

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 A. Paz

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DATE: September 13, 2023

SUBJECT: **City Attorney Status Report**

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

1. **JUANA MELIN V. CITY OF MIAMI BEACH** Case No. 2023-011642-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for damages claiming negligence by the City of Miami Beach. Juana Melin asserts that her foot got caught in a hole/crack adjacent to the sidewalk in front of the 17th Street Parking Garage (G5) located at 640 17th Street, causing her to trip and fall and injure herself. The Office of the City Attorney will vigorously defend this action.

2. **YARLINE DEL CARMEN CHALLENGER AND HER HUSBAND MICHAEL CHALLENGER V. FLORIDA DEPARTMENT OF TRANSPORTATION, A GOVERNMENTAL ENTITY, AND MIAMI-DADE, A GOVERNMENT ENTITY AND CITY OF MIAMI BEACH, A GOVERNMENTAL MUNICIPALITY** Case No. 2023-007395-CA-27 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for damages relating to an accident that occurred on February 18, 2022, when the Plaintiff was riding her scooter, Northbound on Collins Ave/AIA, between 25th and 26th Streets. Plaintiff alleges her scooter's front wheel hit the uneven surface of the roadway, causing her to fall on the ground and sustain injuries. In her four-count Complaint, Plaintiff alleges one count, negligence, against the City. The Office of the City Attorney will vigorously defend this matter.

3. **VIRGINIA WALCOTT V. JONATHAN Y RODRIGUEZ AND CITY OF MIAMI BEACH, a Political Subdivision** Case No. 2023-012844-CA-25 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for damages relating to alleged automobile accident that occurred on October 06, 2022, when the Plaintiff and a City driver, Jonathan Rodriguez, collided while traveling on Dade Boulevard. In her Complaint, Plaintiff alleges one count for negligence against Defendant Rodriguez and one count for vicarious liability against the City. The Office of the City Attorney will vigorously defend this matter.

4. **1234 WASHINGTON ACQUISITION, LLC, a Florida limited liability company, v. URBIN MIAMI BEACH OWNER, LLC, a Florida limited liability company; SOUTH FLORIDA CONSTRUCTION SOLUTION, INC., a Florida corporation; ADONEL CONCRETE CORP., a Florida corporation, G. PROULX BUILDING PRODUCTS, LLC, a Florida limited liability company; ROCK & DIRT CONSTRUCTION EQUIPMENT**

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RENTAL, LLC, a Florida limited liability company; TOUZET STUDIO, INC., a Florida corporation; RENE's EQUIPMENT RENTAL – MASTER PAVING ENGINEERING, LLC, A Florida limited liability company; URBIN MIAMI BEACH MEZZANINE, LLC, a Florida limited liability company; URBIN MIAMI BEACH PARTNERS, LLC, A Florida limited liability company; URBIN, LLC, A Florida limited liability company; URBIN FOUNDERS GROUP, LLC, a Florida limited liability company; CITY OF MIAMI BEACH; and, UNKNOWN TENANTS IN POSSESSION NOS. 1-5 Case No. 2023-020039-CA-31 (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 1234 & 1260 Washington Avenue, Miami Beach, FL. The Summons and Complaint were served on the City on August 3, 2023. The City's Answer and Affirmative Defenses were timely filed.

5. LUCIA CATALINA ANGARITA AREVALO V. CITY OF MIAMI BEACH Case No. 2023-04199-CA-10 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for damages relating to an alleged accident that occurred on March 16, 2023 when the Plaintiff was skating in Lummus Park and "tripped over cables." In her Complaint, Plaintiff alleges one count for negligence against the City. The Office of the City Attorney will vigorously defend this matter.

6. SHANIA DEREFAKA V. WATERFRONT CONDO ASSOCIATES, A FLORIDA PROFIT CORPORATION, CITY OF MIAMI BEACH, DONNIE ERIC ZAMOR, ROMARIO JEAN, QUINTERIUS ANTRAIL COOMBS, TORRIE SEAN MICHAEL ZAMOR, JASON F HENE, LEE QUINCY BURRELL, JR., TIFFANY 3/8 ASSOCIATES, LTD., THE S.O. BEACH CORP, RED CIRCLE N.Y. CORP., FERRADO MIAMI, LLC, MIAMI-DADE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, UNKNOWN PARTY #1 AND UNKNOWN PARTY #2 Case No. 2023-014152-CA-04 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

The City was served with this complaint on August 16, 2023, alleging that on or about March 20, 2022, Defendants, Donnie Eric Zamor, Romario Jean, Quinterius Antrai and/or Torrie Sean Michael Zamor opened fire into a crowd standing outside of Waterfront Condo Associates located at 800 Ocean Drive, injuring and causing emotional and/or psychological injury to scores of people, including Plaintiff. Plaintiff is asserting a negligence claim against the City. The Office of the City Attorney will vigorously defend this matter.

RAP/lr