

**In the Matter Of:**

**DREZNER V. CHAMPLAIN TOWERS**

2021-015089 CA 01

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**PROCEEDINGS**

*August 04, 2021*

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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.

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PROCEEDINGS BEFORE HONORABLE MICHAEL A. HANZMAN

STATUS CONFERENCE

Remote Proceeding  
Zoom Videoconference

Wednesday, August 4, 2021  
9:02 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

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

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  
Tjl@kttlaw.com  
BY: TAL J. LIFSHITZ, ESQUIRE  
Hst@kttlaw.com  
BY: HARLEY S. TROPIN, ESQUIRE

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

PODHURST ORSECK, P.A.  
1 Southeast 3rd Avenue  
Suite 2300  
Miami, Florida 33131-1716  
(305) 358-2800  
Rmcid@podhurst.com  
BY: RICARDO M. MARTINEZ-CID, ESQUIRE

ON BEHALF OF THE DEFENDANTS:

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

ON BEHALF OF THE TOWN OF SURFSIDE:

MAYOR CHARLES BURKETT  
  
WEISS, SEROTA, HELFMAN, COLE, BIERMAN & POPOK  
2525 Ponce De Leon Boulevard  
Suite 700  
Coral Gables, Florida 33134  
(305) 854-0800  
Larangodelahoz@wsh-law.com  
BY: LILLIAN M. ARANGO, ESQUIRE

1 ALSO PRESENT:

2 MIAMI-DADE COUNTY  
3 Miami-Dade County Attorney's Office  
4 111 Northwest 1st Street  
5 Suite 2810  
6 Miami, Florida 33128  
7 (305) 375-3661  
8 Laurenm@miamidade.gov  
9 BY: LAUREN E. MORSE, ESQUIRE

10  
11 THE FLORIDA SENATE  
12 224 Senate Office Building  
13 404 South Monroe Street  
14 Tallahassee, Florida 32399  
15 (305) 505-8478  
16 Jasonpizzo@gmail.com  
17 BY: JASON W. PIZZO, ESQUIRE

18  
19 RESIDENTS/OWNERS/VICTIMS:

20 Sharon Schechter  
21 Lilly Fish  
22 Ryan Wolf  
23 Martin Langesfeld  
24 Richard Brener  
25 Ike Rudy

1 Thereupon --

2 THE COURT: The Court is calling the  
3 Champlain Towers collapse consolidated  
4 litigation under Case No. 2021-015089.

5 What I will do is just take appearances as  
6 people speak so we do not have to spend 15  
7 minutes taking appearances of all counsel.

8 So let me first ask is the receiver  
9 and his counsel present?

10 MR. GOLDBERG: Yes, Your Honor,  
11 Michael Goldberg, I'm here.

12 THE COURT: Okay.

13 MR. SINGERMAN: Good morning, Your  
14 Honor. This is Paul Singerman from Berger  
15 Singerman. Our firm is counsel to  
16 Mr. Goldberg in his capacity as your  
17 court-appointed receiver. Good morning,  
18 Judge.

19 THE COURT: Very good. Good  
20 morning. And let me just take appearance  
21 from lead class counsel.

22 MS. FURST: Good morning, Your  
23 Honor. This is Rachel Furst of Grossman,  
24 Roth, Yaffa & Cohen appearing as co-chair  
25 lead counsel.

1 MR. TROPIN: Good morning, Judge,  
2 Harley Tropin, co-chair. I'm here as well  
3 representing the plaintiffs.

4 THE COURT: Okay. And let me have  
5 appearances of just lead counsel for both  
6 the property class as well as the personal  
7 injury class.

8 MR. GROSSMAN: Stuart Grossman, good  
9 morning. I'm in attendance. I'm co-lead  
10 on the personal injury/wrongful death and  
11 liaison counsel.

12 MR. LOPEZ: Good morning, Your  
13 Honor, Javier Lopez of Koyzak Tropin,  
14 co-lead of the property class.

15 MR. MARTINEZ-CID: Good morning,  
16 Your Honor. Ricardo Martinez-Cid, lead  
17 counsel for wrongful death and personal  
18 injury cases.

19 MR. MOSKOWITZ: Good morning, Your  
20 Honor, Adam Moskowitz, co-lead on the  
21 economic loss class.

22 THE COURT: Very good. And do  
23 I have somebody here from Mr. Fay's firm.

24 Nobody is here from Mr. Michael  
25 Fay's firm?

1 Mr. Goldberg, did you speak to them?

2 MR. GOLDBERG: Your Honor, I did  
3 speak to Mr. Fay yesterday. I thought they  
4 would be here -- oh, he's actually emailing  
5 right now saying he doesn't have a link for  
6 the hearing. I will email him one right  
7 now, Your Honor.

8 THE COURT: Very good. Please,  
9 email him the link. Mr. Goldberg, I'd like  
10 to start with you, please, and I'd like an  
11 update on matters such as assistance  
12 payments, insurance issues, the termination  
13 of the condo, appraisals, and all the  
14 things that are in the works in order to  
15 move this matter forward. So start  
16 wherever you would like.

17 MR. GOLDBERG: Thank you, Your  
18 Honor. First, I want to thank the Court  
19 for allowing us to attend by Zoom with  
20 everything that's going on. I think  
21 it makes me feel more comfortable. I'm  
22 sure it makes everybody else or a good  
23 majority of the people comfortable, so  
24 thank you for indulging us on that, Your  
25 Honor.



1           Your Honor, I'd like to start with  
2           the assistance payments. We have now  
3           claimed a total of 69 applications for  
4           assistance payments, up 16 from last week.  
5           54 have been approved, which is a change of  
6           20 increased from last week. 9 have been  
7           denied, which is up from 3. Pending  
8           relocation are 2, which is down 3 on the  
9           pending column. And pending end of life  
10          benefit applications are 4, which is also  
11          down 4.

12          So we've made some very good  
13          progress. We've handed out a total of  
14          310,000 in relocation payments and 46,000  
15          in end of life benefits for a total of  
16          \$356,000. Your Honor, that -- again, thank  
17          you to Mr. Ruiz. That came out of the  
18          \$1 million that he had donated, and  
19          we currently have 644,000 left in that  
20          account, and we are considering additional  
21          applications.

22          To date on the insurance front,  
23          we have -- and some of this is repetitive,  
24          we received \$1 million from Philadelphia,  
25          2 million from James River. The big change

1 is we also received \$10.3 million last week  
2 from Fireman's Fund, which is now in the  
3 bank and collected. And as Your Honor may  
4 remember, from Universal Property, that was  
5 an interpleader account on some of those  
6 contents, we received and hold in trust  
7 \$1,263,400, and we've also received a  
8 \$6,000 payment, return of the deposit on  
9 the window contractor.

10 The pre-receivership account, we  
11 have a total available balance of  
12 \$1,122,745.23. This was higher last week,  
13 but as Your Honor is aware, we paid out the  
14 special assessment accounts over the last  
15 week. We paid out \$2,185,455.22. All of  
16 those checks have been issued and received  
17 except for one check in a very small  
18 amount. We are waiting to get a location  
19 to send it to.

20 Your Honor, with respect to the  
21 insurance, again, we received 10.3 million  
22 from Fireman's Fund, which was the 2021  
23 first layer excess policy. We are also  
24 expecting to receiver, hopefully, from QBE  
25 another \$5 million. QBE is the 2021 second

1 layer excess policy, and we are also  
2 reviewing those policies to see if QBE has  
3 any additional coverage.

4 Finally, Your Honor, as we announced  
5 last week, Great American has tendered the  
6 31 thousand --

7 THE COURT: 31 million.

8 MR. GOLDBERG: \$31,357,400, and  
9 we're working on an agreed order to submit  
10 to Your Honor in connection with that, and  
11 then those funds will be tendered.

12 THE COURT: What's the necessity of  
13 an order?

14 MR. GOLDBERG: Your Honor, I don't  
15 fault them. They want to make sure that  
16 they're paying it to the right person and  
17 they have court approval on that. It will  
18 be with full reservation of all rights.

19 THE COURT: It's not a bar order or  
20 anything similar to that. It's just simply  
21 an order acknowledging your right to  
22 receive the payment.

23 MR. GOLDBERG: Correct, Your Honor.

24 THE COURT: Okay.

25 MR. GOLDBERG: And I don't fault

1     them on that. In cases such as this, they  
2     want to make sure they're writing the check  
3     to the right entity.

4             THE COURT: Okay.

5             MR. GOLDBERG: Your Honor,  
6     additionally, there's a company, Arch  
7     Insurance, which we're negotiating a  
8     potential resolution. They were prior  
9     coverage of liability for five years, and  
10    we're waiting for -- we're waiting -- we're  
11    discussing with them a resolution, and --

12            THE COURT: That's a policy that was  
13    not in force on the day of the occurrence  
14    but may have coverage if part of the  
15    occurrence is deemed to have occurred in  
16    prior time periods?

17            MR. GOLDBERG: That's exactly right,  
18    Your Honor. Somebody's got a phone on,  
19    we've got an echo.

20            THE COURT: Yeah, whoever has a  
21    phone on, you need to shut that off,  
22    please. No, we still have a problem.

23            MR. GOLDBERG: I'll try to go. Your  
24    Honor, also there's a prior earlier CGL  
25    insurer, Amtrust, for the year 2013, 2014,

1 and we're also in discussions with it.  
2 Your Honor, we continue to discuss defense  
3 costs with James River, Philadelphia  
4 Indemnity, and QBE. It's progressing  
5 slower than we'd like, but the discussions  
6 are still progressing.

7 THE COURT: When you say defense  
8 cost, you're talking about either a buyout  
9 of all defense cost obligations for a lump  
10 sum, or those carriers contributing to your  
11 actual fees and costs on an ongoing basis,  
12 one of those two options?

13 MR. GOLDBERG: Exactly right, Your  
14 Honor, and we are using the assistance of  
15 John Freud, who knows the industry well and  
16 has dealt with all the insurers before and  
17 their counsel. Regrettably, Your Honor,  
18 Fireman's Fund, who is the first excess,  
19 has declined to participate in that  
20 mediation, unlike all the other carriers  
21 that have agreed to it.

22 Your Honor, the next thing I would  
23 like to discuss is an access protocol.

24 THE COURT: Do I have a  
25 representative of Fireman's Fund present at

1 the hearing?

2 MS. VALLES: You do, Your Honor.  
3 This is Suzanne Valles on behalf of  
4 Fireman's Fund. Speaking to that point,  
5 this was a voluntary mediation that was  
6 essentially decided last minute. As Your  
7 Honor is aware --

8 THE COURT: I guess I can make  
9 it involuntary, but tell me why your client  
10 is unwilling with the other carriers to  
11 participate in a mediation and try to reach  
12 a resolution of whatever duty to defend  
13 it may have under its policy.

14 MS. VALLES: Sure. Understood, Your  
15 Honor. At this time it's really for the  
16 primary carriers to determine who the  
17 defense counsel is with respect to  
18 contribution. The general tower is  
19 separately in discussions to discuss  
20 contributions. So for mediation purposes,  
21 it's really for the primary carriers to  
22 really lock down the defense counsel here.

23 THE COURT: Well, I'm not going to  
24 force you today, because there's no motion  
25 pending, but I would strongly encourage

1 your client to participate in those  
2 discussions. I know all the carriers are  
3 trying to resolve whatever defense cost  
4 obligations they have by way of a lump sum  
5 payment or by way of an ongoing agreement  
6 to participate, and maybe that will require  
7 some sub discussions between the various  
8 carriers as to who is going to pick up the  
9 bulk of that or which layers may be legally  
10 responsible first, but I would ask your  
11 client to voluntarily participate in those  
12 proceedings so that we can try to reach a  
13 resolution with all the carriers  
14 collectively on either a liquidated buyout  
15 of whatever the defense cost obligations  
16 are or some structure that can be put in  
17 place to pick up those costs.

18 So please ask your client and convey  
19 to your clients the Court's request that  
20 it participate along with the other  
21 carriers as part of this effort. Okay?

22 MS. VALLES: Understood, Your Honor.  
23 And just so you're aware, Fireman's Fund  
24 has been in ongoing communicating with the  
25 carriers regarding contribution.

1 THE COURT: That's good to hear, and  
2 I appreciate that, and thank you, again,  
3 for appearing.

4 Mr. Goldberg, any other information  
5 you want to bring to the Court's attention  
6 regarding insurance issues?

7 MR. GOLDBERG: Not regarding  
8 insurance issues. I'd like to move on to  
9 the access protocol.

10 THE COURT: Before we discuss the  
11 access protocol, I want to discuss with you  
12 where we are as far as getting title  
13 searches done and a petition to terminate  
14 the condominium. It seems to the Court,  
15 from my research, that whatever avenue is  
16 going to be taken here, that is a  
17 prerequisite, so I want to make sure that  
18 process is moving forward.

19 So what is the -- what is the status  
20 of the title search of the lenders who may  
21 have a priority claim are identified and  
22 properly brought into this case, and what  
23 is the status of the filing?

24 MR. GOLDBERG: Thank you, Your  
25 Honor. So as Your Honor correctly stated,



1 terminating the condominium is a  
2 prerequisite to any avenue the Court goes  
3 down. Whether it be rebuilding, a sale of  
4 the property, or simply making the property  
5 a memorial, the condominium would have to  
6 be terminated.

7 I have a draft complaint to  
8 terminate the condominium on my desk.  
9 We'll be working with the lead plaintiffs'  
10 counsel to identify one or more unit  
11 holders who will work with us to make that  
12 request as required under the statute to  
13 get standing.

14 Mr. Suarez on the call has  
15 volunteered his client, who is a unit  
16 holder to do that, and we appreciate that.  
17 We're sure that won't be a problem. We are  
18 in the process of awaiting title work from  
19 First American Title Company, and that is  
20 well underway. I don't have the exact  
21 deadline. I believe it will be ready  
22 within the --

23 THE COURT: I assume all lienholders  
24 of record are indispensable parties to this  
25 case; is that correct?

1 MR. GOLDBERG: Every single  
2 lienholder will be an indispensable party  
3 and will be joined, and the title policy  
4 will tell us exactly who we have to join in  
5 to bring them before the Court so their  
6 rights and interests can be determined by  
7 this Court.

8 THE COURT: Okay. So give me your  
9 timing of when that title work will be  
10 done, the complaint will be prepared and  
11 filed, and I can expect to see a claim to  
12 dissolve this condominium so we can  
13 determine whether there is any opposition,  
14 and if not, proceed quickly to a judicial  
15 dissolution. What's the timing?

16 MR. GOLDBERG: Your Honor,  
17 unfortunately, I can't give you the exact  
18 timing, and I apologize. I have not spoken  
19 directly to the title company. It's my  
20 understanding it may be up to another 30  
21 days, but I don't want to put a deadline or  
22 a firm commitment. However, I will find  
23 out today and inform the Court by a filing.

24 I can do a notice of filing and  
25 inform the Court, but I think for me to

1 speculate on an exact timeline would be  
2 irresponsible right now.

3 THE COURT: Okay. Well, please make  
4 sure you convey to the title company that  
5 this is not -- like I've said many times  
6 before, this case is not business as usual.  
7 I want the title work done.

8 There are, what, 136 or so units?

9 MR. GOLDBERG: 136 units.

10 THE COURT: So it's basically  
11 looking up the title, verifying who the  
12 lienholders are for each unit. I  
13 understand it may take a little while, but  
14 I want you to convey to them the Court's  
15 sentiment that I want this moved at a rapid  
16 pace. Okay?

17 MR. GOLDBERG: Yes, Your Honor, and  
18 I want to assure the Court that has already  
19 been done.

20 THE COURT: Well, convey that  
21 sentiment once again, and tell them I want  
22 this title work done promptly so that  
23 somebody is in a position to make sure that  
24 all indispensable parties are properly  
25 brought before the Court. Okay?

1 MR. GOLDBERG: Absolutely, Your  
2 Honor.

3 THE COURT: Thank you.

4 MR. GOLDBERG: Your Honor, I'd next  
5 like to go through the access protocol,  
6 which is essentially going to be -- govern  
7 the access to the site.

8 THE COURT: I have one other related  
9 issue to the condo termination, and that's  
10 where are you with hiring an appraiser so  
11 we have some idea of the fair market value  
12 of these units, so when the time comes for  
13 distribution, which I'm hopping will be  
14 sooner than later, we'll have an idea as to  
15 what everybody's value is of his or her  
16 respective units; where are we with that?

17 MR. GOLDBERG: Your Honor, following  
18 your last hearing where you instructed me  
19 to move down the appraisal route, I have  
20 engaged and hired a very respectable  
21 appraisal company called First Real Estate  
22 Appraisers. They have a lot of experience  
23 appraising condominiums and other  
24 properties on Miami Beach, and they are  
25 going to do a market valuation of each

1 line.

2 Your Honor, there are 12 lines of  
3 units on each floor. They will appraise  
4 each line, and that will take -- and that  
5 will take into account the view and  
6 differences among the square footage as  
7 well as the views and location of each line  
8 and floor plan.

9 Once we have the line appraised,  
10 they will make adjustments based on floor  
11 location up and down, similar to how  
12 developers do when they sell the units, and  
13 I expect to have this appraisal done by no  
14 later than September 10th, so a little  
15 more -- about a month I should have that  
16 appraisal done and the report in hand to  
17 present to the Court.

18 That will allow the Court to  
19 appraise the relative value of each unit  
20 vis-à-vis one another, and that will be a  
21 precursor necessary to the allocation of  
22 any property insurance or property money  
23 that is --

24 THE COURT: Okay. And I also asked  
25 you to have input from unit owners

1 whether -- whoever is speaking, please,  
2 I need you to go on mute. Ma'am?

3 All right. Mr. Goldberg, I also  
4 asked you to, I guess, start having some  
5 informal discussions with unit owners.  
6 When we met last, we talked about two  
7 valuation methods that may be employed, one  
8 would be based upon the actual appraisal  
9 you just advised us of, and the second  
10 would be based upon the percentage  
11 ownership provided for in the declaration.

12 The Court's thought was that it was  
13 probably more equitable to use the  
14 appraisals in order to determine  
15 valuations, but have you had any chance to  
16 receive any input from unit owners on that  
17 point?

18 MR. GOLDBERG: Your Honor, following  
19 the hearing of two weeks ago, I received  
20 several emails, and I communicated via  
21 email with unit owners. The three emails  
22 I did receive all were in favor of the  
23 appraisal method, for lack of a better  
24 term, versus the condominium allocation for  
25 common expenses.

1 THE COURT: Okay. So it sounds like  
2 a lot -- it sounds like not many unit  
3 owners have weighed in on that.

4 MR. GOLDBERG: Correct, there are --

5 THE COURT: Okay. Let's move on.  
6 You've been mentioning the protocol for  
7 inspections and for experts to go out.  
8 I know that there's been a little  
9 controversy between, I guess, the City of  
10 Surfside and the County, so let me ask you,  
11 as a legal question, who has legal  
12 possession of the property as of today?

13 MR. GOLDBERG: The County does, Your  
14 Honor.

15 THE COURT: And how long does the  
16 County believe it's going to continue to  
17 hold possession of this property as a crime  
18 scene or for purposes of whatever work that  
19 it is currently doing, how long does the  
20 County anticipate before it will turn the  
21 property over to you?

22 MR. GOLDBERG: The current  
23 anticipated turnover is approximately three  
24 weeks away.

25 THE COURT: So by the end of August,

1 the property should be in your possession?

2 MR. GOLDBERG: It should be.

3 Obviously, things could change, but  
4 it should be in my possession according to  
5 my conversations with the County, the State  
6 Attorney's Office. And I want to say they  
7 have been very, very responsive. My  
8 communication with them has been excellent,  
9 and the same with the Town of Surfside as  
10 well through the lawyers and the Mayor.

11 So I expect to have the property  
12 turned over within approximately three  
13 weeks. And to prepare for that, Your  
14 Honor, we are trying to get the County, and  
15 I think we're there, to commit to having a  
16 fence put around it to secure.

17 I went out just in case, I had to  
18 scramble and got an estimate so I could get  
19 that done immediately, and as the Court is  
20 probably aware, once I do get possession,  
21 I'm going to have to post 24-hour security  
22 around the property to prevent anybody from  
23 going on the property, and we are in the  
24 process of arranging for that as well.

25 THE COURT: I thought the County



1 might have been -- volunteered to undertake  
2 the expense of the fencing? Is there  
3 anybody here from the County, either  
4 Mr. Morales or any County attorneys present  
5 this morning?

6 MS. MORSE: Good morning, Your  
7 Honor, Lauren Morse on behalf of Miami-Dade  
8 County.

9 THE COURT: Good morning, Ms. Morse.  
10 So do you concur with Mr. Goldberg's  
11 assessment that it will be a few more weeks  
12 before the County is in a position to turn  
13 the property over to my receiver?

14 MS. MORSE: Yes, Your Honor.

15 THE COURT: Okay. So we're talking  
16 about hopefully by the end of the month or  
17 so?

18 MS. MORSE: Yes, Your Honor.

19 THE COURT: All right. Okay. And  
20 is the County -- does the County have  
21 anything to add on its efforts or the  
22 condition in which it's going to turn over  
23 the property?

24 MS. MORSE: No, Your Honor.

25 THE COURT: Okay. All right. So

1 Mr. Goldberg, you will get possession of  
2 the property, and then we've got to discuss  
3 a coordinated protocol so that all  
4 interested parties have access to the  
5 property and whatever evidence might remain  
6 on the property as well as to the evidence  
7 off site.

8 So have you begun coordinating  
9 efforts with class counsel and any  
10 governmental entities as well as defense  
11 counsel so that we can get an order in  
12 place implementing a protocol that will  
13 enable all concerned parties to do whatever  
14 investigations they need to do without  
15 compromising any physical evidence?

16 MR. GOLDBERG: Yes, Your Honor, that  
17 is well underway. I've been working  
18 hand-in-hand with Mr. Lifshitz of  
19 Mr. Tropin's office over the last week  
20 drafting a protocol that the plaintiffs  
21 will agree on. I know that Mr. Grossman  
22 and their experts have been involved in  
23 that process, and we are very thrilled to  
24 have their expertise.

25 It is our intent to get a draft over

1 to the Town of Surfside and their experts  
2 either today or the latest tomorrow as well  
3 as some of the other parties that have  
4 expressed interest in having access to the  
5 site.

6 We expect to get everybody who has  
7 asked for access to the site who is  
8 entitled to access to the site a copy of  
9 the protocol for their comments and input,  
10 and hopefully work through that over the  
11 next week and have something to Your Honor  
12 via a motion and agreed order governing  
13 access to the property when I get  
14 possession sometime next week.

15 THE COURT: And obviously the  
16 Court's primary concern, which I know you  
17 all will address and you have a lot of  
18 experience in this area, so I want to make  
19 sure that if any destructive testing needs  
20 to be done or is going to be done, that  
21 it's coordinated so that everybody has a  
22 right to participate in that before any  
23 evidence is lost. Okay?

24 MR. GOLDBERG: Yes, Your Honor, and  
25 there are specific provisions in the draft

1 access protocol that talk about destructive  
2 testing and all parties need to be there.  
3 I will be hiring a videographer to film  
4 everything that goes on at the expense of  
5 the estate.

6 And, Your Honor, without springing  
7 anything on the Court, to spare the expense  
8 of having to have a special master, and we  
9 know the responsiveness of this Court,  
10 we're going to ask the Court if it will be  
11 acceptable to have the Court be available  
12 to deal with any disputes that may arise  
13 when the parties are down on the property?

14 THE COURT: No, no, I will be  
15 available 24/7. We're not going to have  
16 any layered expense of any special masters  
17 or anything like that. So if there are  
18 issues that come up involving any aspects  
19 of this case, you know how to get ahold of  
20 me. Okay?

21 MR. GOLDBERG: Thank you, Your  
22 Honor. Thank you.

23 THE COURT: So that will govern --  
24 this order, I assume, is going to govern  
25 all evidence, including that which remains

1 on site, as well as that which is now being  
2 stored off site, correct?

3 MR. GOLDBERG: Yes, the access  
4 protocol governs all evidence no matter  
5 where located, specifically right now the  
6 site of the collapse as well as the indoor  
7 off site, as well as the outdoor off site  
8 that house evidence.

9 THE COURT: Now, where is the  
10 off-site evidence actually being stored?  
11 I know it's been taken somewhere. I'd like  
12 to know where it is and who has legal  
13 custody of that.

14 MR. GOLDBERG: The County has legal  
15 custody. I can tell you the off-site  
16 location that I have seen is located off  
17 site by the Golden Glades. I have not been  
18 to the inside location yet, but maybe the  
19 County can speak to that.

20 THE COURT: So the County has  
21 physical possession, and the County is  
22 obviously aware of my preservation order,  
23 so, Ms. Morse, do you want to give us an  
24 update as to where that evidence is and how  
25 it's being handled?

1 MS. MORSE: Your Honor, I cannot  
2 give specifics as to where the location of  
3 the evidence is, but obviously everyone who  
4 has access to that warehouse is aware of  
5 the Court's preservation order, and it is  
6 being preserved in a manner consistent with  
7 such.

8 THE COURT: Okay. I assume you  
9 can't give it now because there's some  
10 confidentiality or because you just don't  
11 know it.

12 MS. MORSE: Unfortunately, Your  
13 Honor, I just don't know the location, but  
14 if you'd like me to follow up, I can get  
15 it for you.

16 THE COURT: No, I'm sure the  
17 receiver can find out the location. The  
18 only thing I want you to confirm for me is  
19 that the evidence is being properly stored,  
20 and that everybody who has access to it and  
21 custody over it has been apprised of my  
22 preservation order.

23 MS. MORSE: Yes, Your Honor.

24 THE COURT: Okay. Very good. So,  
25 Mr. Goldberg, please just make sure that

1 all defense counsel as well as plaintiffs'  
2 counsel and all governmental authorities  
3 have an opportunity to weigh in on this  
4 protocol, right, and let's get it in place  
5 as soon as possible, because I know that  
6 there are experts for all concerned parties  
7 who are anxious to begin their  
8 investigation, and I want to move that  
9 process as quickly as feasible.

10 MR. GOLDBERG: Yes, Your Honor.  
11 It's our goal to have something -- we will  
12 absolutely make everybody -- give everybody  
13 input, get you something hopefully by the  
14 end of next week, so that the protocol can  
15 be in place by the day that I --

16 THE COURT: Okay. And if there are  
17 objections or issues that you can't work  
18 out, I want to have a hearing immediately  
19 so that those objections can be heard, and  
20 we can get a protocol in place.

21 On a related topic, what I'd like to  
22 find out is from class counsel, whether --  
23 how they're doing on their consolidated  
24 filing, and whether they anticipate  
25 bringing into this case parties who have

1 not yet appeared, because if they are  
2 planning on doing so, I don't want those  
3 potential future parties to have any claims  
4 of prejudice in the event there's evidence  
5 examined before they're in the case and  
6 possibly destructive testing.

7 So Ms. Furst, Mr. Tropin --

8 MR. TROPIN: Yes, Judge.

9 THE COURT: -- why don't you give us  
10 a brief update as where you are in your  
11 investigation. Obviously, no particulars.  
12 I'm not looking for any disclosure of your  
13 work product, but where are we in terms of  
14 meeting the Court's deadline with the  
15 respect to the filing of a consolidated  
16 amended pleading.

17 MR. TROPIN: Judge, thank you.  
18 Harley Tropin along with Rachel Furst.  
19 We are going to meet the Court's deadline,  
20 of course, of filing the complaint  
21 consolidated on August 16th.

22 The complaint that we're going to  
23 file is going to be, as I think has been  
24 discussed with this Court, on behalf of two  
25 classes, property damage, and wrongful



1 death/personal injury.

2 We are not going to name a bunch of  
3 defendants in addition to the association.  
4 We are serving under the leadership of  
5 Ricardo Martinez-Cid, Javier Lopez,  
6 Mr. Grossman, the third-party subpoenas,  
7 and other discovery. So that what  
8 we anticipate is, within the next 90 days  
9 or so, filing a superseding amended  
10 complaint that will identify other  
11 defendants.

12 The reason for that, Judge, is that  
13 we don't want to, in a scattershot fashion,  
14 name one or two defendants. The amended  
15 complaint that we expect to file within  
16 that 90 to 120-day period, we think, will  
17 be a well thought out, comprehensive  
18 complaint that tells a story of who is  
19 responsible in addition to the association  
20 for the collapse of the tower.

21 We will make sure that all  
22 defendants will have access, and potential  
23 defendants, and that no destructive testing  
24 will be done that will prejudice anybody's  
25 rights. That's been at the forefront of

1 Mr. Goldberg's consciousness and ours.  
2 We don't want anybody to have any claims of  
3 spoliation or unequal access, so defendants  
4 and potential defendants will have access.

5 So I hope that responds to  
6 Your Honor's question.

7 THE COURT: Okay. And look, I've  
8 told you from the very beginning of this  
9 case, I want this case to be very thought  
10 out and targeted. I'm not interested in  
11 Hail Mary claims, and I only want parties  
12 sued if there's a viable theory that their  
13 conduct contributed to this tragic event.

14 So I want you to do the  
15 investigation thoroughly and take whatever  
16 time you need before you decide to bring  
17 anybody into this case.

18 Now, but I am equally concerned  
19 about spoliation issues, so if there are  
20 entities that you know are going to likely  
21 be brought into this case or may likely be  
22 brought into this case, I'd like you to  
23 consider whether they should be advised of  
24 the testing protocols and given an  
25 opportunity to voluntarily participate.

1 I'll leave that to your discretion,  
2 but I want you all to make sure you do  
3 everything possible to avoid the Court  
4 having to deal with any spoliation issues  
5 in the event third parties are brought into  
6 this case down the road. Okay?

7 MR. TROPIN: Yes, sir. Ms. Furst,  
8 Mr. Goldberg, and I are very aware of that,  
9 and we will exercise our discretion to make  
10 sure that potential defendants as well as  
11 actual defendants are given that  
12 opportunity. Thank you, Judge.

13 THE COURT: Okay. Is there anything  
14 else that the receiver -- let's just start  
15 with the receiver, then I'll turn to class  
16 counsel.

17 Mr. Goldberg, anything else that  
18 you'd like to report to the Court this  
19 morning?

20 MR. GOLDBERG: Just a couple of more  
21 quick matters, Your Honor, and I'll  
22 conclude. With respect to the government  
23 relations effort, as the Court is aware,  
24 Mr. Cadre and Mr. Barreto have met with  
25 government officials. In fact, yesterday

1 Mr. Cadre and I were on the call with  
2 Congresswoman Wasserman-Schultz who was  
3 very, very eager to help, and we appreciate  
4 that.

5 I think Mr. Cadre and Mr. Barreto  
6 can better update the Court either later in  
7 this hearing, if they're on, or at the next  
8 hearing.

9 Your Honor, a couple of other  
10 miscellaneous --

11 THE COURT: I think they will want  
12 some additional time, so we'll hear from  
13 them probably next week or the week after,  
14 depending upon whether we continue to do  
15 these hearings weekly or whether we go  
16 every other week, but my understanding from  
17 what you have told me and from what I'm  
18 seeing, is that all the heads of  
19 government, whether it be the Mayor of  
20 Surfside, the Mayor of Miami-Dade County,  
21 Congresswoman Wasserman-Schultz, Senator  
22 Rubio, Governor DeSantis, and Senator Scott  
23 have been extremely cooperative and eager  
24 to assist.

25 Now, I don't want anybody to get the

1 impression that any government entity is  
2 going to come in and pay fair market value  
3 for this property. I've always been very  
4 skeptical that that will occur. I don't  
5 think it will, but I'm looking forward to  
6 seeing what efforts these governmental  
7 entities are willing to undertake and can  
8 feasibly undertake to assist these victims,  
9 and like I said, we'll hear from --  
10 hopefully, hear from Mr. Cadre and/or  
11 Mr. Barreto a little bit later on in the  
12 proceedings.

13 But I know those efforts are  
14 underway, and I appreciate -- I appreciate  
15 those efforts both on the side of those the  
16 Court has appointed as well as on the part  
17 of our government officials and leaders.  
18 I know everybody has been extremely  
19 responsive and cooperative in trying to  
20 assist here. So they all have the Court's  
21 appreciation and thanks.

22 Okay. So Mr. Fay, I see you have  
23 joined us. Good morning.

24 MR. FAY: Yes, Your Honor, how are  
25 you?

1 THE COURT: I'm fine. Before I get  
2 to you, Mr. Goldberg, I didn't mean to cut  
3 you off. You said you had a couple of  
4 things. One was the update on the  
5 governmental efforts. Was there anything  
6 else you wanted to report on?

7 MR. GOLDBERG: Yes, just another 90  
8 seconds, Your Honor.

9 THE COURT: Okay.

10 MR. GOLDBERG: Your Honor, there's a  
11 building, Bluegreen property, which is just  
12 north of the site at 8801 Collins Avenue.  
13 They have made property and business  
14 interruption insurance claims against their  
15 insurers. Their insurer has sent us a  
16 letter basically telling us they are now  
17 investigating --

18 THE COURT: Hold on. Hold on. Hold  
19 on. I'm confused. This is a residential  
20 condo?

21 MR. GOLDBERG: Bluegreen, I think  
22 it's -- I think it's a timeshare sort of  
23 vacation property as well as residential.

24 THE COURT: So they made a business  
25 interruption claim based on what, they were

1 forced to close down temporarily as a  
2 result of this collapse?

3 MR. GOLDBERG: I don't know all the  
4 facts of it. The letter I received from  
5 their insurance carrier did not go into  
6 detail of exactly what the alleged claims  
7 are, but the important point is they've  
8 asked us to put our carriers on notice,  
9 which coverage counsel -- our coverage  
10 counsel did immediately.

11 And in addition, they've asked for  
12 access to the property to inspect when  
13 we start doing that. So we will make sure  
14 that the protocol addresses their concerns  
15 as well, because we don't want to be put  
16 into a position of being accused of  
17 spoiling evidence or not giving them  
18 access, but I just wanted to let the Court  
19 and everybody know that we just received  
20 that letter.

21 THE COURT: So hold on a second. So  
22 the theory being that because of this  
23 collapse, they were forced to close down  
24 their timeshare and therefore somehow the  
25 association has liability for that? That's

1 the theory?

2 MR. GOLDBERG: I think that would be  
3 the theory as best as I would understand  
4 it at this point.

5 THE COURT: Okay. All right, okay.

6 MR. GOLDBERG: And they're also  
7 claiming property damage, Your Honor, which  
8 I don't understand that theory, but --

9 THE COURT: Okay. I'm not sure  
10 I understand either theory, but it doesn't  
11 matter whether I understand it or not, but  
12 you do whatever you need to cooperate and  
13 make sure whatever rights they may have are  
14 adequately preserved and dealt with. Okay?

15 MR. GOLDBERG: Yes, Your Honor.

16 THE COURT: All right.

17 MR. GOLDBERG: Finally or almost  
18 finally, at the last hearing Oren  
19 Cytrynbaum, one of the residents who is in  
20 favor of rebuilding, asked the Court to be  
21 involved, and I'm happy to report he's been  
22 in communication, I guess on behalf of his  
23 group, with Mr. Fay and Mr. Singerman and  
24 myself, and we are meeting with him  
25 after -- by Zoom after this hearing, and I



1 was going to address the sales status, but  
2 since Mr. Fay is on the phone, he should do  
3 that.

4 And finally, Your Honor, Senator --  
5 State Senator Pizzo, who has been extremely  
6 helpful and, you know, very much involved  
7 in dealing with his constituents, had a  
8 couple of issues and asked if he would be  
9 able to raise it with the Court concerning  
10 some of the constituent issues, and I  
11 informed him last night --

12 THE COURT: Excellent. Excellent.  
13 Well, I appreciate his involvement, and  
14 I'll certainly let the Senator address  
15 those issues in just a moment, but thank  
16 you for bringing that to my attention.

17 MR. GOLDBERG: Thank you, Your  
18 Honor. That's all I have.

19 THE COURT: I know he's been  
20 intimately involved in this and dealing  
21 with matters that are important to his  
22 constituency, and it's been all hands on  
23 deck, and that's fantastic, and I'll hear  
24 from him in just a minute.

25 Mr. Tropin, before I turn to Senator

1 Pizzo, anything else that the class counsel  
2 wants to update me on or are we good to go?

3 MR. TROPIN: We are good to go.

4 THE COURT: Okay. So before I hear  
5 from Mr. Fay, let me hear from Senator  
6 Pizzo. Good morning, sir.

7 SENATOR PIZZO: Good morning, Your  
8 Honor. I apologize, this is my first ever  
9 court appearance without being in a tie. I  
10 apologize.

11 THE COURT: Well, we're not formal  
12 around here, so don't worry about that.  
13 You wouldn't believe the things I've seen  
14 on Zoom over the last year and a half, so  
15 appearing without a tie would not be in the  
16 top 20.

17 So how are you and tell us -- bring  
18 us up-to-date on your efforts and what  
19 you'd like the Court to be advised of.

20 SENATOR PIZZO: Sir, I'm going to  
21 keep it very narrow in scope, and I  
22 appreciate the opportunity to speak.  
23 I'm -- we're all overwhelmed, and I have to  
24 convey to my constituents and community the  
25 caliber and the acumen and the experience

1 of who has been assembled here to help, and  
2 the response has been overwhelming.

3 There's never been a shortage of support.

4 We are into the weeds now in a  
5 number of more sort of tedious issues,  
6 trying to resolve auto insurance claims,  
7 and as late as last night until about one  
8 o'clock in the morning, hearing from a  
9 couple of victims and survivors who have  
10 not participated in the process yet at all,  
11 one being a very young girl and her mom who  
12 survived, but they lost her husband and  
13 they lost her father. They're new to the  
14 game.

15 The one recurring issue that keeps  
16 coming up, and I don't want to make any  
17 assertion, but I would like the Court's  
18 guidance, and if it's a simple reflex of  
19 the Court is not getting involved, that's  
20 fine, but one issue that keeps coming up,  
21 and I'm going to keep it in sort of very  
22 plain speak, if the Court will indulge me,  
23 because of the number of survivors and  
24 family members that are listening to this  
25 and being able to disseminate it later,

1 whether it comes to their dwelling or  
2 contents or loss of use being paid out by  
3 their H06, by their in-wall policy, there's  
4 a number of families, a number of  
5 survivors, or next of kin that are holding  
6 checks fearful to deposit them, because  
7 they may be giving up their rights to some  
8 collection or claim or their place, so to  
9 speak, in line on recovery later.

10 So that's actually the situation for  
11 a number of people. I don't know if she's  
12 on, but Tasha Carter is the insurance  
13 consumer advocate from Tallahassee.

14 We speak six or seven times a day,  
15 certainly more than I do with my wife on a  
16 daily basis over the past month, and we've  
17 individually been able to in a very nice  
18 but firm way inform insurance companies,  
19 like Your Honor classified this as not  
20 business as usual, and they've been --  
21 mostly been amenable, but they will not  
22 give an assertion or confirmation as to  
23 where things will be triaged or where they  
24 find themselves in place.

25 So if someone has a check for the

1 dwelling, the contents and/or loss of use,  
2 they're afraid to deposit the check,  
3 because they don't know if they're  
4 basically subrogating their rights to the  
5 insurance company to collect possibly a  
6 much larger number.

7 THE COURT: Well, that's an  
8 important issue, obviously. The court  
9 cannot give legal advice, and I don't know.  
10 Obviously, I've seen no documentation. You  
11 know, some courts have said that even a  
12 simple notation on a check that constitutes  
13 a release by deposit might be sufficient.

14 So that's a very important issue,  
15 and people do not want to be compromising  
16 any rights or assigning any subrogation  
17 rights or other claims to an insurance  
18 carrier simply because they're being paid  
19 for their contents.

20 You know, I know Universal tendered  
21 all of their policy limits with -- under an  
22 order that I entered retaining for  
23 everybody their complete rights under the  
24 policy. I would expect other carriers  
25 would not insist upon a release or waiver

1 or relinquishment of any rights simply  
2 because they're tendering monies that are  
3 undoubtedly owed given the total loss here,  
4 but people have to get -- people have to be  
5 comforted by their own legal opinions.

6 I know that the Dade County Bar has  
7 a staff of lawyers that are available to  
8 work these matters pro bono through the Put  
9 Something Back program, and that other  
10 lawyers in the community have agreed to  
11 represent these victims pro bono, and  
12 we have a lot of lawyers on this  
13 conference, including class counsel.

14 So I would strongly advise unit  
15 owners to make sure before they cash checks  
16 or sign any other documentation submitted  
17 by an insurance company to seek counsel.  
18 There are lots of lawyers, including many  
19 on this call, that will be glad to look at  
20 those issues pro bono and make sure that  
21 the cashing of checks or negotiation of  
22 checks in any way is not a release or  
23 relinquishment of any rights under the  
24 particular policies, and those -- and the  
25 victims need that advice on an individual

1 basis, because every check may be different  
2 and every document they send may be  
3 different, and policies may have their own  
4 unique terms.

5 But that's a very important point,  
6 and I think the victims have been very wise  
7 to have that issue on their radar and bring  
8 it to your attention.

9 So, Mr. Tropin, I'll ask Ms. Furst  
10 to speak to that or anybody else, is there  
11 anybody here from the Miami-Dade Put  
12 Something Back program that I have  
13 appointed and has volunteered to assist in  
14 this matter?

15 UNIDENTIFIED SPEAKER: There is,  
16 Your Honor, I believe.

17 MR. BERLIN: Yes. Hello, Your  
18 Honor. This is Brett Berlin, the executive  
19 director for the Miami-Dade Bar.

20 THE COURT: Mr. Berlin, this sounds  
21 like something right up your alley, right?

22 MR. BERLIN: Yes, sir, we actually  
23 have an attorney who is investigating this  
24 issue now and will be in touch through  
25 Senator Pizzo's office to make sure that

1 we get the information.

2 What we are looking into now is  
3 whether it is something that will -- is a  
4 global solution, or we may need to get  
5 several attorneys, a team together, because  
6 it might be policy specific and company  
7 specific. So we're looking into that now,  
8 and hopefully this week we'll be able to  
9 connect attorneys with the families of the  
10 victims.

11 THE COURT: Well, I'd like any  
12 family of the victims or victims --  
13 surviving victims to have a point person  
14 with your organization or a group of people  
15 that they can reach out to. So can we get  
16 them either now, because I know there are  
17 many online here, or maybe through Senator  
18 Pizzo's office, at least the contact  
19 information so they have somebody to reach  
20 out to and secure counsel from on this  
21 important issue.

22 MR. BERLIN: Absolutely. I mean,  
23 the clearinghouse email address for that is  
24 info@MiamiDadebar.org, and we're sending  
25 those out. The person -- if anyone wants



1 to get in touch with the attorney who is  
2 spearheading this directly, it's Thomas  
3 Graham --

4 THE COURT: Graham?

5 MR. BERLIN: -- who has agreed to --  
6 yes, sir, G-R-A-H-A-M.

7 THE COURT: And do you have an email  
8 or contact information you can share for  
9 Mr. Graham?

10 MR. BERLIN: I do, at the risk of  
11 inundating him.

12 THE COURT: Well, you know, let's be  
13 realistic. There's -- Universal's already  
14 tendered, and they covered, I think, at  
15 least 50 of these units. So we're talking  
16 at most 80 or so people. So I know it's a  
17 lot, but I'm sure you guys have the  
18 capacity to staff that up, and maybe  
19 receive that with counsel, right?

20 MR. BERLIN: Yes, Your Honor.

21 SENATOR PIZZO: Your Honor, Jason  
22 again. I'm happy to connect with Brett and  
23 Mr. Graham and field and forward all those  
24 on an individual basis. We're used to high  
25 volume amounts and make sure everyone is

1 sort of connected and attached.

2 THE COURT: I want to make sure that  
3 those people who are here today online, as  
4 well as Senator Pizzo, who has graciously  
5 said he'd act as liaison on this, have all  
6 the contact information they need so they  
7 can pick up the phone or shoot an email  
8 over to a competent lawyer who can counsel  
9 them on this issue.

10 SENATOR PIZZO: And lastly,  
11 if I may, the Court's indulgence, really to  
12 Miami-Dade Bar as well, some of this is  
13 also going to bleed over into some mortgage  
14 issues as well of depositing checks  
15 sometimes that have to be endorsed, so they  
16 need the mortgage contact as well.

17 Finally, Your Honor, we are -- we're  
18 making some sort of criminal referrals on  
19 some fraudulent fundraising and those  
20 issues. We do have a number of situations  
21 where survivors or victims families may  
22 have some money raised in their name or in  
23 the likeness or memory of others. Is the  
24 Court inclined to let the receiver or  
25 someone from the Miami-Dade Bar that's

1 doing pro bono --

2 Marcello, turn your phone off.

3 In a situation where it's being held  
4 up, is this the proper venue for --

5 THE COURT: Senator, I'm not sure  
6 the issue you're raising. If the issue --  
7 what's being held up? In other words,  
8 what's the issue you're raising?

9 SENATOR PIZZO: By way of example,  
10 speaking with one of the survivors last  
11 night, a GoFundMe was raised using their  
12 name or their family's name, and they --  
13 they've had a little difficulty trying to  
14 get in good contact with the person who is  
15 raising the GoFundMe account to release  
16 those monies to them.

17 THE COURT: That is something  
18 I cannot be involved in. If there are  
19 funds that they're entitled to and they're  
20 having a problem getting them released,  
21 that may be something that the lawyers can  
22 assist them with at the Dade Bar, but I am  
23 unversed in that area, and I'm not sure  
24 what the proper legal recourse would be,  
25 but they're certainly willing to seek

1 counsel on that through the Dade County  
2 Bar.

3 SENATOR PIZZO: Thank you, Your  
4 Honor. Thank you, everyone.

5 THE COURT: Or able to seek counsel.  
6 Okay. Senator, anything else you'd like to  
7 bring to my attention?

8 SENATOR PIZZO: No, if I'm able to  
9 do so in the chat, I'm going to put my cell  
10 phone and email for anyone to be able to  
11 contact. We have a couple of meetings sort  
12 of after these hearings to field more  
13 questions and things from Mr. Goldberg that  
14 Mr. Singerman raised, but I do appreciate  
15 the Court's time.

16 THE COURT: Well, we appreciate all  
17 the efforts you've made. We know you've  
18 been 100 percent hands on deck, as I said  
19 before, since this tragedy occurred, and  
20 you have really gone all out to protect the  
21 rights of your constituents and be  
22 responsive to their needs, which are  
23 obviously significant here, and the court  
24 very much appreciates your ongoing efforts  
25 and your cooperation here. So thank you

1 very much for attending and please feel  
2 free --

3 SENATOR PIZZO: Thank you, Your  
4 Honor.

5 THE COURT: Please feel free to join  
6 us at all future hearings, because we'd  
7 love to hear from you and get future  
8 updates on what you're hearing as being on  
9 the ground and responsive to the needs of  
10 these victims, so thank you again.

11 Okay. Mr. Fay, before I start to  
12 open the floor to victims and hear their  
13 concerns and what's going on, tell me,  
14 without disclosing anything confidential  
15 and without particulars, because I don't  
16 want to do anything that's going to disrupt  
17 any ongoing discussions or negotiations,  
18 how your efforts are coming along.

19 MR. FAY: Yes, Your Honor, Receiver  
20 Goldberg and myself and Attorney Singerman  
21 and our team have had several phone calls  
22 and meetings and referenced a process that  
23 we'll be undergoing on this.

24 We are in the middle of preparing  
25 our offer memorandum right now confirming

1 existing zoning, so that way all buyers  
2 will understand what is -- what they will  
3 be buying and/or what is available to be  
4 built at a later date.

5 Also, we are compiling a list of  
6 names, brokers, developers, buyers that  
7 have been contacting us either directly or  
8 through Receiver Goldberg or Attorney  
9 Singerman, and also Mr. Cadre and  
10 Mr. Barreto have also been forwarding over  
11 certain names.

12 As we go through this, we will be  
13 firming up more of the process and be in,  
14 you know, again, on a widely marketed  
15 situation that we will be able to make sure  
16 that we cover all bases for public, private  
17 sectors as well as other international or  
18 local or national groups.

19 So again, we're going through the  
20 process, and we're making sure that  
21 everything is correct and ready to go. One  
22 last little bit of information is any type  
23 of aerial photographs cannot be taken right  
24 now, there's still a no-fly zone over the  
25 top of the site right now, so we're

1 readjusting some of the things we're doing.  
2 So I want to make it quick, and thank you  
3 for your time.

4 THE COURT: Thank you again for your  
5 efforts, Mr. Fay. I know as I said before,  
6 there is absolutely no better team that  
7 I could have appointed to handle this  
8 aspect of the case, and the Court very much  
9 appreciates and commends you and your team  
10 for your efforts and for agreeing to take  
11 this assignment on pro bono for the benefit  
12 of these victims.

13 So I really appreciate it, I know  
14 they do, and please continue to join us at  
15 these status conferences and keep us posted  
16 on your efforts and how things are moving  
17 in that direction. Okay?

18 MR. FAY: Thank you so much, Your  
19 Honor. It is an honor.

20 THE COURT: Okay. So before I ask  
21 whether any victims would like to address  
22 the Court this morning, are there any  
23 other -- are there any other government  
24 officials, elected or otherwise, who  
25 would -- who would like to address the

1 Court or advise the Court of any  
2 information?

3 MS. ARANGO: Yes, good morning, Your  
4 Honor. It's Lillian Arango from Weiss  
5 Serota serving as Town attorney for the  
6 Town of Surfside.

7 THE COURT: Good morning.

8 MS. ARANGO: Good morning.  
9 I believe our Mayor, Charles Burkett, is  
10 wanting to speak specifically on the issue  
11 of access to the site and address Your  
12 Honor. I think he needs to be accepted  
13 into the Zoom previously, so if you could  
14 allow him, he would like to speak.

15 THE COURT: I've allowed everyone  
16 who is in the waiting room. Mayor Burkett,  
17 are you here?

18 MAYOR BURKETT: I'm here, Judge,  
19 thank you.

20 THE COURT: Good morning.

21 MAYOR BURKETT: Good morning. Thank  
22 you, Lilly. Judge, I'd first like to say  
23 thank you so much for everything you've  
24 been doing. I know you've been listening  
25 to the families, and I've spent most of my



1 time with the families and listening to  
2 what they've asked of the Court and of the  
3 Town of Surfside and of the County, and  
4 I just want to say that they are very  
5 appreciative of your quick reaction to  
6 their needs.

7 So anyway, the reason I wanted to  
8 speak this morning was to say that, you  
9 know, we've obviously got access  
10 discussions going on, and I certainly don't  
11 want to do anything to impinge upon the  
12 investigation that's being done by the  
13 Metro Police Department, and we certainly  
14 don't want to do anything that would be  
15 disruptive of what you are doing here in  
16 this Court, but I just want to make you  
17 aware, Judge, as I've done over the course  
18 of this catastrophe, we've got a virtually  
19 identical building in our town, and we've  
20 also got other buildings in our town that  
21 are similarly situated.

22 Our expert, you may or may not have  
23 heard of, is named Allyn Kilsheimer. He is  
24 the gentleman that was called in to do the  
25 Pentagon after 9/11 by the federal

1 government. He's also the gentlemen that  
2 did the FIU bridge catastrophe among many  
3 others. He's world renown, and, you know,  
4 he's forgotten more about this kind of  
5 stuff than most of us will ever know.

6 I say that, because after spending  
7 hours and hours of discussing this issue  
8 with him, there -- we both -- I take away  
9 that there's something very, very wrong at  
10 this site, and whether it was something  
11 that was going on beneath the surface or  
12 something with respect to the deficiency in  
13 the construction, it is critical that --  
14 you know, and again, I want to put that on  
15 the table for you to consider.

16 We believe it is critical to  
17 understand why this building fell down and  
18 not do it in terms of years as NIST has  
19 publicly and privately stated they do.

20 Now, I understand that the Metro  
21 Dade Police Department had put an ad in the  
22 paper recently for a forensic engineer.  
23 I understand that their -- Mayor Cava had  
24 sent me a letter saying that they're,  
25 quote, underway with respect to hiring an

1 engineer, but I just want the Court to be  
2 aware that we've had preeminent -- the  
3 guy -- the preeminent guy who understands  
4 this stuff up and down on staff, on site  
5 since almost day one, and he has been  
6 prevented from getting to the site,  
7 obviously, because of the police  
8 investigation, which we respect and  
9 understand.

10 I just want to put on the table that  
11 we're hopeful that the Judge will take into  
12 consideration this is not something  
13 Surfside wants to do for the benefit of  
14 Surfside, it's something that we believe  
15 needs to be done for the benefit and safety  
16 of our residents.

17 And I've said as much to Mayer Cava  
18 in that we don't really care necessarily  
19 who gets hired to find out why the building  
20 fell down, but someone needs to be hired to  
21 find out why that building fell down, and  
22 it needs to be done a lot sooner than  
23 later, because we have lives at stake,  
24 potentially.

25 THE COURT: Well, Mr. Mayor, first

1 of all, you know, the Court has been well  
2 aware through these hearings as well as  
3 through what I've been watching in the  
4 public, of your all-in efforts on this from  
5 the very first minute. I know that you  
6 have been working literally, I'll call  
7 it 20/7, because all human beings have to  
8 get a couple of hours of sleep a night, on  
9 this since this tragedy occurred without  
10 interruption, and that you have been all in  
11 this addressing the needs of your  
12 constituencies and the victims of this  
13 tragedy, as well as the needs of other  
14 constituents in the Town of Surfside  
15 including people who are obviously  
16 concerned, and I'm referring to those who  
17 live in adjoining buildings, or even  
18 non-adjoining buildings that are also on  
19 the beach there.

20 This is -- this is something that  
21 you've been on top of, and you've been  
22 addressing these concerns from day one  
23 without interruption, and I know your  
24 constituents greatly appreciate your  
25 Herculean efforts, as does the Court.

1           This is obviously a very important  
2 issue. I have said before many times this  
3 is not business as usual, and I can assure  
4 you and your constituents that there will  
5 be a protocol in place soon.

6           And when I say soon, I mean within a  
7 week or two, because we're not going to be  
8 delaying this, and that everybody will have  
9 an opportunity to get in and do the  
10 investigations they need, and people who  
11 aren't ready to participate because they  
12 haven't hired their engineers or their  
13 experts, will just have to wait until they  
14 hire appropriate people to go in and do the  
15 job.

16           So if Mr. Kilsheimer -- I'm familiar  
17 with his qualifications, I've read about  
18 him in the press, and know who he is. You  
19 know, I don't comment on people's  
20 qualifications, but he's obviously someone  
21 who in your opinion and the opinion of your  
22 counsel is the guy to go in and do this  
23 examination, whatever forensic testing and  
24 inspections are necessary in order to find  
25 the cause or multiple causes of this

1     horrific event.

2             So if he's ready to go, the only  
3     thing we need to do is we need to conclude  
4     a protocol order that you will participate  
5     in or your lawyers will participate in more  
6     accurately, because as you know, I have to  
7     make sure that there are not going to be  
8     any spoliation issues, and that whatever  
9     claims these victims may have against third  
10    parties are not prejudiced or compromised  
11    because I allowed somebody to go in  
12    prematurely and destroy evidence or conduct  
13    inspections that may impair future efforts  
14    to determine causation for other experts,  
15    because this may be a case where, like  
16    many, where not all the experts are going  
17    to agree at the end of the day.

18            Now, having said that, we obviously  
19    have to balance the need to preserve this  
20    evidence and avoid spoliation issues with  
21    the urgency that you bring to the Court.  
22    That being, are there other structures and  
23    other people who might be in danger. Now,  
24    I assume from what I've read and from what  
25    I've seen, that people who live in these

1 adjoining buildings have hired engineers  
2 and other experts to go in and at least  
3 opine as to the structural integrity of  
4 those buildings to give them some degree of  
5 comfort.

6 But I know they cannot get all of  
7 the comfort they need until this question  
8 is closed and these issues of causation are  
9 explored, and I can assure you and your  
10 constituents that I have directed my  
11 receiver on multiple occasions to  
12 coordinate with class counsel, defense  
13 counsel and everybody else and get me a  
14 testing and inspection protocol  
15 immediately. And I expect that to be  
16 brought to me, hopefully, next Wednesday,  
17 because I will have a hearing next  
18 Wednesday given the urgency of this matter  
19 by itself.

20 We're going to schedule a hearing  
21 for next Wednesday, and I am going to ask  
22 them to try to get me an inspection and  
23 testing protocol in place by then. We then  
24 have to address the County and make sure  
25 they deliver the property timely, which

1 I expect to be in a few weeks, and once  
2 that is done, those engineers and experts,  
3 including Mr. Kilsheimer, will have the  
4 Court's authority under an appropriate  
5 order to go in and do all the examinations  
6 and testing they need so they can opine on  
7 what the cause of this tragic occurrence  
8 actually was and make sure if that cause  
9 impacts other buildings or might impact  
10 other buildings, appropriate remedial  
11 action will be taken.

12 So you have my assurance that this,  
13 again, is not business as usual and that  
14 these issues will be dealt with with  
15 dispatch.

16 MAYOR BURKETT: Judge, let me just  
17 say that it's very clear you completely  
18 understand the situation, and I very much  
19 appreciate everything you just said.

20 THE COURT: Thank you, Mr. Mayor,  
21 for appearing. Is there anything else  
22 you'd like to bring to my attention?  
23 I know you had -- you, probably more than  
24 anybody else, has had direct contact with  
25 many of these victims and the community in



1 general, and I very much appreciate you  
2 attending. I invite you to attend all of  
3 our hearings, and is there anything else  
4 before I turn my attention to the victims  
5 here that you'd like to bring to our  
6 attention?

7 MAYOR BURKETT: Judge, I think the  
8 access, the invitation for the access is  
9 everything that we can hope for. Thank you  
10 so much.

11 THE COURT: Okay. Thank you,  
12 Mr. Mayor.

13 Okay. I know we have a lot of  
14 people on Zoom. I assume we have some  
15 residents and victims that would like to  
16 address the Court, and I make sure at every  
17 hearing that we reserve time to hear from  
18 you all. So before we adjourn and I let  
19 the lawyers and the receiver go back to  
20 work on their efforts here, are there any  
21 unit owners or family members or victims  
22 who would like to address the Court or  
23 bring any of your concerns to my attention?

24 MS. SCHECHTER: Yes, I would, I  
25 don't know if anyone can hear me?

1 THE WITNESS: I can hear you, ma'am.  
2 Can you please identify yourself.

3 MS. SCHECHTER: Yes, my name is  
4 Sharon Schechter, and I was in Unit 1109.  
5 I was a renter for many years, and I've  
6 tried to discuss this issue with a few  
7 people, and they told me to address the  
8 Court.

9 I don't know, since I'm not an owner  
10 and I'm not, you know, fortunately, you  
11 know, a victim of a family that's deceased,  
12 I don't know where I stand in this  
13 situation. I've lost everything, all my  
14 possessions. You know, I rented in a  
15 building that I thought was safe for many  
16 years, and one night I'm happy, and the  
17 next night I walk out with nothing.

18 So I don't -- I was advised that I  
19 don't need to hire an attorney, to spend  
20 all this money, to find out where I stand.  
21 I would like to know if there's, you know,  
22 a group of us renters that are, you know,  
23 seeking some type of help from the Court.

24 THE COURT: Well, Ms. Schechter,  
25 first of all, thank you for being here, and

1 I'm very thankful that you and whoever may  
2 have been with you in the unit, if anyone,  
3 was unharmed physically, so thank God for  
4 that.

5 MS. SCHECHTER: Thank you.

6 THE COURT: Thank God for that.

7 MS. SCHECHTER: Thank you.

8 THE COURT: So you do have rights as  
9 a renter. Obviously, you don't have a  
10 claim for damage to the actual real  
11 property, because you weren't an owner, and  
12 you likely don't have a claim for any  
13 personal injuries, because it sounds like  
14 you got out unscathed. Again, thank God  
15 for that.

16 So did you have renters insurance  
17 that covered your contents?

18 MS. SCHECHTER: So my renters  
19 insurance was very basic, because, number  
20 one, I -- you know, I assumed I was never  
21 going to get robbed. It was a very safe  
22 building. And as far as damages, I took  
23 out the minimum, because, you know, we had  
24 shutters --

25 THE COURT: Okay. So you were

1 underinsured from a contents standpoint,  
2 right?

3 MS. SCHECHTER: From -- yeah,  
4 from -- I mean everything, yeah, yes,  
5 exactly, everything, yeah.

6 THE COURT: Okay. Okay. So you  
7 have a claim for the value of your contents  
8 against those who may have been responsible  
9 for this, and I understand that -- and I'll  
10 ask class counsel to comment, but my  
11 understanding is the class definition on  
12 the property damage claim that will be  
13 brought will encompass not only people who  
14 lost real property but will also encompass  
15 claims on behalf of those who lost personal  
16 property.

17 So my guess is that you will  
18 probably fit within one of the class  
19 definitions in the consolidated complaint.

20 Does any class counsel wish to speak  
21 to that?

22 MS. FURST: Your Honor, Rachel Furst  
23 on behalf of the property class members.  
24 Yes, in direct response to the question,  
25 yes, that is the intention, that the class

1 would include those who have suffered  
2 property damage including renters and  
3 tenants.

4 THE COURT: Okay. Good. So  
5 Ms. Schechter, assuming there is a  
6 recovery, and there's already been  
7 insurance recovery, the Court will be  
8 addressing how those funds are allocated,  
9 both with respect to claims for personal  
10 property and the larger claims for real  
11 property.

12 Now, I can't assure you that there  
13 will be any funds available to satisfy your  
14 entire loss or any particular portion of  
15 it, but those matters and your claims are  
16 going to be addressed in this case together  
17 with the claims of others who may be in  
18 your position and may have lost personal  
19 contents and be underinsured. Okay?

20 MS. SCHECHTER: Also, one last  
21 thing. So you know, I got out. I lived on  
22 the other side facing the ocean on the 11th  
23 floor. I saw the devastation. I got out,  
24 the water, and I'm being affected by PTSD.  
25 I do have a specialist. I mean I was

1     amazing the night before, no issues,  
2     working, everything was great, and then the  
3     next day my life turned upside down.

4             You know, every day I'm moving  
5     forward expeditiously, because I want my  
6     life to become normal again, but I am  
7     having some issues, and I don't know how to  
8     deal with that.

9             THE COURT:   Okay.  Well, I -- first  
10    of all, I'm sorry to hear that.

11            MS. SCHECHTER:  Thank you.

12            THE COURT:  And I know -- and I'm  
13    sure that you are not alone --

14            MS. SCHECHTER:  I know.

15            THE COURT:  -- in that -- in that  
16    terrible experience.  I know that  
17    Mr. Grossman and the lawyers that are  
18    working under his supervision to advance  
19    claims for personal injury are not limiting  
20    their class and their claims to people who  
21    suffer physical loss, but will also bring  
22    claims on behalf of those who suffered post  
23    traumatic stress and other mental effects  
24    from this horrific event.

25            Now, having said that, I like to

1 make sure I'm very honest and up front with  
2 the victims in this case so there are no  
3 unreasonable expectations. I've said many  
4 times that this is one of those cases that  
5 is likely going to involve limited  
6 resources that will be available to pay  
7 claims, and it is one of those cases where  
8 I am convinced, from what I've seen thus  
9 far, that there will not be a sufficient  
10 recovery. Not that there ever could be,  
11 because no money could ever compensate for  
12 the losses suffered by the families here,  
13 but there will likely be not enough  
14 recovered to compensate everyone for what  
15 the law would prescribe the value of their  
16 claims to be, particularly those who  
17 suffered death, personal injury, and other  
18 emotional trauma.

19 So there is a possibility that those  
20 who suffer property loss and those who  
21 actually suffered loss of life may end up  
22 collecting the bulk, if not all, of the  
23 recovery secured in this case. And that's  
24 unfortunate, but that's just the reality  
25 here.

1           So I don't want you -- your claims  
2 will be included in the case, but I don't  
3 want to leave you with a false impression,  
4 because I believe it would be a false  
5 impression, that there will be a  
6 substantial recovery for those who suffered  
7 post traumatic stress and those horrible  
8 effects emotionally and mentally.

9           So I don't want to mislead you, but  
10 those claims will be brought in the case,  
11 and if there is a sufficient recovery,  
12 those who suffer mental and emotional  
13 issues will have the opportunity to  
14 participate.

15           MS. SCHECHTER: Excuse me, wait, so  
16 who should I be talking to about this issue  
17 and about like personal contents?

18           THE COURT: I think it's a little  
19 bit premature.

20           MS. SCHECHTER: Oh, it is. Okay.

21           THE COURT: It might be a little  
22 premature, but I would suggest you reach  
23 out to Mr. Grossman or somebody at his  
24 firm. I appointed them and others as lead  
25 counsel to represent those people who



1 suffered, not only loss of life, but any  
2 injury, whether it be physical or mental or  
3 emotional. So Mr. Grossman and Ms. Furst  
4 and their firm together with some other  
5 firms are taking the lead for that group.

6 So they would be the appropriate  
7 people as a putative class member --  
8 "putative" is just kind of a fancy legal  
9 term for potential -- for putative class  
10 members to reach out to. Okay?

11 MS. SCHECHTER: Is that on a pro  
12 bono basis?

13 THE COURT: They are working on an  
14 arrangement with the Court where they do  
15 not have a legal entitlement to attorney's  
16 fees, but I have reserved the discretion to  
17 compensate them for their time in the event  
18 of a recovery.

19 So that's the fee arrangement that  
20 they're working under, and I would suggest  
21 that you contact them, and they can  
22 probably give you more information about  
23 your particular claim. Okay?

24 MS. SCHECHTER: Thank you,  
25 I appreciate it. Thank you.

1 THE COURT: Thank you, again, for  
2 joining us, and I'm sorry that you are  
3 suffering, but I'm glad that you made  
4 it out of there.

5 Okay. Any other unit owners who  
6 would like to address the Court?

7 MS. FISH: Yes, yes, my name is  
8 Lilly Fish. I am the owner of  
9 Apartment 210, and --

10 THE COURT: By the way, Ms. Fish,  
11 before you address me, let me just make  
12 it clear to all of you, including counsel,  
13 the Court is not requiring nor will it be  
14 offended if you all decide to drop off the  
15 Zoom. I'm going to address the concerns of  
16 victims and I would ask counsel that  
17 represent the victims or at least some of  
18 them and others interested to stay on.

19 But I know there are a lot of  
20 counsel from defense firms, insurance  
21 carriers, et cetera, please do not feel  
22 that the Court will take any offense if you  
23 leave the hearing. Okay?

24 All right. Ms. Fish.

25 MS. FISH: Okay.

1 THE COURT: Did you own a unit,  
2 ma'am?

3 MS. FISH: I owned a unit, it's my  
4 homestead unit, Apartment 210.

5 THE COURT: Okay.

6 MS. FISH: Thank God nobody was  
7 injured. It happened that night that  
8 everybody was out of the apartment, thank  
9 God. I just had one of my sons give me a  
10 suggestion to offer. I don't know if it's  
11 a good suggestion, but he mentioned the  
12 apartment -- since Champlain Towers South  
13 is the last apartment building on the  
14 Surfside border to Miami Beach, the  
15 building that was built next door to us is  
16 higher, because it has -- the coding in  
17 Miami Beach is different, so they were able  
18 to build a high building, whereas Surfside  
19 I believe has had a requirement or a code  
20 of only 12 stories.

21 Since we are the building that is  
22 next to the Miami Beach borderline, and  
23 since Miami Beach did come closer to us in  
24 terms of where there was a street  
25 separating us, now we're basically

1 together, so somebody was -- it was  
2 suggested to me to propose that maybe there  
3 can be an exception made for this land that  
4 is to be sold and appraised, if Surfside  
5 would make an exception and allow the  
6 contractor or whoever were to buy this land  
7 to build a building at least as high as the  
8 neighbor, which --

9 THE COURT: Okay. Well, Ms. Fish,  
10 that's something that I know is being -- is  
11 in the forefront in the minds of those who  
12 are working.

13 MS. FISH: Okay. Perfect.

14 THE COURT: That will be something  
15 that will be addressed with the Town of  
16 Surfside.

17 MS. FISH: Perfect.

18 THE COURT: Obviously -- obviously  
19 possible upzoning or at the very least not  
20 downzoning, those issues, believe me, those  
21 issues are being explored, have been, and  
22 will continue to be explored. Okay?

23 MS. FISH: Okay. Thank you.

24 THE COURT: And thank God you're  
25 okay.

1 MS. FISH: Yeah, thank God.

2 THE COURT: And thank you for  
3 appearing.

4 MS. FISH: Yeah, I just want to  
5 mention every -- you know, my son was  
6 not -- we weren't in the apartment because  
7 my husband is ill. My son who always was  
8 in the apartment every night went to Israel  
9 and met a girl and became engaged at the  
10 age of 36, and she asked him not to leave  
11 and help her make the wedding arrangements.

12 He stayed an extra two weeks, and he  
13 missed the collapse, and we were the first  
14 apartment to go down.

15 THE COURT: Wow. Well, you know  
16 what, that is -- yeah.

17 MS. FISH: So in every tragedy,  
18 there's -- there's -- in everything, you  
19 know, there's -- God takes with one hand,  
20 he gives with another, and then the next  
21 day the people who lost get, and it just  
22 balances out, and I hope everybody feels a  
23 blessing at the end and feels good with --  
24 I mean, we can't feel good, but we can at  
25 least come to terms and have closure. So

1 I appreciate all of you.

2 THE COURT: Ms. Fish, I have to stop  
3 you at this point, but I'm very glad to  
4 hear that due to these fortuitous events,  
5 neither you nor your son or husband were in  
6 the building, and I'm very thankful that  
7 you are here, and I appreciate your  
8 thoughts and input. Please feel free to  
9 join us at all future hearings. Okay?

10 MS. FISH: Thank you.

11 THE COURT: Okay. Any other unit  
12 owners --

13 MR. RUDY: Yes, Your Honor.

14 THE COURT: -- or victims of  
15 families who would like to briefly speak to  
16 the Court?

17 MR. RUDY: Yes, Your Honor, my name  
18 is Ike Rudy. I was the owner of Unit 1008  
19 in Champlain Towers South. Both myself and  
20 my wife were not in the building at the  
21 time of the collapse, thank God.

22 THE COURT: Yes.

23 MR. RUDY: I would like to ask the  
24 Court -- first of all, I'd like to thank  
25 the Court for moving this case so speedily

1 on behalf of the owners and the victims of  
2 the collapse. I would like to ask the  
3 Court in reference to the class, are all  
4 owners part of the class action or do  
5 we need to hire our own attorneys to be  
6 part of that class action, and if we need  
7 to hire an attorney, are those attorneys  
8 working on a pro bono basis or --

9 THE COURT: Well, Mr. Rudy, again,  
10 thank God you and your family are safe.  
11 Yes, all owners will be included within the  
12 class definition. Now, at some point the  
13 Court will have to determine whether to  
14 certify a class. That's a legal procedure.

15 But, no, there's no need for you to  
16 go hire independent counsel at this point.  
17 You will be included -- as a property  
18 owner, you will be included in the proposed  
19 class definition within the consolidated  
20 amended complaint that is going to be filed  
21 with the Court by mid-August, and your  
22 rights will be protected by that complaint.

23 Now, if there comes a point in time  
24 where the Court decides for whatever reason  
25 that this case is not suitable to proceed

1 as a class action, then at that point there  
2 may be a need for unit owners to secure  
3 separate counsel, but we're not there yet,  
4 and if this case is certified either for  
5 litigation purposes or for settlement, you  
6 will participate along with all other  
7 property owners. Okay?

8 MR. RUDY: Do I have to contact the  
9 attorney that's heading the --

10 THE COURT: No, no, there's nothing  
11 you need to do now except take care of your  
12 personal circumstances and make sure you  
13 safely relocate your family and take care  
14 of your personal issues. You do not need  
15 to reach out or contact class counsel at  
16 this time.

17 They have the information for all  
18 unit owners and to the extent they need  
19 anything from you, they will not hesitate  
20 to reach out, but you do not have to assume  
21 that burden at this point. Okay?

22 MR. RUDY: Thank you, and God bless  
23 you.

24 THE COURT: Thank you, sir. Any  
25 other unit owners or victims that would



1 like to address the Court?

2 MS. WOLF: Yes.

3 MR. BRENER: Good morning,  
4 Your Honor.

5 MS. WOLF: Go ahead.

6 MR. BRENER: Okay. Good morning,  
7 Your Honor. My name is Richard Brener.  
8 I'm appearing on behalf of my father, Julio  
9 Brener, who was a unit owner and who, thank  
10 God, was rescued by the phenomenal first  
11 responders.

12 My question, and forgive me, this is  
13 the first of these Zoom conferences that  
14 I've been able to participate in, and so  
15 forgive me if the Court has already  
16 addressed this, but are there any orders in  
17 place with respect to mortgages?

18 At this point we're not sure, do  
19 we keep paying the monthly mortgages?  
20 Is -- are mortgages being rolled into the  
21 claim, and so currently are they -- are  
22 they stayed? What do we do about the  
23 mortgage?

24 THE COURT: There is no order  
25 staying mortgage obligations, Mr. Brener.

1 I know many of these units have liens, as  
2 one would expect, and the mortgage holders  
3 will shortly be brought into a case that is  
4 going to be filed in order to terminate the  
5 condominium, and then they will be under my  
6 jurisdiction.

7 As of right now, I can't give you  
8 legal advice whether your dad, who, thank  
9 God, escaped this, and I'm certainly  
10 thrilled to hear that, I can't give you  
11 legal advice whether to continue paying  
12 your mortgage or not or to reach out to  
13 your lender and ask for a deferral.

14 You know, at some point, whatever  
15 recovery comes in will be used to pay  
16 people the fair value for their units, and  
17 mortgage lenders, to the extent they have  
18 liens, will be paid, but whether or not  
19 people should continue to pay in order not  
20 to be in default, that raises legal issues,  
21 it raises practical issues.

22 I mean, there's nothing for a lender  
23 to foreclose on at this point, so I'm not  
24 sure what their remedy would be if someone  
25 fails to pay, although, there could be

1 personal liability and recourse on some of  
2 these loans.

3 But, you know, you're certainly free  
4 to reach out to your lender and ask for  
5 some deferment, you know, until this case  
6 sorts its way through, but to answer your  
7 question directly, there is no order from  
8 this Court that affects the rights of any  
9 lender. So if somebody stops paying, they  
10 have the right to make a demand, they have  
11 the right to sue under their loan agreement  
12 and promissory notes that are secured by  
13 the mortgage.

14 There's nothing that this Court has  
15 done or been in a position to do to  
16 basically toll or abate those efforts. So  
17 like I said, I'm hoping within the next few  
18 weeks, my receiver and some unit owners  
19 will be filing a case before me that will  
20 add all these lenders, and they'll be soon  
21 be brought under my jurisdiction, and we  
22 can start addressing those issues with  
23 them, but in the meantime, I cannot give  
24 you advice as to whether your dad should or  
25 should not continue to pay his monthly

1 mortgage.

2 MR. BRENER: Okay. Thank you,  
3 Your Honor.

4 THE COURT: Okay? All right. What  
5 other unit owners would like to address the  
6 Court?

7 MR. LANGESFELD: Your Honor, can you  
8 hear me?

9 MS. WOLF: Hi, this is --

10 THE COURT: Ma'am, go ahead. I know  
11 you tried before, go ahead.

12 MS. WOLF: Thank you, Your Honor.  
13 My name is Ryan Wolf. I'm unit owner 202.  
14 Thankfully, my family and I were not in the  
15 building at the time of the collapse. My  
16 question is, I know this came up in  
17 previous conversations regarding property  
18 taxes. Are we still responsible for paying  
19 property taxes, or is there some sort of  
20 relief that will be given to us?

21 THE COURT: I have the same answer  
22 that I just gave Mr. Brener.

23 MS. WOLF: Okay.

24 THE COURT: There's no court order  
25 in effect that tolls or in any way impacts

1 your obligations to pay property taxes, but  
2 like I said earlier, you know, the remedy  
3 if you don't pay those taxes is largely,  
4 you know, liens on the units, which are no  
5 longer there.

6 The taxing authorities may have the  
7 ability to seek personal recourse or lien  
8 whatever recoveries owners may have in this  
9 case, and so I cannot advise you one way or  
10 the other whether you should continue to  
11 pay your property taxes.

12 MS. WOLF: Thank you.

13 THE COURT: Okay. We had another  
14 gentleman, I think, who wanted to be heard.

15 MR. LANGESFELD: Hello, Judge. This  
16 is Martin Langesfeld. I lost my sister,  
17 Nicole Langesfeld, her husband Luis, his  
18 two cousins.

19 THE COURT: I'm so sorry for your  
20 loss. I know your sister was a young  
21 attorney over at Reed Smith who was so  
22 highly regarded, and I'm so sorry for your  
23 loss, sir.

24 MR. LANGESFELD: Yeah, thank you.  
25 So the reason I haven't been on here and

1 many other families, is because many of us  
2 have been in grieving and dealing with  
3 funeral and others. I feel very highly as  
4 well for those who lost personal property,  
5 but we lost that and as well we lost the  
6 lives of four -- well, 98 in total.

7 I wanted to know where we stand when  
8 bodies are recovered, the remains are  
9 actually recovered, we have a very small  
10 percentage of each body, so I want to know  
11 where we stand on getting the rest of the  
12 remains of our loved ones.

13 THE COURT: You know -- do you mind  
14 if I call you by your first name? Is it  
15 Martin?

16 MR. LANGESFELD: Yeah.

17 THE COURT: Martin, I wish I could  
18 help you there. I don't know the -- I  
19 don't have an answer to that question. I  
20 don't know -- I assume that all remains  
21 recovered were sent to the medical  
22 examiner's.

23 MR. LANGESFELD: When you call the  
24 medical examiner's, when you call any  
25 police detective, you go in circles, and

1 they actually advise us to call the 4,000  
2 police officers to find who is the head of  
3 this investigation. No one wants to give  
4 any answers.

5 THE COURT: Okay. I'm going to ask  
6 Mr. Goldberg -- I'm going to -- I have  
7 no -- I have no information on that or no  
8 answer I can give you. I'm starting to see  
9 some chats from other -- from other  
10 victims. I'm going to ask my receiver,  
11 if you call his office, I'm going to ask  
12 him to speak to you and see if there's any  
13 information.

14 Well, while I have him here,  
15 Mr. Goldberg, are you still with us?

16 MR. GOLDBERG: Of course,  
17 Your Honor, I'm here.

18 THE COURT: Okay. Do you have any  
19 information or insight that you can help  
20 Martin with and these other family members  
21 who may be similarly situated?

22 MR. GOLDBERG: Your Honor, I don't  
23 have any information on remains. I have  
24 information on personal property that the  
25 County is still working on that. I spoke

1 to the County or communicated with the  
2 County yesterday at the request of  
3 Mr. Moskowitz, and the County said that  
4 they will be setting up a process where  
5 relatives can collect personal items, and  
6 that should be done shortly, and we will,  
7 of course, put that on our website and make  
8 it known, but I will inquire with the  
9 County as far as other --

10 THE COURT: Will you please -- will  
11 you please inquire with the County and let  
12 them know that some victims have appeared  
13 in court, and the county's counsel is also  
14 here, and that's a good thing, that some  
15 victims have expressed concerns about the  
16 lack of responsiveness in dealing with the  
17 remains of their loved ones, and see if you  
18 can gather some information on that and  
19 post it on your website so we can help  
20 these folks in that process.

21 MR. GOLDBERG: Absolutely,  
22 Your Honor. I will do that.

23 THE COURT: Ms. Morse, are you still  
24 with us?

25 MS. MORSE: Yes, Your Honor, and



1 I will follow up as well.

2 THE COURT: Will you please follow  
3 up and talk to the receiver and the Mayor,  
4 whoever else you need to speak to, and make  
5 sure that these -- that these -- that these  
6 people are given access to or at least  
7 advised of the process regarding the  
8 ability to deal with the remains of their  
9 loved ones in a timely fashion. Okay?

10 MS. MORSE: Yes, Your Honor.

11 THE COURT: Okay.

12 MR. LANGESFELD: Your Honor, I would  
13 also like to say thank you for listening to  
14 us on the part of the memorial. I know  
15 I speak on behalf on many families who lost  
16 loved ones who unfortunately haven't been  
17 able to speak up for what they want, but  
18 that is still something we very --

19 THE COURT: And Martin -- Martin,  
20 I know. I've heard you say that, and  
21 I know that you've been a -- you've been a  
22 strong advocate of that, and I appreciate  
23 your views and your thoughts, but like  
24 I said -- like I said earlier to  
25 Ms. Schechter, I -- you know, one thing

1 you're going to get from this Court is  
2 honesty. Okay?

3 And I've said many times that I'm  
4 completely in favor of a memorial, but many  
5 of these victims -- you know, you're 26 and  
6 you're starting your life, and, you know --  
7 but many of these -- many of these victims  
8 were people that were retired that lived in  
9 this building, it was their primary  
10 residence.

11 As you may know or will find out as  
12 you age, many people, their basic net worth  
13 and retirement is largely in their  
14 residence, and to a lot of the victims of  
15 this horrific catastrophe, their nest egg  
16 was their unit and the equity they had in  
17 their units.

18 And I've made it very clear and will  
19 make clear, once again, that the victims of  
20 this tragic event who in many cases have  
21 lost family members and in all cases have  
22 lost their homes, are not going to be  
23 bearing the cost of a public memorial.

24 If that's going to occur, it's going  
25 to be at the public expense. I hope you

1 understand that. As strongly as you feel  
2 for the need for a memorial, and I agree  
3 with you, there should be some memorial,  
4 and there will be some memorial, but the  
5 victims of this tragedy are not going to be  
6 paying for that by donating their property.

7 So I hope you understand, and I,  
8 again, am so sorry for the loss of your  
9 beautiful sister and other family members.  
10 I can't imagine the grief that you and your  
11 family are feeling, and you have this  
12 Court's sympathy and condolences.

13 MR. LANGESFELD: Thank you, Judge.

14 MR. GOLDBERG: Your Honor --

15 THE COURT: Before we adjourn,  
16 I have time for a few more victims or unit  
17 owners. Sir?

18 MR. GOLDBERG: Your Honor, it's  
19 Michael Goldberg.

20 THE COURT: Yes.

21 MR. GOLDBERG: Just to answer the  
22 prior question on the property taxes, on  
23 July 9th Governor DeSantis entered an  
24 executive order indefinitely suspending the  
25 payment of ad valorem taxes. The notice

1 and his executive order is on our website,  
2 but I didn't want that to go unanswered.

3 THE COURT: Okay. Thank you for  
4 that information. That answers that  
5 question. So I guess, Mr. Goldberg,  
6 we need to deal with these lenders. So  
7 like you and I discussed earlier, the  
8 faster we can get this termination  
9 proceeding filed and serve these lenders  
10 and bring them under the jurisdiction of  
11 the Court, the easier it's going to be to  
12 resolve and work through those issues.

13 Okay?

14 MR. GOLDBERG: Yes.

15 THE COURT: Again, make sure you  
16 tell the title company this is not business  
17 as usually, and I expect that suit filed  
18 promptly. Okay?

19 MR. GOLDBERG: Your Honor, after --  
20 earlier in the hearing I sent an email out,  
21 and I am updating that we are expecting  
22 title to be returned to us mid-August, so  
23 in the next couple of weeks.

24 THE COURT: Okay. Very good. All  
25 right. So are there any other -- before

1 we adjourn, and the Court needs to adjourn  
2 this hearing shortly, but are there any  
3 other victims or unit owners who have  
4 issues or questions that have not been  
5 adequately addressed or they cannot wait  
6 until we reconvene next week, any other  
7 victims or unit owners?

8 Okay. Very good. So what I'd like  
9 to do --

10 MR. RASKAS: Your Honor.

11 THE COURT: Yes.

12 MR. RASKAS: This is Aron Raskas on  
13 behalf of Morabito Consultants, Inc.  
14 Your Honor had set a motion for this  
15 hearing today.

16 THE COURT: Yes, I had, and I think  
17 we've dealt with that as part of the  
18 protocol. I know your client wants access  
19 and feels there's some emergency need to  
20 review the deck, but, counsel, as you know,  
21 this property is now a crime scene, and  
22 I only have so many powers to give access,  
23 and they're just going to have to wait  
24 until there's a protocol, which I hope is  
25 going to be done within a week or two.

1 MR. RASKAS: I understand,  
2 Your Honor. There's one thing that I would  
3 like to raise, and that is -- if I may,  
4 if it please the Court?

5 THE COURT: Okay.

6 MR. RASKAS: Just a few seconds.  
7 And that is, Your Honor, this has been a  
8 bit of a moving target, and we simply don't  
9 know what has transpired, when structures  
10 were taken down. It's evident that  
11 structures were taken down, and it's been  
12 cropped down further and further.

13 I just want to make sure that the  
14 preservation order, I think it's obvious,  
15 but it should -- we believe what will be  
16 important to establish is a timeline or  
17 chronology of what existed and what was  
18 changed at the site following the collapse,  
19 including a video and a pictorial timeline,  
20 so we simply ask that whatever was done to  
21 document those existing conditions be  
22 preserved and made available as promptly as  
23 possible.

24 THE COURT: Well, I consider that to  
25 be evidence, counsel. I already have a

1 preservation order, so do you believe  
2 there's a need for an additional order on  
3 that?

4 MR. RASKAS: No, we believe -- we  
5 just wanted the record to be clear, and we  
6 look forward to collaborating with the  
7 receiver on the protocol.

8 THE COURT: All right. So folks,  
9 I am going to schedule another status next  
10 Wednesday at 9 a.m. Until further notice,  
11 we're going to do the statuses by Zoom only  
12 given the status of the pandemic. I'm  
13 hopeful that that will subside, and that  
14 we'll be back in court live, because I do  
15 think it's important to face time with  
16 everybody and allow our victims to actually  
17 be in court and see up close and personal  
18 how we conduct this case.

19 So hopefully we'll be back live  
20 shortly, but in the interim, we're going to  
21 continue with our Zoom conferences, and  
22 I will set -- I will send out a link for  
23 next Wednesday at 9:00.

24 And of course, Mr. Goldberg, as the  
25 Court mentioned earlier, we are here 24/7.

1 If any emergencies or matters come up in  
2 the interim, interested parties can simply  
3 contact chambers, and a hearing will be  
4 immediately scheduled. Absent that, we'll  
5 be in recess until next Wednesday at 9 a.m.  
6 Everyone have a nice day.

7 (Thereupon, the hearing was  
8 concluded at 10:40 a.m.)

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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 through Zoom Videoconference, and that the transcript is a true and complete record of my stenographic notes.

Dated this 4th day of August, 2021.



MATTHEW J. HAAS  
Court reporter

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