

In the Matter Of:

DREZNER vs CHAMPLAIN TOWERS SOUTH

2021-015089 CA 01

PROCEEDINGS

September 10, 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

Friday, September 10, 2021
2:00 p.m.

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1 Thereupon --

2 THE COURT: Good afternoon, ladies
3 and gentlemen. The Court will now call the
4 matter of In Re: Champlain Towers South
5 collapse litigation, Case 2021-015089. Let
6 me have appearances, please, of the
7 receiver and counsel, lead counsel, defense
8 and insurance counsel, and any counsel
9 present for any governmental entities or
10 agencies, in that order, please.

11 MR. SINGERMAN: Good afternoon,
12 Judge Hanzman. May it please the Court,
13 I'm Paul Singerman from Berger Singerman.
14 Our firm is counsel to Michael Goldberg,
15 Your Honor's court-appointed receiver. For
16 the record, Your Honor, Mr. Goldberg is
17 present and participating in the hearing.

18 THE COURT: Thank you.

19 MR. GOLDBERG: Good afternoon,
20 Your Honor.

21 MR. TROPIN: May it please the
22 Court, Harley Tropin co-chair for the
23 plaintiffs committee. With me as well is
24 Rachel Furst. She's traveling, but she's
25 attending by telephone.

1 MR. MOSKOWITZ: Good afternoon,
2 Judge Hanzman, Adam Moskowitz for the class
3 as well.

4 MR. LOPEZ: Good afternoon, Your
5 Honor, Javi Lopez with Kozyak Tropin, I'm
6 co-lead for the property and economic class
7 with my colleague, Mr. Moskowitz.

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

12 MR. SILVA: Good morning,
13 Your Honor -- good afternoon, I should say.
14 Jorge Silva on behalf of a number of
15 plaintiffs', steering committee.

16 THE COURT: Any other members of the
17 steering committee who would like to make
18 an appearance this afternoon?

19 MR. SUAREZ: Good afternoon, Your
20 Honor, Luis Suarez on behalf of the
21 steering committee and several clients.

22 MR. ROSEN: May it please the Court,
23 Judd Rosen with the plaintiffs' steering
24 committee.

25 MR. ARANGO: Your Honor, good

1 afternoon, this is Lillian Arango with
2 Weiss Serota, Town attorney. I have my
3 partner, Tony Recio on the line as well, as
4 well as the Town manager, Mr. Andrew Hyatt.

5 THE COURT: Thank you, Ms. Arango.
6 Any representatives of the County or any
7 other governmental agencies or entities?

8 SENATOR PIZZO: Good afternoon,
9 Your Honor, Jason Pizzo from the state
10 senate.

11 MS. MORSE: Good afternoon,
12 Your Honor, Lauren Morse on behalf of
13 Miami-Dade County.

14 THE COURT: Very good. Thank you
15 for your appearance. Any defense counsel
16 or counsel for any insurance carriers who
17 would like to make an appearance this
18 afternoon?

19 MR. BLUMENTHAL: Good afternoon,
20 Your Honor, Dustin Blumenthal for
21 Philadelphia Indemnity Insurance Company.

22 MR. WELLS: Good afternoon, Your
23 Honor. David Wells from Gunster
24 representing Morabito Consultants.

25 THE COURT: Okay. Anybody else who

1 would like to make an appearance before
2 we get on to business?

3 Okay. Mr. Singerman, Mr. Goldberg,
4 let's start as we usually do by you all
5 updating me. I know you have one motion
6 pending which we will deal with this
7 afternoon, but let me have an update on the
8 termination proceedings, the appraisals,
9 the insurance status, sale of the property,
10 and any other matters of interest that you
11 have been able to address since we last got
12 together approximately ten days or so ago.

13 Mr. Goldberg?

14 MR. GOLDBERG: Yes, thank you,
15 Your Honor. Your Honor, just to let you
16 know, Mr. Fay is traveling and is listening
17 by phone, but I will be handling his
18 portion of the property update, and
19 Mr. Kadre could not be here, so I'll
20 discuss issues he normally speaks about.

21 Finally, I have my partner
22 Mr. Kazden who should be on the call, on
23 the Zoom, to update on the zoning as
24 there's been some significant progress.
25 I'll walk through the usual order,

1 Your Honor.

2 With respect to the assistance
3 payments there's been no change since the
4 last report. With respect to insurance
5 update, we have no change. We're still
6 working out the cost of defense, hopefully
7 we'll make some progress, but everything
8 had been tendered previously prior to the
9 last hearing, so there is no update.

10 THE COURT: Mr. Goldberg, is it time
11 for the Court to order you and these
12 insurance carriers to a formal mediation in
13 order to try to iron out these insurance
14 defense issues and maybe liquidate those
15 obligations or is that premature in your
16 view?

17 MR. GOLDBERG: Your Honor, that's
18 certainly a very good suggestion. I would
19 ask that you -- if the Court is so
20 inclined, to give us, you know, next week
21 to see if we could make progress. If not,
22 then maybe at that point.

23 THE COURT: All right. I'm going to
24 give you another week or so to try to make
25 progress on your own, and then I'm going to

1 likely order you to a mediation with all
2 the carriers who have defense obligations
3 or arguably have defense obligations in
4 this case so that we can try to reach a
5 resolution and monetize those obligations
6 or at least have an agreement reached where
7 the carriers who are responsible for
8 defense will acknowledge that liability and
9 maybe work out an arrangement to assist
10 with the payment of your fees, at least
11 those that are related to defending the
12 case as opposed to the receivership in
13 general.

14 MR. GOLDBERG: Sure.

15 THE COURT: I'm going to give you a
16 little more time to work it out amongst
17 yourselves, but at some point I'm going to
18 send you on mediation mandatorily and see
19 if somebody can help you make some progress
20 here.

21 MR. GOLDBERG: Thank you,
22 Your Honor. It would be wrong of me to
23 leave the impression that the carriers have
24 not been in good faith discussing the issue
25 and have not stepped up to the plate, so to

1 speak.

2 THE COURT: No, I'm not suggesting
3 bad faith at all.

4 MR. GOLDBERG: Okay.

5 THE COURT: I said -- I said from
6 the very beginning of this case how
7 impressed the Court was that these carriers
8 stepped up, and while there may have been
9 coverage issues or coverage defenses that
10 could have been advanced, they instead
11 stepped up and tendered their indemnity
12 policy limits, and the Court has commended
13 them for that from the outset, and I do so
14 again.

15 But if there are other obligations
16 under these contracts, including an
17 obligation to advance defense costs or
18 indemnify against defense costs, I want to
19 try to bring those disputes in for a
20 landing and get them over with one way or
21 the other. So I'm not attributing any
22 fault or any bad faith in the negotiation
23 process, but at some point if the parties
24 can't, despite their good faith efforts,
25 reach an agreement on their own, I'm going

1 to assist them by requiring them to go to
2 mediation.

3 MR. GOLDBERG: Fair enough,
4 Your Honor. Your Honor, the next thing I'd
5 like to discuss is the property update.
6 I was out at the property this morning.
7 The plaintiffs' experts were there, some of
8 the defendants or potential defendants'
9 experts were there and other parties of
10 interest, the Town of Surfside had their
11 experts there.

12 As Your Honor may remember from last
13 hearing where you approved a motion to
14 brace the west wall, prior to that work
15 being done, which will commence next week,
16 we had the experts out there to film, and
17 the Miami-Dade police assisted, and we had
18 a very productive meeting out there today
19 where the experts were able to film the
20 west wall prior to the bracing, and it went
21 off without a hitch.

22 Basically, the bracing will commence
23 next week. It may take a couple of weeks.
24 The fence is in the process of being bid
25 out by the County, and I walked the site

1 with security this morning where the
2 trailer is going to be, where the fence
3 will be, and also I expect -- my best guess
4 on turnover, and it's not solidified
5 completely, but is sometime in or around
6 the first week of October, but everybody is
7 moving forthwith towards that, and the
8 County, again, has just been exceptional in
9 their cooperation.

10 THE COURT: In this motion -- I read
11 this motion that you have. It seems to be
12 a follow-up to the prior order that I
13 already entered.

14 MR. GOLDBERG: Mr. Singerman can
15 handle that now, if you want to take it at
16 this point.

17 THE COURT: No, let's finish with
18 you, and we'll do that in due course.

19 MR. GOLDBERG: Okay. Your Honor,
20 I'm happy to report I received the
21 preliminary numbers on the appraisal. I'm
22 expecting the final, and I have a written
23 portion of that now of each of the units,
24 the lines of the units. I'm expecting the
25 final signed-off report over the weekend,

1 but I do have the appraisal on each of the
2 lines. They've just assigned their
3 relative values of the floors right now,
4 and they're signing off on a final thorough
5 report, and I'll be in the position, if the
6 Court wants it filed, however you want it,
7 to share it with the Court and parties in
8 interest sometime next week.

9 THE COURT: You don't need any
10 further permission from me. Once you have
11 it in a form that you deem to be acceptable
12 and the appraiser has come in for his or
13 her landing on the evaluation, I want you
14 to share it with counsel for the victims as
15 soon as possible so that people have a
16 chance to digest it and comment.

17 Then we can begin discussing whether
18 we're going to use the appraisal method or
19 whether we're going to use the declaration
20 when it comes time to distributing any
21 money on the economic claims for the loss
22 of real property.

23 So once you have it in a form that
24 you're comfortable with, you can go ahead
25 and circulate it to those parties in

1 interest, so we can begin the process and
2 people can digest it and begin to discuss
3 with their clients what positions they may
4 wish to take, and we can get that dialogue
5 going sooner than later. Okay?

6 MR. GOLDBERG: Of course,
7 Your Honor. Sounds good.

8 THE COURT: All right.

9 MR. GOLDBERG: The next item I'd
10 like to talk about is the status of the
11 condominium termination. Again, title work
12 was completed last week. This week I had
13 calls with Mr. Tropin, Ms. Furst, and
14 Mr. Suarez about identifying the
15 plaintiffs. I provided plaintiffs' lead
16 counsel, Mr. Tropin and Ms. Furst, a copy
17 of the complaint, the draft complaint, and
18 I have a call with them later this
19 afternoon to further up on hopefully
20 selecting plaintiffs to serve in that
21 position.

22 I want to make it -- it's important
23 for everybody to understand the condo
24 termination is only the first step merely
25 terminating the condominium so that we can

1 clear title to the land.

2 It does not in any way alter any
3 rights of any victims, it does not -- it's
4 going to be with full reservation of rights
5 so that the Court after noticing a hearing
6 and due process to everybody can decide the
7 subsequent step two later on, which will be
8 allocations and everything.

9 This is purely, solely to clean
10 title so that the condominium can be
11 terminated and the land can eventually be
12 sold. So I just think it's very important
13 for everybody to understand that.

14 The next thing I'd like to discuss
15 is the sale --

16 THE COURT: Before we move on, you
17 expect to have that case filed before me in
18 the next couple of weeks, Mr. Goldberg?

19 MR. GOLDBERG: I would defer to --
20 we're ready to file it. We need the
21 plaintiff -- I would defer to Mr. Tropin or
22 Ms. Furst if they think that's obtainable.

23 THE COURT: Mr. Tropin?

24 MR. TROPIN: Yes, we think that's
25 very realistic, Judge.

1 THE COURT: All right. And,
2 Mr. Goldberg, you have now the title work
3 done, so you can identify all --

4 MR. TROPIN: Judge, yeah I think
5 that's realistic. I hope you heard me.

6 THE COURT: I did, Mr. Tropin.
7 Thank you.

8 Mr. Goldberg, you have your title
9 work done so you can name and properly
10 serve all lienholders who may have a right
11 to claim part of any proceeds that are
12 distributed on the economic side?

13 MR. GOLDBERG: Yes, title work is
14 complete. We have a unit-by-unit title
15 work which details all the mortgages and
16 other liens or incumbrances on each
17 particular unit that we can name to clear
18 title on the entire condominium.

19 THE COURT: All right. I'd like
20 that case filed as soon as is possible.
21 I'd like you to identify for me if there
22 are any fact issues you believe are
23 implicated or whether or not this is just a
24 pure issue of law. If it's the latter,
25 then I expect a motion for summary judgment

1 relatively quickly so we can dispose of
2 that matter, or if there are facts that
3 have to be tried, we can determine how to
4 best do that.

5 But, obviously, that is a
6 preparatory step that is necessary in order
7 to complete a sale of the land and monetize
8 this asset, and I want that process moved
9 with dispatch. Understood?

10 MR. GOLDBERG: Yes. Two things to
11 that, Your Honor. Number one, the title
12 policy we obtained is not just a policy in
13 connection with the condo, it's with the
14 title company preparing it with the
15 recognition that the next step is to
16 transfer the condominium, the property. So
17 they have looked and signed off on the
18 complaint and everything so that they're
19 comfortable that everything -- every I is
20 dotted, T is crossed, so that if and when
21 the condominium is terminated and when
22 we get ready to sell the land, we'll be in
23 a position to do so without any issues from
24 the title company.

25 So it's a very complete analysis by

1 the title company, and so we feel very good
2 about that, Your Honor.

3 THE COURT: Okay.

4 MR. GOLDBERG: Your Honor, as far as
5 the sales process, again, Mr. Fay, who I'm
6 in touch with multiple times a day, is very
7 active, is traveling. I will tell you that
8 the sales contract has gone back and forth
9 several times between us and the potential
10 stalking horse.

11 I do not see any major roadblocks to
12 having a stalking horse contract done in
13 the next week to ten days. We've made
14 significant progress, and I think
15 if everything goes as I expect standing
16 here right now, we'll be in a position to
17 file some sort of approval motion on that
18 for the Court to consider and everybody to
19 have a notice and opportunity to be heard
20 on that issue.

21 Your Honor, Mr. Fay also asked me to
22 share with the Court some of the metrics of
23 the marketing. On the platform there have
24 been 91 downloads of the offering
25 memorandum, 48 flyers downloaded, and 2,023

1 views on CoStar LoopNet, and a total of --
2 as of 9/8, so this week 5,041 emails sent,
3 1,094 of those emails were opened, and an
4 additional 40 downloaded offering
5 memorandums.

6 So the marketing on this is
7 significant, and Mr. Fay asked me to alert
8 the Court that he continues to get a huge
9 amount of inquiry about the property.

10 THE COURT: Good. That's good news.
11 We may have a very spirited auction
12 process. Who knows.

13 MR. GOLDBERG: Yeah.

14 THE COURT: Try to come in for a
15 landing on that contract as soon as
16 possible.

17 MR. GOLDBERG: We will.

18 THE COURT: And obviously, you'll
19 file it with a motion requesting approval
20 so that everyone can review it and comment
21 at the appropriate time, and we'll keep the
22 process moving.

23 MR. GOLDBERG: Yes, Your Honor.
24 Next, I'd like to move to the zoning issues
25 on the property, and last night was -- the

1 Town of Surfside held a zoning workshop,
2 and I am just pleased to report that
3 I think what could be defined as a spirit
4 of cooperation between the victims who
5 attended the zoning workshop and my
6 partner, Mr. Kazden, who in a second I'll
7 defer to him to update the Court.

8 You know, I think the results of
9 last night are going to lead to the Town
10 working with the victims and the estate,
11 the receivership estate, to really benefit
12 these victims, and I want to thank the
13 Mayor and the council people who assisted
14 last night, and I'm going to ask
15 Mr. Kazden, with the Court's permission, to
16 give you a minute or two minute update on
17 what happened last night before I move on
18 to issues like the land swap and the couple
19 of other issues I have left to talk.

20 THE COURT: Mr. Kazden.

21 MR. KAZDEN: Yes, good afternoon,
22 Your Honor. As Michael reported, last
23 night the Town of Surfside had a zoning
24 workshop. This was part of an over
25 year-long process in which the Town has

1 been engaged in rewriting significant
2 portions of the code -- rewriting
3 significant portions of the code, some
4 portions of which could impact the
5 Champlain Towers property.

6 The Mayor and council first
7 segregated the discussion towards the
8 beginning of the meeting to analyze and
9 look at those issues which had a particular
10 impact on Champlain Towers and gave the
11 direction under the Mayor's and council's
12 leadership to engage with me on behalf of
13 the Champlain Towers victims and the
14 receiver in a discussion on zoning to make
15 sure that the interests of the Champlain
16 Towers victims are protected and the value
17 is retained.

18 Now, there are issues that remain
19 unresolved, but I will tell you that the
20 spirit was very cooperative, and the
21 direction was to sit down to try to work
22 this out. So I anticipate that in the very
23 near future, we will be sitting with them
24 and discussing these issues.

25 THE COURT: Thank you for the

1 update. I'm glad to hear that.

2 MR. GOLDBERG: Your Honor, at the
3 last hearing you instructed -- the victims
4 suggested a very creative idea of a land
5 swap, and I don't know if you want me to
6 discuss that now, that's where I planned on
7 going.

8 THE COURT: All right. Let's
9 discuss it.

10 MR. GOLDBERG: At the last hearing,
11 many victims, especially those who are
12 adamant about their position that a
13 memorial should be on the property of the
14 site itself, came up with what I thought
15 was a very creative idea of swapping the
16 site of the Champlain Towers South for the
17 community center which is at 93rd Street,
18 so that a memorial could be built on this
19 site of Champlain Towers, and yet we would
20 be able to sell the community center site.
21 You instructed me and Mr. Kadre to approach
22 the Town with that idea.

23 Immediately after the hearing,
24 Mr. Kadre and I reached out to Ms. Arango
25 and Mr. Recio, who were completely

1 responsive, and we set up a call later that
2 afternoon to discuss the issue. It was a
3 little upsetting, because prior to that
4 meeting and outside the control of
5 Ms. Arango and Mr. Recio, quotes started
6 hitting the press, particularly from a
7 commissioner, calling the victims
8 delusional and, you know, what I consider
9 not appropriate comments to the press.

10 When we finally got to sit with
11 Mr. Recio and Ms. Arango, who were, again,
12 just completely professional, they
13 explained that the Town had no appetite for
14 a land swap, but also they gave very
15 principled legal reasons and justifications
16 why a land swap may not be possible.

17 We appreciated that, and we asked
18 them if they could please get us a letter
19 to that effect so that we would be able to
20 have a letter, you know, detailing the
21 Town's exact reasoning.

22 Yesterday afternoon I did receive
23 such a letter. Again, it was very
24 professional, it discussed the reasons why
25 in a very legitimate fashion why they don't

1 believe it's possible. They cited
2 restrictions in the charter that prevent --
3 I think it's the charter that prevent the
4 Town from exchanging or transferring land.
5 It was a very professional letter, and
6 it was appreciated, and I get the Town's
7 position. I get it.

8 THE COURT: Let me comment on that,
9 Mr. Goldberg, for just a minute, because
10 I want to speak to the victims about that.

11 First of all, there was some
12 reporting, and I don't know where it came
13 from, that this proposal of a land swap
14 emanated from this Court or its receiver.
15 That was not the case. The land proposal
16 was suggested by a victim who had lost his
17 family in this tragedy and who, as many
18 victims, believes that we should explore
19 all options that could lead to an on-site
20 memorial being erected in order to honor
21 those who perished.

22 Now, I can understand why there may
23 be principled reasons to reject that
24 proposal and why the Town may have felt
25 that proposal to be unacceptable, but to

1 describe such a creative proposal, again,
2 advanced by a victim who is obviously
3 coming from a good place, as delusional,
4 was in this Court's view both irresponsible
5 and unbecoming of a public official.

6 Now, it's not the first or only one
7 of these types of comments, but I want to
8 assure the victims of this tragedy, that
9 this type of uninformed and incendiary
10 commentary will not distract this Court or
11 its receiver from the task at hand, which
12 is to gather all assets that are available,
13 to compensate them, monetize those assets,
14 and have competent counsel explore any
15 third-party claims that may be available
16 and actionable.

17 Despite these comments, which,
18 again, are very unfortunate, it now appears
19 to the Court, based upon what I've heard
20 from Mr. Kazden and Mr. Goldberg, that the
21 Town has commendably and responsibly taken
22 into account the views of the victims and
23 is prepared, at least it appears to the
24 Court, has prepared to commit not to taking
25 any action which could have the effect of

1 negatively impacting the value of this
2 asset.

3 So I want to, again, commend Mayor
4 Burkett and the commissioners of the Town
5 of Surfside for listening to the views of
6 the Court and, more importantly, the
7 victims and working in the spirit of
8 cooperation to address those concerns and
9 to ensure that nothing is done that could
10 negatively impact the value of this land
11 and thus negatively impact the amount of
12 the recovery that will be available to
13 compensate these victims.

14 The Court greatly appreciates their
15 having this workshop, hashing this out, and
16 the spirit of cooperation which they are
17 now exhibiting, and I would hope that these
18 types of comments, these unnecessary
19 comments would cease, and that everybody
20 would work cooperatively on this endeavor.

21 I personally thought that the idea
22 of the land swap was very creative.
23 I described it as a win-win, because,
24 if feasible, it would have allowed the
25 community center and the memorial to be

1 built on the site of the tragedy, and the
2 victims would have an on-site memorial,
3 while at the same time, another equally
4 valuable parcel of real estate could be
5 monetized in order to generate funds for
6 the victims.

7 Now, like I said, there may be many
8 reasons why that proposal advanced by a
9 victim is not feasible or acceptable to the
10 Town, and as I said last time, it is
11 completely the Town's prerogative whether
12 to entertain -- whether to entertain such a
13 proposal or whether to reject it, and the
14 Court respects that.

15 The Court respects the separation of
16 powers, and the fact that the Town of
17 Surfside is an executive branch political
18 body that is entitled to make its own
19 decisions on matters of policy, including
20 how it handles its real estate matters.

21 There was nothing delusional about
22 this victim's proposal. It was creative,
23 it was out-of-the-box thinking, and it was
24 a very good suggestion, and I want to
25 encourage victims to continue having input

1 and making suggestions to the Court that
2 others may not have thought of, because
3 it adds to the process. The more people
4 add to the process with creative,
5 out-of-the-box thinking, the better off
6 everyone will be and the more informed this
7 Court will be.

8 I appreciate it, and I want you all,
9 as victims, to hear me loud and clear, that
10 when you have suggestions or you have
11 ideas, no matter what others may think of
12 them, you bring them to the Court and you
13 bring them to the receiver, and they will
14 be given due consideration.

15 Again, I'm very pleased at what
16 apparently happened at this workshop
17 yesterday, and I, again, thank the Mayor
18 and the commissions for what I hope will be
19 a continued spirit of cooperation so that
20 we can get -- Ms. Schwartz, please put
21 yourself on mute -- so that we can move
22 this forward and do whatever is necessary
23 to increase the chance of compensating
24 these victims for their harm. So I'm glad
25 to hear about last night, and I want to be

1 updated at our weekly hearings on the
2 process of that hopeful cooperation.

3 So I'm very glad to hear that.

4 Mr. Kazden, please continue to work with
5 the Town of Surfside and its counsel and
6 try to resolve any issues that need to be
7 ironed out so that we won't be spooking any
8 buyers, and that somebody who puts a bid on
9 this property will know exactly what
10 they're getting and exactly what they can
11 do with it with no uncertainty.

12 All right, Mr. Goldberg?

13 MR. GOLDBERG: I have one more item
14 before Mr. Singerman takes up the motion,
15 Your Honor. Also, at least week's hearing,
16 some of the victims raised the issue of
17 their personal belongings and the ability
18 to hopefully get some of those personal
19 belongings back that were obtained from the
20 tower after the collapse.

21 As the Court and others may be
22 aware, Miami-Dade County, who has control
23 over the site, removed the remnants of the
24 tower to facilities down south in Miami,
25 and they have extracted personal property

1 and have put much of the personal property
2 in evidence bags and have it maintained in
3 secured trailers.

4 Yesterday, pursuant to the Court's
5 instructions that we look at that,
6 Mr. Singerman and I went to police
7 headquarters and met with the police,
8 particularly Assistant Director Stephanie
9 Daniels and Chief Andrienne Byrd and their
10 staff who spent a bunch of time with us,
11 hours with us, showing us the contents of
12 the trailers, some of the personal
13 property.

14 Then they took us over to the land
15 where the remnants are kept, and, you know,
16 what I saw was quite astonishing, and I
17 just -- I've never seen anything like it,
18 Your Honor.

19 For instance -- and I'm saying this
20 to temper the expectation of some of the
21 victims. Most of the personal property is
22 just simply destroyed. The impact of a
23 collapsed building -- there were safes.
24 There were 17 safes. These are steel safes
25 that are supposedly good for 2,000 degrees.

1 Many of the safes were just cracked open
2 and split open like an egg. There were 120
3 automobiles, 129, I believe. All but two
4 of them I could not even tell you what kind
5 of vehicle it was.

6 Mr. Singerman and I had to don
7 hazmat suits with full boots, masks and
8 hair coverings, head coverings to even go
9 into the trailers where the goods are kept,
10 because they're caked in dirt and mold, and
11 the process of decontaminating them in
12 certain cases will be impossible.

13 But we did view a bunch of jewelry
14 that was recovered and is in evidence bags
15 and will be decontaminated, but some of the
16 jewelry, the watches we saw are smashed.

17 You know, I say this to temper the
18 expectations of any victims that believes
19 they're going to get a lot of personal
20 property back, because I just don't see
21 that happening.

22 Last night I attended a call put on
23 the Jewish Community Services, a Zoom
24 conference which they regularly hold to
25 talk about this. There were victims on the

1 call, and we discussed a lot of this, and
2 the Miami-Dade police came on the call, and
3 representatives of the Mayor's office of
4 Miami-Dade, and discussed this, and I think
5 the communication was excellent last night,
6 where many of those victims finally
7 understood the process and what was
8 happening.

9 I think -- I encourage any other
10 victims on this call, and I'm happy to have
11 another call where we go through this, and
12 I'm sure the Metro Miami-Dade police would
13 be happy to attend, but I think it was very
14 important, because the process of how the
15 property will be returned was discussed.

16 Essentially, that process is going
17 to be where people upload pictures of their
18 personal property, and the Miami-Dade
19 police will attempt to match the pictures
20 and then reach out. For those that had
21 safes, from the contents of the safes, they
22 should be able to identify --

23 THE COURT: So, Mr. Goldberg, why
24 would we put that burden on the victims?
25 In other words, once appropriate items of

1 value -- and I'm talking about things like
2 photographs, jewelry, personal heirlooms
3 are decontaminated and identified, wouldn't
4 it be appropriate to consider a repository
5 where victims could go and identify those
6 heirlooms and belongings that they believe
7 were their loved ones' as opposed to
8 placing the burden on them of having to
9 locate photographs and documents and things
10 in order to do that?

11 Wouldn't it be easier to just let
12 them go at the appropriate time and
13 if they're -- in the unlikely event --
14 Ms. Wiseglass, can you put yourself on
15 mute, please.

16 Okay. Would it be easier or less
17 burdensome to just have a repository where
18 people could go and identify those things,
19 and if in the unlikely event there are
20 competing claims to any items, they could
21 be resolved at some point by the Court?

22 MR. GOLDBERG: Yeah, again, the
23 Miami-Dade police have been completely
24 cooperative. I will ask -- this is a
25 program they designed, but, again, Your

1 Honor, this is new territory for all of us
2 including the police --

3 THE COURT: Yeah.

4 MR. GOLDBERG: -- who are doing
5 their best. I will speak with Assistant
6 Director Daniels and Chief Byrd about that,
7 and the other officers handling that,
8 and --

9 THE COURT: And I don't want to
10 micromanage this, but I do want to -- I do
11 want to make sure that there are no
12 unnecessary obstacles being placed in the
13 path of those who want to claim personal
14 belongings and that we make the process as
15 easy as possible for them to do so.

16 It seems to me a process where they
17 have to go gather proof such as photographs
18 or appraisals and other documentation, and
19 then try to send that in to match up,
20 it seems -- it seems kind of cumbersome as
21 opposed to one where these items could be
22 placed in a repository where people could
23 just come and examine them and make a claim
24 within a specified time period.

25 So run that by the police

1 department. I know that Mayor Levine Cava
2 and the County and the Miami-Dade Police
3 Department as well as the County police
4 have been extremely cooperative and helpful
5 in this process. I have heard nothing but
6 great things about their level of
7 cooperation and what they have done to try
8 to assist these victims.

9 So just run it up the chain of
10 command and see if maybe there's an easier
11 way to do it that will place less burden on
12 victims who want to make a claim.

13 MR. GOLDBERG: Absolutely,
14 Your Honor, and I'm sure if there are no
15 legal impediments, that's something that
16 the County would be happy to do and the
17 police would be happy --

18 THE COURT: It can also be done
19 under the auspices of a court order with a
20 protocol so there's no liability and
21 there's a process in the unlikely event
22 there are competing claims to any valuable
23 items that may have been located.

24 MR. GOLDBERG: I will absolutely
25 raise that issue with the police. It may

1 not be today, it will be Monday, but
2 it will be raised immediately, Your Honor,
3 and we'll see if we can put in the least
4 cumbersome process as possible for the
5 victims.

6 THE COURT: Okay. Great. And
7 I assume at your meeting last night with
8 the victims as well as today, and any
9 future meetings, you'll keep them apprised
10 of developments on this. I know that is an
11 important topic for those who have lost
12 loved ones.

13 I know it's important to many of
14 them to retrieve things like photographs,
15 personal heirlooms and memories, and I want
16 to make sure, like I said, that that
17 process is both expedited and not
18 unnecessarily cumbersome. So keep them
19 informed, and let's see how fast we can get
20 these valuables decontaminated and
21 available for inspection and report back to
22 me next week what you think the timetable
23 is to get the decontamination effort done
24 and these items available so that people
25 can start gathering their belongings.

1 MR. GOLDBERG: Yeah, as far as the
2 timetable, Mr. Singerman and I were
3 informed that it's an approximate six to
4 eight-week process, and we will absolutely,
5 again, try to make it the least cumbersome
6 process as possible.

7 I just, again, want to temper
8 expectations about the fact that a great
9 majority of the personal property is
10 completely destroyed, but there are -- you
11 know, there are a bunch of personal
12 property or is a bunch of personal property
13 that has been recovered and will be
14 decontaminated, and we'll get right on
15 that, Your Honor.

16 THE COURT: Thank you.

17 MR. GOLDBERG: Thank you.

18 THE COURT: Anything else that you'd
19 like to report, Mr. Goldberg, before I hear
20 your motion from Mr. Singerman and then
21 move on to counsel for the victims, the
22 defendants, and the insurers, anything else
23 you'd like to report today?

24 MR. GOLDBERG: No, thank you,
25 Your Honor.

1 THE COURT: Okay. Mr. Singerman,
2 would you like to address the pending
3 motion for authority for Mr. Goldberg to
4 sign-off on the permit for some of the
5 retaining wall work?

6 MR. SINGERMAN: Yes, Your Honor.
7 May it please the Court, Paul Singerman for
8 Mr. Goldberg. This is the receiver's
9 motion for entering an order by Your Honor
10 authorizing him to sign a permit
11 application that's been requested by
12 Miami-Dade County authorizing Bothman
13 Construction to undertake and continue
14 dewatering activities at the property.

15 Your Honor, this is unrelated to the
16 bracing of the west wall. Your Honor
17 considered Mr. Goldberg's motion for that
18 relief and entered an order on July 2nd
19 approving it.

20 Your Honor, to be sure, as is set
21 forth in the motion, the work being done to
22 provide for the dewatering, that is, the
23 installation above ground in a noninvasive,
24 nondestructive way of flexible piping,
25 Your Honor can consider it like a fire

1 hose, a wide flexible hose through which
2 water is being moved to pumps to, in turn,
3 move water from the site to drains that the
4 FDOT considers appropriate for disposing of
5 the quantum of water involved.

6 That work has been done. This
7 relief is being sought after the fact of
8 that work to allow the dewatering process,
9 that is the movement of the water, to
10 continue, in order for the site to remain
11 safe for the site inspections pursuant to
12 the protocol Your Honor approved and other
13 work at the site to continue in a safe way.

14 The work that was done by the County
15 and both under the contract with the County
16 was done pursuant to the Miami-Dade County
17 declaratory emergency -- declaration of
18 emergency that was entered by the County on
19 July 3rd, and that order explicitly
20 obviated the need for permits of this type.

21 Miami-Dade County now in
22 collaboration with its -- the County's
23 DERM, Department of Environmental Resource
24 Management, has asked for this permit to be
25 granted after the fact in order to resume

1 or prepare to resume normal permitting
2 processes.

3 So without this work having been
4 done, it was done weeks ago, the site would
5 have been unsafe and untenable for NIST to
6 have done its work and for the Miami-Dade
7 County State Attorney's Office to have done
8 its work, which as Your Honor knows, is
9 ongoing as the site remains a crime scene.

10 Judge, there's nothing remarkable
11 about the relief sought. It is the
12 receiver's practice before entering into
13 any building permit to provide notice to
14 the plaintiffs' class and to all defense
15 parties and interested parties and for
16 Your Honor to have an opportunity to
17 question Mr. Goldberg or counsel regarding
18 any relief sought.

19 I'm happy to answer any questions
20 that the Court has.

21 THE COURT: Does any party, any
22 actual or interested party wish to comment
23 at all or in any way oppose the relief
24 being sought by the receiver by way of this
25 motion?

1 All right. Hearing no opposition
2 and having reviewed the motion and
3 believing it to be well taken, the Court
4 grants the motion and will enter the
5 proposed order that has been proffered by
6 the receiver on the motion once we conclude
7 today's hearing.

8 MR. SINGERMAN: Thank you very much,
9 Your Honor.

10 THE COURT: Okay. Mr. Goldberg,
11 Mr. Singerman, unless you all have anything
12 else, I'm now going to pivot over to
13 counsel for the steering committee that
14 have been appointed to represent the
15 victims and hear from them.

16 MR. SINGERMAN: Nothing from me,
17 Your Honor.

18 THE COURT: Okay. Mr. Tropin?

19 MR. TROPIN: May it please the
20 Court, I think somebody needs to go on
21 mute.

22 THE COURT: Yeah, I can't tell who
23 it is speaking but I'm going to ask --

24 MR. SINGERMAN: Your Honor, it's
25 Mr. Rodan.

1 THE COURT: Mr. Rodan, it might be
2 you. I'm going to ask everybody, again,
3 if you're not speaking, please keep
4 yourselves on mute, and then when you want
5 to speak, just unmute yourself, and I'll
6 get to you as soon as we get to the
7 victims. Okay?

8 So Mr. Tropin, please update me on
9 developments in the class matters and the
10 discovery that is outstanding and your
11 timetable for amending the pleadings in
12 order to bring any claims that you conclude
13 based upon your investigation to be viable
14 causes of action.

15 MR. TROPIN: Thank you, Your Honor.
16 I'll be brief. We took the deposition
17 under rule 1.31(b)(06) of Surfside under
18 the leadership of Ricardo Martinez-Cid.
19 I think we told you that we issued some
20 30-odd subpoenas, the documents for which
21 are now coming in and are being analyzed.
22 Once those are in hand, we're going to be
23 taking a lot more depositions.

24 We anticipate no issue in meeting
25 the deadline that we set for ourselves and

1 you set for us of filing the amended
2 complaint adding the defendants, the
3 third-party defendants that we believe will
4 help make the victims whole in addition to
5 the insurance proceeds and the sale of the
6 land.

7 We believe that that complaint will
8 tell the story of what's responsible for
9 the collapse of the towers in addition to
10 the things we already know, Judge.

11 THE COURT: And your timetable,
12 again, is in approximately 60 days from
13 now.

14 MR. TROPIN: That's correct. You've
15 heard from Mr. Goldberg our expert was on
16 site with the structural things that
17 happened this morning, and as soon as we're
18 allowed along with his team to do more,
19 we will.

20 We've been in the process of
21 retaining experts, and we have now done so
22 under the leadership of Javi Lopez, my
23 partner, Bob Mongeluzzi, Jeff Goodmann, and
24 Stuart Grossman. We think we have a good
25 expert team. Those people will be working

1 with us and with the receiver to help bring
2 those cross-claims and third-party claims.

3 What else can I tell you? We've
4 worked hard with your receiver who has
5 done, as I think you've seen, an amazing
6 job reaching out to the victims and trying
7 to work with Surfside to make sure that
8 this property can be sold and also to do
9 the termination complaint that you heard
10 described earlier by him and by
11 Mr. Singerman.

12 So, Judge, I'm here to answer any
13 questions, but that's what we've been doing
14 over the last two weeks since we had the
15 hearing.

16 THE COURT: Okay. Thank you,
17 Mr. Tropin. Do any other counsel that the
18 Court has appointed in a lead role wish to
19 add anything or bring anything to the
20 Court's attention that Mr. Tropin has not
21 already advised me of?

22 MR. MARTINEZ-CID: Only one small
23 thing, Your Honor. Just in the report from
24 Mr. Goldberg on the Town of Surfside's
25 response as to the feasibility of the land

1 swap deal, that's something that many of
2 the wrongful death claimants in particular
3 are very interested in. I've not had a
4 chance to see that letter, but regardless,
5 if there is a political solution involved
6 as well, there are many folks that would
7 like to speak to the council at the next
8 meeting.

9 So just letting Your Honor know that
10 we will be -- we will be looking to see
11 if there is any solution, be it a political
12 solution, whether it's a referendum that's
13 needed or whatever legal impediment is
14 needed, we are not ready to just accept
15 this as unfeasible just yet.

16 I'm anxious to read the letter and
17 look at it, but of course if it is -- as
18 Your Honor was great in pointing out,
19 if it turns out to be unfeasible, we're
20 still grateful for all the work that has
21 been put into this, and we would be remiss
22 in not thanking Mr. Barreto and Mr. Kadre
23 for all the work that they have put into
24 this and continue to put into this whether
25 or not it's feasible or not.

1 MR. GOLDBERG: Your Honor, I just
2 forwarded the letter to Mr. Martinez-Cid.
3 He should have it in his email now.

4 THE COURT: Okay. Mr. Martinez-Cid,
5 I appreciate that. I understand and I've
6 heard loud and clear that there are many
7 people that would like to see a memorial on
8 the actual site if at all feasible, but as
9 I said before, those types of decisions are
10 beyond this Court's jurisdiction.

11 Your clients certainly have the
12 right to engage in the political process
13 and take a look at the Town's letter and
14 its reasoning and to ask questions about
15 that and talk to the elected officials of
16 the Town of Surfside, but we're not going
17 to slow down the process, we're going to
18 move ahead.

19 There may be very valid prudential
20 reasons why this is not something the Town
21 is willing to do. And so you'll take a
22 look at their correspondence on behalf of
23 your clients and see if there's any play in
24 the joints, but if not, we have to move
25 forward. Like I said earlier, I thought

1 it was a very creative proposal and
2 thought, and as I've said from the very
3 beginning, I've assured all victims that
4 any proposals will be fully vetted and, you
5 know, nothing will be disregarded without
6 investigation and thought.

7 So you take a look at it. The
8 receiver seems to think that there were
9 many legitimate reasons why this can't be
10 done or why the Town is unwilling to do it,
11 and I'm certainly not going to criticize
12 them for that.

13 It's their piece of real estate, and
14 they're free to do with it as they please
15 so long as they're working in the spirit of
16 cooperation to assist in the sale of the
17 site to generate as much money as possible
18 for the victims, that's all the Court can
19 ask. If there's something you all can do
20 politically or take a look at it, you're
21 free to do so.

22 MR. MARTINEZ-CID: Thank you. Thank
23 you, again, Your Honor. I just wanted to
24 make sure the Court is aware how hard
25 Mr. Kadre and Mr. Barreto have been working

1 for these victims and, as the Court knows,
2 on a pro bono basis. So I wanted to make
3 sure to thank them and for the Court to be
4 aware of their efforts.

5 THE COURT: Okay. I appreciate
6 that. Any other lead counsel for either
7 the economic class and/or the personal
8 injury and damage class that would like to
9 be heard or bring anything to the Court's
10 attention?

11 Very good. Are there any counsel
12 for any defendants, potential defendants,
13 or insurance carriers who would like to be
14 heard today on any matters?

15 Okay. As I'm going to do now, I'm
16 going to open the floor to hear from the
17 victims. Before I do so, I just want to
18 make a statement.

19 The Court has received directly from
20 victims a number of communications. I'm
21 not going to identify all of them, but as
22 just an example, I received a letter in
23 mid-August from a Mr. Curt Brief, who is a
24 civil engineer from Venezuela, and who
25 tragically lost four of his grandchildren

1 in this horrific tragedy.

2 I want the victims to understand
3 that I am receiving their correspondence,
4 that I read it all, that all of their
5 concerns are being addressed, and that I
6 don't want them to be offended by my lack
7 of a response.

8 I need to advise the victims, and
9 I asked Mr. Goldberg to put this up on his
10 website, that the Court, pursuant to
11 appropriate rules of judicial canons,
12 cannot speak outside the courtroom to
13 parties who may be impacted by this case
14 and by the decisions the Court will make as
15 we proceed forward, and I don't want
16 anybody to be offended by what they may
17 perceive as a lack of response directly
18 from the Court.

19 One of the reasons -- one of the
20 many reasons that I make each of these
21 sessions open to the victims -- when I say
22 open, obviously, it's a public hearing,
23 anybody can attend, when I say, "open,"
24 what I'm referring to is giving them an
25 opportunity to be heard. One of the

1 reasons I give victims an opportunity to be
2 heard and encourage them to be present and
3 participate in these hearings is that so
4 they can speak to the Court directly and
5 propose ideas like the land swap the last
6 time we were here, as well as just voicing
7 their concerns about the process and asking
8 any questions they deem appropriate.

9 I do that in this forum, because
10 it's public, it's within the confines of
11 the proceedings, and the Court can address
12 them in the confines of the proceedings and
13 on the record.

14 So I want to encourage the victims
15 to continue to attend these hearings, to
16 participate, and to raise any issues that
17 they have with the court. I'm not
18 discouraging you from communicating with
19 me. You can write letters, and they'll be
20 reviewed, but please don't take offense
21 when you don't receive a response directly
22 from the Court, because I'm just not
23 permitted to do that outside the confines
24 of our hearings.

25 So having said that, let me open the

1 floor to hear from any of our victims, our
2 family members of those who were lost, and
3 anybody else who was impacted, and let me
4 hear anything that you all would like to
5 bring up today and address.

6 MS. SCHECTHTER: Your Honor, I'm
7 Sharon Schechter. I don't know if you can
8 hear me.

9 THE COURT: I can hear you,
10 Ms. Schechter.

11 MS. SCHECTHTER: Okay. Thank you.
12 I'm bringing up something that you spoke
13 about, the belongings, and I spoke about
14 it last Zoom meeting, and so many people
15 contacted me, other victims, and said I'm
16 so glad you brought it up, so I'm not just
17 speaking for myself, I'm speaking for
18 several others.

19 With regard to the belongings, I was
20 a renter, and I've shared that with the
21 Court, and I'm having a very difficult time
22 finding counsel to represent me personally,
23 because everyone who has been referred,
24 referred, referred, there's a conflict, and
25 I feel as a renter, and a few of us

1 renters, are going to get cast aside
2 because they're making us or me to feel
3 that it's just, you know, it's just stuff
4 of yours, you know, you can get charity
5 money and all this, not realizing that it's
6 everything I've ever owned and everything
7 that meant everything to me.

8 So two things that I would like to
9 share. One is when this, you know,
10 building was being demolished, we were lied
11 to, because I was told a very different
12 story by a victim advocate gentleman, a guy
13 that came, because I was close to the site
14 before they demolished it, begging them not
15 to tear it down, and he shared a completely
16 different process than what I'm hearing now
17 as far as everything has been destroyed
18 pretty much, you know, keep in mind, don't
19 get excited, but all of that is everything
20 I owned. It's not where I'm going to be
21 getting part of an apartment building or
22 part of something else, it's just the
23 belongings.

24 So that's number one, and number
25 two, with regard to -- I like what you

1 suggested, the fact that going through
2 pictures. When I moved in -- I don't have
3 a lot of pictures. I didn't put things on
4 the iCloud, I got a new phone. So we're
5 talking about that I can't even, after
6 going through so many photos, to even find
7 and have to dig -- is a huge burden on us
8 survivors, that the fact that we should be
9 able to come and identify.

10 And I don't really believe that
11 people will take things that don't belong
12 to them, especially those that are
13 survivors and, you know, not on the other
14 side unfortunately. But I don't think
15 direct owners or tenants will take things
16 that don't belong to them, so it's
17 really --

18 THE COURT: So, Ms. Schechter, let
19 me briefly address your concerns, because
20 I know we have spoken about this before.
21 You are represented in this case as a
22 putative class member for your economic
23 loss, meaning the value of your lost items,
24 the economic loss class in this case is
25 defined to include not only people who lost

1 real property, in other words their
2 condominium --

3 MS. SCHECHTER: I understand.

4 THE COURT: -- but their personal
5 belongings, and because of the nature of
6 this case, whereas I've said many times,
7 there will never be enough collected in
8 order to compensate every victim for both
9 their economic and injuries, it's not only
10 probably improvident for lawyers to take
11 individual cases for people who have only
12 lost belongings -- and when I say "only,"
13 please don't take that as minimizing your
14 loss. I don't mean it in that context, but
15 it's not a case that, given the nature of
16 these proceedings, would justify most
17 lawyers taking it on an individual basis,
18 particularly when you are being represented
19 as a putative class member and your claims
20 will be considered along with everybody
21 else's when there obviously will likely be
22 a limited fund from which to compensate all
23 victims.

24 So I'm not surprised that most
25 lawyers either have a conflict or are

1 simply unwilling to individually go
2 it alone on that type of a claim, and you
3 shouldn't be concerned about it, because in
4 my view, like I said, I have appointed what
5 I believe to be the Mount Rushmore of the
6 plaintiffs bar in this community and
7 elsewhere to represent the victims.

8 And they will do everything possible
9 without any doubt to pursue whatever claims
10 are available, to secure recovery for all
11 victims, including those that rented. And
12 there were renters, by the way, who lost
13 personal belongings, and there were renters
14 who perished in this tragedy, as well as
15 people who just happened to be staying
16 there fortuitously, who weren't renting at
17 all, but were staying with friends, you
18 know, at the property.

19 MS. SCHECHTER: I'm aware.
20 I understand.

21 THE COURT: Yeah, so nobody's
22 minimize -- you know, minimizing the claims
23 of renters or occupants that did not own
24 units, and everyone's claims will be taken
25 into account when there are funds to

1 distribute, including claims for your
2 personal belongings.

3 Now, as far as things that have been
4 recovered, I think we talked about that
5 earlier. I am going to -- I have
6 instructed Mr. Goldberg and the lawyers
7 working under my direction to do everything
8 possible to work with the governmental
9 entities who are responsible for gathering
10 and decontaminating those belongings and to
11 make a process available in the next coming
12 months as easy as we possibly can to let
13 victims go down to a repository and
14 identify those items that were retrieved
15 and decontaminated, and we will pursue
16 that, and I will get an update on it at
17 every single one of these hearings.

18 Our goal is to gather as many of
19 those belongings as we can, to make sure
20 they are decontaminated so nobody is
21 injured as a result of claiming them, and
22 to make the process of claiming them as
23 easy on the victims as possible, and you
24 have my word that we will continue to do
25 that.

1 MS. SCHECHTER: One last thing that
2 you mentioned the last time regarding what
3 will be decontaminated, and I know the hard
4 goods will --

5 THE COURT: That I don't know.

6 MS. SCHECHTER: Okay.

7 THE COURT: The receiver will bring
8 you up-to-date on that on his website, and
9 these hearings. I can tell you I doubt
10 very seriously that the County is going to
11 go through the expense of decontaminated
12 things like clothing and items such as
13 that.

14 If there's jewelry or valuables or
15 photographs or things that have more of
16 what many would consider emotional value,
17 I would hope that we would be able to
18 decontaminate those items and make them
19 available to the family members.

20 MS. SCHECHTER: Judge, you see,
21 I have a problem with that, because I feel
22 that everything was intact, they demolished
23 the building, they said they had no choice
24 to do that, and then they told me that
25 there was going to be a certain process,

1 not to worry, because there was going to be
2 a very detailed process, and he shared with
3 me the process. I don't need to go into
4 detail with you, I'm sure you're aware of,
5 you know, what the process is.

6 Now, everybody is backstroking and
7 we're only -- everything is really
8 disheveled, and don't get excited.

9 THE COURT: Again, I don't know who
10 said what to you, but let me say this to
11 you.

12 MS. SCHECHTER: What?

13 THE COURT: Whether you were misled
14 is one thing, but there was no possibility,
15 zero possibility that people were going to
16 be allowed back in that structure to gather
17 personal belongings or that third parties
18 such as rescue workers or government
19 personnel were going to go back in that
20 building for the purposes of gathering
21 belongings.

22 MS. SCHECHTER: No.

23 THE COURT: That I was not going to
24 happen, I would have never allowed it to
25 happen, and so whether you thought it was

1 going to happen or not -- I'm sorry if you
2 were misled, but under no circumstance was
3 there going to be any opportunity to go
4 into that structure to retrieve belongings
5 no matter how valuable or precious they may
6 have been.

7 MS. SCHECHTER: That's not what I'm
8 talking about. I'm talking about once they
9 demolished the building, I was told that
10 that was -- there was a specific process
11 once they demolished the building, and now
12 people are backstroking and saying that,
13 you know, everything is -- you know, many
14 things are completely unidentifiable, but
15 then there's some things, and those are the
16 some things that are in question now
17 if it's worth it.

18 THE COURT: If somebody assured you
19 that after a demolition there would be a
20 process that would be reasonably calculated
21 to gather a large portion of these
22 materials, then he or she just did not know
23 what they were talking about.

24 MS. SCHECHTER: Yeah, well, a lot of
25 people didn't know what they were talking

1 about, but the point is I feel -- not the
2 renters, many of the victims or survivors
3 feel that anything and everything that even
4 looks remotely, you know, somewhat
5 acceptable should be decontaminated,
6 it shouldn't be that someone has a right to
7 pick and choose no matter what the expense
8 is.

9 I mean, these are everybody's lives,
10 and I think that anything and everything,
11 if it can be given back to us, it should be
12 decontaminated.

13 THE COURT: All right.

14 MS. SCHECHTER: And that was the
15 last conversation we had that was where you
16 said hard goods and then soft goods, and we
17 don't know if we're going to be moving
18 forward except for photos, so that's what
19 I wanted to share with you today, that
20 I think everything --

21 THE COURT: Well, I can tell you
22 that we have to leave it at this, because
23 I have to go on to some other victims.
24 Okay?

25 MS. SCHECHTER: Okay.

1 THE COURT: I cannot and will not
2 force governmental entities, whether it be
3 the County or anybody else, to wholesale
4 decontaminate every item found, whether
5 it be a pair of shoes, socks, clothing,
6 whatever it may be. I understand how you
7 feel, and I understand that you believe
8 that these are personal effects, and no
9 matter what the cost, every item should be
10 decontaminated and made available to the
11 victims.

12 I understand that, and I can
13 certainly appreciate your point of view as
14 someone who lost their belongings, but I do
15 not have the jurisdiction to order
16 Miami-Dade County to undergo the expense of
17 decontaminating every single item of
18 personal property no matter what the cost
19 is, so you need to understand that.

20 Because I've told the victims one
21 thing I will never do is mislead you or
22 give you false expectations, and Miami-Dade
23 County, I do not think, is going to go
24 through the process and the expense of
25 decontaminating every single item of

1 personal belongings that are located from
2 139 units. It's not going to happen.

3 So if you're under the impression
4 that every piece of clothing, every item of
5 furniture, everything located of a personal
6 nature is going to be decontaminated, then
7 I don't want to leave you with that
8 impression, because that's not going to be
9 the case.

10 MS. SCHECHTER: No, I --

11 THE COURT: What I'm hoping for --
12 what I'm hoping for -- and I've got to move
13 on, Ms. Schechter, what I'm hoping for is
14 there's a process for things of value.
15 I obviously know everything has value to
16 those who own it, but there has to be some
17 objectivity brought to the process, and
18 everything of value, whether it be personal
19 heirlooms, photographs, jewelry, you know,
20 antiques, whatever it may be, will be
21 decontaminated and made available, and I'm
22 going to oversee the process to make sure
23 that happens as quickly as possible.

24 Now, I can't debate this with you
25 any longer, I've got to move on to another

1 victim, but thank you again for your
2 thoughts and concern.

3 MS. SCHECHTER: Thank you.

4 MR. MOSKOWITZ: Judge Hanzman, this
5 is Adam Moskowitz. If I can help out, I've
6 been honored with Javi to be appointed
7 co-lead counsel for the economic loss.
8 If there's any renters or owners out there
9 that have any questions or do not feel
10 protected or do not feel like their voice
11 is heard, they are absolutely free and
12 available to call me directly any time they
13 have a question so we can try to help them
14 out.

15 I do not want them to feel that
16 because they don't have a lawyer, they're
17 not represented, because they are. So any
18 time any renter or owner or anybody has a
19 question about something, if you'd like,
20 you can call me directly, because we've
21 been appointed by the Court to do just
22 that.

23 THE COURT: Thank you,
24 Mr. Moskowitz, I appreciate that.

25 MS. SCHECHTER: Who -- Moskowitz.

1 Okay.

2 THE COURT: Let me hear any other
3 victims that would like to be heard today?

4 MS. RODRIGUEZ: I'd like to be
5 heard, Your Honor.

6 THE COURT: Ms. Rodriguez.

7 MS. RODRIGUEZ: Hi. How are you
8 doing? Thank you so much, again --

9 THE COURT: I'm fine. Thank you for
10 asking.

11 MS. RODRIGUEZ: -- for everything
12 that you do, Mr. Goldberg. I was actually
13 at the commission workshop yesterday, and
14 one of the things that one of the
15 commissioners mentioned was that there
16 hasn't been a soil test done, and why would
17 we want to do a land swap when we don't
18 even know if your property is safe, and why
19 hasn't there been an investigation, you
20 know, I know there still has the
21 investigation, and those were some of the
22 concerns that were brought up at the
23 commissioners meeting yesterday. I just
24 wanted to point that out. Has there
25 been --

1 THE COURT: And, Ms. Rodriguez, the
2 receiver just sent me, literally right
3 before this hearing, the letter that
4 he received from the Town of Surfside, and
5 I guess it was sent by the Town planner
6 yesterday. It was dated September 9th, and
7 it was sent by Mr. Hyatt, who is the Town
8 manager, who explained the various reasons
9 why the Town, after taking a look at that,
10 is not willing to entertain the land swap.

11 So that letter will be made
12 available to you as well as any other
13 interested party, and you'll see the Town's
14 reasoning. You know, I don't think
15 it hinges on whether there's been a soil
16 test. I think there are reasons why the
17 Town may be unwilling to do that that go
18 far beyond the condition of the two parcels
19 of land, but you take a look at that.

20 As Mr. Martinez-Cid pointed out
21 earlier, you're not alone. There are other
22 victims who would like to see this happen,
23 and they're not throwing in the towel just
24 yet, but like I said earlier, the Court
25 greatly appreciates the Town's spirit of

1 cooperation and working to maximize the
2 value of the real estate we have, and it is
3 not within my jurisdiction or purview to
4 force or in any way attempt to influence
5 the Town in its executive function decision
6 making.

7 So that's a political issue with the
8 Town, and as I told Mr. Martinez-Cid, his
9 clients and others who may be interested
10 are certainly at liberty to exercise their
11 political voice and be heard on the issue,
12 and if the Town changes its mind and is
13 willing to entertain a swap, then we'll
14 take a look at it.

15 Keep in mind there's downsides to
16 that, too. You know, the property is
17 configured differently, it's in a different
18 location, it may not have as much -- as
19 easy access for parking and things of that
20 nature. There are reasons why, even if the
21 land swap were entertained by the Town,
22 it might not be in the victims' best
23 interest.

24 So I have no idea whether it would
25 be as valuable to a buyer as the parcel

1 that we currently have to work with. But
2 again, this is really the Town's decision,
3 and --

4 MS. RODRIGUEZ: I was more concerned
5 about the soil test.

6 THE COURT: Well, I can assure
7 you -- I don't know who told you or who is
8 saying that -- there are federal agencies
9 in there that are testing every aspect of
10 that property. There will be experts that
11 will be testing every aspect of that
12 property after NIST is done with its
13 federal investigation, but I'd be very
14 surprised, if at the end of the day, these
15 investigations are not done thoroughly and
16 competently.

17 If a soil test is necessary, I can
18 assure you that NIST, the federal agency
19 overseeing the initial investigation, and
20 the vast and experienced experts hired by
21 these parties will do every conceivable
22 test that is necessary in order to try to
23 determine the cause or multiple causes of
24 this horrific tragedy.

25 So I don't know who said what, and

1 I'm not really in a position to comment on
2 it other than to tell you that as far as
3 I know and as far as what's been reported
4 to me, every conceivable test is or will be
5 done on that site in order both to
6 determine the cause or concurrent causes of
7 the tragedy and to ensure that anything
8 that is built on that structure will be
9 sound and safe.

10 MS. RODRIGUEZ: At what point is
11 Miami-Dade going to be turning over the
12 property to you or to the receivership?

13 THE COURT: They'll be turning
14 it over to the receiver -- I think
15 Mr. Goldberg indicated earlier that he's
16 hoping by the early part of October at the
17 latest he'll gain custody of the property.

18 MS. RODRIGUEZ: And my last question
19 is, I feel -- I'm so sorry for everyone on
20 this call who has had a loss. I can't even
21 imagine if there's any way to -- you know,
22 I know there's, I'm sure, a lot of property
23 that's damaged, to return a ring or a
24 piece -- a photograph that belongs to any
25 of the these victims that are -- they're

1 still mourning, you know, to expedite that,
2 I'm sure would --

3 THE COURT: We're going to do
4 everything we can to expedite that process,
5 I assure you.

6 MS. RODRIGUEZ: That was it. Thank
7 you so much.

8 THE COURT: Okay. Thank you.

9 MR. GOLDBERG: Your Honor, we posted
10 the letter to the website. If it's not up
11 already, it will be up in the next five
12 minutes so everybody can access it and see
13 it.

14 THE COURT: You're referring to the
15 Town's letter?

16 MR. GOLDBERG: Yes, the Town's
17 letter is posted on the
18 www.ctsreceivership.com website. It should
19 be up already. If it's not, it will be up
20 shortly.

21 THE COURT: Thank you, Mr. Goldberg.

22 MR. GOLDBERG: Thank you.

23 THE COURT: Okay. Any other victims
24 who would like to address the Court this
25 afternoon?

1 MR. WAINBERG: Yes, hello, I'm
2 Carlos Wainberg.

3 THE COURT: Mr. Wainberg. Okay.

4 MR. WAINBERG: How are you doing?
5 First of all, I wanted to express my
6 appreciation for the Court and for you for
7 starting to take into consideration the
8 wishes of the victims that lost their loved
9 ones, specifically for calling the idea of
10 the land swap a win-win, because even today
11 after what the Town has said, I still
12 consider it not only a win-win just for the
13 Town and for the victims, but also for the
14 people who lost their property and for the
15 residents of Surfside.

16 Why do I say this? Well, before
17 I go into that, I also wanted to mention
18 that even though I do feel that you, the
19 Judge, and also the receiver and, well,
20 Manny and everybody that has been so
21 helpful, Ricardo Martinez, I do not feel
22 that the Town actually is looking out for
23 our best interest.

24 The reason I say this is because
25 right after the hearing we had last week,

1 this article came out about the opinions of
2 the commissioners from the Town of Surfside
3 about the idea of a land swap. Not only
4 did they dismiss it right away and say it
5 was never, ever, ever going to happen and
6 called us delusional, which is obviously
7 inappropriate, but to be honest, they did
8 not entertain the idea. They only heard
9 "land swap," no, closed case.

10 I mean, we have many good reasons,
11 both that make sense, you know, for the
12 victims and financially also for the city,
13 and for the residents of Surfside that
14 actually use the community center, and the
15 reality is that there are absolutely many,
16 many, many positive things that could come
17 out for everyone on the land swap.

18 A couple of things that I could talk
19 about that would actually be in favor of
20 all the current residents of Surfside is
21 that we would be building a brand-new
22 community center with newer installations
23 as they are right now or probably even
24 better, because I'm sure that there would
25 be many architects and construction

1 companies that would love to bid to make
2 the most beautiful new community
3 center/memorial in the Champlain site.

4 THE COURT: Mr. Wainberg, I don't
5 mean to cut you off, and I know this is
6 something you feel very strongly about.
7 We spoke about it last time, and I know
8 you're not alone in feeling very strongly
9 about this.

10 As I said earlier, I thought it was
11 a creative thought and proposal. I like
12 the fact that people are thinking out of
13 the box and trying to come up with
14 solutions to problems that would alleviate
15 the concerns of many victims and family
16 members who would like to see a memorial on
17 that site, but I have now, you know, had a
18 chance to read the Town's letter.

19 They raise a number of not only
20 practical but legal impediments to that
21 land swap. This letter, as opposed to what
22 I described as some of the incendiary
23 comments that were made in a knee-jerk
24 reaction to this proposal, which I said
25 earlier were unbecoming and unfortunate, in

1 contrast to those types of comments, this
2 correspondence from Mr. Hyatt seems to be,
3 you know, well thought out. It raises a
4 number of issues. It's dignified and
5 it sets forth the Town's position.

6 As I said before and as I told
7 Mr. Martinez-Cid, you guys take this letter
8 and go speak to your elected
9 representatives and do whatever you think
10 is appropriate, but, you know, this is not
11 within my purview, and I don't mind hearing
12 that it's what you want. I understand why
13 it's what you and many other victims want,
14 but it is something that is completely
15 within the discretion of the Town and that
16 I cannot weigh in on in any way, shape, or
17 form.

18 You know, when it was suggested to
19 me that the Town might be taking action
20 that could detrimentally impact the value
21 of this property, I weighed in, because
22 I thought it was appropriate to do so, and
23 this is property that's under this Court's
24 jurisdiction, and I had the right to weigh
25 in and did so accordingly.

1 Now, again, I'm going to say this
2 again, and I want everybody to understand
3 it loudly and clearly, so, as Mr. Singerman
4 once said to me, so we have high clarity.

5 Whether it's a swapped real estate
6 is a matter within the purview of the Town.
7 They've pointed out that it might require a
8 vote of 60 percent of the residents of the
9 Town. It could be a long process, even
10 if they were willing to entertain it, and I
11 have things that we need to accomplish, and
12 we need to move this along.

13 Now, if it could be done, all the
14 power to you. You can lobby for it, you
15 can talk to your elected officials, you can
16 review their reasons and point out to them
17 why you think those reasons are invalid,
18 if that's your opinion, but I'm not
19 weighing in on that any further.

20 MR. WAINBERG: I understand, and
21 I wasn't coming in here and mentioning this
22 only, you know, to get your support or
23 expect any -- like that you have any power,
24 because I understand there is a separation
25 of powers, and that they have, you know,

1 their own sovereignty to make these
2 decisions.

3 However, I just wanted to mention
4 it publicly and out loud so everybody is
5 aware that in my opinion, the city
6 commissioners should be supporting our
7 ideas and letting the people of Surfside,
8 if they need to weigh in, to the side,
9 because, yes, they say they need a 60
10 percent plus vote of the commissioners to
11 allow a referendum to --

12 THE COURT: I understand that,
13 Mr. Wainberg, but in their defense, what
14 you all have to understand, they have a
15 constituency that goes beyond the victims
16 of this tragedy. They're public officials,
17 and they are answer -- they are accountable
18 to the entire population of Surfside, not
19 merely those who are impacted directly by
20 this tragedy.

21 I was critical of them when it was
22 brought to my attention that there might be
23 things in the works that could impact the
24 value of this property, because I thought
25 that was just something that should be

1 reconsidered given changed circumstances,
2 and I have not been hesitant to express the
3 Court's views and desires with respect to
4 assets under its jurisdiction.

5 You know, it's one thing to say,
6 okay, we won't do anything to harm your
7 property, and we'll stand down and allow
8 you to maintain your zoning so that you
9 will not be negatively impacted by us.
10 It's quite another thing to ask a
11 municipality to engage in swapping property
12 and doing other things of that nature, and
13 that's where I drew the line.

14 So like I said before, and I'm going
15 to say it one last time, and we've got to
16 move on, that is their prerogative. It's
17 an executive branch function, and it's
18 their decision to make. If you can
19 influence that decision through the
20 political process, then all the power to
21 you, but it's not something that I can
22 spend more time on in this case. Okay?

23 MR. WAINBERG: Understood.

24 THE COURT: All right. Any other
25 victims that would like to be heard or

1 express any concerns or address any
2 questions to the Court?

3 MS. FELSZER: Yes, Judge Hanzman,
4 this is Monique Felszer. I'm driving so
5 I will not show my face. I, in advance,
6 again, thank you, and I think I want to
7 share a little bit of the frustration of
8 many of us.

9 We're all trying to be respectful of
10 one another's needs. I feel that we're not
11 advancing. Sorry for my ignorance, just
12 because I'm not a lawyer, and I'm
13 struggling in understanding where -- what
14 the timeline for what everything looks
15 like, but where are we with this --

16 THE COURT: I'm sorry Ms. Felszer,
17 I'm sorry, you broke up for just a minute.
18 You said, "Where are we with," and then
19 I lost you.

20 MS. FELSZER: With the class action
21 and the certification for class action and
22 what needs to be done for it to happen or
23 not happen.

24 THE COURT: Okay. So that I can
25 address with you. First of all,

1 Ms. Felszer, I don't think you and I have
2 spoken before. If we have, I apologize for
3 not recalling it. Tell me just briefly
4 about your circumstances. Are you a unit
5 owner? Are you someone that lost family
6 here? Tell me your situation.

7 MS. FELSZER: So we have spoken.
8 I lost my 21-year-old son who was spending
9 one night as a guest in the building.

10 THE COURT: Oh, I'm so sorry. Okay.
11 So let me give you a little bit of the
12 timeline or what the Court hopes will be
13 the timeline, keeping in mind litigation is
14 one of those things, it's not really like
15 something you can script out a timeline.
16 It kind of takes on a life of its own
17 depending upon what claims are brought and
18 what defenses are raised and what issues
19 come up in a case.

20 So it's really -- trying to put a
21 timeline on a piece of litigation is a very
22 difficult endeavor, so I'm giving you my
23 best estimate and hope. So with that
24 caveat, let's talk about two things.

25 I have expressed to my receiver that

1 between the termination of the condominium,
2 the time it will take to do that, to do
3 title work, to do an auction process, I am
4 hoping to monetize the value of this real
5 estate by the early part of next year, and
6 at that point consider a possible interim
7 distribution to victims, and that would be
8 some of the insurance proceeds and what is
9 realized from the sale of the real estate.

10 Now, as far as litigation is
11 concerned, class counsel has advised me
12 that they believe they need a couple of
13 more months to do their investigation, and
14 they believe there may be claims brought
15 against a number of parties that could have
16 contributed to this tragic event, and that
17 will happen in the next 60 days or so.

18 The law then requires that motions
19 for class certification be filed and served
20 as soon as practicable. You know, what is
21 practicable depends upon the particulars of
22 each particular case, but I anticipate that
23 once the claims have been identified and
24 once preliminary motion practice is
25 disposed of, class counsel will promptly

1 file motions for class certification of
2 various classes and possible subclasses,
3 and the Court will entertain them promptly.

4 So whether or not these claims are
5 amenable to class certification remains to
6 be seen, but I would hope that would be
7 adjudicated at the outside within six to
8 nine months from now, and then we'll know
9 whether or not these classes are certified.

10 And if they are, the other question
11 the Court will have to address is whether
12 they're going to be what's called mandatory
13 classes where people do not have the right
14 to opt out or whether they're going to be
15 classes that people have the right to opt
16 out of and pursue their claims
17 individually.

18 I hope those issues will be flushed
19 out in the next six to nine months and then
20 we'll have some more clarity on what type
21 of case this is going to be.

22 As I've said before, absent
23 something that the Court has not seen, I do
24 not believe there will be sufficient funds
25 generated from these cases to compensate

1 all victims for all of their losses. As
2 I said before, you know, obviously no
3 amount of money could ever do that, but I
4 don't think there will even be enough money
5 to compensate people for what the law would
6 place as a value of their claims.

7 So I think there's going to be
8 distribution issues and allocation issues
9 that will have to be addressed in this case
10 in due course, and I think at the end of
11 day, while I hope there will be substantial
12 recovery in terms of assets and in terms of
13 claims, you know, whatever is recovered,
14 either by settlements or resolutions or
15 adjudication, it's going to have to be
16 allocated in a manner consistent with the
17 law and whatever equitable discretion
18 I have.

19 So I think we'll have a much better
20 picture of where this case is going to be
21 in the next six to nine months. That's an
22 aggressive timetable. There are cases like
23 this that go on for years, if not a decade
24 or more. I can assure you I will do
25 everything within my power to make sure

1 this is not one of those cases and that
2 it is moved promptly towards resolution and
3 that we do everything we can to keep the
4 process moving aggressively, consistent
5 with everybody's due process rights, which
6 is one of the reasons why I'm having these
7 weekly hearings, because, you know, I want
8 to be updated weekly, and I want to hear
9 what the professionals working under the
10 Court's jurisdiction are doing, and I want
11 to make sure that everybody is doing
12 whatever they can to keep the process
13 moving as quickly as possible, bearing in
14 mind everybody's right to due process.

15 So I hope that answers your
16 question.

17 MS. FELSZER: Thank you.

18 THE COURT: And I can assure you,
19 Ms. Felszer, that I will do everything
20 I can to make sure these matters do not
21 languish, and that every matter that's
22 brought to me is adjudicated promptly, and
23 that there's no unnecessary delay, and I'm
24 so sorry for your loss. I can't imagine
25 what you're going through, and I'm just

1 very sorry for having to be speaking to you
2 under these circumstances.

3 MS. FELSZER: Thank you, Judge. One
4 last question, sorry.

5 THE COURT: That's okay.

6 MS. FELSZER: When is the two-year
7 period that we're supposed to be looking
8 at? Is it running already? That -- I
9 don't know what it's called.

10 THE COURT: Tell me what two-year
11 period you're referring to.

12 MS. FELSZER: That there's a
13 two-year period where this whole situation
14 can go on from. This is what I'm hearing.
15 Sorry, again, I apologize for my ignorance.

16 THE COURT: No, no, listen -- no,
17 no, absolutely I appreciate -- I appreciate
18 you asking me. The only thing I can think
19 of that you might be referring to are maybe
20 limitation periods to bring claims?

21 MS. FELSZER: Right.

22 THE COURT: Okay. So all the claims
23 of the victims are what the law considers
24 to be tolled at this point. Once a class
25 action is filed on behalf of everybody who

1 is a putative class member, the limitation
2 periods are tolled, and you're protected
3 against that.

4 You know, I can't really give you
5 legal advice, so I'm just telling you
6 generally speaking, but you can talk to the
7 class lawyers about that at more length,
8 but generally speaking, when a class action
9 is filed, those who are within the
10 definition of the putative class, which you
11 would be within, the statutes of
12 limitations are tolled because the case is
13 deemed filed.

14 Now, if for some reason the Court
15 either doesn't certify a class or
16 it certified a class, and people are given
17 permission to opt out, and they do so, then
18 the law gives them a certain period of time
19 to file their claims individually.

20 So I believe you are protected
21 against any statute of limitations on
22 claims, but I would encourage you to talk
23 to Mr. Martinez-Cid, who I have appointed
24 lead counsel for those who have claims for
25 people they have lost as well as either

1 Mr. Tropin or Ms. Furst, and they can
2 educate you more on that, and unlike the
3 Court, they can actually give you legal
4 advice, but I don't believe you have any
5 statute of limitations issues to worry
6 about or be concerned about, including any
7 two-year period.

8 MS. FELSZER: Excellent. Thank you
9 so much, Judge Hanzman. Thank you.

10 THE COURT: All right. Okay. Any
11 other victims who would like to be heard
12 today?

13 MR. WAINBERG: Judge, if you would
14 allow me to say one more thing.

15 THE COURT: Yes, Mr. Wainberg.

16 MR. WAINBERG: I just wanted to
17 point out that since we are obviously all
18 interested in recovering the most amount of
19 funds possible and the quickest way
20 possible, I wanted to mention that if the
21 land swap was entertained and they would
22 look at the financials behind it, we could
23 come up to a conclusion that even though
24 the land is the same size and in a very
25 similar location, so technically if they

1 were just pieces of land, they would be
2 worth the same.

3 However, when you take into account
4 what happened on this land and the fact
5 that there was a building there that fell
6 down and nobody knows why it fell down
7 still, and we might never know, there's a
8 whole bunch of caveats that come in with
9 developing a building on that site, where
10 you know, potential buyers may not want to
11 buy, because they are living on top of a
12 burial site, where they have to dig up the
13 piles to -- in order to be able to put new
14 piles, to build a new building.

15 Apart from that, if the land swap
16 idea was entertained, that would allow the
17 bidding horse to be for the community
18 center site -- in the meantime, the Town
19 could start building a new community center
20 without destroying the current community
21 center so people in the Town are not left
22 without a community center for --

23 THE COURT: Mr. Wainberg, I said to
24 you earlier, one can articulate many
25 benefits of that transaction, and others

1 might be able to articulate many detriments
2 to that proposed transaction, but that's
3 not my job.

4 MR. WAINBERG: I understand.

5 THE COURT: You know, I know you
6 feel very strongly about this, and I know a
7 lot of people feel very strongly about
8 it as well, but I have a lot of people in
9 this case, you may be one of them, maybe
10 you're not, I'm not asking you, that are in
11 severe economic distress over losing their
12 homes, losing their belongings. They're
13 living month-to-month with friends in
14 hotels. I don't have the luxury of time.

15 MR. WAINBERG: Listen --

16 THE COURT: And the Town of
17 Surfside, even if they were willing to do
18 this, if they told me it was going to
19 require an election that would take two
20 years, I wouldn't entertain it myself. So
21 like I said, I don't want to give you
22 unrealistic expectations.

23 MR. WAINBERG: Yeah, yeah --

24 THE COURT: As long as I'm
25 overseeing this case, this process is going

1 to move with speed.

2 MR. WAINBERG: I understand.

3 THE COURT: Like I said, I've got
4 people that are living month-to-month.
5 I've got families that have lost providers.
6 I have people who have lost their homes.
7 Some people might be more fortunate. To
8 some victims, maybe these were investment
9 properties, maybe they're not in as much
10 distress, and people are in different
11 circumstances, and I understand that, but
12 I've got to look out for everybody as a
13 whole.

14 MR. WAINBERG: Yes, sir.

15 THE COURT: I'm going to let you
16 explore this process, but I'm making it
17 very clear, the one that we're working on
18 right now is not going to be slowed down
19 under any circumstances.

20 MR. WAINBERG: And I agree with
21 that. I agree with that.

22 THE COURT: You and others, and
23 others represented by Mr. Martinez-Cid, I'm
24 sorry I keep picking on him, but he raised
25 this issue, and he's my lead guy for the

1 people that, you know, want this memorial.

2 If you all want to work with the Town, get

3 on it, but I'm not slowing this down.

4 Understood?

5 MR. WAINBERG: Yes, I understand.

6 THE COURT: Okay.

7 MR. WAINBERG: Real quick. Real

8 quick. What I wanted to say is that,

9 listen, we are also part of those families.

10 We lost two properties, and we are also in

11 distress from losing that. To us, our

12 loved ones obviously completely outweigh

13 that part, but you're still advocating for

14 us on the property side also. I'm not

15 dismissing that.

16 THE COURT: No, I'm not -- I'm not

17 advocating -- see, I'm not advocating for

18 anybody. That's where you're mistaken.

19 MR. WAINBERG: Well --

20 THE COURT: Wait. When -- as I said

21 to you before, when there was discussion

22 about the Town downsizing the zoning or

23 doing something to adversely affect the

24 property under my jurisdiction, I made the

25 Court's views known.

1 MR. WAINBERG: Understood.

2 THE COURT: I have no view on this
3 land swap. This is a complete executive
4 branch function. You go and you make your
5 views known, and you engage in the
6 political process that you are entitled to
7 under our system of government, but we are
8 not delaying the process. Okay?

9 MR. WAINBERG: Yeah, so that's
10 exactly what I was pointing out, that in my
11 opinion this could potentially make the
12 process faster for the recovery of the
13 funds and potentially -- and potentially
14 more funds.

15 THE COURT: Well, if you're right
16 and the Town agrees to reconsider its
17 initial position, all the power to you.

18 MR. WAINBERG: I just wanted that to
19 be known. Thank you.

20 THE COURT: All right. Any other
21 victims who have not been heard who would
22 like to speak to the Court this afternoon
23 and address any issues of concern?

24 MS. LOVE: Your Honor, this is Lisa
25 Love.

1 THE COURT: Yes, Ms. Love.

2 MS. LOVE: There had been some
3 discussion about some of the existing
4 mortgage holders might forgive some of the
5 outstanding loans on these properties.
6 I was wondering if there had been any
7 discussions or updates on that issue?

8 THE COURT: Well, I know that
9 Mr. Kadre and Mr. Barreto, who I've
10 appointed to explore possible governmental
11 assistance, are working on that with
12 Congresswoman Wasserman-Schultz, Senators
13 Rubio and Scott and others in a position of
14 political leadership, and I know that
15 possible mortgage forgiveness relief is one
16 of the areas that's being looked at, but
17 I have no update for you on that today.

18 MR. GOLDBERG: Your Honor, I can
19 tell you that Mr. Kadre and myself will be
20 speaking with the congresswoman next
21 Wednesday morning, I believe.

22 THE COURT: Excellent. Excellent.
23 In light of the Jewish holidays, I'm going
24 to be scheduling our next session on
25 Wednesday, September 22nd at nine in the

1 morning, and I'm hoping that maybe you and
2 Mr. Kadre and Mr. Barreto will have an
3 update for us on where we are in trying to
4 secure any governmental assistance of any
5 type, either for the memorial or mortgage
6 forgiveness or any other type of relief
7 that may help these victims.

8 So hopefully we'll have an update on
9 that on September 22nd, and I'm hoping,
10 Mr. Goldberg, that when I see you all back
11 on September 22nd, the termination case
12 will be filed, and we'll have a contract
13 for me to take a look at with our stalking
14 horse buyer. Okay?

15 MR. GOLDBERG: Understood, Your
16 Honor.

17 THE COURT: So September 22nd is the
18 goal.

19 Ms. Love, does that answer your
20 question?

21 MS. LOVE: Yes, it does, Your Honor.
22 Thank you.

23 THE COURT: Okay. Thank you, again,
24 for being here. All right. Any other
25 victims or family members who would like to

1 address the Court this afternoon?

2 MR. LANGESFELD: Good afternoon,
3 Your Honor, this Pablo Langesfeld.

4 THE COURT: Good afternoon,
5 Mr. Langesfeld.

6 MR. LANGESFELD: Regarding the
7 offering memorandum, there's absolutely no
8 mention of any of the victims or what
9 happened, and also there's absolutely no
10 mention of a possible memorial on that
11 site. So I would like to --

12 THE COURT: Well, that's for good
13 reason. What's being marketed as a piece
14 of real estate that the buyer will be free
15 to do whatever they decide to do without
16 any constraints by the Court as long as
17 what they propose to do on the property is
18 lawfully permitted and consistent with the
19 Town's zoning and other regulations.

20 So no buyer is being obligated to do
21 anything on the site, including erecting a
22 memorial, and I'm sure the people who are
23 marketing this property want to get the
24 highest and best value for it, and
25 everybody who will bid on this property is

1 obviously aware, I mean, this is an event
2 that has generated and continues to
3 generate tremendous, tremendous public -- I
4 don't know what to say but public
5 attention. It's been reported widely
6 internationally, and any buyer who bids on
7 this property is obviously going to be
8 aware of its history.

9 You know, I've always been worried
10 about, you know, doing too much during some
11 of these hearings that could influence
12 potential buyers or the price they are
13 willing to pay, but the bottom line is
14 everybody who is bidding on this property
15 who is interested in developing it, knows
16 its history.

17 There's no reason to reiterate that
18 history in offering materials, and there's
19 no -- there's going to be no restriction
20 placed upon those buyers as to what they
21 can do with the property other than what's
22 imposed by law and the Town of Surfside.
23 So I hope that answers your question.

24 MR. LANGESFELD: Well, not really,
25 but in this oceanfront Surfside, I will

1 call redevelopment land, came about at the
2 expense of 98 people that were crushed to
3 death on June 24th, so I think this is very
4 important to whoever is going to buy that
5 piece of land, because maybe for a
6 developer it means nothing. To us it means
7 a lot.

8 THE COURT: I know it does, and I'm
9 very sorry for the loss of your daughter,
10 and I know it means a lot to the victims,
11 and I'm confident that there will be an
12 appropriate memorial, if not on this site,
13 very close to the vicinity to honor them.

14 We've talked about that before, and
15 like I said before, whoever buys this
16 property and pays full fair market value,
17 after a process will be free to deal with
18 the property as the buyer deems fit.

19 Okay. Any other family members that
20 I have not heard from that wish to be heard
21 from today before we adjourn?

22 MR. GOLDBERG: Your Honor, it's the
23 receiver. I apologize to interrupt. I'm
24 looking at the chat, and I know there were
25 some very religious people that lived in

1 the building, and somebody just said that
2 Wednesday the 22nd is the Jewish holiday of
3 Sukkot and can the court be held on Friday
4 of that week. I know there's a bunch of
5 Jewish holidays throughout the month, and
6 it may present difficulties in scheduling,
7 but I at least wanted to point it out in
8 the chat in the event the Court wanted to
9 consider it.

10 THE COURT: When does that holiday
11 end, Mr. Goldberg?

12 MR. GOLDBERG: That goes on for a
13 couple of days. I'm asking if Mr. Howard
14 Cole can give us the exact date of that,
15 because that's a -- that's not a one-day
16 holiday.

17 THE COURT: Yes, I want to
18 accommodate -- it is not a holiday
19 recognized by the Court, and like I said,
20 we have to have regular hearings in this
21 case. If it's a matter of moving it a day
22 or so to allow some of the victims to
23 participate, I'm glad to accommodate them,
24 but when does that holiday end?

25 MR. SILVA: Your Honor, my client is

1 advising me that it ends that evening, so
2 Thursday or Friday of that same week, the
3 23rd or the 24th.

4 THE COURT: We'll have our status
5 hearing on the morning of September the
6 23rd, Thursday the 23rd at 9 a.m.

7 MR. GOLDBERG: Great, Your Honor.
8 And, Your Honor, just so everybody knows,
9 in addition, starting, I think, today or
10 possibly over the weekend, we will be
11 posting all transcripts of all hearings on
12 our website so that everybody can access
13 them and read the transcripts if they can't
14 make it here.

15 THE COURT: Okay. Excellent. Yeah,
16 and I encourage the victims to periodically
17 view Mr. Goldberg's website, because he is
18 posting all the significant developments in
19 the case, transcripts and orders entered by
20 the Court, so you can certainly get updates
21 there.

22 So before we end, let me just call
23 on our Senator Pizzo who has joined us
24 again and I want to welcome to our hearing.

25 Senator, are there any issues you'd

1 like to address with the Court or anything
2 you'd like to tell your constituency as to
3 what's going on politically or things that
4 you're concerned about here?

5 SENATOR PIZZO: Thank you, Your
6 Honor. Well, politics is a mess, but that
7 aside, things relevant and important to our
8 constituents. We've had some success, and
9 I'm just going over the chat as well
10 listening to people's concerns. There's a
11 lot of things that appear rather de minimis
12 or tedious to some people who have, of
13 course, endured great suffering, that
14 we welcome to take care of on their behalf.

15 So whether it's from Ms. Schechter's
16 concern and questions about personal
17 property, we can make a connection with
18 Major Cummings who is handling those.

19 But I want to just touch on a couple
20 of points. For those who have outstanding
21 mortgage issues, it's great if we get
22 federal relief. Also, I was asking the
23 same congresspeople to seek relief for tax
24 consequences and implications that are in
25 excess of \$15,000, you know, special

1 exceptions like we get for hurricanes.

2 But in the interim, we've had some
3 success with owners' mortgages, not
4 obviously in forgiving, but in forbearing
5 and releasing checks from insurance
6 proceeds first and foremost and then
7 collecting later, so don't be shy to those
8 here.

9 I've also been speaking with Valley
10 National Bank. As you may recall, they
11 held the line of credit on the special
12 assessment schedule. They're actively
13 right now trying to put a program together
14 for those that are in limbo right now who
15 need or want to get a mortgage, a home
16 mortgage, because this is a rather
17 extraordinary and unique situation to try
18 to put a package together and make an
19 offering to our constituents if they would
20 like to use a residential mortgage service,
21 probably at remarkable, you know,
22 consideration.

23 I know this is on the receiver site
24 as well. I'm going to put it here in the
25 chat. There is, and you can see from the

1 chat, Your Honor, I'm sure you're well
2 aware of this, we have a particular court
3 system and a particular bifurcation between
4 civil and criminal, and people
5 interchangeably use the words, and so a lot
6 of the suits on this call, myself included,
7 you know, we see the word "guilty," and
8 we're like, you know, wrong forum.

9 So what I would suggest is the SAO,
10 the State Attorney's Office, set up a
11 hotline. I'm going to put the number here
12 so people can see it. We don't know where
13 we are. Your purview, obviously, is in the
14 civil, you know, arena, but we have many
15 families and victims of families and
16 families of victims that come from other
17 places.

18 So we use words that we think, you
19 know, the layperson understands, and they
20 have different meanings in different
21 places.

22 The other thing I would just sort of
23 mention is I'm daily speaking to families
24 and victims, whatever. Every attorney on
25 here, I will tell you, has been incredibly

1 professional and not wanting to give or be
2 the bearer of bad news, and I guess sort of
3 what I'm asking the Court to favor some of
4 these team members with is the following:

5 You know, nobody wants to let
6 anybody down, but there is so many
7 different levels and layers. We have
8 people that were guests for one night,
9 we have people that were tenants with one
10 day left on their lease, we have owners,
11 and we have some situations where some
12 family members may be adversarial to other
13 family members.

14 So I guess what I'm sort of
15 suggesting, only because I get the calls
16 every day, is, you know, the blessing for
17 those that are in your leadership team and
18 in these silos, you know, I'm not saying
19 anyone's being dishonest, but you can be
20 very candid. This is the time. People
21 don't want to find out three months from
22 now or six months from now that there may
23 be a conflict or there was a conflict, so
24 just to have those conversations forward.

25 THE COURT: Well, Senator, there is

1 a conflict, and that's something the Court
2 pointed out the very first hearing in this
3 case, which is why I've appointed separate
4 counsel to represent people with separate
5 interests, and when it comes time for
6 allocation, there's going to be a conflict.

7 Now, when I say, "conflict," I mean
8 in the legal sense, not people, you know,
9 battling and pointing the finger in
10 acrimony. Everybody has suffered to
11 different degrees, but there'll be conflict
12 and there'll be an allocation issue that
13 the Court will have to address, and it will
14 do so dispassionately and consistent with
15 the law and taking into account whatever
16 the Court's equitable discretion is after
17 hearing from all the talented lawyers and
18 other interested parties in the case, but
19 the Court has never pretended that there
20 was not going to be some legal conflict.

21 I said it at the very first hearing.

22 SENATOR PIZZO: Sure.

23 THE COURT: And it's inevitable.

24 There are going to be some people who
25 believe that certain of the recovery should

1 be used to compensate for the economic loss
2 first. There are going to be others who
3 are going to advocate that those funds
4 should be used in part to pay personal
5 injury claims. There will be conflict over
6 the value of what those injury claims will
7 be.

8 It's going to be a very complicated
9 process that is going to have to be very
10 nuanced and handled very diplomatically,
11 but I've made it clear to everybody, and
12 you can see from looking at some of the
13 chat that's going on during these hearings,
14 that, unfortunately -- or I should say
15 fortunately, everybody's not in the same
16 position, because many survived, and, you
17 know, I'm glad there's a conflict, because
18 that means that there are a lot of people
19 that survived this.

20 But that's a conflict we're going to
21 have to deal with, and as you described
22 them as silos or whatever they are, there
23 are people who were renters, there are
24 people who lost only belongings, there are
25 people that survived but suffered

1 emotionally, there are people that have
2 lost lives and family members as well as
3 condominiums, and there are a lot of
4 different constituencies that need to be
5 protected.

6 That's why I appointed what I think
7 is, like I said, the best, most competent,
8 experienced, and ethical lawyers to
9 represent these classes that I'm hoping
10 that allocation decisions can be made
11 collaboratively and by agreement, whether
12 it be as a result of mediations and
13 negotiations, and if not, the Court will do
14 its best to allocate whatever is available,
15 like I said, consistent with the law and
16 whatever discretion is afforded to the
17 Court under these unique circumstances.

18 But what you pointed out is true,
19 there's conflict.

20 MR. TROPIN: And, Your Honor --

21 SENATOR PIZZO: Go ahead.

22 THE COURT: Let Senator Pizzo just
23 finish, Harley, and then you'll --

24 SENATOR PIZZO: I wouldn't suggest
25 otherwise, and I do commend counsel and all

1 that are here for listening to everybody
2 and hearing everybody, and I'm -- ad
3 nauseam, Your Honor, if you go back to the
4 beginning to Michael Goldberg's point, and
5 you watch this from its inception all the
6 way through, you know, it's a wonderful
7 treatise on the law, and you've been very
8 clear.

9 It's just some things get lost in
10 translations for some people. It's no
11 fault of the Court's whatsoever or counsel,
12 it's just the reality. It's like a one L
13 year, you know, with a crash course with a
14 lot of emotions.

15 The last thing I just want to say is
16 we're still dealing with a number of
17 document issues. What I mean by that, and
18 this is an invitation and a welcome for
19 people to reach out. Some of you are
20 getting notices about driver's licenses,
21 insurance cancellations, things missing and
22 all that stuff.

23 I know that seems, again, either
24 indelicate or insensitive for some people
25 to be hearing these things, but this also

1 has to do with probate court and things out
2 of state as well. So please reach out to
3 our office so we're able to help in that
4 regard.

5 THE COURT: Well, I appreciate you
6 being here and the degree of your
7 involvement looking out for your
8 constituents. I know your office has been
9 available and been working tirelessly to
10 help people, not only on the big ticket
11 items, but things that are necessary like
12 driver's licensing and documentation and
13 things of that nature.

14 I know your constituents have relied
15 upon your office to quite an extent, and I
16 appreciate your input and your attendance
17 at these sessions. I find your input to be
18 valuable, and I think it's important for
19 people to be reminded every week or so that
20 you're here and available to them to work
21 within your jurisdiction and assist them
22 when you can do so. So thank you, again,
23 for being here and updating us.

24 Mr. Tropin, you had something that
25 you'd like to add?

1 MR. TROPIN: Judge, I do. I wanted
2 to echo your comments about the Senator and
3 also hopefully allay some of his concerns.
4 I think you stated it well, Judge, and
5 I would just add this, we're all very aware
6 of the ultimate conflict, you know,
7 between, for example, property and wrongful
8 death and so forth.

9 But what everybody shares was the
10 desire, excuse me, to expedite these
11 proceedings, number one, which you've been
12 very clear about, Judge. And number two,
13 to get as much money into this estate as
14 possible to compensate these victims,
15 whatever type.

16 Before any of that money is given
17 out, many of these conflicts are going to
18 be either mediated or settled, or they'll
19 be adjudicated by Judge Hanzman. So I just
20 wanted to put the Senator's mind at rest
21 that we we are, A, aware of the conflicts,
22 but B, hope to address them by getting as
23 much money into the estate, and then
24 if they can't be resolved or mediated,
25 they'll be adjudicated by the Judge.

1 So we just want to be clear that
2 we're sensitive to these concerns, Senator.

3 SENATOR PIZZO: Thank you. And,
4 Your Honor, if I may, a lot of what I ask
5 sometimes, just by nature of my background,
6 is rhetorical in nature. The utility of
7 both the Court and Harley's response is for
8 others to hear and to be memorialized, so I
9 don't expect anything less, and I
10 appreciate it.

11 THE COURT: Believe me, I understand
12 that, and I've told people all along that,
13 obviously, there's a common goal of all
14 lawyers representing victims, which is to
15 bring in as much recovery into this estate
16 as possible, whether it be by the sale and
17 monetization of assets, or whether it be
18 litigation recovery, class counsel,
19 globally, and subclass counsel have that as
20 a common goal.

21 Once that common goal is realized,
22 people will diverge and advocate for their
23 respective, you know, clients' cause. I've
24 appointed lawyers who I know will do so
25 professionally and dispassionately and

1 consistent with the law, and if those
2 matters can't be resolved amicably amongst
3 these experienced lawyers who represent
4 people that are in different circumstances,
5 I will adjudicate it on a timely basis and
6 make sure that distributions are not
7 unreasonably delayed, but we're going to
8 have to cross that bridge when we get to
9 it, and I'm hoping we get to it sooner than
10 later, because I want this process to move
11 expeditiously.

12 As I said before, I know that many
13 of these victims are under severe distress.
14 They've lost their homes, they've lost
15 people who provided for them, and we don't
16 have the luxury of time here. Sometimes,
17 folks, so everybody understands, including
18 my class counsel, who I know understands
19 this, sometimes you have to sacrifice the
20 perfect for the good, and there's no
21 perfect way to allocate funds in a case
22 such as this.

23 It's tragic, there's never going to
24 be enough, and we have to do the best
25 we can consistent with the law and whatever

1 equitable factors should be considered, but
2 there's not going to be a perfect solution,
3 so the goal has to be to find a fair and
4 just one, not a perfect one.

5 All right. Having said that, before
6 we adjourn today, I just want to make sure,
7 are there any other victims or family
8 members who would like to address the Court
9 on any matter of concern? The next
10 opportunity we'll have is the 23rd of
11 September, so if there's anything that
12 needs to be said before then to the Court,
13 now is the time.

14 MR. LOZANO: Your Honor, Brett
15 Lozano here, Unit 1210, Penthouse 10. Just
16 a quick question. We had a motion
17 regarding the insurance checks that came in
18 from Universal --

19 THE COURT: Yes.

20 MR. LOZANO: -- for which were
21 submitted, I believe, within 24 hours ago,
22 48 hours ago. These motions, how long do
23 they take, and would there be any issues
24 that you would see moving forward for
25 obtaining such compensation from those

1 insurance, and will that pose an issue
2 regarding, you know, what is due to the
3 families regarding the units address?

4 THE COURT: Well, those are contents
5 policies. I know Universal tendered them,
6 and they're in the possession of
7 Mr. Goldberg, and I know he was in the
8 process of sorting out who the appropriate
9 payees are, because sometimes they have to
10 go through probate and other kind of
11 issues.

12 Mr. Goldberg, anything you can
13 update us on that?

14 MR. GOLDBERG: Yes, Your Honor,
15 we filed a motion. We'll set it for
16 hearing. It just got filed about a day
17 ago, and we'll set it for hearing at the
18 next status conference, and Mr. Singerman
19 will handle that.

20 MR. SINGERMAN: Your Honor, may
21 it please the Court, this is Paul Singerman
22 for Mr. Goldberg. That motion was filed
23 yesterday. We did not ask Your Honor to
24 consider it today, because some of the
25 noticed parties are out of the country, and

1 we only have mail to reach them. We wanted
2 them to have an opportunity to be heard.

3 THE COURT: And is that a motion,
4 Mr. Singerman, that authorizes distribution
5 of some of these insurance proceeds that
6 are being held in escrow?

7 MR. SINGERMAN: Yes, Your Honor,
8 it does that precisely, and it sets forth
9 for Your Honor's consideration and for the
10 review of all parties in interest the
11 procedures which Mr. Goldberg will employ
12 in order to get the money into the hands of
13 the insureds.

14 THE COURT: Excellent. So we'll
15 take that up on the 23rd.

16 Sir, to answer your question about
17 will it impact claims for the value of
18 units, the answer is no. These are
19 contents policies, they do not insure the
20 condominium units themselves, but obviously
21 to the extent people have been paid by
22 certain insurance sources and they were to
23 make a claim for contents against the
24 receivership estate, those payments will
25 likely be taken into account, but they will

1 not offset the claim based for the value of
2 the unit, the condominium.

3 Does that answer your question?

4 MR. LOZANO: Yes, Your Honor. Thank
5 you so much.

6 THE COURT: Okay. Thank you. Okay.
7 I look forward to seeing all of you on
8 September 23rd. For those of you who
9 celebrate the holiday, I hope you have an
10 easy fast, and our thoughts will be with
11 you during the holiday season, and if
12 there's anything that comes up as an
13 emergency in the interim, Mr. Goldberg,
14 counsel, you know where to find the Court.

15 If not, I will see everybody for our
16 next status on September 23rd at 9:30 in
17 the morning -- at 9:00 in the morning
18 rather, and, Mr. Goldberg, you'll post the
19 link so everybody has access.

20 MR. GOLDBERG: Yes, and we also send
21 emails out multiple times before the
22 hearings, Your Honor.

23 THE COURT: Very good. So the Court
24 will be in recess until September 23rd at
25 9 a.m. Everybody be well.

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MR. TROPIN: Thank you, Judge.

MR. GOLDBERG: Thank you, Judge.

(Thereupon, the hearing was
concluded at 4:02 p.m.)

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

Dated this 10th day of September, 2021.



MATTHEW J. HAAS
Court reporter

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