

**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**

Plaintiff(s)

vs.

N/A

Defendant(s)

**MODIFIED ORDER REQUIRING MEDIATION AND STAYING DISCOVERY AS TO  
MEDIATING DEFENDANTS**

This action came before the Court (1) on March 9, 2022, on the *ore tenus* request of the Receiver for an order requiring Defendants 8701 Collins Development, LLC, Terra Group, LLC, Terra World Investments, LLC, and John Moriarty & Associates of Florida, Inc., to mediate with the Plaintiffs and the Receiver on April 27 and 28, 2022; and (2) on April 5, 2022, on 8701 Collins Development's Motion for Modification of the Court's March 11, 2002 Order Requiring Mediation and Staying Discovery as to Mediating Defendants. The Court is fully advised of the positions of the Receiver, the Plaintiffs, 8701 Collins Development, and John Moriarty & Associates of Florida and is otherwise duly advised in the premises. Accordingly, it is

**ORDERED** and **ADJUDGED** as follows:

1. Defendants 8701 Collins Development, LLC, Terra Group, LLC, Terra World Investments, LLC, John Moriarty & Associates of Florida, Inc. (the "Mediating Defendants"), shall mediate with the Champlain Towers South Condominium Association, Inc. (the "Association") and the putative Plaintiffs' class, in a joint session with Mediator Bruce Greer, on April 27 and 28, 2022. At least one

representative from each mediating party must attend the mediation.

2. All discovery directed at the Mediating Defendants is stayed pending the completion of the mediation, except that each Mediating Defendant must complete its currently ongoing document production to the Plaintiffs. Inspections, testing, and sampling of evidence, whether located at the Champlain Towers South site or the Miami-Dade County (*i.e.*, NIST) warehouse is not subject to this stay and therefor may proceed. All discovery not directed at a Mediating Defendant is not subject to this stay and may proceed as well.
3. Any insurer that has received a request to defend or indemnify as to any claim asserted against any Mediating Defendant shall ensure that a representative attends the mediation, regardless of whether the insurer has denied coverage or assumed a defense under a reservation of rights. Each insurer shall have at least one representative personally present at the mediation with full authority to tender policy limits. Unless it has already done so, each Mediating Defendant shall disclose to the Plaintiffs its potentially relevant insurance policies no later than Wednesday, April 13, 2022.
4. Additionally, any insurer with an actual or potential subrogation claim against any of the Mediating Defendants including, but not necessarily limited to, Great American Insurance Group, Arch Insurance Company, Endurance American Specialty Insurance Company, James River Insurance Co., Philadelphia Indemnity Insurance Company, QBE Fireman's Fund Insurance Company, Universal Property & Casualty Insurance Company, and 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 must attend the mediation and each such insurer shall have at least one representative personally present at the mediation.

5. As an alternative to attending the mediation as required under the preceding paragraph of this Order, any insurance company identified in paragraph 4 may instead file a notice in this action stating that it has waived all rights of subrogation it might possess against 8701 Collins Development, LLC, Terra Group, LLC, Terra World Investments, LLC, and John Moriarty & Associates of Florida, Inc. Any such insurance company that files such a notice shall thereafter be relieved of its obligation to attend the mediation.

**DONE and ORDERED** in Chambers at Miami-Dade County, Florida on this 6th day of April, 2022.



2021-015089-CA-01 04-06-2022 8:27 PM

Hon. Michael Hanzman

**CIRCUIT COURT JUDGE**

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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