

MIAMI BEACH

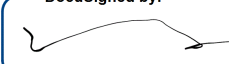
City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

MEMO #

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, City Attorney

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DATE: May 17, 2023

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

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

1. **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY A/S/O JULIA PINEDA** Case No. 2022-017197 SP 23 (County Court in and for Miami-Dade County, FL)

This was an action for property damage relating to an automobile accident. This case has been dismissed with prejudice.

2. **KESOKI PAINTING LLC V FLORIDA CONSTRUCTION AND ENGINEERING INC., AND CITY OF MIAMI BEACH FLORIDA** Case No. 2023-010323-CA-08 (County Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for breach of contract and unjust enrichment by a painting subcontractor against a contractor and the City of Miami Beach relating to the alleged failure of the contractor to make payment under a contract. The City of Miami Beach Office of the City Attorney has filed a motion to dismiss and will defend this claim.

3. **2EE LLC vs. Lemano Investments LLC, et al.,** Case No. 23-014584 CA 27 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action on a promissory note and on a guaranty and to foreclose a mortgage on the real property located at 1248 Marseille Drive, Miami Beach, Florida. The Summons and Complaint to Foreclose Mortgage and Other Relief (the "Complaint") were served on the City on April 26, 2023.

The Complaint alleges that the City's Notice of Priority lien for the unpaid costs associated with an Unsafe Structure Board Order recorded on July 11, 2018 in the public records in and for Miami-Dade County, Florida is inferior to Plaintiff's interest.

The Answer and Affirmative Defenses was timely filed on May 4, 2023.

4. **JOELMA DE FARIAS SANTOS, an individual v. CITY OF MIAMI BEACH, a Florida corporation** Case No. 2023-006249-CA-01 (Circuit Court of 11th Judicial Circuit in and for Miami-Dade County)

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This is a claim for negligence against the City of Miami Beach relating to a trip and fall at 74th Street and Ocean Terrace on April 17, 2022. The Office of the City Attorney will defend this claim.

5. **CHRISTINE MICHAELSKI V VENICE HOLDINGS, LLC, MARUS ASAM, individually, MIRJAM ASAM, individually, BUILDTECH GROUP INC., and FULL POWER CONCRETE SERVICES, INC. CITY OF MIAMI BEACH, a political subdivision of the State of Florida** Case No. 2022-016307 CA-06 (Circuit Court of 11th Judicial Circuit in and for Miami-Dade County)

This is a claim for negligence against the City of Miami Beach and numerous other Defendants relating to a trip and fall at 130 W. Rivo Alto Drive on April 5, 2021. The Office of the City Attorney will defend this claim.

6. **RUTH AMGAR V FLORIDA DEPARTMENT OF TRANSPORTATION, a Political Subdivision of the State of Florida and THE CITY OF MIAMI BEACH, a Florida Municipal Corporation** Case No. 2023-011501-CA-30 (Circuit Court of 11th Judicial Circuit in and for Miami-Dade County)

This is a claim for negligence against the City of Miami Beach and the Florida Department of Transportation relating to a trip and fall at 5th Street and Lenox Avenue on March 27, 2020. The Office of the City Attorney will defend this claim.

7. **NICOLE MATHURIN AND LUCMANNE JANVIER as Co-Personal Representatives of the Estate of PENIEL JANVIER v. CITY OF MIAMI BEACH, a Florida Municipality** Case No. 2023-013411-CA-13 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for negligence relating to the accidental drowning death of Peniel Janvier at the Scott Rakow Youth Center on August 16, 2022. The Office of the City Attorney will defend this claim.

RAP/lr