



## Town of Miami Lakes Memorandum

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**To:** Honorable Mayor and Councilmembers  
**From:** Raul Gastesi, Town Attorney  
**Subject:** Attorney's Report  
**Date:** 6/5/2018

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### **Recommendation:**

There are currently several matters being litigated by the Town of Miami Lakes. Some of these matters are being referred to our insurance carrier to mitigate the Town's legal expense. This report will highlight the active files, and a report of expenses incurred to date.

### **Background:**

MICHAEL PIZZI JR. v. TOWN OF MIAMI LAKES  
(Criminal Matter)

New bills have been received and approved in the amount of \$2,259.00 which includes work performed through the month of May 2018. Partial reimbursement will be requested from the insurance carrier.

On April 24, 2018, the Court dismissed Mr. Michael Pizzi's Second Amended Complaint. The Court's third most recent dismissal of Mr. Pizzi's Complaint was with prejudice. Mr. Pizzi has filed a Notice of Appeal. No brief has been filed as of yet. Additional fees are expected to be spent on a reply to the appeal. The Town has filled a motion to tax costs incurred.

### GENERAL LITIGATION

The following are current miscellaneous matters. There are several routine foreclosures currently being handled, however there are no significant expenditure to report. There are three general matters that are current, and remain from the previous month which include: that some of which include:

JUAN VALIENTE v. TOWN OF MIAMI LAKES:

Currently in litigation. Matter is being handled by the Town's insurance carrier. Additional costs in the coming months are likely.

SANCHEZ RADIOLOGY v. TOWN OF MIAMI LAKES:

Matter remains pending, there has been no activity. The issue in the lawsuit is expected to be moot, as they now have a certificate of occupancy.

LEMKE v. TOWN OF MIAMI LAKES:

There has been no activity. Matter is undergoing settlement negotiations. There may be some expenditure as matter is wound up.

MANAGER SELECTION COMMITTEE

BUDGET: At this time, the Council has approved a budget in the amount of \$20,000 for expenses, which will include background search expenses, for the committee's work. At this time numerous hours have been expended by the Town Attorney's office on review of applications, research, and meetings with staff and committee meetings. Work related to the committee falls within special projects which are outside the day to day responsibility of the Town Attorney's Office. Accordingly, it is requested that the Council move \$25,000 from the attorney reserve for the manager selection committee.

TIME TABLE FOR SELECTION OF A MANAGER: During the May 8, 2018 meeting, the Manager Search Committee motioned the Attorney to request from the Counsel clarification regarding time-frames for the Committee to conclude its review and short-list selection of candidates.

COUNCIL SELECTION WORKSHOP: During the May 29, 2018 meeting, the Manager Search Committee raised concerns regarding the committee's responsibility, time tables for completion of review, and concerns regarding the composition of the Council at the time of selection, and motioned the Town Attorney to request from the Town Council a workshop to discuss these concerns.