

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

TO: Honorable Mayor and Members of the City Commission
FROM: Victoria Méndez, City Attorney
DATE: April 15, 2022
RE: Office of the City Attorney - General File for FY 2021-22
Litigation Report for October 2021 to March 2022
Matter ID No.: 21-2332

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 October 2021 through March 2022. My attorneys and I remain available to discuss any of these matters in further detail at your convenience.

SIGNIFICANT RESULTS AND UPDATES:

INJUNCTION ACTION: *City of Miami v. Vacayo, LLC*, 2020-16785 CA 06 (RSD). City filed an action seeking an injunction to stop renter of property located at 130 SW 24 Road from illegal short term rental activity. Injunction was issued in Summer of 2020. The City was granted a default by the Court for defendant's failure to respond to any further pleading on October 6, 2021, and on October 20, 2021, the City was granted a Default Final Judgment permanently enjoining defendant from violating the City Code.

WORKERS COMPENSATION ACTION: *Ana Anderson v. City of Miami*, OJCC No. 21-011373MIJ (WAJ). The claimant is a police officer who alleged a condition covered by the presumption found in F.S. 112.18(1) dated back to March 21, 2021. The workers' compensation benefits were denied by the City of Miami. A PFB was filed on May 18, 2021, seeking medical and indemnity benefits as well as attorney's fees and costs. After review of the matter, organizing an investigation, and determining that the matter was not compensable, the City contacted claimant's counsel with findings and the petition for benefits was dismissed.

WORKERS COMPENSATION ACTION: *Lori Boykin v. City of Miami*, OJCC No. 21-008034WJH (WAJ). The claimant is a laborer I hired by the City of Miami Parks & Recreation Department on or about September 7, 2017. On October 19, 2018, and again on May 15, 2019, the claimant tripped and fell sustaining various orthopedic injuries. This most recent claim has cost the City of Miami approximately \$62,863.53 in medical benefits and \$13,090.23 in indemnity benefits so far as of March 18, 2021. She hired an attorney, and the attorney sent a good faith request for

permanent total disability benefits. On April 8, 2021, the claimant, through her counsel, filed a Petition for Benefits seeking permanent total disability benefits, attorney's fees, costs, penalties and interest and a final hearing was scheduled to take place on October 6, 2021. In lieu of litigating claimant's entitlement to permanent total disability benefits, the parties reached a lumpsum settlement agreement providing the City would pay \$95,000.00, inclusive of attorney's fees, costs, and all workers' compensation benefits of any kind or classification [this included a Medicare Set Aside providing for payment of up to \$49,402 as the claimant is receiving Social Security Disability and Medicare] as well as a separate General Release of the City of Miami. This settlement represents a substantial savings to the City of Miami in future medical and potential indemnity exposure. The final hearing of October 6, 2021 was cancelled as the settlement was approved by the City Commission and by the Judge of Compensation Claims on July 29, 2021.

WORKERS COMPENSATION ACTION: *Suzann Mudahy-Nicholson v. City of Miami*, OJCC No. 21-011226SMS (WAJ). The claimant is a former City of Miami Code Enforcement officer hired by the City on July 11, 2004, who reported an on-the-job injury occurring on February 21, 2021. The City has accepted the compensability of the accident under F.S. 440.20(4) and provided workers' compensation benefits. On May 14 & 27, 2021, she filed PFBs seeking medical benefits, attorney's fees, and costs. This office defended the City and resolved the issues without attorney's fee or cost exposure for the underlying benefits. The E/SA proceeded with the claimant's deposition because the compensability of the claim was still being investigated under F.S. 440.20(4). The deposition commenced but was terminated by claimant's counsel when questions were asked pertaining to the circumstances leading to the accident and alleged injuries. The JCC granted the City's motion compelling the claimant to answer questions concerning the accident. The claimant continues to receive benefits in the interim, but all litigated issues have been resolved. The City does not owe attorney's fees or costs on any workers' compensation benefit sought through the filing of the petition for benefits.

LABOR GRIEVANCE: *In re Grievance of IAFF*, No. 17-04 (SKP). The International Association of Firefighters filed a grievance on behalf of Alejandro Sese challenging his termination as being without just cause. The City terminated Sese, a lieutenant at the time, for orchestrating and pressuring his subordinate firefighters to deface a fellow lieutenant's family photographs. After a 3.5-day arbitration, the arbitrator found the City did not have just cause for a termination; however, the arbitrator demoted Sese to the rank of firefighter. This is two ranks below the rank he would have had if the arbitrator reinstated him in whole. Further, the arbitrator ruled that Sese was only entitled to backpay, seniority, and emoluments for the rank of firefighter from the date of his termination to present.

ELECTION MATTER: *Hannon v. Joli*, Miami-Dade County Circuit Court, Case No. 21-21471 CA (27) (JAG/CAG). On October 15, 2021, Judge Mark Blumstein held an evidentiary hearing on the City Clerk's amended complaint for emergency declaratory and injunctive relief. The court heard testimony from witnesses including the City Clerk, a representative from the Miami-Dade County Division of Election, and the Coral Gables City Clerk on behalf of the Plaintiff. The Defendant presented the testimony of her husband, a friend, her two sisters, and herself. At the conclusion of the hearing, Judge Blumstein found that the Defendant was not a qualified candidate for the Office of Mayor of the City of Miami because she did not reside within the City of Miami at least one year prior to qualifying for office. The Court determined that the evidence showed the Defendant's legal residency was in the City of Coral Gables. The Defendant appealed and the judgment was affirmed.

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. On October 12, 2021, the Plaintiff filed a voluntary dismissal of the City.

CIVIL RIGHTS ACTION: *Alexandre v. City of Miami et al.*, United States District Court, Southern District of Florida, Case No. 16-cv-23064 (**Office of the City Attorney/Outside counsel**). This case has a significant result in a five year long federal Civil Rights lawsuit that was brought by Francois Alexandre against the City of Miami, Captain Javier Ortiz, Chief Rodolfo Llanes, Officer Ruben Rojas, Officer Magdiel Perez and Officer Josue Herrera. The suit claimed that Mr. Alexandre was falsely arrested, had his First Amendment rights violated and was subjected to excessive force resulting in a fractured orbital bone and related eye injuries. The case was tried to a jury November 16 through 18, 2021, against the only two defendants who remained in the case after pretrial motions: Officer Perez and Officer Herrera. The only remaining claims were excessive force under state and federal law. Captain Ortiz was represented by outside counsel and this Office represented all other defendants including on appeal until September 2021, when Mr. Alexandre qualified to run for District 5 City of Miami Commissioner. At that point, outside counsel were retained to represent Officer Perez and Officer Herrera at trial. Mr. Alexandre demanded in excess of \$1 million in damages. After brief deliberation the jury found that those officers had not used excessive force. There was no appeal of the verdict.

LAND USE APPEAL: *Save Grove Isle, LLC, et al. v. The City of Miami, et al.*, Third District Court of Appeal, Case No. 3D20-1548 (**JAG/KLM**). This appeal involves the planned redevelopment of Grove Isle. This lawsuit was brought by a group of condominium owners who live on the lower floors in the third tower of the existing development on Grove Isle, and whose water views will be obstructed by the new tower planned by the Developer. These unit owners brought suit against the City under a legal entity they formed called “Save Grove Isle” alleging that the permits issued by the City to the Developer should be voided on various grounds, and that the development was unsafe and not in compliance with the City code. The Developer intervened in the suit. In the interim, the Developer and the condominium association, which legally represents the interest of all unit owners under Florida law, settled their original dispute over the development, and entered into a settlement agreement, which was approved by Judge Hanzman in the separate litigation between those two entities. Following that action, the Developer and the City moved to dismiss this action, alleging a number of grounds for dismissal, including that the plaintiffs in the Save Grove Isle litigation lacked standing because the condominium association had already settled the dispute on behalf of all unit owners and that the plaintiffs had failed to exhaust administrative remedies with respect to the permits they were challenging. Judge Hanzman granted the motions to dismiss, dismissing the lawsuit with prejudice as to both the City and the Developer on standing grounds and, in the alternative, dismissing the lawsuit without prejudice as to the City for failure to exhaust administrative remedies. The plaintiffs appealed to the Third District Court of Appeal. Following briefing, the Court issued its written opinion, affirming the trial court’s decision.

LAND USE PROCEEDING: *Juan Perez v. City of Miami*, Florida Land Use and Environmental Dispute Resolution Act; Miami-Dade County Circuit Court, Appellate Division, Case No. 21-17 AP (GKW/RSD/KLM). Mr. Perez, the owner of 1637 SW 19 Street, invoked the Florida Land Use and Environmental Dispute Resolution Act (“FLUEDRA”), pursuant to Section 70.51, Florida Statutes, after the Code Enforcement Board found his property was in violation of the City Code for having an illegal third living unit and construction work performed without a permit. Mr. Perez contended that although his property has always been zoned for two living units since the inception of the City’s Zoning Codes, the City of Miami tax card should be ignored, zoning requirements should not be applied to his property since there were no available permits in the City records and that other not similarly situated properties had legal non-conforming uses. The City argued that the tax card reflected the illegal third unit was supposed to be a garage as far back as 1940 and a lack of permitting to convert the garage was not proof of a lack of violation, but rather because given all the other evidence, it is proof no permitting had ever been done. The City further argued the property has only ever been zoned 2 family and with the main structure being a duplex the garage conversion to a living unit was illegal. A FLUEDRA mediation and arbitration occurred on November 30, 2021, and after its conclusion, Retired Chief Judge Joseph P. Farina found in favor of the City. An appeal to the Eleventh Judicial Circuit Appellate Division is pending.

LABOR MATTER: *FOP, et al. v. City of Miami*, Miami-Dade County Circuit Court, Case No. 98-7760-CA-01 (KRJ/SKP/KLM) the Fraternal Order of Police (“FOP”) and individual law enforcement officers filed a lawsuit challenging the 1994 police sergeant's examination seeking promotions retroactive to 1994, with back pay and emoluments. The trial court bifurcated the action to address liability separate from damages. The liability portion of this case was tried in 2007, and the trial court ruled that the exam did not comply with the Civil Service Rules. The FOP was thereafter found to have obtained all relief that it could and is no longer in the lawsuit. As a result, numerous plaintiffs intervened post judgment. There are currently 24 remaining Plaintiffs. The parties are now in the damages portion of the case and the matter is set for trial in June of 2022. The City filed a motion to enforce the sovereign immunity caps, arguing that the underlying claims are actually tort claims and that the statutory caps on damages apply. On January 10, 2022, the Court granted the City's motion to enforce the sovereign immunity caps in this case, finding that the remaining Plaintiffs claims are akin to torts and limiting damages going forward. Several Plaintiffs have appealed.

ATTORNEY’S FEE APPEAL: *City of Miami v. Charles J. Bencomo and Stacy Bencomo*, Third District Court of Appeal, Case No. 3D21-762 (EJE). This case arises from a car accident involving the Bencomos and an off-duty police officer. The Bencomos sued the City only, arguing that its negligence caused the accident. The City moved for summary judgment, relying on sovereign immunity from suit based on the actions of off-duty employees. The trial court granted the City’s motion, and the Third District Court of Appeal affirmed. After prevailing, the City moved for attorney’s fees and costs based on proposals for settlement that the Bencomos had rejected. The City offered to settle the case, albeit for nominal amounts, approximately a year after the lawsuit was filed. The trial court, however, denied the City’s motion for attorney’s fees and costs. The trial court reasoned that the proposals for settlement were not made in good faith because the offers were too low and made too early in the case. On appeal, the City explained that its proposals for settlement were made in good faith because it had a good reason to believe that it was totally immune from suit. The City also explained that nominal offers to settle a case can be made in good faith when the defendant has no liability exposure in the case. The Third DCA

adopted the City's reasoning and ordered the trial court to award the City reasonable attorney's fees and costs.

NEGLIGENCE ACTION: *Eddson Gomez v. City of Miami & Miami-Dade County*, Miami-Dade County Circuit Court, Case No. 21-2788 CA 01 (LKW). Plaintiff alleged that on January 6, 2018, the City and Miami-Dade County negligently maintained the traffic signals at 2nd Avenue and SW 2nd Street in Miami, which caused Plaintiff to be involved in a motor vehicle accident and suffer personal injury. On February 11, 2022, the Court granted the City's Motion to Dismiss and dismissed with prejudice Plaintiff's claim against the City. Plaintiff filed a Motion to Vacate Dismissal.

JURY TRIAL - NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Andrea Quintanilla v. City of Miami*, Miami-Dade County Circuit Court, Case No. 19-005202 CA (01) (JPO/CAG). The Plaintiff sued the City in Circuit Court alleging that on September 4, 2018, she was injured in a rear-end motor vehicle accident caused by a City of Miami Police Officer. At trial, the Plaintiff asked the jury to award her over \$300,000 for past and future medical expenses, lost wages, and pain and suffering. After a four-day trial, the jury rendered a \$100,000 verdict in favor of the Plaintiff, however the jury declined to award damages for lost wages and concluded that the Plaintiff did not suffer a permanent injury.

NEGLIGENCE ACTION: *Luis Perez v. City of Miami and Miami-Dade County*, Miami-Dade County Circuit Court, Case No.: 19-32823 CA 01 (LKW). Plaintiff alleged that on February 7, 2017, while performing construction work at the Brightline terminal over the existing Metro Mover line, a train came around the track striking certain work equipment, causing Plaintiff to be thrown off a ramp and causing Plaintiff's co-worker to be thrown to his death. Plaintiff claimed personal permanent injuries and negligent infliction of emotional distress as a result of watching his co-worker fall to his death. On March 28, 2022, Plaintiff filed notice of dismissal with prejudice as to the City.

JURY TRIAL - NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Harber A. Sanchez Camejo v. City of Miami & Cristian A. Ramirez*, Miami Dade County Circuit Court, Case No. 18-35629 CA 30 (LKW/DAH). Plaintiff alleged that on March 8, 2018, the City was negligent when a City police officer did not put a City police car in park during a routine traffic stop. The police car rolled back toward the Plaintiff, allegedly causing Plaintiff serious bodily injury. At trial, Plaintiff asked the jury to award the Plaintiff \$250,000.00 for past and future medical expenses, lost wages, and pain and suffering. On March 2, 2022, the jury rendered a full defense verdict in favor of the City and found that the City was not liable

WORKERS COMPENSATION ACTION: *Carlos Avila v. City of Miami*, 15-022978BJA & 21-011490 (WAJ). This matter involves a retired City of Miami Police officer who has a compensable workers compensation claim dating back to February 23, 2005, which involves the Heart Bill presumption found in F.S. 112.18(1). He retired in 2011 and was later hired as police chief of the City of West Miami. On or about January 20, 2021, the claimant suffered a new condition that was deemed unrelated to the original condition of February 23, 2005, but USIS, Inc. paid certain benefits relating to the new condition. The matter was referred to this Office and upon engaging in discovery, this Office filed a claim for reimbursement on behalf of the City against the City of West Miami and Miami-Dade County [the City of West Miami is insured by Miami-Dade County] seeking reimbursement of over \$60,000 in past payment and relief from past [starting

January 20, 2021] and future medical expenses that solely relate to the event of January 20, 2021. As such, the City was relieved of over a third of the medication expenses that were previously authorized to prevent worsening of the cardiovascular system and prevent events such as January 20, 2021, but the City continues to pay for the original condition of February 23, 2005. The parties entered into an agreement which was approved by the Commission on which reimbursed the City of Miami for 100% of all expenses relating to the January 20, 2021, event and relieving the claimant of responsibility to cover any treatment associated with preventing events such as that which took place on January 20, 2021.

JURY TRIAL – NEGLIGENCE ACTION (TRIP AND FALL): *Olive Phillips V. City of Miami*, Miami-Dade County Circuit Court, Case No. 18-31734 CA 01 (02) (JPO/CAG). The Plaintiff sued the City in circuit court alleging that on March 12, 2014, she tripped and fell forward on a raised flag of a sidewalk at Lummus Park. She claimed to have suffered a fractured right hand and extreme right shoulder pain as a result of this accident. At trial, the Plaintiff asked the jury to award the Plaintiff over \$100,000 for past and future medical expenses, and pain and suffering. Mr. Roberto Gonzalez, the Lummus Park Manager, testified on behalf of the City. After deliberating for approximately 50 minutes, the jury rendered a defense verdict in favor of the City finding that the City was not liable.

WORKERS COMPENSATION ACTION: *Maurice Rollins v. City of Miami*, OJCC No. 22-006782ERA (WAJ). The claimant is an auto-equipment operator II hired by the City of Miami on April 9, 1999. The claimant was injured on May 19, 2021, when he lifted a drain and injured his left shoulder. The accident was accepted as compensable, and benefits have been paid by the City of Miami. The claimant hired an attorney who filed a Petition for Benefits on March 22, 2022, seeking indemnity benefits, attorney's fees, costs, penalties, and interest. This office reached out to opposing counsel regarding whether there was a good faith effort to resolve the issues prior to filing the Petition for Benefits. Opposing counsel and the claimant filed a notice of voluntary dismissal on March 28, 2022.

NEW CASES

PETITION TO VACATE ARBITRATION AWARD: *City of Miami v. IAFF*, Miami-Dade County Circuit Court, Case No. 21-13964-CA-01 (SKP). The City filed a partial motion to vacate arbitration award when the arbitrators added two additional remedies of overtime and medical benefits payments months after the arbitration award was issued. The City is arguing that the arbitrators did not have jurisdiction to issue the secondary awards and violated the City's Due Process when it ordered a remedy without a hearing.

CIVIL RIGHTS ACTION: *The Mad Room LLC d/b/a Ball and Chain, Altos, Exicano, LLC d/b/a Taquerias El Mexicano, Little Havana Arts Building, LLC, And La Gran Fiesta, LLC v. City of Miami*, United States District Court, Southern District of Florida, Case No. 21-CV-23485-Altman (CAG/BLF/KLM). This is a complaint alleging that the City of Miami targeted Plaintiffs for code enforcement because of political positions taken by the Plaintiff's principals. The claims include procedural due process and substantive due process claims under state and federal law as well as tortious interference with business relationships under state law. Plaintiffs seek injunctive and declaratory relief as well as \$27.91 million in damages.

CIVIL RIGHTS ACTION: *Gabriel J. Sosa v. City of Miami*, United States District Court, Southern District of Florida, Case No. 22-20758-CIV-Altonaga (**CAG**). Plaintiff filed this pro se civil rights lawsuit on behalf of four corporate entities: SoBe Jetski Rental LLC, Miami Marine Construction Corp., Watersport USA LLC, and Isle Water Taxi Corp. He alleges the City interfered with each business by harassing him and the clients of his business. Plaintiff claimed that City police officers told him he could not use the Watson Island boat ramp for his tourist customers access to Biscayne Bay. Plaintiff also claim the City's Marine Patrol interfered with Plaintiff's business by harassing Plaintiff's clients and illegally stopping them to provide commercial insurance documentation. In count I, Plaintiff alleged the City violated the Commerce Clause in Article I, Section 8 of the Constitution by depriving the Plaintiff of the use of navigable waters for commerce. Count II is claim for violations of the Florida Constitution for depriving Plaintiff of his right to commercial navigation. Plaintiff brought additional civil rights claims alleging violations of his Due Process rights, violation of the Equal Protection Clause, unlawful search and seizure under the Fourth Amendment, violations of the City Charter, and tortious interference with a business relationship.

FALSE ARREST ACTION: *Bryan Walters v. City of Miami, et al.*, Miami-Dade County Circuit Court, Case No. 2020-CA-3058 (**BLF**). Pro-Se Plaintiff brings claims against City and multiple state government agencies in Duval County resulting from various arrests. Difficult to decipher the exact cause of action pled by Pro Se Plaintiff.

FALSE ARREST ACTION: *Meredith Anne Baskin v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-024052 CA 01 (25) (**DAH**). Plaintiff claims that on June 28, 2019, she was falsely arrested, maliciously prosecuted, and defamed when she was arrested for Child Abuse based on allegations of a four-year-old at the daycare center she worked at as a teacher. The charges were later dropped by the Miami-Dade State Attorney's Office. Plaintiff is seeking compensatory damages.

FALSE ARREST AND BATTERY ACTION: *Polini M. Sanon and Thamara Cazeau Sanon v. City of Miami, Javier Ortiz, and Alain Torres*, Miami-Dade County Circuit Court, Case No. 21-023403 CA 01 (10) (**DAH**). Plaintiffs allege that they were battered and falsely arrested after a traffic stop at or near NW 20th Street in Miami, Florida on December 15, 2021, initially conducted by Officer Torres and later involving then Lieutenant Ortiz who subsequently called for Narcotics K-9 after detecting an order of marijuana emanating from the vehicle which revealed a small amount of marijuana in the trunk of the car. Plaintiffs are suing for compensatory damages.

CIVIL RIGHTS ACTION: *Raul Cardenas, as representative of Alexander Carballido, his estate, heirs and beneficiaries, and Layda Mazzarona v. Miami-Dade County Police Department, City of Miami Police Department, Federal Bureau of Investigation*, United States District Court, Southern District of Florida, Case No. 21-cv-24353-BB (**DAH**). Pro Se Plaintiffs allege that on September 20, 2018, Alexander Carballido was killed by Law Enforcement Officers of the Miami-Dade County Police Department, City of Miami Police Department, and Federal Bureau of Investigation after a police pursuit in which Alexander Carballido engaged pursuing Police Officers

and FBI Agents in a gunfire. Plaintiffs allege negligence, wrongful death, and excessive force and are seeking compensatory and punitive damages.

FALSE ARREST ACTION: *Samuel Scott, Jr. v. City of Miami, Jonathan Guzman, Michael Bloom, Brandon William, Miguel Hernandez, and Randy Carriel*, United States District Court, Southern District of Florida, Case No. 21-cv-23995-PCH (DAH). Plaintiff alleges that he was subjected to unlawful search and seizure, false arrest, and malicious prosecution when he was arrested for stealing his own motor car. Plaintiff is seeking compensatory and punitive damages.

FALSE ARREST ACTION: *Alexander Otaola v. City of Miami and Mario Menegazzo*, Miami-Dade County Circuit Court, Case No. 21-025968 CA 01 (32) (DAH). Plaintiff filed suit against City of Miami and Sergeant Mario Menegazzo alleging false arrest as a result of his arrest at a protest on November 28, 2020, at Versailles restaurant located at the 3500 block of S.W. 8th Street, Miami, Florida. Plaintiff is seeking monetary and punitive damages.

FALSE ARREST ACTION: *Deondre McDuffy v. City of Miami, Miguel Hernandez, Johvon Guillot, and Blake Weinger*, Miami-Dade County Circuit Court, Case No. 21-024131 CA 01 (24) (DAH). Plaintiff filed suit alleging that he was subjected to false arrest when he was arrested for carrying a concealed firearm and resisting without arrest on November 2, 2017, at NW 12th Court and NW 66th Street by City of Miami Police Officers. Plaintiff is seeking compensatory damages.

CIVIL RIGHTS ACTION: *Gilberto Wright, III, v. Officer Marquise Williams, Officer Damian Ortiz, Sergeant Mathew Reyes, and Miami Police Department*, United States District Court, Southern District of Florida, Case No 22-cv-60305-AHS (DAH). Pro Se Plaintiff filed suit alleging violation of 1st and 4th Amendment violations of the U.S. Constitution when he was grabbed by the arm and detained by a City of Miami Police Officer when walking in Wynwood at N.W. 2nd Avenue and N.W. 26th Street, Miami, Florida on March 12, 2021. Plaintiff further alleges that his arm was bruised and mental and emotional anguish and that he shouldn't have been detained by the police officer for using foul language. Plaintiff is seeking compensatory and punitive damages.

NEGLIGENCE ACTION (MOTOR VEHICLE & PEDESTRIAN ACCIDENT): *Pedro Ramon Cabrera v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-17936 CA 01 (JPO). The Plaintiff alleges that on March 13, 2020, he was a pedestrian in a parking lot located at 3825 NW 7th Street and was hit by a motor vehicle driven by City of Miami Police Officer Alexander Mena. Cabrera was arrested and City car rolled over his leg.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Shlomo Krivinsky v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-020773 CA 01 (21) (BLF). Plaintiff filed claim for automobile negligence against City. Incident involved City Vehicle during emergency transport with lights and sirens operating at time of incident.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Jennifer Trampler v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-024312 CA 01 (BLF). Complaint alleges claim of negligence against City allegedly caused by Officer's operation of a motor vehicle. It is alleged the Officer ran a red light, colliding with the vehicle driven by Plaintiff.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Erika Hill v. City of Miami*,

Miami-Dade County Circuit Court, Case No. 21-024460 CA 01 (32) (**BLF**). On August 31, 2018, Plaintiff alleges City employee, Natalie Rodriguez, negligently operated a City-owned vehicle causing it to collide with Plaintiff's vehicle at the intersection of NW 71st Street and NW 2nd Court.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Lazaro Padron v. City of Miami, R and M 1375 LLC, and Maria Fabelo*, Miami-Dade County Circuit Court, Case No. 2021-024543 CA 01(**JPO**). The plaintiff filed a three-count Complaint alleging that he was injured in a motor vehicle accident occurring on August 6, 2021, after the other driver's vision was obstructed by Hurricane Isaias debris on a neighboring property. The plaintiff alleges that Defendant R and M owned a parcel of real property located at 1375 SW 61h Street, Miami, Florida 33135 and Defendant FABELO owned a parcel of real property located at 1360 SW 6th Street, Miami, Florida 33135.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Timothy Mincey v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-25411 CA 01 (**JPO**). Plaintiff claims injuries resulting from motor vehicle accident that occurred on February 24, 2021, with City employee Luis Javier Gonzalez.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Carolyn Gauthier v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-027881-CA-01 (**LKW**). Plaintiff alleges that on February 5, 2018, City employee Glenda N. Perez negligently drove a 2008 Chevy Impala owed by the City while in the course and scope of employment with the City. Plaintiff alleges that Perez caused an accident at NW 3 Court approaching intersection of NW 1st Street, resulting in injuries to Plaintiff.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Janette Cruz v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2022-000671-CA-01 (**LKW**). Plaintiff alleges that on or about March 18, 2021, Ricardy Laguerre negligently operated a 2019 Freightliner Truck (i.e. Solid Waste truck) so that it collided with the car driven by Plaintiff, causing Plaintiff to suffer injuries. The accident happened at or near Le June Road and NW 1st Street.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Milena Santos De Leon and Leonardo Ares Miranda v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2022-001816-CA-01 (**LKW**). Plaintiffs allege that on or about February 18, 2018, Officer Uriel Jesus Batres was operating a City of Miami vehicle in a negligent manner, causing the City vehicle to strike the vehicle Miranda was driving and in which Santos De Leon was a passenger.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Jennifer Trumpler v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-24312 CA 01 (**BLF**). Plaintiff alleges claim of negligence against City allegedly caused by Officer's negligent operation of a motor vehicle. It is alleged the Officer ran a red light, colliding with the vehicle driven by Plaintiff.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Jacqueline Jackson v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-24666-CA 01 (**JPO**). Plaintiff alleges that on December 11, 2019, she was injured in a motor vehicle accident caused by City employee Sergio Ruiz at the intersection of NW 27th Avenue and NW 62nd Street.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Gregory Cash v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2022-646 CA 01 (**JPO**). Plaintiff alleges that on June 3, 2020, he was involved in a motor vehicle accident caused by City of Miami Employee Lenore Carmen Wilson Smith, who was within the course and scope of her employment and was a permissive user of the City's vehicle. The accident occurred at the intersection of NW 5th Street and NW 3rd Court.

NEGLIGENCE ACTION (TRIP AND FALL): *Daiyaana Muhhamad v. Florida Department of Transportation, City of Miami, Miami-Dade County and Miami-Dade Water and Sewer Department*, Miami-Dade County Circuit Court, Case No. 20-015139 CA 01 (06) (**BLF**). Plaintiff brought suit against FDOT and City of Miami, for alleged defect in sidewalk allegedly causing her to trip and fall and sustain injuries/damages.

NEGLIGENCE ACTION (TRIP AND FALL): *Francisco Soto v. City of Miami and Miami-Dade County*, Miami-Dade County Circuit Court, Case No. 2021-021180 CA 01 (**JPO**). Plaintiff alleges that on March 9, 2019, he was attempting to cross the street at 800 N. Miami Avenue, when he slipped and fell due to a significant buildup of debris on the street abutting the sidewalk which created a dangerous condition for the plaintiff.

NEGLIGENCE ACTION (TRIP AND FALL): *Nurka Alvarez Diaz v. City of Miami*; Miami-Dade County Circuit Court, Case No. 2021-27880-CA-01 (**JPO**). Plaintiff alleges that she tripped and fell into a hole caused by a missing utility cover located on the sidewalk located near 3509 NW 9th Court. She claims that the City failed to inspect the sidewalk allowing it to fall into disrepair including a missing cover to a utility access hatch, creating a dangerous condition.

NEGLIGENCE ACTION (TRIP AND FALL): *Isaac Decoste v. DAL Group Restoration Co, City of Miami, and Kinsale Insurance Company*, Miami-Dade County Circuit Court, Case No. 2021-026681-CA-01 (**LKW**). The Complaint alleges that on or about November 10, 2020, Plaintiff was walking northbound on the sidewalk along NW 2nd Avenue at or near the intersection of NW 8th Street when Plaintiff fell "due to the presence of wet cement or concrete on the sidewalk", causing Plaintiff to sustain injuries. The Complaint further alleges that DAL Group was hired to perform concrete restoration on the sidewalk at or near NW 8th Street and NW 2nd Avenue, Kinsale was liability insurer for DAL Group, and the City owned, controlled, or maintained the subject property. Plaintiff brings a single count against the City for negligence.

NEGLIGENCE ACTION (TRIP AND FALL): *Elida E. Calisto De Conde v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-027188-CA-01 (**LKW**). The Plaintiff alleges that on or about December 9, 2017, the City negligently maintained the sidewalk located at 291 SW 53 Ave, Miami Florida 33134, causing Plaintiff to fall and injure herself.

NEGLIGENCE ACTION (TRIP AND FALL): *Jennifer Bermudez v. Miami-Dade County, City of Miami, and Florida Department of Transportation*, Miami-Dade County Circuit Court, Case No. 2022-001641-CA-01 (**LKW**). Plaintiff alleges that on or about July 23, 2018, Plaintiff went on the premises located at 1558 NW 1st Avenue, Miami, Florida 33136 as a business invitee and slipped and fell on gravel because of Defendants' negligent acts, including failure to maintain the premises in a safe condition. Count II of the Complaint alleges negligence against the City.

NEGLIGENCE ACTION (TRIP AND FALL): *Bibiana Gomez Perez v. City of Miami and 4250 Biscayne Boulevard Condominium Association, Inc.*, Miami-Dade County Circuit Court, Case No. 2022-3868-CA-01 (**LKW**). Plaintiff alleges that on or about October 28, 2018, Plaintiff fell and was injured after stepping on a metal grate surrounding a tree on the sidewalk located at or near 4250 Biscayne Blvd., that was not properly secured. Plaintiff alleges that the City and Defendant Association individually and/or in combination owned, operated, controlled, maintained and/or was engaged in the management of the sidewalk.

NEGLIGENCE ACTION (TRIP AND FALL): *Wanda Brownlee v. City of Miami et al.*, Miami-Dade County Circuit Court, Case No. 2022-000197-CA (**BLF**). Plaintiff sues the City and the County for negligence resulting from personal injuries allegedly sustained after she tripped and fell due to open water meter hole in sidewalk located at 3634 Grand Ave in Coconut Grove on or about April 28, 2020.

NEGLIGENCE ACTION (TRIP AND FALL): *Linda Vargas v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2022-CA-003965 (**BLF**). Plaintiff sues City for negligence for alleged injuries resulting from trip and fall that occurred after tripping on alleged uneven sidewalk located at SW 1st Avenue and SW 32nd Street on or about May 7, 2020.

NEGLIGENCE ACTION (TRIP AND FALL): *Bettye Stillman v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2022-003118-CA (**BLF**). Plaintiff sues City for negligence for alleged injuries resulting from trip and fall that occurred after tripping on alleged uneven sidewalk located at NW 17th Street and 3rd Avenue on or about July 6, 2018.

NEGLIGENCE ACTION (TRIP AND FALL): *Maria M. Perez v. Miami-Dade County, City of Miami and Florida Department of Transportation*, Miami-Dade County Circuit Court, Case No. 21-027487 CA 01 (31) (**BLF**). Plaintiff brings suit for alleged trip and fall on sidewalk against City, County, and FDOT.

NEGLIGENCE ACTION (TRIP AND FALL): *Carmen Marte v. City of Miami and Miami-Dade County*, Miami-Dade County Circuit Court, Case No. 2022-002102-CA-01 (**BLF**). Plaintiff alleges that on or about August 28, 2018, Plaintiff was walking at or near 20th Street and 19th Avenue when she tripped, fell, and was injured due to a sidewalk that was not properly maintained. Plaintiff alleges a single count of negligence against the City.

NEGLIGENCE ACTION (TRIP AND FALL): *Marta de la Torre v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2021-25714- CA-01 (**JPO**). The Plaintiff claims that on January 18, 2020, she tripped and fell on the sidewalk along SW 27th Terrace adjacent to the parking lot for the Coconut Grove Metro Rail Station due to a raised sidewalk which was pushed up by a tree root.

NEGLIGENCE ACTION (PREMISES LIABILITY): *Alfredo Acosta v. City of Miami*, Miami-Dade County Circuit Court, Case No. 22-003263 CA 01 (21) (**JPO**). Plaintiff alleges that on May 23, 2020, he was in his wheelchair traveling along the sidewalk located at 10 NE 48th Street, when his wheelchair was caught on a elevated sidewalk, with an approximately 4 inch height differential.

NEGLIGENCE ACTION (SCOOTER): *Alexander Aguilar Avila v. City of Miami*, Miami-Dade County Circuit Court, Case No. 22-003129 CA 01 (09) (**JPO**). The Plaintiff alleges that on

April 20, 2018, he was riding a scooter (owned by him) near NW 31st Street near 14th Avenue when he rode over a pothole causing him to lose control and be thrown to the pavement.

WRONGFUL DEATH ACTION (MOTOR VEHICLE ACCIDENT): *Andrea Saintal as anticipated and proposed personal representative of the Estate of Jean Laguerre v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-21781 CA 04 (CAG). This is a wrongful death action brought by the putative personal representative of Jean Laguerre who claims that on September 27, 2019, the decedent was walking across the lanes of N.E. 62nd Street in Miami, when he was struck by a motor vehicle operated by Ofc. Joshua Perez while in the course and scope of his employment as a City of Miami police officer. Plaintiff alleges the accident caused injuries which resulted in the death of Jean Laguerre.

ASSAULT & BATTERY ACTION: *Rafael Ochoa v. Johnny Gonzalez and City of Miami*, Miami-Dade County Circuit Court, Case No. 22-000684 CA 01 (BLF). Plaintiff alleges that on May 1, 2021, he was lawfully present at a City marina when he was approached by the Defendant, Johnny Gonzalez, who initiated a verbal altercation with him. Plaintiff further alleges that the Defendant physically attacked him, causing permanent bodily injury.

BREACH OF CONTRACT: *Earl Takefman v. Bayfront Park Management Trust*, Miami-Dade County Court, Case No. 22-0000064 SP 20 (02) (JMS). Pro Se Plaintiff alleges breach of an implied contract, breach of fiduciary duties, and breach of an implied contract of good faith and fair dealing for prohibiting plaintiff from using parts of bayfront during events not open to the general public. Plaintiff is seeking compensatory and punitive damages, costs, and attorney's fees.

PROCUREMENT ACTION (RICKENBACKER MARINA): *Virginia Key, LLC and Arnold Douglas Pilkington v. City of Miami, Biscayne Marine Partners, LLC and Christina White*, Miami-Dade County Circuit Court, Case No. 21-22931 CA (44) (CAG/EJE). Plaintiffs alleged claims of specific performance, writ of mandamus, promissory estoppel, declaratory judgment, and preliminary and permanent injunctive relief with respect to City's decision to throw out all proposals on the Rickenbacker Marina RFP. Plaintiff Virginia Key, LLC, alleges it was the highest scoring bidder for two RFPs and the City's decision to throw out all bids was arbitrary and capricious. Plaintiff seeks specific performance requiring the City to present their bid for voter approval. Plaintiffs also challenged the previous referendum to waive competitive bidding and negotiate and execute a 75-year waterfront lease with Defendant Biscayne Marine Partners, LLC. but that claim is moot as the referendum did not pass.

SUBROGATION ACTION: *Progressive American Insurance Co. v City of Miami*, Miami-Dade County Court, Case No. 2022-000178-SP-23 (BLF). Plaintiff filed subrogation action against City to recover sums paid to repair insured's vehicle resulting from motor vehicle accident with City vehicle.

SUBROGATION ACTION: *Allstate Indemnity Company A/S/O Jessica Spenkuch v. City of Miami*, Miami-Dade County Court, Case No. 21-024952 SP 05 (CC 0) (BLF). Plaintiff filed subrogation action against City to recover sums paid to repair insured's vehicle resulting from motor vehicle accident with City vehicle.

PROPERTY DAMAGE ACTION: *City of Miami v. Nevaeh Yanice Arce and Edwin Marciano*, Miami-Dade County Court, Case No. 22-006408 SP-05 (BLF). The City filed suit to recover for property damage to a City vehicle.

PUBLIC RECORDS ACTION: *Grant Stern and Thomas Kennedy v. City of Miami and Commissioner Alex de la Portilla*, Miami-Dade County Circuit Court, Case No. 21-022330 CA 01 (32) (DAH). Plaintiffs Grant Stern and Thomas Kennedy have filed a complaint for Emergency Injunctive and Declaratory Relief Under the Public Meetings Act, Florida Statute 286.0114, Florida Constitution, and Miami-Dade County Charter alleging that they were deprived of the ability speak at City Commission meetings on September 27, 2021, and October 1, 2021, when scheduled public comment times were changed to later times in the meetings.

PUBLIC RECORDS ACTION: *Grant Stern v. City of Miami*, Miami-Dade County Circuit Court, Case No. 21-014192 CA 01 (24) (DAH). Plaintiff seeks the issuance of Writ of Mandamus or in the alternative Order to Show Cause with regard to Plaintiff's June 8, 2021, Public Records Request seeking copies of City of Miami police radio transmissions, body cameras and dash cameras from 10am-11am on Monday June 7, 2021, as depicted from the police officers on the scene.

PUBLIC RECORDS ACTION: *Heather Morris v. City of Miami*, Miami-Dade County Circuit Court, Case No. 22-001981 CA 01 (32) (DAH). Plaintiff filed suit for Public Records that she alleges were not provided after a public records request.

LAND USE ACTION: *Sherman Rattner v. 1809 Brickell LP., U.S. Department of Housing and Urban Development, EHDOC Stanley Axlrod Tower Charitable Corp., Elderly Housing Development & Operations Corp., Integra Investments LLC, Miami-Dade County, City of Miami, 1809 Brickell Venture, LLC, and PRH Related Holdings LLC*, United States District Court, South District of Florida, Case No. 21-cv-23426-KMM (DAH). Pro Se Plaintiff alleges that the parties have violated various components of City of Miami Ordinances, Miami-Dade County Law, State Law, and Federal Law in allowing the purchase of the Stanley Axlrod Towers located at 1809 Brickell Avenue, Miami, Florida and relocation of its residents. Plaintiff is demanding that the Court enter an order forcing the defendants to comply with a Use Agreement for the property. Plaintiff is seeking compensatory and punitive damages.

SOVEREIGN IMMUNITY APPEAL: *City of Miami v. Cruz, et al.*, Third District Court of Appeal, Case No. 3D21-2424 (JAG). The Plaintiffs sued the City claiming the City breach a settlement agreement related to development in historic district by granting a demolition permit. The City filed a motion to dismiss arguing, among other things, that the any cause of action against the City based on its decision to grant a demolition permit was precluded by sovereign immunity and that said immunity was not waived by the settlement agreement. The trial court denied the City's motion to dismiss. The City filed an appeal.

APPEAL: *Department of Off-Street Parking of the City of Miami (Miami Parking Authority) v. Downtown 56, LLC*, Third District Court of Appeal, Case No. 3D22-165 (EJE). The MPA entered into a construction agreement with Downtown 56 for the purpose expanding a parking garage and residential tower. The agreement included an arbitration clause. With the MPA's consent,

Downtown 56 eventually assigned all right, title, and interest under the contract to a third party. Downtown 56 then filed suit against the MPA, demanding arbitration over a dispute on credits. The MPA argued that Downtown 56 could not invoke the arbitration clause after fully assigning the contract to a third party. However, the trial court entered an order compelling arbitration. The MPA appealed.

PUBLIC RECORDS APPEAL: *City of Miami v. Andres Armando Blanco, et al.*, Third District Court of Appeal, Case No. 3D22-295 (EJE). This case involves a public records dispute that arose in a criminal case. A defendant accused of a DUI made a public records request for surveillance videos in a police station. The City denied the request. It cited Florida Statutes providing that such videos are generally confidential and exempt from disclosure due to the potential for revealing the capabilities—and as a corollary, the vulnerabilities—of a security system. Rather than filing a civil suit, the defendant asked the judge in his criminal case to order the City to provide the videos. The City asked the judge to view the videos in camera before deciding whether to order any disclosure, but the judge refused to do so. The City filed a petition for writ of certiorari.

PUBLIC RECORDS APPEAL: *Rafael E. Andrade v. Department of Off-Street Parking of the City of Miami (Miami Parking Authority), et al.*, Third District Court of Appeal, Case No. 21-2134 (EJE). Mr. Andrade made a public records request to the MPA and one of its contractors. He then filed suit, claiming the MPA violated the Public Records Act. The MPA moved to dismiss the case for, among other reasons, failure to pay the cost of production for the records. After months passed, Mr. Andrade filed a petition for writ of mandamus in the appellate court, arguing the trial court was taking too long to rule on the MPA's motion to dismiss. The trial court has since granted the MPA's motion to dismiss and the appellate court dismissed the petition.

ADMINISTRATIVE APPEAL – EMPLOYMENT MATTER: *Shiver v. City of Miami Southeast Overtown/Parkwest Community Redevelopment Agency*, Miami-Dade Circuit Court, Appellate Division, Case No. 22-09 AP 01 (KLM). Petitioner files a petition for writ of certiorari in the appellate division challenging a resolution of the Miami Southeast Overtown/Parkwest Community Redevelopment Agency Board approving the terms of his separation agreement, including a revision to the amount of vacation hour payout owed to petitioner.

PETITION FOR WRIT OF MANDAMUS – PUBLIC RECORDS REQUEST: *Wilkinson v. Judge Robert Watson, et al.*, Third District Court of Appeal, Case No. 3D21-2287 (KLM). Pro se petitioner files a petition for writ of mandamus against the trial court judge and a number of other parties, including the City of Miami Police Department. With respect to the City of Miami Police Department, Wilkinson alleges that the department did not respond to his public records request.

ADMINISTRATIVE APPEAL – EMPLOYMENT MATTER: *Choi v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 22-02-AP-01 (KLM): Petitioner Xiao-Wen Michelle Choi brings a petition for writ of certiorari to challenge the final judgment of the City Manager sustaining the Civil Service Board's findings of fact and conclusion so law, which recommended that her demotion from the position of budget director of the City of Miami Police Department be sustained. Choi asserts that the decision should be overturned because it is not supported by competent substantial evidence, and she was denied procedural due process before the Civil Service Board.

APPEAL – EMPLOYMENT MATTER: *City of Miami vs. FOP Miami Lodge No. 20 (Adrian Rodriguez)*, Third District Court of Appeal, Case No. 3D21-2229 (**KLM**). In this matter, the City appeals a summary judgment entered in favor of the FOP, on behalf of Rodriguez. This action follows a prior litigation in which the FOP, on Rodriguez's behalf, filed a motion for contempt, before the Circuit Court, alleging the City failed to reinstate Rodriguez after his previous termination in 2016 and subsequent reinstatement in 2017. That previous litigation included FOP's argument at hearing (which was evidentiary and included testimony & the introduction of exhibits) that the City's order for Rodriguez to undergo toxicology testing was in violation of the arbitrator's order to reinstate Rodriguez. The Court disagreed, finding the City relied on FDLE rules to drug test Rodriguez prior to reinstatement due to Rodriguez's two-year break-in-service. The FOP appealed, and the Third DCA affirmed. The Third DCA also stated in the prior matter that the City was within its rights to terminate Rodriguez for his refusal to submit to a urinalysis test. Following the conclusion of the prior litigation and appeal, Rodriguez attempted to grieve the issue whether the City properly ordered him to undergo the toxicology testing for reinstatement. The City filed the declaratory action below against the Fraternal Order Police challenging the arbitrability of Rodriguez's grievance for termination of his employment. Both parties filed cross-motions for summary judgment which were argued before the Court on April 1, 2021. On October 8, 2021, the Court entered an order granting the FOP's Motion for Summary Judgment and entering final judgment in favor of the FOP. This appeal follows.

PETITION FOR WRIT OF MANDAMUS - LAND USE MATTER: *Made in DR Wynwood Corp. v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2022-005227-CA-01 (**KLM**). In this matter, petitioner has filed a petition for writ of mandamus asserting that the City's zoning administrator improperly refused to sign off on a required approval for petitioner's application for a state alcohol license. Petitioner takes the position that the local zoning authority was only permitted to assess whether the location met the zoning requirements for a restaurant, because a restaurant can carry the type of alcohol license the petitioner seeks from the state. The zoning administrator denied the application because the plans submitted for review reflect that petitioner does not meet the minimum requirements for the type of license sought from the state, and the application is asking the local authority to sign off on the specific use. The court has ordered a response by the City.

PETITION FOR WRIT OF CERTIORARI – PROMOTIONAL TESTING MATTER: *Mahon, et al. v. City of Miami*, Third District Court of Appeal, Case No. 3D22-277 (**KLM**). In this matter, a group of petitioner/plaintiffs in a decades-long promotional exam litigation take a petition for writ of certiorari from a non-final order of the court that held that the sovereign immunity tort statutory damage cap in section 768.28(5)(a), Florida Statutes applies to this matter. The practical implication of that ruling is that, if upheld on appeal, the City's liability will be limited to the \$200,000 cap. However, such rulings are considered non-final and are typically not appealable until after a final judgment is entered. The individual plaintiffs in the matter still need to each proceed with their damages phase of trial, to see whether a jury awards them any damages before this matter should be appealed. A different set of plaintiffs has attempted to seek immediate review of the same order by interlocutory appeal (see summary below). The Third District entered an order consolidating the matters. The City has filed a motion to dismiss this petition for writ of certiorari and for reconsideration of the order of consolidation, because a petition for writ of certiorari and interlocutory appeal (even if the court should decide to hear them now) are based on very different standards of review. That motion is currently pending before the court.

APPEAL – PROMOTIONAL TESTING MATTER: *Nelson, et al. v. City of Miami*, Third District Court of Appeal, Case No. 3D22-281 (KLM). In this matter, two petitioner/plaintiffs in a decades-long promotional exam litigation take an appeal from a non-final order of the court that held that the sovereign immunity tort statutory damage cap in section 768.28(5)(a), Florida Statutes applies to this matter. The practical implication of that ruling is that, if upheld on appeal, the City's liability will be limited to the \$200,000 cap. However, such rulings are considered non-final and are typically not appealable until after a final judgment is entered. The individual plaintiffs in the matter still need to each proceed with their damages phase of trial, to see whether a jury awards them any damages, before this matter should be appealed. A different set of plaintiffs has attempted to seek immediate review of the same order by petition for writ of certiorari (see summary above). The Third District entered an order consolidating the matters. The City has filed a motion to dismiss this appeal and for reconsideration of the order of consolidation, because a petition for writ of certiorari and interlocutory appeal (even if the court should decide to hear them now) are based on very different standards of review. That motion is currently pending before the court.

PETITION FOR WRIT OF CERTIORARI – LAND USE APPEAL: *Preserve the West Grove, Inc., et al. v. City of Miami, et al.*, Miami Dade County Circuit Court, Appellate Division, Case No. 21-56 AP 02 (KLM). Petitioners, homeowners in Coconut Grove, file this petition for writ of certiorari to challenge the propriety of a zoning change in the West Grove.

PETITION FOR WRIT OF CERTIORARI – DEFAMATION MATTER: *City of Miami and Joseph Zahralban v. Rivera, et al.*, Third District Court of Appeal, Case No. 3D21-2413 (KLM). In this matter, the City takes a petition for writ of certiorari from the denial of its motion to dismiss defamation and slander claims based on absolute immunity. The City filed a motion to dismiss based on longstanding precedent that statements made as part of an employment investigation are shielded by absolute immunity. The court denied the motion and the City takes this petition for review. The Third District granted the City's motion for stay and briefing is underway.

WORKERS COMPENSATION MATTERS: From October 2021 to March 2022, this Office opened 35 workers compensation matters.

FEMA APPEALS: From October 2021 to February 2022, this Office filed 5 appeals from adverse determinations of the Federal Emergency Management Agency.

MISCELLANEOUS MATTERS: From October 2021 to March 2022, the following additional matters were opened: 79 pre-suit claims; 2 subrogation matters; 31 foreclosure matters; 5 quiet title matters; 3 discrimination charges; 14 grievances; 7 civil forfeiture matters; 13 civil service matters; and 5 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.