

1/9/24 Litigation Report – Request for Authority to Initiate or Defend

This list does not include the following types of cases: (1) Workers’ Comp (OJCC); (2) garnishments, (3) foreclosures, (4) Probate, (5) misdemeanor citations, (6) any bankruptcy cases that might involve debts owed to Alachua County; or (7) employee procedures and Collective Bargaining Agreements.

<u>No.</u>	<u>Case Style</u>	<u>Attorney(s)</u>
1.	Tasha Vargas, Plaintiff vs. Alachua County Board of County Commissioners and GEICO General Insurance Company, Defendants. Case #2023-CA-1598	Bob Swain Diana Johnson

The County Attorney seeks authority for her designee(s) to defend the County’s interests in this case. The Plaintiff has filed this lawsuit for alleged personal injuries caused by an accident that occurred on November 30, 2022, which involved a vehicle the Plaintiff was a passenger in, and a vehicle operated by an employee of Alachua County Fire Rescue. Alachua County was served with the Complaint on October 31, 2023. Under Alachua County Code 21.41(e), the County Attorney is authorized to prosecute and defend all legal actions by and against the County as approved by the Board.

2.	Thomas S. Shigo, Jr, Trustee of the Land Trust No. 17601, dated 11/9/22, Appellant, v. Alachua County, Appellee Case #2023-AP-7	Diana Johnson Corbin Hanson
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The County Attorney seeks authority for her and her designee(s) to defend an appeal filed in Circuit Court by Thomas S. Shigo, Jr., as Trustee of the Land Trust No 17601 dated 11/9/22 against Alachua County concerning a code enforcement order (case no. SM23-042). Such order found the Appellant and the property located at 17601 Veterans Way, Micanopy (“property”) in violation of certain sections of the Alachua County Code. In general, the nature of the violations was work that occurred without first obtaining a building permit, and failing to obtain development approval prior to development. The Notice of Appeal was filed on 12/15/23. Under Alachua County Code sec. 21.41(e), the County Attorney is able to prosecute and defend all legal action by and against the County as approved by the Board. Additionally, the County Attorney is authorized and directed to take such action as to protect the rights of the County in any legal action, pending an opportunity to request required approval of the Board.

3.	Michael Olender, Petitioner, vs. Alachua County, Respondent. Case #2023-AP-8	Diana Johnson Corbin Hanson
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The County Attorney seeks authority for her and her designee(s) to defend an appeal and petition for relief filed by Michael Olender. This action seeks the Court’s review of a Final Order rendered by a Special Magistrate at a code enforcement hearing held 11/2/23 (case no. SM 23-042). The

address of the property at issue is 17601 Veterans Way, Micanopy, Alachua County, Florida. Petitioner alleges that, because he is not the owner of this property, he is not responsible for the violation, and the Special Magistrate's order should be quashed. Under Alachua County Code sec. 21.41(e), the County Attorney is able to prosecute and defend all legal action by and against the County as approved by the Board. Additionally, the County Attorney is authorized and directed to take such action as to protect the rights of the County in any legal action, pending an opportunity to request required approval of the Board.

4. Alachua County, Petitioner/Plaintiff vs. Debora Lynn Martin a/k/a Deborah Lynn Martin, Lance Edward Martin, and any Unknown Tenants, Respondents/Defendants Case # (not yet assigned) Diana Johnson Corbin Hanson

On December 12, 2023, the Board of County Commissioners directed legal action be taken due to the ongoing violations of the Alachua County Code by the owners and/or occupants of the property located at 1411 SE 41st Avenue, Gainesville, Alachua County, FL (Parcel #: 16258-004-000/16258-009-000)("property"). The nature of the violations include accumulation of junk, unserviceable vehicles, and other nuisance conditions. Pursuant to Alachua County Code sec. 10.8 and sec. 10.9, violations of any provision of the Code may be enforced by any remedy available at law or equity, including bringing a civil action to remedy the violation. Although direction has already been given by the Board, this serves as formal and noticed authority to the County Attorney and her designee(s), under Alachua County Code sec. 21.41(e), to seek relief and prosecute and defend this action.

5. Alachua County, Petitioner, vs. Raymond Merricks, Rayneisha Merricks, and Dorothy Certain, Respondents Case # (not yet assigned) Diana Johnson Corbin Hanson

On December 12, 2023, pursuant to Section 828.073, Florida Statutes, Alachua County Animal Enforcement Officers lawfully seized four animals, including one deceased animal, from a property in Alachua that were found to be neglected, mistreated, and/or cruelly treated. Raymond Merricks, Rayneisha Merricks, and Dorothy Certain were found to be owners of, or in possession of the animals. A Petition was timely filed in the County Court of the Eighth Judicial Circuit in and for Alachua County, Florida. The law requires such Petition to be filed within 10 days after the animals are seized. Under Alachua County Code 21.41(e), the County Attorney is authorized and directed to take such action on behalf of the County as to protect the rights of the County in any legal action or to seek emergency relief, pending an opportunity to request required approval of the Board.

6. David Perry and Leona Perry, Plaintiffs, vs. Watson Construction Company, LLC, Wimberley 352, LLC, and Alachua County, Defendants Case #2021-CA-1184 Bob Swain Diana Johnson

The County Attorney seeks authority for her designee(s) to defend the County's interests in this case, where the County was served on 12/13/23. By the Court's Order dated 10/10/23, Plaintiffs were granted leave to file an Amended Complaint to include Alachua County as a party Defendant. This action has been filed for alleged personal injuries and loss of consortium caused by a motorcycle accident that occurred on 2/21/21 on SW 8th Avenue at 139th Court in Alachua County, the location of a new subdivision. The Plaintiffs assert that Alachua County is negligent in that a road inspector with the County had a contractor with the development rebuild the road bed from the development, tying it into SW 8th Avenue so as to meet County standards. The question is whether there were proper warning devices. The motorcycle lost control when it attempted to make the curve, and went off the road.