

MEDCLK,MEDIATION,REF_PTRL,WCT

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:09-cv-23305-KMW**

Steppe et al v. City of Miami, Florida et al
Assigned to: Judge Kathleen M. Williams
Referred to: Magistrate Judge William C. Turnoff
Cause: 42:1983 Civil Rights Act

Date Filed: 10/30/2009
Jury Demand: None
Nature of Suit: 370 Fraud or
Truth-In-Lending
Jurisdiction: Federal Question

Plaintiff

Eugene Jobie Steppe

represented by **Eugene Jobie Steppe**
3270 Gifford Lane
Miami, FL 33133
305-447-6526
PRO SE

Plaintiff

Cristina Maria Steppe

represented by **Cristina Maria Steppe**
3270 Gifford Lane
Coconut Grove, FL 33133
305-447-6526
PRO SE

V.

Defendant

City of Miami, Florida
a Florida municipal corporation

represented by **Victoria Mendez**
Office of the City Attorney
444 SW 2nd Avenue, Suite 945
Miami, FL 33136-2111
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Anthony Greco
City of Miami
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305-416-1850
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Defendant

City of Miami Code Enforcement Board

represented by **Victoria Mendez**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/30/2009	<u>1</u>	COMPLAINT against City of Miami Code Enforcement Board, City of Miami, Florida. Filing fee \$ 350.00 Receipt#: 101112, filed by Eugene Jobie Steppe,

		Cristina Maria Steppe. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(mmo) (Entered: 10/30/2009)
10/30/2009	<u>2</u>	Filing fee: For New Case \$ 350, receipt number 101112 (mmo) (Entered: 10/30/2009)
10/30/2009	<u>3</u>	Summons Issued as to City of Miami Code Enforcement Board, City of Miami, Florida. (mmo) (Entered: 10/30/2009)
10/30/2009	<u>4</u>	CERTIFICATION OF EMERGENCY (mmo) (Entered: 11/02/2009)
11/03/2009	<u>5</u>	ORDER REFERRING CASE to Magistrate Judge William C. Turnoff for all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 11/3/2009. (mhz) (Entered: 11/03/2009)
11/04/2009	<u>6</u>	SUMMONS (Affidavit) Returned Executed City of Miami Code Enforcement Board served on 11/2/2009, answer due 11/23/2009; City of Miami, Florida served on 11/2/2009, answer due 11/23/2009. (rgs) (Entered: 11/05/2009)
11/23/2009	<u>7</u>	MOTION to Dismiss <u>1</u> Complaint, MOTION to Dismiss State Court Complaint <u>1</u> Complaint, MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint by City of Miami Code Enforcement Board, City of Miami, Florida. Responses due by 12/11/2009 (Mendez, Victoria) (Entered: 11/23/2009)
11/24/2009	<u>8</u>	ORDER REFERRING <u>7</u> Defendants' Motion to Dismiss Complaint to Magistrate Judge William C. Turnoff. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 11/24/2009. (mhz) (Entered: 11/24/2009)
12/03/2009	<u>9</u>	MOTION/ Move this Court to Strike <u>7</u> Defendants Motion to Dismiss by Cristina Maria Steppe, Eugene Jobie Steppe. Responses due by 12/21/2009 (asl) (Entered: 12/03/2009)
12/03/2009	<u>10</u>	RESPONSE to <u>7</u> Defendant's Motion to Dismiss filed by Cristina Maria Steppe, Eugene Jobie Steppe. See <u>9</u> for document image. Replies due by 12/14/2009. (asl) (Entered: 12/03/2009)
12/04/2009	<u>11</u>	ORDER REFERRING <u>9</u> Plaintiffs' Motion to Strike to Magistrate Judge William C. Turnoff. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 12/4/2009. (mhz) (Entered: 12/04/2009)
12/11/2009	<u>12</u>	REPORT AND RECOMMENDATIONS re <u>7</u> MOTION to Dismiss <u>1</u> Complaint & <u>9</u> MOTION to Strike <u>7</u> MOTION to Dismiss Objections to RR due by 12/28/2009. Signed by Magistrate Judge William C. Turnoff on 12/11/2009. (mao) (Entered: 12/11/2009)
12/16/2009	<u>13</u>	NOTICE of Attorney Appearance by John Anthony Greco on behalf of City of Miami, Florida (Greco, John) (Entered: 12/16/2009)
12/18/2009	<u>14</u>	OBJECTION to <u>12</u> Report and Recommendations by Eugene Jobie Steppe. (rgs) (Entered: 12/18/2009)
12/31/2009	<u>15</u>	RESPONSE TO OBJECTION to <u>12</u> Report and Recommendations by City of Miami Code Enforcement Board, City of Miami, Florida. (Greco, John) (Entered: 12/31/2009)
12/31/2009	<u>16</u>	RESPONSE TO OBJECTION to <u>12</u> Report and Recommendations (<i>Amended</i>) by City of Miami Code Enforcement Board, City of Miami, Florida. (Greco, John) (Entered: 12/31/2009)
01/04/2010	<u>17</u>	Amended RESPONSE to Defendant's Amended <u>16</u> Response to Plaintiff's Objections to Magistrate's Report and Recommendations by Cristina Maria Steppe, Eugene Jobie Steppe. (Entered: 01/05/2010)
01/06/2010	<u>18</u>	ORDER STRIKING <u>17</u> Plaintiffs' Response to Defendants' Response to Plaintiffs' Objections to the Report. Pursuant to 28 U.S.C. sec. 636 and Rule 4 of the Magistrate Rules of the Local Rules of the Southern District of Florida, Plaintiffs are not entitled to file a response to Defendants' response to their own objections to

		the Report. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 1/6/2010. (mhz) (Entered: 01/06/2010)
01/19/2010	<u>19</u>	ORDER ADOPTING <u>12</u> Report and Recommendation of Magistrate Judge, GRANTING IN PART <u>7</u> Defendants' Motion to Dismiss, DENYING <u>9</u> Plaintiffs' Motion to Strike, and STAYING and ADMINISTRATIVELY CLOSING CASE. Signed by Judge Joan A. Lenard on 1/19/2010. (mhz) (Entered: 01/19/2010)
01/12/2011	<u>20</u>	STATUS REPORT by City of Miami, Florida (Attachments: # <u>1</u> Exhibit)(Greco, John) (Entered: 01/12/2011)
01/25/2011	<u>21</u>	MOTION this Court Declaring Defendant is without Standing by Cristina Maria Steppe, Eugene Jobie Steppe. (ls) (Entered: 01/25/2011)
01/25/2011	<u>22</u>	ORDER REOPENING CASE. This Cause is before the Court on <u>20</u> Defendants' Status Report, filed on January 12, 2011, wherein Defendants indicate Plaintiffs' appeal in state court has concluded, this case should be reopened, and the stay lifted. Accordingly, as the state proceedings have now been concluded, it is ORDERED AND ADJUDGED that the stay is LIFTED and this case is now REOPENED. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 1/25/2011. (mhz) (Entered: 01/25/2011)
01/25/2011	<u>23</u>	ORDER CONSOLIDATING Case No. 09-23305-CIV-Lenard and 10-24571-CIV-Lenard. It is hereby ORDERED AND ADJUDGED that the Parties and the Clerk are hereby directed to file all documents under the lower case number, Case No. 09-23305-CIV-Lenard. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 1/25/2011. (mhz) (Entered: 01/25/2011)
01/25/2011	<u>24</u>	ORDER. This Cause is before the Court <i>sua sponte</i> . On October 30, 2009, Plaintiffs filed in Case No. 09-23305-CIV-Lenard their Emergency Complaint <u>1</u> . On January 19, 2010, this action was stayed and administratively closed pending the outcome of the state court proceedings. <u>19</u> In December 2010, Plaintiffs filed a Complaint asserting nearly identical claims against Defendant City of Miami in state court. That case was removed to federal court in Case No. 10-24571-CIV-Lenard. Accordingly, it is ORDERED AND ADJUDGED that: (1) the Complaints filed in Case Nos. 10-24571 and 09-23305-CIV-Lenard are DISMISSED WITHOUT PREJUDICE; (2) Plaintiffs are directed to file a single Amended Complaint on or before February 14, 2011, encompassing all of their claims; (3) any response to the Amended Complaint shall be due twenty-one (21) days thereafter; and (4) all pending motions (including D.E. 7 and 21 filed in Case No. 09-23305 and D.E. 9, 10, 12, 14, and 16 in Case No. 10-24571) are DENIED AS MOOT. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 1/25/2011. (mhz) (Entered: 01/25/2011)
02/03/2011	<u>25</u>	AMENDED COMPLAINT against City of Miami Code Enforcement Board, City of Miami, Florida, filed by Eugene Jobie Steppe, Cristina Maria Steppe.(ots) (Entered: 02/04/2011)
02/09/2011	<u>26</u>	MOTION for Summary Judgment by Cristina Maria Steppe, Eugene Jobie Steppe. Responses due by 2/28/2011 (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix, # <u>3</u> Appendix)(ots) (Entered: 02/09/2011)
02/09/2011	<u>27</u>	MOTION for Writ Of Certiorari by Cristina Maria Steppe, Eugene Jobie Steppe. Responses due by 2/28/2011 (ots) Modified on 2/25/2011 (jmd). (Entered: 02/09/2011)
02/10/2011	<u>28</u>	TWENTY-ONE Day Notice of Consideration for Summary Judgment. Signed by Judge Joan A. Lenard on 2/10/2011. Associated Cases: 1:09-cv-23305-JAL, 1:10-cv-24571-JAL (dp) (Entered: 02/10/2011)
02/10/2011	<u>29</u>	ORDER REFERRING <u>27</u> Plaintiffs' Motion for Writ and <u>26</u> Plaintiffs' Motion for Summary Judgment to Magistrate Judge William C. Turnoff. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 2/10/2011. (mhz) (Entered: 02/10/2011)
02/23/2011	<u>30</u>	Defendant's MOTION to Dismiss <u>25</u> Amended Complaint by City of Miami, Florida. Responses due by 3/14/2011 (Attachments: # <u>1</u> Exhibit)(Greco, John)

		(Entered: 02/23/2011)
02/23/2011	<u>31</u>	Defendant's MOTION for Extension of Time to respond to Motion for Summary Judgment etc. re <u>27</u> MOTION for Writ, <u>26</u> MOTION for Summary Judgment by City of Miami, Florida. Responses due by 3/14/2011 (Attachments: # <u>1</u> Text of Proposed Order)(Greco, John) (Entered: 02/23/2011)
02/24/2011	<u>32</u>	ORDER REFERRING <u>31</u> Defendant's Motion for Extension of Time to respond to Motion for Summary Judgment and <u>30</u> Defendant's Motion to Dismiss Amended Complaint to Magistrate Judge William C. Turnoff. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 2/24/2011. (mhz) (Entered: 02/24/2011)
02/24/2011	<u>33</u>	NOTICE by City of Miami, Florida re <u>30</u> Defendant's MOTION to Dismiss <u>25</u> Amended Complaint (Attachments: # <u>1</u> Exhibit)(Greco, John) (Entered: 02/24/2011)
02/24/2011	<u>34</u>	NOTICE by City of Miami, Florida re <u>30</u> Defendant's MOTION to Dismiss <u>25</u> Amended Complaint of <i>filing transcript of hearing</i> (Attachments: # <u>1</u> Exhibit)(Greco, John) (Entered: 02/24/2011)
02/24/2011	<u>35</u>	NOTICE by City of Miami, Florida re <u>30</u> Defendant's MOTION to Dismiss <u>25</u> Amended Complaint of <i>Filing Records of Code Enf. Bd. and Bldg. Dept.</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Greco, John) (Entered: 02/24/2011)
02/24/2011	<u>36</u>	NOTICE by City of Miami, Florida re <u>30</u> Defendant's MOTION to Dismiss <u>25</u> Amended Complaint of <i>Filing Records of Code Enforcement Board</i> (Attachments: # <u>1</u> Exhibit)(Greco, John) (Entered: 02/24/2011)
02/24/2011	<u>37</u>	RESPONSE in Opposition re <u>31</u> Defendant's MOTION for Extension of Time to respond to Motion for Summary Judgment etc. re <u>27</u> MOTION for Writ, <u>26</u> MOTION for Summary Judgment Defendant's MOTION for Extension of Time to respond to Motion for Summary Judgment etc. re <u>27</u> MOTION for Writ, <u>26</u> MOTION for Summary Judgment, <u>30</u> Defendant's MOTION to Dismiss <u>25</u> Amended Complaint filed by Cristina Maria Steppe, Eugene Jobie Steppe. (ots) (Entered: 02/24/2011)
02/24/2011	<u>38</u>	RESPONSE in Opposition re <u>31</u> Defendant's MOTION for Extension of Time to respond to Motion for Summary Judgment etc. re <u>27</u> MOTION for Writ, <u>26</u> MOTION for Summary Judgment Defendant's MOTION for Extension of Time to respond to Motion for Summary Judgment etc. re <u>27</u> MOTION for Writ, <u>26</u> MOTION for Summary Judgment filed by Cristina Maria Steppe, Eugene Jobie Steppe. (ots) (Entered: 02/24/2011)
02/24/2011	<u>39</u>	RESPONSE to Motion re <u>26</u> MOTION for Summary Judgment filed by City of Miami, Florida. Replies due by 3/7/2011. (Greco, John) (Entered: 02/24/2011)
02/24/2011	<u>40</u>	Defendant's MOTION to Dismiss <u>27</u> MOTION for Writ of <i>Certiorari</i> by City of Miami, Florida. Responses due by 3/14/2011 (Greco, John) (Entered: 02/24/2011)
02/24/2011	<u>41</u>	ORDER Granting Extension on <u>31</u> Motion for Extension of Time Signed by Magistrate Judge William C. Turnoff on 2/24/2011. (ots) Modified on 2/25/2011 (ots). Modified/removed linkage/text on 2/28/2011 (dgi). (Entered: 02/25/2011)
02/28/2011	<u>42</u>	RESPONSE in Opposition re <u>26</u> MOTION for Summary Judgment filed by Cristina Maria Steppe, Eugene Jobie Steppe. (ots) (Entered: 03/01/2011)
03/03/2011	<u>43</u>	RESPONSE to <u>40</u> Defendant's MOTION to Dismiss <u>27</u> MOTION for Writ of <i>Certiorari</i> by Cristina Maria Steppe, Eugene Jobie Steppe. (ots) (Entered: 03/03/2011)
03/24/2011	<u>44</u>	REPORT AND RECOMMENDATIONS re <u>27</u> MOTION for Writ filed by Eugene Jobie Steppe, Cristina Maria Steppe, <u>30</u> Defendant's MOTION to Dismiss <u>25</u> Amended Complaint filed by City of Miami, Florida, <u>26</u> MOTION for Summary Judgment filed by Eugene Jobie Steppe, Cristina Maria Steppe, <u>40</u> Defendant's MOTION to Dismiss <u>27</u> MOTION for Writ of <i>Certiorari</i> filed by City of Miami, Florida Recommending DE <u>30</u> Granting; DE <u>26</u> Deemed moot DE <u>27</u> Deemed moot and DE <u>40</u> Deemed moot. Objections to RR due by 4/11/2011. Signed by

		Magistrate Judge William C. Turnoff on 3/24/2011. (ots) (Entered: 03/24/2011)
03/28/2011	<u>45</u>	OBJECTIONS to <u>44</u> Report and Recommendations by Cristina Maria Steppe, Eugene Jobie Steppe. (ots) (Entered: 03/28/2011)
03/29/2011	<u>46</u>	ATTACHMENT TO OBJECTIONS to <u>44</u> Report and Recommendations by Cristina Maria Steppe, Eugene Jobie Steppe. (lh) (Entered: 03/29/2011)
03/31/2011	<u>47</u>	OBJECTIONS to <u>44</u> Report and Recommendations by Cristina Maria Steppe, Eugene Jobie Steppe. (ots) (Entered: 03/31/2011)
04/01/2011	51	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Orders 2010-145 and 2011-18 to Magistrate Judge John J. O'Sullivan. Magistrate Judge William C. Turnoff no longer assigned to case. (vp) (Entered: 04/07/2011)
04/04/2011	<u>48</u>	Letter from Eugene Jobie and Cristina Maria Steppe (ots) (Entered: 04/05/2011)
04/04/2011	<u>49</u>	NOTICE of Production From Nonparty by Cristina Maria Steppe, Eugene Jobie Steppe (ots) (Entered: 04/05/2011)
04/06/2011	<u>50</u>	Letter from E. Jobie Steppe (dj) (Entered: 04/06/2011)
04/07/2011	<u>52</u>	CLERK'S NOTICE of filing Discovery Procedures for Magistrate Judge O'Sullivan. (vp) (Entered: 04/07/2011)
04/11/2011	<u>53</u>	RESPONSE TO OBJECTION to <u>44</u> Report and Recommendations by City of Miami Code Enforcement Board, City of Miami, Florida. (Greco, John) (Entered: 04/11/2011)
04/15/2011	<u>54</u>	NOTICE of Information by Cristina Maria Steppe, Eugene Jobie Steppe (ots) (Entered: 04/18/2011)
06/22/2011	<u>55</u>	MOTION This Honorable Court Rule on re <u>26</u> MOTION for Summary Judgment by Cristina Maria Steppe, Eugene Jobie Steppe. (yha) (Entered: 06/22/2011)
08/15/2011	<u>56</u>	MOTION for Hearing by Cristina Maria Steppe, Eugene Jobie Steppe. (System updated) (jua) (Entered: 08/15/2011)
08/15/2011	57	ORDER DENYING WITHOUT PREJUDICE <u>56</u> Plaintiffs' Request for Hearing on Plaintiffs' Motion for Summary Judgment. In accordance with L.R. 7.1(B), if the Court deems a hearing appropriate in evaluating a matter, the Court will schedule a hearing and notify the Parties. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 8/15/2011. (mhz) (Entered: 08/15/2011)
09/13/2011	<u>58</u>	ORDER ADOPTING IN PART <u>44</u> Magistrate Judge's Report and Recommendation and GRANTING <u>30</u> Defendants' Motion to Dismiss. Signed by Judge Joan A. Lenard on 9/13/2011. (mhz) (Entered: 09/13/2011)
09/14/2011	<u>59</u>	ORDER REASSIGNING CASE to Judge Kathleen M. Williams for all further proceedings, Judge Joan A. Lenard no longer assigned to case. Signed by Judge Joan A. Lenard on 9/14/2011. (vp) (Entered: 09/14/2011)
09/19/2011	<u>60</u>	Case Reassignment to Paired Magistrate Judge. Case reassigned to Magistrate Judge William C. Turnoff. Magistrate Judge John J. O'Sullivan no longer assigned to case. (vp) (Entered: 09/19/2011)
09/26/2011	<u>61</u>	SECOND AMENDED COMPLAINT against City of Miami, Florida, filed by Eugene Jobie Steppe, Cristina Maria Steppe.(yha) (Entered: 09/26/2011)
10/11/2011	<u>62</u>	Defendant's MOTION to Dismiss <u>61</u> Amended Complaint by City of Miami, Florida. Responses due by 10/28/2011 (Greco, John) (Entered: 10/11/2011)
10/14/2011	<u>63</u>	Defendant's MOTION to Stay <i>Discovery and Initial Disclosures</i> by City of Miami, Florida. Responses due by 10/31/2011 (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Greco, John) (Entered: 10/14/2011)
10/17/2011	<u>64</u>	RESPONSE to Motion re <u>62</u> Defendant's MOTION to Dismiss <u>61</u> Amended Complaint filed by Cristina Maria Steppe, Eugene Jobie Steppe. Replies due by 10/27/2011. (yha) (Entered: 10/17/2011)

10/25/2011	<u>65</u>	NOTICE by City of Miami, Florida re <u>63</u> Defendant's MOTION to Stay <i>Discovery and Initial Disclosures</i> (Greco, John) (Entered: 10/25/2011)
12/02/2011	<u>66</u>	NOTICE to the Court Re: Request for Minor Amendment or Following Consideration by Cristina Maria Steppe, Eugene Jobie Steppe (jua) (Entered: 12/05/2011)
02/24/2012	<u>67</u>	MOTION for Summary Judgment for Plaintiff's 2'd Amended Complaint by Cristina Maria Steppe, Eugene Jobie Steppe. Responses due by 3/12/2012 (jua) (Entered: 02/24/2012)
03/09/2012	<u>68</u>	RESPONSE to Motion re <u>67</u> MOTION for Summary Judgment filed by City of Miami, Florida. Replies due by 3/19/2012. (Greco, John) (Entered: 03/09/2012)
03/12/2012	<u>69</u>	ORDER granting in part re <u>64</u> denying as moot <u>63</u> Motion to Stay; denying as moot <u>67</u> Motion for Summary Judgment. Signed by Judge Kathleen M. Williams on 3/12/2012. (ots) (Entered: 03/12/2012)
03/20/2012	<u>70</u>	ORDER setting Answer deadline for City of Miami Code Enforcement Board response due 4/19/2012; City of Miami, Florida response due 4/19/2012.. Signed by Judge Kathleen M. Williams on 3/19/2012. (lk) (Entered: 03/20/2012)
03/22/2012		Set/Reset Answer Due Deadline per <u>70</u> Order: City of Miami Code Enforcement Board response due 4/9/2012; City of Miami, Florida response due 4/9/2012. (asl) (Entered: 03/22/2012)
03/22/2012	<u>71</u>	MOTION for Summary Judgment for Plaintiff's 2'D Amended Complaint by Cristina Maria Steppe, Eugene Jobie Steppe. Responses due by 4/9/2012 (cbr) (Entered: 03/22/2012)
03/22/2012	<u>72</u>	AFFIDAVIT in Support re <u>71</u> MOTION for Summary Judgment filed by Cristina Maria Steppe, Eugene Jobie Steppe. (cbr) (Entered: 03/22/2012)
03/28/2012	<u>73</u>	Plaintiff's Attempt to Resolve the Issues with Defendant by Eugene Jobie Steppe (cbr) (Entered: 03/28/2012)
03/28/2012	<u>74</u>	NOTICE of Mediator Selection: Brian Spector selected.(cbr) (Entered: 03/28/2012)
03/28/2012	<u>75</u>	Witness List by Cristina Maria Steppe, Eugene Jobie Steppe.. (cbr) (Entered: 03/28/2012)
03/28/2012	<u>76</u>	Expert Witness List by Cristina Maria Steppe, Eugene Jobie Steppe.. (cbr) (Entered: 03/28/2012)
03/28/2012	<u>77</u>	RESPONSE to <u>70</u> Order, Set Answer Due Deadline by Cristina Maria Steppe, Eugene Jobie Steppe. (cbr) (Entered: 03/28/2012)
03/29/2012	<u>78</u>	ORDER denying <u>71</u> Motion for Summary Judgment. Signed by Judge Kathleen M. Williams on 3/29/2012. (ots) (Entered: 03/30/2012)
04/04/2012	<u>79</u>	MOTION for Leave to File MOTION to Amend/Correct <u>61</u> Amended Complaint (Responses due by 4/23/2012), by Cristina Maria Steppe, Eugene Jobie Steppe. (cbr) (Entered: 04/04/2012)
04/06/2012	<u>80</u>	ORDER denying without prejudice <u>79</u> Motion to Amend/Correct; denying without prejudice <u>79</u> Motion for Leave to File. Signed by Judge Kathleen M. Williams on 4/5/2012. (lk) (Entered: 04/06/2012)
04/09/2012	<u>81</u>	ANSWER and Affirmative Defenses to Amended Complaint by City of Miami, Florida.(Greco, John) (Entered: 04/09/2012)
04/10/2012	<u>82</u>	ORDER re <u>74</u> Notice of Mediator Selection filed by Eugene Jobie Steppe, Cristina Maria Steppe, (Proposed Order Scheduling Mediation Deadline 5/10/2012.). Signed by Judge Kathleen M. Williams on 4/10/2012. (ots) (Main Document 82 replaced on 4/11/2012) (ots). (Entered: 04/11/2012)
04/10/2012	<u>83</u>	Order Requiring Joint Pre-Trial Report –Joint Pre-Trial Report due by 5/10/2012. Signed by Judge Kathleen M. Williams on 4/10/2012. (ots) (Entered: 04/11/2012)

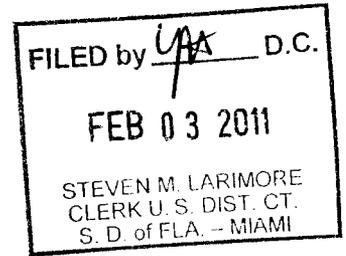
04/17/2012	<u>84</u>	RESPONSE to <u>81</u> Answer to Amended Complaint by Cristina Maria Steppe, Eugene Jobie Steppe. (cbr) (Entered: 04/17/2012)
04/26/2012	<u>85</u>	NOTICE by Brian F Spector <i>Mediator's Notice of Appearance</i> (Spector, Brian) (Entered: 04/26/2012)
04/26/2012	<u>86</u>	Defendant's MOTION for Extension of Time to Complete Discovery by City of Miami, Florida. (Attachments: # <u>1</u> Text of Proposed Order)(Greco, John) (Entered: 04/26/2012)
04/27/2012	<u>87</u>	MOTION for Discovery Prior to Mediation by Cristina Maria Steppe, Eugene Jobie Steppe. Responses due by 5/14/2012 (ail) (Entered: 04/27/2012)
04/27/2012	<u>88</u>	RESPONSE to <u>86</u> Defendant's MOTION for Extension of Time to Complete Discovery by Cristina Maria Steppe, Eugene Jobie Steppe. (ail) (Entered: 04/27/2012)
04/30/2012	<u>89</u>	Request/ MOTION for Sanctions Against Defendant's and/or Defendants's Counsel by Cristina Maria Steppe, Eugene Jobie Steppe. (cbr) (Entered: 04/30/2012)
04/30/2012	<u>90</u>	CORRECTION by Cristina Maria Steppe, Eugene Jobie Steppe (cbr) (Entered: 04/30/2012)
05/01/2012	<u>91</u>	ORDER denying <u>87</u> Motion for Discovery. Signed by Judge Kathleen M. Williams on 4/30/2012. (lk) (Entered: 05/01/2012)
05/02/2012	<u>92</u>	ORDER granting <u>86</u> Motion for Extension of Time to Complete Discovery. Signed by Judge Kathleen M. Williams on 5/2/2012. (lk) (Entered: 05/03/2012)
05/03/2012	<u>93</u>	NOTICE by City of Miami, Florida <i>of Mediation</i> (Attachments: # <u>1</u> Text of Proposed Order)(Greco, John) (Entered: 05/03/2012)
05/04/2012	<u>94</u>	ORDER Scheduling Mediation before Brian Spector. Mediation Hearing set for 5/21/2012 10:00 AM. Signed by Judge Kathleen M. Williams on 5/4/2012. (lk) (Entered: 05/04/2012)
05/08/2012	<u>95</u>	MOTION to Compel <i>an Answer to Interrogatories</i> by Cristina Maria Steppe, Eugene Jobie Steppe. Responses due by 5/25/2012 (ail) (Entered: 05/08/2012)
05/09/2012	<u>96</u>	NOTICE Regarding Joint Scheduling Report by Cristina Maria Steppe, Eugene Jobie Steppe (cbr) (Entered: 05/09/2012)
05/09/2012	<u>97</u>	ORDER denying <u>89</u> Motion for Sanctions; Denying <u>95</u> Motion to Compel. Signed by Judge Kathleen M. Williams on 5/9/2012. (lk) (Entered: 05/09/2012)
05/09/2012	<u>98</u>	ORDER OF INSTRUCTIONS TO PRO SE LITIGANT. Signed by Judge Kathleen M. Williams on 5/9/2012. (lk) (Entered: 05/09/2012)
05/10/2012	<u>99</u>	Defendant's MOTION for Leave to File <i>Unilateral Scheduling Report and Proposed Scheduling Order</i> by City of Miami, Florida. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Greco, John) (Entered: 05/10/2012)
05/10/2012	<u>100</u>	ORDER granting <u>99</u> Motion for Leave to File. <i>Clerks Notice: Filer must separately re-file the amended pleading pursuant to Local Rule 15.1, unless otherwise ordered by the Judge.</i> Signed by Judge Kathleen M. Williams on 5/10/2012. (lk) (Entered: 05/11/2012)
05/11/2012	<u>101</u>	PLantiff Objects to City's Motion for Leave to File Uilateral Scheduling Report and Proposed Scheduling Order re <u>99</u> Defendant's MOTION for Leave to File <i>Unilateral Scheduling Report and Proposed Scheduling Order</i> filed by Eugene Jobie Steppe. (cbr) (Entered: 05/11/2012)
05/11/2012	<u>102</u>	Schedule Jointly Proposed By The Parties by Cristina Maria Steppe, Eugene Jobie Steppe (cbr) (Entered: 05/11/2012)
05/11/2012	<u>103</u>	Joint SCHEDULING REPORT – Rule 16.1 by Cristina Maria Steppe, Eugene Jobie Steppe (cbr) (Entered: 05/11/2012)
05/16/2012	<u>104</u>	NOTICE OF UNAVAILABILITY by Brian F Spector for dates of Service as Mediator (Spector, Brian) (Entered: 05/16/2012)

05/16/2012	<u>105</u>	Defendant's MOTION to Appoint Mediator by City of Miami, Florida. Responses due by 6/4/2012 (Greco, John) (Entered: 05/16/2012)
05/16/2012	<u>106</u>	ORDER that the parties are relieved of all re <u>104</u> Notice of Unavailability filed by Brian F Spector. Signed by Judge Kathleen M. Williams on 5/16/2012. (lk) (Entered: 05/17/2012)
05/18/2012	<u>107</u>	SCHEDULING REPORT – Rule 16.1 by City of Miami, Florida (Attachments: # <u>1</u> Text of Proposed Order)(Greco, John) (Entered: 05/18/2012)
05/21/2012	<u>108</u>	SCHEDULING REPORT – Rule 16.1 by Cristina Maria Steppe, Eugene Jobie Steppe (cbr) (Entered: 05/21/2012)
05/21/2012	<u>109</u>	Schedule Proposed by Plaintiffs by Cristina Maria Steppe, Eugene Jobie Steppe re <u>108</u> SCHEDULING REPORT – Rule 26(f)/16.1 (cbr) (Entered: 05/21/2012)
05/23/2012	<u>110</u>	Initial Disclosure(s) of List of Witnesses, Documents in Plaintiff Custody and Computation of Damages by Cristina Maria Steppe, Eugene Jobie Steppe (cbr) (Entered: 05/23/2012)
05/25/2012	<u>111</u>	MOTION for Declaratory Judgment by Cristina Maria Steppe, Eugene Jobie Steppe. (cbr) (Entered: 05/25/2012)
05/25/2012	<u>112</u>	ORDER denying <u>111</u> Motion for Declaratory Judgment in case 1:09-cv-23305-KMW. Signed by Judge Kathleen M. Williams on 5/25/12. Associated Cases: 1:09-cv-23305-KMW, 1:10-cv-24571-JAL(pm) (Entered: 05/25/2012)
06/04/2012	<u>113</u>	Supplemental MOTION for Extension of Time to respond to discovery by City of Miami, Florida. Responses due by 6/21/2012 (Attachments: # <u>1</u> Text of Proposed Order)(Greco, John) (Entered: 06/04/2012)
06/06/2012	<u>114</u>	ORDER granting <u>113</u> Motion for Extension of Time to respond to any discovery.. Signed by Judge Kathleen M. Williams on 6/5/2012. (lk) (Entered: 06/06/2012)
06/06/2012	<u>115</u>	RESPONSE to Motion re <u>113</u> Supplemental MOTION for Extension of Time to respond to discovery filed by Cristina Maria Steppe, Eugene Jobie Steppe. Replies due by 6/18/2012. (cbr) (Entered: 06/06/2012)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-23305-CIV-LENARD/TURNOFF

MIAMI DIVISION



EUGENE JOBIE STEPPE and
CRISTINA MARIA STEPPE,

Plaintiffs/Petitioners,

vs.

CITY OF MIAMI, FLORIDA
a Florida municipal corporation; and
CITY OF MIAMI CODE ENFORCEMENT
BOARD,

Defendants/Repsondents

PLAINTIFFS AMENDED COMPLAINT

COME NOW, Plaintiffs, EUGENE and CRISTINA STEPPE, (Plaintiffs) and sue CITY OF MIAMI, (CITY) a Florida municipal corporation, and the CITY OF MIAMI CODE ENFORCEMENT BOARD (CITY), and state as follows:

JURISDICTION

1. This suit is brought pursuant to 42 U.S.C. 1983: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person with the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in the action of law, suit in equity, or other proper proceeding for redress...

2. This Court has "Federal Question" jurisdiction pursuant to 28 U.S.C. 1331 to

hear cases arising under the Constitution of the United States, under 28 U.S.C. 1343(3) to redress the deprivation under color of state law of any right, privilege or immunity secured by the Constitution, and under 28 U.S.C. 1343(4) to secure equitable or other relief for the protection of civil rights.

3. The Court has the authority to issue declaratory judgments and permanent injunction pursuant to 28 U.S.C. 2201 and 2202, and Rule 65, Fed.R.Civ.P..

4. The Court may enter an award of attorney's fees pursuant to 42 U.S.C. 1988.

5. This Complaint seeks declaratory and injunctive relief to prevent violation of the Plaintiff's rights, privileges and immunities under the Constitution of the United States and Title 42 U.S.C. 1983 and 1988, specifically seeking redress for the deprivation under color of state statute, ordinance, regulations, custom or usage of rights, privileges, and immunities secured by the Constitution and laws of the United States. The rights sought to be protected in this cause of action arise and are secured under Art. I, 8, cl. 3 (the Dormant Commerce Clause) of the United States Constitution and under the First, Forth and Fourteenth Amendments to the Constitutions.

6. This action seeks a judicial determination of issues, rights and liabilities embodied in any actual and present controversy between the parties involving the constitutionality of certain Ordinance and policies of the Defendants. There are substantial bona fide doubts, disputes, and questions that must be resolved concerning the Defendant action(s) taken under color and authority of "state" law and procedures, in violation of Plaintiffs' right under Art. I, 8, cl. 3 of the United States Constitution (the Dormant Commerce Clause) and under the First, Forth and Fourteenth Amendments to the Constitution.

7. A component part of the declaratory and injunctive relief sought herein is based upon independent state constitutional guarantee's contained in the free speech clause, the due process clause, the equal protection clause and the right to privacy embodied in Article I, Sections 2, 4, 5, 9, 10, 12, 21, 23 and 24 and Article X, Section 6 of the Constitution of the State of Florida. To the extent this case involves such claims, this Court is entitled to exercise its pendent jurisdiction and derive from a common nucleus of operative facts in that they form an integral part of the same case of controversy as contemplated by Article III of the United States Constitution.

8. Plaintiffs also being a supplemental state law claim pursuant to 28 U.S.C. 1367(a) seeking a writ of certiorari review and other relief directed to the CITY OF MIAMI CODE ENFORCEMENT BOARD.

VENUE

9. Venue is proper in the Southern District of Florida, Miami division, since the laws and policies complained of are those of the City of Miami, Florida, which is within the district and geographical area assigned to the Miami Division.

THE PARTIES

10. Plaintiff's EUGENE and CRISTINA STEPPE are private citizens who jointly own the property, a duplex located at 3268 and 3270 Gifford Lane in Miami, Dade County, Florida 33133 and is the subject of this Complaint. Plaintiff's domicile is 3270 Gifford Lane and homesteaded. 3268 is rental property, properly/legally zoned R-2.

11. Defendant CITY of MIAMI CODE ENFORCEMENT BOARD is a subdivision or agency of the CITY. It is named as a separate Defendant for purposes of

supplemental jurisdiction because it is the administrative body to which the Petition for Writ of Certiorari is directed.

HISTORY and BACKGROUND INTRODUCTION

FACTS

12. On June 27, 2008, CITY code inspector, Mr. Mauricio Lezama trespassed onto Plaintiff's cartilage to conduct an illegal unwarranted search resulting in 6 alleged code violations Folio CR: BE 2009024201. Plaintiff's were summoned to defend their property at a CITY hearing on September 10, 2008. (See exhibits "C").

13. Plaintiff's cartilage is surrounded by 3 private properties to the North, South and West, trees and lush vegetation, an 8 foot high wooden fence, a CBS wall and a locked metal security fence, with a small sign reading "No Trespass". Plaintiff's cartilage cannot be viewed by CITY code enforcement personnel or anyone else, other than neighbors looking out of their 2'd story windows. There are no buttons to push or cow bells to shake, no welcome mat out front to make CITY code enforcement personnel feel welcomed. To the West is a road called Gifford Lane, the only road providing access to Plaintiff's home. No one can view Plaintiff's cartilage from Gifford Lane.

14. At a hearing on September 10, 2008, Mr. Lezama, was under oath and was under direct examination by CITY Attorney Barnaby Min and was asked a series of leading misleading questions that contained testimony with misrepresentations.

15. Min asked Lezama:

Question by Min: "How about when you go onto the porch?"

Answer by Lezama: "Say that again".

Question by Min: “How about when you go onto the porch, what - - can you please describe the porch?”

Answer by Lezama: “Right, You open the fence to go to the front door, and then you’ll see the - - more product inside”.

16. Plaintiff’s have no porch.

17. Min invented/misrepresented the porch to the hearing board to make it appear Lezama was merely standing on the roadway, Gifford Lane, innocently and legally looking into some imaginary fictitious porch because throughout the world porches are thought to be at the front of a home closest to the nearest roadway.

Article I, s. 12, Fla. Const., was amended in 1982 by H.J.R. No. 31-H, adopted by the electorate at the November 1982 general election, which provides that the right to be free from unreasonable search and seizures shall be construed in conformity with the 4th Amendment to the United States Constitution and provides that illegally seized articles or information are inadmissible if decisions of the United States Supreme court make such evidence inadmissible.

See: Fla. AGO 2002-27-2002 WL 508796 (Fla.A.G.), (FN6), Article I, s. 12, FlaConst., was amended in 1982 by H>J>R. No. 31-H, adopted by the electorate at the November 1982 general election, which provides that the right to be free from unreasonable searches and seizures shall be construed in conformity with the 4th Amendment to the United Sates Constitution and provides that illegally seized articles or information are inadmissible.

See, e.g., See v City of Seattle, supran n. 7, in which the U.S. Supreme Court held that administrative inspections of commercial structures as well as private residences are forbidden by the Forth Amendment when conducted without a warrant; and Jones v. City of Longwood, Florida, supra n. 7, in which the court, in a wrongful death action, stated that an ordinance requiring the building inspector and fire chief to periodically inspect all buildings and structures within the city was qualified by the Forth Amendment and could not authorize inspections of private property without a warrant.

18. Min continued asking Lezama a series of misleading leading questions:

a. QUESTION: “Did you have an opportunity to inspect the property located at 3268 Gifford Lane”?

The misrepresentation is a leading question and NOT TRUE. 3268 is not some abstract notion in some persons mind. 3268 Gifford Lane is a location in space and is a structure surrounded by 4 walls, 2 doors and 4 windows. Lezama did not enter this space, Min misrepresented that an inspection of 3268 Gifford Lane took place..

b. QUESTION: “Okay. And there’s not currently one for this residential property located at 3268 Gifford Lane; is that correct”?

This misrepresentation is NOT TRUE. CITY Attorney Min misrepresented that Plaintiff’s live at 3268 Gifford Lane, that there is a corporations and web site registered at Plaintiff’s home - - - Plaintiff’s home is 3270 Gifford Lane, wherefore Min mislead the hearing Board members into thinking Plaintiff’s had no permit to operate a business from 3268 Gifford Lane.

c. QUESTION: “And it list 3268 as a principal place of business”?

This misrepresentation is NOT TRUE. Min said he possessed a document proving Plaintiff’s registered a corporation at 3268 Gifford Lane.

d. QUESTION: “And it list 3268 as a principal place of business?”

This misrepresentation is NOT TRUE. Min said he possessed a document proving Plaintiff’s registered a web site at 3268 Gifford Lane.

e. QUESTION: Okay. And just to be clear, Mr. Steppe’s address is 3268 Gifford Lane; is that correct?

This misrepresentation is NOT TRUE. Plaintiff’s have never lived at 3268 Gifford Lane. Plaintiff’s have lived at 3270 Gifford Lane for 21 years.

19. Thirty days prior to the hearing and at the start of the hearing, and an additional 6 times, Plaintiff’s asked Mr. Min and the hearing board by telephone and in

writing for 2 special consideration due to a traumatic brain injury (TBI) sustained serving in U.S. Army's Air Force in 1964, resulting in short term memory deficit. Both the Board and Min refused. Plaintiff's could not participate at the hearing in defense of their homestead. Min had warned Plaintiff he would not succeed at the hearing. Plaintiff has been slow since the (TBI) and under care at V.A. facilities since the (TBI), and is rated disable. Plaintiff applied for the two special considerations under American's with disability Act of 1990 and was denied. (See exhibits "A").

20. On July 07, 2008, Sergio Guadix, Chief of Code Enforcement cleared 2 of the 6 alleged bogus fraudulent code violations (See attached exhibit "C") and sent a letter to Plaintiff's at 3270 Gifford Lane, yet participated by voting Plaintiff's guilty of 7 code violations on September 10, 2008, leading to a lien on 3268 Gifford Lane.

21. Plaintiff's were allowed to ask 2 questions to CITY code inspector Lezama before being kicked out of the hearing, Mr. Lezama is the only witness against Plaintiff's property; see transcript page 12, line beginning 17:

CROSS EXAMINATION

BY MR. STEPPE:

QUESTION: So I want to ask Mr. Lezama, do you have - - have you ever seen me make a sale on my property?

ANSWER: No, I haven't.

QUESTION: Have you ever talked to anybody that ever bought anything from me on my property?

ANSWER: No, I haven't.

22. CITY'S only witness provided no important relevant testimony related to the 6

alleged code violations so Min conferred with CITY Board member Moralejo and they conjured up the following asinine notion; see the transcript, page 43, beginning line 3:

BOARD MEMBER MORALEJO: "Mr. City Attorney. I have a question. Does the fact that someone doesn't exchange monetary bills still constitute a business? For example, churches are considered businesses".

MR. MIN: It is still a business. Even though Mr. Steppe may not be making money - -

BOARD MEMBER MORALEJO: Money on it, correct.

MR. MIN: - - it's still a business. Just because it's not a profitable - -

BOARD MEMBER MORALEJO: So if he's bringing people in to view it or "exchanging emotions" is also considered - -

MR. MIN: That is his position. Just because it's not a profitable business, that's totally irrelevant. The fact that it is a business - -

MR. STEPPE "(W)hat business am I running"? (See exhibit "B").

footnote: Code violations in Florida are levied against property, not people. The CITY Attorney just advised a CITY hearing Board that Plaintiff's homesteaded property, made of brick and mortar is engaging in an illegal business by "exchanging emotions", which according to Min is a CITY code violation! The entire Board voted Plaintiff's property guilty, giving Plaintiff's 30 days to clear and/or stop this alleged "exchanging of emotions". How does a person clear such an asinine notion? end of footnote:

See: Fla AGO 2002-27-2002 WL 508796 (Fla.A.G. page 2, paragraph 1: No member of the code enforcement board has the power to initiate enforcement proceedings. (FN4) Code compliance and enforcement proceedings may be initiated against any building or premises, commercial or residential, subject to the technical codes referred to in section 162. Florida Statutes.

23. On page 86 of the transcript, beginning line 17, (See exhibit "C") the Chief of CITY of Miami Code Enforcement, Mr. Sergio Guadix, the same chief who reduced the 6 bogus fraudulent code violations to 4, later voting Plaintiff's guilty of 7 violations advises that a vehicle is not considered commercial (one of Plaintiff's bogus fraudulent

violations) if used for “private passenger vehicles and trailers for private non-profit transport of goods and/or boats - - - Plaintiff’s pull their boat with this vehicle. CITY Attorney Min (See # 22 above) stated Plaintiff’s property engaged in the non profitable “*exchange of emotions*”. Min and Moralejo cleared one violation, inadvertently with incoherent rambling prose and incomplete sentence structure that made no sense.

24. The transcript proves all code violations were cleared at the hearing.

25. The alleged violation were cleared a second time (See exhibit’s “C”).

26. On October 02, 2008, CITY Attorney Min authored a letter to Plaintiff @ **3270 Gifford Lane** (See exhibit “D”) ordering code enforcement personnel not to talk with Plaintiff’s, who now, could not clear violations. Min knew the address was 3270 Gifford.

27. The alleged code violations were cleared a third time (See exhibits “C”)

28. Due to Min’s bogus fraudulent misrepresentations targeting 3268 Gifford Lane, CITY filed an illegal bogus fraudulent lien on Plaintiff’s property on March 13, 2009, that now exceeds \$200,000.00.

29. On August 24, 2009, Plaintiff’s obtained an exemption to fell coconut palms under Miami Tree Ordinance Sec. 8.1.11 under “*a life safety issue*” (See attached exhibits “C”) then felling the palms to avoid injuries as instructed by CITY.

30. On September 01, 2009, CITY inspector Mr. William Ortiz trespassed onto Plaintiff’s cartilage and took pictures of the felled palms and issued Plaintiff’s a ticket/citation Folio 0141210290070. Plaintiff produced the exemption. Mr. Ortiz advised Plaintiff he was not allowed to discuss anything with Plaintiff and referred Plaintiff to Min’s order authored October 02, 2008. Mr. Ortiz was asked to leave,

but took more pictures and departed leisurely, placing the pictures in a CITY file.

Plaintiff phoned Min who refused to talk or assist. (See exhibits "C").

31. On October 19, 2009, (See exhibits "F") CITY code inspector Mr. Eduardo Canales trespassed onto Plaintiff's cartilage and stated he was authorized by CITY Attorney Min to conduct an inspection of Plaintiff's home and take pictures of anything representing a danger to life and property. Mr. Canales had removed a FP&L meter from an energized circuit, against FP&L and State regulated standards, causing a minor fire. Plaintiff asked Mr. Canales to leave, who then summoned 3 additional code officers to assist. Plaintiff called FP&L and together took pictures of the FP&L meter that was damaged and later replaced. A report was initiated by FP&L personnel and is available upon subpoena. CITY personnel were not rude or aggressive, but reacted very slowly when asked to step off Plaintiff's property. Later, Mr. Canales sent a register letter to 3268 Gifford Lane, to the tenant, advising her the unit was a danger to life and property causing the tenant, justifiably so, to break her lease and vacate.

The meter removed by Mr. Canales gauged the current to 3270 Gifford Lane; yet Mr. Canales issued the violation, fine and lien against 3268 Gifford Lane. Why did all CITY personnel have this need and desire to attack 3268 Gifford Lane? It was all bogus and fraudulent, but why not applied the alleged violations to 3270 Gifford Lane, where Plaintiff's live?

32. On page 50, line 15, Board member Jones states: I'm confused.

33. On page 51, beginning line 17, CITY Attorney, Patricia Arias says: So, I suggest that since you do have these fine gentlemen that I believe are your witnesses

sitting in this gallery call them and have them testify in support of the things that you've already said.

34. On page 51, beginning line 24, Chairman McEwan says: Okay Sir, your name and address, please.

35. Plaintiff's brought no witness. Apparently some of Plaintiff's neighbors were at the hearing, but it was CITY Attorney Arias who identified them as Plaintiff's witnesses and it was Chairman McEwan who invited them to the podium. Perhaps, CITY wanted it to appear Plaintiff's were allowed due process. It was CITY who asked folks in the audience to approach the podium and speak up - - it's in the transcript.

47. On page 53, line 17/18, Board member Moralejo says: Sir, do you have a backyard? Why not do the art in the backyard? " A code violation in the front yard is not a code violation in the backyard?

48. BOARD MEMBER JONES: page 72, "And he don't do it to sell it. But then he also said it's not being run out of his house, because it's being done on the internet.

49. BOARD MEMBER MATHISEN: "Looks like a duck, quacks like a duck".

50. BOARD MEMBER JONES: In one case he's saying - - in one case he's showing that it's being sold, but he thinks because he's not actually probably transacting money on his property, that he's not in business".

"it's being done on the internet someplace else"? Where else is someplace else?

"Looks like a duck, quacks like a duck" Is this relevant important testimony?

" - - in one case he's showing that it's being sold" Plaintiff's never said or showed *"that it's being sold,"* Could Ms. Jones be talking about *"exchanging emotions"*?

“but he thinks because he’s not actually probably transacting money on his property, that he’s not in business”! Well, actually yes, that does seem logical - - - -

Does this mean that Ms. Jones has actually bought into the notion that Plaintiff’s property is actually engaged in the illegal business enterprise of *“exchanging emotions”*?

51. This line of reasoning makes no sense; but lead directly to liens on Plaintiff’s property and 3 Complaints costing CITY of Miami taxpayers in excess of \$85,000.00, to to defend against - - - - for this silly pettiness?

See: MCL 600.204(3): M.S.A. 27a 2041(3). The taxpayers of Miami, Dade County Florida “will sustain substantial injury or suffer loss or damage as taxpayers, through increased taxation and the consequences thereof.” Waterford School district, 98 Mich. App. At 662: 296.W. 2d at 331.

52. Plaintiff’s lost two reverse mortgages averaging \$275,000.00, after the companies found out about the CITY bogus fraudulent liens. Plaintiff’s lost a \$540,000.00 sale on their home after the purchaser found out about the CITY lien. (See exhibits “E”).

53. DEFENDANT wrote Plaintiff’s would be arrested, fined, liens applied to their homestead and foreclosed upon; that the general public and immediately neighborhood had to have their morality and well-being protected from Plaintiff’s - - - - Plaintiff CRISTINA MARIA STEPPE is a kindergarten teacher, EUGENE is retired.

54. DEFENDANT was interviewed by The Miami Herald, Washington Post, New York Times, New Times, FOX News, and several other news outlets and put Plaintiff’s in a false light - - - - and were quoted advising the general public what was inside of Plaintiff’s home at 3270 Gifford Lane.

55. The CITY Manager, Mr. Pete Fernandez, was quoted by the Miami Herald that Plaintiff's van was parked legally at 3500 Pan American Drive; at the same time and date that CITY code inspector Lezama wrote the van was parked illegally at 3268 Gifford Lane; 7 blocks away. The CITY manager stated and was quoted that Plaintiff was within his constitutional rights to protest CITY of Miami Code Enforcement Board corruption using art.

56. In 3 CITY code violation reports, in the transcript of the CITY hearing and in the CITY Finding of Fact dated September 16, 2008, 3 illegal unwarranted trespasses are revealed. Every alleged fact is the direct result of CITY Attorney Barnaby Min asking leading questions during a direct examination of the only witness for CITY. Each alleged fact is actually Min testifying under the fraudulent guise of using misleading leading questions to form testimony rising to the level of SCIENTER. CITY'S Finding of Fact mimics these misrepresentations. The liens applied to Plaintiff's homestead are bogus and fraudulent and the direct result of illegal trespass and unwarranted searches representing negligence, and an invasion of privacy with forethought and malice under the color of law. A careful comparison of the code violation report, the official CITY transcript and CITY'S Finding of Fact will reveal nothing but, misrepresentations and contradictions. Not one fact alleged is correct, not one, not even Plaintiff's address - - - there is no porch, there is no web site or corporation registered at 3268 Gifford Lane; it's all lies and the lies are in CITY'S Composite exhibits "A, B, C, & D" in a CITY file. Reality is found the transcript - - - several additional examples of misrepresentations:

57. In the transcript, page 11, Min ask Lezama; Question: "Did Mr. Steppe make

any statement to you about receiving deliveries at his residence”? Lezama says: “He told me at one point that he delivers the product on that particular van that he has parked there at the grove”. In CITY’S Finding of Fact report, item # 9 reads: “While inspecting the property, Mr. Steppe spoke with Inspector Lezama and stated that he received deliveries at his residence concerning his artwork?” Min version, received. Lezama version, delivered. CITY’S Find of Fact version, received. Plaintiff’s version, it’s just a van used to pull a boat, motor & trailer, all registered at 3270 Gifford Lane. Surely, CITY employees can get one fact right!

58. Breaking # 57 down to reality with documented proof - - - - CITY is now using Plaintiff as their prime witness, hogwash! Plaintiff had no such conversation with Lezama; Lezama is lying. Min asked a question, which Lezama did not address or reply to. Lezama did not say the van was parked at 3268, only that it was “parked there at the grove”, and it was, the van was parked legally at 3500 Pan American Drive in front of Miami City Hall from June 10, to December 10, 2008. During an interview, quoted in the Miami Herald, then, CITY Manager Pete Fernandez said Mr. Steppe’s van was parked legally and that he had every right to protest Miami Corruption. At the hearing on September 10, 2008, 4 CITY hearing Board members made reference to Plaintiff’s van being parked outside for 90 days prior to the hearing and the Miami Herald, New York Times, Washington Post, Fox News and many other news organizations took pictures, interviewed numerous folks who commented about the protest art - - - - yet Lezama and Min maintain the van was parked at 3268 Gifford Lane on June 27, 2008, illegally on unimproved soil. There is no code violations for parking on unimproved soil.

59. At the hearing Min asked Lezama a leading misleading question that inferred Plaintiff's had a corporation registered at 3268 Gifford Lane, to which, Lezama responded "That is Correct".

60. In CITY'S Finding of Fact, item # 11., it reads: "Inspector Lezama also researched the Florida Department of State Division of Corporations and discovered a corporation by the name of Art by Jobie Corporation with a principal place of business of 3270 Gifford Lane". Lezama didn't say that, he said it was 3268 Gifford Lane.

61. At the hearing Min asked Lezama a leading misleading question that inferred Plaintiff's had a web site in virtual space, registered at 3268 Gifford Lane and Lezama responded "3268 or 3270, which is the whole property address". Minutes later Min stated that he wanted to make in perfectly clear that Plaintiff lived at 3268 Gifford Lane.

62. CITY'S Finding of Fact reads in item # 11., reads the web site is registered at 3270 Gifford Lane. But, Lezama testified the web site was registered at 3268 Gifford La.

63. At the hearing Min ask Lezama a leading question inferring that Mr. Steppe had no occupational license to operate a business from 3268 and Lezama says "Correct".

64. CITY'S Finding of Fact reads in item # 12. Plaintiff had no occupational license to operate a business from 3270 Gifford Lane.

65. The nuances are so obscured by CITY Attorney Barnaby Min's leading misleading misrepresentations - - - - no one reading the alleged code violation reports, the transcript of the hearing board or the CITY Finding of Fact, Conclusions of Law, and Order - - - - would ever notice that Min switched addresses? Who could possibly know that it was Min who invented a porch at Plaintiff's property that did not exist to justify an illegal unwarranted search? Only Plaintiff's and everyone had and has ignored Plaintiff's.

66. Who would have ever notice that Min & Lezama chose to call Plaintiff's art: product, product for sale, stored product, stuff, racks, miscellaneous material, debris, and rolling fences and who would not imagine a yard full of junk; a blight in the idyllic Village of Coconut Grove, Florida; protect the community from the villains image.

67. Min was the lead man, targeting 3268 Gifford Lane time and time again causing the board to vote Plaintiff's property guilty of something, if not for "*exchanging emotions*"; something, anything, whatever - - - resulting in a lien that now exceeds \$200,000.00, on Plaintiff's home. Min created an image he wanted the board to imagine.

68. Trespasses, pure hyperbole, sophism, innuendo, conjecture, smoke & mirrors, a carnival pea and shell game, leading misleading questions, misrepresentations and lies with forethought and malice to cause harm under the color of law; Min the Sophist.

69. Plaintiff had previous encounters with both attorney's representing CITY at the hearing; Patricia Arias & Barnaby Min. Both should have recused, but did not. Ms. Arias made note for the record. Both interrupted Plaintiff 37 times in about 15 minutes. Min refused to allow Plaintiff to introduce documents in defense of their property calling the documents "self serving, irrelevant and immaterial" and would not allow Plaintiff, who had experience a traumatic brain injury and experience short term memory deficit, to read from notes. Ms. Aria ordered Plaintiff to "paraphrase" and "sans me". Plaintiff's wife, CRISTINA MARIA STEPPE finally cut Ms. Arias off and stated "Let me speak lady!" Four members of the Board advised the Chair they had other things to do. The hearing lasted about 15 minutes and the Chairman stated:

The transcript, page 32: CHAIRMAN McEWAN: Mr. Steppe, we - - I'll tell you

how we're going to do this, and we're going to do this quicker than you may think".

70. Plaintiff's were denied Due Process and kicked out of the hearing due to the disability of being without short term memory recall; and being to slow

COUNT I: INVASION OF PRIVACY

71. Plaintiff's realleges the allegations of paragraphs 1 through 70

72. Plaintiff's have been exposed to the four categories of invasion of privacy; intrusion of solitude and seclusion, public disclosure of private facts, false light, and appropriation.

73 . Intrusion Upon Seclusion: Code inspectors were negligent to trespass onto Plaintiff's cartilage to conduct illegal unwarranted searches; taking pictures of Plaintiff's home through windows and open doors of the interior of Plaintiff's home and placing the pictures and reports into public files for anyone to view. Defendant's threatened Plaintiff and his wife with arrest, fines, liens and foreclosure and described the contents of Plaintiff's home with the news media, who quoted the code inspectors.

74 Publicity Given to Private Life: Defendant's employees were interviewed by the press and discussed the contents of Plaintiff's home with direct quotes in various news papers and TV News program for public consumption. Defendant's investigated Plaintiff's financial data, business interest, credit reports, and private concerns. At a public hearings Defendant's described Plaintiff in need of obvious medical attention, that he displayed obvious mental difficulties and should stay in his back yard. Defendant's were in possession of Plaintiff's medical records and utilized same to attack Plaintiff.

75. Publicity Placing the Person in a False Light: Defendant's placed in public domain statements for public consumption that Plaintiff's were a threat to their

immediate community, public health, morality and well being and that Plaintiff's property was a danger to life and property, that Plaintiff EUGENE JOBIE STEPPE was in need of obvious medical attention, had difficulties and should stay in his back yard. Defendant's were in possession of Plaintiff's medical records and utilized same to attack Plaintiff.

76. Appropriation of Name or Likeness: CITY appropriated a web site from Plaintiff's under the threat of arrest, fines, liens and foreclosure compelling Plaintiff to turn over ownership of the web site to CITY interest with a CITY phone number.

77. These actions and activities would be highly offensive to a reasonable person.

WHEREFORE, Plaintiff's demand compensatory and/or punitive damages of \$200,000.00, attorneys fees of \$176,000.00, cost and injunctive relief as this Honorable Court finds appropriate.

COUNT II: TRESPASS TO LAND

78. Plaintiff's realleges the allegations of paragraphs 1 thru 70 and 71 thru 77.

79. Defendant's employees trespassed onto Plaintiff's cartilage 3 times with intent. Each drove their CITY vehicles to Plaintiff's homestead and walked onto the property after having to "go through the fence" and walk about the cartilage taking pictures of the entire cartilage during each trespass and placing the pictures and their reports into CITY files proving the trespass from the positions and angles that the photos were taken.

80. Each CITY code inspector received extensive training in federal and state laws and rules governing illegal unwarranted trespass. Reasonable persons would know better. Defendant employees were intent and negligent. They took pictures through

windows and open doors, removed electrical meters from energized circuits, causing a minor fire, filed reports stating Plaintiff's cartilage was a danger to life and property. Defendant's describe each trespass in detail and placed their pictures and reports into CITY files, proving the trespass.

81. CITY has interfered with Plaintiff's exclusive possession of his homestead via the 4 illegal unwarranted trespassing, resulting in 8 or 9 bogus fraudulent code violations and 3 fines and liens placed upon Plaintiff's homestead, which has resulted in stress, loss of income, loss of two reverse mortgage and the sale of his property. CITY'S actions were willful and intentional. Reasonable people would not act out with such negligence.

82. The damage occurred as the direct result of trespassing and CITY Attorney Barnaby Min misrepresentation of facts and a letter authored by Min advised all code enforcement officers not to communicate with Plaintiff's to resolve the alleged code violations. This selective enforcement procedure caused the inevitability that fines and liens would be applied to Plaintiff's homestead.

83. Defendant's acted with extreme negligence: One inspector stated he was standing at Plaintiff's front door, looking inside. Plaintiff's alleges that the inspector opened the front door and stepped inside, surprising Plaintiff who rebuked the intruder harshly, who required medical attention resulting in the police being dispatch to Plaintiff's home. Inspector Canales once appeared at night and removed 2 FP& L meters from two energized circuits causing a minor fire from an arc. As Plaintiff confronted Mr. Canales on his cartilage Mr. Canales called 3 additional code personnel to Plaintiff's home. No physical altercations occurred and the 4 officers departed. FL&L personnel

were dispatched and took pictures of the damage and filed a report. Mr. Ortiz took pictures on Plaintiff's cartilage of felled palms and departed when asked to do so.

WHEREFORE, Plaintiff's demand compensatory and/or punitive damages of \$200,000.00, attorneys fees of \$176,000.00, cost and injunctive relief as this Honorable Court finds appropriate.

NEGLIGENCE: COUNT III

84. Plaintiff realleges paragraphs 1 thru 70 and 71 thru 77 and 78 thru 83

85. CITY employees caused harm to Plaintiff's body, property, mental well being, financial status and intimate relationships.

86. Duty of Care: City inspectors were trained not to trespass. It is reasonable to assume the same inspectors would never sit by idly at their homestead and allow strangers to walk about taking pictures and opening their front doors and walk in - - - a reasonable person would not find these activities normal or acceptable and it would be foreseeable that all trespass is unreasonable and negligent and could easily lead to all sorts of extreme reactions to the person or the persons family being transgressed upon.

87. Duty of Care - Relationship of Proximity: CITY code enforcement plays an important role in all aspects of modern life. but, the illegal unwarranted trespass upon private property does not. Respect is the keyword. There would have been no problem if the three code enforcement officers took a few minutes to look up Plaintiff's phone number, make the call and ask permission to perform inspections and recommend some improvement(s). Florida Power & Light, A/C duct cleaners, gardeners, painters, tree trimmers, and other legitimate business entities employ telemarketers to pester us 24/7 on

the phone and leave flyers and business cards hanging on security gates and mailboxes; but I cannot remember one of them, or some pesky magazine pusher or some pan handler to trespass past Plaintiff's security gate and knock at the front door in the last 21 years.

88. Three separate trespasses by 3 separate code officers demonstrates complicity, determination, purpose and intent sufficient to ignore their training, Federal & State Constitutions and common sense. Even more careless - taking pictures while trespassing and placing their reports and pictures into public CITY files and Composite exhibits "A, B, C & D" - - - - careless, by putting a noose around their own necks.

89. This activity does not represent Close Proximity with Plaintiff's; to love thy neighbor, to not harm thy neighbor. In fact, CITY actors, and/or reasonable people could easily determine that harm had to result (1) was reasonably foreseeable (2) there was a relationship of proximity between Plaintiff's and Defendant (3) it is fair, just and reasonable to impose liability against DEFENDANT'S for negligence, trespass and invading Plaintiff's privacy.

90. Breach of Duty: The ultimate duty of code enforcement is to make our community a better, safer, cleaner place to live, work, raise children and prosper. The purpose of code enforcement is to create change for the good of the community. How does trespassing to conduct illegal unwarranted searches, misrepresentations, lies and the application of fines and liens against Plaintiff's serve this community by wasting \$85,000.00 in taxpayers money to harass a 68 year old veteran practicing art for therapy and a kindergarten teacher help and serve to enhance this community?

91. CITY exposed Plaintiff to substantial risk of loss by CITY'S Breach of Duty.

CITY, as a civilized institution failed to protect two of it's citizens and chose to turn their backs and allow CITY code enforcement to have their day. All members of society have a duty to exercise reasonable care toward others and their property. CITY caused this harm by being negligent and breached the duty of reasonable care. .

92. Factual causation (Direct Cause) CITY employees took pictures and made reports proving illegal trespassing and what they accomplished. CITY misrepresented facts, created a porch, conjured up the notion that Plaintiff's property was "*exchanging emotions*" and that this exchange represented an illegal business operation at 3268 Gifford Lane. Who else besides CITY employees, clothed under the color of law with uniform, badge and identification would dare subject Plaintiff's to this asininity? Who else but CITY, under the color of law could or would, even try, to lien private property under such a ruse? Plaintiff's were harming no one. CITY caused Plaintiff's to lose two reverse mortgages and the sale of their home in a cowardly dastardly manner.

93. Only CITY acted against Plaintiff's art; everyone else enjoyed the art and so advised Plaintiff. Plaintiff's were harmed directly by CITY'S reaction to Plaintiff's art. It is highly improbable that Plaintiff's would have ever suffered harm from reasonable folks. Over a period of about 20 months neighbors, passersby & police officers stopped, talked, everyone smiled, engaged in light conversation and thanked Plaintiff for the art, but, CITY called the art; product for sale, debris,, stuff and miscellaneous materials.

94. Legal causation or remoteness: CITY must obey the Federal and State Constitutions regarding trespass. Defendant's demonstrated intent by engaging in 3 separate illegal unwarranted searches over about 18 months, a hearing, a transcript, a report titled CITY'S Finding of Fact, 3 fines, 3 liens, \$85,000.00,in wasted taxpayers

dollars, 4 attorneys and 6 jurist - - - CITY, not Plaintiff's is the causation; CITY was direct, intent, misrepresented, mislead and lied and such actions are not remote.

95. Harm: Plaintiff's were denied 2 reverse mortgage applications that were approved, then denied upon discovery of the CITY fines and liens. Plaintiff's lost a sale on their home of \$540,000.00, also due to the lien. Plaintiff's suffered 2 minor heart attacks and 21 visits to psychologist related to the stress. Plaintiff was advised his heart has enlarged by about 2% due to high blood pressure and stress. Plaintiff has free medical care at all V.A. facilities, so had no cost other than some minor expenses due to additional medications or about \$250.00, total. Noticeably, stress occurred within Plaintiff's marriage, not extreme, but noticeable. Plaintiff has and is consuming an unhealthy amount of alcohol to ward off stress, and it does numb the senses, so it works, which might be bad for the liver and kidneys. Plaintiff had to purchase 10 pairs of pants having gained 7 pounds having to sit at a typewriter to keep pace with all of CITY'S asinities. Plaintiff, to his wife's dismay and nagging enjoys a thrift store, the Red, White & Blue, so only spent about \$65 to \$75.00, for the pants.

96. The real harm; Wife forced to leave her home due to fear, Plaintiff's stress, fear, anger, and frustration and the waste of time. The needless alcoholic consumption, the psychiatrist, psychologist, adjustments in medication, and family disruption.

97. Plaintiff's wife was placed in fear and abandoned her home out of fear. She had experience a harsh regime during youth in South America and upon reading CITY documents threatening arrest, fines, liens and foreclosure moved in with a friend until CITY of Miami Police Officer, Jose Quell learned about this. Mr. Quell called Plaintiff's

wife and assured her Defendant's employees were just blowing smoke, she would not be arrested, so she returned to her home of 15 years. Plaintiff's blood pressure rose to about 176 on several occasions. Plaintiff confronted 6 CITY code enforcement employees; over a period of about 12 months; 8 CITY of Miami uniformed officers were involved.

98. Plaintiff learned how to socialize with his neighbors through his art.

Plaintiff's heartbeat returned to normal after 15 years of irregular rhythms. On June 27, 2008, CITY began trespassing. Plaintiff stopped producing art, returned to a life of isolation, with the added burden of fear, anger and stress, thinking that CITY would indeed arrest Plaintiff's, fine and lien their home and foreclose, leaving them homeless and penniless. CITY wrote that Plaintiff's community and neighborhood's morality and well-being needed protection from Plaintiff's, a retired disabled veteran and kindergarten teacher. CITY wrote Plaintiff home was a threat to life and property.

99. Plaintiff was extremely livid and required medical intervention. Plaintiff wrote the Major, City Attorney, Police, code enforcement, but CITY kept coming. . . .

100. Plaintiff absolutely loss his enjoyment of life. Plaintiff's were harmed.

101 . Plaintiff's have lost income but cannot honestly calculate precisely.

Plaintiff greatest loss was when his wife was forced to leave her home due to Defendant's acting out under the color of law, in uniform with badges & official identification.

102. It must be noted to this Court that in the transcript of the hearing, CITY acknowledge that Plaintiff had obvious problems from the (TBI) and utilized art as therapy Several board members asked Plaintiff to return to his back yard and be

out of sight, out of mind. Several board members acknowledged that Plaintiff had art on the easements and right of ways and not on Plaintiff's property or cartilage; yet a lien was eventually placed on Plaintiff's property. Plaintiff was in fact placing the art, specifically, on easements and right of ways, and on public property and had found a CITY police officer who was sympathetic to Gaudiya Vaishnava Society v. City and County of San Francisco, 952 F.2d 1059 (9th Cir. 1990), in which the court held "the sale of merchandise which carries or constitutes a political, religious, philosophical or ideological message" was protected by the First Amendment. The officer agreed to issue Plaintiff a citation and Plaintiff would take the citation to federal court and invoke precedent so that artist in the 11th District could sell art in public places, legally without interference from code enforcement. Coconut Grove galleries held meetings realizing if Plaintiff succeeded they would lose commissions if artist sold their own works from private properties throughout Coconut Grove. They enlisted CITY code enforcement to tar and feather Plaintiff and run him out of town, hence, Plaintiff's protest art depicting CITY code enforcement as a corrupt institution, hence the trespass, the bogus fraudulent code violations, the kangaroo hearing board, "exchanging emotions", etc, etc and etc, fines, liens and no due process found their way to Plaintiff's front door.

103.. It's all in the transcript. CITY Attorney Barnaby Min denied the existence of Gaudiya Vaishnave Society v. City and County of San Francisco,. stating all of this was nonsense, had no relationship to the code violations, was immaterial and irrelevant.

104. CITY proclaimed arbitrarily with rhetoric, sophism, misrepresentations and hyperbole Plaintiff's were selling art from their home when in fact they were not.

105. It could be perceived differently, say, for example a gallery owner had sued Plaintiff to stop Plaintiff from proceeding to Federal Court. CITY had no obligation, legally or otherwise to support the Grove galleries. CITY should have ignored the pressure applied and gone about their business. CITY acted with negligence causing Plaintiff's emotional and financial harm and are entitled to general and punitive damages.

WHEREFORE, Plaintiff's demand compensatory damages of \$200,000.00 and/or punitive damages of \$200,000.00, attorney fees of \$176,000.00, cost and all other relief that this Honorable Court finds just and fair.

COUNT IV: PLAINTIFF'S DENIED DUE PROCESS

106. Plaintiff's realleges paragraphs 1 thru 70 and 71 thru 77 and 78 thru 83 and 84 thru 105.

107 "The essential elements of due process of law are notice, an opportunity to be heard, and the right to defend in an orderly proceeding." *Fiehe v. R.E. Householder Co.*, 125 So. 2, 7 (Fla. 1929).

108. Plaintiff were notified as to Case No: CE 2008012300, filed June 27, 2008, and summoned to appear to defend property against 6 alleged code violations at CITY Hall on September 10, 2008, but were kicked out of the hearing due to a disability.

109. Plaintiff advised CITY Attorney Min and the Hearing Board by phone and written notice on August 09, 2008, that he could not participate at the hearing due to a traumatic brain injury causing short term memory deficit. The conversation between Min and Steppe became ugly as Plaintiff was asking for 2 special considerations under

Americans with Disabilities Act, which Mr. Steppe was claiming as a disabled veteran. (See exhibit's "F"). Min advised the board had no time for people who whined.

110. At the hearing the CITY hearing Board, Min and Patricia Arias simply ignored Plaintiff's request, which he made about 8 times for the 2 considerations.

111. Plaintiff had to read from notes and asked the hearing board to speak slowly so he could take notes. Plaintiff was interrupted 37 times in about 15/20 minutes. Plaintiff was order to "paraphrase" and "sans me". Plaintiff did not understand how he was suppose to talk. When Plaintiff attempted to introduce documents Min stated "They are self-serving, irrelevant and immaterial and would not accept the documents or allow the board to consider them. Min objected to Plaintiff reading from notes. Plaintiff's entreated the hearing board numerous times about his short term memory deficit, but was ignored. Four board members stated they had other personal matters to deal with; the time was 7:30 P.M. The Chairman of the board advised the board "We are going to get through with this quicker than you think". Plaintiff's were kicked out of the hearing and their property was adjudicated guilty of either 6 or 7 alleged bogus fraudulent code violations. 2 violations had been cleared prior to the hearing, that left 4 alleged violations, added to that the CITY code violation alleging Plaintiff's property made of brick and mortar was "exchanging emotions" - - - with something or someone?

112. It sounds crazy and asinine, but it all there, in the transcript. The transcript proves there was no Due Process of Law.

113. On September 01, 2009, CITY code inspector, Mr. William Ortiz trespassed onto Plaintiff's cartilage conducting an illegal unwarranted inspection and took pictures

and a file was made. Plaintiff's were issued one violation CR: CE2009020198. No other notices were made to Plaintiff's from CITY. Plaintiff's called Mr. Ortiz at 305-329-4770, who advised that CITY Attorney Min was in charge of this violation. Min would not talk with Plaintiff's. Plaintiff's were fined and a lien was placed on 3268 Gifford Lane. The alleged violation, if in reality had occurred would have been at 3270 Gifford Lane where Plaintiff's have lived for 21 years. Min had targeted 3268 Gifford Lane.

114. On October 19, 2009, CITY code inspector, Mr. Eduardo Canales trespassed onto Plaintiff's cartilage conducting an illegal unwarranted inspection and took pictures and a file was made. Plaintiff's were issued one violation CR: BE2009024201. No other notices were made to Plaintiff's from CITY. Plaintiff's called Mr. Canales at 305-416-1100, who advised CITY Attorney Min was in charge of this violation. Min would not talk with Plaintiff's.

115. "To dispense with notice before taking property is likened to obtaining judgment without the defendant having ever been summoned." Mayor of Baltimore vs. Scharf, 54 Md. 499, 519 (1880)

116. "An orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protest his rights before a court having power to hear and determine the case." Kazubowski v. Kazubowski, 45 Ill. 2d 405, 259, N.E.2d 282, 290. Black's Law Dictionary, 6th Edition, page 500.

117. "Due Process of law implies and comprehends the administration of laws equally applicable to all under established rules which do not violate fundamental principles of private rights, and in a competent tribunal possession jurisdiction of the

cause and proceeding upon justice. It is founded upon the basic principle that every man shall have his day in court, and the benefit of the general law which proceeds only upon notice and which hears and considers before judgment is rendered.” State v. Green, 232 S.W. 2d 897, 903 (Mo. 1950).

118. “Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation with a hearing,” Pettit v. Penn., La.App., 180 So.2d 66, 69. Black’s Law Dictionary, 6th Edition, page 500.

119. “Due Process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law.” Black’s Law Dictionary, 6th Edition, page 500.

120. “Aside from all else, ‘due process’ means fundamental fairness and substantial justice. Vaughn v. State, 3 Tenn.Crim.App. 54, 456 S.W.2d 897, 883.” Black’s Law Dictionary, 6th Edition, page 500.

121. Defendant had an agenda which did not foresee “Due Process” for Plaintiff’s.

WHEREFORE, Plaintiff’s demand compensatory and/or punitive damages of \$200,000.00, Attorney’s fee of \$176,000.00, cost, injunctive relief as this Honorable Court finds appropriate.

COUNT IV: FRAUDULENT MISREPRESENTATION

122. Plaintiff realleged the allegation 1 thru 70 and 71 thru 77 and 78 thru 83 and 84 thru 105 and 106 thru 121.

123. The elements of a cause of action for fraud are: (1) that a material representation was made; (2) the representation was false; (3) when the representation was made, the speaker knew it was false or made it recklessly without any knowledge of the truth and as a positive assertion; (4) the speaker made it with the intention that it should be acted upon by the party; (5) the party acted in reliance upon it, and (6) the party thereby suffer injury. *Solutioneers Consulting, Ltd. v. Gulf Greyhound Partners, Ltd., 237 S.W.3d 379, 385 (Tex. App – Houston (14th Dist.) 2007, no pet.)*.

124. CITY Attorney Min and CITY witness Lezama were complicit; both made numerous material representations; stating as fact that Lezama had inspected 3268 Gifford Lane, that Plaintiff's lived at 3268 Gifford Lane, that Plaintiff's had registered a web site and corporation at 3268 Gifford Lane, that Plaintiff's were operating an illegal business at 3268 Gifford Lane, that Plaintiff had an illegal van parked at 3268 Gifford Lane, that Plaintiff's had a porch at 3268 Gifford Lane, that Plaintiff's had product for sale at 3268 Gifford Lane. CITY Attorney Min advised a CITY hearing board that Plaintiff's home, made of brick and mortar was "*exchanging emotions*" and was considered a CITY of Miami code violation. CITY inspector Lezama took pictures of bulk waste, placed properly and legally on a FP&L easement right of way, and arbitrarily declared the waste debris and miscellaneous materials (junk) stored on Plaintiff's property at 3268 Gifford Lane, and issued Plaintiff's a code violation - - - while the

trash was being picked up by Dade County Solid Waste on June 27, 2008. CITY code enforcement inspector William Ortiz issued a report September 01, 2009, stating Plaintiff's had removed, relocated, trimmed or pruned roots at 3268 Gifford Lane. CITY code enforcement inspector Eduardo Canales stated he had visually inspected electrical wiring at 3268 Gifford Lane on October 19, 2009, and issued code violations.

125. All of the material representations made in # 124, of this Complaint are false misrepresentations. Plaintiff's live at 3270 Gifford Lane, the van is registered at 3270 Gifford Lane. Plaintiff's have no web site or corporation(s) registered at 3268 Gifford Lane and Plaintiff's have not engaged in, nor is their property representative of what is written down on these 3 bogus fraudulent code violation reports.

126. All of the CITY employees who alleged 3268 Gifford Lane on their reports knew Plaintiff's live at 3270 Gifford Lane because the documents they held in their hands at the hearing or made reference to in their reports and placed into their files and listed as CITY Composite exhibits "A, B, C, & D" clearly display the address 3270 Gifford Lane. In addition, these players/actors have each sent numerous official reports/documents fines and liens to Plaintiff's at 3270 Gifford Lane. Plaintiff's have no porch, The van is registered at 3270 Gifford Lane, Plaintiff's drivers license reads 3270 Gifford Lane. Defendant's were intent and in complicity to have mistakenly said all violations occurred at 3268 Gifford Lane - - - it was not a mistake. Once might be a mistake, twice - give em a brake, 3 times - no take, 4 times the same mistake makes ya want to hesitate, 5 times - something wrong, 6 times - they're working overtime, 7 times - coordination.

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127. Each actor/player who made these various and numerous misrepresentations expected Plaintiff's and a hearing board and support staff, not present, to act upon the misrepresentations. The misrepresentations, were in fact, acted upon; the hearing board found Plaintiff's guilty of the misrepresentations, a support staff issued a report titled CITY Finding of Fact making reference to the misrepresentations and issued fines and liens on Plaintiff's property that exceed \$200,000.00, to date. Attorney's acted on the misrepresentations - - - stating to Plaintiff's their fee's to unravel these misrepresentations hovered between \$75,000.00, to \$125,000.00. Plaintiff's could not afford this and acted upon the misrepresentations by filing 3 legal Complaints. Two reverse mortgage companies had approved two reverse mortgages averaging \$275,000.00, and acted upon the misrepresentations, (the liens), and issued letters canceling the reverse mortgages. A buyer for Plaintiff's home acted upon the misrepresentations, (the liens), and cancelled a purchase for \$540,000.00.

128. Numerous people acted in reliance on the representation; Plaintiff's had to react on the representation, knowing they were in fact and reality misrepresentations; never-the-less, having to react so as not to lose control of their property via an illegal fraudulent taking without just compensation.

129. Plaintiff's have suffered injury; the enjoyment of life, stress, 2.5 years, the control of their homestead, 2 reverse mortgages, a sale for \$540,000.00, the value of the liens that exceed \$200,000.00, to date, two minor heart attacks, and a heart enlarged by about 2%.

FirstMerit Bank, N.A., 52 S.W.3d 749, 758 (Tex. 2001).

Ernst & Young, L.L.P. v. Pac. Mut. Life Ins. Co., 51 S.W. 3d 573, 577 (Texs 2001);
Hatford Fire Ins. Co. v. C Springs 300, Ltd, 287 S.W. 3d 771, 781 (Te. App. – Houston
(1st Dist. 2009, pet. denied).

Prospect High Income Fund, ML CBO IV v. Grant Thorton, LLP, 203 S.W. 3d 602, 618
(Te. App. – Dallas 2006, pet. denied((citing Marathon Corp. v. Pitzner, 106 S.W. 3d 724
(Tes. 2003)).

Hasse v. Glazner, 62S.W. 3d 795, 798 (Tes, 2001, Clark v. Power Mktg. Direct, Inc. 192
S.W. 3d 796, 799, (Tex. App – Houston (1st Dist.) 2006, no pet.)

P. v Pac.Mut. Life Ins. Co., 51 S.W. 3d573, 577 (Te. 2001).

Wood v. Texas Chiropractic College (Tex App – ouston (1st Dist.) July 24, 2008)
(Jennings) .

COUNT VI: DEFENDANT ARE ESTOPPEL

130. Plaintiff's realleges the allegations of paragraphs 1 thru 70 and 71 thru 77 and 78 thru 83 and 84 thru 105 and 106 thru 121.

131. CITY is precluded from denying and asserting what the players/actors have previously stated in numerous reports, at a hearing and recorded on the official CITY transcript, in CITY'S Finding of Facts, the fines and liens.

132. The doctrine of collateral extoppel prevents a party from relitigating an issue of fact or law that it previous litigated and lost. See: Quinney Elec., Inc. v. Kondos Entm't, Inc. 988 S.W. 2'd 212, 213 (Te. 1990) (per curiam).

133. Collateral estoppel (applies) when an issue was fully and fairly litigated in a previous action and was essential to the judgment of that action. Id. Here, the BII defendants had the burden to establish that (1) the facts of law sought to be litigated in the second suit were fully and fairly litigated in the first suit, (2) those issues were

essential to the judgment in the first suit, and (3) Suzanne and 2055, as the parties against whom collateral estoppel is asserted, and Robert, as the other party to the first suit, were cast as adversaries. John G. and Marie Stell Kenedy Mem’l Found v. Dewhurst, 90 S.W.. 3d268,288 (Tex.2002; Indem. Ins. Co. v City of Garland, 258 S.W. 3d 262, 271 (Tex. App – Dallas 2008, no pet.).

134. An issue has been litgated for collateral estoppel purposes if it was properly raised, by the pleadings or otherwise, submitted for determination, and determine. Van Dyke v. Boswell, O’Toole, Davis & Pickering, 679 SW.W. 2d 381, 384 (Tex. 1985):
Indemnity Inc. Co., Indemnity Ins. Co., 258 S.W.3d at 271.

135. In other words; Plaintiff’s have clearly establish in this Complaint CITY, Defendant’s, employees, namely CITY Attorney Barnaby Min and the various legal council(s) who have argued for CITY and CITY of Miami Code Enforcement Department, have previously stated that on 3 code violation reports, at a hearing, on a CITY Finding of Fact, Conclusions of Law, and Order and in 3 fines and 3 liens, two Motions to Dismiss and numerous other documents and Motions and prevailed in an appeal and have stated on numerous occasions and on report - - - -

- (1) Plaintiff’s live at 3268 Gifford Lane,
- (2) Plaintiff’s van was registered at 3268 Gifford Lane,
- (3) Plaintiff’s registered a web site and corporation at 3268 Gifford Lane,
- (4) Plaintiff’s did something to a tree at 3268 Gifford Lane,
- (5) Plaintiff’s had visual electrical code violations at 3268 Gifford Lane,
- (6) Plaintiff’s home - brick & mortar “*exchanged emotions*”@ 3268 Gifford Lane,

(7) Plaintiff's operated an illegal business @ 3268 Gifford Lane predicated upon (1) through (6),

(8) Plaintiff's have a porch at 3268 Gifford Lane,

(9) Defendant CITY placed 3 liens on Plaintiff's property at 3268 Gifford Lane that exceeds \$200,000.00, predicated upon (1) through (8).

136. Plaintiff's do not live at, have no van at, have no web site & corporation registered at, did nothing to some tree at, have no electrical wire that can be viewed at, their home does not "*exchanged emotions*" at, have no porch at and do not operated an illegal business at 3268 Gifford Lane. Defendant's can write whatever they want on some official piece of paper, take pictures all day long and arbitrailily pronounce whatever they want "*under the color of law*" while engaging in illegal unwarranted trespass, but they cannot come into this Honorable Court and present one piece of paper that proves what they state. Defendant's have willfully with malice and forethought, misrepresented everything they have stated. CITY cannot produce any document or web site with the address 3268 Gifford Lane indicating a corporation or web site is registered at 3268 Gifford Lane owned by Plaintiff's. The fines and liens are fraudulent. CITY has simply harassed Plaintiff's out of desire for vengeance.

137. It is highly unlikely, improbable or logical to think that CITY council would now express a desire to withdraw and retract all of this asininity and take an action to come clean and save taxpayers dollars in these hard times and stop the stress being heaped upon Plaintiff EUGENE JOBIE STEPPE.

138. Plaintiff's request this Honorable Court to declare Estoppel against CITY,

Defendant, from arguing or presenting a defense related to issues that have already been declared on numerous CITY documents, at a hearing, in a CITY Finding of Fact and during an appeal and 2 Motion to Dismiss and where Defendant's prevailed. Defendant has stated Plaintiff's live at, park their van at, have corporations and web sites registered at, operated a business from and 9 code violations at and filed liens on 3268 Gifford Lane, but write to Plaintiff's home at 3270 Gifford Lane.

139. Plaintiff's will file a Supplemental Claim; a Petition For Writ of Certiorari if this Court should want to take a look at the pictures proving trespass, the contents of Plaintiff's home, no porch, or documents that were misrepresented at the hearing; said to be registered to 3268 Gifford, but do not exist.

ARGUMENT

140. CITY has NO STANDING since any and all information obtained (al-be-it) the direct resultss of misrepresentations, after the fact, was collected during 3 illegal unwarranted trespasses.

141. CITY has NO STANDING; everything alleged are misrepresentations.

142. CITY has reduced CITY misrepresentations to CITY reports, CITY testimony at a CITY hearing transposed onto a CITY transcript, a CITY Finding of Facts, 3 fraudulent CITY liens and 2 CITY Motions to Dismiss; the cat is out of the bag; what could Defendant's argue? CITY records, CITY pictures and CITY testimony signed by CITY employees under the color of law, everything clearly proving illegal unwarranted trespassing and endless misrepresentations - - - - CITY has no Standing.

143. It was CITY who stated the federal case should be dismissed because the issues were not federal issues. Plaintiff's had filed an appeal; same players, same issues; the federal complaint was Stayed. Plaintiff's then filed a Complaint for damages in state court, same players, same issues, which a year later CITY removed to federal court arguing the same case, same players, same issues were now ripe for federal jurisdiction. Football running backs are obligated to avoid tackle, dance and shuffle around Defenders much like Defendant's council, but when tackled appropriately the players do not normally get up and run on; what would be the point with so many people watching? Likewise, it is time for CITY to bite the bullet and no longer hide behind the color of law at taxpayers expense - - - CITY cannot argue at a hearing or U.S. Court of Law what has been obtained through illegal unwarranted trespass and fraudulent misrepresentations and rambling utterances alleging that a brick and mortar home can "exchange emotions".

WHEREFORE:

- (a) Defendant CITY employees trespassed numerous times onto Plaintiff's property.
- (b) The trespass was intentional, involving negligence & represented an invasion of privacy.
- (c) Defendant CITY employees misrepresented every fact and during a direct examination of CITY'S only witness, testimony was formed that in every instance involved misrepresentations disguised in misleading leading questions.
- (d) Defendant CITY provided no Due Process, at all, under the law.

(e) CITY is Estoppel; CITY violation reports, the hearing, CITY'S Finding of Facts, and in CITY'S Motion to Dismiss Plaintiff's appeal which was affirmed establishing facts beyond doubt: trespass, misrepresentation(s), no due process, intent. What could CITY now argue or relitigate; it's all their facts taken from their reports.

(f) CITY has no Standing. Trespass: Information gathered during illegal unwarranted searches were and are inadmissible at hearing and courts of law. Misrepresentations: are well documented by CITY employees on their numerous reports, , revealed during oral testimony, litigated at appeal and in several Motions to Dismiss by Defendant/CITY, who by the conduct of their employees have no Standing at any hearing or Court of Law. CITY should have reined in their employees.

Plaintiff's respectfully demand that this Court make Plaintiff's whole, the way they were before the trespass, misrepresentations, before the lies, before the harassment began by issuing an Injunctive Order for code enforcement to call 305-447-6526 or write Plaintiff's at 3270 Gifford Lane, and state their reason(s) and a necessity for an inspection of Plaintiff's cartilage. Plaintiff's would welcome any sound advice.

Order Defendant CITY to remove all fines and liens.

After all is said and done this is the bottom line. I did not like it when Cristina was placed in fear and left her home for 3 weeks. Overall, CITY employees were never directly/harshly disrespectful to me, arrogant; during trespass; certainly. My main disdain – they acted as bullies and I do not like bullies; the stress was the direct result of the law and it's consequences; not being able to seek them out and confront them. It was

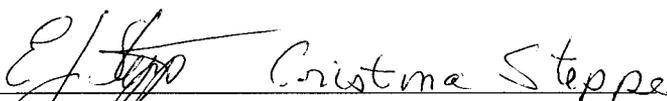
extreme abject frustration; they were both negligent and lucky and I'm certain the stress harmed my health and probably shaved some time from my life expectancy or so those experts might suppose and argue; personally I don't know; who could say.

We are neither rich, nor well off. We never wanted to sale our home, but did lose a \$540,000.00, sale, and our second choice was a U.S. Government sponsored reverse mortgage for \$275,000.00, that is no longer available. We did not want the mortgage, due to the cost, but did need; both were denied due to the bogus fraudulent liens.

Plaintiff's believe they are entitled to be whole and seek \$200,000.00, on each Court for compensatory and/or punitive damages, cost and \$176,000.00, in attorney's fees. Plaintiff EUGENE STEPPE has been at the typewriter since June 27, 2008, since this asininity began. Of course, not literally, i.e., the proof; I've gained 10 pounds and my pants no longer fit. I've almost done nothing as in obsessive-compulsive specifically related to the actions of CITY personnel, consuming more alcohol than the previous 65.5 years of my life. At times I literally thought I was going to die and had a few serious bouts with anxiety attacks, some required hospitalization. I have at least 1,000 sheets of typed double space rambling(s), probably more, which was my only method of release that worked.

In conclusion; read what CITY employees and CITY Attorney Barnaby Min have stated about Plaintiff's property, both inside and about the cartilage; stuff, racks, singles carts, debris, miscellaneous materials, product, product for sale, stored products. Sounds like a yard full of unsightly junk! Why were they afraid to use the word "ART". They stood at our front door and peered through our windows and reported "more product

inside". Attached for this Courts edification and digestion is reality; pictures of the North side of Plaintiff's cartilage and what the code inspectors peering inside of Plaintiff front door and windows saw at 3270 Gifford Lane. A misrepresentation - no - I call them LIARS, pure absolute hyperbole and this art is Plaintiff's private collection and is not for sale. Plaintiff's love color. Pictures worth a million Defendant words.


EUGENE JOBIE and CRISTINA MARIA STEPPE
3270 Gifford Lane
Coconut Grove, Florida 33133
1-305-447-6526

PLAINTIFFS HEREBY CERTIFY that a true and correct copy has been faxed and mailed to Mr. John A. Greco and Ms. Victoria Mendez at 444 S.W. 2'd Avenue, Suite 945, Miami, FL 33130-1910 on this 38 day of February 2011.

A

August 09, 2008

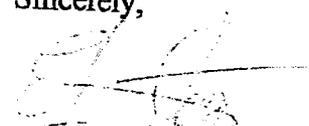
Re: Case No: CE2008012300
3268 Gifford Lane
Coconut Grove, Florida 33133

City of Miami Code Enforcement Department- Clerk
City of Miami Attorney's Office- Mr. Barnaby Min
Mauricio Lezama @ 970 SW 1st St. Unit 40 - Miami, FL 33130

TO WHOM IT MAY CONCERN:

I'm notifying the above personnel that in accordance with the Americans with Disabilities Act of 1990, I require two special accommodations in order to participate in this meeting, see attached Notice to Appear. I need to have a table to place my papers and documents upon and I require all questions that shall be asked and respond to be presented in writing. Or that all questions are asked one at a time and slowly in order that I short hand the questions and have time to respond accordingly. Please see attached medical records indicating I have had a Traumatic Brain Injury, have a heart condition and have a short term memory deficit. By the time a question is asked I might not remember the beginning of the question, which of course would lead to confusion for everyone. I will bring to the hearing a light weight plastic folding table if one is not available.

Sincerely,



Eugene Jobie Steppe
3270 Gifford Lane
Coconut Grove, FL 33133
305-447-6526 786-473-5120

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me down a little bit. I don't have to mention anything to Ms. Arias about that.

BOARD MEMBER MORALEJO: Mr. City Attorney, I have a question. Does the fact that someone doesn't exchange monetary bills still constitute a business? For example, churches are considered businesses.

MR. MIN: It is still a business. Even though Mr. Steppe may not be making money --

BOARD MEMBER MORALEJO: Money on it, correct.

MR. MIN: -- it's still a business. Just because it's not a profitable --

BOARD MEMBER MORALEJO: So if he's bringing people in to view it or exchange emotions is also considered --

MR. MIN: That is his position. Just because it's not a profitable business, that's totally irrelevant. The fact that it is a business --

MR. STEPPE: Let me ask you a question. What business am I running? Give me -- because I was going to bring my

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City of Miami

August 08, 2008

THE CITY OF MIAMI

vs.

Owner/Dueño/ Pwopryetè:

EUGENE J STEPPE & CRISTINA STEPPE

3268 GIFFORD LN

MIAMI FL

331335115

EUGENE J STEPPE & CRISTINA STEPPE

3268 GIFFORD LN

MIAMI FL

331335115

2d Phone #
786-473-5120

CODE ENFORCEMENT BOARD/ CUMPLIMIENTO
DEL CÓDIGO/
KOMITE DEGZEKISYON

CITY OF MIAMI, FLORIDA

Case No: CE2008012300

Address: 3268 GIFFORD LN

Zoning: 39

Folio: 0141210290070

Legal: TANGERINE PB 18-7

LOT 8

LOT SIZE 50.000 X 100

OR 20341-3181 04/2002 4

NOTICE OF VIOLATION SUMMONS TO APPEAR

Subject Property: 3268 GIFFORD LN Folio: 0141210290070

You are hereby notified that an inspection of the above property discloses that you are in violation the following laws, including

VIOL REF# 1572-Illegally operating a business in a residential zone. ZON ORD Article 4 SEC401

Correction: Try to obtain a home occupation through class II permit from zoning and building if allow by them or remove this illegal business from this residential zone.

VIOL REF# 1510-No Certificate of Use. Zon ORD 2301.1 & City Code SEC 2-207

Correction: Certificate of use required for business conducted in City of Miami. If not able to obtain one, remove business from this residential zon.

VIOL REF# 1551-Failure to have a valid occupational license. C 31

Correction: A valid occupational license is required for business conducted in City of Miami. If you are not able to obtain one, removal of the business is required.

VIOL REF# 1503-Illegally parking commercial vehicle in a residential zone. ZON ORD SEC 920.3

Correction: No commercial vehicles are allowed to park in residential zone.

VIOL REF# 1507-Parking on unimproved surfaces. ZON SEC 917.3 & Off SStreet Parking Standards

Correction: Improve the surface through out a building permit if allowed by building and PW or remove vehicle from unimproved surface.

VIOL REF# 1508-Outside storage of miscellaneous materials, equipment, and/or debris. ZON SEC 401& 917.12

Correction: Bottles and product made for this business can not be stored at the front yard or at this property. Removal is required.

You were directed to correct said violation(s) by July 07, 2008 and to notify the Inspector that the violation(s) has been corrected. Failure to do so will result in charges being filed against you with the Code Enforcement Board of the City of Miami.

If the violation(s) is (are) not corrected with the approval of the inspector within the specified time period, you are hereby commanded to appear before the Code Enforcement Board for a hearing at the following time and place:

Date/Fecha/Dat: Sep 10, 2008,

Time/Hora/Lè: 05:00 PM

Place/Lugar/Kote a: Commission Chambers, City Hall / Despacho del Concejo, Ayuntamiento
3500 Pan American Drive, Miami, Florida

If you cannot communicate in English, you are responsible for bringing a translator, 18 years of age or

DAVID WESTA or WESTEN

Permit Doctor Com 305-962-6728

305-207-2499

City of Miami



PEDRO G. HERNANDEZ, P.E.
City Manager

July 7th, 2008

Eugene J. Steppe
3270 Gifford LN
Miami, FL 33133

Re: City of Miami Code Violation
Folio# 0141210290070

THIS IS FOR FOUR
THE OTHERS FOR SIX
?

Dear Ms. Steppe:

I am in receipt of your letter dated June 27th, 2008. I have reviewed case number 2008012300 where you have been notified that you are in violation of the following violations.

- 1572- Illegal operating a business in a residential zone
- 1510- No Certificate of Use
- 1551 Failure to have a valid Occupational License
- 1503- Illegally parking commercial vehicle

The notice is proper and we will continue with our Code Enforcement process in order to gain compliance.

You will receive a summon advising you of the date and time for you to appear before the Code Enforcement Board where you will have an opportunity to present your case. However if found guilty, the Board may provide some time to come into compliance, and if compliance is not achieved by set date, a fine of up \$250.00 may be imposed on your property.

Thank you for your cooperation

Sergio Guadix
Chief of Code Enforcement

Cc : Kymberly Smith
Mauricio Lezama
Mariano Loret De Mola
Julie O. Bru

C

City of Miami



PEDRO G. HERNANDEZ, P.E.
City Manager

October 02, 2008

Eugene J. Steppe
3270 Gifford Lane
Miami, FL 33133

Re: City of Miami Code Violation
Folio# 0141210290070

Dear Ms. Steppe:

I am in receipt of your letter dated October 02, 2008. I have discussed with Mr. Eduardo Montes his inspection of your property on September 30, 2008 and City of Miami Police Officer, Mr. Jose Guell who accompanied Mr. Montes on the inspection of your property.

Mr. Montes has advised me that all of the violation have been cleared. However, the commercial van parked outside of Miami City Hall on Pan American Drive still have wooden racks attached to each side. If you decide to move the van and park the van on or around your property you will be in violation as of date June 27, 2008. The racks much be removed before parking the van in a residential area or a fine of up to \$250.00 may be imposed on your property.

Thank you for your cooperation


Sergio Guadix
Chief of Code Enforcement

Q

City of Miami



October 14, 2008

THE CITY OF MIAMI

vs.

EUGENE J STEPPE & CRISTINA STEPPE

3268 GIFFORD LN
MIAMI FL

331335115

Tenant: _____

CODE ENFORCEMENT BOARD
CITY OF MIAMI, FLORIDA

Case No: CE2008012300
Address: 3268 GIFFORD LN

Hearing Date: Sep 10, 2008

Folio: 0141210290070
Legal: TANGERINE PB 18-7
LOT 8
LOT SIZE 50.000 X 100
OR-20341-3181 04/2002 4

CR: CE2008012300

Affidavit of Compliance

Subject Property: 3268 GIFFORD LN Folio: 0141210290070

I, Mauricio Lezama, Inspector for the City of Miami, being duly sworn, deposed and says:

1. On October 14, 2008, I conducted an inspection of the property cited for violation(s) in the above-styled matter.
2. The inspection and a review of applicable records indicate that the violation(s) charged have not been corrected.

Name of Inspector: Mauricio Lezama
Office Address: 970 SW 1 St Unit 402 Miami, FL 33130
Office Phone Number: (305) 329-4770

M. Lezama

Mauricio Lezama
Code Enforcement Inspector

SWORN AND SUBSCRIBED BEFORE ME THIS 14 DAY OF October, 2008.

Lizeth A Pita
Print Notary Name

Lizeth A Pita
Notary Public State of Florida
My Commission Expires: _____

Personally know or Produced I.D.
Type and number of I.D. produced N/A

NOTARY PUBLIC-STATE OF FLORIDA
Lizeth Pita
Commission #ID807509
Expires: JULY 20, 2012
BORNED FROM ALL ANTI-BURNING CO.

August 24, 2009

City of Miami Department of Code Enforcement
444 SW 2 Avenue - 7th Floor
Miami, Florida 33130

TO WHOM IT MAY CONCERN:

I can no longer keep my coconut palms clear of coconuts due to my age and a heart condition that at times makes me dizzy, making it dangerous for me to climb so high--I'm 66. The trees, rather, the height of the coconut clusters are in excess of about 34 feet. I have 9 trees that contain several hundred nuts that fall off daily and represent a danger "a life safety issue", under Sec. 8.1.11. Exemptions (c), to my wife, myself, my tenants, our various friends and neighbors, and my 5 children who frequently visit with our four grandchildren. Under this exemption I will be felling these palms immediately before someone is killed or seriously injured by these coconuts.

I've already begun planting additional palm trees since I have well over 25 nuts sprouting as I write this letter.

A handwritten signature in black ink, appearing to read 'E. Steppe', written in a cursive style.

Eugene Steppe
3270 Gifford Lane
Miami, FL 33133
305-447-6526

File Number: 07-00115

have been corrected, including the payment of all fines and the planting of all trees required as replacement tree mitigation, pursuant to this section.

8.1.10.6 Remedies cumulative. The remedies provided in this section shall be cumulative to all remedies provided by law and/or equity, and the election of one shall not preclude the other.

* * *

Sec. 8.1.11. Exemptions.

The following are exempt from the provisions of this article:

- a. Any tree growing in a botanical garden or a licensed plant or tree nursery business.
- b. When the city manager determines in writing that tree removal permitting requirements will hamper private or public work to restore order to the city after a declared state of emergency by the city commission.
- c. The removal of any tree during or following an emergency such as an act of nature or a life safety issue, upon written notice to the Department of Code Enforcement for private property, or to the Department of Public Works for public property.
- d. Nothing in this article shall be construed to prevent the pruning or trimming of trees where necessary for proper landscape maintenance and safety, provided that no more than twenty-five (25) percent of the crown or foliage is removed.
- e. The removal of any tree on city property or public right of way of the city, for municipal purposes, with good cause, and in accordance with the City of Miami City Code.
- f. Upon the Director of Public Works' prior written determination, the removal of dead, diseased, or damaged trees on public lands or public right-of-way, provided that such death, disease, or damage resulted from natural causes and not from any action or conduct of any person interested in its removal.

Sec 8.1.12. Modifications to tree replacement requirements.

Modifications to provision of replacement trees as specified in Section 8.1.6. (and the chart specified in Sec. 8.1.6.1.) above shall be permissible pursuant to qualifying for funding of affordable housing projects, as defined within this zoning ordinance, and as qualified and funded by the City of Miami Department of Community Development, shall be eligible to request a modification in the quantity of replacement trees required pursuant to the chart contained in Section 8.1.6.1. above; such modifications shall include a minimum of one (1) tree replacement for every four (4) inches of diameter of tree(s) to be removed at DBH. This modification shall be requested to the Department of Code Enforcement after confirmation by Community Development. All remaining requirements, as specified in this Section shall be met in order to qualify for this reduction.

* * *

Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

C

City of Miami



September 01, 2009

CR: CE2009020198

EUGENE J STEPPE &
CRISTINA STEPPE
3268 GIFFORD LN
MIAMI FL

331335115

EUGENE J STEPPE &
CRISTINA STEPPE
3268 GIFFORD LN
MIAMI FL

331335115

TICKET / CITATION

Subject Property: 3268 GIFFORD LN Folio: 0141210290070

Name of Violator(s): EUGENE J STEPPE &
Ticket Number: 278205

Location of Violation: 3268 GIFFORD LN
Folio: 0141210290070

Legal Description of Property:
TANGERINE PB 18-7
LOT 8
LOT SIZE 50.000 X 100
OR 20341-3181 04/2002 4

Violation Date: Sep 01, 2009 Violation Time: 02:23 PM
Code Section(s) Violated: VIOL REF# 1524-Tree removal/relocating/trimming/root pruning without a finalised permit. (Any required mitigation must be completed prior to permit being finalised) (resident). SEC 8.1/ 8.1.3/ 8.1.4 / 8.1.10

Correction: Please obtain an after-the-fact permit for the tree that was removed.

Fine Amount: 500.00 * 1 = 500.00

Name of Inspector: WILLIAM ORTIZ
Division: South
Office Address: 970 SW 1 St Unit 402 Miami, FL 33130
Office Phone Number: (305) 329-4770

If you have any questions, please contact the inspector at the above listed office phone number Monday through Friday.

WILLIAM ORTIZ
City of Miami Code Enforcement Inspector

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C

City of Miami



Date: October 19, 2009

CR: BE2009024201

CRISTINA STEPPE
3268 GIFFORD LN
MIAMI FL

Folio: 0141210290070

331335115

Location of Violation: 3268 Gifford LN

WARNING NOTICE OF VIOLATION

RE: TANGERINE PB 18-7
LOT 8
LOT SIZE 50.000 X 100
OR 20341-3181 04/2002 4

Dear Owner(s):

This is to advise you, that after making a visual inspection of the electrical wiring at the above location, Eduardo Canales, Electrical Inspector for the City of Miami, has reported violations which are listed on the attached sheet.

We would appreciate your cooperation in taking steps to secure a licensed electrical contractor to correct these violations by November 30, 2009. Caution: Do not destroy this letter. It must be presented to the contractor who is employed to make the corrections.

If you have any questions regarding the contents of this letter, please contact the above-named Electrical Inspector by calling this office at (305) 416-1100, between 8:00 A.M. to 8:30 A.M. and 4:00 P.M. to 4:30 P.M., Monday thru Friday.

A \$50.00 administrative fee per each notice of violation sent, in addition to the electrical permit fee is due upon receipt of this notice. Failure to make payment will result in a lien placed against the above mentioned property.

Additional steps will be taken to disconnect the electrical service if no attempts are made to correct the electrical violations.

EDUARDO CANALES ELECT INSPT III 305-416-1185. RICHARD WAY CHIEF INSPT 305-416-1125.
RESIDENTIAL PROPERTY R-2 ELECTRICAL REPAIR BEING DONE TO ELECT SERVICE EQUIPMENT
WITHOUT PERMIT/INSPECTIONS. HAZARDOUS CONDITIONS TO LIFE AND PROPERTY. REQUIRE
CORRECTIONS BY A QUALIFIED ELECTRICAL CONTRACTOR. NEED ELECTRICAL PERMIT A.S.A.P.
AVOID ADDITIONAL FINES/FEEES. PAY 2*FEE+\$100+\$50 LETTER FEE.
ELECTRICAL SERVICE IS SUBJECT TO DISCONNECT WITHOUTH FURTHER NOTICE.

Very truly yours,

2



Electric Service Standards

DATE
11-17-08

PREPARED BY Distribution Construction Processes	SUBJECT III. SERVICE PROVISIONS	SECTION: PAGE III: 11 of 11
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- The Customer **shall** be a residential or small commercial facility with a main line switch rating of 300 Amps or less, served by an FPL single phase overhead service. **No three phase service shall be disconnected by an electrical contractor.** FPL must disconnect all three phase services to ensure that proper phase rotation is maintained.
- FPL service attachment point at the building or structure **shall** remain intact. No service shall be removed from the attachment point or the attachment point altered in any way.
- The meter socket(s) **must not** have an FPL locking device installed.
- If multiple meters are involved, the electrician **shall** "mark" each meter and socket.
- **Only a licensed and qualified electrical contractor** may perform the disconnect function and he **shall** schedule a reconnect date (appointment) with FPL **before** disconnecting the service. If the appointment is not made before the disconnect, FPL will not be responsible for a same day reconnect.
- The service **shall** be cut on the load side of FPL's connection to the customer's service conductors. **No FPL conductors are to be cut.**
- The service **shall** be disconnected before removing the meter(s). **No meter is to be removed from an energized meter socket.**
- FPL personnel only are to perform the reconnect and only after an inspection (if required by the local authority) is received. **Electrical contractors are not allowed to reconnect the service.**
- The decision to perform this type of disconnect is entirely voluntary for the electrical contractor and allows work to commence without having to wait for FPL to disconnect the service. However, the electrical contractor still has the option of FPL performing the disconnect if he prefers.

J. Service to Special Equipment

The operation of electric furnaces, electric dredges and draglines, large motors and other heavy utilization equipment, if served from FPL's distribution system, might interfere with service to other Customers. Contact FPL concerning the requirements for furnishing this type of service. Refer to Section IX.

K. Service to Boat Facilities

FPL electric service to marinas and private docks will be to a designated point of delivery on shore. The Customer shall bring his service conductors to the point of delivery (such as a handhole, pedestal, junction box, or padmounted transformer). FPL will not extend its conductors onto marinas or docks.

The Customer should install his FPL-approved meter sockets so as not to be a hazard to people on the dock and they shall be accessible for meter maintenance and monthly readings. The socket shall be mounted such that the meter will face the dock and not the open water and not represent a protrusion hazard.

L. 2 wire, 480V Service

On all self-contained installations (600 amperes or less) where the service voltage is 480V to ground (2 wire), a non-automatic disconnect device shall be provided and installed by the Customer on the **line side** of each individual meter. For meter centers, there shall be one disconnect device on the **line side** of each meter. The disconnect device shall be lockable or sealable by FPL and adjacent to each meter. The Customer-owned non-automatic (no over current protection) disconnect device ampacity must meet all NEC Guidelines. A bypass equipped meter enclosure is required and shall be selected from the Approved Meter Equipment Enclosure List.

D

City of Miami

JULIE O. BRU
City Attorney



Telephone: (305) 416-1800
Telecopier: (305) 416-1801
E-MAIL: Law@ci.miami.fl.us

October 2, 2008

Eugene J. Steppe
3270 Gifford Lane
Miami, FL 33133

RE: CE2008012300

Dear Mr. Steppe:

Because you have threatened to sue the City of Miami on multiple occasions, all future communications concerning the above-referenced matter should be addressed to the Office of the City Attorney. Additionally, based on your letter to me dated September 29, 2008 as well as the numerous allegations you have made against individuals involved in the above-referenced matter, all communications should be done in writing only. Telephone calls from you will not be accepted and voicemail messages from you will not be returned.

With respect to the two voicemail message you left for me yesterday, the Office of the City Attorney is prohibited from providing legal advice to members of the public. I refer you to the Order of the Code Enforcement Board which explains the outstanding violations and what must be done to remedy the violations. If you need another copy of the Order, I will be happy to provide you with one upon written request.

Sincerely,

Barnaby L. Min
Assistant City Attorney

cc: Mariano Loret de Mola, Director of Code Enforcement
Sergio Guadix, Chief of Code Enforcement
Eduardo Montes, Supervisor of Code Enforcement
John A. Greco, Assistant City Attorney

blm:Document 142704

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