

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul Aguila, City Attorney 

DATE: January 15, 2020

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

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

1. **BAYVIEW LOAN SERVICING, LLC V. LAURA DI NIRO; ET AL** Case No. 2019-033901-CA-01 (Circuit Court of the 11th Judicial Circuit of Florida, in and for Miami-Dade County)

This is an action to foreclose a mortgage on real property located at 335 W 28 Street, Miami Beach. The Summons and Complaint were served on the City on December 3, 2019.

The City's Answer and Affirmative Defenses have been timely filed.

2. **SPECIALIZED LOAN SERVICING, LLC V. ADOLFO A. LENGYEL A/K/A ADOLFO LENGYEL, ET AL** Case No. 2019-034388-CA-01 (Circuit Court of the 11th Judicial Circuit of Florida, in and for Miami-Dade County)

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 December 3, 2019.

The City's Answer and Affirmative Defenses have been timely filed.

3. **DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-QS16 V MARIA DEL CARMEN BETANCOURT A/K/A MARIA DEL C BETANCOURT; ET AL** Case No. 2019-035566-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County)

This is an action to foreclose a mortgage on real property located at 6423 Collins Ave, Unit 603, Miami Beach. The Summons and Complaint were served on the City on December 17, 2019.

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

4. **STEVEN EDWARD FINER V A.I.M. INVESTMENT CORP., D/B/A THE FORGE, AND MIAMI BEACH** Case No. 2018-034391-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

The City was served with this complaint on January 3rd, 2020 alleging that on June 21, 2018, the plaintiff, Steven Edward Finer, was walking on or about the Defendants' property located at 432 W 41st Street, Miami, FL 33140, when he fell as a result of an elevation on the ground directly between the sidewalk controlled and maintained by Defendant, MIAMI BEACH, and the concrete controlled and maintained by Defendant, THE FORGE. The plaintiff is alleging that he was injured and is suing both the City and the Forge for damages. We shall file our answer to the complaint and propound discovery to the plaintiff.

5. **TERRY PERMAN V. CITY OF MIAMI BEACH** Case No. 2019-035244-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

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