

# 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 Paz  
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DATE: May 4, 2022

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 V. CITY OF MIAMI BEACH** Case No. 2022-008318-SP-05 in the County Court in and for Miami-Dade County, Florida

Plaintiff, State Farm Insurance, alleges a motor vehicle owned by the City caused damage to Plaintiff's insured motor vehicle. The Plaintiff is seeking \$3,701.10 in damages.

2. **VARCAMP PROPERTIES, LLC. JV HOLDINGS 1400, LLC. V. CITY OF MIAMI BEACH** Case No. 2021-018680-CA-22 in the Circuit Court, Eleventh Judicial Circuit, in and for Miami-Dade County, Florida

This is an action for inverse condemnation under state and federal law. Plaintiff claims that the renovation of West Avenue caused flooding which has damaged Plaintiffs property.

3. **CONGREGATION 3401 PRAIRIE BAIS YESHAYA D'KERESTIR, INC AND RABBI ARIE WOHL V. CITY OF MIAMI BEACH** Case No. 22-CV-21213 Altonaga/Torres, United States District Court for the Southern District of Florida

This is an action brought under federal and state law by a Rabbi and a corporation, whose articles of incorporation identify it as a synagogue, challenging an order of the City's Special Magistrate affirming code violations relating to the use of the property.

4. **JESSICA GUASTO V. CITY OF MIAMI BEACH, A FLORIDA MUNICIPALITY, RICHARD M. CLEMENTS, IN HIS INDIVIDUAL CAPACITY AND STEVEN COSNER, IN HIS INDIVIDUAL CAPACITY** Case No. 22-21004-CIV-GAYLES/TORRES United States District Court for the Southern District of Florida

Plaintiff, former Miami Beach Police officer, alleges the City discriminated against her on the basis of her sex. The Plaintiff has a history of filing charges of discrimination with the EEOC, settling those charges, then filing more charges. the Plaintiff has filed suit in federal court, alleging a Title VII violation.

*City Attorney Status Report*

*May 4, 2022*

*Page 2*

5. **KHALID VAUGHN AND SHARIF COBB V. CITY OF MIAMI BEACH, A FLORIDA MUNICIPALITY, CHIEF OF POLICE DEPARTMENT, RICHARD CLEMENTS, IN HIS INDIVIDUAL CAPACITY, OFFICER ROBERT SABATER, ET AL** Case No. 22-cv-21109, United States District Court for the Southern District of Florida

Plaintiffs, tourists visiting the City in July, 2021, allegedly saw MBPD officers “act with impunity” during an incident. Plaintiffs’ 15-count complaint alleges false arrest and excessive force under state and federal law.

6. **L. POWERS V MIAMI BEACH POLICE DEPARTMENT** Case No. 2021-019898-SP-05, in the Circuit Court, 11<sup>th</sup> Judicial Circuit, in and for Miami-Dade County, Florida

This is an action claiming a violation of public records law, seeking \$8,000 in “punitive” damages.

7. **NICHOLAS CUNNINGHAM KUSH GODS, LLC V. MIAMI BEACH POLICE DEPARTMENT** Case No. 2022-09501 SP 05 in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida

Plaintiff, owner of a clothing store called “Kush Gods,” was arrested for possessing and trafficking illegal marijuana out of his clothing store. The Plaintiff has filed suit against the City of Miami Beach Police Department and Richard Clements for an allegedly illegal raid and seizure. The Plaintiff seeks \$8,000 in damages.

RAP/lr