

**LEO BUENO AND LEO BUENO ATTORNEY, P.A., v. CITY OF CORAL GABLES**

**Circuit Court – General Jurisdiction Division – Case No. 09-30619 CA 30**

Plaintiffs filed for declaratory judgment after the Code Enforcement Board issued a guilty finding for violation of the City Code Sec. 66-21 and 101.168 for failure to pay local business tax for 2008-2009 for which a fine was imposed, and alleges that the City does not have authority to assess a penalty charge on such business tax to attorneys, and seeking to certify this as a class action on behalf of fellow attorneys practicing in the City. **Court approved agreed order to stay proceedings pending final resolution of the appeal in Addison class certification case currently before the District Court of Appeal for the Second District of Florida.**

**CITY OF CORAL GABLES V. QUANTUM LEAP NETWORK, INC.**

**Circuit court – General Jurisdiction Division – Case No. 09-17991 CA 27**

In March of 2009, the City filed its complaint for specific performance of a license agreement for failure of Quantum Leap Network to complete the process to transfer the domain name, [www.venetianpool.com](http://www.venetianpool.com), to the City of Coral Gables. The City has amended its complaint to include claims that a new domain name used by Quantum Leap, [www.coralgablesvenetianpool.com](http://www.coralgablesvenetianpool.com), violates the City's trademark rights and constitutes unfair competition. The City has also added as individual defendants Robert Burr and Robin Burr for their participation in these wrongful acts which include the use of the City's service marks to promote their individual businesses. The defendants have retained Joel Hirschhorn and Bennett Hirschhorn to represent them. The depositions of David Brown, Robert Burr and Robin Burr have been taken. A settlement proposal, subject to Commission approval, has been communicated to the defendants and we await their response. The defendants have asked the court to refer the case to non-binding mediation.

**CITY OF TAMPA v. MICHAEL C. ADDISON and RICHARD T. PETITT**

**13<sup>th</sup> Judicial Circuit in and for Hillsborough County – Case No. 03-5425; Florida Supreme Court – Case No. SC 07-2198; Second District Court of Appeal – Case No. 06-3168; Second District Court of Appeal – Case No. 09-2059**

The Second District Court of Appeal certified a defendant class of all cities and counties in the State with an occupational license tax. Tampa filed an appeal challenging the certification of the defendant class on the basis that significant differences between different cities' and counties' occupational license fee ordinances make it inappropriate

for a court to treat all ordinances alike. The Florida League of Cities put together a consortium of cities and retained an appellate attorney, with Coral Gables participating as a named party in the filing of an amicus brief to insure that the City's interests are properly represented in this case. The amicus brief was filed October 9, 2006. Oral Argument was heard April 10, 2007. An opinion was rendered by the 2<sup>nd</sup> District Court of Appeal affirming the order of class certification. Tampa sought further review from the Florida Supreme Court on the class certification. Since the Florida Supreme Court refused to hear the appeal, the matter is back at the trial court level. The City will continue to defend Coral Gables' interests and support the on-going litigation along with the League and other municipalities which stand to be adversely affected in this decision. The Second District Court of Appeal ruled in our favor in the Addison "attorney/business tax" putative class action case pending in Hillsborough County. Plaintiffs' class counsel tried to sue all cities and counties in Florida in a "non-opt out" defendant class in Hillsborough County and to obtain a res judicata judgment that each local government's business tax against attorneys was unconstitutional. The trial judge had granted our motion and had dismissed all non-Hillsborough local governments from the defendant class and the appeal ensued. The 2<sup>nd</sup> DCA affirmed in all respects the trial court's order dismissing the non-Hillsborough defendant class members. Following the logic of our brief and argument, the Court held that: (a) the Home Venue Privilege is absolute and does not have a "defendant class action" exception unless created by the Supreme Court or Legislature; (b) each putative member of the defendant class (i.e. your city) is a "party" for the purposes of interposing its individual Home Venue Privilege and has a due process right to assert it. Plaintiff counsel will likely file a request for rehearing (perhaps en banc) and reconsideration within the next 15 days. After that, we expect them to attempt to appeal to the Florida Supreme Court. But the well-reasoned 9 page opinion by the Second DCA renews our confidence that our arguments will prove equally persuasive to the Florida Supreme Court should it take up the appeal.

**DETOURNAY, RANDOL and RIVIERA NEIGHBORHOOD ASS'N v. CITY OF CORAL GABLES and Intervenor, AMACE PROPERTIES**

**Circuit Court – General Jurisdiction Division – Case No. 07-29458 CA 13**

On September 7, 2007, Plaintiffs filed their complaint for declaratory and injunctive relief against the City seeking to have the Court declare the yacht basin operating at the base of the Mahi Waterway illegal and issue an injunction closing the yacht basin. Amace Properties, Inc. ("Amace"), the abutting property owner, moved to intervene in the case. Both the City and Amace moved to dismiss the complaint which were denied in part and granted in part. On September 7, 2007, Plaintiffs filed their complaint for declaratory and injunctive relief against the City of Coral Gables seeking to have the Court declare the yacht basin operating at the base of the Mahi Waterway illegal and issue an injunction closing the yacht basin. Amace Properties, Inc., the abutting property owner, intervened in the case. Amace moved for summary judgment on both claims. The Court denied the motion for summary judgment and indicated that the case should be set for trial. Plaintiffs are now represented by Andrew Dickman, Esq. On February 16, 2010, the deposition of Frank Sibiero was taken. He is the property manager for the Amace Properties Waterway project. The deposition of Armando Guerra, the President of Amace Properties, is scheduled for March 19, 2010. Plaintiffs have attempted to depose

Dennis Smith but have been unable to effect service on him. The non-jury trial has been set in this case for the four week period beginning June 7, 2010. **Mediation is set for April 20, 2010**

**FABRIC FAMILY LIMITED PARTNERSHIP v. SALONE CONSULTING GROUP, INC. and CITY OF CORAL GABLES**

**Circuit Court – General Jurisdiction Division – Case No. 09-38886 CA 30; consolidate with Case No. 09-8439 CA 15**

The City was named as Co-Defendant in an action brought by Fabric, one of the two parties to a promissory note, which alleges breach of contract against the City for withholding payment on the contract for the purchase of an ERDMS system until the dispute between Salone and Fabric has been resolved. Fabric moved to consolidate this case with Salone. Fabric filed Motion for Summary Judgment, which has been set for February 25, 2010. The City has filed its Memorandum of Law In Opposition to the Motion. In the meantime, the Court denied Salone's Motion for Summary of Judgment and granted Fabric's Motion for Summary Judgment against Salone. The Court approved the City's Motion to deposit funds in the Court Registry.

**SALONE CONSULTING GROUP, INC. v. CITY OF CORAL GABLES**

**Circuit Court – General Jurisdiction Division – Case No. 09-8439 CA 15**

Plaintiff in this case is a corporation providing services to the City, under a Professional Services Agreement, to provide functionality to the City Clerk for the effective and secure management of official city records or evidence, claiming monies owed to them under the agreement. In the meantime, the Court denied Salone's Motion for Summary of Judgment and granted Fabric's Motion for Summary Judgment against Salone. The Court approved the City's Motion to deposit funds in the Court Registry.

**R. TUCKER, TRUSTEE, Counter-Plaintiff v. JOEL ISRAEL AND CITY OF CORAL GABLES, Counter-Defendants**

**Circuit Court – General Jurisdiction Division – Case No. 08-30617 CA 06**

Counter-Plaintiff, R. Tucker, Trustee, who is the owner of a recorded tax deed on property situated in the MacFarlane Homestead, Lot 27, Block 1-A, filed a countersuit against Joel Israel and the City concerning a City waste lien which the City sold to Mr. Israel, and seeks to declare that the City's delegation, authorization and lien sale certificate is invalid and void. The City filed its Answer and Affirmative Defenses. **Israel has agreed to take over the defense of this case and provide indemnification of the City pursuant to the hold harmless agreement he signed when the lien sale**

**certificates were issued.**

**R. TUCKER, TRUSTEE, v. JOEL ISRAEL, BARRY KATZ and CITY OF CORAL GABLES**

**Circuit Court – General Jurisdiction Division – Case No. 09-36939 CA 08**

**Tucker, the owner of the property at 130 Florida Avenue, filed a quiet title action and the City was named as a defendant by virtue of the certain code enforcement claims against the property which did not involve the lien sale certificates sold to Israel. City's Answer and Plaintiff's Reply have been filed.**

**KUVIN v. CITY OF CORAL GABLES**

**Third District Court of Appeal – Case No. 3D05-2845**  
**Circuit Court – Appellate Division – Case No. 03-8911-AP;**

Petitioner filed a Petition for Writ of Certiorari seeking a permanent injunction and damages to prohibit the City from enforcing the provisions of its code, arising from a citation which Petitioner received for parking his truck in violation of the Coral Gables Zoning Code Section 8-11 and 8-12. The Court, in a ruling rendered October 14, 2005, granted the City's motion for summary judgment and upheld the constitutionality of the City's truck ordinance. The Plaintiff filed a Notice of Appeal with the Third District Court of Appeal, and the City has filed a Motion to Dismiss. The Court dismissed the appeal for failure of Kuvín to comply with the court's November 10, 2005 order. Upon payment of the filing fee, the appeal was reinstated. Kuvín has filed his initial brief in the district court of appeal, and the City filed its answer brief on Sept. 28 . Kuvín has to file his reply brief. The court heard oral argument on Tuesday, November 14 , 2006 before JJ. Schwartz, Cortinas and Rothenberg. Decision entered August 22, 2007, reversing with directions to enter declaratory judgment for appellant and to vacate the guilty determination of the hearing officer, with J. Rothenberg dissenting with a comprehensive separate opinion. The City has filed with the Third District Court of Appeal a Motion for Rehearing En Banc and a Motion requesting the Court to certify this case to the Florida Supreme Court as a matter of great public importance. **The City has filed with the Third District Court of Appeal a Motion for Rehearing en Banc and Motion for Certification to the Florida Supreme Court as a matter of great public importance. Decision on City's motion is pending.**

**NAVARRO, MARILYN and HERNANDEZ, JOE v. CITY OF CORAL GABLES**

**Circuit Court – General Jurisdiction Division – Case No. 05-18262 (T009835)**

Plaintiffs seek a temporary injunction, declaratory relief, and incidental damages arising from a citation which Plaintiffs received for parking a truck in violation of the Coral Gables Zoning Code Section 8-11 and 8-12. As this case challenges the same ordinance

on essentially the same grounds as Kuvin, the case is awaiting resolution of the Kuvin appeal. **Plaintiffs filed Motion for Relief from Stay for Final Summary Judgment.**

**NAVARRO, MARILYN and HERNANDEZ, JOE v. CITY OF CORAL GABLES**

**Circuit Court – Appellate Division – Case No. 05-357 (T009646)**

Petitioners filed a Petition for Writ of Certiorari Appellate Division seeking review of the citation which was issued for parking a truck in violation of the Coral Gables Zoning Code Section 8-11 and 8-12. Meanwhile, the Court granted the City's request to consolidate this case with Case No. 05-422 AP Martinez v. City of Coral Gables. Upon consideration of the Petitioner's Request for Temporary Injunction, the Court denied the request on February 8, 2006. The three-judge panel on March 2, 2006 granted City's Motion to Dismiss petitions for certiorari and to transfer the case to the trial court. **As this case challenges the same ordinance on essentially the same grounds as Kuvin, the case is awaiting resolution of the Kuvin appeal.**

**NOA, PERAZA AND PEREZ SIAM v. CITY OF CORAL GABLES**

**Circuit Court - Appellate Division – Case No. 06-249 AP**

Petitioners filed a Notice of Appeal with the Appellate Division seeking review of the citation which was issued for parking a truck in violation of the Coral Gables Zoning Code Section 8-11 and 8-12. The parties agree to abate the action pending final decision in Kuvin. Appellant's counsel will file the motion and agreed order with the court. **As this case challenges the same ordinance on essentially the same grounds as Kuvin, the case is awaiting resolution of the Kuvin appeal.**

**NORTHERN TRUST BANK OF FLORIDA(NA) vs. CITY OF CORAL GABLES**

**Circuit Court – Appellate Division – Case No. 2010-1709-CA**

The complaint was filed January 12, 2010. The case is before Judge Lester Langer. All defendants have been served. The attorney for the two individual defendants wrote us letters in their behalf disclaiming any interest in the property, and the disclaimers were filed with the court. Northern Trust was served on February 24th and we received a call from their legal department on March 1st that they are pulling their files and reviewing the complaint.

American Home Mortgage Servicing Inc vs <b>Ana Hernandez</b>	2007- 038753 CA 15
Amtrust Bank v <b>Maria Dora Valencia a/k/a Dora Lopez</b>	08-41654 CA 11
Aurora Loan vs <b>Ruben Garcia</b>	10-13843- CA 27
Aurora Loan vs <b>Yesenia Pouparina</b>	09-86033 CA 22
Aurora Loan v <b>Wendy Sanchez</b>	09-00331 CA 23
BAC Home Loans Servicing v <b>Maria Arias Esquiu</b>	09-91091 CA 02
BAC Home Loans Servicing LP, f/k/a Countrywide Home Loans Servicing LP v <b>Christian Lavin AKA Christian Alfredo Lavin</b>	09-77720 CA 22
BAC Home Loans Servicing LP f/k/a Countywide Home Loans Servicing LP, vs <b>Susana Rueda-Gonzalez</b>	09-57168 CA 23
BAC Home Loans Servicing LP, f/k/a Countrywide Home Loans Servicing LP v <b>Carmen Rodriguez</b>	09-048065 CA 20
BAC Home Loans Servicing LP, f/k/a Countrywide Home Loans Servicing LP v <b>Carmen Rodriguez</b>	09-68654 CA 10
Bank of America vs <b>Jose Joaquin Abad and America Sanchez-Hurtado a/k/a America Sanchez, Husband and wife</b>	09- 60713 CA 25
Bank of America NA vs <b>Carmen R. Delgado</b>	10-12087 CA 30
Bank of America vs <b>Hamilton Gutierrez</b>	09-70870 CA 22
Bank of America vs <b>Juan C. Rodriguez</b>	09-30773 CA 08
Bank of New York Mellon Trust Company vs <b>Norma J. Balsera a/k/a Normi J. Hernandez</b>	09-00866 CA 31
Bank of New York Mellon Trustee vs <b>Frank Marrero</b>	13-2009 CA 050583
Bank of New York Mellon Trustee vs <b>Yanet Marrero</b>	09-72365 CA 21
Bank of New York Mellon vs <b>Howard Cortez a/k/a Howard V. Cortez</b>	08-50763 CA 31
Bank of New York Mellon vs <b>Manuel Garcia Gonzalez</b>	09-51649 CA 04
BankUnited, as Succesor in Interest to BankUnited, FSB vs <b>Kristian Stensby</b>	13-2009-CA 058722

Bayview Loan Servicing, LLC v <b>Armando Aguirre</b>	09-35336 CA 30
Brickell Place Phase II Association, Inc. vs <b>Lord Toussant</b>	08-34611 CC 23
Chase Home Finance LLC vs <b>Daniel Bach</b>	09-22772 CA 08
Chase Home Finance LLC vs <b>Tracy M. Baker and Jackie Gloria Yee</b>	10-06177 CA 22
Chase Home Finance vs <b>Joanna Casanueva</b>	07-26013 CA 22
Chase Home Finance vs <b>Howard Vicente Cortez</b>	09-85326 CA 22
Chase Home Finance LLC vs <b>Mirtha Garcia aka Mirtha Gilda Garcia</b>	2008-066212 CA 13
Chase Home Finance LLC vs <b>Yamila Gonzalez</b>	08-42353 CA 09
Chase Home Finance LLC vs <b>Darren K. Gordon</b>	08-62744 CA 32
Chase Home Finance LLC vs <b>Javier Antonio Iglesias</b>	09-91023 CA 08
Chase Home Finance, LLC vs <b>Reinaldo Perez</b>	09-61703 CA 01
Chase Home Finance LLC vs <b>Ana Alonso Pujol</b>	08-05153 CA 24
Chase Home Finance LLC vs <b>Michael Rodriguez</b>	09-92420 CA 30
Chase Home Finance LLC vs <b>Jorge F. Vanegas</b>	08-58526 CA 32
CitiMortgage Inc vs Silvia C., <b>Castro-Hernandez and Juan Carlos Rodriguez</b>	09-90613 CA 01
CitiMortgage Inc vs <b>Elena Reyes</b>	09-71152 CA 13
CitiMortgage Inc vs <b>Juan A. Rodriguez</b>	08-71275 CA 23
CitiMortgage Inc vs <b>Juan R. Rodriguez</b>	09-21335 CA 6
CitiMortgage Inc vs <b>Miguel Valdes</b>	09-06871 CA 20
CitiBank NA vs <b>Ana Hernandez</b>	07-24075 CA
CitiBank NA vs <b>Juan Francisco Rodriguez a/k/a Juan F. Rodriguez Acosta</b>	09-15675 CA 25
Continental Nat Bank vs <b>Frank J. Segredo</b>	08-79136 CA 01
Countrywide Home Loans Inc. vs <b>Ernesto Delgado</b>	09-20706 CA 05
Countrywide Home Loans Servicing vs <b>William Delgado</b>	09-03642 CA 08
Countrywide Home Loans Inc. vs <b>Pena Holdings</b>	06-22812- CA 27
Deutsch Bank National Trust Company vs <b>Jorge L. Garcia</b>	08-44978 CA 09
Deutsch Bank National Trust Company vs <b>Carlos L. Iglesias</b>	07-11027 CA 21
Deutsch Bank National Trust Company vs <b>Manuel Perez</b>	09-90462 CA 03
Deutsch Bank National Trust Company vs <b>Maria Reyes</b>	07-04101 CA 25
Deutsch Bank National Trust Company vs <b>Julia L. Rodriguez</b>	08-033455 CA 05
Deutsch Bank National Trust Company vs <b>Rodolfo Rodriguez</b>	08-66097 CA 23
Deutsch Bank National vs <b>Yolanda Uribe aka Yolanda Uribe Daravina</b>	09-82512- CA 01
Eastern Financial Florida Credit Union vs <b>Julia Rodriguez</b>	08-24269 CA 24
Eastern National Bank vs <b>Lucia Fraga</b>	09-01722 CA 09
Flagstar Bank, F.S.B. vs <b>Juan Mauricio Rodriguez</b>	08-77231 CA 24
GMAC Mortgage Corporation vs <b>Mariela Rayo a/k/a Mariela Vilaboa</b>	06-07090 CA 31
GMAC Mortgage Corporation vs <b>Luis Rodriguez</b>	10-03080 CA 32
Greenpoint Mortgage Funding, Inc. vs <b>Maria Del Carmen Diaz</b>	05-00464 CA 22

HSBC Bank USA, Nat. Assoc vs. <b>Miguel Del Sol</b>	08-62794 15
HSBC Bank USA, Nat. Assoc vs <b>Antonio Lazaro Molejon a/k/a Alberto Lazaro Molejo</b>	09-42705 CA 27
HSBC Bank USA, Nat. Assoc vs. <b>Richard Martinez</b>	09-53628 CA 32
HSBC Bank USA, Nat Associ v <b>Juan P. Molina</b>	2007-33710 CA 01
HSBC Bank USA, Nat. Assoc vs <b>Luis F. Rodriguez</b>	09-90610 CA 20
HSBC Bank USA, Nat. Assoc vs <b>Rodolfo Rodriguez</b>	09-04189 CA 23
HSBC Bank USA Nat Assoc vs <b>D'Angelo Salvatore</b>	2007-39464 CA 01 Div 02
HSBC Bank USA Nat Assoc vs <b>Lucia Santiago</b>	13-2008 CA 031258 Div 23
HSBC BANK USA Nat Assoc vs <b>Danilo A. Ventura</b>	10-13236 CA 24
INDYMAC Federal Bank FSB vs <b>Orlando Nicholas Milan</b>	09-00044 CA 21
INDYMAC Federal Bank FSB vs <b>Orin R. Fogelquist Jr.</b>	08-07215 CA 30
INDYMAC Bank, FSB v <b>Maria Victoria Lopez</b>	2008-CA 007215
JP Morgan Chase Bank NA vs <b>Maria Magdalena Cabrera</b>	09-31853 CA 09
JP Morgan Chase Bank NA vs <b>Rolando F. Cruz</b>	09-034406 CA 32
JP Morgan Chase Bank NA vs <b>Francisco Arcenio Pena a/k/a Arsenio Pena</b>	09-61371 CA 10
JP Morgan Chase Bank NA vs <b>Juan Rodriguez</b>	08-62471 CA 09
JP Morgan Chase Bank NA vs <b>Juan C. Rodriguez; Moraima Brito</b>	09-34324 CA 05
JP Morgan Case Bank NA vs <b>Remy Developments of Florida, Inc.</b>	09-83053 CA 04
LaSalle Bank NA vs <b>Lucia Fraga</b>	09-09114 CA 02
National City Bank vs <b>Raul C. Gutierrez-German a/k/a Raul C. Gutierrez</b>	08-66333 CA 01(02)
One West Bank, FSB vs <b>Franklin R. Rodriguez</b>	09-92887 CA 20
One West Bank, FSB vs <b>Michelle Rojas</b>	09-42185 CA 24
Parc Central Aventura East Cond Association vs <b>Javier Montes</b>	09-94003 CA 08
Suntrust Mortgage Inc vs <b>Jorge Luis Garca a/k/a Jorge L. Garcia</b>	09-80026 CA 01
Suntrust Mortgage Inc vs <b>Carlos Gomez</b>	09-91213 CA 21
Suntrust Mortgage Inv vs <b>Juan Gonzalez</b>	08-725 CA 15
Suntrust Mortgate Inc vs <b>Alicia Menendez</b>	09-92534 CA 24
US Bank National Assoc vs <b>Claudio Fernandez</b>	07-28946 CA 27
US Bank National Assoc vs <b>Emilia Fortes a/k/a Emilia C. Fortes</b>	08-38089 CA 13
U.S. Bank National Assoc vs <b>Analia Jitric; Carlos Jitric</b>	08-13684 CA 03



