

MIAMI BEACH

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

MEMO #

COMMISSION MEMORANDUM

TO: Mayor Steven Meiner and Members of the City Commission

FROM: Ricardo J. Dopico, City Attorney 

DATE: May 15, 2024

SUBJECT: **City Attorney Status Report**

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

1. **JOHNATHAN HALL v. CMB, ALVARO LEON, MIAMI BEACH POLICE OFFICER, DANIEL GONZALEZ, MIAMI BEACH POLICE OFFICER, AND VICTOR SILOT, MIAMI BEACH POLICE OFFICER** Case No. 24CV20980-DPG United States District Court for the Southern District of Florida

This case arises from an encounter between Plaintiff and certain members of the Miami Beach Police Department ("MBPD") on March 14, 2020 (the "Incident"). Alvero Leon, Daniel Gonzalez, and Victor Silot are the named individual defendants. Plaintiff's complaint alleges that he had gone to the bar inside of the Barbizon Beach Condominium and that the bar manager told an officer that there was an intoxicated male at the bar with a firearm in his waistband. Further alleging that MBPD officers were subsequently dispatched and "without any provocation by Plaintiff," Officer Defendants allegedly shot Plaintiff multiple times. Counts I, II, and III purport to assert Section 1983 excessive force claims against Officers Leon, Gonzalez, and Silot, respectively. Count IV, the only count against the City, purports to assert a claim for municipal liability under 42 U.S.C. § 1983. Count V purports to assert a state-law battery claim against Officer Defendants. The Office of the City Attorney will vigorously defend this matter.

2. **DALONTA CRUDUP V CITY OF MIAMI BEACH, A MUNICIPAL CORPORATION, OFFICER KEVIN PEREZ, SGT. JOSE PEREZ, LIEUTENANT JOSE REINA AND AS YET UNIDENTIFIED POLICE OFFICERS** Case No. 1:24-cv-21108-CMA United States District Court for the Southern District of Florida

This case arises from an encounter between Plaintiff and certain members of the Miami Beach Police Department ("MBPD") on July 26, 2021 (the "Incident"). Officer Kevin Perez, Sgt. Jose Perez, Lt. Jose Reina and "As Yet Unidentified Police Officers" are the named individual defendants. Plaintiff's complaint alleges that he suffered injuries resulting from an "assault and battery on the Plaintiff by a group of 21 or more Miami Beach police officers." Counts I and II are claims against the City under 42 U.S.C. § 1983. Counts III and IV are claims against Defendant Reins

and "As Yet Unidentified Officers" for supervisory liability and failure to intervene. Count V is a claim against Defendant Officers for malicious prosecution. Count VI is a claim against Defendant Officers for excessive use of force. Count VII and VIII are state law claims against the City under § 768.28. Count IX is a claim against Defendant Officers for battery. Count X is a state law claim against Defendant Officers for malicious prosecution. Counts XI and XII are state law claims against the City for negligent training and negligent supervision. The Office of the City Attorney will vigorously defend this matter.

3. **HGF LOAN SERIES 2019-01, L.P. V. JUAN CARLOS CAMPS; UNKNOWN SPOUSE OF JUAN CARLOS CAMPS; PROGRESSIVE AMERICAN INS. CO; CITY OF MIAMI BEACH, FLORIDA; FLAMINGO TOWERS CONDOMINIUM, INC., AKA FLAMINGO TOWERS CONDOMINIUM ASSOCIATION, INC; AKA FLAMINGO TOWERS CONDOMINIUM ASSOCIATION, INC. ; UNKNOWN TENANT #1; UNKNOWN TENANT #2; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER AND AGAINST THE HEREIN NAMED INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS; AND ALL PARTIES HAVING OR CLAIMING TO HAVE ANY RIGHT, TITLE OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT** Case No. 13-2024-005858-CA-05 Circuit Court of the 11th Judicial District in and for Miami-Dade County, Florida

This is an action to foreclose a mortgage on real property located at 1250 Alton Rd, Unit 5D, Miami Beach, FL 33139.

The Summons and Complaint were served on the City on April 12, 2024.

The City's Answer and Affirmative Defenses will be timely filed.

4. **LEA KREMER v. FLORIDA DEPARTMENT OF TRANSPORTATION, AND CITY OF MIAMI BEACH** Case No. 2023-024598-CA-09 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida Civil Division) served on 041724 by Henry Pinto assigned to Henry Hunnefeld 24-CMB00020-030200

This is an action for damages relating to an alleged trip and fall accident that occurred on March 28, 2022. Plaintiff claims that she was injured in a fall at the intersection of Collins Avenue and 23rd Street. The Office of the City Attorney will vigorously defend this action.

5. **U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE FOR VELOCITY COMMERCIAL CAPITAL LOAN TRUST 2023-3 as successor-in-interest TO VELOCITY COMMERCIAL CAPITAL, LLC, a foreign limited liability company vs. SBR GEMS, LLC, a Florida limited liability company;**

SHAUL LEVY, individually; TRITON TOWER CONDOMINIUM, INC., a Florida not-for-profit corporation; CITY OF MIAMI BEACH, a municipality; U.S. STRUCTURES, INC., a Florida corporation; and UNKNOWN TENANT(s) / OWNER(S) / SPOUSE(S) IN POSSESSION OF APT 1439 Case No. 2024-006581-CA-27 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 2899 Collins Ave., APT 1439, Miami Beach, FL 33140.

The Summons and Complaint were served on the City on April 30, 2024.

The City's Answer and Affirmative Defenses will be timely filed.

6. **PATRICIA RODRIGUEZ FURIO V. ERNESTO RODRIGUEZ AND CITY OF MIAMI BEACH, a Florida Municipal Corporation** Case No. 2024-007790-CA-27 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is a claim for automobile negligence relating to a collision involving a City-owned, City-employee-operated vehicle on Biscayne Boulevard in Miami on September 27, 2022. The Office of the City Attorney will vigorously defend this action.

RJD/lr