

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: October 30, 2024
TITLE: CITY ATTORNEY'S STATUS REPORT

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

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

1. **ALBERTO FERRER v CITY OF MIAMI BEACH** Case No. 2024-015625 CA 13, (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

Plaintiff alleges that on December 17, 2023, he was walking on a sidewalk at or about 7434 Harding Avenue when he stepped into an uncovered water meter hole, causing him to fall to the ground and sustain injuries. Plaintiff's one-count Complaint asserts a claim of negligence against the City.

The Office of the City Attorney will vigorously defend this matter.

2. **EDGAR D. PAL v. CITY OF MIAMI BEACH, RAPHAEL GRANADO, CITY CLERK OF MIAMI BEACH** Case No. 2024-016558 CA 05 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This was an action brought by an individual claiming a violation of public records law by the City of Miami Beach.

This case has been dismissed with prejudice.

3. **NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING V. SHELDON ROBERT FRANK, JINHUA LIANG, ET AL** Case No. 2024-01678 CA-10 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 824 Raymond Street, Miami Beach, FL.

The Summons and Complaint were served on the City on September 18, 2024.

The City's Answer and Affirmative Defenses were timely filed.

4. **FELISHA WILLIAMS V. MIAMI-DADE COUNTY, CITY OF MIAMI BEACH MIAMI-DADE POLICE OFFICER TERRELL JONES, IN HIS INDIVIDUAL CAPACITY, MIAMI-DADE POLICE OFFICER S. SIMONS (BADGE # 9906) IN HIS INDIVIDUAL CAPACITY, CITY OF MIAMI BEACH DETECTIVE ALBERTO PORRO, IN HIS INDIVIDUAL CAPACITY, AND JOHN DOE POLICE OFFICERS 1-10** Case No. 2024-014130-CA-27 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

This is a civil rights lawsuit brought by Plaintiff claiming excessive force and false arrest under state and federal law. The office of the City Attorney has removed this action to federal court and will be vigorously defending this claim.

5. **GREGORY S TYNDELL V. CITY OF MIAMI BEACH** Case No. 2024-181738 SP 24 (County Court in and for Miami-Dade County, FL)

This is a small claims lawsuit in County Court over the City allegedly confiscating Plaintiff's property. Plaintiff is representing himself pro se. The Office of the City Attorney will vigorously defend this matter.

6. **IDALMIS BATISTA-BLAIR V. CITY OF MIAMI BEACH** Case No. 2024-018411-CA-15 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

This case arises from an alleged incident (no date specifically alleged) in which the Plaintiff tripped and fell "due to the raised and uneven sidewalk at or near 650 Ocean Drive Miami Beach, FL 33139." Plaintiff's one-count Complaint asserts a claim for negligence against the City. The Office of the City Attorney will vigorously defend this matter.

7. **DANIEL SEQUEIRA V. CITY OF MIAMI BEACH** Case No. 2024-019172-CA-13 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

This is an action for damages relating to an automobile accident on January 11, 2024, in the City of Miami Beach involving a City vehicle. The Office of the City Attorney will vigorously defend this action.

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

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