

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

CASE NO: 2021-015089-CA-01

SECTION: CA 43

JUDGE: Michael Hanzman

In re:

Champlain Towers South Collapse Litigation.

NOTICE OF FILING OBJECTIONS TO ALLOCATION SETTLEMENT AGREEMENT

Michael I. Goldberg, Receiver for the Champlain Towers South Condominium Association, Inc., hereby files the following Objections to the Allocation Settlement Agreement received by email on March 23, 2022:

1. Deborah Soriano
2. Raysa M. Rodriguez
3. Alfredo Lopez
4. Marian Smeraldi-Lopez
5. Jay Miller
6. Myra Cruz¹

Dated: March 23, 2022

Respectfully submitted,

/s/ Michael I. Goldberg

Michael I. Goldberg, Esq.

Florida Bar Number: 886602

Email: CTSReceivership@akerman.com

Court-Appointed Receiver

AKERMAN LLP

201 E. Las Olas Boulevard, Suite 1800

Fort Lauderdale, Florida 33301-2999

Tel: (954) 463-2700

Fax: (954) 463-2224

¹ The Receiver previously filed an unsigned copy of Ms. Cruz' Objection with the Court on March 22, 2022. The attached Objection is the same as that previously filed, but contains Ms. Cruz' signature.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 23, 2022, a copy of the foregoing was electronically filed with the Clerk of Court by using the Florida Courts E-Filing Portal and furnished a copy of same to all counsel of record through the Florida Court's E-Filing Portal.

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

March 22, 2022

Via UPS Overnight

Clerk of the Circuit Court
Miami-Dade County Courthouse
73 West Flagler Street, Room 133
Miami, Florida 33130

**IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION
IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA
CASE No.: 2021-015089-CA-01**

Dear Judge Hanzman:

Thank you for taking the time to read my letter. My name is Deborah Soriano, I am a survivor from Champlain Tower South, apartment 1105. For the last 9 months, since the collapse, I have been quiet regarding our situation, pretty much just waiting to see an outcome. I am not the outspoken type, but this time, I don't know how I can remain silent.

The following objection is in response to the Preliminarily Approved Allocation Settlement Agreement in the instant action. According to this Court's Order Preliminarily Approving Allocation Settlement Agreement dated March 6, 2022, this Court indicated that the proposed Allocation Settlement Agreement appears to be fair and reasonable to all parties involved. However, there are several issues related to the Agreement, that have not been addressed previously, which I ask this Court to consider:

- The Allocation Settlement Agreement was negotiated at a time when all parties were under the mistaken belief that the collapse was solely caused by poor building maintenance. Subsequent discovery revealed that the construction work performed by Terra Group and its subcontractors caused substantial damage to the building. This mistaken belief affected the negotiations and each party's ability to advocate on behalf of their client/class.
- The Allocation Settlement Agreement, despite substantial progress in the Court docket, was negotiated, drafted, and preliminarily approved without the benefit of full discovery. In this respect, I am asked to agree to an amount without any knowledge of the pool of resources.
- I am also unable to gauge the fairness of the Allocation Settlement Agreement because we are deprived of all ability to review the Settlement Agreements that have already been executed in this case. Assuming the Court approves the instant Allocation Settlement Agreement, wrongful

death victims will be able to point to the subject Allocation Settlement Agreement as an indicator of their agreement's worth or fairness. I, in turn, have no way to gauge the Allocation Settlement Agreement with respect to existing Settlement Agreements.

- The Allocation Settlement Agreement is premised on a \$95 million dollar appraisal which is far below fair market value. The fair market value of the land today is \$120 million dollars. This fair market value still does not take into consideration the fact that several owners paid premiums for their unit views and invested a substantial amount of money in property improvements.

While I understand that this Court is in an extremely difficult position, there appears to be a large discrepancy in bargaining power between those victims who "only" suffered economic loss, and the families of wrongful death victims. This is further exacerbated by the fact that I, and other victims, are continuously referred to as "economic loss owners" instead of victims in court proceedings and filings. While we have been addressed as the "property loss" group, I can assure you that this is significantly more than property loss. We are humans, with feelings, like the rest of the world. We are victims. The trauma and suffering we faced, and continue to face, cannot fairly be reduced to a characterization of "economic loss owners."

I know how lucky I am to have survived this horrible tragedy. But we lost more than property. I lost my ability to fall asleep, to socialize, to focus, to have peace of mind, and to be optimistic about my future and my family's future. It's crazy that I even consider myself "lucky" when I was awake during the collapse, escaped from the 11th floor, and witnessed the aftermath of the collapse, surrounded by people who I consider friends and family. This tragic event made me realize how detached I am from the material side of it. I don't need my watch, my jewelry, or my possessions. I need my life back. I am a small business owner, who worked my whole life to give my kids an education, and to be able to buy a piece of property where I could live for the rest of my life, without having to stress about my future. Therefore, my peace of mind is gone, I am officially homeless, and have no idea how I will ever be able to purchase a home again.

Being an immigrant, living here since 1985, I am always amazed by what this country has given me, but now, I am really confused about the meaning of justice. We teach our kids to always speak the truth, to stand up for what they believe in, to never make decisions based on fear, and here I am. Quiet for the last 9 months, not standing up for what I believe is right, and making decisions based on fear. Fear of saying the wrong thing and being punished. Fear of making the wrong move and being more punished, and fear of never being able to get my life back on track. What have we done wrong? No one in that building would have put their lives, or their families lives in danger, never.

I will be 60 years old, and this matter has exhausted me to my limits. I am only writing to you because I feel an obligation to my children. Surviving this tragedy and being quiet would be a waste. We don't have enough facts in order to make an educated decision about our future. If I were younger, and had unlimited funds, I would fight until I couldn't fight any more. But now, at this age, who wants to take the risk and be left with even less?

The wrongful death claimants deserve to get what they can get. I don't believe any of us survivors disagree with that. But why should it be taken from us? What was our crime? Why are we being excluded from the sale of the land and the insurance claims? We feel for them, not one of us can even begin to imagine what they are going through by losing family members or loved ones in this collapse. If we are living a horror story, their horror story has been magnified with no limits. We are alive, and I pinch myself every day for how lucky I am, but with all due respect, we really need help. This is not a complaint, nor an accusation to anyone. I thought it was my responsibility to say what I believe in.

I recognize that this Court has everyone's best interest in mind when seeking a speedy resolution. However, we deserve our day in Court. We deserve to make an informed decision regarding any Allocation Settlement Agreement. The desire to finalize our litigation, and focus on the wrongful death victims, is not a flawed one. However, it should not come at our expense.

Therefore, I am respectfully objecting to the Preliminary Approved Allocation Settlement Agreement. This objection should not be construed as an intention to opt out of any settlement. Thank you for your attention and care.

Sincerely,

Deborah Soriano, Deborah Soriano Revocable Living Trust Apt. 1105

March 18, 2022

Clerk of the Circuit Court
Miami Dade County Courthouse
73 West Flagler Street Room 133
Miami, Florida 33130

In re: Champlain Towers South Collapse Litigation
In the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida
Case No.: 2021-015089-CA-01

Objection Letter

**THE ORIGINAL
FILED ON:**

MAR 22 2022

**IN THE OFFICE OF
CIRCUIT COURT MIAMI-DADE CO., FL**

Dear Sir,

My name is Raysa Rodriguez I am a survivor of Champlain Towers South. On that horrific night of June 24, 2021 at 1:22 am, I was sleeping when I heard an awful boom that threw me from my bed as the building swayed from left to right. Terrified, I made it to my feet and ran towards the light switch. I hit the switch, nothing happened. I then ran towards my balcony, opened the sliding glass door, and was hit with a thick cloud of white dust. Panicked, I dialed my best friends Elaine Sabino and Dick Augustine from apartment 1210. There was no answer. My soul quaked with fear. I knew something awful had happened. When I opened the front door to my apartment, I was met with darkness and as eerie silence. I then noticed that the elevators were gone. In their place stood two empty shells. I looked left. A piling blocked my neighbor's door from floor to ceiling. I yelled out for Angie, Devon and Edgar. "Is anybody there?" No answer. I knocked on apartment 906, where Oren lived. No answer. I exited the stairwell across my apartment and saw the unimaginable - the east side of Champlain was gone.

I relive the horror every night before going to bed. Everything I knew to be true and good is gone. My home is gone, my friends and neighbors of 18 years are gone, and my best friends Elaine Sabino and Dick Augustine are gone. At Champlain we celebrated birthdays, holidays, and vacations together. Champlain was comprised of people from different backgrounds, religions and professions. But, that didn't make a difference to us, we were still family.

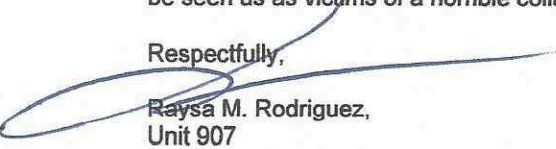
That night has left me broken. I will never be the same person after witnessing the tragic loss of life I experienced that night. I write to you so you can understand. I am currently seeing a therapist who is helping me cope with the loss of my friends and PTSD. I have lost everything I spent an entire lifetime working for. My world is shattered and the uncertainty of never being able to own a home again is devastating. As I live in limbo waiting for a resolution, I now find myself in a situation that is daunting.

The allocation began with the appraisal of \$96 million, which the owners felt had many discrepancies and was respectfully low. We shared this concern with our attorneys and Mr. Goldberg. Later, you directed attorneys Gonzalo Dorta and Judd Rosen to mediate and deliver an equitable agreement under parameters set by you. I participated in the mediation held at Fairchild Gardens and was shocked to see over two dozen attorneys from the wrongful death side in attendance. At the end of a 10 hour mediation, Mr. Dorta advised the mediators that there was an impasse. Days passed and attorneys continued to mediate. Later, our team was told that the final number would be \$83 million to our disappointment.

I'm one of the owners of the smaller apartments at Champlain Towers. At \$83 million my allocation would be \$443,718.00. If the court decides to reduce the allocation further by including my insurance proceeds. I will be unable to buy a home in South Florida because I am retired and still responsible for my Champlain Tower apartment mortgage. I implore that you consider increasing the amount from \$83 million to \$96 million, and not reducing the appraisal by the \$15 million dollar assessment. Doing so would leave me with \$513,216.00 and in a better position to purchase a home again.

Your goal of helping the Champlain survivors to move on with our lives is truly appreciated, but we need to be seen as victims of a horrible collapse and not as the perpetrators.

Respectfully,


Raysa M. Rodriguez,
Unit 907
Champlain Towers South

March 21, 2022

Clerk of the Circuit Court
Miami-Dade County Courthouse
73 West Flagler Street
Room 133
Miami, Florida 33130

THE ORIGINAL
FILED ON:
MAR 22 2022
IN THE OFFICE OF
CIRCUIT COURT MIAMI-DADE CO., FL

In re: Champlain Towers South Collapse Litigation
In the Circuit Court of the 11th Judicial Circuit and for Miami-Dade County, Florida
Case No. 2021-015089-CA-01

Your Honor,

My name is Alfredo Lopez. Along with my wife Marian and my son Michael, I have lived at CTS for the past 23 years in Apt. 605. It truly was our dream home. Throughout the years, we developed many close friendships with our neighbors, often seeing them on the beach or in town.


Unfortunately, on June 24th that all changed. 98 of our neighbors did not survive that fateful evening. To be honest, I have no idea how we got out ourselves. We have been told more than a few times how fortunate we were to have survived. I know that for the first few months, I had survivor's guilt, often thinking about all the people that were not able to get out that night. That guilt became unbearable, so much so that I have been seeing a trauma therapist in an attempt to get my life back. To no one's surprise, Dr. Eklund diagnosed me with PTSD, and slowly I have been coping with ways to get on with my life, as a husband and a father. I'm not proud to admit that I haven't been very good at it lately.

To hear the court address me as a part of the "economic loss" makes it sound like I lost a couch or some other piece of furniture. I am a survivor, all my friends and neighbors that were fortunate to get out that night are survivors. We are surviving victims, certainly not economic victims. We all mourn those friends of ours that died on the 24th, be sure of it.

Now we are reaching an end to these hearings, after a mediation settlement that quite frankly, I don't know any one of the surviving victims who agreed to this. How surreal has this situation become, that all of a sudden, we have been considered as responsible or negligent with regard to this tragic collapse. To say that this is absurd doesn't quite describe how we feel. The lack of empathy that the attorneys for the WD have expressed towards us mind boggling. These attorneys that were assigned by the court, did not want to give the surviving victims a penny. To this day, I would like to hear their reasoning for that line of thinking.

I simply want a fair settlement, and this \$83M figure means that I will be getting a fraction of what my home was worth. To be clear, I understand and do not expect a full compensation for our loss. I need to move on with my life and buy a new home for my wife and son. I ask this court to please reconsider the amount and increase the settlement to at least what the total amount of units were appraised at, which was 96 million. I am also asking the court not to deduct the insurance payment that we received from our homeowner's policy from our settlement.

Respectfully yours,


Alfredo Lopez
Unit owner 605
Champlain Towers South

March 21, 2022

Clerk of the Circuit Court
Miami-Dade County Courthouse
73 West Flagler Street Room 133
Miami, Florida 33130

**THE ORIGINAL
FILED ON:**

MAR 22 2022

**IN THE OFFICE OF
CIRCUIT COURT MIAMI-DADE CO., FL**

In Re: Champlain Towers South Collapse Litigation
In the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida
Case No.: 2021-015089-CA-01

Dear Honorable Judge Hanzman:

First, I would like to note that I will be accepting the settlement offered to us, as the only alternative, i.e., paying attorney's fees for several years with the inevitable assessment that would likely follow, leaving us worse off than we are now, is wholly unacceptable and cannot even be considered. I have signed the letter of objection submitted by the surviving victims' group and therefore will not reiterate the points made in that letter, which have been so eloquently stated. The purpose of this letter is to share my own personal story with the hope of emphasizing the plight of the surviving owners as well as our plea for a more fair and equitable settlement.

Since June 24, 2021, I have shed many tears, not only for myself and my own family, but also for my neighbors and friends who were injured, have lost their lives, and families who have lost loved ones. I am the Registrar at the Ruth K Broad/Bay Harbor K-8 Center, the local public school. Four of the children who perished that night, Emma, Lucia, Stella, and Lorenzo, were all students at the school. I watched them grow, both at home and in school. Many of us at RKB, teachers, administrators, and classmates share in grieving the loss of these innocents. As the only surviving child of parents who have lost two sons at a young age, I personally witnessed the heartbreak and devastation experienced by parents who have had to bury their children. I can only imagine the depth of their suffering and despair. Nothing could ever fill the loss.

Having said that, I would like the Court to understand that in addition to the grief and compassion that I feel for the loss of life, the experience of the collapse, the escape, and the stress of the ensuing legal proceedings in the following months are not without

ever-present and long-lasting effects in my own life. I am a member of the "economic loss" class, but I would like the Court to consider, in addition to the loss of all my property, the emotional and physical toll these events have taken on me.

Since that night, I have had difficulty falling and staying asleep. I have awakened in the middle of the night screaming. The memories of the panic to just "get out," the burning choking feeling in my throat, the surreal abyss that confronted us when we opened our front door facing the ocean, and the feeling of water around my ankles in the garage paralyzing me with the fear of being electrocuted still haunt me. These memories are evoked by the strangest things and at the oddest times. At the sound of an unexpected loud noise or even thunder, my stomach tightens and my heart pounds, I am overcome by a sense of dread. For this and other negative effects of this trauma, I have been seeing a psychotherapist weekly for counseling. I am still consulting with medical professionals for chronic sore throat, cough, and shortness of breath. This catastrophic event has left me feeling displaced, disconnected, and disoriented. My performance at work has suffered due to an inability to concentrate and focus. I never realized how heavily my mental stability and strength depended on my routines, familiar surroundings, and treasured mementos of my past. Yes, it is material loss, but magnified by associated emotions. I feel distraught and helpless as I witness the struggles of my husband and son as they deal with their own grief and personal losses, trying so hard to move forward with their lives. I am hopeful that the negative psychological and emotional impacts will diminish in time.

I do believe that life is a series of challenges and that how we face them is what determines the quality of our survival (or not) in this world. As a person of faith, I have extra help in this regard. Nonetheless, my life is forever changed by the tragic events of June 24, 2021.

I recall your saying that no one in this case will be made whole. I am asking you to consider that, as a surviving victim at age 68, I am in a position where I must re-build my home and my family's future security. I know that I cannot be made whole, but it is in your power to fairly allocate the funds available. I implore you to do so.

Respectfully,


Marian Smeraldi-Lopez

Owner, Unit 605

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA
CASE NO: 2021-015089-CA-01 SECTION: CA 43
JUDGE: Michael Hanzman

In re: Champlain Towers South Collapse Litigation

Statement

OBJECTION TO ALLOCATION SETTLEMENT AGREEMENT

JAY MILLER, CTS Resident Unit #303- Statement for Court, March 30,2022

Prior to moving into CTS and taking up residency in Surfside, FL, I was a College Professor and College Dean in the Philadelphia area for over 35 years. In planning my retirement, I invested my savings into a condo on the beach and spent another \$100,000 on upgrades and improvements. I am here today only because I made a decision to leave CTS on June 15, two weeks earlier than I had originally planned for an out-of-state trip. If I hadn't made that decision, I would have been in the section that collapsed resulting in the deaths of 98 residents and visitors.

During the months that followed I mourned the deaths of friends, neighbors and acquaintances. I attended funerals with multiple caskets and could not think about anything important beyond the collapse and the loss of life.

Since the collapse I have attended every zoom Court hearing, participated in chat list with fellow surviving victims. Early in the process I understood that the members of the Wrongful Death Class Action were entitled to high levels of compensation for their losses. The loss of 98 lives remains unimaginable. We all agree no amount of money will restore what the Wrongful Death heirs lost—sons, daughters, mothers, fathers. Three families I knew well, lost family members from two and three generations. Families were destroyed. Almost all my neighbors on my floor perished. I only lost material possessions and this Court has reminded me that I should be grateful to be alive. I do not need a reminder. I am grateful.

As I followed the court proceedings and engaged in zooms with the class action lawyers, it became apparent to me that as the case progressed something was amiss. Some decisions were being made based on erroneous statements often with no evidence provided. Florida State Laws governing condos were being cited to the exclusion of other decisions governing condos. It appeared to me that the Court had a predetermined outcome for this case

This past week I signed the UNIT OWNERS' OBJECTION TO ALLOCATION SETTLEMENT AGREEMENT. I support and agree with all statements in the document.

While I could elaborate on all the points where I believe the Economic Loss Survivors were being shortchanged resulting in an unfair mediation agreement proposal, I will focus on one example, one which I found particularly egregious, i.e., the alleged negligence of the Condo Board as a contributing factor to the collapse of the building.

This statement is so far from reality that it borders on the absurd and yet it was used as the basis for the Proposed Settlement Agreement and triggering FL 718.119(2) at the same time marginalizing the counter argument of the Florida Business Judgment Rule, which would remove condo board liability.

As an involved CTS resident, I was aware of the on-going obstacles to implement building assessments. At the time of the collapse, the Board was successfully fighting to turn around past objections to assessments and to restore the building. The Board addressed the deficiencies identified by the consulting engineers and inspectors and brought in the Town of Surfside building inspector to validate those findings. If anything, the Board should be receiving commendations for their indefatigable and conscientious efforts to avoid calamity. Instead, they became a target for those in search of compensation. This trope that the Board contributed to the collapse of CTS has been adopted by the Wrongful Death mediators and the Court.

There is little evidence that the Association or the residents were a contributing cause of the collapse. If it were true that they were responsible, those who perished in the disaster would be equally responsible for contributing to their own deaths, which could possibly raise questions regarding future payments to the Wrongful Death claimants.

The Board is now in the hands of the Receiver, who is using the obscure FL 718.119 to coerce survivors into accepting a lowball offer with the added benefit of release from all future claims (not an inconsequential offer). Will this tactic work? Of course, it will. The court has cleverly found a way to coerce survivors by applying a law that empowers the Court to relieve us of our largest asset—the true and full value of our condos. No one wants to live with the fear of losing even more of their assets after losing everything they worked for and owned in the condo collapse.

I am asking the court to reconsider the allocation of funds as suggested in our UNIT OWNERS' OBJECTION TO ALLOCATION SETTLEMENT AGREEMENT LETTER submitted Monday March 21, 2022.

Respectfully submitted,

Jay Miller
CTS Unit #303

March 19, 2022

**THE ORIGINAL
FILED ON:**

MAR 22 2022

**IN THE OFFICE OF
CIRCUIT COURT MIAMI-DADE CO., FL**

Re: Champlain Towers South Collapse Litigation

In the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida
Case No.: 2121-015089-CA-01

My name is Mayra Cruz and I lived in apartment PH-5 (1205) for the past 21 years. On the dreadful morning of June 24, 2021, I was fortunate enough to be on my first post "covid" business trip.

What occurred is horrific and my heart bleeds for the pain and suffering of the families who lost a loved one. I lost a sister to a tragic event as well and know the type of suffering that one can feel. However, this does not mean that we are not victims of this tragedy.

My doorbell (ring) captured on video a family of four potentially walking down the wrong stairs and in seconds making the decision to go down another stairwell which saved their lives. In that video recording, I can hear the building collapsing and see the smoke beginning to fill the hallway right before everything goes dark. That image, along with my neighbors faces who passed, are ingrained in my memory. There is not a day that passes that I don't think about them. I constantly play the events in my mind, and wonder how I may have reacted if I were present? I feel guilty for living and for not being there! I consider myself a victim as well.

I will be accepting the settlement that was reached through the "mediation". However, I would like to highlight a significant point that I believe could have and can be handled differently. Not perfect, but fair.

- The \$95 million appraised value – It is flawed. My apartment was 1579 sq ft and had a 620 sq ft balcony and a superior view. The apartment right next to mine, 1204 (PH-4) had 1429 sq ft and a balcony of 200 sq ft. Both apartments received the same valuation. When I called Mr. Goldberg's office, I was told this would be "looked" at. Additionally, we "the homeowners" were told this appraisal would not be used. How is this fair and equitable? This is the case for several apartments. Once again, we are not looking for perfect but fair and reasonable.

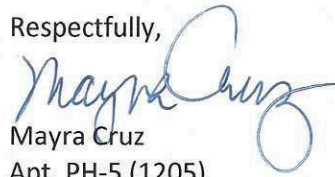
As mentioned above, I lived there for 21 years and myself nor anyone else who lived there thought for one moment that the building was a ticking time bomb. I am currently renting a furnished apartment and paying 3x my mortgage amount.

I am aware this is a horrible case, and no one will be happy with the outcome. The wrongful death should receive as much money as possible. However, I am just imploring that we are also taken into consideration and give us enough to move on and get another home for ourselves. I am not expecting to receive even close to the worth of my apartment without its' contents. A landfall is not what myself or any of my neighbors are expecting nor looking for. We just want an opportunity to re-build.

I am asking that the court to consider leaving us at the full appraised value of \$95 million and does not take the \$15 million assessment or our personal insurance. Currently, I will be receiving .30 cents on the dollar. It will be very difficult to rebuild. This was my primary home, and I do not have any investment properties. Please take this into account as you reach your final decision.

Thank you for taking the time to read this letter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Mayra Cruz", with a large, stylized flourish at the end.

Mayra Cruz

Apt. PH-5 (1205)