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FROM THE COURTS

Judge throws out case filed by former Homestead official

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A judge who said he had no sympathy for perjurers has dismissed a lawsuit filed against Homestead by its former deputy city manager.

"The court is well aware that justice is ordinarily served by letting a jury decide issues of a case. However, where a



Cueto

party ignores her sacred oath to tell the truth and changes her testimony to suit her changing legal position and moreover acknowledges in deposition a willingness to do so, she forfeits her right to use these proceedings to seek relief from the court," Miami-Dade Circuit Judge Jorge Cueto ruled in a final judgment striking the pleadings.



Serota

who was assisted by partner Matthew Mandel.



Mandel

were made public.

The council terminated Shehadeh in part because of his texts. During his

Joseph Serota of Weiss Serota Helfman Pastoriza Cole & Boniske in Coral Gables, who represents the city, hailed Cueto's ruling Monday.

"For a judge to strike pleadings based on perjury doesn't happen every day," said Serota,

Johanna Faddis sued the city, six members of its council and a city-hired investigator in September 2011 alleging invasion of privacy and negligence after cell phone text messages between her and City Manager Mike Shehadeh

suit against the city for severance pay, Faddis testified, "There has never been a time when he ... sexually harassed me," Cueto noted in Wednesday's judgment. Shehadeh and the city settled for \$250,000.

Faddis was later laid off.

In a June 25 deposition for her lawsuit she said she was in fact sexually harassed.

A transcript of the deposition offered this exchange.

"Q: So you admit you lied at the March 11, 2011, deposition — or March 24, correct?

"A: That is not what I am saying. I am saying I had to provide a watered-down statement."

Faddis' attorney, Kelsay Patterson of Tampa, did not return a call for comment by deadline.

The defendants filed a motion for sanctions, and Faddis stated in an affidavit that she originally testified to no harassment because she received "threats [from Shehadeh] that lasted right up until a day before my deposition. She said she was afraid of "harsh consequences in a retaliatory, socio-political way" affecting her future.

But she never brought up a fear of threats in her deposition appearances, Cueto concluded.

"Faddis' clear change in testimony could not be reasonably explained, even by her. Plain and simple, Faddis lied under oath multiple times," he said.

The judge reserved jurisdiction for the award of costs and other sanctions.

Dale Friedman, a partner at Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer in Hollywood, represented Patrick Franklin, the private investigator who uncovered the text messages.

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