

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

TO: Honorable Mayor and Members of the City Commission
FROM: Victoria Méndez, City Attorney
DATE: December 30, 2020
RE: Office of the City Attorney - General File for FY 2019-2020
Litigation Report for September, October & November 2020
Matter ID No.: 19-2538

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

SIGNIFICANT RESULTS IN SEPTEMBER, OCTOBER & NOVEMBER 2020:

NEGLIGENCE ACTION (TRIP AND FALL): *Alexus Archer v. City of Miami*, Miami-Dade County Circuit Court, Case No. 18-25112 CA 01 (**JTM/CAG**). The Plaintiff alleged that on October 7, 2017, the City negligently maintained the sidewalk at 8111 NW 15th Avenue in Miami, which caused her to trip, fall, and sustain injuries. On June 2, 2020, the Court entered an Order granting the Plaintiff's counsel's Motion to Withdraw and provided the Plaintiff with 30 days to either have new counsel file a notice of appearance or file a notice of intent to represent herself. On July 17, 2020, the City filed a Motion to Dismiss based on the Plaintiff's failure to complete either option. On September 16, 2020, the Court entered an Order granting the City's Motion to Dismiss.

RECALL PETITION LITIGATION: *Carollo v. Piper, et al.*, Miami-Dade County Circuit Court, Case No. 20-14475 (**KLM**). In this second litigation regarding the recall petition, Commissioner Carollo brought a declaratory judgment action, seeking to invalidate the recall petition. Our office represented the interests of the City to maintain an orderly and legal process. The trial court held a hearing addressing the timeliness of the recall petition. The trial court ruled that the recall petition was facially untimely, which the City had maintained from the start.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT INVOLVING SCOOTER): *Santiago F. Arango v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-551 CA 31 (**JTM**). The Plaintiff alleged that on April 9, 2019, at NE 2nd Avenue and NE 20th Street in Miami, Officer Carla Mendoza's negligent operation of a City police vehicle caused it to collide with the Plaintiff while he was operating a rented Jump/Uber motorized scooter. The Plaintiff further

alleged he was injured as a result. The City tendered its defense to Uber Technologies, Inc. pursuant to the indemnification clause in the Motorized Scooter Pilot Permit Program Application. The City's tender was accepted and, shortly thereafter, a settlement was reached that does not require any payment from the City.

COMPLAINT FOR INJUNCTIVE RELIEF: *City of Miami v. Vacayo, Inc.*, Miami-Dade County Circuit Court, Case No. 20-16785 CA 06 (**RGD**). The City filed a complaint for injunctive relief in late August of 2020 against Vacayo, Inc., the renter of a property located at 130 SW 24th Road. Vacayo rented the property solely to advertise it and make money from short-term rentals. The rentals became very disruptive starting in 2020 and the Miami Police Department as well as Code Compliance Department, began working with the neighbors to stop the violations. The City's Motion for a Temporary Injunction was heard before the trial court and present for the hearing were four neighbors, two members of the Miami Police Department, the Code Director, a Code Supervisor and the area Inspector. After hearing the testimony and reviewing the evidence, the trial court granted the City's motion and has enjoined Vacayo Inc., from using the property for short-term/vacation rentals. The renter has since vacated the property.

POTTINGER APPEAL: *David Peery, et al. v. City of Miami*, United States Court of Appeals, Eleventh Circuit, Case No. 19-10957 (**KLM/outside counsel**). This was an appeal of the termination of the *Pottinger* consent decree. The City moved to terminate the decree, arguing that the City had substantially complied with the decree and had undergone institutional reform. The plaintiffs filed a cross motion to enforce the decree and for contempt, arguing that the City's then-recent cleanup operations showed a systemic violation of the decree and the constitutional rights of homeless individuals. Following a seven-day evidentiary hearing, the district court granted the City's motion to terminate and denied the plaintiff's motion for contempt. The plaintiffs appealed both decisions to the Eleventh Circuit Court of Appeals. Following briefing and oral argument, the Court issued its opinion, affirming in all respects.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Diego Martin Talamo v. State of Florida Department of Transportation and the City of Miami*, Miami-Dade County Circuit Court, Case No. 20-9138 CA (11) (**CAG**). Plaintiff alleged he suffered catastrophic injuries on September 15, 2017, when his motorcycle struck the median on N.E. 36th Street and 5th Avenue. Plaintiff claimed the State of Florida DOT and the City were negligent in failing to maintain the median with proper lighting, roadway striping, and reflectors. On September 23, 2020, the Plaintiff voluntarily dismissed the City without prejudice after FDOT responded to discovery and acknowledged the roadway in question was a State road.

CIVIL RIGHTS ACTION: *Mikeada Effs v. City of Miami, City of Miami Police Department, and Alexi Figueroa, individually and as a former police officer of the City of Miami*, United States District Court, Southern District of Florida, Case No. 20-cv-20712-JLK (**CAG**). Plaintiff alleged that on January 26, 2016, she was stopped by former police officer Alexi Figueroa in the area of N.W. 80th Street and 7th Avenue. Plaintiff claimed the officer ordered her to get into his police vehicle where he sexually assaulted her. Plaintiff alleged she pulled away from the officer, left the police car and had a family member call 911 to report the incident. Figueroa was ultimately arrested and charged with false imprisonment and battery. He was terminated as a police officer with the City and his termination was upheld in an arbitration award dated June 20, 2019. Plaintiff

sued the City claiming violations of her civil rights under the Fourth and Fourteenth Amendments. Plaintiff also sued the City for negligence. Plaintiff sued Figueroa for negligence, assault, battery, false imprisonment, and civil rights violations. On October 1, 2020, Judge King granted the City's motion to dismiss the amended complaint with prejudice. The Court held the Plaintiff failed to identify the existence of a municipal policy that was the moving force of the claimed constitutional violations. Therefore, there was no basis to impose civil liability on the City of Miami under 42 U.S.C. section 1983. In a prior ruling, Judge King found that Plaintiff failed to state a claim for relief under the Florida Civil Rights Act, and that Plaintiff had failed to properly allege a waiver of sovereign immunity on the negligence claim. The Court allowed the case to proceed against Defendant Figueroa.

CIVIL RIGHTS APPEAL: *Sebastian v. City of Miami, et al.*, Third District Court of Appeal, Case No. 3D19-2410 (JAG). This was a civil rights case where the federal court dismissed the state law claims against the City of Miami and Armando Aguilar, Jr. with prejudice and the plaintiff attempted to refile the state law claims against the City in state court. The state court dismissed the case as to the City based on res judicata/collateral estoppel. The Plaintiff appealed. On appeal, the Third District Court of Appeal affirmed the dismissal as to the City of Miami and Aguilar.

WHISTLEBLOWER APPEAL: *Igwe v. City of Miami*, Florida Supreme Court, Case No. SC20-511 (KLM). In this matter, the former Independent Auditor General of the City, claimed that he suffered "adverse employment action" under the Florida Whistleblower statute when his contract was not renewed by the City Commission in alleged retaliation for engaging in protected activities—issuing audit reports critical of City financial decisions and his cooperation with an SEC in an investigation of the City. Ultimately, the trial court entered judgment in favor of the City. Igwe appealed the final judgment to the Third District Court of Appeal, which affirmed the decision of the trial court on December 26, 2019. Igwe filed a notice of intent to invoke the discretionary jurisdiction of the Florida Supreme Court, seeking review of the decision of the district court. Following jurisdictional briefing, the Florida Supreme Court on October 29, 2020, issued an order denying review.

LAND USE APPEAL: *Warren Perry v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 19-219 AP (KLM). In this matter, petitioner, Warren Perry, filed a petition for writ of certiorari challenging the decision of the City Commission approving the Magic City Innovation District Special Area Plan--consisting of a rezoning and comprehensive plan amendment. Petitioner challenged the approval based on: the Commission's denial of his requested intervenor status; the alleged departure from Miami 21's intent with regard to preservation of neighborhoods and the provision of affordable housing; inconsistency with the scale and character with the surrounding neighborhood; and lack of competent substantial evidence. Following briefing and oral argument, the appellate division issued an opinion affirming the Commission's decision.

WORKERS COMPENSATION: *Adolfo Reyes v. City of Miami*, OJCC No. 07-009750ERA (WAJ). This matter involves a retired City of Miami Police Officer with numerous prior worker's compensation accidents. All accidents and benefits have been settled with the exception of medical benefits under the August 23, 1996 occupational disease claim covered by the

presumption of compensability found in F.S. 112.18(1) ("The Heart Bill"). This occupational disease was accepted as compensable and benefits have been provided by the City of Miami. This matter has been the subject of extensive litigation over the years. The most recent petitions for benefits filed are dated November 13, 2019 and January 28, 2020 and seek additional medical benefits for conditions the City considered unrelated to the compensable claim. The benefits claimed were denied. The City asserted several affirmative defenses and took the position that the benefits sought were either unrelated to the instant compensable claim or the treatment was rendered necessary due to the claimant's own intentional or negligent acts causing self-harm, *inter alia*. The final hearing on the matter was scheduled to take place on September 16, 2020. Prior to the final hearing, the claimant filed a notice of voluntary dismissal without prejudice.

WORKERS COMPENSATION: *Saul Fernandez v. City of Miami*, OJCC 16-19788ERA (WAJ). The claimant is a former City of Miami police officer who was injured on-the-job on December 24, 1986 when he was involved in a motor vehicle collision on-the-job. The City of Miami authorized health care providers to treat him for those injuries under workers' compensation since then. We previously reported that on June 29, 2020, Judge of Compensation Claims Almeyda denied the benefits sought in the Petition for Benefits of September 10, 2019 as well as attorney's fees and costs. The City prevailed. At the time of that final hearing, Judge Almeyda reserved jurisdiction to hear a other previously filed petitions for benefits [PFBs] of March 11, 2020 and March 18, 2020 which had not been mediated. The City took the position that the benefits sought in both PFBs should be denied based on res judicata, laches and other affirmative defenses. The final hearing on these PFBs was scheduled for January 14, 2020. However, the claimant filed a notice of voluntary dismissal of the issues prior to the final hearing and as such the City prevailed. In addition to all other affirmative defenses to the claim, the City now takes the position that such a claim is barred under the workers' compensation double dismissal rule, 60Q-6.116(2), F.A.C. [as identical benefits were claimed in a previously dismissed PFB of August 14, 2019]. The City takes the additional position that no attorney's fees or costs are due as a consequence of this litigation.

MISCELLANEOUS MATTERS: In addition, during the months of September, October and November, this Office handled a total of 368 hearings before the Code Board, Code Magistrate and Unsafe Structure Panel.

NEW CASES OPENED IN SEPTEMBER, OCTOBER & NOVEMBER 2020

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Edaly Rojas Bonilla & Jairo Bonilla v. City of Miami*, Miami Dade County Circuit Court, Case No. 20-18341 CA 31 (JTM). The Plaintiffs allege that on October 10, 2019, at NW 7th Avenue and NW 48th Street in Miami, Officer Felix Eduardo Piloto negligently operated a police vehicle within the course and scope of his employment which caused a collision with Plaintiff Rojas Bonilla's vehicle. Plaintiff Rojas Bonilla alleges she was injured as a result. Plaintiff Bonilla alleges a loss of consortium.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Valeska Suazo, et. al. v. City of Miami, et al.*, Miami-Dade County Circuit Court, Case No. 20-016501 CA 01 (NMR). Plaintiffs Valeska Suazo and Carlos Lino, allege that on September 23, 2019, they were involved in a motor vehicle accident with a City of Miami employee who was negligently operating a vehicle owned by Defendant City of Miami. This accident allegedly occurred at the intersection of West Flagler

Street and 826 N/B off ramp west of 22nd Avenue. As a direct and proximate cause of said accident, Plaintiffs allege that they have suffered permanent and/or continuing bodily injuries

FALSE ARREST/EXCESSIVE FORCE ACTION: *Marshall Younger v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-018822 CA 01 (15) (**DAH**). Plaintiff claims that on December 17, 2017, he was falsely arrested, battered, and subject to malicious prosecution when he was arrested by City of Miami Police Officers after he got into an argument with his then wife during a custodial divorce visitation and child custody parental exchange of his minor son at the Bond at Brickell Condominium located at 1080 Brickell Avenue, Miami, Florida. The charges were later dismissed by the State Attorney's Office. Plaintiff claims that police used excessive force which injured his shoulder, bicep, and teeth.

PUBLIC RECORDS ACTION: *Andrade v. Roadway, Inc. and Department of Off-Street Parking d/b/a Miami Parking Authority*, Miami-Dade County Circuit Court, Case No. 20-20620 CA 04 (**EJE/JMS**). Plaintiff filed a Petition for Writ of Mandamus alleging violation of the public records law. Petitioner demands production of public records, costs, and attorney's fees, and that the MPA immediately terminate its contract with Roadway, Inc. The MPA is represented by the Office of the City Attorney.

CIVIL RIGHTS ACTION: *Lamont Collins v. City of Miami, et al.*, United States District Court, Southern District of Florida, Case No. 20-cv-23589-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 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; violation of Equal Protection and Due Process Rights under the Fourteenth Amendment due to his arrest for accosting and threatening guests at the Doubletree Grand Hotel while brandishing a knife on February 13, 2021. Pro Se Plaintiff is seeking monetary damages.

NEGLIGENCE ACTION (TRIP AND FALL): *Ivery, Christia v. City of Miami, Miami-Dade County, and Florida Department of Transportation*, Miami Dade County Circuit Court, Case No. 20-19618 CA 01 (**JTM**). The Plaintiff alleges that on September 27, 2018, she tripped and fell due to a negligently maintained sidewalk at 1351 NW 12th Street in Miami.

NEGLIGENCE ACTION (TRIP AND FALL): *Zoila Leyva v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-019264 CA 01 (23) (**JPO**). Plaintiff alleges that she tripped and fell over sidewalk located on NW 34th street, just west of NW 7th Avenue on the north side of 34th Street.

WORKERS COMPENSATION: *Raleigh Mills v. City of Miami*, OJCC No. 20-021835ERA (**WAJ**). The claimant is a solid waste collector II hired by the City of Miami on or about July 4, 2016 who claims he was injured on-the-job on January 7, 2020 when he heard a popping sound in his shoulder and neck while driving. The accident has been accepted as compensable. The City has provided workers' compensation benefits but on September 23, 2020 the claimant, by and

through his counsel, filed a petition for benefits seeking additional medical benefits as well as attorney's fees, and costs.

LAND USE ACTION: *Maureen McCarthy v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-19294 CA06 (**RSD/DSG**). Plaintiff sues the City alleging that the improvements at 2010 SW 25th Terrace, allowed by the City of Miami, are inconsistent with the surrounding neighborhood and the requirements of the City Zoning Code. Plaintiff seeks declaratory and injunctive relief, and damages.

NEGLIGENCE ACTION: *Stephanie Larrimore, as natural mother and court-appointed guardian of Charles A. Rolle, Jr., an incapacitated person v. City of Miami and Miami-Dade County*, Miami-Dade County Circuit Court, Case No. 20-21370 CA (13) (**CAG**). Plaintiff alleges that on May 14, 2017, Plaintiff Rolle was riding a bicycle with a motor on N.W. 62nd Street when he was struck by a motor vehicle causing Rolle severe injuries which left him incapacitated. Plaintiff alleged the City was negligent in failing to maintain the streetlights along N.W. 62nd Street and allowing a dangerous condition to exist.

NEGLIGENCE ACTION: *Janise Linton, and Carolyn Louis Rolle-Burnside, a minor, by and through her natural parent and next friend, Janise Linton v. Carmen Laura Marquez, Hector Luis Lopez Vazquez, and City of Miami*, Miami-Dade County Circuit Court, Case No. 19-31554 CA (01) (**CAG**). Plaintiff Janise Linton alleged that on January 18, 2019, she was a passenger on a City trolley which collided with a car driven by Defendant Marquez near the intersection of S.W. 8th Street and 13th Avenue. Plaintiff alleged she sustained injuries and lost income as a result of the accident. Additionally, Plaintiff alleged that the accident caused the premature birth of her daughter, Plaintiff Carolyn Louis Rolle-Burnside, who allegedly suffered personal injuries and incurred medical expenses for her care and treatment. Plaintiffs alleged negligence claims against Defendant Marquez, Defendant Vasquez who was operating the City trolley, and the City of Miami.

NEGLIGENCE ACTION: *Soto, Eric v. City of Miami & Miami-Dade County, Miami Dade County Circuit Court*, Case No. 2020-019047 CA 01 (**NMR**). The Plaintiff filed suit against the City, County, Miami-Dade County Park, Recreation, and Open Spaces Department, and Tropical Homes and Gardens Landscape Designs, Inc. alleging that on August 8, 2017, while driving his vehicle near 1901 South Miami Ave, a rotted tree fell on his vehicle from the swale, causing him serious bodily injury.

NEGLIGENCE ACTION: *Lezedric Raynard Hill, as Father and Natural Guardian of L.H., a minor v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-21269 CA (13) (**CAG**). Plaintiff alleged that on November 16, 2018, he called 911 to report that his minor son had suffered a fall and was bleeding and crying. City of Miami Fire Rescue responded to the scene to assess the child. Plaintiff alleges that his son demonstrated symptoms consistent with a fractured leg requiring immediate transportation and medical attention pursuant to the City's protocol and the applicable standard of care. Plaintiff further claims City paramedics erroneously concluded that transportation was not required and refused to transport the child. After City paramedics left, Plaintiff transported his child to the hospital where the child was hospitalized in

the pediatric intensive care unit with fractures to his right leg and head. Plaintiff alleges his son suffered pain and suffering as a result of the City's negligence.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Sean Bamberry v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2020-216323- CA 01 (JPO). The Plaintiff alleges that on or about January 4, 2019 he was involved in a motor vehicle accident caused by City of Miami Employee Eric Soccares at NW 11th Avenue and NW 55th Street and sustained bodily injury and property damages. The Plaintiff filed a one-count complaint alleging negligence against the City only and did not list Soccares as a Co-Defendant.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Marianne Penichet v. City of Miami*, Miami-Dade County Circuit Court, Case No. 2020- 21388 CA 01(JPO). The Plaintiff alleges that on or about March 1, 2018 she was involved in a motor vehicle accident when City of Miami Officer Juan Carlos Velazco rear-ended her vehicle while she was traveling North on I-95 in the far right lane, just north of SW 2nd Street. She alleges that she slowed down to yield to traffic in front of her and when the officer crashed into her vehicle she sustained bodily injury and property damages. The Plaintiff filed a one-count complaint alleging negligence against the City only and did not list Velazco as a Co-Defendant.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Max Fredrick v. Yermaine Briceno and City of Miami*, Miami-Dade County Circuit Court, Case No. 2020-19690 CA 01 (JPO). Plaintiff alleges that on May 18, 2018 he was involved in a motor vehicle accident with Yermaine Briceno, a City Employee.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Yesmi Menjivar-Sarmiento v. Heriberto Mercado and City of Miami*, Miami-Dade County Circuit Court, Case No. 20-017101 CA 01 (13) (DAH). Plaintiff has filed suit against Heriberto Mercado and the City of Miami alleging that on December 28, 2018, at southbound interstate 95 just 100 feet south of NW 8th Street, Miami, City of Miami Police Officer Heriberto Mercado negligently operated a City of Miami Police car and struck the vehicle that Plaintiff was operating causing injuries to the Plaintiff. Plaintiff is claiming bodily injury, medical expenses, and lost wages.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Victor Manuel Silverio, Ofelia Gonzalez Hernandez, and Lazaro Oliva Duran v. Francisco Alberto Almonte, Nathalie Pena Almonte, City of Miami, and City of Miami Police Department*, Miami-Dade County Circuit Court, Case No. 20-015584 CA 01 (24) (DAH). Plaintiffs allege that on July 27, 2016, the car that they were driving was struck by Police Officer Francisco Alberto Almonte driving a marked City of Miami Police car at NW 17th Avenue and NW 7th Street in Miami, Florida when he lost control of the vehicle he was driving and crossed over the median striking the vehicle Plaintiffs were traveling in the opposite direction as Officer Almonte's vehicle. Plaintiffs are claiming bodily injury, medical expenses, and lost wages.

NEGLIGENCE ACTION (TRIP AND FALL): *Maria Del Pilar Garcia v. Miami Marlins, City of Miami, Miami Parking Authority, and Marlins Stadium Operator*, Miami-Dade County Circuit Court, Case No.2020-022779 CA 01 (JPO). The Plaintiff alleges that on June 4, 2017, she was

being pushed in a walker on the premises of Marlins Stadium when she fell and sustained serious bodily injuries due to the uneven surface impeding the path of travel leading to the parking garage.

CODE ENFORCEMENT APPEAL: *33 NW 21 Ave., LLC v. City of Miami*, Miami-Dade County Circuit Court, Appellate Division, Case No. 20-230 AP 01 (**JAG**). The Appellant has appealed from the decision of the Code Enforcement Board.

NEGLIGENCE ACTION (TRIP AND FALL): *Carreno Ortiz, Adnelys v. City of Miami, Bellsouth Telecommunications d/b/a/ AT&T Florida, & Mastec North America*, Miami-Dade County Circuit Court, Case No. 20-5218 CA 01 (**JTM**). The Plaintiff has filed suit against the City, AT&T, and Mastec alleging that on July 18, 2019, she fell in a large hole/pit and was injured in a grassy area/swale at 641 SW 31st Avenue in Miami. The Plaintiff alleges AT&T and Mastec did excavation activities at the subject location and the City owned it. Each defendant has one claim of standard premises liability negligence and one claim of negligence per se for violation of Fla. Stat. 768.10.

NEGLIGENCE ACTION (TRIP AND FALL): *Kasarcian, Raffi v. City of Miami & Miami-Dade County*, Miami Dade County Circuit Court, Case No. 20-874655 CA 01 (**NMR**). The Plaintiff filed suit against the City and County alleging that on December 14, 2018, while attempting to traverse the sidewalk adjacent to 1465 SW 8th Street, he tripped and fell over and unlevel and uneven sidewalk and was injured.

NEGLIGENCE ACTION (PREMISES LIABILITY): *Maria E. Hernandez v. SMG Holdings I, LLC, SMG Holdings II, LLC, and the City of Miami*, Miami-Dade Circuit Court Case No. 20-024401 CA 01 (31) (**DAH**). The Plaintiff has filed suit against SMG Holdings I, LLC, SMG Holdings II, LLC, and the City of Miami, claiming that she tripped and fell on steps and/or stairs allegedly maintained by the City of Miami at 400 SE 2nd Avenue, Miami, Florida on February 12, 2017 when she was exiting the James L. Knight Center. Plaintiff alleges that the City negligently maintained the steps and/or stairs, they were not uniform, lighting was improper or inadequate, handrails were improper, and that there was an inadequate or insufficient number of ushers to assist patrons. Plaintiff claims that she suffered bodily injury, aggravation of a pre-existing injury, and medical expenses.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Casco v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-22542 (**HJH**). This is an action for automobile negligence against the City of Miami for an accident on August 20, 2020, involving a Miami on-duty police officer. The claim is brought by Marbelly Casco, who was driving and allegedly injured, and her husband Eliud, who is the owner of the vehicle.

FIRST AMENDMENT CLAIM: *Colin Reed and Colby Jenson v. City of Miami*, Miami-Dade County Circuit Court, Case No. 20-22748 CA 01 (**CAG/GKW/KLM**). Plaintiffs allege that on June 21, 2019 they were attending the Wynwood Gay Pride festival and collecting signatures for a constitutional petition drive with table set up on a sidewalk. Plaintiffs were arrested for violating section 54-2 of the City code which prohibits persons from obstructing a street or sidewalk after a request by law enforcement to move on. Plaintiffs allege the State Attorney's Office dismissed the criminal charges the next day. Plaintiff's claim their First Amendment right to free speech was

violated by the arrest. In addition, they allege the arrest violated their Fourteenth Amendment right to equal protection under the law by denying them the use of public space for lawful activity. Finally, Plaintiffs seek damages and attorney's fee for claims of false arrest.

NEGLIGENCE ACTION (MOTOR VEHICLE ACCIDENT): *Marjulys Garcia v. City of Miami, et al.*, Miami-Dade County Circuit Court, Case No. 20-15506 CA 01 (08) (**NMR**). Plaintiff alleges that she was a passenger in a LYFT vehicle when the LYFT vehicle was struck by a City of Miami vehicle operated by Officer John Hinson on June 25, 2019.

MISCELLANEOUS MATTERS: During the months of September, October and November 2020, the following were opened: 6 foreclosure matters; 8 bankruptcy matters; 5 quiet title matters; 6 workers compensation lien subrogation matters; 51 pre-suit claims; 4 labor matters; 6 subrogation matters; 6 civil service matters; and 21 code enforcement matters. The details of those matters are not included in this report. If you wish to be briefed on any or all of these additional matters, a meeting will be coordinated at your convenience.