

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul Aguila, City Attorney-



DATE: November 18, 2020

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

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

1. **SUSAN MALBIN V COMCAST CABLE COMMUNICATIONS, LLC, COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC, CCU, LLC, AND CITY OF MIAMI BEACH**  
Case No. 2020-018707-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

The City was served with this complaint on October 8, 2020 alleging that on January 14, 2018, the plaintiff, Susan Malbin, while walking in the alleyway at 1400 Ocean Court, Miami Beach, Florida, when she tripped over a utility cover/cable box that was protruding from the ground and sustained injuries. The Plaintiff is suing the City alleging that the City owns the alleyway at issue and also suing Comcast as owners of the utility/cable box. It appears that the City granted a permit to Comcast to install the utility/cable box at issue. If that is the case, We shall tender the lawsuit to Comcast for indemnification and representation, otherwise, we shall file our answer to the complaint and propound discovery to the Plaintiff.

2. **NANNETTE MERCIER V CITY OF MIAMI BEACH, BERGERON LAND DEVELOPMENT, INC. AND FLORIDA DEPARTMENT OF TRANSPORTATION CASE**  
No. 2020-021792-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

The City was served with this complaint on October 16, 2020 alleging that on April 6, 2018, the plaintiff, Nannette Mercier, while walking on the sidewalk at 10<sup>th</sup> Street and Alton Road in Miami Beach, Florida 33139 when she tripped and fell causing injuries to her. Plaintiff is alleging that either the city of Miami Beach or FDOT owned the sidewalk, and Bergeron was responsible for maintaining it at the time of the accident. We shall file our answer and propound discovery to the Plaintiff.

3. **LAURIE KAUFMAN V CITY OF MIAMI BEACH, AND FLORIDA DEPARTMENT OF TRANSPORTATION** Case No. 2020-022117-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida) \

The City was served with this complaint on October 20, 2020 alleging that on April 21, 2017, the plaintiff, Laurie Kaufman, was attempting to traverse from the sidewalk at approximately 1800 Meridian Avenue when she tripped and fell over on the broken and unlevel sidewalk resulting in injury to her. Plaintiff is claiming the sidewalk at issue is either owned by the City of FDOT. We shall file our answer and propound discovery to the Plaintiff.