

**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

**AIG PROPERTY CASUALTY COMPANY,
AS SUBROGEE OF CAROLYN SMATHERS, NOTICE OF WAIVING
SUBROGATION RIGHTS AGAINST MEDIATING DEFENDANTS**

COMES NOW, non-party, AIG PROPERTY CASUALTY COMPANY, as subrogee of Carolyn Smathers, through its undersigned counsel, states as follows:

1. The Court issued a “Modified Order Requiring Mediation and Staying Discovery as to Mediating Defendants,” on April 6, 2022 (the “Modified Order”), requiring Defendants, 8701 Collins Development, LLC, Terra Group, LLC, Terra World Investments, LLC, and John Moriarty & Associates of Florida, Inc. (collectively hereinafter the “Mediating Defendants”) to mediate with the Champlain Towers South Condominium Association, Inc. (the “Association”) and certain Plaintiffs, in a joint session with Mediator Bruce Greer, on April 27 and 28, 2022 (the “Mediation”).

2. In the Modified Order, the Court further ordered any insurer with an actual or potential subrogation claim against any of the Mediating Defendants or any other property insurer that has paid at least \$250,000.00, in the aggregate, of insurance proceeds to the condominium association, or any owner(s) or tenant(s) of any unit(s) at Champlain Towers South for loss of personalty or damage, that has not clearly and

unequivocally waived in writing its subrogation rights as to each of the Mediating Defendants, to attend the Mediation.

3. As an alternative to attending the Mediation, the Modified Order indicates that any insurance company that may possess a subrogation claim, as referenced *supra*, may instead file a notice in the instant action stating that it has waived all rights of subrogation it may possess against the Mediating Defendants.

4. As a result of the collapse of Champlain Towers South that occurred on June 24, 2021, AIG PROPERTY CASUALTY COMPANY (AIG) paid property insurance proceeds (the “insurance payment”) to, or on behalf of, its insured, Carolyn Smathers per the terms of its insurance contract, i.e., Policy Number: PCG 0049322560.

5. As a result of the aforementioned payments, AIG is/was subrogated to the rights of Carolyn Smathers, to the extent of AIG PROPERTY CASUALTY COMPANY’s insurance payment(s) related to the subject claim.

WHEREFORE, to the extent the Mediation Order is applicable to this non-party, AIG PROPERTY CASUALTY COMPANY, as subrogee Carolyn Smathers, hereby notifies the Court that it waives all rights of subrogation it may possess against the Mediating Defendants to the extent of its insurance payment and confirms that it will not be attending the mediation currently scheduled for April 27 and 28, 2022.

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COMPANY, as subrogee Carolyn Smathers*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed on April 26, 2022, with the Court via the Florida courts ePortal filing system, which will send notification of such filing to all attorneys of record.



AARON M. JACOBS, ESQ.