

**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

**CERTAIN UNDERWRITERS AT LLOYD’S, LONDON
SUBSCRIBING TO POLICY NUMBER LL034FL0101919,
AS SUBROGEE OF LILIAN AND GRAHAM FISH, NOTICE OF
WAIVING SUBROGATION RIGHTS AGAINST MEDIATING DEFENDANTS**

COMES NOW, non-party, CERTAIN UNDERWRITERS AT LLOYD’S, LONDON SUBSCRIBING TO POLICY NUMBER LL034FL0101919 (“UNDERWRITERS”), as subrogee of Lilian and Graham Fish (“FISH”), 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.

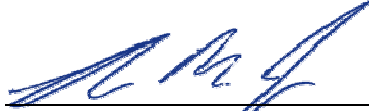
3. As an alternative to attending the Mediation, the Modified Order indicates that any insurance company that may possess a subrogation claim, as referenced *supra*, may instead file a notice in the instant action stating that it has waived all rights of subrogation it may possess against the Mediating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

4. As a result of the collapse of Champlain Towers South that occurred on June 24, 2021, UNDERWRITERS paid property insurance proceeds (the “insurance payment”) to, or on behalf of, its insured, FISH per the terms of its insurance contract, i.e., Policy Number: LL034FL0101919.

5. As a result of the aforementioned payments, UNDERWRITERS is/was subrogated to the rights of FISH, to the extent of UNDERWRITERS’ insurance payment(s) related to the subject claim.

WHEREFORE, to the extent the Mediation Order is applicable to this non-party, CERTAIN UNDERWRITERS AT LLOYD’S, LONDON SUBSCRIBING TO POLICY NUMBER LL034FL0101919, as subrogee of Lilian and Graham Fish, 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.

BUTLER WEIHMULLER KATZ CRAIG LLP



AARON M. JACOBS, ESQ.

Florida Bar No.: 41218

ajacobs@butler.legal

Secondary: dmarquith@butler.legal

400 N. Ashley Drive, Suite 2300

Tampa, Florida 33602

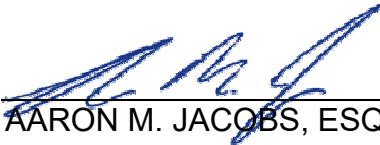
Telephone: (813) 281-1900

Facsimile: (813) 281-0900

*Counsel for non-party, Certain Underwriters at
Lloyd's, London Subscribing to Policy Number
LL034FL0101919, as subrogee of Lilian and Graham
Fish*

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.