

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

COMPLEX BUSINESS DIVISION
CASE NO. 2021-015089-CA-01
Section CA: 43 Judge Michael Hanzman

IN RE:

CHAMPLAIN TOWERS SOUTH
COLLAPSE LITIGATION

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**NV5'S UNOPPOSED MOTION TO FOREGO ANSWERING PLAINTIFFS' NOW MOOT
SECOND AMENDED CLASS ACTION COMPLAINT DUE TO THE FILING OF
PLAINTIFFS' THIRD AMENDED CLASS ACTION COMPLAINT**

NV5, Inc. ("NV5") pursuant to Rule 1.110, 1.140, and 1.190 of the Florida Rules of Civil Procedure, other applicable law, and the inherent authority of this Court, moves this Court for an order allowing NV5 to forego filing an answer to Plaintiffs' Second Amended Class Action Complaint, which has been rendered moot by Plaintiffs' Third Amended Class Action Complaint and as support states:

1. NV5's answer to Plaintiffs' Second Amended Class Action Complaint is currently due on March 8, 2022.
2. On March 7, 2022, Plaintiffs' filed their motion for leave to file a Third Amended Class Action Complaint, which NV5 does not oppose and which will undoubtedly be granted given Florida's liberal pleading standard and the Court's case management order, which establishes March 7, 2022, as the deadline to add new parties.
3. In an abundance of caution, NV5 seeks an order from the Court allowing it to forego filing an answer to a pleading that is now moot.
4. Plaintiffs do not oppose this motion.

WHEREFORE, NV5 respectfully requests that this Court enter an order allowing NV5 to forego filing an answer to Plaintiffs' Second Amended Class Action Complaint given Plaintiffs' filing of its motion for leave to file a Third Amended Class Action Complaint and for any other relief that this Court deems just and proper.

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to the Rules of the Complex Business Litigation Division and this Court's orders, the undersigned certifies that it has conferred with counsel for Plaintiffs, Rachel Furst via email and telephone on March 8, 2022, and Plaintiffs do not oppose this motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 8, 2022, a true and correct copy of the foregoing has been furnished by electronic mail through the Florida Courts E-Filing Portal to all counsel of record.

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