

R10 A CITY ATTORNEY'S STATUS REPORT

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: City Attorney Ricardo J. Dopico
DATE: June 26, 2024
TITLE: CITY ATTORNEY'S STATUS REPORT

RECOMMENDATION

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

1. **MIGUEL A. CANELON V. CITY OF MIAMI BEACH** Case No. 2024-007409-CA-30
(Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This case arises from a motor vehicle accident that allegedly occurred when Plaintiff was riding his bicycle southbound on Pennsylvania Avenue in Miami Beach, Florida and collided with a "vehicle being operated by a City employee" on Pennsylvania Avenue near the intersection of 10th Street. Plaintiff's one-count complaint alleges a claim for negligence against the City. The Office of the City Attorney will vigorously defend this matter.

2. **FABRICE READ V. SETAI HOTEL ACQUISITION, LLC AND THE CITY OF MIAMI BEACH**
Case No. 2024-008914-CA-24
(Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This case arises from an alleged slip and fall that occurred on or about July 14, 2021, when Plaintiff was walking on the sidewalk located at 2001 Collins Avenue, Miami Beach, FL 33139. Plaintiff allegedly slipped and fell due to the existence of a slippery substance present on the sidewalk. Plaintiff alleges the City knew or should have known of the existence of said slippery substance. Plaintiff's two-count Complaint consists of a negligence claim against the City (Count I) and a negligence claim against Setai Hotel (Count II). The Office of the City Attorney will vigorously defend this matter.

3. **ELIER REMON TAMAYO V. CITY OF MIAMI BEACH AND MARCELA D. MUR** Case No. 2024-005997-CA-27
(Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida)

This case arises from an alleged motor vehicle accident that occurred on or about September 9, 2021, when Plaintiff was operating a vehicle on "18th Street and Collins Avenue" and was struck by a motor vehicle operated by Defendant Marcela D. Mur ("Mur"). Plaintiff's two-count Complaint consists of a vicarious liability claim against the City (Count I) and a negligence claim against Marcela D. Mur (Count II). The Office of the City Attorney will vigorously defend this matter.

4. **JPMORGAN CHASE BANK, NATIONAL ASSOCIATION V. ANTONIO HERNANDEZ; ARMAND ANTON; CITY OF MIAMI BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; CITY OF HIALEAH, A MUNICIPAL CORPORATION OF THE STATE**

OF FLORIDA; MIAMI-DADE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; STATE OF FLORIDA DEPARTMENT OF REVENUE; THE CLERK OF THE COURT OF MIAMI-DADE COUNTY, FLORIDA; HINA ZAFAR; DARYL REESE; LETICIA FIGUEROA; HEYDRICK RODRIGUEZ; LOURDES M MANZOR A/K/A LOURDES M. MANZOR NODAL; LILLIAN MANZOR-COATES; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND AGAINST ESTATE OF OLGA MANZOR, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEEES, OR OTHER CLAIMANTS; IDAEL RIVERO; ORALIA ZAMBRANA; MARK PHILCOX; JUAN DEJESUS PEREZ-SANTIAGO; CAPITAL ONE, NA SUCCESSOR BY MERGER TO CAPITAL ONE BANK (USA), NA; BISCAYNE BANK; STATE FARM BANK; MIDLAND FUNDING LLC, AS ASSIGNEE OF CITIBANK N.A. / SEARS MASTERCARD; MIDLAND CREDIT MANAGEMENT INC.; PROGRESSIVE AMERICAN INSURANCE COMPANY; SURF CONSULTANTS II, LLC; MPAA I; UNITED STATES OF AMERICA, DEPARTMENT OF JUSTICE; UNKNOWN SPOUSE OF ANTONIO HERNANDEZ; UNKNOWN SPOUSE OF ARMAND ANTON; UNKNOWN PERSON IN POSSESSION 1; UNKNOWN PERSON IN POSSESSION 2; UNKNOWN PERSON IN POSSESSION 3; UNKNOWN PERSON IN POSSESSION 4; UNKNOWN PERSON IN POSSESSION 5; UNKNOWN PERSON IN POSSESSION 6; UNKNOWN PERSON IN POSSESSION 7; UNKNOWN PERSON IN POSSESSION 8 Case No. 2024-008938-CA-05 (Circuit Court of the 11th Judicial Circuit of Florida in and for Miami-Dade County)

This is an action to foreclose a mortgage on real property located at 744 85th St, Miami Beach, FL 33141.

The Summons and Complaint were served on the City on June 3, 2024.

The City's Answer and Affirmative Defenses will be timely filed.

5. **KAREN BOYER V. CITY OF MIAMI BEACH** Case No. 2024-009448-CA-11 (Circuit Court of the 11th Judicial Circuit of Florida in and for Miami-Dade County)

This matter arises from an alleged incident that occurred on February 21, 2023, when Plaintiff was walking on the sidewalk and fell into a water meter hole "at or near 18th Street at 1824 Alton Road (Near the Citibank on the corner)." Plaintiff's one-count Complaint alleges a claim for negligence against the City. The Office of the City Attorney will vigorously defend this matter.

6. **RICH OMORUYI V. TURNER GUILLFORD KNIGHT CORRECTIONAL FACILITY (MIAMI DADE CORRECTIONS AND REHABILITATION DEPARTMENT HEADQUARTER, 3505 NW 107 AVE, DORAL, FL 33178, CITY OF MIAMI BEACH POLICE DEPT. (1100 WASHINGTON AVE, MIAMI BEACH, FL 33139 RECORDS; MARK MOCAHBE (NO RECORD OF ADDRESS DUE TO STAY AWAY ORDER) WORK ADDRESS 420 LINCOLN ROAD, #300 MIAMI, FL 33139; OFFICERS: OTTO LOPEZ (ID # 1091) MBPD ADDRESS, ELIO SANCHEZ (ID # 764) MBPD ADDRESS; DANIEL HAN (ID # 1019) MBPD ADDRESS** Case No. 2024-09449-CA-31 (Circuit Court of the 11th Judicial Circuit of Florida in and for Miami-Dade County)

The City was served with this Pro se Complaint on June 4, 2024, alleging potential claims for municipal liability under Section 1983, as well as various causes of actions against MBPD officers, including, but not limited to negligence, false arrest, battery and excessive force.

The City will be filing the appropriate pleadings.

7. **JPMORGAN CHASE BANK, NATIONAL ASSOCIATION V. DANIEL GABRIEL BURSTYN, ALANA R. BURSTYN; SEAN ALEXANDER BURSTYN; AVA MILA BURSTYN; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER AND AGAINST ANGELA ALOMA A/K/A ANGELA MARIA ALOMA A/K/A ANGELA MARIA BURSTYN A/K/A ANGELA ALOMA BURSTYN, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSE, HEIRS, DEVISEES, GRANTEEES, OR OTHER CLAIMANTS; STATE OF FLORIDA DEPARTMENT OF REVENUE; NINE ISLAND AVENUE CONDOMINIUM ASSOCIATION, INC; PROFESSIONAL ROOFING & SALES, INC.; CITY OF MIAMI BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; UNKNOWN PERSON IN POSSESSION #1; UNKNOWN PERSON IN POSSESSION #2; UNKNOWN SPOUSE OF DANIEL GABRIEL BURSTYN; UNKNOWN SPOUSE OF ALANA R. BURSTYN; UNKNOWN SPOUSE OF SEAN ALEXANDER BURSTYN; UNKNOWN SPOUSE OF AVA MILA BURSTYN** Case No. 2024-009587-CA-07
(Circuit Court of the 11th Judicial Circuit of Florida in and for Miami-Dade County)

This is an action to foreclose a mortgage on real property located at 9 Island Ave, Apt 1215, Miami Beach, FL 33139.

The Summons and Complaint were served on the City on June 6, 2024.

The City's Answer and Affirmative Defenses will be timely filed.

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

Department

City Attorney