Filing # 258342531 E-Filed 10/01/2026 11:24:21 PM

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

KYLE HANENBERG,

Plaintiff,

vs.

CITY OF MIAMI BEACH,

Defendant.
_____/

CASE NO.:

COMPLAINT FOR DAMAGES

The Plaintiff, KYLE HANENBERG, by and through the undersigned attorney sues the Defendant, CITY OF MIAMI BEACH, and alleges as follows:

1. This is an action for damages in excess of FIFTY-THOUSAND DOLLARS ($50,000.00) within the jurisdictional limits of this Court.
2. At all times material hereto, the Plaintiff, KYLE HANENBERG, was and is a natural person residing in Miami-Dade County, Florida, and is *sui juris*.
3. At all times material hereto, the Defendant, CITY OF MIAMI BEACH, was and is a political subdivision of the State of Florida, County of Miami-Dade engaging in activity more particularly described below. The activity is an operational level of decision making within the Defendant. Since this activity does not involve discriminatory governmental function, the Defendant is not immune from tort liability and this, in accordance with article X Section 13 of the Florida Constitution, the Defendant waives sovereign immunity from liability or tort.

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

4. Venue is proper in Miami-Dade County, Florida, as the accident that is the subject of the Complaint occurred in Miami-Dade County pursuant to Fla. Stat. § 47.011.

5. At all times material hereto, the Defendant, CITY OF MIAMI BEACH, was in possession or control of and/or maintained the roadway located at or near 17th Street and Lennox Avenue, Miami Beach, Miami-Dade County, State of Florida, in which patrons and invitees specifically and regularly frequent.

6. All conditions precedent to this lawsuit has been met. Plaintiff has complied with the notice requirements of Fla. Stat. §768.28. See Notice correspondence attached hereto as "**Exhibit A.**"

COUNT I
NEGLIGENCE OF CITY OF MIAMI BEACH

7. Plaintiff, KYLE HANENBERG, readopts and re-alleges paragraphs 1 through 8 as if fully set forth herein.

8. On or about June 10, 2025, Defendant, CITY OF MIAMI BEACH, was in possession or control of and/or maintained the public roadway located at or near 17th Street and Lennox Avenue, Miami Beach, Miami-Dade County, State of Florida.

9. At said time and location, Plaintiff, KYLE HANENBERG, was riding his bicycle at or near 17th Street and Lennox Avenue, Miami Beach, Miami-Dade County, State of Florida. Plaintiff's bicycle hit a grossly unsafe, broken, deep, uneven, and decrepit pothole, which was unmarked causing him to lose control of his bicycle and to be thrown onto the asphalt roadway, in which he sustained severe injuries.

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

10. Plaintiff's body and extremities violently struck the asphalt roadway surface as a result of unsafe and unmarked condition herein, the fall caused by the hazardous pothole and sustained severe and permanent stemming therefrom.
11. At all times material hereto, Defendant, CITY OF MIAMI BEACH, owed a non-delegable duty to the general public, including Plaintiff, KYLE HANENBERG, to maintain its municipal roadways and streets in a reasonably safe condition for ordinary travel, to inspect for foreseeable dangerous defects, and to adequately warn the public of any hazards.
12. Defendant, CITY OF MIAMI BEACH, breached its duty of care by negligently allowing a grossly unsafe, broken, uneven, and decrepit pothole to exist on the asphalt surface of the roadway. Defendant by and through its employees, agents, and servants negligently maintained the area by allowing a hazardous condition to exist.
13. At all times material hereto, Defendant, CITY OF MIAMI BEACH, allowed the dangerous condition to exist for such a length of time that in the exercise of ordinary care, CITY OF MIAMI BEACH, should have known of the dangerous condition or in the alternative the condition arose and persisted over a prolonged period of time and was therefore foreseeable.
14. The Defendant, CITY OF MIAMI BEACH, failed to use reasonable care under circumstances to maintain its premises and discover a foreseeable dangerous condition and to correct it or to warn the Plaintiff of its existence.
15. Notwithstanding said duties, Defendant, CITY OF MIAMI BEACH, by and through its employees, agents and/or servants acting within the course and scope of their employment and/or agency, was negligent in one or more of the following ways:

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

a. Failing to maintain the aforementioned public roadway in a reasonably safe condition;

b. Failing to warn the Plaintiff, KYLE HANENBERG and general of the hazardous, uneven, and dangerous pothole in the roadway;

c. Failing to timely, properly, or adequately remedy, repair, and patch the dangerous pothole;

d. Failing to warn and/or disclose place barricades, cones, signs, or markers to disclose the roadway defect to the public;

e. Additional acts of negligence to be revealed in the ongoing course of discovery.

16. As a direct and proximate result of the Defendant CITY OF MIAMI BEACH's negligence and/or failure to warn of the dangerous and/or hazardous conditions(s), which caused Plaintiff, KYLE HANENBERG, suffered serious bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, significant and permanent scarring, loss of capacity for the enjoyment of life, expenses of hospitalization, now and in the future, medical and nursing care and treatment, now and in the future, enhanced insurance costs in the future, loss of earnings, and loss of ability to earn money now and in the future.

WHEREFORE, the Plaintiff, KYLE HANENBERG, demands judgment from the Defendant, CITY OF MIAMI BEACH, for damages, costs, interest and any other relief which this Court may deem appropriate.

DEMAND FOR JURY TRIAL

The Plaintiff, KYLE HANENBERG, herein demands a trial by jury on all issues so triable by law.

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

Dated this 1st day of October, 2026.

MARK ALLEN EGNER, P.A.
Attorney for Plaintiff
1531 N.W. 13th Court
Miami, Florida 33125
Tel.: (786) 899-0833
Fax: (305) 397-0913
Primary Email: egnerpleadings@gmail.com
Secondary Email: lawinfofl@me.com
Alt:sa.litigationconsulting@gmail.com
Alt: melanie.k.garces@gmail.com

By: ___/s/ Mark Allen Egner____
MARK ALLEN EGNER
FBN: 576743

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

MARK ALLEN EGNER, P.A.

1531 NW 13 Court
Miami, FL 33125

T 786.899.0833
F 305.397.0913
lawinfofl@me.com
egnerpleadings@gmail.com

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

February 16, 2025

SOVEREIGN IMMUNITY WAIVER NOTIFICATION

CC:

VIA HAND DELIVERY BY COURIER/PROCESS SERVER:

Department of Financial Services
Bureau of Claims Administration
Division of Risk Management
200 East Gaines Street
Tallahassee, FL 32399-0300

VIA **HAND DELIVERY BY COURIER/PROCESS SERVER**:

City of Miami Beach
c/o Steven Meiner, Mayor
1700 Convention Center Drive
4th Floor
Miami Beach, FL 33139

VIA HAND DELIVERY BY COURIER/PROCESS SERVER:

City of Miami Beach Risk Management
1700 Convention Center Drive
Miami Beach, FL 33139

RE:	Our Client:	Kyle Hanenberg
	Date of Accident:	06/10/2025
	Type of Claim:	Fall from bicycle/pothole
	Claim Number:	Please provide
	Location:	17th Street and Lennox Avenue, Miami Beach, FL 33139

Dear Sir/Madam:

Pursuant to Section 768.28(6) of the Florida Statutes, please be advised that our firm has been retained to represent Kyle Hanenberg, for injuries sustained on June 10, 2025. On the said date, Mr. Hanenberg was riding his bicycle at or near 17th Street and Lennox

Avenue, Miami Beach, Miami-Dade County, Florida. His bicycle hit a pothole in the street, and Mr. Hanenberg fell off and sustained severe injuries.

Pursuant to § 768.26(6)(c), the following information is provided:

Claimant	: Kyle Hanenberg
Date of Birth	: 09/06/1989
Social Security No.	: XXX-XX-XXXX
Place of Birth	: Miami, FL

Claimants are unaware of any prior adjudicated unpaid claims in excess of $200.00.

Pursuant thereto, kindly treat this letter of our Notice of Intention of Imposing a Claim under Section 768.26(6) of the Florida Statutes, and govern yourself accordingly.

Sincerely yours,

/s/ Mark Aleen Egner
MARK A. EGNER, ESQ.
Florida Bar No. 576743

MAE/mkg

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

RETURN OF SERVICE

State of Florida **County of MIAMI DADE** **County Court**

Case Number: NA

Plaintiff:
Kyle Hanenberg

vs.

Defendant:
Department of Financial Services
Bureau of Claims Administration
Division of Risk Management, City of Miami Beach c/o Steven Meiner,
Mayor, City of Miami Beach Risk Management

For:
MARK ALLEN EGNER, P.A.
1531 NW 13th Court
Miami, FL 33125

Received by HENRY PINTO on the 17th day of February, 2026 at 1:02 pm to be served on **City Of Miami Beach c/o Steven Meiner, Mayor, 1700 Convention Center Drive 4th Floor, MIAMI BEACH, FL 33139**.

I, HENRY PINTO, do hereby affirm that on the **19th day of February, 2026** at **2:12 pm, I:**

served a **GOVERNMENT AGENCY** by delivering a true copy of the **SOVEREIGN IMMUNITY WAIVER NOTIFICATION** with the date and hour of service endorsed thereon by me, to: **LUPITA RAMOS** as **OFFICE MANAGER** for **City Of Miami Beach c/o Steven Meiner, Mayor**, and informed said person of the contents therein, in compliance with State Statutes.

Under penalties of perjury, I swear or affirm, pursuant to Fla. Stat. § 92.525 that I have read the foregoing and the facts stated there are true. I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the county in which service was made



HENRY PINTO
2351

Magic City Process Service, LLC
1825 PONCE DE LEON BLVD #283
CORAL GABLES, FL 33134
(786) 881-8228

Our Job Serial Number: MGS-2026001733

Copyright © 1992-2026 DreamBuilt Software, LLC. - Process Server's Toolbox V9.0e

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

RETURN OF SERVICE

State of Florida **County of MIAMI DADE** **County Court**

Case Number: NA

Plaintiff:
Kyle Hanenberg

vs.

MGS2026001735

Defendant:
Department of Financial Services
Bureau of Claims Administration
Division of Risk Management, City of Miami Beach c/o Steven Meiner, Mayor, City of Miami Beach Risk Management

For:
MARK ALLEN EGNER, P.A.
1531 NW 13th Court
Miami, FL 33125

Received by WILLIAM RISER on the 17th day of February, 2026 at 2:36 pm to be served on **Department of Financial Services, Bureau of Claims Administration, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399**.

I, WILLIAM RISER, do hereby affirm that on the **18th day of February, 2026** at **12:45 pm, I:**

Served a GOVERNMENT OR PUBLIC AGENCY by delivering a true copy of the SOVEREIGN IMMUNITY WAIVER NOTIFICATION with the date and hour of service endorsed thereon by me, to: Brianna Larry as Administrative Secretary for Department of Financial Services, Bureau of Claims Administration, Division of Risk Management, 200 E Gaines St, Tallahassee, FL 32399 and informed said person of the contents therein, in compliance with State Statute 48.111.

Description of Person Served: Age: 30, Sex: F, Race/Skin Color: Black, Height: 5'8", Weight: 200, Hair: Black, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good stan ding, in the judicial circuit in which the process was served. "Under penalties of perjury, I declare that I have read the foregoing d ocument and that the facts in it are true" F.S. 92.525. NOTARY NOT REQUIRED PURSUANT TO FS 92.525

WILLIAM RISER
288

Magic City Process Service, LLC
1825 PONCE DE LEON BLVD #283
CORAL GABLES, FL 33134
(786) 881-8228

Our Job Serial Number: MGS-2026001735

Copyright © 1992-2026 DreamBuilt Software, LLC. - Process Server's Toolbox V9.0e

MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
RISK MANAGEMENT DIVISION Tel: (305) 673-7524, Fax: (305) 673-7023

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

February 20, 2026

Attn.: Mark A. Egner
Mark Allen Egner, P.A
1531 NW 13 court
Miami, FL 33125
Email to: egnerpleadings@gmail.com

RE:	Claimant:	Hanenberg, Kyle
	Date of Accident:	6/10/2025
	Location:	17Th St And Lenox Ave Miami Beach, FL
	Claim Number:	GL-BI20260007

To whom it may concern,

This letter will acknowledge receipt of your notice letter dated of February 16, 2026, regarding your client. The City of Miami Beach is self-insured and does not purchase excess or umbrella coverage. However, in compliance with and subject to limitations of Florida Statutes, §768.28, provisions have been made in the City to process claims that may arise.

We request that you forward the following information when available so that we may investigate this matter: You may also reply to this letter and refer the City of Miami Beach claim number on the subject line.

1. Exact location of alleged incident
2. Witness statements (if applicable)
3. Copy of Fire Rescue Report/Police Report (if applicable)
4. All medical reports, records, and billings regarding your client's injuries
5. Photographs of the alleged hazard and damages (if applicable)
6. Any other information/evidence that you have which supports your client's claim

Thank you for your attention to this matter. You may contact me at 6552, with any questions.

Sincerely,

Robert Aragon

Robert Aragon,
HUMAN RESOURCES DEPARTMENT, Risk Management Division
Tel: 305-673-7000 ext 6552
Email: RobertAragon@miamibeachfl.gov