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

CASE NO.: 2021-015089 CA 01

MANUEL DREZNER,

Plaintiff,

-vs-

CHAMPLAIN TOWERS SOUTH
CONDOMINIUM ASSOCIATION, INC.,

Defendant.

PROCEEDINGS BEFORE HONORABLE MICHAEL A. HANZMAN

EMERGENCY STATUS CONFERENCE

Remote Proceeding
Zoom Videoconference

Friday, August 6, 2021
11:00 a.m.

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A P P E A R A N C E S

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1 Thereupon --

2 THE COURT: I'm calling the
3 Champlain Towers South Collapse litigation,
4 Case No. 21-015089. Can I just have
5 appearances, please, from the receiver,
6 lead counsel, and any defense or insurance
7 counsel, please.

8 MR. GUSO: Sure. May it please the
9 Court. Good morning, Your Honor. Jordi
10 Guso of Berger Singerman on behalf of
11 Michael Goldberg as receiver. Your Honor,
12 I believe Mr. Goldberg is participating
13 telephonically. He's actually at the site
14 this morning.

15 MR. GOLDBERG: I am, Your Honor.
16 I don't know if you can hear me, but I'm at
17 the site in my car.

18 THE COURT: I see you and hear you,
19 Mr. Goldberg. Thank you.

20 MR. GOLDBERG: Thank you.

21 THE COURT: And for lead counsel for
22 the class, please.

23 MR. TROPIN: Harley Tropin, Your
24 Honor, may it please the Court. We also
25 have Rachel Furst.

1 MS. FURST: Good morning, Your
2 Honor.

3 THE COURT: Good morning, Ms. Furst.
4 May I have appearance for lead counsel for
5 the particular economic and injury classes,
6 please.

7 MR. MARTINEZ-CID: Your Honor,
8 Ricardo Martinez-Cid, lead counsel for
9 wrongful death and personal injury
10 claimants.

11 THE COURT: And for the economic
12 class, do I have lead counsel for that
13 class, please?

14 MS. FURST: Your Honor, that's Adam
15 Moskowitz, but I don't see him on the Zoom.

16 THE COURT: Okay. Very good. All
17 right. Do I have any counsel for
18 defendants or insurance carriers, please?

19 MR. RASKAS: Good morning,
20 Your Honor. Aron Raskas for Morabito
21 Consultants, Inc.

22 MR. ROSINSKY: Good morning, Your
23 Honor. David Rosinsky on behalf of
24 Concrete Protection Restoration.

25 THE COURT: Any other counsel?

1 MR. WILSON: Good morning, Your
2 Honor. William Wilson on behalf of -- from
3 Mound, Cotton, on behalf of Great American
4 Insurance Company.

5 THE COURT: Thank you.

6 MS. FURST: Your Honor, I misspoke,
7 we also have Javi Lopez here who may want
8 to make his appearance.

9 THE COURT: Mr. Lopez?

10 MS. FURST: But he is here.

11 THE COURT: Okay. Very good. Any
12 other insurance counsel or defendant
13 counsel?

14 Okay. Very good. So we're here on
15 the receiver's emergency motion for an
16 order permitting him to sign a permit
17 application to do some work in order to
18 brace the retainment wall adjacent to the
19 property.

20 Mr. Guso?

21 MR. GUSO: Yes, Your Honor, thank
22 you. May it please the Court. Your Honor,
23 that is exactly right. As a preliminary
24 matter, thank you for hearing us on an
25 emergency basis on short notice. This is

1 an emergency under the circumstances, Your
2 Honor.

3 The papers that are before you ask
4 the Court for Mr. Goldberg -- for authority
5 for Mr. Goldberg to execute a permit that
6 will permit Bofam Construction, Inc., to do
7 work on the site with respect to the
8 retaining walls at the site.

9 Mr. Goldberg is actually on site,
10 and the circumstances may have changed.

11 THE COURT: All right. Mr. Guso,
12 let me ask you a quick question. When
13 I looked at this permit, it identified
14 Miami-Dade County/Police as the owner of
15 the property. It asks for -- I guess
16 they're asking for Mr. Goldberg's
17 signature.

18 It's a half a million dollar
19 estimate, but I could not see on the permit
20 application or any of the other
21 documentation that was uploaded with the
22 motion who is responsible for the payment
23 of this work.

24 MR. GUSO: Your Honor, the County
25 will be responsible for the payment.

1 Mr. Goldberg, as representative of the
2 association, has been signed -- had been
3 requested to sign off as the owner, and
4 it is that request that brings us before
5 you this morning.

6 And as I said, Your Honor, Mr.
7 Goldberg is actually on site, and some of
8 these circumstances may have changed
9 shortly before we joined the hearing, and
10 with the Court's permission, Your Honor,
11 I will yield to Mr. Goldberg who can
12 apprise us of the latest developments on
13 site.

14 THE COURT: Very good.

15 Mr. Goldberg?

16 MR. GOLDBERG: Yes. Good morning,
17 Your Honor, and thank you, again, for
18 accommodating us on such short notice. As
19 Mr. Guso said, I am at the site. I'm just
20 a little bit north of it. I pulled into a
21 quiet area to have this hearing from my
22 car.

23 This morning I was informed at
24 approximately 10:15 that the plans are
25 changing with respect to buttressing the

1 retaining walls. A new engineering firm
2 was brought in along with the other
3 engineering firm, and they are planning to
4 revisit the drawings and the design of the
5 buttressing.

6 In large part, because the timeline
7 to complete the buttressing in the plans
8 that were given to you, I was told, can be
9 up to six months. The County said that
10 that was unacceptable, and they are
11 revisiting with their engineer's
12 alternative plans.

13 They told me they will have the new
14 plans ready by next Wednesday, and I would
15 immediately file it next Wednesday,
16 if Your Honor is able to accommodate us
17 with a hearing either on Thursday or
18 Friday assuming I do get the plans on
19 Wednesday. There is one -- I'm sorry, go
20 ahead, Your Honor.

21 THE COURT: Any revisions to the
22 plans or possible substitution of
23 contractors that's going to materially
24 impact the issue that is raised by the
25 motion; in other words, whatever needs to

1 be authorized to approve the work or sign
2 the permit?

3 MR. GOLDBERG: It could, Your Honor,
4 because they're exploring different ways to
5 buttress the retaining walls, and one of
6 the important things that's being
7 accomplished by this, apart from me being
8 able to sign the permit, is letting all of
9 the defense and plaintiffs know and any
10 other party in interest know that the walls
11 are going to be buttressed in a certain
12 method, and this is the method that the
13 County has chosen to do it.

14 I want to make sure everybody has
15 transparency on that process to make sure
16 nobody has any important arguments on why
17 the evidence won't be preserved.

18 It is a life safety issue, but
19 I think it's important for everybody to see
20 the plans and understand exactly what is
21 intended so that they can bring any
22 concerns to the Court.

23 THE COURT: Okay. Well, then let's
24 wait and see if the plans are materially
25 revised or if the permit application

1 changes. I'm here immediately as soon as
2 it's ready. You just file your motion, and
3 I'll give you a hearing the following day,
4 and we'll get to the bottom of it one way
5 or the other. Okay?

6 But I do want to make sure, before
7 you sign off on anything, we give everybody
8 an opportunity to see exactly what the
9 proposed work is and make sure nobody has
10 any concerns that it may interfere with my
11 preservation order or otherwise impair
12 anybody's rights to examine and secure
13 evidence. Okay?

14 MR. DORTA: Judge, may I say
15 something?

16 MR. GOLDBERG: Your Honor, if I can
17 just add one other thing, and I apologize
18 for cutting the gentleman off. Your Honor,
19 there is one immediate life safety issue
20 that --

21 THE COURT: It was just Mr. Dorta.
22 You don't have to worry about him being a
23 gentleman.

24 MR. GOLDBERG: I'm sorry,
25 I apologize, I just want to put one thing

1 out there in case people want to comment.

2 THE COURT: All right.

3 MR. GOLDBERG: There is one
4 immediate life safety issue that will be
5 undertaken this weekend without a permit,
6 because it must be done. Your Honor, there
7 is a patio area adjacent to the pool, which
8 has been on the news, and they need to put
9 some beams to secure the patio area, which
10 is in danger of collapsing, and they are
11 going to undertake that immediately this
12 weekend.

13 The engineers were out there today
14 and said it has to be done immediately.
15 That is towards preserving the evidence,
16 Your Honor, because if that patio area
17 collapses, it actually could damage the
18 evidence.

19 THE COURT: Is there authorization
20 being sought for that? Are you required
21 to --

22 THE WITNESS: It is not, but I just
23 wanted to let the Court know they're going
24 to do it regardless of what I say.

25 THE COURT: Okay. Well, that's

1 fine, as long as you're not signing
2 anything or agreeing to indemnify or
3 assuming any responsibility. They'll do
4 what they need to do for life safety.

5 MR. GOLDBERG: Exactly.

6 THE COURT: Okay. Mr. Dorta, what
7 did you want to say?

8 MR. DORTA: Well, I anticipated that
9 one. Two, when they're doing this, can the
10 Court order that it be recorded by a
11 videographer or some reporting mechanism,
12 either allowing somebody from our side or
13 somebody that's undertaking that to record,
14 A, the condition that exists now and what
15 they're doing.

16 And number two, I just want to make
17 sure that before they alter -- I hear from
18 the receiver they're going to do a
19 different design for this matter, and I
20 want to just make sure that in order to do
21 a different design or an alternate with a
22 proposed existing design, they do not have
23 to excavate in order to undertake
24 measurements of load of an existing matter
25 before they alter what they proposed

1 initially, because this structural
2 reinforcement, we'll deal with it later,
3 requires, obviously, digging a significant
4 amount to pour, to then secure existing
5 walls, and that does alter the underlying
6 geotechnical integrity of what exists
7 there.

8 THE COURT: Well, I will ask you all
9 between now and next week, when this motion
10 will likely be called back, speak to your
11 experts and see what they recommend as far
12 as documenting the condition as it exists
13 today; documenting the work that is going
14 to be done, either while it's in progress
15 or otherwise; and documenting the work upon
16 completion so there will be an adequate
17 record in the event -- in the event that
18 evidence is material.

19 Speak to your experts, and then, you
20 know, when we get back together next week,
21 let's see if you all have a recommendation.

22 Ms. Furst?

23 MS. FURST: Your Honor, thank you.
24 We have -- the plaintiffs have consulted
25 with our experts regarding -- and have been

1 in contact with Mr. Goldberg regarding the
2 plan that was presented prior to this one,
3 and we were in agreement that it was
4 necessary and agreed with the receiver it's
5 appropriate to move forward, but like
6 Your Honor said, we want to and need to
7 review any -- the plan before next week.

8 THE COURT: Okay. Speak to your
9 experts as well as any exerts the defense
10 wants to weigh in on this about what needs
11 to be done in order to document the
12 condition of the property before they start
13 this work so that there will be an adequate
14 record of exactly what it looked like and
15 what condition it was in before the work
16 began and whether or not this work should
17 be documented while it's in progress.

18 Okay?

19 Like I said the other day, my major
20 concern here is I don't want to have any
21 spoliation issues. I want to make sure
22 that nobody's claims or defenses are
23 prejudiced by any work that's being done,
24 and that everybody has an opportunity to
25 document whatever -- whatever is occurring

1 on site that might alter the premises.

2 Okay?

3 So speak to your experts, and before
4 this motion is called up -- from what I'm
5 hearing from Mr. Goldberg, it looks like
6 we'll probably be reconvening sometime mid
7 to late next week, so that should give you
8 some time to speak to your experts, and
9 when I get together with you again, you'll
10 tell me what your suggested protocol is to
11 document the site and the work. All right.

12 MS. FURST: Thank you, Your Honor.

13 THE COURT: Anything else for this
14 morning, ladies and gentlemen?

15 Okay. I will see you all, if not
16 before, I'll see you at next Wednesday's
17 weekly status. Everybody have a nice
18 weekend.

19 (Thereupon, the hearing was
20 concluded at 11:11 a.m.)

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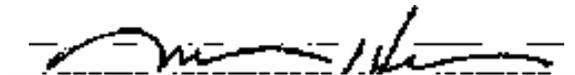
CERTIFICATE OF REPORTER

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 and that the transcript is a true and
complete record of my stenographic notes.

Dated this 6th day of August,
2021.



MATTHEW J. HAAS
Court reporter