

R10 A CITY ATTORNEY'S STATUS REPORT
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 3, 2025

TITLE: CITY ATTORNEY'S STATUS REPORT

RECOMMENDATION

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

1. MANUEL MINAGORRI V. SILVER PAINT & HARDWARE SUPPLY, LLC, HOWARD BLUMIN D/B/A ELBE APARTMENTS PARTNERSHIP, CITY OF MIAMI BEACH, AND CITY NATIONAL BANK LAND TRUST AS TRUSTEE

Case No. 2024-022958-CA-30 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

Plaintiff alleges that on January 24, 2024, he was walking on a sidewalk at or near 1138 Normandy Drive when he tripped and fell over an uneven walkway, causing him to sustain injuries. Plaintiff claims that the City and the adjoining property owner and lessee were all negligent. The Office of the City Attorney will vigorously defend this matter.

2. CARLOS CARRERA SOARES V. COGECO US FINANCE, LLC F/K/A ATLANTIC BROADBAND FINANCE, LLC, A FOREIGN LIMITED LIABILITY COMPANY, CITY OF MIAMI BEACH; MIAMI DADE COUNTY AND FLORIDA DEPARTMENT OF TRANSPORTATION

Case No. 2024-021588-CA-23 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

Plaintiff alleges that on November 14, 2020, he was walking on the roadway adjacent to the sidewalk at 7300 Collins Avenue when he fell into a hole adjacent to the street and crosswalk at the 73rd Street intersection, causing him to sustain injuries. Plaintiff claims that the City of Miami Beach, Miami-Dade County, the Florida Department of Transportation, and Atlantic Broadband (the latter of which was allegedly doing construction at that location at the time of the incident) were all negligent. The Office of the City Attorney will vigorously defend this matter.

3. STACY HENRY V. CITY OF MIAMI BEACH

Case No. 24-cv-24098-KMM (United States District Court for the Southern District of Florida)

This is an employment discrimination case brought by a former City of Miami Beach police dispatcher who allegedly was terminated because of her medical disability. The three-count complaint asserts (1) failure to accommodate, (2) disability discrimination, and (3) "regarded as" disability discrimination, all under the Americans with Disabilities Act. The Office of the City Attorney will vigorously defend this matter.

4. SHIMON BEN DAVID V. CITY OF MIAMI BEACH, A FLORIDA MUNICIPAL CORPORATION, ADRIEL DOMINGUEZ, RYAN CHIN, REY AGUILAR AND OFFICE WISMIK

Case No. 1:24-cv-243626-JEM (United States District Court for the Southern District of

Florida)

In the operative complaint, the plaintiff asserts four claims under 42 U.S.C. Subsection 1983 (one against each of the named defendant-officers) for alleged violations of the Fourth Amendment to the United States Constitution, as well as one claim under state law against the City for alleged false arrest. All of these claims arise from the detention of the plaintiff in connection with a search warrant executed on August 24, 2022. The Office of the City Attorney will vigorously defend this action.

5. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, A/S/O GRACE A. ROCHE V. CITY OF MIAMI BEACH

Case No. 2024-234173-SP-05 (County Court in and for Miami-Dade County, Florida)

This is a one-count subrogation claim for property damage allegedly incurred during the course of a motor vehicle accident on or about March 30, 2022, at or near SW 88th Street and SW 124th Avenue in Miami-Dade County, involving a City employee. The Office of the City Attorney will vigorously defend this matter.

BACKGROUND/HISTORY

ANALYSIS

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-notices/>

FINANCIAL INFORMATION

N/A

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

Previous Action (For City Clerk Use Only)