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TOWN ATTORNEY REPORT

DATE: December 14, 2000

FROM: Monroe D. Kiar 

RE: Litigation Update

1. Kuegler v. Town of Davie - The depositions of Mr. Otis Stigler and Mr. Bernard Deiner were conducted by the Town Attorney on December 13, 2000. Additional depositions of both the Town's witnesses and those of the Plaintiff are scheduled to be conducted in the balance of December. The matter is 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 spoken with our outside attorney, Michael Burke, who has indicated that he has prepared a draft of a Motion for Summary Judgment asking 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 shortly.
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 will be filed with the Court and then binding mediation shall be scheduled before Judge Gerald Wiager.
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 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 began running approximately 2 weeks ago.

6. **ROHO Flamingo - Ice Plat (Control No. 000105)** - The Court has entered an Order approving the Stipulation regarding the one acre plat which was approved by the Town Council at the November 1, 2000 Town Council Meeting. The lawsuit which was filed, asked the Court to ratify the Stipulation of the parties which included subjecting the one acre parcel to the jurisdiction of the Town of Davie.
7. **Seventy-Five East, Inc. v. Town of Davie** - This matter has been consolidated with the Griffin-Orange North, Inc. v. Town of Davie lawsuit. Both cases will now be heard by Judge Cocalis. To date, these matter has not been scheduled for oral argument.
8. **Griffin-Orange North, Inc. v. Town of Davie** - As stated in the previous paragraph, the two lawsuits have been consolidated before Judge Cocalis.
9. **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 pursuant to Rule 56b of the Federal Rules of Civil Procedure, and Local Rules 7.5. Mr. Burke has filed both his Motion for Summary Judgment as well as a Memorandum of Law in support of the Motion for Summary Judgment.
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 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.
12. **Town of Davie v. Malka** - The Code Enforcement Officer advises that the Malka's, without his knowledge, applied for a permit and a permit was erroneously issued for 6 months by the permit department. The Malka's have been advised that this was issued in error and in violation of the verbal agreement reached between the Malka's and the Town of Davie. The Malka's attorney is now contending that no such agreement was ever reached. Nevertheless, a stop work order has gone into effect. The Town Attorney has placed a call to the Malka's attorney to discuss this matter further.
13. **City of Pompano of Beach, Davie et al v. Florida Department of Agriculture and Consumer Services** - The Town Attorney, along with other attorneys representing the coalition of cities and the County, have worked on various segments of their Brief to be filed in response to the Brief filed by the Department of Agriculture and Consumer Services with the 4<sup>th</sup> District Court of Appeals. The completed Brief to be filed on behalf of the cities will be filed shortly.