

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2021-015089-CA-01

SECTION: CA43

JUDGE: Michael Hanzman

Manuel Drezner

Plaintiff(s)

vs.

Champlain Towers South Condominium Association Inc

Defendant(s)

**AMENDED ORDER APPOINTING PLAINTIFFS' COUNSEL AND ADDRESSING
CERTAIN CASE MANAGEMENT ISSUES**

THIS CAUSE came before the Court upon a series of status conferences and the Court's July 1, 2021 Order to Meet and Confer on Class Action Leadership Structure. The Court having considered the comments and proposals of the parties, it is **ORDERED AND ADJUDGED** as follows:

I. DUAL TRACKS—To (a) allow this action to proceed in a manageable and streamlined fashion, (b) ensure that **no** party or judicial resources are wasted, and (C) ensure that **any** recovery that may be available is properly shared by **all** of those injured, **all** lawsuits arising out of the Champlain Towers South collapse filed in the general jurisdiction division shall be governed by the terms of this Order, and will proceed on a dual track, with **all** claims brought on behalf of all putative class members being advanced in a single consolidated action.

A. Personal Injury and Wrongful Death Track—This track shall include all actions brought by or on behalf of named plaintiffs (or putative class members) claiming personal injuries or wrongful death as a result of the Champlain Towers South building collapse of June 24, 2021. Discovery on the Personal Injury and Wrongful Death Track shall be coordinated with the Economic Loss and Property Damage Track.

B. Economic Loss and Property Damage Track—This track shall include all actions where only economic damages without personal injuries are claimed by named plaintiff (or

putative class members). Discovery on the Economic Loss and Property Damage Track shall be coordinated with the Personal Injury and Wrongful Death Track.

II. CONSOLIDATED AMENDED CLASS ACTION COMPLAINT—All

Champlain Towers South Cases shall travel under a single consolidated amended class action complaint under one case name and filed as an amended pleading in the first filed *Drezner* action. The consolidated amended class action complaint shall be filed on or before August 16, 2021.

III. PRETRIAL CONSOLIDATION—Upon entry of this Order, **all** other cases related to the Champlain Towers South building collapse of June 24, 2021, filed in the Civil Division of the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County shall (if not voluntarily dismissed) be stayed, placed in “civil suspense,” and provisionally closed. If no litigation and/or settlement class is certified, **or** if the plaintiff in any stayed action is permitted to, and elects to, "opt-out" of these proceedings they may seek permission to lift this stay and proceed with their claims individually. Until and unless one of these events occurs, **no** individual claims shall be prosecuted. This stay does not apply to cases filed in the Probate Division of the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County.

IV. MASTER DOCKET AND FILE—All future filings and activity related to the Champlain Towers South building collapse will now be reflected on the docket of the first filed class action, Case No. 2021-015089-CA-01. Subsequent filings in must therefore be submitted through the Florida Courts E-Filing Portal in Case No. 2021-015089-CA-01. Each document submitted shall bear the caption *In re: Champlain Towers South Collapse Litigation* and thereafter identify **all** named Plaintiffs seeking to represent any putative class or sub-class.

V. ORGANIZATION OF COUNSEL—Plaintiffs’ counsel shall include a Chair Lead Counsel, a Personal Injury and Wrongful Death Track Lead Counsel, an Economic Loss and Property Damage Track Co-Lead Counsel, a Wrongful Death Charitable and Legislative Liaison Counsel, a Wrongful Death Damage Claim Liaison Counsel, and a Plaintiffs’ Steering Committee. The Court notes that all counsel serving in these leadership capacities has agreed to do so on a pro bono basis, with **no** legal entitlement to receive **any** attorney’s fees. The Court will, however, consider paying counsel their "lodestar" at the conclusion of the case if they are successful in securing a recovery. Counsel will also be reimbursed all out of pocket expenses from the receivership estate. **The Court again commends counsel for assuming this weighty responsibility as a public service, recognizing the possibility that they**

will not be compensated for the time expended in this case.

A. Duties and Responsibilities of Chair Lead Counsel—Plaintiffs' Chair Lead Counsel shall be generally responsible for coordinating the activities of plaintiffs during pretrial proceedings:

1. Determine (after such consultation with other members of the Plaintiffs' Steering Committee and other co-counsel) and present in briefs, oral argument, or such other fashion as may be appropriate, to the Court and opposing parties, the position of the plaintiffs on all matters arising during pretrial proceedings; Coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Florida Rules of Civil Procedure 1.280(a), (b)(1), (d), and (g), including the preparation of joint interrogatories and requests for production of documents and examination of witnesses in depositions; Conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized; Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation for the plaintiffs is conducted effectively, efficiently, and economically; Enter into stipulations, with opposing counsel, necessary for the conduct of the litigation; Coordinate among the parties monthly status conferences to address, among other things, outstanding discovery issues; Prepare and distribute to the parties periodic status reports; Maintain adequate time and disbursement records covering services as Chair Lead Counsel; Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and Perform such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further order of this Court.

Counsel for plaintiffs who disagree with Chair Lead Counsel or who have individual or divergent positions may act separately on behalf of their clients only with prior authorization of this Court.

- B. The Court appoints the following: Co-Chair Lead Counsel:** Harley S. Tropin of Kozyak Tropin & Throckmorton LLP and Rachel Furst of Grossman Roth Yaffa Cohen, P.A. **Personal Injury and Wrongful Death Track Lead Counsel:** Ricardo M. Martinez-Cid of Podhurst Orseck, P.A.
- C. Economic Loss and Property Damage Track Co-Lead Counsel:** Adam M. Moskowitz of The Moskowitz Law Firm, PLLC and Javier A. Lopez of Kozyak Tropin & Throckmorton LLP.
- D. Wrongful Death Charitable Liaison Counsel:** Curtis B. Miner of Colson Hicks Eidson. Wrongful Death Charitable and Liaison Counsel shall address issues regarding charitable matters. **Wrongful Death Damage Claim Liaison Counsel:** Stuart Z. Grossman of Grossman Roth Yaffa Cohen, P.A. Wrongful Death Damage Claim Liaison Counsel shall address issues regarding the expected differing claims of families and survivors and methods of coordinating same.

C. Plaintiffs' Steering Committee—Plaintiffs' Steering Committee shall coordinate the pretrial activity in consultation with Chair Lead Counsel. Chair Lead Counsel shall determine the particular duties to assign to individual members of the Plaintiffs' Steering Committee. To act on behalf of the plaintiffs as determined by Chair Lead Counsel, the following are appointed to the Plaintiffs' Steering Committee:

1. John Scarola of Searcy Denney Scarola Barnhart & Shipley PA Robert J. Mongeluzzi of Saltz Mongeluzzi & Bedesky P.C. Shannon del Prado of Pita Weber Del Prado Gonzalo Dorta of Dorta Law Willie Gary of Gary, Williams, Parenti, Watson & Gary, P.L.L.C. MaryBeth LippSmith of LippSmith LLP Judd Rosen of Goldberg & Rosen, P.A. John H. Ruiz of MSP Recovery Law Firm Luis E. Suarez of Heise Suarez Melville Jorge E. Silva of Silva & Silva, P.A. Bradford R. Sohn of The Brad Sohn Law Firm, PLLC

Upon motion by Chair Lead Counsel, the Court may in its discretion appoint additional members to—or remove current members from—the Plaintiffs' Steering Committee.

- D. Privileges Preserved**—No communication among plaintiffs' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 16th day of July, 2021.



2021-07-16 8:40 PM

2021-015089-CA-01 07-16-2021 8:40 PM

Hon. Michael Hanzman

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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Physically Served: