

**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.

**RECEIVER'S RENEWED MOTION FOR ENTRY OF AN ORDER
AUTHORIZING MIAMI-DADE COUNTY TO DISPOSE OF RUBBLE THE
COUNTY HAS DEEMED AS HAVING LESS SIGNIFICANT EVIDENTIARY VALUE**

Michael I. Goldberg (the "Receiver"), pursuant to Rule 4 of the Complex Business Litigation Rules, seeks entry of an Order authorizing Miami-Dade County (the "County") to dispose of rubble the County has categorized as having less significant evidentiary value. In support thereof, the Receiver states as follows:

1. On October 29, 2021, this Court granted the Receiver's Motion for Entry of an Order Authorizing Miami-Dade County to Dispose of Rubble the County Has Deemed as Having Less Significant Evidentiary Value. *See* Order Attached as Exhibit A. In pertinent part, the Court authorized the County to dispose of the rubble it deemed to be of less significant evidentiary value ("Rubble"), following notice to the experts and parties in interest and opportunity for them to view the lot and make any objections before the Court. *Id.*

2. Notice was provided to the experts and parties in interest, and they were provided an opportunity to view the lot and make any objections.

3. However, since entry of the Order on October 29, 2021, additional defendants were added to the case by way of the Second Amended Complaint and the Third Amended Complaint.

(“Added Defendants”). In an abundance of caution, given the addition of defendants, the Receiver provides notice to them, by way of this Renewed Motion, of the County’s intention to dispose of the Rubble.

4. So that the Rubble may be disposed of in a timely manner (in advance of hurricane season), the County has requested that to the extent any of the Added Defendants wish to do so, that they make arrangements to view the Rubble and/or make any objections to the Court within (7) days from entry of the Order on this Motion, after which time the County may dispose of the Rubble without further notice.

WHEREFORE the Receiver respectfully requests that this Court enter an Order granting this Renewed Motion and authorizing the County to dispose of the Rubble it has deemed to be of less significant evidentiary value 7 days after entry of the Order on this Motion.

Date: May 10, 2022

Respectfully submitted,

/s/ Michael I. Goldberg
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Court-Appointed Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 10, 2022, a copy of the foregoing was electronically filed with the Clerk of Court by using the Florida Courts E-Filing Portal and a copy of same was furnished to all counsel of record through the Florida Court’s E-Filing Portal.

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

EXHIBIT “A”

**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)

**ORDER GRANTING RECEIVER'S MOTION FOR ENTRY OF AN ORDER
AUTHORIZING MIAMI-DADE COUNTY TO DISPOSE OF RUBBLE THE COUNTY
HAS DEEMED AS HAVING LESS SIGNIFICANT EVIDENTIARY VALUE**

THIS CAUSE came before the Court on October 20, 2021 at 9:00 a.m. on the Receiver's Motion to for Entry of Order Authorizing Miami-Dade County to Dispose of Rubble the County Has Deemed As Having Less Significant Evidentiary Value. The Court, having considered the Motion, having heard the argument of counsel, being otherwise fully advised in the premises, and for the reasons announced on the record of the Hearing, which are incorporated as though fully set forth herein, ORDERS AND ADJUDGES as follows:

1. The Receiver's Motion is GRANTED.

2. Following the collapse of the Champlain Tower South Condominium, rubble was moved to two off-site County locations. Rubble deemed to be of less significant evidentiary value by the County, after consultation with the National Institute of Standard and Technology (NIST), as well as an independently contracted forensic engineer, was moved to and is being stored by the County at an outdoor lot. Rubble which was deemed by the County, after consultation with NIST and the independently contracted forensic engineer, to have significant

evidentiary value was moved to an indoor warehouse (“Significant Evidentiary Value Rubble”). This Order does not pertain to the disposal of the Significant Evidentiary Value Rubble. Experts and parties in interest will be given access to the warehouse to view these items at a later date and time pursuant to a future access protocol.

3. The County has represented that over the past several months, the County, through the Miami-Dade Police Department, has carefully and thoroughly sifted through the rubble at the outdoor lots and is confident that all human remains and items of value have been recovered.

4. The County arranged a visit to the off-site location so that victims and family members of the Surfside collapse could view the process undertaken to retrieve items of value from the rubble.

5. The County has expressed its intent to clear the outdoor lot in approximately one month and sought this Court’s authorization to dispose of the rubble deemed to be of less significant evidentiary value.

6. In an effort to ensure that no property that any expert or party in interest may deem significant is discarded, the Receiver shall provide notice, along with an agreed upon access protocol, to all experts and parties in interest so that they may have an opportunity to access the off-site lot, view the rubble, and raise any objections prior to the County disposing of the rubble on the outdoor lot.

7. Accordingly, the County is hereby authorized to dispose of the rubble deemed to be of less significant evidentiary value, following notice to the experts and parties in interest and opportunity for them to access the lot and make any objections before the Court.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 29th day of October, 2021.



2021-015089-CA-01 10-29-2021 8:04 PM

2021-015089-CA-01 10-29-2021 8:04 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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