

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

COMPLEX BUSINESS
LITIGATION DIVISION

IN RE: CHAMPLAIN TOWERS SOUTH
REPRESENTATION
COLLAPSE LITIGATION.

CASE NO. 2021-015089-CA-01

PLAINTIFFS' MOTION TO APPOINT CLAIMS ADMINISTRATOR

Undersigned appointed counsel, representing the putative class members, hereby moves this Court for an order appointing a Claims Administrator and in support thereof state as follows:

On June 24, 2021, the Champlain Towers South condominium building in Surfside suffered a catastrophic failure and partial collapse, killing ninety-eight (98) people and destroying fifty-five (55) units. The remaining structure was deemed dangerously unstable and demolished ten days later. Since that horrific day, this Court and all involved counsel have worked tirelessly in an effort to resolve all disputes arising from the Collapse. The efforts have resulted in numerous settlements, with hopefully many more on the horizon. This motion seeks to appoint a Claims Administrator for the claims in order to have an experienced, trustworthy, and time-tested organization in place to assist with processing, classifying, and paying claims made by members of the class, or at the very least the wrongful death/personal injury sub-class.

The fact is that there will never be enough money to compensate the families who lost loved ones on June 24, 2021. The subject sub-class lost mothers, children, fathers, grandfathers, and grandmothers, among others. There is simply no cure for the pain and suffering endured by these class members. The best one can hope for is a quick distribution of the class settlement funds, once finally approved by the Court, to allow those affected to grieve. For this very reason, as

aforementioned, the Undersigned have worked relentlessly to resolve all claims as quickly as humanly possible.

The hard work has paid off. The court appointed receiver has in his possession nearly \$50 million from insurance proceeds. The land currently has a \$120 million stalking horse bid in place. The economic loss and wrongful death/personal injury classes have a tentative agreement on the allocation of the proceeds from the sale of the land. And various Defendants including Becker & Poliakoff P.A., Morabito Consultants, Inc., and DeSimone Consulting Engineers, LLC have already settled pursuant to court ordered early mediations. There is no question that the litigation in this matter is moving at the pace this Court demanded from the onset.

To continue the progress, Plaintiffs respectfully move this Court to appoint a Claims Administrator to assist with the administration of the claims put forth by the class or at the very least the wrongful death/personal injury sub-class. The appointment of a Claims Administrator at this juncture will allow the administrator sufficient time to implement a claims evaluation protocol that provides for fair, equitable, and rapid recoveries. The development of the protocol, including both a review process and appellate reconsideration, requires input from the parties, negotiation, patience, and most importantly time. For these reasons, now is the opportune time to appoint an administrator who is experienced, efficient, and respected. The appointment of a claims administrator at this juncture is nothing novel in a class action involving limited funds.

With, at the very least, ninety-eight (98) wrongful death claims and others, and limited settlements proceeds, now is the time to appoint a claims administrator that can implement an agreed upon claims evaluation protocol and provide all class members with sufficient time to prepare the necessary documentation for their claims. Undersigned counsel welcomes the opportunity to present potential administrators to the Court.

WHEREFORE, Undersigned counsel seeks appointment of a Claims Administrator to assist with ensuring that all the victims of this tragedy are treated with respect and dignity, but most importantly that their claims are addressed efficiently and fairly.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed and served through Florida's e-Filing Portal to all counsel of record registered to receive service for this matter on this 8th day of March, 2022.

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