



CITY OF DORAL NOTICE OF PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN

All residents, property owners and other interested parties are hereby notified of a **Local Planning Agency (LPA)** meeting on **Wednesday, May 24th, 2017, beginning at 5:00 PM**, to consider a text amendment to the City's Comprehensive Plan. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 17-

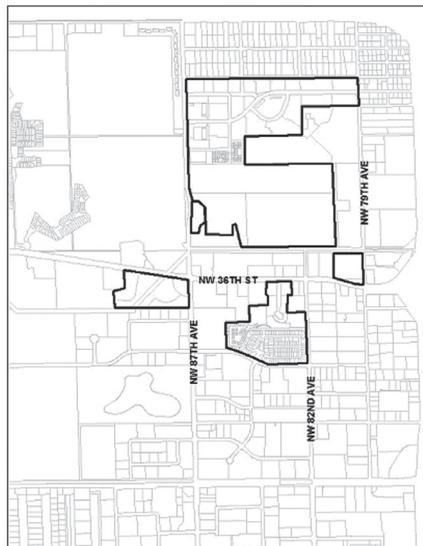
A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL / DENIAL OF, OR GOING FORWARD WITHOUT A RECOMMENDATION TO AMEND THE CITY OF DORAL COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TEXT FOR THE DOWNTOWN MIXED USE (DMU) TO REVISE THE ALLOWABLE LAND USE CATEGORIES, EXPAND THE MIX OF USES PERMITTED IN THE DMU AND ALLOW DEVELOPMENT PROGRAMS TO USE A COMBINATION OF AT LEAST TWO (2) OF THE FOLLOWING USES (i) BUSINESS/RETAIL, (ii) OFFICE USE; AND (iii) RESIDENTIAL USE; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 17-05-DOR-01

APPLICANT: City of Doral

REQUEST: City of Doral (The "Applicant") is requesting a text amendment to the City's Comprehensive Plan Future Land Use Element Downtown Mixed Use (DMU) to modify the allowable land use categories, expand the mix of uses permitted in the DMU, and allow development programs to use a combination of at least two (2) of the following uses (i) business/retail, (ii) office use; and (iii) residential use.

Location Map



Information relating to this request 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 translation 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 o durante el proceso de solicitudes de zonificación.

Connie Diaz, CMC
City Clerk
City of Doral
5/9

17-40/0000221595M

FROM THE COURTS

Plaintiffs Lawyer Accused of Concealing Payments to Expert Implant Witnesses

by Amanda Bronstad

Johnson & Johnson, hoping to reverse a \$502 million verdict, is accusing plaintiffs attorney W. Mark Lanier of lying to a federal judge and jury about payments he made to two expert witnesses in a pivotal hip implant trial last year in Dallas.

The allegations against the Houston lawyer surfaced in documents unsealed this week by the U.S. Court of Appeals for the Fifth Circuit, which is hearing Johnson & Johnson subsidiary DePuy Orthopaedics Inc.'s appeal of the verdict. In an April 18 appeal brief, Johnson & Johnson lawyers Paul Clement and John Beisner said a "strange thing happened" when they started deposing the experts for a subsequent trial: The plaintiffs turned over checks written out to the experts, both of whom Lanier had insisted were not compensated for their testimony.

"Plaintiffs' concealment of the fact that two critical expert witnesses had been paid or expected to be paid—at the same time their volunteer status was trumpeted to the jury and used to evade the expert-report requirement—deprived defendants of their ability to fully and fairly defend themselves," they wrote.

The revelations, the lawyers argue, warrant a new trial and could undermine "the reliability of the entire bellwether process."

Clement, a former U.S. solicitor general, is a highly regarded appellate lawyer and partner at Kirkland & Ellis in Washington, D.C.; Beisner, who heads the mass torts, insurance and consumer litigation group at Skadden, Arps, Slate, Meagher & Flom in New York, is national litigation counsel to Johnson & Johnson.

They claim Lanier donated \$10,000 to one expert's grade school, followed by a \$35,000 check for his services. A second expert, they wrote, allegedly admitted that he had expected to be paid from the start; once the trial ended, Lanier cut him a check for \$30,000.

In an email, Lanier called the allegations "laughable if it weren't so sad."

"Everything I SAID WAS 100% ACCURATE AND TRUTHFUL," he wrote. "J&J paints a one-sided version, fails to tell the whole story, and leaves a false impression."

Lanier added: "This brief is what the underlying case was full of: J&J intimidating and disparaging anyone who dares to stand in their way and seek to hold them accountable."

Lanier's response in the Fifth Circuit is due May 17.

'THERE WAS NO AGREEMENT'

On Dec. 9, a district judge in Dallas rejected Johnson & Johnson's motion for a new trial based on the same allegations. In that order, which also was unsealed this week, U.S. District Judge Edward Kinkeade of the Northern District of Texas found no evidence of fraud.

"The evidence before the court tends to show that at the time of trial there was no agreement for compensation between plaintiffs' counsel



"This brief is what the underlying case was full of: J&J intimidating and disparaging anyone who dares to stand in their way and seek to hold them accountable," W. Mark Lanier said.

and the [experts]," the judge wrote. The defendants also ignored the fact that their own experts received "far larger payments" for their testimonies, Kinkeade said. "Defendants have not shown how evidence of plaintiffs' experts receiving a fraction of the compensation of defendants' experts would have produced a different result at trial," he said.

The \$502 million verdict in March 2016 was followed by a \$1.04 billion verdict on Dec. 1, 2016, in the second and third bellwether trials in multidistrict litigation over DePuy's Pinnacle hip implants. (The \$1 billion verdict was later cut to \$540 million.) More than 9,000 lawsuits have been filed alleging the devices caused pain and subsequent removal surgeries. DePuy won the first verdict in 2014.

The Pinnacle case is one of several mass torts that resulted in substantial verdicts against Johnson & Johnson in 2016.

The verdict challenged by Clement and Beisner awarded five plaintiffs and three of their spouses. The jury found DePuy had failed to warn that its hip implant was defectively designed and that Johnson & Johnson aided and abetted DePuy's actions.

DePuy has filed two appeals of the judgment. One, backed by the U.S. Chamber of Commerce in an amicus brief, challenges the "inflammatory rhetoric" at trial and a host of other "legal flaws." The other involves the expert payments.

In that appeal, Johnson & Johnson's lawyers wrote that Lanier's misrepresentations about both experts put him at an unfair advantage at trial. The unpaid status of his experts was a central theme at trial, and often contrasted with the "bought testimony" of the defense witnesses, they wrote. By insisting they were unpaid, Lanier ensured that DePuy would not have an opportunity to review expert reports before trial, they wrote.

Contact Amanda Bronstad at abronstad@alm.com. On Twitter: @abronstadlaw.