

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

**COMPLEX BUSINESS LITIGATION  
DIVISION**

**IN RE: CHAMPLAIN TOWERS SOUTH  
COLLAPSE LITIGATION**

CASE NO.: 2021-015089-CA-01

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**RECEIVER AND PUNITIVE CLASS PLAINTIFFS’  
JOINT MOTION TO STAY CLAIMS AGAINST SETTLING DEFENDANTS**

As announced at the May 11, 2022 hearing in this matter, Michael I. Goldberg, in his capacity as Court-appointed Receiver (the “Receiver”) for Champlain Towers South Condominium Association, Inc. (the “Association”), and the Putative Class Plaintiffs, have reached settlements with certain additional Defendants and require time to finalize the relevant settlements agreements and papers to support Preliminary and Final Approval of these settlements. Therefore, the Putative Class Plaintiffs and the Receiver hereby jointly move for entry of an order (a) extending the stay entered by the Court on March 8, 2022, as to the Putative Class Plaintiffs’ claims and the Association’s crossclaims against Defendants Becker & Poliakoff, P.A. (“Becker”), Morabito Consultants, Inc. (“Morabito”), and DeSimone Consulting Engineers, LLC (“DeSimone”), (b) staying the Putative Class Plaintiffs’ claims and the Association’s crossclaims against Defendants 8701 Collins Development, LLC (“8701 Collins Development”), Terra Group, LLC (“Terra Group”), Terra World Investments, LLC (“Terra World”), John Moriarty & Associates of Florida, Inc. (“Moriarty”), NV5, Inc. (“NV5”), Stantec Architecture, Inc. (“Stantec”), Florida Civil, Inc. (“Florida Civil”), and 8701 Collins Avenue Condominium

Association (“8701 Collins Avenue”) , and (c) staying all testing and expert work at the collapse site. The effect of granting this request would be to stay the litigation in its entirety except with respect to Defendant Geosonics, Inc. (“Geosonics”), with which negotiations are ongoing.

As this Court is aware, the Receiver and Putative Class Members reached a settlement in principle with Defendants Becker, Morabito, and DeSimone in March 2022 and this Court entered an order staying the claims against these Defendants for sixty days, which has just recently expired. Thereafter, and at the direction of this Court, the Receiver and Putative Class Plaintiffs engaged in productive mediation efforts with Defendants 8701 Collins Development, Terra Group, Terra World, Moriarty, NV5, Stantec, Florida Civil and 8701 Collins Avenue, that resulted in settlements in principle (together with Becker, Morabito, and DeSimone, the “Settling Defendants”). These most recent settlements were announced at the May 11, 2022, hearing and constitute a settlement of all claims, crossclaims, counterclaims, and defenses asserted (or that could have been asserted) by the Putative Class Plaintiffs and by the Association with respect to the Settling Defendants. As noted above, only Geosonics has yet to resolve the claims as to it, but negotiations are ongoing and a resolution is expected in the coming weeks, if not sooner.

In light of these settlements and expected settlements, the movants respectfully request the Court (i) stay all case deadlines as to the Settling Defendants, including an extension of the stay of all action against Defendants Becker, Morabito, and DeSimon, and (ii) stay all testing at the collapse site. Putting an effective halt to this litigation so that all parties can focus on these Settlements and limit further litigation expenses is well within the discretion of this Court and in furtherance of the interests of justice. Namely, staying the litigation as to the Settling Defendants will avoid unnecessary litigation that would be rendered moot by this Court’s approvals of the settlement agreements. *See, e.g., Arkin v. Smith Med. Partners, LLC*, No. 8:19-cv-1723-T-

26AEP, 2020 WL 1666158, at \*2–\*3 (M.D. Fla. April 3, 2020) (staying class action litigation pending court’s evaluation of proposed settlement to “avoid duplicative discovery efforts and related, overlapping issues” and to “allow the parties—and the Court—to focus on the propriety of the Motion for Preliminary Approval”).

Should the settlements not become final – including as a result of any eventual appeal – the litigants would preserve their rights to seek appropriate relief from the Court, including leave to reengage in the site testing necessary to preserve their rights in this litigation.

The relief set forth herein was made *ore tenus* at the May 11, 2022, by counsel for the Putative Class Plaintiffs and no objection was raised by any party. Additionally, counsel for Geosonics has confirmed that it does not oppose the stay of the site testing while negotiations are underway.

**WHEREFORE**, the Receiver and Putative Class Plaintiffs respectfully request that the Court stay all claims as to Defendants Becker, Morabito, DeSimone, 8701 Collins Development, Terra Group, Terra World, Moriarty, NV5, Stantec, Florida Civil, and 8701 Collins Avenue, and all collapse site testing, pending the proposed settlement approval process.

Dated: May 12, 2022.

Respectfully submitted,

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| <p><u>/s/ Harley S. Tropin</u><br/>Harley S. Tropin (FBN 241253)<br/>Jorge L. Piedra (FBN 88315)<br/>Tal J. Lifshitz (FBN 99519)<br/>Eric S. Kay (FBN 1011803)<br/>KOZYAK TROPIN &amp;<br/>THROCKMORTON LLP<br/>2525 Ponce de Leon Boulevard, 9th Floor<br/>Coral Gables, FL 33134<br/>Tel: (305) 372-1800<br/>hst@kttlaw.com</p> <p><b><i>Plaintiffs’ Co-Chair Lead Counsel</i></b></p> | <p><u>/s/ Rachel W. Furst</u><br/>Rachel W. Furst (FBN 45155)<br/>Stuart Z. Grossman (FBN 156113)<br/>GROSSMAN ROTH YAFFA COHEN,<br/>P.A.<br/>2525 Ponce de Leon Boulevard, Suite 1150<br/>Coral Gables, FL 33134<br/>Tel: (305) 442-8666<br/>rwf@grossmanroth.com<br/>szg@grossmanroth.com</p> <p><b><i>Plaintiffs’ Co-Chair Lead Counsel</i></b></p> |
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| <p><u>/s/ Christopher Carver</u><br/>Andrew P. Gold (FBN 612367)<br/>Christopher Carver, Esq.<br/>Brenda Radmacher, Esq.<br/>Akerman LLP<br/>201 East Las Olas Boulevard<br/>Suite 1800<br/>Fort Lauderdale, FL 33301-2229<br/>Tel: (954) 463-2700<br/>andrew.gold@akerman.com<br/>christopher.carver@akerman.com<br/>brenda.radmacher@akerman.com</p> <p><b><i>Counsel for the Receiver Michael Goldberg</i></b></p> |  |
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**CERTIFICATE OF SERVICE**

We hereby certify that on May 12, 2022, we electronically filed the foregoing with the Clerk of the Court using the Court’s electronic filing portal. We also certify that the foregoing is being electronically served this day on all counsel of record via transmission of Notices of Electronic Filing generated by the Court’s electronic filing portal.

By: /s/ Rachel W. Furst  
Rachel W. Furst

*Plaintiffs’ Co-Chair Lead Counsel*