

1 IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
2 IN AND FOR MIAMI-DADE COUNTY, FLORIDA

3 CASE NO.: 2021-015089-CA-01

4 MANUEL DREZNER,
5 Plaintiff,

6 -vs-

7 CHAMPLAIN TOWERS SOUTH CONDOMINIUM
8 ASSOCIATION, INC.,

Defendant.

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13 HEARING BEFORE THE HONORABLE
14 MICHAEL A. HANZMAN

15 Tuesday, July 6, 2021
16 4:00 p.m. - 4:23 p.m.

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19 LOCATION: REMOTE

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24 Stenographically Reported Via Web Conference By:

LOIS L. MCINNIS-KELLEHER

25 Stenographic Reporter

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1 ALSO PRESENT:
2 MICHAEL GOLDBERG
STACY KARRON
3 ALEXA SOMERA
BRADFORD SOHN
4 CELENE CHAN ANDREWS
GRAHAM B. LIPPSMITH
5 MARYBETH LIPPSMITH
JAVY LOPEZ
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BENJAMIN FERNANDEZ, IV
7 CHRISTINE HALL
DAVE MURRAY
8 ERIC KAY
RICARDO MARTINEZ
9 SAM DORDICK
JORGE PIEDRA
10 LEA BUCCIERO
RENE ROCHA
11 SCOTT RIVLIN
TAL J. LIFSHITZ
12 YECHEZKEL RODAL
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1 (Thereupon, the following proceedings were
2 had:)

3 THE COURT: We're here on Manuel Drezner
4 versus Champlain Towers South Condominium
5 Association, case number 202115089, along with
6 the related tagalong cases.

7 Can I have appearances, please, of
8 counsel. Please, just one counsel per party.
9 Thank you. Starting with the plaintiffs.

10 MR. TROPIN: May it please the Court.
11 Harley Tropin representing the Drezner
12 plaintiffs.

13 MR. KAYE: Good afternoon, Judge. This is
14 Joseph Kaye, from the Moskowitz Law Firm,
15 appearing on behalf of Plaintiff Rysa
16 Rodriguez. Adam Moskowitz is on a plane,
17 coming down for the hearing tomorrow.

18 THE COURT: Okay.

19 Thank you.

20 MR. J. SILVA: Jorge Silva on behalf of
21 the Lozano plaintiffs.

22 MR. MCKEE: Robert McKee on behalf of
23 Steve Rosenthal.

24 MR. MONGELUZZI: This is Bob Mongeluzzi on
25 behalf of the Harry Rosenberg family.

1 THE COURT: And for the defendants,
2 please.

3 MR. GUSO: Good afternoon, Your Honor.
4 Jordi Guso, of Berger Singerman, on behalf of
5 Michael Goldberg, as receiver. And
6 Mr. Goldberg is also present.

7 MR. GOLDBERG: Good afternoon, Your Honor.

8 THE COURT: Any other defense counsel wish
9 to make an appearance?

10 MR. RASKAS: Good afternoon, Your Honor.
11 Aron Raskas, along with David Wells, of
12 Gunster, for the Defendant Morabito
13 Consultants, Inc. in the Rosenberg matter only.

14 MR. C. SILVA: Good afternoon, Your Honor.
15 This is Carlos Silva for the Lozano family. I
16 just got on. I'm sorry.

17 THE COURT: Any other appearances, folks?

18 MS. REIS: My name is Jenn Reis. I'm a
19 court reporter. There was --

20 THE COURT: I don't need appearances of
21 court reporters, please.

22 Any other appearances of counsel?

23 MR. MCNABNEY: Good afternoon, Your Honor.
24 Joel McNabney of behalf of James River
25 Insurance Company.

1 MR. BRILL: And good afternoon, Judge.
2 David Brill appearing on behalf of
3 Mr. Rosenthal, with cocounsel Robert McKee.
4 Good afternoon.

5 MR. BLUMENTHAL: Your Honor, Dustin
6 Blumenthal and Valerie Shea, coverage counsel
7 for Philadelphia Indemnity Insurance Company.

8 THE COURT: Very good.

9 Any other appearances of counsel?

10 MS. SMITH: Your Honor, Shane Smith, from
11 Merlin Law Group, of behalf of Plaintiff Rysa
12 Rodriguez. Chip Merlin is en route to Miami
13 for tomorrow's hearing.

14 THE COURT: Very good.

15 Any other appearances of counsel?

16 MS. PHILLIPS: Your Honor, Paula Phillips,
17 and I'm here on behalf of the Nonparty Karron.
18 And I believe our matter is concluded, but
19 I'm --

20 THE COURT: No. Ms. Phillips, you're
21 actually -- you're actually why I called this
22 hearing, primarily. So thank you for your
23 appearance.

24 Your counsel is -- your -- your client is
25 here?

1 MS. PHILLIPS: I believe she -- she's
2 supposed to be here. I sent her the video
3 link.

4 THE COURT: Okay.

5 So I called this hearing for a couple
6 purposes. The first is, I want to address
7 Ms. Phillips.

8 Ms. Phillips, first, I want to confirm
9 that your client is here.

10 Can I see her on screen?

11 Can she -- she appear, please?

12 MS. PHILLIPS: Stacy Karron.

13 MS. KARRON: I'm here.

14 Can you hear me?

15 THE COURT: I can hear you, Ms. Karron.

16 MS. KARRON: Okay.

17 THE COURT: Thank you.

18 Okay. Ms. Phillips, I want to address
19 you, because the Court is a bit disturbed. I
20 received an emergency motion at approximately
21 8:30 on July 4th.

22 I read the motion, and it appeared to me
23 that you had moved for relief from the Court on
24 behalf of a victim of this tragic occurrence
25 who had lost her apartment, and had left her

1 emotional support animal behind. I read the
2 motion. And because I thought I was dealing
3 with a victim of this tragedy, I set a hearing
4 at 9:30 to address the matter.

5 And when I wrote the order this morning it
6 was brought to my attention, primarily from
7 media sources, that your client, Ms. Karron,
8 may not have been an owner or resident of the
9 building, and had no relationship with this
10 rescue pet.

11 Something that I did not see disclosed in
12 your motion, nor was it disclosed at the
13 hearing, despite the Court praising you for
14 appearing pro se on behalf of one of the
15 victims of this tragedy, and telling you how --
16 how -- how the Court was thankful of your
17 stepping up on behalf of this victim.

18 How I hoped that her -- the rest of her
19 family was safe, and not in harm's way, and how
20 bad I felt for her for losing her support
21 animal.

22 And I went back and read the -- reviewed
23 the hearing that was live streamed, and despite
24 the Court's constant praise and expression of
25 sympathy, neither in the motion, nor at the

1 hearing, did you disclose to me what has
2 purported to be the case, namely, that your
3 client is an animal advocate who resides in
4 Broward County, had no property or unit at this
5 building, and had no relationship to this
6 unfortunate pet.

7 And I wanted to first find out from you
8 and your client if it is true, whether she is a
9 resident of Broward County, who never lived in
10 this building, and who had no relationship to
11 this pet.

12 Is that true, Ms. -- Ms. Phillips?

13 MS. PHILLIPS: Yes. Yes, Your Honor.

14 She was an advo -- animal advocate going
15 in to retrieve the pet on behalf of the woman
16 who --

17 THE COURT: Okay.

18 So she was -- so she was basically a
19 member of the community at large who wanted to
20 get into this building that was already
21 embedded with -- with explosives, and go in and
22 retrieve an animal that didn't belong to her;
23 that -- that's correct?

24 MS. PHILLIPS: Your Honor, if I may.

25 THE COURT: No. I don't want you to may.

1 I just would like you to answer my question.

2 Is -- is that correct?

3 MS. PHILLIPS: Not completely.

4 At the time of the hearing it was embedded
5 with explosives, but when the motion was
6 drafted, Your Honor, we didn't know that,
7 and -- and that was not the --

8 THE COURT: Okay.

9 Whether you knew it was embedded with
10 explosives, I assume you knew when you appeared
11 before me, and when you filed this motion, that
12 your client, Ms. Karron, was not a property
13 owner in Champlain Towers, and did not own or
14 have any relationship with this emotional
15 support pet, correct?

16 I assume you knew that?

17 MS. PHILLIPS: Your Honor, I knew that she
18 was not the owner of the pet and I knew that
19 she was not a victim. I can --

20 THE COURT: Okay.

21 So did you -- did you think -- did you
22 think, as -- as a member of the bar, that it
23 was appropriate for you to file the motion and
24 not disclose the material fact that your client
25 neither owned a unit there nor had any

1 relationship to this pet?

2 And did you think it was appropriate, as a
3 member of the bar, when I'm praising your
4 client, and expressing sympathy, and praising
5 you for appearing pro bono on her behalf,
6 because she's a victim of this horrific
7 tragedy, did you not think it was appropriate,
8 at anytime, to disclose to the Court that your
9 client was an animal rights advocate, who
10 resided in Broward County, and had no
11 relationship to this pet?

12 Did you not think that was material
13 information that should have been brought to
14 the Court's attention, and may have changed the
15 legal landscape here and the -- and the
16 calculus that this Court had to engage in, in
17 order to adjudicate your motion?

18 MS. PHILLIPS: Your Honor, when Your Honor
19 was referring to the victims of this tragedy,
20 and their pets that were left behind, and there
21 were several, and you did refer to them as
22 plural, as did others, as did I, Your Honor, my
23 client was not the same person as the person
24 that had the --

25 And -- and I'm sorry. I'm on the

1 defensive here. I'm nervous. I didn't know
2 that you --

3 THE COURT: Well, I don't -- I don't mean
4 to put you on the defensive, but I just want to
5 say something to you. Okay. And I don't mean
6 to put you on the defensive, and I'm sorry if I
7 am.

8 But this is a -- this is a very important
9 case. It's a very tragic case. I have a lot
10 of emergencies that I have to address in this
11 case. And as a -- as a Court, I depend upon
12 the lawyers that appear before me to provide me
13 with the material information that I need in
14 order to fairly adjudicate matters consistent
15 with the law.

16 Now, if you had told me, Judge, by the
17 way, I just want to make it clear to you that
18 my client doesn't own this unit, my client is
19 not the owner of this pet, it may have changed
20 the dynamic a bit, because at that point there
21 would have been standing issues, there would
22 have been --

23 She was being asked -- you were asking me
24 to enjoin the fire -- the county from
25 demolishing a building, to put peoples' lives

1 at risk, which they would have been had I
2 granted your motion. And it's a very serious
3 matter.

4 And I rely upon lawyers that appear before
5 me to disclose all material information to me.
6 The system cannot function without that. And
7 I'm disappointed that -- to find out through
8 the media that your client is -- resides in
9 Broward County, and has no relationship with
10 this pet.

11 MS. PHILLIPS: Your Honor, again, and if I
12 may, this motion doesn't ask the -- the city
13 not to demolish the building. All that this
14 motion asked for, on behalf of Stacy -- and she
15 doesn't -- it doesn't represent that she owns
16 the animal.

17 It doesn't say to get her animal out --
18 out of her unit, as it would if I was
19 representing to the Court that she was the
20 victim, and that it was her animal, throughout
21 our --

22 THE COURT: But your -- your -- your
23 motion reads that way. When I read -- when I
24 went back and reread your motion, it talks
25 about your client's aware of an animal, who's

1 an emotional support, in unit 405, and wants to
2 go in to retrieve the animal.

3 I mean, the motion is phrased in a way to
4 make the Court -- to -- to convey the
5 impression that this was your client's animal.

6 MS. PHILLIPS: I didn't mean it that way.

7 It is an emotional support animal. We had
8 been in contact with the lady's family. She
9 was in the hospital, on intubation, until July
10 4th.

11 It was never -- the motion reads knowledge
12 of an animal trapped in unit 405 of the
13 building. If -- if I was representing that
14 this was her animal, it would say her animal is
15 trapped in her apartment in a building that she
16 had to evacuate. And I am very, very regretful
17 that it read differently to third parties.

18 Please understand, this motion is a
19 bare-bones motion that was drafted in a hurry.
20 I didn't even know about this issue until the
21 afternoon of July 4th. I did my best to put
22 together a motion that would try to give
23 rescues the opportunity -- this rescue the
24 opportunity to go in and get the animal for
25 this lady.

1 It didn't ask for the city not to demolish
2 the building. At the time that I filed it --

3 THE COURT: Well, what you were -- what
4 you were asking for -- what you were asking for
5 is to have Ms. Karron be able to go into the
6 building to retrieve this animal, something
7 that would have placed not only her, but
8 possible rescue workers and others, at risk if
9 something were to happen to her.

10 And it seems to me to be a fairly
11 important distinction as to whether you're
12 seeking that relief on behalf of the unit
13 owner, who owns the animal, or on behalf of a
14 third party, who lives in Broward County, who
15 has no relationship to this, and is a member of
16 the public, albeit -- albeit a concerned member
17 of the public, and I -- and I commend her for
18 that.

19 But she's just a member of the public, and
20 it -- and it creates an entirely different
21 legal landscape, dependent upon whether I'm
22 addressing a motion seeking this relief, which,
23 if granted, will place people's lives in
24 danger, whether I'm -- whether it's being
25 sought on behalf of the person who owns this

1 emotional support animal, and considers this
2 animal family, as opposed to a stranger.

3 And I -- and -- and during the hearing,
4 you know, I don't want to micromanage my words,
5 but I -- I -- I -- I commended you for stepping
6 up for this victim pro bono. I told you I
7 hoped other lawyers would do the same. I
8 expressed sympathy and empathy for her having
9 lost her pet.

10 And not once did you correct me and say,
11 Judge, I just want to clarify that Ms. Karron
12 is -- is -- is a lady who lives in Broward
13 County, and is an animal rights advocate who
14 doesn't own this pet. I think that was
15 something that you should have done.

16 MS. PHILLIPS: Because, Judge, at the end
17 of the day, I thought -- I thought that -- that
18 this was what you were referencing, the fact
19 that we were stepping up for the owner, to
20 retrieve her animal out before the building was
21 demolished. I apologize for my
22 misunderstanding about your words.

23 And at the end of the day, the motion
24 being denied, I certainly would not have led
25 the Court to error if the Court had been

1 granting the motion and had said so this owner
2 can --

3 THE COURT: Let me ask you a -- let me ask
4 you a question. I want you to imagine this:
5 That I grant the motion and I order the county
6 to allow her in the building, and God forbid
7 something happens to her or God forbid
8 something happens to other people trying to
9 rescue her, if the building were to collapse or
10 some calamity were to occur.

11 Can you imagine what -- what the community
12 would think if it was later determined that she
13 didn't own the pet at all, had no relationship
14 to the building, and I just granted an
15 injunction to let a member of the public -- to
16 override the county, override the fire
17 department, and let some member of the public,
18 albeit a concerned member of the public,
19 traipse into the building to get a cat that she
20 didn't own?

21 I mean, can you imagine what the fallout
22 of that would be?

23 MS. PHILLIPS: Your -- Your Honor, and I
24 can only tell you what my opinion is, but every
25 person, every concerned citizen that came to me

1 and asked me to file this motion on behalf of
2 the people that wanted to get these animals out
3 of the building, and Stacy herself, every
4 person knew that there was going to be a risk
5 to a -- a rescue to go in and try to get the
6 pet.

7 Had she -- had Your Honor granted the
8 motion, had she gone in, had disaster struck,
9 she was ready to accept that consequence. Part
10 of the motion was that no one else would take
11 any risk other than her, no rescuers go in with
12 her, no other risk, and she would waive any --

13 THE COURT: Okay.

14 But you don't -- you don't reasonably --
15 you don't reasonably expect that our dedicated
16 public servant rescue teams, if there were
17 something that went wrong while she was to try
18 retrieving the cat, would have sat there and
19 just let her perish, do you?

20 You don't think that our -- you don't
21 think that our -- that our heroic firefighters,
22 and police officers, and rescue workers would
23 have sat back and watched her perish, even had
24 she signed a release, et cetera.

25 You don't think that would have happened,

1 do you?

2 MS. PHILLIPS: Your Honor, as a practical
3 matter, the only thing that could have happened
4 was the building fall in. And had that
5 happened, they couldn't have done anything to
6 risk their lives to save her, anyway. That --
7 that --

8 THE COURT: Ms. Phillips, I --
9 Ms. Phillips, you're obviously not appreciating
10 the conversation we're having here, so let's
11 leave it at this:

12 I'm -- I'm disappointed. I think that
13 when I read your motion, and when we had the
14 hearing, I was left with the impression, that
15 was never corrected, that Ms. Karron had owned
16 this unit, and had left her support animal
17 behind, and that's how I adjudicated the
18 motion.

19 Now, fortunately, I was unable to grant
20 the relief for reasons I've expressed in my
21 written order. But I'm disappointed. I'm not
22 going to -- I'm not -- certainly not going to
23 hold it against you. I'm certainly not going
24 to belabor this or -- or -- or drag it out,
25 because we have very important things to do in

1 this case.

2 But I want to explain to you that when you
3 file motions in my court, and you seek relief,
4 I expect you to disclose all material
5 information to me, without holding anything
6 back.

7 Okay?

8 I -- I -- I --

9 MS. PHILLIPS: Yes, Your Honor.

10 THE COURT: -- I haven't had occasion to
11 work with you before. You seem like a very
12 competent nice lawyer. I'm sure that you
13 didn't mean to intentionally mislead the Court.
14 And I give you the benefit of the doubt, as I
15 said in my written order.

16 But I want you to be careful when you
17 practice before me in the future. And I know,
18 even if it's a -- even if it's a rushed motion,
19 when you get before me, if there are things
20 that you didn't have an opportunity to say or
21 clarify, I would expect you to do that next
22 time around.

23 Okay?

24 I -- I don't --

25 MS. PHILLIPS: Yes, Your Honor.

1 THE COURT: -- I want to adjudicate
2 matters without a full disclosure of all
3 material information.

4 All right?

5 MS. PHILLIPS: Your Honor, I completely
6 understand. I apologize to the Court.

7 And for the record, I have been in front
8 of you many times. I'm an insurance defense
9 lawyer. This is not what I typically do. I
10 just did the best I could. And I am really
11 woefully sorry that I didn't listen more
12 carefully to what the Court was saying.

13 THE COURT: I -- you know, I accept your
14 apology. I hope you get involved in this case
15 for other unit owners and people that were
16 victimized by this. And I still commend you
17 for stepping up in a rush and trying to get
18 relief for this pet.

19 You know, I said before, you know, I --
20 I'm very sympathetic to all the victims of
21 this, including animals. And I thank you
22 for filing -- I don't fault you for filing the
23 motion, but I just want you to be a careful
24 practitioner, and make sure that I'm aware of
25 all material information when I have to

1 adjudicate something as serious as this, that
2 could put peoples' lives in danger.

3 Okay?

4 MS. PHILLIPS: Absolutely, Your Honor.

5 THE COURT: Because if I -- if I had
6 granted that relief -- and I concluded I had no
7 authority to do so. But if I had granted that
8 relief, your client's life would have been in
9 danger and others would have been in danger.

10 And, you know, I think I needed -- I
11 deserved to be told that this is an animal
12 advocates rights person from Broward County who
13 wants to go in there and save the cat, and not
14 be left with the impression, mistakenly, that
15 this was an owner who had fled the building and
16 had to leave her emotional support animal
17 behind. Okay.

18 I think that's a material distinction. I
19 think it would have made the hearing a little
20 bit different, in terms of the legal issues
21 and the -- and the -- the calculus that had to
22 go into my decision. And I'd just ask you,
23 going forward, not to do that again.

24 Okay?

25 But I accept your apology. I take you

1 for -- for your word, that you did not intend
2 to mislead this Court in any way, shape, or
3 form. I believe that sincerely. And I wish
4 you all the best, and I hope to see you back.

5 Okay?

6 MS. PHILLIPS: Thank you, Your Honor.

7 THE COURT: All right.

8 You and your client may be excused.

9 MS. KARRON: Thank you, sir.

10 THE COURT: Okay. All right.

11 Counsel, do I have the receiver here?

12 MR. GOLDBERG: Yes, Your Honor.

13 THE COURT: Okay.

14 Mr. Goldberg, I assume -- I assume
15 everything went without incident at the
16 demolition, and that you've had no further
17 involvement with the county since then?

18 MR. GOLDBERG: I have had no further
19 involvement with the county, Your Honor. And
20 the only information I know is what I see on
21 the TV, and it appears that it was a complete
22 success, and it appears that the mayor and
23 other officials are very pleased and happy with
24 it.

25 THE COURT: Okay. Very good.

1 So I wanted to -- while I have you all
2 here, I want to speak to the lawyers, for a
3 minute, who are seeking to represent the
4 victims in this matter. I have scheduled a
5 hearing for tomorrow at 9:00, and part of what
6 we are going to be discussing is a leadership
7 structure to handle these cases on a
8 consolidated basis going forward.

9 There are a lot of very highly regarded
10 lawyers who have appeared in this case. We
11 have, in the Court's view, the Mount Rushmore
12 of the class action bar that have made
13 appearances in this case, and we have a number
14 of the most outstanding personal injury and
15 other tort lawyers who have also appeared.

16 And at some point I have to put together a
17 leadership structure. And I have ordered you
18 all to try to work out a leadership structure
19 on your own, and to be prepared to discuss your
20 preliminary progress, or lack thereof, with me
21 tomorrow at 9:00.

22 What I want you all to think about
23 overnight, and I thought about this a great
24 deal, but what I would like the lawyers, who
25 wish to have a leadership role in this case, to

1 think about overnight is whether any of the
2 firms in this case, which are, again, amongst
3 the most successful mass tort and class action
4 firms in our community and elsewhere, would be
5 willing to assume this representation on behalf
6 of these victims on a pro bono basis, with the
7 proviso, a very important proviso, that the
8 Court would have the discretion, at the
9 conclusion of the case, if counsel is
10 successful in securing a common fund through
11 their efforts, to award a reasonable fee in the
12 Court's discretion.

13 But I want you to think about which firms,
14 if any here, are willing, given the unique
15 circumstances of this tragic case, which is not
16 business as usual, to participate on a pro bono
17 basis, with their costs being advanced by the
18 receivership estate, and an understanding that
19 if there is a common fund generated, as a
20 result of this litigation, the Court would have
21 the discretion to award reasonable
22 compensation, unconstrained by any loadstars,
23 multipliers, percentages, or anything else.

24 And I want you to talk to the people that
25 you're working with, your cocounsel, and think

1 about that overnight, and be prepared to
2 address that with me at 9:00 a.m. tomorrow
3 morning.

4 Okay?

5 Any questions or concerns before we
6 adjourn 'til the morning?

7 MR. TROPIN: Thank you, Your Honor.

8 We understand, and we'll be ready to
9 address it.

10 THE COURT: Very good. Thank you.

11 Mr. Goldberg, anything else you want to
12 report to before tomorrow morning?

13 MR. GOLDBERG: No. Thank you, Your Honor.

14 THE COURT: Okay. Very good.

15 You all have a nice evening, and I'll see
16 you at 9:00 in courtroom 3-3.

17 MR. GOLDBERG: Thank you, Your Honor.

18 THE COURT: Okay.

19 (Thereupon, the hearing was
20 concluded at 4:23 p.m.)
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CERTIFICATE OF REPORTER

I, Lois L. McInnis-Kelleher, do hereby
certify that I was authorized to and did report the
foregoing proceedings, and that the transcript is a
true and correct record of my stenographic notes.

Dated this 8th day July 2021 at Fort
Lauderdale, Broward County, Florida.



Lois L. McInnis-Kelleher

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