

In the Matter Of:

DREZNER V. CHAMPLAIN TOWERS

2021-015089 CA 01

HEARING

August 18, 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.

PROCEEDINGS BEFORE HONORABLE MICHAEL A. HANZMAN

STATUS CONFERENCE

Remote Proceeding
Zoom Videoconference

Wednesday, August 18, 2021
9:00 a.m.

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A P P E A R A N C E S

RECEIVER: MICHAEL I. GOLDBERG, ESQUIRE

ON BEHALF OF THE RECEIVER, MICHAEL I. GOLDBERG:

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

ON BEHALF OF THE PLAINTIFFS:

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 GROSSMAN, ESQUIRE

THE MOSKOWITZ LAW FIRM
2 Alhambra Plaza
Suite 601
Coral Gables, Florida 33134
(305) 740-1423
Adam@moskowitz-law.com
BY: ADAM MOSKOWITZ, 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
Hst@kttlaw.com
BY: HARLEY S. TROPIN, ESQUIRE

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

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

10
11 HEISE, SUAREZ & MELVILLE
12 1600 Ponce De Leon Boulevard
13 Suite 1205
14 Coral Gables, Florida 33134
15 (305) 800-4476
16 Lsuarez@hsmpa.com
17 BY: LUIS SUAREZ, ESQUIRE

18
19 MSP RECOVERY LAW FIRM
20 2701 South Le Jeune Road
21 Floor 10
22 Coral Gables, Florida 33134
23 (305) 614-2222
24 Jruiiz@msprecoverylawfirm.com
25 BY: JOHN H. RUIZ, ESQUIRE

ON BEHALF OF THE DEFENDANTS:

17
18 GUNSTER LAW FIRM
19 600 Brickell Avenue
20 Suite 3500
21 Miami, Florida 33131
22 (305) 376-6009
23 Araskas@gunster.com
24 BY: ARON U. RASKAS, ESQUIRE

25
26 MOUND, COTTON, WOLLAN & GREENGRASS
27 30A Vreeland Road
28 Suite 210
29 Florham Park, New Jersey 07932
30 (973) 494-0601
31 Wwilson@moundcotton.com
32 BY: WILLIAM D. WILSON, ESQUIRE

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

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

9 WEISS, SEROTA, HELFMAN, COLE, BIERMAN & POPOK
10 2525 Ponce De Leon Boulevard
11 Suite 700
12 Coral Gables, Florida 33134
13 (305) 854-0800
14 Trecio@wsh-law.com
15 BY: ANTHONY RECIO, ESQUIRE
16 Larango@wsh-law.com
17 BY: LILLIAN ARANGO, ESQUIRE

18 DLD LAWYERS
19 Douglas Entrance
20 806 South Douglas Road
21 Floor 12
22 Coral Gables, Florida 33134
23 (305) 443-4850
24 Gbarr@dldlawyers.com
25 BY: GONZALO BARR, ESQUIRE

COZEN O'CONNOR
1 North Clematis Street
Suite 510
West Palm Beach, Florida 33401
(561) 515-5260
Jdickenson@cozen.com
BY: JOHN-DAVID DICKENSON, ESQUIRE

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

ALSO PRESENT:

- Michael Fay
- Eileen Rosenberg
- Carlos Noriega
- Susan Iscowitz
- Pablo Langesfeld
- David Rodan
- Raquel Oliveira
- Ike Rudy
- Carlos Weinberg
- Essy Wasserman

1 Thereupon --

2 THE COURT: Good morning, ladies and
3 gentlemen. The Court is calling In Re:
4 Champlain Towers South Collapse Litigation
5 Case No. 2021-015089.

6 Let me, please, have appearances
7 from the receiver, lead counsel, and any
8 defense attorneys or insurance carrier
9 attorneys who are present.

10 MR. SINGERMAN: Good morning, Judge
11 Hanzman. I'm Paul Singerman from Berger
12 Singerman. Our firm is counsel to your
13 court-appointed receiver, Michael I.
14 Goldberg. For the record, Your Honor,
15 Mr. Goldberg is present and participating
16 in the hearing this morning.

17 MR. GOLDBERG: Good morning,
18 Your Honor.

19 MR. TROPIN: May it please the
20 Court, Harley Tropin, co-chair for the
21 plaintiffs.

22 MS. FURST: Good morning,
23 Your Honor, Rachel Furst, co-chair lead
24 counsel for the plaintiffs.

25 MR. MOSKOWITZ: Good morning,

1 Your Honor. Adam Moskowitz, lead counsel
2 for the economic loss claim.

3 MR. MARTINEZ-CID: Ricardo
4 Martinez-Cid, lead counsel for wrongful
5 death and personal injury.

6 MR. GROSSMAN: Good morning,
7 Your Honor. Stuart Grossman, liaison for
8 personal injury/wrongful death.

9 MR. LOPEZ: Good morning, Your
10 Honor. Javier Lopez, co-lead counsel with
11 Adam Moskowitz for the property loss class.

12 THE COURT: Very good. Thank you,
13 ladies and gentlemen. Do I have any
14 insurance counsel or defense counsel
15 present?

16 MR. BLUMENTHAL: May it please the
17 Court, Judge Hanzman. I'm Dustin
18 Blumenthal here with Valerie Shea for
19 Philadelphia Indemnity Insurance
20 Corporation.

21 MR. WILSON: Your Honor, William
22 Wilson from Mound Cotton on behalf of Great
23 American Insurance Company.

24 THE COURT: Any other defense
25 counsel or insurance carriers who wish to

1 make an appearance?

2 MR. RASKAS: Good morning,
3 Your Honor. May it please the Court, Aron
4 Raskas on behalf of Morabito Consultants,
5 Inc.

6 MR. BARR: Good Morning, Your Honor.
7 Gonzalo Barr on behalf of Tanenbaum Harber
8 of Florida, insurance agents.

9 THE COURT: Any other insurance or
10 defense counsel?

11 MR. DICKENSON: J.D. Dickenson from
12 Cozen O'Connor on behalf of Arch Specialty
13 Insurance Company.

14 THE COURT: All right. Do I have
15 any representatives from the County and the
16 Town of Surfside present this morning?

17 MR. ARANGO: Yes, good morning, Your
18 Honor. This is Lilly Arango with Weiss
19 Serota here on behalf of the Town of
20 Surfside.

21 MS. MORSE: Good morning, Your
22 Honor. Lauren Morse on behalf of
23 Miami-Dade County.

24 THE COURT: Very good. Okay. We're
25 here for our weekly status in these

1 consolidated matters. I'm going to start
2 as usual by asking my receiver Mr. Goldberg
3 and his counsel to bring the Court
4 up-to-date on any developments that have
5 occurred over the past week and discuss
6 with me the topics that I am interested in
7 on a weekly basis, including the status of
8 assistance payments for victims, the
9 insurance situation, and the status of the
10 termination suit and title work and other
11 things necessary in order to prepare this
12 asset for a hopeful sale in the near
13 future.

14 Mr. Goldberg?

15 MR. GOLDBERG: Yes, good morning,
16 Your Honor. I'll start off as I normally
17 do with the assistance payments and work my
18 way through, and then Mr. Singerman will
19 update the Court on the protocol, and
20 Mr. Fay will update the Court on the status
21 of the sale, if that's acceptable.

22 THE COURT: That's fine. Let's
23 proceed.

24 MR. GOLDBERG: Your Honor, we have a
25 total of 89 assistance applications of

1 which 77 have been approved, 10 have been
2 denied, zero relocation applications are
3 pending, and only two end-of-life benefit
4 applications are pending at this time.

5 Total to date in relocation payments
6 that have been paid is 360,000, and
7 end-of-life benefits paid is 82,000, for a
8 total paid of 442,000. Again, Your Honor,
9 this was paid out of the money donated by
10 Mr. Ruiz, and there's currently a balance
11 of 558,000 left in that account.

12 Your Honor, with respect to the
13 insurance, as the Court is aware, you
14 entered an order last week approving an
15 order -- an agreed order with the
16 association and Great American, and we are
17 hopeful that those funds will be tendered
18 within the next approximate ten days
19 according to my coverage counsel.

20 Yesterday, Your Honor, Philadelphia
21 tendered an additional \$87,800, of which
22 \$50,000 was due to crisis management -- I'm
23 sorry, 25 was due to crisis management,
24 50,000 was real estate consultant payments,
25 and 12,800 was key person replacement

1 insurance.

2 With respect to the bank accounts,
3 Your Honor, last week I only wrote one
4 check for \$9,000 to the appraiser who was
5 appraising the various units. And finally,
6 Your Honor, with respect to insurance, at
7 the last five or six hearings I've been
8 telling you I've been optimistic about
9 negotiating the cost of defense with
10 defense counsel. Although some progress
11 has been made with respect to retaining
12 counsel to respond to the lawsuit, I'm no
13 longer optimistic that we will be able to
14 reach agreement with respect to either
15 Berger Singerman's or my fees as there's
16 been a firm rejection of any willingness to
17 attempt to reach a resolution, at least
18 with most of the insurers.

19 We are still engaging in potential
20 buyout discussions with the carriers, and
21 we'll continue to plug away at that.

22 THE COURT: Which carriers have
23 defense cost obligations?

24 MR. GOLDBERG: Your Honor, it would
25 be Arch, which we are in very -- very

1 specific negotiations; James River, who has
2 agreed to fund the defense or at least a
3 portion of some of the defense. We're
4 still talking with Philadelphia, Fireman's
5 Fund, and QBE.

6 If I'm leaving anything out,
7 Mr. Singerman can -- or Mr. Boyle or
8 Ms. Anderson can jump in, but those are the
9 ones that we believe have defense
10 obligations.

11 THE COURT: And they've been put on
12 notice of the consolidated complaint,
13 I assume, and there's been a demand made
14 for them to assume all defense costs?

15 MR. GOLDBERG: Yes. Well, the
16 consolidated complaint was received a day
17 and a half ago, and that was sent out last
18 night with a letter to all of them, but
19 they've been on notice, you know, of our
20 request.

21 The dispute arises over the scope of
22 their defense obligation. I'm not saying
23 it's not a legitimate position, we were
24 just hoping to make some progress in the
25 resolution.

1 THE COURT: Okay. Well, I'll leave
2 that to you. Obviously, the association
3 through the receivership is entitled to a
4 defense in this case to the extent there is
5 a duty to defend and coverage for that, and
6 I would expect the carriers to honor their
7 respective obligation, and if not, the
8 parties will bring whatever proceedings are
9 necessary so the Court can adjudicate
10 whatever their rights are and obligations
11 under these various policies.

12 MR. GOLDBERG: Yes, Your Honor.
13 Your Honor, with respect to the property,
14 after our last hearing when I stated it may
15 be four to five weeks for turnover, the
16 County contacted me and said it may be a
17 little shorter, more like two or three
18 weeks. I understand that there were
19 meetings this morning.

20 The County and NIST have been
21 completely responsive. It's kind of
22 amazing, I send an email, I get a response
23 within the hour from both. I can't thank
24 them enough. They're meeting this morning,
25 and they're supposed to update me on

1 finalizing arrangements for turnover. In
2 preparation of that, I'm already in
3 discussions and finalizing arrangements for
4 24-hour security on the property.

5 As I stated before, the County
6 graciously has agreed at their expense to
7 put up a fence. I've met with the leaders
8 of Miami homicide who have walked the
9 property with me and are just totally
10 cooperative in dealing with the fence and
11 securing the property.

12 Finally, I've arranged and am in the
13 process of executing a contract to have a
14 trailer put there with air conditioning for
15 the security, port-a-potties and other
16 things you would expect for when the
17 engineers and the lawyers are out there.
18 We'll run power lines to the trailer so
19 that people will be able to get out of the
20 elements if need be.

21 Your Honor, we are having
22 conversations, and Mr. Fay will update you
23 on the stalking horse --

24 THE COURT: Before we get to that,
25 Mr. Goldberg, tell me about the termination

1 suit, the title work, where that is, and
2 when the appraiser is going to be concluded
3 with his or her work.

4 MR. GOLDBERG: Yes, I'll start with
5 the last question. The appraiser,
6 I confirmed yesterday, still on track and
7 will be completed the first week of
8 September. The appraiser has already
9 commenced work and is well in the process
10 of the analysis.

11 Your Honor, there is one issue that
12 a few victims' families have contacted. As
13 Your Honor knows, the appraiser is planning
14 to appraise the various lines -- unit
15 lines, which will take into account the
16 different views and square footage of each
17 line vis-a-vis one another, and then do a
18 floor-by-floor adjustment, similar to how a
19 developer may sell units in a building.

20 Some victims' families have
21 contacted me and stated my unit had
22 modified -- had renovated bathrooms or
23 kitchens. I don't know how an appraiser is
24 going to take those subjective differences
25 between units into account.

1 THE COURT: Well, I assume -- I
2 assume they're not, and you've instructed
3 them to do the appraisal on just the square
4 footage of the unit and its location and
5 not delve into the weeds of what
6 improvements might be in the individual
7 units, because, A, that's not practical to
8 do, nor would it be possible to do in any
9 timely fashion.

10 So I assume you've instructed them
11 how they're to go about appraising these
12 units.

13 MR. GOLDBERG: Yes, Your Honor, the
14 only adjustment between the line will be a
15 floor-by-floor adjustment, which is more
16 objective than the subjective, getting
17 inside the, you know, walls of each unit
18 and determining what was renovated and not.

19 So yes, the appraiser is not going
20 to -- at least not until -- unless
21 instructed differently -- take into account
22 any subjective differences between units.

23 THE COURT: They're not being
24 instructed differently, not by this Court.
25 Okay.

1 MR. GOLDBERG: Okay.

2 THE COURT: Let's proceed. So that
3 will be done, you think, within a couple of
4 weeks?

5 MR. GOLDBERG: First week of
6 September.

7 THE COURT: Now how about the title
8 work so we can identify anybody who has
9 mortgage rights or other liens to these
10 units, what's the status on the title work?

11 MR. GOLDBERG: The title work is
12 rolling, Your Honor. I have some of the
13 results coming in, I expect, this week.
14 But it won't be completed probably until
15 right around -- fully completed until the
16 first week of September, but the complaint
17 is drafted, Your Honor. We are already
18 putting together service of process forms.

19 We'll be presenting to you next week
20 how we propose to serve process for your
21 approval, and we are well on our way to
22 meeting the deadline, as I said in prior
23 hearings, of the first week in September,
24 Your Honor.

25 THE COURT: Okay. So by early

1 September, I'm anticipating that the
2 appraisers will be completed with their
3 work, the title work will be done, the
4 termination suit will be filed, and service
5 will be well underway. Is that a
6 reasonable expectation?

7 MR. GOLDBERG: Yes, that's -- that's
8 the best knowledge I have, and I expect it,
9 Your Honor.

10 THE COURT: Okay. So tell me where
11 are you with class counsel and with other
12 interested parties in preparing a court
13 order protocol for inspection and testing
14 by any experts or others who have a stake
15 in these proceedings.

16 MR. GOLDBERG: Your Honor, if I may
17 just cover two topics before Mr. Singerman
18 handles that, if that's acceptable?

19 THE COURT: Sure. Go ahead.

20 MR. GOLDBERG: As I stated and
21 Mr. Fay will update you, stalking horse
22 contract, my office is crafting the
23 contract, I expect to have a draft
24 completed by Friday of this week, that
25 it can be circulated to various parties

1 that need to see it.

2 Your Honor, at the last hearing
3 we discussed a zoning letter that my
4 office, Ms. Kasden, sent out to the Town of
5 Surfside to obtain what the zoning of the
6 property was so we can move forward
7 notifying potential purchasers, here's how
8 many units you can build, and here's the
9 buildable square footage.

10 On Friday we received response to
11 that letter from the Town of Surfside, but
12 the Town did not specify the exact amount
13 of units that it believed could be built on
14 the property at this time or the so-called
15 density.

16 Your Honor, based on our current --
17 on our calculation based on current
18 regulations, we're entitled to 109 units
19 per acre. We have 1.88 acres, and
20 we calculate it currently at 205 units.

21 In its letter back to us, Surfside
22 stated that it is currently considering
23 amendments to its zoning regulations and
24 under those regulations it is looking at or
25 potentially planning to change the line for

1 which we can calculate our lot size from
2 the erosion line, which is further east and
3 closer to the ocean into what's called the
4 bulkhead line, and that would have the net
5 effect of lowering our acre for the
6 calculation -- our size of our lot for
7 calculation purposes from 1.88 acres to
8 1.27 acres, which would have -- if adopted,
9 which would have the net effect of reducing
10 the density on the property, the number of
11 units that can be built, from 205 units to
12 139 units, which could have a significant
13 impact on the value of the land if Surfside
14 goes ahead and does that.

15 I just want to let the Court know
16 about that issue, and it may hinder the
17 marketing process, because we have no
18 definitive data to put into the marketing
19 memoranda, so I just wanted the Court to be
20 aware of that.

21 THE COURT: Ms. Arango, is the Town
22 of Surfside seriously at this time
23 considering taking action that could
24 diminish the value of this real estate and
25 make it more difficult for victims of this

1 tragedy to be fully compensated for the
2 value of their property? Is that really
3 something that the Town of Surfside at this
4 point in time is seriously contemplating?

5 MR. ARANGO: Your Honor, the Town of
6 Surfside was in the process for about a
7 year and a half of updating and revising
8 its zoning code, including the density
9 issue. It's in progress or has been zoning
10 in progress, which has been advertised for
11 about a year and a half now.

12 As you know, Your Honor, this is a
13 policy legislative decision of the
14 commission. Any specific questions on what
15 is proposed, I can defer to my partner Tony
16 Recio who is on the line, he's our land use
17 counsel, for any specific questions.

18 THE COURT: Whether -- whether --
19 whether this has been, quote, in the works,
20 closed quote, for some time or not,
21 circumstances do change, and like I said
22 before, I would be beyond shocked to hear
23 that the Town of Surfside, in the wake of
24 this catastrophe, would still be seriously
25 considering taking any action whatsoever

1 that could have the effect of decreasing
2 the value of this property and decreasing
3 the likelihood of the victims of this
4 tragedy being fully compensated for their
5 units.

6 So Mr. Recio, what do you want to
7 add to that?

8 MR. RECIO: Yes, good morning, Your
9 Honor. So understood. We hear you.
10 We hear what you're referring to. The one
11 thing I would note is the zoning
12 verification letter does specify that the
13 current regulation is 190 units per acre.
14 It sets that out very clearly.

15 It does -- this is consistent with
16 what was in place at the time and how the
17 lot was measured at the time that the
18 Champlain Towers South was constructed, so
19 we're not changing anything from that --
20 from that perspective.

21 THE COURT: Well, yes, you might not
22 be changing the 109 units per acre, but
23 if you change the measurements and the
24 acreage is reduced, then by definition
25 you're reducing density, are you not?

1 MR. RECIO: So let me backtrack.
2 What was in place at the time that the
3 Champlain Towers South was constructed,
4 that was a measurement being placed at the
5 time, and that was the measurement up until
6 about 2009. In 2009 it changed. And now
7 they're contemplating changing it back.

8 THE COURT: Okay. So the bottom
9 line is what you're telling me is that the
10 Town of Surfside is still seriously
11 considering moving the lines of demarcation
12 here in a way that would decrease the
13 acreage and accordingly decrease the
14 density; they're still -- the Town is still
15 considering that despite the occurrence of
16 this catastrophic event?

17 MR. RECIO: I think to be clear,
18 Your Honor, they have been considering
19 that, as Ms. Arango said, a year and a
20 half, and this is -- this is not anything
21 new.

22 THE COURT: So this -- so the fact
23 that this catastrophe occurred and the
24 property has to be sold in order to
25 compensate the victims of this tragedy has

1 not caused the Town of Surfside and the
2 political issues that are currently elected
3 by the constituents there to adjust their
4 thinking or change course in any way,
5 that's what I'm hearing?

6 MR. RECIO: To be very clear, they
7 have not had a chance -- they have not
8 considered this at a hearing yet, so there
9 is -- they're still --

10 THE COURT: Okay. Well, I need to
11 know -- I need to know what we have to work
12 with here. So I would encourage them to
13 consider it and decide whether they're
14 going to proceed on the path that they were
15 on before this catastrophe or whether
16 they're going to be a bit nimble and adjust
17 their thinking so as to not do anything
18 that would diminish the value of this
19 property, and I need an answer to that.

20 MS. ARANGO: Your Honor, if I may,
21 Mr. Recio is correct, the commission has
22 not met to discuss the zoning on this
23 particular site, and we can certainly have
24 them consider that and revisit the issue,
25 but they have not at this time made a

1 policy direction specifically with respect
2 to this site.

3 THE COURT: Okay. Well, I need to
4 know what their policy is, Ms. Arango,
5 because I have victims here that are living
6 month-to-month and need to be compensated
7 for the value of their real estate that was
8 lost in this tragedy, and buyers or
9 potential buyers need to know what they
10 have to work with, so they can decide what
11 is a fair market value bid to place on the
12 asset.

13 And to do that I need the Town of
14 Surfside to cooperate, and I need them to
15 tell me whether they are still seriously
16 considering taking any action that could
17 reduce the value of this property, and
18 if so, what that considered action may be.

19 So when can the people that compose
20 the commission in Surfside have their
21 meeting or their discussions and let this
22 Court know whether they're seriously
23 considering taking action that would
24 decrease the value of this asset? When can
25 I expect to hear?

1 MS. ARANGO: Your Honor, we will
2 certainly communicate your wishes with
3 respect to having a meeting to address this
4 issue and try to schedule that as soon as
5 the commission is available with our clerk,
6 and we will report back to you.

7 THE COURT: Very good. I would
8 appreciate -- I would appreciate that
9 happening sooner than later, because like
10 I said, we have victims here that are
11 living, you know, month-to-month in
12 temporary housing and struggling, and this
13 Court has indicated repeatedly that
14 it wants to move this process forward in
15 order to compensate them as soon as
16 possible and without delay.

17 And I need the cooperation of the
18 Town of Surfside in order to put this
19 property for bid and let buyers know what
20 they can do with this asset if acquired,
21 and I need the Town of Surfside's complete
22 cooperation, and I expect it. Okay?

23 MS. ARANGO: Your Honor, you have
24 it. The Town has been cooperative since
25 day one and supportive of these victims and

1 this disaster, and we will report back to
2 you.

3 THE COURT: Well, I would hope
4 it would continue in its support for these
5 victims by shortly advising the Court that
6 it intends to take absolutely no action
7 whatsoever if it had the effect of
8 decreasing the value of this property.
9 That's what I hope to hear from the Town of
10 Surfside, and I hope to hear about
11 it sooner than later. So please convey my
12 sentiments. Okay?

13 MS. ARANGO: Will do, Your Honor.

14 THE COURT: Okay. Mr. Goldberg --
15 yes.

16 MR. TROPIN: Your Honor, I just
17 wanted to ask, because it's relevant at
18 this point. Harley Tropin, if it please
19 the Court. We issued subpoenas to Surfside
20 and --

21 THE COURT: Ms. Miller, whoever it
22 is in the background, I need you to mute.

23 MR. TROPIN: Thanks, Judge. We have
24 issued subpoenas to Surfside on the topic
25 of -- and we're in communications with them

1 as to whether we -- and also, you know,
2 communicate and take depositions in the
3 next ten days on the issue of whether or
4 not there's going to be any action taken to
5 reflect the lower value on this property.

6 So I just wanted to add that,
7 because it's relevant to the topic you were
8 just discussing. Thanks, Judge.

9 THE COURT: Thank you, Mr. Tropin.

10 Okay. Mr. Goldberg, you were
11 telling us that you are in preparation and
12 your firm is preparing a contract for this
13 potential stalking horse bid.

14 MR. GOLDBERG: Yes, Your Honor.

15 THE COURT: Is that going to be at
16 the \$120 million price that Mr. Fay and I
17 discussed last week?

18 MR. GOLDBERG: That's -- as I stand
19 here right now, that's what's anticipated,
20 Your Honor.

21 THE COURT: Okay.

22 MR. GOLDBERG: Your Honor, I just
23 have one last thing before Mr. Singerman
24 updates you on the protocol and Mr. Fay on
25 the sales status. It's the topic -- unless

1 Your Honor has other questions. It's the
2 topic of the memorial that Mr. Kadre and
3 Mr. Barreto have been very busy working on.
4 Mr. Kadre is on an airplane now and asked
5 me to update the Court.

6 Last Friday Mr. Kadre and I met with
7 Mayor Dan Gelber of Miami Beach and his
8 chief of staff, and we toured the
9 northernmost part of the park in Miami
10 Beach that is on the ocean, and it goes all
11 the way up to, I believe, 86th Street.

12 We actually toured the couple of
13 acres in the northernmost part as a
14 potential site for a memorial. The land is
15 just simply spectacular. It's been a park,
16 it will always be a park, and most
17 importantly, it's only 65 to 70 steps away
18 from the site of the collapse.

19 As Mr. Gelber stated in a prior
20 letter to this Court, he has recommended
21 and is working with the Miami Beach
22 Commission to hopefully be able to finalize
23 a memorial. We're greatly appreciative to
24 the City of Miami Beach and the commission
25 and Mr. Gelber for even considering such a

1 gesture. You know, this would be -- this
2 would be a very suitable memorial
3 if we construct something nice.

4 I know that Mr. Kadre has reached
5 out to Mr. Martinez-Cid to hopefully get
6 the involvement of some of the victims'
7 families through him in the process.
8 We are waiting on Miami Beach to sign off,
9 but the fact that the Mayor met with us,
10 gave us the time, walked the property with
11 us, and that the commission is considering
12 it is just greatly appreciated.

13 Your Honor knows what the value of
14 two acres of land a block away has. It's
15 significant. It's obviously, based on this
16 site, more than \$100 million, and they
17 actually used the erosion line as their
18 calculation, so it makes it even more
19 valuable than if this was changed. So
20 we're greatly appreciative, and Mr. Kadre
21 will further update the Court at the next
22 hearing.

23 THE COURT: I understand and
24 expressed the Court's appreciation of Mayor
25 Gelber earlier. I understand this is a

1 beautiful site. It is literally within
2 easy walking distance from the property and
3 that it's an absolutely breathtaking area.

4 I also understand from Mr. Kadre and
5 others that there may be an effort to raise
6 private funds to retain the group that
7 worked on the World Trade Center memorial
8 and other magnificent memorials and
9 structures of this type to begin a design
10 process, and I couldn't be more encouraged
11 and happy to hear that. So that is great
12 news.

13 MR. GOLDBERG: Great. With that,
14 Your Honor, unless you have any other
15 questions, Mr. Singerman is prepared to
16 discuss the protocol.

17 THE COURT: Okay. Mr. Singerman?

18 MR. SINGERMAN: Good morning, Judge
19 Hanzman, Paul Singerman for the receiver.
20 Your Honor, I'm pleased to report that
21 we're making meaningful progress in
22 advancing the site access protocol.
23 We issued a revised draft that incorporated
24 the comments that we received from the
25 various constituents last Friday afternoon.

1 Mr. Lifshitz from Kozyak, Tropin &
2 Throckmorton and Ms. Furst from Grossman
3 Roth have been materially involved with us
4 on behalf of the plaintiffs and the
5 receiver in advancing the protocol and
6 collaborating with the other interested
7 parties.

8 We asked for comments back to the
9 draft we issued Friday. Yesterday, by
10 noon, we received some. I was in
11 communication until very late last night,
12 nearly early this morning, with an
13 important constituent who advised that his
14 comments would be forthcoming today.

15 When we have all the comments,
16 we intend to do a final review, have
17 Mr. Goldberg make his determinations as to
18 the appropriateness of the final suggested
19 revisions, and then either advance what
20 we hope to be an agreed protocol or file
21 the motion seeking the approval of the
22 protocol.

23 I'll preview with the Court that
24 we will have one final reach-out with
25 Ms. Arango on behalf of the Town of

1 Surfside. There are issues in the town's
2 comments that may be very difficult to
3 reconcile and reach agreement on. We're
4 going to do our very best, and Ms. Arango
5 has been collaborative with us so far in
6 providing comments, and absent reaching
7 agreement, we'll advise the Court on what
8 the issues are and intend to file that
9 protocol, at the very latest, very early
10 next week.

11 THE COURT: Good. I want to make
12 sure that's in place. The receiver
13 reported earlier that the turnover might be
14 a little sooner than we anticipated and
15 could occur as early as two to three weeks
16 from now, and I want that protocol order to
17 be in place so that any experts and their
18 staff and those that have an interest in
19 this proceeding have the ability to go and
20 begin to collect evidence and do whatever
21 testing they need in order to prepare their
22 claims and defenses and hopefully
23 ascertain, if possible, the various -- the
24 cause or concurring causes of this tragic
25 event.

1 So let's try to get that order in
2 place, and if there's disagreement and
3 issues that have to be adjudicated by the
4 Court, I want them to be presented within
5 the next two weeks so when the property is
6 turned over, those issues will have been
7 adjudicated and the court will have ruled
8 on any disagreements.

9 MR. SINGERMAN: Yes, Your Honor,
10 we understand, and we will make sure that
11 that is, in fact, what happened. Judge,
12 for high clarity, may I just ensure that
13 you understand this is the initial site
14 access protocol. By its own terms there's
15 reference to subsequent protocols that will
16 be developed with the participation of the
17 parties and in particular involving
18 destructive testing.

19 So the protocol on which we're
20 working on now will be considered, and we
21 think all the constituents believe, to be
22 the most time sensitive and important for
23 informing the actual destructive testing
24 protocol itself.

25 THE COURT: Very good.

1 MR. SINGERMAN: Thank you, Your
2 Honor.

3 THE COURT: Anything else you'd like
4 to report as counsel, Mr. Singerman?

5 MR. SINGERMAN: Nothing at this
6 time, Your Honor. Thank you.

7 THE COURT: Okay. Mr. Fay, are you
8 with us this morning?

9 MR. FAY: Yes, Your Honor. Good
10 morning.

11 THE COURT: Good morning. Good
12 morning. So bring us up-to-date on --
13 I know Mr. Goldberg said he's working on a
14 contract with the stalking horse potential
15 bidder you had discussed with us last week.
16 Any other developments on the marketing
17 efforts, how is your brochure going and
18 what kind of feedback are you getting from
19 other interested parties?

20 MR. FAY: So Your Honor, again
21 stalking horse offer is being reviewed.
22 We are in the middle of that right now with
23 Receiver Goldberg and Attorney Singerman.
24 We hope to have that in the next couple of
25 days.

1 In reference to the offering
2 memorandum, the offering memorandum is
3 ready; however, any help in clarification
4 of the zoning and units will be greatly
5 appreciated, because that is something that
6 is germane to our marketing and
7 understanding what the total value could be
8 as we go through the marketing process.

9 We continue to receive interest
10 calls. We will begin our widely marketed
11 process hopefully very, very soon once
12 we get a clarification of total units at
13 the time and we'll be going forward from
14 there.

15 Everything else has been very smooth
16 for us, and we're ready to go. It's been a
17 pleasure working with the Receiver Goldberg
18 as well as Attorney Singerman.

19 THE COURT: Excellent. Thank you
20 for the update.

21 Ms. Furst, Mr. Tropin, let's talk
22 about the class claims. I understand that
23 there was a consolidated amended pleading
24 filed in the case on the 16th, which at
25 this point named only the condo association

1 as a defendant; is that correct?

2 MR. TROPIN: Yes, Your Honor, a
3 quick report from myself and Ms. Furst.
4 You know, it's the result of work of a lot
5 of people, Mr. Moskowitz, Ms. Furst, others
6 at my firm, and the whole committee, an
7 amended complaint was filed.

8 As you know, that will quickly be
9 followed up by a more robust complaint
10 naming people we believe are responsible,
11 not Hail Mary defendants, but defendants
12 we believe are responsible.

13 In order to achieve that, under the
14 leadership of Ricardo Martinez-Cid, 70
15 subpoenas have been issued against targets,
16 potential targets, and witnesses, and those
17 were issued late last week. So that is
18 part of the information gathering process
19 as well as informal investigation that
20 we hope will result in a robust amended
21 complaint that will tell the story.

22 Ms. Furst and I --

23 THE COURT: Is it still -- is it
24 still your estimate that those
25 investigations can be sufficiently underway

1 so as to be in a position to amend the case
2 within 90 days or so and add parties who
3 may be responsible for this?

4 MR. TROPIN: Yes, sir, that is our
5 expectation. Obviously, if we can't
6 achieve that, we'll be back in front of you
7 asking for more time, but it is our hope,
8 because we know it is the Court's desire,
9 which we very much share, to get this case
10 expeditiously concluded, and in order to do
11 that, obviously, the amended complaint and
12 discovery and prosecution of these claims
13 is important.

14 So we want to meet that deadline,
15 and we think at this point we can. If that
16 ever changes, we'll be back at you, Your
17 Honor.

18 THE COURT: All right. What I'm
19 going to do to conserve resources is I'm
20 going to go ahead and stay the receiver's
21 obligation to respond to this complaint
22 until such time as you amend and have your
23 more full allegations and other parties
24 involved, unless you have an objection to
25 that or feel that a response answer from

1 the receiver is necessary for some purpose
2 at this point. What are your thoughts?

3 MR. TROPIN: That is probably
4 appropriate and, you know, instead of me
5 giving an off-the-cuff remark, let me --
6 let me consult with Ms. Furst, and if I
7 feel that's not appropriate, I'll be back
8 at you, Your Honor.

9 THE COURT: Okay. If you all
10 consult and feel it's appropriate, submit
11 an agreed order. If not, you'll let me
12 know when we get together again, but my
13 objective is obviously to conserve
14 resources so that as much as possible is
15 available for the victims, but you let me
16 know what you think given the fact that
17 you're definitely going to be amending in a
18 couple of months, hopefully, in any event.
19 So just give it some thought and let me
20 know.

21 MR. TROPIN: I will, and relevant to
22 the question you just asked, it's my
23 intention and that of Ms. Furst to supply
24 you, and this may address your question,
25 with a case management order that will

1 contain deadlines, briefing deadlines,
2 other case management procedures and the
3 like, and I think that that case management
4 order may answer that question, Judge.

5 THE COURT: Yeah, I don't mind -- I
6 don't mind a preliminary case management
7 order, but obviously once -- once you add
8 to the case any parties who you believe may
9 have liability to the class, we'll have,
10 obviously, an extensive initial case
11 management conference with the
12 participation of everyone and set deadlines
13 and other matters that have to be
14 addressed.

15 MR. TROPIN: Right, but I think this
16 initial case management order will be
17 helpful, it's going to address a number of
18 things that, you know, can always be
19 amended or made more robust once we have
20 the other defendants, but I think you'll
21 find the initial case management order
22 helpful, and it will go after the question
23 you just asked.

24 I do think it's going to be helpful
25 to have, for example, an initial class

1 certification hearing just against the
2 association, but why don't we defer any
3 further discussion about this until
4 Ms. Furst and I have an opportunity to
5 confer and you see the case management
6 order.

7 Other things that we have done, and
8 you heard some of them, is we've initiated
9 all this discovery. You heard about
10 Surfside, and we have been in daily
11 discussions with the receiver, who as
12 you've seen throughout these discussions,
13 has been -- and I've had a lot of
14 experiences with receivers. This receiver
15 has done a yeoman's job with respect to
16 reaching out to these victims and answering
17 questions in this very tragic situation.

18 Judge, that's my report. If there's
19 any questions the Court has of me or
20 Ms. Furst, obviously, we're happy to
21 respond.

22 THE COURT: Ms. Furst, anything
23 you'd like to add?

24 MS. FURST: Nothing else to add.
25 Thank you, Your Honor.

1 THE COURT: Okay. So I've now heard
2 from the receiver as well as class counsel
3 and Mr. Fay. Are there any defense counsel
4 or insurance counsel or other interested
5 parties, not victims yet or family members,
6 but other parties or potential parties to
7 the litigation that would like to address
8 the Court?

9 MR. MARTINEZ-CID: Your Honor,
10 if I might pick up on a report that the
11 receiver made about the memorial just to
12 take advantage of this opportunity.

13 THE COURT: Sure. Just identify
14 yourself for the record, Mr. Martinez-Cid.

15 MR. MARTINEZ-CID: Thank you,
16 Ricardo Martinez-Cid, lead counsel for
17 wrongful death and personal injury
18 plaintiffs.

19 Mr. Kadre has very generously
20 offered to have a meeting with any wrongful
21 death victim family members that wish to
22 meet with him to discuss a potential
23 memorial. I know it's an important
24 consideration for many of the families who
25 lost loved ones there, and he thought

1 it might be helpful to the effort, both for
2 his efforts to meet with the wrongful death
3 families, and also he was willing to
4 give -- he wanted to them an opportunity to
5 ask him questions directly.

6 It's a very thoughtful -- and we
7 know he's working pro bono, and we very
8 much appreciate the offer. So I wanted to
9 let any of the wrongful death victims know
10 to please reach out to my office as I'm
11 going to be setting up that meeting soon so
12 I know to invite them.

13 THE COURT: That's good to hear, and
14 that is an important -- important item.
15 Obviously, it's outside the construct of
16 the litigation, but I know that people are
17 working very hard. I know the City of
18 Miami Beach is working towards donating
19 that very valuable and beautiful real
20 estate and site, and the Court is very
21 pleased to hear that those efforts are
22 being pursued with vigor and that a
23 beautiful memorial and tribute to these
24 victims will likely be constructed in the
25 near future. So I'm very glad to hear that

1 news.

2 Mr. Kadre, his willingness to meet
3 with the victims is good news, and I hope
4 they take him up on that. Okay. Thank
5 you, Mr. Martinez-Cid.

6 Any other parties, defense counsel,
7 insurance carrier counsel or any other
8 interested parties other than family
9 members and victims who wish to address the
10 Court on any issue at this time?

11 Okay. So --

12 MR. SUAREZ: Your Honor -- Your
13 Honor --

14 THE COURT: Yes.

15 MR. SUAREZ: Luis Suarez as part of
16 the steering committee. Your Honor, just
17 in an overabundance of caution, some of us
18 are running into a situation where it's a
19 little challenging to get property records
20 for unit owners for a host of reasons which
21 I won't bore the Court with.

22 I interpreted your Court's order to
23 mean that all individual cases are stayed
24 for discovery purposes, and in an
25 overabundance of caution, I also

1 interpreted that to mean that individual
2 class counsel could not issue, and even
3 steering counsel could not issue, subpoenas
4 for property records that title agents and
5 other relevant parties would have.

6 I'm trying to make sure that that is
7 consistent with Your Honor's
8 interpretation, because you're also trying
9 to make sure that everybody, when the time
10 comes, that needs notice when Mr. Goldberg
11 has to do what he has to do, would get
12 notice.

13 So if Your Honor would give some
14 guidance to that effect, I'd appreciate it.

15 THE COURT: Yes, Mr. Suarez, thank
16 you. The Court's order stays in their
17 entirety all claims, civil claims, arising
18 out of this occurrence pending the process
19 of the consolidated class complaint. That
20 stay order was put in effect for a number
21 of reasons, most importantly to avoid any
22 dissipation of assets, to avoid any race
23 for judgment, and to make sure that all
24 unit owners and victims are treated
25 consistently, and that no preferences are

1 secured by way of any individual
2 litigation.

3 So that stay is a blanket stay which
4 includes not only pleadings but all
5 discovery. The actions are stayed in their
6 entirety without exception.

7 Now, I'm not sure what documents
8 you're referring to, whether these are
9 documents of public record, whether they're
10 mortgage or lien documents related to
11 individual units, but I would expect with
12 the number of lawyers on various steering
13 committees, including yourself, and to the
14 extent subpoenas and discovery needs to be
15 implemented, it can be done through the
16 consolidated class action case which is not
17 stayed, and that you should be able to use
18 the compulsory process in that case to
19 secure whatever evidence and other
20 materials you need.

21 MR. GOLDBERG: Your Honor, it's
22 Michael Goldberg, receiver. Under the
23 receivership order, I have authority --

24 THE COURT: Okay. I'm sorry,
25 whoever is speaking under "Pare," can you

1 please mute yourself. Thank you.

2 MR. GOLDBERG: Your Honor, under the
3 receivership order which you entered early
4 in the case, I have authority to issue
5 subpoenas. If Mr. Suarez would like,
6 he can contact me, and I'm happy to get
7 those subpoenas issued for the records that
8 any of the victims' families need.

9 MR. SUAREZ: Thank you.

10 THE COURT: Thank you.

11 MR. GOLDBERG: Thank you.

12 THE COURT: Okay. Before I open the
13 floor to family members or victims that may
14 want to be heard this morning, are there
15 any other attorneys, representatives of
16 insurance carriers, defendants who wish to
17 address the Court on any matter?

18 MR. BLUMENTHAL: Yes, Your Honor,
19 Dustin Blumenthal for Philadelphia
20 Insurance, Your Honor. May I please the
21 Court with an inquiry and possibly some
22 clarification from Your Honor.

23 THE COURT: Sure.

24 MR. BLUMENTHAL: On last Thursday
25 Your Honor entered a consent order

1 regarding Great American Insurance
2 Company's tender of its policy proceeds.
3 The consent order then went so far to
4 dismiss Great American from the Casada
5 action, which is the declaratory judgment
6 action separately filed on behalf of
7 Ms. Casada against various insurance
8 companies as well as the association.

9 I didn't see any motions to dismiss.
10 As the receiver has explained to you
11 repeatedly over many weeks, Philadelphia
12 was probably the second insurance company
13 to tender its limits. What I would ask is
14 that to the extent that Great American was
15 able to be dismissed in the Drezner
16 consolidated action and to be dismissed in
17 the unrelated Casada action, I'm seeking
18 clarification as to how Philadelphia can
19 get that same relief as we have not been
20 trying to engage in motion practice.

21 THE COURT: Well, I understand -- I
22 understand that the point of those actions,
23 which sought primarily -- or the Casada
24 action which seeks primarily declaratory
25 relief, was to determine what coverage was

1 available and secure insurance proceeds.

2 Once the carriers tender, my
3 understanding is all the parties agreed
4 that that action as to those carriers was
5 moot and would be dismissed. I think
6 Mr. Ruiz was the counsel who filed that
7 case. Is he with us this morning, or
8 anybody who is with him on the Casada
9 matter?

10 MR. RUIZ: Your Honor, good morning.
11 May it please the Court. The Court is
12 correct. We discussed that before, and I
13 think the dismissal should be without
14 prejudice, because there are other issues
15 pending as it relates to defense costs and
16 so on and so forth.

17 THE COURT: So the answer to your
18 question Mr. Blumenthal, once the indemnity
19 portion of the policies are tendered, I'm
20 entering orders dismissing those carriers
21 from the Casada case without prejudice to
22 the extent there are any other issues,
23 defense costs, subrogation issues, or any
24 other matters that need to be adjudicated,
25 but you should be able to secure the same

1 order once Philadelphia -- I understand
2 they've already tendered, so I would think
3 that we can get an agreed order dismissing
4 it from that preceding.

5 MR. BLUMENTHAL: Yes, Your Honor,
6 and I would only say, and this might not be
7 the proper forum or time -- rather the
8 proper time to argue this, but, you know,
9 it's not only that Philadelphia tendered,
10 but that the claimants in this matter have
11 no standing to pursue an action at this
12 time against a liability carrier.

13 Again, we didn't want to file
14 motions to dismiss understanding that this
15 forum that we're in today is clearly the
16 more important forum to make sure that the
17 victims and such ultimately get their
18 relief, but seeing that carriers are being
19 dismissed, we would just ask the Court to
20 be cognizant of that.

21 THE COURT: Look, I mean,
22 I commended these carriers before. I was
23 disappointed to hear the negotiations
24 trying to liquidate the defense obligations
25 or at least have a cooperative effort are

1 kind of stalled. I was disappointed to
2 hear that from Mr. Goldberg earlier, but
3 I repeatedly commended these carriers for
4 stepping up and acknowledging their
5 indemnification obligation and tendering
6 their policy, and I don't want these
7 carriers to expend any unnecessary funds or
8 resources defending or removing claims.

9 So I'm going to enter an order once
10 you all put it up given that Philadelphia
11 has tendered, I'll enter an order
12 dismissing it from the proceeding without
13 prejudice so it need not expend time or
14 money filing motions and raising standing
15 issues or any other defenses. It will be
16 dismissed from the case.

17 And if a subsequent dispute arises
18 over other issues, Mr. Ruiz is free to
19 refile, but I'll enter the dismissal order
20 once you all put it up on CourtMAP.

21 MR. BLUMENTHAL: Thank you, Your
22 Honor. I appreciate your time.

23 THE COURT: All right. Anybody else
24 before I open the floor to victims and
25 family members, any other counsel for any

1 defense -- defendants, potential
2 defendants, insurance carriers that wish to
3 be heard this morning?

4 Okay. So as I do every week, the
5 Court is now going to open the floor to see
6 if there are any victims or family members
7 that wish to be heard or wish to address
8 the Court on any matter of concern to them.

9 All right. It looks like we don't
10 have any family members or victims who want
11 to be heard this morning. So what I'm
12 going to do, folks, is I'm going to
13 probably schedule our next session in two
14 weeks. By that time I think we'll probably
15 have some progress on the stalking horse
16 bid contract, the protocol order, and some
17 other things, so I'm going to schedule our
18 next hearing or status for two weeks from
19 today, which will be Wednesday, September
20 1st.

21 MS. ISCOWITZ: Your Honor, this is
22 Susan Iscowitz. I would like to be heard,
23 Your Honor.

24 THE COURT: Okay. Ms. Iscowitz.

25 MS. ISCOWITZ: Yes, I'm a

1 grandmother here. I lost a 26-year-old
2 granddaughter and her husband, and may
3 I add I feel I lost my daughter in the
4 process who is alive, but she is really not
5 living.

6 Anyway, I'd like to mention, of
7 course, there is -- you know, money is not
8 going to compensate everybody's loss, and
9 it's a very, very sad situation what
10 everybody is going through, and, Your
11 Honor, you are being so unbelievable
12 sensitive. We so appreciate this.

13 I'd like to ask you, is there any
14 attempt to try to get the government
15 involved so that the government should help
16 with finances?

17 THE COURT: Ms. Iscowitz, first of
18 all -- first of all, thank you so much for
19 appearing this morning. I know this has to
20 be extremely difficult for you.

21 MS. ISCOWITZ: Yes, it is.

22 THE COURT: And the Court is so
23 sorry for your loss. I can't imagine the
24 level of grief you and your family are
25 suffering now, and you have my sincere

1 condolences. I'm so sorry to be meeting
2 you under these circumstances, and I'm so
3 sorry for your loss.

4 There has been efforts made. The
5 Court has appointed two individuals, Manny
6 Kadre, who is a well-known lawyer and
7 businessperson, and Rodney Barreto, also a
8 very well-known businessperson and lobbyist
9 with connections at both the local, state,
10 and federal level to explore all available
11 options for governmental assistance,
12 including potential mortgage forgiveness
13 and other compensation funds, relief from
14 taxes, and any other assistance that can be
15 provided either on the local, state, or
16 federal level, and those efforts are
17 underway aggressively.

18 So the answer to your question is,
19 yes, that issue is being explored. You
20 know, whether there will be political will
21 to deliver assistance, and if so, to what
22 degree are matters that remain to be seen.
23 But I can assure you that we are exploring
24 that with dispatch and aggressively, and
25 if there is political will and this can be

1 done, we're going to do everything we can
2 using the talented Mr. Kadre or Mr. Barreto
3 and others to bring those issues to the
4 forefront and secure whatever relief is
5 available.

6 So -- so those issues are being
7 explored and will continue to be explored
8 and exhausted, and, hopefully, those
9 efforts will prove to be fruitful in the
10 near future, and during these hearings that
11 we have weekly or biweekly, I get an update
12 on those efforts at each session.

13 So thank you for raising that and
14 thank you, again, for being here. I know
15 it has to be very difficult to be here and
16 to speak on behalf of your daughter and
17 son-in-law, and I'm just, again, sorry --
18 so sorry for your loss.

19 MS. ISCOWITZ: Thank you so much for
20 everything. Thank you. We appreciate your
21 heart.

22 THE COURT: Thank you so much,
23 Ms. Iscowitz.

24 Any other -- are there any other
25 family members or unit owners or other

1 victims who would like to be heard this
2 morning before we adjourn? I want to make
3 sure, because people have problems with the
4 technology, that everybody -- that I'm
5 giving everybody time to get off mute and
6 do what they need to do if they wish to be
7 heard.

8 Yes, there's a gentleman, Carlos?

9 MR. NORIEGA: Yes, sir.

10 THE COURT: Good morning.

11 MR. NORIEGA: First of all, Your
12 Honor, thank you for all your efforts and
13 the efforts of this Court in representing
14 the victims and their families. I lost my
15 amazing mom in this senseless catastrophe
16 and tragic incident. We lost the heart and
17 soul of our family, and that can never be
18 recovered.

19 Let me just say that I am appalled
20 by the possibility that the Town of
21 Surfside could further injure the victims
22 and families of this catastrophic event by
23 doing anything -- and by the way, I believe
24 they're going to be a named defendant in
25 this case -- by doing anything to further

1 impact, adversely impact the families and
2 the victims by doing anything to reduce the
3 value of that property. I appreciate --

4 THE COURT: Carlos, what's your last
5 name if I may ask?

6 MR. NORIEGA: Carlos Noriega, sir.

7 THE COURT: Noriega. Carlos, first
8 of all, I'm so sorry for the loss of your
9 mom and for the grief that your family is
10 going through, and I'm very appreciative of
11 your being here.

12 MR. NORIEGA: Yes, sir.

13 THE COURT: As I'm sure you can tell
14 from the tenor of my comments earlier,
15 I would be shocked if the Town of Surfside
16 were to take any action or even consider
17 taking any action that could diminish the
18 value of this property.

19 And having said that, this Court is
20 confident that the leaders of the Town of
21 Surfside who have been very responsive to
22 the needs of these victims and to the needs
23 of the Court, I'm very confident that when
24 they sit down, they will come to the
25 conclusion that it is best not to do that

1 in any way, shape, or form, and I'm
2 confident that will be their decision, and
3 I'm also confident that that decision will
4 be related to Court quickly so we can move
5 forward and get these victims compensated.

6 I'm going to give the political
7 leaders in the Town of Surfside the benefit
8 of the doubt and assume that they'll have a
9 meeting in short order and report back to
10 the Court that they are not considering
11 taking any action whatsoever that could
12 negatively affect the value of this asset.
13 I'm confident, as I said, that we'll hear
14 from them shortly, and that will be the
15 response.

16 If they do something different and
17 decide, in somewhat of a remarkable
18 fashion, according -- at least in my
19 opinion, to proceed forward with a course
20 of action that would diminish the value of
21 this asset, then we'll address that issue
22 when and if it arises.

23 But like I said, I'm confident that
24 when they sit down as a governing body and
25 one that has been concerned about the

1 well-being of their constituents, and in
2 particular these victims who have lost
3 their lives and family members in this
4 tragic catastrophic occurrence, that
5 they'll come to realize that taking any
6 action to diminish the value of this asset
7 is not -- not the appropriate thing to do
8 in response to this event.

9 So we'll see. But I understand your
10 sentiments, Carlos.

11 MR. NORIEGA: Understood, Your
12 Honor, and I completely understand your
13 position on this matter, and you've clearly
14 stated that. What I'm shocked by is the
15 fact that this matter still has not been
16 resolved. They have the ability to call a
17 special commission meeting to put this
18 matter to rest and not create further
19 anxiety and stress on the families with
20 this pending issue, and I'm surprised they
21 haven't done that.

22 THE COURT: They do, and I hope they
23 exercise that ability quickly, so when
24 we get back here in two weeks, I'll hear
25 that they have met as a governing body, and

1 they have concluded that it would not be in
2 the best interest of their community and
3 their constituents to do anything that
4 could impair the value of this asset, and
5 I'm hoping to hear that when we get
6 together on September 1st.

7 MR. NORIEGA: Thank you, Your Honor,
8 and --

9 THE COURT: And I'm, again, so sorry
10 for your loss. Did you have any other
11 family members that were residing there
12 with your mom, or was she residing by
13 herself?

14 MR. NORIEGA: She was residing by
15 herself. She had the unit up for sale.
16 She spent most -- not most of her time, but
17 a lot of her time here with our family. We
18 had convinced her that it was time for her
19 to come live with us. She loved her
20 independence. She loved her support system
21 and friends and church groups and
22 everything that she had by her, but having
23 turned 92 going on 73, she realized it was
24 time to be with us.

25 She wanted to stay there after my

1 dad passed in 2016, and we supported that
2 position, but at this age we didn't want to
3 take any unnecessary risks. So she did
4 live there by herself, but the unit was up
5 for sale. It had been on the market for 20
6 days, and there was a tremendous amount of
7 interest.

8 But like I said at her eulogy, she
9 would have rather perished in this
10 catastrophe than have sold that unit, have
11 another family living there, including one
12 that was very interested that had two
13 children, lose their lives, and she would
14 be living with that guilt.

15 So things happen for a reason. That
16 loss for us is immeasurable, and we relive
17 it every single day, but I'm a firm
18 believer that we -- we are people of faith,
19 that things happen for a reason.

20 THE COURT: I am, again, very sorry
21 for your loss. Obviously, your mom was
22 loved by her family, and I'm -- I'm very
23 sorry for your loss, Carlos.

24 MR. NORIEGA: Thank you, Judge, and
25 thank you for you and this Court.

1 THE COURT: I hope you'll join us in
2 a couple of weeks and stay updated and
3 participate in the case.

4 MR. NORIEGA: I haven't missed one
5 hearing or meeting. My family has been in
6 attendance, and, again, thank you and the
7 Court for everything that you guys are
8 doing for the families and the victims.

9 THE COURT: Thank you, Carlos.

10 MR. NORIEGA: Thank you, Judge.

11 THE COURT: All right. Before
12 we adjourn, are there any other family
13 members, unit owners, or victims that would
14 like to address the Court on any matter?

15 MS. ROSENBERG: Thank you, good
16 morning, Your Honor, Eileen Rosenberg.

17 THE COURT: Good morning,
18 Ms. Rosenberg.

19 MS. ROSENBERG: I don't know if you
20 remember me from last week?

21 THE COURT: Of course I remember you
22 from last week. Of course I do.

23 MS. ROSENBERG: Thank you.

24 THE COURT: I understand you spent
25 some time with Mr. Goldberg during the

1 week?

2 MS. ROSENBERG: Yes, I did, and
3 actually, if that's your opening, I would
4 like to say something about it. I mean,
5 Mr. Tropin spoke very eloquently about
6 Mr. Goldberg. He's unbelievable.

7 I don't have enough words to explain
8 his generosity, his heart, his humbleness,
9 his availability. I'm honestly taken aback
10 by him and the people that work with him.
11 They send out emails at midnight. People
12 say, and I know you've said it also, and I
13 truly believe it, I see it here, that
14 you're all available 24/7, and I've seen
15 that from you, I've seen that from
16 Mr. Goldberg's office.

17 I should also say that there's an
18 attorney, I assume he's on Zoom as well
19 now, he was on vacation with his family,
20 and he was on Mountain Time. He made out
21 to call me at 8 a.m., which would be 6 a.m.
22 for him during his holiday.

23 I'm honestly humbled, and I can't
24 thank you for your no-nonsense approach for
25 expecting the best out of everybody that's

1 here every day. I just want you to know
2 who you are all working for. You're
3 working for my 26-year-old daughter and her
4 husband who, again, was just supposed to be
5 there for a few short nights.

6 When I dropped her off at the
7 airport with her husband, I hugged and
8 kissed them good-bye. I got back into my
9 car. I came out of my car a moment later
10 to hug them and kiss them again.
11 I repeated this during the shiva. People
12 have asked me if I felt something different
13 on that day. I actually didn't. It's the
14 normal way I would say good-bye to them.

15 I wasn't going to be without them in
16 my life for many days, but I loved them so
17 much, I just wanted the opportunity to give
18 them another kiss and another hug, and just
19 tell them how much I loved them.

20 It's hard -- it's hard every morning
21 to get up. Believe me, it's an effort. My
22 daughter was sunshine, and her excitement
23 for each new day. No matter what it was,
24 if she was going to work, if it was a day
25 off the work, she was just so excited for

1 the day's opportunities and what it might
2 lead to.

3 And every day I just ask God,
4 please, just put one foot in front of the
5 other. I'm pushing myself every day. I'm
6 not lying in bed all day, and I understand
7 the people who are, and what can I tell
8 you. The physical pain somehow I carry
9 it all day, and it comes along with me, but
10 the emotional pain is unbearable.

11 And that's who you are representing,
12 and I appreciate all of you showing up
13 every day with a full heart, because the
14 hours that you are all giving can't be done
15 without a heart, and I appreciate it.
16 Thank you.

17 THE COURT: Well, Ms. Rosenberg, may
18 I call you Irene, is that okay?

19 MS. ROSENBERG: Please.

20 THE COURT: So Irene --

21 MS. ROSENBERG: Eileen.

22 THE COURT: Eileen, I am so, so
23 sorry, again, for your loss. I just can't
24 even imagine the grief and anguish that one
25 would suffer losing a 26-year-old daughter

1 and son-in-law in such a senseless, tragic,
2 and unanticipated event.

3 You know, we all -- we all try to
4 say sometimes, you know, always tell the
5 people you love that you love them every
6 time you say good-bye, you know, and some
7 people try to live by that, and we all
8 neglect that occasionally, but, you know,
9 the thought goes that, you know, tell those
10 people you love how much you love them each
11 time you see them, and each time you say
12 good-bye, because, you know, one never
13 knows.

14 But nobody ever thinks that that's
15 really going to happen, right? And I'm
16 sure when you dropped your beautiful
17 daughter and son-in-law at the airport and
18 went through your normal routine of hugging
19 them and giving them a kiss and telling
20 them you love them, you did it with not
21 even -- not a thought in your mind that
22 that would be the last time that you'd have
23 that opportunity, and I'm so sorry that
24 it was, and I'm so sorry for the suffering
25 you're going through.

1 You know, as far as the receiver and
2 other members of the team, you know, this
3 Court's objective at the outset of this
4 case was to put together the best team
5 possible so to increase the odds of getting
6 the best result possible for the victims of
7 this tragedy.

8 You know, I have to, again, give
9 credit where it's due, and at the very
10 first hearing, which you may not have been
11 able to attend or capable of attending at
12 that point, because it was very soon after
13 the -- after this tragedy, I implored at
14 the very first hearing the members of the
15 board who were represented by Mr. Singerman
16 at the time to voluntarily step aside so
17 that I can appoint Mr. Goldberg, who I knew
18 had the resources and talent and work ethic
19 and temperament to step in to this most
20 difficult case.

21 You know, he usually does cases --
22 and when I practiced law, we had matters
23 that we worked on together, and he usually
24 does cases involving investment fraud and
25 things that were -- that are more economic,

1 and this was going to be a different type
2 of case altogether because of the tragic
3 loss of life suffered by people such as
4 your daughter and your son-in-law, and so
5 this was going to be a different
6 undertaking, and I knew it was going to be
7 an extremely emotional and difficult
8 undertaking, and I knew he was the right
9 person for the job.

10 And I have to, again, give credit to
11 Mr. Singerman and to his clients at that
12 time who were the surviving members of the
13 board for having the wisdom and foresight
14 to see that it was in everyone's best
15 interest that we get a receiver appointed,
16 and to accept the Court's suggestion to
17 step aside voluntarily so that could be
18 done immediately, and I, again, thank them.

19 As you know we have the most
20 talented group of lawyers that this country
21 has to offer in my opinion in matters such
22 as this who have worked and agreed to work
23 tirelessly at a very reduced compensation
24 rate, assuming they're compensated at all,
25 as a public service to represent and secure

1 whatever rights the victims are entitled to
2 under the law, including whatever rights
3 you and your daughter, your deceased
4 daughter, have under law, and they're
5 working tirelessly to do that.

6 We also have people like Mr. Kadre
7 and Mr. Fay and Mr. Barreto who are working
8 at no compensation to try to secure
9 government relief, and this Court, as
10 I said in prior hearings, is extremely
11 confident that no viable avenue of
12 potential relief will not be explored, and
13 I am also confident that no viable claim
14 will not be pursued.

15 Now, I don't know who, if anyone,
16 will eventually be named as a defendant in
17 this case, and even though they are named
18 as defendants, may or may not have
19 liability. You know, there are legal
20 elements and requirements to hold people
21 accountable, and I don't know who,
22 if anyone, is going to be found liable or
23 responsible for this tragedy.

24 But I can assure you that in the
25 Court's opinion, the best team possible has

1 been put together, and whatever legal
2 rights victims are entitled to will be --
3 will be pursued zealously and without, you
4 know, like I said, without delay.

5 So I very much appreciate you being
6 here. I know it's got to be extremely,
7 extremely difficult for you on Wednesdays
8 when we have these hearings to appear and
9 hear all this again, and then to speak in
10 front of a lot of people that you don't
11 know and express your views and your
12 emotions, and I know that's got to be a
13 very difficult thing, and I commend you for
14 that.

15 I hope you are with us on a regular
16 basis and that we receive your input and
17 that you express any concerns you have to
18 this Court at any time. I'm, again, so
19 sorry to be meeting you under these
20 circumstances.

21 MS. ROSENBERG: I can't thank you
22 enough, and your decisions have been
23 excellent, and appointing Mr. Goldberg, you
24 know, Judge Hanzman, you don't have to live
25 with any regrets, you're doing everything

1 you can for us, and I appreciate it. I'm
2 honestly and truly humbled, and thank you.

3 THE COURT: Thank you, Eileen, and
4 I hope to see you at our future hearings
5 and to hear from you and how you're doing.

6 MS. ROSENBERG: Thank you.

7 THE COURT: And I encourage you to
8 join us and stay apprised of this case,
9 which obviously, like you said, the people
10 that have been appointed are working for --
11 for those like your daughter who suffered
12 tragically in this -- in this horrific,
13 horrific and unanticipated occurrence.

14 MS. ROSENBERG: Correct, I know you
15 all would prefer to bring her back but --

16 THE COURT: Believe me, if I could
17 turn back the hands of time, I would do it,
18 and this is a case I wish I had never seen,
19 believe me.

20 MS. ROSENBERG: Understood. Thank
21 you. I appreciate it.

22 THE COURT: Thank you, Eileen.

23 Any other family members or
24 victims --

25 MR. LANGESFELD: Good morning,

1 Your Honor.

2 THE COURT: -- that would like to
3 address the Court.

4 MR. LANGESFELD: Yes. Good morning,
5 Your Honor. My name is Pablo Langesfeld.
6 My daughter and son-in-law unfortunately
7 died in this tragedy, and I would like to
8 know what's -- after two months, basically,
9 I would like to know if we can have an
10 update on what's going on with the
11 investigation before -- it's almost two
12 months, and I would like to know, you know,
13 again, what's going on with the
14 investigation.

15 THE COURT: Well, Mr. -- Pablo, I'm
16 very sorry, I know of your daughter, you
17 know, and I'm so sorry for your loss.
18 I know I spoke to your son, I think, last
19 week. You know, right now there are a lot
20 of investigations going on. There's
21 federal agencies on site that are gathering
22 evidence and doing everything they can to
23 try to determine the cause or perhaps
24 multiple causes of this -- of this tragedy.

25 There are other experts that have

1 been retained by the parties who are
2 waiting to get access to the evidence which
3 they will -- which they will do after the
4 federal agencies have concluded, and we
5 have class counsel that the Court has
6 appointed to represent the interests of
7 victims such as yourself and your daughter
8 and son-in-law that are investigating
9 possible claims.

10 So these investigations are moving
11 at a rapid pace. It's a very complicated
12 process. You know, this is a -- this is a
13 highly unusual occurrence. It's possible
14 that there are multiple contributing
15 causes, and the investigation is going to
16 take some time before anybody is ready to
17 render an opinion as to what the cause or,
18 like I said, concurring causes of this
19 event were.

20 But I can assure you that the right
21 team has been assembled, and that all
22 appropriate governmental agencies as well
23 as those who I have appointed to represent
24 the interest of the victims are doing
25 everything in their power to move the

1 investigation at a rapid pace so as to try
2 to reach a conclusion as to what caused
3 this to happen, and I'm, again, very sorry
4 for your loss, Pablo.

5 MR. LANGESFELD: Thank you. I also
6 have another question regarding the human
7 remains and how the police is handling the
8 human remains. I understand there's --

9 THE COURT: I'm going to ask -- I'm
10 going to ask my receiver to comment on
11 that. I know another victim addressed that
12 last week when we met, and then there
13 was -- I asked the County, I guess, through
14 their counsel, Ms. Morse, to coordinate
15 with the receiver and try to get
16 information to the victims.

17 Is there any update -- have you had
18 a problem, Pablo, with securing the remains
19 of your family or other issues on that end?

20 MR. LANGESFELD: Yes, Your Honor.
21 Unfortunately, I'm still waiting for the
22 full body of my daughter.

23 THE COURT: Mr. Goldberg, Ms. Morse,
24 has there been any information you can
25 convey to victims about this issue?

1 MR. GOLDBERG: Your Honor, I don't
2 have an update, but I will, immediately
3 following this call, contact the County and
4 Miami-Dade homicide to find out the status
5 of anything.

6 THE COURT: Can you do that with
7 Ms. Morse's help and try to get information
8 to Mr. Langesfeld and others who may be
9 having difficulty?

10 MR. GOLDBERG: Yes, of course,
11 Your Honor.

12 THE COURT: Okay.

13 MR. LANGESFELD: Okay. Thank you,
14 Your Honor. And I have another question
15 just to clarify. As far as the monies from
16 the sale of the lands and the property
17 insurance, where -- or which victims should
18 be compensated from the sale of the land?

19 THE COURT: Well, I haven't decided
20 that, Pablo. I said at prior hearings that
21 the land is owned by all the unit owners
22 pro rata, and the insurance policy, at
23 least the property policy, covers the
24 property.

25 So the Court's initial inclination

1 is that those two assets, meaning the
2 recovery from the land and the property
3 insurance policy, will likely go to
4 compensate all the unit owners for the
5 value of their real estate, but I have not
6 made a decision on that, and when the time
7 comes and those assets are monetized and
8 available for distribution, I will hear
9 from all interested parties, and then
10 I will make a decision.

11 I'll hear from all victims and their
12 representatives before I decide any issues
13 on how funds will be distributed or
14 allocated, but having said that, and as
15 I pointed out last week, my initial
16 inclination is that those two assets are
17 owned by everybody and have to be used,
18 first, to pay for the value of their
19 property, but we'll address that at
20 subsequent hearings. Okay?

21 MR. LANGESFELD: Okay.

22 THE COURT: All right.

23 MR. LANGESFELD: My last question,
24 Your Honor, thank you, as far as the
25 memorial, I believe the memorial should be

1 in Surfside not in Miami Beach, and at the
2 site of the tragedy.

3 THE COURT: Well, you know, Pablo,
4 I appreciate your sentiments on that. You
5 know, people have different views on that.
6 I'm not sure that people -- that there are
7 a lot of people that share your view.
8 Maybe there are, but if you went and saw --
9 and I don't know if you live locally or
10 where you live, but if you went to see the
11 site that the City of Miami Beach is
12 considering donating, it's a gorgeous park
13 on the ocean.

14 It's literally about 60 feet from
15 the collapse site. It's a remarkable and
16 extremely valuable piece of real estate,
17 and I would think most people would not
18 forego that simply because it's not within
19 the Town of Surfside city limits.

20 But I would encourage you, if you
21 feel strongly about this, I would encourage
22 you to go see the site, if you're able to
23 do so. If you're not, maybe somebody can
24 send you photos or share with you Google
25 images, but it's an absolutely gorgeous

1 park. It's right on the water, and like
2 I said, you know, it's about a four-minute
3 walk from there to the collapse site, so
4 it --

5 MR. GOLDBERG: Actually, Your Honor,
6 it's 25 seconds.

7 THE COURT: 25 seconds? Okay.

8 MR. GOLDBERG: It's 60 steps.

9 THE COURT: I thought at the pace
10 I walk. It's 65 feet. Okay.

11 MR. GOLDBERG: It's 65 steps.

12 THE COURT: Pablo, do you live
13 locally or are you out of state?

14 MR. LANGESFELD: Sorry, Your Honor,
15 I live in Miami.

16 THE COURT: You live in Miami?

17 MR. LANGESFELD: Yes.

18 THE COURT: I would encourage you to
19 go look at the site. I mean, it's -- it's
20 beautiful, and I would encourage you to go
21 take a look at it.

22 MR. LANGESFELD: Your Honor, don't
23 get me wrong but my daughter didn't die at
24 the park. She did die at 8777 Collins
25 Avenue.

1 THE COURT: Yeah.

2 MR. LANGESFELD: That's where she
3 died, not at the park.

4 THE COURT: Yeah, Pablo --

5 MR. LANGESFELD: Thank you,
6 Your Honor.

7 THE COURT: -- I'm, again, very
8 sorry for your loss, and thank you for
9 being here, and I encourage you to continue
10 to join us for these -- for these status
11 sessions. Okay?

12 MR. M. LANGESFELD: Judge, Martin
13 Langesfeld. I wanted to know if you guys
14 explored the option of rezoning the park
15 that Miami Beach is donating and with those
16 funds purchasing the land in Surfside?

17 THE COURT: No, the City of Miami is
18 not going -- the City of Miami Beach is not
19 going to permit a sale of that property.
20 It is public land. It is not subject to
21 development, and I believe it's 30-some-odd
22 acres right on the ocean. It's always been
23 a public park, and will remain as a public
24 park, so the answer to that is no.

25 MR. M. LANGESFELD: Circumstances

1 change.

2 THE COURT: Well, they do, but the
3 City of Miami Beach is not going to sell or
4 otherwise dispose of its public land.
5 That's not going to happen.

6 Okay. Any other victims or family
7 members or anybody else?

8 MR. RODAN: Your Honor, I would like
9 to speak if I can.

10 THE COURT: Yes, sir.

11 MR. RODAN: My name is David Rodan,
12 and I lost a brother and a cousin there,
13 and I also lost Nikki and Luis, who were
14 also my second cousins. First of all,
15 I would like to say what's my sentiment in
16 terms of the memorial.

17 I feel like the Langesfeld family,
18 like many other family of victims, that
19 we would obviously prefer to see a memorial
20 at the site of Champlain. I would like to
21 have that for the rest of my life and take
22 my kids there and remember what we lost and
23 tell them stories, and I don't think a park
24 two blocks down the road is going to have
25 the same sentiment, not to mention that

1 every time we drive past, I'm going to have
2 to see another Surfside building over there
3 like it never happened.

4 But I understand that's beyond what
5 you can do for us, at least right at this
6 time, and we need to pursue other avenues,
7 but I wanted to say that in there. Also,
8 the lot, Champlain is less than 2 acres,
9 and that park is 30, so I think there could
10 be some sort of land swap organized, and
11 I understand there's a lot of political
12 limitations and difficulties to doing that,
13 but we'll discuss that with Mr. Kadre.

14 But my question is the following:
15 I've been to most court hearings, but
16 I wasn't here last week, because it was the
17 funeral of my brother and my cousin, and
18 I was in the synagogue, but -- my opinion,
19 what I feel is that the Court is trying to
20 expedite the recovery of the funds and is
21 prioritizing the -- to give those funds to
22 the unit owners. My family had two units
23 in that building and four victims, so for
24 us it's not a matter of money. I just feel
25 that I have to give my opinion.

1 We also, the families of the
2 victims, we also lost a lot of our
3 patrimony, you said two weeks ago that a
4 lot of people had their life savings in
5 those apartments, but I want to put it out
6 there that we also had our life saving in
7 those apartments. We paid for colleges for
8 these four kids, some of those were not
9 even paid, the debt of the colleges.
10 That's also our life savings.

11 Now we're going to have to lose a
12 lot of our patrimony as well in therapy and
13 all of us, we have multiple therapies and
14 psychologists and psychiatrists. I don't
15 know for how much longer -- my job is also
16 in a stalled position.

17 I had to basically reject a
18 promotion and reduce my hours, and I can
19 barely work, and I don't know for how much
20 longer, and that's the same for a lot of
21 the families of these victims, and I would
22 like the Court to keep that in mind, that
23 we also had a huge loss of patrimony, not
24 only of what we will never recover, which
25 is all we really care about, but I also

1 would like to put that out there, because
2 I haven't heard it from anyone else, and I
3 felt I had the necessity to tell you that,
4 Your Honor.

5 So I would like for you to consider
6 that when you're deciding on the
7 distribution of funds, because my family
8 also, not only lost what's immeasurable and
9 what we will never get back, but a lot of
10 our patrimony was lost on that day with
11 four kids, 26, 26, 28 and 28, that when my
12 parents were retired, they were the ones
13 that were going to help my parents.

14 That's something that I haven't
15 heard in any of these hearings, and I just
16 wanted to put it out there and hear what's
17 your opinion.

18 THE COURT: You know, David, first
19 of all, I'm -- I'm very sorry for your
20 loss. The grieving you're going through at
21 this point must be unimaginable, and like
22 I said to the other victims, I wish I had
23 never seen this case, and, you know, I wish
24 I never had to meet you under these
25 horrific circumstances. You know, the

1 ripple effect from losing family members is
2 immeasurable in so many ways, and when
3 I talk about the loss of these units and
4 the economics and things like that, I don't
5 want to appear insensitive to those other
6 losses, and I'm not insensitive to them.

7 You know, I can't imagine the
8 tragedy of losing family members, people
9 that were in their youth, just starting
10 their lives. You know, it's just -- it's
11 just unimaginable to lose families under
12 these circumstances, and I'm not even going
13 to profess to say that I can understand
14 what you must be going through, because,
15 you know, this is a very, very tragic and
16 unique circumstance.

17 Now, you know, but the law has
18 certain parameters that this Court and the
19 lawyers before -- who appear before this
20 Court have to work within in terms of
21 compensating people for, not only their
22 economic loss, but for those other losses
23 that you're talking about, and all of that
24 is going to be factored into this case. I
25 can assure you that nobody, including this

1 Court, is ignoring or paying short shrift
2 to those -- to those losses that have been
3 suffered by family members.

4 And before any decisions are made on
5 any allocation issues, everybody will have
6 a right to be heard, and this Court will
7 not make any decisions without people
8 having that level of due process and all
9 issues will be carefully considered, and
10 you have my word on that.

11 You know, some of the other points
12 you've raised, I've always promised the
13 victims and family members during these
14 hearings that I'm going to be brutally
15 honest with you. I know people want to see
16 a memorial on the physical site where their
17 family perished, and I can understand that
18 sentiment, but I can tell you with
19 certainty that the City of Miami Beach is
20 not going to explore a land swap or
21 anything like that. That's just not going
22 to happen.

23 Nor is a governmental entity going
24 to come in and pay fair market value for
25 that real estate for purposes of erecting a

1 memorial. That's not going to happen.

2 So the fact is -- and like I said,
3 I'm always going to be honest with you,
4 because you deserve that. The fact is that
5 that asset will be monetized, and those
6 funds will be used to compensate victims
7 for their losses. That's just the way it's
8 going to be.

9 As I said before, the victims,
10 including you and your family, are not
11 going to be donating that land for the
12 public good. It's not happening. So that
13 land will be sold, it will be monetized at
14 the highest price that the experts can
15 secure, and those funds will be used to
16 compensate victims for their unbearable
17 loss, including the loss of their homes.

18 So, you know, there won't be a land
19 swap, it's not going to be -- I'm not going
20 to mislead anybody and give false hope to
21 you and Pablo and the others who want that,
22 that there's going to be a vacant land
23 there in the future with a memorial,
24 because that's not just going to happen.

25 So I appreciate that that's what you

1 would like to see, and that it might not
2 have the same impact to be on a park in
3 Miami Beach with your kids and pay tribute
4 to your family members, I know it might not
5 be the same, and it might not be as moving
6 an experience, but I hope you realize that
7 when that memorial is done, it's going to
8 be absolutely beautiful. It's going to be
9 a tribute, an eloquent tribute to those who
10 lost their lives, and I think you'll be
11 very proud to take your kids there one day
12 and tell them what happened and talk about
13 your family.

14 But the prospect of having a
15 memorial on the physical site where your
16 family members perished is just really not
17 a viable prospect, and I don't want to
18 mislead you or Pablo or anybody else by
19 suggesting that it is.

20 But again, thank you -- thank you so
21 much for being here. I know it has to be
22 very difficult for you with what you're
23 going through to appear on these
24 conferences and to speak in front of
25 strangers about your loss during your time

1 of grieving, and I appreciate your input
2 and I hope you join us on a regular basis
3 and share your thoughts with us as we move
4 forward.

5 MR. RODAN: I will, and thank you,
6 Your Honor, good-bye.

7 MR. SINGERMAN: Your Honor, this is
8 Paul Singerman, may I add one comment to
9 Mr. Rodan.

10 THE COURT: Sure, sure.

11 MR. SINGERMAN: Thank you very much,
12 Your Honor. Your Honor, the parties
13 participating in the hearing may recall
14 that four or five weeks ago I advised the
15 Court of an outreach by Mindy Cassel, the
16 founder of a Children's Bereavement Center.

17 Ms. Cassel has wished -- asked to
18 make clear to anyone in need, whether it's
19 a family member of a victim or a family
20 member of a first responder, the
21 availability of counseling services for
22 anyone at no charge, and if it is not a
23 child, but an adult, they're willing to
24 help coordinate therapeutic counseling for
25 adults.

1 And I believe that Mr. Goldberg got
2 communication from Ms. Cassel, and it's
3 posted to the receivership website, and
4 if not, we will make that happen.

5 THE COURT: Thank you,
6 Mr. Singerman. I appreciate that and her
7 willingness to offer those services that
8 are clearly, clearly needed at this point
9 for many family members.

10 Okay. Before we adjourn this
11 morning, are there any other victims or
12 family members that would like to briefly
13 address the Court on matters that have not
14 already been adequately addressed in the
15 review?

16 MS. OLIVEIRA: I would like to ask
17 something, Your Honor.

18 THE COURT: Sure, is it Raquel?

19 MS. OLIVEIRA: Yes, my name is
20 Raquel Oliveira. I used to live in the
21 building. The day -- I'm sorry. The day
22 of the tragedy I traveled, I traveled on
23 Wednesday, but my husband and my son were
24 there. They were going to meet me on the
25 weekend, and I lost my husband and my

1 five-year-old son. I know that --

2 THE COURT: I'm so sorry, Raquel.

3 MS. OLIVEIRA: Thank you.

4 THE COURT: I'm so sorry.

5 MS. OLIVEIRA: I know that

6 everything you are doing is amazing and the
7 team and the families, all the support
8 we're having, honestly, when people ask me
9 what do I need, I really don't have an
10 answer for that. I don't know what I need.
11 Maybe what I need is patience and to see
12 how it's going to develop.

13 I was not an owner of the building.
14 I was renting this apartment, but
15 everything I had was there. So not only
16 I lost my husband and my son, but I don't
17 even have any memory that I can have.
18 I don't have a clothes to smell, I don't
19 have an object to look and to keep as a
20 memory of my son and my husband.

21 I am living in a place that someone
22 that I don't even know was so generous to
23 let me stay for a couple of months. I am
24 looking for a place. All I want is to have
25 a place that I can look and see my

1 identity, you know, myself in that place,
2 because anything I have now, clothes,
3 whatever you can name, those are not me,
4 those are not mine.

5 I know it takes time, and I know
6 that I cannot rush with that, so I don't
7 want to rush with anything. I think that
8 we need to be very timely, of course, for
9 the urgency of this, but we need to be wise
10 and be a little bit rational about what
11 we're going to do here to make sure that
12 everybody has whatever they need, you know,
13 to move on.

14 My question is, I know that the
15 police, they took some objects they could
16 recover, and I already filled in a couple
17 of forms with the objects that I would love
18 to recover if it was possible. Do you have
19 any information on how -- where it stands
20 now and how I can recover this, when a
21 timeline or something like that?

22 THE COURT: Raquel, I am -- I'm
23 just -- I don't even know what to say. I'm
24 just -- I'm so saddened to hear of your
25 circumstances and the loss of your husband

1 and son. I just -- like I've told other
2 victims, the grief you must be suffering
3 with is just -- it's just inconceivable,
4 and I'm so sorry to be meeting you under
5 these circumstances.

6 Let me address a couple of things.
7 I know it's not much, but I assume that
8 you're aware that there are assistance
9 payments that are available to victims.

10 MS. OLIVEIRA: Yes.

11 THE COURT: In your case up to
12 probably \$15,000 or so. Have you -- have
13 you applied for those and received those
14 assistance payments to help you --

15 MS. OLIVEIRA: Yes, yes.

16 THE COURT: -- with clothing and
17 moving and getting situated, have you been
18 paid those benefits?

19 MS. OLIVEIRA: Yes, I did, and the
20 fact that I don't -- that I'm not buying
21 clothes and everything is not due to money.
22 I have a job. I work, so I'm --
23 financially, I am fine.

24 THE COURT: Okay. I just wanted to
25 make sure, because you mentioned that

1 you're living with some people that you
2 don't really know that well who have been
3 kind enough to extend you accommodations,
4 and I just wanted to make sure that you
5 were aware of and you had secured the
6 assistance payments that the Court has
7 authorized for victims.

8 MS. OLIVEIRA: Yes.

9 THE COURT: Now, as far as personal
10 belongings are concerned, I know that there
11 were items of personal property that were
12 gathered, and I understand that they have
13 been stored and inventoried.

14 Let me ask Mr. Goldberg or
15 Ms. Morse, who represents the County,
16 if they have any knowledge of how we can
17 assist family members in gathering personal
18 effects and belongings, Mr. Goldberg?

19 MR. GOLDBERG: Your Honor -- yes,
20 Your Honor, I spoke with the County a
21 couple of weeks ago, and they said they
22 were still cataloguing an inventory.
23 I have to reach out to the County
24 immediately following this call, and I will
25 ask again and update on the website any

1 additional information that I find out.

2 THE COURT: Can you get that up as
3 soon as possible and circle back with
4 Raquel and let her know?

5 MR. GOLDBERG: Yes.

6 THE COURT: I mean, it's obviously
7 very important that these victims have
8 access to and can secure their personal
9 belongings and the personal belongings of
10 their loved ones, and I'd really like to
11 see -- I'd like to know where that -- where
12 that material is, how it's been categorized
13 and inventoried, and what steps people need
14 to take in order to go retrieve their
15 belongings.

16 So can we -- can we try to expedite
17 that process, please.

18 MR. GOLDBERG: Yes, Your Honor.

19 THE COURT: And get that information
20 up on your website within the next couple
21 of days, so by the end of the week, people
22 can go on the website and see what they
23 need to do in order to secure their
24 personal belongings.

25 MR. GOLDBERG: Yes, Your Honor.

1 THE COURT: And I can't imagine -- I
2 can't imagine -- I can't imagine that
3 there's any evidentiary value to those
4 belongings, and I would think that people
5 would be able to come and get their things
6 promptly.

7 MR. GOLDBERG: I agree, Your Honor.

8 THE COURT: Do you know where they
9 are; in other words, where these -- where
10 these materials have been sent and where
11 they're being kept?

12 MR. GOLDBERG: It's my understanding
13 it's at a warehouse, indoor, secured by
14 Miami-Dade County. I will speak -- I will
15 put a call in to Mr. Morales immediately
16 following this hearing, and he will put me
17 in touch with the right people.

18 I have spoken to homicide also on
19 the topic a couple of weeks ago, and they
20 said it would be a little bit more time,
21 but I'll let them know --

22 THE COURT: Ms. Morse, do you have
23 any information on that on behalf of the
24 County?

25 MR. MORSE: Judge Hanzman, I don't

1 mean to speak out of turn, but I will offer
2 one caution. One of the issues that may
3 occur with the retrieval of personal
4 property in this instance is that, you
5 know, we as a County do asbestos testing.
6 This was a building that was built in 1981.

7 Again, I don't want to speak out of
8 turn. We will obviously speak with our
9 clients. We will try and make -- I will
10 speak to our clients and make sure what can
11 be returned is; however, the caution would
12 be that there may be some items that may
13 not be able to be returned because of
14 environmental concerns and asbestos
15 concerns.

16 THE COURT: Okay. Well, I would
17 appreciate you conveying to Mr. Morales and
18 the others that are taking the lead on this
19 the need, if possible, to give the victims
20 access to their personal belongings.
21 Obviously, if there's a potential health
22 hazard or something that has to be looked
23 at first, we need to take care of that, but
24 short of that, I would hope there's a
25 protocol in place where people can go and

1 gather the belongings -- their belongings
2 and those of their loved ones. Okay?

3 MS. MORSE: We understand,
4 Your Honor, yes.

5 THE COURT: Raquel, take a look at
6 the website Friday, and hopefully, we'll
7 have that information available to you, and
8 please continue to join us and give us your
9 input.

10 MS. OLIVEIRA: Thank you.

11 THE COURT: Thank you. Okay. At
12 this point, unless there are any victims
13 that I haven't heard from --

14 MR. RUDY: Can you hear me?

15 THE COURT: -- that wish to be
16 heard.

17 MR. RUDY: Your Honor, can you hear
18 me?

19 THE COURT: Barely, sir.

20 MR. RUDY: My name is Ike Rudy.

21 THE COURT: Mr. Rudy, good morning.

22 MR. RUDY: Good morning, Your Honor.
23 My wife Rosalie and myself owned and lived
24 in Champlain, Unit 1008, for the last ten
25 years, and I just wanted to let you know

1 that because of your efforts -- I might
2 have had minor heart problems in the past,
3 and being due to the loss of our friends
4 and neighbors, the collapse of our
5 apartment, it put a tremendous stress on my
6 heart, and I had to undergo heart surgery.

7 Thank God, they did the repair, and
8 I'm feeling better, but I want you to know
9 that we thank you so much. Due to your
10 efforts, I feel so much better, and I
11 wanted to say thank you so much, Your
12 Honor.

13 THE COURT: Well, thank you, Ike,
14 and I'm very -- first of all, I'm very
15 pleased to hear that you and your wife
16 Rosalie made it out safely and did not
17 perish in this catastrophe, and I'm sorry
18 to hear that the stress of this has caused
19 you some collateral health issues, but I'm
20 glad you're feeling better and your
21 procedure went well.

22 Thank you for your kind words.
23 They're much appreciated by the Court, and
24 I really appreciate you being here and
25 sharing your thoughts with us. Know that

1 we're going to do everything possible to
2 make sure you're compensated for the loss
3 that you have suffered, and please join us
4 on a regular basis so you can keep apprised
5 of what's going on in the case and convey
6 to us any input you might think might be
7 valuable in the process, but I'm glad
8 you're here today, and I wish you all the
9 best.

10 MR. RUDY: Thank you, Your Honor,
11 and God bless you.

12 THE COURT: Thank you, Ike.

13 MR. SILVA: Your Honor, this is
14 Attorney Carlos Silva, leadership counsel
15 for the committee. I just want to ask you
16 quickly, since we have Senator Pizzo on the
17 line, and we have Mr. Goldberg on the line,
18 maybe -- my clients have been asking a lot
19 about the mortgage forgiveness efforts. Do
20 we have any updates on that?

21 THE COURT: No, we don't, Mr. Silva.
22 There's going to be -- there's some efforts
23 underway in that. I think Mr. Kadre
24 reported last week that he had had some
25 discussions with Congresswoman

1 Wasserman-Schultz who was exploring some
2 possible mortgage relief.

3 I told people last week, I think
4 somebody raised the issue of what people
5 should do with their mortgages, and I
6 really can't give legal advice, that's what
7 you guys are here for, but we're now doing
8 some title work to try to determine who
9 each of the lenders are on every unit, and
10 they'll be joined in a termination case.

11 So they'll be under the Court's
12 jurisdiction shortly, and then we can
13 address these issues more directly, but
14 it is a very valid concern that you've
15 raised with us. That's appreciated, but at
16 this point all I can tell you is that those
17 efforts are underway, but there's been no
18 definitive packages or any proposals that
19 have been put forward in order to secure
20 mortgage relief.

21 MR. SILVA: Thank you, Your Honor.

22 THE COURT: Thank you, Carlos.

23 Okay.

24 MR. WEINBERG: Your Honor, I would
25 like to talk. My name is Carlos Weinberg.

1 I'm Anabella Levine's fiance. My fiance
2 lost her daughter, my brother-in-law, her
3 cousin, and also Luis and Nikki Langesfeld
4 were second cousins of ours.

5 We're all obviously destroyed by
6 this tragic loss; even though the family
7 lost two properties, for us the loss of
8 life is what really matters. The loss of
9 property is nothing in comparison, and
10 there is some things I've been hearing that
11 really bother me.

12 When the idea of exploring a land
13 swap or a better site for a development and
14 some memorial to be rejected so promptly
15 and so easily with the concept and the idea
16 that public land is not going to be used
17 for a development when no more than two,
18 three years ago a public space, the street
19 right below Champlain towers was given for
20 a development of a luxury real estate
21 property.

22 And they gave out that street to
23 enlarge the development. They came in
24 closer to the limits of the -- of the
25 Champlain Towers, which who knows, but

1 could potentially have had an effect on the
2 collapse. The investigation is yet to
3 determine that; however, the use of public
4 spaces have been sold or donated for real
5 estate developments in the past and
6 rezoned, et cetera.

7 And for you to hear that an idea of
8 getting a small piece of land from a public
9 space in a park that right now has
10 absolutely nothing but a few trees and
11 almost not even a walkway from a land that
12 is 15 times larger than the original
13 Champlain Towers that fell, or the idea of
14 exploring -- I don't know, expanding the
15 land to the street above it so there's more
16 land and more potential; even though,
17 that's not something that we want, because
18 we want a memorial there.

19 We want to remember where
20 it happened, not close to where
21 it happened. Okay? To me it's absurd to
22 think that in a normal circumstance the
23 cities are allowed to give public land for
24 real estate developers to build something,
25 but when something like this happens that

1 has never happened before in the history of
2 this country where a building just suddenly
3 falls for apparently no reason, okay, now
4 the government -- governmental agencies
5 don't want to step in and do something to
6 honor and remember something of this
7 magnitude and just want to go ahead and
8 sell that piece of land and build a new
9 real estate luxury development there that
10 every time any of us family members drive
11 through there, we're just going to be
12 filled with hate and despise that, that
13 more could have been done, and it has not
14 been done.

15 In my opinion it is possible with
16 the right political support, because this
17 land is public land, and it belongs to the
18 city and it belongs to the state and
19 it belongs to the government, and the
20 government could, if they wanted to, do a
21 land swap or expand the land or do
22 something to gain more value out of this,
23 because as you have well said, there's
24 never going to be enough money to
25 compensate not only the unit owners,

1 because there's not enough money for that,
2 but the loss of life is much, much worse.

3 Now, you've been hearing for a few
4 sessions now that all these property owners
5 that come in here and say they've lost
6 their property and their life's worth and
7 their mortgages and they were retired and
8 this and that.

9 Well, to me that is nothing in
10 comparison to losing a 26-year-old, another
11 26-year-old, a 28-year-old. You know, like
12 it's these are people that had all their
13 lives ahead of them. These are people that
14 our families supported all the way through
15 college, and they were starting their
16 lives, and they were gonna -- you know,
17 they had a whole life ahead of them of
18 providing and producing and potentially,
19 you know, taking care of their parents in
20 the future, you know.

21 We have family members that still
22 have their college loans that amount to a
23 lot, and they had just started working.
24 You know, to me, it's just ridiculous to
25 think that the only ones who have been

1 heard in the past hearings, for the most
2 part, are people who lost their property,
3 because us who lost family, okay, we waited
4 18 days to get the bodies recovered.

5 We waited almost a month to be able
6 to bury them. Okay? So for the past two
7 months, this has been hell for us. For
8 some people, yeah, losing your property is
9 also hell, but it's not comparable. They
10 are not grieving. They are not here --

11 THE COURT: Mr. Weinberg, I -- look,
12 first of all, like I've said to the other
13 victims, I'm -- I'm -- I'm very sorry for
14 your loss. Like I said, I can't imagine
15 what you're going through, and you have the
16 Court's condolences and sympathies, but I'm
17 not sure what hearings you've been in,
18 because to suggest that this Court or
19 anybody else has ever said that the only
20 ones who have been -- who have lost are
21 people who lost property, then you must not
22 be attending the same hearings I'm
23 attending, because -- because --

24 MR. WEINBERG: No, no.

25 THE COURT: Let me -- let me finish.

1 You've had your say. Now let me finish,
2 please. That has never been suggested by
3 this Court or anybody else at any of these
4 hearings. This Court has repeatedly --
5 repeatedly expressed its condolences and
6 sympathy for those who have lost family
7 members and has repeatedly pointed out that
8 no matter how much a loss of property hurts
9 one, it does not compare to a loss of life
10 in a family member.

11 And if you've gotten the impression
12 that I have ever suggested or anyone has
13 ever suggested that the, quote, only ones,
14 closed quote, who have been harmed are
15 people who lost their property, then either
16 you have not been in attendance at these
17 hearings or my message has not been
18 adequately delivered.

19 Now, I understand your frustrations,
20 and I appreciate your input, but I've
21 always told the victims of this tragedy
22 that they're going to get honesty from this
23 Court, and I understand why you believe
24 things could be done or should be done, but
25 I'm just telling you as a practical matter,

1 while it would be nice to see a memorial on
2 the physical site of this loss, this site
3 is not public land. This site is owned
4 privately, and it's owned by all of the
5 victims collectively, and it has to be used
6 for the benefit of all the victims
7 collectively.

8 Listen, if I could make --
9 if I could wave a wand and have the City of
10 Miami Beach take this site and use it as a
11 memorial and give a developer two acres of
12 land on its park, if I could wave a wand
13 and have that happen, I would do it, but
14 it's not going to happen.

15 The City of Miami Beach is not going
16 to annex two acres on its 35-acre park
17 that's been there for a hundred years and
18 is public land and give it to a developer
19 in exchange for the Champlain Towers lot.
20 I'm not going to mislead people and let
21 them believe that that's an option or that
22 that's something that's going to be
23 explored, because it won't be.

24 So, you know, I'm not going to tell
25 you something to appease you or to appease

1 other victims in the short-term that I know
2 is not truthful, and that kind of land swap
3 is not going to occur for so many reasons
4 that it would take me an hour to explain
5 them, but it's just not going to happen.

6 And the idea that the government --
7 that a governmental entity is going to step
8 in and pay fair market value for this land,
9 which I hope will be upwards close to
10 \$150 million, to put a memorial there,
11 I was skeptical about that from the
12 beginning. I appointed the best people I
13 knew to explore it, and like I expected,
14 it did not -- it did not meet with favor,
15 so I was not surprised by that.

16 I'm sorry that many people feel that
17 this site should be a tribute and a
18 memorial, and I wish that could happen.
19 I wish that a governmental entity had the
20 wherewithal to step in and write a check
21 for \$150 million and make this site a
22 memorial. I wish that it could be
23 accomplished by land swaps or other
24 creative means, but I know it can't, so I'm
25 not going to sit here and tell people, yes,

1 we're going to explore this.

2 I'm not going to give people false
3 hope or unreasonable expectations, but
4 I can assure you that this Court fully
5 understands what a tragic and immeasurable
6 loss people have suffered by having their
7 loved ones perish in this horrific and
8 unanticipated way, and I have not -- I have
9 not downplayed that at all or suggested
10 that the real loss here is the loss of
11 property.

12 If you got that impression, I'm very
13 sorry if I conveyed that, but that was
14 never this Court's intention.

15 MR. WEINBERG: Okay, Your Honor.

16 THE COURT: Okay?

17 MR. WEINBERG: Yeah, I got that.

18 Now, I wanted to express that maybe
19 I didn't express myself the way I wanted to
20 or I didn't convey the message that
21 I wanted to give in that sense. I wasn't
22 saying that the Court isn't hearing the
23 victims. I was -- what I was trying to
24 express is that us -- we, as victims who
25 lost family members, even more hard are the

1 ones that lost young family members and
2 many of them at that, we've been grieving,
3 so a lot of us haven't been able to be
4 present.

5 THE COURT: I understand that, and I
6 can't imagine -- I can't imagine what you
7 and your fiance, Anabella, are going
8 through. I just can't even imagine it, and
9 I feel so bad that you're going through
10 that and that the other victims that
11 we speak to and even those we have not
12 spoken with are going through similar
13 horrific experiences, I just can't even
14 imagine losing young family members this
15 way so tragically and unexpectedly in the
16 prime of their lives and what you have to
17 deal with in the aftermath of that.

18 And I can assure you that all claims
19 in this case for all types of losses will
20 be considered thoroughly before any
21 decisions are made, and that you'll have
22 input into that process.

23 MR. WEINBERG: Okay. And another
24 idea that came to me, it's like since this
25 already helped and was precedent where the

1 street right below Champlain Towers was
2 abated or however you call it to the
3 developer on the south of the building, and
4 that is something that does have precedence
5 and has happened in the past, maybe you
6 guys could also explore the possibility of
7 taking 88th Street and attaching it to the
8 land and maybe allowing for a space that
9 you have the same amount of development but
10 at the same time you can put a memorial
11 right next to it where the land used to be
12 and just move it sideways a little bit.

13 Because if it has been done before
14 and in a manner that a lot of us don't even
15 understand, okay, a lot of us work in real
16 estate, have worked in real estate
17 development --

18 THE COURT: Well, we will definitely
19 explore all potential sites for the
20 memorial. I instructed Mr. Kadre and
21 Mr. Barreto as well as my receiver to do
22 that, and there will not be any viable
23 option that will go unexplored. You have
24 my assurances.

25 MR. WEINBERG: I appreciate it,

1 Your Honor, thank you.

2 THE COURT: Thank you for joining
3 us.

4 Okay. Any other victims or unit
5 owners who would like to address the court
6 before we adjourn for the day?

7 Thank you all, again, for the time
8 this morning. I will schedule our next
9 status conference for Wednesday, September
10 1st. It will likely be by Zoom, but we're
11 going day-to-day here, and if the numbers
12 get better, the COVID numbers get better
13 and the mask mandates are dropped, then
14 we will start having these hearings again
15 live, but for right now, assume in two
16 weeks we'll be by Zoom, and if anything
17 changes, I will let everybody know, but
18 everybody have a nice day.

19 MR. WASSERMAN: Can I ask something
20 really quickly, Judge Hanzman?

21 THE COURT: Yes, sir.

22 MR. WASSERMAN: My name is Essy
23 Wasserman. My wife's parents unfortunately
24 passed in the collapse. I'm talking,
25 because it's extremely hard for her to

1 listen to these things and talk at these
2 things.

3 She just had a question about the
4 possessions. Those are really important
5 for her to try to get whatever she can, and
6 it was hard for her to hear from the clerk
7 or whoever was speaking earlier, that some
8 stuff will not be able to be given back.
9 We just need some clarification on that.

10 THE COURT: Ms. Morse -- Ms. Morse,
11 who is the attorney for the County, was
12 commenting that there may be some health
13 issues with some of the personal belongings
14 because of asbestos or other contaminants,
15 and that issue has to be explored, but I've
16 asked the receiver, Mr. Wasserman, to get
17 up on his website the protocol so everybody
18 knows where those materials are and what
19 needs to be done in order for family
20 members to secure them.

21 MR. WASSERMAN: Okay. I appreciate
22 that.

23 THE COURT: That information should
24 be up by Friday.

25 MR. WASSERMAN: Okay. We haven't

1 heard any updates. I know my wife is daily
2 updating, looking for pictures and
3 providing information.

4 THE COURT: Yeah.

5 MR. WASSERMAN: And she has not
6 heard anything back. It's quite a
7 frustrating part of the grieving process to
8 not hear anything or any updates or just
9 updating it into a void, so I would
10 appreciate it.

11 THE COURT: We're going to get that
12 information out. I understand -- you know,
13 I understand that you and -- and Raquel and
14 other people who have spoken with me are
15 very anxious to get the possessions of your
16 loved ones to the extent they've been
17 retained, and we're going to get you that
18 information as soon as possible, I assure
19 you of that.

20 MR. WASSERMAN: Thank you very much.

21 THE COURT: Now, whether or not that
22 material has to be tested or examined to
23 make sure there's no asbestos or
24 contaminants that could injure people,
25 that's a different story, but we'll get you

1 the information. Okay?

2 MR. WASSERMAN: Thank you.

3 THE COURT: And I'm sorry for your
4 family's loss.

5 Okay. We will be in recess until
6 September 1st. If there are any
7 emergencies to be filed, chambers are to be
8 notified, and the Court will be available,
9 and we are now in recess.

10 (Thereupon, the hearing was
11 concluded at 11:04 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 18th day of August,
2021.



MATTHEW J. HAAS
Court reporter

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