

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	City Attorney Ricardo J. Dopico
DATE:	July 24, 2024
TITLE:	<b>CITY ATTORNEY'S STATUS REPORT</b>

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

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

1. **CLEVELANDER OCEAN LP V. CITY OF MIAMI BEACH ET AL** Case No. 2021-11642-CA-22

This case originally arose from the Clevelander's challenge to the temporary Alcohol Sales Rollback in the MXE District (which has since expired by its own terms) and the repeal of an eastbound noise exemption. However, on June 14, 2024, the Clevelander filed a motion to amend the complaint to significantly expand the claims against the City (as well as Miami-Dade County). The proposed new claims include challenges to (1) certain City ordinances; (2) the City's processing of a Live Local application concerning the property where the Clevelander currently operates; (3) the City's imposition of an emergency curfew during spring break 2024 and the possibility of curfews during future spring breaks; and (4) the City's and County's closure of portions of Ocean Drive to vehicular traffic. A hearing will be held on August 8, 2024, on the motion to amend the complaint.

2. **RICARDO RIVERA V. CITY OF MIAMI BEACH** Case No. 2024-012412-CA-08

This case arises from an alleged motor vehicle incident that took place on June 18, 2022, when Ashley D. Symonds Mendizabal, a City employee, was driving a City vehicle and allegedly collided with Plaintiff. Plaintiff's one-count Complaint asserts a claim for negligence against the City. Workman Injury Law, PLLC, represents the Plaintiff in this matter. The Office of the City Attorney will vigorously defend this matter.

### **FISCAL IMPACT STATEMENT**

N/A

### **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on.

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

## **FINANCIAL INFORMATION**

## **CONCLUSION**

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item,  
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

City Attorney

### **Sponsor(s)**

### **Co-sponsor(s)**

### **Condensed Title**

City Attorney's Status Report