

**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.**

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**RECEIVER'S MOTION FOR AUTHORIZATION FOR NON-INVASIVE ASBESTOS  
SAMPLING TO BE CONDUCTED BY THE  
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY**

Michael I. Goldberg (the "Receiver"), pursuant to Rule 4 of the Complex Business Litigation Rules, files this Motion For Authorization For Non-Invasive Asbestos Sampling To Be Conducted By The National Institute of Standards and Technology. In support of this motion, the Receiver states as follows:

1. This case arises out of the tragic collapse of the Champlain Towers South Condominium (the "Condominium") on June 24, 2021.
2. Certain evidence from the remnants of the Condominium are currently being stored in a warehouse in Miami-Dade County (the "Primary Evidence Facility") under the control of The National Institute of Standards and Technology ("NIST") and the Miami Dade County Police.
3. The Receiver has been in constant communication with NIST in connection with the storage, testing and potential movement of the evidence from the Primary Evidence Facility to additional warehouses which will enable NIST and the other parties in interest to more efficiently and safely conduct future testing. As part of its preparation for safe implementation of a Phase Two Protocol for invasive debris testing, NIST contracted a Board Certified Industrial Hygienist to conduct sampling for airborne asbestos fibers at the Primary Evidence Facility.

4. On March 17, 2022, NIST received the air sampling report, which found that no sample exceeded applicable exposure limits for airborne asbestos fibers. The report, however, recommended that NIST “continue with the comprehensive process of evaluation, mitigation, and control of risks in the presence of materials suspected of containing asbestos at the subject property.”

5. To address this, the NIST Office of Safety, Health, and the Environment (OSHE) has advised NIST to have PEF debris samples tested for asbestos by an accredited laboratory following EPA Method 600/R-93/116, which employs polarized light microscopy analysis. Between 45 and 75 samples of approximately one cubic inch or less (1 - 10 grams) will be extracted in a minimally invasive way (i.e., no drilling or coring) and transported to an accredited laboratory for analysis.

6. The Receiver and NIST believe the additional testing is warranted and important. NIST has informed the Receiver that the testing can be conducted in such a way that no evidence is destroyed and that no party in interest will be prejudiced.

7. In an abundance of caution, the Receiver suggested to NIST, and NIST agreed, that they should bring this planned course of action to the Court’s attention so that all parties in interest receive notice of the proposed asbestos testing. The Receiver has disclosed the plan for this additional testing to the Plaintiffs’ lawyers, the Terra Defendants lawyers and the lawyers for John Moriarty and Associates. None of these lawyers object to the proposed additional non-invasive asbestos testing.

**WHEREFORE**, the Receiver respectfully requests the Court to enter an order authorizing the additional non-invasive asbestos testing and to grant such other relief as is just and proper.

Dated: March 18, 2022

Respectfully submitted,

*/s/ Michael I. Goldberg*

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*Court-Appointed Receiver*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on March 18, 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