

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

CASE NO: 2020-007339-CA-01

SECTION: CA59

JUDGE: Barbara Areces

David Fintan Garavan (DR)

Plaintiff(s)

vs.

Miami-Dade County Florida

Defendant(s)

**ORDER ON DEFENDANT'S MOTION TO SET ASIDE THE JURY VERDICT AND
MOTION TO ENTER JUDGMENT IN ACCORDANCE WITH ITS MOTION FOR
DIRECTED VERDICT, OR ALTERNATIVELY, MOTION FOR NEW TRIAL AND
REMITTITUR**

DOCKET INDEX 307

THIS CAUSE, having come before the Court on *Defendant's Motion to Set Aside the Jury Verdict and Motion to Enter Judgment in Accordance with Its Motion for Directed Verdict, Or, Alternatively, Motion for New Trial and Remittitur*, filed September 3, 2024, the Court having reviewed said Motion, Plaintiff's Responses, and being otherwise duly advised, it is hereby

ORDERED that Defendant's Motion is denied in part, and granted in part, as follows:

1. On August 12, 2024, the parties tried this case to a jury on Counts I and II of the Second Amended Complaint, which raised claims under the Florida Public Sector Whistleblower Act, § 112.3187, Fla. Stat., based on Plaintiff's demotion from the position of Deputy Chief in November 2017 and the failure to consider or rehire him for the Deputy Chief position in March 2020.
2. After four days of testimony, on August 16, 2024, the jury returned a verdict in favor of Plaintiff only on Count I in the amount of \$1,500,000.00 in compensatory damages and \$1,270,000.00 for back-pay damages.

3. Following the verdict on Count I, the Court allowed Plaintiff to present evidence regarding his damages on Count IV, on which the Court had previously granted summary judgment for Plaintiff. See Order Granting Plaintiff's Motion for Summary Judgment as to Count IV of Second Amended Complaint, entered October 30, 2024. After further deliberations, the jury awarded Plaintiff \$7,230,000.00 on Count IV, his termination claim.
4. Defendant's Motion is denied as it pertains to its request to set aside the jury verdict and enter judgment in accordance with its motion for directed verdict. Defendant's motion was properly denied as there was more than sufficient evidence presented by the Plaintiff to support a verdict in his favor.^[1]
5. Defendant's Motion is denied as it pertains to its request for a new trial. Plaintiff presented a *prima facie* case, with credible testimony and provided competent, substantial evidence in support of his claim.^[2]
6. Defendant's Motion is granted as it pertains to its request for a remittitur on the award of \$1,270,000.00 for back-pay on count I. The jury lacked a factual basis for the back-pay award.^[3] Because there was no transcript of Plaintiff's back pay testimony, and both parties agreed that the award of \$1.27 million was excessive, Plaintiff presented testimony from Rani Bolen, Esq., who had previously calculated the back-pay damages as part of her work on the case, using the same assumptions and methodology that she used for the front pay calculations. For the period of January 1, 2018 to August 30, 2021, Ms. Bolen testified that an appropriate award of back pay should have been \$55,022.47. Based on this testimony, the Court hereby remits the back pay award on Count I in the amount of \$1,214,977.53, and awards Plaintiff the sum of \$55,022.47.
7. Defendant's Motion is denied as it pertains to its request for a remittitur on the compensatory damages awarded in Count I and Count IV. The Court has considered the factors set forth in section 768.74(5), Florida Statutes. There was substantial credible testimony that provided sufficient evidence establishing the extent of the damages to Plaintiff, including, but not limited to the emotional distress he suffered in enduring a hostile work environment as well as due to the clearly collusive attempt to completely ruin his reputation, and the dramatic negative impact these actions have had on his reputation,^[4] credibility, career opportunities, employment benefits, etc.

^[1] When considering a motion for a directed verdict, the court must review the evidence in the light most favorable to

the nonmoving party and must reverse only where “there is ‘no evidence upon which the jury could legally base a verdict’ in favor of the non-moving party.” Posner v. Walker, 930 So.2d 659, 665 (Fla. 3d DCA 2006) (citation omitted).

[2] The appellate court may disagree, but this Court believes that errors, if any, made by this Court were harmless based on the overwhelmingly credible testimony and other evidence presented by Plaintiff.

[3] At the hearing on Plaintiff’s Motion for Front Pay held October 25, 2024, Plaintiff agreed the jury lacked a factual basis for this award. There is no transcript of Plaintiff’s testimony regarding back-pay because it was part of the final hour of his direct examination on Wednesday, August 14, 2024, and a portion of the audio file for that day’s testimony was stolen from the court reporter’s vehicle after the conclusion of the proceedings on August 15, 2024, along with the audio file for August 15th.

[4] A good reputation is more valuable than money. There is no amount of money that could adequately compensate the Plaintiff for the loss he sustained to his reputation. This incident will forever remain a stain which will cause some to doubt and/or question Plaintiff’s good character, suitability for employment, work ethic, and capability.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 2nd day of December, 2024.


2020-007339-CA-01 12-02-2024 2:18 PM

2020-007339-CA-01 12-02-2024 2:18 PM
Hon. Barbara Areces

CIRCUIT COURT JUDGE
Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

Christopher C Sharp, csharpplaw@aol.com

Christopher C Sharp, chris@csharpplawfirm.com

Christopher Sharp, chris@csharpplawfirm.com

Christopher Sharp, chris@csharpplawfirm.com

Christopher Sharp, chris@csharpplawfirm.com

Leona Nicole McFarlane, Leona.McFarlane@miamidade.gov

Leona Nicole McFarlane, Lissette.Martin@miamidade.gov

Physically Served: