

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

CASE NO.

MORTY J. YASHAR, GAYLE YASHAR,  
HOWARD SCHAPRIO, and ROCHELLE H.  
SCHAPIRO,

Plaintiffs,

vs.

FIFTY SIX SIXTY COLLINS AVE.  
CONDOMINIUM, INC., a Florida Corporation,  
JAMES DALTON, both individually and  
corporately, ARNOLD GOLDMAN, both  
individually and corporately, EDWARD  
LIEBERMAN, both individually and  
corporately, JORGE ROMANACH, both  
individually and corporately, CRAIG  
SCHAFFER, corporately, and  
CONSTRUCTION BUSINESS SOLUTIONS,  
INC., a Florida Corporation

Defendants.

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**COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES**

Plaintiffs, MORTY J. YASHAR, GAYLE YASHAR, HOWARD SCHAPRIO, and  
ROCHELLE H. SCHAPIRO, sues Defendants FIFTY SIX SIXTY COLLINS AVE.  
CONDOMINIUM, INC., a Florida Corporation, JAMES DALTON, both individually and  
corporately, ARNOLD GOLDMAN, both individually and corporately, EDWARD  
LIEBERMAN, both individually and corporately, JORGE ROMANACH, both individually and  
corporately, CRAIG SCHAFFER, both individually and corporately, and CONSTRUCTION  
BUSINESS SOLUTIONS, INC., (“CBS”), a Florida Corporation and allege as follows:

## PARTIES, JURISDICTION, AND VENUE

1. This is an action for injunctive relief and monetary damages in excess of Thirty Thousand Dollars (\$30,000.00), exclusive of attorneys' fees, costs, and interest and is within the subject matter jurisdiction of this Court.

2. Plaintiff, MORTY J. YASHAR, is an individual unit owner in, and resident of, the condominium located at 5660 Collins Avenue, Miami Beach, FL 33140 (the “**Condominium**”).

3. Plaintiff, GAYLE YASHAR, is an individual unit owner in, and resident of the Condominium.

4. Plaintiff, HOWARD SCHAPRIO, is an individual unit owner in, and resident of, the Condominium.

5. Plaintiff ROCHELLE H. SCHAPRIO, and together with Howard Schapiro, Morty J. Yashar and Gayle, collectively, the “**Plaintiffs**”, is an individual unit owner in, and resident of, the Condominium.

6. Defendant, FIFTY SIX SIXTY COLLINS AVE. CONDOMINIUM, INC. (the “**Collins Association**”), is a nonprofit corporation organized under the laws of the State of Florida with a principal place of business in Miami-Dade County, Florida and is the condominium association governing the Condominium.

7. Defendant, JAMES DALTON (“**Dalton**”), is the President of the Collins Association, a member of the Board of Directors of the Collins Association and, at all times material hereto, was and is a resident of Miami-Dade County, Florida and is otherwise *sui juris*. Dalton is sued in both his corporate and individual capacity.

8. Defendant, ARNOLD GOLDMAN (“**Goldman**”), is the Vice President of the Collins Association, a member of the Board of Directors of the Collins Association and, at all

times material hereto, was and is a resident of Miami-Dade County, Florida and is otherwise *sui juris*. Goldman is sued in both his corporate and individual capacity.

9. Defendant, JORGE ROMANACH (“**Romanach**”), is the Treasurer of the Collins Association, a member of the Board of Directors of the Collins Association and, at all times material hereto, was and is a resident of Miami-Dade County, Florida and is otherwise *sui juris*. Romanach is sued in both his corporate and individual capacity.

10. Defendant, EDWARD LIEBERMAN (“**Lieberman**”), is the Vice President of the Collins Association, a member of the Board of Directors of the Collins Association, and, at all times material hereto, was and is a resident of Miami-Dade County, Florida and is otherwise *sui juris*. Lieberman is sued in both his corporate and individual capacity.

11. Defendant, CRAIG SCHAFFER (“**Schaffer**”, together with Dalton, Goldman, Romanach, and Lieberman, the “**Board Members**”), is a member of the Board of Directors of the Collins Association and, at all times material hereto, was and is a resident of Miami-Dade County, Florida and is otherwise *sui juris*. Schaffer is sued as a nominal Defendant in his corporate and individual capacity as, upon information and belief, he is opposed to the majority discriminatory actions taken by the Association.

12. Defendant, CONSTRUCTION BUSINESS SOLUTIONS, INC. (“**CBS**”, together with the Collins Association and Board Member, the “**Defendants**”), is a for profit corporation organized under the laws of the State of Florida with a principal place of business in Miami-Dade County, Florida.

13. Venue in this action is proper in Miami-Dade County, Florida pursuant to Section 47.011, Florida Statutes, because the causes of action asserted herein accrued in Miami-Dade

County, Florida and because the Parties reside in Miami-Dade County, Florida or have a principal place of business in Miami-Dade County, Florida.

### **GENERAL ALLEGATIONS**

14. At all times relevant to this Complaint, the Collins Association was, and is, a Florida homeowners' association.

15. On May 15, 2023, Plaintiffs were notified by the Collins Association that due to repair/restoration work (the “**Work**”) taking place at the Condominium the electricity to all units at would be disconnected for a five (5) day period, from approximately 9:00 am to 5:00 pm. The electricity shutdown is purportedly required to safely perform the work

16. The Work, upon information and belief, is being performed in conjunction with the pending action of **FIFTY SIX SIXTY COLLINS AVENUE CONDOMINIUM INC. VS FLORIDA POWER AND LIGHT COMPANY, Case No. 2022-024023-CA-01** (the “**FPL Action**”).

17. The initial five (5) day period contemplated the Work would be completed on or before May 24, 2023

18. Notably, due to delays in completion of the Work the timeframe to complete the Work has now been extended to include May 25, 2023 and May 26, 2023

19. On May 17, 2023, two days after being notified of the dates that the shutdown of all electricity to the Condominium's units would occur, Plaintiffs, through their counsel, informed the Collins Association that these dates coincided with the Jewish holiday of Shavout (sundown May 25 through sundown May 26) and the weekly Sabbath (sundown May 26 through sundown May 27) immediately thereafter and that shutting down the electricity to the Plaintiffs' units on May 25 and 26, 2023 would preclude the Plaintiffs from properly preparing for Shavout holiday

and observing the weekly Sabbath and requested that power not be shut off those days so that the Plaintiffs could properly exercise their religious rights via letter to the Collins Association's Counsel (the "**May 17, 2023 Letter**" attached hereto as Exhibit "A").

20. In requesting that the power not be turned off so that they could exercise their closely held religious beliefs, the Plaintiffs fully explained that:

Shavuot imposes similar restrictions as the Sabbath on religious Jews, including prohibitions on cooking, cleaning, working, and using electricity. Our clients need to prepare meals and clean in advance of the holiday. They also rely on timers and pre-set appliances to observe these restrictions.

By cutting off the power on the mentioned dates, our clients and other observant Jewish families in the building will be unable to clean, prepare meals, and make necessary preparations for the religious holiday. Moreover, the power interruption will reset any timers or mechanisms used to avoid interacting with electricity, leaving our clients without essential appliances and utilities and forcing them to choose between hardship and violating their religious beliefs.

See Ex. A at Pg 1-2.

21. The Plaintiffs also notified CBS, the contractor that will be performing the construction on the Condominium of the conflict and the potential hardship that the Plaintiffs would suffer if power was turned off on May 25 and 26, 2023 via letter on May 19, 2023 (the "**CBS Letter**", attached hereto as Exhibit "B").

22. In response, a representative of CBS was spoke with Plaintiffs' counsel and informed them that CBS did not want to interfere with any resident's religious rights and were more than willing to complete their work on alternative days to avoid shutting off the electricity to the Condominium on May 25 and 26, 2023.

23. On May 22, 2023, the electricity to the Condominium's units was turned off and CBS began construction at the Condominium.

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