

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

COMPLEX BUSINESS LITIGATION DIVISION

IN RE: CHAMPLAIN TOWERS SOUTH  
COLLAPSE LITIGATION,

CASE NO.: 2021-015089-CA-01

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**INITIAL CASE MANAGEMENT REPORT**

Plaintiffs Raquel Azevedo de Oliveira, as personal representative of the Estates of Alfredo Leone and Lorenzo de Oliveira Leone; Kevin Spiegel, as personal representative of the Estate of Judith Spiegel; Kevin Fang, as personal representative of the Estate of Stacie Fang; Raysa Rodriguez; and Steve Rosenthal (collectively, “Plaintiffs”) and Defendants 8701 Collins Development, LLC; Terra Group, LLC; Terra World Investments, LLC; John Moriarty & Associates of Florida, Inc.; NV5, Inc.; DeSimone Consulting Engineers, LLC; Champlain Towers South Condominium Association, Inc.; Morabito Consultants, Inc.; and Becker & Poliakoff, P.A. (collectively, “Defendants”) jointly file this Initial Case Management Report as directed by this Court’s Order entered December 16, 2021.

The Parties have met and conferred and submit the attached chart setting forth their differences on a proposed pre-trial schedule and the proposed deadlines requested by the Order (¶2). Plaintiffs’ proposed deadlines are set forth in the first column; Defendants’ proposed deadlines are set forth in the second column; and the Receiver’s additional proposed deadlines are in a third column. The parties are in agreement on certain of the preliminary deadlines (*e.g.*,

briefing on the pending motions to dismiss and disclosure of initial witness lists), but are in disagreement on others.

In addition, Plaintiffs have requested that the Parties agree to a protocol for “blocking” dates for depositions given the number of depositions that will be required and in order to avoid delays in scheduling due to the number of parties and counsel involved. Plaintiffs have prepared the attached “Calendar of Blocked Deposition Dates.” Defendants (other than the Association) agree in principle to a protocol of blocking deposition dates but object that the Calendar of Blocked Deposition Dates is unreasonable and will ultimately prove unworkable.

Respectfully submitted,

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*Plaintiffs' Wrongful Death Damage Claim  
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**CERTIFICATE OF CONFERRAL**

I HEREBY CERTIFY that Plaintiffs have met and conferred with counsel for all Defendants and are authorized to file this Initial Case Management Report as a joint filing.

/s/ Curtis B. Miner  
Curtis B. Miner  
COLSON HICKS EIDSON, P.A.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court and has been furnished by E-Service to all counsel of record on: January 4, 2022.

/s/ Curtis B. Miner  
Curtis B. Miner  
COLSON HICKS EIDSON, P.A.

**PROPOSED PRETRIAL SCHEDULE**

**CASE MANAGEMENT ORDER**

<b>Description</b>	<b>Plaintiffs' Proposal</b>	<b>Defendants' Proposal</b>	<b>Receiver's Proposal</b>
<b>Plaintiffs' Motion for Class Certification</b>	January [date TBD], 2022 <sup>1</sup>	September 19, 2022	
<b>Defendants' Response to Motion for Class Certification</b>	4 weeks from date of service of Motion	October 21, 2022	
<b>Plaintiffs' Reply on Motion for Class Certification</b>	3 weeks from date of service of Response	November 4, 2022	
<b>Exchange of Initial Witness Lists Pursuant to CBL Rule 5.1-1(d)</b>	January 21, 2022	January 21, 2022	
<b>Plaintiffs' Responses to Motions to Dismiss</b>	January 26, 2022	January 26, 2022	
<b>Defendants' Replies on Motions to Dismiss</b>	February 3, 2022	February 3, 2022	
<b>Cross-Defendants' Answers or Motions to Dismiss</b>			January 19, 2022
<b>Cross-Claimant's Responses to Motions to Dismiss</b>			February 9, 2022
<b>Cross-Defendants' Replies on Motions to Dismiss</b>			February 16, 2022
<b>Deadline for Amending Pleadings and Adding Parties</b>	February 21, 2022	February 21, 2022	March 7, 2022

<sup>1</sup> Defendant Morabito Consultants, Inc. does not object to Plaintiffs' proposal on deadlines for Plaintiffs' Motion for Class Certification.

<b>Fact Discovery Cut-Off</b>	June 17, 2022	June 16, 2023	
<b>Expert Witnesses Disclosures Pursuant to CBL Rule 6.3</b>	June 24, 2022	N/A	
<b>Expert Witness Disclosures for Opinions Supporting Affirmative Causes of Action</b>		January 20, 2023	
<b>Expert Witness Disclosures for Opinions Not Supporting Affirmative Causes of Action</b>		April 21, 2023	
<b>Mediation Completed by</b>	June 29, 2022	December 9, 2022	
<b>Rebuttal Expert Witness Disclosures</b>	July 8, 2022	N/A	
<b>Expert Discovery Cut-Off</b>	July 29, 2022	June 16, 2023	
<b>Deadline for Filing of Dispositive Motions</b>	August 5, 2022	July 14, 2023	
<b>Deadline for Filing of <i>Daubert</i> Motions</b>	August 5, 2022	July 14, 2023	
<b>Deadline for Filing Motions <i>in Limine</i></b>	August 26, 2022	August 4, 2023	
<b>Final Pre-Trial Conference</b>	September 7 & 8, 2022	August 28, 2023	

<b>JURY TRIAL DATE</b>	<b>September 19, 2022</b>	<b>September 25, 2023</b>	



**CALENDAR OF BLOCKED DEPOSITION DATES**

## DEPOSITION BLOCKED DATES

Month	Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1	2
Jan 2022	3	4	5 Status Conference	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19 Presumed Status Conference	20	21	22	23
	24	25	26	27	28	29	30
	31	1	2 Presumed Status Conference	3	4	5	6
Feb 2022	7	8	9	10	11	12	13
	14	15	16 Presumed Status Conference	17	18	19	20
	21	22	23	24	25	26	27
	28	1	2 Presumed Status Conference	3	4	5	6
Mar 2022	7	8	9	10	11	12	13
	14	15	16 Presumed Status Conference	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30 Presumed Status Conference	31	1	2	3

- = Depositions of non-parties begin
- = Single-tracked depositions of parties (and non-parties)
- = Double-tracking of depositions begins

Allows for max of 108 full-day depositions (assuming every date is booked and all double-tracking dates are double-tracked) (not intended to exclude availability of other dates if counsel and witnesses are available.)

Apr 2022	4	5	6	7	8	9	10
	11	12	13 Presumed Status Conference	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27 Presumed Status Conference	28	29	30	1
May 2022	2	3	4	5	6	7	8
	9	10	11 Presumed Status Conference	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25 Presumed Status Conference	26	27	28	29
	30	31	1	2	3	4	5
Jun 2022	6	7	8 Presumed Status Conference	9	10	11	12
	13	14	15	16	17 FACT DISCOVERY CUT-OFF	18	19
	20	21	22 Presumed Status Conference	23	24 EXPERT WITNESS DISCLOSURES	25	26
	27	28	29	30	1	2	3
Jul 2022	4	5 RESERVED FOR EXPERT DEPOSITIONS	6 →	7 →	8 →	9	10
	11 RESERVED FOR EXPERT DEPOSITIONS	12 →	13 →	14 →	15 →	16	17
	18 RESERVED FOR EXPERT DEPOSITIONS	19 →	20 →	21 →	22 →	23	24
	25 RESERVED FOR EXPERT DEPOSITIONS	26 →	27 →	28 →	29 EXPERT DISCOVERY CUT- OFF	30	31

→ = Expert depositions (allows for 19 depos or 38 if they are double-tracked in differing areas of expertise)