

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

MEMO #

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, City Attorney

DocuSigned by:
Rafael Paz
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DATE: March 27, 2023

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

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

1. **LAMONT COLLINS V. CITY OF MIAMI BEACH** Case No. 21-cv-24489 (United States District Court for the Southern District of Florida).

This is a lawsuit brought against the City of Miami Beach and officer M. Ozaeta for alleged excessive force, false arrest and a purportedly illegal search under 42 U.S.C. § 1983 relating to an incident that occurred on February 4, 2019.

2. **WILLIAM SARUBBI V. THE CITY OF MIAMI BEACH, OFFICER ADRIEL DOMINGUEZ, OFFICER ADRIAN DOMINGUEZ, AND OFFICER LEON PAIGE**, Case No. 1:23-CV-20558-KMM (United States District Court for the Southern District of Florida).

This is an action against the City of Miami Beach, Officer Adriel Dominguez, Officer Adrian Dominguez, and Officer Leon Page, relating to the arrest and prosecution of Plaintiff in alleged violation of state law and 42 U.S.C. § 1983.

3. **ELIAKIM BROWN V. THE CITY OF MIAMI BEACH MAYOR DAN GELBER IN HIS OFFICIAL AND INDIVIDUAL CAPACITY, THE CITY OF MIAMI BEACH, THE CHIEF OF MIAMI BEACH POLICE DEPARTMENT RICHARD CLEMENTS, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, POLICE OFFICER JUAN ZAPATA, IN HIS INDIVIDUAL CAPACITY, POLICE OFFICER LAZARO RIESGO IN HIS INDIVIDUAL CAPACITY** Case No. 23-CV-20744 (United States District Court for the Southern District of Florida).

This is an action brought by an individual handcuffed and detained, but not arrested, on December 18, 2020. Plaintiff has sued the City, Mayor Gelber, Chief Clements, Officer Juan Zapata and Officer Lazaro Riesgo for alleged violation of his civil rights, and various provisions of federal and state law.

4. **CATERINA AIELLO V. CITY OF MIAMI BEACH, a Florida Municipality, and MCI METRO ACCESS TRANSMISSION SERVICES CORP. d/b/a VERIZON ACCESS TRANSMISSION SERVICES, a foreign profit corporation** Case No. 2023-002817-CA-22 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida).

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Caterina Aiello has sued the City of Miami Beach relating to a trip and fall on November 21, 2021 on Dickens Street at 71st Avenue. Plaintiff claims the City of Miami Beach or MCI Metro Access Transmission Services Corp were negligent relating to the maintenance of that location.

5. **BARBARA LEIBELL V. CITY OF MIAMI BEACH AND LANZO CONSTRUCTION CO., FLORIDA** Case No. 2023-003401-CA-08 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action brought by Barbara Leibell against the City of Miami Beach and Lanzo Construction Co. of Florida alleging negligence relating to a trip and fall on April 12, 2020 at East Rivo Alto Drive.

6. **AMNESIA INTERNATIONAL, LLC D/B/A STORY NIGHTCLUB V. CITY OF MIAMI BEACH**, Case Nos. 2023-003316-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida) and 3D23-0459 (Florida's Third District Court of Appeal).

This is an action brought by a nightclub challenging the enforceability of Ordinance 2023-4542, which amends Section 142-693 of the City Code by providing that alcoholic beverages shall not be offered for sale or consumed on-premises at alcoholic beverage establishments in the South of Fifth Street neighborhood after 2:00 a.m., subject to certain exceptions. The Circuit Court denied the nightclub's emergency motion for a temporary injunction to enjoin enforcement of the Ordinance pending a final trial. The Circuit Court did, however, grant the nightclub's request for a thirty-day stay of enforcement of the Ordinance to allow it time to wind down its business and seek expedited appellate review of the Circuit Court's order. The nightclub has appealed the denial of its motion for a temporary injunction to Florida's Third District Court of Appeal.

RAP/lr