

## **Pending Litigation Review**

The Coral Gables Gazette is conducting a review of litigation currently pending against and on behalf of the City of Coral Gables. The following questions are submitted as a formal media inquiry and simultaneously as a public records request under Florida Statute Chapter 119. The Gazette requests a response by Friday, April 24. The Gazette will report both the City's responses and any failure to respond within the requested timeframe.

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### **I. LITIGATION BUDGET & OUTSIDE COUNSEL**

1. Of the approximately \$1.3 million budgeted for outside counsel in FY2025–26, how much is attributable specifically to defending tort and civil litigation, as distinct from bond counsel, labor counsel, and transactional legal work?
  2. What criteria does the City use to determine when a matter is handled in-house versus referred to outside counsel?
  3. Who within the City Attorney's office has authority to retain outside counsel, and does that decision require City Commission approval above a certain dollar threshold?
  4. Does the City maintain a preferred panel or list of approved outside counsel firms? If so, what is the process for selection and inclusion?
  5. What are the current hourly rates, fee structures, and any applicable caps under the City's engagement agreements with outside counsel firms, including Pozo-Diaz & Pozo, Wydler Law, Peña Garcia PLLC, HLM Legal, GCC Law Center, Fowler White Burnett, and Holland & Knight?
  6. Have any current outside counsel attorneys previously served in the City Attorney's office, or have any current City Attorney staff members previously worked at firms now receiving outside counsel referrals?
  7. Who made the decision to retain Holland & Knight in the University Green (dog park) litigation, what was the rationale for selecting that firm, and was that retention presented to or approved by the City Commission?
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### **II. CLAIMS ADMINISTRATION & STATUTORY COMPLIANCE**

8. Who oversees the City's contract with its third-party claims administrator, Davies Group (formerly Johns Eastern)?

9. What performance standards, response timelines, and reporting requirements are specified in that contract?
  10. Multiple complaints allege that the City's claims administrator failed to make a settlement offer, counteroffer, or substantive response within the 180-day statutory period under Florida Statute §768.28. Has the City conducted any review, audit, or corrective action in response to those allegations?
  11. When the 180-day statutory period expires without a response, what is the City's policy—are claims deemed denied, and who makes that determination?
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### **III. SYSTEMIC LITIGATION EXPOSURE**

12. Has the City conducted any internal analysis or review to determine whether current litigation exposure reflects broader systemic issues in maintenance, operations, or risk management? If so, what were the findings?
  13. Has the City identified any recurring patterns across pending litigation that have resulted in policy changes, operational adjustments, or budget reallocations?
  14. Over the past three fiscal years, how many premises liability and vehicle negligence claims has the City settled, and what is the total amount paid in settlements and judgments across those categories?
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### **IV. INFRASTRUCTURE, MAINTENANCE & LIABILITY PATTERNS**

15. In light of multiple pending sidewalk-related negligence cases, has the City conducted any internal audit or review of its sidewalk inspection and maintenance program?
16. What is the City's current sidewalk inspection cycle, and what is the estimated backlog of repairs?
17. With respect to the Miracle Mile crosswalk referenced in *Zubillaga v. City of Coral Gables*, what factors contributed to the delay in repairs between the 2020 contractor recommendation and the November 2024 incident?
18. Who within the Public Works Department was responsible for prioritizing and executing crosswalk and paver repairs during that period?

19. What prompted the April 2025 purchase order for Miracle Mile paver restoration—was it triggered by the incident, subsequent litigation, or an independent infrastructure assessment?

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## **V. CITY VEHICLE COLLISIONS & FLEET SAFETY**

20. Does the City maintain a formal fleet safety program governing the operation of City-owned vehicles? If so, what procedures are required following a collision?

21. In cases involving City employees or officers operating City vehicles that resulted in collisions with civilians, what review processes are conducted, and what disciplinary actions or retraining protocols are applied where appropriate?

22. Following the October 23, 2024 incident at the intersection of Fluvia Avenue and Ponce de Leon Boulevard, in which a City vehicle operated by employee Thomas Vazquez struck a minor child in a crosswalk, what actions were taken by the City in response?

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## **VI. SPECIFIC CASES**

### **A. Espinoza Matter**

23. What was the settlement amount paid by the City in *Brigidia Espinoza v. City of Coral Gables*, and on what date was payment made?

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### **B. Beltran Matter**

24. In *Beltran v. City of Coral Gables / Bryant Elliott*, was the dismissal with prejudice the result of a settlement, a court ruling, or a voluntary dismissal?

25. If the matter was resolved by settlement, what were the terms and amount?

26. Has Officer Elliott remained in active service following the January 28, 2024 incident?

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### **C. University Green (Dog Park) Litigation**

27. What is the City's legal position regarding allegations that required public notice procedures under Florida Statute §166.041 were not followed in the adoption of Resolution No. 2025-452?
  28. How does the City respond to allegations related to Sunshine Law compliance in the scheduling and communication of the relevant Commission meeting?
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#### **D. Bolton / Garden of Our Lord Matters**

29. In Bolton v. City of Coral Gables, does the City dispute the allocation of presentation time between the applicant and the petitioner during the Board of Architects hearing, and what is its position regarding the procedural due process claims?
  30. Does the City Attorney stand by the legal analysis presented in City Attorney Opinion CAO 2025-004 regarding the scope of prior proceedings involving the Garden of Our Lord?
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#### **E. Other Active Cases**

31. Who is currently representing the City in the Fresh AN Golf Club café breach of contract matter and the Bolton certiorari case, both scheduled for trial in September 2026?
  32. The City filed a motion for summary judgment on March 12, 2026 in the State Farm subrogation matter (Carbonell case), asserting it bears no liability for a collision involving a City employee. What is the current status of that motion, and on what legal grounds is the City seeking dismissal?
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#### **F. Zubillaga Matter**

33. In Zubillaga v. City of Coral Gables, the complaint alleges that the City's own 2021 internal survey identified the precise crosswalk where Ms. Zubillaga fell as requiring repair, and that the City subsequently repaired that location after the incident. Does the City dispute that it had actual knowledge of the condition prior to the November 2024 fall?
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### **VII. CITY-INITIATED ENFORCEMENT ACTIONS**

34. In *City of Coral Gables v. Darling Point, LLC*, what prompted the court's decision to grant a stay, and what is the current condition of the subject property?
35. In *City of Coral Gables v. Luis Properties, LLC*, is the requested stay still in effect, and what steps has the City taken to ensure tenant safety and habitability following reports of substandard conditions?

#### **VIII. PENDING LITIGATION UPDATES**

36. In the 16 years that the Gazette covered Coral Gables as a printed publication, there was always a "Pending Litigation" item for commission meetings when the city attorney would give updates. When and why did this practice end?

Thank you and be governed accordingly.

Justin Prisendorf