

**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 GRANTING RECEIVER'S MOTION FOR AUTHORIZATION TO PROVIDE
NOTICE TO UNIT OWNERS OF POTENTIAL LIABILITY IN EXCESS OF
LIABILITY INSURANCE PURSUANT TO SECTION 718.119(3), FLA.STAT.**

This cause came before the Court on February 11, 2022, on the *Receiver's Motion for Authorization to Provide Notice to Unit Owners of Potential Liability in Excess of Liability Insurance Pursuant to Section 718.119(3), Fla.Stat.* ("Motion"). The Court, having reviewed the *Motion* and the Receiver's argument, having given those interested an opportunity to be heard, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The *Motion* is granted.
2. The attached *Notice to Unit Owners, Insurers, and All Interested Persons of Potential Liability in Excess of Liability Insurance Pursuant to Section 718.119(3), Fla.Stat.* ("Notice") is approved.
3. The Receiver shall publish the *Notice* by: posting the *Notice* on the Receiver's website for this action (<https://ctsreceivership.com/>); By emailing the *Notice* to the person(s) in the Receiver's records listed as (i) being a Unit Owner or representing

a Unit Owner or (ii) being an insurer of a Unit Owner; and filing a copy of the *Notice* in the record of this case.

4. Any Unit Owner or his/her representative who seeks to intervene and defend the Association as provided by Section 718.119(3), Fla. Stat., must file a motion for leave to intervene and defend within ninety (90) days of the date of publication of the *Notice*.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 22nd day of February, 2022.



2021-015089-CA-01 02-22-2022 11:17 AM

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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Physically Served:

**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.

**NOTICE TO UNIT OWNERS, INSURERS, AND ALL INTERESTED
PERSONS OF POTENTIAL LIABILITY IN EXCESS OF LIABILITY
INSURANCE PURSUANT TO SECTION 718.119(3), FLA.STAT.**

Pursuant to Section 718.119, Fla.Stat., Michael I. Goldberg (the “Receiver”), in his capacity as the Court-appointed Receiver for the Champlain Towers South Condominium Association, Inc. (the “Association”), hereby provides Notice to all Unit Owners, Insurers, and all other interested persons as follows:

1. This Notice has been approved for publication by the Court pursuant to the *Order Approving Proposed Notice to Unit Owners, Insurers, and All Interested Persons of Potential Liability in Excess of Liability Insurance Pursuant to Section 718.119(3), Fla.Stat.* (“Notice Approval Order”; entered on February ____, 2022).

2. On June 24, 2021, the Champlain Towers South building partially collapsed; the remainder of the unsafe structure was demolished on July 4, 2021.

3. The Court appointed the Receiver as receiver for the Association and vested him with “the sole authority to exercise the rights and powers vested in the Association pursuant to Florida Statute Chapter 718 and other applicable laws . . .”. See *Agreed Order Appointing Receiver* (entered July 2, 2021) at ¶ 1.

4. The Association has been named as a defendant in dozens of lawsuits alleging that the Association was negligent in the operation and maintenance of the Condominium, thereby causing significant damage to numerous victims of the collapse.

5. The Association maintained approximately \$18 million of General Liability Coverage at the time of the collapse.

6. The multiple claims against the Association substantially exceed the amount of the Association's General Liability Insurance coverage.

7. Section 718.119, "Limitation of liability," provides (emphasis added):

(1) The liability of the owner of a unit for common expenses is limited to the amounts for which he or she is assessed for common expenses from time to time in accordance with this chapter, the declaration, and bylaws.

(2) The owner of a unit may be personally liable for the acts or omissions of the association in relation to the use of the common elements, but only to the extent of his or her pro rata share of that liability in the same percentage as his or her interest in the common elements, and then in no case shall that liability exceed the value of his or her unit.

(3) In any legal action in which the association may be exposed to liability in excess of insurance coverage protecting it and the unit owners, the association shall give notice of the exposure within a reasonable time to all unit owners, and they shall have the right to intervene and defend.

8. This Notice is being published through the following methods:

a. By posting the Notice on the Receiver's website for this action (<https://ctsreceivership.com/>);

b. By emailing the Notice to the person(s) in the Receiver's records listed as (i) being a Unit Owner or representing a Unit Owner or (ii) being an insurer of a Unit Owner; and

c. By filing a copy of the Notice in the record of this case.

9. Pursuant to Section 718.119(3), Fla.Stat., unit owners "shall have the right to intervene and defend" "[i]n any legal action in which the association may be exposed to liability in excess of insurance coverage protecting it and the unit owners."

10. In accordance with this provision of Section 718.119(3) and the *Notice Approval Order*, the Receiver further provides notice that any Unit Owner or their representative who seeks to intervene and defend the Association must file a motion for leave to intervene and defend within ninety (90) days of the date of this Notice.

Respectfully submitted,

/s/ Michael I. Goldberg

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*Court-Appointed Receiver for Champlain
Towers South Condominium Association, Inc.*

Dated: February ___, 2022