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Robert "Bob" Stein, left, and Daniel Maland, right, of Rennert Vogel Mandler & Rodriguez. Courtesy photos

Meet the Attorneys—and Little Known Law—Behind \$20M Miami Dispute

"Frankly, an appeal of the court's decision faces such an uphill battle," said defense counsel for the City of Miami, Robert "Bob" Stein of Rennert Vogel Mandler & Rodriguez.

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Litigators



Lisa Willis

Rennert Vogel Mandler & Rodriguez—a South Florida firm that represented the City of Miami in an 11th-hour defense involving property rights—defended a claim brought under a lesser-known Florida law to fend off a suit that exposes its client to a \$20 million risk.

But the plaintiff, who based its complaint on the law known as the Bert J. Harris Jr. Private Property Rights Protection Act, hopes the court's interpretation on appeal will fall in its favor.

The act was created by the Florida legislature to recognize that some state and political entities' laws, regulations and ordinances might inordinately burden, restrict or limit private property rights.

Attorneys on both sides say the court ruling has major implications for the future use of outdoor billboards and murals in the city.

In this case, the dispute turned on whether the city deprived a property owner of the ability to use what the plaintiff saw as valuable highway-adjacent advertising space.

The Litigators

"We took the case maybe six weeks before trial and went up against one of the premier litigation shops, and we were able to prevail," said lead attorney Robert "Bob" Stein, partner at Rennert Vogel.

Second chair from the six-attorney litigation department was partner Daniel S. Maland, supported by Kyle Teal, a shareholder in the Miami office of Buchanan Ingersoll & Rooney.

The law firm across the aisle was Stearns Weaver Miller, [ranked 282 on the NLJ 500](#), which is not in agreement with the most recent ruling that comes after Florida's Third District Court of Appeal in 2022 remanded the case to the trial court.

The city originally won summary judgment on the one-count complaint.

The plaintiff had hoped the Bert J. Harris Jr. Act would work to its advantage by allowing it to apply some of the dozens of provisions intended to protect business owners.

But the court did not find any provisions that legally applied.

“It’s an important Florida Statute protecting the rights of private property owners, but there are only a handful of published cases in the entire state of Florida on this Act, and Karenza’s prior victory before the appellate court ... is one of them,” said plaintiff counsel María A. Fehretdinov, a shareholder at Stearns Weaver Miller. “As such, it’s important for the trial courts to heed the guidance of the appellate decisions, which was plainly not done here.”

Fehretdinov, who represents public and private companies and executives in complex litigation, told the Daily Business Review that this litigation is not yet over.

A rehearing is scheduled before the trial court in less than a week, before the case can go on appeal.

She said her client won at the appellate court level against the city on the existing use of its property to host outdoor advertising.

“Among the many errors in its recent order, the trial court refused to follow the appellate court’s explicit mandate on how the city’s decision to quash Karenza’s property rights burdened Karenza,” Fehretdinov claimed. “[The plaintiff] remains steadfast and confident that the appellate court will once again reverse and direct the trial court to ascertain Karenza’s millions of dollars in damages.”

Valuable Advertising Space?

The case is *Karenza Apartments LLP v. City of Miami*. It pits the municipality against Karenza, a commercial building that abuts the Julia Tuttle Causeway, a major highway linking Miami to Miami Beach.

The multi-use, single-story building abuts the highly traveled causeway where about 105,000 vehicles cross every day, according to StreetsBlog USA and the complaint. Karenza accuses the City of Miami of unjustly revoking its mural rights, and was seeking \$20 million in damages.

Fehretdinov said the client, Karenza, is committed to justice, “and it is just getting started.” But defense counsel Maland said the plaintiffs thought the building’s location at the center of the lawsuit was valuable because it was adjacent to Highway 195.

“The building, as it’s currently built, is under the highway and not visible from the highway in that regard,” Maland said. “What needed to happen to make it monetizable was for them to build up, and to build a structure so that the mural can be seen on the roadway from the highway—and that never happened.”

But the property owner disagreed.

“Licensed outdoor advertisers can obtain mural permits, and there’s a limited number of them, and they’re valuable,” said Stein, lead counsel for the city.

But Stein argued the plaintiff contracted with a third party who obtained a permit to build a visible mural wall atop the property, which never occurred because it was determined not to be profitable.

However, the complaint accused the city of ignoring a board recommendation, and then enacting an ordinance that “extinguished Karenza’s valuable rights to host a mural” while allowing a neighboring property to retain one.

Karenza filed suit seeking compensation for the alleged inequitable treatment, but the action came to a halt after the bench trial.

Miami-Dade Circuit Court Judge Migna Sanchez-Llorens penned the 42-page order dismissing all the plaintiff’s claims.

The May 20 ruling followed a week-long bench trial that concluded in December 2023.

In her conclusion, Sanchez-Llorens found, “Plaintiff ... did not have a reasonable, investment-backed expectation to use its property to continue to host murals; as a result of the City’s amended mural ordinance, Karenza’s property was not disproportionately burdened as Karenza did not have a reasonable investment-backed expectations as a matter of law; and damages in Karenza’s favor cannot be found.”

Change in Strategy?

Stein said that prior to filing a suit, a claimant under the Bert J. Harris Act has to present the sovereign with a bonafide appraisal to support damages claims showing diminished property value.

“Nine-tenths of the way through this case, the plaintiffs, apparently unhappy with the amount contained within their appraisal, sought leave to assert a new, larger, different damage methodology,” Stein claimed. “And because of their reliance on this new, we think improperly made end-of-case methodology; the court was able to come to the conclusion that they lacked standing because the sovereign was never presented with a pre-suit appraisal, which supposedly supported the damages they were seeking.”

Stein said he doubts any future litigation would have a different result.

“Frankly, an appeal of the court’s decision faces such an uphill battle that we don’t think it’s a fruitful use of anybody’s time,” he said. “But of course, the city will be committed to defending its final judgment.”