

**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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**AMENDED NOTICE OF PROCEEDINGS TO APPROVE SETTLEMENT  
AMONG RECEIVER, PARTICIPATING UNIT OWNERS<sup>1</sup> AND  
WRONGFUL DEATH CLASS, AND BAR ORDER**

PLEASE TAKE NOTICE that Michael I. Goldberg, as the Court-appointed receiver (the “**Receiver**”) for Champlain Towers South Homeowners Association, Inc. (the “**Association**” or “**Receivership Entity**”), in the above-captioned matter (the “**Receivership Proceeding**”), has filed a motion with the Court overseeing the Receivership Proceeding seeking approval of a proposed settlement between: (i) the owners of Condominium Units at the Champlain Towers South condominium (the “**Condominium**”) who do not affirmatively opt out of the Settlement (the “**Participating Unit Owners**”); (ii) non-Unit Owner members of the not-yet-certified Wrongful Death Class (the “**WDC**”); and (iii) the Receiver, arising out of the tragic Collapse of the Condominium on June 24, 2021. The proposed Settlement settles all claims that were and could have been asserted by and against the Unit Owners (except for the claims subject of the Tenant-Guest Carve Out (as such term is defined in the proposed Bar Order)), the members of the WDC and the Receiver or Receivership Estate. The Settlement is **expressly conditioned** on the Court approving the *Allocation Settlement Agreement* and including in the order approving such *Allocation Settlement Agreement* a provision permanently barring, restraining and enjoining any person or entity, including members of the WDC, from pursuing claims, **including claims you may possess**, against any of the Participating Unit Owners, against any of the Participating Unit Owners arising directly or indirectly in any manner whatsoever from the Association’s activities, work, conduct, omissions, or services in connection with the Champlain Tower, or the Collapse to the broadest extent permitted by law (the “**Bar Order**”).

PLEASE TAKE FURTHER NOTICE that the material terms of the *Allocation Settlement Agreement* are that the (i) Participating Unit Owners have agreed to (a) reduce their claim to 100% of the expected proceeds of the sale of the Condominium Property which will be not less than One Hundred Twenty Million Dollars (\$120,000,000.00) and available insurance proceeds of Thirty Million Dollars (\$30,000,000.00), to Eighty Three Million Dollars (\$83,000,000.00) in exchange

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<sup>1</sup> All capitalized terms not defined in this Notice shall have the meanings ascribed to them in the Settlement Agreement and motion seeking its approval, as applicable.

for broad releases from the Receiver and the WDC (each of which shall receive reciprocal releases from the Participating Unit Owners), and entry of the Bar Order; *provided, however*, that releases in favor of the Participating Unit Owners shall be subject to a carve-out for direct claims that tenants and guests have against the Participating Unit Owners, if any, and entry of the Bar Order; included in the releases in favor of the Receivership Estate are releases in favor of all current and former Association board members, and Scott Stewart, the Association's Property Manager, (b) waive or release their rights in the Condominium Property, including their Condominium Units; (c) affirmatively support termination of Condominium; (d) be irretrievably bound by a decision of the Court adjudicating whether a Participating Unit Owner's Individual Percentage Share of the Common Fund should be reduced, if at all, by the amount of insurance proceeds received by any Participating Unit Owner related to or on account of the Collapse; and (e) assign to the Receiver all Participating Unit Owners Property Damage Claims against third parties to be held and pursued by the Receiver for the benefit of the Receivership Estate, subject to further orders of the Court; and (ii) the Receivership Estate, will, upon entry of this Bar Order, recognize an enforceable obligation in favor of the members of the WDC—the Agreed Settlement Amount—that will be funded by the Assessment.

PLEASE TAKE FURTHER NOTICE that copies of the Settlement Agreement; the *Motion for (I) Approval of Settlement Among Receiver, Unit Owners, and Wrongful Death Class; (II) Approval of Form, Content and Manner of Notice of Settlement and Bar Order; (III) Entry of Bar Order; and (IV) Scheduling a Hearing, with Incorporated Memorandum of Law* [D.E. No. 515] (the "**Settlement Motion**"); the proposed Bar Order; and other supporting and related papers (in English and Spanish), may be obtained from the Court's docket or from the website created by the Receiver (<https://ctsreceivership.com>).

***POR FAVOR TOME NOTA, que este aviso, traducido al español, está localizada en el sitio web creado por el Administrador Judicial (<https://ctsreceivership.com>).***

PLEASE TAKE FURTHER NOTICE that the final hearing on the Settlement Motion, at which time the Court will consider approval of the *Allocation Settlement Agreement* including the grant of the releases and the issuance of the Bar Order, and the Assessment, is set by Zoom before the Honorable Michael A. Hanzman, **Miami Dade County Children's Courthouse, 155 NW 3<sup>rd</sup> Street, Miami, FL 33128, in Courtroom 9-1, at 2:00 p.m. on March 30, 2022** (the "**Final Approval Hearing**"). The link for the Zoom hearing will be circulated before the Final Approval Hearing. Any objection to the *Allocation Settlement Agreement*, the Motion or any related matter, including, without limitation, entry of the Bar Order and the Assessment, must be filed, in writing, with the Court in the Receivership Action, and served by email on all counsel of record, including (i) Michael I. Goldberg, Esq., Akerman LLP, The Main Las Olas, 201 East Las Olas Boulevard, Suite 1800, Fort Lauderdale, FL 33301, Email: michael.goldberg@akerman.com; (ii) Paul Steven Singerman, Esq., Berger Singerman LLP, 1450 Brickell Ave., Suite 1900, Miami, FL 33131, Email: singerman@bergersingerman.com; (iii) Gonzalo R. Dorta, Esq., Dorta Law, 334 Minorca Ave., Coral Gables, FL 33134, Email: gr@dortalaw.com; (iv) Harley S. Tropin, Esq. and Javier Lopez, Esq., Kozyak Tropin & Throckmorton, LLP, 2525 Ponce de Leon Boulevard, Miami, FL 33134, Email: hst@kttlaw.com and jal@kttlaw.com; (v) Adam M. Moskowitz, Esq., The Moskowitz Law Firm, 2 Alhambra Plaza, Suite 601, Coral Gables, FL 33134, Email: adam@moskowitz-law.com; (vi) Judd Rosen, Esq., Goldberg & Rosen, P.A., One Biscayne

Tower, 2 S Biscayne Blvd., Suite 3650, Miami, FL 33131, Email: jrosen@goldbergrandrosen.com; (vii) Rachel Wagner Furst, Esq., Grossman Roth Yaffa Cohen, P.A., 2525 Ponce de Leon Blvd., Ste 1150, Coral Gables, FL 33134-6040, Email: RWF@grossmanroth.com; (viii) Ricardo Martinez-Cid, Esq., Podhurst Orseck, P.A., 1 SE 3rd Ave Ste 2300, Miami, FL 33131-1716, Email: rmcid@podhurst.com; and (ix) Jorge Silva, Esq. and Carlos Silva, Esq., Silva & Silva, P.A., 236 Valencia Ave., Coral Gables, FL 33134-5906, Email: jsilva@silvasilva.com and csilva@silvasilva.com, **no later than March 23, 2022 (the “Objection Deadline”)**, pursuant to the Court’s March 6, 2022 *Order Preliminarily Approving “Allocation Settlement Agreement”* (the “**Preliminary Approval Order**”).

PLEASE TAKE FURTHER NOTICE that a Unit Owner may Opt-Out of the *Allocation Settlement Agreement* and become a Non-Participating Unit Owner by filing with the Court a Notice of Election to Opt-Out in the form attached to the Allocation Settlement Agreement as Exhibit "E" within ten (10) days of the date of the Bar Order.

PLEASE TAKE FURTHER NOTICE that any party may (but is not obligated to) file a written response to any objection(s) by close of business on **March 28, 2022**. No untimely objections will be entertained. **If no objections are timely filed, the Court may cancel the Final Approval Hearing without further notice.**

**This matter may affect your rights. You may wish to consult an attorney.**

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