



Mirelis Castilla

Of Counsel

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Mirelis Castilla focuses her practice on complex civil litigation matters in state and federal courts involving insurance and general liability defense of matters including premises liability, automobile/trucking liability, negligent security, personal injury and wrongful death.

Prior to joining Wilson Elser, Mirelis defended and litigated personal injury claims and coverage disputes for various insurance companies including working as In-House Counsel for a national insurance company.

Complex Tort & General Casualty

Mirelis has extensive experience litigating and trying complex and catastrophic matters involving uninsured motorists, automobile and trucking accidents, premises liability and other general liability claims.

Automobile / Trucking

In the automobile and trucking liability area, Mirelis has successfully handled catastrophic injury cases from inception through trial, including post-trial motions.

Education

- St. Thomas University School of Law (J.D., *cum laude*, 2006)
 - Senior Articles Editor, St. Thomas University Law Review
- Florida International University (B.A., *magna cum laude*, 2002)

Bar Admissions

- Florida

Services

- Complex Tort & General Casualty
- Transportation
- Insurance & Reinsurance Defense

Court Admissions

- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Florida

Professional Affiliations

- Florida Defense Lawyers Association
- Miami Lakes Bar Association
- Cuban American Bar Association

Languages

- Spanish

Publications

December 18, 2024

Florida's Fifth DCA Opens the Debate on HB 837's Retroactivity

Client Wins

Castilla Delivers Complete Defense Victory in Florida Premises Liability Case

Mirelis Castilla (Of Counsel-Miami) secured summary judgment and a complete dismissal in Leon County Circuit Court, Tallahassee, Florida, for a residential property owner client. The plaintiff, a tenant at our client's property, claimed she was attacked due to negligent security on the premises – specifically, inadequate locks and a defective window – and sought to hold the client liable under premises liability theories, including alleged violations of the Florida Residential Landlord and Tenant Act. Mirelis moved for summary judgment on several key grounds, demonstrating that the client, as an out-of-possession owner, had fully delegated day-to-day management and maintenance responsibilities to a professional property management company and therefore owed no duty under Florida law because it retained no control and had no notice of any alleged dangerous conditions. She also relied on an exculpatory provision in the lease, previously deemed clear and unambiguous by the court in granting summary judgment to the codefendant property manager, arguing that it applied equally to our client, as owner and landlord. The court agreed, finding the lease's exculpatory provision enforceable as to the client and concluding that the lack of actual or constructive notice, coupled with the client's complete delegation of operational responsibilities, warranted summary judgment. The court held that the plaintiff failed to present specific facts creating a genuine dispute as to any essential element of her claims. The decision reaffirms that out-of-possession landlords who properly delegate management duties and include enforceable exculpatory provisions in their leases can effectively limit exposure to premises liability claims.

Castilla Obtains Summary Judgment in Premises Liability Case

Mirelis Castilla (Of Counsel-Miami, FL) secured summary judgment on behalf of our global real estate client in a case involving a fall within a landscaped island area. The plaintiff contends that our client "knew or with the exercise of reasonable care should have known, that individuals or invitees would be in the area where the plaintiff fell and that the unsafe condition of the ground in said area would create an unreasonable risk and hazard to the safety of said invitees" and that our client owed the plaintiff a duty of care to "maintain the ground in the plaza in a reasonably safe condition, specifically to ensure that the subject ground/grass area is not unsafe, causing a hazardous condition to occur." The plaintiff also contends that as a result of the actions and/or inactions of our client, her injuries are either permanent or continuing in nature and she will suffer the losses and impairment in the future. However, Mirelis argued, the plaintiff's claim is in direct conflict with the applicable and well-settled Florida case law regarding lack of landowner liability for incidents occurring in landscaping areas. As such, our client cannot be held liable for the alleged injuries and resulting damages. The Circuit Court, Eleventh Judicial Circuit, Miami-Dade County, Florida, agreed and issued summary judgment in our client's favor.