

R10 A CITY ATTORNEY'S STATUS REPORT
Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: City Attorney Ricardo J. Dopico
DATE: February 26, 2025
TITLE: CITY ATTORNEY'S STATUS REPORT

RECOMMENDATION

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

1. ARCH MORTGAGE COMPANY, Plaintiff, vs. ASSURANCE PRASHANT THAKKER; THE UNKNOWN SPOUSE OF PRASHANT THAKKER, if any; CARLOS R. DONOSO a/k/a CARLOS R. DONOSO-LOPEZ; KIMBERLY L DONOSO a/k/a KIMBERLY L. DONOSO-LOPEZ; BAYVIEW TERRACE ASSOCIATION, INC.; CITY OF MIAMI BEACH, FLORIDA; UNKNOWN TENANT IN POSSESSION #1; UNKNOWN TENANT IN POSSESSION #2; JP MORGAN CHASE BANK, N.A., SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK, F/K/A WASHINGTON MUTUAL BANK, FA; and all unknown parties claiming by, through under or against the named defendants, whether living or not, and whether said unknown parties claims as heirs, devisees, grantees, assignees, lienors, creditors, trustees, or in any other capacity, claiming by, through under or against the named defendants, Case No. 2024-023487-CA-05 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

This is an action to foreclose a mortgage on real property located at 1228 West Ave., #902, Miami Beach, FL.

The Summons and Complaint were served on the City on January 15, 2025.

The City will be filing the appropriate pleadings.

2. TERRABANK, N.A. V. LE PETIT PAPILLON MONTESSORI CORPORATION, ET AL Case No. 2025-206-CA-23 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

This is an action to foreclose a mortgage on real properties located at 997 Biarritz Dr, 1021 Biarritz Dr, 6946 Rue Vendome & 6915 Rue Versailles, Miami Beach, FL.

The Summons and Complaint were served on the City on January 27, 2025.

The City will be filing the appropriate pleadings.

3. ROBERT LAVECCHIA V CITY OF MIAMI BEACH, a municipal corporation, and Transportation America Inc, a Florida corporation, Case No. 24-235206-CC-05 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

Plaintiff Robert Lavecchia asserts one count of negligence against both the City and Transportation America Inc. ("TAI"), who operates the trolley services in the City. Plaintiff's alleged property-damage claim arises out of an incident on April 7, 2024, where Plaintiff's vehicle allegedly was side-swiped by a trolley. TAI will be defending the City in this suit.

4. ADAM LACROIX V. CITY OF MIAMI BEACH Case No: 1:25-cv-20682 (United States District Court Southern District of Florida, Miami Division)

In his five-count Complaint, Plaintiff Adam Lacroix alleges that his First Amendment rights to freedom of speech and freedom to exercise religion were violated, and that Florida's Religious Freedom Restoration Act was violated, when Plaintiff was instructed to turn off his sound amplification while sharing his "religious, political and social message" in public spaces. Plaintiff further alleges that the City failed to adequately train and/or supervise its officers to prevent such violations. Plaintiff also challenges portions of the City's noise ordinance, facially and as applied to him. The Office of the City Attorney will vigorously defend this action.

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-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)

City Attorney

Co-sponsor(s)

Condensed Title

City Attorney's Status Report

Previous Action (For City Clerk Use Only)