

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 

DATE: June 24, 2020

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

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

1. **ARMANDO VALENTIN V CITY OF MIAMI BEACH** Case No. 2020-007740-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

Plaintiff sued the city alleging employment discrimination. The city will vigorously defend this claim.

2. **ROSELYND PROENZA V. CITY OF MIAMI BEACH, A MUNICIPAL CORPORATION, SFM JANITORIAL SERVICES, LLC., A FLORIDA LIMITED LIABILITY CORPORATION & FERRADO MIAMI, LLC, A FOREIGN LIMITED LIABILITY COMPANY** Case No. 2020-008524 CA01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

The City was served with this complaint on May 4th, 2020 alleging that on September 22, 2018, the plaintiff, Roselynd Proenza, was walking on the sidewalk at 860 Ocean Drive in Miami Beach, Florida when she tripped over gravel and/or rocks and other debris that had flowed out of the planters onto the sidewalk. The Plaintiff is suing SFM Janitorial Services, the City's janitorial service provider responsible for cleaning and sweeping the gravel and debris at that location back unto the planters, and also suing the property owner, Ferrado Miami, LLC at the 860 Ocean Drive location. We have tendered for indemnification and representation to SFM pre-suit who denied the tender, and post-suit, Robert Aragon of our Risk Department has tendered to the insurance carrier of SFM with no response at this time. We shall file our answer to Plaintiff's Complaint and also file a cross-claim against SFM in our answer to the Complaint.

3. **JONATHAN A. RAMIREZ DAGHER V. CITY OF MIAMI BEACH**, Case No. 2020-004515-CA-01 (04) (Circuit Court of the 11th Judicial Circuit, in and for Miami-Dade County, Florida)

The City was served with this complaint on May 13th, 2020 alleging that on October 12, 2018, the plaintiff, Jacqueline H. Caceido, was driving a Ford Focus at or near 8th Street in Miami Beach when her vehicle collided with a Ford Fusion driven by Plaintiff, Ramirez Dagher, resulting in injuries to the Plaintiff. Although, the City

Employee Ms. Caceido was not cited for the accident, she was at fault for the accident resulting in the City paying the Plaintiff a little over \$8,000 for the property damage to his Ford Fusion vehicle. We shall file our answer to the complaint, propound discovery to the Plaintiff, and respond to Plaintiff's request for production and interrogatories.

4. **GINETTE LUXAMA V CITY OF MIAMI BEACH** Case No. 1:20-cv-21843 (United States District Court for the Southern District of Florida)

Plaintiff sued the City alleging employment discrimination. The City will vigorously defend this lawsuit.

5. **JETSKI EXOTICS, LLC V. CITY OF MIAMI BEACH** Case No. 2020-001242-CC-24 (Circuit Court of the 11th Judicial Circuit, in and for Miami-Dade County, Florida)

This is a two count Complaint, Count 1 - Conflict/Preemption claim regarding municipal ordinance Sec. 82-1 of the City Code and Count 2 - Conversion of identifiable monies regarding fines paid for certain code violations.

The Summons and Complaint were served on the City on May 26, 2020.

Plaintiff has since amended his Complaint. The City's Answer(s) will be timely filed.