

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.

**REPLY TO AFFIRMATIVE DEFENSES AND
INCORPORATED MOTION TO STRIKE**

COME NOW the Plaintiffs by and through undersigned attorney and generally deny each and every affirmative defense raised by the Defendant, CITY OF NORTH MIAMI BEACH, in their Answer and Affirmative Defenses to Plaintiff's Complaint and more specifically state:

1. Defendant's first affirmative defense is denied as the city is liable and responsible for its operational negligence.
2. The Defendant's second affirmative offense is denied as the minor Plaintiff was injured exclusively as a result of the Defendant's failure to properly organize, supervise, manage and run its aftercare program. Plaintiff denies comparative fault.
3. Plaintiff denies Defendant's third affirmative defense as the Defendants failed to set forth, or identify the "risk" at issue and, accordingly to Defendant's third affirmative defense is vague, incomplete and unsupportable.
4. Plaintiffs deny Defendant's fifth affirmative defense as inapplicable to the subject action. There is no settlement, release or covenant whatsoever.

5. Plaintiff denies Defendant's seventh affirmative defense as the same is vague, incomplete and contains no facts, no factual basis upon which Plaintiff can respond or meet Defendant's allegations.
6. Plaintiff denies and moves to strike Defendant's ninth affirmative defense as the same is overbroad and cites a statute which contains multiple paragraphs and subparts. Plaintiff has no way of addressing, meeting or responding to this affirmative defense and the same should be stricken.
7. Plaintiff moves to strike Defendant's tenth affirmative defense as the same fails to comply with Florida's pleading requirements of statute 768.81(3)(a)(1) which requires the Defendant to identify the non-party or describe the non-party as specifically as practicable. Defendant's tenth affirmative defense is incomplete and defective and accordingly should be stricken.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Mail this March 27, 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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