

City of Coral Gables Quarterly Litigation Report - Prepared April 2015

Risk Management Division - Human Resources Department

Total Incurred - Total Paid to Date + Total Reserve Balance on Report Run Date

Summons and Complaint	Federal/ State Court	Case #	Claim Number	Defense Atty	Loss Date	Case	Description	Sett Status	Current Demand & Subsequent Demands
Active Litigation with Assigned Defense Counsel									
Property Damage Claims									
Pure Internet Company v Florida Power & Light Company and City of Coral Gables									
State	14-14665-CA-01	57323	James Poon & Philip Sauer with Poon-Diaz & Poon, P.A.	07-25-2013	Property Damage	Complaint for two residents alleges negligent maintenance of City tree caused damage to home.	PPL filed a Motion to Dismiss and a Motion to file Amended Complaint, in both addresses the issues raised by PPL in their Motion. The hearing on the Motion to Dismiss was subsequently cancelled. Amended Complaint and Answer and Defenses were filed on 1-14-15. Case is in discovery and depositions are currently being scheduled.	Claim is in demand on 1-14-15 and suit was filed 1/17/15. Estimated total damages for the damage to the 2 homes (per defense attorney report on 1/14/15) is \$34,848 (3 x \$67,391.07) = \$162,139.20	
Property Damage Claims Totals									
Planning/Zoning/City Code Challenges									
Bernardo Navarro & Claudia Pardo-Navarro v. City of Coral Gables									
State	2013-15577-CA-01	567973	Carly Lubelsky with Lerman, West & Lubelsky, LLP	5-12-2013 (claims made)	Planning/Zoning Decision	Complaint against the City of Coral Gables for declaratory and injunctive relief concerning the current Zoning Ordinance regarding the Plaintiff property.	Summons and Complaint were served on May 2, 2013. Currently in settlement negotiations. The current proposed settlement is for \$95,000 and Plaintiff will give a written resolution statement over the course of settlement to be in effect until they build a retaining wall. Once they build retaining wall, the amount will be then property line to retaining wall, which is a smaller area. Settlement negotiations are ongoing.	None	
State	2011-25997-CA-01	561953	Alan Lukasz with Lukasz & Culbertson LLP	02-15-2013	Planning/Zoning Dispute	John Harris Act Claim for alleged diminishment of real property value based on the action of a governmental body. The Plaintiff is claiming the City's denial to permit the demolition of a historically designated house reduced the value of his property by approximately \$7,000,000.	Summons and Complaint served on August 5, 2013. Motion to Dismiss was denied on 12/3/13. No trial date has been set. The property was recently sold in excess of \$6m, which significantly diminishes the value of the claim.	The initial demand on this case was \$7m	
Planning/Zoning/City Code Challenges Totals									
Automobile Accident									
Roselya Dickerson and William Dickerson v. City of Coral Gables and Manuel Oyola									
State	2014-19364-CA-30	510449	Andrew Busc with Latin Cuygrave LLC	12-06-2011	Collision	Claimant's vehicle allegedly involved in an accident with a purported City vehicle.	Summons and Complaint were served in January 2014. Case is in discovery. No motions or trial date set.	Demand for \$150,000.00 received pre-suit.	
State	14-12844-CA-01	520156	Eric Hernandez with Hernandez Law, LLC	12-07-2010	Collision	Purported City vehicle allegedly rear-ended Claimant's vehicle.	Summons and Complaint were filed on November 6, 2014. Case is in discovery. No motions or trial date set.	A demand was not made pre-litigation.	
State	13-001594-CA-01	582599	James Poon with Poon-Diaz & Poon, P.A.	01-16-2014	Collision	Purported City vehicle failed the RWIS and collided with claimant's vehicle.	Complaint was filed on January 24, 2015. Case is in discovery. No motions or trial date set.	Demand received 5/14/14 for \$200,000.00	
State	14-10860-CA-06	560551	Franklin & Franklin, P.A., John Sedgeman	01-17-2013	Collision	Claimant's vehicle allegedly rear-ended a purported City vehicle while crossing the street.	Complaint filed on 12/17/2014	Demand has not been received. Case is currently in discovery.	

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(4) Claims									
Automobile Accident Totals									
Trip & Fall									
Arona McInerney and Hedraan Elias v City of Coral Gables and Miami New Times, LLC	State	2013-20641-CA-01	44764	Eric Hernandez with Hernandez Law LLC	05/28/2010	Alleged trip & fall while walking on a purported City sidewalk	Claimant allegedly tripped and fell on a purported City sidewalk. She is an allegedly exposed but left from a news rack.	Summons and Complaint served on June 14, 2013. Suit is in discovery. Cross claim filed against Miami New Times. Plaintiff Depo scheduled was taken. Trial date set.	Demand for \$100,000.00 received June 2011
Melindra Colasito v City of Coral Gables	State	14-017962-4-A-01	572126	Arushan Norman with Law Office of Arushan Norman	07/13/2013	Alleged slip and fall on a purported City tennis court	Alleged slip and fall on City tennis court	Summons and Complaint served on June 5, 2014. Suit is in discovery. No mediation or trial date. City PFS \$750 and Plaintiff PFS \$25,000 filed in September. CME Answer 3/30/15. 15% impairment to left lower or 65% impairment to the body as a whole related to the incident per Dr. Stephen S. Webster, M.D.	Demand for \$50,000.00 received pre-suit
Bergin L. Swanson, JR v Miami-Dade water sewer and City of Coral Gables	State	14-21725-4-A-01	574197	Eric Hernandez with Hernandez Law LLC	08/24/2010	Alleged trip and fall on a water meter cover	Alleged trip and fall on water meter cover	Complaint was served on 7/31/14. 4.6.15. Note City was moving low and summary judgment on the basis they do not own, control, or maintain the property.	None
Shila Bertha v City of Coral Gables	N/A	Not in litigation	540350	Oscar Moreno	03/08/2012	Alleged trip & fall while walking on a purported City sidewalk	Claimant allegedly tripped and fell on sidewalk.	Additional medical records have been requested to support amended demand of \$240,000.00. Pre-suit mediation took place December 10, 2013 with no resolution. Currently seeking settlement contribution with identical co-defendants. Claim is bar been dormant since 5/17/2014	(Original demand of \$100,000.00 received September 14, 2012. Amended demand of \$200,000.00 received March 28, 2013
Rita-Monsante, Sandra v City of Coral Gables and Gables Murale Mile LLC	State	15-06591-CA-01	646292	June Pano with Pano-Pano & Pano, P.A	10/09/13	Alleged trip & fall while walking on a purported City sidewalk	Claimant allegedly tripped and fell on a sidewalk injuring her left foot.	Suit filed March 20, 2015. We are in initial discovery phase.	Demand for \$200,000.00 received December 15, 2014. pre-suit
Maria Lopez v City of Coral Gables	State	15-007556-CA-31	598991	Sanchez-Nidama, Genetzer, Quenda, Laffr, Crespo, Gomez, Machado & Prata, LLP	01/12/2014	Alleged trip and fall on City sidewalk	Claimant allegedly tripped and fell while walking on a purported City sidewalk.	Complaint filed on 04/07/2015	The attorney demand is \$50,000.00. Claim was denied. Case is currently in discovery.

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Matha Wynalle Scherer v. City of Coral Gables & Gables International Plaza Co	State	14-01141W-CA-01	601221	Yanera Figueroa	03/29/2012	Alleged trip and fall on a paved City sidewalk.	Claimant allegedly tripped and fell while walking on a paved City sidewalk.	Amended Complaint filed August 25, 2014.	None
Maria Lina Villa v. City of Coral Gables	State	14-011261-CA-01	604389	Jaime Pazo with Pazo-Diaz & Pazo, PA	05/12/2014	Alleged trip and fall on a paved City sidewalk.	Claimant allegedly tripped and fell as a result of a pothole in a paved City sidewalk. Claimant was a trolley driver employed by First Transit.	Settlement reached on 11/11/14. Plaintiff is pursuing a settlement for \$15,000.00. Plaintiff is also pursuing a settlement for \$15,000.00. Plaintiff is also pursuing a settlement for \$15,000.00.	None
Morones, Lourdes	State	15-004354-CA-01		Eric Hernandez with Hernandez Lee, LLC	07/25/2011	Alleged trip and fall on a paved City sidewalk.	Claimant allegedly tripped and fell on an electrical panel in a City parking lot. Claimant was a trolley driver employed by First Transit.	Claim filed 4/14/15	None
(9) Claims									
Trip & Fall Totals									
Miscellaneous									
Michael Vankaralis (MINOR) v. City of Coral Gables	State	2013-11124-CA-01	448019	Eric Hernandez with Hernandez Lee, LLC	04/01/2010	Alleged negligent maintenance	Plaintiff allegedly sustained injuries to his leg while participating in a City sponsored event. Plaintiff is alleging that the City is responsible for the injuries.	Settlement reached on 11/11/14. Plaintiff is pursuing a settlement for \$15,000.00. Plaintiff is also pursuing a settlement for \$15,000.00. Plaintiff is also pursuing a settlement for \$15,000.00.	None
Austia Alford v. City of Coral Gables, Gables Estates Club, Inc., Metro Express, Inc., H & J Asphalt, Inc.	State	2013-32974-CA-01	508128	Jaime Pazo with Pazo-Diaz & Pazo, P.A.	10/25/2009	Alleged negligent maintenance	Plaintiff was allegedly involved in a motorcycle accident and sustained injuries. Plaintiff is alleging that the City is responsible for the injuries.	Settlement reached on 11/11/14. Plaintiff is pursuing a settlement for \$15,000.00. Plaintiff is also pursuing a settlement for \$15,000.00. Plaintiff is also pursuing a settlement for \$15,000.00.	None
City of Coral Gables vs. F.L. Pazo & Transmission (Pre-Suit)	State	14-01141W-CA-01	520740	Liz Hernandez with Alberman & Santiago	02/08/2011	Property Damage	Plaintiff is alleging that the City is responsible for the damage to its property.	Settlement reached on 11/11/14. Plaintiff is pursuing a settlement for \$15,000.00. Plaintiff is also pursuing a settlement for \$15,000.00. Plaintiff is also pursuing a settlement for \$15,000.00.	None
Benedick Warren and the City of Coral Gables	EEOC	510-2014-04174	608012	Danise Heekin with Bryant Miller Ohye, PA	07/22/2014	Alleged Racial Discrimination	Claimant alleges racial discrimination.	Position statement completed that race was not a factor and that the charge should be dismissed with a finding of no cause. Waiting to hear back from EEOC.	None

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Summons and Complaint	Federal/ State Court	Case #	Claim Number	Defendant City	Last Date	Cause	Description	Settles Status	Current Demand & Subsequent Demands
Antonia Jackson and City of Coral Gables	EEOC	510-2014-0134-56	64555	Dennis Heekin with Bryant Miller Olive, PA	04/18/2014	Alleged Racial Discrimination	Claimant alleges racial discrimination	On 4/27/15 EEOC determined unable to conclude there was a violation of statutes. Claimant has 90 days to file suit should they want to pursue.	None
Claudia Niles v Miami Dade County and City of Coral Gables	State	14-032344-A-01	367435	Yanets Pignatta	02/17/2012	Alleged injury due to tree limb falling onto Claim's Car	Claimant alleges injury due to a parvuloid City tree limb falling onto her car	Interplever, request for production and request admissions have been filed	Demand for \$15,000
Michael Williams v City of Coral Gables and Miami Dade County	State	510-2014-0174	607289	James Papp with Papp, Duggan & Papp, P.A.	05/18/2014	Alleged injury due to Segway accident	Claimant alleges injury due to crashing his segway on a redneck	Complaint was served on 11/20/15. Discovery is ongoing	Demand received 7/20/14 for \$320,000.00
Bonnie Barnes, et al. v. City of Coral Gables	State	13-00716(A)-01	514761	Andrew Bease with Loran Cwigrave LLC	03/06/2011	Suited by falling object on City Property	Claimants were allegedly struck by falling stage equipment during the Kwanaa Little Havana Carnival on the Mile	Suit filed. Summons and Complaint is on extenal on 3/17/15. We are in initial discovery phase	The attorney demanded \$5,000,000 pre-suit. No offer was made
Charles Ashbolder v. City of Coral Gables	EEOC	510-2015-02663	643324	Dennis Heekin with Bryant Miller Olive, PA	03/05/2015	Alleged Racial Discrimination	Claimant alleges racial discrimination	The charge was sent to EEOC's ATR program. Mediators set for 6/15/15. Process statement will not be due until that process concludes	None
HSC Bank USA v. Lord Jessiman and City of Coral Gables	State	2015-A-007821	645810	Griscid Carrillo with GCC Law Center	04/01/2015	Eviction	City has a lien on property for which the bank is trying to foreclose a mortgage	Complaint served on 4/2/2015. Discovery is ongoing	That a Judge deem the City's lien inferior to Mortgage lien
Humair Beard v. City of Coral Gables	EEOC	11-2015-02664	645680	Kara Nakhli with Summit Weaver	03/09/2015	Alleged Racial Discrimination	Claimant alleges racial discrimination	Defense attorney is in the process of filing a motion asking for the City's behalf and has been asked to update us as we are possible.	None

Miscellaneous Totals

Total Incurred Losses for Quarterly Litigation Report - Prepared as of January 2015

(11) Claims