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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.

-----/

PROCEEDINGS BEFORE HONORABLE MICHAEL A. HANZMAN  
STATUS CONFERENCE

Miami-Dade Children's Courthouse  
155 Northwest 3rd Street  
Courtroom 10-1  
Miami, Florida 33128

Wednesday, July 21, 2021  
9:00 a.m.

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A P P E A R A N C E S

RECEIVER: MICHAEL I. GOLDBERG, ESQUIRE

ON BEHALF OF THE RECEIVER, MICHAEL I. GOLDBERG:

BERGER SINGERMAN, LLP  
1450 Brickell Avenue  
Suite 1900  
Miami, Florida 33131  
(305) 755-9500  
Singerman@bergersingerman.com  
BY: PAUL S. SINGERMAN, ESQUIRE

ON BEHALF OF THE PLAINTIFFS:

THE MOSKOWITZ LAW FIRM  
2 Alhambra Plaza  
Suite 601  
Coral Gables, Florida 33134  
(305) 740-1423  
Adam@moskowitz-law.com  
BY: ADAM MOSKOWITZ, ESQUIRE  
Joseph@moskowitz-law.com  
BY: JOSEPH KAYE, ESQUIRE

GROSSMAN, ROTH, YAFFA & COHEN, P.A.  
2525 Ponce de Leon Boulevard  
Suite 1150  
Coral Gables, Florida 33134  
(305) 442-8666  
Rwf@grossmanroth.com  
BY: RACHEL W. FURST, ESQUIRE  
Szg@grossmanroth.com  
BY: STUART Z. GROSSMAN, ESQUIRE  
Wpm@grossmanroth.com  
BY: WILLIAM P. MULLIGAN, ESQUIRE

LIPPSMITH, LLP  
555 South Flower Street  
Suite 4400  
Los Angeles, California 90071  
(213) 344-1820  
BY: GRAHAM LIPPSMITH, ESQUIRE

## A P P E A R A N C E S (Continued)

KOZYAK, TROPIN & THROCKMORTON  
2525 Ponce de Leon Boulevard  
Suite 900

Coral Gables, Florida 33134  
(305) 372-1800

Jal@kttlaw.com

BY: JAVIER A. LOPEZ, ESQUIRE

Ekey@kttlaw.com

BY: ERIC S. KAY, ESQUIRE

Tjl@kttlaw.com

BY: TAL J. LIFSHITZ, ESQUIRE

Hst@kttlaw.com

BY: HARLEY S. TROPIN, ESQUIRE

Jpiedra@kttlaw.com

BY: JORGE L. PIEDRA, ESQUIRE

THE BRAD SOHN LAW FIRM  
1600 Ponce de Leon Boulevard  
Suite 1205

Coral Gables, Florida 33134  
(786) 708-9750

Brad@bradsohnlaw.com

BY: BRADFORD R. SOHN, ESQUIRE

THE PORTER FIRM  
5033 Southeast Federal Highway  
Stuart, Florida 34997

(772) 266-4159

Marwan@theporterfirm.com

BY: MARWAN E. PORTER, ESQUIRE

Camille@theporterfirm.com

BY: CAMILLE MILLER, ESQUIRE

CHR LAW GROUP  
1135 Kane Concourse  
Floor 5  
Bay Harbor Islands, Florida 33154  
(954) 552-1916

Jc@chrlawgroup.com

BY: JEFFREY C "CAESAR" CHUKWUMA, ESQUIRE

## 1                   A P P E A R A N C E S (Continued)

2           GARY, WILLIAMS, PARENTI, WATSON & GARY  
3           221 Southeast Osceola Street  
4           Stuart, Florida 34994  
5           (772) 283-8260  
6           Weg@williegary.com  
7           BY: WILLIE E. GARY, ESQUIRE

8           MSP RECOVERY LAW FIRM  
9           2701 South Le Jeune Road  
10          Floor 10  
11          Coral Gables, Florida 33134  
12          (305) 614-2222  
13          (305) 614-2222  
14          Jruiz@msprecoverylawfirm.com  
15          BY: JOHN H. RUIZ, ESQUIRE

16          GOLDBERG& ROSEN, P.A.  
17          2 South Biscayne Boulevard  
18          Suite 3650  
19          Miami, Florida 33131  
20          (305) 374-4200  
21          Jrosen@goldbergandrosen.com  
22          BY: JUDD G. ROSEN, ESQUIRE  
23          Brosen@goldbergandrosen.com  
24          BY: BRETT H. ROSEN, ESQUIRE  
25          Mdandashly@goldbergandrosen.com  
26          BY: MUSTAFA H. DANDASHLY, ESQUIRE

27          SILVA & SILVA, P.A.  
28          236 Valencia Avenue  
29          Coral Gables, Florida 33134  
30          (305) 445-0011  
31          Jsilva@silvasilva.com  
32          BY: JORGE E. SILVA, ESQUIRE

33          PITA, WEBER & DEL PRADO  
34          9350 South Dixie Highway  
35          Suite 1200  
36          Miami, Florida 33156  
37          (305) 670-3422  
38          Rmweber@pwndlawfirm.com  
39          BY: RANDY WEBER, ESQUIRE

40

## 1                   A P P E A R A N C E S (Continued)

2           PODHURST ORSECK, P.A.  
3           1 Southeast 3rd Avenue  
4           Suite 2300  
5           Miami, Florida 33131-1716  
6           (305) 358-2800  
7           Lbucciero@podhurst.com  
8           BY: LEA BUCCIERO, ESQUIRE  
9           Rmcid@podhurst.com  
10          BY: RICARDO M. MARTINEZ-CID, ESQUIRE  
11          Apodhurst@podhurst.com  
12          BY: AARON S. PODHURST, ESQUIRE

13                   HEISE, SUAREZ & MELVILLE, P.A.  
14           1600 Ponce De Leon Boulevard  
15           Suite 1205  
16           Coral Gables, Florida 33134  
17           (305) 800-4476  
18           Pmelville@hsmpa.com  
19           BY: PATRICIA MELVILLE, ESQUIRE  
20           Lsuarez@hsmpa.com  
21           BY: LUIS E. SUAREZ, ESQUIRE  
22           Aperez@hsmpa.com  
23           BY: ANTHONY PEREZ, ESQUIRE

## 24           ON BEHALF OF THE DEFENDANTS:

25                   GUNSTER LAW FIRM  
26           600 Brickell Avenue  
27           Suite 3500  
28           Miami, Florida 33131  
29           (305) 376-6009  
30           Araskas@gunster.com  
31           BY: ARON U. RASKAS, ESQUIRE

32                   MOUND, COTTON, WOLLAN & GREENGRASS  
33           30A Vreeland Road  
34           Suite 210  
35           Florham Park, New Jersey 07932  
36           (973) 494-0601  
37           Wwilson@moundcotton.com  
38           BY: WILLIAM D. WILSON, ESQUIRE

39

## 1                   A P P E A R A N C E S (Continued)

2           GOLDBERG SEGALLA, LLP  
3           222 Lakeview Avenue  
4           Suite 800  
5           West Palm Beach, Florida 33401  
6           (561) 618-4450  
7           Dblumenthal@goldbergsegalla.com  
8           BY: DUSTIN C. BLUMENTHAL, ESQUIRE

9           CLYDE & CO.  
10          1221 Brickell Avenue  
11          Suite 1600  
12          Miami, Florida 33131  
13          (305) 329-1860  
14          Joel.mcnabney@clydeco.us  
15          BY: JOEL L. MCNABNEY, ESQUIRE

## 16                   ALSO PRESENT:

17           Manny Cadre  
18           Brian de la Fe  
19           Oren Cytrynbaum  
20           Tara Soleimani  
21           Yadira Santos  
22           Pablo Longobardi  
23           Marcelo Pena  
24           Martina Weber  
25           Lisa Love  
            Raysa Rodriguez  
            Ms. Shren  
            Ms. Miller  
            Mr. Gorefinkle  
            Ricardo (Resident)

1 Thereupon --

2 THE COURT: Everybody be seated

00:04:19 3 please, thank you. Good morning,

00:04:27 4 everybody. The Court is calling the In Re:

00:04:31 5 Champlain Towers South Collapse litigation.

00:04:34 6 Can I have appearances, please, from the

00:04:36 7 receiver, from co-lead counsel, and any

00:04:40 8 other counsel who wishes to make an

00:04:41 9 appearance.

00:04:42 10 MS. FURST: Your Honor, Rachel Furst

00:04:44 11 with Grossman, Roth, Yaffa & Cohen,

00:04:47 12 co-chair lead counsel on behalf of the

00:04:50 13 putative classes.

00:04:54 14 MR. SINGERMAN: Good morning, Judge

00:04:55 15 Hanzman. May it please the Court, I'm Paul

00:04:58 16 Singerman from Berger Singerman. Our firm

00:04:58 17 is general counsel to your receiver,

00:04:58 18 Michael I. Goldberg, and for the record,

00:05:00 19 Your Honor, Mr. Goldberg is present in the

00:05:03 20 courtroom.

00:05:03 21 THE COURT: Very good.

00:05:04 22 MR. SINGERMAN: Thank you, Judge.

00:05:08 23 MR. LOPEZ: Good morning,

00:05:09 24 Your Honor, Javier Lopez with Brad Sohn,

00:05:11 25 Eric Kay, and online is Harley Tropin, Tal

00:05:19 1 Lifshitz, Jorge Piedra, Graham LippSmith on  
00:05:19 2 behalf of the plaintiffs.

00:05:23 3 MR. MOSKOWITZ: Your Honor, Adam  
00:05:26 4 Moskowitz, co-lead counsel with the  
00:05:26 5 economic track with Joey Kaye here.

00:05:32 6 THE COURT: Very good.

00:05:32 7 MR. RUIZ: Your Honor, good morning,  
00:05:33 8 may it please the Court, John H. Ruiz on  
00:05:35 9 behalf of the MSP Recovery Law Firm as part  
00:05:41 10 of the steering committee.

00:05:41 11 MR. ROSEN: Good morning, Your  
00:05:44 12 Honor, Judd Rosen along with Brett Rosen  
00:05:45 13 and Mustafa Dandashly on behalf of Jonah  
00:05:48 14 Handler and the Estate of Stacie Fang.

00:05:51 15 THE COURT: Any other plaintiffs'  
00:05:53 16 counsel who wish to make an appearance?

00:05:55 17 MS. BUCCIERO: Good morning, Your  
00:05:55 18 Honor. Lea Bucciero, and together with me  
00:05:58 19 are my partners on Zoom Aaron Podhurst,  
00:06:02 20 Ricardo Martinez-Cid, who is lead counsel  
00:06:02 21 for the personal injury, wrongful death  
00:06:02 22 track of the law firm Podhurst Orseck.

00:06:08 23 THE COURT: Thank you.

00:06:08 24 MR. SILVA: Good morning, Your  
00:06:10 25 Honor, Jorge Silva on behalf of multiple



00:06:12 1 plaintiffs.

00:06:14 2 MR. PORTER: Good morning, Your  
00:06:15 3 Honor, Marwan Porter, Jeff Chukwuma,  
00:06:18 4 Camille Miller, and attorney Willie Gary  
00:06:18 5 appearing via Zoom on behalf of the  
00:06:20 6 plaintiffs committee.

00:06:22 7 THE COURT: Thank you.

00:06:22 8 MS. FURST: Judge Hanzman, I want to  
00:06:25 9 also add my law partner, Stuart Grossman,  
00:06:28 10 who is wrongful death liaison counsel, who  
00:06:28 11 is appearing by Zoom, and also William  
00:06:28 12 Mulligan from Grossman, Roth, Yaffa & Cohen  
00:06:34 13 who is also here in the courtroom.

00:06:34 14 THE COURT: Thank you.

00:06:36 15 MR. WEBER: Good morning, Your  
00:06:36 16 Honor, Randy Weber on behalf of Pita,  
00:06:41 17 Weber, Del Prado.

00:06:41 18 MS. MELVILLE: Good morning, Your  
00:06:41 19 Honor, Patricia Melville from Heise, Suarez  
00:06:46 20 & Melville along Luis Suarez on Zoom and  
00:06:47 21 with Anthony Perez from our firm on behalf  
00:06:50 22 of the Estate of Rosa Quesada and pending  
00:06:54 23 estates.

00:06:55 24 THE COURT: Very good. Okay. Any  
00:06:56 25 defense counsel appearances, please?

00:06:58 1 MR. RASKAS: Good morning, Your  
00:07:01 2 Honor, Aron Raskas from Gunster Law Firm on  
00:07:01 3 behalf of Morabito Consultants, Inc., in  
00:07:04 4 several of the cases.

00:07:06 5 MR. WILSON: Good morning, Your  
00:07:07 6 Honor, William Wilson from Mound, Cotton,  
00:07:07 7 Wollan & Greengrass on behalf of Great  
00:07:11 8 American Insurance Company.

00:07:11 9 MR. BLUMENTHAL: Good morning, Your  
00:07:21 10 Honor.

00:07:21 11 MR. MCNABNEY: Good morning, Your  
00:07:21 12 Honor, Joel McNabney from Clyde & Co., on  
00:07:24 13 behalf of James River Insurance Company.

00:07:25 14 THE COURT: Any other defense  
00:07:27 15 counsel appearances or insurer appearances?

00:07:31 16 Okay. Very good. So first things  
00:07:34 17 first, just to bring everybody up-to-date,  
00:07:39 18 although I'm sure the lawyers have received  
00:07:41 19 the Court's orders appointing counsel to  
00:07:47 20 handle these matters on behalf of the  
00:07:50 21 putative classes for both economic damage  
00:07:54 22 putative class as well as the personal  
00:07:56 23 injury wrongful death putative class.

00:07:58 24 The Court, through its amended  
00:08:00 25 order, has appointed co-lead chairs of the

00:08:04 1 class, those being Mr. Tropin of the  
00:08:11 2 Kozyak, Tropin, Throckmorton firm and  
00:08:12 3 Ms. Rachel Furst of Grossman, Roth, Yaffa  
00:08:15 4 who will be co-lead counsel organizing all  
00:08:19 5 aspects of this case. They will be working  
00:08:21 6 with personal injury and wrongful death  
00:08:25 7 track lead counsel, Ricardo Martinez-Cid of  
00:08:28 8 the Podhurst Orseck firm as well as the  
00:08:31 9 economic loss and property damage track  
00:08:34 10 co-lead counsel being Adam Moskowitz of the  
00:08:37 11 Moskowitz Law Firm and Javier Lopez of  
00:08:42 12 Kozyak, Tropin, Throckmorton.

00:08:42 13 The Court has also appointed  
00:08:45 14 wrongful death chair liaison counsel Curtis  
00:08:50 15 Miner of Colson Hicks, who will be  
00:08:50 16 addressing issues regarding charitable  
00:08:52 17 matters, and wrongful death damage claim  
00:08:56 18 liaison counsel Stuart Grossman of  
00:08:58 19 Grossman, Roth, Yaffa & Cohen, P.A.

00:09:02 20 Aside from the lead counsel  
00:09:04 21 appointments, the Court has also named a  
00:09:07 22 number of lawyers to the plaintiffs  
00:09:09 23 steering committee who will be responsible  
00:09:12 24 for coordinating pretrial activity in  
00:09:16 25 consultation with the chair lead.

00:09:18 1 The Court has appointed lawyers to  
00:09:20 2 that committee, including Mr. Scarola of  
00:09:25 3 the Searcy Denney Firm; Mr. Mongeluzzi of  
00:09:31 4 the Saltz, Mongeluzzi & Bendesky firm;  
00:09:31 5 Ms. Del Prado of the Pita, Weber, Del Prado  
00:09:36 6 firm; Mr. Dorta of Dorta Law; Mr. Gary of  
00:09:39 7 the Gary, Williams, Parenti, Watson & Gary  
00:09:43 8 firm; MaryBeth LippSmith of LippSmith, LLP;  
00:09:48 9 Judd Rosen of Goldberg & Rosen; John Ruiz  
00:09:48 10 of MSP Recovery; Luis Suarez of Heise,  
00:09:48 11 Suarez & Melville; Jorge Silva of Silva &  
00:10:00 12 Silva; and Bradford Sohn of the Bradford  
00:10:00 13 Sohn Law Firm.

00:10:03 14 Those are the lead counsel and  
00:10:05 15 members of the steering committee. The  
00:10:07 16 Court said last week it could not be more  
00:10:09 17 pleased or more proud to appoint such a  
00:10:12 18 fine group of outstanding and accomplished  
00:10:15 19 lawyers to represent the putative class  
00:10:16 20 members in this most serious and most  
00:10:19 21 tragic case.

00:10:21 22 In the Court's amended order, the  
00:10:24 23 Court made very clear that given the  
00:10:27 24 limited resources that will likely be  
00:10:31 25 available to compensate the victims in this

00:10:33 1 case and given the fact that we do not want  
00:10:40 2 to waste these resources, the Court has  
00:10:43 3 consolidated all civil matters involving  
00:10:46 4 Champlain Towers into these proceedings in  
00:10:48 5 order to ensure the judicial and party  
00:10:50 6 resources are not wasted, ensure that any  
00:10:53 7 recovery that may be available is properly  
00:10:55 8 shared by all of those who are injured and  
00:10:58 9 suffered harm, and that all lawsuits  
00:11:00 10 arising in a general jurisdiction division  
00:11:03 11 are properly managed. The Court has stayed  
00:11:06 12 all other individual litigation until such  
00:11:09 13 time as this case proceeds and a decision  
00:11:12 14 is made whether to certify a class, and if  
00:11:15 15 so, whether putative class members will be  
00:11:17 16 given the right to opt out of these  
00:11:19 17 proceedings.

00:11:20 18 So all other litigation other than  
00:11:23 19 these consolidated proceedings are stayed  
00:11:26 20 pursuant to this Court's order and all  
00:11:28 21 filings will be under the caption the Court  
00:11:31 22 designated, which is In Re: Champlain  
00:11:35 23 Towers South Collapse Litigation, and filed  
00:11:37 24 in these consolidated proceedings under a  
00:11:39 25 master docket.

00:11:40 1 Now, before I proceed to get an  
00:11:44 2 update on the proceedings, the civil  
00:11:47 3 proceedings, let me first ask the receiver  
00:11:50 4 to please address the Court and give an  
00:11:53 5 update on any developments in the case from  
00:11:58 6 where we left off last week.

00:11:59 7 Mr. Goldberg, good morning.

00:12:01 8 MR. GOLDBERG: Good morning,  
00:12:02 9 Your Honor. Your Honor, I'm going to  
00:12:09 10 address the Court, first, on the assistance  
00:12:11 11 payments that were ordered on the very  
00:12:14 12 first hearing. We received a total of 53  
00:12:17 13 claims. 34 have been approved, 6 have been  
00:12:22 14 denied, and we have 5 relocations pending.

00:12:27 15 When I say "pending," they're just  
00:12:28 16 getting us their driver's license and the  
00:12:30 17 documents necessary just to confirm the  
00:12:32 18 proper identities, we expect that all of  
00:12:34 19 them will be approved, and 8 end-of-life  
00:12:37 20 benefits pending just to make sure we're  
00:12:41 21 writing the checks to the right estate  
00:12:43 22 representative, but we expect that those  
00:12:45 23 will be approved as well.

00:12:47 24 We paid to date a total of 250,000  
00:12:51 25 in relocation expenses and 18,000 in

00:12:57 1 end-of-life benefits for a total paid of  
00:13:00 2 \$268,000.

00:13:02 3 To give you an update on the  
00:13:06 4 estate's bank accounts, and I'm going to  
00:13:09 5 break them down into post receivership bank  
00:13:13 6 accounts and things that have been  
00:13:14 7 collected in the pre-receivership bank  
00:13:14 8 accounts.

00:13:17 9 As the Court is well aware, Mr. Ruiz  
00:13:21 10 gave a \$1 million donation, which was  
00:13:23 11 received on July 8th. Out of that we have  
00:13:25 12 paid the \$268,000 in assistance payments,  
00:13:30 13 leaving a current balance -- and it's a  
00:13:32 14 little fluid, because checks are being  
00:13:35 15 written every day, of \$732,000.

00:13:37 16 James River tendered \$2 million,  
00:13:41 17 which was received on July 13th, and that  
00:13:45 18 is being held in a separate restricted  
00:13:48 19 account. Philadelphia Indemnity paid  
00:13:52 20 \$1 million, which was also received on  
00:13:56 21 7/13, which is, likewise, being held in a  
00:13:59 22 restricted account.

00:14:02 23 Prior to the incident on June 24th,  
00:14:09 24 the association maintained bank accounts at  
00:14:13 25 three banks. The first one --

00:14:14 1 THE COURT: Before you go on to  
00:14:15 2 that, what is the status of the other  
00:14:18 3 tenders of the excess layers --

00:14:21 4 MR. GOLDBERG: I was going to get to  
00:14:22 5 that in a minute, Your Honor.

00:14:23 6 THE COURT: -- to tender the  
00:14:24 7 property insurance?

00:14:26 8 MR. GOLDBERG: Yes, I'll skip over  
00:14:27 9 to that now. As the Court is aware,  
00:14:30 10 we announced previously Fireman's Fund,  
00:14:32 11 which is the first layer of excess with  
00:14:34 12 respect to the 2021 policy, has tendered  
00:14:38 13 their policy in writing but not yet  
00:14:41 14 delivered the funds, but we expect it will  
00:14:43 15 be delivered shortly.

00:14:45 16 So that total is 10 million in  
00:14:47 17 coverage plus 300,000 in crisis management  
00:14:51 18 benefits for a total of 10.3 that will be  
00:14:55 19 tendered. QBE, with respect to their 2021  
00:14:59 20 second layer excess policy, has also in  
00:15:04 21 writing agreed to tender \$5 million, which  
00:15:06 22 has not yet been received, and again, with  
00:15:10 23 respect to QBE, we're not sure if there are  
00:15:13 24 any other policies, and we're still  
00:15:15 25 investigating that.



00:15:16 1 Your Honor, Great American has also  
00:15:19 2 given us written confirmation now. That  
00:15:22 3 has changed since last. Before it was  
00:15:25 4 verbal, now it's written confirmation that  
00:15:27 5 they will be tendering \$31,357,400, and we  
00:15:33 6 are working on the proposed order to submit  
00:15:35 7 to the Court with Great American with that,  
00:15:38 8 and they have been actively speaking with  
00:15:41 9 coverage counsel Boyle, Leonard & Anderson,  
00:15:44 10 with respect to the tender, as well as  
00:15:47 11 Boyle, Leonard & Anderson dealing with all  
00:15:50 12 of our insurance issues, and we are very  
00:15:52 13 pleased to have them on our team.

00:15:54 14 If I may go back to the  
00:16:00 15 pre-receivership bank accounts.

00:16:03 16 THE COURT: Yes.

00:16:03 17 MR. GOLDBERG: The association had  
00:16:04 18 three banks it used. At Valley Bank in its  
00:16:08 19 operating account, we currently have  
00:16:11 20 \$39,547.14. In the special assessment  
00:16:16 21 account, which is the 2021 special  
00:16:18 22 assessment account, which is what  
00:16:20 23 Your Honor ordered us to return, and we're  
00:16:23 24 in the process and expect checks to go out  
00:16:25 25 within the next 48 hours, we currently have

00:16:29 1 \$2,135,943.96, and again, that --

00:16:36 2 THE COURT: That account will be  
00:16:37 3 completely depleted.

00:16:38 4 MR. GOLDBERG: That will be  
00:16:40 5 depleted, Your Honor, exactly. Then  
00:16:41 6 there's a reserve account, as the building  
00:16:43 7 was building reserves, at Valley Bank of  
00:16:45 8 \$740,642.16, that will be maintained  
00:16:51 9 pending further order of the Court. Total  
00:16:56 10 net in the Valley Bank after payment of the  
00:16:58 11 special assessments will be \$780,169.30.

00:17:04 12 THE COURT: And that was just  
00:17:05 13 working capital?

00:17:06 14 MR. GOLDBERG: Reserve account and  
00:17:08 15 operating working capital.

00:17:09 16 THE COURT: Okay. Very good.

00:17:10 17 MR. GOLDBERG: The second bank that  
00:17:13 18 the association maintains accounts at was  
00:17:15 19 AmTrust from prior special assessments back  
00:17:18 20 in 2016. There's no way to identify whose  
00:17:22 21 money that was. People have moved out of  
00:17:24 22 the building and everything. Prior special  
00:17:27 23 assessments at AmTrust we have \$199,641.04,  
00:17:32 24 and in the operating account we have \$571.

00:17:36 25 Your Honor --

00:17:37 1 THE COURT: So there's almost  
00:17:39 2 \$1 million cash on hand, give or take?

00:17:41 3 MR. GOLDBERG: Correct, a little  
00:17:43 4 more.

00:17:43 5 THE COURT: That's more than  
00:17:44 6 I expected.

00:17:45 7 MR. GOLDBERG: The total cash on  
00:17:46 8 hand after payment of the return of the  
00:17:48 9 special assessments will be \$1,136,737.43,  
00:17:56 10 because there's a third bank, Popular Bank,  
00:17:59 11 that has in the operating Account  
00:18:01 12 \$152,005.59, a special projects account of  
00:18:09 13 the \$216.60, another reserve account of  
00:18:09 14 \$50,013.43, and finally a \$3,152.52 prior  
00:18:19 15 from a 2016 special assessment account.

00:18:21 16 So we'll have about a little over a  
00:18:24 17 million-one in the accounts that will be  
00:18:27 18 maintained in there until -- we probably  
00:18:30 19 will file a request with the Court to  
00:18:32 20 utilize those funds to pay the experts and  
00:18:35 21 everything that the Court had previously  
00:18:37 22 mentioned for all the plaintiffs counsel  
00:18:39 23 and fund that kind of expense.

00:18:42 24 THE COURT: We're going to talk  
00:18:43 25 about that in just a couple of minutes.

00:18:44 1 MR. GOLDBERG: Sure.

00:18:45 2 THE COURT: Because I do want to  
00:18:46 3 address the issue about pocket costs for  
00:18:48 4 counsel, and we'll address that this  
00:18:50 5 morning.

00:18:51 6 MR. GOLDBERG: Your Honor, moving  
00:18:52 7 on --

00:18:52 8 THE COURT: So we have the cash on  
00:18:54 9 hand, we have the insurance payments  
00:18:55 10 expected to be in, so we're talking about,  
00:19:00 11 in relative short order, aside from other  
00:19:03 12 assets that may be available, we're talking  
00:19:04 13 about give or take \$50 million or so in the  
00:19:11 14 receivership in short order.

00:19:12 15 MR. GOLDBERG: That's exactly right.

00:19:13 16 THE COURT: Let me ask you one other  
00:19:14 17 thing about the insurers. Where we left  
00:19:16 18 off last week, I asked you whether some of  
00:19:19 19 these insurers, aside from tendering their  
00:19:22 20 indemnity obligations, also had the  
00:19:24 21 obligation to advance defense costs in this  
00:19:29 22 case.

00:19:29 23 Where are you with those insurers  
00:19:31 24 and either attempting to arrange for  
00:19:35 25 defense costs to be paid or arrange a

00:19:37 1 negotiated buyout with those obligations so  
00:19:40 2 we can release these insurers, give them a  
00:19:43 3 Bar order, and send them on their way?  
00:19:45 4 Where are you with those discussions?

00:19:47 5 MR. GOLDBERG: Your Honor, there are  
00:19:49 6 four insurance companies who we believe  
00:19:51 7 have defense obligations, defense cost  
00:19:56 8 obligations. They being James River,  
00:19:58 9 Philadelphia Indemnity, Fireman's Fund, and  
00:20:01 10 QBE.

00:20:02 11 This is based on the advice of my  
00:20:06 12 coverage counsel. We believe they have  
00:20:09 13 defense obligations. We have reached out,  
00:20:11 14 and we have attempted to set up meetings.  
00:20:13 15 We actually have a letter out there trying  
00:20:15 16 to set something up for tomorrow. We have  
00:20:17 17 spoken with them, but, you know, to be  
00:20:21 18 completely candid, it's been a little bit  
00:20:24 19 stagnated, and we're hoping to make  
00:20:26 20 progress, get a meeting set tomorrow, and  
00:20:28 21 move forward with them, because that's  
00:20:31 22 certainly important to this estate, and I'm  
00:20:33 23 sure those -- you know, those insurance  
00:20:35 24 companies want closure, too.

00:20:37 25 THE COURT: All right. So you're

00:20:39 1 attempting to move along with those  
00:20:40 2 discussions. I'm sure the insurers,  
00:20:43 3 as they have been thus far, will be  
00:20:45 4 cooperative and engage in that dialogue,  
00:20:48 5 and you'll report back to me in a couple of  
00:20:50 6 weeks and let me know where we are in terms  
00:20:52 7 of either settling those obligations with a  
00:20:55 8 lump sum buyout or having one or more of  
00:20:58 9 those insurers contribute to the defense  
00:21:01 10 costs that are likely to be incurred or are  
00:21:04 11 already being incurred by the estate.

00:21:06 12 MR. GOLDBERG: Yes, Your Honor, and  
00:21:08 13 one of the issues is whether or not the  
00:21:10 14 receivership costs and Berger Singerman's  
00:21:15 15 costs are included in that, and that's also  
00:21:17 16 a point of the discussion with that.

00:21:18 17 THE COURT: Well, the receiver,  
00:21:20 18 standing in the shoes of the association,  
00:21:22 19 has been and will undoubtedly be sued in  
00:21:26 20 these cases, and the defense costs will  
00:21:29 21 clearly encompass the defense of those  
00:21:31 22 litigation claims, would they not?

00:21:34 23 MR. GOLDBERG: That's our position  
00:21:35 24 and our coverage counsel's advice.

00:21:35 25 THE COURT: Whether they would cover

00:21:37 1 receivership expenses, I guess, depends  
00:21:40 2 upon the language of the policies, but  
00:21:41 3 continue your negotiation and see  
00:21:43 4 if there's a way to resolve those issues,  
00:21:46 5 and, you know, like I said, either buy out  
00:21:48 6 those defense cost obligations or at least  
00:21:50 7 work out an arrangement where maybe the  
00:21:52 8 insurers will contribute to your expenses  
00:21:54 9 in this case in defending the litigation.

00:21:58 10 MR. GOLDBERG: Yes, Your Honor,  
00:21:59 11 we'll move forward. And again, we have  
00:22:01 12 letters out, and we're hoping to have  
00:22:04 13 another meeting this week.

00:22:06 14 THE COURT: Very good.

00:22:07 15 MR. GOLDBERG: Your Honor, there was  
00:22:12 16 another important development this week.  
00:22:13 17 On Monday I was invited to the Town of  
00:22:16 18 Surfside to the town hall to meet with many  
00:22:24 19 of the major political and municipal  
00:22:29 20 constituents in the case, and at the  
00:22:33 21 meeting, in no order -- specific order, was  
00:22:39 22 Mayor Levine Cava for Miami-Dade County,  
00:22:43 23 Mayor Burkett, the State Attorney's Office,  
00:22:47 24 the police chiefs of both Surfside and the  
00:22:50 25 county, the fire chiefs, Miami-Dade CO,

00:22:54 1 Mr. Jimmy Morales, and various -- the  
00:22:57 2 general counsel of NIST was there, and NIST  
00:23:01 3 is the National Institute of Standards and  
00:23:04 4 Technology, which is leading an analysis  
00:23:09 5 and investigation at the site as we speak,  
00:23:13 6 and the site is currently, I don't think  
00:23:17 7 it's a secret, everybody reads the paper,  
00:23:19 8 is being considered an active crime scene  
00:23:24 9 and is under the police power and  
00:23:25 10 jurisdiction of Miami-Dade County right now  
00:23:28 11 along with NIST doing their investigation.

00:23:32 12 The purpose of the meeting was to  
00:23:35 13 discuss the eventual turnover of the  
00:23:38 14 property to me as receiver, to take  
00:23:43 15 possession of the property, and to continue  
00:23:46 16 to guard it, preserve the evidence.

00:23:49 17 We discussed that a large fence  
00:23:51 18 would be erected around the site, and  
00:23:55 19 Surfside would assist in providing  
00:23:58 20 security, and if I felt that that was not  
00:24:00 21 sufficient security to protect the site,  
00:24:03 22 we would consider off-duty police or other  
00:24:07 23 private security. Basically, NIST is  
00:24:11 24 performing -- and at the meeting attending  
00:24:17 25 via Zoom was the general counsel of NIST,



00:24:20 1 Mr. Wixon, and one of their chief engineers  
00:24:23 2 who is conducting the investigation.

00:24:29 3 NIST basically explained that the  
00:24:33 4 site is being cleared in two sort of  
00:24:35 5 separate ways. Anything that they consider  
00:24:42 6 of major evidentiary importance or  
00:24:46 7 significance is being stored by the county  
00:24:49 8 inside a warehouse away from the elements.  
00:24:52 9 Anything they consider to be secondary or  
00:24:56 10 sort of irrelevant is being stored outside  
00:25:00 11 in these lots. Both are being secured so  
00:25:07 12 that nobody can access them.

00:25:10 13 We discussed -- the county asked --  
00:25:14 14 Mr. Morales asked what we want to take  
00:25:17 15 place with respect to what they consider  
00:25:18 16 the secondary site, and we asked them not  
00:25:25 17 to destroy anything at all. We asked them  
00:25:27 18 to hold it until such time as possession is  
00:25:30 19 given to us, and we will file with this  
00:25:33 20 Court some sort of motion for protocol  
00:25:36 21 which all plaintiffs and defense counsel  
00:25:38 22 can go have access for 60 to 90 days, more  
00:25:43 23 if needed, to view the site and sign off  
00:25:47 24 before anything is disposed of in that  
00:25:50 25 secondary site, because we don't want, you

00:25:53 1 know, what may be considered secondary  
00:25:56 2 importance to NIST or to the county may be  
00:26:01 3 deemed important to plaintiffs' counsel or  
00:26:03 4 defense counsel, and we don't want any  
00:26:08 5 spoliation of evidence to take place, and  
00:26:11 6 we want it all to be done uniform under  
00:26:13 7 this Court's order when and if everyone has  
00:26:16 8 had the opportunity and chance to review  
00:26:18 9 that.

00:26:19 10 So we expect we will be bringing  
00:26:23 11 before you a motion for protocols with  
00:26:24 12 respect to that secondary site -- outside  
00:26:29 13 site. We will also bring before you some  
00:26:33 14 sort of protocol order after discussing  
00:26:36 15 with all the plaintiffs' counsel, and I  
00:26:40 16 give the plaintiffs all my word that I'm  
00:26:42 17 not going to be accessing or my experts  
00:26:46 18 will not be in there beforehand.

00:26:47 19 It will be done simultaneously  
00:26:50 20 pursuant to the Court's order so that it is  
00:26:53 21 open to everybody equally and evenly and so  
00:26:56 22 that there's -- nobody can be in any way  
00:26:59 23 critical of how we're maintaining the  
00:27:01 24 evidence when it's handed over to us.

00:27:03 25 Additionally, when the site is

00:27:06 1 handed over, they'll necessarily be many  
00:27:10 2 things that will not be touched or removed  
00:27:12 3 at the site, the foundation, the  
00:27:15 4 subterranean evidence of the pilings going  
00:27:19 5 down, because many of the experts will need  
00:27:22 6 access to that as well, because nobody  
00:27:28 7 knows exactly what happened here, what  
00:27:29 8 caused this, and all the experts are going  
00:27:32 9 to need access. So we'll expect we'll  
00:27:35 10 bring a protocol order after working on  
00:27:37 11 it with the plaintiffs' counsel to you to  
00:27:40 12 be signed off on, because I think everybody  
00:27:44 13 just wants the answers, to see what  
00:27:46 14 happened here, and the evidence, the site,  
00:27:49 15 the more important evidence in this opinion  
00:27:54 16 and the secondary evidence all need to be  
00:27:57 17 preserved so everybody can have access.

00:28:00 18 THE COURT: Yes, and "everybody"  
00:28:01 19 obviously includes any experts retained by  
00:28:05 20 defendants in this case who have yet to be  
00:28:09 21 named. It's important to the Court that  
00:28:13 22 all parties receive due process and equal  
00:28:16 23 access to any evidence that may bear on  
00:28:18 24 causation or other issues that may be  
00:28:21 25 material to this case.

00:28:23 1 So even if we come up with a  
00:28:25 2 protocol to allow for an initial  
00:28:27 3 examination of the receiver's experts and  
00:28:30 4 plaintiffs' experts, that protocol is going  
00:28:33 5 to have to provide for the evidence to be  
00:28:37 6 undisturbed so that it can be examined by  
00:28:42 7 experts who were retained by parties who  
00:28:45 8 are not yet in the case, and that's going  
00:28:46 9 to be an important aspect to the protocol.

00:28:48 10 I don't want any parties who are  
00:28:50 11 added to this case later as defendants to  
00:28:53 12 have any argument that there was any due  
00:28:56 13 process violation, or spoliation, more  
00:28:59 14 importantly, of any evidence during any  
00:29:02 15 examination on behalf of the plaintiffs'  
00:29:04 16 experts or the receiver.

00:29:06 17 So whatever protocol is in place is  
00:29:09 18 going to have to provide that, while the  
00:29:11 19 evidence can be reviewed and assessed by  
00:29:14 20 those experts, it must be maintained intact  
00:29:18 21 and available for future examination, at  
00:29:21 22 least for some specified time period.

00:29:23 23 I'm not suggesting that this  
00:29:25 24 evidence needs to be stored at the expense  
00:29:28 25 of the county or taxpayers indefinitely,

00:29:31 1 but I hope that any parties that may have  
00:29:34 2 liability and where there is a credible  
00:29:37 3 claim of liability will be added to these  
00:29:40 4 proceedings in the relatively near future  
00:29:42 5 and they will have their experts available  
00:29:44 6 to examine the evidence as well, but that  
00:29:48 7 has to be dealt with in the protocol order.

00:29:50 8 MR. GOLDBERG: Fully agree,  
00:29:52 9 Your Honor, and that's what -- we'll bring  
00:29:54 10 all parties -- known parties into our  
00:29:57 11 discussion to make it a fair protocol order  
00:30:02 12 that will hopefully satisfy the Court.

00:30:05 13 The access will need to be  
00:30:07 14 controlled, but it will be fair and open,  
00:30:11 15 but it will need to be controlled.  
00:30:12 16 We can't just have people showing up  
00:30:16 17 and going --

00:30:16 18 THE COURT: No, I think I said last  
00:30:18 19 time around whatever inspections or  
00:30:19 20 examinations are done will have to be  
00:30:21 21 coordinated and possibly done jointly.  
00:30:24 22 Aside from examination, my guess is, and  
00:30:26 23 I'm just musing, because I'm certainly not  
00:30:29 24 an expert, there may be some testing that  
00:30:31 25 needs to be done of some of these

00:30:33 1 components, and maybe some of that testing  
00:30:36 2 would involve necessitating some limited  
00:30:40 3 destruction of some components. I don't  
00:30:43 4 know.

00:30:43 5 Whatever it is, whatever the experts  
00:30:45 6 need to do, my concern is twofold, that, A,  
00:30:48 7 it be coordinated, and that, B, that future  
00:30:50 8 parties in this case have the same access  
00:30:53 9 to the same unimpaired evidence so that  
00:30:57 10 there's no spoliation issues.

00:31:01 11 MR. GOLDBERG: We agree 100 percent,  
00:31:02 12 and that's what that protocol order or our  
00:31:05 13 motion will be designed to address.

00:31:06 14 Your Honor, NIST does a lot of  
00:31:09 15 testing, and just their report will be made  
00:31:15 16 public. However, they were very clear to  
00:31:18 17 basically state, although it may take some  
00:31:22 18 time, it may take years to make their  
00:31:25 19 report public, it will have no evidentiary  
00:31:28 20 value whatsoever, and it is not really  
00:31:30 21 admissible as evidence; although, everybody  
00:31:33 22 will see what NIST's conclusions are.  
00:31:37 23 They're doing their testing now.

00:31:39 24 THE COURT: That's good, then.  
00:31:40 25 That's one last ruling I have to make since

00:31:44 1 they already ruled their report is  
00:31:46 2 inadmissible. That's one less thing I have  
00:31:48 3 to do, right?

00:31:49 4 MR. GOLDBERG: I think that may be  
00:31:49 5 by statute, because I think it may have  
00:31:50 6 already been ruled upon or by CFR  
00:31:55 7 regulation.

00:31:56 8 THE COURT: Okay.

00:31:56 9 MR. GOLDBERG: But they also stated  
00:31:58 10 they're doing detailed catalogues of  
00:32:01 11 everything they're removing and it's being  
00:32:04 12 catalogued and we'll have those catalogues.

00:32:07 13 THE COURT: Good.

00:32:08 14 MR. GOLDBERG: Your Honor, I'd be  
00:32:09 15 remiss if I didn't state that at that  
00:32:12 16 meeting Mayor Cava, Mayor Burkett for  
00:32:15 17 Surfside, all of the police personnel and  
00:32:19 18 fire personnel and State Attorney's Office  
00:32:22 19 were nothing but fully cooperative in  
00:32:25 20 wanting to preserve the evidence,  
00:32:28 21 understanding the importance of it, and  
00:32:30 22 were just -- I was just so appreciative of  
00:32:33 23 the fact that they set up that meeting and  
00:32:35 24 all showed up to discuss it.

00:32:37 25 And they have been down at the site.

00:32:40 1 I know Mayor Cava has, Mayor Burkett has,  
00:32:45 2 and the police presence there, when you go  
00:32:48 3 behind the scenes of what you see on  
00:32:50 4 television, is just extraordinary.

00:32:52 5 I mean, I went with Mr. Guso from  
00:32:57 6 Mr. Singerman's office, and we were a  
00:32:59 7 little bit blown away by -- FEMA has a full  
00:33:02 8 setup there, and then there's a whole joint  
00:33:06 9 task, criminal task force tent set up.  
00:33:10 10 Hundreds of police and fire personnel,  
00:33:12 11 first responders.

00:33:13 12 Your Honor may have seen that the  
00:33:15 13 pile has been completely cleared now in the  
00:33:19 14 last couple of days, but the amount of  
00:33:22 15 coordination with command posts up on the  
00:33:26 16 6th floor of the neighboring condo looking  
00:33:29 17 down and cameras filming, just the  
00:33:33 18 organization is quite different than what  
00:33:35 19 you see on television, and it was quite  
00:33:38 20 impressive to see how organized it was and  
00:33:42 21 how thorough and detailed, at least to the  
00:33:45 22 appearance of the untrained eye in that,  
00:33:47 23 I just couldn't believe the resources that  
00:33:50 24 the government had there.

00:33:51 25 Again, they were just completely



00:33:55 1 cooperative, and they wanted -- they  
00:33:58 2 stressed that they wanted to work with us,  
00:34:00 3 and this Court needs to hear that.

00:34:02 4 THE COURT: That's comforting to  
00:34:03 5 hear.

00:34:04 6 MR. GOLDBERG: It is. I was very  
00:34:06 7 comforted.

00:34:06 8 THE COURT: Mr. Goldberg, let's talk  
00:34:08 9 for a minute about available sources of  
00:34:11 10 recovery for these victims, the Court has  
00:34:14 11 made clear that your charge is to marshal  
00:34:19 12 as many assets as are available to be used  
00:34:24 13 to compensate the victims of this tragedy.  
00:34:30 14 That is your primary charge.

00:34:32 15 It seems to me from what you've  
00:34:33 16 said, we have the insurance proceeds.  
00:34:37 17 We have Mr. Ruiz' generous donation.  
00:34:43 18 We have the cash on hand, and we have, as  
00:34:46 19 we've discussed before, the value of the  
00:34:49 20 underlying real estate.

00:34:52 21 Short of third-party recoveries, in  
00:34:56 22 the event there are viable claims, and I'm  
00:34:58 23 not commenting on whether there are or not,  
00:35:01 24 are there any other sources of assets that  
00:35:06 25 can be used to compensate the victims of

00:35:10 1 this tragedy for both their economic loss  
00:35:14 2 of property, meaning the value of their  
00:35:16 3 condominium units, together with wrongful  
00:35:20 4 death and injury/harm that has been  
00:35:23 5 suffered by survivors and by the deceased,  
00:35:25 6 are there any other assets that we have not  
00:35:29 7 located that you're possibly aware of?

00:35:33 8 MR. GOLDBERG: Your Honor, I -- as a  
00:35:34 9 receiver, I have spent a good amount of  
00:35:37 10 time thinking of where the sources of  
00:35:40 11 assets to marshal will be for the benefit  
00:35:43 12 of the victims. I know of, obviously, the  
00:35:46 13 cash which consists of the pre-receivership  
00:35:51 14 cash and the insurance cash, certainly the  
00:35:55 15 land that underlies the building, and as  
00:35:59 16 Your Honor said last hearing, all options  
00:36:02 17 are on the table, and you'll consider that.  
00:36:04 18 So we have --

00:36:04 19 THE COURT: Yes, and that is true,  
00:36:06 20 all options are on the table so long as  
00:36:09 21 those options compensate the victims by  
00:36:12 22 paying fair value for their real estate.  
00:36:15 23 Now, I understand -- you know, I'm not  
00:36:17 24 immune to comments of those involved, some  
00:36:22 25 of which are reported in the press. I'm

00:36:26 1 not immune to the comments that this site  
00:36:36 2 may deserve memorial and other tribute, but  
00:36:40 3 as I said last time around, and I want to  
00:36:43 4 make very clear, regardless of whether some  
00:36:48 5 people are happy or not with the speed in  
00:36:52 6 which we are operating, and regardless of  
00:36:55 7 the views of some people who are not  
00:36:59 8 victims in this case, this Court's task and  
00:37:05 9 your task is to compensate the victims of  
00:37:09 10 this tragedy, period, for their severe  
00:37:13 11 economic loss, people have lost their homes  
00:37:16 12 in their entirety together with all their  
00:37:18 13 belongings, and for the wrongful death and  
00:37:23 14 personal injuries that have been sustained  
00:37:24 15 by the victims.

00:37:26 16 As I made clear last time around,  
00:37:29 17 and I'm going to make clear again, the  
00:37:31 18 victims are not going to be asked by this  
00:37:36 19 Court and, certainly, they're not going to  
00:37:39 20 be compelled by this Court to donate their  
00:37:43 21 real estate to the public.

00:37:46 22 So my job and your job is to make  
00:37:49 23 sure these victims get whatever they are  
00:37:52 24 legally entitled to. They own the land.  
00:37:55 25 They are legally entitled to its fair

00:37:59 1 market value, period, and they're not going  
00:38:01 2 to be donating it for the public good.  
00:38:04 3 Despite some sentiment that that should  
00:38:07 4 happen, it is not going to happen.

00:38:09 5 So I'm looking forward to hearing  
00:38:12 6 from my friend, Mr. Cadre, in a few  
00:38:15 7 minutes, and Mr. Fay, about the efforts  
00:38:17 8 that are being made to address that asset,  
00:38:23 9 and like I said last time, all options are  
00:38:26 10 on the table, provided that those options  
00:38:31 11 compensate the owners of that land for its  
00:38:34 12 fair market value, period.

00:38:37 13 MR. GOLDBERG: I fully understand.

00:38:38 14 THE COURT: And the Court wishes to  
00:38:40 15 make that point abundantly clear. These  
00:38:43 16 victims who have lost their homes, their  
00:38:47 17 personal belongings, in many cases their  
00:38:51 18 lives are not going to be sacrificing the  
00:38:56 19 value of their real estate for the public  
00:38:57 20 good. Okay?

00:38:58 21 MR. GOLDBERG: Yes, Your Honor.  
00:38:59 22 You've been clear on that.

00:39:00 23 THE COURT: All right. Okay.

00:39:01 24 MR. GOLDBERG: Just to continue on  
00:39:03 25 the conversation, the other assets that are

00:39:06 1 available outside of the land and the cash  
00:39:08 2 to the best of my knowledge will be  
00:39:11 3 potential value of causes of action against  
00:39:14 4 third parties.

00:39:15 5 THE COURT: Those are third-party  
00:39:18 6 recoveries, and those are separate. I'm  
00:39:20 7 now just trying to get a handle on the  
00:39:22 8 assets that, either because of insurance  
00:39:25 9 proceeds, real estate, are owned by these  
00:39:28 10 victims and available to compensate them,  
00:39:31 11 putting aside third-party recoveries which  
00:39:34 12 may be realized or may not be realized,  
00:39:37 13 depending upon whether there are viable  
00:39:40 14 claims.

00:39:41 15 MR. GOLDBERG: Right.

00:39:42 16 THE COURT: It seems to me that give  
00:39:43 17 or take a few dollars here or there, we're  
00:39:46 18 looking at, maybe, assuming the land has a  
00:39:49 19 value of -- I'm just going to put  
00:39:52 20 100 million on it, we're looking at maybe  
00:39:54 21 \$150 million to compensate these victims.

00:39:59 22 MR. GOLDBERG: Well, yes, although  
00:40:00 23 I will tell you, and obviously these are  
00:40:03 24 going to be decisions for the Court, out of  
00:40:05 25 the 50 million of insurance, 31 million is

00:40:09 1 designated basically roughly as property  
00:40:12 2 insurance.

00:40:12 3 THE COURT: Right, I'm not  
00:40:13 4 allocating now.

00:40:15 5 MR. GOLDBERG: Okay.

00:40:15 6 THE COURT: I'm just talking about  
00:40:17 7 the total --

00:40:18 8 MR. GOLDBERG: Sure.

00:40:19 9 THE COURT: -- the total assets from  
00:40:21 10 which these victims can be compensated  
00:40:23 11 other than potential third-party  
00:40:25 12 recoveries.

00:40:26 13 MR. GOLDBERG: Your Honor, this was  
00:40:26 14 a condominium association. It was not in  
00:40:29 15 this great business of anything other than  
00:40:30 16 running this building.

00:40:32 17 THE COURT: No, I understand.

00:40:33 18 MR. GOLDBERG: So there are to my  
00:40:35 19 knowledge no other investment properties,  
00:40:37 20 investments, or anything that would be  
00:40:38 21 available outside of the land and the cash.

00:40:41 22 THE COURT: Okay. And last time  
00:40:43 23 we talked, the only other possibility was  
00:40:46 24 that you thought there might be some  
00:40:49 25 earlier insurance policies that may have

00:40:51 1 had occurrence-type coverage that could  
00:40:56 2 have been triggered if what led to this  
00:40:58 3 collapse was something that was happening  
00:41:00 4 over time, some of those earlier  
00:41:03 5 non-claims-made policies might be  
00:41:07 6 triggered.

00:41:07 7 Have you been able to investigate  
00:41:09 8 that any further or do you think there is  
00:41:12 9 any prospect of additional insurance  
00:41:14 10 coverage other than what's been tendered?

00:41:17 11 MR. GOLDBERG: Your Honor, I think  
00:41:18 12 we have some of the best coverage counsel,  
00:41:20 13 Mr. Boyle and Ms. Anderson, and they are  
00:41:23 14 looking at that. I could not tell you that  
00:41:25 15 we've reached any conclusions right now,  
00:41:27 16 but we will explore every single  
00:41:32 17 possibility, and we have put many people on  
00:41:34 18 notice just to preserve rights, and we're  
00:41:37 19 looking at that now, but I do not have any  
00:41:41 20 firm answers right now for you, but we have  
00:41:44 21 a weekly call with coverage counsel, and as  
00:41:48 22 soon as I learn of any, I will immediately  
00:41:51 23 bring it to the attention of the Court and  
00:41:53 24 the victims and the plaintiffs' lawyers and  
00:41:56 25 everybody else.

00:41:56 1 THE COURT: All right. So once an  
00:41:58 2 opinion has been reached on that, I'd like  
00:42:00 3 you to report back to me as soon as  
00:42:04 4 possible, because that's a very important  
00:42:05 5 issue. I don't know whether there are  
00:42:07 6 prior policies, I don't know what the  
00:42:09 7 extent of the coverage might be or whether  
00:42:13 8 or not they are actually triggered or  
00:42:15 9 arguably triggered but I'd like to come in  
00:42:18 10 for a landing on that as soon as possible.

00:42:20 11 MR. GOLDBERG: I assure the Court  
00:42:22 12 that the Wednesday after I learn of it, the  
00:42:23 13 Court will learn of it.

00:42:24 14 THE COURT: Okay. Very good. Now,  
00:42:26 15 Mr. Goldberg, let's talk about one other  
00:42:27 16 thing. Obviously, the goal is to get these  
00:42:34 17 victims compensated as soon as possible or  
00:42:37 18 even partially compensated. There's going  
00:42:40 19 to be a lot of money in the receivership  
00:42:45 20 estate relatively soon. I know we may have  
00:42:49 21 some lenders and things for these units  
00:42:51 22 that may have a claim before people can get  
00:42:53 23 their equity.

00:42:54 24 So tell me what needs to be done in  
00:42:57 25 order to, let's say, make some further



00:43:00 1 distributions to people to compensate them  
00:43:03 2 for part of the value of their property.

00:43:07 3 MR. GOLDBERG: Yes, Your Honor.

00:43:08 4 THE COURT: What needs to be done?

00:43:09 5 MR. GOLDBERG: It goes hand-in-hand  
00:43:11 6 with Florida Statute 718.118, which is the  
00:43:16 7 judicial termination of the condominium,  
00:43:20 8 and the reason it goes hand-in-hand is the  
00:43:23 9 prerequisite to that termination is a title  
00:43:27 10 search which I've already ordered and is  
00:43:30 11 already being undertaken of all of the  
00:43:35 12 units and the property, the underlying  
00:43:37 13 property.

00:43:38 14 Essentially, the title company,  
00:43:39 15 we're using First American in this case,  
00:43:42 16 will come and tell us everybody who has a  
00:43:44 17 potential interest who appears in title,  
00:43:48 18 whether a lienholder, an interestholder,  
00:43:50 19 and they will have to be --

00:43:53 20 THE COURT: On a unit-by-unit basis.

00:43:55 21 MR. GOLDBERG: Unit-by-unit basis  
00:43:56 22 and overall.

00:43:57 23 THE COURT: Okay.

00:43:57 24 MR. GOLDBERG: And they will be  
00:43:59 25 joined in connection with a single lawsuit,

00:44:01 1 the termination lawsuit, so to speak,  
00:44:03 2 before the Court, and only after the Court  
00:44:09 3 determines relative priorities of title and  
00:44:12 4 everything, does -- will the Court know how  
00:44:16 5 the money can be distributed legally as  
00:44:20 6 required pursuant to the law.

00:44:22 7 Now, it is also important to note  
00:44:25 8 that Florida statute has a procedure that  
00:44:30 9 if the property is ultimately sold, that  
00:44:34 10 money gets put into an account and all  
00:44:38 11 those liens get transferred to that money  
00:44:41 12 from the property, so that it is not  
00:44:44 13 necessary for the Court to actually sift  
00:44:47 14 through all that detail prior to a sale.  
00:44:50 15 It's almost like a --

00:44:51 16 THE COURT: Are you suggesting liens  
00:44:53 17 would attach to the entire amount? In  
00:44:55 18 other words -- that can't be the case,  
00:44:57 19 if unit owner X -- if unit owner Smith has  
00:45:01 20 an \$800,000 mortgage, and their next-door  
00:45:04 21 neighbor's property is unencumbered, you're  
00:45:08 22 not suggesting that the lien, by attaching  
00:45:10 23 to the whole proceeds, would somehow be  
00:45:13 24 secured by the otherwise unencumbered unit  
00:45:17 25 owner, are you?

00:45:18 1 MR. GOLDBERG: No, I'm not  
00:45:19 2 suggesting that at all.

00:45:20 3 THE COURT: Because that sounded  
00:45:21 4 like that could not be legally correct.

00:45:23 5 MR. GOLDBERG: Each unit owner would  
00:45:25 6 technically have undivided interest in the  
00:45:28 7 pot, and it's my belief, it's my reading of  
00:45:30 8 the statute, and my reading of the law that  
00:45:32 9 if unit owner Mr. Smith had a mortgage with  
00:45:36 10 Bank of America, and unit owner Mr. Smith  
00:45:39 11 is entitled to \$1 million of that pot, Bank  
00:45:44 12 of America's lien would attach to the  
00:45:46 13 \$1 million of Mr. Smith.

00:45:49 14 THE COURT: Yes, but not the  
00:45:50 15 next-door neighbor's portion of the lot  
00:45:52 16 whose condo was unencumbered?

00:45:57 17 MR. GOLDBERG: That's my  
00:45:58 18 understanding of the law, but all of that  
00:46:00 19 gets transferred. For instance, though,  
00:46:04 20 it may very well be that if Mr. Smith gets  
00:46:07 21 less than the mortgage amount from that  
00:46:10 22 pot, that the mortgage holder could have a  
00:46:15 23 deficiency.

00:46:17 24 THE COURT: Well, that's okay.

00:46:18 25 MR. GOLDBERG: Right.

00:46:18 1 THE COURT: If they don't have  
00:46:22 2 adequate security for their debt, then  
00:46:23 3 that's their problem. That deficiency is  
00:46:25 4 not going to be made up by other unit  
00:46:27 5 owners whose units were unencumbered, who  
00:46:30 6 had equity?

00:46:31 7 MR. GOLDBERG: Your Honor, that's my  
00:46:32 8 understanding of the law. I can't tell you  
00:46:34 9 if that's definitive.

00:46:35 10 THE COURT: Now, let me ask you  
00:46:36 11 another question. So we're in a position  
00:46:37 12 once this is done to consider advancing  
00:46:40 13 funds to people, have you given any thought  
00:46:46 14 to retaining a broker, maybe on a pro bono  
00:46:50 15 basis? Maybe we can get somebody like who  
00:46:53 16 works on the beach pro bono, because not  
00:46:56 17 all these condominiums are going to have  
00:46:59 18 the same value.

00:47:00 19 In other words, people who have  
00:47:02 20 units on the penthouse are going to say,  
00:47:04 21 well, the fair market value of my unit was  
00:47:07 22 greater than somebody who had a first floor  
00:47:10 23 unit looking at the street. I had a  
00:47:11 24 penthouse looking at the ocean, right?

00:47:13 25 So there's going to be differences

00:47:15 1 in value of these condominiums, correct?

00:47:18 2 MR. GOLDBERG: Yes, and Florida  
00:47:19 3 statute speaks to that.

00:47:21 4 THE COURT: What does it say?

00:47:22 5 MR. GOLDBERG: Florida Statute  
00:47:25 6 718.117, which is the declaration portion  
00:47:29 7 of the termination, you can go two routes.  
00:47:34 8 Judicial under 718.118 or through the  
00:47:37 9 declaration mechanisms under 117, and 117  
00:47:40 10 speaks of three ways to value unit owners'  
00:47:46 11 interest vis-a-vis other unit owners.

00:47:49 12 The first is sort of what Your Honor  
00:47:51 13 is talking about, is as of June 23rd, you  
00:47:56 14 would value based on the fair market value  
00:48:00 15 of each unit, and they would each get their  
00:48:04 16 relative percentage into the whole pot of  
00:48:07 17 what that would be.

00:48:09 18 THE COURT: Right.

00:48:09 19 MR. GOLDBERG: That is one way that  
00:48:11 20 the statute recognizes it could be done.  
00:48:14 21 The second way, which I would tell the  
00:48:16 22 Court I don't find to be a viable or  
00:48:19 23 economically feasible way, is by the  
00:48:23 24 property appraiser's assessed value.

00:48:28 25 THE COURT: What's the third way?

00:48:29 1 MR. GOLDBERG: The third way --

00:48:30 2 I agree with that. The third way is in the  
00:48:34 3 declaration, each unit is provided a  
00:48:39 4 percentage of the overall equalling --

00:48:43 5 THE COURT: That's just based on  
00:48:44 6 size, though, right?

00:48:46 7 MR. GOLDBERG: It's based on size.

00:48:47 8 THE COURT: That's based on square  
00:48:49 9 footage, not floor space?

00:48:50 10 MR. GOLDBERG: Well, it may be based  
00:48:51 11 on square footage, but it's not based on,  
00:48:52 12 oh, I had this view --

00:48:53 13 THE COURT: It's not based on value,  
00:48:56 14 it's based on square footage in relation to  
00:48:58 15 the whole?

00:48:58 16 MR. GOLDBERG: Yes.

00:48:59 17 THE COURT: Let's talk about method  
00:49:01 18 No. 1.

00:49:03 19 MR. GOLDBERG: Sure.

00:49:03 20 THE COURT: Have you given thought  
00:49:04 21 to asking a broker to just give you a fair  
00:49:08 22 market value on a unit-by-unit basis as of  
00:49:11 23 June 23rd based upon what those units  
00:49:13 24 traded for in the open market prior to this  
00:49:16 25 incident so we have a ballpark of the value

00:49:21 1 attributed to each of the -- how many units  
00:49:23 2 were there in this structure?

00:49:24 3 MR. GOLDBERG: 136, Your Honor.

00:49:27 4 THE COURT: Okay. So can we hire a  
00:49:29 5 broker to give us just a unit-by-unit fair  
00:49:33 6 market value valuation based upon, again,  
00:49:36 7 what these condominiums were trading for in  
00:49:39 8 the open market 12 or 24 months prior to  
00:49:45 9 this occurrence?

00:49:46 10 MR. GOLDBERG: Your Honor, first,  
00:49:48 11 I don't know that it would be a broker,  
00:49:50 12 because I don't know -- I think you'd need  
00:49:54 13 an appraiser to do that versus a broker, so  
00:49:56 14 that it would have --

00:49:57 15 THE COURT: Okay.

00:49:58 16 MR. GOLDBERG: If Your Honor wanted  
00:49:59 17 to go down that -- and clearly, that is  
00:50:03 18 going to be subjective, but it could be  
00:50:05 19 accurate, but I have not gone down that  
00:50:09 20 path, because I would need to wait for the  
00:50:12 21 Court to give a direction of which method  
00:50:14 22 it is interested or believes it wants to  
00:50:16 23 do.

00:50:17 24 If Your Honor wants to go based on  
00:50:20 25 fair market value with the subjective

00:50:22 1 differences between the units, then we can  
00:50:25 2 go hire an appraiser that can start  
00:50:29 3 calculating the value of the units  
00:50:31 4 vis-a-vis one another.

00:50:34 5 If Your Honor wanted -- did not want  
00:50:36 6 to give any value to the percentages in the  
00:50:43 7 debt.

00:50:43 8 THE COURT: Well, I'm going to be  
00:50:45 9 looking for your recommendation on that,  
00:50:47 10 and I'm going to want to hear from the unit  
00:50:50 11 owners and their counsel, but my only  
00:50:53 12 concern is that we be ready.

00:50:56 13 MR. GOLDBERG: Absolutely.

00:50:57 14 THE COURT: Because if and when  
00:50:58 15 there are sufficient funds to make either  
00:51:01 16 interim or final payment for the value of  
00:51:04 17 units, I don't want to first be starting  
00:51:07 18 that process.

00:51:09 19 Now, there are some -- there are  
00:51:12 20 some victims who are going to say I would  
00:51:17 21 like to have the fair market value  
00:51:20 22 approach, because my family paid more for a  
00:51:25 23 unit that had an ocean view on the top  
00:51:28 24 level, and there are going to be some unit  
00:51:30 25 owners, I assume, that would benefit if you



00:51:33 1 just did the square footage declaration  
00:51:37 2 model, and that's going to be an issue  
00:51:38 3 maybe I have to decide, maybe everybody is  
00:51:40 4 in agreement.

00:51:41 5 I just want to be ready so when the  
00:51:43 6 time comes, I'm not starting a process  
00:51:46 7 that's going to take months and months.  
00:51:48 8 When the time comes and the money is  
00:51:50 9 available, I want to be in the best  
00:51:52 10 position to make either interim or final  
00:51:55 11 distributions, and I don't want to be  
00:51:57 12 starting the process of figuring out the  
00:52:01 13 value of these units.

00:52:02 14 MR. GOLDBERG: No, we were not  
00:52:03 15 planning to --

00:52:04 16 THE COURT: So I don't want to get  
00:52:06 17 over my feet, but I don't want to be behind  
00:52:10 18 the curve either. Okay?

00:52:12 19 MR. GOLDBERG: Absolutely,  
00:52:13 20 Your Honor.

00:52:13 21 THE COURT: So you think about --  
00:52:14 22 you talk to the victims and their lawyers,  
00:52:16 23 and you think about what you would propose.  
00:52:18 24 Obviously, as I've said before, sometimes  
00:52:21 25 the perfect has to be sacrificed for the

00:52:24 1 good, and maybe it's easier and more  
00:52:27 2 administratively feasible to just use the  
00:52:29 3 square footage method in the declaration,  
00:52:33 4 which is the statutory option, as you say.

00:52:37 5 MR. GOLDBERG: Yes.

00:52:38 6 THE COURT: Maybe it's more fair and  
00:52:40 7 equitable to actually value the units, but  
00:52:43 8 I would like input from the victims and  
00:52:45 9 their lawyers and from you, but I just want  
00:52:47 10 to get the ball rolling so we're not caught  
00:52:51 11 behind the eight ball when it comes time to  
00:52:53 12 distribute, and we're ready to go. Okay?

00:52:55 13 MR. GOLDBERG: We will be ready.

00:52:57 14 THE COURT: So you talk to the  
00:52:58 15 victims, you meet with their counsels, and  
00:53:01 16 you let me know what the consensus is and  
00:53:04 17 what your recommendation is. If necessary,  
00:53:07 18 you retain that appraiser to start that  
00:53:10 19 analysis. Okay?

00:53:12 20 MR. GOLDBERG: Yes, Your Honor.

00:53:12 21 I will point out the one termination case  
00:53:16 22 based on where there was destruction of the  
00:53:20 23 property based on just ill repair, did  
00:53:24 24 it by the -- this is up in the Middle  
00:53:26 25 District of Florida, did it by declaration,

00:53:29 1 but both are viable, three viable  
00:53:34 2 alternatives.

00:53:35 3 THE COURT: Yeah.

00:53:35 4 MR. GOLDBERG: And we will speak --  
00:53:36 5 I heard Your Honor loud and clear.

00:53:39 6 THE COURT: Like I said, going by  
00:53:40 7 the declaration is certainly the most  
00:53:43 8 administratively easy route. It's clearly  
00:53:45 9 the path of least resistance.

00:53:47 10 MR. GOLDBERG: But that may not be  
00:53:49 11 the best.

00:53:50 12 THE COURT: It might not be fair to  
00:53:52 13 unit owners who paid substantially more and  
00:53:55 14 had substantially more equity given the  
00:53:57 15 location and the attributes of their  
00:54:00 16 particular property, right?

00:54:01 17 MR. GOLDBERG: Fully agree.

00:54:03 18 THE COURT: So like I said, maybe  
00:54:04 19 the victims will be in consensus or largely  
00:54:09 20 in consensus on this. Maybe they won't,  
00:54:11 21 but I'd like you to start talking to them.  
00:54:12 22 And of course, they're invited to all these  
00:54:13 23 hearings. You've made that clear, right?

00:54:16 24 MR. GOLDBERG: Your Honor --

00:54:17 25 THE COURT: And they're invited to

00:54:18 1 come and express their views here.

00:54:20 2 MR. GOLDBERG: Yes.

00:54:20 3 THE COURT: Okay.

00:54:21 4 MR. GOLDBERG: Your Honor, just so

00:54:22 5 it's on the record and the court knows,

00:54:23 6 before every hearing we send out --

00:54:26 7 we think we have compiled all the email

00:54:29 8 addresses of everybody. We post a Zoom

00:54:33 9 link on our website, and we send an email

00:54:36 10 out. Everyone has the address of this

00:54:37 11 Court and has a schedule of the hearing.

00:54:40 12 So we think we've done as best as

00:54:42 13 possible to notify everybody of the

00:54:44 14 hearing --

00:54:44 15 THE COURT: Good.

00:54:46 16 MR. GOLDBERG: -- and they're

00:54:47 17 encouraged to attend.

00:54:48 18 THE COURT: Mr. Goldberg, before

00:54:49 19 we move on to other things, is there

00:54:51 20 anything else that you feel is necessary to

00:54:52 21 bring to our attention this morning?

00:54:55 22 MR. GOLDBERG: Before the Court

00:54:58 23 hears from Mr. Cadre directly, I just

00:55:01 24 wanted to -- the last update is yesterday.

00:55:06 25 Counsel, myself, had a call with Mr. Cadre,

00:55:11 1 Mr. Barreto, and Mr. Fay. Mr. Fay has  
00:55:16 2 already been approached by many interested  
00:55:19 3 potential purchasers. I've been  
00:55:21 4 approached. I've given him my list so  
00:55:24 5 he can coordinate all that.

00:55:27 6 He also understands, as we've  
00:55:31 7 expressed, the transparency of a stalking  
00:55:34 8 horse process. He's utilized it many  
00:55:36 9 times, and he expressed support for that  
00:55:39 10 process. You know, finally, Your Honor,  
00:55:45 11 Mr. Cadre and Mr. Barreto have hit the  
00:55:48 12 ground running and doing really --

00:55:51 13 THE COURT: I'm going to hear from  
00:55:52 14 him in just a minute. Okay?

00:55:53 15 MR. GOLDBERG: Yes, I know you're  
00:55:54 16 going to hear from him, and they're  
00:55:57 17 prepared to address the Court.

00:55:58 18 THE COURT: Very good. Thank you,  
00:56:00 19 Mr. Goldberg.

00:56:00 20 MR. GOLDBERG: Thank you,  
00:56:01 21 Your Honor.

00:56:01 22 THE COURT: Okay. Let me ask my  
00:56:03 23 friend, Manny Cadre, to come up and address  
00:56:06 24 the Court briefly on what developments have  
00:56:09 25 been made as far as interfacing with

00:56:13 1 government agencies in an effort to see  
00:56:16 2 if there's an interest in the acquisition  
00:56:18 3 of the property or other governmental  
00:56:20 4 assistance for these victims.

00:56:23 5 Good morning, Manny.

00:56:26 6 MR. CADRE: Good morning, good to  
00:56:27 7 see you, Judge. Briefly before I get  
00:56:30 8 started, I wanted to thank the Court for  
00:56:33 9 moving this case along, because, believe  
00:56:35 10 it or not, the speed with which you're  
00:56:37 11 moving things is assisting the political  
00:56:40 12 effort. I know you've taken a little bit  
00:56:41 13 of heat from the press about moving too  
00:56:44 14 quickly, I can assure you that I would not  
00:56:47 15 have expected to be where we are a year  
00:56:52 16 into this, being here today has assisted,  
00:56:57 17 Mr. Barreto and myself, to getting to where  
00:57:00 18 we need to be politically, so we thank the  
00:57:04 19 Court for your efforts.

00:57:05 20 Second, I'd like to thank  
00:57:07 21 Mr. Goldberg for his extraordinary efforts  
00:57:13 22 and the amount of the effort he's put into  
00:57:15 23 this and the amount of time he's spent with  
00:57:18 24 us. So I'll be very brief in our report on  
00:57:22 25 behalf of Mr. Barreto and myself.

00:57:23 1 So we have reached out to political  
00:57:26 2 leadership extending from the governor of  
00:57:30 3 Florida, Ron DeSantis, and these have been  
00:57:33 4 Mr. Barreto and myself together and  
00:57:35 5 individually, so I won't go into detail,  
00:57:39 6 but I will tell you we've spoken to the  
00:57:44 7 governor, to the mayor of the county, to  
00:57:48 8 Surfside through their counsel, and I'd be  
00:57:52 9 happy to tell you why Surfside in a second.

00:57:56 10 Every call -- and to federal  
00:57:58 11 leadership, both Senators' offices, and  
00:58:02 12 we've started engaging with congressional  
00:58:05 13 leadership, every single conversation has  
00:58:07 14 been received warmly and with a desire to  
00:58:11 15 help.

00:58:12 16 There are some upcoming meetings,  
00:58:15 17 including with the county and with the  
00:58:18 18 governor to go deeper into these, so the  
00:58:22 19 will is there. I will tell you  
00:58:26 20 Mr. Goldberg, Mr. Fay, Mr. Barreto, and  
00:58:30 21 myself have engaged in a number of  
00:58:33 22 conversations, because part of our goal  
00:58:36 23 politically, I think, is to maximize the  
00:58:38 24 value of this property consistent with  
00:58:40 25 Your Honor's direction.

00:58:43 1                   Some of that is going to require  
00:58:45 2                   political will, just in its simplest form,  
00:58:52 3                   this property is zoned a certain way today,  
00:58:56 4                   and it is worth -- let's call it whatever  
00:58:59 5                   it's worth, \$100 million.

00:59:01 6                   Mr. Goldberg, rightfully so, and  
00:59:05 7                   Mr. Fay have engaged with Mr. Barreto and  
00:59:09 8                   myself. If the property were to be zoned  
00:59:13 9                   differently in a sale process, it would  
00:59:16 10                  obviously be worth a lot of money.

00:59:18 11                  I think Your Honor wants to --

00:59:22 12                  THE COURT: A lot more money.

00:59:23 13                  MR. GOLDBERG: A lot more money.

00:59:25 14                  THE COURT: Because in my view it's  
00:59:28 15                  already worth a lot of money.

00:59:31 16                  MR. CADRE: It would be worth a lot  
00:59:31 17                  more money.

00:59:32 18                  THE COURT: Okay. All right.

00:59:33 19                  MR. CADRE: Now, we are balancing  
00:59:34 20                  Your Honor's desire to get funds quickly  
00:59:36 21                  with the other mandate that Your Honor has  
00:59:40 22                  given us, which is to honor the memories of  
00:59:45 23                  the people who have been injured and who  
00:59:48 24                  have perished here.

00:59:49 25                  So we've had extensive conversations



00:59:51 1 with Mayor Gelber, who has, as you know,  
00:59:55 2 offered a site for a memorial. That  
00:59:58 3 obviously could affect the value of the  
01:00:00 4 property.

01:00:01 5 So there is a lot going on.  
01:00:04 6 I expect we will have more reports in the  
01:00:06 7 weeks to come, but I just wanted to thank  
01:00:09 8 all of the political leadership and their  
01:00:13 9 counsel for the incredible amount of  
01:00:17 10 support that we've received in our initial  
01:00:20 11 conversations. So I expect that we will  
01:00:24 12 have the ability to assist Mr. Goldberg and  
01:00:26 13 the Court in maximizing value.

01:00:30 14 THE COURT: I appreciate that,  
01:00:31 15 Mr. Cadre, and I appreciate your comments  
01:00:33 16 earlier. You know, I do want to speak  
01:00:37 17 briefly to what you mentioned as far as the  
01:00:40 18 speed of this process. You know, there was  
01:00:46 19 a lot that needed to be done in this case.  
01:00:49 20 This was not a case that could afford to  
01:00:52 21 let grass grow underneath it.

01:00:57 22 When this case was filed, we had a  
01:00:59 23 board that was devastated and clearly  
01:01:02 24 dysfunctional and not competent to  
01:01:05 25 deliberate over, let alone make some of the

01:01:07 1 critical decisions that had to be made, and  
01:01:10 2 a receiver needed to be appointed right  
01:01:13 3 away in order to accomplish what  
01:01:14 4 Mr. Goldberg has accomplished, meaning  
01:01:16 5 acquiring insurance proceeds, paying out  
01:01:22 6 assistance payments, marshalling assets,  
01:01:25 7 exploring legal options. This is not a  
01:01:29 8 case where we had time to deliberate and  
01:01:31 9 wait and see what happens.

01:01:32 10 Now, as far as the assets are  
01:01:34 11 concerned, like I said before, people can  
01:01:37 12 have their points of view on when the  
01:01:39 13 property should be sold and how it should  
01:01:41 14 be disposed of, but the Court's concern has  
01:01:48 15 always been the victims here, and while  
01:01:51 16 it's easy for some people to be critics,  
01:01:54 17 the fact remains the people who have lost  
01:01:58 18 their homes, not everybody who has lost  
01:02:01 19 their home has cash in the bank to go  
01:02:01 20 acquire a new residence.

01:02:04 21 People who perished in this were  
01:02:06 22 providers to children, to parents, to whole  
01:02:11 23 families who were lost in this tragedy, and  
01:02:13 24 the people that were lost provided for  
01:02:16 25 other people, food, clothing, shelter, and

01:02:20 1 these people need to be compensated as soon  
01:02:23 2 as possible.

01:02:25 3 So while those, including many on  
01:02:27 4 the sidelines, have the luxury of time,  
01:02:30 5 many of these victims do not, and they need  
01:02:33 6 the value of their units to acquire new  
01:02:36 7 homes, whether they be homes that they're  
01:02:40 8 purchasing or homes that they're renting,  
01:02:41 9 and the survivors of these people need  
01:02:45 10 compensation that they are legally entitled  
01:02:47 11 to in order to survive and provide for  
01:02:50 12 basic needs that these people who perished  
01:02:53 13 provided for before.

01:02:55 14 So this Court appreciates the fact  
01:02:59 15 that people can have different point of  
01:03:01 16 views. The Court, like I said last time,  
01:03:05 17 wants to hear all point of views, which is  
01:03:07 18 why I encourage victims to come here and  
01:03:10 19 express their point of views, but this  
01:03:14 20 Court -- this Court's task is to make sure  
01:03:17 21 these victims receive all legal relief that  
01:03:23 22 they are lawfully entitled to as fast as  
01:03:27 23 possible, period. Okay?

01:03:28 24 And I said last time around that a  
01:03:30 25 government option is fantastic. There's

01:03:35 1 nothing I would like to see more than  
01:03:37 2 either the federal government through the  
01:03:38 3 Cares Act or the state government and or  
01:03:45 4 local or a combination of all three paying  
01:03:48 5 fair value for this property, and putting  
01:03:50 6 up a memorial or doing what they feel is  
01:03:53 7 appropriate.

01:03:53 8 I was concerned before that that may  
01:03:54 9 not happen fast enough. My experience  
01:03:57 10 typically is the private sector, which you  
01:04:00 11 are deeply involved in, makes decisions and  
01:04:03 12 moves at a much faster pace than most  
01:04:05 13 government bureaucracies, but if there's  
01:04:07 14 the political will, either from the federal  
01:04:13 15 authorities or Governor DeSantis, who is a  
01:04:13 16 firm and fast decision-maker based upon  
01:04:16 17 what I know of him, or local authorities  
01:04:20 18 want to weigh in here, all the power to  
01:04:23 19 them. That would be terrific.

01:04:25 20 Again, it's going to have to be at a  
01:04:30 21 deliberate pace, and we're going to move  
01:04:34 22 it along. So I appreciate your efforts,  
01:04:37 23 and I appreciate Mr. Barreto's efforts, and  
01:04:39 24 just please convey to governmental  
01:04:43 25 authorities who may have political will

01:04:46 1 that this is -- this cannot be a long,  
01:04:50 2 drawn-out process. Okay?

01:04:53 3 MR. CADRE: We have, and we will  
01:04:54 4 continue to, Judge.

01:04:55 5 THE COURT: I know you will.

01:04:57 6 MR. CADRE: Thank you.

01:04:57 7 THE COURT: And there's no better --  
01:05:00 8 you know, you and I have been friends for  
01:05:02 9 30 years, and I have a friendship with  
01:05:04 10 Mr. Barreto, and I know there are no  
01:05:09 11 persons available that would do a better  
01:05:12 12 job of liaisoning with these governmental  
01:05:20 13 authorities at the highest level.

01:05:22 14 So I appreciate your efforts,  
01:05:24 15 especially without compensation, to do  
01:05:26 16 whatever you can to see what options are  
01:05:29 17 available on the government side. Thank  
01:05:29 18 you.

01:05:31 19 MR. CADRE: Thank you, Judge. We'll  
01:05:32 20 be back. Thank you.

01:05:33 21 THE COURT: Okay. Do I have a  
01:05:34 22 represent of Mr. Fe's firm here.

01:05:38 23 MR. GOLDBERG: Yes, Brian de La Fe.

01:05:42 24 THE COURT: Mr. de la Fe, good  
01:05:49 25 morning, sir.

01:05:50 1 MR. DE LA FE: Good morning, Judge.

01:05:52 2 THE COURT: So any updates you can  
01:05:53 3 provide us?

01:05:54 4 MR. DE LA FE: At the moment we are  
01:05:55 5 preparing our marketing materials. We're  
01:05:57 6 moving at a very fast pace and confirming  
01:06:01 7 zoning, as Mr. Cadre mentioned. We're also  
01:06:04 8 exploring potential variances or up-selling  
01:06:06 9 that can potentially happen with the  
01:06:08 10 private sector being involved.

01:06:09 11 THE COURT: Very good. Thank you  
01:06:14 12 for your efforts, and thank you, again, for  
01:06:14 13 those efforts pro bono.

01:06:16 14 MR. DE LA FE: Yes, of course.  
01:06:17 15 Thank you.

01:06:17 16 THE COURT: Before I turn to  
01:06:18 17 litigation counsel, do I have any victims  
01:06:21 18 or family members or anybody here who would  
01:06:23 19 like to address the Court?

01:06:25 20 Good morning, folks. Anybody who  
01:06:28 21 wishes, you're free to speak from where you  
01:06:31 22 are or come to the podium. Good morning,  
01:06:31 23 again, sir.

01:06:35 24 MR. CYTRYNBAUM: Good morning, Your  
01:06:37 25 Honor. I'm feeling a lot better than the

01:06:39 1 last time I saw you. I was completely  
01:06:41 2 under the weather, so now I can speak.

01:06:43 3 THE COURT: You did very well the  
01:06:44 4 last time.

01:06:45 5 MR. CYTRYNBAUM: I appreciate the  
01:06:47 6 kind words, but now I'm firing on all  
01:06:51 7 cylinders, and I came with some of my  
01:06:54 8 fellow owners and residents.

01:06:55 9 THE COURT: Very good. It's a  
01:06:56 10 pleasure to have you all here. I'm sorry  
01:06:58 11 for your loss, and you're invited here at  
01:07:00 12 any time.

01:07:01 13 MR. CYTRYNBAUM: I wanted to address  
01:07:03 14 some things that have been brought up with  
01:07:05 15 some of my fellow owners in regards to some  
01:07:08 16 of the issues that you brought up and your  
01:07:11 17 concern, and we talked about this a little  
01:07:13 18 bit the last time we were here. Sorry  
01:07:15 19 I have to keep looking at my notes.

01:07:18 20 You are concerned about filling as  
01:07:21 21 much buckets as possible for the victims,  
01:07:23 22 which we should be. I mean, that is the  
01:07:25 23 only form of compensation. Unfortunately,  
01:07:27 24 we can't bring lives back. We all wish  
01:07:30 25 we could, but compensation is the only way

01:07:33 1 to move things hopefully forward to get  
01:07:36 2 people's lives back on track, and, you  
01:07:40 3 know, there's a lot of talk about the land  
01:07:43 4 sale.

01:07:43 5 I've had the pleasure of speaking  
01:07:45 6 with Michael directly, Michael Fay who is  
01:07:48 7 more than welcoming to --

01:07:49 8 THE COURT: Some of the talk was  
01:07:51 9 also generated in part because when the  
01:07:54 10 Court instructed its receiver to start  
01:07:56 11 exploring options and get us ready, the  
01:08:02 12 take from that was, "Judge approved sale,"  
01:08:07 13 right, as though we were going to be  
01:08:09 14 closing on real estate in a week.

01:08:11 15 MR. CYTRYNBAUM: Of course.

01:08:13 16 THE COURT: And so the sound bytes  
01:08:15 17 sometimes drive the conversation --

01:08:17 18 MR. CYTRYNBAUM: Absolutely.

01:08:18 19 THE COURT: -- which is a little bit  
01:08:19 20 unfortunate, because that's not what  
01:08:22 21 occurred, but it is what it is, so let me  
01:08:25 22 hear your points of view.

01:08:27 23 MR. CYTRYNBAUM: Well, in regards to  
01:08:29 24 a land sale, which is obviously going to  
01:08:33 25 happen barring some unforeseen



01:08:37 1 circumstance, as the biggest pot for the  
01:08:41 2 victims, the owners, the injured, the  
01:08:44 3 non-injured, we have concern, because as  
01:08:50 4 I addressed last time, there is a fraction  
01:08:53 5 of the owners that do wish to have their  
01:08:57 6 home back on that land.

01:08:59 7 We should have a right to rebuild.  
01:09:01 8 The response we got from the Court was  
01:09:04 9 it was a Herculean task. It's only a  
01:09:08 10 Herculean task, because there's a little  
01:09:10 11 bit of creativity and effort that needs to  
01:09:13 12 be involved. I've spoken already to some  
01:09:17 13 developers preliminary. We've done some of  
01:09:19 14 our own homework, and we think there is a  
01:09:22 15 method, and I know you're open to all  
01:09:25 16 options, but you did throw it on our lap  
01:09:28 17 that we should come up with these options.

01:09:31 18 THE COURT: Yeah, yeah, I said I'm  
01:09:33 19 going to consider all options, anybody is  
01:09:36 20 free to propose them. I'm not suggesting  
01:09:38 21 that lay people as homeowners who lost  
01:09:42 22 their homes are responsible for putting the  
01:09:44 23 pen to paper and developing a plan.  
01:09:46 24 I mean, you're obviously -- I'll hear from  
01:09:49 25 anybody including --

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MR. CYTRYNBAUM: Absolutely.

THE COURT: Developers who say,  
listen, we'd like to put a building up and  
partner with people who owned units and  
give them an opportunity to acquire.  
That's great.

MR. CYTRYNBAUM: But it's not just  
about acquiring units. That's part of it.  
We've come up with a method or a  
preliminary solution, which I don't want to  
share yet with the Court, because it's not  
fully baked. I'm going to work with  
Michael Fay directly on behalf of a group  
of owners, and maybe there will be more to  
sign up.

The one part is to get the people  
who do want units back in the building, to  
get them units. We do want -- obviously,  
the developer has to make money. I mean,  
this is the real world, but there is a  
method where owners who want to stay can  
get units. Owners who want to get paid out  
as if it was just a traditional land sale  
will get paid out.

The developer will make profit, and

01:10:50 1 on top of it, a share of the profits will  
01:10:53 2 go to a victims fund for maybe funds above  
01:10:58 3 and beyond property owners for,  
01:11:01 4 unfortunately, the injured.

01:11:02 5 This is the goal of the Court. The  
01:11:04 6 goal is to achieve as much -- as much  
01:11:11 7 financial retribution, I should say, as  
01:11:15 8 possible, and I think we need to look at a  
01:11:20 9 way of not just putting a marketing  
01:11:23 10 materials and saying this is the land sale  
01:11:24 11 and this is what it is.

01:11:26 12 I think we should be demanding or  
01:11:28 13 requesting from developers an RFP that  
01:11:32 14 meets all those criteria. Let the  
01:11:35 15 developers get a little bit more creative  
01:11:39 16 in including a potential for people to stay  
01:11:41 17 in the deal, owners, for how they're going  
01:11:44 18 to share a percentage of their profits to  
01:11:46 19 the victims, how they're going to pay out  
01:11:48 20 the people who don't want to stay.  
01:11:50 21 It shouldn't be just a traditional land  
01:11:52 22 sale.

01:11:53 23 THE COURT: I understand that point  
01:11:54 24 of view, and I did not mean to throw cold  
01:11:58 25 water on it.

01:11:58 1 MR. CYTRYNBAUM: I didn't take it as  
01:12:00 2 that.

01:12:00 3 THE COURT: But I'm a bit of a  
01:12:03 4 pragmatist, right, and what you're talking  
01:12:05 5 about here is -- because anything --  
01:12:08 6 anything done has to obviously compensate  
01:12:11 7 those people who are no longer with us and  
01:12:14 8 their survivors for the full value of their  
01:12:17 9 equity, right?

01:12:18 10 MR. CYTRYNBAUM: Absolutely.

01:12:20 11 THE COURT: So that -- that's a  
01:12:21 12 third or so of the owners. So that has to  
01:12:24 13 be done first. Then you've got to have a  
01:12:28 14 financeable project that somebody is  
01:12:29 15 willing to take the risk on sharing a large  
01:12:32 16 profit with people who -- you know, with  
01:12:38 17 survivors or estates or whoever it may be,  
01:12:42 18 and I just think that this concept has a  
01:12:45 19 lot of moving parts, will take a long time  
01:12:49 20 to develop and implement, and I see a  
01:12:53 21 number of hurdles.

01:12:55 22 So while I didn't mean to throw cold  
01:12:57 23 water on it, and all options will be looked  
01:13:00 24 at, if that option is viable, it needs to  
01:13:04 25 be moved at a quick speed.

01:13:06 1 MR. CYTRYNBAUM: Absolutely. And  
01:13:08 2 that's why I want to work with Michael Fay  
01:13:10 3 directly.

01:13:11 4 THE COURT: But what you're talking  
01:13:12 5 about is a developer coming in either  
01:13:14 6 through financing or directly taking out  
01:13:16 7 the equity of all the families who no  
01:13:20 8 longer are with us up front, then financing  
01:13:24 9 the project at a considerable construction  
01:13:28 10 cost, assuming that the land is put in the  
01:13:31 11 pot, right?

01:13:32 12 Then you're talking about hundreds  
01:13:34 13 of millions of dollars in construction  
01:13:37 14 financing, all for a significantly reduced  
01:13:42 15 potential upside because of the need to  
01:13:45 16 give some of that profit to victims, right?

01:13:53 17 And I just think, based upon my  
01:13:55 18 experience, that I called it a long shot.  
01:13:57 19 Maybe it's not a long shot, maybe it's  
01:14:00 20 viable, but it just seems like something  
01:14:02 21 that has a lot of moving parts, will  
01:14:05 22 require a lot of negotiation, not only with  
01:14:07 23 the possible developer but with lenders,  
01:14:10 24 with families, right, because there are  
01:14:13 25 some of the -- some estates may say I'm not

01:14:17 1 interested in waiting a decade until this  
01:14:21 2 new building is done, between all the  
01:14:24 3 planning, financing, development. I want  
01:14:26 4 my compensation. I have to feed my  
01:14:28 5 families now. I have to buy a unit to live  
01:14:31 6 now.

01:14:31 7 You know, I can't wait eight years  
01:14:34 8 and hope that the real estate market is  
01:14:38 9 still strong and that some developer comes  
01:14:40 10 in and gives me more of an upside. There  
01:14:43 11 are going to be families who are going to  
01:14:44 12 say that. You and I know that.

01:14:47 13 MR. CYTRYNBAUM: But there's a  
01:14:48 14 process that can be put in place. That's  
01:14:51 15 my point. It's not slowing down the  
01:14:52 16 timeline of the land sale. It's not  
01:14:55 17 slowing down the payout to the victims who  
01:14:57 18 don't want to be part of a rebuild. That's  
01:14:59 19 my point.

01:15:00 20 There is a method available that can  
01:15:02 21 pay out the victims who don't want to stay  
01:15:05 22 in and want to get paid as if a land sale  
01:15:08 23 was done, pretend there's no rebuild.  
01:15:11 24 They're still paid out. There still can be  
01:15:13 25 a victims fund. This is a very profitable

01:15:15 1 project no matter how you slice it. There  
01:15:18 2 is help with additional zoning that's been  
01:15:20 3 talked about, which gives increased profit  
01:15:23 4 above the number of units that was already  
01:15:25 5 there to begin with. There can be  
01:15:27 6 construction financing that is supported by  
01:15:29 7 government entities, if it's the state's or  
01:15:29 8 the federal government.

01:15:33 9 President Biden said he'd be willing  
01:15:36 10 to help in some way. Let's see him step  
01:15:36 11 up. There is a method here. It sounds  
01:15:40 12 Herculean at first, but it's actually not.  
01:15:40 13 It just takes a little creativity and a  
01:15:43 14 little more work, and I'm willing to put in  
01:15:45 15 that work with the help of more seasoned  
01:15:48 16 professionals.

01:15:48 17 THE COURT: I commend you for that.  
01:15:49 18 I commend you all for thinking out of the  
01:15:52 19 box and coming up with alternatives.  
01:15:56 20 Obviously, as I've said before, anything  
01:15:59 21 that will get as much compensation as  
01:16:01 22 possible to the victims of this tragedy is  
01:16:04 23 something the Court will look at extremely  
01:16:07 24 carefully, and you have my word, which  
01:16:09 25 I gave you last time and give you again --

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MR. CYTRYNBAUM: And I appreciate

that.

THE COURT: -- that all options will be considered, and there is nothing that will be taken off the table until it has been fully explored and determined not to be feasible. Outside of that, if it's a viable option, it will be considered along with all others.

MR. CYTRYNBAUM: I guess what I'm asking the Court is that we need a voice as the owners. You're putting in a professional like Michael Fay, you put in a receiver over here, we have all our attorneys. We need an actual voice, not a hired hand, and so that's what I'm saying.

THE COURT: Well, you've done a great job.

MR. CYTRYNBAUM: Well, I appreciate that.

THE COURT: You are officially appointed. Okay?

MR. CYTRYNBAUM: I'm requesting that I would like to, on behalf of some owners, work more closely with Michael Fay as long



01:17:01 1 as he's willing to include me in the  
01:17:02 2 process a little more.

01:17:04 3 THE COURT: I'm going to instruct  
01:17:06 4 Mr. Fay as well as Mr. Cadre and Baretto  
01:17:09 5 and Mr. Goldberg to conference with you as  
01:17:12 6 much as you desire and to work with you and  
01:17:15 7 other victims in assessing and exploring  
01:17:19 8 all options, including the prospect of a  
01:17:24 9 rebuild.

01:17:25 10 MR. CYTRYNBAUM: Look, if it doesn't  
01:17:26 11 make sense, it doesn't make sense.  
01:17:28 12 I agree. Let's get the land sold, let's  
01:17:30 13 get the victims paid. No one's trying to  
01:17:33 14 slow down the process, but we'd hate to see  
01:17:35 15 the train leave the station without having  
01:17:38 16 everybody on board.

01:17:38 17 THE COURT: Well, I promise you and  
01:17:40 18 assure you, once again, that no train is  
01:17:42 19 going to leave the station unless that  
01:17:44 20 train has been looked at, and it's  
01:17:46 21 incapable of taking its passengers to the  
01:17:53 22 intended destination. Okay?

01:17:54 23 MR. CYTRYNBAUM: Because the goal is  
01:17:54 24 to raise as much funds as possible. We're  
01:17:57 25 all on board with that, and I would love to

01:18:00 1 see a process that leads to more funds than  
01:18:02 2 just property owners being compensated.

01:18:04 3 THE COURT: I agree, but let me  
01:18:06 4 close with one thing.

01:18:07 5 MR. CYTRYNBAUM: No problem, and  
01:18:07 6 thank you for your time.

01:18:07 7 THE COURT: Profit is a very elusive  
01:18:09 8 thing, right? Everybody looks at the real  
01:18:11 9 estate market now in South Florida, it's so  
01:18:14 10 hot. We came off of COVID, a lot of people  
01:18:18 11 want to move here. Everybody's got this  
01:18:21 12 thought that this is just going to be a  
01:18:22 13 hugely profitable venture for whoever  
01:18:25 14 acquires the real estate. Okay?

01:18:27 15 You know, it's an elusive concept.  
01:18:31 16 I've known many real estate developers and  
01:18:34 17 represented many of them who bought what  
01:18:37 18 they thought was a very profitable piece of  
01:18:40 19 real estate and developed it only to lose  
01:18:42 20 their shirts. Okay?

01:18:44 21 Now, nobody knows what the South  
01:18:46 22 Florida real estate market is going to be  
01:18:48 23 in four, five, six years when these  
01:18:52 24 hypothetical units are going to be sold.  
01:18:54 25 Nobody knows what the economy is going to

01:18:56 1 look like.

01:18:58 2 You know, development is a risky  
01:19:01 3 venture, and as many successful developers  
01:19:05 4 as there are in this community whether they  
01:19:08 5 are related to here or others, there are an  
01:19:11 6 equal number that have been down the  
01:19:12 7 bankruptcy route using the services of fine  
01:19:15 8 lawyers like Mr. Singerman.

01:19:17 9 So it's easy to sit here and say  
01:19:19 10 let's take a ride with a developer and  
01:19:22 11 let's have these estates and other people  
01:19:24 12 take a ride with the developer for five or  
01:19:27 13 six years and hope for the best, but that  
01:19:30 14 is not always the most prudent course,  
01:19:33 15 particularly for people who have been  
01:19:35 16 devastated by a tragedy like this, who have  
01:19:38 17 lost their homes, have lost families, and  
01:19:41 18 the ability to provide for children and  
01:19:43 19 others.

01:19:43 20 So aside from the prospect of doing  
01:19:48 21 better on the upside, we also have to  
01:19:50 22 consider the comfort of certainty and  
01:19:54 23 certain compensation early on. All those  
01:19:58 24 things have be to weighed.

01:20:00 25 MR. CYTRYNBAUM: No disagreement on

01:20:01 1 my side, and that's why I said there's a  
01:20:03 2 method to getting those people paid right  
01:20:05 3 away, and it's only people that want to  
01:20:08 4 stay for the ride, people that don't want  
01:20:11 5 to have the rebuild. It's not everybody.  
01:20:13 6 It's a small percentage. Most of the  
01:20:15 7 building will still be for sale by the  
01:20:15 8 developer.

01:20:17 9 Anyway, I don't want to get into the  
01:20:19 10 details about everything. I will work  
01:20:20 11 happily with Michael and Michael, and  
01:20:22 12 hopefully we'll come to a solution that  
01:20:24 13 makes it well for everybody.

01:20:26 14 THE COURT: And like you said,  
01:20:27 15 we don't need to get into the weeds today.

01:20:30 16 MR. CYTRYNBAUM: Exactly. I just  
01:20:31 17 want to --

01:20:31 18 THE COURT: But you do have my word  
01:20:33 19 that these professionals will work with  
01:20:34 20 you, they will listen to your input, and if  
01:20:38 21 there's a viable option to be explored in  
01:20:41 22 that direction, it will be thoroughly  
01:20:44 23 vetted and looked at. Okay?

01:20:46 24 MR. CYTRYNBAUM: Okay. Because  
01:20:46 25 I believe there are developers out there

01:20:48 1 that want to be helpful, and maybe that  
01:20:50 2 makes them the strongest bidder, but  
01:20:52 3 anyway, we'll get into the details later.

01:20:52 4 THE COURT: Yes.

01:20:52 5 MR. CYTRYNBAUM: I invite some of my  
01:20:54 6 other -- if that's okay -- owners who would  
01:20:59 7 love to speak.

01:20:59 8 THE COURT: Absolutely. Can you  
01:21:00 9 make an appearance for the court reporter,  
01:21:02 10 please. Just note your appearance, just  
01:21:06 11 your name.

01:21:06 12 MR. CYTRYNBAUM: Oren Cytrynbaum,  
01:21:12 13 C-Y-T-R-Y-N-B-A-U-M, and O-R-E-N.

01:21:19 14 THE COURT: Oren, I have a feeling  
01:21:21 15 you've been doing that for quite a while,  
01:21:24 16 spelling that name.

01:21:25 17 MR. CYTRYNBAUM: It's a mouthful.

01:21:27 18 THE COURT: Okay. Would any other  
01:21:28 19 unit owners or survivors like to speak to  
01:21:28 20 the Court?

01:21:35 21 MS. SANTOS: Yes.

01:21:35 22 THE COURT: Yes, ma'am.

01:21:39 23 MS. SANTOS: Good morning,  
01:21:40 24 Your Honor. My name is --

01:21:52 25 THE COURT: Take your time, ma'am.

01:21:54 1 You're under no hurry. We've got no place  
01:21:57 2 to go.

01:22:02 3 Is somebody speaking on the Zoom?  
01:22:04 4 Can we mute the Zoom, please.

01:22:08 5 What's your name, ma'am?

01:22:10 6 MS. SANTOS: My name is Yadira  
01:22:10 7 Santos.

01:22:10 8 THE COURT: Yadira?

01:22:12 9 MS. SANTOS: Yadira, Y-A-D-I-R-A.

01:22:12 10 THE COURT: Nice to meet you.

01:22:12 11 MS. SANTOS: Thank you. Likewise.

01:22:16 12 I am Unit Owner 908, and I was in  
01:22:19 13 the building at the time of the incident  
01:22:21 14 along with my 8-year-old son, and our  
01:22:24 15 little dog. We managed to escape the  
01:22:28 16 building and being rescued by fire  
01:22:30 17 department at a later time.

01:22:32 18 First of all, I want to thank the  
01:22:35 19 Court, yourself, Mr. Goldberg, and  
01:22:37 20 everybody that has been on the leadership  
01:22:39 21 role here to assist all of us. It's been a  
01:22:45 22 lot personally, and I know I share with my  
01:22:49 23 neighbors some of the hurdles and emotions  
01:22:52 24 that we have been going through, all of  
01:22:55 25 this.

01:22:55 1 Of course, the loss of our family,  
01:22:58 2 our friends, our neighbors, it's  
01:23:01 3 invaluable, and there's no amount of money  
01:23:04 4 that can replace those individuals, and  
01:23:09 5 we are grieving along with those families  
01:23:11 6 in our own way and along their side.

01:23:15 7 As Oren had expressed, there's a  
01:23:19 8 group of us that are interested in the  
01:23:21 9 possibility of rebuilding our homes.  
01:23:24 10 Personally, my home was paid off  
01:23:26 11 completely. I had no mortgage, and I had  
01:23:29 12 the sense of piece of mind knowing that  
01:23:31 13 I had a safe home for my son, and I didn't  
01:23:34 14 have to worry about that.

01:23:35 15 I'm in the healthcare field, and  
01:23:37 16 I have worked my whole life to get where  
01:23:39 17 I was. So nothing has been given to me  
01:23:42 18 freely or handed out or born with a silver  
01:23:45 19 spoon. I worked hard for what I was able  
01:23:48 20 to accomplish. I know everything is a  
01:23:50 21 material value at this point, and that  
01:23:52 22 we are going to be able to rebuild, but I'm  
01:23:55 23 thinking why can't we rebuild where  
01:23:58 24 we called home.

01:23:59 25 Again, I know it may be a long shot,

01:24:01 1 it may even be impossible, perhaps, but  
01:24:05 2 I know there's a little thread of hope, and  
01:24:08 3 I'll keep holding on to that if there's a  
01:24:10 4 possibility, along with also having a  
01:24:16 5 memorial or some sort of area for honoring  
01:24:22 6 our neighbors and friends that perished in  
01:24:26 7 this incident.

01:24:27 8 Again, I thank you, and I thank  
01:24:30 9 Mr. Goldberg and everybody and their  
01:24:32 10 leadership, because it's been a lot, and  
01:24:35 11 honestly, we feel like we're still in  
01:24:38 12 limbo. We've been struggling with finding  
01:24:42 13 housing, and not only housing for 30 days,  
01:24:44 14 2 weeks stay here, stay there.

01:24:46 15 Like I said, I have a little one  
01:24:47 16 that I need to provide some sense of  
01:24:52 17 stability, and I seek housing for at least  
01:24:54 18 a year or more that I can settle down  
01:24:58 19 and --

01:24:58 20 THE COURT: Have you been able to  
01:24:59 21 find housing?

01:25:01 22 MS. SANTOS: I'm in that process  
01:25:02 23 currently, Your Honor. The market in  
01:25:04 24 Surfside has been very limited. Inventory  
01:25:07 25 has been very limited along with rising



01:25:09 1 prices. It has doubled the rent, and  
01:25:13 2 again --

01:25:14 3 THE COURT: Have you received  
01:25:15 4 assistance from the receiver?

01:25:16 5 MS. SANTOS: Yes, sir, I did. Thank  
01:25:18 6 you. Thank you for that.

01:25:18 7 THE COURT: Good. Okay. Good. I'm  
01:25:21 8 glad to hear that.

01:25:22 9 MS. SANTOS: I also want to express  
01:25:23 10 my gratitude to the Red Cross, because they  
01:25:26 11 have been amazing, amazing with us, and  
01:25:28 12 they have been our voices whenever we need  
01:25:30 13 to reach out to any leaders or entities  
01:25:33 14 that we need assistance with, so I just  
01:25:36 15 wanted to share that as well.

01:25:38 16 Last and not least, I just heard  
01:25:41 17 Mr. Goldberg expressing about the future of  
01:25:44 18 the piles and evidence and everything that  
01:25:47 19 is being catalogued, and it was my  
01:25:50 20 understanding that at some point we were  
01:25:52 21 also going to be able to go to that site  
01:25:54 22 and perhaps identify or retrieve any of our  
01:25:58 23 former -- our belongings, so if there's a  
01:26:02 24 way that that can be honored in the future  
01:26:05 25 before anything is disposed, I know that

01:26:07 1 we were asked to start an inventory of our  
01:26:11 2 things, to, again, at a later time try to  
01:26:15 3 identify or recoup some of our items.

01:26:18 4 THE COURT: Well, we will do  
01:26:20 5 everything possible to make that happen.  
01:26:23 6 I have an order in effect preserving all  
01:26:27 7 evidence. Nothing is going to be disposed  
01:26:29 8 of, and if and when it is appropriate,  
01:26:31 9 I will do everything possible within my  
01:26:33 10 jurisdiction to ensure that you have the  
01:26:35 11 opportunity to go in and try to retrieve  
01:26:37 12 whatever personal belongings are there.

01:26:39 13 MS. SANTOS: Thank you, sir.

01:26:41 14 THE COURT: And I am so sorry for  
01:26:44 15 the friends you have lost and the neighbors  
01:26:46 16 you have lost. I am grateful and happy  
01:26:52 17 that you and your family were able to make  
01:26:54 18 it to safety. It must have been a horrific  
01:26:57 19 experience for you, very traumatizing for  
01:27:01 20 you and your family, and we will look at  
01:27:05 21 all the options that are available, get you  
01:27:07 22 whatever assistance you need, and hopefully  
01:27:11 23 provide funds that you can use to secure  
01:27:14 24 alternative housing on a more permanent  
01:27:17 25 basis as soon as feasible, and that's my

01:27:19 1 goal, and I'm not going to be changing  
01:27:23 2 course. Okay?

01:27:23 3 MS. SANTOS: Okay. Thank you, sir.  
01:27:25 4 I appreciate it.

01:27:25 5 THE COURT: Thank you for having the  
01:27:26 6 courage to come in here today and to speak  
01:27:29 7 to all of us after the traumatizing event  
01:27:32 8 you went through. It takes a lot for you  
01:27:34 9 to come down here today, for you to stand  
01:27:38 10 up in front of a group of strangers and  
01:27:41 11 speak about such a harrowing and personal  
01:27:43 12 experience, and I thank you for having the  
01:27:45 13 courage to do that.

01:27:46 14 MS. SANTOS: Thank you, Your Honor.  
01:27:47 15 I'm just expressing my humble two cents in  
01:27:52 16 front of the Court. Thank you.

01:27:53 17 THE COURT: Well, you know, common  
01:27:54 18 sense and humble cents goes a long way in  
01:27:57 19 here. I want to hear from you guys.  
01:28:00 20 I want to hear from the people who were  
01:28:02 21 directly affected by this, and your point  
01:28:04 22 of view is going to be considered as much  
01:28:07 23 if not more than anybody else's. Okay?

01:28:10 24 MS. SANTOS: Thank you. Please  
01:28:11 25 don't forget about us. The survivors who

01:28:15 1 are still trying to rebuild.

01:28:16 2 THE COURT: I assure you we will not  
01:28:26 3 be forgetting about you. Okay?

01:28:26 4 MS. SANTOS: Thank you.

01:28:26 5 THE COURT: Yes, sir. Good morning,  
01:28:28 6 sir.

01:28:28 7 MR. LONGOBARDI: Good morning, Your  
01:28:31 8 Honor. Pablo Longobardi. I was Unit 309  
01:28:33 9 in the building that night. I think Oren  
01:28:37 10 just said everything I wanted to say, so  
01:28:41 11 I don't want to add anything there. We are  
01:28:47 12 in a very similar situation. I want to  
01:28:47 13 just make clear we would like to have our  
01:28:50 14 home back to where we were.

01:28:51 15 I don't want to have, you know, one  
01:28:54 16 penny out of this, because I don't think  
01:28:55 17 it's about profit here. It's really about  
01:28:58 18 having the chance to go back to where the  
01:29:01 19 place we called home. That's --

01:29:03 20 THE COURT: I appreciate that,  
01:29:05 21 Pablo. We will look at that thoroughly and  
01:29:08 22 see if that's a viable option, and  
01:29:09 23 if it is, it will be vetted completely, and  
01:29:14 24 we will look at it together with any other  
01:29:16 25 options. You have my assurance of that.

01:29:19 1 MR. LONGOBARDI: Thank you for that.

01:29:22 2 THE COURT: Thank you. I'm glad you  
01:29:24 3 came here today. I want to encourage you  
01:29:27 4 as well as other victims of this tragedy to  
01:29:30 5 come to court and participate in these  
01:29:32 6 proceedings, because they directly affect  
01:29:35 7 your lives and your property.

01:29:38 8 MR. LONGOBARDI: They do.

01:29:38 9 THE COURT: And you have every right  
01:29:41 10 to be here and every right to be heard.

01:29:42 11 MR. LONGOBARDI: We'd like to be  
01:29:44 12 here all the time, but as you can imagine,  
01:29:46 13 we're trying to go back to work and rebuild  
01:29:49 14 our lives. It's quite busy these days.

01:29:51 15 THE COURT: I understand that. As  
01:29:52 16 well as you have, too, a lot of things on  
01:29:54 17 your plate. I'm thankful that you and your  
01:29:57 18 family survived this, and, again, I'm sorry  
01:30:00 19 for your friends and neighbors who did not.  
01:30:02 20 I'm glad you were able to --

01:30:04 21 MS. SANTOS: We're happy to be here.  
01:30:07 22 Absolutely.

01:30:07 23 THE COURT: Thank you, Pablo. Any  
01:30:13 24 others? Sir.

01:30:19 25 Good morning, sir.

01:30:19 1 MR. PENA: My name is Marcelo Pena,  
01:30:24 2 I'm from 708. Good morning.

01:30:26 3 THE COURT: Good morning, sir.

01:30:28 4 MR. PENA: Oren has said a lot,  
01:30:36 5 and -- Oren has said a lot of how the  
01:30:40 6 neighbors of the building feel. There's  
01:30:42 7 different categories in our building right  
01:30:46 8 now, and these are representing the people  
01:30:50 9 that --

01:30:50 10 THE COURT REPORTER: I'm sorry, sir,  
01:30:50 11 I can't hear you.

01:30:50 12 MR. CYTRYNBAUM: Speak up.

01:30:55 13 MR. PENA: He said a lot about  
01:30:57 14 representing the people that want to stay  
01:31:01 15 in the Champlain Towers. I would like to  
01:31:04 16 ask you if we can get interviewed by the  
01:31:09 17 investigators, because there's a lot of  
01:31:10 18 information that we have that can be very,  
01:31:12 19 very helpful for --

01:31:15 20 THE COURT: What I'm going to  
01:31:16 21 encourage you all to do, because I have  
01:31:18 22 instructed the professionals working under  
01:31:20 23 the Court's supervision, Mr. Fay and his  
01:31:23 24 group, Mr. Cadre, Mr. Goldberg, to meet  
01:31:26 25 with you and take your input and look at

01:31:30 1           whatever plans you all believe may be  
01:31:34 2           viable, but you guys have to have some kind  
01:31:37 3           of a structure.

01:31:37 4                       I think Oren would be a perfect  
01:31:40 5           person to be your spokesperson and liaison  
01:31:43 6           with those professionals. Again, they're  
01:31:46 7           going to give you as much time and take as  
01:31:49 8           much input from you as necessary.

01:31:51 9           I promise you that.

01:31:53 10                   MR. PENA: Appreciate that.

01:31:54 11                   THE COURT: Okay?

01:31:55 12                   MR. PENA: Thank you.

01:31:55 13                   THE COURT: Thank you, sir. Thank  
01:31:56 14           you for coming in, and I'm glad you're able  
01:31:59 15           to be here and that you're here today.

01:32:02 16                   MR. PENA: Thank you.

01:32:04 17                   UNIDENTIFIED SPEAKER: Your Honor,  
01:32:05 18           may I suggest something to the Court.  
01:32:07 19           I see that there's a bunch of owners that  
01:32:09 20           also want to be heard. Obviously, we're  
01:32:14 21           here for them. May I suggest that the  
01:32:16 22           Court, just like it did with the  
01:32:18 23           plaintiffs' steering committee, perhaps  
01:32:20 24           either vet -- it's obvious that there are  
01:32:23 25           very many professional, intelligent,

01:32:26 1 articulate people that lived in this  
01:32:28 2 building that can help all of us and  
01:32:31 3 themselves, and I'd like to suggest that  
01:32:34 4 maybe the Court appoint an owners' steering  
01:32:38 5 committee to speak with Manny and obviously  
01:32:41 6 Michael and --

01:32:42 7 THE COURT: Well, I think that's  
01:32:43 8 kind of what I just did, asking them to  
01:32:45 9 select their representatives. I suggested  
01:32:48 10 Oren. There may be others that would like  
01:32:51 11 to serve on that, but they have to have the  
01:32:53 12 structure to liaison with these  
01:32:55 13 professionals so that we have a coherent  
01:32:59 14 message that's being delivered through a  
01:33:01 15 uniform, unified voice, right?

01:33:04 16 I trust that they'll get together  
01:33:05 17 and they'll come up with the people that  
01:33:08 18 they think are best able to represent their  
01:33:10 19 interest and convey their message, and I've  
01:33:13 20 instructed all the professionals in this  
01:33:14 21 case, Manny, Michael Fay, Rodney, to listen  
01:33:17 22 to them with an open mind and to hear what  
01:33:20 23 they have to say.

01:33:22 24 MR. CYTRYNBAUM: I'm just  
01:33:23 25 volunteering my time and efforts, but no



01:33:25 1 way taking a leadership role without the  
01:33:27 2 support of, obviously, anybody that wants  
01:33:30 3 it.

01:33:30 4 THE COURT: You've been appointed.

01:33:32 5 MR. CYTRYNBAUM: Okay. Well, I'm  
01:33:34 6 good to go. Let's make this happen.

01:33:36 7 THE COURT: Okay. So I did not  
01:33:38 8 realize we had -- I have not really been  
01:33:40 9 focused on the Zoom aspect of the hearing,  
01:33:43 10 and I didn't realize we had a number of  
01:33:46 11 other unit owners who would like to be  
01:33:48 12 heard.

01:33:48 13 Obviously, we have limited time this  
01:33:50 14 morning, but I am going to hear from a few  
01:33:52 15 more of you all before -- because I need to  
01:33:54 16 turn to Ms. Furst and get an update on some  
01:33:58 17 other matters.

01:33:59 18 So let me see if I can figure out  
01:34:01 19 how to unmute people. Is there somebody  
01:34:03 20 who can help me out here? Let's see,  
01:34:06 21 if I just hit Ms. Shren, for example.

01:34:13 22 Ms. Shren?

01:34:14 23 MS. SHREN: Yes, hi, Your Honor.

01:34:15 24 THE COURT: Good morning, ma'am.

01:34:16 25 How are you?

01:34:17 1 MS. SHREN: I wish I could say that  
01:34:18 2 I was better. I speak on behalf of the  
01:34:23 3 family of Estelle Hedaya, the family of  
01:34:23 4 Anastasia Gromova, and the family of Linda  
01:34:31 5 Marsh. These are the three victims who  
01:34:34 6 have not yet been identified. We don't  
01:34:37 7 even have bodies to bury yet.

01:34:40 8 I want to thank you for all that  
01:34:41 9 you're doing, all that you said this  
01:34:43 10 morning, but I would like to ask you how --  
01:34:48 11 who here in the Court can help the last  
01:34:52 12 three families at least get some -- how do  
01:34:57 13 you say -- transparent and honest answers  
01:34:59 14 from the MD, not about the time frame, just  
01:35:02 15 about what it is that they might have that  
01:35:06 16 could possibly be out of family members'  
01:35:11 17 remains. We understand that it takes time.

01:35:13 18 THE COURT: Ms. Shren, just for  
01:35:16 19 clarification, were these your family  
01:35:19 20 members, were these friends of yours?

01:35:22 21 MS. SHREN: Yes, yes.

01:35:24 22 THE COURT: I'm very sorry for your  
01:35:26 23 loss, and please accept the Court's  
01:35:29 24 condolences, and thank you for having the  
01:35:32 25 courage and tenacity for being here this

01:35:35 1 morning and for looking out for your  
01:35:38 2 friends and your family.

01:35:40 3 So that's a little bit outside this  
01:35:42 4 Court's jurisdiction as far as the recovery  
01:35:45 5 efforts are concerned, and giving the kind  
01:35:49 6 of information that you need, it's a bit  
01:35:52 7 outside of my jurisdiction.

01:35:54 8 I'm going to ask Mr. Goldberg to  
01:35:57 9 talk to you about that privately about what  
01:36:01 10 can be done, maybe, to expedite the  
01:36:04 11 recovery process of your loved ones and  
01:36:06 12 provide you the information you need and  
01:36:09 13 what agencies would be taking the lead on  
01:36:10 14 that, because it is outside my  
01:36:13 15 jurisdiction.

01:36:14 16 One thing this Court needs to always  
01:36:17 17 remember, no matter how much I would like  
01:36:19 18 to help victims and no matter how much  
01:36:22 19 I would like to assist everyone, there are  
01:36:25 20 particular lanes that this Court has to  
01:36:26 21 stay in, and it has its lane, and it tends  
01:36:32 22 to use that lane to its full ability to do  
01:36:35 23 whatever it can do to assist, but that is  
01:36:38 24 an area that I cannot encroach onto.

01:36:43 25 MS. SHREN: I understand.

01:36:44 1 THE COURT: I hope I've answered  
01:36:45 2 your question to the best of my ability.

01:36:49 3 MS. SHREN: I thank you, and I  
01:36:50 4 understand the process needs to continue  
01:36:52 5 for both the survivors and all those who  
01:36:54 6 have also lost possessions, et cetera, and  
01:36:58 7 we appreciate all that you're doing.

01:37:00 8 THE COURT: Thank you.

01:37:00 9 MS. SHREN: And again, the victims'  
01:37:02 10 families, of course we want a memorial of  
01:37:06 11 some sort there.

01:37:06 12 THE COURT: Thank you. As do  
01:37:06 13 we all. Again, I thank you for -- thank  
01:37:10 14 you for appearing this morning.

01:37:12 15 MS. SHREN: Thank you, Judge.

01:37:13 16 THE COURT: So let me hear from --

01:37:21 17 MS. WEBBER: Hello?

01:37:22 18 THE COURT: Yes, ma'am, can you --

01:37:24 19 MS. WEBBER: My name is Martina  
01:37:29 20 Webber, and I used to own Apartment 112 for  
01:37:33 21 40 years, and I do support Oren, and I know  
01:37:38 22 we are a group of people that we would like  
01:37:41 23 to reveal that if you talk to any of us,  
01:37:46 24 you'll hear how much we love that place.

01:37:50 25 I know this is not something, but

01:37:54 1 I do want you to take in consideration that  
01:37:58 2 there is a group of people, we are not  
01:38:01 3 talking for anybody, I know every person  
01:38:05 4 has their own opinion, but we would like  
01:38:07 5 the see the possibility of rebuilding and  
01:38:09 6 to have the opportunity to send to you a  
01:38:14 7 plan where everybody would really get a  
01:38:17 8 much better financial compensation  
01:38:22 9 if we could achieve our purpose. Thank  
01:38:27 10 you, Judge.

01:38:27 11 THE COURT: Thank you for appearing,  
01:38:29 12 ma'am. I'm very glad that you survived  
01:38:34 13 this horrific event and are able to be here  
01:38:37 14 today, and I thank you for your courage in  
01:38:40 15 stepping up and expressing your points of  
01:38:43 16 view. Thank you, again, for being here.

01:38:46 17 MS. WEBBER: Thank you, sir.

01:38:47 18 THE COURT: Let me hear from  
01:38:48 19 Ms. Miller.

01:38:50 20 MS. MILLER: Hi. I'm from Apartment  
01:38:53 21 303, and my question is just when you're  
01:38:57 22 talking about the appraisal of the value,  
01:39:02 23 what date would that appraised value be  
01:39:05 24 based on, just considering this incident  
01:39:09 25 happened in late June, and Florida has

01:39:13 1 quite a dynamic real estate market, and of  
01:39:16 2 course the cost of replacement of a  
01:39:20 3 comparable apartment is going to be varying  
01:39:23 4 over time?

01:39:24 5 THE COURT: Yeah, you know, I'm not  
01:39:25 6 an appraiser, Ms. Miller, but my guess is  
01:39:29 7 if we go that route and we do a fair market  
01:39:33 8 valuation of each unit in the building,  
01:39:35 9 it would be as of the day before the  
01:39:37 10 incident. In other words, it would be --  
01:39:39 11 it would be as current as possible. Does  
01:39:43 12 that answer your question?

01:39:47 13 Okay. Thank you. I think the last  
01:39:50 14 homeowner I have is Mr. Gorefinkle. Good  
01:39:56 15 morning, Mr. Gorefinkle. You have to  
01:40:00 16 unmute yourself, sir.

01:40:02 17 MR. GOREFINKLE: Yes, I'm not a unit  
01:40:03 18 owner. My mom was a unit owner of 509, and  
01:40:08 19 first of all, thank you for everything that  
01:40:11 20 everyone's doing to assist us. I just  
01:40:14 21 wanted to be clear on one thing, and that  
01:40:16 22 is I guess you appointed a de facto owners'  
01:40:22 23 committee. I haven't discussed this with  
01:40:25 24 my mom, because I just heard this for the  
01:40:28 25 first time about rebuilding the building.

01:40:30 1 I don't know how she feels about  
01:40:32 2 it at this point. Obviously, she's trying  
01:40:34 3 to move on and find a new place for her to  
01:40:37 4 live, but I just want to make sure that  
01:40:40 5 if there is a committee, that it's not --  
01:40:46 6 that it's not going to be pushing one  
01:40:48 7 viewpoint or another, but it has  
01:40:50 8 everybody's input. In other words --

01:40:52 9 THE COURT: Yeah, yeah, and as  
01:40:55 10 I said earlier, Mr. Gorefinkle, first of  
01:40:59 11 all, let me just say how glad I am to hear  
01:41:03 12 that your mom survived this. Thank God for  
01:41:06 13 that. There's going to be divergent views,  
01:41:10 14 obviously.

01:41:11 15 MR. GOREFINKLE: Of course.

01:41:12 16 THE COURT: And I'm certain that  
01:41:14 17 Oren and whoever he works with as  
01:41:17 18 representative of the owner group will pay  
01:41:19 19 close attention to the views of not only  
01:41:22 20 those who think it is feasible and in their  
01:41:26 21 best interest to rebuild, but those many  
01:41:28 22 unit owners who I sense would like to  
01:41:31 23 receive whatever compensation they are  
01:41:33 24 legally entitled to and move on, forgoing  
01:41:36 25 that process.

01:41:37 1 So I'm sure they will listen to the  
01:41:40 2 views of all affected and interested  
01:41:44 3 parties in open forums and make their  
01:41:47 4 recommendations and suggestions only after  
01:41:49 5 receiving that input.

01:41:51 6 Thank you, again, for appearing and  
01:41:54 7 for being here with us this morning, much  
01:41:57 8 appreciated.

01:41:59 9 MR. GOREFINKLE: Thank you very  
01:42:00 10 much.

01:42:01 11 MR. CYTRYNBAUM: Just to address  
01:42:02 12 what he said, we're not looking at just one  
01:42:05 13 option. We're looking at all options, the  
01:42:05 14 land sale, the rebuild.

01:42:07 15 THE COURT: I have no doubt that you  
01:42:08 16 are. We'll continue --

01:42:08 17 MR. CYTRYNBAUM: I just want to make  
01:42:09 18 sure people understand we're not on one  
01:42:11 19 path. We want to see what is the path to  
01:42:13 20 the biggest pot for everybody.

01:42:15 21 THE COURT: Are there any other  
01:42:17 22 victims or unit owners who would like to  
01:42:21 23 express their views to the Court before  
01:42:24 24 I turn to counsel for an update on  
01:42:27 25 potential third-party claims?



01:42:29 1 MS. RODRIGUEZ: Yes, Judge, I would  
01:42:31 2 like to speak.

01:42:31 3 THE COURT: Okay. Is this 907?

01:42:38 4 MS. RODRIGUEZ: Yes.

01:42:38 5 THE COURT: I don't have a name.  
01:42:42 6 Can you identify yourself, ma'am.

01:42:43 7 MS. RODRIGUEZ: Your Honor, I would  
01:42:53 8 also like to speak.

01:42:58 9 THE COURT: I have somebody on mute  
01:43:00 10 who is identified as "Court 907." Is that  
01:43:03 11 who is trying to speak?

01:43:05 12 MS. RODRIGUEZ: Yes, Judge, it's  
01:43:09 13 Raysa Rodriguez from 907.

01:43:11 14 THE COURT: Okay. Ms. Rodriguez is  
01:43:13 15 it? Ms. Rodriguez, if you can just speak  
01:43:16 16 up a little bit, please.

01:43:18 17 MS. RODRIGUEZ: Can you hear me,  
01:43:19 18 Judge?

01:43:21 19 THE COURT: Barely. Can you speak a  
01:43:22 20 little louder?

01:43:22 21 MS. RODRIGUEZ: Yes. Can you hear  
01:43:23 22 me now, Judge?

01:43:24 23 THE COURT: I can hear you,  
01:43:25 24 Ms. Rodriguez.

01:43:26 25 MS. RODRIGUEZ: Good morning, Judge.

01:43:26 1 THE COURT: Good morning.

01:43:27 2 MS. RODRIGUEZ: I just would like to  
01:43:29 3 share my feelings about rebuilding on the  
01:43:34 4 site. I lived in Champlain Towers for 17  
01:43:37 5 years. Everyone that has spoken, I know  
01:43:40 6 them personally.

01:43:42 7 After that tragic incident that  
01:43:45 8 evening that I shared personally with  
01:43:48 9 Yadira, who spoke a little while from 908,  
01:43:52 10 we went down that stairwell with her son  
01:43:55 11 and Aida from 808.

01:43:58 12 On the way home that evening, the  
01:44:00 13 only thing I could think of that would be  
01:44:02 14 fair, that we needed to put a memorial.  
01:44:07 15 Just I kept thinking that on the way home  
01:44:10 16 while my brother was driving me home to my  
01:44:13 17 80-year-old parents. I wanted to get home  
01:44:16 18 before they heard on the news what had  
01:44:17 19 happened that evening.

01:44:19 20 I consciously could never go back  
01:44:22 21 into a building where I'm waking up in the  
01:44:25 22 middle of the night where I'm seeing little  
01:44:27 23 Stella and little Leonardo playing in the  
01:44:30 24 pool, and the kids running around, running  
01:44:33 25 into Linda Marsh and Julio Velazquez that

01:44:37 1 morning in the elevator. I personally  
01:44:38 2 could never set foot in a building on that.

01:44:41 3 Personally, I'm sorry, I'm getting  
01:44:44 4 very emotional, that is a grave site.  
01:44:46 5 I left that in my mind that evening saying  
01:44:49 6 that's a grave site. I saw with my two  
01:44:53 7 eyes the pancake. I opened the stairwell  
01:44:57 8 door, and I heard a woman crying for help  
01:45:00 9 that I couldn't help in pitch darkness.

01:45:04 10 To this day I wake up in the middle  
01:45:06 11 of the night thinking of everyone that  
01:45:09 12 perished in that collapse. My friends from  
01:45:13 13 1210, Elaine Sabino, Elaine and her mother  
01:45:20 14 from 1211. I'm sorry, Judge. 602,  
01:45:25 15 Ms. Noriega, and I can keep going on and  
01:45:25 16 on.

01:45:29 17 I've lived there 17 years. My  
01:45:31 18 relationship to these people, no matter  
01:45:34 19 if they were Catholic, Jewish, it doesn't  
01:45:38 20 matter, they were all human beings, and  
01:45:41 21 when I looked at that pancake, I knew no  
01:45:44 22 one was going to survive that. I just  
01:45:46 23 wanted to share my feelings.

01:45:48 24 I do not agree with Oren, and Oren  
01:45:50 25 knows how I feel with him. We have a

01:45:52 1 special relationship, we're neighbors.  
01:45:54 2 I actually lived between Oren and Yadira.  
01:45:58 3 Again, I just wanted to share my feelings.

01:46:01 4 THE COURT: Ms. Rodriguez, I so much  
01:46:02 5 appreciate you showing up here today. I'm  
01:46:06 6 glad you survived this tragic event, and  
01:46:10 7 I'm really sorry for the loss you have  
01:46:12 8 suffered of your friends and neighbors and  
01:46:15 9 the experience you went through, and the  
01:46:16 10 fact that you have lost your property and  
01:46:19 11 have to rebuild your life.

01:46:21 12 I give you so much credit for having  
01:46:25 13 the courage to show up here and to speak  
01:46:28 14 this morning, and I know that your views  
01:46:32 15 are going to be -- are shared with many  
01:46:34 16 survivors and will be considered, not only  
01:46:38 17 by the Court, but by all interested  
01:46:41 18 parties.

01:46:42 19 So thank you so much for being here  
01:46:44 20 and expressing your thoughts, and they will  
01:46:48 21 definitely be in the Court's consideration.

01:46:52 22 MS. RODRIGUEZ: Thank you, Judge.

01:46:54 23 THE COURT: Thank you. Any other  
01:46:55 24 victims who would like to be heard this  
01:46:57 25 morning?

01:46:59 1 MS. SOLEIMANI: Your Honor, I would  
01:47:00 2 like to speak.

01:47:01 3 THE COURT: Is it Ms. Soleimani?

01:47:01 4 MS. SOLEIMANI: Soleimani, yes.

01:47:04 5 THE COURT: Soleimani. Thank you,  
01:47:05 6 Tara is your first name?

01:47:08 7 MS. SOLEIMANI: Yes.

01:47:10 8 THE COURT: Okay. You have the  
01:47:12 9 floor, Tara.

01:47:13 10 MS. SOLEIMANI: Thank you,  
01:47:14 11 Your Honor. I'm speaking on behalf of Ilan  
01:47:21 12 Naibryf's family. Ilan was in Apartment  
01:47:22 13 812 with his girlfriend, Deborah  
01:47:28 14 Berezdivin. He was in that building for  
01:47:30 15 three hours and lost his life. He was not  
01:47:33 16 an owner. I just wanted to ask Your Honor  
01:47:36 17 what considerations is being made for  
01:47:39 18 people who were visiting and not owners.  
01:47:43 19 I know most of the people on this call are  
01:47:45 20 owners.

01:47:46 21 THE COURT: Well, thank you for  
01:47:47 22 addressing that, and for thinking of those  
01:47:52 23 people. They are not being neglected.  
01:47:56 24 They are victims as much as owners, and  
01:47:59 25 their rights will be protected, I have no

01:48:03 1 doubt, by the competent lawyers who have  
01:48:05 2 agreed to step up and represent all victims  
01:48:09 3 of this tragedy, including property owners  
01:48:13 4 who suffered economic loss, property owners  
01:48:18 5 who perished and whose families are  
01:48:21 6 entitled to legal relief as well as the  
01:48:25 7 survivors of those who were renting in the  
01:48:31 8 building and were injured or perished as  
01:48:34 9 well.

01:48:34 10 So they're as much victims in this  
01:48:38 11 as any owner, and their rights will be  
01:48:42 12 adequately protected to the full extent of  
01:48:44 13 the law just as will the rights of owners,  
01:48:47 14 but thank you so much for being here today  
01:48:50 15 and for making clear and reminding us that  
01:48:56 16 there were people who tragically perished  
01:48:59 17 in this disaster that were not owners but  
01:49:03 18 who were lawful occupants of the building  
01:49:06 19 and who have the same rights as those who  
01:49:09 20 owned units.

01:49:10 21 So thank you -- thank you, Tara, for  
01:49:13 22 being here and for expressing those views.

01:49:16 23 MS. SOLEIMANI: Thank you,  
01:49:17 24 Your Honor. I do know that the family  
01:49:19 25 would prefer a memorial on the site as

01:49:22 1

well.

01:49:22 2

THE COURT: I know, and look,

01:49:24 3

I think I've said all that can be said on

01:49:26 4

that. I know that people have conflicting

01:49:30 5

views and that there are many who feel that

01:49:34 6

this property should be dedicated as a

01:49:37 7

memorial in perpetuity to those souls who

01:49:40 8

have -- who perished there in this horrific

01:49:44 9

event, and I understand that sentiment,

01:49:47 10

but, you know, that has to be at a public

01:49:55 11

expense.

01:49:55 12

If that property is going to be

01:49:57 13

dedicated to a memorial, it has to be at

01:50:01 14

the public charge, not at the sacrifice or

01:50:06 15

further sacrifice of those who own that

01:50:10 16

real estate. A memorial is a public

01:50:12 17

undertaking, and as I've said before, the

01:50:16 18

Court has no authority to nor would it ever

01:50:19 19

ask or force the owners of that real estate

01:50:23 20

to donate it for the public good.

01:50:25 21

So while I am all in favor of a

01:50:28 22

memorial to the extent it can be done, it's

01:50:32 23

going to have to be funded by the general

01:50:35 24

public, not these particular victims. That

01:50:41 25

would be unfair, and it would not be

01:50:43 1 appropriate in my view for the Court to ask  
01:50:45 2 for that, let alone force it. So I hope  
01:50:47 3 you understand that there are competing  
01:50:50 4 viewpoints on that, and a memorial, like  
01:50:53 5 all other options, will be completely and  
01:50:57 6 exhaustively explored. You have my word on  
01:51:01 7 that.

01:51:01 8 MS. SOLEIMANI: I do. Thank you  
01:51:03 9 very much, Your Honor.

01:51:04 10 THE COURT: Thank you, Tara.

01:51:06 11 Any other victims or unit owners who  
01:51:09 12 would like to be briefly heard before the  
01:51:12 13 Court moves on?

01:51:13 14 MS. LOVE: Yes, this is Lisa Love,  
01:51:19 15 Your Honor, Unit 701. Two things. I am  
01:51:21 16 requesting, Oren, please, I would like to  
01:51:23 17 serve on that committee with you. Two,  
01:51:26 18 I think it's not mutually exclusive to have  
01:51:28 19 a memorial as well as a rebuild. I think  
01:51:31 20 those things can be accomplished at the  
01:51:33 21 same time. And three, Your Honor, if, in  
01:51:36 22 fact, that the rebuild -- that would be my  
01:51:40 23 desire, but if for some reason it does not  
01:51:43 24 happen, you talked about rezoning the  
01:51:46 25 property. If you rezoned that property the



01:51:48 1 value of that property is going to go up  
01:51:51 2 tremendously, and I would request that the  
01:51:52 3 owners of the property get the upside of  
01:51:54 4 the rezoning and not the developer. So  
01:51:57 5 if the rezoning results in \$100 million  
01:52:00 6 increase in land value, that should be  
01:52:03 7 value coming to the landowners.

01:52:05 8 THE COURT: Thank you, Lisa.  
01:52:07 9 I appreciate you being here. I'm very  
01:52:10 10 thankful that you're with us here today,  
01:52:12 11 and I'm sorry for what you've been through,  
01:52:14 12 and your viewpoints, like all others, will  
01:52:16 13 be adequately considered, you have my  
01:52:19 14 assurance.

01:52:22 15 MS. LOVE: Thank you, Your Honor.

01:52:23 16 THE COURT: Thank you, Lisa.

01:52:29 17 Okay. Turning next and lastly,  
01:52:31 18 Ms. Furst, I'm going to ask you as co-chair  
01:52:34 19 of the plaintiffs' steering committee and  
01:52:37 20 co-lead counsel in this case to please just  
01:52:40 21 update me on your coordination efforts and  
01:52:44 22 what's being done to explore and  
01:52:46 23 investigate possible third-party claims.

01:52:48 24 MS. FURST: Good morning,  
01:52:49 25 Your Honor. Thank you. So since the

01:52:51 1 appointments on Friday evening, we've  
01:52:53 2 really been working hard to organize and  
01:52:56 3 consolidate our efforts. It's important to  
01:52:59 4 avoid duplication and overlap and to work  
01:53:04 5 efficiently, and that's what we intend to  
01:53:05 6 do on behalf of our clients and all the  
01:53:09 7 putative class members.

01:53:09 8 So we've met collectively as a  
01:53:11 9 group, leadership and steering committee  
01:53:13 10 counsel, and like I said, we've begun to  
01:53:16 11 organize in committees. We are working  
01:53:18 12 very much towards the August 16th deadline  
01:53:19 13 for the filing of a consolidated class  
01:53:22 14 action complaint, and we intend to include  
01:53:25 15 in that filing all those claims that are  
01:53:28 16 supported by our investigation up to that  
01:53:31 17 date.

01:53:32 18 But as Your Honor is aware, that is  
01:53:33 19 a short timeline, and so we are going  
01:53:36 20 through the process now, again, of vetting  
01:53:40 21 and meeting with experts who have been  
01:53:43 22 retained by some of our counsel already and  
01:53:46 23 others who will need to be, and that  
01:53:50 24 process takes time. We'll be relying upon  
01:53:52 25 those experts' advice in formulating our

01:53:55 1 claim and identifying all those parties who  
01:53:57 2 bear some responsibility and who are liable  
01:54:00 3 for this tragedy and who can be named in  
01:54:03 4 our pleading.

01:54:04 5 We are also beginning to formulate,  
01:54:08 6 you know, under the appropriate committee  
01:54:10 7 discovery, to determine how best to  
01:54:13 8 investigate of the liable parties, and to  
01:54:15 9 that end, we would ask Your Honor to  
01:54:18 10 consider lifting the stay that's been in  
01:54:22 11 place, at least to permit or consider  
01:54:25 12 permitting the filing or serving of  
01:54:26 13 consolidated discovery so that we can  
01:54:29 14 pursue that process.

01:54:29 15 THE COURT: Oh, I haven't stayed  
01:54:31 16 these proceedings. I stayed individual  
01:54:34 17 cases that are being brought outside the  
01:54:37 18 context of a consolidated putative class  
01:54:40 19 action complaint. You're not stayed.

01:54:42 20 MS. FURST: Okay. Thank you for  
01:54:43 21 clarifying that, Your Honor, because  
01:54:45 22 I think there was some confusion given the  
01:54:48 23 ore tenus nature of the motion that was  
01:54:51 24 made to stay and to what that applied, so  
01:54:53 25 that's helpful.

01:54:54 1 THE COURT: No, no, the purpose of  
01:54:55 2 the stay, as I explained in my written  
01:54:57 3 order, was to ensure that we don't waste  
01:55:01 4 resources, that all recovery be available  
01:55:04 5 and shared by all of those injured, and  
01:55:07 6 that all lawsuits, civil lawsuits are  
01:55:12 7 managed and streamlined, and to that end,  
01:55:14 8 what the Court did was that it stayed  
01:55:19 9 basically all other cases related to the  
01:55:23 10 Champlain Towers cases other than this.

01:55:27 11 So you are not subject to any stay,  
01:55:30 12 and the plaintiffs, you and Mr. Tropin as  
01:55:33 13 co-chairs, and those working under your  
01:55:36 14 supervision, are not only free to but are  
01:55:40 15 directed to move this case with dispatch  
01:55:44 16 and take whatever discovery you believe is  
01:55:46 17 necessary in order to ascertain and  
01:55:50 18 investigate possible third-party claims.

01:55:52 19 MS. FURST: Thank you, Your Honor,  
01:55:53 20 for clarifying that.

01:55:55 21 THE COURT: Okay? Yes.

01:55:55 22 MS. FURST: And my co-chair,  
01:55:57 23 Mr. Tropin, who is here appearing by Zoom,  
01:56:01 24 may want to add to this update, and so  
01:56:05 25 I will defer to him. He has been also

01:56:05 1 communicating and coordinating with the  
01:56:09 2 receiver in efforts to cooperate where  
01:56:10 3 there is the obvious possibility to do so.

01:56:14 4 So in short, it's been a busy few  
01:56:19 5 days, and we're building on the work that  
01:56:22 6 counsel has already put into this case and  
01:56:24 7 marshalling all the incredible skill and  
01:56:29 8 talent that is present among the counsel  
01:56:30 9 you appointed.

01:56:30 10 As Your Honor has recognized, we  
01:56:32 11 have the very best attorneys in our  
01:56:33 12 community working on this case and also  
01:56:36 13 from beyond, from other communities, from  
01:56:39 14 other states.

01:56:39 15 THE COURT: I agree. I don't think  
01:56:41 16 the putative class members and the victims  
01:56:44 17 could be in any better hands.

01:56:46 18 MS. FURST: So we thank you.

01:56:47 19 THE COURT: And I'm comforted by so  
01:56:50 20 many outstanding lawyers that bring such  
01:56:55 21 diverse background and talents to this  
01:56:59 22 case, and I have no doubt that there'll be  
01:57:02 23 no stone left unturned, that only viable  
01:57:05 24 claims will be pursued, and that the  
01:57:07 25 Court's time will not be wasted with

01:57:09 1 marginal lawsuits, and that as much legal  
01:57:13 2 relief as these victims are entitled to  
01:57:17 3 will be coming their way.

01:57:18 4 I have no doubt about it, and I,  
01:57:20 5 again, appreciate and commend all counsel  
01:57:23 6 for taking this risky venture on without  
01:57:26 7 any guaranteed assurance of compensation.  
01:57:32 8 I could not be prouder, and thank you for  
01:57:34 9 agreeing to serve as co-chair.

01:57:36 10 MS. FURST: Thank you, Your Honor.

01:57:37 11 THE COURT: Okay.

01:57:38 12 MS. FURST: With that, I do want to  
01:57:40 13 give Mr. Tropin --

01:57:42 14 THE COURT: I know, you have to  
01:57:42 15 always be diplomatic to Mr. Tropin, but  
01:57:45 16 I think I've heard enough about what's  
01:57:47 17 going on with the class case.

01:57:48 18 MS. FURST: Okay.

01:57:49 19 THE COURT: So I'm going to rely  
01:57:50 20 upon you for that update and move things  
01:57:50 21 along.

01:57:50 22 MS. FURST: Okay. Thank you, Your  
01:57:50 23 Honor.

01:57:55 24 THE COURT: Let me ask you one other  
01:57:58 25 question. Let me speak to the receiver,

01:57:59 1 too. Mr. Goldberg, if you can join us for  
01:58:01 2 just a minute.

01:58:02 3 Given that counsel has agreed to  
01:58:04 4 take on this representation at full risk of  
01:58:07 5 not being compensated for attorney's fees,  
01:58:07 6 my order does provide that counsel will not  
01:58:10 7 be shouldering the risk of out-of-pocket  
01:58:14 8 expenses and that investigative costs and  
01:58:17 9 experts and other out-of-pockets of counsel  
01:58:19 10 will be paid for out of the receivership  
01:58:22 11 estate.

01:58:22 12 So I want you all, Mr. Goldberg,  
01:58:24 13 Ms. Furst, Mr. Tropin, to work on some  
01:58:27 14 protocol where those bills can be submitted  
01:58:30 15 and paid timely without the Court having to  
01:58:33 16 be involved and micromanaging costs.

01:58:36 17 So the protocol I would like to see  
01:58:39 18 established pursuant to an order is that  
01:58:41 19 those costs will be submitted on a monthly  
01:58:43 20 basis or quarterly, however you all want to  
01:58:46 21 do it, that they'll be reviewed by you and  
01:58:49 22 Mr. Singerman, and absent some concern,  
01:58:52 23 they will be paid promptly.

01:58:54 24 If there's a matter that you all  
01:58:55 25 can't agree upon, it can be brought to my

01:58:59 1 attention, but I do not contemplate you  
01:59:01 2 having to file monthly or quarterly motions  
01:59:04 3 for the Court to approve out-of-pocket  
01:59:06 4 expenses. So can you all arrange for that  
01:59:08 5 protocol and submit me an agreed order,  
01:59:11 6 please.

01:59:12 7 MR. GOLDBERG: Your Honor, that  
01:59:13 8 won't be a problem at all. That's what  
01:59:15 9 we expected to do. We worked with counsel,  
01:59:18 10 many of the counsel numerous times and  
01:59:22 11 we'll do that.

01:59:22 12 Just one clarification. I assume  
01:59:26 13 Your Honor wants us to use the  
01:59:27 14 pre-receivership money to pay that, or do  
01:59:31 15 you want us to use insurance money?

01:59:33 16 THE COURT: Mr. Goldberg, I don't  
01:59:34 17 really care. I mean, it's fungible.  
01:59:37 18 If administratively you think it's more  
01:59:40 19 appropriate to use the association's  
01:59:41 20 pre-estate administrative funds first, then  
01:59:45 21 you pay it however you deem is appropriate.

01:59:49 22 MR. GOLDBERG: The only money  
01:59:50 23 I don't think that is appropriate to use is  
01:59:52 24 the donation by Mr. Ruiz, which is for the  
01:59:55 25 assistance of the victims; otherwise,



01:59:57 1 I would think you're right, that it is  
02:00:00 2 fungible.

02:00:01 3 THE COURT: Okay. That's fine.  
02:00:02 4 Just make sure that -- you know, counsel  
02:00:06 5 has graciously and generously agreed to  
02:00:08 6 take on these matters under an  
02:00:12 7 extraordinary generous fee arrangement  
02:00:13 8 asked for by the Court, and I do not want  
02:00:15 9 them either coming out-of-pocket or  
02:00:18 10 financing hard costs. I want those costs  
02:00:22 11 paid timely as soon as they are submitted  
02:00:25 12 after reasonable review.

02:00:27 13 MR. GOLDBERG: We fully get it.  
02:00:28 14 We will do that, and we, too, appreciate  
02:00:32 15 plaintiffs' counsel and stepping up to the  
02:00:33 16 plate for this.

02:00:35 17 THE COURT: Excellent. Thank you.  
02:00:36 18 Thank you, Ms. Furst.

02:00:36 19 MS. FURST: Thank you, Judge.

02:00:38 20 THE COURT: Okay. Before we adjourn  
02:00:40 21 this session, is there anything else that  
02:00:44 22 anybody wishes to bring to the Court's  
02:00:47 23 attention that has not already been  
02:00:48 24 discussed?

02:00:50 25 MR. RASKAS: Your Honor, if I may.

02:00:52 1 THE COURT: Counsel, just note your  
02:00:55 2 appearance again.

02:00:55 3 MR. RASKAS: Your Honor, thank you.  
02:00:57 4 Aron Raskas of the Gunster Law Firm on  
02:00:58 5 behalf of Morabito Consultants, Inc.  
02:01:01 6 Your Honor, we're a defendant in several of  
02:01:03 7 the cases. We understand, of course, that  
02:01:05 8 those cases have been stayed by  
02:01:06 9 Your Honor's order, but nevertheless  
02:01:08 10 we have a very specific and narrow  
02:01:11 11 preservation issue I just wanted to  
02:01:14 12 address.

02:01:14 13 Mr. Singerman, Mr. Guso, and  
02:01:17 14 Mr. Goldberg have been very gracious in  
02:01:19 15 updating me even before today's report.  
02:01:22 16 I also spoke with Ms. Morris at the County,  
02:01:26 17 I understand Mr. Murray is away, and we  
02:01:28 18 appreciate Your Honor's expressions and  
02:01:31 19 concerns about the need to preserve  
02:01:32 20 evidence.

02:01:33 21 There's an issue that we believe  
02:01:34 22 arises from the intersection of  
02:01:35 23 Your Honor's July 1 preservation order and  
02:01:39 24 the July 2 order authorizing the  
02:01:43 25 demolition, and we just --

02:01:45 1 THE COURT: Just to be clear -- just  
02:01:46 2 to be clear, because one thing I like to  
02:01:50 3 have is a clear record. I didn't authorize  
02:01:52 4 any demolition. What I did was I denied a  
02:01:55 5 motion to prevent the demolition. The  
02:01:59 6 demolition was the decision, not of this  
02:02:01 7 Court, but of the county and the  
02:02:04 8 appropriate executive branches. I simply  
02:02:07 9 denied a motion seeking to enjoin the  
02:02:11 10 demolition.

02:02:14 11 MR. RASKAS: I understand, Your  
02:02:14 12 Honor, and as I read the order before me,  
02:02:17 13 it provides that the county has the right  
02:02:19 14 and authority to enter upon the property  
02:02:21 15 and demolish the building of the Champlain  
02:02:25 16 Towers South Condominium.

02:02:26 17 THE COURT: That's exactly right.  
02:02:27 18 It has that right and authority as the  
02:02:27 19 executive branch, and I already made it  
02:02:32 20 very clear I was not going to encroach upon  
02:02:32 21 that right and authority, but the decision  
02:02:34 22 to demolish did not come from this Court.

02:02:37 23 MR. RASKAS: Understood.

02:02:38 24 THE COURT: Okay. Now what is  
02:02:39 25 it that you need?

02:02:40 1 MR. RASKAS: Your Honor, Morabito is  
02:02:46 2 named as a defendant here, and as Your  
02:02:49 3 Honor has presumably heard, Morabito  
02:02:52 4 conducted inspections to assist the  
02:02:52 5 association with its 40-year  
02:02:52 6 recertification efforts both in 2018 and  
02:02:52 7 2020.

02:03:01 8 In alleging negligence on the part  
02:03:02 9 of Morabito, some of the complaints point  
02:03:02 10 to major structural damage and abundant  
02:03:09 11 cracking and spalling in the pool deck area  
02:03:11 12 of the building and of the building's  
02:03:13 13 parking garage, and they attribute that  
02:03:15 14 negligence to that, amongst other things.

02:03:17 15 Notably, Your Honor, a significant  
02:03:20 16 portion of the pool deck and a portion of  
02:03:21 17 the garage where we reported the  
02:03:24 18 deteriorated concrete did not -- remained  
02:03:28 19 standing, and that, therefore, as we see  
02:03:31 20 it, is relevant and material evidence that  
02:03:34 21 those issues did not contribute to the  
02:03:37 22 collapse of the building.

02:03:38 23 So we are just concerned. Now that  
02:03:42 24 the county has authorized and taken down  
02:03:47 25 the main structure -- you know, everyone

02:03:50 1 that I've spoken to has been forthcoming,  
02:03:53 2 but they don't -- I haven't heard from the  
02:03:55 3 people on the ground. We understand that  
02:03:59 4 this is taking away materials.

02:04:04 5 What we're asking is just some  
02:04:06 6 clarity that to the extent that structures  
02:04:09 7 are still standing, that they not be  
02:04:13 8 deconstructed before the parties, their  
02:04:16 9 experts, and representatives have the  
02:04:18 10 opportunity to view it in its standing  
02:04:21 11 state. We believe that's very relevant and  
02:04:24 12 material.

02:04:24 13 THE COURT: I have a preservation  
02:04:26 14 order, and I guess what you're saying now  
02:04:28 15 is you want assurances or an order that the  
02:04:31 16 evidence is not only going to be preserved  
02:04:33 17 but preserved in its current form --

02:04:33 18 MR. RASKAS: Correct, Your Honor.

02:04:35 19 THE COURT: -- with respect to the  
02:04:36 20 pool deck and other areas.

02:04:38 21 MR. RASKAS: Correct, Your Honor.

02:04:39 22 THE COURT: I'm not sure a motion  
02:04:41 23 asking for that relief has been filed.  
02:04:44 24 Before I would ever entertain that and  
02:04:46 25 enter what is, in essence, an injunction

02:04:50 1 preventing demolition or requiring that the  
02:04:53 2 evidence be maintained in its current form,  
02:04:55 3 I would need an appropriate motion, and I  
02:04:57 4 would need everybody who is interested,  
02:04:59 5 including the county and the state  
02:05:02 6 attorney, to have a say in that.

02:05:04 7 So what I would encourage you to do,  
02:05:06 8 if you believe that relief is in your  
02:05:08 9 client's best interest, file a written  
02:05:11 10 motion, notice it for hearing, and I'll  
02:05:14 11 take it up as soon as possible.

02:05:16 12 MR. RASKAS: Thank you, Your Honor.  
02:05:17 13 We had actually prepared it and was in the  
02:05:19 14 process trying to get consent to it when  
02:05:21 15 I started these conversations.

02:05:23 16 THE COURT: Maybe you'll get  
02:05:26 17 consent. Maybe there's no reason to alter  
02:05:28 18 the present --

02:05:29 19 MR. RASKAS: That's why I had  
02:05:30 20 involved it yesterday, and I wanted to work  
02:05:31 21 through it.

02:05:32 22 THE COURT: It's a very valid point,  
02:05:34 23 because it's one thing to preserve evidence  
02:05:37 24 in the abstract. It's another thing to  
02:05:39 25 preserve it in the form in which it

02:05:41 1 currently exists. You may feel that the  
02:05:43 2 latter is appropriate, and feel free to  
02:05:46 3 file your motion. Anybody opposing it will  
02:05:48 4 have an opportunity to weigh in, and then  
02:05:50 5 I'll have a hearing immediately.

02:05:51 6 MR. RASKAS: We appreciate that,  
02:05:53 7 Judge. Thank you.

02:05:53 8 THE COURT: Thank you, counsel.

02:05:55 9 Mr. Singerman?

02:05:57 10 MR. SINGERMAN: May it please the  
02:05:58 11 Court, Paul Singerman for Mr. Goldberg.  
02:05:59 12 Yesterday we filed a motion, I believe  
02:06:01 13 it will be unopposed, it's purely  
02:06:04 14 administrative.

02:06:05 15 The motion is the receiver's motion  
02:06:06 16 for authorization to terminate a contract  
02:06:08 17 with Swaysland Professional Engineering  
02:06:11 18 Consultants, Inc., and to authorize  
02:06:14 19 Swaysland to return a \$6,000 deposit that  
02:06:17 20 it received from the association.

02:06:19 21 Very briefly, Your Honor, on May 17,  
02:06:22 22 2021, the association entered into this  
02:06:24 23 contract for consulting for the evaluation  
02:06:27 24 of windows and doors at the condominium  
02:06:30 25 tower. The work was not scheduled to

02:06:31 1 commence until June 28th.

02:06:33 2 THE COURT: Are they objecting to  
02:06:35 3 this?

02:06:37 4 MR. SINGERMAN: No, they're  
02:06:37 5 consenting, and they volunteered to return  
02:06:41 6 the \$6,000.

02:06:41 7 THE COURT: Does anybody else wish  
02:06:43 8 to be heard on this?

02:06:44 9 Okay. Motion is granted,  
02:06:47 10 Mr. Singerman. Go ahead and propose an  
02:06:47 11 order and put it up on courtMAP.

02:06:50 12 MR. SINGERMAN: Thank you very much,  
02:06:51 13 Your Honor.

02:06:52 14 THE COURT: Okay. Before  
02:06:52 15 we adjourn, is there anything that anybody  
02:06:55 16 else would like to bring to this Court's  
02:06:59 17 attention this morning?

02:07:01 18 Yes, sir. You can speak from there.

02:07:05 19 MR. PENA: We spend a lot of time  
02:07:07 20 today talking about money, and we have not  
02:07:09 21 concentrated on what the major issues is of  
02:07:11 22 this collapse that killed a lot of people.  
02:07:13 23 I think we should start moving along and --  
02:07:19 24 money is an issue here, and we spend a lot  
02:07:21 25 of money on engineers.



02:07:22 1 We should start focusing on the  
02:07:25 2 street, how the street was blocked by the  
02:07:29 3 developers, and why so many trucks,  
02:07:33 4 thousands of trucks being -- going back and  
02:07:35 5 forth into the beach through 88th Street  
02:07:41 6 for almost a year.

02:07:43 7 So there's a lot of -- I hear the  
02:07:48 8 gentleman talking about the pool.  
02:07:49 9 I appreciate that. We should start looking  
02:07:53 10 into the -- going to the column over here.  
02:07:58 11 We are in Week No. 5, and neighbors are  
02:08:02 12 still missing. Thank you.

02:08:03 13 THE COURT: Thank you, sir.

02:08:07 14 Okay. Thank you all for --

02:08:10 15 RICARDO: May I say one more thing.

02:08:12 16 THE COURT: Who is speaking?

02:08:14 17 RICARDO: Hi, Ricardo (Inaudible)  
02:08:18 18 from Apartment 112. How are you doing?

02:08:20 19 THE COURT: I'm fine, sir. How are  
02:08:21 20 you this morning?

02:08:22 21 RICARDO: Good. I just wanted to --  
02:08:24 22 I've been wanting to speak, and I just want  
02:08:27 23 to tell you how grateful I am for the work  
02:08:30 24 that you're doing. It's just like so nice  
02:08:33 25 to see that we have a Judge that's on our

02:08:36 1 side and wants to fight for the people who  
02:08:38 2 lost everything.

02:08:40 3 I wasn't going to say anything, but  
02:08:41 4 I just -- I love, love what you're doing  
02:08:45 5 for us, so thank you. Thank you so much.

02:08:50 6 THE COURT: Thank you, sir. Your  
02:08:52 7 kind words are greatly appreciated by the  
02:08:54 8 Court, and I appreciate and thankful that  
02:08:57 9 you're here. I'm sorry for your loss, and  
02:09:01 10 I encourage you to continue to join us  
02:09:03 11 during these proceedings and welcome your  
02:09:05 12 attendance.

02:09:06 13 So thank you for those kind words  
02:09:09 14 there, much appreciated by the Court.

02:09:11 15 Okay. We will be in recess in this  
02:09:13 16 matter, and we will reconvene if not next  
02:09:16 17 Wednesday, the following. I'm going to let  
02:09:18 18 you all know whether we will do it next  
02:09:20 19 Wednesday or I'm going to do it in two  
02:09:22 20 weeks, but I'll be back with you shortly.  
02:09:26 21 Everyone have a nice day. The Court is now  
02:09:29 22 in recess.

23 (Thereupon, the hearing was  
24 concluded at 11:04 a.m.)  
25

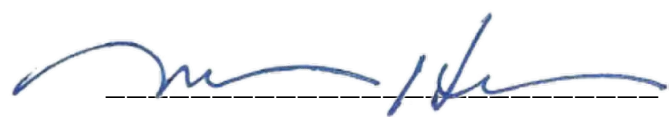
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CERTIFICATE OF REPORTER

STATE OF FLORIDA :  
COUNTY OF MIAMI-DADE :

I, Matthew J. Haas, shorthand  
reporter, do hereby 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.



MATTHEW J. HAAS  
Court reporter