

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D., 2001

CITY OF MIAMI BEACH,	**	
Appellant/Cross-appellee,	**	
vs.	**	CASE NOS. 3D99-1280
		3D99-1014
DAVID MENDELSON,	**	LOWER
Appellee/cross-appellant,	**	TRIBUNAL NO. 89-36054

Opinion filed July 25, 2001.

An Appeal from the Circuit Court for Miami-Dade County,
Shelley J. Kravitz, Judge.

Murray H. Dubbin, City Attorney; Holland & Knight, and
Daniel S. Pearson, and Christopher H. Bellows, for
appellant/cross-appellee.

Ginsberg and Schwartz, and Arnold R. Ginsberg; Altschul,
Landy & Collier, and Joseph E. Altschul (Weston), for
appellee/cross-appellant.

Before GERSTEN, and SHEVIN, JJ., and NESBITT, Senior Judge.

PER CURIAM.

Appellant, City of Miami Beach, appeals an order denying its

motions for a directed verdict, a mistrial, and a new trial following an adverse liability verdict in a civil rights action. Appellee, David Mendelson, cross-appeals seeking reversal of the trial court's order granting remittitur or, in the alternative, a new trial on damages. We affirm the main appeal finding the evidence of an alleged beating relevant to the allegations in Mendelson's third amended complaint. See §§ 90.401, 90.402, Fla. Stat. (1999); Donahue v. Albertson's Inc., 472 So. 2d 482 (Fla. 4th DCA 1985); Zabner v. Howard Johnson's Inc. of Fla., 227 So. 2d 543 (Fla. 4th DCA 1969).

In regard to the cross-appeal, we reverse and remand with directions to the trial court to reinstate the jury's verdict as it was supported by the evidence and was within a reasonable range. See Bould v. Touchette, 349 So. 2d 1181 (Fla. 1977); Kaine v. Government Employees Ins. Co., 735 So. 2d 599 (Fla. 3d DCA 1999).

Affirmed in part, reversed in part, and remanded with directions.