

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



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COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower
Members of the City Commission
City Manager Jorge M. Gonzalez

DATE: October 7, 2008

FROM: Jose Smith, City Attorney

SUBJECT: City Attorney's Status Report

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

1. Ronald Caplan v. CMB, in the Circuit Court of the 11th Judicial Circuit, in and for Dade County, FL Case No: 08-50433 CA06

This is a lawsuit by a former employee against the City of Miami Beach. The Complaint alleges discrimination based on national origin, sex, religion, disability and retaliation. The Plaintiff was laid off from the City of Miami Beach on September 28, 2007 as a Safety Officer. The City Attorney's Office will be defending the case and will be removing it to federal court.

2. Omar Gil and Carmen Carbonelle Gil, his wife vs. Miami -Dade County and City of Miami-Beach, in the Circuit Court of the 11th Judicial Circuit, in and for Dade County, FL Case No. 08-37399 CA02

The City was served with this complaint on September 10, 2008 alleging that the plaintiff, Omar Gil, fell on the staircase at South Shore Community Center located at 833 6th Street, and owned by the City. Plaintiff alleged that his fall resulted from construction debris and concrete dust caused by City renovation activities at that location. The complaint is bereft of the date of the accident. The plaintiff is alleging that he suffered central disc herniations and disc bulging as well as other severe injuries to his back. We have filed a motion to dismiss the complaint for failure to indicate the date of the accident on the complaint. In the event that the plaintiffs amend their complaint to allege the date of the accident, we shall then file our answer and propound discovery.

Agenda Item A
Date 10-7-08

3. Wells Fargo Bank National Association vs. Pedro Armando Perez-Roura et. al, Case No. 08-52766 CA 24 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 3425 Collins Avenue, Unit 714, Miami Beach, Florida. The Summons and Complaint were served on the City on September 10, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes was timely filed.

4. Deutsche Bank National Trust vs. Jose James Pineda et. al, Case No. 08-50584 CA 06 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 8540 NW 14 Avenue, Miami, Florida. The Summons and Complaint were served on the City on September 10, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

5. Aurora Loan Service, LLC vs. Patricia V. Garcia et. al, Case No. 08-48669 CA 31 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 7326 Collins Avenue, Unit 307, Miami Beach, Florida. The Summons and Complaint were served on the City on September 12, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

6. Midfirst Bank vs. Jose A. Fernandez et. al, Case No. 08-50862 CA 24 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1922 NW 43 Street, Miami, Florida. The Summons and Complaint were served on the City on September 12, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

7. Mortgage Electronic Registration System vs. Marco Campuzano et. al, Case No. 08-51226 CA 01 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 503 75th Street, Unit 517A, Miami Beach, Florida. The Summons and Complaint were served on the City on September 12, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

8. LaSalle Bank National Association vs. Elisabeth Nardo et. al, Case No. 08-52355 CA 02 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1100 NE 191 Street, Unit 41, North Miami Beach, Florida. The Summons and Complaint were served on the City on September 12, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

9. HSBC Bank, USA, National Association vs. Daniel Gonzalez et. al, Case No. 08-47939 CA 25 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 7370 SW 35 Street, Miami, Florida. The Summons and Complaint were served on the City on September 12, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

10. The Bank of New York vs. Alejandro Maya, et. al, Case No. 08-52838 CA 30 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1498 Jefferson Avenue, Apt. 505A, Miami Beach, Florida. The Summons and Complaint were served on the City on September 15, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be filed.

11. GMAC Mortgage, LLC vs. Rolando Rodriguez, et. al, Case No. 08-52698 CA 22 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 7326 Collins Avenue, Unit 304, Miami Beach, Florida. The Summons and Complaint were served on the City on September 15, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

12. Countrywide Home Loans, Inc. vs. Daniel Latoure, et. al, Case No. 08-54649 CA 13 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 108 N. Hibiscus Drive, Miami Beach, Florida. The Summons and Complaint were served on the City on September 17, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

13. Harding Investments, LLC. vs. Michael A. Stern, et. al, Case No. 08-55066 CA 10 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 8601 Harding Avenue, Miami Beach, Florida. The Summons and Complaint were served on the City on September 18, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

14. Amtrust Bank vs. Willie E. Hicks, et. al, Case No. 08-55251 CA 11 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1390 Ocean Drive, #502, Miami Beach, Florida. The Summons and Complaint were served on the City on September 24, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

15. The Collins Condominium Association vs. Eduardo Oropez, et. al, Case No. 08-30238 CC 23 (County Court – in and for Miami-Dade County, Florida)

This is an action to foreclose a condominium lien on real property located at 6917 Collins Avenue, #1409, Miami Beach, Florida. The Summons and Complaint were served on the City on September 24, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

16. American Home Mortgage Servicing vs. Ilan Krigsfeld, et. al, Case No. 08-56470 CA 32 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1200 West Avenue, #318, Miami Beach, Florida. The Summons and Complaint were served on the City on September 24, 2008.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.