

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: May 21, 2025
TITLE: CITY ATTORNEY'S STATUS REPORT

RECOMMENDATION

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

1. THE BALLET VALET PARKING COMPANY LTD V. THE CITY OF MIAMI BEACH

Case No. 2025-006551-CA-27 (Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, FL)

This is a dispute about the 7th Street Garage, located at 210 7th Street. The garage operator, The Ballet Valet Parking Company, asserts three claims (1. breach of contract, 2. specific performance, and 3. breach of implied covenant of good faith and fair dealing) against the City, all arising from the City's alleged failure to fulfill its obligations under a maintenance agreement to properly maintain the garage. The Office of the City Attorney will vigorously defend this action.

2. WELLS FARGO BANK, N.A. V. UNKNOWN SUCCESSOR TRUSTEE OF THE ALCIDES J BORROTO A/K/A ALCIDES BORROTO TRUST DATED MARCH 15TH 2005; UNKNOWN BENEFICIARIES OF THE ALCIDES J. BORROTO A/K/A ALCIDES BORROTO TRUST DATED MARCH 15TH, 2005; UNKNOWN SUCCESSOR TRUSTEE OF THE ESPERANZA BORROTO TRUST DATED, MARCH 16TH, 2005; UNKNOWN BENEFICIARIES OF THE ESPERANZA BORROTO TRUST DATED, MARCH 16TH, 2006; WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WACHOVIA BANK, N.A.; OCEAN WAVES CONDOMINIUM ASSOCIATION, INC. F/K/A CHAMPLAIN TOWERS NORTH CONDOMINIUM ASSOCIATION, INC.; CITY OF MIAMI BEACH, FLORIDA

Case No. 2025-007328-CA-23 (Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida)

This is an action on a mortgage on the real property located at 8877 Collins Avenue, Unit 901, Surfside, Florida. The Summons and Verified Complaint to Foreclose Mortgage (the "Complaint") was served on the City on May 2, 2025. The Complaint alleges that the City's Notice of Priority lien for the unpaid Resort Taxes in the principal amount of \$37,508 which was filed in the public records in and for Miami-Dade County, Florida is inferior to Plaintiff's interest. The Answer and Affirmative Defenses will be timely filed asserting that the City's lien is superior to Plaintiff's mortgage interest.

3. ANTHONY GOULART V. CITY OF MIAMI BEACH, A MUNICIPAL CORPORATION; BADGER METER, INC., A FOREIGN PROFIT CORPORATION; AND UTILITY METERING SOLUTIONS, LLC, A FOREIGN LIMITED LIABILITY COMPANY

Case No. 2025-005701-CA-07 (Circuit Court of the Eleventh Judicial Circuit in and for

Miami-Dade County, Florida)

In this negligence action, Plaintiff has sued the City of Miami Beach, Badger Meter, Inc., and Utility Metering Solutions, LLC, alleging that on or about April 5, 2024, a meter hole lid unexpectedly gave way under Plaintiff's foot when he stepped on it, which caused him to fall and sustain injuries. 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)

Co-sponsor(s)

Condensed Title

City Attorney's Status Report

Previous Action (For City Clerk Use Only)