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TOWN ATTORNEY REPORT

DATE: December 27, 2000

FROM: Monroe D. Kiar 

RE: Litigation Update

1. **Kuegler v. Town of Davie** - The parties are preparing a Joint Pretrial Stipulation for submission to the Court pursuant to the Judge's Order. Additional depositions of both the Town's witnesses and those of the Plaintiff were conducted since the last Town Attorney's Report. The matter is still scheduled to go to trial in January.
2. **Sunrise Litigation** - The Town Attorney has been advised that the preliminary documents requested by the Town representatives and their expert, Mr. Stanley Cohen have been provided to Mr. Cohen, who is now reviewing that documentation. To date, the Town Attorney has not been advised as to when a third meeting is to be scheduled.
3. **Ordonez, et al v. Town of Davie** - The Town Attorney has again spoken with our outside attorney, Michael Burke, who is finishing his Motion for Summary Judgment in which he will ask that the Mayor, former Chief of Police and the Town of Davie be dismissed as Defendants in this lawsuit. Mr. Burke anticipates filing the Motion for Summary Judgment in the first week of January.
4. **Sessa v. Town of Davie (Forman)** - The Plaintiffs have executed a Stipulation agreeing to binding mediation. The agreement was approved by the Town Council and is to be filed with the Court and then binding mediation shall be scheduled before Judge Gerald Mager.
5. **Coastal Carting Ltd., Inc. v. City of Sunrise, et al** - E. Bruce Johnson, our attorney, has indicated that the County is once again discussing refinancing the Waste District Bonds. The attorney for the Plaintiff indicates that if the County does that and a settlement is reached with the County, then at that point, he will consider filing a Motion to Dismiss, but at this time, intends to hold off filing such a motion. Mr. Johnson recommended to the Florida League of Cities several weeks ago that the Plaintiff's attorney be given an additional 60 days to file the Motion to Dismiss and if failing to do so, then Mr. Johnson will file such a motion with Judge Gonzales. The 60 days continues to run.

6. **Seventy-Five East, Inc. v. Town of Davie** - The attorney for the Plaintiff has filed a Motion requesting that oral argument be heard by a three judge panel. The Plaintiff's Motion is set to be heard on January 29, 2001. This case has been consolidated with Griffin-Orange North, Inc. v. Town of Davie and both cases are currently to be heard by Judge Cocalis.
7. **Griffin-Orange North, Inc. v. Town of Davie** - As stated in the previous paragraph, the two lawsuits have been consolidated before Judge Cocalis, and the Plaintiff's attorney however, has moved for oral argument before a three judge panel.
8. **MVP Properties, Inc.** - Our outside legal counsel, Michael Burke, has filed a Motion for Summary Judgment on behalf of the Town of Davie asking that the Plaintiff's Complaint be dismissed under the applicable Federal Rules of Civil Procedure. The Motion for Summary Judgment continues to be pending.
9. **Cummings v. Town of Davie** - The Town Attorney with the assistance of several staff members, timely completed the Answers to the Plaintiffs' First Set of Interrogatories and propounded its Answers upon the Plaintiffs.
10. **Town of Davie v. Department of Community Affairs** - The proposed Stipulated Settlement Agreement was forwarded to the Director of Development Services as well as Attorney C. William Laystrom for their review and input. It will now be submitted to the Council for its review and possible approval at the next available Town Council Meeting.
11. **Town of Davie v. Malka** - A stop work order has gone into effect. The Code Enforcement Officer has previously advised the Malka's that the issuance of a permit for a period of six months was in error and in violation of the verbal agreement reached between the Malka's and the Town of Davie. The Town Attorney has further so advised the Attorney for the Malka's. The Malka's now contend that they will be able to complete all improvements to the structure no later than March 31, 2001.
12. **City of Pompano of Beach, Davie et al v. Florida Department of Agriculture and Consumer Services** - Broward County and the coalition of cities have filed their Reply Brief and initial Brief on their Cross Claim in response to the Brief filed by the Department of Agriculture and Consumer Services, with the 4th District Court of Appeals.
13. **Christina MacKenzie Maranon v. Town of Davie** - The outside legal counsel for the Town of Davie, Richard McDuff, has requested that the Town Attorney attend with him the mediation to be scheduled by the parties before January 12, 2001. Although Mr. McDuff is confident that any recovery obtained by the Plaintiffs in this case against the Town of Davie and its police officers are well within the limits of the insurance issued by the Florida League of Cities, nevertheless, he advises that the Town has a substantial deductible which the Town would be responsible to pay even if this case should settle at mediation within the insurance coverage issued by the Florida League of Cities. Should a tentative agreement be reached at mediation, the Town Attorney would bring any

settlement back to the Council for its review and ultimate decision as to whether or not the settlement should be accepted.