

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

CIVIL DIVISION

Case No.:

RAQUEL OLIVEIRA, as Personal Representative  
of the Estate of Alfredo Leone, deceased,

Plaintiff,

v.

CHAMPLAIN TOWERS SOUTH  
CONDOMINIUM ASSOCIATION, INC.,

Defendant.

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### **COMPLAINT**

Plaintiff, Raquel Oliveira, as Personal Representative of the Estate of Alfredo Leone, sues Champlain Towers South Condominium Association, Inc. (“Association”). This case is about the senseless, and entirely preventable, loss of Plaintiff’s husband, Alfredo Leone. The claims in this lawsuit arise out of the Association’s negligence, because of which Alfredo Leone was trapped in the collapse of Champlain Towers South. In support of this lawsuit, Plaintiff alleges:

1. Plaintiff, Raquel Oliveira, is the wife of Alfredo Leone.
2. Plaintiff, Raquel Oliveira, brings this action as Personal Representative of the Estate of Alfredo Leone.
3. At all material times, Alfredo Leone was a resident of Champlain Towers South and, thus, was a legal invitee while on the premises.

4. At approximately 1:20 a.m., while Alfredo Leone was sleeping in his condominium at Champlain Towers South, a large part of the building, including the part Alfredo Leone was in, collapsed and within 15 seconds was reduced to rubble.

5. Champlain Towers South, which was located at 8777 Collins Avenue, Surfside, Florida 33154, in Miami-Dade County, was operated by its association, Champlain Towers South Condominium Association, Inc., which was tasked with maintaining the building and ensuring it remained in a safe condition on behalf of its residents.

6. Part of the Association's duty involved overseeing the process to obtain the 40-Year Recertification required pursuant to Miami-Dade Building Code section 8-11(f). This Recertification was due in 2021—40 years after the 136-unit building was erected in 1981.

7. To that end, in 2018, the Association hired structural engineering firm Morabito Consultants to conduct a structural inspection of the building. The company's president, Frank Morabito, submitted a Structural Field Survey Report to the Association outlining his findings.

8. In it, Mr. Morabito reported "major structural damage" to the concrete slab below the building's pool deck and entrance drive. He further indicated the waterproofing below these structures required replacement and remediation to convert the structure upon which the waterproofing was laid from a flat surface to a sloped one.

9. Mr. Morabito also noted "[a]bundant cracking and spalling" of the concrete columns, beams, and walls of the parking garage. He stated that there was previous repair work which was failing because of "poor workmanship performed by the previous contractor."

10. Despite his personal experience with buildings of similar design that were condemned due to the failure of concrete slabs, Mr. Morabito did not conduct additional inspections or raise further alarms regarding the degradation of Champlain Towers South.

11. Nonetheless, with the information Mr. Morabito provided, the Association should have taken immediate action to protect Champlain Towers South residents, including Alfredo Leone. It did not.

12. Instead, in November of 2018, the Association, through its guest speaker, Rosendo Prieto, a Building Department official from the City of Surfside, lied to residents present at a Board and Owner's meeting, telling them that Mr. Prieto had reviewed the recently prepared Structural Field Survey Report and the building was "in very good shape."

13. The Association never warned residents of the building's structural damage and/or the potential for worsening or failure as noted in Morabito's report.

14. The Association's shirking of its duties and failure to warn its residents of concerns relating to the structural soundness at Champlain Towers South gets worse.

15. In January 2019, as a result of the construction of the neighboring luxury condominium building Eighty Seven Park, one of the Association's board members wrote to Surfside building officials that the crews were "digging too close to [Champlain Towers South] and we have concerns regarding the structure of our building."

16. Yet, the Association did not do anything further. It did not warn residents of those structural concerns. Nor did it follow up with the City of Miami Beach, in which Eighty Seven Park is located, to address the concerns arising from the building's construction.

17. Plaintiff's husband, Alfredo Leone, did not know of the dangers of living in Champlain Towers South. Nor could he have through any effort of his own.

18. It was not until almost three years after receiving the Morabito Report, in April 2021, that the Association began to plan for the long-needed repairs, noting "[a] lot of this work could have been done or planned in years gone by. But this is where we are now."

19. The Association's long-overdue plan to correct the failing concrete slab came far too late and without the sense of urgency needed for the residents to know their lives were at stake.

20. These failures caused the collapse of Champlain Towers South.

21. Indeed, upon information and belief, video footage captured immediately before the collapse showed a breach of the structure and concrete slab in Champlain Towers South's parking garage. Additional video footage caught by a nearby surveillance camera establishes that Champlain Towers South's initial source of failure was most likely in the bottom of the structure.

### **Jurisdiction and Venue**

22. This is an action arising from negligence seeking damages in excess of thirty thousand dollars (\$30,000), exclusive of interest, costs, and attorneys' fees. As such, this Court has exclusive jurisdiction pursuant to sections 26.012 and 34.01, Florida Statutes.

23. Venue is proper in this Court under sections 47.011 and 47.051, Florida Statutes, because the cause of action accrued in Miami-Dade County and the Defendant maintains its office for the transaction of its customary business there.

24. The Court has jurisdiction over the Association because it is a Florida corporation with its principal place of business in Florida, as described below, and the Association caused the collapse of Champlain Towers South in this state, leading to the loss of Plaintiff's husband.

### **Parties**

25. Plaintiff Raquel Oliveira was and is a resident of Miami-Dade County, Florida.

26. Alfredo Leone was a resident of Miami-Dade County, Florida.

27. At all times material, Plaintiff Raquel Oliveira will be or is the duly appointed Administrator, Executor, and/or Personal Representative of the Estate of Alfredo Leone.

28. As Administrator, Executor, and/or Personal Representative of Alfredo Leone's Estate, Plaintiff brings this action in a representative capacity on behalf of all potential survivors and/or beneficiaries, including but not limited to the following:

- a. Raquel Oliveira, wife of Alfredo Leone;
- b. The Estate of Alfredo Leone; and
- c. Any other individual entitled to recover under applicable law.

29. At all times material, Defendant Champlain Towers South Condominium Association, Inc., was and is a Florida corporation with its principal place of business located at 8777 Collins Avenue, Surfside, Florida 33154, Miami-Dade County.

30. The Association can be served through its registered agent, Becker & Poliakoff, P.A., 1 East Broward Blvd., Suite 1800, Ft. Lauderdale, Florida 33301, pursuant to section 48.091, Florida Statutes.

**COUNT I**  
**NEGLIGENCE AGAINST THE ASSOCIATION**

31. Plaintiff adopts and re-alleges paragraphs 1 through 30 as if fully set forth herein.

32. At all times material, the Association owed a duty to Alfredo Leone to maintain Champlain Towers South in a reasonably safe condition and to act reasonably in correcting structural issues within the building of which the Association knew or should have known.

33. At all times material, the Association owed a duty to Alfredo Leone to warn him of dangers in Champlain Towers South of which the Association knew or should have known.

34. The Association breached the duty it owed to Alfredo Leone by, among other things:

- a. Failing to maintain Champlain Towers South in a reahusbandably safe condition per Miami-Dade County, Florida Code of Ordinances, Chapter 8;

- b. Failing to remediate Champlain Towers South's structural damage, including the failing concrete columns and slabs, that was observed in 2018;
- c. Failing to properly waterproof and maintain structural concrete slabs, walls, and columns;
- d. Failing to remediate the improperly performed repair work observed in the parking garage of Champlain Towers South;
- e. Failing to hire competent contractors, inspectors, engineers, and appropriate entities to perform the requirement maintenance;
- f. Failing to warn residents of structural concerns associated with the building of the neighboring condominium building, Eighty Seven Park;
- g. Failing to warn residents of the dangers in Champlain Towers South of which the Association knew or should have known; and
- h. Falsely telling the residents and owners of Champlain Towers South that the building was safe.

35. As a direct and proximate result of the Association's negligent acts and omissions, Alfredo Leone was trapped when Champlain Towers South collapsed.

36. As a direct and proximate result of the Association's negligent acts and omissions, Plaintiff has suffered unimaginable damages, including, mental pain and suffering for the loss of Alfredo Leone; the loss of Alfredo Leone's protection and companionship; the loss of Alfredo Leone's support and services in money or in kind; and all other damages to which she may be entitled under applicable law.

37. As Personal representative of the Estate of Alfredo Leone, pursuant to Florida's Wrongful Death Statute, found at section 768.21, Plaintiff is entitled on behalf of the Estate to also recover funeral expenses, loss of earnings, prospective net accumulations, and all other damages to which Plaintiff, on behalf of the Estate, survivors, and/or beneficiaries may be entitled under applicable law.

WHEREFORE, Plaintiff demands judgment against the Association for damages, interest, and all other relief permitted under applicable law. Plaintiff further demands trial by jury on all issues triable as a right to trial by jury.

Dated: July 13, 2021.

Respectfully submitted,

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