

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 *Call for RJA*

DATE October 16, 2019

SUBJECT **City Attorney's Status Report**

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

1. **SELECT PORTFOLIO SERVICING, INC. V ADOLFO A LENGYEL A/K/A ADOLFO LENGYEL, ET AL** Case No. 19-023363-CA-01 in the Circuit Court of the 11th Judicial Circuit, in and for Miami-Dade County, Florida Civil Division

This is an action to foreclose a mortgage on real property located at 2203 Calais Drive, Miami Beach. The Summons and Complaint were served on the City on August 29, 2019.

The City's Answer and Affirmative Defense was timely filed.

2. **JOHN I. THOMPSON, III v CITY OF MIAMI BEACH** Case No. 19-025090-CA-01 (30) in the 11th Judicial Circuit Court in and for Miami-Dade County, Florida Civil Division

Plaintiff sued alleging employment discrimination based upon race. The City will vigorously defend this lawsuit.

3. **CLIVE ANDERSON V. CITY OF MIAMI BEACH** Case No. 19-026276-CA-01 in the 11th Judicial Circuit Court in and for Miami-Dade County

The City was served with this complaint on September 16, 2019 alleging that on November 6, 2018, the plaintiff, Clive Anderson, was walking outside or near 1 Washington Avenue in Miami Beach when his foot was negligently run over by non-party City Employee Stephen Everett, who was driving a City owned vehicle. The Plaintiff is alleging injuries as a result of the accident. We shall file our answer and propound discovery to the plaintiff.

4. **AMOSSYKLEIN, LLC , a Florida limited liability company vs. OCT 5334 PINE TREE, LLC, a Florida limited liability company; CLIFTON ONOLFO, individually, CITY OF MIAMI BEACH, FLORIDA, and TENANT #1, the name being fictitious as to account for party in possession** Case No. 2019-26877 CA25 in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida

This is an action to foreclose a mortgage on real property located at 5334 Pine Tree Drive, Miami Beach. The Summons and Complaint were served on the City on September 23, 2019.

The City's Answer and Affirmative Defense will be timely filed.

5. **FLAMINGO PLACE CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation, v. BARBARA SMITH; _____; spouse of Barbara Smith, if any; BEVERLY LISA RABATIE; MICHELE STAMP; THE CITY OF MIAMI BEACH, FLORIDA; and JOHN DOE and JANE DOE, a/k/a any and all unknown tenants in possession of the subject real property.** Case No. 19-19867-CC-23 in the County Court in and for Miami-Dade County, Florida

This is an action to foreclose a mortgage on real property located at 2445 Flamingo Place, #2, Miami Beach. The Summons and Complaint were served on the City on September 24, 2019.

The City's Answer and Affirmative Defense will be timely filed.

6. **SLADIA STANTIC and SIME STANTIC as parents and natural guardians of LUKA STANTIC, a minor v. CITY OF MIAMI BEACH** Case No. 19-27330-CA-01 State of Florida in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County

The City was served with this complaint on September 30, 2019 alleging that on July 9, 2018, the plaintiff minor child, Luka Stantic, was an invitee playing soccer at the soccer field at Flamingo Park when an unanchored Soccer Goal approximately 4 feet high and 8 feet wide that the Plaintiff stated was dangerous and unanchored fell on him causing injury. We shall file our answer and propound discovery to the plaintiff.

7. **1245 WEST AVENUE CONDOMINIUM ASSOCIATION, INC. a Florida not-for-profit corporation v. BRETT A. KNAPP; spouse of Brett A. Knapp, if any; MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida; The CITY OF MIAMI BEACH, a Florida municipal corporation; WASHINGTON MUTUAL BANK, a federal association; and CAPITAL ONE BANK (USA), N.A.** Case No. 2019-027570-CA-01 in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida

This is an action to foreclose a mortgage on real property located at 1245 West Avenue, Unit 404, Miami Beach. The Summons and Complaint were served on the City on October 2, 2019.

The City's Answer and Affirmative Defense will be timely filed.