

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: April 28, 2023

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

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

1. **LHOME MORTGAGE TRUST 2021-RTL1, V LIONS DEN GLOBAL DEVELOPMENT LLC, a Delaware Limited Liability company; LUIS PONCE, an Individual; THE CITY OF MIAMI BEACH, FLORIDA; UNKNOWN TENANT #1; UNKNOWN TENANT #2** Case No. 2023-004322-CA (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 7741 Hawthorne Ave.

The Summons and Complaint were served on the City on March 23, 2023. The City's Answer and Affirmative Defenses will be timely filed.

2. **WELLS FARGO BANK N.A. V ANITA BOSHIER AKA BOSHIER ROSSETTI, et al** Case No. 2023-004698-CA-22 (Circuit Court of the 11th Judicial Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 642 Michigan Ave. Unit 3.

The Summons and Complaint were served on the City on March 28, 2023. The City's Answer and Affirmative Defenses will be timely filed.

3. **JOSE LUIS PEREZ V CITY OF MIAMI BEACH AND S & W OF MIAMI, L.L.C.,** Case No. 2023-6647 CA 23 (Circuit Court of the 11th Judicial Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action brought against the City of Miami Beach and the corporate entity for the Smith and Wollensky restaurant located at 1 Washington Avenue in Miami Beach. Plaintiff claims that the restaurant and the City negligently failed to provide adequate security resulting in a criminal assault in which he was injured. The Office of the City Attorney will vigorously defend this case.

4. **NANCY DOLORES CAMACHO V CITY OF MIAMI BEACH** Case No. 2023-010336-CA-07 (Circuit Court of the 11th Judicial Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for damages relating to alleged negligence of a City of Miami Beach driver. Plaintiff alleges that on August 11, 2022, a City of Miami Beach vehicle struck her vehicle as they were both travelling north on Meridian Avenue. The Office of the City Attorney will vigorously defend this matter.

RAP/lr