

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2021-015089-CA-01

SECTION: CA43

JUDGE: Michael Hanzman

**In Re: Champlain Towers South Collapse Litigation**

Plaintiff(s)

vs.

N/A

Defendant(s)

**ORDER SETTING FORTH PROCEDURE FOR PAYMENT OF PLAINTIFFS'  
COMMON INVESTIGATION EXPENSES FROM INSURANCE PROCEEDS**

The Court has *sua sponte* instructed Michael I. Goldberg (the "Receiver"), in his capacity as receiver of Champlain Towers South Condominium Association, Inc. (the "Association"), to pay certain investigative costs incurred, or to be incurred, by the Plaintiffs out of the insurance proceeds already tendered to the Receiver. This Order sets forth the procedure by which the Receiver, shall initially pay for certain expenses incurred by Plaintiffs in the above-captioned action and all related actions from the insurance proceeds already tendered to the Receiver.

1. "Common Investigation Expenses" shall be defined to include those expenses which in the judgment of the Plaintiffs Steering Committee and/or its designees are reasonable and necessary to investigate the claims against those potentially responsible for the June 24, 2021 collapse of Champlain Tower South ("The Collapse"). This shall include, at a minimum, those expenses incurred in association with the retention of experts, document hosting and ESI platforms, serving subpoenas, taking depositions (including videotaped depositions), obtaining deposition transcripts, preserving evidence, hiring investigators, and filing of related legal

documents. "Common Investigation Expenses" shall **only** include those expenses which are for the common benefit of all Plaintiffs and shall not include any expenses specific to an individual Plaintiff's damages.

2. All Common Investigation Expenses shall be paid by the Receiver out of the insurance proceeds tendered to the Receiver in connection with the Collapse. It shall be up to the Receiver exactly what insurance proceeds shall be used to pay particular expenses. All sums paid pursuant to this Order shall be credited against any judgment or settlement that may be entered against the Association or settled by the Receiver and/or the Association, as the case may be.

3. For all Common Investigation Expenses, the Plaintiffs Co-Chair Lead Counsel, or a member of the Plaintiffs' Steering Committee designated by Co-Chair Lead Counsel, shall review the expenses to confirm that they are reasonable and the payment of the expenses is consistent with this Order and, if so, may approve the Common Investigation Expenses. Plaintiff's shall attempt to minimize and not unnecessarily incur more fees than reasonably necessary. For example, Plaintiffs shall not order multiple transcripts or "rush" transcripts unless Plaintiffs deem such extra expenses to be reasonable and necessary.

4. Once the Common Investigation Expenses are approved, Co-Chair Lead Counsel or their designee shall submit payment instructions to the Receiver. These instructions need only include the amount to be paid and recipient of the payment and need not include any further detail or invoicing. Co-Chair Lead Counsel shall retain all records related to the purpose of all payments including invoices.

5. Upon receipt of the information referenced in Paragraph 4, above, the Receiver shall issue payment within twenty (20) days in accordance with the instructions received by Co-Chair Lead Counsel or their designee. Prior to issuing any such payment, the Receiver shall have the right to inquire as to the reasonableness, appropriateness, and/or necessity of any submitted Common

Investigation Expenses. If such an inquiry is made, the parties shall conduct a meet-and-confer regarding the appropriateness of any such Litigation Expenses. Should the meet-and-confer not resolve the issue, the parties shall have the right to seek Court intervention.

6. Upon payment of submitted Litigation Expenses by the Receiver, a confirmation of payment shall be forwarded to Co-Chair Lead Counsel.

7. The Receiver shall not be permitted to disclose any information received pursuant to the procedure outlined in this Order to any other party in this litigation unless otherwise ordered by the Court. Notwithstanding the foregoing, the Receiver may disclose to the Court the total amount of Common Investigation Expenses paid in connection with the Receiver providing his financial reporting to the Court.

8. Following the procedures set forth in this Order shall not in any way alter the discoverability or admissibility of payment of expenses to expert witnesses.

9. Following the procedures set forth in this Order shall not in any way constitute a waiver of attorney-client privilege and/or work product privilege by any party.

10. Nothing about this Order shall impair the right of Plaintiffs' counsel to seek reimbursement of any appropriate expenses throughout this litigation or the Receiver's ability to oppose any such requests or seek the termination of his obligations hereunder or the termination and/or modification of the procedures set forth herein.

11. Nothing in this Order or the Court requiring the Receiver to pay Plaintiffs' Common Investigative Expenses shall be deemed an admission of any kind as to liability of the Association and shall not in any way constitute a waiver of any defenses the Receiver and/or the Association may have.

12. Nothing in this Order or the Court requiring the Receiver to pay Plaintiffs' Common

Investigative Defenses shall in any way affect, limit or compromise the Receiver's, the Association's or the Association's Board of Director's claims or rights against any insurance company, including but not limited to any cost of defense obligations that any insurance company may owe the Receiver, the Association and/or the Association's Board of Directors.

**DONE and ORDERED** in Chambers at Miami-Dade County, Florida on this 20th day of October, 2021.



2021-015089-CA-01 10-20-2021 3:31 PM

Hon. Michael Hanzman

**CIRCUIT COURT JUDGE**

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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