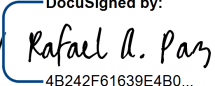




City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
FROM: Rafael A. Paz, City Attorney 
DATE: April 6, 2022
SUBJECT: City Attorney's Status Report

Lawsuits filed by or against the City of Miami Beach since the last report:

1. **D.F. v. City of Miami Beach**, Case No. 22-002610-CA-23(Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida). This is a lawsuit for negligent security against the City of Miami Beach. Plaintiff claims that on January 28, 2021, at approximately 3:15 a.m., he was sexually assaulted on the beach near Lincoln Road. The City is preparing a motion to dismiss this complaint.
2. **Amnesia International LLC d/b/a Story Nightclub v. City of Miami Beach**, Case No. 22-003722-CA-23 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida). This is an action for injunctive and declaratory relief brought by the owners of Story nightclub to enjoin the City's enforcement of its two-week 2 A.M. Spring Break rollback of alcohol service hours in areas of the City south of 17th Street in South Beach. The case was consolidated with a similar challenge brought by the Clevelander, and Circuit Court Judge Beatrice Butchko held a hearing and agreed with plaintiff's argument that the legislation was a land-use regulation that required 5 votes of the City Commission. The City Attorney's Office immediately appealed, moved to expedite the appeal, and moved to stay the court's decision pending appeal, but, unfortunately, the Third District Court of Appeal denied those motions. The result of those denials was that the appeal would not be heard until after the two-week Spring Break rollback had passed, so the City Attorney's Office voluntarily dismissed its appeal. We have now moved in the Circuit Court to dismiss the case as moot because the two-week at issue has passed.
3. **Avery Hubbard v. Miami-Dade County and City of Miami Beach**, Case No. 19-007455-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida). This is an action for negligence against the City of Miami Beach relating to an alleged trip and fall at the corner of 79th Street and Harding Avenue on July 20, 2018. The City has answered this complaint.
4. **Lamont Collins v. City of Miami Beach, et al**, Case No. 21-CV-24489-WILLIAMS MCALILEY (United States District Court for the Southern District of Florida Miami Division). This is a lawsuit brought against the City of Miami Beach, State Attorney Fernandez Rundle and Officer M. Ozaeta for alleged excessive force, false arrest and illegal search relating to

Commission Memorandum – City Attorney’s Status Report

April 6, 2022

Page 2

an incident on February 4, 2019. This lawsuit has not yet been served on the City of Miami Beach.

5. **Red Ginger SB, LLC d/b/a Papi Steak v. City of Miami Beach**, Case No. 22-05483-CA-06 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida). This is an action for injunctive and declaratory relief brought by a restaurant seeking a declaration from the Court that the Curfew imposed by the City Manager commencing March 23, 2022, violated state law. A hearing on a motion for emergency injunction was conducted on March 25, 2022. The City prevailed on the emergency motion and the Curfew was allowed to stand. Plaintiff has advised the City that it will not pursue an appeal.

6. **Treehouse 323 LLC v. City of Miami Beach**, Case No. 22-05498-CA-04 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida). This is an action for injunctive and declaratory relief brought by a music venue seeking a declaration from the Court that the Curfew imposed by the City Manager commencing March 23, 2022, violated state law. A hearing on a motion for emergency injunction was conducted on March 25, 2022. The City prevailed on the emergency motion and the Curfew was allowed to stand. Plaintiff has advised the City that it will not pursue an appeal.

RAP/ag