

EIS,MEDREQ,REF_SETTLEMENT

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:23-cv-24150-MD**

Smith v. CITY OF MIAMI et al
Assigned to: Judge Melissa Damian
Referred to: Magistrate Judge Eduardo I. Sanchez (Settlement)
Cause: 28:1983 Civil Rights

Date Filed: 10/31/2023
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Samuel Lee Smith, Jr.
Individual

represented by **Samuel Lee Smith, Jr.**
16614 SW 99th Court
Miami, FL 33157
Email: gymsam7@gmail.com
PRO SE

Kaysia Monica Earley
Earley Law firm
P.O. Box 451832
Sunrise, FL 33345
301-379-7528
Email: kearley@earleylawfirm.com
ATTORNEY TO BE NOTICED

V.

Defendant

CITY OF MIAMI
A Political Subdivision

represented by **Brandon Luis Fernandez**
City of Miami
Office of the City Attorney
444 SW 2nd Ave
Suite 945
Miami, FL 33130-1910
305-416-1800
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TERMINATED: 01/30/2024

Bryan E. Capdevila
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Defendant

Eric Marti
An Individual

represented by **Robert Craig Buschel**
 Buschel Gibbons, P.A.
 501 East Las Olas Boulevard
 Suite 304
 33301
 Fort Lauderdale, FL 33301
 954-530-5301
 Email: Buschel@bglaw-pa.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/06/2024	45	ORDER DENYING PLAINTIFF'S MOTION FOR PERMISSION TO BRING CELLPHONE INTO COURTHOUSE ECF NO. 42 Signed by Judge Melissa Damian on 5/6/2024. <i>See attached document for full details.</i> (pc) (Entered: 05/06/2024)
05/03/2024	44	Clerk's Notice of Docket Correction re 40 OMNIBUS ORDER FOLLOWING STATUS CONFERENCE. Document Restricted Due to Error ; The correct Omnibus Order Following Status Conference has been attached to this notice. (jc) (Entered: 05/03/2024)
04/29/2024	43	Consent by Pro Se Litigant (Non-Prisoner) Samuel Lee Smith, Jr to receive Notices of Electronic Filing at email address: gymsam7@gmail.com (pc) (Entered: 04/30/2024)
04/29/2024	42	Plaintiff's Motion for Permission to Bring Cell Phone into Courthouse by Samuel Lee Smith, Jr. Responses due by 5/13/2024. (pc) (Entered: 04/30/2024)
04/24/2024	41	ORDER REFERRING CASE FOR SETTLEMENT CONFERENCE REFERRING CASE to Magistrate Judge Eduardo I. Sanchez for Settlement Conference. Signed by Judge Melissa Damian on 4/24/2024. <i>See attached document for full details.</i> (pc) (Entered: 04/24/2024)
04/24/2024	40	OMNIBUS ORDER FOLLOWING STATUS CONFERENCE: Plaintiff's Ore Tenus Renewed Motion for Appointment of Counsel is interpreted as a request for a referral to the Court's Volunteer Attorney Program and, as such, is GRANTED. It is further ORDERED AND ADJUDGED that the briefing on Defendants' Joint Motion to Dismiss ECF No. 38 is hereby STAYED until further Order from the Court. Signed by Judge Melissa Damian on 4/24/2024. <i>See attached document for full details.</i> (PC). Document Restricted Due to Error ; See Clerk's Notice DE 44 for Image. Modified text and event on 5/3/2024 (jc). (Entered: 04/24/2024)
04/23/2024	39	PAPERLESS Minute Entry for proceedings held before Judge Melissa Damian: Status Conference held on 4/23/2024. Order to Follow. Total time in court: 29 minutes. Attorney Appearance(s): Kaysia Monica Earley, Bryan E. Capdevila, and Robert Craig Buschel. Court Reporter: Quanincia Hill, 305-523-5634 / Quanincia_Hill@flsd.uscourts.gov. (cos) (Entered: 04/23/2024)

04/22/2024	 38	(STAYED per de 40) Joint MOTION TO DISMISS 32 Amended Complaint/Amended Notice of Removal FOR FAILURE TO STATE A CLAIM by CITY OF MIAMI, Eric Marti. Responses due by 5/6/2024. (Buschel, Robert) Modified on 4/24/2024 (pc). (Entered: 04/22/2024)
04/22/2024	37	ORDER Identifying Courtroom for Status Conference presently set for 4/23/2024 at 10:00 AM. Signed by Judge Melissa Damian on 4/22/2024. <i>See attached document for full details.</i> (cos) (Entered: 04/22/2024)
04/16/2024	36	PAPERLESS ORDER granting Defendants' Unopposed Joint Motion for Extension of Time to Respond to Second Amended Complaint. Finding good cause shown for the requested three (3) day extension of time, and noting no opposition from Plaintiff, Defendants' Motion is GRANTED. Accordingly, Defendants shall respond to Plaintiff's 32 Second Amended Complaint by April 22, 2024. Signed by Judge Melissa Damian on 4/16/2024. (cos) (Entered: 04/16/2024)
04/15/2024	35	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 32 Amended Complaint/Amended Notice of Removal by CITY OF MIAMI, Eric Marti. (Attachments: # 1 Text of Proposed Order)(Buschel, Robert) (Entered: 04/15/2024)
04/05/2024	34	ORDER DENYING AS MOOT DEFENDANTS JOINT MOTION TO DISMISS ECF NO. 17 . Signed by Judge Melissa Damian on 4/5/2024. <i>See attached document for full details.</i> (pc) (Entered: 04/05/2024)
04/04/2024	33	NOTICE of Compliance by Samuel Lee Smith, Jr (Earley, Kaysia) (Entered: 04/04/2024)
04/04/2024	32	Second AMENDED COMPLAINT against Samuel Lee Smith, Jr filed in response to Order Granting Motion for Leave, filed by Samuel Lee Smith, Jr.(Earley, Kaysia) (Entered: 04/04/2024)
04/04/2024	31	ORDER denying 30 Plaintiff's Motion to Appoint Counsel and setting Status Conference. Status Conference set for 4/23/2024 at 10:00 AM the in Miami Division before Judge Melissa Damian. Signed by Judge Melissa Damian on 4/4/2024. <i>See attached document for full details.</i> (cos) (Entered: 04/04/2024)
04/01/2024	30	Plaintiff's Motion Requesting Appointment of Counsel by Samuel Lee Smith, Jr. Responses due by 4/15/2024. (pc) (Entered: 04/02/2024)
04/01/2024	29	ORDER TO SHOW CAUSE. Second Amended Complaint due by 4/4/2024. Signed by Judge Melissa Damian on 4/1/2024. <i>See attached document for full details.</i> (cos) (Entered: 04/01/2024)
03/26/2024	28	ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE SECOND AMENDED COMPLAINT: granting 27 Motion to Amend/Correct. <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 Melissa Damian on 3/26/2024. <i>See attached document for full details.</i> (pc) (Entered: 03/26/2024)
03/21/2024	27	Unopposed MOTION to Amend/Correct <i>Complaint</i> by Samuel Lee Smith, Jr. Responses due by 4/4/2024. (Attachments: # 1 Appendix Proposed Amended Complaint)(Earley, Kaysia) (Entered: 03/21/2024)

03/13/2024	26	Joint SCHEDULING REPORT - Rule 16.1 by CITY OF MIAMI (Capdevila, Bryan) (Entered: 03/13/2024)
03/12/2024	25	Certificate of Other Affiliates/Corporate Disclosure Statement by Eric Marti (Buschel, Robert) (Entered: 03/12/2024)
03/12/2024	24	Certificate of Other Affiliates/Corporate Disclosure Statement by CITY OF MIAMI (Capdevila, Bryan) (Entered: 03/12/2024)
03/11/2024	23	ORDER denying <i>without prejudice</i> 21 Plaintiff's Unopposed Motion for Extension of Time to File Second Amended Complaint. Signed by Judge Melissa Damian on 3/11/2024. <i>See attached document for full details.</i> (cos) (Entered: 03/11/2024)
03/10/2024	22	ORDER REASSIGNING CASE to Judge Melissa Damian for all further proceedings, Judge Jose E. Martinez no longer assigned to case. Signed by Judge Jose E. Martinez on 3/6/2024. <i>See attached document for full details.</i> (mno) (Entered: 03/10/2024)
03/01/2024	21	Second MOTION to Amend/Correct <i>Complaint</i> by Samuel Lee Smith, Jr. Responses due by 3/15/2024. (Earley, Kaysia) (Entered: 03/01/2024)
02/28/2024		Set/Reset Deadlines/Hearings per DE 20 Order re 17 Joint MOTION TO DISMISS 16 Amended Complaint/Amended Notice of Removal FOR FAILURE TO STATE A CLAIM MOTION for More Definite Statement . Responses due by 3/11/2024. (amb) (Entered: 02/28/2024)
02/28/2024	20	PAPERLESS ORDER granting 19 Unopposed Motion for Extension of Time. Plaintiff shall respond to the Joint Motion to dismiss on or before March 11, 2024 . Signed by Judge Jose E. Martinez on 2/28/2024. (jck) (Entered: 02/28/2024)
02/27/2024	19	First MOTION for Extension of Time to File Response/Reply/Answer by Samuel Lee Smith, Jr. (Earley, Kaysia) (Entered: 02/27/2024)
02/26/2024	18	ORDER SETTING CIVIL TRIAL DATE AND PRETRIAL SCHEDULE, REQUIRING MEDIATION, AND REFERRING CERTAIN MOTIONS TO MAGISTRATE JUDGE: (Jury Trial set for 2/24/2025 09:30 AM in Miami Division before Judge Jose E. Martinez., Calendar Call set for 2/20/2025 01:30 PM in Miami Division before Judge Jose E. Martinez.), ORDER REFERRING CASE to Mediation. (Mediation Deadline 12/26/2024.), ORDER REFERRING CASE to Magistrate Judge Eduardo I. Sanchez for Discovery Matters. Signed by Judge Jose E. Martinez on 2/26/2024. <i>See attached document for full details.</i> (pc) Pattern Jury Instruction Builder - To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here. (Entered: 02/26/2024)
02/13/2024	17	Joint MOTION TO DISMISS 16 Amended Complaint/Amended Notice of Removal FOR FAILURE TO STATE A CLAIM , MOTION for More Definite Statement by CITY OF MIAMI, Eric Marti. Responses due by 2/27/2024. (Capdevila, Bryan) (Entered: 02/13/2024)
01/30/2024	16	First AMENDED COMPLAINT against CITY OF MIAMI, Eric Marti filed in response to Order Granting Motion for Leave, filed by Samuel Lee Smith, Jr.(Earley, Kaysia) (Entered: 01/30/2024)

01/30/2024	15	ORDER Granting Motion to Withdraw as Counsel for Defendant: re 14 Motion to Withdraw as Attorney. Brandon Luis Fernandez representing CITY OF MIAMI (Defendant) withdrawn from case. Signed by Judge Jose E. Martinez on 1/30/2024. <i>See attached document for full details.</i> (pc) (Entered: 01/30/2024)
01/29/2024	14	Unopposed MOTION to Withdraw as Attorney by Brandon L. Fernandez for / by CITY OF MIAMI. Responses due by 2/12/2024. (Attachments: # 1 Text of Proposed Order Proposed Order)(Fernandez, Brandon) (Entered: 01/29/2024)
01/26/2024	13	NOTICE of Attorney Appearance by Bryan E. Capdevila on behalf of CITY OF MIAMI (Capdevila, Bryan) (Entered: 01/26/2024)
01/26/2024	12	NOTICE of Striking <i>Docket Entry 11</i> by CITY OF MIAMI (Capdevila, Bryan) (Entered: 01/26/2024)
01/26/2024	11	(STRICKEN per DE 12 Notice) NOTICE of Attorney Appearance by Bryan E. Capdevila on behalf of CITY OF MIAMI. Attorney Bryan E. Capdevila added to party CITY OF MIAMI(pty:dft). (Capdevila, Bryan) Text Modified on 1/29/2024 (amb). (Entered: 01/26/2024)
01/09/2024		Set/Reset Deadlines/Hearings per DE 10 Order. Amended Complaint due by 1/31/2024. (amb) (Entered: 01/09/2024)
01/09/2024	10	PAPERLESS ORDER granting 8 Unopposed Motion for Extension of Time. Plaintiff shall file his amended complaint on or before January 31, 2024 . Signed by Judge Jose E. Martinez on 1/9/2024. (jck) (Entered: 01/09/2024)
01/09/2024	9	Clerk's Notice to Filer re 8 First MOTION for Extension of Time to Amend Complaint . Filer Selected the Wrong Motion Relief(s); ERROR - The Filer selected the wrong motion relief(s) when docketing the motion. The correction was made by the Clerk. It is not necessary to refile this document but future motions filed must include applicable reliefs. AND Document Not Linked; ERROR - The filed document was not linked to the related docket entry. The correction was made by the Clerk. It is not necessary to refile this document. (ls) (Entered: 01/09/2024)
01/08/2024	8	Unopposed Motion for Extension of Time to Amend 1 Complaint by Samuel Lee Smith, Jr. Responses due by 1/22/2024 (Earley, Kaysia) Modified Relief and to add document link on 1/9/2024 (ls). (Entered: 01/08/2024)
12/18/2023	7	NOTICE of Attorney Appearance by Robert Craig Buschel on behalf of Eric Marti. Attorney Robert Craig Buschel added to party Eric Marti(pty:dft). (Buschel, Robert) (Entered: 12/18/2023)
12/01/2023	6	PAPERLESS ORDER granting 5 Unopposed Motion for Extension of Time. Defendant City of Miami shall respond to the Complaint on or before January 8, 2024 . Signed by Judge Jose E. Martinez on 12/1/2023. (jck) (Entered: 12/01/2023)
12/01/2023	5	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 1 Complaint, by CITY OF MIAMI. (Attachments: # 1 Text of Proposed Order Proposed Order)(Fernandez, Brandon) (Entered: 12/01/2023)
12/01/2023	4	NOTICE of Attorney Appearance by Brandon Luis Fernandez on behalf of CITY OF MIAMI. Attorney Brandon Luis Fernandez added to party CITY OF MIAMI(pty:dft). (Fernandez, Brandon) (Entered: 12/01/2023)

10/31/2023	3	Summons Issued as to CITY OF MIAMI, Eric Marti. (pc) (Entered: 10/31/2023)
10/31/2023	2	Clerks Notice of Judge Assignment to Judge Jose E. Martinez. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Eduardo I. Sanchez is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. (pc) (Entered: 10/31/2023)
10/31/2023	1	COMPLAINT against All Defendants. Filing fees \$ 402.00. Pay.gov Agency Tracking ID FLSDC-17034903, payment transferred from : 1:23-cv-24148-XXXX Smith v. Marti et al, filed by Samuel Lee Smith, Jr. (Attachments: # 1 City of Miami, # 2 Individual, # 3 Civil Coversheet, # 4 Civil Investigative Panel Report) (Earley, Kaysia) (Entered: 10/31/2023)