

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**NEAL CUEVAS,
Plaintiff,**

CASE NO. _____

vs.

**CITY OF NORTH MIAMI,
a municipal corporation authorized to do
business under the laws of the State of Florida;
LARRY JURIGA, in his individual capacity; and
LARRY SPRING, in his individual capacity,
Defendants.**

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff NEAL CUEVAS (“Cuevas” or “Plaintiff”) sues the City of North Miami, Florida (“City”), Larry Juriga (“Juriga”), and Larry Spring (“Spring”) (collectively “Defendants”), for damages, demands a jury trial, and states:

INTRODUCTION

Neal Cuevas realized his dream of serving and protecting the public by becoming a sworn law enforcement officer in the City of North Miami. He rose through the police ranks to become the City’s highest ranked Hispanic officer with an unblemished record as the City’s longest serving police officer. Cuevas became an Assistant Police Chief. But after a senseless tragedy occurred on July 18, 2016 during which an innocent citizen assisting a special needs individual was shot by a North Miami police officer, the City, its senior administrators, and its elected

officials engaged in an outrageous pattern of due process violations, humiliation, lies, deceit, racism, and slander directed against Cuevas and others. Because of his adamant refusal to participate in the City's wrongful activities, as noted in his June 2, 2017 whistleblower memo, the City engaged in a purposeful pattern of retaliation against him. Cuevas, whose professional life as a police officer had always followed the path of righteousness, truthfulness, and integrity, saw his law enforcement career and reputation destroyed. This lawsuit seeks to vindicate his rights as protected by Florida law.

NATURE OF ACTION AND JURISDICTION

1. Cuevas brings this action seeking damages in excess of \$4,000,000.00 and other allowable relief as a result of being subjected to adverse personnel action by the City in punishing him for having the integrity to disclose acts of illegality, misconduct, and malfeasance by City officials, as well as his participation in multiple investigations of City-involved misconduct as outlined in this complaint.

2. Plaintiff is *sui juris*, a resident of Broward County, and an employee of the City of North Miami. He works and has his principal place of business in Miami-Dade County, Florida.

3. The City of North Miami is a municipal government entity organized under the Constitution and laws of Florida, and as such is an "agency" within the scope of Section 122.3187(3)(a), Florida Statutes.

4. Larry Juriga is *sui juris* and is the North Miami Police Chief.
5. Larry Spring is *sui juris* and is the North Miami City Manager.
6. Venue is proper in this judicial circuit because defendant North Miami

is located within Miami-Dade County, Florida. Defendant Larry Juriga is the police chief in North Miami, and has his principal place of business in Miami-Dade County. Larry Spring is the North Miami City Manager who works in Miami-Dade County, and has his principal place of business in Miami-Dade County. All of the acts relevant to this complaint occurred within Miami-Dade County, Florida.

7. All conditions precedent to this cause of action have been met, waived, excused, occurred, or would be otherwise futile.

GENERAL ALLEGATIONS

8. At all material times to this action, Cuevas was the Assistant Chief for the City of North Miami, having been employed by the City for nearly forty-four (44) years. During that entire time, he had a well-deserved reputation for honesty and integrity.

9. Cuevas was hired by the City as a sworn police officer in 1975. He steadily moved up the ranks to sergeant, lieutenant, major, assistant chief, achieving this status through hard work and dedication to his profession as a law enforcement officer and public servant.

10. Cuevas served as Assistant Chief from June 26, 2016 to March 5, 2018. He was then demoted because he refused to participate in the City's improper investigations of police activities and blew the whistle on malfeasance and misconduct in the City.

11. Cuevas' demotion from his position of Assistant Chief resulted from his refusal to participate in the City's ongoing misconduct. He refused to keep silent about his knowledge of the wrongdoing being committed by City officials. Cuevas was demoted because he refused to turn a blind eye to irregularities in the police department, and as an act of retaliation by Larry Juriga, Larry Spring, and the City.

12. Cuevas was the highest ranking Hispanic law enforcement officer in the history of the North Miami Police Department until March 5, 2018. As Assistant Chief in charge of Field Operations Division and Uniform Support, he was responsible for overseeing more than 70% of the police department personnel.

13. As Assistant Chief, his authority was undermined by then Interim Chief Larry Juriga, who circumvented the chain of command and issued instructions to Cuevas' subordinates without Cuevas' knowledge, and deliberately kept Cuevas out of rotation as acting chief when the chief was unavailable.

14. City Manager Larry Spring publicly disparaged Cuevas' qualifications as assistant chief by stating Cuevas was merely a "political appointment."

15. Cuevas was publicly disparaged, maligned, and marginalized at a town hall community meeting, which was also attended by the media, by both City Manager Larry Spring and the City Attorney in retaliation to Cuevas' whistleblowing memorandum.

16. Cuevas became aware of corruption within the Police Department, and refused to participate in or acquiesce to it.

17. Cuevas reviewed the Police Department Memorandum to Police Chief Gary Eugene from the Disposition Panel, as well as the complete file, regarding the Internal Affairs Investigation of Commander Emile Hollant, Case No. 16-06 dated May 24, 2017.

18. The Disposition Panel memo stated that the Panel reached its decision "based on the Preponderance of the evidence in this case." Cuevas, in his written and signed memo of June 2, 2017, stated:

"The Disposition Panel did not prove any preponderance of evidence to support its findings. In fact, its findings are replete with misinformation, half-truths and blatant inconsistencies."

19. Cuevas, in his memo regarding the Disposition Panel memo, stated that:

"Based on a thorough review of this file, I cannot endorse the findings of the panel. The allegation of "Obstruction of a Law Enforcement Investigation by way of False Statements" made against Commander Hollant is unequivocally NOT sustainable."

20. City officials retaliated against Cuevas by conspiring with police employees to disseminate documents that contained unsubstantiated derogatory

information pertaining to Cuevas via anonymous emails to the City Council, City officials, and Police Department employees.

21. An Internal Affairs investigation of Cuevas was ordered by the City Manager because of Cuevas' whistleblowing memorandum dated June 2, 2017.

22. In retaliation for his whistleblower memorandum, the City, in particular City Manager Spring and Police Chief Juriga, not only slandered and publicly humiliated Cuevas, but also took adverse action by demoting Cuevas to a lower salary with inferior working conditions. Cuevas was replaced by a lesser qualified Haitian female who is almost 20 years younger than Cuevas. City officials slandered Cuevas by casting him in a negative light by, and among other things, the following:

- a. Publicly stating that Cuevas was a "political appointment".
- b. Deliberately leaving Cuevas out of decisions and refusing to notify him of events and activities in which he should have participated.
- c. Undermining Cuevas' authority by issuing instruction to his subordinates without his knowledge.
- d. Deliberately keeping Cuevas out of rotation as acting chief when the chief was unavailable.

23. Juriga and Spring published to third parties, and made public to potentially millions of people, false statements.

24. Juriga and Spring purposely disseminated false statements and information to third parties to have the effect of destroying Cuevas' reputation. They achieved their intended effect.

25. Juriga's and Spring's actions were done in bad faith, with a malicious purpose, and in wanton disregard of Cuevas's human dignity, life, safety, and property.

26. Juriga's and Spring's actions were odious and utterly intolerable in a civilized society.

27. Under the City Charter, City Manager Spring owed Cuevas a duty of care to provide him with a safe work environment free from harassment, unreasonable working conditions, and emotional duress.

28. Spring breached that duty intentionally, recklessly, and negligently by failing to provide Cuevas with a safe work environment free from harassment, unreasonable working conditions, and emotional duress.

29. In addition, Spring and the City took adverse action against Cuevas by demoting him by three ranks, and one rank below his last civil service position of Lieutenant, in retaliation for Cuevas blowing the whistle.

30. Specifically, this adverse action was to retaliate against Cuevas for his disclosures of misconduct and illegalities and for his steadfast refusal to turn a blind

eye to illegalities and gross malfeasance and misfeasance within the City by City officials.

31. Cuevas' demotion was and is wrongful and in violation of the City Charter.

32. Cuevas retained the undersigned attorneys, and said lawyers are entitled to the recovery of their reasonable attorneys' fees and costs pursuant to Fla. Stat. § 112.3187.

COUNT I
VIOLATION OF SECTION 112.3187, FLORIDA STATUTES
(Against Defendant CITY)

33. Plaintiff hereby incorporates paragraphs 1 through 32 as if fully set forth herein.

34. The City of North Miami is an agency, a term defined by Section 112.3187(3)(a), Florida Statutes.

35. Plaintiff was, at all times material, an employee as that term is defined by Section 112.3187(3)(b), Florida Statutes.

36. The City of North Miami took adverse personnel action against the Plaintiff, as that term is defined by Section 112.3187(3)(c), Florida Statutes.

37. The action taken against Plaintiff included demotion, and loss of titles, positions, reduced compensation, and benefits within the City.

38. The actions taken by the City were prohibitive under Section 112.3187(4), Florida Statutes.

39. The prohibitive actions were taken because the Plaintiff disclosed information, as defined by Sections 112.3187(5)(a) and (b), Florida Statutes.

40. The Plaintiff disclosed acts and suspected acts of gross management, malfeasance, misfeasance, and gross waste of public funds committed by employees and agents of the City of North Miami.

41. Plaintiff participated in investigations and other inquiries conducted by agencies of the local, state, and federal government as defined in Section 112.3187(7), Florida Statutes.

42. Plaintiff filed written and signed complaints disclosing information enumerated in Section 112.3187(5), Florida Statutes and to parties and entities enumerated in Section 112.3187(6), Florida Statutes.

43. Plaintiff refused to participate in adverse actions prohibited by Section 112.3187, Florida Statutes.

44. Plaintiff refused to participate in unethical, illegal, and inappropriate violations of federal, state, and local laws, rules, regulations, and policies, and disclosed to City officials and officers such violations and misrepresentations to City and state officials.

For these reasons, Plaintiff requests immediate reinstatement to his position as Assistant Chief, together with reinstatement to his former position, with full pay including back pay and front pay, benefits, compensation, seniority rights, and any lost income and compensatory damages, and all other relief deemed appropriate. Plaintiff also seeks immediate payment of his attorneys' fees and costs.

COUNT II
INTENTIONAL INFLICTION OF EMOTIONAL DURESS
(Against Defendants Juriga and Spring)

45. Plaintiff hereby incorporates paragraphs 1 through 44 as if fully set forth herein.

46. Defendants Juriga and Spring engaged in outrageous conduct.

47. The conduct was intended to inflict harm on the Plaintiff.

48. As a direct and proximate result of Defendants Juriga and Spring's outrageous conduct, the Plaintiff suffered severe emotional and physical duress.

49. At all times material, Juriga and Spring acted in bad faith, with malicious purpose, and in a manner exhibiting wanton and reckless disregard of Plaintiff's human rights, safety, and property.

50. Such conduct by Juriga and Spring was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

51. As a direct and proximate result of the negligent acts, as alleged herein, the Plaintiff suffered injury, which resulted in pain and suffering, mental anguish, loss of capacity for the enjoyment of life, inconvenience, care and treatment, loss of earnings, and loss of the ability to earn money in the future. The losses are either permanent or continuing in nature and Plaintiff will suffer said losses in the future.

For these reasons, Plaintiff demands judgment for compensatory damages against Defendant Juriga and Spring, together with costs incurred herein, and all other relief the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury for all issues so triable as a matter of law.

DATED: Thursday, April 12, 2018.

Respectfully submitted,

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