

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT OF  
FLORIDA, IN AND FOR MIAMI-DADE COUNTY  
CIRCUIT CIVIL DIVISION  
CASE NO. 2018-011899-CA-01 (08)**

**NEAL CUEVAS,  
Plaintiff/Appellant,**

**vs.**

**CITY OF NORTH MIAMI,  
Defendant/Appellee.**

\_\_\_\_\_ /

**NOTICE OF APPEAL**

NOTICE IS GIVEN that plaintiff/appellant Neal Cuevas, pursuant to Rules 9.030(b)(1)(A) and 9.110(a)(1) of the Florida Rules of Appellate Procedure, appeals to the District Court of Appeal of Florida, Third District, the Final Judgment Against Plaintiff Neal Cuevas rendered December 13, 2018, and the Order on Defendant City of North Miami's Motion for Entitlement to Attorney's Fees and Costs, rendered December 13, 2018. The nature of the orders are a final order entering judgment upon the granting of a motion to dismiss, and the ensuing granting of entitlement to attorney's fees. The orders are attached as Attachment A.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

This document was filed using the State of Florida's ePortal Filing System and was served via email through the State of Florida's ePortal Filing System on January 14, 2019 to the following:

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**BENEDICT P. KUEHNE**

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

CIVIL DIVISION

NEAL CUEVAS,

CASE NO.: 2018-011899-CA-01

Plaintiff,

v.

CITY OF NORTH MIAMI,

Defendant.

FILED  
CLERK OF COURT  
MIAMI-DADE COUNTY  
FLORIDA  
DEC 13 2018

**FINAL JUDGMENT AGAINST PLAINTIFF NEAL CUEVAS**

**THIS CAUSE**, having come before the Court on Defendant City of North Miami's ("City") Motion for Entry of Final Judgment, and having heard the argument of counsel at a hearing on December 13, 2018, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The City's Motion for Entry of Final Judgment is hereby **GRANTED**.
2. The Court reserves jurisdiction to consider the Defendant's entitlement to and amount of attorneys' fees and costs.

DONE AND ORDERED in Chambers in Miami Dade County, Florida on this 13 day of

[Signature], 2018.

[Signature]  
The Honorable Dennis J. Murphy

cc: Counsel of Record

FINAL ORDERS AS TO ALL PARTIES  
 THIS DISPOSITION  
 NUMBER 12  
 THE COURT DISMISSES THIS CASE AGAINST  
 ANY PARTY NOT LISTED IN THIS FINAL ORDER  
 IN PREVIOUS ORDER(S). THIS CASE IS CLOSED  
 AS TO ALL PARTIES  
 Judge's Initials [Signature]

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

CIVIL DIVISION

CASE NO.: 2018-011899-CA-01

NEAL CUEVAS,

Plaintiff,

v.

CITY OF NORTH MIAMI,  
LARRY JURIGA, and  
LARRY SPRING,

Defendants.

FILED FOR RECORDED  
2018 DEC 13 PM 12:26  
CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**ORDER ON DEFENDANT CITY OF NORTH MIAMI'S  
MOTION FOR ENTITLEMENT TO ATTORNEY'S FEES AND COSTS**

THIS CAUSE, having come before the Court upon the City of North Miami's Motion for Entitlement to Attorney's Fees & Costs, and having heard the argument of counsel at a hearing on December 13, 2018, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The City's Motion for Entitlement to Attorney's Fees & Costs is hereby **GRANTED**.
2. Pursuant to Section 768.79, Florida Statutes, and Fla. R. Civ. P. 1.442, the City is entitled to recover from Plaintiff all reasonable attorneys' fees and taxable costs incurred by the City in this action from August 20, 2018 (the day the Proposal for Settlement/Offer of Judgment ("PFS") was served) through the date of a separate order determining the appropriate amount of such fees and costs. The Court expressly finds that the City's PFS was made in good faith and that the amount of the PFS bears a reasonable relationship to the amount of damages at issue and a realistic assessment of liability. *See Dep't of Highway Safety & Motor Vehicles, Florida*

CASE NO. 2016-9603 CA 01

*Highway Patrol v. Weinstein*, 747 So. 2d 1019, 1020 (Fla. 3d DCA 1999) (citing *Eagleman v. Eagleman*, 673 So.2d 946, 947 (Fla. 4th DCA 1996)).

3. Pursuant to Section 57.041, Florida Statutes, the City is further entitled to recover from Plaintiff all taxable costs incurred in this action.

4. The Court retains jurisdiction to determine the specific amounts of attorneys' fees and costs that the City shall recover from Plaintiff.

**DONE AND ORDERED** in Chambers at Miami-Dade County, Florida this 13 day of February, 2018.

cc: All counsel of record

The Honorable Dennis J. Murphy