

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

GENERAL JURISDICTION DIVISION

CASE NO. 2025-001578-CA-01
JUDGE: Beatrice Butchko Sanchez (CA22)

GIANCARLO SCHWARZ and
DIANA SCHWARZ, as parents and
natural guardians of G.S., a minor

Plaintiffs,

vs.

CITY OF NORTH MIAMI BEACH
a Political Subdivision of the State of Florida,

Defendant.
_____ /

**PLAINTIFF'S MOTION TO COMPEL DEFENDANT'S
REPRESENTATIVE FOR DEPOSITION**

COME NOW the Plaintiffs by and through undersigned counsel and hereby files this Motion to Compel Deposition as to Defendant, CITY OF NORTH MIAMI BEACH'S Representative, as grounds for said Motion states as follows:

1. Plaintiff has attempted on numerous occasions to get dates from defense counsel for taking deposition of Defendant's representative. Copies of correspondence requests are attached hereto and made a part hereof as composite "Exhibit A".

2. To date, defendant has not provided a date certain for setting the deposition.

WHEREFORE, Plaintiff respectfully moves this Honorable Court to compel Defendant to provide dates for the taking of their representative's deposition.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Mail this June 2, 2025, to GREENSPOON MARDER LLP Ahmand R. Johnson, Esq., ahmand.Plaintiffs@gmlaw.com; joseph.geller@gmlaw.com; Attorneys for Defendant *The City of North Miami Beach*.

JEFFREY R. DAVIS, P.A.
Attorneys for Plaintiff
75 Valencia Avenue, Suite 100
Coral Gables, FL 33134
Tel: 305/577-3777
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By: /s/ Jeffrey R. Davis
Jeffrey R. Davis
Florida Bar No. 599956

From: [Michelle Samuelson](#)
To: [ahmand.Plaintiffs@gmlaw.com](#); [joseph.geller@gmlaw.com](#)
Cc: [Jeffrey R. Davis](#); [Michelle Samuelson](#)
Subject: RE: Schwarz v. City of NMB
Date: Thursday, May 8, 2025 10:36:47 AM
Attachments: [NTVD-DT-1-PWK City of NMB \(draft\).docx](#)
[image001.png](#)

Good morning,

I am following up on our request for Defendant's representative's deposition.

Thank you

Michelle Samuelson
Legal Assistant to Jeffrey R.
Davis, Esq.



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Personal Injury & Malpractice

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From: Michelle Samuelson <michelle@jeffdavislaw.com>
Sent: Wednesday, April 30, 2025 10:49 AM
To: [ahmand.Plaintiffs@gmlaw.com](#); [joseph.geller@gmlaw.com](#)
Cc: Jeffrey R. Davis <Jeff.Davis@jeffdavislaw.com>; Michelle Samuelson <michelle@jeffdavislaw.com>
Subject: Schwarz v. City of NMB

Good morning,

We would like to schedule the deposition of the person with knowledge of the topics/duces tecum attached hereto.

DAVIS LAW
www.jeffdavislaw.com

Kindly provide your representative's name, dates in June and whether an interpreter is necessary.

Thank you – I look forward to hearing from you.

Michelle Samuelson
Legal Assistant to Jeffrey R.
Davis, Esq.



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Defendant.

**NOTICE OF TAKING REMOTE VIDEOTAPED TELECONFERENCE
DEPOSITION
PURSUANT TO FLA. R. CIV. P. 1.310(B)(6)**

**TO: City of North Miami Beach
c/o GREENSPOON MARDER LLP**

PLEASE TAKE NOTICE that the undersigned attorney(s) will take the remote videotaped teleconference deposition of City of North Miami Beach, by a representative or representatives designated pursuant to Fla. R. Civ. P. 1.310(b)(6) with knowledge of the areas of inquiry reflected in "Schedule A" attached hereto, as follows:

<u>NAME</u>	<u>DATE AND TIME</u>	<u>LOCATION¹</u>
TBD (North Miami Beach, Florida)	TBD	Remote Link provided by Lexitas Reporting

¹ All parties and the deponent will be attending the deposition remotely. Lexitas Reporting will provide a link to the deposition prior to the above date.

UPON ORAL EXAMINATION before Lexitas Reporting, Notary Publics, in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules. This deposition may be video recorded and will go from day to day until completion.

Lexitas Reporting shall appoint a videographer. Objections not raised prior to deposition are waived. Please advise the undersigned if an interpreter is necessary.

SCHEDULE A - TOPICS

1. The factual and evidentiary basis raised in the Defendant's answer and affirmative defenses to Plaintiff's complaint dated March 20, 2025 relating to Defendant's second affirmative defense, third affirmative defense, seventh affirmative defense, eighth affirmative defense, ninth affirmative defense and tenth affirmative defense.
2. The facts regarding the March 15, 2024 incident involving Giancarlo E. Schwarz and his incident at the playground slide during the aftercare program at the North Miami Beach Center.
3. The organization and operation of the aftercare program at the North Miami Beach Y.E.S. Center, Parks and Recreation Program on or about March 15, 2024, including the staffing, names and addresses of each employee and/or individual working at that location on that date, their roles, job duties and responsibilities.
4. Any surveillance or video recordings of Plaintiff's subject occurrence.
5. The name and address of the parents of "Ivan" who was the child that injured the minor Plaintiff on March 15, 2024.
6. Any and all incident reports or accident reports prepared regarding Plaintiff's subject occurrence.
7. Any plans, rules, regulations, programs, protocols, policies or procedures for the supervision and operation of the playground facility in effect on the date and time of Plaintiff's subject occurrence.
8. Any and all accident/incident reports, recreation policies and procedures in effect on the date of Plaintiff's subject occurrence.

DUCES TECUM – TO BE PRODUCED AT LEAST 3-DAYS BEFORE DEPOSITION

- A. Movies or digital recordings of Plaintiff's subject occurrence.
- B. Photographs of Plaintiff's subject occurrence.
- C. Witness statements regarding Plaintiff's subject occurrence.
- D. Statements made by any teacher, supervisor, playground counselor or other employee of the Defendant regarding Plaintiff's subject occurrence.
- E. Any and all written plans, rules, policies, procedures or protocols regarding supervision of children at the Y.E.S. Center after school program in effect on the date of Plaintiff's subject occurrence.
- F. Any and all accident reports involving Plaintiff's subject occurrence.
- G. Any and all accident reporting procedures in effect on the date of Plaintiff's subject occurrence.
- H. Any and all documents which support the affirmative defenses that are listed in Schedule A –1 : Topics of this notice.
- I. Any letters, claims or correspondence with the parents of "Ivan", the other child involved in Plaintiff's subject occurrence.
- J. Any homeowners insurance information for the parents of "Ivan" the other child involved in Plaintiff's subject occurrence.
- K. Any private insurance policy that may cover this subject incident.
- L. Any indemnification agreement the defendant intends to rely upon in this case.
- M. Any management agreement or contract with any outside person, firm or entity for the operation of the subject program or facility in effect on the date of Plaintiff's incident.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Mail this April 30, 2025, to GREENSPOON MARDER LLP Ahmand R. Johnson, Esq., ahmand.Plaintiffs@gmlaw.com; joseph.geller@gmlaw.com; Attorneys for Defendant *The City of North Miami Beach*.

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By: /s/ Jeffrey R. Davis
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