

**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

**RECEIVER'S MOTION FOR ENTRY OF AN ORDER AUTHORIZING
MIAMI-DADE COUNTY TO RETURN CONTENTS OF RECOVERED SAFES**

Michael I. Goldberg (the "Receiver"), pursuant to Rule 4 of the Complex Business Litigation Rules, seeks entry of an Order authorizing Miami-Dade to return the contents of recovered safes to the extent the owner has been identified. In support thereof, the Receiver states:

1. At a hearing conducted on July 2, 2021 (the "Commencement Date"), in the captioned cases, the Court ordered the appointment of Michael I. Goldberg as Receiver for the Association. Following the hearing, the Court entered an order formally appointing Mr. Goldberg as Receiver.

2. This receivership is the result of multiple lawsuits that were filed after the tragic collapse of a portion of the real property with a physical address of 8777 Collins Avenue, Surfside, Florida 33154 (the "Property").

3. Following the collapse of the Champlain Tower South Condominium and to date, Miami-Dade County has recovered 22 safes in varying conditions (some of which were completely destroyed, some of which were partially crushed and had gaping holes, some of which were empty and/or some of which were not breached during the collapse).¹ The County decontaminated the

¹ Miami-Dade County initially recovered 17 safes. However, five additional safes have been recovered through additional ongoing efforts.

outside of the safes. Thereafter, on November 16, 2021, the Receiver and County officials (including from the Miami-Dade County Police Department and the County Attorney's Office), along with a locksmith, accessed the contents of the safes and took a detailed inventory of their contents.

4. For safes that were not considered breached (no holes, cracks, or other means for entry of contaminants) during the collapse and/or demolition, the County, through consultation with its hired asbestos consultant, determined that the contents, both hard and soft, could be returned to the owners.

5. With respect to the safes that were breached, the County decontaminated hard items found in those safes and segregated soft items (which have been deemed biohazard) that are not being decontaminated or returned.

6. The Receiver, along with the County, worked to identify the owners of the contents of the safes, to the extent possible.

7. Eight² of the recovered safes contained hard items (and/or soft items in unbreached safes) and also contained information from which the owner could be identified as follows:

- a. Safe BV ownership: The Estates of Richard and Maria Rovirosa
 1. co-personal representative Alejandra Margarita Rovirosa
 2. co-personal representative Adriana Miriam Rovirosa
- b. Safe AM ownership: The Estate of Manuel Lafont
 1. Personal representative Adriana E. Lafont

² One of the eight recovered safes contained hard items that have been decontaminated and also contained identifying information but are not subject to return at this time and are addressed separately. See paragraph 10. There are competing claims of ownership with respect to the contents of the safe. Therefore, the Receiver is not seeking to have the Court authorize the release of the contents of that safe by way of this Motion.

- c. Safe DV ownership: Ezra Gracia
 - d. Safe DC ownership: Bruno Treptow
 - e. Safe FZ ownership: The Estates of Gino and Graciela Cattarossi
 - 1. Personal representative Marcelo Cattarossi
 - f. Safe W ownership: Ann Caserta
 - 1. Power of Attorney Renee Caserta
 - g. Safe Z ownership: Stella Konieczpolski
8. The Receiver has been in contact with each of the potential parties in interest of the safes referenced in paragraph 5(a-g), advising them of the recovered contents and the filing of this Motion.

9. Therefore, and in accordance with this Court's Order dated October 1, 2021, the Receiver respectfully requests this Court authorize Miami-Dade County to release the recovered decontaminated contents and soft item contents (where appropriate) of the safes referenced in paragraph 5(a-g) above to the individuals, or their personal representatives as appropriate, referenced in paragraph 5(a-g).

10. As for Safe BY, the Receiver is not in a position to make an ownership determination, and there are competing claims for the contents. By way of example, the safe contained documentation listing "Elena M. Chavez", jewelry with the name "Elena" on it, jewelry with "PJR" on it and jewelry with "Alejandro" on it, among numerous other items of jewelry, cash and other contents. Both Elena M. Chavez and her daughter Elena Chavez Blasser died in the collapse on June 24, 2021. The personal representative for the Estate of Elena M. Chavez is Pablo J. Rodriguez, her grandson. The personal representative for the Estate of Elena Chavez Blasser has been contested and is the subject of probate litigation between her son, Pablo J. Rodriguez and

her husband Joseph Blasser. The Receiver has contacted both Mr. Rodriguez and Mr. Blasser, both of whom claim entitlement to the contents of the safe. The Receiver advised both individuals (and counsel for Mr. Blasser) that he would be filing this Motion and that the claimants would need to address the matter with the Court due to the dispute.

11. Four of the 21 recovered safes contained only documents, which cannot be decontaminated as follows:

- a. Safe DL ownership: Oren Cytrynbaum
- b. Safe BE ownership: Nathan and Sara Goldlist
- c. Safe EI ownership: The Estate of Richard Augustine
- d. Safe BB ownership: As of the filing of this Motion, a personal representative has not yet been appointed, although the process is apparently underway.

12. The Receiver, in conjunction with the County, is in the process of photographing the contaminated documents, where possible, to provide the owners with digital images of the photographed documents.

13. To the extent there were safes with contents whose owner could not be identified, the Receiver, in accordance with the Court's October 1, 2021 Order, will follow the same protocol that will be utilized with respect to the hard property items found in the rubble.

14. Neither the Receiver nor the County warrants the safety of the personal property items and/or that they are free of all toxins despite the County's completion of the decontamination process. Accordingly, it is requested that the Court's order approving the return of personal property provide that an individual's acceptance of the property shall constitute a waiver of any and all claims against the County and the Receiver with respect to the personal property, including

but not limited to, any claims or damages relating to toxins or other hazardous materials remaining on the personal property.

15. The County and the Receiver also request that the Court's order approving the release of property items provide that the Receiver and the County are not responsible for the inadvertent turnover of personal property or currency to the wrong person so long as they followed the procedures set forth in the applicable Court Orders.

16. Upon issuance of an Order on this Motion, the Receiver will contact the individuals referenced in 5(a)-(g) to provide them the contact information for the County so that the owners and/or personal representatives can coordinate retrieval of their items from Miami-Dade County.

Date: February 3, 2022

Respectfully submitted,

/s/ Michael I. Goldberg
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Court-Appointed Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 3, 2022, a copy of the foregoing was electronically filed with the Clerk of Court by using the Florida Courts E-Filing Portal and a copy of same was furnished to all counsel of record through the Florida Court's E-Filing Portal.

By: s/ Michael I. Goldberg
Michael I. Goldberg