial dispute.

NEGLIGENCE ACTION (TRIP AND FALL): *Carmen Cantero v. City of Miami and Emilio Cruz, III, as Trustee of the Cruz Family Trust*, Miami-Dade County Circuit Court, Case No. 2021-012804-CA-01 (LKW). Plaintiff alleges that on August 28, 2020, she was walking on the sidewalk adjacent to the property located at 251 NW 39 Avenue in Miami when she tripped and fell on a non-uniform, uneven, and dangerous strip of concrete sidewalk. Plaintiff alleges that the subject sidewalk was in disrepair since at least 2011. Plaintiff claims she suffered bodily injury, mental anguish, caretaker expenses, loss of earnings, and loss of ability to earn income in future. Count I is for negligence against the City; Count II is for negligence against the owner of the property located at 251 NW 39 Avenue.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Felix Barrios v. Town of Golden Beach, City of Miami, Miami-Dade County, and Florida Power & Light Co.*, Miami-

Dade County Circuit Court, Case No. 19-19119 CA (02) (**CAG**). Plaintiff alleges he suffered personal injuries when he was involved in a motor vehicle accident on October 26, 2017, at the intersection of N.E. 1st Avenue and N.E. 12th Street in Miami. Plaintiff alleged his car was struck by a vehicle driven by an employee of the Town of Golden Beach. The Plaintiff alleges the City was negligent in failing to repair a traffic light at the intersection, or in failing to report the inoperable traffic light to the appropriate authority.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT/PEDESTRIAN): *Andrew Smoak v. City of Miami and Victoria Roldan*, Miami-Dade County Circuit Court, Case No. 2021-010714 CA (01) (**NMR**). Plaintiff alleges that on March 7, 2019, he was struck (as a pedestrian) by a City of Miami-owned vehicle at 32nd Avenue and Oak Avenue. The City of Miami vehicle was being operated by Victoria Roland. As a direct and proximate cause of said accident, he alleges that he has suffered permanent and/or continuing bodily injuries.

NEGLIGENCE ACTION (TRIP AND FALL): *Allyson Riles v. Carlos Carmona and City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-17200-CA-01 (**LKW**). Plaintiff alleges that on or about May 23, 2020, she tripped and fell and was injured due to a defective, elevated, and dangerous sidewalk located adjacent to or in front of the property located at 1329 NW 28 St, Miami, FL. Plaintiff sued the City and Carlos Carmona who allegedly owns the property located at 1329 NW 28 St, Miami, Florida.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Annette Ramirez v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-017533 CA 01 (**NMR**). Plaintiff alleges that on June 4, 2020, she was involved in a motor vehicle accident at SW 17th Avenue and SW 16th Street with Ofc. Monica Delgado who was negligently operating a vehicle owned by Defendant City of Miami. As a direct and proximate cause of said accident, she alleges that she has suffered permanent and/or continuing bodily injuries.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Juan Pablo Muriel and Sandra Cecelia Ruiz v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-18496 CA 01 (**NMR**). Plaintiff, Juan Pablo Muriel, alleges that on July 8, 2019, he was involved in a motor vehicle accident at SW 17th Avenue and SW 16th Street with Ofc. Alexander Nodar who was negligently operating a vehicle owned by Defendant City of Miami. As a direct and proximate cause of said accident, he alleges that he has suffered permanent and/or continuing bodily injuries. Plaintiff Sandra Cecelia Ruiz, Co-Plaintiff's wife, has plead a loss of consortium claim.

NEGLIGENCE ACTION: *Irma Martinez, Ramon Martinez and H.M., a minor v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-015531 CA (02). (**LKW**). Plaintiffs Irma Martinez, Ramon Martinez, and H.M. (a minor) allege that the City failed to properly maintain the sidewalk and trees near the road at NW 18 Ave and NW 31st Street. Plaintiffs claim that on March 28, 2019, while Irma Martinez was driving her car and while Ramon Martinez and H.M. were occupants of the car, a 'marked tree' negligently maintained by the City fell on top of Plaintiffs' car while Plaintiffs were stopped at a stop sign.

QUALIFIED IMMUNITY APPEAL: *Elio Villegas v. Hannibal Buress*, Eleventh Circuit Court of Appeals, Case No. 21-12131 (**EJE**). This case arises from the arrest of Hannibal Buress, who

is a comedian. He was arrested due to various offenses resulting from drunken behavior. Mr. Buress filed suit against various parties, claiming a false arrest. This included Officer Elio Villegas, despite the fact that he was not the arresting officer and had no personal knowledge of the circumstances leading to the arrest. Officer Villegas was merely on the scene to provide security. Mr. Buress claims that his arrest was invalid and Officer Villegas should have intervened to stop it. Counsel for the City, who is representing Officer Villegas, moved to dismiss the case against Officer Villegas based on qualified immunity. The motion was denied, but an appeal has been taken.

INSURANCE APPEAL: *City of Miami v. United Automobile Insurance Company*, Third District Court of Appeal, Case No. 3D21-1189 (EJE). The Insurance Company filed suit against the City under section 627.7405(1), Florida Statutes. That statute authorizes insurance companies to seek reimbursement of personal injury protection (PIP) benefits from owners of “commercial motor vehicles” in certain circumstances. The statutory definition of “commercial motor vehicle” is very broad, as it includes almost every vehicle that is not a private passenger motor vehicle. This case arose from a car accident involving a garbage truck owned by the City.

TORT APPEAL: *City of Miami v. Charles J. Bencomo, et al.*, Third District Court of Appeal, Case No. 3D21-762 (EJE). The plaintiffs sued the City based on an allegation that a police officer, who was driving a City vehicle, collided with their vehicle and caused damages. At the time of the accident, the officer was off duty. The trial court granted summary judgment for the City. The plaintiffs appealed, but the Third District affirmed. As a result of an offer to settle the case before summary judgment, which was rejected by the plaintiffs, the City filed a motion to recover its attorney’s fees and costs. The trial court denied the City’s motion. The City has now appealed that ruling.

WORKERS COMPENSATION MATTERS: From March through August 2021, this Office opened 30 workers compensation matters.

FEMA APPEALS: From March through August 2021, this Office filed 6 appeals from adverse determinations of the Federal Emergency Management Agency.

MISCELLANEOUS MATTERS: From March through August 2021, the following additional matters were opened: 83 pre-suit claims; 10 subrogation matters; 9 foreclosure matters; 14 quiet title matters; 4 discrimination charges; 7 grievances; 4 civil forfeiture matters; 8 civil service matters; and 3 eminent domain matters.

If you wish to be briefed on any or all of the matters referenced herein, a meeting will be coordinated at your convenience.