



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

MEMORANDUM

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

FROM: Jose Smith, City Attorney

DATE: November 5, 2008

SUBJECT: Attorney-Client Session

Pursuant to Section 286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation matter:

Frank Otero and Jeffrey Gibbs v. City of Miami Beach, Florida, La Gorce Country Club, Inc. and DM Fence Corporation. Eleventh Judicial Circuit Court, Case No. 05-17754 CA 30-FERNANDEZ.

Therefore, a private closed Attorney-Client Session will be held during the recess of the City Commission meeting on November 5, 2008 in the City Manager's Large Conference Room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation matter.

The following individuals will be in attendance: Mayor Matti Herrera Bower; Members of the City Commission: Saul Gross, Jerry Libbin, Ed Tobin, Deede Weithorn, and Jonah Wolfson; City Attorney Jose Smith, City Manager Jorge Gonzalez, and Special Counsel Jean Olin.

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