

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul Aguila, City Attorney 

DATE: September 16, 2020

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

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

1. **R.E.T.C. Inc., etc. vs. QBE Insurance Corporation, et al.,** Case No. 2020-12545 CC 25 (County Court in and for Miami-Dade County, Florida)

This is for equitable relief and damages associated with construction of the Convention Center Park n/k/a Pride Park located at 1800 Convention Center Drive. The Plaintiff is the subcontractor retained by the City's contractor, Critical Path Services, Inc. The Summons and Complaint were served on the City on July 30, 2020.

The City's Motion to Dismiss the claim for equitable relief on the basis that Plaintiff has an adequate remedy at law for breach of contract against the Surety on the Payment Bond was filed on August 26, 2020.

2. **GGH 26, LLC vs. Ocean 8240 Byron Holdings, LLC etc., et al.,** Case No. 2020-14955 CA 09 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is to quiet title in connection with the issuance of a Tax Deed for the real property located at 8240 Byron Avenue, Miami Beach, FL. The Summons and Complaint were served on the City on July 31, 2020.

The Answer and Affirmative Defenses was timely filed on August 5, 2020.

3. **LATOYA JENKINS V. CITY OF MIAMI BEACH** Case No. 2020-008429 (Circuit Court - 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

The City was served with this complaint on August 7, 2020 alleging that on April 16, 2016, the plaintiff, Latoya Jenkins, while walking at the sidewalk located at Ocean Avenue and 2<sup>nd</sup> Street, Miami Beach, tripped and fell due to the unlevel sidewalk resulting in her falling and injuring herself. Plaintiff is alleging that the City of Miami Beach did not properly maintain the sidewalk at issue resulting in the fall and injury. We shall file our answer and propound discovery to the plaintiff.

4. **US Bank National Association, etc. vs. Blessed Holdings Trust Corp., LLC etc., et al.,** Case No. 2020-6764 CA 32 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a residential mortgage on the real property located at 5757 Alton Road, Miami Beach, FL. The Summons and Complaint were served on the City on August 10, 2020.

The Answer and Affirmative Defenses was timely filed on August 10, 2020.

5. **BANK OZK, formerly known as Bank of the Ozarks, as successor by merger to CI BANK, a foreign for profit corporation v. 918 STAR, LLC, a Delaware limited liability company, DAVID EDELSTEIN, ET AL** Case No. 2020-016406-CA-01 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 918-920 Lincoln Rd, Unit 1A & 2A, Miami Beach. The Summons and Complaint were served on the City on August 24, 2020.

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

6. **The Bank of New York Mellon, etc. vs. Ivor Rose, et al.,** Case No. 2019-2425 CA 30 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a residential mortgage on the real property located at 1386 S. Venetian Way, Miami, FL. The Summons and Verified Amended Complaint were served on the City on August 28, 2020.

The Answer and Affirmative Defenses will be timely filed.