

Judge Michael Hanzman  
July 16, 2021

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
CASE NO. 2021-015089-CA-01

MANUEL DREZNER,

Plaintiff,

-vs-

CHAMPLAIN TOWERS SOUTH  
CONDOMINIUM ASSOCIATION, INC.,

Defendant.

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HEARING BEFORE THE HONORABLE  
MICHAEL HANZMAN, AS JUDGE

Friday, July 16, 2021  
8:58 a.m. - 10:45 a.m.

155 NW 3rd Street, Courtroom 10-1  
Miami, Florida 33128

Reported By:  
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1 HEARING taken by MARGARET PHILLIPS, Court  
2 Reporter and Notary Public in and for the State of  
3 Florida at Large, in the above cause.

4 - - -

5 THE COURT: The Court will now call the  
6 consolidated Champlain Towers cases. I will defer  
7 the appearances of counsel to a bit later in the  
8 proceedings because we have some encouraging news  
9 to report and I want to get to that as soon as  
10 possible.

11 But, before that, the Court would like to  
12 take a moment and speak directly to those who have  
13 lost loved ones in their homes as a result of this  
14 unspeakable tragedy. I asked the receiver to  
15 please extend an invitation to be here to any  
16 victims or their families who would like to be  
17 heard and address the Court. I hope some of them  
18 took the receiver up on that invitation and I want  
19 to speak to them directly.

20 When the Court learned of this catastrophic  
21 event and watched the collapse of this building on  
22 the news, I, like the rest of our community, was  
23 both horrified and heartbroken. Thoughts that  
24 families could go to sleep in the comfort of their  
25 homes, a place we all consider to be our sanctuary

1 and safe haven, and tragically perish when the  
2 building they reside in collapses was simply  
3 unfathomable and I cannot imagine the pain you are  
4 feeling, pain that I pray will subside over time,  
5 but I know will never go away. To all the victims  
6 of this tragedy, you have the Court's deepest  
7 sympathy and I wish I could do something to  
8 relieve your suffering.

9         Since being assigned this case, the Court  
10 has endeavored, to the best of its ability, to do  
11 everything in its power to diligently attend to  
12 the legal demands a disaster like this commands  
13 and has made it abundantly clear that this will  
14 not be business as usual. The Court has been and  
15 it will continue to be committed to moving forward  
16 with dispatch, as I know that many of you who have  
17 lost your homes and loved ones, are in desperate  
18 need of whatever compensation you may be legally  
19 entitled to in order to secure new housing,  
20 provide for your families and to attend to end of  
21 life needs.

22         I also know that justice delayed is justice  
23 denied and I want to make it clear that under no  
24 circumstances will this Court permit justice in  
25 this case to be denied due to delay or for any

1 other reason.

2 Now, on Wednesday, consistent with the  
3 approach this Court has taken and will continue to  
4 take, I expressed a desire to monetize the real  
5 estate owned by the victims of this tragedy as  
6 part of my goal to secure them compensation as  
7 soon as feasible. It should be clearly  
8 understood, however, that all competing interests  
9 and viewpoints will be thoroughly considered and  
10 all interested parties will have a full and fair  
11 opportunity to be heard before any decision will  
12 be made.

13 There is not going to be an immediate sale  
14 of the property, but the process must be put in  
15 motion without delay and all viable options must  
16 be fully explored so that we are prepared and that  
17 compensation can be delivered to these victims in  
18 a timely manner.

19 Now the Court is aware that many victims  
20 have expressed a desire that this sacred ground be  
21 preserved as a memorial to those we have lost and  
22 the Court completely understands that sentiment.  
23 But this Court does not have the power to nor  
24 would it ever ask or force the victims of this  
25 tragedy, who have lost their homes and have lost



1 loved ones, to donate their property to the  
2 public. So, if this land is to be used, in full  
3 or in part, for purposes of building a memorial in  
4 tribute to those we have lost, the cost of that  
5 memorial would have to be borne by the general  
6 public through a sale of the property at fair  
7 market value to any governmental entity, whether  
8 it be federal, state, local or any combination  
9 thereof who would like to pay for that land,  
10 provide these victims fair market value for their  
11 property, and erect a memorial in their honor. Or  
12 the cost of a memorial can be paid for by a  
13 private sector purchaser.

14 But the Court wishes to make it clear that  
15 it does not have the authority to nor would it  
16 ever allow the victims of this tragedy to shoulder  
17 the cost of a memorial.

18 Now, on the topic of a memorial, the Court  
19 also recognizes that this valuable asset belonging  
20 to the victims is not the only option and I want  
21 to share with you a letter I received yesterday  
22 from Mayor Dan Gelber, a long time friend of the  
23 Court, who presides over the City of Miami Beach.  
24 Mayor Gelber sent me the following correspondence  
25 which I will now like to read into the record.

1 "Dear Judge Hanzman, Thank you for your  
2 service to our community and especially for your  
3 recent efforts to address the tragedy in Surfside.  
4 Among the many difficult issues before the Court  
5 appears to be whether the site will become a  
6 memorial or whether it will be sold to help  
7 augment a fund for the families and estates of the  
8 victims. I can only imagine the extremely  
9 emotional nature of these issues to these families  
10 and I would never venture an opinion to any  
11 preferred course of action. I did want to alert  
12 you to a potential option that my city will be  
13 considering next week in our July 28th commission  
14 meeting.

15 "Immediately south of the Champlain Towers  
16 is the Miami Beach's Oceanside Park. The park is  
17 35 acres alongside the ocean and we are about to  
18 commence a substantial upgrade of this already  
19 scenic area. I am asking my colleagues at our  
20 next meeting to consider offering an appropriate  
21 amount of acreage within the park to be dedicated  
22 to accommodating a memorial honoring the victims  
23 of this tragedy. I suspect my colleagues will  
24 probably support such an offer and the spirit in  
25 which it is intended. So many of my community

1 knew or were one degree of separation from the  
2 victims of this unthinkable tragedy.

3 "While we have proudly supported the  
4 efforts of ground zero with our own police and  
5 fire-rescue personnel, it would be our great honor  
6 to also help establish a dignified memorial that  
7 would appropriately honor the blessed memories of  
8 those that have perished. Let me know if I can be  
9 of service.

10 "Sincerely, Mayor Dan Gelber."

11 The Court, of course, extends its sincere  
12 gratitude to Mayor Gelber and to the Commissioners  
13 of the City of Miami Beach for considering this  
14 option and I know that it, like all other options,  
15 will be fully explored.

16 So, to conclude on this point, the Court  
17 has charged its receiver, Mr. Goldberg, with the  
18 task of simultaneously and expeditiously exploring  
19 all viable options relating to the disposition of  
20 this property, including, but not limited to, a  
21 sale to any federal, state, local or governmental  
22 entities that may wish to acquire the asset; a  
23 sale to the private sector; or the option to  
24 rebuild, a desire that some victims have  
25 expressed. There is no viable option that will

1 not be fully examined and I assure you that no  
2 decision will be made by this Court until all  
3 options are fully vetted and all interested  
4 parties have a full and fair opportunity to be  
5 heard.

6 This Court's responsibility, which it takes  
7 very seriously, is to adjudicate the rights of all  
8 concerned parties and dispense justice in a fair  
9 and thoughtful manner and I promise the victims of  
10 this tragedy that I will do that to the best of my  
11 ability and they have my assurance that the  
12 process here will be transparent and that before  
13 any decisions are made, as difficult as they may  
14 be, all concerned parties will have a full and  
15 fair opportunity to address this Court.

16 Now, before I hear from Mr. Goldberg, I  
17 want to invite any members of the community that  
18 have been impacted by these tragic events to  
19 appear before the Court and address the Court  
20 pursuant to my invitation. And I extend them the  
21 podium and will hear from anybody who has been  
22 victimized by this unthinkable catastrophe.

23 Good morning, sir.

24 MR. CYTRYNBAUM: Good morning, Your Honor.  
25 My name is Oren Cytrynbaum, I actually happen to

1 be a attorney, not involved in this case. I'm  
2 owner of one of the units. My family has another  
3 unit. Sorry if I'm sounding funny. It's just  
4 very emotional and I'm a little under the weather.

5 THE COURT: I understand. We all are and  
6 you don't need to apologize for anything..

7 MR. CYTRYNBAUM: I appreciate all your kind  
8 words this morning. I know I am speaking on  
9 behalf of quite a group that we have formed within  
10 the survivor group, people who are property owners  
11 or renters who have not -- who were luckily either  
12 not in the building or were in the building and  
13 escaped or had loved ones and rented out units,  
14 different situations, and I know we are very  
15 concerned how the process is going to work because  
16 we are speaking to a lot of counsel and we're  
17 getting, for the most part, the same story.

18 And Michael was fantastic yesterday on the  
19 Zoom call informing us, but we are concerned  
20 because we fall into two buckets: We fall into  
21 either property owner or injured victim, injury  
22 victim, liability. And we are worried that it's  
23 going to be very hard to separate the two and  
24 especially with the counsel we are choosing  
25 because some counsel is representing both sides,

1 some have tried to separate from that, and then  
2 within each class we have subclasses that we are  
3 concerned about, you know, people who it's their  
4 primary residence, maybe they're a foreign owner,  
5 maybe it was an investment property, maybe they  
6 only used it part of the time.

7 As you understand, there's people with  
8 mortgages, people who paid in cash, and we feel as  
9 a group it's going to be very hard to separate and  
10 there's going to be times where it's going to feel  
11 unfair because if you lost your property, even if  
12 it's a first or secondary home, its still your  
13 savings and your money that's gone into it; and,  
14 if you have a mortgage, the mortgage will probably  
15 be paid off from a sale or other proceeds, but if  
16 I paid cash -- not that I did on mine, I have a  
17 mortgage, but my family paid cash for their unit  
18 -- they are going to be out of luck because they  
19 didn't have a lien on their property.

20 These are all issues we want to make sure  
21 the Court is going to hear from everybody and try  
22 to be true to everybody on the same level playing  
23 field.

24 THE COURT: And, you know, these issues  
25 were raised by the Court at the very first

1 hearing. I don't know if you were able to attend  
2 that.

3 MR. CYTRYNBAUM: Unfortunately, the first  
4 few days were a little chaotic.

5 THE COURT: The Court recognized at the  
6 very first hearing that there would be potential  
7 allocation issues in this case. I have recognized  
8 throughout that there is no amount of money in the  
9 world that will compensate all the victims for the  
10 harm that's been suffered, and there will be  
11 allocation issues. But my hope is -- and these  
12 are just preliminary thoughts from the Court,  
13 okay, because I want to address your concerns, but  
14 obviously I am not and cannot prejudge anything.

15 MR. CYTRYNBAUM: Absolutely. Nobody wants  
16 you to do that.

17 THE COURT: And I want to address some of  
18 your concerns, but there are going to be limited  
19 assets available to compensate for everyone's  
20 property loss as well as for the loss of life and  
21 the injuries that have occurred. We all know  
22 that. Right?

23 MR. CYTRYNBAUM: Absolutely.

24 THE COURT: That's why this is a case, as I  
25 said at the last hearing, that has to be managed

1 aggressively because I don't want assets wasted  
2 and I don't want defendants wasting the moneys  
3 that could be used to contribute to a resolution  
4 to this having to defend multiple lawsuits on  
5 multiple fronts. That's why it will be a  
6 coordinated effort.

7 Now, the Court recognized early on that  
8 there are people in different positions. That's  
9 why I advised counsel from the very beginning that  
10 when they had their discussions they were to come  
11 up with a proposal where everybody's interests  
12 will be represented adequately and conflict free  
13 and I will appoint later today a leadership  
14 structure.

15 There will be lawyers assigned to  
16 representing the class as a whole. There will  
17 also be lawyers assigned to protecting the rights  
18 of people who lost property, but, you know, thank  
19 God, did not suffer personal injury and wrongful  
20 death; and then we have people that are renters  
21 and fall into other categories, all of which will  
22 be adequately represented.

23 Now the reality is there are certain assets  
24 available that in this Court's preliminary view --  
25 and I emphasize the word "preliminary" -- must be



1 used to satisfy property claims. The value of the  
2 land in a condominium is owned by the people who  
3 own the units in their proportionate share, it is  
4 not owned by the association, and it is homestead  
5 property, so each unit owner who owns a unit  
6 directly owns an undivided portion of the real  
7 estate. And the Court's initial assessment is  
8 that the value of the land must go to paying  
9 people their economic harm for their units.

10 There's also property insurance and, as the  
11 name implies, property insurance insures property,  
12 and, to the extent there is property insurance  
13 available, the Court's preliminary assessment is  
14 that that property insurance will go towards  
15 compensating people for the loss of their property  
16 because that is what it ensures.

17 Now, I know there were approximately 130 or  
18 so units in this building. I don't know the  
19 average value, but let's assume, hypothetically,  
20 that the average value of a condominium, I will  
21 just put a million dollars apiece, for discussion  
22 purposes. I'm not saying or suggesting that  
23 everybody's unit has the same value and that there  
24 won't be individual valuations; I'm just using  
25 this for discussion purposes.

1 MR. CYTRYNBAUM: We have had these internal  
2 discussions.

3 THE COURT: I am sure you have and I'm  
4 trying to respond to your concerns, but my hope is  
5 that there will be enough money raised through  
6 property insurance and the value of the assets  
7 owned by the property owners, namely, the land, to  
8 fairly compensate people for the value of their  
9 units and that there will be liability insurance  
10 and third-party claims and other recoveries on top  
11 of that that can then be used to try, to the best  
12 of our abilities, to compensate those who have  
13 suffered wrongful death and injury. Okay?

14 MR. CYTRYNBAUM: I think we are on the same  
15 page. Sorry.

16 THE COURT: These allocation issues, as you  
17 said, these allocation issues are going to be  
18 difficult. They are going to require negotiation,  
19 they're going to require hearings and legal  
20 briefing, and I will make decisions, again, only  
21 after thoughtful consideration and hearing the  
22 views of all concerned.

23 But, again, my hope is there will be enough  
24 money raised through assets that belong to the  
25 owners as a whole to compensate for property and

1 that then there will be additional recoveries that  
2 can be used to help compensate victims for an  
3 uncompensable loss.

4 But I understand these issues and that's  
5 why the leadership structure that I'm going to  
6 appoint today to represent class members is going  
7 to be structured in a way that everybody's  
8 interest will be adequately protected by  
9 conflict-free counsel.

10 MR. CYTRYNBAUM: Terrific. If I could just  
11 add one more thing while I have the podium?

12 THE COURT: Absolutely.

13 MR. CYTRYNBAUM: You mentioned earlier  
14 there is a group within the group that is  
15 considering the idea of rebuilding. That's become  
16 a very sensitive issue within the group.

17 Obviously, logistics are very difficult with it,  
18 but the way it is viewed -- and I just want the  
19 Court to understand this -- the land is roughly a  
20 hundred million, give or take, and to rebuild is  
21 roughly a hundred million, give or take. The  
22 sellout of a property like that could be as high  
23 as six hundred million dollars.

24 If we would rebuild, even if we act as the  
25 role of developer, and people who choose to want

1 to still be in there can be in there, if not, we  
2 are leaving potentially four hundred million  
3 dollars, after costs, that could be given to  
4 victims and that should be considered because if  
5 you're just selling the land you might be leaving  
6 a lot of hundreds of millions on the table that  
7 could be used in excess of the property owners to  
8 the victims because I don't think there will be  
9 enough in the wrongful death.

10 THE COURT: I understand that and I  
11 understand that some victims have expressed a  
12 desire to rebuild. Now, again, very preliminarily  
13 -- okay --

14 MR. CYTRYNBAUM: Of course.

15 THE COURT: -- there are a number of  
16 practical impediments to that which I'm sure you  
17 have thought through that.

18 MR. CYTRYNBAUM: Sure. I am also a real  
19 estate attorney, so I understand the issues  
20 involved.

21 THE COURT: So I'm talking to an expert.

22 MR. CYTRYNBAUM: No, far from that.

23 THE COURT: Okay. You have to understand  
24 that a third, as much as half, of these owners of  
25 these units have perished.

1 MR. CYTRYNBAUM: Absolutely.

2 THE COURT: And their loved ones are in  
3 need of compensation for the property. Right?  
4 And any plan to redevelop would obviously have to  
5 include the ability to compensate them up front  
6 and take them out.

7 MR. CYTRYNBAUM: Sure.

8 THE COURT: Okay? And that's going to be a  
9 very difficult undertaking, especially when a  
10 project of this magnitude would require multiparty  
11 financing. So you have current debt on the  
12 property, you have equity of a third to half of  
13 the unit owners that would have to be fully  
14 compensated as part of a rebuilding plan, and a  
15 number of other practical obstacles to that.

16 I understand your thought which is if the  
17 unit owners could act as their own developers,  
18 either on their own or through a receiver or  
19 through hiring a developer, they could take  
20 advantage of whatever profit there might be in  
21 those units to compensate the victims, and it's a  
22 very creative thought and I understand where you  
23 are coming from; but, as you know as a lawyer and,  
24 particularly, a real estate lawyer, the obstacles  
25 of conveying -- of, basically, keeping the

1 condominium intact, taking care of the equity of  
2 all the parties who have perished, and  
3 simultaneously securing construction financing to  
4 build a new structure would be a Herculean  
5 undertaking --

6 MR. CYTRYNBAUM: Absolutely.

7 THE COURT: -- and I say this, again,  
8 preliminarily, a long shot at best. And, while I  
9 sympathize with the desire of some people to  
10 rebuild and I understand that that could provide  
11 an avenue to compensate victims, to me I think  
12 that would be a very, very difficult practical  
13 undertaking.

14 Now, having said that, and as I said a  
15 moment ago, there is no viable option that will  
16 not be thoroughly vetted and thoroughly considered  
17 before any decision is made and if anybody,  
18 whether it be a group of unit owners, a  
19 combination of a unit owner/developer partnership  
20 or any other structure presents this Court with  
21 any viable option, you have my word that it will  
22 be thoroughly vetted and considered and that  
23 everybody will have a right to be heard before any  
24 decision is made and there will be no hasty  
25 decisions made involving this valuable asset.

1 MR. CYTRYNBAUM: I don't think we can ask  
2 much more of you than that. I would ask this  
3 Court one more favor and everybody in this room  
4 and everybody that's listening, maybe we can do a  
5 minute of silence for the people we have lost  
6 because we are getting near the end of these  
7 people being pulled out. These are friends,  
8 neighbors, family, and I think out of a sign of  
9 respect for everybody involved maybe just a  
10 second, putting our heads down and thinking about  
11 them, because here we are talking about financial  
12 and I don't want it to get lost in the shuffle  
13 that we are dealing with lives here and people we  
14 cared about that have gone.

15 THE COURT: I think that's a wonderful idea  
16 and I will call now for a moment of silence in  
17 honor of those who have lost their loved ones and  
18 their lives at this site.

19 MR. CYTRYNBAUM: Thank you.

20 (Moment of silence)

21 THE COURT: Thank you so much, sir.

22 MR. CYTRYNBAUM: Thank you for your time.  
23 I know you have the hardest job in Miami-Dade  
24 County right now and we all appreciate your  
25 efforts and everybody's efforts that are involved

1 in this, as he said, Herculean task because it's  
2 not easy on any of us.

3 Thank you for your time.

4 THE COURT: Thank you for speaking, sir.

5 Are there any other people that have been  
6 affected by this loss, any other victims or family  
7 members that would like to address the Court  
8 before we proceed?

9 Okay. Very good. At this point in the  
10 proceedings the Court would like to call upon its  
11 receiver, Mr. Goldberg, and ask him to give us an  
12 update on any developments that have occurred  
13 since Wednesday.

14 Mr. Goldberg, good morning.

15 MR. GOLDBERG: Good morning, Your Honor.

16 Your Honor, we have had some significant  
17 developments and positive developments in the  
18 case. The first thing I'd like to report is that  
19 the property insurance carrier Great American has  
20 advised us they will be tendering the 31 million  
21 dollars of property insurance.

22 THE COURT: That is terrific news and, like  
23 I have done with other insurance carriers, let me  
24 commend them for stepping up with such speed and  
25 tendering these funds for the benefit of the



1 victims of this tragedy.

2 Is there a representative of Great American  
3 Insurance Company here through counsel or  
4 otherwise?

5 THE BAILIFF: There is a representative on  
6 the Zoom call.

7 THE COURT: Can I ask the representative of  
8 Great American to identify themselves, please?

9 MR. WILSON: My name is William Wilson  
10 (garbled).

11 THE REPORTER: I didn't understand.

12 THE COURT: That's okay.

13 Mr. Wilson, thank you so much. So you are  
14 counsel for Great American which the receiver has  
15 confirmed has tendered its indemnity coverage  
16 here.

17 MR. WILSON: It's in process. It will  
18 happen in the next few days.

19 THE COURT: Please express the gratitude  
20 and appreciation of the Court to your client and  
21 thank you for appearing.

22 MR. WILSON: You are very welcome. I  
23 apologize for not being there in person.

24 THE COURT: No apology necessary.

25 Mr. Goldberg, that is terrific news. What

1 other developments are you prepared to announce to  
2 the Court and to the interested parties?

3 MR. GOLDBERG: Sure. Your Honor, over the  
4 last couple of weeks I have met with many victims'  
5 families and I have also spoken on the phone, or  
6 people from my office have, with many family  
7 members and property -- people who have suffered  
8 property losses. And, as the Court recognized in  
9 its opening address, there is not any unanimity of  
10 what people want to do with this property.

11 Some people want it sold and the proceeds  
12 immediately distributed; some want to rebuild on  
13 the property; and some believe this is hallowed  
14 ground and it should be forever a memorial.

15 With respect to the last one, the memorial,  
16 to that end, this week I was approached by two  
17 pillars of this community, one being Mr. Rodney  
18 Barreto and the other being Mr. Manny Kadre who  
19 both of them have offered -- and they are  
20 well-known in this community and to this Court --  
21 and they are both perhaps some of the top  
22 government liaison experts around and, definitely,  
23 in South Florida, and both of them have offered,  
24 on a pro bono basis, to help work with me in  
25 seeking to liaise with the federal, state, and

1 local governments in an effort to see if there is  
2 public assistance dollars to create a memorial on  
3 this property, on this land.

4 And, you know, to have two people of their  
5 caliber to do that on a pro bono basis and to  
6 assist is just a tremendous asset to this estate,  
7 to the victims, and to the Court.

8 Your order that appointed me allowed me to  
9 retain professionals without further court order,  
10 but I do seek your consent to accept this very  
11 gracious offer by Mr. Barreto and Mr. Kadre to  
12 assist me and the victims in attempting to locate  
13 sufficient public dollars to perhaps have at least  
14 a win-win situation with a memorial and a fair  
15 market value for those that want to capitalize as  
16 far as -- or get the economic money they are owed  
17 out of this land. So I would seek your consent on  
18 that.

19 THE COURT: Well, that's certainly  
20 wonderful news, Mr. Goldberg. This Court has  
21 known Mr. Barreto and Mr. Kadre for decades. They  
22 are good friends of this Court and they're  
23 wonderful friends of our community that have done  
24 much for the public good over a long period of  
25 time and to have their services secured at no

1 compensation to liaison with federal, state, and  
2 local governments and see if there's any political  
3 will or desire to acquire this land, again, at  
4 fair market value or otherwise contribute towards  
5 compensation for these victims is a terrific,  
6 terrific development.

7 I see they are both here today and have  
8 joined us and, before I give them the opportunity  
9 to address the Court, if they desire, let me hear  
10 if there is anyone that has any matters they would  
11 like to address or would like to be heard on this  
12 request that the receiver be authorized to retain  
13 their services for purposes of government  
14 relations and liaising with representatives of  
15 federal, state, and local authorities.

16 Does anybody wish to be heard?

17 Mr. Martinez-Cid.

18 MR. MARTINEZ-CID: Yes, Your Honor. On  
19 behalf of numerous wrongful death victims of this  
20 tragedy, this news could not be any more welcome  
21 or better. I have heard from so many, many  
22 families in the past two days that would really  
23 love to see this option explored and I would tell  
24 my clients and anyone who asked that we could ask  
25 for no better representatives in that endeavor and

1 to have them make the generous offer they have  
2 made is truly -- I'd say I'm speechless, but I am  
3 speaking, but I'm not speaking eloquently.

4 THE COURT: You always speak very  
5 eloquently.

6 MR. MARTINEZ-CID: I would like to support  
7 that and thank them very dearly for their offer.

8 THE COURT: Very nice. Thank you.

9 Would anyone else like to be heard on the  
10 receiver's request for the special retention?

11 Very good.

12 Mr. Kadre and Mr. Barreto, I see you all  
13 back there and I commend you and thank you for  
14 your willingness to step up and assist these  
15 victims pro bono. I know from experience that you  
16 are amongst the most talented business people in  
17 this community and that your relationships with  
18 governmental entities are as strong as anyone's  
19 could be and you have the sincere gratitude and  
20 thanks of this Court for stepping up and providing  
21 this public service.

22 If either of you would like to step up and  
23 address the Court, feel free. I'm not asking for  
24 it, I'm not requiring it, but I do want to thank  
25 you once again for stepping up to the plate and

1 helping these victims.

2 Okay. Mr. Goldberg, your request for  
3 approval or consent to retain both Mr. Barreto and  
4 Mr. Kadre as your special counsel's liaisons to  
5 interface with government in an effort to secure  
6 additional compensation for these victims is  
7 approved with enthusiasm. Very good.

8 What's next on our agenda?

9 MR. GOLDBERG: Thank you, Your Honor.

10 Along those lines of people in this  
11 community stepping up, I also received a phone  
12 call from Mr. Michael Fay of Avison Young, who I  
13 believe is also well-known to this Court and  
14 community. As Your Honor knows I have a bunch of  
15 receiverships and I use Mr. Fay often as my broker  
16 and real estate expert in those receiverships. In  
17 fact, he is representing me right now in  
18 connection with the selling of the Port St. Lucie  
19 City Center.

20 His talent of both him and his firm in both  
21 local and national real estate issues is at the  
22 very top of the game and he, too, Mr. Fay and  
23 Avison Young, have also agreed to assist this  
24 receivership in the marketing and potential sale,  
25 if that is the avenue that is ultimately pursued.

1 As Your Honor said, you are open to all sorts of  
2 ideas and such has not been made, but he, too, has  
3 offered his services on a completely pro bono,  
4 commission-free basis.

5 I have never had that in a case. I have  
6 always paid real estate commissions. But it is a  
7 testament to how this community has stepped up,  
8 including all of the lawyers in this courtroom,  
9 and Mr. Barreto and Mr. Kadre, in this case, to  
10 treat this not like the normal case.

11 So, again, Your Honor, to have talent such  
12 as this on a pro bono basis is -- we are very  
13 fortunate and the victims are very fortunate and I  
14 would ask the Court, along the same lines, the  
15 receivership order already allows me to retain  
16 professionals, but on something of this magnitude  
17 I would ask the Court's authorization or consent  
18 for me to retain Avison Young and Michael Fay on a  
19 completely pro bono basis.

20 THE COURT: So, the Avison Young firm and  
21 Mr. Fay would be pursuing only private sector  
22 options. Correct?

23 MR. GOLDBERG: That's my understanding.

24 THE COURT: In other words, I don't want  
25 anybody crossing over. I want the lanes to be

1 clear and separate. So, as I understand it, we  
2 would have Mr. Barreto and Mr. Kadre exploring and  
3 exhausting potential governmental options, which  
4 may include a purchase of the property for a  
5 memorial and for other uses; while at the same  
6 time we would have Mr. Fay pursuing possible  
7 private sector options.

8 MR. GOLDBERG: That's exactly right, Your  
9 Honor.

10 THE COURT: And would Mr. Fay -- when you  
11 and I spoke Wednesday I had asked you of two  
12 methods available for private sale: One being  
13 kind of a stalking-horse bid with an auction; and  
14 one being simply the traditional route of taking  
15 offers and negotiating with private parties.

16 Your initial inclination was to proceed on  
17 the former track with the stalking-horse bid.  
18 Would that be what Mr. Fay is pursuing or would he  
19 be pursuing both the possibility of the  
20 stalking-horse bidder and the possibility of  
21 simply an outright more traditional negotiation?

22 MR. GOLDBERG: Your Honor, no options are  
23 off the table and, in the end, it's up to Your  
24 Honor. Mr. Fay is very familiar with the  
25 stalking-horse process. I still believe that is



1 the most transparent process. It is the process  
2 these victims deserve, but I assume we will move  
3 down that process, but if anything changes, if we  
4 have reasons to request an altering of that  
5 process, we would, of course, come to the Court;  
6 but, as of this point, I expect it will be a  
7 stalking-horse process.

8 THE COURT: Well, the Court is obviously  
9 familiar with Mr. Fay who has been one of our  
10 leading real estate professionals in this  
11 community for quite a while. And he is,  
12 obviously, as competent as they came in terms of  
13 securing, negotiating and finalizing transactions  
14 of this magnitude and that's very good news that  
15 another established member of our community is  
16 willing to donate it's time and effort and  
17 expertise pro bono in order to assist these  
18 victims. I couldn't be happier to hear that.

19 Let me open the floor and see if there's  
20 anybody that would like to be heard on the  
21 receiver's request to retain the firm of Avison  
22 Young in order to assist in exploring potential  
23 private sector sale options for the real estate.  
24 Would anybody like to be heard on that?

25 MS. LOVE: This is Lisa Love. Can you hear

1 me?

2 THE COURT: Yes, I can. Who is this?

3 MS. LOVE: Lisa Love, Unit 701.

4 THE COURT: Yes, Ms. Love. Good morning.

5 MS. LOVE: Good morning. I wanted to know  
6 whether it would be possible, as you use the  
7 stalking-horse option, to possibly look for  
8 buyers, purchasers of the property, would it also  
9 be feasible for that professional to also take  
10 offers from people who would also be interested in  
11 acquiring the property but also developing in a  
12 manner that the unit owners who were interested in  
13 retaining an interest in the property could be  
14 involved in that process as well?

15 THE COURT: Absolutely, Ms. Love,  
16 absolutely. In other words -- in other words,  
17 like I said earlier, all viable options will be  
18 explored, including the possibility of rebuilding  
19 with those people who lost their units either  
20 being able to participate in the development  
21 process or maybe acquire a unit in a new  
22 development. There's nothing that will be off the  
23 table here, Ms. Love.

24 MS. LOVE: So we would have the ability to  
25 also use that professional to try and help develop

1 that process?

2 THE COURT: Well, I don't know what you  
3 mean by "use this professional." Certainly,  
4 Mr. Fay would be retained by the receiver and as  
5 part of his charge he would certainly meet with  
6 unit owners and get various views as to the use of  
7 the property; and, working under the supervision  
8 of the receiver, he would explore all options,  
9 including any rebuilding options or rebuilding  
10 efforts that would involve the participation of  
11 existing unit owners.

12 MS. LOVE: Thank you, Your Honor.

13 THE COURT: Thank you, Ms. Love.

14 Okay, Mr. Goldberg?

15 MR. GOLDBERG: Your Honor, if I may, one  
16 last bit. As I stated, last night I met with I  
17 think there were 108 people on Zoom and maybe  
18 30-plus in a room of victims and their families.  
19 And Ms. Love was one of the people.

20 There was this rather large contingent of  
21 people who wanted to rebuild and it's  
22 understandable, Your Honor. Many of them -- I  
23 spoke to one gentleman whose parents were the  
24 original buyer in 1981. His children were born in  
25 the building. He spent decades. The feeling I

1 got is that this was their home and many of them  
2 want to rebuild on their home and I completely  
3 understand that and I know this Court is  
4 compassionate and understands that, too, as  
5 mentioned in your opening address.

6 I informed that group that they need to  
7 come up with a viable plan and a viable plan would  
8 have to account for the fair market value  
9 compensation of those that may not want to build,  
10 as the Court was sort of on the same page at the  
11 beginning of this hearing.

12 Along the lines of what Ms. Love just  
13 asked, if there's another professional in this  
14 community that would want to step up and work with  
15 that group of people to maybe develop a plan to  
16 come before this Court on a pro bono basis, I urge  
17 -- I know this is going to be on television, in  
18 the newspaper -- I urge those people to come work  
19 with that group, put together such a plan, make it  
20 viable, and have the opportunity, as I know this  
21 Court will give, to come before the Court.

22 THE COURT: And I concur with that,  
23 Mr. Goldberg. As I said earlier, I don't want to  
24 say that's impossible, because it's clearly a  
25 possible option and it needs to be explored, but

1 the immutable reality we face here is that the  
2 property was underinsured, dramatically  
3 underinsured. Thirty million dollars will not  
4 come close to rebuilding that structure and so any  
5 rebuild that wouldn't involve a private party  
6 building a new structure and on top of that would  
7 have to account for taking out the equity of all  
8 those unit owners who are no longer with us, I  
9 just think it's a -- like I said before, I don't  
10 want to ever mislead people. I think it's a long  
11 shot.

12 But if there's a developer, if there's  
13 somebody in the community that has expertise in  
14 that and can think of a viable way that the  
15 remaining unit owners could rebuild the structure  
16 on their own and secure adequate financing that  
17 would compensate fully those unit owners who are  
18 no longer with us and could not participate in  
19 that venture and whose loved ones are entitled to  
20 the disposition of their assets, I'm open-minded  
21 and I'm all ears. So, you know, like I said  
22 before, there's no viable option that will not be  
23 looked at.

24 MR. GOLDBERG: That's greatly appreciated,  
25 Your Honor.

1 THE COURT: And I am enthusiastic and happy  
2 to hear that my friend Mr. Fay and his firm Avison  
3 Young, who is as good as it gets, has also agreed  
4 to step up here and to work in an effort to help  
5 secure compensation for these victims on a pro  
6 bono basis and the Court enthusiastically grants  
7 your request to retain them for that purpose.

8 MR. GOLDBERG: Thank you, Your Honor.

9 Your Honor, obviously, we were here 48  
10 hours ago. I mean, a lot has taken place in the  
11 last 48 hours. I gave a complete status update at  
12 the last hearing. The one bit of information Your  
13 Honor asked of me, which admittedly I did not have  
14 at the last hearing, were the balances in the bank  
15 accounts and I don't know if Your Honor wishes me  
16 to take up the Court's time now with that or just  
17 file something.

18 THE COURT: No. You can advise me of that  
19 with an inventory when you get around to it.  
20 There is no urgency in that, Mr. Goldberg.

21 MR. GOLDBERG: Yes.

22 THE COURT: Before I turn myself to  
23 litigation counsel and address matters of  
24 leadership structure, is there anything else you  
25 would like to address to the Court or address to

1 the victims here?

2 MR. GOLDBERG: No. I just want to say, I  
3 have never been prouder to be a member of this  
4 Bar, with all the lawyers here stepping up, and to  
5 be a member of this community, with people like  
6 Mr. Fay, Mr. Barreto and Mr. Kadre, it's really --

7 THE COURT: I want to compliment you  
8 because within days of my acquiring this case it  
9 became apparent, at least to this Court, that we  
10 would have a board that was not capable of  
11 attending to the needs that needed to be  
12 immediately addressed. I thanked Mr. Singerman  
13 earlier and Mr. Guso for counseling that board, at  
14 the Court's urging, to step aside and allow your  
15 appointment without protracted litigation.

16 And, since your appointment, you have  
17 tirelessly negotiated with insurance carriers and  
18 secured, as far as I can tell, now close to 50  
19 million of coverage without any litigation.

20 I know assistance payments are underway.  
21 You have marshalled the assets of the association,  
22 taken care of employees, returned special  
23 assessments, dealt with unit owners, both over the  
24 phone and e-mail and personally. And I know you  
25 have been working, literally, around the clock,

1 weekends, nights, in dealing with very, very  
2 difficult matters of both an emotional nature and  
3 a financial nature and you have gone without sleep  
4 and sacrificed your time and time you would  
5 otherwise spend with family in order to assist  
6 this Court and you have done a yeoman's job, as I  
7 knew you would.

8           When I appointed you, I said that you were,  
9 in my view, one of if not the finest equity  
10 receivers, not only in South Florida, but  
11 nationwide, and your reputation is well-earned and  
12 I know you will continue to work tirelessly until  
13 this case reaches its final conclusion and all of  
14 these victims have received every bit of  
15 compensation that they may be legally entitled to.

16           So I, again, thank you for your service and  
17 please continue to keep the Court and all  
18 interested parties updated. We will have these  
19 weekly hearings; but, obviously, if there are  
20 developments that happen in the interim, I know  
21 you will report them to the Court and all  
22 interested parties in a timely basis.

23           MR. GOLDBERG: Your Honor, thank you for  
24 those kind words. But I'm only as good as the  
25 team of people rowing with me, the Berger



1 Singerman lawyers, the Akerman lawyers, and many  
2 other people in this courtroom.

3 THE COURT: And now you have got some more  
4 members of this team.

5 MR. GOLDBERG: Exactly.

6 THE COURT: Mr. Fay, Mr. Barreto, Mr. Kadre  
7 and others that will work along with you and  
8 others in a cohesive manner and I appreciate that.  
9 Thank you for your service.

10 MR. GOLDBERG: Thank you, Your Honor.

11 THE COURT: Before addressing litigation  
12 counsel, I want to also advise the victims  
13 directly that the Court has been approached by the  
14 Miami-Dade Bar, and I received a letter yesterday  
15 from Mr. Bret Berlin, who is the executive  
16 director of the Miami-Dade Bar, and I understand  
17 one of their representatives, Ms. Lissette  
18 Russomanno, may be with us today?

19 MS. RUSSOMANNO: Yes, Your Honor.

20 THE COURT: Thank you for attending.

21 So the Miami-Dade Bar wrote me a letter and  
22 I wanted to read it into the record.

23 "Judge Hanzman, Pursuant to our  
24 discussions, the Miami-Dade Bar and its  
25 probating-guardianship committee has extensive

1 resources and expertise in the area of  
2 identification, documentation, limited probate  
3 matters and some limited civil matters. We are  
4 happy to work with the Court and manage pro bono  
5 efforts of our members in coordination with the  
6 Court.

7 "We respectfully ask the Court to ask the  
8 Court to make the Miami-Dade Bar be a party in  
9 order to help those in need in limited areas of  
10 the law where our committees have expertise.  
11 Those who perform services will, through this  
12 Court and Miami-Dade Bar Put Something Back  
13 program will receive pro bono credit for their  
14 time.

15 "Thank you for consideration and service.

16 "Warm regards, Bret Berlin, Executive  
17 Director of the Miami-Dade Bar."

18 The Court met with Mr. Berlin yesterday and  
19 he explained to me that services of pro bono  
20 lawyers are and will be made available to victims  
21 for such things such as setting up of probate  
22 matters involving wills, identifying  
23 documentation, effectuating transfers of title to  
24 real and personal property, and other legal needs  
25 that these victims have, obviously, not litigation

1 oriented, that will be handled here, but matters  
2 of an individual and personal nature involving  
3 property coverage and title work and things of  
4 that type.

5 I'm going to give you, on the record here,  
6 the information. The Miami-Dade Bar Put Something  
7 Back Program is operated here in downtown. It's  
8 located at 123 Northwest First Avenue, Suite 214.  
9 It's phone number is 305-371-2220 and they have  
10 set up an e-mail designated for this case and for  
11 victims' use at info I-N-F-O at Miami-Dade Bar dot  
12 org.

13 Ms. Russomanno is here with us and I would  
14 encourage victims who may need legal assistance in  
15 nonlitigation matters, in order to address certain  
16 legal needs, to contact them and secure pro bono  
17 representation.

18 And I want to thank Mr. Berlin, Ms.  
19 Russomanno, and the others, Ms. Josefsberg and the  
20 others at the Miami-Dade Put Something Back  
21 Program for marshalling lawyers and assets that  
22 are available, again on a pro bono basis, to  
23 assist any victims with their legal needs.

24 So thank you, Ms. Russomanno, and please  
25 extend my thanks to Ms. Josefsberg and the other

1 members of your fine organization who also have  
2 stepped up in order to assist these victims.

3 MS. RUSSOMANNO: Thank you, Your Honor.

4 MR. GOLDBERG: If Your Honor will be kind  
5 enough to phone that to my office, I will put that  
6 up on the website.

7 THE COURT: I will do better than that. I  
8 will hand it to you now.

9 MR. GOLDBERG: Thank you.

10 THE COURT: Having addressed the victims  
11 directly and having heard from the receiver, the  
12 Court will accept appearances of counsel and move  
13 forward in addressing our leadership structure and  
14 how we are going to proceed forward with all  
15 aspects of the civil litigation.

16 So let me ask counsel to note their  
17 appearances for the record and then we will  
18 proceed.

19 Mr. Tropin, you may commence.

20 MR. TROPIN: Thank you, Your Honor. May it  
21 please the Court, Harley Tropin, Drezner counsel.  
22 With me is Javier Lopez, Jorge Piedra, Tal  
23 Lifshitz by Zoom, Brad Sohn, Graham LippSmith, and  
24 Marybeth LippSmith and Rami Shmuelly.

25 Thank you, Judge.

1 THE COURT: Thank you.

2 Any other appearances of counsel?

3 MR. GUSO: May it please the Court, good  
4 morning, Your Honor, Jordi Guso of Berger  
5 Singerman. My law partner Paul Singerman is  
6 participating via Zoom. We are appearing on  
7 behalf of Mr. Goldberg, as receiver. And, Your  
8 Honor, we respectfully request that Your Honor  
9 accept this appearance as our appearance in the  
10 other cases that are before you.

11 THE COURT: Very good. Okay. We have now  
12 had appearances in Drezner.

13 Any other appearances?

14 Mr. Suarez, good morning.

15 MR. SUAREZ: Good morning, Your Honor.  
16 Thank you for your service. Luis Suarez on behalf  
17 of the family of the First Lady of Paraguay and  
18 the children that they lost, Mr. and Mrs. Lopez  
19 Moreira, Ana Sofia Pettengill, Alexia Maria  
20 Pettengill and Luis Umberto Pettengill. With me  
21 is almost my entire firm: Dorian Daggs, Anthony  
22 Perez, and Ms. Melville.

23 THE COURT: Welcome, folks.

24 MR. RUIZ: Your Honor, may it please the  
25 Court, John Ruiz on behalf of Rosa Casada.

1 Mr. Gonzalo Dorta is along with me and Ms. Alexis  
2 Fernandez from the MSP Recovery Law Firm as well.

3 THE COURT: Very good. Thank you.

4 MR. SILVA: Good morning, Your Honor.  
5 Jorge Silva on behalf of Lozano family, the  
6 Oliwkowicz family and the Fernandez family.

7 MR. MINER: Curtis Miner from the Colson  
8 Hicks Eidson on behalf of the Torres family and  
9 Manashirov family.

10 THE COURT: Would anybody else like to make  
11 an appearance?

12 Mr. Rosen, good morning.

13 MR. ROSEN: Good morning, Your Honor, Judd  
14 Rosen and Mustafa Dandashly on behalf of Jonah  
15 Handler and the estate of his mother Stacie Fang.

16 MR. PORTER: Good morning, Your Honor,  
17 Marwan Porter, Attorney Willie Gary is with us via  
18 Zoom, on behalf the estate of the Oresme Guerra  
19 and Erick de Moura.

20 THE COURT: Thank you, sir.

21 Mr. Pita, good morning.

22 MR. PITA: Good morning, Judge. Skip Pita  
23 and Shannon Del Prado, Andrew Weber, on behalf of  
24 the estate of Beatriz Guerra.

25 MR. MULLIGAN: Good morning, Your Honor,

1 William Mulligan, Andrew Yaffa, Stuart Grossman  
2 appearing on Zoom. We are appearing on behalf of  
3 the Altman family and other related matters.

4 THE COURT: Thank you.

5 MR. SEROTA: Your Honor, Joseph Serota.

6 THE COURT: Mr. Serota, let me get  
7 appearances from those who are present and then I  
8 will turn to Zoom. Okay?

9 Mr. Martinez-Cid?

10 MR. MARTINEZ-CID: Good morning, Your  
11 Honor, Ricardo Martinez-Cid along with my partner  
12 Lea Bucciero and Mr. Aaron Podhurst on Zoom  
13 representing the Cohen case before the Court and  
14 various others that I'm not sure have worked their  
15 way to the court yet.

16 THE COURT: I apologize. You look just  
17 like a lawyer I'm familiar with at Colson Hicks.

18 MS. BUCCIERO: No apology necessary.

19 THE COURT: Anybody else in the courtroom  
20 that would like to enter an appearance this  
21 morning?

22 Okay. Let me turn to Zoom. Who would like  
23 to appear via Zoom?

24 MR. SEROTA: If I may, Joseph Serota, along  
25 with City Attorney Lillian Arango, we represent

1 the Town of Surfside. Along with us on the phone  
2 -- by Zoom is also the town manager Andrew Hyatt  
3 and our hired expert Allyn Kilsheimer and we are  
4 here pursuant to the -- we received notice last  
5 night dealing with the Sergio Lozano matter  
6 relating to access to the property.

7 THE COURT: Yes. So the record is clear, I  
8 know that there was an emergency motion filed that  
9 I set this morning and will hear for emergency  
10 access to the property and we will deal with that  
11 in a few minutes. Thank you for your appearance,  
12 Mr. Serota.

13 Any other counsel that would like to appear  
14 via Zoom?

15 MR. WELLS: Your Honor, David Wells  
16 representing the consultants in the Rosenberg  
17 case. My partner was with us earlier but had to  
18 leave for another hearing. Thank you.

19 THE COURT: Thank you, sir.

20 MR. WILDNER: Your Honor, Matthew Wildner,  
21 Marshall Dennehey representing John Moriarty  
22 Associates of Florida. We filed the recently  
23 referenced emergency motion, Your Honor.

24 THE COURT: Any other Zoom appearances,  
25 folks?



1 MR. LEHRMAN: Good morning, Your Honor,  
2 Seth Lehrman from the Edwards Pottinger firm along  
3 with Catherine Davis appearing for the Cattarossi  
4 family.

5 MR. ANTONELLI: Mark Antonelli, Gaebe  
6 Mullin Antonelli on behalf of the estate of  
7 Augustin.

8 MR. BRODIE: Your Honor, Steve Brodie,  
9 Carlton Fields, on behalf of QBE.

10 MR. BLUMENTHAL: Dustin Blumenthal on  
11 behalf of my --

12 (Simultaneous voices)

13 THE COURT: I'm sorry. Is Mr. Brodie still  
14 on the appearance?

15 THE REPORTER: I'm sorry. I cannot --

16 THE COURT: Do the best you can.

17 THE REPORTER: Thanks.

18 THE COURT: Any other Zoom appearances?

19 MR. BLUMENTHAL: I'm not sure my appearance  
20 went through for Philadelphia Indemnity Insurance  
21 Company. I'm Dustin Blumenthal and Valerie Shea  
22 (garbled).

23 THE COURT: Very good.

24 MR. MONGELUZZI: Bob Mongeluzzi, Jack  
25 Goodman for the Rosenberg case.

1 THE COURT: Okay.

2 Before we get to lead counsel appointments,  
3 let's address an emergency motion that has been  
4 filed in the Lozano matter involving the  
5 preservation of evidence and access. So let me  
6 give you -- I have read your motion.

7 Who is appearing on behalf of the movant?  
8 May I have the name of counsel again?

9 MR. WILDNER: Yes, Your Honor, Matthew  
10 Wildner.

11 THE COURT: I'm sorry, Wilson?

12 MR. WILDNER: Wildner.

13 THE COURT: So, Mr. Wildner, let me first  
14 advise all of you and all others concerned that  
15 this Court has already entered a preservation of  
16 evidence order in these matters. I think it was  
17 entered in the Drezner case and it requires the  
18 preservation of all evidence in these related  
19 matters.

20 Now, the Court considers the materials at  
21 the site to be evidence in these cases and the  
22 Court wants to make clear that the materials at  
23 the site are within the scope of my preservation  
24 order and that is potential material evidence the  
25 experts may want to look at and certainly will

1 look at at some point in order to try to ascertain  
2 what the trigger point or cause of this collapse  
3 is. So the evidence is preserved.

4 I'm sure that Mr. Serota, representing the  
5 Town of Surfside, and all others that may have  
6 possession of that property, legal possession,  
7 will make clear to their clients that the debris  
8 currently on site is considered by this Court to  
9 be evidence and within the scope of this Court's  
10 preservation order.

11 As far as access is concerned, as I said  
12 last time, this case and all aspects of it have to  
13 be coordinated. Just like I can't have a hundred  
14 litigation matters spread out with individual  
15 litigants all chasing the same potential recovery,  
16 I can't have a hundred different experts for  
17 parties on the site and doing their examinations  
18 and disrupting the evidence.

19 So no one's going to get immediate access  
20 today, but what's going to have to happen, once I  
21 have counsel appointed in a leadership role, they  
22 are going to have to coordinate with the experts  
23 and find the time with the coordinated and  
24 documented protocol for going in and doing the  
25 examination collectively. And by that I mean

1 experts that are not only representing the  
2 plaintiffs but are representing potential  
3 defendants. There has to be due process and I  
4 can't have experts for one side, either on an  
5 emergency basis or otherwise, rummaging through  
6 the evidence there and possibly disrupting it and  
7 then have successive experts come behind he or she  
8 in a row. That's not going to happen.

9       There's going to have to be a coordinated  
10 effort, a coordinated examination pursuant to a  
11 Court-approved protocol where the experts have  
12 equal access to the evidence untampered with.

13       Having said that, Mr. Wildner, is there  
14 anything else you want to add or advise the Court  
15 relative to your motion?

16       MR. WILDNER: No, Your Honor -- well, yes,  
17 Your Honor. But thank you for that and we, of  
18 course, do appreciate being heard on such an  
19 expedited basis.

20       Obviously, our experts, we wanted to speak  
21 with them and see if there was a way to get the --  
22 balancing, of course, the sensitivities of the  
23 site and not interfering with any of those  
24 recovery efforts and, of course, still being able  
25 to preserve evidence and properly get to the tough

1 work of investigating the cause of this, Your  
2 Honor.

3 That's one of the reasons why in our motion  
4 we did ask for, you know, access to different  
5 sites and it wasn't just the actual collapse site,  
6 itself, because we understood that would be  
7 obviously a very sensitive and tough ask.

8 We also did ask for the beach walk near the  
9 property which is owned, I think, by the City of  
10 Surfside, the Champlain north and east towers,  
11 which we believe one of the experts, Mr.  
12 Kilsheimer, who is on the phone, has gotten access  
13 to already and also Eighty Seven Park which is the  
14 building that John Moriarty was retained for.

15 THE COURT: Counsel, you know, some of the  
16 places you have mentioned are public places;  
17 others are privately owned. At this point I'm not  
18 entering any orders requiring access or permitting  
19 access. I have a preservation order in place and,  
20 as I said before, once we come in for a landing in  
21 a leadership structure there will have to be a  
22 coordinated inspection.

23 What I do want to do, though, is ask  
24 Ms. Arango and Mr. Serota, who has lawful  
25 possession of this site now? Is it the Town of

1 Surfside? Mr. Serota? Ms. Arango?

2 MS. ARANGO: The site is currently under  
3 the control of Miami-Dade County pursuant to a  
4 pending police investigation and it's also under  
5 the authority of the county fire-rescue. So the  
6 town does not have at this moment in time any  
7 control of that site.

8 THE COURT: Okay. And is there a point in  
9 time where the site is anticipated to be turned  
10 back over to the authority of the Town of  
11 Surfside?

12 MS. ARANGO: Your Honor, I know that the  
13 police department, M-D, is currently working on a  
14 transition plan to exit the site; however, I do  
15 not know that that transition will provide control  
16 to the town or to the owner or receiver in this  
17 case.

18 THE COURT: Thank you for that  
19 clarification, Ms. Arango.

20 So is the county represented here today?

21 MR. SEROTA: Your Honor, may I just speak  
22 to one further point, if I may? Joseph Serota.  
23 We will be filing a motion to intervene into this  
24 case, Judge, because we believe that once the site  
25 is released, that it is the town who will have

1 primary governmental jurisdiction over the site.

2 And, Your Honor, I would just remind the  
3 Court, about one year ago we had a matter before  
4 you relating to Grove Isle and there were issues  
5 about public safety involving the bridge. And, if  
6 you recall, the City of Miami had jurisdiction  
7 over it, that other experts coordinated with other  
8 experts, but the primary responsibility and  
9 jurisdiction in that matter was the City of Miami  
10 and in this matter should be the Town of Surfside.

11 We have an expert, a world-renowned expert,  
12 Allyn Kilsheimer, who has been involved in it so  
13 perhaps some of these matters can be resolved once  
14 we enter an appearance, but I do want the Court to  
15 be aware that is the position of the town.

16 THE COURT: Okay. Thank you, Mr. Serota.

17 Do we have a county representative here or  
18 counsel this morning?

19 Good morning, ma'am.

20 MS. GUZMAN: Laura Guzman, Akerman.

21 THE COURT: Thank you for being here.

22 According to what I have heard from Ms.  
23 Arango, Miami-Dade County currently has legal  
24 possession of the property?

25 MS. GUZMAN: Yes, Your Honor. It is being

1 treated as an investigative scene.

2 MS. ARANGO: That is correct.

3 MS. GUZMAN: Miami-Dade fire-rescue and the  
4 police department as well as federal -- I guess  
5 it's the National Institute of Standards and  
6 Technology are doing an investigation. We  
7 understand the preservation order. All material  
8 that is being removed from the property is being  
9 cataloged and preserved in warehouses. The  
10 location of where things are that are removed from  
11 the site is being cataloged, so everything that's  
12 removed from the site, you can be assured, will be  
13 able to be reviewed by experts at the appropriate  
14 time, but obviously it's still under an  
15 investigation.

16 THE COURT: Thank you for that  
17 clarification. I appreciate you just reminding  
18 your client and all others who may be on site that  
19 there is a preservation order and the Court  
20 expects that order to be complied with.

21 MS. GUZMAN: Yes, Your Honor.

22 THE COURT: Thank you for your appearance.

23 Okay. That takes care of the motion filed  
24 in the Lozano matter. I'm going to ask --  
25 actually, I need to reduce that to writing. So



1 I'm going to ask Mr. Wildner to please submit a  
2 proposed order just deferring on the motion and  
3 reiterating that these materials are within the  
4 scope of the Court's preservation order and if you  
5 could submit that to me, Mr. Wilder, I'd  
6 appreciate it.

7 MR. SILVA: Your Honor, if I may, could I  
8 ask that counsel submit it to me first, because  
9 that is my case, before he submits it to the  
10 Court, because --

11 THE COURT: I assume that, anybody in the  
12 case. Yeah, thank you, Mr. Silva, take a look at  
13 it and when you guys approve it, send it over.

14 MR. SILVA: Thank you.

15 THE COURT: Now let's turn to the issue of  
16 putting in place a leadership structure to handle  
17 these legal claims in these matter.

18 Mr. Tropin?

19 MR. TROPIN: Good morning, Your Honor. May  
20 it please the Court, I start by saying that we  
21 have worked as hard as we can with these excellent  
22 lawyers and the Court and reached out to see if we  
23 could meet the requirements that we understand  
24 that you set before us and those requirements are  
25 to work hard, but well, to see if we can achieve

1 some coordination and get justice as quickly as we  
2 can and as appropriately as we can.

3         Toward that end, we have spoken with every  
4 lawyer that we could that's involved in this case  
5 on multiple occasions. We have had a Zoom meeting  
6 following the hearing that you referred to.

7         It has been gratifying beyond measure that  
8 the lawyers in this community have answered the  
9 Court's call on responding with the same empathy  
10 and compassion that this Court has exhibited.  
11 They have agreed to work pro bono and they have  
12 agreed to work with the restrictions that you have  
13 placed upon them which is quickly and effectively.

14         In fact, there's been an abundance of  
15 people willing to serve under those terms. The  
16 leadership structure that I've proposed to you, I  
17 am gratified to say, has drawn no objection, no  
18 written objection, in any event. We met all day  
19 through phone calls and Zoom last Wednesday  
20 following your hearing and, at the end of that, I  
21 proposed a proposed order which I filed toward the  
22 end of the day.

23         Since then some people have filed joinders,  
24 although not specifically necessary, and no one  
25 has filed a written objection. One firm drew a

1 proposed leadership structure that was a little  
2 bit different.

3           What are we trying to do? We tried to  
4 consider in our recommendations the things that I  
5 think you would consider to be appropriate:  
6 Previous experience, diversity, the number of  
7 clients people had, construction litigation  
8 experience, trials that they had done that were  
9 like this, the types of things that we thought  
10 would meet with Your Honor's approval. And that's  
11 what I ended up proposing to the Court.

12           We are grateful to everybody that spoke to  
13 us and agreed to volunteer to do this under the  
14 requirements the Court set forth. With that, we  
15 have a proposed order to look at and I just would  
16 have to say that I'm remiss if I didn't say how  
17 grateful we are to everybody that participated.

18           One more thing or two more things, the  
19 order provides that, upon motion, the steering  
20 committee could be added to or subtracted from  
21 based on future developments. People may not be  
22 able to serve the way they say they can serve and  
23 there may be people who have additional cases and  
24 who want to serve and we can, by motion, before  
25 you add or subtract to that.

1           Finally, in an abundance of caution, I want  
2 to tell the Court that late last night, around  
3 10:30 or 10, I got a notice from Greenberg Traurig  
4 saying that because of my firm's previous  
5 representation of subsidiaries of the entity that  
6 owns Eighty Seven Park, they wanted to put us on  
7 notice that they were reviewing that. I believe  
8 those matters are completely unrelated --

9           THE COURT: Reviewing potential conflicts?

10          MR. TROPIN: Reviewing potential conflicts.  
11 I believe that there is absolutely no conflict and  
12 wrote a letter back saying that. But ordered them  
13 to expeditiously review this because all potential  
14 third-party litigation needs to be pursued.

15          I think we are utterly and completely  
16 capable of conflict-free to review it and to  
17 pursue it. But, clearly if I am not, I need to be  
18 replaced by somebody that can pursue this and all  
19 other leads, so that these victims can be  
20 compensated. I'm sure these lawyers will review  
21 it and find there's nothing to it, but I ask that  
22 they do it expeditiously and if they don't agree  
23 with us, file the appropriate motion before this  
24 Court and we will get it resolved immediately,  
25 because our committee, once you approve or modify

1 it, needs to go to work immediately.

2 THE COURT: Explain to me, and let's go  
3 through the structure you are proposing, who would  
4 hold what positions and be responsible for what  
5 aspects of the case.

6 MR. TROPIN: Judge, at the outset, you  
7 recognized that there would be two different  
8 tracks: Wrongful death slash personal injury, and  
9 people that lost property, which is serious, but  
10 it's different than the wrongful death.

11 I propose that there be two different  
12 groups heading those up, under a chair, and I  
13 immodestly propose myself as the chair,  
14 coordinating those efforts. Why? Because I think  
15 that we need to have one person responsible for  
16 coordinating the efforts of those groups.

17 Principally, I want to make sure that work  
18 is done, but not duplicated. I want to make sure  
19 that experts are hired, but I don't want to have  
20 nine different experts. I want to make sure that  
21 one set of coordinated discovery requests go out,  
22 but not 15. I think you heard just a little bit  
23 of that this morning. So that's why a chair.

24 I want to make sure we can get as much  
25 money in as quickly as we can. There's going to

1 be allocation issues. I want to have in the  
2 wrongful death and the property injury a group  
3 that will efficiently but effectively wrangle  
4 those things out conflict free. So that's the  
5 structure that I propose which I hope is in  
6 keeping with what --

7 THE COURT: So your proposed structure is  
8 there be an overall chair, yourself.

9 MR. TROPIN: Right.

10 THE COURT: And then there would be lead  
11 counsel for those that lost property only, lead  
12 counsel for those who suffered injury or wrongful  
13 death, separately.

14 MR. TROPIN: Right.

15 THE COURT: And, of course, to the extent  
16 those who suffered injury and wrongful death also  
17 lost their property, the property claim would be  
18 focussed on by lead counsel on the property track;  
19 whereas, the injury/death claim would be focussed  
20 on by lead counsel on the wrongful death track.

21 MR. TROPIN: Correct.

22 THE COURT: And then we would have the  
23 steering committee under both lead counsel working  
24 under their supervision.

25 MR. TROPIN: Correct.

1 THE COURT: So give me the structure then.  
2 I have you as the chair and then who would you  
3 propose as lead counsel for the two respective  
4 tracks?

5 MR. TROPIN: Under the -- I will start with  
6 wrongful death. We have Ricardo Martinez-Cid and  
7 I'm sure his senior partner and my, you know,  
8 advisor/mentor Aaron Podhurst will be helpful, but  
9 Mr. Martinez-Cid is my choice as lead counsel and  
10 I hope your choice.

11 Also, it will be helpful and who I propose  
12 as the liaison and who has agreed to serve --

13 THE COURT: So we only have one lead  
14 counsel, not co-leads.

15 MR. TROPIN: No, not in that structure.  
16 Stuart Grossman, who I have spoken to on numerous  
17 occasions, has graciously agreed to serve as  
18 liaison for damages because I think there will be  
19 complicated issues regarding damages on the  
20 wrongful death side. So I think Stuart --  
21 Mr. Grossman would be very valuable in that  
22 regard.

23 THE COURT: So Mr. Grossman would be  
24 liaison counsel on the wrongful death/injury side?

25 MR. TROPIN: That's right.

1 THE COURT: I say wrongful death,  
2 obviously, so the record is clear, the vast  
3 majority of these claims will be wrongful death.  
4 There may be people who have claims for injury  
5 short of that, whether it's traumatic stress,  
6 whether there are physical injuries that were  
7 suffered by people evacuating, I don't know, but  
8 I'm going to use wrongful death slash injury to  
9 describe this subclass. Okay?

10 MR. TROPIN: Correct.

11 THE COURT: So Mr. Grossman would be  
12 liaison counsel and who would be working under  
13 Mr. Martinez-Cid's supervision on the steering  
14 committee for this class?

15 MR. TROPIN: I have one more liaison and he  
16 is with us today, Curtis Miner. You already  
17 mentioned charitable and legislative matters and,  
18 you know, the choices couldn't be better, Rodney  
19 Barreto and Manny Kadre, well-known to the Court  
20 and certainly well known in the community and to  
21 us. I had selected and I think it would be  
22 duplicative, but I think helpful, Mr. Miner, not  
23 only to help in the efforts of the litigation but  
24 to the extent we can be helpful in legislative and  
25 charitable matters as well and, along with Curtis



1 Miner, Dean Colson, who has agreed to be of  
2 assistance there.

3 THE COURT: They would have to work with  
4 Mr. Barreto and Mr. Kadre?

5 MR. TROPIN: Absolutely.

6 THE COURT: One thing I will be very clear  
7 about in this case, in all aspects, whether it be  
8 the civil litigation, the work of the receiver,  
9 the work of Mr. Kadre, Mr. Barreto, and Mr. Fay,  
10 because I'm not going to have people stepping over  
11 each other. We need a coherent coordinated single  
12 voice to approach each aspect of the case and I'm  
13 not going to have multiple chefs in the kitchen.  
14 If Mr. Miner is your co-liaison, it's for  
15 litigation purposes, and to the extent Mr. Kadre  
16 and Mr. Barreto can use the services of Mr. Miner,  
17 Mr. Colson and others through them, that's fine,  
18 but that's in their discretion and I want that to  
19 be very clear.

20 MR. TROPIN: Crystal, or whatever  
21 Mr. Singerman says, maximum clarity.

22 THE COURT: We will go with Jack Nicholson  
23 in A Few Good Men "crystal." Very good.

24 So we have two liaisons on the wrongful  
25 death injury track. We have Mr. Grossman and Mr.

1 Miner, two lawyers who the Court holds in the  
2 highest esteem, and they are willing to serve in  
3 that capacity?

4 MR. TROPIN: Right. Property --

5 THE COURT: Let's stay with one track at a  
6 time. Who is going to be on the steering  
7 committee on the wrongful death/injury track  
8 working under Mr. Martinez-Cid and liaison  
9 counsel? Who is in that steering committee under  
10 your proposed order?

11 MR. TROPIN: Jack Scarola, Shannon Del  
12 Prado, Bob Mongeluzzi, Judd Rosen, John Ruiz, Luis  
13 Suarez, and Jorge Silva.

14 THE COURT: Quite an all-star lineup.  
15 Okay. So that's your wrongful death injury track.  
16 Mr. Martinez-Cid is lead, Mr. Grossman and Mr.  
17 Miner is liaison, and the lawyers you just  
18 referred to as the steering committee.

19 MR. TROPIN: Yes. Now I want to be clear,  
20 I have other people on the steering committee, I  
21 have other people on the property damage, and I  
22 view the people on the steering committee, there  
23 are going to be tasks that are going to be  
24 applicable to everything.

25 THE COURT: There are certainly going to be

1 many common issues. I mean, liability will be a  
2 common. Obviously, these two track teams will  
3 work together on that common interest.

4 MR. TROPIN: That's my hope.

5 THE COURT: Well, it better be more than a  
6 hope; it better happen because I'm going to expect  
7 it and I'm going to demand it. Okay?

8 MR. TROPIN: Yes.

9 THE COURT: Now let's talk about the  
10 property track. Who do you propose as lead  
11 counsel on the property track?

12 MR. TROPIN: The co-leads I have are Adam  
13 Moskowitz and Javier Lopez.

14 THE COURT: Okay. And who do you have  
15 proposed as liaison counsel on the property?

16 MR. TROPIN: I don't have any liaison  
17 counsel. I have Brad Sohn, Marybeth LippSmith  
18 working under them. And, again, I believe that  
19 many of the people that are doing wrongful death  
20 are going to be also doing tasks under the  
21 property.

22 THE COURT: So that's the extent of the  
23 steering committee?

24 MR. TROPIN: Correct. I have ten names on  
25 the steering committee and I have listed them all.

1 THE COURT: Well, the steering committee  
2 you gave me before was on the wrongful death/  
3 injury track. So we only have two members of the  
4 steering committee working under Mr. Moskowitz  
5 and Mr. Lopez on the property track?

6 MR. TROPIN: Right. What I envision, in  
7 other words, if you are taking the deposition of a  
8 construction expert on liability, that is  
9 applicable to everybody.

10 THE COURT: I understand. I'm not  
11 imploring you to add more, I'm just asking for  
12 clarification if that is the steering committee on  
13 the property track.

14 MR. TROPIN: I think I'm advised that I  
15 forgot to mention Gonzalo Dorta.

16 THE COURT: So Mr. Dorta would be where?  
17 On the steering committee of the property track?

18 MR. MARTINEZ-CID: Personal injury.

19 THE COURT: On the steering committee?

20 MR. TROPIN: Yes, and John Ruiz on  
21 property.

22 THE COURT: So, Mr. Ruiz, I know filed the  
23 first and, to my knowledge, the only lawsuit  
24 involving the carriers here. Is that pretty much  
25 mooted by the various tenders we have received

1 from the carriers?

2 Mr. Ruiz, will you be proceeding with any  
3 -- I want to make sure there are no conflicts or  
4 any issues. Do you believe the case you have  
5 filed involving insurers is now moot given the  
6 tender of all policies at least that I'm aware of?

7 MR. RUIZ: I believe so, Your Honor. I  
8 can't guarantee you that simply because the last  
9 time that I discussed this issue with you I think  
10 there may be issues with subrogation rights and  
11 some of those aspects I think we need to clear up.

12 THE COURT: But the primary question of  
13 establishing coverage is moot?

14 MR. RUIZ: Yes.

15 THE COURT: So there might be some  
16 collateral matters, indemnification, duties to  
17 defend, things of that nature?

18 MR. RUIZ: Correct.

19 THE COURT: And, assuming that case is  
20 going to be continued, do you perceive any  
21 conflict or any problem in your serving as counsel  
22 to class members on property damage claims while  
23 at the same time addressing some of these  
24 insurance issues? Do you perceive any problem  
25 there?

1 MR. RUIZ: I have not, but I have spoken to  
2 the lawyers in the case and I believe our firm and  
3 MSP Recovery can capture the data that will be  
4 necessitated for this whole entire case with the  
5 exception, Your Honor, we will have sensitive  
6 information as it pertains to peoples medical  
7 records, death certificates, social security  
8 numbers, I can certainly attest to this Court we  
9 do that every day. We have very robust systems,  
10 but I want you to understand that there is that  
11 overlap.

12 THE COURT: Okay. I appreciate that and I  
13 just want to make sure -- there's none that jumps  
14 to my attention, but I want to make sure if the  
15 insurance litigation continues, it will not  
16 interfere with or cause any problem with your  
17 serving in a direct capacity representing the  
18 victims and the property claims. It seems like  
19 the representation would be coextensive, but I  
20 wanted your views on that and I appreciate that.

21 MR. RUIZ: Thank you, Your Honor.

22 THE COURT: All right. Anything else,  
23 Mr. Tropin, that you want to bring to my attention  
24 about your proposed leadership structure?

25 MR. TROPIN: No. Again, we are grateful

1 for everybody that participated. We have spoken  
2 to everyone that had any interest. There were  
3 people that were very gracious that we could not  
4 include, but it may be that as time develops we  
5 will include them and we thank everybody for their  
6 participation.

7 Thank you, Judge.

8 THE COURT: Now let me ask you a question:  
9 Once the leadership structure is in place, do you  
10 all contemplate the filing of one consolidated  
11 amended pleading setting forth whatever claims may  
12 exist on behalf of both the global class and the  
13 various subclasses of people who suffered wrongful  
14 death and injury and other harm? Do you propose  
15 one consolidated pleading? Is that how you all  
16 plan on going forward?

17 MR. TROPIN: Yes.

18 THE COURT: All right. And all the  
19 individual cases, to the extent these individuals  
20 who have filed cases, they will either be  
21 designated as future class representatives and  
22 then consolidated or just simply left unnamed and  
23 a putative class member. Right?

24 MR. TROPIN: Yes.

25 THE COURT: So you will select those

1 victims who are willing to serve as named class  
2 representatives?

3 MR. TROPIN: Yes. And then as, you know,  
4 our investigation develops, we will be adding  
5 other defendants, moving for leave to amend, et  
6 cetera, et cetera.

7 THE COURT: Give me the timing on when you  
8 all think you'll be in a position to file a  
9 consolidated amended pleading advancing all claims  
10 you are aware of now belonging to the class and  
11 all subclasses. What kind of timeframe are we  
12 looking at?

13 MR. TROPIN: Judge, that's -- I would like  
14 to do that within 30 days; but, in all candor to  
15 the Court, I do not like to promise what I cannot  
16 deliver and so I may be here in 30 days groveling  
17 for more time.

18 THE COURT: Well, you know, I have made it  
19 clear --

20 MR. TROPIN: I know you have.

21 THE COURT: -- we are not getting more  
22 time. So I understand that there are defendants  
23 who need to be investigated and identified and  
24 they may not be able to be in this initial  
25 pleading.



1 MR. TROPIN: Oh, you are talking about the  
2 initial pleading?

3 THE COURT: Yes. I'm not talking about  
4 completing your investigation of all potential  
5 targets; I'm talking about getting the case in a  
6 consolidated amended pleading identifying those  
7 defendants who have already been sued in many  
8 cases and which you are now aware of. That's what  
9 I'm talking about.

10 MR. TROPIN: Okay. So, yes, we can do that  
11 within 30 days. The concern I had is to do a  
12 robust investigation, add defendants, and  
13 something like a Hail Mary.

14 THE COURT: No. I understand that after  
15 this initial consolidated pleading is filed and  
16 the case is off and running that there may be  
17 further investigation and the need to amend and  
18 add defendants or possibly drop defendants or  
19 anything else that typically happens in amendment  
20 process. I get that.

21 But I want to get the consolidated amended  
22 pleading filed so the case is properly structured.  
23 I want it under one caption which can be In re:  
24 Champlain Towers litigation and I obviously want  
25 to enter a formal stay.

1 To the extent these actions are not  
2 dismissed voluntarily, I want to enter a formal  
3 stay in any cases that are not rolled into this.  
4 So I just want to get things organized, keeping in  
5 mind that you may find amendments necessary.

6 Okay? So you are going to do that in 30 days?

7 MR. TROPIN: Yes, sir.

8 THE COURT: Okay. So I will expect it in  
9 30 days from today.

10 MR. TROPIN: Yes, sir.

11 THE COURT: Now, does anybody wish to be  
12 heard, any counsel, any interested parties, any  
13 victims? Does anybody wish to be heard on the  
14 leadership structure that has been proposed by Mr.  
15 Tropin?

16 Yes, sir.

17 MR. PORTER: Please the Court, Your Honor,  
18 Marwan E. Porter, Willie Gary via Zoom, we have no  
19 objection, but Mr. Gary wanted the Court, and  
20 yourself, specifically, Your Honor, to know of his  
21 willingness to act on this leadership committee  
22 and to offer all of his experience and resources  
23 to facilitate an expeditious and positive result  
24 for all of these victims.

25 THE COURT: Would he like to serve on the

1 steering committee in the injury/death claims?

2 MR. PORTER: Yes, Your Honor.

3 THE COURT: Obviously, I am intimately  
4 familiar with Mr. Gary and his vast experience and  
5 success in these matters. He is one of South  
6 Florida's finest. Let me ask Mr. Tropin his views  
7 on that and whether there is any reason why we  
8 would not take Mr. Gary up on his generous offer  
9 to participate and assist these victims and bring  
10 his expertise and resources to this endeavor.

11 MR. TROPIN: We would be delighted.

12 THE COURT: Very good, as would the Court.  
13 The Court has the utmost respect for Mr. Gary and  
14 his firm and I'm going to enthusiastically add him  
15 as a member of the steering committee.

16 MR. PORTER: Thank you, Your Honor.

17 THE COURT: Anybody else wish to be heard  
18 on the proposed steering committee structure?

19 MR. THOMAS: Good morning, Your Honor.

20 THE COURT: Good morning.

21 MR. THOMAS: Michael Thomas on behalf of  
22 Greenberg Traurig on behalf of 8701 Collins, the  
23 alternate.

24 THE COURT: Yes, sir.

25 MR. THOMAS: Terra Group Investments, LLC,

1 and Terra Group, LLC.

2 As Mr. Tropin informed the Court a short  
3 time ago, my firm did advise him last night that  
4 we are investigating whether or not there is a  
5 potential conflict that exists the entities in  
6 this action. We are going to complete that  
7 investigation very, very quickly and we wanted to  
8 bring it to the Court's attention and we have a  
9 high degree of confidence that conflict does  
10 exists. We would not raise a conflict  
11 precipitously. We wanted the Court to know that  
12 on top of the (garbled) --

13 THE REPORTER: I can't hear him.

14 THE COURT: He said he's going to have his  
15 analysis done and his facts developed shortly.

16 MR. THOMAS: Yes, sir, Your Honor.

17 THE COURT: So "shortly" would be within  
18 the next ten days. Right?

19 MR. THOMAS: Yes, Your Honor.

20 THE COURT: So, shortly, within the next  
21 ten days, if Eighty Seven Park believes that Mr.  
22 Tropin has a conflict of interest and that an  
23 appropriate motion is in order, I expect that to  
24 be filed within ten days.

25 MR. THOMAS: Yes, Your Honor.

1 THE COURT: Or forever hold your peace.

2 MR. THOMAS: Understood.

3 THE COURT: So you have ten days to finish  
4 your investigation. I appreciate both you and Mr.  
5 Tropin bringing this to my attention so it's out  
6 in the open and I know that your firm, who I have  
7 great respect for, will conduct a thorough  
8 investigation, use pertinent precedent and make a  
9 considered decision as to whether or not you think  
10 there is a conflict that is worth asserting here.  
11 Okay?

12 MR. THOMAS: Yes, Your Honor.

13 THE COURT: Thank you, Mr. Thomas.

14 Anybody else wish to be heard?

15 So let me say this, you know, before taking  
16 the bench, I'm sure it comes as no surprise to  
17 anyone in this room, I had a considerable complex  
18 commercial practice and did a lot of class action  
19 work. And, in that capacity, I was involved in  
20 numerous organizational structure discussions,  
21 let's just leave it at that, some might call them  
22 discussions, some might describe them in other  
23 ways, but they can be very contentious and they  
24 can be very difficult and you deal with a lot of  
25 people that have had extreme success personally

1 and professionally and a lot of egos and to  
2 describe the job as herding cats would be an  
3 understatement.

4 And I know it's difficult and often it's  
5 contested and courts have to, you know, sift  
6 through the qualifications and the applications  
7 and the number of qualified people, all of whom  
8 have the talent and skill to do the job. And I  
9 cannot tell you all how appreciative this Court is  
10 to be relieved of that undertaking.

11 And I am very proud of Mr. Tropin and the  
12 members of this committee and all the counsel who  
13 went beyond the call of duty, not only to step up  
14 in this case under the terms offered by the Court,  
15 but also to coordinate a cohesive leadership team  
16 bringing to the table some of the finest lawyers  
17 we have in our community; and it is with great  
18 pride, as a member of the bench, that I am able  
19 to, without contention and acrimony, appoint an  
20 organizational structure in this case that I have  
21 the utmost confidence will not only adequately and  
22 zealously, but extremely competently, provide  
23 these victims with the best representation our  
24 community has to offer.

25 So I thank you for your cooperation. I

1 thank you for your dedication. I thank you for  
2 acknowledging that this case is, in large part,  
3 going to be a public service and for all of you  
4 stepping up to the task it makes me very proud as  
5 a member of the Bar and as a member of the bench  
6 and I could not be more pleased to appoint this  
7 group of lawyers and have them before the Court  
8 representing these victims in an effort to secure  
9 for them all legal rights that the law entitles  
10 them to.

11 And this is going to be a difficult case,  
12 both emotionally and legally, and I know that this  
13 group of lawyers that I'm going to appoint this  
14 morning is more than up to the task, so thank you  
15 for your efforts.

16 Mr. Tropin, if you would provide to my  
17 chambers a copy of your proposed order on  
18 leadership structure with a disk or something I  
19 can work off of, I would appreciate it, and my  
20 intention is to get that order this morning.

21 MR. GOLDBERG: Thank you, Judge. We have  
22 that. Yes, sir.

23 THE COURT: Mr. Goldberg.

24 MR. GOLDBERG: Your Honor, two things: If  
25 you could request Mr. Tropin to please put the

1 stay in the proceedings until that amended  
2 complaint is filed in that order?

3 THE COURT: Yes. All proceedings are  
4 stayed of any nature, all civil proceedings  
5 arising out of the Champlain Towers collapse,  
6 other than probate matters that are in the probate  
7 division, all civil proceedings of any nature in  
8 the general jurisdiction division for Miami-Dade  
9 County are stayed pending the filing of this  
10 consolidated pleading and pending further order of  
11 the Court and that needs to be in the order.

12 I don't know if we will be able this  
13 morning to identify all cases because it is my  
14 understanding there are now up to 20 filed and  
15 there are more being filed. So the stay will  
16 attach to all filed claims and all tag-along cases  
17 filed in the future.

18 There is no need for any defendant,  
19 including the receiver or any other defendant, to  
20 file any responses or any motions of any type  
21 directed to any individual litigation. And all of  
22 those matters are stayed pending further order of  
23 the Court and that should be in the leadership  
24 order. Okay? Anything else?

25 MR. GOLDBERG: One last clarification



1 point: There was a statement made that all the  
2 policies have been tendered. I would say that  
3 that is for the 2021 year.

4 THE COURT: I understand that you are  
5 investigating prior occurrence type policies that  
6 may be triggered here and I know that Mr. Ruiz is  
7 looking at that as well in connection with his  
8 case and I did not mean to suggest by my comment  
9 that there might not be other coverage.

10 I'm talking about the 2021 policies that  
11 have been identified and I commend those carriers  
12 again for stepping up to the plate. Okay?

13 Before we adjourn this morning is there  
14 anything else anybody would like to discuss with  
15 the Court?

16 MS. ARANGO: Yes, Your Honor. This is  
17 Lillian Arango on behalf of Town of Surfside.

18 THE COURT: Yes, Ms. Arango?

19 MS. ARANGO: The town intends to file for  
20 intervention in this matter as the party with  
21 paramount interest in this case. Will Your Honor  
22 also be considering an organizational structure or  
23 a leadership structure to address site access and  
24 inspections on the site once the county surrenders  
25 control of the site?

1 THE COURT: I'm not going to be appointing  
2 separate counsel for that. I'm going to rely on  
3 the members of the committee that have been  
4 appointed, Ms. Arango.

5 As far as your intervention, let me -- do  
6 class counsel anticipate the Town of Surfside  
7 being involved in these proceedings in a direct  
8 capacity?

9 MR. MARTINEZ-CID: We do, Your Honor.

10 THE COURT: I said that diplomatically.  
11 The question I'm asking is: Is it your present  
12 intention to bring them in as a defendant?

13 MR. MARTINEZ-CID: Your Honor, they are a  
14 viable third party defendant that is being  
15 vigorously investigated.

16 MR. SILVA: And they have been put on  
17 notice statutorily.

18 THE COURT: I'm not surprised to hear that.  
19 I don't know whether there is any viable claim or  
20 liability, that's for you all to investigate, but  
21 it would seem to moot any need for intervention if  
22 they are going to be brought in as a party.

23 MR. SILVA: The only issue, as the Court  
24 knows, there's a statutory waiting period which is  
25 very substantial per statute for any government

1 entity to wait and we're going to be moving along  
2 and they're going to be at a disadvantage.

3 THE COURT: Okay. So right now,  
4 Ms. Arango, there is really no case to intervene  
5 in because I have kind of stayed all proceedings  
6 and this case is going to be traveling under the  
7 consolidated amended complaint that's going to be  
8 filed in 30 days.

9 What I would like to do is see if you are  
10 named in that complaint as a direct defendant,  
11 because then, obviously, intervention is moot. If  
12 you are not named in that pleading, I will  
13 entertain your motion to intervene. But is there  
14 any need, any immediate need to address  
15 intervention now? Ms. Arango?

16 MS. ARANGO: Yes. The immediate need, Your  
17 Honor, is the county will be releasing the site  
18 shortly. As the local jurisdiction, we would like  
19 to take the lead, the town, with our expert Allyn  
20 Kilsheimer, in access to the site and conducting  
21 inspections and coordinating those efforts.

22 THE COURT: Why do I need your intervention  
23 for that purpose? In other words, that's just a  
24 discovery issue, evidentiary issue. Why do I need  
25 your intervention for that as opposed to simply a

1 request on the part of the town as the custodian  
2 of the site to lead those efforts? Why do I need  
3 intervention for that?

4 MS. ARANGO: Well, the request is made,  
5 Your Honor, we appreciate that, for your  
6 consideration, and we will address whether or not  
7 we need to intervene at some point or we will be a  
8 defendant.

9 THE COURT: Take a look at it. As the  
10 custodian of the site and the property, you  
11 certainly have the ability to come to this Court  
12 and seek relief as a third party as it pertains to  
13 that evidence and as it pertains to your  
14 obligation as the custodian.

15 Intervention is typically if you have a  
16 claim or defense that you want to assert, I don't  
17 hear you saying that, and it's likely you are  
18 going to be brought in as a defendant directly, so  
19 it seems to me the matter is not really one that  
20 necessitates intervention, but you think about it  
21 and if you want --

22 MS. ARANGO: If I may, Your Honor, we do  
23 have a paramount interest in life safety interest  
24 in that site and the investigations that are  
25 conducted there and in the evidence.

1 THE COURT: Yeah, and I recognize that, and  
2 that's why I have not authorized anybody to go on  
3 to the site absent a coordinated effort that will  
4 have to be done with you. But I don't see the  
5 need for intervention for you to participate in  
6 that.

7 But you take a look at it with Mr. Serota  
8 and others and you decide whether you think  
9 intervention is necessary to accomplish your goals  
10 and, if you do, you will file a motion and I will  
11 take it up in due course. Okay.

12 MS. ARANGO: We will. Thank you, Your  
13 Honor.

14 THE COURT: Okay. Very good.

15 MR. SILVA: Your Honor, if I may, we cannot  
16 include the Town of Surfside in our consolidated  
17 pleading because by statute --

18 THE COURT: I got that the first time.

19 MR. SILVA: But what I was going to suggest  
20 to the Court, that maybe the Town of Surfside is  
21 willing to waive the waiting period and in our  
22 amended pleading in 30 days we can then include  
23 them so that we can all --

24 THE COURT: I'm certainly not going to ask  
25 them that today in open court. You all are free

1 to have discussions with them to see if they would  
2 waive the notice period and allow them to be added  
3 so they can assert whatever rights and defenses  
4 they have in an earlier time, given the inevitable  
5 likelihood they will be in the case anyway. So  
6 you deal with Mr. Serota and Ms. Arango and see if  
7 you can come to an agreement on that.

8 MR. SILVA: Thank you Your Honor.

9 THE COURT: All right. Before we adjourn  
10 today, anything else that anybody would like to  
11 take up with the Court?

12 Mr. Martinez-Cid?

13 MR. MARTINEZ-CID: Your Honor, just  
14 briefly, I wanted to inform the Court that I  
15 absolutely -- I think everyone in this room has  
16 heard Your Honor loud and clear about those that  
17 are stepping up to serve on this case.  
18 Understanding we are going to move very  
19 expeditiously and work very hard, I want the Court  
20 to be aware that is absolutely the case for  
21 everyone involved.

22 I am on a prepaid family vacation next week  
23 and will not be physically present for the  
24 hearing. If there's a Zoom --

25 THE COURT: Look, I entered an order

1 yesterday, I assume you all got my order in the  
2 related cases, advising all interested parties  
3 they can appear by Zoom at any hearing and I don't  
4 expect or even want, for that matter, all lawyers  
5 appearing at every hearing. It's unnecessary. I  
6 plan on having these Wednesday morning hearings  
7 each week and if it turns out that they are not  
8 necessary we will discontinue them. Okay?

9         You know, I'm on vacation the following  
10 week, and I have a large trial starting August  
11 2nd, but we will do whatever we have to do to  
12 accommodate this case. We will have our weekly  
13 sessions. People can file whatever motions they  
14 want the Friday before and I will take them up on  
15 the Wednesday sessions. You can also move ore  
16 tenus, when appropriate.

17         We are going to move along expeditiously.  
18 We will not have the luxury in this case, just to  
19 be clear, of the normal CDL rules which is every  
20 discovery motion needs a memo and then ten days  
21 for opposition memo and then five days so it takes  
22 30 days to resolve discovery motions. Discovery  
23 matters are going to be addressed ore tenus on the  
24 spot. We will deal with them in all these  
25 Wednesday hearings. We're going to be flexible on

1 briefing issues when it's not necessary and we are  
2 going to move this case with dispatch.

3 MR. MARTINEZ-CID: Thank you, Your Honor,  
4 for that clarification. I wanted the Court to  
5 know that even if I'm not physically present Mr.  
6 Tropin will make absolutely sure I'm as engaged as  
7 I need to be.

8 THE COURT: Exactly. And I'm sure that  
9 there will be lawyers here to cover anything the  
10 Court needs to have covered whenever we get  
11 together.

12 Okay. So, Mr. Tropin, you make whatever  
13 tweaks you need to make in your order. Get it to  
14 my chambers as soon as possible on a disk and I  
15 really want to get the structural order done today  
16 and I have to leave downtown by about 1:30 at the  
17 latest. Okay? So try to get me that order.

18 We are adjourned. Thank you all very much.  
19 Have a nice day.

20 (The hearing was adjourned at 10:45 a.m.)

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C E R T I F I C A T E

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I, MARGARET PHILLIPS, Court Reporter, State of Florida at Large, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 21st day of July, 2021.



MARGARET PHILLIPS, Court Reporter

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20  
21  
22  
23  
24  
25

<hr/> <b>1</b> <hr/>	<b>31</b> 24:20	<b>absolutely</b> 15:15,23	74:21
<b>10</b> 60:3	<b>35</b> 10:17	19:12 21:1	<b>action</b> 10:11 76:6
<b>108</b> 35:17	<hr/> <b>4</b> <hr/>	22:6 34:15, 16 60:11	77:18
<b>10:30</b> 60:3	<b>48</b> 38:9,11	65:5 86:15, 20 88:6	<b>actions</b> 74:1
<b>10:45</b> 88:20	<hr/> <b>5</b> <hr/>	<b>abundance</b> 58:14 60:1	<b>actual</b> 53:5
<b>123</b> 43:8	<b>50</b> 39:18	<b>abundantly</b> 7:13	<b>Adam</b> 67:12
<b>130</b> 17:17	<hr/> <b>7</b> <hr/>	<b>accept</b> 27:10 44:12	<b>add</b> 19:11 52:14
<b>15</b> 61:22	<b>701</b> 34:3	45:9	59:25 68:11
<b>1981</b> 35:24	<hr/> <b>8</b> <hr/>	<b>access</b> 48:6,10 50:5	73:12,18
<b>1:30</b> 88:16	<b>8701</b> 75:22	51:11,19	75:14
<hr/> <b>2</b> <hr/>	<hr/> <b>A</b> <hr/>	52:12 53:4, 12,18,19	<b>added</b> 59:20 86:2
<b>20</b> 80:14	<b>a.m.</b> 88:20	81:23 83:20	<b>adding</b> 72:4
<b>2021</b> 81:3,10	<b>Aaron</b> 47:12 63:8	<b>accommodate</b> 87:12	<b>additional</b> 19:1 30:6
<b>214</b> 43:8	<b>abilities</b> 18:12	<b>accommodating</b> 10:22	59:23
<b>28th</b> 10:13	<b>ability</b> 7:10 12:11	<b>accomplish</b> 85:9	<b>address</b> 6:17 10:3
<b>2nd</b> 87:11	21:5 34:24	<b>account</b> 36:8 37:7	12:15,19
<hr/> <b>3</b> <hr/>	84:11	<b>accounts</b> 38:15	15:13,17
<b>30</b> 72:14,16	<b>able</b> 15:1 34:20	<b>achieve</b> 57:25	24:7 26:9
73:11 74:6,9	52:24 56:13	<b>acknowledging</b> 79:2	28:9,11
83:8 85:22	59:22 72:24	<b>acquire</b> 11:22 28:3	29:23 36:5
87:22	78:18 80:12	34:21	38:23,25
<b>30-plus</b> 35:18	<b>above</b> 6:3	<b>acquiring</b> 34:11 39:8	43:15 50:3
<b>305-371-2220</b> 43:9	<b>absent</b> 85:3	<b>acreage</b> 10:21	81:23 83:14
		<b>acres</b> 10:17	84:6
		<b>acrimony</b> 78:19	<b>addressed</b> 39:12 44:10
		<b>act</b> 19:24 21:17	87:23
			<b>addressing</b> 41:11 44:13
			69:23
			<b>adequate</b> 37:16
			<b>adequately</b> 16:12,22
			19:8 78:21
			<b>adjourn</b> 81:13 86:9

<b>adjourned</b> 88:18,20	<b>Alexis</b> 46:1	<b>Andrew</b> 46:23 47:1	49:18
<b>adjudicate</b> 12:7	<b>all-star</b> 66:14	48:2	<b>appearing</b> 25:21 45:6
<b>admittedly</b> 38:13	<b>allocation</b> 15:7,11	<b>announce</b> 26:1	47:2 49:3
<b>advancing</b> 72:9	18:16,17	<b>answered</b> 58:8	50:7 87:5
<b>advantage</b> 21:20	62:1	<b>Anthony</b> 45:21	<b>appears</b> 10:5
<b>advise</b> 38:18 41:12	<b>allow</b> 9:16 39:14	<b>anticipate</b> 82:6	<b>applicable</b> 66:24 68:9
50:14 52:14	86:2	<b>anticipated</b> 54:9	<b>applications</b> 78:6
76:3	<b>allowed</b> 27:8	<b>Antonelli</b> 49:5,6	<b>appoint</b> 16:13 19:6
<b>advised</b> 16:9 24:20	<b>allows</b> 31:15	<b>anybody</b> 12:21 22:17	78:19 79:6, 13
68:14	<b>Allyn</b> 48:3 55:12	28:16 31:25	<b>appointed</b> 27:8 40:8
<b>advising</b> 87:2	83:19	33:20,24	51:21 82:4
<b>advisor/ mentor</b> 63:8	<b>alongside</b> 10:17	46:10 47:19	<b>appointing</b> 82:1
<b>affected</b> 24:6	<b>altering</b> 33:4	57:11 74:11, 13 75:17	<b>appointment</b> 39:15,16
<b>agenda</b> 30:8	<b>alternate</b> 75:23	77:14 81:14	<b>appointments</b> 50:2
<b>aggressively</b> 16:1	<b>Altman</b> 47:3	85:2 86:10	<b>appreciate</b> 13:7 23:24
<b>ago</b> 22:15 38:10	<b>amend</b> 72:5 73:17	<b>anyone</b> 28:10,24	41:8 52:18
55:3 76:3	<b>amended</b> 71:11 72:9	29:9 77:17	56:17 57:6
<b>agree</b> 60:22	73:6,21 80:1	<b>anyone's</b> 29:18	70:12,20
<b>agreed</b> 30:23 38:3	83:7 85:22	<b>apiece</b> 17:21	77:4 79:19
58:11,12	<b>amendment</b> 73:19	<b>apologize</b> 13:6 25:23	84:5
59:13 63:12, 17 65:1	<b>amendments</b> 74:5	47:16	<b>appreciated</b> 37:24
<b>agreement</b> 86:7	<b>Amerian</b> 25:8	<b>apology</b> 25:24 47:18	<b>appreciation</b> 25:20
<b>Akerman</b> 41:1 55:20	<b>American</b> 24:19 25:2, 14	<b>apparent</b> 39:9	<b>appreciative</b> 78:9
<b>alert</b> 10:11	<b>amount</b> 10:21 15:8	<b>appearance</b> 45:9 46:11	<b>approach</b> 8:3 65:12
<b>Alexia</b> 45:19	<b>Ana</b> 45:19	47:20 48:11	<b>approached</b> 26:16 41:13
	<b>analysis</b> 76:15	49:14,19	<b>appropriate</b> 10:20 56:13
		55:14 56:22	59:5 60:23
		<b>appearances</b> 6:7 44:12,17	76:23 87:16
		45:2,12,13	<b>appropriately</b> 11:7 58:2
		47:7 48:24	

<b>approval</b> 30:3 59:10	<b>assessments</b> 39:23	<b>attest</b> 70:8	<b>balances</b> 38:14
<b>approve</b> 57:13 60:25	<b>asset</b> 9:19 11:22	<b>attorney</b> 13:1 20:19	<b>balancing</b> 52:22
<b>approved</b> 30:7	22:25 27:6	46:17 47:25	<b>bank</b> 38:14
<b>approximately</b> 17:17	<b>assets</b> 15:19 16:1,	<b>auction</b> 32:13	<b>Bar</b> 39:4 41:14,
<b>Arango</b> 47:25 53:24	23 18:6,24	<b>augment</b> 10:7	16,21,24
54:1,2,12,19	37:20 39:21	<b>August</b> 87:10	42:8,12,17
55:23 56:2	43:21	<b>Augustin</b> 49:7	43:6,11 79:5
81:16,17,18,	<b>assigned</b> 7:9 16:15,17	<b>authorities</b> 28:15	<b>Barreto</b> 26:18 27:11,
19 82:4	<b>assist</b> 27:6,12	<b>authority</b> 9:15 54:5,10	21 29:12
83:4,15,16	29:14 30:23	<b>authorization</b> 31:17	30:3 31:9
84:4,22	33:17,22	<b>authorized</b> 28:12 85:2	32:2 39:6
85:12 86:6	40:5 43:23	<b>available</b> 15:19 16:24	41:6 64:19
<b>area</b> 10:19 42:1	44:2 75:9	17:13 32:12	65:4,9,16
<b>areas</b> 42:9	<b>assistance</b> 27:2 39:20	42:20 43:22	<b>based</b> 59:21
<b>arising</b> 80:5	43:14 65:2	<b>avenue</b> 22:11 30:25	<b>basically</b> 21:25
<b>around</b> 26:22 38:19	<b>Associates</b> 48:22	43:8	<b>basis</b> 26:24 27:5
39:25 60:2	<b>association</b> 17:4 39:21	<b>average</b> 17:19,20	31:4,12,19
<b>ascertain</b> 51:1	<b>assume</b> 17:19 33:2	<b>Avison</b> 30:12,23	36:16 38:6
<b>asked</b> 6:14 28:24	57:11 87:1	31:18,20	40:22 43:22
32:11 36:13	<b>assuming</b> 69:19	33:21 38:2	52:5,19
38:13	<b>assurance</b> 12:11	<b>aware</b> 8:19 55:15	<b>beach</b> 9:23 11:13
<b>asking</b> 10:19 29:23	<b>assure</b> 12:1	69:6 72:10	53:8
68:11 82:11	<b>assured</b> 56:12	73:8 86:20	<b>Beach's</b> 10:16
<b>aspect</b> 65:12	<b>attach</b> 80:16	<b>back</b> 29:13 42:12	<b>Beatriz</b> 46:24
<b>aspects</b> 44:15 51:12	<b>attempting</b> 27:12	43:7,20	<b>beginning</b> 16:9 36:11
61:5 65:7	<b>attend</b> 7:11,20 15:1	54:10 60:12	<b>behalf</b> 13:9 28:19
69:11	<b>attending</b> 39:11 41:20	<b>BAILIFF</b> 25:5	45:7,16,25
<b>assert</b> 84:16 86:3	<b>attention</b> 70:14,23		46:5,8,14,
<b>asserting</b> 77:10	76:8 77:5		18,23 47:2
<b>assessment</b> 17:7,13			49:6,9,11

<b>behind</b> 52:7	<b>Bob</b> 49:24 66:12	<b>bunch</b> 30:14	<b>Casada</b> 45:25
<b>believe</b> 26:13 30:13 32:25 53:11 54:24 60:7, 11 67:18 69:4,7 70:2	<b>bono</b> 26:24 27:5 29:15 31:3, 12,19 33:17 36:16 38:6 42:4,13,19 43:16,22 58:11	<b>business</b> 7:14 29:16	<b>case</b> 7:9,25 13:1 15:7,24 24:18 31:5, 9,10 39:8 40:13 43:10 47:13 48:17 49:25 50:17 51:12 54:17, 24 57:9,12 58:4 61:5 65:7,12 69:4,19 70:2,4 73:5, 16,22 78:14, 20 79:2,11 81:8,21 83:4,6 86:5, 17,20 87:12, 18 88:2
<b>believes</b> 76:21	<b>born</b> 35:24	<hr/> <b>C</b> <hr/>	
<b>belong</b> 18:24	<b>borne</b> 9:5	<b>caliber</b> 27:5	
<b>belonging</b> 9:19 72:10	<b>Brad</b> 44:23 67:17	<b>call</b> 6:5 13:19 23:16 24:10 25:6 30:12 58:9 77:21 78:13	
<b>bench</b> 77:16 78:18 79:5	<b>Bret</b> 41:15 42:16	<b>calls</b> 58:19	
<b>benefit</b> 24:25	<b>bridge</b> 55:5	<b>candor</b> 72:14	<b>cases</b> 6:6 45:10 50:21 59:23 71:19,20 73:8 74:3 80:13,16 87:2
<b>Berger</b> 40:25 45:4	<b>briefing</b> 18:20 88:1	<b>capable</b> 39:10 60:16	
<b>Berlin</b> 41:15 42:16, 18 43:18	<b>briefly</b> 86:14	<b>capacity</b> 66:3 70:17 77:19 82:8	
<b>best</b> 7:10 12:10 18:11 22:8 49:16 78:23	<b>bring</b> 70:23 75:9 76:8 82:12	<b>capitalize</b> 27:15	<b>cash</b> 14:8,16,17
<b>better</b> 28:21,25 44:7 64:18 67:5,6	<b>bringing</b> 77:5 78:16	<b>caption</b> 73:23	<b>cataloged</b> 56:9,11
<b>bid</b> 32:13,17	<b>Brodie</b> 49:8,13	<b>capture</b> 70:3	<b>catastrophe</b> 12:22
<b>bidder</b> 32:20	<b>broker</b> 30:15	<b>care</b> 22:1 39:22 56:23	<b>catastrophic</b> 6:20
<b>bit</b> 6:7 35:16 38:12 40:14 59:2 61:22	<b>brought</b> 82:22 84:18	<b>cared</b> 23:14	<b>categories</b> 16:21
<b>blessed</b> 11:7	<b>Bucciero</b> 47:12,18	<b>Carlton</b> 49:9	<b>Catherine</b> 49:3
<b>Blumenthal</b> 49:10,19,21	<b>buckets</b> 13:20	<b>carrier</b> 24:19	<b>cats</b> 78:2
<b>board</b> 39:10,13	<b>build</b> 22:4 36:9	<b>carriers</b> 24:23 39:17 68:24 69:1 81:11	<b>Cattarossi</b> 49:3
	<b>building</b> 6:21 7:2 9:3 13:12 17:18 35:25 37:6 53:14		<b>caution</b> 60:1

<b>CDL</b> 87:19	<b>choosing</b> 13:24	<b>clients</b> 28:24 51:7	<b>commands</b> 7:12
<b>Center</b> 30:19	<b>circumstances</b> 7:24	59:7	<b>commence</b> 10:18 44:19
<b>certain</b> 16:23 43:15	<b>city</b> 9:23 10:12	<b>clock</b> 39:25	<b>commend</b> 24:24 29:13
<b>certainly</b> 27:19 35:3,5	11:13 30:19	<b>close</b> 37:4 39:18	81:11
50:25 64:20	47:25 53:9	<b>co-leads</b> 63:14 67:12	<b>comment</b> 81:8
66:25 70:8	55:6,9	<b>co-liaison</b> 65:14	<b>commercial</b> 77:18
84:11 85:24	<b>civil</b> 42:3 44:15	<b>coextensive</b> 70:19	<b>commission</b> 10:13
<b>certificates</b> 70:7	65:8 80:4,7	<b>Cohen</b> 47:13	<b>commission-free</b> 31:4
<b>cetera</b> 72:6	<b>claim</b> 62:17,19	<b>coherent</b> 65:11	<b>Commissioners</b> 11:12
<b>chair</b> 61:12,13,23	82:19 84:16	<b>cohesive</b> 41:8 78:15	<b>commissions</b> 31:6
62:8 63:2	<b>claims</b> 17:1 18:10	<b>collapse</b> 6:21 51:2	<b>committed</b> 7:15
<b>chambers</b> 79:17 88:14	57:17 64:3,4	53:5 80:5	<b>committee</b> 41:25 59:20
<b>Champlain</b> 6:6 10:15	69:22 70:18	<b>collapses</b> 7:2	60:25 62:23
53:10 73:24	71:11 72:9	<b>collateral</b> 69:16	64:14 66:7,
80:5	75:1 80:16	<b>colleagues</b> 10:19,23	9,18,20,22
<b>changes</b> 33:3	<b>clarification</b> 54:19 56:17	<b>collectively</b> 51:25	67:23,25
<b>chaotic</b> 15:4	68:12 80:25	<b>Collins</b> 75:22	68:1,4,12,
<b>charge</b> 35:5	88:4	<b>Colson</b> 46:7 47:17	17,19 74:21
<b>charged</b> 11:17	<b>clarity</b> 65:21	65:1,17	75:1,15,18
<b>charitable</b> 64:17,25	<b>class</b> 14:2 16:16	<b>combination</b> 9:8 22:19	78:12 82:3
<b>chasing</b> 51:15	19:6 64:14	<b>come</b> 16:10 33:5	<b>committees</b> 42:10
<b>chefs</b> 65:13	69:22 71:12,	36:7,16,18,	<b>common</b> 67:1,2,3
<b>children</b> 35:24 45:18	21,23 72:1,	21 37:4 52:7	<b>community</b> 6:22 10:2,25
<b>choice</b> 63:9,10	10 77:18	53:20 84:11	12:17 26:17,
<b>choices</b> 64:18	82:6	86:7	20 27:23
<b>choose</b> 19:25	<b>clear</b> 7:13,23 9:14	<b>comes</b> 77:16	29:17 30:11,
	32:1 48:7	<b>comfort</b> 6:24	14 31:7
	50:22 51:7		33:11,15
	64:2 65:6,19		36:14 37:13
	66:19 69:11		39:5 58:8
	72:19 86:16		64:20 78:17,
	87:19		24
	<b>clearly</b> 8:7 36:24		
	60:17		
	<b>client</b> 25:20 56:18		

<b>Company</b> 25:3 49:21	13:15,19 14:3 18:22	<b>considered</b> 8:9 20:4	<b>conveying</b> 21:25
<b>compassion</b> 58:10	50:14 51:11	22:16,22	<b>cooperation</b> 78:25
<b>compassionate</b> 36:4	<b>concerns</b> 15:13,18	51:8 77:9	<b>coordinate</b> 51:22 78:15
<b>compensate</b> 15:9,19 18:8,12,25 19:2 21:5,21 22:11 37:17	18:4	<b>considering</b> 10:13 11:13 19:15 81:22	<b>coordinated</b> 16:6 51:13, 23 52:9,10 53:22 55:7 61:21 65:11 85:3
<b>compensated</b> 21:14 60:20	<b>conclude</b> 11:16	<b>considers</b> 50:20	<b>coordinating</b> 61:14,16 83:21
<b>compensating</b> 17:15	<b>conclusion</b> 40:13	<b>consistent</b> 8:2	<b>coordination</b> 42:5 58:1
<b>compensation</b> 7:18 8:6,17 21:3 28:1,5 30:6 36:9 38:5 40:15	<b>concur</b> 36:22	<b>consolidated</b> 6:6 71:10, 15,22 72:9 73:6,15,21 80:10 83:7 85:16	<b>copy</b> 79:17
<b>competent</b> 33:12	<b>condominium</b> 17:2,20 22:1	<b>construction</b> 22:3 59:7 68:8	<b>correct</b> 31:22 56:2 62:21,25 64:10 67:24 69:18
<b>competently</b> 78:22	<b>conduct</b> 77:7	<b>consultants</b> 48:16	<b>correspondenc e</b> 9:24
<b>competing</b> 8:8	<b>conducted</b> 84:25	<b>contact</b> 43:16	<b>cost</b> 9:4,12,17
<b>complaint</b> 80:2 83:7,10	<b>conducting</b> 83:20	<b>contemplate</b> 71:10	<b>costs</b> 20:3
<b>complete</b> 38:11 76:6	<b>confidence</b> 76:9 78:21	<b>contention</b> 78:19	<b>counsel</b> 6:7 13:16, 24,25 16:9 19:9 25:3,14 38:23 41:12 44:12,16,21 45:2 48:13 50:2,8 51:21 53:15 55:18 57:8 62:11, 12,18,20,23 63:3,9,14,24 64:12 66:9 67:11,15,17 69:21 74:12 78:12 82:2,6
<b>completely</b> 8:22 31:3,19 36:2 60:8,15	<b>confirmed</b> 25:15	<b>contentious</b> 77:23	
<b>completing</b> 73:4	<b>conflict</b> 16:12 60:11 62:4 69:21 76:5,9,10,22 77:10	<b>contested</b> 78:5	
<b>complex</b> 77:17	<b>conflict-free</b> 19:9 60:16	<b>contingent</b> 35:20	
<b>complicated</b> 63:19	<b>conflicts</b> 60:9,10 69:3	<b>continue</b> 7:15 8:3 40:12,17	
<b>complied</b> 56:20	<b>connection</b> 30:18 81:7	<b>continued</b> 69:20	
<b>compliment</b> 39:7	<b>consent</b> 27:10,17 30:3 31:17	<b>continues</b> 70:15	
<b>concern</b> 73:11	<b>consider</b> 6:25 10:20 59:4,5	<b>contribute</b> 16:3 28:4	
<b>concerned</b> 12:8,14	<b>considerable</b> 77:17	<b>control</b> 54:3,7,15 81:25	
	<b>consideration</b> 18:21 42:15 84:6		

<b>counsel's</b> 30:4	17,21 41:3, 6,11,13,20	85:1,14,18, 20,24,25	13:7 15:3, 15,23 18:1,
<b>counseling</b> 39:13	42:4,6,7,8, 12,18 44:7, 10,12,21	86:9,11,14, 19,25 88:4, 8,10	14 19:10,13 20:14,18,22 21:1,7 22:6 23:1,19,22
<b>county</b> 23:24 54:3, 5,20 55:17, 23 80:9 81:24 83:17	45:1,3,11, 23,25 46:3, 10,20 47:4, 6,13,15,16, 19 48:7,19, 24 49:13,16, 18,23 50:1, 11,13,15,20, 22 51:8 52:14 53:15 54:8,18 55:3,14,16, 21 56:16,19, 22 57:10,11, 15,20,22 58:10 59:11, 14 60:2,9,24 61:2 62:7, 10,15,22 63:1,13,23 64:1,11,19 65:3,6,22 66:1,5,14,25 67:5,9,14,22 68:1,10,16, 19,22 69:12, 15,19 70:8, 12,22 71:8, 18,25 72:7, 15,18,21 73:3,14 74:8,11,17, 19,25 75:3, 12,13,17,20, 24 76:2,11, 14,17,20 77:1,3,13 78:9,14 79:7,23 80:3,11,23 81:4,15,18 82:1,10,18, 23 83:3,22 84:9,11	<b>Court's</b> 7:6 12:6 16:24 17:7, 13 31:17 38:16 39:14 51:9 57:4 58:9 76:8	<hr/> <b>D</b> <hr/>
<b>couple</b> 26:4		<b>Court-</b> <b>approved</b> 52:11	<b>Daggs</b> 45:21
<b>course</b> 10:11 11:11 20:14 33:5 52:18,22,24 62:15 85:11		<b>courtroom</b> 31:8 41:2 47:19	<b>damage</b> 66:21 69:22
<b>court</b> 6:1,5,11,17, 20 7:9,14,24 8:3,19,22,23 9:14,18,23 10:4 11:11, 16 12:2,15, 19 13:5 14:21,24,25 15:5,12,17, 24 16:7 18:3,16 19:12,19 20:10,15,21, 23 21:2,8 22:7,20 23:3,15,21 24:4,7,10,22 25:7,12,19, 20,24 26:2, 8,20 27:7,9, 19,20,22 28:9 29:4,8, 20,23 30:13 31:14,20,24 32:10 33:5,8 34:2,4,15 35:2,13 36:3,10,16, 21,22 38:1, 6,18,22,25 39:7,9 40:6,		<b>cover</b> 88:9	<b>damages</b> 63:18,19
		<b>coverage</b> 25:15 39:19 43:3 69:13 81:9	<b>Dan</b> 9:22 11:10
		<b>covered</b> 88:10	<b>Dandashly</b> 46:14
		<b>create</b> 27:2	<b>data</b> 70:3
		<b>creative</b> 21:22	<b>David</b> 48:15
		<b>credit</b> 42:13	<b>Davis</b> 49:3
		<b>crossing</b> 31:25	<b>day</b> 58:18,22 70:9 88:19
		<b>crystal</b> 65:20,23	<b>days</b> 15:4 25:18 28:22 39:8 72:14,16 73:11 74:6,9 76:18,21,24 77:3 83:8 85:22 87:20, 21,22
		<b>current</b> 21:11	<b>de</b> 46:19
		<b>Curtis</b> 46:7 64:16, 25	<b>deal</b> 48:10 77:24 86:6 87:24
		<b>custodian</b> 84:1,10,14	<b>dealing</b> 23:13 40:1 48:5
		<b>Cytrynbaum</b> 12:24,25	<b>dealt</b> 39:23



<b>Dean</b> 65:1	<b>defendants</b> 16:2 52:3	43:10 71:21	83:10
<b>Dear</b> 10:1	72:5,22	<b>desire</b> 8:4,20 11:24	<b>directed</b> 80:21
<b>dearly</b> 29:7	73:7,12,18	20:12 22:9	<b>directly</b> 6:12,19 17:6
<b>death</b> 16:20 18:13	<b>defense</b> 84:16	28:3,9	41:13 44:11
20:9 28:19	<b>defenses</b> 86:3	<b>desperate</b> 7:17	84:18
61:8,10	<b>defer</b> 6:6	<b>develop</b> 34:25 36:15	<b>director</b> 41:16 42:17
62:2,13,16, 20 63:6,20	<b>deferring</b> 57:2	<b>developed</b> 76:15	<b>disadvantage</b> 83:2
64:1,3,8	<b>definitely</b> 26:22	<b>developer</b> 19:25 21:19	<b>disaster</b> 7:12
65:25 66:15	<b>degree</b> 11:1 76:9	37:12	<b>discontinue</b> 87:8
67:19 68:2	<b>Del</b> 46:23 66:11	<b>developers</b> 21:17	<b>discovery</b> 61:21 83:24
70:7 71:14	<b>delay</b> 7:25 8:15	<b>developing</b> 34:11	87:20,22
<b>death/injury</b> 63:24 66:7	<b>delayed</b> 7:22	<b>development</b> 28:6 34:20, 22	<b>discretion</b> 65:18
<b>debris</b> 51:7	<b>delighted</b> 75:11	<b>developments</b> 24:12,17	<b>discuss</b> 81:14
<b>debt</b> 21:11	<b>deliver</b> 72:16	26:1 40:20	<b>discussed</b> 69:9
<b>decades</b> 27:21 35:25	<b>delivered</b> 8:17	59:21	<b>discussion</b> 17:21,25
<b>decide</b> 85:8	<b>demand</b> 67:7	<b>develops</b> 71:4 72:4	<b>discussions</b> 16:10 18:2
<b>decision</b> 8:11 12:2	<b>demands</b> 7:12	<b>different</b> 13:14 16:8	41:24 77:20, 22 86:1
22:17,24	<b>denied</b> 7:23,25	51:16 53:4	<b>disk</b> 79:18 88:14
77:9	<b>Dennehey</b> 48:21	59:2 61:7, 10,11,20	<b>dismissed</b> 74:2
<b>decisions</b> 12:13 18:20	<b>department</b> 54:13 56:4	<b>difficult</b> 10:4 12:13	<b>dispatch</b> 7:16 88:2
22:25	<b>deposition</b> 68:7	18:18 19:17	<b>dispense</b> 12:8
<b>dedicated</b> 10:21	<b>describe</b> 64:9 77:22	21:9 22:12	<b>disposition</b> 11:19 37:20
<b>dedication</b> 79:1	78:2	40:2 77:24	<b>disrupting</b> 51:18 52:6
<b>deepest</b> 7:6	<b>deserve</b> 33:2	78:4 79:11	<b>distributed</b> 26:12
<b>defend</b> 16:4 69:17	<b>designated</b>	<b>dignified</b> 11:6	<b>diversity</b> 59:6
<b>defendant</b> 80:18,19		<b>diligently</b> 7:11	
82:12,14		<b>diplomatically</b>	
83:10 84:8, 18		82:10	
		<b>direct</b> 70:17 82:7	

<b>division</b> 80:7,8	<b>duty</b> 78:13	76:21	<b>entering</b> 53:18
<b>documentation</b> 42:2,23		<b>either</b> 13:11,21	<b>entertain</b> 83:13
<b>documented</b> 51:24	<b>E</b>	21:18 29:22	<b>enthusiasm</b> 30:7
<b>doing</b> 51:17,24	<b>e-mail</b> 39:24 43:10	34:19 52:4	<b>enthusiastic</b> 38:1
56:6 67:19, 20	<b>earlier</b> 19:13 34:17	71:20	<b>enthusiastica</b>
<b>dollars</b> 17:21 19:23	36:23 39:13	<b>eloquently</b> 29:3,5	<b>lly</b> 38:6 75:14
20:3 24:21	48:17 86:4	<b>emergency</b> 48:8,9,23	<b>entire</b> 45:21 70:4
27:2,13 37:3	<b>early</b> 16:7	50:3 52:5	<b>entities</b> 11:22 29:18
<b>donate</b> 9:1 33:16	<b>ears</b> 37:21	<b>emotional</b> 10:9 13:4	76:5
<b>Dorian</b> 45:21	<b>east</b> 53:10	40:2	<b>entitled</b> 7:19 37:19
<b>Dorta</b> 46:1 68:15, 16	<b>easy</b> 24:2	<b>emotionally</b> 79:12	40:15
<b>dot</b> 43:11	<b>economic</b> 17:9 27:16	<b>empathy</b> 58:9	<b>entitles</b> 79:9
<b>downtown</b> 43:7 88:16	<b>Edwards</b> 49:2	<b>emphasize</b> 16:25	<b>entity</b> 9:7 60:5
<b>dramatically</b> 37:2	<b>effectively</b> 58:13 62:3	<b>employees</b> 39:22	83:1
<b>drawn</b> 58:17	<b>effectuating</b> 42:23	<b>encourage</b> 43:14	<b>envision</b> 68:6
<b>drew</b> 58:25	<b>efficiently</b> 62:3	6:8	<b>equal</b> 52:12
<b>Drezner</b> 44:21 45:12	<b>effort</b> 16:6 27:1	<b>end</b> 7:20 23:6	<b>equity</b> 21:12 22:1
50:17	30:5 33:16	26:16 32:23	37:7 40:9
<b>drop</b> 73:18	38:4 52:10	58:3,20,22	<b>erect</b> 9:11
<b>due</b> 7:25 52:3	79:8 85:3	<b>endeavor</b> 28:25 75:10	<b>Erick</b> 46:19
85:11	<b>efforts</b> 10:3 11:4	<b>endeavored</b> 7:10	<b>escaped</b> 13:13
<b>duplicated</b> 61:18	23:25 35:10	<b>ended</b> 59:11	<b>establish</b> 11:6
<b>duplicative</b> 64:22	42:5 52:24	<b>engaged</b> 88:6	<b>established</b> 33:15
<b>Dustin</b> 49:10,21	61:14,16	<b>ensures</b> 17:16	<b>establishing</b> 69:13
<b>duties</b> 69:16	64:23 79:15	<b>enter</b> 47:20 55:14	<b>estate</b> 8:5 17:7
	83:21 84:2	73:25 74:2	20:19 21:24
	<b>egos</b> 78:1	<b>entered</b> 50:15,17	27:6 30:16,
	<b>Eidson</b> 46:8	86:25	
	<b>Eighty</b> 53:13 60:6		

21 31:6	<b>excellent</b>	51:16,22	<b>fact</b>
33:10,23	57:21	52:1,4,7,11,	30:17 58:14
46:15,18,24	<b>exception</b>	20 53:11	<b>facts</b>
49:6	70:5	55:7,8 56:13	76:15
<b>estates</b>	<b>excess</b>	61:19,20	<b>fair</b>
10:7	20:7	<b>Explain</b>	8:10 9:6,10
<b>esteem</b>	<b>executive</b>	61:2	12:4,8,15
66:2	41:15 42:16	<b>explained</b>	27:14 28:4
<b>et</b>	<b>exhausting</b>	42:19	36:8
72:5,6	32:3	<b>explore</b>	<b>fairly</b>
<b>evacuating</b>	<b>exhibited</b>	35:8	18:8
64:7	58:10	<b>explored</b>	<b>fall</b>
<b>event</b>	<b>exist</b>	8:16 11:15	13:20 16:21
6:21 58:18	71:12	28:23 34:18	<b>familiar</b>
<b>events</b>	<b>existing</b>	36:25	32:24 33:9
12:18	35:11	<b>exploring</b>	47:17 75:4
<b>everybody</b>	<b>exists</b>	11:18 32:2	<b>families</b>
14:21,22	76:5,10	33:22	6:16,24 7:20
22:23 23:3,	<b>exit</b>	<b>express</b>	10:7,9 26:5
4,9 59:12,17	54:14	25:19	28:22 35:18
68:9 71:1,5	<b>expect</b>	<b>expressed</b>	<b>family</b>
<b>everybody's</b>	33:6 67:6	8:4,20 11:25	13:2 14:17
16:11 17:23	74:8 76:23	20:11	23:8 24:6
19:7 23:25	87:4	<b>extend</b>	26:6 40:5
<b>everyone</b>	<b>expects</b>	6:15 12:20	45:17 46:5,
71:2 86:15,	56:20	43:25	6,8,9 47:3
21	<b>expedited</b>	<b>extends</b>	49:4 86:22
<b>everyone's</b>	52:19	11:11	<b>Fang</b>
15:19	<b>expeditious</b>	<b>extensive</b>	46:15
<b>evidence</b>	74:23	41:25	<b>fantastic</b>
50:5,16,18,	<b>expeditiously</b>	<b>extent</b>	13:18
21,24 51:3,	11:18 60:13,	17:12 62:15	<b>far</b>
9,18 52:6,	22 86:19	64:24 65:15	20:22 27:16
12,25 84:13,	87:17	67:22 71:19	39:18 51:11
25	<b>experience</b>	74:1	82:5
<b>evidentiary</b>	29:15 59:6,8	<b>extreme</b>	<b>favor</b>
83:24	74:22 75:4	77:25	23:3
<b>exactly</b>	<b>expert</b>	<b>extremely</b>	<b>Fay</b>
32:8 41:5	20:21 30:16	10:8 78:22	30:12,15,22
88:8	48:3 55:11		31:18,21
<b>examination</b>	68:8 83:19		32:6,10,18,
51:25 52:10	<b>expertise</b>		24 33:9 35:4
<b>examinations</b>	33:17 37:13		38:2 39:6
51:17	42:1,10		41:6 65:9
<b>examined</b>	75:10		<b>feasible</b>
12:1	<b>experts</b>		8:7 34:9
	26:22 50:25		
		<b>F</b>	
		<b>face</b>	
		37:1	
		<b>facilitate</b>	
		74:23	

<b>federal</b> 9:8 11:21 26:25 28:1, 15 56:4	<b>fine</b> 44:1 65:17	<b>forever</b> 26:14 77:1	<hr/> <b>G</b> <hr/>
<b>feel</b> 14:8,10 29:23	<b>finest</b> 40:9 75:6 78:16	<b>forgot</b> 68:15	
<b>feeling</b> 7:4 35:25	<b>finish</b> 77:3	<b>formal</b> 73:25 74:2	<b>Gaebe</b> 49:5
<b>Fernandez</b> 46:2,6	<b>fire-rescue</b> 11:5 54:5 56:3	<b>formed</b> 13:9	<b>game</b> 30:22
<b>field</b> 14:23	<b>firm</b> 30:20 31:20 33:21 38:2	<b>fortunate</b> 31:13	<b>garbled</b> 25:10 49:22 76:12
<b>Fields</b> 49:9	<b>firm's</b> 60:4	<b>forward</b> 7:15 44:13, 14 71:16	<b>Gary</b> 46:17 74:18, 19 75:4,8,13
<b>file</b> 38:17 60:23 72:8 80:20 81:19 85:10 87:13	<b>first</b> 14:12,25 15:3,6 24:18 43:8 45:17 50:13 57:8 68:23 85:18	<b>four</b> 20:2	<b>gave</b> 38:11 68:2
<b>filed</b> 48:8,22 50:4 56:23 58:21, 23,25 68:22 69:5 71:20 73:15,22 76:24 80:2, 14,15,16,17 83:8	<b>flexible</b> 87:25	<b>free</b> 16:12 29:23 62:4 85:25	<b>Gelber</b> 9:22,24 11:10,12
<b>filing</b> 54:23 71:10 80:9	<b>floor</b> 33:19	<b>Friday</b> 87:14	<b>general</b> 9:5 80:8
<b>final</b> 40:13	<b>Florida</b> 6:3 26:23 40:10 48:22	<b>friend</b> 9:22 38:2	<b>generous</b> 29:1 75:8
<b>finalizing</b> 33:13	<b>Florida's</b> 75:6	<b>friends</b> 23:7 27:22, 23	<b>gentleman</b> 35:23
<b>Finally</b> 60:1	<b>focussed</b> 62:18,19	<b>front</b> 21:5	<b>getting</b> 13:17 23:6 72:21 73:5
<b>financial</b> 23:11 40:3	<b>folks</b> 45:23 48:25	<b>fronts</b> 16:5	<b>give</b> 19:20,21 24:11 28:8 36:21 43:5 50:6 63:1 72:7
<b>financing</b> 21:11 22:3 37:16	<b>following</b> 9:24 58:6,20 87:9	<b>full</b> 8:10 9:2 12:4,14	<b>given</b> 20:3 69:5 86:4
<b>find</b> 51:23 60:21 74:5	<b>force</b> 8:24	<b>fully</b> 8:16 11:15 12:1,3 21:13 37:17	<b>global</b> 71:12
	<b>foreign</b> 14:4	<b>fund</b> 10:7	<b>goal</b> 8:6
		<b>funds</b> 24:25	<b>goals</b> 85:9
		<b>funny</b> 13:3	<b>God</b> 16:19
		<b>future</b> 59:21 71:21 80:17	<b>going</b> 8:13 13:15, 23 14:9,10,

18,21 15:18 18:17,18,19 19:5,6 21:8 36:17 43:5 44:14 51:19, 20,22,24 52:8,9 56:24 57:1 61:25 64:8 65:10, 13 66:6,23, 25 67:6,7,20 69:20 71:16 74:6 75:14 76:6,14 79:3,11,13 82:1,2,22 83:1,2,6,7 84:18 85:19, 24 86:18 87:17,23,25 88:2	49:1,23 55:19 57:19 65:23 75:12, 19,20 85:14 <b>Goodman</b> 49:25 <b>government</b> 26:22 28:13 30:5 82:25 <b>governmental</b> 9:7 11:21 29:18 32:3 55:1 <b>governments</b> 27:1 28:2 <b>gracious</b> 27:11 71:3 <b>graciously</b> 63:17 <b>Graham</b> 44:23 <b>grants</b> 38:6 <b>grateful</b> 59:12,17 70:25 <b>gratified</b> 58:17 <b>gratifying</b> 58:7 <b>gratitude</b> 11:12 25:19 29:19 <b>great</b> 11:5 24:19 25:2,8,14 77:7 78:17 <b>greatly</b> 37:24 <b>Greenberg</b> 60:3 75:22 <b>Grossman</b> 47:1 63:16, 21,23 64:11 65:25 66:16 <b>ground</b> 8:20 11:4	26:14 <b>group</b> 13:9,10 14:9 19:14,16 22:18 36:6, 15,19 62:2 75:25 76:1 79:7,13 <b>groups</b> 61:12,16 <b>Grove</b> 55:4 <b>groveling</b> 72:16 <b>guarantee</b> 69:8 <b>Guerra</b> 46:18,24 <b>guess</b> 56:4 <b>Guso</b> 39:13 45:3,4 <b>guys</b> 57:13 <b>Guzman</b> 55:20,25 56:3,21	<b>happen</b> 12:25 25:18 40:20 51:20 52:8 67:6 <b>happier</b> 33:18 <b>happy</b> 38:1 42:4 <b>hard</b> 13:23 14:9 57:21,25 86:19 <b>hardest</b> 23:23 <b>Harley</b> 44:21 <b>harm</b> 15:10 17:9 71:14 <b>hasty</b> 22:24 <b>haven</b> 7:1 <b>heading</b> 61:12 <b>heads</b> 23:10 <b>hear</b> 12:16,21 14:21 28:9 33:18,25 38:2 48:9 76:13 82:18 84:17 <b>heard</b> 6:17 8:11 12:5 22:23 28:11,16,21 29:9 33:20, 24 44:11 52:18 55:22 61:22 74:12, 13 75:17 77:14 86:16 <b>hearing</b> 6:1 15:1,6, 25 18:21
<b>Goldberg</b> 11:17 12:16 24:11,14,15 25:25 26:3 27:20 30:2,9 31:23 32:8, 22 35:14,15 36:23 37:24 38:8,20,21 39:2 40:23 41:5,10 44:4,9 45:7 79:21,23,24 80:25	<b>Gonzalo</b> 46:1 68:15 <b>good</b> 12:23,24 24:9,14,15 27:22,24 29:11 30:7 33:14 34:4,5 38:3 40:24 45:3,11,14, 15 46:3,4, 12,13,16,21, 22,25 47:10	<b>H</b>	
		<b>Hail</b> 73:13 <b>half</b> 20:24 21:12 <b>hallowed</b> 26:13 <b>hand</b> 44:8 <b>handle</b> 57:16 <b>handled</b> 43:1 <b>Handler</b> 46:15 <b>Hanzman</b> 10:1 41:23	

36:11 38:12, 14 48:18 58:6,20 86:24 87:3,5 88:20 <b>hearings</b> 18:19 40:19 87:6,25 <b>heartbroken</b> 6:23 <b>help</b> 10:6 11:6 19:2 26:24 34:25 38:4 42:9 64:23 <b>helpful</b> 63:8,11 64:22,24 <b>helping</b> 30:1 <b>Herculean</b> 22:4 24:1 <b>herding</b> 78:2 <b>Hicks</b> 46:8 47:17 <b>high</b> 19:22 76:9 <b>highest</b> 66:2 <b>hired</b> 48:3 61:19 <b>hiring</b> 21:19 <b>hold</b> 61:4 77:1 <b>holds</b> 66:1 <b>home</b> 14:12 36:1,2 <b>homes</b> 6:13,25 7:17 8:25 <b>homestead</b> 17:4 <b>honor</b> 9:11 11:5,7	12:24 23:17 24:15,16 26:3 28:18 30:9,14 31:1,11 32:9,22,24 35:12,15,22 37:25 38:8, 9,13,15 40:23 41:10, 19 44:3,4,20 45:4,8,15,24 46:4,13,16, 25 47:5,11 48:15,20,23 49:1,8 50:9 52:16,17 53:2 54:12, 21 55:2,25 56:21 57:7, 19 69:7 70:5,21 74:17,20 75:2,16,19 76:16,19,25 77:12 79:24 81:16,21 82:9,13 83:17 84:5, 22 85:13,15 86:8,13,16 88:3 <b>Honor's</b> 59:10 <b>honoring</b> 10:22 <b>hope</b> 6:17 15:11 18:4,23 62:5 63:10 67:4,6 <b>horrified</b> 6:23 <b>hours</b> 38:10,11 <b>housing</b> 7:19 <b>hundred</b> 19:20,21,23	20:2 51:13, 16 <b>hundreds</b> 20:6 <b>Hyatt</b> 48:2 <b>hypotheticall y</b> 17:19 <hr/> <b>I</b> <hr/> <b>I-N-F-O</b> 43:11 <b>idea</b> 19:15 23:15 <b>ideas</b> 31:2 <b>identificatio n</b> 42:2 <b>identified</b> 72:23 81:11 <b>identify</b> 25:8 80:13 <b>identifying</b> 42:22 73:6 <b>imagine</b> 7:3 10:8 <b>immediate</b> 8:13 51:19 83:14,16 <b>immediately</b> 10:15 26:12 39:12 60:24 61:1 <b>immodestly</b> 61:13 <b>immutable</b> 37:1 <b>impacted</b> 12:18 <b>impediments</b> 20:16 <b>implies</b> 17:11	<b>imploring</b> 68:11 <b>impossible</b> 36:24 <b>inclination</b> 32:16 <b>include</b> 21:5 32:4 71:4,5 85:16,22 <b>including</b> 11:20 31:8 34:18 35:9 80:19 <b>indemnificati on</b> 69:16 <b>indemnity</b> 25:15 49:20 <b>individual</b> 17:24 43:2 51:14 71:19 80:21 <b>individuals</b> 71:19 <b>inevitable</b> 86:4 <b>info</b> 43:11 <b>inform</b> 86:14 <b>information</b> 38:12 43:6 70:6 <b>informed</b> 36:6 76:2 <b>informing</b> 13:19 <b>initial</b> 17:7 32:16 72:24 73:2, 15 <b>injured</b> 13:21 <b>injuries</b> 15:21 64:6
--	---	--	--

<b>injury</b> 13:21 16:19 18:13 61:8 62:2,12,16 64:4,8 65:25 66:15 68:3, 18 71:14	<b>interface</b> 30:5	<b>invite</b> 12:17	<b>joinders</b> 58:23
<b>injury/death</b> 62:19 75:1	<b>interfere</b> 70:16	<b>involve</b> 35:10 37:5	<b>joined</b> 28:8
<b>inspection</b> 53:22	<b>interfering</b> 52:23	<b>involved</b> 13:1 20:20 23:9,25 34:14 55:12 58:4 77:19 82:7 86:21	<b>Jonah</b> 46:14
<b>inspections</b> 81:24 83:21	<b>interim</b> 40:20	<b>involving</b> 22:25 42:22 43:2 50:4 55:5 68:24 69:5	<b>Jordi</b> 45:4
<b>Institute</b> 56:5	<b>internal</b> 18:1	<b>Isle</b> 55:4	<b>Jorge</b> 44:22 46:5 66:13
<b>insurance</b> 17:10,11,12, 14 18:6,9 24:19,21,23 25:3 39:17 49:20 69:24 70:15	<b>intervene</b> 54:23 83:4, 13 84:7	<b>issue</b> 19:16 57:15 69:9 82:23 83:24	<b>Josefsberg</b> 43:19,25
<b>insurers</b> 69:5	<b>intervention</b> 81:20 82:5, 21 83:11,15, 22,25 84:3, 15,20 85:5,9	<b>issues</b> 10:4,9 14:20,24 15:7,11 18:16,17 19:4 20:19 30:21 55:4 62:1 63:19 67:1 69:4, 10,24 88:1	<b>Joseph</b> 47:5,24 54:22
<b>insures</b> 17:11	<b>intimately</b> 75:3	<b>Jack</b> 49:24 65:22 66:11	<b>Judd</b> 46:13 66:12
<b>intact</b> 22:1	<b>inventory</b> 38:19	<b>Javier</b> 44:22 67:13	<b>Judge</b> 10:1 41:23 44:25 46:22 54:24 61:6 71:7 72:13 79:21
<b>intended</b> 10:25	<b>investigate</b> 82:20	<b>Justice</b> 7:22,24 12:8 58:1	<b>July</b> 10:13
<b>intends</b> 81:19	<b>investigated</b> 72:23 82:15		<b>jumps</b> 70:13
<b>intention</b> 79:20 82:12	<b>investigating</b> 53:1 76:4 81:5		<b>jurisdiction</b> 55:1,6,9 80:8 83:18
<b>interest</b> 19:8 34:13 67:3 71:2 76:22 81:21 84:23	<b>investigation</b> 54:4 56:6,15 72:4 73:4, 12,17 76:7 77:4,8		<b>justice</b>
<b>interested</b> 8:10 12:3 26:2 34:10, 12 40:18,22 74:12 87:2	<b>investigation s</b> 84:24		
<b>interests</b> 8:8 16:11	<b>investigative</b> 56:1		
	<b>investment</b> 14:5		
	<b>Investments</b> 75:25		
	<b>invitation</b> 6:15,18 12:20		

<b>keeping</b> 21:25 62:6 74:4	<b>land</b> 9:2,9 17:2,8 18:7 19:19 20:5 27:3,17 28:3	<b>leadership</b> 16:13 19:5 38:24 44:13 51:21 53:21 57:16 58:16 59:1 70:24 71:9 74:14, 21 78:15 79:18 80:23 81:23	<b>liaising</b> 28:14
<b>Kilsheimer</b> 48:3 53:12 55:12 83:20	<b>landing</b> 53:20		<b>liaison</b> 26:22 28:1 63:12,18,24 64:12,15 66:8,17 67:15,16
<b>kind</b> 13:7 32:13 40:24 44:4 72:11 83:5	<b>lanes</b> 31:25		<b>liaisons</b> 30:4 65:24
<b>kitchen</b> 65:13	<b>large</b> 6:3 35:20 79:2 87:10	<b>leading</b> 33:10	<b>lien</b> 14:19
<b>knew</b> 11:1 40:7	<b>late</b> 60:2	<b>leads</b> 60:19	<b>life</b> 7:21 15:20 84:23
<b>know</b> 7:5,16,22 11:8,14 13:8,14 14:3,24 15:1,21 16:18 17:17, 18 21:23 23:23 27:4 29:15 34:5 35:2 36:3, 17,20 37:21 38:15 39:20, 24 40:12,20 48:8 53:4,15 54:12,15 63:7 64:7,18 68:22 72:3, 18,20 74:20 76:11 77:6, 15 78:4,5 79:12 80:12 81:6 82:19 87:9 88:5	<b>latest</b> 88:17	<b>learned</b> 6:20	<b>Lifshitz</b> 44:23
	<b>Laura</b> 55:20	<b>leave</b> 48:18 72:5 77:21 88:16	<b>likelihood</b> 86:5
	<b>law</b> 42:10 45:5 46:2 79:9	<b>leaving</b> 20:2,5	<b>Lillian</b> 47:25 81:17
	<b>lawful</b> 53:24	<b>left</b> 71:22	<b>limited</b> 11:20 15:18 42:2,3,9
	<b>lawsuit</b> 68:23	<b>legal</b> 7:12 18:19 42:24 43:14, 16,23 51:6 55:23 57:17 79:9	<b>lines</b> 30:10 31:14 36:12
	<b>lawsuits</b> 16:4	<b>legally</b> 7:18 40:15 79:12	<b>lineup</b> 66:14
	<b>lawyer</b> 21:23,24 47:17 58:4	<b>legislative</b> 64:17,24	<b>Lippsmith</b> 44:23,24 67:17
	<b>lawyers</b> 16:15,17 31:8 39:4 41:1 42:20 43:21 57:22 58:8 60:20 66:1,17 70:2 78:16 79:7, 13 87:4 88:9	<b>Lehrman</b> 49:1,2	<b>Lisa</b> 33:25 34:3
	<b>Lea</b> 47:12	<b>letter</b> 9:21 41:14, 21 60:12	<b>Lisette</b> 41:17
	<b>lead</b> 50:2 62:10, 11,18,20,23 63:3,9,13 66:16 67:10 83:19 84:2	<b>level</b> 14:22	<b>listed</b> 67:25
		<b>liability</b> 13:22 18:9 67:1 68:8 82:20	<b>listening</b> 23:4
		<b>liaise</b> 26:25	<b>literally</b> 39:25
			<b>litigants</b> 51:15
			<b>litigation</b> 38:23 39:15, 19 41:11
<hr/> <p style="text-align: center;"><b>L</b></p> <hr/>			
<b>Lady</b> 45:17			



42:25 44:15 51:14 59:7 60:14 64:23 65:8,15 70:15 73:24 80:21 <b>little</b> 13:4 15:4 59:1 61:22 <b>lives</b> 23:13,18 <b>LLC</b> 75:25 76:1 <b>local</b> 9:8 11:21 27:1 28:2,15 30:21 83:18 <b>locate</b> 27:12 <b>located</b> 43:8 <b>location</b> 56:10 <b>logistics</b> 19:17 <b>long</b> 9:22 22:8 27:24 37:10 <b>longer</b> 37:8,18 <b>look</b> 34:7 47:16 50:25 51:1 57:12 59:15 84:9 85:7 86:25 <b>looked</b> 37:23 <b>looking</b> 72:12 81:7 <b>Lopez</b> 44:22 45:18 67:13 68:5 <b>loss</b> 15:20 17:15 19:3 24:6	<b>losses</b> 26:8 <b>lost</b> 6:13 7:17 8:21,25 9:4 14:11 16:18 23:5,12,17 34:19 45:18 61:9 62:11, 17 <b>lot</b> 13:16 20:6 38:10 77:18, 24 78:1 <b>loud</b> 86:16 <b>love</b> 28:23 33:25 34:3,4,5,15, 23,24 35:12, 13,19 36:12 <b>loved</b> 6:13 7:17 9:1 13:13 21:2 23:17 37:19 <b>Lozano</b> 46:5 48:5 50:4 56:24 <b>Lucie</b> 30:18 <b>luck</b> 14:18 <b>luckily</b> 13:11 <b>Luis</b> 45:16,20 66:12 <b>luxury</b> 87:18 <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <b>M-D</b> 54:13 <b>made</b> 7:13 8:12	12:2,13 22:17,24,25 29:2 31:2 42:20 72:18 81:1 84:4 <b>magnitude</b> 21:10 31:16 33:14 <b>majority</b> 64:3 <b>make</b> 7:23 9:14 14:20 18:20 29:1 36:19 42:8 46:10 50:22 51:7 61:17,18,20, 24 69:3 70:13,14 77:8 88:6, 12,13 <b>makes</b> 79:4 <b>manage</b> 42:4 <b>managed</b> 15:25 <b>manager</b> 48:2 <b>Manashirov</b> 46:9 <b>manner</b> 8:18 12:9 34:12 41:8 <b>Manny</b> 26:18 64:19 <b>MARGARET</b> 6:1 <b>Maria</b> 45:19 <b>Mark</b> 49:5 <b>market</b> 9:7,10 27:15 28:4 36:8 <b>marketing</b> 30:24	<b>Marshall</b> 48:21 <b>marshalled</b> 39:21 <b>marshalling</b> 43:21 <b>Martinez-cid</b> 28:17,18 29:6 47:9, 10,11 63:6,9 66:8,16 68:18 82:9, 13 86:12,13 88:3 <b>Martinez-cid'</b> <b>s</b> 64:13 <b>Marwan</b> 46:17 74:18 <b>Mary</b> 73:13 <b>Marybeth</b> 44:24 67:17 <b>material</b> 50:24 56:7 <b>materials</b> 50:20,22 57:3 <b>matter</b> 48:5 50:4 55:3,9,10 56:24 57:17 81:20 84:19 87:4 <b>matters</b> 28:10 38:23 40:2 42:3,22 43:1,15 47:3 50:16,19 51:14 55:13 60:8 64:17, 25 69:16 75:5 80:6,22 87:23 <b>Matthew</b> 48:20 50:9
---	---	--	--

<b>maximum</b> 65:21	<b>mentioned</b> 19:13 36:5 53:16 64:17	<b>moment</b> 6:12 22:15 23:16,20 54:6	<b>motion</b> 8:15 48:8,23 50:3,6 52:15 53:3 54:23 56:23 57:2 59:19,24 60:23 76:23 83:13 85:10 87:20
<b>Mayor</b> 9:22,24 11:10,12	<b>met</b> 26:4 35:16 42:18	<b>monetize</b> 8:4	<b>motions</b> 80:20 87:13, 22
<b>mean</b> 35:3 38:10 51:25 67:1 81:8	<b>met all</b> 58:18	<b>money</b> 14:13 15:8 18:5,24 27:16 61:25	<b>Moura</b> 46:19
<b>measure</b> 58:7	<b>methods</b> 32:12	<b>moneys</b> 16:2	<b>movant</b> 50:7
<b>medical</b> 70:6	<b>Miami</b> 9:23 10:16 11:13 55:6,9	<b>Mongeluzzi</b> 49:24 66:12	<b>move</b> 33:2 44:12 86:18 87:15, 17 88:2
<b>meet</b> 35:5 57:23 59:10	<b>Miami-dade</b> 23:23 41:14, 16,21,24 42:8,12,17 43:6,11,20 54:3 55:23 56:3 80:8	<b>moot</b> 69:5,13 82:21 83:11	<b>moving</b> 7:15 72:5 83:1
<b>meeting</b> 10:14,20 58:5	<b>Michael</b> 13:18 30:12 31:18 75:21	<b>mooted</b> 68:25	<b>MSP</b> 46:2 70:3
<b>Melville</b> 45:22	<b>million</b> 17:21 19:20, 21,23 20:2 24:20 37:3 39:19	<b>Moreira</b> 45:19	<b>Mulligan</b> 46:25 47:1
<b>member</b> 33:15 39:3,5 71:23 75:15 78:18 79:5	<b>millions</b> 20:6	<b>Moriarty</b> 48:21 53:14	<b>Mullin</b> 49:6
<b>members</b> 12:17 19:6 24:7 26:7 41:4 42:5 44:1 68:3 69:22 78:12 82:3	<b>mind</b> 74:5	<b>morning</b> 12:23,24 13:8 24:14, 15 34:4,5 45:4,14,15 46:4,12,13, 16,21,22,25 47:10,21 48:9 49:1 55:18,19 57:19 61:23 75:19,20 79:14,20 80:13 81:13 87:6	<b>multiparty</b> 21:10
<b>memo</b> 87:20,21	<b>mine</b> 14:16	<b>mortgage</b> 14:14,17	<b>multiple</b> 16:4,5 58:5 65:13
<b>memorial</b> 8:21 9:3,5, 11,12,17,18 10:6,22 11:6 26:14,15 27:2,14 32:5	<b>Miner</b> 46:7 64:16, 22 65:1,14, 16 66:1,17	<b>mortgages</b> 14:8	<b>Mustafa</b> 46:14
<b>memories</b> 11:7	<b>minute</b> 23:5	<b>Moskowitz</b> 67:13 68:4	<hr/> <b>N</b> <hr/>
<b>Men</b> 65:23	<b>minutes</b> 48:11	<b>mother</b> 46:15	<b>name</b> 12:25 17:11 25:9 50:8
<b>mention</b> 68:15	<b>mislead</b> 37:10		<b>named</b> 72:1 83:10, 12
	<b>modify</b> 60:25		<b>names</b> 67:24

<p><b>national</b>                  30:21 56:5</p> <p><b>nationwide</b>                  40:11</p> <p><b>nature</b>                  10:9 40:2,3                  43:2 69:17                  80:4,7</p> <p><b>necessary</b>                  25:24 47:18                  58:24 74:5                  85:9 87:8                  88:1</p> <p><b>necessitated</b>                  70:4</p> <p><b>necessitates</b>                  84:20</p> <p><b>need</b>                  7:18 13:6                  21:3 36:6                  42:9 43:14                  56:25 60:17                  61:15 65:11                  69:11 72:23                  73:17 80:18                  82:21 83:14,                  16,22,24                  84:2,7 85:5                  88:7,13</p> <p><b>needed</b>                  39:11</p> <p><b>needs</b>                  7:21 36:25                  39:11 42:24                  43:16,23                  60:14 61:1                  80:11 87:20                  88:10</p> <p><b>negotiated</b>                  39:17</p> <p><b>negotiating</b>                  32:15 33:13</p> <p><b>negotiation</b>                  18:18 32:21</p> <p><b>neighbors</b>                  23:8</p>	<p><b>never</b>                  7:5 10:10                  31:5 39:3</p> <p><b>news</b>                  6:8,22 24:22                  25:25 27:20                  28:20 33:14</p> <p><b>newspaper</b>                  36:18</p> <p><b>nice</b>                  29:8 88:19</p> <p><b>Nicholson</b>                  65:22</p> <p><b>night</b>                  35:16 48:5                  60:2 76:3</p> <p><b>nights</b>                  40:1</p> <p><b>nine</b>                  61:20</p> <p><b>nonlitigation</b>                  43:15</p> <p><b>normal</b>                  31:10 87:19</p> <p><b>north</b>                  53:10</p> <p><b>Northwest</b>                  43:8</p> <p><b>Notary</b>                  6:2</p> <p><b>note</b>                  44:16</p> <p><b>notice</b>                  48:4 60:3,7                  82:17 86:2</p> <p><b>number</b>                  20:15 21:15                  43:9 59:6                  78:7</p> <p><b>numbers</b>                  70:8</p> <p><b>numerous</b>                  28:19 63:16                  77:20</p>	<p style="text-align: center;"><b>o</b></p> <hr/> <p><b>objection</b>                  58:17,18,25                  74:19</p> <p><b>obligation</b>                  84:14</p> <p><b>obstacles</b>                  21:15,24</p> <p><b>obviously</b>                  15:14 19:17                  21:4 33:8,12                  38:9 40:19                  42:25 52:20                  53:7 56:14                  64:2 67:2                  73:24 75:3                  83:11</p> <p><b>occasions</b>                  58:5 63:17</p> <p><b>occurred</b>                  15:21 24:12</p> <p><b>occurrence</b>                  81:5</p> <p><b>ocean</b>                  10:17</p> <p><b>Oceanside</b>                  10:16</p> <p><b>offer</b>                  10:24 27:11                  29:1,7 74:22                  75:8 78:24</p> <p><b>offered</b>                  26:19,23                  31:3 78:14</p> <p><b>offering</b>                  10:20</p> <p><b>offers</b>                  32:15 34:10</p> <p><b>office</b>                  26:6 44:5</p> <p><b>okay</b>                  15:13 18:13                  20:13,23                  21:8 24:9                  25:12 30:2</p>	<p>35:14 45:11                  47:8,22 50:1                  54:8 55:16                  56:23 64:9                  66:15 67:7,                  14 70:12                  73:10 74:6,8                  77:11 80:24                  81:12 83:3                  85:11,14                  87:8 88:12,                  17</p> <p><b>Oliwkowicz</b>                  46:6</p> <p><b>once</b>                  29:25 51:20                  53:20 54:24                  55:13 60:25                  71:9 81:24</p> <p><b>one</b>                  11:1 13:2                  19:11 23:3                  26:15,17                  32:12,14                  33:9 35:15,                  19,23 38:12                  40:9 41:17                  52:4 53:3,11                  54:22 55:3                  58:24,25                  59:18 61:15,                  21 63:13                  64:15 65:6                  66:5 71:10,                  15 73:23                  75:5 80:25                  84:19</p> <p><b>one's</b>                  51:19</p> <p><b>ones</b>                  6:13 7:17                  9:1 13:13                  21:2 23:17                  37:19</p> <p><b>open</b>                  31:1 33:19                  77:6 85:25</p>
---	---	--	---

<p><b>open-minded</b>                  37:20  <b>opening</b>                  26:9 36:5  <b>operated</b>                  43:7  <b>opinion</b>                  10:10  <b>opportunity</b>                  8:11 12:4,15                  28:8 36:20  <b>opposed</b>                  83:25  <b>opposition</b>                  87:21  <b>option</b>                  9:20 10:12                  11:14,23,25                  22:15,21                  28:23 34:7                  36:25 37:22  <b>options</b>                  8:15 11:14,                  19 12:3                  31:22 32:3,                  7,22 33:23                  34:17 35:8,9  <b>order</b>                  7:19 27:8,9                  31:15 33:17,                  22 40:5 42:9                  43:15 44:2                  50:16,24                  51:1,10                  53:19 56:7,                  19,20 57:2,4                  58:21 59:15,                  19 66:10                  76:23 79:17,                  20 80:2,10,                  11,22,24                  86:25 87:1                  88:13,15,17  <b>ordered</b>                  60:12  <b>orders</b>                  53:18</p>	<p><b>ore</b>                  87:15,23  <b>Oren</b>                  12:25  <b>Oresme</b>                  46:18  <b>org</b>                  43:12  <b>organization</b>                  44:1  <b>organizational</b>                  77:20 78:20                  81:22  <b>organized</b>                  74:4  <b>oriented</b>                  43:1  <b>original</b>                  35:24  <b>outright</b>                  32:21  <b>outset</b>                  61:6  <b>overlap</b>                  70:11  <b>owed</b>                  27:16  <b>owned</b>                  8:5 17:2,4                  18:7 53:9,17  <b>owner</b>                  13:2,21 14:4                  17:5 54:16  <b>owner/                  developer</b>                  22:19  <b>owners</b>                  13:10 18:7,                  25 20:7,24                  21:13,17                  22:18 34:12                  35:6,11                  37:8,15,17                  39:23  <b>owns</b>                  17:5,6 60:6</p>	<p><b>P</b></p> <hr/> <p><b>page</b>                  18:15 36:10  <b>paid</b>                  9:12 14:8,                  15,16,17                  31:6  <b>pain</b>                  7:3,4  <b>Paraguay</b>                  45:17  <b>paramount</b>                  81:21 84:23  <b>parents</b>                  35:23  <b>park</b>                  10:16,21                  53:13 60:6                  76:21  <b>part</b>                  8:6 9:3                  13:17 14:6                  21:14 35:5                  79:2 84:1  <b>participate</b>                  34:20 37:18                  75:9 85:5  <b>participated</b>                  59:17 71:1  <b>participating</b>                  45:6  <b>participation</b>                  35:10 71:6  <b>parties</b>                  8:10 12:4,8,                  14 22:2 26:2                  32:15 40:18,                  22 51:17                  74:12 87:2  <b>partner</b>                  45:5 47:11                  48:17 63:7  <b>partnership</b>                  22:19</p>	<p><b>party</b>                  37:5 42:8                  81:20 82:14,                  22 84:12  <b>past</b>                  28:22  <b>Paul</b>                  45:5  <b>pay</b>                  9:9  <b>paying</b>                  17:8  <b>payments</b>                  39:20  <b>peace</b>                  77:1  <b>pending</b>                  54:4 80:9,                  10,22  <b>people</b>                  13:10 14:3,                  7,8 16:8,18,                  20 17:2,9,15                  18:8 19:25                  22:9 23:5,7,                  13 24:5                  26:6,7,10,11                  27:4 29:16                  30:10 34:10,                  19 35:17,19,                  21 36:15,18                  37:10 39:5                  40:25 41:2                  58:15,23                  59:7,21,23                  61:9 64:4,7                  65:10 66:20,                  21,22 67:19                  71:3,13                  77:25 78:7                  87:13  <b>peoples</b>                  70:6  <b>perceive</b>                  69:20,24  <b>Perez</b>                  45:22</p>
--	---	---	--

<b>perform</b> 42:11	<b>pillars</b> 26:17	<b>policies</b> 69:6 81:2,5, 10	22:12
<b>period</b> 27:24 82:24 85:21 86:2	<b>Pita</b> 46:21,22	<b>political</b> 28:2	<b>practice</b> 77:18
<b>perish</b> 7:1	<b>place</b> 6:25 38:10 53:19 57:16 71:9	<b>Port</b> 30:18	<b>Prado</b> 46:23 66:12
<b>perished</b> 11:8 20:25 22:2	<b>places</b> 53:16	<b>Porter</b> 46:16,17 74:17,18 75:2,16	<b>pray</b> 7:4
<b>permit</b> 7:24	<b>plaintiffs</b> 52:2	<b>portion</b> 17:6	<b>precedent</b> 77:8
<b>permitting</b> 53:18	<b>plan</b> 21:4,14 36:7,15,19 54:14 71:16 87:6	<b>position</b> 55:15 72:8	<b>precipitously</b> 76:11
<b>person</b> 25:23 61:15	<b>plate</b> 29:25 81:12	<b>positions</b> 16:8 61:4	<b>preferred</b> 10:11
<b>personal</b> 16:19 42:24 43:2 61:8 68:18	<b>playing</b> 14:22	<b>positive</b> 24:17 74:23	<b>prejudge</b> 15:14
<b>personally</b> 39:24 77:25	<b>pleading</b> 71:11,15 72:9,25 73:2,6,15,22 80:10 83:12 85:17,22	<b>possession</b> 51:6 53:25 55:24	<b>preliminarily</b> 20:12 22:8
<b>personnel</b> 11:5	<b>please</b> 6:15 25:8,19 40:17 43:24 44:21 45:3, 24 57:1,20 74:17 79:25	<b>possibility</b> 32:19,20 34:18	<b>preliminary</b> 15:12 16:24, 25 17:13
<b>pertains</b> 70:6 84:12, 13	<b>pledged</b> 79:6	<b>possible</b> 6:10 32:6 34:6 36:25 88:14	<b>prepaid</b> 86:22
<b>pertinent</b> 77:8	<b>Podhurst</b> 47:12 63:8	<b>possibly</b> 34:7 52:6 73:18	<b>prepared</b> 8:16 26:1
<b>Pettengill</b> 45:19,20	<b>podium</b> 12:21 19:11	<b>potential</b> 10:12 15:6 30:24 32:3 33:22 50:24 51:15 52:2 60:9,10,13 73:4 76:5	<b>present</b> 47:7 82:11 86:23 88:5
<b>Philadelphia</b> 49:20	<b>point</b> 11:16 24:9 33:6 51:1,2 53:17 54:8, 22 81:1 84:7	<b>potentially</b> 20:2	<b>presents</b> 22:20
<b>PHILLIPS</b> 6:1	<b>police</b> 11:4 54:4,13 56:4	<b>Pottinger</b> 49:2	<b>preservation</b> 50:5,15,18, 23 51:10 53:19 56:7, 19 57:4
<b>phone</b> 26:5 30:11 39:24 43:9 44:5 48:1 53:12 58:19		<b>power</b> 7:11 8:23	<b>preserve</b> 52:25
<b>physical</b> 64:6		<b>practical</b> 20:16 21:15	<b>preserved</b> 8:21 51:3 56:9
<b>physically</b> 86:23 88:5			<b>presides</b> 9:23
<b>Piedra</b> 44:22			<b>pretty</b> 68:24
			<b>previous</b> 59:6 60:4
			<b>pride</b> 78:18

<b>primary</b> 14:4 55:1,8 69:12	3,5,7 34:14, 21 35:1 52:3 73:20	70:18 84:10	<b>purchase</b> 32:4
<b>Principally</b> 61:17	<b>professional</b> 34:9,25 35:3 36:13	<b>proportionate</b> 17:3	<b>purchaser</b> 9:13
<b>prior</b> 81:5	<b>professionall</b>	<b>proposal</b> 16:11	<b>purchasers</b> 34:8
<b>private</b> 9:13 11:23 31:21 32:7, 12,15 33:23 37:5	<b>y</b> 78:1	<b>propose</b> 61:11,13 62:5 63:3,11 67:10 71:14	<b>purpose</b> 38:7 83:23
<b>privately</b> 53:17	<b>professionals</b> 27:9 31:16 33:10	<b>proposed</b> 57:2 58:16, 21 59:1,15 62:7 66:10 67:15 70:24 74:14 75:18 79:17	<b>purposes</b> 9:3 17:22,25 28:13 65:15
<b>pro</b> 26:24 27:5 29:15 31:3, 12,19 33:17 36:16 38:5 42:4,13,19 43:16,22 58:11	<b>profit</b> 21:20	<b>protected</b> 19:8	<b>pursuant</b> 12:20 41:23 48:4 52:10 54:3
<b>probably</b> 10:24 14:14	<b>program</b> 42:13 43:7, 21	<b>proposing</b> 59:11 61:3	<b>pursue</b> 60:17,18
<b>probate</b> 42:2,21 80:6	<b>project</b> 21:10	<b>protecting</b> 16:17	<b>pursued</b> 30:25 60:14
<b>probating-</b> <b>guardianship</b> 41:25	<b>promise</b> 12:9 72:15	<b>protocol</b> 51:24 52:11	<b>pursuing</b> 31:21 32:6, 18,19
<b>problem</b> 69:21,24 70:16	<b>properly</b> 52:25 73:22	<b>protracted</b> 39:15	<b>put</b> 8:14 17:21 36:19 42:12 43:6,20 44:5 60:6 79:25 82:16
<b>proceed</b> 24:8 32:16 44:14,18	<b>property</b> 8:14 9:1,6, 11 11:20 13:10,21 14:5,11,19 15:20 16:18 17:1,5,10, 11,12,14,15 18:6,7,25 19:22 20:7 21:3,12 24:19,21 26:7,8,10,13 27:3 32:4 34:8,11,13 35:7 37:2 42:24 43:3 48:6,10 51:6 53:9 55:24 56:8 61:9 62:2,11,17, 18 66:4,21 67:10,11,15, 21 68:5,13, 17,21 69:22	<b>prouder</b> 39:3	<b>putative</b> 71:23
<b>proceeding</b> 69:2		<b>proudly</b> 11:3	<b>putting</b> 23:10 57:16
<b>proceedings</b> 6:8 24:10 80:1,3,4,7 82:7 83:5		<b>provide</b> 7:20 9:10 22:10 54:15 78:22 79:16	<hr/> <b>Q</b> <hr/>
<b>proceeds</b> 14:15 26:11		<b>provides</b> 59:19	<b>QBE</b> 49:9
<b>process</b> 8:14 12:12 13:15 25:17 32:25 33:1,		<b>providing</b> 29:20	<b>qualification</b> <b>s</b> 78:6
		<b>public</b> 6:2 9:2,6 27:2,13,24 29:21 53:16 55:5 79:3	<b>qualified</b> 78:7
		<b>pulled</b> 23:7	<b>question</b> 69:12 71:8 82:11
			<b>quickly</b> 58:1,13

61:25 76:7 <b>quite</b> 13:9 33:11 66:14	<b>received</b> 9:21 30:11 40:14 41:14 48:4 68:25	<b>reduce</b> 56:25	<b>rented</b> 13:13
	<b>receiver</b> 6:14,18 11:17 21:18 24:11 25:14 28:12 35:4,8 44:11 45:7 54:16 65:8 80:19	<b>referenced</b> 48:23	<b>renters</b> 13:11 16:20
<hr/> <b>R</b> <hr/>	<b>receiver's</b> 29:10 33:21	<b>referred</b> 58:6 66:18	<b>replaced</b> 60:18
<b>raise</b> 76:10	<b>receivers</b> 40:10	<b>regard</b> 63:22	<b>report</b> 6:9 24:18 40:21
<b>raised</b> 14:25 18:5, 24	<b>receivership</b> 30:24 31:15	<b>regarding</b> 63:19	<b>Reporter</b> 6:2 25:11 49:15,17 76:13
<b>Rami</b> 44:24	<b>receiverships</b> 30:15,16	<b>reiterating</b> 57:3	<b>represent</b> 19:6 47:25
<b>reached</b> 57:22	<b>recent</b> 10:3	<b>related</b> 47:3 50:18 87:2	<b>representatio</b> <b>n</b> 43:17 60:5 70:19 78:23
<b>reaches</b> 40:13	<b>recently</b> 48:22	<b>relating</b> 11:19 48:6 55:4	<b>representative</b> <b>e</b> 25:2,5,7 55:17
<b>read</b> 9:25 41:22 50:6	<b>recognize</b> 85:1	<b>relations</b> 28:14	<b>representative</b> <b>s</b> 28:14,25 41:17 71:21 72:2
<b>real</b> 8:4 17:6 20:18 21:24 30:16,21 31:6 33:10, 23 42:24	<b>recognized</b> 15:5,7 16:7 26:8 61:7	<b>relationships</b> 29:17	<b>represented</b> 16:12,22 54:20
<b>reality</b> 16:23 37:1	<b>recognizes</b> 9:19	<b>relative</b> 52:15	<b>representing</b> 13:25 16:16 30:17 47:13 48:16,21 51:4 52:1,2 70:17 79:8
<b>reason</b> 8:1 75:7	<b>recommendatio</b> <b>ns</b> 59:4	<b>released</b> 54:25	<b>reputation</b> 40:11
<b>reasons</b> 33:4 53:3	<b>record</b> 9:25 41:22 43:5 44:17 48:7 64:2	<b>releasing</b> 83:17	<b>request</b> 28:12 29:10 30:2 33:4,21 38:7 45:8 79:25 84:1,4
<b>rebuild</b> 11:24 19:20, 24 20:12 22:10 26:12 35:21 36:2 37:5,15	<b>records</b> 70:7	<b>relief</b> 84:12	<b>requests</b> 61:21
<b>rebuilding</b> 19:15 21:14 34:18 35:9 37:4	<b>recoveries</b> 18:10 19:1	<b>relieve</b> 7:8	
<b>recall</b> 55:6	<b>recovery</b> 46:2 51:15 52:24 70:3	<b>relieved</b> 78:10	
<b>receive</b> 42:13	<b>redevelop</b> 21:4	<b>rely</b> 82:2	
		<b>remaining</b> 37:15	
		<b>remind</b> 55:2	
		<b>reminding</b> 56:17	
		<b>remiss</b> 59:16	
		<b>removed</b> 56:8,10,12	

<b>require</b> 18:18,19 21:10	<b>retain</b> 27:9 28:12 30:3 31:15, 18 33:21 38:7	<b>Rosa</b> 45:25	<b>sanctuary</b> 6:25
<b>requirements</b> 57:23,24 59:14	<b>retained</b> 35:4 53:14	<b>Rosen</b> 46:12,13,14 66:12	<b>satisfy</b> 17:1
<b>requires</b> 50:17	<b>retaining</b> 34:13	<b>Rosenberg</b> 48:16 49:25	<b>savings</b> 14:13
<b>requiring</b> 29:24 53:18	<b>retention</b> 29:10	<b>roughly</b> 19:19,21	<b>saying</b> 17:22 57:20 60:4,12 84:17
<b>reside</b> 7:2	<b>returned</b> 39:22	<b>route</b> 32:14	<b>says</b> 65:21
<b>residence</b> 14:4	<b>review</b> 60:13,16,20	<b>row</b> 52:8	<b>Scarola</b> 66:11
<b>resolution</b> 16:3	<b>reviewed</b> 56:13	<b>rowing</b> 40:25	<b>scene</b> 56:1
<b>resolve</b> 87:22	<b>reviewing</b> 60:7,9,10	<b>Ruiz</b> 45:24,25 66:12 68:20, 22 69:2,7, 14,18 70:1, 21 81:6	<b>scenic</b> 10:19
<b>resolved</b> 55:13 60:24	<b>Ricardo</b> 47:11 63:6	<b>rules</b> 87:19	<b>scope</b> 50:23 51:9 57:4
<b>resources</b> 42:1 74:22 75:10	<b>right</b> 15:22 21:3 22:23 23:24 30:17 32:8 62:9,14 63:25 66:4 68:6 70:22 71:18,23 76:18 83:3 86:9	<b>rummaging</b> 52:5	<b>second</b> 23:10
<b>respect</b> 23:9 26:15 75:13 77:7	<b>rights</b> 12:7 16:17 69:10 79:9 86:3	<b>running</b> 73:16	<b>secondary</b> 14:12
<b>respectfully</b> 42:7 45:8	<b>robust</b> 70:9 73:12	<b>Russomanno</b> 41:18,19 43:13,19,24 44:3	<b>sector</b> 9:13 11:23 31:21 32:7 33:23
<b>respective</b> 63:3	<b>Rodney</b> 26:17 64:18	<hr/> <b>s</b> <hr/>	<b>secure</b> 7:19 8:6 30:5 37:16 38:5 43:16 79:8
<b>respond</b> 18:4	<b>role</b> 19:25 51:21	<b>sacred</b> 8:20	<b>secured</b> 27:25 39:18
<b>responding</b> 58:9	<b>rolled</b> 74:3	<b>sacrificed</b> 40:4	<b>securing</b> 22:3 33:13
<b>responses</b> 80:20	<b>room</b> 23:3 35:18 77:17 86:15	<b>safe</b> 7:1	<b>security</b> 70:7
<b>responsibilit y</b> 12:6 55:8		<b>safety</b> 55:5 84:23	<b>see</b> 27:1 28:2,7, 23 29:12 33:19 52:21 57:22,25 83:9 85:4 86:1,6
<b>responsible</b> 61:4,15		<b>sale</b> 8:13 9:6 11:21,23 14:15 30:24 32:12 33:23	
<b>rest</b> 6:22			
<b>restrictions</b> 58:12			
<b>result</b> 6:13 74:23			



<b>seek</b> 27:10,17 84:12	74:25 86:17	<b>sides</b> 13:25	56:11,12,18 81:23,24,25
<b>seeking</b> 26:25	<b>service</b> 10:2 11:9 29:21 40:16 41:9 42:15 45:16 79:3	<b>sift</b> 78:5	83:17,20 84:2,10,24 85:3
<b>select</b> 71:25	<b>services</b> 27:25 28:13 31:3 42:11, 19 65:16	<b>sign</b> 23:8	<b>sites</b> 53:5
<b>selected</b> 64:21	<b>servicing</b> 69:21 70:17	<b>significant</b> 24:16	<b>situation</b> 27:14
<b>selling</b> 20:5 30:18	<b>sessions</b> 87:13,15	<b>silence</b> 23:5,16,20	<b>situations</b> 13:14
<b>sellout</b> 19:22	<b>set</b> 43:10 48:9 57:24 59:14 61:21	<b>Silva</b> 46:4,5 57:7, 12,14 66:13 82:16,23 85:15,19 86:8	<b>skill</b> 78:8
<b>send</b> 57:13	<b>Seth</b> 49:2	<b>simply</b> 7:2 32:14,21 69:8 71:22 83:25	<b>Skip</b> 46:22
<b>senior</b> 63:7	<b>setting</b> 42:21 71:11	<b>simultaneous</b> 49:12	<b>slash</b> 61:8 64:8
<b>sensitive</b> 19:16 53:7 70:5	<b>Seven</b> 53:13 60:6 76:21	<b>simultaneousl y</b> 11:18 22:3	<b>sleep</b> 6:24 40:3
<b>sensitivities</b> 52:22	<b>Shannon</b> 46:23 66:11	<b>sincere</b> 11:11 29:19	<b>social</b> 70:7
<b>sentiment</b> 8:22	<b>share</b> 9:21 17:3	<b>Sincerely</b> 11:10	<b>Sofia</b> 45:19
<b>separate</b> 13:23 14:1,9 32:1 82:2	<b>Shea</b> 49:21	<b>Singerman</b> 39:12 41:1 45:5 65:21	<b>Sohn</b> 44:23 67:17
<b>separately</b> 62:13	<b>Shmuelly</b> 44:24	<b>single</b> 65:11	<b>sold</b> 10:6 26:11
<b>separation</b> 11:1	<b>short</b> 64:5 76:2	<b>sir</b> 12:23 23:21 24:4 46:20 48:19 74:7, 10,16 75:24 76:16 79:22	<b>sort</b> 36:10
<b>Sergio</b> 48:5	<b>shortly</b> 76:15,17,20 83:18	<b>site</b> 10:5 23:18 50:21,23 51:8,17 52:23 53:5, 25 54:2,7,9, 14,24 55:1	<b>sorts</b> 31:1
<b>serious</b> 61:9	<b>shot</b> 22:8 37:11		<b>sounding</b> 13:3
<b>seriously</b> 12:7	<b>shoulder</b> 9:16		<b>south</b> 10:15 26:23 40:10 75:5
<b>Serota</b> 47:5,6,24 48:12 51:4 53:24 54:1, 21,22 55:16 85:7 86:6	<b>shuffle</b> 23:12		<b>speak</b> 6:12,19 29:4 52:20 54:21
<b>serve</b> 58:15 59:22, 24 63:12,17 66:2 72:1	<b>side</b> 52:4 63:20, 24		<b>speaking</b> 13:8,16 24:4 29:3
			<b>special</b> 29:10 30:4 39:22
			<b>specifically</b> 58:24 74:20

<b>speechless</b> 29:2	<b>statutorily</b> 82:17	61:3 62:5,7 63:1,15	16 64:7 71:13
<b>speed</b> 24:24	<b>statutory</b> 82:24	70:24 71:9 74:14 75:18	<b>suffering</b> 7:8
<b>spend</b> 40:5	<b>stay</b> 66:5 73:25 74:3 80:1,15	77:20 78:20 79:18 81:22, 23	<b>sufficient</b> 27:13
<b>spent</b> 35:25	<b>stayed</b> 80:4,9,22 83:5	<b>structured</b> 19:7 73:22	<b>suggest</b> 81:8 85:19
<b>spirit</b> 10:24	<b>steering</b> 59:19 62:23 64:13 66:6, 9,18,20,22 67:23,25 68:1,4,12, 17,19 75:1, 15,18	<b>Stuart</b> 47:1 63:16, 20	<b>suggesting</b> 17:22
<b>spoke</b> 32:11 35:23 59:12	<b>step</b> 29:14,22 36:14 38:4 39:14 78:13	<b>Suarez</b> 45:14,15,16 66:13	<b>Suite</b> 43:8
<b>spoken</b> 26:5 58:3 63:16 70:1 71:1	<b>stepped</b> 31:7 44:2	<b>subclass</b> 64:9	<b>supervision</b> 35:7 62:24 64:13
<b>spot</b> 87:24	<b>stepping</b> 24:24 29:20, 25 30:11 39:4 65:10 79:4 81:12 86:17	<b>subclasses</b> 14:2 71:13 72:11	<b>support</b> 10:24 29:6
<b>spread</b> 51:14	<b>Steve</b> 49:8	<b>submit</b> 57:1,5,8	<b>supported</b> 11:3
<b>St</b> 30:18	<b>story</b> 13:17	<b>submits</b> 57:9	<b>sure</b> 14:20 18:3 20:16,18 21:7 26:3 47:14 49:19 51:4 60:20 61:17,18,20, 24 63:7 69:3 70:13,14 77:16 88:6,8
<b>Stacie</b> 46:15	<b>stress</b> 64:5	<b>subrogation</b> 69:10	<b>Surfside</b> 10:3 48:1 51:5 53:10 54:1,11 55:10 81:17 82:6 85:16, 20
<b>stalking-horse</b> 32:13,17,20, 25 33:7 34:7	<b>strong</b> 29:18	<b>subside</b> 7:4	<b>surprise</b> 77:16
<b>Standards</b> 56:5	<b>structural</b> 88:15	<b>subsidiaries</b> 60:5	<b>surprised</b> 82:18
<b>start</b> 57:20 63:5	<b>structure</b> 16:14 19:5 22:4,20 37:4,6,15 38:24 44:13 53:21 57:16 58:16 59:1	<b>substantial</b> 10:18 82:25	<b>surrenders</b> 81:24
<b>starting</b> 87:10		<b>subtract</b> 59:25	<b>survivor</b> 13:10
<b>state</b> 6:2 9:8 11:21 26:25 28:1,15		<b>subtracted</b> 59:20	<b>suspect</b> 10:23
<b>stated</b> 35:16		<b>success</b> 75:5 77:25	
<b>statement</b> 81:1		<b>successive</b> 52:7	
<b>status</b> 38:11		<b>sued</b> 73:7	
<b>statute</b> 82:25 85:17		<b>suffer</b> 16:19	
		<b>suffered</b> 15:10 18:13 26:7 62:12,	

<b>sympathize</b> 22:9	<b>task</b> 11:18 24:1 79:4,14	30:9 35:12, 13 38:8 40:16,23	<b>thinking</b> 23:10
<b>sympathy</b> 7:7	<b>tasks</b> 66:23 67:20	41:9,10,20 42:15 43:18, 24 44:3,9, 20,25 45:1, 16 46:3,20 47:4 48:11, 18,19 52:17 54:18 55:16, 21 56:16,22 57:12,14 70:21 71:5,7 75:16 77:13 78:25 79:1, 14,21 85:12 86:8 88:3,18	<b>third</b> 20:24 21:12 82:14 84:12
<b>systems</b> 70:9	<b>team</b> 40:25 41:4 78:15		<b>third-party</b> 18:10 60:14
<b>T</b>	<b>teams</b> 67:2		<b>Thirty</b> 37:3
<b>table</b> 20:6 32:23 34:23 78:16	<b>Technology</b> 56:6		<b>Thomas</b> 75:19,21,25 76:16,19,25 77:2,12,13
<b>tag-along</b> 80:16	<b>television</b> 36:17		<b>thorough</b> 77:7
<b>take</b> 6:12 8:4 19:20,21 21:6,19 34:9 38:16 57:12 75:8 83:19 84:9 85:7,11 86:11 87:14	<b>tell</b> 28:23 39:18 60:2 78:9		<b>thoroughly</b> 8:9 22:16,22
<b>taken</b> 6:1 8:3 38:10 39:22	<b>ten</b> 67:24 76:18, 21,24 77:3 87:20	<b>thanked</b> 39:12	<b>thought</b> 20:17 21:16, 22 59:9
<b>takes</b> 12:6 56:23 87:21	<b>tender</b> 69:6	<b>thanks</b> 29:20 43:25 49:17	<b>thoughtful</b> 12:9 18:21
<b>taking</b> 22:1 32:14 37:7 68:7 77:15	<b>tendered</b> 25:15 81:2	<b>thereof</b> 9:9	<b>thoughts</b> 6:23 15:12
<b>Tal</b> 44:22	<b>tendering</b> 24:20,25	<b>thing</b> 19:11 24:18 59:18 65:6	<b>time</b> 7:4 9:22 14:6 23:22 24:3 27:25 32:6 33:16 38:16 40:4 42:14 51:12, 23 54:6,9 56:14 66:6 69:9,23 71:4 72:17,22 76:3 85:18 86:4
<b>talent</b> 30:20 31:11 78:8	<b>tenders</b> 68:25	<b>things</b> 42:21 43:3 56:10 59:4, 9,18 62:4 69:17 74:4 79:24	<b>timeframe</b> 72:11
<b>talented</b> 29:16	<b>tenus</b> 87:16,23	<b>think</b> 18:14 20:8 22:11 23:1, 8,15 35:17 37:9,10,14 50:16 53:9 59:5 60:15 61:14,22 63:18,20 64:21,22 68:14 69:9, 11 72:8 77:9 84:20 85:8 86:15	<b>timely</b> 8:18 40:22
<b>talk</b> 67:9	<b>terms</b> 33:12 58:15 78:14		<b>times</b> 14:10
<b>talking</b> 20:21 23:11 73:1,3,5,9 81:10	<b>Terra</b> 75:25 76:1		<b>timing</b> 72:7
<b>targets</b> 73:5	<b>terrific</b> 19:10 24:22 25:25 28:5,6		<b>tirelessly</b> 39:17 40:12
	<b>testament</b> 31:7		
	<b>thank</b> 10:1 16:18 23:19,21,22 24:3,4 25:13,21 29:7,8,13,24		

<b>title</b> 42:23 43:3	28:20	25 71:17,24	<b>Umberto</b> 45:20
<b>today</b> 16:13 19:6 28:7 41:18 51:20 54:20 64:16 74:9 85:25 86:10 88:15	<b>tragic</b> 12:18	72:3,13,20 73:1,10 74:7,10,15 75:6,11 76:2,22 77:5 78:11 79:16, 25 88:6,12	<b>unanimity</b> 26:9
<b>top</b> 18:10 26:21 30:22 37:6 76:12	<b>tragically</b> 7:1	<b>transactions</b> 33:13	<b>uncompensable</b> 19:3
<b>topic</b> 9:18	<b>transfers</b> 42:23	<b>transitions</b> 54:14,15	<b>underinsured</b> 37:2,3
<b>Torres</b> 46:8	<b>transparent</b> 12:12 33:1	<b>traumatic</b> 64:5	<b>understand</b> 13:5 14:7 19:4,19 20:10,11,19, 23 21:16,22 22:10 25:11 32:1 36:3 41:16 56:7 57:23 68:10 70:10 72:22 73:14 81:4
<b>tough</b> 52:25 53:7	<b>Traurig</b> 60:3 75:22	<b>turn</b> 38:22 47:8, 22 57:15	<b>understandabl e</b> 35:22
<b>towers</b> 6:6 10:15 53:10 73:24 80:5	<b>traveling</b> 83:6	<b>turned</b> 54:9	<b>understanding</b> 31:23 80:14 86:18
<b>town</b> 48:1,2 51:5 53:25 54:6, 10,16,25 55:10,15 81:17,19 82:6 83:19 84:1 85:16, 20	<b>treat</b> 31:10	<b>turns</b> 87:7	<b>understands</b> 8:22 36:4
<b>track</b> 32:17 62:18, 20 65:25 66:5,7,15 67:2,10,11 68:3,5,13,17	<b>treated</b> 56:1	<b>tweaks</b> 88:13	<b>understatemen t</b> 78:3
<b>tracks</b> 61:8 63:4	<b>tremendous</b> 27:6	<b>two</b> 13:20,23 26:16 27:4 28:22 32:11 59:18 61:7, 11 63:3 65:24 66:1 67:2 68:3 79:24	<b>understood</b> 8:8 53:6 77:2
<b>traditional</b> 32:14,21	<b>trial</b> 87:10	<b>type</b> 43:4 80:20 81:5	<b>undertaking</b> 21:9 22:5,13 78:10
<b>tragedy</b> 6:14 7:6 8:5,25 9:16 10:3,23 11:2 12:10 25:1	<b>trials</b> 59:8	<b>types</b> 59:9	<b>underway</b> 39:20
	<b>tribute</b> 9:4	<b>typically</b> 73:19 84:15	<b>undivided</b> 17:6
	<b>trigger</b> 51:2		<b>unfair</b> 14:11
	<b>triggered</b> 81:6	<hr/> <b>U</b> <hr/>	<b>unfathomable</b> 7:3
	<b>Tropin</b> 44:19,20,21 57:18,19 60:10 61:6 62:9,14,21, 25 63:5,15, 25 64:10,15 65:5,20 66:4,11,19 67:4,8,12, 16,24 68:6, 14,20 70:23,	<b>ultimately</b> 30:25	<b>unit</b> 13:3 14:17 17:5,23

21:13,17	<b>Valerie</b>	38:5 39:1	16:1,2
22:18,19	49:21	40:14 41:12	19:18,25
34:3,12,21	<b>valuable</b>	42:20,25	23:12 26:10,
35:6,11	9:19 22:25	43:14,23	11,12 27:15
37:8,15,17	63:21	44:2,10	29:24 31:24,
39:23	<b>valuations</b>	60:19 70:18	25 36:2,9,
<b>units</b>	17:24	72:1 74:13,	14,23 37:10
13:2,13	<b>value</b>	24 75:9	39:2,7 41:12
17:3,9,18	9:7,10 17:1,	78:23 79:8	43:18 50:25
18:9 20:25	8,19,20,23	<b>victims'</b>	52:14 53:23
21:21 34:19	18:6,8 27:15	26:4 43:11	55:14 59:24
<b>unnamed</b>	28:4 36:8	<b>view</b>	60:1 61:17,
71:22	<b>various</b>	16:24 40:9	18,19,20,24
<b>unnecessary</b>	35:6 47:14	66:22	62:1 65:18
87:5	68:25 71:13	<b>viewed</b>	66:19 69:3
<b>unrelated</b>	<b>vast</b>	19:18	70:10,13,14,
60:8	64:2 75:4	<b>viewpoints</b>	23 73:21,23,
<b>unspeakable</b>	<b>venture</b>	8:9	24 74:2,4
6:14	10:10 37:19	<b>views</b>	84:16,21
<b>untampered</b>	<b>vetted</b>	18:22 35:6	86:19 87:4,
52:12	12:3 22:16,	70:20 75:6	14 88:15
<b>unthinkable</b>	22	<b>vigorously</b>	<b>wanted</b>
11:2 12:22	<b>viable</b>	82:15	34:5 35:21
<b>update</b>	8:15 11:19,	<b>voice</b>	41:22 52:20
24:12 38:11	25 22:15,21	65:12	60:6 70:20
<b>updated</b>	34:17 36:7,	<b>voices</b>	74:19 76:7,
40:18	20 37:14,22	49:12	11 86:14
<b>upgrade</b>	82:14,19	<b>voluntarily</b>	88:4
10:18	<b>victim</b>	74:2	<b>warehouses</b>
<b>urge</b>	13:21,22	<b>volunteer</b>	56:9
36:16,18	<b>victimized</b>	59:13	<b>Warm</b>
<b>urgency</b>	12:22		42:16
38:20	<b>victims</b>		<b>wasted</b>
<b>urging</b>	6:16 7:5	W	16:1
39:14	8:5,17,19,24	<b>wait</b>	<b>wasting</b>
<b>usual</b>	9:10,16,20	83:1	16:2
7:14	10:8,22	<b>waiting</b>	<b>watched</b>
<b>utmost</b>	11:2,24 12:9	82:24 85:21	6:21
75:13 78:21	15:9 19:2	<b>waive</b>	<b>way</b>
<b>utterly</b>	20:4,8,11	85:21 86:2	19:7,18
60:15	21:21 22:11	<b>walk</b>	37:14 47:15
	24:6 25:1	53:8	52:21 59:22
	27:7,12	<b>want</b>	<b>ways</b>
	28:5,19	6:9,18 7:23	77:23
	29:15 30:1,6	9:20 10:11	<b>weather</b>
	31:13 33:2,	12:17 14:20	13:4
	18 35:18	15:13,17	<b>Weber</b>
			46:23
<b>v</b>			
<b>vacation</b>			
86:22 87:9			

<b>website</b> 44:6	<b>wonderful</b> 23:15 27:20, 23	20 63:6,20, 24 64:1,3,8 65:24 66:7, 15 67:19 68:2 71:13
<b>Wednesday</b> 8:2 24:13 32:11 58:19 87:6,15,25	<b>word</b> 16:25 22:21	<b>wrote</b> 41:21 60:12
<b>week</b> 10:13 26:16 86:22 87:7, 10	<b>words</b> 13:8 31:24 34:16 40:24 68:7 83:23	<hr/> <b>Y</b> <hr/>
<b>weekends</b> 40:1	<b>work</b> 13:15 26:24 36:14,18 38:4 40:12 41:7 42:4 43:3 53:1 57:25 58:11, 12 61:1,17 65:3,8,9 67:3 77:19 79:19 86:19	<b>Yaffa</b> 47:1
<b>weekly</b> 40:19 87:12	<b>worked</b> 47:14 57:21	<b>Yeah</b> 57:12 85:1
<b>weeks</b> 26:4	<b>working</b> 35:7 39:25 54:13 62:23 64:12 66:8 67:18 68:4	<b>year</b> 55:3 81:3
<b>well-earned</b> 40:11	<b>world</b> 15:9	<b>yeoman's</b> 40:6
<b>well-known</b> 26:20 30:13 64:19	<b>world-</b> <b>renowned</b> 55:11	<b>yesterday</b> 9:21 13:18 41:14 42:18 87:1
<b>Wells</b> 48:15	<b>worried</b> 13:22	<b>Young</b> 30:12,23 31:18,20 33:22 38:3
<b>went</b> 49:20 78:13	<b>worth</b> 77:10	<hr/> <b>Z</b> <hr/>
<b>Wilder</b> 57:5	<b>wrangle</b> 62:3	<b>zealously</b> 78:22
<b>Wildner</b> 48:20 50:9, 10,12,13 52:13,16 57:1	<b>writing</b> 56:25	<b>zero</b> 11:4
<b>William</b> 25:9 47:1	<b>written</b> 58:18,25	<b>Zoom</b> 13:19 25:6 35:17 44:23 45:6 46:18 47:2,8,12, 22,23 48:2, 14,24 49:18 58:5,19 74:18 86:24 87:3
<b>Willie</b> 46:17 74:18	<b>wrongful</b> 16:19 18:13 20:9 28:19 61:8,10 62:2,12,16,	
<b>willingness</b> 29:14 74:21		
<b>wills</b> 42:22		
<b>Wilson</b> 25:9,13,17, 22 50:11		
<b>win-win</b> 27:14		
<b>wishes</b> 9:14 38:15		