

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: February 25, 2009

FROM: Jose Smith, City Attorney

SUBJECT: City Attorney's Status Report

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

1. JPMorgan Chase Bank, National Association vs. Paulo Roberto Correa, et. al, Case No. 09-002876 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 6422 Collins Avenue, PH -4, Miami Beach, Florida. The Summons and Complaint were served on the City on January 21, 2009.

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 filed on February 10, 2009.

2. Abraham Rosenbaum V. City Of Miami Beach, Case No. 08-80899 CA 09 (11th Judicial Circuit in and for Miami Dade County, Florida).

The City was served with this complaint on January 21, 2009 alleging that on May 25, 2006, the plaintiff, Abraham Rosenbaum, fell on the sidewalk at the 700 block of Arthur Godfrey Road as a result of a pothole on the sidewalk. The plaintiff is alleging that he suffered from a right inguinal hernia as a result of the accident. We shall be filing our timely answer and propounding discovery.

3. William Shockett, Trustee vs. Kelapa Investments, Inc, et. al, Case No. 09-05890 CA 22 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on two parcel of real property located in Miami Beach. Parcel one is 215 6th Street and parcel two is 604-608 Collins Avenue. The Summons and Complaint were served on the City on January 30, 2009.

Agenda Item A

Date 2-25-09

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 filed on February 10, 2009.

4. C & A 900 Collins, LLC vs. 900 Collins Avenue, LLC, et. al, Case No. 09-007852 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 900 Collins Avenue, Miami Beach, Florida. The Summons and Complaint were served on the City on February 2, 2009.

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. Litton Loan Servicing, LP vs. Alfred D. Morana, et. al, Case No. 09-005178 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 1220 NE 82 Street, Miami, Florida. The Summons and Complaint were served on the City on February 2, 2009.

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. Nationstar Mortgage, LLC vs. Leonardo L. Verdial, et. al, Case No. 08-039833 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 5601 Collins Avenue, #1414, Miami Beach, Florida. The Summons and Amended Complaint were served on the City on February 2, 2009.

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. Aurora Loan Services, LLC vs. Liliana Salazar, et. al, Case No. 09-07490 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 630 85th Street, #107, Miami Beach, Florida. The Summons and Complaint were served on the City on February 3, 2009.

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. Aurora Loan Services, LLC vs. Miguel A. Reyes, et. al, Case No. 09-07649 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 2204 NE 41 Avenue, Homestead, Florida. The Summons and Complaint were served on the City on February 5, 2009.

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. Wells Fargo Bank, N.A. vs. Lourdes Rodriguez, et. al, Case No. 09-07757 CA 27 (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 14240 Glen Cairn Road, Miami Lakes, Florida. The Summons and Complaint were served on the City on February 5, 2009.

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. LaSalle Bank, N.A. vs. Dyan Dahari, et. al, Case No. 09-06322 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 15051 Royal Oak Lane, 31506, North Miami, Florida. The Summons and Complaint were served on the City on February 4, 2009.

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.

11. GMAC Mortgage, LLC. vs. Olga M. Lameran, et. al, Case No. 09-05776 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 5255 Collins Avenue, #11G, Miami Beach, Florida. The Summons and Complaint were served on the City on February 3, 2009.

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. Blue Diamond Condominium Association vs. Ruth Licata, et. al, Case No. 09-08807 CA 10 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a condominium lien on real property located at 4779 Collins Avenue, Unit 3908, Miami Beach, Florida. The Summons and Complaint were served on the City on February 9, 2009.

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. IndyMac Federal Bank, FSB vs. Daniel Gonzalez, et. al, Case No. 08-70545 CA 27 (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 1871 NE 198 Terrace, North Miami Beach, Florida. The Summons and Complaint were served on the City on February 3, 2009.

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. CitiMortgage, Inc. vs. Erin Parish, et. al, Case No. 09-08929 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 1200 West Avenue, Apt. 206, Miami Beach, Florida. The Summons and Complaint were served on the City on February 3, 2009.

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. Howard Edwards v. City of Miami Beach, Case # 09-09428 CA 23 (Circuit Court – 11th Judicial Circuit in and for Miami Dade County, Florida).

The City was served with this complaint on February 09, 2009 alleging that on April 23, 2008, the plaintiff's vehicle was struck by a City vehicle driven by Dwayne Smith as he traveled west through the intersection at NW 151 Street and 27th Avenue in the City of Miami Gardens. The City employee was not on duty and was not driving under the scope of his employment. The plaintiff is alleging injuries to his neck, back, left hand and left leg. We have informed plaintiff counsel that the City is not liable for the accident pursuant to *Garcia v. City of Hollywood*, which holds that a City is not liable for an accident when the driver of the City vehicle is not on duty and is not driving said vehicle pursuant to the scope of his employment with the City. In the event that they do not voluntarily dismiss the suit, we shall be filing our usual answer and discovery package and we shall file a motion for summary judgment.

16. JPMorgan Chase Bank, National Association vs. Luis Raton, et. al, Case No. 09-10504 CA 21 (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 5601 Collins Avenue, Apt. 901, Miami Beach, Florida. The Summons and Complaint were served on the City on February 11, 2009.

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.

17. La Salle Bank, NA vs. Ricardo K. Alvarez, et. al, Case No. 09-009856 CA 21 (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 1121 Crandon Blvd., #D505, Key Biscayne, Florida. The Summons and Complaint were served on the City on February 11, 2009.

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.

18. HSBC Mortgage Services, Inc. vs. Nuvis Guerrero, et. al, Case No. 08-71128 CA 05 (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 1881 Washington Avenue, Apt. 6-E, Miami Beach, Florida. The Summons and Complaint were served on the City on February 11, 2009.

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.

19. Imperial House Condominium vs. Abraham Eisendorfer, et. al, Case No. 09-03387 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 5255 Collins Avenue, Unit 7B Miami Beach, Florida. The Summons and Complaint were served on the City on February 13, 2009.

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.