

Developer can move forward on Overtown project after lawsuit is dismissed

By Brian Bandell – Senior Reporter, South Florida Business Journal



A lawsuit brought against the developer of a mixed-use project in Miami's Overtown neighborhood has been dismissed.

That means **Michael Swerdlow** can continue building the project without worry of facing a legal fight that at one time asked for \$160 million in damages.

WW OGP 45, managed by national developer **R. Donahue “Don” Peebles** and Miami developer **Barron Channer**, filed a lawsuit in March 2020 against Downtown Retail Associates, Swerdlow and **Alben Duffie**, president of Downtown Retail Associates. It concerned the deal with the Miami Community Redevelopment Agency that resulted in

Swerdlow's company acquiring the Block 55 site for the Sawyer's Walk project.

Peebles and Channer won CRA approval in 2013 to acquire the property, but weren't able to reach a final development agreement with the CRA. WW OGP 45 signed a non-binding letter of intent in 2015 to sell development rights to Swerdlow's company. The deal included a confidentiality clause in which the buyers were not permitted to contract with the CRA or any other party regarding the deal. The lawsuit accused Swerdlow of violating that agreement by later contracting with the CRA.

The count regarding the confidentiality clause was dismissed in September 2020. Shortly after that, Swerdlow's company **closed on the acquisition** of the 3.44-acre development site from the CRA.

An Aug. 23 summary judgement from Miami-Dade County Circuit Court Judge **Michael Hanzman** regarding the case sided with Swerdlow.

"The record evidence would not lead a reasonable trier of fact to find for the plaintiffs, and thus there is no genuine issue for trial," Hanzman stated in the ruling.

On Oct. 14, Hanman issued a final judgment closing the case. All additional claims and counter-claims in the case were withdrawn.

Alan Kluger, Steve Silverman, Marko Cerenko and **Lisa Jerles** of Miami-based law firm Kluger Kaplan represented Swerdlow.

"Mr. Peebles' lawsuit had no merit from the very beginning and was brought solely to paralyze the development of Sawyer's Landing," Kluger said. "With all of Mr. Peebles' claims now dismissed, Swerdlow Group can forge ahead in delivering a direct, positive impact in Overtown in the form of new jobs, new tax revenues and much-needed affordable housing."

Attorney **Glen H. Waldman**, who represented WW OGP in the lawsuit, couldn't be reached for comment.

Sawyer's Walk **broke ground** at 249 N.W. Sixth St. in June. The 250,000 square feet of retail will be anchored by a 50,000-square-foot Target and a 25,000-square-foot Aldi. The 19-story building will also have 578 apartments designated for low-income seniors.