


MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul Aguila, City Attorney 

DATE: December 12, 2018

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

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

1. **The Bank of New York Mellon, etc. vs Miguel Fernandez, et al.**, Case No. 18-34606 CA 34 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)
This is an action to foreclose a mortgage on real property located at 7450 North Augusta Drive, Miami, FL. The Summons and Verified Complaint were served on the City on November 5, 2018.

The City's Answer and Affirmative Defense was filed on November 6, 2018.

2. **LCP NPL 3 2018, LLC vs RG Michigan 2014, LLC, et al.**, Case No. 18-36665 CA 34 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a commercial mortgage on real property located at 419 Michigan Avenue / 944 5th Street, Miami Beach, FL. The Summons and Complaint were served on the City on November 7, 2018.

The City's Answer and Affirmative Defense was filed on November 8, 2018.

3. **Lee Holmes v. City of Miami Beach** Case No. 2018-037413-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

Plaintiff sued the City in state court alleging that he suffered discrimination in his City employment based upon his race. The City will vigorously defend this claim.

4. **Windy Lucius v. City of Miami Beach and Homeland Security Solutions, Inc.** Case No. 2018-CV-24764 (United States District Court for the Southern District of Florida Miami Division)

Plaintiff sued the City in federal court alleging that she was denied a reasonable accommodation when she was not hired as a 911 dispatcher due to her blindness. The City will vigorously defend this claim.

5. **Bentley Bay Retail, LLC, vs. Network Engineering Services, Inc. D/B/A Bolton, Perez & Associates, The Florida State Department Of Transportation; and The City of Miami Beach** Case No. 2018-037236-CA-01 (Circuit Court in the 11th Judicial Circuit in and for Miami-Dade County, Florida)

Plaintiff filed a lawsuit against the above-mentioned parties and the City of Miami Beach on November 2, 2018. Plaintiff sought injunctive relief and damages caused to its business by the closure of West Avenue in Miami Beach in connection with an ongoing McArthur Causeway repair project. At the November 29, 2018 hearing on a temporary injunction, the parties reached an agreement before the judge and the case was dismissed without prejudice.