

CASE STATUS LIST

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1	CASE	CLAIM TYPE	DATE OF INJURY / SOL	OPPOSING ATTORNEY	SUIT DATE	INITIAL DEMAND	LAST DEMAND	CITY OFFERS	TRIAL DATE	MEDIATION	COMMENTS
2	AHA, Rojas, Porgal, Hale & Hale v. City	Violations of the Establishment Clause	DOI: 9/24/2014 SOL: 9/24/18	H. Morcroft, D. Niose, M. Miller/AHA	12/24/13	\$31,710	??	None	03/06/17	Settlement conference 8/29/17	<p>ACLU attorney Carley Gammiir acting as lead counsel for City and Chief Graham. 5.26.17 Hearings held on Motion for Summary Judgment (all parties). 8/22/17 Shade meeting with Council to discuss settlement strategy; 8/29/17 Settlement conference before Judge Lammens. Trial judge granted Plaintiff's motion for summary judgment on 5/24/18. Plaintiff's claiming \$352,226.74 in costs and attorney's fees. City has filed motion for relief from judgment on July 9, 2018. That motion is still pending. The U.S. Supreme Court recently rule in the Uzuegbunam case that attorney fees were awardable in cases where only nominal damages are awarded. The remaining argument presented for the district court's consideration is whether the plaintiffs had standing to bring a claim where their injuries were self-inflicted (i.e. not unwelcome or unavoidable). Thus, we have three options for proceeding in this case:</p> <p>(1)Proceed with our Rule 60 motion currently before the district court and let the court render a decision on our remaining argument of standing;</p> <p>(2)Withdraw the Rule 60 motion and appeal and attempt to settle the case and lower amount of attorney fees sought by Plaintiffs; or</p> <p>(3)Withdraw our Rule 60 motion and proceed with our appeal before the 11th Circuit. Our appeal raises several issues including</p> <p>1.Whether the district court lacked jurisdiction based on a lack of standing?</p> <p>2.Whether the district court erred in finding Defendants City of Ocala and Graham violated the Establishment Clause</p> <p>3.Whether the district court erred in finding Defendant City of Ocala liable (i.e. that municipal liability attached) and awarding Plaintiffs</p>
3	Bates, Joe	Personal Injury- trip and fall	DOI: 8/31/2020 SOL: 8/31/2024	Morgan & Morgan	NA	NA	NA	NA	NA	NA	768 notice received 9/3/21
4	Brown, William Samuel	Personal Injury - Motor Vehicle Accident	DOI: 1/22/2021 SOL: 1/22/25	David Novack of Dan Newlin	06/03/21	NA	PFS \$150,000	NA	NA	NA	Brown on motorcycle ran into back of unmarked patrol car in road at scene of accident. Brown had stroke at scene and transported to hospital where he later died. ME report stated mass on brain caused stroke.
5	Brown, William T. v. City	Personal Injury - City vehicle obstructing view of roadway	8/23/2018 - SOL 8/23/22	Daniel J. Glassman of Glassman & Zissimopoulos	NA	\$200,000	NA	NA	NA	NA	Demand received from attorney for Brown on 1/29/19. City did accident reconstruction which clearly shows no City liability and liability of third party vehicle that actually hit the Plaintiff.
6	Burkhart, Odell v. City (related to McAlevey)	Personal Injury - City vehicle (OPD)	5/12/2020 SOL 5/12/24	Michael J. Smith of Morgan & Morgan	NA	NA	NA	NA	NA	NA	MVA occurred at SR 200 and SW 32nd Ave with claimant and OPD officer Nickesha Cabrera; 768 and letter requesting information dated 5/26/20 received
7	McAlevey, Sue-San (related to Burkhardt)	Personal Injury - Motor Vehicle Accident	DOI: 5/12/2020 SOL: 5/12/24	Steven A. Bagen	NA	NA	NA	NA	NA	NA	MVA occurred at SR 200 and SW 32nd Ave with claimant and OPD officer Nickesha Cabrera; 768 Ltr received 8/7/20

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8	Carlton Arms v. City	Suit re fire assessment	In suit.	Rob Kelley	02/28/21	NA	NA	NA	NA	NA	Complaint filed on 02/28/21. Amended complaint filed on 10/04/21. Plaintiff seeks to invalidate the City's Fire Assessment Ordinance.
9	Clifton, Talia v. City	Motor Vehicle Accident	DOI: 10/26/2018 SOL: 10/26/22	Jose Garcia of Garcia Law Firm	01/07/21	\$500,000	NA	PFS \$17,500 7/8/21	NA	NA	Initial demand received 6/26/19. Complaint served and answer and affirmative defenses. Discovery is currently ongoing; Mediation scheduled for 12/16/21; Stipulation to trial term of 11/14/22
10	Dinkins, Robert	City Claim for Property Damage	DOI: 6/6/2019 SOL: 6/6/23	NA	NA	NA	NA	NA	NA	NA	Dinkins accident with damage to City property located at 2210 E Silver Spings Blvd. Caveat filed by City in probate court against estate of Dinkins
11	Discount Sleep of Ocala and Dale Birch	Class Action Claim Regarding Fire Fees	NA	NA	NA	NA	NA	NA	NA	NA	Plaintiff filed thrid appeal with 5th DCA. The appellate court reversed on 06/19/20. City has hired appellate law firm to take up additional appeals. Motion for rehearing denied; currently in settlement negotiations; Case being handled by Gray-Robinson
12	Dorn, Debra vs. City of Ocala	Personal Injury (slip & fall)	DOI: 11/17/2018 SOL: 11/17/22	Alberto Oliveri of Morgan & Morgan	NA	NA	None	None	NA	NA	Ms. Dorn slipped and fell in parking lot at NE corner of SW 1st Ave and SW Ft. King St. behind Marion Theatre. 12/11/18 Ltr from attorney Oliveri requesting photos and other evidence. Case not in suit.
13	Forsyth v. City	Wrongful Death of OPD Officer	04/06/15 -SOL 04/06/19	Jarrod G. King, Bobi J. Frank	03/28/17	None	None	None	No	No	On 7/23/18 the Court granted City's Motion to Dismiss 3rd Amended Complaint with prejudice. City has a pending Motion for Sanctions and Motion for Fees and Costs pursuant to F.S. 57.105 against the Plaintiff and her attorneys. Attempting to set for hearing at same time as Officer Reghetti's pending motion for summary judgment. Hearing on City Motion for Sanctions and Reghetti Motion for Summary Judgment to be heard on 10/3/19; As of 10/23/20, still awaiting ruling from Judge Scott on City's Motion for Sanctions. Reghetti's Motion for Summary Judgment was granted. Forsyth is appealing as to Reghetti. Reghetti's answer brief was filed 10/15/20. Fifth District Court of Appeal upheld summary judgment; City to re-notice 57.105 notice for hearing now that appeals have concluded. Fees to be awarded to both City and Reghetti; Settlement discussions with Plaintiff counsel have been requested by Plaintiffs' counsel. Those should occur during week of June 21; Hearing to determine attorney fees set for 12/15/21; Settled at hearing for \$75,000. Awaiting payment and settlement documents.

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14	Goff, James vs. City	Fall	DOI: 8/26/2019 SOL: 8/26/23	Babiarz Law Firm	08/23/21	NA	NA	NA	NA	NA	Fall in street on south side of NW 2nd St in front of courthouse; PRAR done by Babiarz law firm; Documents provided to Babiarz. Case not in suit; Discovery currently ongoing
15	Hernandez, Pedro (Minor)	Personal Injury	DOI: 7/11/2020 SOL: 7/11/24	Raissa Booze at Morgan & Morgan	04/08/21	Na	\$200,000 7/23/21	City PFS for \$5,000 6/7/21	NA	NA	Tree fell at Heritage Nature Conservancy on claimant while claimant was playing on playground; Discovery currently ongoing. City file Proposal for Settlement for \$5,000 on June 7, 2021; Plaintiff PFS for \$200,000 on 7/23/21;
16	Jenkins, Rayshaud vs. City of Ocala	False Arrest and Excessive Force	DOI: 6/18/2019 SOL: 6/18/23	Tesha Allison of of Tesha Allison PA	NA	NA	NA	NA	NA	NA	Letter of representation and preservation letter received 6/25/19
17	LaPuma, Robert vs. City	False Arrest Claim	5/23/2019 - SOL 5/23/23	Jarrod G. King of King Law Firm	NA	NA	NA	NA	NA	NA	Received 768 Letter 7/10/19
18	Lemley, Shawna	Wrongful Termination	DOI: 6/16/2020 SOL: 6/16/24	NA	NA	NA	NA	NA	NA	NA	7/6/20 Letter sent to Ms. Lemley that all communication should be with City Attorney's Office. Letter returned by postmaster. Need updated address.
19	Marin, William and Janelle v. City	Personal Injury - Motor Vehicle Accident	DOI: 8/21/2015 SOL: 8/21/19	David W. Sackman	08/16/19	None	None	None	10/17/22	NA	City served 8/16/19. Discovery continuing; Filed motion for partial summary judgment as to income and earnings capacity set for hearing on 7/8/21; Mediation to be held on 2/1/22; Trial term is for week of 10/17/22
20	Melkonian and Secki	Personal Injury - Motor Vehicle Accident	DOI: 3/20/2021 SOL: 3/20/25	Jarrod King of King Law Firm	NA	None	None	None	None	None	Rec'd 768 notice dated 4/26/21; MVA with OPD officer
21	Nelson, Alexa	Personal Injury - Motor Vehicle Accident	DOI: 2/27/2021 SOL: 2/27/25	Theodore Berman of Berman Law Group	NA	NA	None	None	None	None	768 Ltr rec'd 6/29/21; MVA with OPD officer
22	Nelson, Kasey	Personal Injury - Motor Vehicle Accident	DOI: 2/27/2021 SOL: 2/27/25	Theodore Berman of Berman Law Group	NA	NA	None	None	None	None	768 Ltr rec'd 3/22/21; MVA with OPD officer

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23	Shadow Oaks	Claim against Code Enforcement	NA	Trip Greene	08/06/21	None	None	None	None	None	Claim against code enforcement officer citing ethics violations dismissed; Amended complaint filed and answer and affirmative defenses filed as well; Discovery currently ongoing; Mediation set for 6/14/22
24	Smith, Sarah v. City	Trip and Fall	DOI: 5/25/2019 SOL: 5/25/23	Thomas D. Hippelheuser of Law Offices of Brent C. Miller	NA	NA	NA	NA	NA	NA	Trip and fall at Letty Towles Dog Park. No suit filed yet.