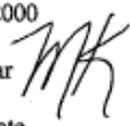


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Sent to B. M. Daniels

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TOWN OF DAVIE
NOV -8 P 5:32
ADM. SVC. DEPT.

TOWN ATTORNEY REPORT

DATE: November 8, 2000
FROM: Monroe D. Kiar 
RE: Litigation Update

1. 142nd Avenue - Kuegler v. Town of Davie - The depositions of the Town's witnesses will be conducted on October 31, 2000, as well as the depositions of two of Mrs. Kuegler's witnesses on that date. The balance of the depositions are currently being scheduled to be conducted in November by the Town Attorney's office and Mr. Brady's office. Per the Court's Pretrial Order, we have filed a notice disclosing the name of our expert witness who will testify on behalf of the Town at trial.
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 depositions of the Mayor and the former Chief of Police are scheduled to be conducted this month. Mr. Burke has attempted to obtain the release from the deposition of the Mayor, but as of the date of this report, has not heard from the Plaintiffs' attorney on this issue. Accordingly, he has advised the Town Attorney that he will be filing a Protective Order on behalf of the Mayor with the Court.
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 at the last Town Council Meeting. Once the executed Stipulation has been received by the Town Attorney, he will file same with the Court and then schedule binding mediation before Judge Gerald Mager.
5. Coastal Carting Ltd., Inc. v. City of Sunrise, etc. - On October 27, 2000 our attorney, E. Bruce Johnson, received a letter from the Plaintiff's attorney indicating that the County is once again discussing refinancing the Waste District Bonds. The attorney indicates that

if it does that and a settlement is reached with the County, then at that point, he would consider filing a Motion to Dismiss, but at this time, intends to hold off filing such a motion. Mr. Johnson has recommended to the Florida League of Cities that the Plaintiff's attorney be given an additional 60 days to file the Motion to Dismiss and if failing to do so, then he will file such a motion with Judge Gonzalez.

6. **ROHO Flamingo - Ice Plat (Control Number 000105)** - The Stipulation regarding this one acre plat was approved by the Town Council at the November 1, 2000 Town Council Meeting. Accordingly, the Town Attorney will now file the lawsuit asking the Court to ratify the Stipulation of the parties which includes subjecting the one acre parcel to the jurisdiction of the Town of Davie.
7. **Seventy-Five East, Inc. v. Town of Davie** - A hearing was held on November 1, 2000 before Judge Cocalis on the Plaintiff's Motion to Consolidate this lawsuit with the Griffin-Orange North, Inc. v. Town of Davie lawsuit. The Judge has not yet ruled on the Plaintiff's Motion.
8. **Griffin-Orange North, Inc. v. Town of Davie** - As stated in the previous paragraph, the Plaintiff filed a Motion to Consolidate this lawsuit with the Seventy-Five East, Inc. lawsuit, and the matter was heard before Judge Cocalis. To date, the Town Attorney has not been advised that the Judge has ruled on the Motion.
9. **MVP Properties, Inc.** - The Town of Davie recently received from the former Town Attorney the Appellate Brief submitted by Mr. Webber's law firm, as well as the Appellate Brief submitted by opposing counsel, in the Circuit Court case in and for Broward County, Florida, before Judge Miller. The Town Attorney is in the process of reviewing same with regard to any case law concerning the privatization of roads as previously suggested by the Town Council.
10. **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.
11. **Town of Davie v. Department of Community Affairs** - The Town Attorney and the attorney for the Department of Community Affairs filed a Joint Status Report advising the Court that the parties' planners conceptually agreed upon a draft settlement proposal. The Town Attorney has forwarded to the attorney for the DCA an Exhibit "B" for the Settlement Agreement based upon those draft terms, which include specific language and information as to what remedial actions will be undertaken by the local government pursuant to the Settlement Agreement. The Administrative Law Judge has granted an Order continuing the case in abeyance accordingly.
12. **Town of Davie v. Malka** - Although this matter is not in litigation, nevertheless, the Town Attorney has been advised by Mr. Stallone of the Code Enforcement Division, that Mr. and Mrs. Malka's attorney has informed Mr. Stallone that Mr. and Mrs. Malka agree

to the terms of the settlement designed for them to complete their house. The front of the house will be completed forthwith and the rear addition which had been started, will be dismantled.

13. City of Pompano Beach, Davie et. al v. Florida Department of Agriculture and Consumer Services - The coalition of cities and the County successfully argued an extension of the preliminary injunction of the Citrus Canker Eradication Program and a full trial on this issue will begin in the latter part of this week. The coalition has conducted several depositions of prospective witnesses as well as of Mr. Crawford and his personnel, in preparation of trial.