

Podhurst Orseck, Cohen Milstein lead Red-Light Camera Tickets Class Action

Julie Kay, Daily Business Review

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Photo: Wikimedia Commons

A Miami federal judge has named Stephen Rosenthal of Podhurst Orseck and Theodore Leopold of Cohen Milstein Sellers & Toll to serve as co-lead counsel in a class action challenging \$200 million in red-light camera ticket fines.

Additionally, Ervin Gonzalez of Colson Hicks Eidson was named liaison counsel to communicate with all plaintiffs' attorneys and maintain a documentary depository.

Ten cases were consolidated before U.S. District Judge Federico Moreno for Florida drivers against three companies that operate the camera systems, about 80 local government agencies using them and the Florida Department of Revenue.

Public records show more than \$200 million in camera fines have been assessed during the four-year period covered by the lawsuits.

The lawsuit filed in October 2014 alleged the motorists' due process rights were violated and the companies lacked authority to make decisions that should have been made by law enforcement officers.

Rosenthal of Miami, Leopold of Palm Beach Gardens and Gonzalez of Coral Gables were all unopposed in their bids.

Other law firms working on the case include Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman in Fort Lauderdale and the Ticket Clinic in Fort Lauderdale, Cohen & Malad of Indianapolis, Estrella Ticket Defense Law Firm of Miami, Freidin, Dobrinsky, Brown & Rosenblum of Miami and Wites & Kapetan of Lighthouse Point.

"All of the firms who were involved in the litigation all sort of agreed amongst ourselves to work together ... and on who should be lead counsel," Leopold said.

Among the co-lead counsel's duties is to confer with defense counsel on a case management schedule and coordinate briefing, motions argument, depositions and any settlement negotiations.

The class action lawsuit seeks a change in the manner in which the red-light camera companies operate as well as a refund of "most of the fines," Rosenthal said. The suit is not necessarily seeking to end the use of red-light cameras by public agencies.

"The red-light cameras are a controversial thing," he said. "Our suit doesn't take a position on the controversy. That may be a policy decision by the Florida Legislature, which may seek to institute a uniform law statewide rather than city by city."

Two Broward judges last week dismissed 24,000 red-light camera tickets, finding they were not issued as required by state law. The rulings were made after the Ticket Clinic argued the program constituted an improper delegation of police powers because the videos were sent out-of-state for screening by employees of Arizona-based American Traffic Solutions Inc.

This procedure violated state law because a city representative was not creating or issuing the traffic tickets, the judges ruled.

The mass dismissal doesn't apply to the class action, Rosenthal said.

"That's really of no consequence to our case," he said. "Those folks didn't get gouged by the fines."

Another Podhurst Orseck attorney was chosen the same week to chair the lead plaintiffs' counsel group overseeing a consolidated, multidistrict litigation case involving Takata air bags, which is also being overseen by Moreno.

"We're going to be very busy," Rosenthal noted.