

**IN THE CIRCUIT COURT OF THE 11<sup>TH</sup> 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**

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**ECONOMIC LOSS CLASS COUNSEL’S RESPONSE TO CLASS MEMBERS’ LETTER  
REQUESTING A DISCUSSION OF THE ALLOCATION AGREEMENT**

The Court has set for hearing at the May 24<sup>th</sup> Status Conference, only *after* the successful auction of the Subject Property, a discussion of the Allocation Agreement (the “Agreement”). Many Survivors respectfully requested the Court consider supplementing the Agreement, in light of the unprecedented and extraordinary proposed settlements reached in this litigation. The surviving Class Members stated they were “thrilled” with the results, that the proposed settlements “exceeded everyone’s expectations”. As expressed in the Economic Loss Victims’ Response in Strong Support dated March 18, 2022, Undersigned Counsel (the Court appointed Economic Loss Class Counsel) certainly maintain that the \$83 million Allocation Settlement was a “very good result”, under the specific facts and circumstances at the time of the Allocation Mediation, and respectfully offer some facts for the Court to consider at the May 24<sup>th</sup> hearing.

*First*, the surviving Class Members’ continued assistance, in specifically assisting the Plaintiffs’ Leadership prosecute these claims, has been essential and important. The Survivor’s testimony and recollections have been crucial in providing context to the proceedings. They have submitted audio and video files of the tragic events as they unfolded and provided real time explanations of the horrible night as it progressed. These include specific discussions with the

building's security guards, management and various other third parties. These efforts have been very helpful to Leadership in reaching the proposed Settlements with existing and new Defendants.

**Second**, similar to the Court's own reaction, the recently announced proposed Settlements (possibly totaling over \$1 billion), "exceeded everyone's expectations", and are greatly improved from the settlements which were agreed to, and/or expected to be agreed to, at the time of the Allocation Mediation, and thus **may** justify a reallocation of the Settlement Proceeds.

**Third**, now that the deposits for the Subject Property have been increased to \$50 million and become non-refundable (with the contingencies waived), the potential for the sale of the Subject Property for at least the full price is more certain. The removal of this risk (as well as the possible increase in the sales price) **may** justify an increased amount of proceeds for the Survivors, in that one proffered level of damages to Survivors was "the value of the Subject Property".

**Fourth**, the continued assistance and support of all Survivors is essential, especially with regards to important Receivership activities (such as the pending *Termination Lawsuit*, which is not complete), and thus may justify making such cooperation, contingent and mandatory, before any additional funds are distributed.

Respectfully submitted May 18, 2022

/s/ Adam M. Moskowitz

Adam M. Moskowitz (FBN 984280)

Howard M. Bushman (FBN 364403)

Adam A. Schwartzbaum (FBN 93014)

Joseph M. Kaye (FBN 117520)

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601

Coral Gables, FL 33134

Tel: (305) 740-1423

adam@moskowitz-law.com

*Plaintiffs' Economic Loss and Property*

*Damage Track Co-Lead Counsel*

<p><u>/s/ Gonzalo R. Dorta</u> Gonzalo R. Dorta DORTA LAW 334 Minorca Avenue Coral Gables, Florida 33134 Telephone: 305-441-2299 Telecopier: 305-441-8849 grd@dortalaw.com jgonzalez@dortalaw.com</p>	<p><u>/s/ Javier A. Lopez</u> Javier A. Lopez (FBN 16727) KOZYAK TROPIN &amp; THROCKMORTON LLP 2525 Ponce de Leon Boulevard, 9<sup>th</sup> Floor Coral Gables, FL 33134 Tel: (305) 372-1800 jal@kttlaw.com</p> <p><i>Plaintiffs' Economic Loss and Property Damage Track Co-Lead Counsel</i></p>
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed on May 18, 2022, with the Clerk of the Court by using the Florida Courts E-Filing Portal, which will send a Notice of Electronic Filing on all counsel of record.

/s/ Adam M. Moskowitz  
Adam M. Moskowitz