

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul Aguila, City Attorney *RAH*
for

DATE: May 8, 2019

SUBJECT: **City Attorney's Status Report**

LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT:

1. **STEPHANIE OKA FREED RICHARD STOLLENWERCK V. CITY OF MIAMI BEACH MAYOR DAN GELBER AND RIC-MAN INTERNATIONAL, INC. LISA JANKOWSKI REGISTERED AGENT** Case No. 2019-1533-SP-24 (County Court 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is a small claims action for an amount of \$2,091.00. The Summons was served on the City on April 2, 2019.

The case is CLOSED; the Plaintiff filed a voluntary dismissal on April 26, 2019.

2. **DEREK KNIGHT V. CITY OF MIAMI BEACH** Case No. 2019-006297 CA01 (Circuit Court of the 11th Judicial Circuit in and for Miami Dade County, Florida)

Plaintiff sued the City alleging that he was terminated from his employment based upon his race. The City will vigorously defend this lawsuit.

3. **TABATHA WEST AND SHANE WEST, her husband v. EDDIE GOMEZ, PROMO DIGITAL & PRINT, CORP, AND CITY OF MIAMI BEACH** Case No. 2019-006127-CA-01 (Circuit Court of the 11th Judicial Circuit, in and for Miami-Dade County, FL)

The City was served with this complaint on April 22, 2019 alleging that on April 10, 2017, the plaintiff, Tabatha West and consortium plaintiff, Shane West, were standing on the sidewalk at 205 Collins Avenue, Miami Beach, Florida, when a light pole owned by the City of Miami Beach without warning or indication, fell on Tabatha West causing injury. The light pole at issue was initially struck by a truck owned by Promo Digital and driven by Eddie Gomez. After striking the light pole, Eddie Gomez and another occupant of the truck came out of the truck and picked up the fallen light pole and placed it back upright without properly securing the light pole. The plaintiffs are suing Gomez, the driver, owners of the truck, Promo Digital and the City of Miami Beach. The reason the City is in the lawsuit is because we were informed of the strike of the light pole and the fact that it was picked up and placed upright, and upon our electrical personnel getting to the scene, put barricades around the light pole without touching or making sure it was securely fastened upright and were in the process of switching off the power to the light pole when the light pole was caused to fall on the head of plaintiff, Tabatha West, due to a light breeze. We shall timely file our answer to the complaint and propound discovery to the plaintiffs.

RA/RR/YL/SR