



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Local Planning Agency (LPA)** meeting on **Tuesday, June 19, 2018 beginning at 5:00 PM**, to consider the following rezoning application. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**. The proposed rezoning applies to the property shown on the map below.

The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 18-

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL / DENIAL OF, OR GOING FORWARD WITHOUT A RECOMMENDATION FOR A REZONING FROM INDUSTRIAL COMMERCIAL (IC) TO DOWNTOWN MIXED USE (DMU) FOR A 1.95± ACRE PARCEL GENERALLY LOCATED AT 8484 NW 36 STREET, CITY OF DORAL, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 18-06-DOR-02

APPLICANT: Stanley B. Price, Esq.

PROJECT NAME: Doral Court Plaza

PROJECT OWNERS: Doral Court Plaza, LLC

LOCATION: 8484 NW 36th Street, Doral, Florida 33166

FOLIO NUMBERS: 35-3027-001-0241

SIZE OF PROPERTY: 1.95± Acres

PRESENT LAND USE: Office/Residential (OR)

PRESENT ZONING: Industrial Commercial (IC)

REQUEST: The Applicant on behalf of Doral Court Plaza, LLC is requesting a rezoning from Industrial Commercial (IC) to Downtown Mixed Use (DMU) for the property located at 8484 NW 36th Street, Doral, Florida 33166.

LEGAL DESCRIPTION: The land referred to herein below is situated in Miami-Dade County, Florida, and is described as follows:

A portion of the West 847.72 feet of Tract 29 and 30, of Florida Fruit Land Company's Subdivision No.1, in Section 27, Township 53 South, Range 40 East, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows; Commerce at the Northwest corner of said Tract 30; thence North 89°58'53" East along the North line of said Tract 30 for a distance 609.88 feet; thence South 00°21'28" East for a distance of 55.00 feet to a point lying on the South right of way line of NW 36th Street and the Point of Beginning of the herein described parcel of land; thence North 89°58'53" East along said right of way for a distance of 239.71 feet; thence South 01°50'30" East for a distance of 297.24 feet; thence South 89°58'15" West for a distance of 247.41 feet; thence North 00°21'28" West for a distance of 297.14 feet to the Point of Beginning.

Containing 72,365 square feet or 1.661 acres more or less.

TOGETHER WITH

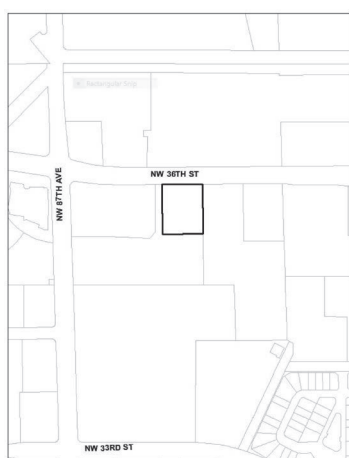
CASTER PARCEL:

A portion of the west 847.72 feet of Tracts 29 and 30, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, in Section 27, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 at Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Tract 30; thence North 89°58'53" East along the North line of said Tract 30 for a distance of 609.88 feet; thence South 00°21'28" East for a distance of 55,000 feet to a point lying on the South right of way line of NW 36th Street (Doral Boulevard) and the Point of Beginning of the herein described parcel of land; thence continue South 00°21'28" East along the West line of the lands described in Partial Release of Unities of Title recorded in Official Records Book 22183, Page 4630, of the Public Records of Miami-Dade County, Florida, for a distance of 297.14 feet; thence South 89°58'15" West, along the Westerly prolongation of the South line of the lands described in said Partial Release of Unities of Title, for a distance of 42.00 feet; thence North 00°21'28" West for a distance of 297.15 feet; thence North 89°58'53" East, along the South right of way line of NW 36th Street (Doral Boulevard) for a distance of 42.00 feet to the Point of Beginning.

Containing 12,480 square feet or 0.29 acres or more or less.

Location Map



Information relating to the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department Located at **8401 NW 53rd Terrace, Doral, FL. 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide interpretation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento durante el proceso de solicitudes de zonificación.

Connie Diaz, CMC
City Clerk
City of Doral
6/5

18-73/0000323933M

FROM THE COURTS

Court Acts to Freeze Assets of Chesley, Ex-'Master' of Mass Torts

by Amanda Bronstad

An appeals court has upheld an injunction freezing the assets of Stanley Chesley—once known as the “master of disaster” for his work in mass tort litigation—after concluding that the disbarred Cincinnati plaintiffs attorney is likely to continue what it called a “high-stakes shell game.”

In the latest chapter of a saga that began two decades ago, the U.S. Court of Appeals for the Sixth Circuit on Thursday upheld a district judge's injunction freezing Chesley's assets as part of a case brought by his former clients who are attempting to collect on a \$42 million judgment from a Kentucky state court. The payments come from a \$200 million settlement in 2001 over the diet drug cocktail fen-phen in which Chesley and several of his co-counsel were accused of pocketing the funds. The former clients brought a fraudulent conveyances action in federal court against Chesley's former firm and a Cincinnati attorney in charge of his assets.

The panel upheld the order even after the Ohio Supreme Court on Oct. 5 struck down an attempt to transfer Chesley's assets to Ohio probate court—the target of the injunction—because it was part of a “misuse of the judicial process.”

Chesley has “offered us no reason to trust that he will discontinue his years-long scheme to avoid the \$42 million judgment,” Sixth Circuit Senior Judge Richard Suhrheinrich wrote. “The central focus of that scheme has been to ship all of his money away to places safe from the plaintiffs' reach but still within his control. If we were to lift the injunction, he would be free to continue doing that, which raises the same concerns about his judgment creditors' ability to recover what they are owed.”

Donald Rafferty of Cohen, Todd, Kite & Stanford in Cincinnati, an attorney for Chesley's former firm, Waite, Schneider, Bayless & Chesley—which is no longer practicing and in wind-down mode—and Thomas Rehme, the Cincinnati attorney in charge of Chesley's assets, did not respond to a request for comment.

Angela Ford of Ford Law PSC in Lexington, Kentucky, who represents Chesley's former clients, said in an emailed statement: “The Sixth Circuit wrote with impressive clarity, and I'm hoping the speed with which the court acted will create a sense of urgency in the district court. After nearly 14 years, it's about time for the machinations to end.”

Chesley was a prominent plaintiffs attorney in the mass tort bar. In addition to fen-phen, he got a \$200 million settlement in 1983 for Vietnam War veterans exposed to Agent Orange; a \$3.2 billion settlement with Dow Corning in 1998 for women claiming diseases caused by silicone breast implants; and a \$2.7 billion settlement in 2003 with the government of Libya for families of victims of Pan Am Flight 103, destroyed by a bomb over Scotland.

In the case over fen-phen—a combination of the appetite-suppressing drugs fenfluramine and phentermine—his clients, who were supposed to get about \$134 million from the settlement, received \$74 million instead, says the Sixth Circuit's opinion. The rest went to their lawyers, including Chesley, who ended

up with about more than \$20 million, according to his 2013 disbarment proceeding in Kentucky.

“The lawyers, at least for the time being, made out like bandits,” according to the opinion.

But former clients suing over the missing funds won the \$42 million judgment. And two of Chesley's co-counsel, Shirley Cunningham Jr. and William Gallion, got prison sentences in 2009 of 20 and 25 years, respectively.

In 2013, the Kentucky Supreme Court disbarred Chesley, who subsequently retired from practicing law in Ohio. It was then that Chesley set up a “wind-up agreement” with Rehme as part of the dissolution of his law firm: “Ostensibly, the agreement's purpose was to help wind up WSBC's business en route to dissolving the firm,” the opinion says. “It also served as a vessel through which Chesley could move his assets.”

Before U.S. District Judge Robert Cleland of the Southern District of Ohio issued his injunction in the federal fraudulent conveyances suit, Rehme transferred the assets in 2016 to a newly formed trust, which moved them to a third party “for the purpose of instituting an assignment for the benefit of creditors action” in Ohio probate court.

In their appeal, Chesley's former firm and Rehme argued that the transfers were for legitimate purposes, particularly since Chesley could no longer practice law, and that Cleland had violated the Anti-Injunction Act by issuing his order against an Ohio state court. After the Ohio Supreme Court ruling, however, the Sixth Circuit asked both sides to provide supplemental briefs on its impact.

Chesley's former firm and Rehme argued that the decision mooted the injunction's purpose, but the former clients said it only reaffirmed Cleland's reasons for imposing the order in the first place.

The Sixth Circuit agreed with the plaintiffs, calling the Ohio Supreme Court's decision “strong evidence of Chesley's pattern of fraudulent behavior.” The panel also noted evidence that Rehme wrote Chesley \$5.4 million worth of checks for things like personal legal bills and household expenses and that the timing of the asset transfer “bolsters the suspicion that it was an attempt to evade the plaintiffs'.”

In a footnote, the panel noted other “red flags,” such as Chesley's former firm selling 33 cars insured for more than \$5 million to his wife, U.S. District Judge Susan Dlott of the Southern District of Ohio, for \$543,000, then buying them back for the same price, and a \$1 million check in 2014 to “Cory Kumler,” who turned out to be his wife. “These transactions are curious, as there appears to have been no exchange of economic benefit,” the footnote says.

Moreover, Chesley's actions have gone on for two decades, according to the panel.

“There is a fundamental public interest in ending such abuse of the judicial system, in conserving judicial resources, and in preventing further confusion and disruption in this litigation,” the panel wrote.

Amanda Bronstad is the ALM staff reporter covering class actions and mass torts nationwide. She writes the email dispatch Critical Mass. She is based in Los Angeles.