

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY**

**COMPLEX BUSINESS
LITIGATION DIVISION**

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

CLASS REPRESENTATION

CASE NO. 2021-015089-CA-01

**MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT AND
APPLICATION FOR AWARD OF ATTORNEYS' FEES, COSTS, AND EXPENSES**

Class Representative Plaintiffs Raquel Azevedo de Oliveira, as personal representative of the Estates of Alfredo Leone and Lorenzo de Oliveira Leone, Kevin Fang, as personal representative of the Estate of Stacie Fang, Kevin Spiegel, individually and as personal representative of the Estate of Judith Spiegel, Raysa Rodriguez, and Steve Rosenthal, on behalf of themselves and the Settlement Class as defined below (hereinafter referred to collectively as “Plaintiffs”), and pursuant to Fla. R. Civ. P. 1.220(e), hereby request final approval of the class action settlement as set forth in the parties’ Class Action Settlement Agreement, which was filed and preliminarily approved by the Court on May 28, 2022 (hereinafter, the “Settlement Agreement”), and Class Counsel hereby request an award of attorneys’ fees, costs, and expenses to compensate Class Counsel for the efforts that resulted in the Settlement Agreement.¹

As advised in the Motion for Preliminary Approval, filed May 27, 2022, the settlement reached creates an approximately \$1,021,199,000 settlement fund to compensate members of the

¹ Capitalized terms in this Motion have the same meaning as they have in the Settlement Agreement.

Settlement Class for their injuries pursuant to the claims process approved by the Court. Given the immediate and substantial benefits the Settlement Agreement will provide to the Class, that it was reached before the one-year anniversary of the disaster, and that the terms of the proposed settlement are undoubtedly “fair, reasonable, and adequate,” the Settlement Agreement should be finally approved and the agreed upon Final Order and Judgment, attached to the Settlement Agreement as Exhibit B, should be entered.

Additionally, and pursuant to the August 29, 2022, Case Management Order, Section 13 of the Settlement Agreement, and the Court’s instructions at the May 11, 2022, hearing, Co-Chair Lead Counsel respectfully request that the Court award appointed Class Counsel attorneys’ fees in the amount of their lodestar, detailed herein, subject to an appropriate multiplier (the “Fee Request”), plus costs and expenses advanced and/or incurred in prosecuting this consolidated class action lawsuit (the “Class Action” or the “Litigation”). The Fee Request is reasonable based on, *inter alia*, the fully contingent nature of the undertaking, the unique risks assumed from the outset given the Court’s directives, the highly complex and novel issues of Florida law involved, the skills and experience required to litigate this action, the extensive amount of time and labor required, and the outstanding results achieved through the Settlement.

I. RELEVANT BACKGROUND

A. The Initial Lawsuits, Consolidation, and Appointments

On June 24, 2021, the twelve-story Champlain Towers South Condominium (“CTS”) partially collapsed, causing the death of 98 individuals, personal injuries, property damage, and economic loss. Later, the remaining structure at CTS was deemed unsafe and was demolished (together with the June 24 collapse, the “CTS Collapse”). As a result of this unprecedented tragedy, various plaintiffs filed lawsuits against the Champlain Towers South Condominium

Association, Inc. (the “CTSCA” or the “Association”) alleging property loss, wrongful death, and personal injury claims. The cases were all assigned to this Court. The Court acted quickly and wisely to ensure that money was not wasted on duplicative litigation. It consolidated the filed lawsuits into this single Class Action and appointed Michael I. Goldberg as the receiver for the Association (the “Receiver”). Then, on July 16, 2021, the Court appointed the undersigned Co-Chair Lead Counsel, Chairpersons, and a Plaintiffs’ Steering Committee (the “PSC,” and collectively, “Class Counsel”) to represent the Plaintiffs and the putative class members and asked each of them to commit to work without the assurance of any fees, which they all did.

B. The Course of the Litigation

In the months that followed, many of the Settling Parties were added to the Litigation. The Consolidated First Amended Class Action Complaint, filed in August 2021, brought suit against the CTSCA. After investigatory work by the PSC, a Consolidated Second Amended Class Action Complaint was filed on November 16, 2021, and a Consolidated Third Amended Class Action Complaint on March 10, 2022. After the first, second, and third rounds of amendments, nearly all the Settling Parties named as defendants filed motions to dismiss the claims against them.

After full briefing, the Court denied all the motions to dismiss (save for those that were still pending at the time the parties advised the Court of their negotiations and were directed to early mediation). Plaintiffs also filed a motion to certify a liability issue class that included all Class Members and the claims against many of the Settling Parties.

While this motion practice progressed, the parties engaged in substantial discovery that included the production and analysis of hundreds of thousands of pages of documents and multiple depositions taken of the parties and key witnesses. The parties also retained experts, who began their investigations and testing of the collapse site to develop the facts necessary to establish the

Settling Parties' liability and defenses. Further, to fund early payments to the Class, the Receiver initiated the process to market and sell the land on which Champlain Towers South was located. The Court held more than 40 hearings on all these matters, including, but not limited to, bi-weekly status and case management conferences, motions to compel, motions for protective orders, and motions to strike. These dozens of hearings included commentary from all constituencies, including Class Members, whom the Court permitted to participate in certain of the hearings, share concerns, ask questions, and guide the process at every turn.

Given the potential claims of personal injury and wrongful death by certain class members against the Association, which could have resulted in an assessment against Class Members who were unit owners, the Court directed these class members to attempt to settle their potential differences through mediation, and appointed counsel from the Plaintiffs' Steering Committee, to lead those efforts. As a result, Class Members resolved their potential internal conflicts by agreeing to an Allocation Settlement Agreement on March 7, 2022, which the Court approved on April 6, 2022. There were no timely opt-outs or appeals of the Court's approval. The Allocation Settlement Agreement resolved and settled the Unit Owners' claims for property damage or economic loss of their Unit and the contents thereof, which claims were assigned to the Receiver contingent upon the sale of the CTS Association's land.

Further, over several months beginning in January 2022, and pursuant to the Court's instruction at the January 5, 2022 hearing, the Plaintiffs' Steering Committee conducted extensive settlement discussions and arm's length negotiations with the Settling Parties, including formal mediations before Mediator Bruce Greer and, in one instance, Mediator Lew Jack. Many times these mediations did not result in an immediate settlement and multiple further sessions and negotiations were required, as described more fully herein. As a result of productive early

mediations, three settlements were reached with certain Defendants, which were announced by Class Counsel at a Court hearing on February 23, 2022.

With the Allocation Settlement completed, these several early settlements announced, and the auction of the land to be held on May 24, 2022,² the Court originally appointed Claims Administrators to review and adjudicate damages resulting from the CTS collapse for 1) wrongful death claims, 2) personal injury claims, and 3) contents claims made by Renters and Invitees. *See Order Appointing Claims Administrators (D.E. 641) (Apr. 1, 2022)*. However, on May 24, 2022, the Court indicated it would be handling these Claims on its own in August 2022. On May 27, 2022, the Court approved Claim Forms (simple and more expansive) submitted by Class Counsel for Class Members to file claims and provide information to the Court. *See Order Issuing Claims Forms (D.E. 806); Notice of Filing Revised Claims Forms (D.E. 811) (May 27, 2022)*. The Court's rulings on any claims will be final and not subject to appeal. *See Order Appointing Claims Administrators (D.E. 641) at 2*.

Eventually, after heavy negotiations over the course of May 2021, with dozens of attorneys representing various stakeholders providing comment and revisions, an unprecedented settlement agreement was reached. The Settlement Agreement created a settlement fund in the amount of \$1,021,199,000.00 to compensate members of the Settlement Class for their injuries pursuant to the claims process previously approved by the Court.

As detailed below, on May 28, 2021, the Court preliminarily approved the Settlement Agreement and preliminarily certified the Settlement Class. *See Order Granting Class Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Certification of the Settlement*

² Because no competing bids for the property were received, the auction was not held and the sale is being completed to the original bidder for the gross purchase price of \$120,000,000.00. *See Order Authorizing Sale of Property and Granting Related Relief (D.E. 814) (June 1, 2022)*.

Class (“Preliminary Approval Order”) (D.E. 807). The Court also approved a Notice of Proposed Class Action Settlement for service and publication. *Id.* at 5. A Final Approval Hearing to consider final approval of the Settlement Agreement and entry of a Final Approval Order, as well as a Bar Order, is scheduled for June 23, 2022, at 9:00 a.m.

C. The Settlement Negotiations

As set forth above, in January 2022, the Court ordered the parties to engage in early mediations to determine whether “there [were] any claims that could be amicably resolved without the need for protracted litigation that may waste potential coverage” (Jan. 5, 2022, Hr’g Tr. 94:18-21; *see also* Jan. 14, 2021, Hr’g Tr. 20:9-16). Accordingly, counsel expended significant time and resources scheduling and preparing for mediation sessions to attempt to resolve the claims. The PSC worked to prepare the evidence as to each mediating party and to create presentations outlining this evidence and the Class Members’ damages for the benefit of the mediating parties and their counsel.

On February 8 and 22, 2022, Plaintiffs mediated with Defendant Becker & Poliakoff, P.A., under the guidance of Mediator Lew Jack. On February 15, 2022, with Mediator Bruce Greer, Plaintiffs mediated with Morabito Consultants, Inc., and on February 28, 2022, again with Mr. Greer’s assistance, Plaintiffs mediated with DeSimone Consulting Engineering, DPC. After some follow-up sessions and at-times difficult negotiations, each of these mediations resulted in a settlement, which were all announced to the Court at the February 23 and March 9 hearings. On February 16, 2022, also with Mr. Greer, Plaintiffs mediated with Defendant NV5, Inc.

The Court then ordered an early mediation with Mr. Greer and Defendants 8701 Collins Development, LLC, Terra Group, LLC, Terra World Investments, LLC, and John Moriarty & Associates of Florida, Inc., be held no later than April 28, 2022. Accordingly, the parties worked

to prepare the evidence for these mediations and as the date approached engaged in settlement negotiations and presentations through Mr. Greer.

During this same period, Plaintiffs, working through Mr. Greer and subject to his guidance, also initiated settlement discussions with the many non-party targets under investigation by the PSC. After several weeks of difficult discussions, which required complex decisions of compromise, as well as constant communication with dozens of insurance carriers, parties and non-parties and their counsel, Mr. Greer, the Receiver and his counsel, and Plaintiffs' and the Receiver's coverage counsel, the parties were able to reach a global settlement in principle on the key terms, which was announced to the Court on May 11, 2022.

In the weeks that followed, the parties engaged in the intense work of finalizing the terms of the Settlement Agreement, which would span nearly 200 pages and include 30 settling parties. This process required tireless effort and terms were negotiated by counsel up until the day of the final deadline to file Plaintiffs' Motion for Preliminary Approval of the settlement, on May 27, 2022. The Preliminary Approval Motion was filed on that day with the Settlement Agreement attached, which was then slightly revised and re-filed on Saturday, May 28, 2022. On that Saturday, the Court held a hearing on the Motion for Preliminary Approval and granted that Motion later that same day.

The Settlement Agreement is thus the product of months of negotiations at arm's length, with dozens of sophisticated attorneys representing the various stakeholders and providing comment and revisions. It is the product of extensive work, thoughtful compromise, and careful consideration.

D. Summary of the Settlement Agreement

1. The Proposed Class

The Settlement Class is comprised of

all (a) Unit Owners, (b) Invitees, (c) Residents, (d) persons that died or sustained a personal injury (including emotional distress) as a result of the CTS Collapse, (e) persons or entities that suffered a loss of or damage to real property or personal property, or suffered other economic loss, as a result of the CTS Collapse, (f) Representative Claimants, and (g) Derivative Claimants.

Excluded from the Settlement Class is any person or entity otherwise included in the Settlement Class who timely and properly exercises the right to exclude himself, herself, or itself from the Settlement Class.

2. The Settling Parties

The parties that have settled the Litigation are defined in the Preamble to the Settlement Agreement and include the Town of Surfside, Florida, Securitas Security Services USA, Inc., John Moriarty & Associates of Florida, Inc., Stantec Architecture Inc., Becker & Poliakoff, P.A., DeSimone Consulting Engineering, DPC f/k/a DeSimone Consulting Engineers, LLC, NV5, Inc., Morabito Consultants, Inc., Bizzi & Partners Development LLC, 8701 Collins Avenue Condominium Association, Inc., 8701 Collins Development, LLC, Terra Group, LLC, Terra World Investments, LLC, Florida Civil, Inc., Chuck's Backhoe Service, Inc., ASAP Installations LLC, H. Vidal & Associates, Inc., Rhett Roy Landscape Architecture LLC, Concrete Protection and Restoration, Inc., Concrete Protection and Restoration, LLC, Willcott Engineering, Inc., Sammet Pools, Inc., Scott R. Vaughn, PE, LLC, CDPW, Inc., Campany Roof Maintenance, LLC, R.E.E. Consulting, LLC d/b/a G. Batista & Associates, Western Waterproofing Company of America d/b/a Western Specialty Contractors of America, Western Holding Group, Inc., Geosonics, Inc., and O & S Associates, Inc. These entities are referred to herein as the "Settling Parties."

Article 4 of the Settlement Agreement details the monetary contribution of each Settling Party. Further, the Third Amended Complaint details the allegations against certain of the Settling Parties. Some Settling Parties resolved the claims against them prior to being named as a defendant and are therefore not named in the Consolidated Third Amended Class Action Complaint; however, undersigned counsel can provide a proffer to the Court of the alleged conduct of any non-named Settling Party, should the Court require it.

3. The Settlement Fund

Article 4 of the Settlement Agreement creates an approximately \$1,021,000,000 Settlement Fund to be distributed according to the Claims Administration Process conducted as described in Article 5 of the Settlement Agreement. Each Settling Party's insurer has an obligation to first deposit the respective Settling Party's Settlement Payment into an Escrow Account, to be established pursuant to an Escrow Order entered by the Court and administered by the Receiver. The Settlement Funds are held in this Escrow Account until after the Effective Date of the of the Settlement Agreement.

Other than paying into the Settlement Fund, the Settling Parties have no responsibility for, interest in, or liability whatsoever with respect to the Claims Administration Process or claims determinations.

4. Release of Claims Against Settling Parties

If the Settlement Agreement is finally approved, the Class Representatives and all Class Members who have not timely and properly opted-out of the Settlement Class will release the Settling Parties as described in Article 7 of the Settlement Agreement.

5. Opt Out and Objection Opportunity

Pursuant to Article 9 and the Class Notice, Class Members are given the opportunity until

June 16, 2022, to opt out of the Settlement by sending a request for exclusion to the Settlement Administrator, who will communicate requests for exclusion to Class Counsel, who will in turn report to the Court. Class Members may alternatively file objections to the Settlement Agreement by that same date, to be considered at the final Fairness Hearing.

6. *Claims Process*

As set forth in Article 5 of the Agreement, the Class Notice, and in this Court's Order dated May 28, 2022, all Class Members who do not opt out are entitled to make a claim for an allocation from the Settlement Fund to compensate them for their damages. Claim Forms were approved by the Court on May 27, 2022, and have been made available to Class Members on the Receiver's website and through Class Counsel. Class Counsel and the Receiver hosted two Zoom conferences during the week of June 6, 2022, which were open to all Class Members to further educate them on the Claims Forms and Class Counsel have made themselves available to assist all Class Members in completing their Claims Forms. These forms are due not later than July 18, 2022.

The claims timely submitted by Class Members will be reviewed by the Court or other Court-appointed Claims Administrators, who will work to confirm whether those who timely file a claim are members of the Class entitled to an award and in what amount. All determinations and awards made through the Claims Administration Process are final and not appealable.

7. *Class Counsel's Fees and Expenses*

The Settlement Agreement acknowledges in Article 13 that this Court might in its discretion pay to Class Counsel fees, in light of the results of obtained. Any such fees, which are requested herein, shall be paid from the Settlement Fund. As provided in prior Court orders, Class Counsel's costs are also to be borne by the Receivership Estate and are subject to reimbursement.

E. Preliminary Approval

On May 28, 2022, the Court entered a Preliminary Approval Order that, among other things, (a) preliminarily approved the Settlement Agreement and the settlement contemplated therein (the “Settlement”), and (b) conditionally certified, for the purposes of the Settlement Agreement only, a Settlement Class (as defined below), (c) approved the form and method of notice of the Settlement to the Settlement Class and directed that appropriate notice of the Settlement and the Settlement Agreement be disseminated to the Settlement Class Members, (d) scheduled a Fairness Hearing for final approval of the Settlement Agreement, and (e) stayed this matter, the Universal Action, and all Related Actions pending in the Court, and enjoined proposed Settlement Class Members from pursuing Related Actions.

In its Preliminary Approval Order, pursuant to Fla. R. Civ. P. 1.220(b)(3), the Court defined and certified the Settlement Class as follows:

all (a) Unit Owners, (b) Invitees, (c) Residents, (d) persons who died or sustained any personal injury (including, without limitation, emotional distress) as a result of the CTS Collapse, (e) persons or entities who suffered a loss of or damage to real property or personal property, or suffered other economic loss, as a result of the CTS Collapse, (f) Representative Claimants, and (g) Derivative Claimants.

F. Class Notice

The Settling Parties worked together with Class Counsel and the Receiver to fashion a Settlement Class Notice that was tailored to the specific claims brought by the Settlement Class Members in the Litigation. The Settlement Class Notice that was approved in the Preliminary Approval Order was then disseminated by the Receiver as follows:

- by first-class mail to the last known address of the following persons and entities:
(a) all plaintiffs in the Litigation and all known WDC Representatives;^[3] (b) all

³ Article 2, section 2.1.163 of the Settlement defines “WDC Representative” as “a Representative Claimant for (a) a Unit Owner who died as a result of the CTS Collapse, (b) an Invitee who died

plaintiffs in all pending Related Actions; (c) all persons or entities who, as of the Execution Date, have asserted any claims against any Settling Party arising from, or otherwise related to, the CTS Collapse; and (d) counsel for all of the foregoing;

- by email from the Receiver to the last known email address for each WDC Representative;
- by email from the Receiver to all those CTS Collapse victims on the list the Receiver maintains and uses for regular communication with such victims;
- by posting a copy of the Settlement Class Notice to the Court’s docket as part of this Settlement Agreement;
- publication on the Receiver’s website (<https://ctsreceivership.com>);
- publication on all websites created by or on behalf of the PSC and relating to the CTS Collapse;
- publication in the *Miami Herald* and *El Nuevo Herald* for three (3) consecutive days.

II. FINAL APPROVAL OF THE SETTLEMENT

Plaintiffs and Class Counsel now seek Final Approval of the Settlement. The public has an overriding interest in settling and quieting litigation, and this is particularly true in class actions. “Public policy strongly favors the pretrial settlement of class action lawsuits.” *In re U.S. Oil & Gas Litig.*, 967 F.2d 489, 493 (11th Cir. 1992). “Settlement has special importance in class actions with their notable uncertainty, difficulties of proof, and length. Settlements of complex cases contribute greatly to the efficient utilization of scarce judicial resources, and achieve the speedy resolution of justice.” *Turner v. Gen. Elec. Co.*, 2006 WL 2620275, at *2 (M.D. Fla. Sept. 13, 2006) (ellipsis and internal quotation marks omitted); see *Cotton v. Hinton*, 559 F.2d 1326, 1331 (5th Cir. 1977) (“Particularly in class action suits, there is an overriding public interest in favor of

as a result of the CTS Collapse, (c) a Resident who died as a result of the CTS Collapse, or (d) any other person who died as a result of the CTS Collapse.”

settlement”).⁴

At the final approval stage, after notice has been given to the class and time and opportunity for absent class members to opt-out or object has expired, the court considers whether the settlement “is fair, adequate, and reasonable and is not the product of collusion between the parties.” *Bennett v. Behring Corp.*, 737 F.2d 982, 986 (11th Cir. 1984) (citation omitted); *see Grosso v. Fid. Nat’l Title Ins. Co.*, 983 So. 2d 1172–73 (Fla. 3d DCA 2008); *Nelson v. Wakulla Cnty.*, 985 So. 2d 564, 570 (Fla. 1st DCA 2008). The court is “not called upon to determine whether the settlement reached by the parties is the best possible deal, nor whether class members will receive as much from a settlement as they might have recovered from victory at trial.” *In re Mex. Money Transfer Litig.*, 164 F. Supp. 2d 1002, 1014 (N.D. Ill. 2000) (citations omitted). Instead, courts consider the following factors: (1) the complexity and duration of the litigation; (2) the reaction of the class to the settlement; (3) the stage of the proceedings; (4) the risk of establishing liability; (5) the risk of establishing damages; (6) the risk of maintaining a class action; (7) the ability of the defendant to withstand a greater judgment; (8) the reasonableness of the settlement in light of the best recovery; and (9) the range of reasonableness of the settlement in light of all the attendant risks of litigation. *Grosso*, 983 So. 2d at 1173–74 (citing *In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 785 (3d Cir. 1995)). Analysis of these factors compels the conclusion that this Court should grant Final Approval of the Settlement reached in this Lawsuit.

⁴ Because Florida Rule of Civil Procedure 1.220 “is patterned upon Federal Rule of Civil Procedure 23,” Florida courts “look to federal case law for interpretive guidance.” *Leibell v. Miami-Dade Cnty.*, 84 So. 3d 1078, 1083 n.5 (Fla. 3d DCA 2012).

A. The Notice Program

Pursuant to Florida Rule of Civil Procedure 1.220(d)(2) and the Court's Preliminary Approval Order, the Settlement Class Notice (i) was disseminated by the Receiver in accordance with the Preliminary Approval Order; (ii) constituted the best notice practicable under the circumstances; (iii) constituted notice that was reasonably calculated, under the circumstances, to apprise Settlement Class Members (a) of the effect of the Settlement Agreement (including the Releases provided for therein), (b) of their right to Opt Out or object to any aspect of the Settlement Agreement, and (c) of their right to appear at the Fairness Hearing; (iv) constituted due, adequate, and sufficient notice to all persons or entities entitled to receive notice of the proposed Settlement Agreement; and (v) satisfied the requirements of Rule 1.220 of the Florida Rules of Civil Procedure, the Florida Constitution (including the Due Process Clause), the United States Constitution (including the Due Process Clause), and other applicable laws and rules.

Further, as the Court concluded in its Preliminary Approval Order (at 4–5) the Settlement Class Notice and notice period provided complies with due process given the high-profile and unique nature of this case, that the Settlement Class size is limited, and the active role the Class Members have taken in these proceedings throughout the past year. *See United States v. Alabama*, 271 F. App'x 896, 901 (11th Cir. 2008) (settlement affirmed where notice, solely by publication and posting on the defendants' websites, was completed only six days prior to opt-out and objection deadline, and holding that “[r]egarding the amount of time the notice was published prior to the deadline for objections and the fairness hearing, the district court did not abuse its discretion in providing for two weeks’ notice before objections were due”); *DeJulius v. New England Health Care Emps. Pension Fund*, 429 F.3d 935, 947 (10th Cir. 2005) (affirming settlement notice did not violate due process where it is undisputed that all of the notices were sent out nearly two weeks prior to the settlement hearing); *Miller v. Republic Nat’l Life Ins. Co.*, 559 F.2d 426, 430 (5th Cir.

1977) (holding that a notice period of “almost four weeks between the mailing of the notices and the settlement hearing” was adequate); *Grunin v. Int’l House of Pancakes*, 513 F.2d 114, 121 (8th Cir. 1975) (19 days’ notice was enough time to object as class members had been engaged in the litigation); *Air Lines Stewards & Stewardesses Ass’n Loc. 550 v. Am. Airlines, Inc.*, 455 F.2d 101, 108 (7th Cir. 1972) (notice where some class members would have had received it only three weeks before the hearing was sufficient); *United Founders Life Ins. Co. v. Consumers Nat’l Life Ins. Co.*, 447 F.2d 647, 652 (7th Cir. 1971) (timing of notice was adequate where it was mailed on May 28 and fairness hearing was held on June 22); *Hall v. Pedernales Elec. Co-op., Inc.*, 278 S.W.3d 536, 544–45 (Tex. App. 2009) (“There is no minimum time frame that must be allowed for the filing of objections, but the notice must afford a reasonable time for those interested to make their appearance.” (internal quotation marks omitted)).

The notoriety of the case and the Class Members’ involvement in the proceedings has helped cement the effectiveness and validity of the Settlement Class Notice. Indeed, the tragic collapse of Champlain Towers South was one of the most highly-publicized tragedies in U.S. history. The media coverage of the CTS Collapse and the ensuing Litigation has been extensive, with media outlets covering the event and its legal aftermath around the world, from Miami to Riyadh, from Buenos Aires to New York, and from Moscow to Sydney. Indeed, the *Miami Herald* won a Pulitzer Prize for its coverage of the collapse and its aftermath. Class action and personal injury firms have promoted their involvement in this matter on their websites and publicized the tentative settlement in their social media feeds. And during the course of the last year, the Court has publicized and made available attendance at hearings via Zoom for members of the public and press. Numerous of decedent’s family members and other Class Members have attended every hearing, frequently offering their own views on the Court’s determinations. In short, even before

the Settlement Class Notice was issued, nearly every member of the putative class was already on notice of the pending settlement, represented by counsel, and/or on notice of their ability to participate in this Settlement.

B. The Settlement is Fair, Reasonable, and Adequate and Not the Product of Collusion

The Settlement Agreement (including the payment obligations set forth in Article 4 of the Settlement Agreement and the Releases in the Settlement Agreement) is fair, reasonable, adequate, and in the best interests of the Class Representatives and all Settlement Class Members.

Courts give “great weight to the recommendations of counsel for the parties, given their considerable experience in this type of litigation.” *Warren v. City of Tampa*, 693 F. Supp. 1051, 1060 (M.D. Fla. 1988). Co-Chair Lead Counsel fully endorse and support the Settlement as “fair, reasonable, adequate and in the best interests of the Class.” Declaration of Harley Tropin (“Tropin Decl.”), ¶¶ 43-48; Declaration of Rachel Furst (“Furst Decl.”), ¶ 41.

“In determining whether to approve a proposed settlement, the Court is entitled to rely upon the judgment of the parties’ experienced counsel. ‘The trial judge, absent fraud, collusion, or the like, should be hesitant to substitute its own judgment for that of counsel.’” *In re Domestic Air Transp. Antitrust Litig.*, 148 F.R.D. 297, 312–13 (N.D. Ga. 1993) (brackets omitted; quoting *Cotton*, 559 F.2d at 1330); see *Behrens v. Wometco Enters., Inc.*, 118 F.R.D. 534, 544 (S.D. Fla. 1988) (counsel’s informed judgment as to the strengths and weaknesses of the claims asserted is important to effectively evaluate the settlement), *aff’d*, 899 F.2d 21 (11th Cir. 1990).

Here, Co-Chair Lead Counsel is extremely confident that the Settlement Agreement is fair, reasonable, and adequate and deserving of Final Approval. See Tropin Decl. ¶¶ 43-48; Furst Decl. ¶ 41; Preliminary Approval Order at 4. The parties negotiated for many months and then participated in formal mediations before Mediators Bruce Greer (for most of the Defendants) and

Lew Jack (for Becker & Poliakoff), which did not result in an immediate global settlement. Multiple further sessions and negotiations resulted in the Settlement Agreement to compromise and settle claims asserted in this class action as described more fully herein. Undersigned counsel achieved a more than \$1 billion settlement involving 30 separate parties, each with their own complex defenses. *See id.* This Settlement Agreement was achieved less than one year after this disaster and will provide all Class Members with substantial payments to enable them, it is hoped, to gain some peace and avoid the trauma of continued litigation. The speed of the Settlement is also important, as many of these Settling Parties have dissipating or wasting insurance policies such that continued litigation would have resulted in less funds available for the Class.

Further, the Settling Parties' extensive negotiations were also informed by considerable discovery. The Parties have been actively litigating this matter for nearly a year at break-neck speed. Hundreds of thousands of pages of documents were produced, reviewed, and analyzed. Undersigned counsel deposed corporate representatives, as well as other key personnel, and third parties. The Parties also engaged in significant motion practice, including motions to dismiss, motions to compel, motions for protective orders, and motions to strike. And Plaintiffs filed a motion to certify a liability class, which was fully briefed. Finally, the Parties engaged experts and utilized their services to understand the theories of liability concerning the Settling Parties' duty of care, the failure to meet those standards, and the resulting collapse.

The Third District has held that "to approve a class action settlement, the trial court must find that the agreement was fair, reasonable, and adequate." *Grosso*, 983 So. 2d at 1173. The list of non-exclusive factors that a trial court should consider when determining whether to approve a class action settlement include:

- (1) the complexity and duration of the litigation;
- (2) the reaction of the class to the settlement;
- (3) the stage of the proceedings;
- (4) the risk of establishing liability;

(5) the risk of establishing damages; (6) the risk of maintaining a class action; (7) the ability of the defendant to withstand a greater judgment; (8) the reasonableness of the settlement in light of the best recovery; and (9) the range of reasonableness of the settlement in light of all the attendant risks of litigation.

Id. at 1173–74. Here, consideration of the relevant factors strongly favors granting Final Approval of the Settlement Agreement.

1. ***Complexity and Duration of the Litigation.*** This Litigation concerns a multitude of complex issues. Throughout, the Settling Parties were zealously represented by experienced counsel who advanced legal arguments and evidence in support of their respective positions and in opposition to the positions espoused by the other side. The complexity of this Litigation strongly counsels in favor of the Settlement. Absent settlement, this Litigation would continue for many years. The Settlement will bring closure for the benefit of the Class without years of continued litigation and risks. *See* Tropin Decl. ¶ 43 (**Exhibit 1**); Furst Decl. ¶ 41 (**Exhibit 2**); Expert Declaration of Phil Freidin (“Freidin Decl.”) (**Exhibit 3**), ¶ 8(b). Even though Class Counsel are confident that Plaintiffs would ultimately prevail in the Litigation, that recovery would likely require trials and appellate proceedings spanning several years. *See* Tropin Decl. ¶ 43; Furst Decl. ¶ 41; *see also, e.g., In re Oil Spill by Oil Rig Deepwater Horizon in Gulf of Mex., on April 20, 2010*, 910 F. Supp. 2d 891, 932 (E.D. La. 2012) (“Even assuming litigation could obtain the results that this Settlement provides, years of litigation would stand between the class and any such recovery. Hence, this . . . factor weighs strongly in favor of granting final approval to the Settlement Agreement.”).

In contrast, the Settlement Agreement provides immediate relief to the Class. These benefits come without the risks, uncertainties, and delays of continued litigation. *See In re U.S. Oil & Gas Litig.*, 967 F.2d at 493 (“Complex litigation—like the instant case—can occupy a court’s docket for years on end, depleting the resources of the parties and the taxpayers while

rendering meaningful relief increasingly elusive.”). In light of the risks, uncertainties, and delays of litigating through trial and the inevitable appellate process—to say nothing of the delays associated with the potential risks of additional litigation regarding enforcement and collection of the judgments—“the benefits to the class of the present settlement become all the more apparent.” *Ressler v. Jacobson*, 822 F. Supp. 1551, 1555 (M.D. Fla. 1992).

2. ***Reaction of the Class.*** The five Class Representatives fully endorse and support the Settlement, as evidenced by their execution of the Agreement. The reaction of the Class as a whole cannot yet be determined as the Opt-Out and Objection Deadlines have not passed. Based on the results achieved through the Settlement, Co-Chair Lead Counsel anticipate the reaction of the Class, as measured by the number of members who opt-out and the number and quality of any objections, will demonstrate support of the Settlement. *See* Tropin Decl. ¶¶ 43-48; Furst Decl. ¶ 43.

3. ***Stage of the Proceedings.*** Courts consider “the degree of case development that class counsel have accomplished prior to settlement” to ensure that “counsel had an adequate appreciation of the merits of the case before negotiating.” *In re Gen. Motors*, 55 F.3d at 813. Settlement at this stage of the proceedings is consistent with the Court’s direction that the parties attend early mediations in order to facilitate a settlement that would foreclose the possibility of protracted litigation that, even under the Court’s expedited trial calendar, could result in years of costly discovery, briefing on pre-trial motions, trial, and appeals. Further, the expedited nature of these proceedings resulted in a Settlement Agreement exceeding \$1 billion in less than a year—a true testament to the Court, and an added factor contributing to the reasonableness of the Settlement, considering the advanced stage of the proceedings relative to the age of the case. Thus,

the stage of this Lawsuit strongly counsels in favor of approving the Settlement. *See* Tropin Decl. ¶ 47; Furst Decl. ¶ 42; Freidin Decl. ¶ 8(c).

4. ***Risk of Establishing Liability.*** “Weighing the benefits of the settlement against the risks associated with proceeding in the litigation, the settlement amount is more than reasonable.” *Johnson v. Brennan*, 2011 WL 4357376, at *11 (S.D.N.Y. Sept. 16, 2011). Where, as here, “settlement assures immediate payment of substantial amounts to class members, even if it means sacrificing speculative payment of a hypothetically larger amount years down the road, settlement is reasonable under this factor.” *Id.* at *12 (internal quotation marks omitted).

As noted, although Class Counsel believe that Plaintiffs would ultimately succeed on the merits, had the Litigation continued, Class Members would have faced the risk of not prevailing on their claims against each of Settling Parties. *See* Tropin Decl. ¶ 43; Furst Decl. ¶ 41; Freidin Decl. ¶ 8(b). The proposed settlement saves Plaintiffs and the proposed Class from facing these substantial obstacles and eliminates the risk that they would recover nothing at all after several more years of litigation. Further, the Settlement Agreement contains 30 Settling Parties, many of whom were not even included in Plaintiffs’ pleadings. Had those parties been sued and contested the claims stated against them, liability against those parties would by no means be certain.

5. ***Risk of Establishing Damages.*** When considering the question of possible recovery, the focus is on the possible recovery at trial. *Montoya v. PNC Bank, N.A.*, 2016 WL 1529902, at *11 (S.D. Fla. April 13, 2016). Had the matter gone to trial, numerous questions as to damages with respect to 30 different parties (assuming all Settling Parties were eventually sued) would have created a potentially endless string of issues relating to comparative fault of the parties, as well as allocation of fault to non-parties under *Fabre v. Marin*, 623 So. 2d 1182 (Fla. 1993). By way of example, in answering Plaintiffs’ second and third amended complaints one set of

defendants—8701 Collins Development, LLC, Terra Group, LLC, and Terra World Investments, LLC—including 25 pages of exhibits naming every current and past CTS unit owner, all current and past CTS board members and managers, and dozens of other entities (many of whom are Settling Parties) as non-parties who could be subject to allocation of fault under *Fabre*.

6. ***Risk of Maintaining a Class Action.*** With respect to the parties Plaintiffs named in their Consolidated Second Amended Class Action Complaint, all but one agreed to certification of a liability issue class. However, it is unknown at this point whether the parties named in Plaintiffs’ Consolidated Third Amended Class Action Complaint—or Settling Parties who were never named in Plaintiffs’ pleadings—would have consented to certification of a liability issue class. And in any event, certification of a liability issue class would still have entailed individual damages trials, which might have taken several years to schedule and complete. The Settlement Agreement alleviates all of this by establishing a Claims Administration process.

7. ***Ability of the Settling Parties to Withstand a Greater Judgment.*** “Although the ability of defendants to pay more, on its own, does not render the settlement unfair, evidence that the defendant will not be able to pay a larger award at trial tends to weigh in favor of approval of a settlement.” *Rodriguez v. It’s Just Lunch Int’l*, 2020 WL 1030983, at *7 (S.D.N.Y. Mar. 2, 2020) (internal quotation marks and citations omitted). Most of the Settling Parties settled at the policy limits of their insurance policies. And given the costs of litigation and the sheer number of Settling Parties, absent settlement, Plaintiffs may have been faced with protracted collectability issues and then potential bankruptcy proceedings. Reaching the Settlement Agreement at this stage of the proceedings forecloses the risk that a successful prosecution of this Litigation will result in bankruptcy of one or more of the Settling Parties. Avoiding collectability issues weights strongly in favor of approval of the Settlement. *See In re Glob. Crossing Secs. & ERISA Litig.*, 225 F.R.D.

436, 460 (S.D.N.Y. 2004) (“[T]he bulk of th[e settlement] funds . . . could be lost entirely, if the parties are not able to secure the money through the proposed settlement. Thus, without the proposed settlement, class members might well receive far less than the settlement would provide to them, even if they could prevail on their claims.”); *City of Detroit v. Grinnell Corp.*, 356 F. Supp. 1380, 1389 (S.D.N.Y. 1972) (“The prospect of a bankrupt judgment debtor at the end of the road does not satisfy anyone involved in the use of class action procedures.”), *aff’d in part & rev’d in part on other grounds*, 495 F.2d 448 (2d Cir. 1974).

8. ***Reasonableness of the Settlement in Light of the Best Recovery.*** The Settlement Fund amount of \$1,021,199,000 is exceptional and, by any measure, provides relief approaching the “best-case” recovery if the Litigation were to proceed to trial. Also, had a trial been pursued, it would have been exceedingly complicated and protracted. Many cross claims were asserted in the case, and other by and among the Settling Parties might have been brought. Also, while only 13 Defendants were named in the Class Action at the time of Settlement, dozens more were targets and would have had to have been brought in as parties. A trial involving so many Defendants and claims would have been a challenge to administer. Not only that, but the adjudication of damages in this case, absent a settlement, would have required individual damages trials for each eligible Class Member with either a wrongful death or personal injury claim. These trials might have taken years to scheduled and complete.

9. ***Range of Reasonableness of the Settlement in Light of All the Attendant Risks of Litigation.*** The Settlement is reasonable when compared to all the factors discussed above, plus any other factors associated with the risks of litigation. As noted, with so many parties, additional counter- and cross-claims, issues of comparative fault, as well as allocation of fault to non-parties

under *Fabre*, any trial (or trials) could have ballooned into an unmanageable undertaking, with a verdict form that could be hundreds of pages long.

The notoriety of the case and the fact that the CTS Collapse is under investigation by federal and state agencies (including a now-concluded state grand jury investigation) and has led to state and local legislative reforms in Florida, are other factors that must be considered. The outcome of these concurrent investigations might have impacted the Class Action. Also, the CTS Collapse was an unprecedented event that captured the attention of people around the world. In addition to this, the Collapse impacted nearly everyone in South Florida. Whether and how this publicity might have impacted trying this case before a jury in Miami-Dade County is unknown. But there is no doubt that the risks attendant to this concern are significant and also counsel in favor of settlement.

C. The Court Should Confirm the Appointments of Class Representatives and Class Counsel

As set forth in the Preliminary Approval Order, the appointment of Raquel Azevedo de Oliveira, as personal representative of the Estates of Alfredo Leone and Lorenzo de Oliveira Leone, Kevin Fang, as personal representative of the Estate of Stacie Fang, Kevin Spiegel, individually and as personal representative of the Estate of Judith Spiegel, Raysa Rodriguez, and Steve Rosenthal as Class Representatives is appropriate. These individuals adequately represent the Class and have been and continue to be willing able representatives of the victims.

Plaintiffs ask the Court to confirm the appointments of Class Counsel as follows:

- Harley S. Tropin of Kozyak Tropin & Throckmorton LLP and Rachel W. Furst of Grossman of Grossman Roth Yaffa Cohen, P.A., as Co-Chair Lead Counsel;
- Ricardo M. Martinez-Cid of Podhurst Orseck, P.A. as Personal Injury and Wrongful Death Track Lead Counsel;

- Javier A. Lopez of Kozyak Tropin & Throckmorton LLP, and Adam M. Moskowitz of The Moskowitz Law Firm, PLLC, as Economic Loss and Property Damage Track Co-Lead Counsel;
- Curtis B. Miner of Colson Hicks Eidson as Wrongful Death Charitable Liaison Counsel;
- Stuart Z. Grossman of Grossman Roth Yaffa Cohen, P.A. as Wrongful Death Damage Claim Liaison Counsel;

Plaintiffs' Steering Committee Members:

- John Scarola of Searcy Denney Scarola Barnhart & Shipley, P.A.;
- Robert J. Mongeluzzi of Saltz Mongeluzzi & Bendesky;
- Shannon del Prado of Pita Weber & Del Prado;
- Jorge E. Silva of Silva & Silva, P.A.;
- Willie E. Gary of Gary Williams Parenti Watson & Gary, PLLC;
- Bradford R. Sohn of The Brad Sohn Law Firm;
- Gonzalo R. Dorta of Gonzalo R. Dorta, P.A.;
- Judd G. Rosen of Goldberg & Rosen, P.A.;
- MaryBeth LippSmith of LippSmith LLP;
- Luis E. Suarez of Heise Suarez Melville, P.A.;
- John H. Ruiz of MSP Recovery Law Firm;
- William F. "Chip" Merlin, Jr. of the Merlin Law Group, as Insurance Coverage Liaison Counsel.

Class Counsel is familiar with the claims in this case and has done work investigating the claims. Class Counsel has consulted with other counsel in the case and has experience in handling

class actions, wrongful death suits, and other complex litigation. And Class Counsel has knowledge of the applicable laws and the resources to commit to the representation of Settlement Class Members and the Settlement Class.

III. APPLICATION FOR ATTORNEYS' FEES, COSTS, AND EXPENSES

In July 2021, soon after the initial cases were filed and assigned to this Court, the Court made an unprecedented request of the attorneys who had appeared before the Court on behalf of victims: it asked lawyers to volunteer to serve in an appointed class counsel capacity *only* if they were willing to do so without any assurance of a fee and were willing to place other work aside to meet the tight deadlines and significant demands of the case:

I would like the lawyers, who wish to have a leadership role in this case, to think about . . . whether any of the firms in this case, which are, again, amongst the most successful mass tort and class action firms in our community and elsewhere, would be willing to assume this representation on behalf of these victims on a pro bono basis, with the proviso, a very important proviso, that the Court would have the discretion, at the conclusion of the case, if counsel is successful in securing a common fund through their efforts, to award a reasonable fee in the Court's discretion. But I want you to think about which firms, if any here, are willing, given the unique circumstances of this tragic case, which is not business as usual, to participate on a pro bono basis, with their costs being advanced by the receivership estate, and an understanding that if there is a common fund generated, as a result of this litigation, the Court would have the discretion to award reasonable compensation, unconstrained by any loadstars, multipliers, percentages, or anything else.

(July 6, 2021 Hr'g Tr. 26–27). Nineteen attorneys rose to the occasion, and the following day confirmed to the Court their willingness to undertake the representation on these terms, “*with absolutely no assurance of payment or legal entitlement to any fees whatsoever*” and understanding that the “*Court would, however, have the right and the discretion to avoid reasonable compensation based upon results achieved.*” (July 7, 2021, Hr'g Tr. 16-17). These attorneys were soon thereafter appointed to serve in leadership roles as Chairpersons and on a PSC, and they proceeded to follow through on their commitment to the Court and the Class members.

As set forth below, Class Counsel has worked tirelessly to investigate and prosecute the class claims and faithfully represent the CTS victims. This work has yielded an extraordinary result—a settlement totaling more than \$1 billion with 30 Settling Parties, achieved in less than a year’s time. At the May 11, 2022, hearing where this Settlement was first announced, the Court commended Class Counsel for the “remarkable” Settlement achieved and instructed that any application for fees be submitted in advance of the final Fairness Hearing. (May 11, 2022 Hr’g Tr. 39:14-15; 41:18-23) (“I expect the lawyers, consistent with the arrangements made out of my order, to have their fee applications ready to go and presented to me at a final fairness hearing. I know there will be work after that, but I want to get the process going and I want to keep all aspects moving.”).

This application is submitted in accordance with that May 11 Court directive and the Court’s August 29, 2021 Case Management Order (“August CMO”), which detailed the process in the event fees were to be awarded.⁵ Also in support of the Fee Request, Class Counsel has proffered the report of contingency fee expert Philip Freidin, who has been practicing law for 53 years, tried over 200 jury trials, and has been recognized as “unquestionably among the upper echelons of lawyers in [the Southern District of Florida].” *Graves v. Plaza Med. Ctrs., Corp.*, 2018 WL 3699325, at *5 (S.D. Fla. May 23, 2018), *report & recommendation adopted*, 2018 WL 3697475 (S.D. Fla. July 13, 2018).

⁵ At the May 11 hearing the Court again recounted the conditions under which Class Counsel agreed to serve. May 11, 2022 Hr’g Tr. 29:2-8 (noting that counsel understood that only “if they generated a recovery, the Court would retain jurisdiction to pay them a reasonable fee based largely on the time devoted to the case, and that they should not get involved in this case and take on a leadership role unless they were committed to stepping in and acting under those terms”).

A. Summary of Class Counsel's Services

1. The August CMO

At the outset of this case, soon after the appointment of Class Counsel, the Court entered its August CMO, which has since guided Class Counsel's work and this Fee Request. In this order the Court again confirmed that Class Counsel "agreed" to serve "without a legal entitlement to receive any attorneys' fees" and had "recognized the possibility that they will not be compensated for the time expended." (Aug. 29, 2021 Order at 3). The August CMO was clear that Class Counsel was required to avoid duplication of efforts and work efficiently and cautioned that only "reasonable" time spent on work "authorized" and "assigned Co-Chair Lead Counsel" and "recorded" and "timely submitted" would be compensable. *Id.* at 4-5. Class Counsel were required to keep contemporaneous time records associated with their services and submit those records each month to Co-Chair Lead Counsel, to be consulted in the event a fee was ultimately awarded. The Court also set forth the procedure that would govern any fee request, and which is now applicable:

In the event the Court ultimately determines—in its sole discretion—that an award of attorneys' fees for Authorized Common Benefit Work is appropriate in this matter, the Court shall accept an application from Co-Chair Lead Counsel for the creation of an "Attorneys' Fund," which shall be used to compensate Participating Counsel for their efforts. Co-Chair Lead Counsel's application shall, at a minimum, include: (1) Participating Counsel's lodestar (which the Court shall consider in determining in its sole discretion the amount of the Attorneys' Fund); (2) a proposed allocation of the Attorneys' Fund among Participating Counsel; and (3) a certification from Co-Chair Lead Counsel that they have conferred with Participating Counsel and that following such conferral the proposed allocation of the Attorneys' Fund represents Co-Chair Lead Counsel's best efforts and reasonable discretion in proposing a fair and reasonable allocation of the Attorneys' Fund, considering each Participating Counsel's work allocation, the value of work performed, and the contribution to the results obtained.

(Aug. 29, 2021 Order at 4).

Class Counsel has dutifully complied with the August CMO.⁶ *See* Tropin Decl. ¶¶ 15-16; Furst Decl. ¶¶ 11, 53, 55. As explained further below, throughout the litigation, Co-Chair Lead Counsel assigned and supervised work to avoid duplication of efforts and collected contemporaneous time records from PSC members, which are being made available for *in camera* inspection by the Court. Also, Co-Chair Lead Counsel submit concurrently with this Motion for *in camera* review their proposed allocation among the PSC attorneys (the “Attorneys’ Fund Allocation”) and certify in their attached affidavits (**Exhibits 1 and 2**) that they have conferred with participating PSC Counsel, and that this proposed allocation represents Co-Chair Lead Counsel’s best efforts and reasonable discretion in proposing a fair and reasonable allocation of any fees the Court in its discretion deems appropriate to award.

2. Class Counsel Performed Services for the Benefit of the Class

Each PSC member expended time and made an important contribution to the result. *See* Tropin Decl. ¶¶ 9-10, 14-15, 22-26; Furst Decl. ¶ 6. Their outstanding, respective contributions are detailed in their affidavits attached hereto.⁷ Accordingly, the below recitation serves only as a summary of the collective effort and does not highlight the work of any one attorney.

⁶ Except for PSC member John Ruiz, who opted from the outset not to record time, all firms participated in recording and submitting time. Mr. Ruiz did not work on the liability aspects of this case, but he did provide some initial counsel and is again thanked for his generosity in donating \$1 million to the Class Members, which was distributed as initial relief payments.

⁷ In each PSC affidavit attached, the PSC member attests to the amount of time their firm and co-counsel, if any, have expended in the service of Class Members and to the common benefit costs incurred and properly reimbursable pursuant to the Court’s July 16, 2021 appointment order and the August CMO. The PSC Members’ accounting of costs have been provided to Co-Chair Lead Counsel and can be provided to the Court upon request.

3. Initial Efforts

This unique case presented an enormous challenge for Class Counsel. At the outset Class Counsel was faced with the daunting task of identifying parties responsible for the CTS Collapse. The causes of the collapse were not readily knowable, yet it fell to Class Counsel to investigate and bring claims that would meet the high standard set by the Court. *See Tropin Decl.* ¶¶ 18-19; *Furst Decl.* ¶¶ 16, 18. This foundational work had to be carried out while grappling with novel issues of Florida condominium termination law, potential conflicts among subclasses of victims, and the unyielding deadlines set by the Court. The Court itself modeled an extraordinary work ethic and commitment to concluding this case in record time for the benefit of all parties. It held weekly hearings, more than 40 in total, to keep the attorneys on pace and to permit victims to voice their questions and concerns, to which the Court personally responded and assisted where possible. The Court also initially set the case for an August or September 2022 trial, which it extended only until March 27, 2023. This trial date required Class Counsel to work exceedingly quickly to investigate, plead, and prove their claims. The Court's organization and management of this case was the key, driving factor in the speed in which the Litigation progressed and the Settlement was reached and stands as a model for the judicial administration of mass catastrophes. Class Counsel is aware of no other proceeding in the nation arising from a mass tort that has been administered as efficiently. *See Tropin Decl.* ¶¶ 9, 32, 43; *Furst Decl.* ¶ 29; *Freidin Decl.* ¶ 8(c), 8(d)(iv), 10(f), 10(g).

Almost immediately following appointment, Class Counsel began the work of investigation, organization, and pleading. Co-Chair Lead Counsel divided the attorneys into committees and asked them to assume various responsibilities, all aimed at discovering avenues of recovery. *See Tropin Decl.* ¶¶ 11-17; *Furst Decl.* ¶¶ 10, 12.

4. Retention and Direction of Expert Investigation

PSC members working on the Expert Committee set out to quickly identify, vet, and interview world-class experts across various fields, including structural engineering, geotechnical engineering, hydrology, and metallurgy who dedicated extensive time and resources to investigating the cause of this catastrophic collapse. *See* Tropin Decl. ¶ 15; Furst Decl. ¶ 14.

Class Counsel's retention and direction of expert investigation was far-reaching and comprehensive. The experts and the work done with them was essential to achieving the record-breaking results obtained in this case. Initially, Class Counsel's investigative efforts were delayed while awaiting the National Institution of Standards and Technology to complete its own work on the site of the CTS Collapse. Even once site access was granted and protocols agreed upon, Class Counsel still struggled to gain access to the offsite warehouse where debris and materials from the collapse had been moved.

At the same time, Class Counsel spent dozens of hours negotiating several protocols with the Receiver, defendants, relevant governmental entities, and other interested parties. This included stipulated protocol for inspection, documentation, and storage of components, remnants, and debris of the CTS collapse, which was adopted by the Court in an order dated September 1, 2021. The essential purpose of the protocol was to facilitate the ability of the Receiver to make available to all parties, potential parties, and relevant governmental entities access to the on-site remnants of the CTS collapse site over which the Receiver may have had control. In addition, a joint testing protocol to govern invasive testing on the CTS collapse site, which was the product of lengthy negotiations and was submitted to, and adopted by, the Court on January 21, 2022 after several hearings on the issue. Among these hearings was an evidentiary hearing on December 22, 2021. In preparation for this hearing, which addressed the scope and deadlines implicated by the

joint testing protocol being negotiated, Class Counsel was required to prepare experts for testimony and prepare to cross examine defense experts. Ultimately, the issues were resolved mid-hearing on December 22, but Class Counsel presented argument and sworn testimony to the Court.

5. Discovery Efforts

PSC members on the Investigation Committee identified dozens of potential targets and sent out more than 50 subpoenas and demands for insurance information. The discovery in this case was extensive and managed skillfully by Class Counsel working under very challenging deadlines. In response to the more than 50 subpoenas sent, Class Counsel received approximately 389,006 documents that had to be reviewed in a limited amount of time. Class Counsel had to undertake a careful manual review of many of the documents produced—without the benefit of electronic search capabilities—because handwritten notes were featured on thousands of the documents. Much of the discovery was also technical in nature, featured contractors’ and design professionals’ plans and records, and had to be reviewed in close consultation with Plaintiffs’ retained experts. *See* Tropin Decl. ¶¶ 18-27; Furst Decl. ¶ 28. Planning for, managing, and conducting discovery in this case required skill, expertise, and careful work.

Ultimately, Class Counsel prepared for and took ten depositions of important witnesses and corporate representatives, two of which spanned several days. Though this is only a fraction of the discovery that was planned had a settlement not been reached, the initial depositions proved critical to resolving the claims. Class Counsel elicited important testimony in these depositions, some of which was incorporated into the pleadings and used in the mediation presentations that would follow. The preparation and skill Class Counsel exhibited in investigating and taking depositions was outstanding.

Notably, although only 13 Defendants were named in the pleadings, throughout the Litigation, Class Counsel investigated numerous non-party targets. *See Tropin Decl.* ¶¶ 22-24; *Furst Decl.* ¶ 26. The Settlement is the result of the relentless investigatory work as to those non-party targets.

6. Development of Legal Theories and Pleading

Class Counsel expended significant effort in crafting the class pleadings and a successful class certification strategy to serve this novel case. Hundreds of hours of research and analysis went into this work. Further, the three amended complaints that were ultimately drafted and filed were informed by the initial work of the expert witnesses retained. By November 2021, the operative pleading spanned 169 pages and set forth graphic, detailed accounts of the Plaintiffs' factual and legal theories against nine Defendants. It included claims for negligence, gross negligence, and strict liability, all of which were well grounded in fact and law and avoided the kind of "Hail Marys" that the Court warned against repeatedly. *See Tropin Decl.* ¶¶ 18, 32. The most recent pleading, filed in March 2022, included highly developed claims against four more Defendants.

To challenge Plaintiffs' pleadings, the Defendants and their insurers retained dozens of elite attorneys to represent them and each developed strong factual and legal defenses on behalf of their clients. *See Tropin Decl.* ¶¶ 5, 43-48; *Furst Decl.* ¶ 23; *Freidin Decl.* ¶ 8(d)(vi). Importantly, however, Class Counsel was able to successfully defend against each of the motions to dismiss upon which the Court has ruled.⁸ Defendants' motions to dismiss collectively cited hundreds of legal authorities and advanced strong arguments. In response, Class Counsel carefully researched

⁸ Only Morabito Consultants, Inc., and the CTS Association did not file motions to dismiss. Also, Defendant Becker & Poliakoff and several of the later-added Defendants' motions were briefed, but never ruled upon given that settlement was reached.

the issues and drafted a lengthy omnibus response to defeat the Defendants’ dismissal arguments. *See Tropin Decl.* ¶ 33; *Furst Decl.* ¶ 23. The Court eventually denied all of the motions to dismiss in an omnibus order issued on February 3, 2022. Class Counsel also researched, analyzed, and filed substantive responses to the motions to dismiss filed by the Defendants named in the March 10, 2022, Third Amended Complaint.

Co-Chair Lead Counsel submit that the strength of the pleadings drafted by Class Counsel, and the related successful briefing to defend the pleadings, earned the credibility from the Court and Defendants that was necessary to mediate effectively in the months that followed.

7. Handling of Allocation Issues

In late 2021, the Court ordered that Class Counsel work to mediate the potential conflict between the unit-owner subclass and the wrongful death and personal injury subclass, which required significant PSC attorney time and resources. Though the Court ultimately appointed Messrs. Judd Rosen and Gonzalo Dorta to lead these “allocation” mediation efforts on behalf of the respective subclasses, many PSC attorneys collectively devoted hundreds of hours to researching the novel issues involved, counseling class members, and engaging in mediation efforts with the Court-appointed mediator Bruce Greer. A mediation session was held on February 4, 2022, which was attended by PSC members and client-representatives and spanned the entirety of a day. An agreement resulted from that session, though dozens of hours of follow-up negotiations and work was required of Class Counsel and Mr. Greer.

The resolution of this allocation issue in February would not have been possible without the highly skilled advocacy and negotiation efforts of Class Counsel working on these issues. *See Tropin Decl.* ¶¶ 36-40; *Furst Decl.* ¶ 22.

8. Moving for Liability Class Certification

At the same time Class Counsel was responding to the many motions to dismiss filed on December 20 and 30, 2021, Class Counsel also worked quickly to prepare and fully brief a persuasive Motion to Certify a Liability Class, filed on January 28, 2022. Though the Court indicated it would likely grant certification, it ultimately reserved ruling pending the outcome of several ongoing mediations and settlement discussions. Class Counsel's adept handling of this certification briefing strengthened the Class's position heading into the early mediations ordered by the Court and was an important strategic and proactive decision by Class Counsel. *See Tropin Decl.* ¶¶ 34-35; *Furst Decl.* ¶ 24.

9. Extensive Mediation Efforts

As ordered by the Court, Class Counsel also prepared for and engaged in early mediations with several Defendants in December 2021 and January and February 2022, which were successful. As has been noted to the Court, the efforts of Lew Jack, who mediated the claims against Becker & Poliakoff, and Bruce Greer, who mediated the claims against all the other Settling Parties, were essential. Mr. Greer worked tirelessly throughout March, April, and May 2022 to mediate the several dozen outstanding claims. Class Counsel was in constant contact with Mr. Greer during this period. Teams of PSC members spent an enormous amount of time meticulously preparing for these mediations—drafting substantive and persuasive demand letters to parties and non-party targets and preparing powerful liability and damages presentations to be given to the Defendants, their insurance carriers, and Mr. Greer at formal and informal sessions. The assistance of coverage counsel liaison PSC member Chip Merlin and his team was essential during this period, as was the assistance of insurance bad faith attorney Fred Cunningham. PSC attorneys spent dozens of hours analyzing insurance coverage issues in connection with these

attorneys and the Receiver's skilled insurance counsel as well. Class Counsel did an outstanding job in working to resolve these claims, presenting skilled arguments in favor of settlement and achieving maximum settlement value. Further, the negotiations were time-pressured, given that the Court had set a May 2022 deadline to report the outcomes. *See* Tropin Decl. ¶¶ 41-42; Furst Decl. ¶ 33.

10. Negotiation of the Global Settlement

In the final month of the Litigation, Class Counsel worked to negotiate a global settlement agreement document with counsel for the 30 Settling Parties and the several dozen insurance carriers. This work was tedious and complex and required an enormous time commitment, under tight deadlines set by the Court. The Settlement Agreement finally agreed to and preliminarily approved spans nearly 200 pages, includes all class claims, and addresses dozens of contingencies. To reach an agreement on this document, Class Counsel worked every day from April 26 until minutes before the Court-imposed May 27, 2022, deadline. The process was complicated by the number of Settling Parties, many of whom agreed to settle late in May. Throughout, Class Counsel was in constant contact with Mr. Greer during this process, who guided our efforts and kept the parties on track. Without his effort and skill, no deal could have been reached. *See* Tropin Decl. ¶¶ 41-48; Furst Decl. ¶ 34.

While also negotiating the global Settlement Agreement, Class Counsel researched, drafted, and presented the Motion for Preliminary Approval, which the Court granted on May 28, 2022.

11. Counseling Class Members

Throughout the case, and in addition to the work outlined above, Class Counsel undertook the daily, demanding work of counseling Class Members and responding to their questions and

concerns. Many dozens of Class Members retained PSC member firms individually to seek personal counsel, but PSC members made themselves available to consult with all Class Members.

The PSC affidavits attached detail the extensive work that was required in this regard with respect to their individual clients. *See* Tropin Decl. ¶ 37; Furst Decl. ¶ 54. Though individual class member, or client benefit time, was not collected each month by Co-Chair Lead Counsel, as common benefit time was, the PSC members have since submitted that client benefit time and it is included in their individual affidavits and in the total time discussed below.⁹ Class Counsel also took seriously their fiduciary responsibilities to non-client class members and spent substantial time and effort counseling these Class Members as well.

12. Final Approval and Claims Administration Work

The time submitted is only through May 31, 2022, or to date, but going forward, Class Counsel will continue to meet the demands of this case and expect significant time will be spent accordingly. Class Counsel has prepared and will argue the instant Motion, address outstanding subrogation issues that may arise, and represent all Class Members who seek to make claims in the Claims Administration Process, over which the Court will preside in August.

The Claims Administration Process will almost certainly require Class Counsel to prepare more than a hundred wrongful death and personal injury claimants, and their statutory survivors, for hearings, and assist many more Class Members in the completion of their Claim Forms to obtain compensation. This is an emotional and sensitive process for Class Members and the work of Class Counsel will involve extensive client-counseling through calls, video conferences and in-person meetings, and hearing preparation. Also, the Settlement Agreement contemplates a hold-

⁹ Also included in the class member time submitted, if indicated by the PSC member, is the time of any co-counsel who worked with the PSC member to provide services to individual class members.

back of funds for certain contingencies that may require the work of Class Counsel to address through the expiration of the applicable statutes of limitations.

Class Counsel expects that many hundreds—if not thousands—of additional hours will be spent on this necessary work before the Litigation will finally conclude. *See Tropin Decl.* ¶¶ 49-50; *Furst Decl.* ¶ 39.

B. Class Counsel’s Request for Attorneys’ Fees Should be Granted

The Fee Request, based upon Class Counsel’s lodestar and an appropriate multiplier, is reasonable considering the risks assumed in undertaking and prosecuting this case without any assurance of a fee, the amount of time Class Counsel devoted to prosecuting the Class Action, and the outstanding results achieved through the Settlement. The requested fee award also is supported by one of South Florida’s preeminent practitioners, Philip Freidin. *See generally Freidin Decl.* Additionally, the requested fee complies with the August CMO, which directed the Co-Chair Lead Counsel to file a fee application and seek the creation of an “Attorneys’ Fund” in the event the Court indicated a fee award would be made. And attorneys’ fees are contemplated by the Settlement Agreement, though they are left to the Court’s discretion. Pursuant to Article 13 of the Settlement Agreement, court-awarded attorneys’ fees, costs, and expenses may be paid.

Lawyers who recover a “common fund” are entitled to reasonable attorneys’ fees from the fund they created. *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). One rationale for such awards is that “persons who obtain the benefit of a lawsuit without contributing to its cost are unjustly enriched.” *Id.* at 478. “[C]ourts also have acknowledged the economic reality that in order to encourage ‘private attorney general’ class actions brought to enforce . . . laws on behalf of persons with small individual losses, a financial incentive is necessary to entice capable attorneys, who otherwise could be paid regularly by hourly-rate clients, to devote their time to complex, time-

consuming cases for which they may never be paid.” *Mashburn v. Nat’l Healthcare, Inc.*, 684 F. Supp. 679, 687 (M.D. Ala. 1988); *see also In re Domestic Air Transp.*, 148 F.R.D. at 348–49.

Moreover, adequate compensation promotes the availability of counsel for class action plaintiffs:

If the plaintiffs’ bar is not adequately compensated for its risk, responsibility, and effort when it is successful, then effective representation for plaintiffs in these cases will disappear. . . . We as members of the judiciary must be ever watchful to avoid being isolated from the experience of those who are actively engaged in the practice of law. It is difficult to evaluate the effort it takes to successfully and ethically prosecute a large plaintiffs’ class action suit. It is an experience in which few of us have participated. The dimensions of the undertaking are awesome.

Muehler v. Land O’Lakes, Inc., 617 F. Supp. 1370, 1375–76 (D. Minn. 1985).

Here, in assessing the reasonableness of the Fee Request, the Court must look at the circumstances present at the time Plaintiffs’ counsel decided to embark on this Litigation. Not now after they recovered \$1,021,199,000. That is because “[i]t is well-established that litigation risk must be measured as of when the case is filed.” *Goldberger v. Integrated Res., Inc.*, 209 F.3d 43, 55 (2d Cir. 2000); *see Fischel v. Equitable Life Assurance Soc’y of U.S.*, 307 F.3d 997, 1009 (9th Cir. 2002) (“there is no dispute that a court should consider risk at the ‘outset’ of litigation”); *Florin v. Nationsbank of Ga., N.A.*, 34 F.23d 560, 565 (7th Cir. 1994) (“A court must assess the riskiness of the litigation by measuring the probability of success of this type of case at the outset of the litigation.”); *In re Fine Paper Antitrust Litig.*, 751 F.2d 562, 583 (3d Cir. 1984) (risk is “measured at the point when the attorney’s time was committed to the case”).

At the outset of the Litigation, the Court made it clear that attorneys’ fees would be at the discretion of the Court; that the case would proceed at an unprecedented clip; that counsel “should buckle up” and not expect continuances or business as usual; and that “Hail Mary” claims should not be brought and would not be countenanced. *See* Freidin Decl. ¶ 20. Also, at the inception of this case, there were no obvious defendants with deep pockets; just areas of concern that needed

to be investigated in record-breaking time. *See id.* That, along with the factors outlined in *Kuhnlein v. Department of Revenue*, 662 So. 2d 309 (Fla. 1995), and its progeny, suggest that the Court exercise its discretion to apply a substantial risk multiplier in the range of 4.5 in this case. *See* Freidin Decl. ¶ 18, 24 A multiplier on the high end “is sufficient to alleviate the contingency risk factor involved and attract high level counsel to common fund cases while producing a fee which remains within the bounds of reasonableness.” *Id.* at 315.

1. The Kuhnlein Factors

The award of attorneys’ fees in common fund class actions in Florida state courts is controlled by *Kuhnlein v. Department of Revenue*, 662 So. 2d 309, *Standard Guaranty Insurance Co. v. Quanstrom*, 555 So. 2d 828 (Fla. 1990), and *Florida Patient’s Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985). These decisions hold that attorneys’ fees in common fund class actions should be based on the hours reasonably expended at appropriate hourly rates, enhanced by a contingency risk and/or results achieved multiplier, if applicable. In *Kuhnlein*, the Court identified the various factors for determining the reasonableness of the attorneys’ fees:

- 1) the time and labor required, the novelty, complexity, and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- 2) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
- 3) the fee, or rate of fee, customarily charged in the locality for legal services of a comparable or similar nature;
- 4) the significance of, or amount involved in, the subject matter of the representation, the responsibility involved in the representation, and the results obtained;
- 5) the time limitations imposed by the client or by the circumstances and, as between attorney and client, any additional or special time demands or requests of the attorney by the client;
- 6) the nature and length of the professional relationship with the client;

- 7) the experience, reputation, diligence, and ability of the lawyer or lawyers performing the service and the skill, expertise, or efficiency of effort reflected in the actual providing of such services; and
- 8) whether the fee is fixed or contingent, and, if fixed as to the amount or rate, then whether the client's ability to pay rested to any significant degree on the outcome of the representation.

662 So. 2d at 323 n.5; *see also Nelson*, 985 So. 2d at 573.

As discussed below, these factors fully support Class Counsel's Fee Request award here.

a. **The time and labor required, the novelty, complexity, and difficulty of the questions involved, and the skill requisite to perform the legal service properly.**

It is undeniable that substantial time and labor was required to prosecute the Class Action. Class Counsel collectively devoted 34,212 hours to the prosecution of the Class Action from its commencement through entry of the Preliminary Approval Order. *See Tropin Decl.* ¶ 57; *Furst Decl.* ¶ 54; *Freidin Decl.* ¶ 10(a). According to Class Counsel's expert, after a 10% reduction of "individual client" time (as opposed to common benefit), the number of hours billed was "quite reasonable for the size of the team, the time constraints, and the amazing outcome." *Freidin Decl.* ¶ 15. The hours the PSC and Class Counsel devoted to the Litigation over the past year were essential to the development and presentation of the claims and defenses before this Court, as well to achieving the Settlement. *See Freidin Decl.* ¶ 15-16. Also, Class Counsel worked to avoid duplication of effort. *See Tropin Decl.* ¶ 11-17; *Furst Decl.* ¶ 11.

As detailed above, the Class Action involved complex, novel, and difficult legal and factual questions and was prosecuted under demanding deadlines. *See Tropin Decl.* ¶ 29, 34; *Furst Decl.* ¶ 16; *Freidin Decl.* ¶ 10(b). The task of investigating the CTS collapse and bringing meritorious claims on a tight timeline required grueling discovery work. Potential intra-class conflicts diverted resources and required significant time to mediate on an interlocutory basis. And Class Counsel

faced significant legal and factual challenges mounted by teams of elite defense counsel. *See* Tropin Decl. ¶ 5; Furst Decl. ¶¶ 16, 23; Freidin Decl. ¶ 8(d)(6).

The complex, novel, and difficult legal and factual questions required great skills to successfully navigate this unprecedented litigation. *See* Tropin Decl. ¶¶ 29, 34; Furst Decl. ¶ 16; Freidin Decl. ¶ 10(b). Settlement discussions, the settlement structure, and the settlement process also required significant skill, time, and efforts. *See* Tropin Decl. ¶¶ 41-48; Furst Decl. ¶ 34; Freidin Decl. ¶ 8(d)(iv)-(vi). Class Counsel possessed the requisite skills and expertise to address issues involving class actions, mass torts, and construction defects before this Court. *See* Tropin Decl. ¶ 11-12; Furst Decl. ¶¶ 12, 18, 22; Freidin Decl. ¶ 8(a).

b. The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer.

Accepting and prosecuting a class action lawsuit of this magnitude on a fully contingent basis foreclosed Co-Chair Lead Counsel’s ability to work on other cases from the time the Litigation was commenced. *See* Tropin Decl. ¶ 9; Furst Decl. ¶ 8. As noted above, this Class Action has been litigated for nearly a year and required substantial time and labor from Class Counsel as a whole, but particularly from Co-Chair Lead Counsel, who focused their law practices solely on this case since their appointment. Co-Chair Lead Counsel each invested dozens of hours per week on this case—more time personally than any other attorney—and worked relentlessly to prosecute the Litigation and achieve the Settlement. *See* Tropin Decl. ¶ 9; Furst Decl. ¶ 8. As expert Mr. Friedin opines, “For many of the PSC law firms, this case involved a commitment to nearly full time engagement. I cannot imagine, especially after reviewing the number of hours spent by the PSC, that the clients weren’t aware of the sacrifices being made with regard to other employment and to their personal lives.” Freidin Decl. ¶ 10(d).

To varying degrees, accepting the appointment to work on this Class Action, given its difficulty and magnitude, precluded PSC members from working on other billable matters.

c. The fee, or rate of fee, customarily charged in the locality for legal services of a comparable or similar nature.

Class Counsel have significant and unique legal experience in complex litigation, mass torts, and class actions. *See* Tropin Decl. ¶¶ 3-4, 11-12; Furst Decl. ¶ 12. Class Counsel routinely charge hourly rates ranging from \$1,500 to \$500.00 per hour, but no attorney has submitted a billable rate in this case higher than \$1,000 per hour. *See* Tropin Decl. ¶ 56; Furst Decl. ¶ 54. Each attorney's and paralegal's hourly rate is routinely charged in this locality for legal services of a similar nature, taking into account the type of matter, level of experience, training, and reputation. *See* Tropin Decl. ¶ 56; Furst Decl. ¶ 56; Freidin Decl. ¶ 10(e). Given the experience, skills, and reputation of Class Counsel, these hourly rates are reasonable and are within those customarily charged in this locale for services of a similar nature. *See* Freidin Decl. ¶ 10(e).

d. The significance of, or amount involved in the subject matter of the representation, the responsibility involved in the representation, and the results obtained.

The Class Action raised complex and important legal and factual issues affecting hundreds of Class Members. *See* Freidin Decl. ¶ 10(b). The amount involved in the subject matter of the Class Action was significant, as evidenced by the amount of compensation that would have been sought at trial and the results obtained through the Settlement. Indeed, the development and presentation of the claims and defenses before this Court, as well to achieving a settlement exceeding \$1 billion in under a year, speak volumes about the significance of the amount involved in the representation, and further demonstrates why the Fee Request is reasonable. *See* Freidin Decl. ¶¶ 8(c), 8(d)(iv), 10(f) & (g). The result achieved is a major factor for a court to consider in making a fee award. *See Hensley v. Eckerhart*, 461 U.S. 424, 436, (1983) (“[T]he most critical

factor is the degree of success obtained.”); *Pinto v. Princess Cruise Lines*, 513 F. Supp. 2d 1334, 1342 (S.D. Fla. 2007) (“The result achieved is a major factor to consider in making a fee award.”); *Behrens*, 118 F.R.D. at 547–48 (“The quality of work performed in a case that settles before trial is best measured by the benefit obtained.”). By any objective measure, the result achieved through the Settlement is outstanding – characterized by Mr. Freidin as “simply jaw dropping,” “boggles the mind,” and “perhaps the most astonishingly successful settlement I can recall in over half a century of practice in this field, and I have been following cases, settlements, and verdicts carefully throughout my career.” Freidin Decl. ¶¶ 8(c), 10(f) & (g).

e. The time limitations imposed by the client or by the circumstances and, as between attorney and client, any additional or special time demands or requests of the attorney by the client.

The time limitations imposed on Class Counsel as a whole, and specifically on Co-Chair Lead Counsel, by the circumstances surrounding the Class Action were substantial. *See* Tropin Decl. ¶ 32; Furst Decl. ¶ 28; Freidin Decl. ¶ 10(g). Deadlines were expedited and Class Counsel were pushed to provide maximum effort and resources under the most challenging of circumstances. Co-Chair Lead Counsel alone devoted over 3,000 hours to perform services in the Class Action, and Class Counsel collectively recorded 34,212 hours. *See* Tropin Decl. ¶ 57; Furst Decl. ¶ 54; Freidin Decl. ¶ 10(a), 16. The time limitations imposed on Co-Chair Lead Counsel, and certain other members of the team comprising Class Counsel, were significant and further support the Fee Request. *See* Tropin Decl. ¶ 32; Furst Decl. ¶ 28; Freidin Decl. ¶ 10(g). The PSC affidavits attached hereto make clear that the time commitment required of many of the firms was significant.

As Mr. Freidin opines:

This lawsuit involved multiple stages that were severely condensed, multiple times, on rapidly moving parallel tracks. Stages of the lawsuit that would normally be phased over many months, or possibly years, were condensed into several weeks

over the December 2021 holidays and had to be completed simultaneously: the motions to dismiss the second amended complaint were filed on December 20 and December 30, 2021, and the response to those motions was drafted over the next several weeks and filed January 26, 2022. At the same time, the motion for class certification was written and filed January 28, 2021, and a third amended complaint was filed on March 7, 2022, which was the Court's deadline for the parties to amend their pleadings. Meanwhile, discovery was ongoing as to more than 30 targets, as was the very difficult allocation mediation between the CTS unit owners, on the one hand, and the personal injury and wrongful death subclasses, on the other.

Freidin Decl. ¶ 8(d)(iii).

In another case of this complexity, these stages of litigation would not proceed simultaneously and counsel would have generous time and be granted extensions to complete each component. The Court required all counsel in this case to work on a highly expedited timeline.

f. The nature and length of the professional relationship with the client.

The nature and length of the professional relationship with the Plaintiffs spans the year that the Class Action has been pending. As explained above, given the deadlines set by the Court, Class Counsel accomplished in the span of a year what could have easily taken a decade. Long days, weekends, and holidays were spent meeting the deadlines imposed. *See* Tropin Decl. ¶ 9; Furst Decl. ¶¶ 8, 28, 34; Freidin Decl. ¶ 10(g).

g. The experience, reputation, diligence, and ability of the lawyer or lawyers performing the service and the skill, expertise, or efficiency of effort reflected in the actual providing of such services.

Class Counsel's experience, reputation, diligence, and abilities were key to the successful prosecution of the Class Action and achieving the Settlement. *See* Freidin Decl. ¶ 10(i). The best evidence of Class Counsel's diligence, expertise, and skills is reflected in the work they performed and the results they achieved. The fact that Class Counsel was able to recover more than \$1 billion from 30 Settling Parties in under a year is testament to their skills, expertise, and diligence in overcoming the legal and factual hurdles presented throughout the course of the Class Action, and the challenges raised at every turn by elite defense counsel. *See* Freidin Decl. ¶¶ 8(c), 10(f) & (g).

h. Whether the fee is fixed or contingent, and if fixed as to the amount or rate, then whether the client's ability to pay rested to any significant degree on the outcome of the representation.

For the past year, Class Counsel's recovery of fees for the services they rendered have been subject to the Court's discretion and fully contingent on the results obtained, given that Class Counsel each agreed to work without the assurance of any fee, contingency or otherwise. There is no precedent that undersigned counsel could locate for this type of arrangement. Thus, a determination of a fair fee for Class Counsel must include consideration of the unique nature of the fee arrangement at the outset, and the fact that the risk of failure and nonpayment in this case was exceedingly high.

Courts "have historically labeled the risk of success as is perhaps the foremost factor in determining" an appropriate fee award. *Goldberger*, 209 F.3d at 54 (internal quotation marks omitted); *see also Jones v. Diamond*, 636 F.2d 1364, 1382 (5th Cir. 1981) ("Lawyers who are to be compensated only in the event of victory expect and are entitled to be paid more when successful than those who are assured of compensation regardless of result."); *Ressler*, 149 F.R.D. at 655 (the attorney's contingent fee risk is an important factor in determining the fee award); *York v. Ala. State Bd. of Educ.*, 631 F. Supp. 78, 86 (M.D. Ala. 1986); *Walters v. City of Atlanta*, 652 F. Supp. 755, 759 (N.D. Ga.), *modified*, 803 F.2d 1135 (11th Cir. 1985). And further, "[i]t is well-established that litigation risk must be measured as of when the case is filed." *Goldberger*, 209 F.3d at 55.

In *Behrens v. Wometco Enterprises, Inc.*, the court addressed a standard contingency fee arrangement—which this case is not—and noted that:

Generally, the contingency retainment must be promoted to assure representation when a person could not otherwise afford the services of a lawyer. . . .

A contingency fee arrangement often justifies an increase in the award of attorneys' fees. This rule helps assure that the contingency fee arrangement

endures. If this “bonus” methodology did not exist, very few lawyers could take on the representation of a class client given the investment of substantial time, effort, and money, especially in light of the risks of recovering nothing.

118 F.R.D. at 548 (citations omitted).

Given the request from the Court that Class Counsel commit to work without even the assurance of a contingency fee, Class Counsel prosecuted the Class Action fully at the discretion of the Court. The uncertain nature of this representation further supports the requested fee award. Class Counsel have received no compensation for the services they rendered in the Class Action over the past year. Throughout this period, Class Counsel collectively devoted 34,212 hours to the prosecution of this Lawsuit, and advanced and/or incurred approximately \$150,000.00 in costs and expenses in litigating on behalf of the Class. *See Tropin Decl.* ¶ 57; *Furst Decl.* ¶ 54. None of the time devoted by Class Counsel would have been recovered if the Class Action was not successfully resolved. *See Freidin Decl.* ¶ 19.

At the time Class Counsel filed the Class Action, a strong possibility existed that they would achieve no additional recovery for the Class beyond the land sale proceeds and insurance marshalled by the Receiver. In other words, Class Counsel took on this case with a high probability of obtaining no compensation for themselves. *See Freidin Decl.* ¶ 19. That risk continued up to the time the Settlement was reached, which marked the first time that the Settling Parties agreed to forego their defenses and compensate the Class. Thus, Class Counsel’s investment of time has been at risk for nearly a year. Although Class Counsel have successfully resolved the Class Action through the Settlement, that result was far from foreseeable at the outset. *See id.* The financial risk borne by Class Counsel further supports the reasonableness of the amount of attorneys’ fees requested.

2. The Court Should Award Class Counsel's Lodestar With A Contingency Fee Multiplier

The lodestar that Class Counsel seeks (reasonable number of hours multiplied by reasonable hourly rates) from inception is \$24,742,841.75, reduced by \$2,500,000.00 consistent with the opinion of Mr. Freidin, for a total of \$22,242,841.75. *See* Tropin Decl. ¶ 57; Furst Decl. ¶ 54; Freidin Decl. ¶¶ 14, 24. Class Counsel's request for attorneys' fees in this common fund class action is based on their actual and reasonable lodestar enhanced by an appropriate contingency fee multiplier. In *Kuhnlein v. Department of Revenue*, the Florida Supreme Court held that multipliers of up to five times class counsel's lodestar may be applied in common fund class actions. 662 So. 2d at 314–15. Based on *Kuhnlein*, Class Counsel respectfully submit that they are entitled to seek a multiplier up to 4.5 times the lodestar amount because the requested attorneys' fees are sought from the common fund created through their efforts in this Class Action that resulted in the Settlement. A multiplier at this high end “is sufficient to alleviate the contingency risk factor involved and attract high level counsel to common fund cases while producing a fee which remains within the bounds of reasonableness.” *Id.* at 315.

Where, as here, Class Counsel assumed substantial risk in undertaking litigation on a fully contingent nature and achieved an outstanding result in the amount of a large common fund, Florida courts have adopted multipliers between four and five. For example, in *Kuhnlein*, the Florida Supreme Court applied a maximum multiplier of five to a \$1,295,493.50 lodestar when class counsel secured a \$188.1 million common fund. *Id.* at 311, 315. In *Ramos v. Phillip Morris Cos.*, 743 So. 2d 24 (Fla. 3d DCA 1999), the Third District affirmed a negotiated fee award that applied a multiplier of five where class counsel “demonstrated high contingency risk factors” and “obtained substantial results for the class' benefit”—a result that included, among other things, a \$300 million medical foundation fund. *Id.* at 33. And most recently, in *In re Citrus Canker*

Litigation, No. 2003-9255-CA-01, Final Approval Order at 39–40 (Mar. 28, 2022), this Court applied a multiplier of 4.5 to a \$2,428,207.50 lodestar when class counsel secured a common fund settlement amounting to \$76,871,320.

Consistent with *Kuhnlein*, *Ramos*, and *Citrus Canker*, Class Counsel respectfully request that this Court apply a multiplier to enhance their lodestar because they rendered services on a fully contingent basis for a year without compensation, at great financial risk, and achieved an outstanding result for the Class. Based on his consideration of *Kuhnlein* and its progeny, the *Rowe* factors, and the factors set forth in Rule 4-1.5(b) of the Rules Regulating the Florida Bar, Class Counsel’s expert concluded that:

Given that this litigation is among the most difficult, complex, and high-profile class actions I have witnessed in 53 years of practicing law, and based on other class actions in which Florida courts affirmed or awarded contingency risk multipliers, *e.g.*, *Kuhnlein*, 662 So. 2d at 315 (multiplier of 5); *Ramos v. Philip Morris Cos.*, 743 So. 2d 24, 32–33 (Fla. 3d DCA 1999) (multiplier of 5), *In re Citrus Canker Litig.*, No. 2003-8255-CA-01, Final Approval Order, at 39–40 (Fla. 11th Cir. Ct. Mar. 28, 2022) (multiplier of 4.5), I am of the opinion that a multiplier of 4.5 times the lodestar is appropriate here. A multiplier at this high end is, in my view, “sufficient to alleviate the contingency risk factor involved and attract high level counsel to common fund cases while producing a fee which remains within the bounds of reasonableness.” *Kuhnlein*, 662 So. 2d at 315.

Here, the risk of getting nothing, or a very modest recovery that would yield a very low fee, if any, was significantly higher than in most cases. That is because the total insurance coverage on the best defendant was already tendered, and what was left was mostly, at the outset, a likely hard slog through only potentially responsible defendants. As the Court itself emphasized from the beginning of the litigation—this would likely be a “limited fund” case. But no one expected this kind of result, ever, let alone this quickly. It’s unprecedented. And without this team it would not have happened. Awarding this full amount will save the class members probably around \$200 million when compared to the traditional percentage-based contingency fee model. (In other analogous mass collapse disasters in the County, though of lesser scales, *e.g.*, the Florida International University bridge collapse and the Miami Dade Community College parking garage collapse, standard contingency fee rates were paid by clients.)

Freidin Decl. ¶¶ 18-19.

The Requested Fee, even if awarded at the high end, would represent less than 10% of the common fund created through Class Counsel's efforts, a percentage substantially lower than attorneys' fees typically sought in accord with Rule 4-1.5(b) of the Rules Regulating the Florida Bar.

In fact, and as Mr. Friedin recognizes, when comparing the contingent fees normally charged in catastrophic tort cases with the Requested Fee sought here, it is clear that the Court's prescient decisions, combined with the efficient lawyering seen here, created savings for the Class in the hundreds of millions of dollars:

The Court, determined to streamline an historically clunky and overblown process, assembled a team of superb lawyers and orchestrated a wholly new and truly unique approach to disaster cases, a solution that wound up creating the most efficient and economical means of litigating a case this massive that none involved had ever seen before.

Not only were things all done in under a year—a true testament to the Court and its appointed leadership—but there was a singularly important side effect undoubtedly intended from the start by the Court: enormous savings of attorneys' fees that would have been otherwise unnecessarily contracted for and expended. It's easy to imagine those traditional fees (even at 40%/30%/20% rates) soaring to at least \$300 million.

When comparing that potential enormous subtraction from the victims' pockets with the amounts sought in this petition (e.g., a savings of approximately \$200 million), the Court's visionary actions, combined with the brilliant and efficient lawyering seen here, are inspiring.

For the foregoing reasons, I am of the opinion that the Court should award the PSC and Class Counsel their lodestar of \$24,742,841.75, reduced by \$2,500,000, and enhanced by a multiplier of 4.5. I also understand that additional time will be expended in mini damage trials and that the Court may wish to reserve jurisdiction in considering that additional work in considering final fee awards.

Friedin Decl. ¶¶ 21-24.

Accordingly, the Court should award Class Counsel their loadstar enhanced by a contingency risk multiplier in the range of 4.5 times the lodestar.

C. Recommended Division of the Fee Awarded

The August CMO provides that Co-Chair Lead Counsel shall propose an allocation of any fee award among PSC Class Counsel. Accordingly, Co-Chair Lead Counsel have developed their recommendation for the division of any fee awarded based on the relative contributions of each PSC member to the results achieved (the “Fee Division Recommendation”). This recommendation will be submitted to the Court for *in camera* review and Co-Chair Lead Counsel has disclosed to and consulted with each PSC member on their respective recommended share of the total fee award, as required by the August CMO.¹⁰ As the Court can see from the attached declarations and affidavits (**Exhibits 4-19**), though each firm did outstanding work and fulfilled their commitment to the Class Members, certain firms took on greater responsibility and/or expended more time than others. As per the August CMO, Co-Chair Lead Counsel’s Fee Division Recommendation is based on the PSC member’s lodestar, their work allocation assigned by Co-Chair Lead Counsel, the value of work they performed, and their contribution to the results obtained.

The time that constitutes the PSC Lodestar is comprised of two components—time spent on work benefitting all class members (“Common Benefit Time”) and time spent in the service of

¹⁰ The *in camera* submissions are appropriate here, as has been done in other complex litigation and MDLs, because that allocation has no impact on the benefits to the class. *See Hartless v. Clorox Co.*, 273 F.R.D. 630, 646 (S.D. Cal. 2011) (“the allocation of those fees amongst class counsel does not affect the monetary benefit to class members”); *In re Copley Pharm. Inc. Albuterol Prod. Liab. Litig.*, 50 F. Supp. 2d 1141, 1146 (D. Wyo. 1999) (recognizing lead counsel’s “wise decision” to keep fee awards confidential to avoid “attorneys pitting themselves against other fighting over who received more fees”); *Love v. Blue Cross & Blue Shield Ass’n*, No. 03-cf-21296 (S.D. Fla. Apr. 20, 2008) (directing plaintiff firms to “divide” fee award among “plaintiff firms according to agreement”); *In re Warfarin Sodium Antitrust Litig.*, 391 F.3d 516, 533 n.15 (3d Cir. 2004) (refusing to “deviate from the accepted practice of allowing counsel to apportion fees amongst themselves”). Though the recommended fee division has been kept confidential, the allocation to each PSC member firm is known to that firm and was discussed during the conferences required by the August CMO.

individual client-class members (“Client Benefit Time”).¹¹ Client Benefit Time to date was collected from all attorneys on June 1, 2022, although PSC members were asked in August 2021 to record such time contemporaneously. Along with the Fee Division Recommendation, Co-Chair Lead Counsel will submit for *in camera* review the PSC timesheets provided, which support the lodestar set forth in the PSC members’ affidavits and declarations (**Exhibits 4-19**).¹²

D. Class Counsel’s Request for Costs and Expenses Should be Granted

In addition to devoting thousands of hours to the successful prosecution of the Class Action, Class Counsel also advanced and/or incurred a substantial amount of costs and expenses to pursue the Class Action and achieve the Settlement. *See* Tropin Decl. ¶¶ 53, 57; Furst Decl. ¶ 54. Pursuant to this Court’s August CMO, Class Counsel request reimbursement of costs and expenses in the total amount of approximately \$150,000.00 incurred and/or advanced in prosecuting the Class Action and in furtherance of the Settlement. These costs are detailed in the affidavits of the PSC members attached and are the types and amounts of costs and expenses reasonably incurred and/or advanced in complex litigation and class actions. *See* Tropin Decl. ¶ 53;

¹¹ With the exception of three firms, all participating PSC firms submitted all of their Common Benefit Time each month. Those three other firms have as of June 1, 2022, submitted their Common Benefit Time as well. Common Benefit Time that was untimely and too voluminous to review and confirm in advance of the filing deadline has not been included in the total lodestar calculation set forth as part of the Fee Request.

¹² Counsel’s time sheets are submitted *in camera* to prevent the disclosure of attorney client privileged communications and confidential work product. Courts routinely permit the submission of time records for *in camera* review under similar circumstances to “enable[] protection of privileged material.” *Team Sys. Int’l, LLC v. Haozous*, 706 F. App’x 463, 466 (10th Cir. 2017) (collecting cases); *see also Almeida v. Amazon.com, Inc.*, 456 F.3d 1316, 1328 (11th Cir. 2006) (upholding attorneys’ fee award based on district court’s *in camera* review of billing statements); *Wachovia Fin. Servs., Inc. v. Birdman*, 2010 WL 11506044 (S.D. Fla. Sept. 27, 2010) (recognizing that when time records contain a description of work performed they constitute privileged attorney work product); *Old Holdings Ltd. v. Taplin, Howard, Shaw & Miller, P.A.*, 584 So. 2d 1128, 1128-29 (Fla. 4th DCA 1991) (same).

Furst Decl. ¶ 54. These costs and expenses are recorded in the books and records maintained by Class Counsel and were reasonably and necessarily incurred in furtherance of the prosecution of the Class Action and the Settlement. The costs and expenses are broken down into the following general categories: (i) expert fees; (ii) class notice costs; (iii) court reporter costs; (iv) court fees; (iv) trial support costs; (v) courier/FedEx/USPS costs; (vi) Westlaw costs; (vii) copy costs; and (viii) travel costs. *See, e.g.,* Tropin Decl. ¶¶ 53-55; Furst Decl. ¶¶ 49-50. Pursuant to Article 13 of the Agreement, Class Counsel are entitled to recover from the Settlement Fund created through their work the reasonable costs and expenses they advanced and/or incurred in prosecuting the Class Action and in achieving the Settlement. These costs do not include costs incurred in the service of individual clients, (i.e. probate services, expert fees), which will be separately submitted in the Claims Administration Process for reimbursement from the individual client's recovery.

CONCLUSION

Based on the foregoing, Plaintiffs and Class Counsel, pursuant to and in accordance with Florida Rule of Civil Procedure 1.220, respectfully request that this Court enter a Final Approval Order and Judgment in the form of Exhibit B to the Settlement Agreement, which shall, among other things, dismiss with prejudice all the claims, cross claims, and Related Actions pending in this Court and related to the CTS Collapse, and enter the complete Bar Orders in the forms attached to the Settlement Agreement. Additionally, Class Counsel requests that the Court approve the Fee Request and award an appropriate fee, plus reimbursement of costs, to be distributed pursuant to the Co-Chair Lead Counsel's Attorneys' Fund Allocation, submitted *in camera*, or reserve ruling on the final amount of such award until the conclusion of the Claims Administration Process.

Dated: June 12, 2022

/s/ Harley S. Tropin

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CERTIFICATE OF SERVICE

We hereby certify that on June 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/ Harley S. Tropin
Harley S. Tropin

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

Plaintiffs' Co-Chair Lead Counsel

EXHIBIT 1

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY**

**COMPLEX BUSINESS
LITIGATION DIVISION**

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

CLASS REPRESENTATION

CASE NO. 2021-015089-CA-01

**DECLARATION OF HARLEY S. TROPIN FILED ON BEHALF OF
KOZYAK TROPIN & THROCKMORTON LLP IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF CLASS SETTLEMENT AND APPLICATION FOR AWARD OF
ATTORNEYS' FEES, COSTS, AND EXPENSES**

I, Harley S. Tropin, do hereby declare and state as follows:

1. I am a founding partner of the law firm of Kozyak Tropin & Throckmorton LLP ("KTT"). I am licensed to practice law in the State of Florida and am a member in good standing. I submit this declaration in support of the Plaintiffs' Steering Committee's application for an award of attorneys' fees and reimbursement of expenses in connection with the services rendered in the above-entitled action. I make this declaration based on my personal knowledge.

2. I have been counsel of record in this action since its inception. On July 16, 2021, I was appointed to serve as Plaintiffs' Co-Chair Lead Counsel to act on behalf of the Plaintiffs and the proposed class members in the action.

Background of Counsel

3. I hold a B.A. from the George Washington University and a J.D. from the University of Miami School of Law. In 1982, I co-founded KTT. Since that time, KTT has been a South Florida complex litigation boutique with core practice areas in class actions, business torts, bankruptcy, and healthcare. In 2022, KTT was again ranked in "Band 1" by Chambers USA in Florida General Commercial Litigation, where it was named one of Florida's "Elite" commercial litigation firms and one of the top three plaintiff-side firms in Florida.

4. I have been recognized by the American Jewish Committee for outstanding legal work and community contributions with the 2016 Learned Hand award. I have been recognized by Best Lawyers in America since 1989 and am in the top-tier litigation category, “Bet-The-Company Litigators.” I have been awarded “Lawyer of the Year” for Miami Mass Tort Litigation/Class Actions for 2014 to 2019. Chambers USA has placed me in its top “Band 1” ranking and describes me as “one of the deans of the Florida Bar” who brings “statesman-like diplomacy to thorny issues” and is “absolutely one of the major players in town.” I have also been listed in Florida Super Lawyers, Florida Trend’s “Legal Elite,” and as one of fifty Florida Lawyers named to the Legal Elite Hall of Fame. I am a member of the American Board of Trial Advocates, a Fellow of the International Academy of Trial Lawyers (“IATL”), and a member of IATL’s Board of Directors. I have also served as a member of the Federal Judicial Nominating Commission for the Southern District of Florida, as well as the state judicial nominating commission.

5. Defendants’ counsel in this matter include some of the most highly respected law firms and attorneys in the United States. For example:

(a) Counsel for the Terra Defendants (i.e., 8701 Collins Development, LLC; Terra Group, LLC; and Terra World Investments, LLC) are attorneys from Greenberg Traurig, P.A. (“GT”), and Coffey Burlington. GT is a highly respected international firm with, according to the firm’s website, approximately 2,400 attorneys in 43 locations in the United States, Latin America, Europe, Asia, and the Middle East. GT has been recognized for its philanthropic giving, diversity, and innovation, and is consistently among the largest firms in the U.S. on the Law360 400 and among the Top 20 on the Am Law Global 100. GT’s Litigation and Construction Departments are ranked by Chambers USA as among the best in Florida, as are several of their attorneys who were involved in this litigation. Like GT, Coffey Burlington’s Litigation Department is ranked by Chambers USA as among the best in Florida.

(b) Counsel for John Moriarty & Associates of Florida, Inc., are attorneys from Phelps Dunbar LLP. Phelps Dunbar’s Construction Department is ranked by Chambers USA as

one of the best in Florida. Several of their attorneys who participated in this litigation are ranked by Chambers USA as among the top litigation and construction attorneys in the State.

(c) Counsel for Securitas Security Services USA, Inc., who settled for \$517,500,000.00, are attorneys from Bowman and Brooke LLP. The firm is ranked by Chambers USA as one to the top products liability and mass torts firms in the United States.

(d) Counsel for Becker & Poliakoff, P.A., are attorneys from Klein Park & Lowe, P.L. The firm is widely considered as one of the leading firms in South Florida specializing in attorney liability defense.

6. KTT first became involved in this action when my partner Javier A. Lopez and I were contacted by Coral Gables attorney Brad Sohn in the days following the collapse of the Champlain Towers South (“CTS”) condominium on June 24, 2021. Mr. Sohn filed the first complaint in this Court following the tragedy. *See Drezner v. Champlain Towers S. Condo. Ass’n, Inc.*, No. 2021-015089-CA-01 (Fla. 11th Cir. Ct. June 24, 2021). Mr. Sohn, who is a solo practitioner, realized that the case would require the resources of a larger firm like KTT.

7. I agreed to head up KTT’s effort along with Mr. Lopez, who would later be appointed by the Court to serve as Plaintiffs’ Economic Loss and Property Damage Track Co-Lead Counsel.¹ Later additions to the KTT team included partners Jorge L. Piedra and Tal J. Lifshitz, associates Eric S. Kay and Rasheed K. Nader, law clerk Alexa I. Garcia, and numerous paralegals and legal assistants.

8. Embarking on this case was not an easy decision. Several of KTT’s senior partners were concerned about our involvement, because of the time-consuming nature of the engagement, the uncertainty of any compensation, the apparent lack of any available defendants to pursue, and the strain this would put on the firm. Because of the significance of the case to the community, and the tragedy these victims suffered, we decided to proceed.

¹ Mr. Lopez’s substantial contributions are detailed in his separate affidavit submitted with Class Counsel’s fee request.

9. I have never looked back on that decision. This case has been the most emotionally rewarding of my 45 years of practice. It is an honor to serve these victims and the Court, and to lead the talented lawyers who form the Plaintiffs' Steering Committee ("PSC"). It has been draining, has precluded us from taking on other cases, and has felt like being in trial for 12 months with never-ending critical decisions that affect the lives of the victims.

10. Since I and my firm first became involved in this litigation, I have performed substantial work in litigating this case, including: assembling the Plaintiffs' leadership structure and proposing its appointments to the Court; coordinating the work of, and assigning work to, the various PSC committees; addressing case management issues and other protocols with the Court, the Receiver, defense counsel, and others; overseeing the PSC's investigative efforts; leading the formulation of litigation strategy and the filing of pleadings and the motion for class certification; representing the interests of unit owners during the allocation dispute between the unit owners and the personal injury and wrongful death claimants; and spearheading the mediation efforts that led to the ultimate settlement of this litigation for \$1,021,199,000.00.

Organizational Efforts

11. It was immediately apparent that the class action needed to be organized, and that the lawyers who had filed cases—all of whom are incredibly talented and diverse—needed active and engaged leadership from the PSC. The Court tasked me early on with assembling a leadership structure. This was an especially demanding undertaking. KTT and I interviewed dozens of lawyers from several law firms. This involved many conversations, reviewing of credentials, and often fierce competition for leadership positions.

12. I persuaded an elite group of local lawyers to accept me as Chair Lead Counsel; Ricardo M. Martinez-Cid of Podhurst Orseck, P.A., as Personal Injury and Wrongful Death Track Lead Counsel; Adam M. Moskowitz of The Moskowitz Law Firm, PLLC, and KTT partner Javier A. Lopez as Economic Loss and Property Damage Track Co-Lead Counsel; Curtis B. Miner of Colson Hick Eidson as Wrongful Death Charitable Liaison Counsel; and Stuart Z. Grossman of

Grossman Roth Yaffa Cohen, P.A., as Wrongful Death Damage Claim Liaison Counsel. I also assembled lawyers from eleven different law firms to form the PSC.

13. The Court accepted this structure and related case management procedures, and later appointed Rachel W. Furst of Grossman Roth Yaffa Cohen, P.A., as my co-chair. The Court's appointment of Ms. Furst to serve alongside me as Co-Chair Lead Counsel turned out to be an inspired choice, and we thrived together as a team.

14. The most immediate task was to organize the PSC into a cohesive group that let each law firm play to its strengths. Ms. Furst and I were mindful that—as the Court emphasized from the beginning of the litigation—this would likely be a “limited fund” case. Thus, we sought to ensure that we were efficient and economical in distributing work, so as to minimize costs and not duplicate efforts. In my experience as a class action attorney, a large plaintiffs' steering committee creates additional logistical challenges and requires strong leadership.

15. After the Plaintiffs' leadership structure was formed, Ms. Furst and I set up committees (a) for drafting pleadings, (b) for retaining expert witnesses, (c) for leading investigations into current and potential defendants, and (d) for collecting data on all claimants and identifying class representatives. Ms. Furst and I oversaw the staffing and work of these committees. We regularly attended committee meetings. And all work was coordinated through weekly calls with the Court-appointed chairman and bi-weekly calls with the entire PSC. We also were in daily communication with the Receiver.

16. In order to account for costs, we addressed a number of case management issues. For example:

(a) We proposed, and the Court adopted, a clear delineation of the responsibilities of the Court-appointed chairman and PSC to be included in the Court's July 16, 2021 order appointing a Plaintiffs' leadership structure.

(b) We proposed, and the Court adopted in an order entered on August 29, 2021, case management deadlines and protocols governing Plaintiffs' counsel. The order set forth

expedited briefing procedures to address objections to Plaintiffs' third-party subpoenas. The order also:

(i) Confirmed that Class Counsel "agreed" to serve "without a legal entitlement to receive any attorneys' fees" and had "recognized the possibility that they will not be compensated for the time expended in the service of the putative class members."

(ii) Made clear that Plaintiffs' counsel was required to avoid duplication of efforts and work efficiently and cautioned that only "reasonable" time spent on work "authorized" and "assigned by Co-Chair Lead Counsel" that was recorded and timely submitted would be compensable.

(iii) Directed Plaintiffs' counsel to "keep contemporaneous billing records of time spent in connection with Authorized Common Benefit Work" and directed that time submissions be made monthly in accordance with guidelines set forth by the Court and Co-Chair Lead Counsel, and that Plaintiffs' counsel keep detailed time and expense reports using forms distributed by Co-Chair Lead Counsel.

(iv) Provided procedures for a later application of an "Attorneys' Fund" should the Court determine—in its sole discretion—that an award of attorneys' fees for Authorized Common Benefit work was appropriate.

(v) Provided that reimbursable expenses for "Shared Costs" from the CTS Association's Receivership Estate must be approved by and submitted to Co-Chair Lead Counsel.

(vi) Set forth a procedure that would govern any request for attorneys' fees.

(c) We worked with the Receiver to establish a procedure for payment of Plaintiffs' common investigative expenses to be paid by the Receiver out of the insurance proceeds tendered to the Receiver in connection with the collapse. The Court adopted these procedures in an October 20, 2021 order.

(d) We worked with the Receiver and counsel for defendants to propose case management orders that would streamline the litigation and provide deadlines in accordance with the Court's instruction that this case be handled expeditiously.

17. I relied heavily on KTT partner Tal Lifshitz and his complex class action experience from the outset of the litigation. Mr. Lifshitz assisted with the preparation and drafting of many of the case management orders ultimately entered by the Court, including those relating to leadership duties and responsibilities and case administration (e.g., cost reimbursements from the Receiver, time and expense reporting, and protocols to eliminate duplication of efforts among the various members of the PSC). Mr. Lifshitz also spent substantial time at the outset of the case coordinating with the Receiver and his counsel, not only as a liaison between the Receiver and the class but also as attorney on behalf of the class in connection with the negotiation and preparation of the preliminary site inspection protocols that were the subject of vigorous debate and compromise. This process—which was complicated by its subject matter as well as the exigencies of the circumstances—was further complicated by the fact that, at the case's infancy, counsel for the class was tasked with working with the Receiver to coordinate these protocols not just with their own experts (which were still being vetted and engaged), but also with defense counsel, who were being engaged and entering first appearances daily, and counsel for various nonparties, including the Town of Surfside and Miami-Dade County, who had substantial interests in any protocol to be considered by the Court.²

² Mr. Lifshitz also spent dozens of hours addressing the termination and allocation negotiations, including legal research on novel issues of Florida statutory law, and coordinating with clients (KTT represented over 30 unit owners) to explain the issues associated with termination, assessment, and the contemplated allocation of funds between personal injury/wrongful death and economic loss claimants. Mr. Lifshitz—in addition to others from KTT—devoted nights and weekends to these critically important and undisputedly sensitive and contentious issues. The allocation issues are discussed in further detail below.

Investigation of Targets

18. The investigation was a critical aspect of the CTS litigation plan. We needed to file an amended class action complaint that focused on the primarily culpable defendants, while avoiding “Hail Mary” claims (pursuant to the Court’s directions).

19. KTT attorneys were closely involved in discovery and investigative efforts. Javier Lopez and Jorge Piedra from KTT worked with attorneys from other firms, including Ricardo Martinez-Cid and Lea Bucciero from Podhurst Orseck, Jeff Goodman from Saltz Mongeluzzi & Bendesky, Jorge and Carlos Silva, Judd and Brett Rosen, and others. Key investigative efforts provided the factual foundation for a number of our claims, most notably our claims against the defendants associated with the construction and development of the Eighty-Seven Park project.

20. With respect to the Eighty-Seven Park project, KTT’s work, spearheaded by Jorge Piedra, started with an investigation of how and why the Terra Defendants were able to build this project as close to CTS as they did. KTT issued public records requests to the City of Miami Beach and Miami Dade County. KTT crafted and issued subpoenas to the Terra Defendants and their lawyers. KTT issued subpoenas to Squire Patton Boggs, which was the law firm that represented the City of Miami Beach in the sale of 87th Terrace. KTT reviewed hundreds of documents in order to understand the “voluntary contribution” of \$10,500,000 paid to the City of Miami Beach in order for the City of Miami Beach to vacate 87th Terrace. KTT conducted hours and hours of research analyzing this transaction. KTT consulted with multiple real estate attorneys and zoning attorneys regarding the issue. KTT dug up, reviewed, and learned to understand the original plat in which 87th Terrace was located, so that we could determine whether CTS had an interest in half of the street. The unique issue was that the vacated street was at the edge of the City of Miami Beach and at the edge of the plat.

21. At Mr. Piedra’s direction, KTT also created a detailed timeline that demonstrated how the Terra Defendants were simultaneously negotiating and obtaining a zoning change that applied only to their property allowing them to build a 14-story building. We learned that both the street acquisition and the zoning change were happening while the Terra Defendants were leading

the public to believe that they were merely going to renovate the Deezerland Hotel, as opposed to razing it and replacing it with a giant structure. KTT attorneys, working with others, helped develop the theory that the sheet pile driving—which we learned was just 12 feet from the CTS garage because of the acquisition of 87th Terrace—contributed to the collapse of the building.

22. Investigatory efforts also led to discovery of facts that drove settlements from several non-parties. For the most striking example, although Securitas Security Services USA, Inc. (“Securitas”), was never named as a party, the PSC investigation into Securitas allowed us to reach the extraordinary \$517,500,000.00 settlement with them, the largest recovery from any settling party.

23. Special recognition must be given to the work of Jorge Piedra, Judd Rosen, and Brett Rosen, who investigated and argued the Securitas claim at mediation. This claim was never filed, but the work of the three in identifying the claim at the outset—and the Rosens in deposing the Rule 1.310(b)(6) Securitas representative and developing the Securitas case further—was, in my opinion, some of the most outstanding lawyering I have ever seen. The Rosens’ efforts in the Securitas mediation were especially notable.

24. KTT, led by Mr. Piedra, played a key role in this effort. KTT’s contribution started with the deposition of Premier Fire. KTT first crafted a detailed Rule 1.310(b)(6) subpoena duces tecum. As a result, we received hundreds of pages of documents, mostly photographs of the alarm system at CTS. We also received a Fire Alarm Incident Report, which gave a partial timeline of the alarm system activity during the evening and morning of the collapse. We then prepared for and took the deposition in which we learned how the alarm system was installed and how the alarm system worked. We learned that each unit contains a speaker near the bed, as required by code; that when an alarm is triggered, only the floor of the alarm and the one above and the one below sound; that there was a control panel for the alarm system directly behind the desk of the security guard; that the control panel buttons for an “all call” in which an alarm could be triggered for the entire building; and that the control panel also includes a telephone handset through which a verbal voice message could be sent throughout the building, including into each unit and bedroom.

Through other investigations, we knew that neither the “all call” nor the handset were used to evacuate the building between the first alarm and the collapse of the building. We thus concluded that the security guard was not properly trained to operate the system. Next, the Rosens took the deposition of Securitas’s corporate representative, which, along with their interview of the security guard on duty during the collapse and outstanding mediation presentation, led directly to the Securitas settlement.

25. Special recognition must be given as well to the efforts of Jeffrey Goodman and Lea Bucciero, whose investigation of the entities responsible for the development and construction of Eighty-Seven Park—namely, the Terra Defendants (8701 Collins Development, LLC, Terra Group, LLC, and Terra World Investments, LLC) and John Moriarty & Associates of Florida, Inc. (“Moriarty”)—was critical. Mr. Goodman deposed the witnesses from the Terra Defendants and Moriarty and developed the expert witnesses who addressed the causes of the collapse. Mr. Goodman and Ms. Bucciero later spearheaded the mediation with the Terra Defendants and Moriarty, which, along with Stuart Grossman’s efforts, led to a \$269,000,000.00 settlement. Mr. Goodman’s construction expertise was invaluable at every stage of the litigation—from the retention of experts to the mediation process.

26. Finally, recognition must also be given to Adam Moskowitz and Stuart Grossman, whose efforts in the early settlement talks with the Becker & Poliakoff law firm and Morabito Consultants, Inc., were significant and helped “break the ice,” leading to other settlements down the line. Their work secured the first settlements in the litigation and set the stage for further mediations.

27. In order to facilitate our investigation, KTT partner Javier Lopez was involved in efforts with Jeffrey Goodman to retain the best expert witnesses. To ensure orderly access to the CTS site by experts for plaintiffs, defendants, relevant governmental entities, and other interested

parties, Mr. Lopez and KTT partner Tal Lifshitz worked closely with the Receiver and Mr. Goodman in developing several of these protocols.³ The protocols adopted by the Court included:

(a) A stipulated protocol for inspection, documentation, and storage of components, remnants, and debris of the CTS collapse, which was adopted by the Court in an order dated September 1, 2021. The essential purpose of the protocol was to facilitate the ability of the Receiver to make available to all parties, potential parties, and relevant governmental entities access to the on-site remnants of the CTS collapse site over which the Receiver may have had control.

(b) A joint testing protocol to govern invasive testing on the CTS collapse site, which was the product of lengthy negotiations and was submitted to, and adopted by, the Court on January 21, 2022 after several hearings on the issue.

Supervision of Amended Complaint and Class Certification Motion

28. Ms. Furst and I determined that some lawyers helped best at drafting pleadings and other legal filings. Those lawyers included KTT attorneys Tal Lifshitz and Eric Kay, Graham B. LippSmith and MaryBeth LippSmith of LippSmith LLP, attorneys from the Moskowitz Law Firm, and Ms. Furst herself, who led the effort.

29. Drafting these pleadings required formulating theories of liability and our approach to class certification. This process forced us to confront numerous complex and novel issues of great public importance involving class actions, mass torts, personal injury and wrongful death litigation, construction law, and condominium law. We had limited precedents to work with. Singular, large-scale catastrophes are seldom handled as class actions. And those few cases presented myriad issues with respect to class certification, liability determinations, assessing damages, and claims administration.

30. Eventually, we decided to pursue claims of negligence, gross negligence, and strict liability. And with respect to class certification, we decided to utilize the “issue class” mechanism

³ The work of the PSC on retaining and working with expert witnesses is detailed in the separate affidavit filed by Mr. Lopez.

in Florida Rule of Civil Procedure 1.220(d)(4) to certify a liability issue class that would bifurcate the proceedings into liability and damages phases, with a liability trial to first resolve questions of Defendants’ liability and apportionment of fault, followed by proceedings to determine damages.

31. The first amended pleading was the Consolidated First Amended Class Action Complaint, filed in August 2021, which named only the CTS Association as a defendant. Later, in September 2021, we filed a Complaint for Judicial Termination of the CTS condominium.

32. The most significant pleading was the Consolidated Second Amended Class Action Complaint, filed on November 16, 2021. Producing this pleading quickly was a herculean task. The 169-page, 549-paragraph complaint added most of the key defendants. This pleading was critical, because the Court made it abundantly clear that the case would be prosecuted and tried on an expedited track—with the trial to take place in approximately one year. At the same time, we wanted to include all culpable defendants (excluding “Hail Mary” claims) that were capable of producing a meaningful recovery.

33. KTT attorneys—along with Ms. Furst—played a substantial role in drafting the Omnibus Response to Defendants’ Motion to Dismiss, filed on January 16, 2022. This 80-page document responded to five separate motions to dismiss and involved substantial time and effort from attorneys at many firms, including KTT.

34. KTT attorneys—along with the Moskowitz Law Firm, Grossman Roth Yaffa Cohen, and MaryBeth and Graham LippSmith—played a key role in the class certification process. As noted, we decided only to seek certification of a liability issue class. The issue class mechanism is relatively novel in Florida and has seldom been used outside of the context of *Engle* tobacco litigation. KTT associate Eric Kay did a substantial amount of research on issue classes and worked with attorneys at the Moskowitz Law Firm on the class certification motion.

35. In February 2022, Plaintiffs filed a Third Consolidated Amended Class Action Complaint. The new pleading was the result of months of investigatory efforts that allowed us to identify additional defendants. Although our investigation involved dozens of potentially culpable parties, Ms. Furst and I were careful to plead claims against only some parties, while continuing

to investigate others. KTT attorneys provided substantial contributions to this amended pleading that would later drive settlement negotiations in the Spring of 2022. Later, when one defendant named in the third amended complaint moved to dismiss, KTT attorneys worked with Ms. Furst and others to draft the response.

Allocation and Termination

36. KTT attorneys played a substantial role in the allocation dispute among the unit owners and the wrongful death claimants. This involved performing a significant amount of research on the legal issues surrounding the termination of the CTS condominium and allocation of the CTS Association's assets. Attorneys at KTT produced a comprehensive legal memorandum analyzing these issues. Later, when the Court directed that the allocation dispute be sent to mediation with Bruce Greer, my partner Javier Lopez represented the unit owners in these efforts, together with Adam Moskowitz, Gonzalo Dorta, and MaryBeth LippSmith.⁴

37. In addition to our efforts on behalf of the class, KTT also represented the owners of more than 30 units. Our attorneys and staff were in constant communication with these unit owners, responding to inquiries and keeping our clients up to date on the case as developments arose. This included not only communicating with individual unit owners, but also many emails to unit owners (individually and as a group) to help facilitate participation in the termination lawsuit and explain the difficult issues surrounding the allocation dispute with the wrongful death claimants. And consistent with the Court's admonition that all attorneys appointed to Plaintiffs' leadership owed a duty to all putative class members, we also spoke to and consulted with unit owners who were not individually represented by KTT.

38. Our separate representation of unit owners presented its own challenges. The allocation settlement agreement was especially difficult for many unit owners, who felt strongly that they should recover a greater share of the Association's assets upon termination of the condominium. The allocation issue also required us to confront numerous issues, including issues

⁴ KTT's work regarding the allocation settlement and representation of unit owners is also detailed in Mr. Lopez's separate affidavit.

between unit owners who lost units but did not have personal injury or wrongful death claims; between unit owners who lost units and also had tenants with claims for economic loss, personal injury, and/or wrongful death; and between unit owners who lived full-time at CTS and those whose units were second homes or investment properties.

39. As the allocation dispute progressed, we worked to be as transparent as possible with all unit owners. We included unit owners in the mediation with Mr. Greer, we provided constant updates to unit owners (through individual and group correspondence), and we answered countless inquiries from unit owners concerned with the ultimate resolution of the allocation agreement. Further, after the Court preliminarily approved the allocation settlement, we made sure that unit owners were aware of their rights under the agreement, including their right to object.

40. At the same time the allocation agreement was being negotiated, the suit seeking judicial termination of the CTS condominium was getting off the ground. One of the terms of the allocation settlement agreement included unit owners consenting to the termination of the CTS condominium. To facilitate the judicial termination and implementation of the allocation settlement, KTT worked with the Receiver to ensure that all of KTT's unit owner clients signed joinder forms accepting service of the termination suit and agreeing to termination of the CTS condominium.

Settlement Agreement

41. As the case moved into the Spring of 2022, the Court directed all parties to early mediations before Bruce Greer. What followed was a two-month-long mediation process that I supervised with Ms. Furst.

42. The mediation process involved constant communication with Mr. Greer, the Receiver, attorneys representing the more than two dozen settling parties, and insurance coverage counsel. To say that this negotiation was hard fought—from beginning to end—is an understatement. I have been involved in many settlement negotiations over 45 years of practicing law. But none can compare to this one. Negotiations went down to the wire, with some of the largest settlements being reached in the 48 hours prior to announcing the settlement to the Court

and the public. And even after the settlement was reached, memorializing it in a 72-page master settlement agreement (with more than 100 pages of exhibits) was itself a mammoth undertaking. So much so that Plaintiffs were ready to (but ultimately did not need to) file a motion to enforce the settlement agreement in order to bring closure to the deal.

43. In negotiating and reaching the terms of the settlement, I considered, among other things: the strengths and weaknesses of Plaintiffs' claims; the strengths and weaknesses of Defendants' various defenses; the likelihood of success on appeal under various scenarios; and the additional expense, the length of time, and the uncertainty associated with a trial, post-trial motions, and any appeals. In light of these and other factors and my experience over the past 45 years of practicing law, I know the Settlement is an excellent result for the Class.

44. The monetary relief afforded to the class is, by all accounts, extraordinary.

45. The Settlement Agreement applies to the following defined class:

All (a) Unit Owners, (b) Invitees, (c) Residents, (d) persons who died or sustained any personal injury (including, without limitation, emotional distress) as a result of the CTS Collapse, (e) persons or entities who suffered a loss of, or damage to, real property or personal property, or suffered other economic loss, as a result of the CTS Collapse, (f) Representative Claimants, and (g) Derivative Claimants.

46. To summarize, the Settlement Agreement provides as follows:

(a) Article 4 of the Settlement Agreement creates a Settlement Fund which totals approximately \$1,021,199,000.00. The Settlement Fund is to be distributed according to the Claims Administration Process conducted as described in Article 5 of the Settlement Agreement.

(b) If the Settlement Agreement is finally approved, the Class Representatives and all Class Members who have not timely and properly opted-out of the Settlement Class will release the Settling Parties as described in Article 7 of the Settlement Agreement.

(c) Pursuant to Article 9 of the Settlement Agreement and the Class Notice, Class Members are given the opportunity to opt out of the Settlement Agreement by June 16, 2022, by sending a request for exclusion to the Claims Administrator, who will communicate requests for exclusion to Class Counsel, who will in turn report to the Court. Class Members may

alternatively file objections to the Settlement Agreement by that same date, to be considered at the final Fairness Hearing.

(d) As set forth in Article 5 of the Settlement Agreement, the Class Notice, and the Court's Preliminary Approval Order dated May 28, 2022, all Class Members who do not opt out are entitled to make a claim for an allocation from the Settlement Fund to compensate them for their damages. Claim forms were approved by the Court on May 27, 2022, and have been made available to Class Members on the Receiver's website and through Class Counsel. These forms are due not later than July 18, 2022. The claims timely submitted by Class Members will be reviewed by the Court or the Claims Administrator, who will work to confirm whether those who timely file a claim are members of the Settlement Class and decide whether they are entitled to an award and in what amount. All awards made through the Claims Administration Process are final and not appealable.

(e) The Settlement Agreement acknowledges in Article 13 that the Court might in its discretion pay to the PSC and Class Counsel their respective attorneys' fees and reasonable costs in light of the results obtained. Any such fees shall be paid from the Settlement Fund. As provided in prior Court orders, Class Counsel's costs are also to be borne by the Receivership Estate and are subject to reimbursement.

47. The results achieved are far beyond what I or anyone else could have reasonably foreseen when KTT first took on this case in the days following the collapse. From the beginning, we were uncertain who could have been responsible for the tragedy and if there was any possibility for recovery—much less a meaningful recovery. Nor could I have foreseen that a significant settlement—much less a settlement exceeding one billion dollars—could be achieved in just under a year. This is a testament to the judicial control of the case, the superior mediators, an experienced and resolute Receiver, and the efforts of the PSC.

48. As Co-Chair Lead Counsel, I attended every hearing before the Court, and presented the PSC's position at many of them. I was also in constant contact with victims and their families, the Receiver, defense counsel, the press, and others. Being able to serve the victims of

this tragedy and the Court, and to work with some of the finest lawyers in South Florida, is a privilege and an honor.

Post-Settlement Activities

49. Since the Court gave preliminary approval to the Settlement Agreement, Ms. Furst and I, together with KTT attorneys Tal Lifshitz and Eric Kay, have taken the lead in drafting the instant Motion for Final Approval of Class Settlement and Application for Award of Attorneys' Fees, Costs, and Expenses.

50. Should the Court give final approval to the Settlement Agreement, Ms. Furst and I will continue to work to finalize and implement the Settlement Agreement. We will attend to all necessary proceedings that may follow. Ms. Furst and I will also work with Class Counsel to ensure that the Claims Administration process works smoothly and that every Class Member has their claim heard.

Time and Expenses

KTT's Time and Expenses

51. The information in this declaration regarding KTT's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation, and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the PSC. As a result of this review and any adjustments made, I believe that the time reflected in KTT's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

52. From the time that KTT became involved in this litigation through May 31, 2022, and exclusive of time spent preparing Plaintiffs' motion for an award of attorneys' fees and expenses, attorneys at KTT have spent 4,421.9 hours working on this matter, and KTT paralegals and law clerks have spent 562.7 hours working on this matter. Attached as Exhibit A is a summary of the hours spent by each KTT attorney, law clerk, or paralegal and each attorney's, law clerk's, or paralegal's 2022 usual and customary billable rate.⁵ This usual and customary billable rate is the rate that KTT would normally charge clients who pay KTT on an hourly basis and represents a reasonable market rate in South Florida. Exhibit A also indicates the portion of this time that was expended in the service of individual class members and/or clients.

53. KTT also incurred expenses to pursue the claims in this action. Attached as Exhibit B is a summary report of the expenses by category that KTT paid. The categories of expenses included in Exhibit B are expenses that KTT would normally charge to clients who pay KTT on an hourly basis. KTT is not seeking these expenses separately from the total award in this case.

54. The following additional information further explains certain of these expenses

(a) Transportation, Hotels, & Meals: \$899.62 In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, court hearings, to meet with witnesses, mediators, and opposing counsel and to take or defend depositions. Those expenses and charges are summarized by expense category in the attached Exhibit B.

(b) Photocopying: \$215.53. Those expenses and charges are summarized by expense category in the attached Exhibit B.

(c) Filing, Witness, and Other Fees: \$113.80. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. These

⁵ I have written off 100 hours of time that I performed on administrative tasks undertaken in my role as Co-Chair Lead Counsel.

costs, as listed in Exhibit B, were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas, and to investigate the facts.

(d) Experts: \$16,171.25 to Pistorino & Alam Consulting Engineers, Inc., for services as set forth in Exhibit B.

(e) Court Hearing and Deposition Reporting, and Transcripts: \$17,203.64 to U.S. Legal Support, Veritext, and Esquire Deposition Solutions paid for hearing and deposition transcripts as listed in Exhibit B.

55. The foregoing expenses pertaining to this litigation are reflected in the books and records of KTT. These books and records are prepared from receipts, expense vouchers, check records, and other documents and are an accurate record of the expenses.

The PSC's Lodestar and Co-Chair Lead Counsel's Recommended Fee Division

56. In compliance with this Court's August 29, 2021 Case Management Order ("August CMO"), in preparing the Motion for Final Approval and Fee Application, Ms. Furst and I requested from each firm an affidavit detailing their contributions and also affirming that their time was compliant with that Case Management Order and the written protocol set forth by us and communicated to all PSC counsel on August 2, 2021. The affidavits from the PSC members seeking an allocation of any fee award are attached as exhibits to the Motion for Final Approval.

57. The total lodestar of the PSC is \$24,742,841.75, based upon 34,212.6 total hours and the reasonable hourly rates of the attorneys, law clerks, and paralegals of the PSC member law firms (the "PSC Lodestar").

58. Pursuant to the August CMO, Ms. Furst and I have conferred with each participating PSC member and will submit concurrently with the filing of the Motion for Final Approval a recommended division of any fee to be awarded ("Fee Division Recommendation"). As per the August CMO, this recommendation is based on the PSC member's lodestar, their work allocation assigned by Co-Chair Lead Counsel, the value of work they performed, and their contribution to the results obtained.

59. The time that constitutes the PSC Lodestar is composed of two components—time spent on work benefitting all class members (“Common Benefit Time”) and time spent in the service of individual client-class members (“Client Benefit Time”).⁶ Client Benefit Time to date was collected from all attorneys on June 1, 2022, although it was recommended to PSC members in August 2021 that they record such time contemporaneously. Along with the Fee Division Recommendation, Ms. Furst and I will submit for *in camera* review the PSC timesheets provided to us, which support the lodestar set forth in the PSC members’ affidavits.

60. The Fee Division Recommendation proposed by Ms. Furst and I represent our best efforts and reasonable discretion in proposing a fair and reasonable allocation of any fee to be awarded.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of June, 2022, at Miami, Florida.

/s/ Harley S. Tropin
Harley S. Tropin

⁶ With the exception of three firms, all participating PSC firms submitted all of their Common Benefit Time each month. Those three other firms have as of June 1, 2022, submitted their Common Benefit Time as well.

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: Kozyak Tropin & Throckmorton LLP

REPORTING PERIOD: Inception through May 31, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
<i>Common Benefit Time</i>			
Harley S. Tropin (P)	1763.1	\$1,000	\$1,763,100.00
Javier A. Lopez (P)	594.6	\$750	\$445,950.00
Jorge L. Piedra (P)	344.7	\$775	\$267,142.50
Tal J. Lifshitz (P)	326.0	\$650	\$211,900.00
Eric S. Kay (A)	747.8	\$525	\$392,595.00
Alexa I. Garcia (Clerk)	267.7	\$250	\$66,925.00
Rasheed K. Nader (A)	54.3	\$425	\$23,077.50
Farola Saint-Remy (Para)	69.9	\$275	\$19,222.50
Coral Lopez-Castro (P)	.9	\$725	\$652.50
David L. Rosendorf (P)	20.6	\$650	\$13,390.00
Charles W. Throckmorton (Counsel)	5.7	\$700	\$3,990.00
Robert Neary (Counsel)	.3	\$550	\$165.00
Meaghan E. Goldstein (A)	.7	\$350	\$245.00
Bianca A. Corey (A)	.5	\$525	\$262.50
Priscilla Mahoney (Para)	2.7	\$275	\$742.50
TOTALS	4,199.5		\$3,209,360.00
<i>Individual Benefit Time</i>			
Harley S. Tropin (P)	15.3	\$1,000	\$15,300.00
Javier A. Lopez (P)	30.9	\$750	\$23,175.00
Jorge L. Piedra (P)	82.3	\$775	\$63,782.50
Tal J. Lifshitz (P)	65.0	\$650	\$42,250.00
Eric S. Kay (A)	23.2	\$525	\$12,180.00
Alexa I. Garcia (Clerk)	4.9	\$250	\$1,225.00
Farola Saint-Remy (Para)	30.1	\$275	\$8,277.50
Coral Lopez-Castro (P)	5.4	\$725	\$3,915.00
Priscilla Mahoney (Para)	1.6	\$275	\$440.00
Marcel de la Cruz (Clerk)	.5	\$250	\$125.00
TOTALS	259.20		\$170,670.00

EXHIBIT B

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

EXPENSES REPORT

FIRM NAME: Kozyak Tropin & Throckmorton LLP

REPORTING PERIOD: Inception through May 31, 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research		
Process Server	\$132.80	
Filing Fee		
Delivery services/messengers	\$34.44	
Local travel		
Out-of-town travel		
Meals	\$148.68	
Deposition and hearing transcripts	\$17,203.64	
Experts	\$16,171.25	
Litigation Fund		
Parking		
Records Requests	\$551.77	
Long-distance calls	\$164.72	
Wi-fi	\$41.00	
Transportation	\$750.94	
Copying	\$215.53	
TOTAL EXPENSES	\$35,614.77	

EXHIBIT 2

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF RACHEL W. FURST FILED ON BEHALF OF THE FIRM OF
GROSSMAN ROTH YAFFA COHEN, P.A. IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS SETTLEMENT AND APPLICATION FOR AWARD OF
ATTORNEYS' FEES, COSTS AND EXPENSES**

I, Rachel W. Furst, do hereby declare and state as follows:

1. I am a partner with the firm of Grossman Roth Yaffa Cohen, P.A. (“GRYC”). I submit this declaration in support of the Motion for Final Approval and Fee Application (the “Motion for Final Approval”) and my own firm’s request for a share of any award of attorneys’ fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

A. Background

2. I graduated *magna cum laude* with an A.B from Princeton University and also *magna cum laude*, with a J.D. from the University of Florida, where I was an editor of the Florida Law Review and awarded the Order of the Coif. After law school, I worked as a commercial litigation associate for nearly five years at White & Case, LLP and also completed a clerkship with United States District Court Judge Ursula Ungaro, Southern District of Florida. In 2013, I joined GRYC, where I have been a partner for several years. In my years at GRYC I have worked on dozens of wrongful death and catastrophic personal injury cases, but also consumer class actions and a number of cases in multidistrict litigation, in which I have taken a leading role, having served as counsel in certified class actions and also on court-appointed Plaintiffs’ steering committees.

3. I am a respected member of the local and Florida bar, serving on the executive board of the Federal Bar Association and having been appointed to consecutive terms on the federal court practice committee of the Florida Bar by its president. I have also been appointed by the Chief Judge in the Southern District of Florida to serve on numerous Magistrate Judge Selection and Retention Committees, including the most recent Miami Division committee, charged with considering and recommending candidates to fill the January 2022 vacancy.

4. On July 16, 2021, I was appointed by the Court to serve as Plaintiffs' Co-Chair Lead Counsel to act on behalf of the Plaintiffs and the proposed class members. Since that time, I along with my GRYC partners and associates have devoted significant resources and time to this case.

5. This declaration details my own work on this case as well as that of members of my firm GRYC. Also, from GRYC, Mr. Stuart Grossman was appointed as the Wrongful Death Damages Liaison Counsel and will submit his own affidavit detailing his important contributions. Several other attorneys at our firm, partners Andrew Yaffa, William Mulligan and Alex Arteaga-Gomez, associate Ryan Yaffa, and paralegal Lisa Adamson also contributed significant time working on issues and projects that benefitted the class and in the service of counseling wrongful death subclass members. Only GRYC and Mr. Tropin's law firm, Kozyak Tropin & Throckmorton, had two appointments to the Plaintiffs' leadership structure in this case, which required a significant commitment of resources from our firms.

6. Though this declaration focuses only on my own and my firm's contribution, much of the work detailed below was a team-effort, in which several of the excellent attorneys named to the Plaintiffs' Steering Committee ("PSC") contributed. Without our collective efforts, the outstanding results achieved would not have been possible. Their contributions will be set forth in their respective affidavits. It has been an honor to work with these preeminent attorneys and I am grateful to each of them for the effort they made, without any assurance of compensation, on behalf of the victims. The remarkable Settlement reached is a testament to their hard work and talented advocacy.

B. Summary of the Work of Co-Chair Lead Counsel Rachel Furst and GRYC

7. Prior to the consolidation of the Plaintiffs' cases and my and Mr. Grossman's appointment to leadership, GRYC attorneys were retained by the families of victims of the CTS collapse. In the days and weeks following the disaster, we worked to counsel these clients and ultimately drafted and filed a lawsuit on behalf of one of our clients. I personally appeared at the initial, in-person hearings in this case, along with Mr. Grossman and other attorneys from my firm.

8. Since my appointment by the Court on July 16, 2021, CTS has been the sole focus of my law practice. Not a day has passed that I have not devoted significant time to this case, including weekends and holidays. I have attended to other cases *only* when necessary to fulfill existing obligations but have taken on no new work since my appointment. I have made myself entirely available for the demands of this case, attending every hearing, meeting every deadline set by the Court, and working tirelessly to push this case forward every day.

9. Along with my co-chair, Mr. Harley Tropin, I helped to lead every aspect of this case and I am grateful to Mr. Tropin for his professionalism, partnership, and friendship. He too focused entirely on this case since his appointment and we worked collaboratively at every stage. His steady and experienced leadership and impeccable judgment guided us to this point.

10. Our initial work was focused on investigation, organization, and pleading. In the first several days and weeks, Mr. Tropin and I worked hard to organize class counsel, establish protocol, create committees, and assign work. A large steering committee presented challenges of administration, but also the ability to pursue many targets and avenues of recovery. Mr. Tropin and I assessed the work to be done, established the systems to accomplish it, and provided management and supervision to keep the work on track.

11. We immediately drafted work and expense protocol in late July to ensure that all PSC members worked efficiently. Careful organization and oversight were critical to ensure that the many lawyers appointed worked without duplicating efforts to keep pace with the Court's deadlines. We recognized that if any fees would be earned and awarded, it was essential that counsel keep careful records and work in compliance with established guidelines. We

communicated these guidelines to counsel early, they were memorialized by the Court in an August 29, 2021, Case Management Order, and we reminded counsel of their responsibility to comply with them throughout the case. As part of our administrative duties, Mr. Tropin and I shared in the task of collecting and recording time and expenses submitted to us each month and required compliance with the guidelines circulated.

12. In July 2021, we also worked quickly to create Investigation, Expert, Class Action, and Claims Committees and asked the Court-appointed attorneys to lead and/or work through those committees. We were careful to identify and assign the work directly or through these committees so as not duplicate efforts and to ensure our team's skills were utilized effectively, given that each of the PSC attorneys are skilled advocates, with significant experience in wrongful death, class actions, and/or construction defect cases. This staffing component of the case alone required my and Mr. Tropin's daily attention.

13. Managing a large team of PSC attorneys on a challenging case, where liability was initially unclear, required enormous effort. Constant communication was key to our success. Mr. Tropin and I spoke numerous times a day – *every day* – and emailed regularly. We also communicated nearly daily with the Receiver Michael Goldberg, who was also working incredibly hard on behalf of the victims and administered so many critical aspects of the case. Mr. Goldberg's professionalism and that of his staff was a large component of the resolution of this case. Mr. Tropin and I maintained close contact with Mr. Goldberg, but also his experienced counsel, Paul Singerman of Berger Singerman, and Mr. Goldberg's partners at the Akerman law firm, Christopher Carver and Andrew Gold, among others. In addition, we set up weekly calls with the Court-appointed Chairmen, bi-weekly calls with the Steering Committee, and attended the meetings of the Investigation, Expert, and other Committees regularly.

14. In the fall of 2021, our work focused on the investigation, retaining and consulting with experts, and drafting the initial consolidated pleading – the First Amended Class Action Complaint, which was then followed in November by a Second Amended Class Action Complaint. My law partner Mr. Stuart Grossman took an important role on the Expert Committee and worked

to identify, interview, vet and retain experts across various disciplines. The causes of the CTS collapse were not readily apparent, and the work of the Expert Committee would turn out to be key to identifying culpable parties against which to bring suit.

15. I played a role in supervising all this initial work along with Mr. Tropin. Although the Committees were ably led by the PSC members appointed to manage the Committee work, Mr. Tropin and I were consulted on all significant decisions and stayed in constant communication with the Committee Chairs. Additionally, the appointed Chairmen – Messrs. Martinez-Cid, Moskowitz, Lopez, Grossman, and Miner provided essential counsel during our weekly calls with them and were integral to directing the strategy of the case.

16. This case presented unique challenges, given that it included economic, personal injury, and wrongful death claims, and there were potential conflicts among class members to navigate and analyze. Although not unprecedented, there are not many examples of large-scale catastrophes that give rise to these various types of damages and, so, careful research and analysis was required to structure the pleadings for success. I carefully studied the avenues for class certification and engaged in many conferences with the experienced PSC class action attorneys, including Mr. Tropin, Adam Moskowitz and his team, Mary Beth LippSmith, Curtis Miner, and Ricardo Martinez-Cid. In the initial stages, an enormous amount of analysis and planning went into crafting the appropriate legal path forward in light of the constitution of the subclasses, categories of damages, and potential conflict concerns, which were ultimately resolved.

17. The drafting of the First Amended Class Action Complaint, filed on August 16, 2021, was a substantial undertaking that required the work of several attorneys. I personally drafted and revised portions of these pleadings, along with Mr. Tropin and his team, including his partner Tal Lifshitz and associate Eric Kay, Adam Moskowitz, and his team, including Joseph Kaye, and Mary Beth and Graham LippSmith.

18. The Second Amended Complaint, due in November 2021, required even more effort. This pleading spanned 169 pages, included 549 paragraphs, and was informed by our early investigation work and the work of our expert consultants. At the outset of this case, it was far

from certain that we would be able to identify any culpable parties against whom we could plead claims that would meet the high bar set by the Court, which had already warned against “Hail Mary” claims. The original architects, contractors, and engineers who built CTS could not be named as defendants, even if they bore comparative fault for the collapse, and it took skilled investigative work by the PSC attorneys to identify actionable contributing causes.

19. I personally drafted and revised portions of this amended pleading and played a leading role in determining the structure of class claims to be pleaded, confirming the research, and crafting the strategy to pursue only negligence and strict liability claims in the pleadings. On this pleading, several PSC members took important roles, including Lea Bucciero, Jeff Goodman, Mary Beth LippSmith and Graham LippSmith, and Adam Moskowitz, and his team. The strength of this pleading was critically important.

20. Knowing that the pleadings would be closely scrutinized by the Court, Class Members, Defendants, the press, and the public at large, we worked to plead with specificity and lay a powerful foundation for the case. Through hard work, we met that bar, earned credibility with the Court and the Defendants, and built momentum that would carry into the following months. I am especially proud of the work that went into this aspect of the case and view the quality of the pleadings as contributing greatly to the results obtained.

21. A GRYC client, Mr. Kevin Spiegel, who owned a unit at CTS and lost his wife Judith in the collapse, was qualified and agreed to serve as class representative and was named in the Consolidated Class Action Complaints as such. GRYC’s representation and of a named class representative, in addition to our other wrongful death clients, is among the important contributions of our firm.

22. Also in September 2021, I originally took a leading role in the allocation dispute among the wrongful death and property owner claimants, performing much of the initial research on the implications of section 718.199, Florida Statutes, studying an analogous case from Sarasota County, and conferring with Mr. Goldberg and Mr. Greer on the issues relating to termination and allocation. I initially worked along with Mr. Martinez-Cid and my colleagues at GRYC in drafting

memos on these issues and participating in conferences with a small group of leadership attorneys. Relatedly, I also worked with the Receiver and Mr. Luis Suarez , who took the lead on behalf of the PSC, on the lawsuit to terminate the condominium association, which was filed by Class Members. Ultimately, the Court ordered that the subclasses of victims mediate the issues to reach an allocation for the economic loss subclass and the Court appointed Mr. Judd Rosen, who the Court determined was unconflicted, to lead the negotiations on behalf of the non-owner wrongful death subclass members. Mr. Rosen committed himself to this work and handled it skillfully, as did Mr. Dorta on behalf of the economic loss subclass. Other PSC Members spent considerable time on this effort as well and in counseling Class Members, including Javier Lopez, Adam Moskowitz, Jorge Silva, Marwan Porter, and Skip Pita. Mr. Grossman, my law partner, attended the allocation mediation and contributed significant time and effort in that regard. His role was ultimately critical to reaching a resolution.

23. In December and January, I took the leading role in responding to the five motions to dismiss that were by the named Defendants.¹ Defendants and their insurers retained dozens of elite attorneys to represent them and each developed strong factual and legal defenses on behalf of their clients. The final Omnibus Response to those motions was more than 80 pages in length and required of many dozens of hours of research and writing, much of which I performed myself and all of which I supervised. Again, many PSC members and their colleagues contributed to this effort, including Mary Beth LippSmith, Graham LippSmith, Alex Arteaga-Gomez, Eric Kay, Tal Lifshitz, Jeff Goodman, Gonzalo Dorta, and Brad Sohn. The success in defending against these motions was an important accomplishment that proved valuable in the mediations that would come later in the case. In later negotiations when the likelihood of dismissal on summary judgment was raised, we repeatedly relied upon the motion to dismiss briefing for support.

¹ Mr. Moskowitz and his partners, including Joseph Kaye, separately drafted the response to Motion to Dismiss or Abate filed by Defendant Becker, which had been filed earlier and proceeded along a separate track.

24. During this same period, Mr. Moskowitz and his team primarily handled the briefing of the Motion for Certification of a Liability Class, which was an extremely important strategic step and momentum building milestone for the case. Mr. Moskowitz was proactive in getting this Motion filed even before the Motions to Dismiss had been ruled upon and well in advance of the Court's deadline for this filing. Mr. Tropin and I consulted on the class action strategy and together with Mr. Moskowitz opted to seek certification of a liability class only under Florida Rule of Civil Procedure 1.220(b)(3), rather than 1.220(b)(1), as a "limited fund," or some other provision. Many dozens of hours of research and careful analysis went into the consideration of this Motion and the decision to seek conditional certification of a liability class. Ultimately, only one of the named Defendants opposed this Motion for Class Certification, though the Court reserved ruling given that several settlements were already pending by the time it was fully briefed and certification of at least a limited settlement class was already likely. That class certification was pending in this posture undoubtedly strengthened the bargaining position of the Plaintiffs going into mediations and was also a very important strategic building block that contributed to the results obtained.

25. In February 2022, I took a leading role in finalizing the Third Amended Complaint and leading the strategy on which targets to include as Defendants in this document. Both the Second and Third Amended Complaints included detailed liability theories, made possible by the careful work of the Investigation and Expert Committees. Hundreds, if not thousands of hours of document review, had to be completed under the leadership of Investigation Committee Chairman Mr. Martinez-Cid with the help of many PSC attorneys. Also, Mr. Jeff Goodman, acting as the PSC's Expert Liaison, worked hard to be sure that the allegations were informed by the expert's initial work.

26. As the Court is now aware, our ongoing investigation over the course of the year involved several dozens of potentially culpable parties and we carefully considered which claims to plead and which to continue to investigate, but not plead. Mr. Tropin and I directed this strategy and spent significant time analyzing the liability of each party in consultation with various PSC

attorneys. We regularly consulted with the many attorneys investigating these targets, and ensured appropriate demands were sent and subpoena requests met. I personally reviewed each demand letter, often times working with Insurance Liaison Chip Merlin and consulting insurance bad faith expert, attorney Fred Cunningham, to ensure consistency with our overall strategy. Relatedly, I spent considerable time analyzing the declaratory judgment actions that were filed by several insurers, disclaiming coverage for their insured's activity related to the collapse.

27. The enormity of the task of investigating the many targets on such a short timeline, while also pursuing the other components of the case, cannot be overstated. The Court initially set an August 2022 trial date, which was then extended until March 27, 2023. Working under such time pressure meant that each day I worked to set internal deadlines and be sure that attorneys stayed on task. Again, the management of such a large team of lawyers required daily attention.

28. Phases of litigation that would normally take several months or even years to complete in a complex case like this one, were condensed and occurred concurrently. For example, Plaintiffs' responses to the motions to dismiss were researched and drafted at the same time as the motion for class certification (largely during the December 2021 holidays). At the same time, PSC members were engaged in analyzing and resolving the difficult allocation issues, and other PSC members were preparing for depositions, reviewing the 389,006 documents produced, and preparing for early mediations. These stages of litigation would not ordinarily all proceed simultaneously, and counsel would have generous time and be granted extensions to complete each component. The Court required all counsel in this case to work in an expedited manner, which moved the case quickly, conserved wasting insurance proceeds, and saved the parties fees, but placed enormous time pressure on counsel and compounded the difficulty of managing the PSC work.

29. The Court itself modeled an extraordinary work ethic and commitment to concluding this case in record time for the benefit of all parties. I am not aware of any other mass tort proceeding that has been administered as efficiently. The Court held weekly hearings, more than 40 in total, to keep the attorneys on pace and to permit victims to voice their questions and

concerns, to which the Court personally responded and assisted where possible. Although we worked hard and efficiently, the Court's expedited schedule and the deadlines imposed were the driving force behind the speedy resolution.

30. As the case progressed into 2022, we turned toward the work necessary to engage in productive early mediations, as ordered by the Court in January 2022. I attended and participated in the early mediation sessions, including with DeSimone Consulting Engineers, LLC, NV5, Inc., and Securitas Security Services USA, Inc., and provided strategic counsel in advance of and during the sessions. At these early mediations, and those with Defendants Morabito Consultants, Inc. and Becker & Poliakoff, P.A., my law partner Stuart Grossman skillfully presented the damages on behalf of the class, making clear that wrongful death damages alone well exceeded \$1.5 billion, excluding potential punitive damages. As to each mediation session, Mr. Tropin and I provided counsel and oversight and directed strategic decisions, though various PSC attorneys, including Judd Rosen, Adam Moskowitz, Lea Bucciero, and Jeff Goodman, developed and took the lead in presenting the liability arguments at these various mediation sessions. Their advocacy was truly outstanding in these sessions and led to the settlements achieved.

31. As to the Terra and Moriarty mediations, although no formal joint session was ever held, I took a leading role in providing strategic counsel in preparation for the mediation that was scheduled. Also, and as with the other mediations, my law partner Mr. Grossman undertook the task of preparing a powerful damages presentation, detailing the magnitude of exposure the Defendants faced. An outstanding mediation presentation as to these parties, in which several PSC members participated, was presented to the mediator Mr. Greer in early April.

32. I also took a lead role in drafting the demand letters to the Terra Group, LLC, Terra World Investments, LLC, and John Moriarty & Associates of Florida, Inc., which kicked-off a nearly two-month long negotiation process and required constant, daily communication through mediator Bruce Greer. The demand letter I helped to draft, along with Lea Bucciero, would then serve as the template for dozens of other demands to be used in connection with other non-party targets and Defendants.

33. In April and May, Court-appointed mediator Bruce Greer worked tirelessly to mediate all outstanding class claims against Defendants and non-party targets. I was in constant contact with Mr. Greer, attending nearly daily Zoom conferences or calls, as he worked through the more than two dozen claims with the potential for settlement. This global mediation was time-pressured and involved significant time each day in communicating with insurance coverage counsel Chip Merlin and his team, analyzing insurance policies, including in consultation with bad faith counsel issues. Several PSC attorneys worked to meet the demands of this grueling process and played critical roles in finalizing settlements with various parties, including Stuart Grossman, Aaron Podhurst, Ricardo Martinez Cid, Lea Bucciero, Brad Sohn, Jeff Goodman, and Jorge Silva. Even so, each mediating party required the careful attention of myself and Mr. Tropin.

34. In the final month of the litigation, I took a lead role along with Mr. Tropin in revising and negotiating the master settlement document draft, which came to include all settling parties. This work was incredibly tedious and complex and required an enormous time commitment, under tight deadlines set by the Court. The settlement agreement we negotiated spans nearly 200 pages and includes all class claims. To reach an agreement on this document, we worked nearly every day from April 26 until minutes before the Court-imposed May 27, 2022, deadline. The process was complicated by the number of settling parties, many of whom agreed to settle late in May. Mr. Tropin and I worked closely on this extensive negotiation with PSC member-firm attorneys Lea Bucciero and Howard Bushman, and also Michael Goldberg and his counsel at Christopher Carver, primarily. At least a dozen drafts were exchanged, each of which required careful review and consideration by this time, which routinely worked late into the night. Throughout, we were in constant contact with Mr. Greer during this process, who guided our efforts and kept the parties on track. Without Mr. Greer's enormous effort and skill, no deal could have been reached.

35. I also took a key role in the settlement class approval process. I presented the motion for preliminary approval, which the Court granted on May 28, 2022. I have also taken a lead role

in drafting the Motion for Final Approval and will present that Motion to the Court with Mr. Tropin at the Fairness Hearing on June 23, 2022.

36. Throughout the case, and in addition to the duties I undertook for the benefit of the class, our law firm was retained by several clients, to whom we offered constant counsel. Messrs. Grossman, Yaffa, Arteaga-Gomez, and Mulligan principally handled these client-specific services, counseling on their concerns, advising on their damages, and providing updates. I too handled individual class member-client inquiries and communications and fielded calls from class members who had not retained any firm.

37. I also made myself available to correspond and confer with non-PSC attorneys, and fielded calls and correspondence from Defense counsel.

38. Additionally, in the past weeks and which is not fully reflected in the time totaled below, I have taken the leading role in drafting the instant Motion for Final Approval and Application for Fees. I have worked on this filing with Mr. Tropin's team at his firm, including attorneys Tal Lifshitz and Eric Kay.

39. Going forward, I will also oversee the work necessary to finalize the certification of the settlement class and resolve whatever other issues there are until the case can finally be brought to a conclusion. In particular, my firm and I will be involved in presenting the claims of the clients who have retained us and any other class members who require assistance in this regard. This process is expected to require a significant amount of our time. As we have over the past year, we will continue to advocate for Class Members' interests to be sure they receive the compensation to which they are entitled. I will also personally oversee the assignment of claimants to PSC attorneys, to ensure that no Class Member claimant goes through the process without the assistance of counsel. We anticipate that given that more than a hundred Class Members are likely to seek compensation through the Court approved Claims Process, hundreds if not thousands of hours will be required of the PSC members to assist Class Members in claiming compensation and presenting their damages to the Court.

40. Lastly, my firm, led by paralegal Lisa Adamson, shouldered an enormous amount of administrative work relating to the PSC and the Class Action, including taking primary responsibility for scheduling weekly leadership and committee Zoom conferences, crafting the agendas for those meetings, collecting time and expense submissions from the entire PSC, updating non-PSC attorneys, tracking filed cases, managing the execution of the Settlement Agreement, sending all related correspondence and reminders, and managing the voluminous submissions relating to the instant Motion for Final Approval. In addition to Ms. Adamson's time, significant staff resources have been devoted by GRYC to the administration of this matter.

C. The Settlement

41. I am extremely confident that the Settlement reached is fair, reasonable, and adequate and deserving of final approval. Absent this Settlement, this lawsuit would have continued for many years. The Settlement will bring closure for the benefit of the Class without years of continued, costly discovery and litigation, and the risk of not prevailing on the merits. Even though I believe that Plaintiffs have strong claims and would have prevailed on the merits at trial, such a recovery would have carried inherent risk and also the potential for appellate proceedings spanning several years. Additionally, even if Plaintiffs succeeded in a liability trial, individual damages trials for all claimants would have been required, which could have taken years to schedule and complete.

42. The speed with which the Settlement was reached weighs heavily in favor of approval and provides a substantial benefit to the Class.

43. The five Class Representatives fully endorse and have executed the Settlement. The reaction of the Class as a whole cannot yet be determined as the Opt-Out and Objection Deadlines have not passed, however as of the date of the filing of this declaration, none of the Class Members have filed objections or opt-ed out of the Settlement.

D. GRYC'S Lodestar and Expenses

44. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense exhibits attached hereto and supporting documentation prepared and maintained by my firm in the ordinary course of business.

45. I am the partner who oversaw the day-to-day activities in the litigation, and I have reviewed these timesheets and backup documentation where necessary in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the timesheets and costs listing as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary or duplicative. As a result of this review and any adjustments made, I believe that the time reflected in GRYC's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

46. The total number of hours spent on this litigation by my firm and our associated co-counsel is 2816.1.

47. A breakdown of the lodestar is provided in **Exhibit A**. **Exhibit A** also indicates the portion of this time that was expended in the service of individual class member/clients. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is \$1,927,051.25. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

48. In addition to the time of the GRYC attorneys and paralegals, this time submitted includes the time expended by our co-counsel on Mr. Spiegel's case, Mr. Aaron Davis, which is indicated on **Exhibit A**.

49. GRYC's expenses and charges in connection with the prosecution of this litigation total \$11,344.87. Those expenses and charges are summarized by expense category in the attached **Exhibit B**. These expenses do not include costs specific to individual clients, which we

respectfully suggest ought to be charged and deducted from their ultimate awards in this case and will be submitted during the claims process for review and payment.

50. The following additional information further explains certain of these expenses:

(a) Transportation, Hotels & Meals: \$1,129.67. In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, court hearings, to meet with witnesses, mediators and opposing counsel and to take or defend depositions. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(b) Photocopying, Printing and Scanning: \$1095.20. In connection with this litigation, the firm made 240 black and white photocopies at \$.25 per page; 4,635 black and white prints at \$.15 per page; 931 color prints at \$.20 per page; and 615 scans at \$.25 per page. Each time an in-house copy machine, printer or scanner is used, our billing system requires that a case or administrative billing code be entered and that is how the 6,421 copies, prints and scans were identified as related to this case. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(c) Filing, Witness and Other Fees: \$0.00. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. These costs were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas, and to investigate the facts. The vendors who were paid for these services are set forth in **Exhibit B**.

(d) Postage, Federal Express and Courier Fees: \$295.39. The vendors who were paid for postage, delivery and courier fees are listed in **Exhibit B**.

(e) Experts: \$500.00 to Pistorino & Alarm Consulting Engineers for services as set forth in **Exhibit B**:

(f) Court Hearing and Deposition Reporting, and Transcripts: \$0.00. The vendors who were paid for hearing and deposition transcripts are listed in **Exhibit B**.

(g) Online Legal and Financial Research: \$8,324.61 (**Westlaw, LexisNexis, & Pacer**). These included vendors such as Westlaw and Pacer. These services were used to obtain access to factual databases, legal research and for cite-checking of briefs. This expense represents the expense incurred by Westlaw, LexisNexis and Pacer for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested. For example, GRYC has contracts with some of these providers for use of their services. When GRYC utilizes online services provided by vendors, some with a flat rate contract, access to the service is by a billing code entered for the specific case being litigated. At the end of each billing period in which such service is used, GRYC's costs for such services are allocated to specific cases based on the respective percentage of the total bill or actual charges in connection with that specific case in the billing period. As a result of the contracts negotiated by GRYC with certain providers, the Class enjoys substantial savings in comparison with the "market-rate" for *a la carte* use of such services which some law firms pass on to their clients. For example, the "market rate" charged to others by Westlaw for the types of services used by GRYC is more expensive than the rates negotiated by GRYC.

51. The foregoing expenses pertaining to this litigation are reflected in the books and records of GRYC. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

52. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

E. The PSC's Lodestar and Co-Chair Lead Counsel's Recommended Fee Division

53. In compliance with this Court's August 29, 2021, Case Management Order ("August CMO"), in preparing the Motion for Final Approval and Fee Application, Mr. Tropin

and I requested from each firm an affidavit detailing their contributions and also affirming that their time was compliant with that Case Management Order and the written protocol set forth by us and communicated to all PSC counsel on August 2, 2021. The affidavits from the PSC members seeking an allocation of any fee award are attached as exhibits to the Motion for Final Approval.

54. The total lodestar of the PSC is \$24,742,841.75, based upon the time submitted by PSC members, totaling 26731.75 of Common Benefit Time and 7480.85 of Client Benefit Time. The PSC's rates range from \$300 to \$1,000.² The PSC has expended \$213,134.42 in costs in total, which are detailed in their respective affidavits.

55. Pursuant to the August CMO, Mr. Tropin and I have conferred with each participating PSC member and will submit concurrently with the filing of the Motion for Final Approval an *in camera* recommended division of any fee to be awarded ("Fee Division Recommendation"). As per the August CMO, this recommendation is based on the PSC member's lodestar, their work allocation assigned by Co-Chair Lead Counsel, the value of work they performed, and their contribution to the results obtained.

56. The time that constitutes the PSC Lodestar is comprised of two components: time spent on work benefitting all class members ("Common Benefit Time") and time spent in the service of individual client-class members ("Client Benefit Time"). With limited exception, all participating PSC firms submitted all their Common Benefit Time each month. Those firms that did originally submit this time, or did not submit the entirety of this time, have as of June 1, 2022, submitted all their Common Benefit Time as well. Client Benefit Time was collected from all attorneys on June 1, 2022, although it was recommended to PSC members in August 2021 that

² The rate of \$1,000 was the maximum permitted to be billed, though certain, highly experienced PSC attorneys bill and collect rates from clients in excess of \$1,000 per hour.

they record such time contemporaneously. Along with the Fee Division Recommendation, Mr. Tropin and I will submit for *in camera* review the PSC timesheets provided to us, which PSC members submit support the lodestar set forth in their affidavits. Each PSC member has affirmed that their hourly rate is routinely charged for legal services of a similar nature in this market, taking into account the type of matter, level of experience, training, and reputation.

57. The Fee Division Recommendation proposed by Mr. Tropin and me represents our best efforts and reasonable discretion in proposing a fair and reasonable allocation of any fee to be awarded.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th of June 2022 at Miami, Florida.

/s/ Rachel W. Furst

Rachel W. Furst

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: Grossman Roth Yaffa Cohen, P.A.

REPORTING PERIOD: Inception through June 11, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
<i>Common Benefit Time</i>			
Stuart Z. Grossman (P)	433.4	\$1000.00	\$433,400.00
Rachel W. Furst (P)	1403.6	\$ 775.00	\$1,087,790.00
Andrew B. Yaffa (P)	7.0	\$ 900.00	\$6,300.00
William P. Mulligan (P)	3.7	\$ 550.00	\$2,035.00
Manual A. Arteaga-Gomez (P)	30.75	\$ 650.00	\$19,987.50
Ryan J. Yaffa (A)	56.4	\$ 375.00	\$21,150.00
Andres Hidalgo (Clerk)	10.0	\$ 200.00	\$2,000.00
Lisa K. Adamson (Para)	208.9	\$ 175.00	\$36,557.50
Rudy M. Toth (Invest.)	62.5	\$ 125.00	\$7,812.50
Ralph Gracia (Invest.)	2.0	\$ 125.00	\$ 250.00
Total	2218.25		\$1,617,282.50
<i>Individual Client Time</i>			
Stuart Z. Grossman (P)	54.3	\$1000.00	\$54,300.00
Rachel W. Furst (P)	25.4	\$ 775.00	\$19,685.00
Andrew B. Yaffa (P)	29.4	\$ 900.00	\$26,460.00
William P. Mulligan (P)	93.8	\$ 550.00	\$51,590.00
Manual A. Arteaga-Gomez (P)	80.5	\$ 650.00	\$52,325.00
Ryan J. Yaffa (A)	43.5	\$ 375.00	\$16,312.50
Andres Hidalgo (Clerk)	2.0	\$ 200.00	\$400.00
Lisa K. Adamson (Para)	84.7	\$ 175.00	\$14,822.50
Rudy M. Toth (Invest.)	36.75	\$ 125.00	\$4,593.75
Ralph Gracia (Invest.)	3.0	\$ 125.00	\$ 375.00
Aaron Davis (P)	82.8	\$ 600.00	\$49,680.00
Kimberly Cook (P)	2.4	\$ 650.00	\$1,560.00
Michael Bild (A)	21.2	\$ 450.00	\$9,540.00
Laura Arango (LC)	24.10	\$ 250.00	\$6,025.00
Ana Crocker (PL)	13.8	\$ 150.00	\$2,070.00
Christina Mancing	.2	\$ 150.00	\$ 30.00
Total	597.85		\$309,768.75
TOTALS	2816.1		\$1,927,051.25

EXHIBIT B
IN RE: CHAMPLAIN TOWERS SOUTH
COLLAPSE LITIGATION

EXPENSES REPORT

FIRM NAME: Grossman Roth Yaffa Cohen, P.A.

REPORTING PERIOD: Inception through May 31, 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research (Westlaw, Lexis/Nexis & Pacer)	\$8,324.61	
Process Server	\$0.00	
Filing Fee	\$0.00	
Delivery services/messengers (FedEx and In-House Courier)	\$258.61	
Local travel	\$0.00	
Out-of-town travel	\$0.00	
Meals	\$1,129.67	
Deposition transcripts	\$0.00	
Experts	\$500.00	
Litigation Fund	40.00	
Parking	\$90.83	
Transportation	\$0.00	
Copying, Printing & Scanning (In-House)	\$1,095.20	
Postage	\$36.78	
TOTAL EXPENSES	\$11,344.87	

FIRM RESUME OF GROSSMAN ROTH YAFFA COHEN, P.A.

Grossman Roth Yaffa Cohen was established in 1988. The firm's lawyers collectively have over 200 years experience representing clients in cases involving products liability, aviation, professional malpractice, securities, complex business litigation, and class actions. They have been repeatedly recognized for their legal acumen and commitment to their clients and have been individually listed in various publications dedicated to recognizing superior lawyering, including Super Lawyers, Best Lawyers in America, Lawdragon and Florida Trend Legal Elite.

The firm's attorneys have considerable experience in multiparty complex and class action litigation. As a result of the work by lawyers of the firm, cases have been certified as class actions, those certifications have been defended on appeal, and significant settlements and verdicts have been achieved. Accordingly, the firm possesses a wealth of trial and appellate experience on complex and class action matters.

Among the work that members of the firm have undertaken include:

- Serving as appointed Co-Chair Lead Counsel and Liaison Counsel in class action arising from the June 2021 collapse of Champlain Towers South Condominium complex, Case No: 2021-15089 CA 01;
- Serving as appointed class counsel represented a certified class of car owners in case alleging breaches of warranty and violations of under

the Florida Deceptive and Unfair Trade Practices Act, *Tershakovec v. Ford Motor Co.*, Case No. 17-cv-21087 (S.D. Fla.);

- Serving as Liaison Counsel in a class action and multi district litigation, CASE NO. 21-2989-MDL-ALTONAGA/Torres, against a stock trading platform, Robinhood and other entities involved in the January 2021 “short squeeze” of the stock of video game retailer GameStop and other securities.
- Serving on the Plaintiffs' Steering Committee in the lawsuit arising from the crash of American Airlines Flight 965 in Colombia in 1995;
- Serving on the Plaintiffs' Steering Committee in the lawsuit arising from the crash of American Airlines Flight 331 in Jamaica in 2009, *see In re: American Airlines Jamaica Crash*, 10-CV-20131-Lenard (S.D. Fla.);
- Certification, and successful defense on appeal, of a class of hedge fund investors defrauded in a "marking the close" scheme, *see Bruhl et al. v. PricewaterhouseCoopers et al.*, 03-CV-23044-Marra (S.D. Fla.);
- Obtaining multi-million dollar jury verdict awarding back hazard pay to members of a class of pilots and crew operating air bridge into Iraq and Afghanistan, *see Hester v. Vision Airlines*, 09-CV-

00117-RLH-RJJ (D. Nv.);

- Certification of a class of customers of a major tire and auto retailer under the Florida Deceptive and Unfair Trade Practices Act, *Soper v. Tire Kingdom, Inc.*, Case No. 07-8453 (Fla. Cir. Court);
- Service on plaintiffs' executive committee in representation of classes of individual account holders who suffered additional overdraft fees as a result of the bank's policy of re-sequencing debit transactions from highest to lowest, *In re Checking Account Overdraft Litig.*, Case No. 1:09-MD-02036-JLK; MDL No. 2036 (S.D. Fla.);
- Representation of class of car owners in case alleging breaches of warranty and violations of under the Florida Deceptive and Unfair Trade Practices Act, *Vazquez v. Gen. Motors, LLC*, Case No. 17-22209-CIV (S.D. Fla.);
- Representation of class of investors in case against TD Bank arising from a viatical life insurance scheme, *Gevaerts v. TD Bank, N.A.*, Case No. 11:14-CV-20744-RLR (S.D. Fla.);
- Representation of certified class of consumers against a self-storage company for deceptive practices involving the sale of self-storage insurance, *Bowe v. Pub. Storage*, Case No. 1:14-cv-21559-UU (S.D. Fla.);
- Settlement of claims of a class of Florida property owners seeking return of assessed hurricane deductibles from major multinational insurer, see *Richmond Manor Apts., et al. v. Certain Underwriters at*

Lloyd's London, Case No.: 09- CV-60976-Altonaga (S.D. Fla.);

- Service as Plaintiffs' Co-Lead Counsel in Certification, non-jury liability trials, multi-million dollar jury verdicts, and in numerous successful appeals, on behalf of 100,000 Florida homeowners in claims for unconstitutional taking of private property, see *Dept. of Agriculture & Consumer Services, et al v. Bogorff*, 35 So. 3d 84 (Fla. 4th DCA 2010); *FL Dept: of Agr. and Consumer Services v. City of Pompano Beach*, 829 So. 2d 928 (Fla. 4th DCA 2002); *Patchen v. Florida Dept. of Agr. and Consumer Services*, 906 So. 2d 1005 (Fla. 2005); *Florida Dept. of Agric. & Consumer Services v. Lopez-Brignoni*, 114 So. 3d 1138 (Fla. 3d DCA 2012);
- Service as co-chair of the Insurance Work Group in litigation arising out of the BP Gulf of Mexico oil spill, see *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010*, MDL No. 2179;
- Service as Plaintiffs' Co-Lead Counsel in a series of class action lawsuits brought on behalf of approximately five million cruise passengers that successfully challenged the cruise industry's practice of artificially inflating and deceptively describing port charges and port taxes in violation of Florida's Deceptive and Unfair Trade Practices Act. After successful certification of national classes, the cruise lines entered into settlements with a total value exceeding \$300 million, that also required the cruise lines to change the way

they advertise and charge for port charges and taxes, *see Latman v. Costa Cruise Line, et al.*, 758 So. 2d 699 (Fla. 3d DCA 2000);

- Service as Plaintiffs' Co-Lead Counsel on behalf of victims of a *Ponzi* scheme in separate class action lawsuits brought against two large banks whose employees were aware of and actively assisted in the wrongdoing. One case settled during the middle of trial and the second settled before trial, resulting in the recovery of approximately 50% of the victims' actual losses, *see Smith/Estes v. First Union National Bank*, Case No. 00-cv-4485-CIV-MARRA (S.D. Fla.).



STUART Z. GROSSMAN

Co-Founder, Grossman Roth Yaffa Cohen, P.A.

Mr. Grossman is recognized as one of America's pre-eminent trial lawyers concentrating in personal injury litigation, wrongful death, products liability, medical malpractice, and aviation. His successful career is distinguished by unprecedented, favorable verdicts; he has consistently won some of the largest awards in Florida. Mr. Grossman was named Trial Lawyer of the Year by the American Board of Trial Advocates of Florida. He was the recipient of the Academy of Trial Lawyer's Crystal Eagle Award and inducted into the Academy's Hall of Fame. Mr. Grossman is named in the book, *The Best Lawyers in America*. Lawdragon named him as one of America's 500 leading attorneys in all fields. Florida Trend Magazine and Florida Super Lawyers have both named him as one of the state's top 10 trial lawyers. He is a Fellow of the prestigious International Academy of Trial Lawyers and was elected into the Iron Arrow, the University of Miami's highest honorary society.

When not in the courtroom, Mr. Grossman is an author and lecturer, and is actively involved in issues regarding the prevention of catastrophic accidents. Among his many civic undertakings are his commitments to Margaux's Miracle Foundation at Memorial Sloan Kettering Cancer Center, United Cerebral Palsy and United Way, in addition to his financial support of numerous charities. His lectures within the legal profession have been videotaped and circulated nationwide. Ted Koppel, Larry King and others have interviewed him as an expert on medical malpractice.



RACHEL W. FURST

[Partner, Grossman Roth Yaffa Cohen, P.A.](#)

Rachel received her A.B. degree magna cum laude from Princeton University. She then received her J.D. from the University of Florida, where she served as an editor of the Florida Law Review and graduated magna cum laude, with admission to the Order of the Coif, and served as an editor of the Florida Law Review. Before joining Grossman Roth Yaffa Cohen, Rachel clerked for the Honorable Ursula Ungaro, United States District Judge for the Southern District of Florida. She also practiced for five years in the commercial litigation department of the international law firm, White & Case, where she

defended corporations against complex claims, including consumer class actions and professional malpractice.

At Grossman Roth Yaffa Cohen, Rachel has litigated class actions and individual claims of personal injury, wrongful death, professional malpractice, deceptive consumer practices, product liability, and breach of fiduciary duty. She represents plaintiffs in state and federal courts and handles appeals.

Rachel has taken a leading role in several class actions, served as counsel to clients in multi-district litigation, and has argued before the United States Joint Panel on Multidistrict Litigation. Presently, she serves as Co-Chair Lead Counsel of the Champlain Towers South Collapse Litigation, pending in Florida Circuit Court, is the Liaison Counsel in the January 2021 Short Squeeze Trading Litigation, a multidistrict litigation pending in the Southern District of Florida, and represents clients in the Allergan Biocell Textured Breast Implant Products Liability litigation in the District Court of New Jersey. She is also class counsel in a pending case against Ford Motor Company including eight certified state classes.

Rachel is a respected member of the local and Florida bar, serving on the executive board of the federal bar association and having been appointed to consecutive terms on the federal court practice committee of the Florida Bar by its president. Rachel has also been appointed by the Chief Judge in the Southern District of Florida to serve on numerous Magistrate Judge Selection and Retention Committees, including the most recent Miami Division committee, charged with considering and recommending candidates to fill the January 2022 vacancy.



WILLIAM P. MULLIGAN

Partner, Grossman Roth Yaffa Cohen, P.A.

William P. Mulligan is a partner at Grossman Roth Yaffa Cohen. He began working directly out of law school at a boutique defense firm, where he worked for 2 years with a focus on personal injury and insurance defense. He then worked at a national personal injury and medical malpractice defense firm for 10-11 months, where he continued to focus on personal injury and insurance defense prior to joining Grossman Roth Yaffa Cohen. William now fights for the best interests of clients who have suffered a serious injury at the hands of others.

He received a B.A. in Business Administration at the Warrington College of Business at University of Florida, with a minor in communications. William received a law degree from Boston College Law School. While at Boston College he represented clients who could not afford legal representation at the Boston College Legal Assistance Bureau, as a student practitioner pursuant to S.J.C Rule 3:03.

Selected Memberships

- Florida Bar
- District of Columbia Bar

Education

- University of Florida, Warrington College of Business, B.A.
- Boston College Law School, J.D.

Awards

- 40 under 40, Outstanding Lawyers of South Florida: 2018
- Super Lawyers Rising Stars, Top Attorneys in Florida: 2019- 2021
- Best Lawyers in America; Ones to Watch: 2022



ALEX ARTEAGA-GOMEZ

[Partner, Grossman Roth Yaffa Cohen, P.A.](#)

Alex Arteaga-Gomez is a Partner at Grossman Roth Yaffa Cohen, representing victims in general liability, mass tort, and medical malpractice matters.

Before joining the firm, he acted as an assistant federal public defender at the Federal Public Defender's Office for the Southern District of Florida, where he represented clients at trial and on appeal. He has tried cases and argued appeals in both state and federal courts and represented clients before the U.S. Supreme Court.

Between his private and public practice, Alex has tried more than 15 jury trials in multiple jurisdictions. He has tried a wide variety of cases, including firearms, controlled substances,

currency reporting, immigration, and complex securities and mortgage fraud cases. He has also argued before multiple state and federal appellate courts and represented clients before the U.S. Supreme Court.

In recent years, Alex has been involved in representing clients who were injured or lost loved ones in several mass casualty events occurring in the State of Florida. This includes the 2017 Hollywood Hills nursing home mass casualty during Hurricane Irma, the 2018 collapse of the Florida International University pedestrian bridge, the 2018 mass shooting at Marjory Stoneman Douglas High School, and, most recently, the 2021 collapse of the Champlain Towers South condominium.

A High Honors graduate of the University of Michigan, Ann Arbor and Summa Cum Laude graduate from University of Miami School of Law, Alex began his career by serving as a law clerk to the Honorable Adalberto J. Jordan, United States District Judge for the Southern District of Florida. He went on to work as an associate for the international law firm White & Case, LLP in Miami, representing clients in the defense of business disputes, legal malpractice cases, and mass tort cases. Following this, he was an associate at the Law Offices of Scott A. Srebnick, P.A., where he focused primarily on representing professionals in complex white-collar cases in both criminal and civil court.

Attorney Arteaga-Gomez is a member of the Board of Directors of the Florida Justice Association as well as a member of the American Association for Justice and the Federal Bar Association. He has been recognized twice by the Miami Daily Business Review as a finalist at its annual "Most Effective Lawyers" awards ceremony.

Alex has also played an active role in the community throughout his career by providing pro bono legal services to those in need through Legal Services of Greater Miami and the Miami-Dade Public Defender's Office. Both offices have honored Alex for his work on behalf of indigent

clients. He also regularly coaches law students at his alma mater, the University of Miami, in moot court appellate competitions.

Selected Memberships

- Federal Bar Association
- Florida Justice Association

Awards and Honors “Most Effective Lawyer” Finalist for Miami Daily Business Review

- Super Lawyers: 2010

Education

- University of Miami School of Law (Summa Cum Laude)



RYAN YAFFA

Associate, Grossman Roth Yaffa Cohen, P.A.

Ryan Yaffa is an associate with Grossman Roth Yaffa Cohen. Prior to becoming an associate, Mr. Yaffa served as a law clerk for GRYC.

Serving as a judicial intern, Mr. Yaffa previously worked on civil and criminal issues for the Honorable Judge Edwin G. Torres in the U.S. District Court for the Southern District of Florida. Mr. Yaffa also served at the University of Miami Investor's Rights Clinic, where he represented under-served investors in securities arbitration claims against their brokers before the Financial Industry Regulatory Authority (FINRA).

In addition to his legal experience, Mr. Yaffa has also interned at DRW Holdings, LLC as a Trading Analyst in the Securities industry, researching and analyzing trends across major financial markets. Mr. Yaffa received his B.S. degree *cum laude* in Finance from Florida State University. He then received his J.D. from the University of Miami School of Law, also graduating *cum laude*.

EXHIBIT 3

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY**

**COMPLEX BUSINESS
LITIGATION DIVISION**

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

CLASS REPRESENTATION

CASE NO. 2021-015089-CA-01

DECLARATION OF PHILIP FREIDIN

I, Philip Freidin, hereby declare and state as follows:

A. Background And Qualifications

1. I am the Founding Partner of Freidin Brown, P.A. I am a member of the Florida Bar and am admitted to practice in the Southern District of Florida. I was admitted to the Florida Bar in 1969 and have been practicing law for almost 53 years. I have been Board Certified in Civil Trial Law since 1989 and have been recertified every ten years since.

2. I attended Washington College of Law at American University. I finished in the top 15% of my class and was an Editor of the *Law Review*. I have been rated AV by Martindale-Hubbe since roughly 1985 and listed every year in the publication “Best Lawyers in America” since 2006. My firm and I have twice received the *Daily Business Review*’s “Most Effective Lawyer” award. I have served as President of the Academy of Florida Trial Lawyers, now the Florida Justice Association, a statewide organization of trial lawyers with 3,500 members. I have served on multiple judicial nominating commissions, both state and federal. I have also been appointed to serve on prestigious committees formed by United States Senators and Florida Governors and Supreme Court Justices.

3. I estimate that I have tried over 200 jury trials and approximately 100 non-jury trials. I believe I have 25 verdicts in excess of seven figures. I have been described by one judge as “unquestionably among the upper echelons of lawyers in [the Southern District of Florida].” *Graves v. Plaza Med. Ctrs., Corp.*, 2018 WL 3699325, at *5 (S.D. Fla. May 23, 2018), *report & recommendation adopted*, 2018 WL 3697475 (S.D. Fla. July 13, 2018).

4. Based on my involvement in and experience with plaintiff-side litigation for the past 53 years, I am familiar with the: (i) nature of class action lawsuits; (ii) duties and responsibilities of class counsel; (iii) services customarily rendered by class counsel; (iv) applications for attorneys’ fees by class counsel; (v) hourly rates customarily charged by class counsel; (vi) contingency risk and/or lodestar multipliers typically sought by class counsel; (vii) range of percentages of recovery for attorneys’ fees sought by class counsel; and (viii) state and federal court awards of attorneys’ fees in class action lawsuits, including the ranges of hourly rates approved, contingency risk and/or lodestar multipliers applied, and the percentage of the common fund recovered.

5. I was asked by Co-Chair Lead Counsel Harley S. Tropin of Kozyak Tropin & Throckmorton LLP and Rachel W. Furst of Grossman Roth Yaffa Cohen, P.A., to evaluate and provide expert opinions regarding the Class Action Settlement Agreement and the Plaintiff’s Steering Committee’s and Class Counsel’s application for an award of attorneys’ fees, costs, and expenses.¹ I have served as a fee expert in at least 20 civil matters in both state and federal court. My expert testimony has never been disallowed or excluded.

¹ All defined terms herein have the same meanings as set forth in the Class Action Settlement Agreement.

B. Materials Reviewed, Information Considered, And Counsel Interviewed

6. I reviewed the following materials and information in preparation for offering the opinions set forth in this declaration:

- a. The Class Action Settlement Agreement (the “Settlement Agreement”).
- b. Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement and for Certification of Settlement Class, filed May 27, 2022.
- c. Order Granting Class Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement and Certification of the Settlement Class, filed May 28, 2022.
- d. The Declarations of Co-Chair Lead Counsel Harley S. Tropin and Rachel W. Furst in support of final approval of the Settlement Agreement and the PSC’s and Class Counsel’s request for attorneys’ fees and costs, as well as the declarations/affidavits of the members of the PSC.
- e. Interviewed Co-Chair Lead Counsel Harley S. Tropin and Rachel W. Furst.

C. Facts

7. The Court is extremely familiar with this litigation and the facts surrounding the creation of the Plaintiffs’ leadership structure, as well as the complex issues of mass torts, personal injury and wrongful death litigation, class action law, insurance bad faith law, conflicts of interest law, and construction law. I will therefore not belabor the record with duplication. Accordingly, I adopt the factual recitations made in the declarations of Co-Chair Lead Counsel Harley S. Tropin and Rachel Furst.

D. Summary Of Opinions

8. Based on my review of the foregoing materials and information, my discussions with Co-Chair Lead Counsel and others involved in the Litigation, and my experience handling plaintiff-side litigation in state and federal courts, I reached the following conclusions and opinions:

- a. The prosecution of this exceptionally complex litigation required an extraordinary undertaking and commitment by the Plaintiffs' Steering Committee ("PSC") and Class Counsel, and the Settlement Class was extremely well represented throughout by the PSC and Class Counsel, who possessed the extraordinary skills, experience, and dedication needed to succeed.
- b. Absent the Settlement now before the Court, the course of future proceedings in the litigation remains fraught with legal and factual risks and would require several more years (at least) before it could be concluded on the merits and any compensation could be distributed to the Settlement Class.
- c. The outstanding result the PSC and Class Counsel achieved—a settlement with 30 settling parties for amounts in excess of \$1 billion, all accomplished in 11 months—simply boggles the mind. Accordingly, the results were better than perhaps any other team of attorneys could accomplish.
- d. There were several notable factors here. I will simply point out some of the most important ones:
 - i. The Court imposed, in its prescience, deadlines that were previously considered unrealistic in terms of the history of litigating cases of this complexity. Litigation involving large structural collapses and many other mass tragedies, with far fewer victims, has previously taken many years to reach completion; and they involved individual representation for every family, at a cost that would be at least three times the amount of fees requested herein.
 - ii. The Class Counsel and the law firms comprising the PSC made huge sacrifices to get here. Weekends and holidays were wiped away. Other clients were put on hold or transferred to other lawyers within the PSC law firms. The pressure, stress, and anxiety produced by the deadlines, the notoriety of the case, and the number of traumatized victims and survivors and their need for closure and their high expectations, were indeed heavy burdens to bear.
 - iii. This lawsuit involved multiple stages that were severely condensed, multiple times, on rapidly moving parallel tracks. Stages of the lawsuit that would normally be phased over many months, or possibly years, were condensed into several weeks over the December 2021 holidays and had to be completed simultaneously: the motions to dismiss the second amended complaint were filed on December 20 and December 30, 2021, and the response to those motions was drafted over the next several weeks and filed January 26, 2022. At the same time, the motion for class certification was written and filed January 28, 2021, and a third amended complaint was filed on March 7, 2022, which was the Court's deadline for the parties to amend their pleadings. Meanwhile, discovery was ongoing as to more than 30 targets, as was the very difficult allocation mediation between the CTS unit owners, on the one hand, and the personal injury and wrongful death subclasses, on the other.

- iv. The sheer amount of work Class Counsel and the PSC undertook in the 11 months since the collapse of CTS is simply astounding: (1) filing three amended complaints, with the final pleading reaching an impressive 201 pages; (2) responding to at least eight motions to dismiss; (3) filing a motion for class certification; (4) conducting written discovery and reviewing hundreds of thousands of pages of documents; (5) formal and informal investigation for defendants and potential targets; (6) numerous depositions (7) attending Court-ordered early mediations; (8) responding to informal settlement overtures; (9) a week-long mediation process; and (10) weeks of settlement discussions and documentation of a nearly 200-page Settlement Agreement.
- v. As just one example, handling insurance coverage issues is one of the more anxiety producing parts of a plaintiff's attorney's practice. First, finding out the insurance coverages is almost always a pitched and uncertain battle when more than one policy is involved, as defendants can be resistant to such disclosures. Here, there were thousands of pages of insurance policies to read and understand fully; there were layers upon layers of coverage; and there were complicated issues of what years of coverages would apply. Getting this work right can involve mind-numbing but critically intense and high-stakes work. Excellence at all levels for all aspects of the case was required, and undoubtedly took its toll on the lawyers involved.
- vi. Of course, as outlined in the Declarations of Mr. Tropin and Ms. Furst, there were a multitude of complex issues at play during the settlement discussion, from first meetings with the settling parties, through hundreds of pages of complex settlement papers. Attending to settlement discussions like this that can disrupt months of family time and uproot a law practice. There were also 30 defendants which means at least 30 first line defense firms and potentially as many insurance coverage firms to contend with.

E. The Plaintiffs' Steering Committee's And Class Counsel's Application For Attorneys' Fees

9. It is undisputed that the Settlement achieved through the PSC's and Class Counsel's efforts resulted in the creation of a common fund in the amount of \$1,021,199,000.00. In Florida, the award of attorneys' fees in common fund class actions is based on the lodestar method, with the potential application of a contingency risk and/or results-obtained multiplier of up to five times lodestar. *See Kuhnlein v. Dep't of Revenue*, 662 So. 2d 309 (Fla. 1995); *Standard Guar. Ins. Co. v. Quanstrom*, 555 So. 2d 828 (Fla. 1990); *Fla. Patient's Comp. Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985). Under the lodestar approach, attorneys' fees are first calculated by multiplying the

reasonable number of hours by reasonable hourly rates, resulting in the lodestar amount. Those factors are:

- a. the time and labor required, the novelty, complexity, and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- b. the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
- c. the fee, or rate of fee, customarily charged in the locality for legal services of a comparable or similar nature;
- d. the significance of, or amount involved in, the subject matter of the representation, the responsibility involved in the representation, and the results obtained;
- e. the time limitations imposed by the client or by the circumstances and, as between attorney and client, any additional or special time demands or requests of the attorney by the client;
- f. the nature and length of the professional relationship with the client;
- g. the experience, reputation, diligence, and ability of the lawyer or lawyers performing the service and the skill, expertise, or efficiency of effort reflected in the actual providing of such services; and
- h. whether the fee is fixed or contingent, and, if fixed as to amount or rate, then whether the client's ability to pay rested to any significant degree on the outcome of the representation.

See Kuhnlein, 662 So. 2d at 312 n.5; *Quanstrom*, 555 So. 2d at 830 & n.3; *Rowe*, 472 So. 2d at 1150; R. Regulating Fla. Bar 4-1.5(b)–(c).

10. Application of these factors and my understanding of the facts are as follows:

- a. ***The time and labor required:*** The PSC recorded 34,212 hours to the litigation. I will address the reasonableness and necessity of that number of hours below.
- b. ***The novelty and difficulty of the issues involved:*** Some of the questions here were ones of arcane and complicated insurance coverage, complex issues of construction law liability, condominium law, insurance bad faith law, negligent security, wrongful death and personal injury damages at the highest level, and many more. I would rate these questions as exceptionally novel and difficult. Even at the end, the settlement agreements and releases were extraordinarily unique and difficult. From the outset to completion, it was a titanic struggle. As noted above, and as described in the Declarations of Mr. Tropin and Ms. Furst, there were a multitude of complex

issues in play during the settlement discussion, from first meetings with the settling parties, through hundreds of pages of complex settlement papers.

- c. ***The skill requisite to perform the legal service properly:*** This case was a great challenge for even the very best lawyers. The PSC consisted of many lawyers and firms of the highest levels of skill in South Florida and, for some, the country.
- d. ***The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer:*** For many of the PSC law firms, this case involved a commitment to nearly full time engagement. I cannot imagine, especially after reviewing the number of hours spent by the PSC, that the clients weren't aware of the sacrifices being made with regard to other employment and to their personal lives.
- e. ***The fee customarily charged in the locality for similar legal services:*** The fees requested for paralegals are \$175 per hour, which is totally reasonable and customary. The legal fees ranging from \$300 to \$1000 per hour, depending on the experience and talent of the lawyer, are very reasonable and customary. For several of the team members, whose credentials are well known to me (e.g., Harley Tropin, Stuart Grossman, Aaron Podhurst, and Jack Scarola, to name a few), \$1000 per hour is far less than they could charge on the open market for fixed fee cases.
- f. ***The amount involved and the results obtained:*** The recovery amount of \$1,021,199,000 exceeded all expectations. It is perhaps the most astonishingly successful settlement I can recall in over half a century of practice in this field, and I have been following cases, settlements, and verdicts carefully throughout my career.
- g. ***The time limitations imposed by the client or the circumstances:*** Again, another remarkable feature. This case involved 30 settling parties; 98 deaths; hundreds of claims for personal injury, economic loss, and property damage; at least 50 defense lawyers; and it was settled for over \$1 billion in about 11 months. It's simply jaw dropping. Cases involving structural collapses take many years to resolve. So, if there is rating system for rapidity of settlement, this is an 11 out of 10.
- h. ***The nature and length of the professional relationship with the client:*** There are no foreseeable continuing relationships with these clients. Accordingly, compensation should not be reduced, but rather enhanced, as these aren't regular paying clients that the lawyers can necessarily count on for future business.
- i. ***The experience, reputation, and ability of the lawyers performing the services:*** There were at least 16 firms and 132 lawyers involved. Many of the firms I recognize as the best in the business, though there are some I don't know much about. Suffice to say, the top tier of this team was of the very highest, best, and exceptionally able lawyers I know.
- j. ***Whether the fee was fixed or contingent:*** The fee was contingent.

1. Calculation Of The Lodestar

11. While it is difficult for me to carefully review and specifically comment on a year's worth of time records for approximately 16 firms and 132 lawyers, and many more paralegals – approximately 1500 pages of time records which I could not review -- I can generally comment on the totality of the effort I have seen in their declarations. I have also reviewed a chart of the number of hours requested by each firm, and in total by the PSC.

12. I did find that some of the time spent on client interaction was more than necessary. Thus, I have reduced the number of hours by 3,500 hours. That's close to half of the total submitted. Accordingly, I would recommend a reduction of those hours at a melded rate of \$715/hour, which reduces the total request by \$2,500,000, or roughly 10% of the total.

13. I have treated this fee request as if it were coming from a single law firm, as I was advised that that is how the team worked throughout and how they have approached this fee request.

14. Thus, it is my opinion that the PSC's and Class Counsel's lodestar should be \$22,242,841.75.

15. I can say that my experience as a plaintiff's lawyer over fifty years, having worked alone and in tandem with small and large groups of plaintiff lawyers on a multitude of occasions, allows me to opine that plaintiff's lawyers rarely do unnecessary work on cases where they are working on contingency contracts. They have no incentive to do unnecessary work.

16. The totality of lodestar requested (34,212 hours) is quite reasonable for the size of the team, the time constraints, and the amazing outcome. In general, I have been exposed to the numbers of hours consumed in other cases and considering all the factors in this case, the number seems reasonable. Further, I was advised that of the dozens of defense firms involved, two produced records of erosion from a wasting insurance policy in the sum of \$17 million, plus an

additional holdback of another \$5 million to complete their representation. That's \$22 million for just two of the law firms. Of course, one would need to subtract for costs. I was advised that \$2 million would be a fair estimate of costs, so I will assume \$4 million for purposes of my point. That means just two defense law firms, out of possibly 40, charged roughly 75% of the amounts requested in the PSC's and Class Counsel's petition for fees. A reasonable inference would suggest that the total fees charged by the defense firms would vastly exceed, by many multiples, the amounts requested here by the PSC and Class Counsel. Accordingly, their request of a Lodestar amount of \$24,742,841.75 on its face, seems quite reasonable, especially with a reduction of 10%.

2. Recommended Multiplier

17. In common fund class actions, courts may enhance the lodestar amount by multiplying the lodestar amount by a contingency risk multiplier of up to five if appropriate findings support such an enhancement. *Kuhnlein*, 662 So. 2d at 315.

18. Given that this litigation is among the most difficult, complex, and high-profile class actions I have witnessed in 53 years of practicing law, and based on other class actions in which Florida courts affirmed or awarded contingency risk multipliers, *e.g.*, *Kuhnlein*, 662 So. 2d at 315 (multiplier of 5); *Ramos v. Philip Morris Cos.*, 743 So. 2d 24, 32–33 (Fla. 3d DCA 1999) (multiplier of 5), *In re Citrus Canker Litig.*, No. 2003-8255-CA-01, Final Approval Order, at 39–40 (Fla. 11th Cir. Ct. Mar. 28, 2022) (multiplier of 4.5), I am of the opinion that a multiplier of 4.5 times the lodestar is appropriate here. A multiplier at this high end is, in my view, “sufficient to alleviate the contingency risk factor involved and attract high level counsel to common fund cases while producing a fee which remains within the bounds of reasonableness.” *Kuhnlein*, 662 So. 2d at 315.

19. Here, the risk of getting nothing, or a very modest recovery that would yield a very low fee, if any, was significantly higher than in most cases. That is because the total insurance

coverage on the best defendant was already tendered, and what was left was mostly, at the outset, a likely hard slog through only potentially responsible defendants. As the Court itself emphasized from the beginning of the litigation—this would likely be a “limited fund” case. But no one expected this kind of result, ever, let alone this quickly. It’s unprecedented. And without this team it would not have happened. Awarding this full amount will save the class members probably around \$200 million when compared to the traditional percentage-based contingency fee model. (In other analogous mass collapse disasters in the County, though of lesser scales, e.g., the Florida International University bridge collapse and the Miami Dade Community College parking garage collapse, standard contingency fee rates were paid by clients.)

F. Closing Observations

20. In assessing the reasonableness of the requested fee, we need to look at the situation the Plaintiffs’ lawyers perceived when they decided to embark on this Litigation. Not now when they recovered \$1,021,199,000. At the outset of the litigation, the Court made it clear that attorneys’ fees were at the discretion of the Court; that the case would proceed at an unprecedented clip; that counsel “should buckle up” and not expect continuances or business as usual; and that “Hail Mary” claims should not be brought and would not be countenanced. At the inception of this case, there were damages estimated in excess of \$1 billion, but no obvious defendants with deep pockets to pay for judgments; just areas of concern that needed to be investigated in record-breaking time.

21. The Court, determined to streamline an historically clunky and overblown process, assembled a team of superb lawyers and orchestrated a wholly new and truly unique approach to disaster cases, a solution that wound up creating the most efficient and economical means of litigating a case this massive that none involved had ever seen before.

22. Not only were things all done in under a year—a true testament to the Court and its appointed leadership—but there was a singularly important side effect undoubtedly intended from the start by the Court: enormous savings of attorneys’ fees that would have been otherwise unnecessarily contracted for and expended. It’s easy to imagine those traditional fees (even at 40%/30%/20% rates) soaring to at least \$300 million.

23. When comparing that potential enormous subtraction from the victims’ pockets with the amounts sought in this petition (e.g., a savings of approximately \$200 million), the Court’s visionary actions, combined with the brilliant and efficient lawyering seen here, are inspiring.

24. For the foregoing reasons, I am of the opinion that the Court should award the PSC and Class Counsel their lodestar of \$24,742,841.75, reduced by \$2,500,000, and enhanced by a multiplier of 4.5. I also understand that additional time will be expended in mini damage trials and that the Court may wish to reserve jurisdiction in considering that additional work in considering final fee awards.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed this 12th day of June, 2022 at Miami, Florida.

/s/ Philip Freidin

Philip Freidin

EXHIBIT 4

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF RICARDO M. MARTINEZ-CID FILED ON BEHALF OF
PODHURST ORSECK, P.A. IN SUPPORT OF MOTION FOR APPROVAL OF
PAYMENT OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Ricardo M. Martinez-Cid, do hereby declare and state as follows:

1. I am a partner at Podhurst Orseck, P.A. ("Podhurst Orseck"). I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. Podhurst Orseck was counsel of record in this action since its inception and has contributed significantly to the litigation. On July 16, 2021, the Court appointed me to serve as Lead Counsel for Plaintiffs' Personal Injury and Wrongful Death Track and to act on behalf of the Plaintiffs and the proposed class members in the Action.

3. As part of its role in this litigation, Podhurst Orseck performed many integral tasks which benefitted the Plaintiff and the Class. Among many other tasks, members of the firm:

(a) Acted as Lead Counsel for Plaintiffs' Personal Injury and Wrongful Death Track to ensure that the wrongful death and personal injury victims were appropriately represented and kept informed;

(b) Chaired the Defendant Investigation and Discovery Committee that was charged with the investigation of defendants and potential defendants to assess liability and identify all responsible parties. This work included the formulation of consolidated discovery and subpoenas and the review of materials obtained as a result;

(c) Served on the Expert Retention & Investigation Committee that was charged with the vetting and recommendation for retention of all expert witnesses and management of their work; worked closely with experts to support mediation efforts and settlement demands;

(d) Served on the Consolidated Amended Class Action Complaint Drafting Committee, assisted in the drafting of the Second Amended Complaint, and were principal drafters of the Third Amended Complaint.

(e) Vetted and selected e-discovery vendor, arranged for all training, created the document review protocol and process, assigned all document review, followed up to confirm targeted workflow was being completed, and reviewed hot documents for applicability to case;

(f) Drafted and served 51 third-party subpoenas to gather documents;

(g) Served on a team of dedicated document reviewers to ensure key documents were located and tagged for future reference and use in depositions and mediations;

(h) Drafted and served the 53 insurance demand letters and followed up to ensure compliance, collected and reviewed insurance policies, and worked with coverage counsel to identify additional coverages;

(i) Identified potential defendants and either prepared or oversaw the drafting of demands for tender of all applicable coverage;

(j) Participated in the deposition team which coordinated and took many of the depositions required to establish the key liability facts leading to settlement;

(k) Participated in numerous mediation sessions and worked closely with the Court-appointed mediator to resolve claims and settlement demands;

(l) Helped negotiate and draft the settlement agreement resolving this matter with 31 parties; and

(m) Worked with at least 29 of the wrongful death estates to advise them and help prepare their Claims Forms.

4. In addition to the work above, my firm will continue to participate in this litigation until its conclusion on behalf of the Class.

5. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation, and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in Podhurst Orseck's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

6. The number of hours spent on this litigation by my firm is 6,301.2. A breakdown of the lodestar is provided in **Exhibit A**. This includes the time that was expended in the service of my firm's individual class member clients, which was conservatively estimated to total at least 950 hours." The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is \$ 3,456,680.00. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional or a reduced rate applied for this matter. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm although a portion of the time spent advising individual claimants (as opposed to on the liability work) was not recorded contemporaneously but conservatively re-created using email and calendar entry records. It is my informed belief that this time significantly underreports the total time spent on these matters.

7. Podhurst Orseck's expenses and charges in connection with the prosecution of this litigation total \$ 53,015.97. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

8. The following additional information further explains certain of these expenses:

(a) Transportation, Hotels & Meals: \$ 1,653.52. In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, court hearings, to meet with witnesses, mediators and opposing counsel and to take or defend depositions. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(b) Photocopying: \$ 601.00. In connection with this litigation, the firm made 893 in-house copies, charging \$0.20 per copy. Each time an in-house copy machine is used, our billing system requires that a case or administrative billing code be entered and that is how the 893 copies were identified as related to this case. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(c) Filing, Witness and Other Fees: \$ 7,837.20. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. These costs were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas, and to investigate the facts. The vendors who were paid for these services are set forth in **Exhibit B**.

(d) Experts: \$29,209.41 to Raffa Consulting Economists, Inc. for services as set forth in **Exhibit B**. These expenses were necessary to prepare select economic damage calculations for use in settlement negotiations and mediations.

(e) Online Legal and Financial Research: \$10,637.79. These included vendors such as Westlaw and Pacer. These services were used to obtain access to factual databases, legal research and for cite-checking of briefs.

9. The foregoing expenses pertaining to this litigation are reflected in the books and records of Podhurst Orseck. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

10. The identification and background of my firm and its participating attorneys is available at www.podhurst.com.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th of June, 2022 at Miami, Florida.

/s/ Ricardo M. Martinez-Cid
Ricardo M. Martinez-Cid

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: Podhurst Orseck, PA

REPORTING PERIOD: Inception through June 2, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
Abelairas, Modesto, Counsel	442.0	\$445	\$196,690.00
Araya, Andreina, Counsel	1116.0	445	\$496,620.00
Barrington, Lauren, Counsel	0.9	590	\$531.00
Barrington, Lauren, Counsel	1.0	590	\$1,121.00
Bigio Levy, Nathalie, Counsel	22.8	545	\$12,426.00
Bucciero, Lea, Partner	723.6	755	\$546,318.00
Bucciero, Lea, Partner	53.4	755	\$40,317.00
Calvo, Bryan, Clerk	4.5	315	\$1,417.50
Estevez, Marta, Paralegal	310.3	345	\$107,053.50
Estevez, Marta, Paralegal	637.8	345	\$220,041.00
Gravante, John, Partner	1.0	755	\$755.00
Groseclose, Audrey, Counsel	501.3	590	\$295,767.00
Groseclose, Audrey, Counsel	3.9	590	\$2,301.00
Herter, Caroline, Counsel	184.9	455	\$84,129.50
Macia, Lillian, Counsel	441.5	445	\$196,467.50
Martinez-Cid, Ricardo, Partner	374.9	895	\$335,535.50
Martinez-Cid, Ricardo, Partner	181.0	895	\$161,995.00
Platts, John, Counsel	961.9	445	\$428,045.50
Podhurst, Aaron, Partner	262.5	1000	\$262,500.00
Podhurst, Aaron, Partner	32.0	1000	\$32,000.00
Prieto, Peter, Partner	2.0	1000	\$2,000.00
Prieto, Peter, Partner	6.0	1000	\$6,000.00
Rasco, Ramon, Partner	6.5	755	\$4,908.00
Rasco, Ramon, Partner	29.5	755	\$22,273.00
TOTALS	6301.2		\$3,456,680.00

*Entries in blue reflect time spent representing the firm's individual class member clients.

EXHIBIT B

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

EXPENSES REPORT

FIRM NAME: Podhurst Orseck, PA

REPORTING PERIOD: Inception through June 2, 2022

DESCRIPTION	EXPENSES
Online research	10,637.79
Process Server	3,264.00
Filing Fee	4,573.20
Delivery services	317.28
Out-of-town travel	1,221.24
Meals	307.27
Experts	29,209.41
A/V deposition services	2,437.50
Parking	54.14
Copying - InHouse	178.60
Outside Printing	422.40
Postage	370.24
Faxes	10.00
Medical Records	12.90
TOTAL EXPENSES	53,015.97

EXHIBIT 5

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF ADAM MOSKOWITZ FILED ON BEHALF OF THE
MOSKOWITZ LAW FIRM PLLC, IN SUPPORT OF MOTION FOR APPROVAL OF
PAYMENT OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Adam M. Moskowitz, do hereby declare and state as follows:

1. The morning of June 24, 2021 will forever have a great impact on me, The Moskowitz Law Firm ("MLF"), and all our staff, lawyers, and clerks. Many of us had family and friends that unfortunately perished in this horrible (and preventable) disaster, and even more had friends and family that "survived," but will have to live with this horrible CTS nightmare for the rest of their lives. For example, Adam Schwartzbaum's grandparents lived in CTS for more than 20 years and he spent much of his childhood with friends and family in CTS. I had many friends that either resided in the building and/or or had very close family and friends that resided in CTS. I was in North Carolina when CTS collapsed, but jumped on a plane the very next day, to come home and start dealing with this tragedy.

2. The personal impact of the CTS Collapse on MLF has made it unlike any other legal event in our professional careers. For this reason, it has been a great honor, and a humbling experience, to work alongside all the wonderful, appointed Class Leadership in pursuit of justice for the members of our community, who were all victims of the collapse.

3. In the immediate aftermath of the CTS Collapse, many of us immediately traveled to the Disaster Site, because we were personally contacted by friends and family that were suffering, grieving, and unable to understand what had happened and why. We were all looking for answers.

4. In these very early days, we met with many victims and attended many group meetings of victims. During these meetings, many of the families of the deceased, as well as many survivors, asked us to represent them in this disaster. We did not hesitate to take on all of these victims as clients, because we knew we could help investigate and battle the monumental lawsuits that would immediately arise out of the CTS Collapse.¹

5. MLF were initially retained by numerous survivors of the CTS Collapse. One of Adam Moskowitz's best friends grew up at CTS, and her best friend was Raysa Rodriguez, who was a long-time CTS unit owner, and was a hero on the night of the Collapse. As captured accidentally on a cellphone voicemail she accidentally left on her brother's phone (she thought she disconnected after calling her brother), Raysa spent much time after the Collapse, going door to door, making sure that all of her elderly and physically challenged neighbors were gathered up, so they could all flee the disaster together. Raysa has been extremely involved during the past year in helping organize, coordinate and assist many of the survivors and friends and family of the victims, as well as greatly helping Plaintiffs' counsel's efforts to research and investigate any and all defendants and claims. The extensive Class Action Complaint (the "CAC") that was filed on June 28, 2021 was filed by MLF, along with Jack Scarola and Chip Merlin, and Ms. Rodriguez was the named Plaintiff and proposed class representative. MLF lead the efforts to turn their CAC into the Consolidated Class Action Complaint, that was initially filed on behalf of all Plaintiff class members,

6. MLF was also retained by numerous CTS wrongful death claimants. For example, MLF was first retained by Bhavin Patel, who lost his daughter, son-in-law, and young granddaughter in the Collapse (his daughter was also 5 months pregnant, at the time of the CTS Collapse). Mr. Patel met with MLF on numerous occasions and requested MLF, and their team of

¹ MLF initially agreed to represent **both** wrongful death families as well as economic loss victims. As a result of the Court's instruction to have clear and unambiguous representatives for both the Economic Loss and Wrongful Death class members, MLF **did not hesitate to immediately give up** any and all monetary and/or legal agreements with any of the Wrongful Death Victims, and made sure that they were all properly fully represented by Jack Scarola and Stuart Grossman.

co-counsel, to represent them, along with many other wrongful death victims. Accordingly, MLF structured the original Class Action Complaint (which was transformed into the Consolidated amended Complaint), so that it would have both a subclass for wrongful death claimants and a subclass for economic loss victims.

7. As we observed the horrific damage in our own childhood backyards, and talked with many of the heroic first responders (some were from the Israeli Army),² we made a commitment: To dedicate all of our Firms' people and resources, with all of our class action experience and skill, to hunt down any and all persons responsible for this disaster and to hold them all accountable. In addition, during several interviews, we announced that we would do this task without any hesitation, on a *pro bono* basis. See <https://moskowitz-law.com/join-a-class-action>.

8. Our initial assessment of sources for recovery was extremely grim. Most of the survivors were averse to building anything on the disaster site and it was thus unclear where any recovery would be found for the victims. Moreover, we quickly learned that the CTS Condominium Association had purchased very little insurance for the building. Considering these initial hurdles, we developed an overall proposed strategy, with no expectation that we would locate any collectable resources.

9. **First**, we contacted our friends and co-counsel, Jack Scarola and Stuart Grossman, who we thought had the best experience dealing with the Wrongful Death claimants. We joined forces with those law firms, because they had the skill and knowledge to best handle those wrongful death claims and had great experience in similar catastrophe cases, such as the recent FIU bridge collapse disaster.

10. **Second**, we decided the case had the greatest chance for success if a jurist in Miami Dade County's Complex Business Division, such as Judge Hanzman, would preside over this case

² MLF Partner Adam Moskowitz has spent much time and had many experiences with Israel and the Israeli Army, including serving in the Gadna (Pre-Army) Chetz-Vekeshet (Bow and Arrow) Program, and working with the American Israel Public Affairs Committee in Washington, D.C., and Israel.

on a consolidated, class action basis. We spent the first few days investigating all the available facts and evidence and decided that only a class action would give *all victims*—young and old, rich and poor—an even chance to recover their damages. We also determined to seek certification of an issue class concerning liability, as we had recently done to great success in a different precedent-setting mass disaster class action that was certified and affirmed on appeal by the Fourth DCA. Adam Moskowitz has been the Adjunct Professor at UM Law School teaching Class Action Litigation for the past almost 30 years.

11. **Third**, we filed our detailed Class Action Complaint in the Complex Business Division on behalf of Raysa Rodriguez, and convinced others (that suggested we file in federal court due to diversity issues) to all file their Complaints in the Miami-Dade State Complex Business Division and seek a transfer to Judge Hanzman. Our Class Action Complaint, that we filed for Raysa Rodriguez, sought to certify, initially, a liability class for the issue of the various defendants' liability and apportionment of fault for causing the CTS Collapse. The complaint also sought, for a later stage, either a damages class pursuant to Rule 1.220(b)(3) or a "limited fund" mandatory certification for damages per Rule 1.220(b)(1). MLF also drafted a Motion for entry of a Preservation Order, to ensure that the Court would make sure that all evidence would be preserved. The other counsel that had a class action (and retained CTS clients) pending at the time was Brad Sohn, whom MLF has had the real honor and pleasure to meet in this case and to work with cooperatively and extensively during this litigation. Mr. Sohn has been very helpful to all of our efforts and a great asset for all CTS victims.

12. **Fourth**, after the Association's Board of Directors initially stated that they were going to fight and hired a public relations firm, we contacted Michael Goldberg and asked him if he would serve as Receiver, if selected by the Court. He confirmed he would and we thus filed a Motion on June 30, 2021, seeking his appointment. The Court, on their own, had the great foresight to make this same conclusion and thus contacted, and appointed Mr. Goldberg and his team as Receiver. That appointment, alone, would later prove to be one of the greatest developments for all of the victims in this case.

13. *Fifth*, recognizing the urgent need for competent insurance coverage counsel to represent all of the victims, we sought to have Chip Merlin of Merlin Law Group serve as our initial co-counsel and then appointed as insurance coverage counsel for all CTS victims. The Court appointed Chip Merlin in that capacity, and his work was crucial to navigating the complex insurance issues in this litigation and in securing the maximum possible recovery for the victims. Mr. Merlin has worked tirelessly and productively with the Receiver's own coverage counsel and both are responsible for much of the great results.

14. *Sixth*, we quickly met with all our friends and co-counsel and worked to organize a leadership structure that would best help all of the victims. Further, at the second Zoom hearing, the Court specifically asked MLF Partner Adam Moskowitz to attempt to organize the lawyers, so they could agree upon themselves a Leadership Structure, so that such issues would not be a distraction and so the Court would not have to decide such issues.

15. Adam Moskowitz had worked for over twenty years managing class action litigation at Kozyak, Tropin & Throckmorton and was thus very close, and had a great working relationship, with Harley Tropin and many members of his Firm, including Javier Lopez. Adam knew that Mr. Tropin would do a wonderful job as Chairman, so he agreed to support's Mr. Tropin's application to serve as Chairperson, and he agreed to apply for Lead Counsel, based upon his Class Action experience and vast involvement in the case to date. Adam and MLF were very honored to be approved by the Court to serve in Leadership for all Class Action matters, along with all of the other wonderful co-counsel.

16. MLF was also very pleased the Court decided to appoint Rachel Furst of Grossman Roth Yaffa Cohen as Co-Chairperson (MLF was already working with Stuart Grossman in this matter, who has done a great job as Liaison Counsel) and to work with all of the other exemplary leadership counsel, most of whom MLF have worked with for nearly 30 years. Titles were simply not as important as everyone quickly joining forces and working together to quickly investigate anyone and everyone that was liable in this matter. Looking back now, it has been a real honor and

pleasure, working alongside all of the other Court appointed co-counsel, including especially both Harley and Rachel.

17. At the very first hearing, this Court said it best: this case “would not be business as usual.” Everything would be done on an expedited basis and it was crucial for all Class Counsel to work together quickly, efficiently, and tirelessly. Consequently, we immediately assisted with drafting and serving discovery, quickly moved to compel when Defendant did not timely serve discovery responses, and reviewed thousands of documents so that we could put immediate pressure on the Defendants. We thought that if we could move as quickly as possible, and were able to reach a resolution with any one of the Defendants, that resolution could advance the litigation as a whole as other Defendants were likely to follow suit.

18. MLF decided that all Plaintiffs’ Counsel would act if we were all one Law Firm, all working together for the same common goal. MLF focused our efforts on mainly three tasks: (1) investigating and prosecuting any and all class claims (especially against the first two settling Defendants, Morabito Consulting and Becker); (2) serving as good Class Counsel, by always helping any and all of our proposed class members (with any and all of their individual issues) and leading Plaintiffs’ class action efforts (helping organize all counsel in filing the Consolidated Second Class Action Complaint, Plaintiffs’ Motion to Certify the Liability Class, Plaintiffs’ Reply in Support of the Motion, and presenting such issues to the Court), and (3) working with leadership (including specifically Gonzalo Dorta, who did a wonderful job) to represent all of the Economic Loss Class Members in the Allocation Mediation and resulting Allocation Settlement.

19. MLF spent hundreds of hours working in this case with our elected client representatives, mediator Bruce Greer, and the excellent counsel for the Wrongful Death Clients, in these mediations, day and night, and even on weekends and holidays. MLF organized the election, using the “Survey Monkey” platform, so that all survivors voted for 4 elected representatives to serve as the Economic Loss Group Representatives in the Allocation Mediation. MLF provided any and all necessary legal services to not only the 4 elected Economic Loss Representatives (Raysa Rodriguez, Oren Cytrynbaum, Paolo Longobardi and Yady Santos), but

many other class members as well, such as Steven Rosenthal. MLF conducted numerous Zoom updates with all of the Economic Loss Class Members, with the help of counsel Javier Lopez and Gonzalo Dorta.

20. MLF is very pleased that, because of these efforts, we were able to fulfill the Court's goal of quickly reaching a fair Allocation Agreement (including the recent Court-approved increase for the property owners). We are also glad that, to date, none of our Class Members have opted out of the Allocation Agreement, nor appealed the Court's order approving same. The great results in the case *were only possible*, as a direct result of the tireless work by the Court, to move this case along expeditiously and without any distraction nor delay.

21. We helped research and investigate many claims, and eventual settlements, with many different Defendants. For example, we helped investigate the Terra Defendants and other potential defendants and third-party witnesses to develop theories of liability to obtain recoveries for the victims (for instance, that installation of sheet pilings in the basement construction of 87 Park may have been driven with vibratory hammers, which weakened the building's support), as well as meeting with consulting and potential testifying expert witnesses.

22. We also have always kept in continuous, and weekly contact with many victims of the CTS Collapse, including all that fell within the definition of the putative Liability Issue Class set forth in the Consolidated Complaint. We organized and ran regular informational calls and Zoom videoconferences for all unit owners (in connection with their personal injury and economic loss claims) regarding the progress of the case, to inform them of pertinent deadlines, and provide updates on mediation and settlement efforts.

23. MLF attorneys, including Howard Bushman, Joseph Kaye, Adam Schwartzbaum, and Barbara Lewis (who is fluent in Spanish), were all heavily involved in numerous tasks in this litigation, including initially meeting with numerous economic loss and wrongful death clients (all that became clients, when we were appointed Class Counsel), preparing and serving discovery, reviewing thousands of pages of discovery, and developing the Second and Third Amended Consolidated Complaints. For example, MLF was mainly responsible for researching and

asserting claims against the Becker firm and Morabito Consultants, along with Stuart Grossman. We were successful in finding and retaining highly qualified expert witnesses to consult with, to make their preliminary opinions public, and in some cases, to be testifying experts, such as against the Becker Defendants.

24. In addition to bringing the claims and litigating Becker's motion to dismiss, MLF conducted significant discovery regarding the Becker claims, including deposing the partner primarily handling Becker's relationship with the CTS Condominium Association, Kenneth Direktor, and receiving and reviewing over 50,000 documents from Becker's files over the course of less than one week, so as to adequately prepare for that deposition and move those claims.

25. Following the successful deposition and after significant discovery motion practice on various issues, Becker agreed to conduct an early mediation to attempt to resolve the Association's and Victims' claims against them, globally. Around the same time, MLF also helped negotiate an early mediation with counsel for Morabito Consultants. MLF has expended substantial time, effort, and resources preparing various materials and presentations for these mediations, and successfully conducted the mediations with mediators Bruce Greer and Lew Jack to resolve the claims for significant recoveries for the Victims.

26. As a result of the success of these early CTS mediations, other Defendants soon began to follow suit, and ultimately the Court ordered all Defendants to conduct early mediations of the claims against them. Our confidential presentations for mediations were used in this litigation for subsequent mediation presentations with other Defendants, all of which proved fruitful in obtaining recoveries for the Victims. Further, MLF was extremely active in preparing materials for the Eighty-Seven Park Defendants' mediation, including creating video presentations that incorporated interviews with surviving Victims and the families of deceased Victims.

27. Based upon our extensive Class Action Experience, MLF was primarily responsible (along with Leadership) for developing and drafting the Motion to Certify a Liability Issue Class and authored extensive memoranda and conferred with co-counsel to advocate for this class action approach.

28. Lawyers at MLF conducted various other tasks, including: (a) a review of the 8701 Collins Defendant's privilege log and subsequent litigation to seek to compel an *in camera* review of materials for which 8701 Collins impermissibly claimed were privileged; (b) helping research and develop the Association Termination lawsuit, working closely with co-counsel and the Receiver, and representing Unit Owner plaintiffs who brought that action; and (c) researching, drafting memoranda, and internally debating the various potential intraclass allocation issues, which helped to inform the Court's decision to order an early mediation of the allocation issues amongst the victims.

29. Following the global resolution in this litigation, MLF lawyers, including Howard Bushman, worked to negotiate, draft, and finalize the global Class Settlement Agreement. MLF took the lead in drafting the class settlement documents including the Notice, Motion for Preliminary Approval, and Preliminary Approval Order. MLF also researched and drafted a Motion to Enforce the Settlement.

30. In connection with the administration of the Settlement, MLF lead efforts to create various Claim Forms, including the inclusion of simplified claim forms for default relief for property loss and personal injury victims where they can obtain settlement relief without the necessity of presenting documentation. We are currently helping plan and conduct numerous additional Town Hall meetings with the Receiver, so that all victims will understand the proposed Settlement and the Claims Forms and Claim Process. We have conducted prior Town Halls which helped keep our class members updated and informed.

31. For the past few months, and certainly going forward, MLF attorneys are assisting (and will continue to assist as appointed Class Counsel) over 44 class members/family, who all plan to make claims to recover damages for economic loss, personal injury, and/or wrongful death. Many of these victims initially could not find any counsel willing to take such cases and were very happy to learn that the Court already appointed Class Counsel who were appointed to specifically help them for no direct charge to them, as MLF has done as Lead or Co-Lead Counsel in hundreds of prior class action cases.

32. Providing this representation will further ease and streamline the administration of the settlement to the benefit of all victims. MLF has agreed to help these victims because they were all members of our proposed Class and many were not able to find any legal representation elsewhere.

33. As with all of their other class action cases, the MLF has kept daily *contemporaneous billing notes and records in this case*, which have all been submitted on a monthly basis to the Chairpersons (as instructed), since the very inception of this case.

34. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the main partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in MLF's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all a type that would normally be charged to a fee-paying client in the private legal marketplace.

35. The number of hours spent on this litigation by all members of my Firm is **5,147.80**. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional/clerks) time based on the firm's current rates is **\$3,827,892.00**. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

36. MLF's expenses and charges in connection with the prosecution of this litigation total **\$24,547.97**. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(a) Transportation, Hotels & Meals: **\$2,291.18**. In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, court hearings, to meet with witnesses, mediators and opposing counsel and to take or defend depositions. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(b) Photocopying: **\$359.00**. In connection with the prosecution of this litigation, the firm paid outside vendors for various printing and photocopying services. The vendors who were paid for these services are set forth in **Exhibit B**.

(c) Filing, Witness and Other Fees: **\$506.39**. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. These costs were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas, and to investigate the facts. The vendors who were paid for these services are set forth in **Exhibit B**.

(d) Court Hearing and Deposition Reporting, and Transcripts: **\$1,628.10**. The vendors who were paid for hearing and deposition transcripts are listed in **Exhibit B**.

(e) Online Legal and Financial Research: **\$19,763.30**. These included vendors such as Westlaw and Pacer. These services were used to obtain access to factual databases, legal research and for cite-checking of briefs.

37. The foregoing expenses pertaining to this litigation are reflected in the books and records of The Moskowitz Law Firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

38. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of June, 2022 at Miami-Dade, Florida.

/s/ Adam M. Moskowitz

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: The Moskowitz Law Firm PLLC

REPORTING PERIOD: Inception through June 8, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
Sems Al-Bazz (Clerk)	73.70	295.00	21,741.50
Sems Al-Bazz (Clerk)	19.50	500.00	9,750.00
Howard M. Bushman (P)	683.50	900.00	615,150.00
Dione Iturria (Para)	437.70	350.00	153,195.00
Joseph M. Kaye (Counsel)	1,089.00	700.00	762,300.00
Joseph M. Kaye (P)	270.00	725.00	195,750.00
Nicole Leon (Clerk)	162.60	295.00	47,967.00
Barbara C. Lewis (A)	64.00	675.00	43,200.00
Adam M. Moskowitz (P)	1,730.30	950.00	1,643,785.00
Lorenza B. Ospina (Para)	83.90	350.00	29,365.00
Rejane Passos (Para)	98.30	350.00	34,405.00
Adam A. Schwartzbaum (P)	328.30	725.00	238,017.50
Seth M. Shapiro (A)	4.20	700.00	2,940.00
Giovanna C. Spargo (Clerk)	102.80	295.00	30,326.00
TOTALS	5,147.80		3,827,892.00

EXHIBIT B
IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE
LITIGATION

EXPENSE REPORT

FIRM NAME: The Moskowitz Law Firm PLLC

REPORTING PERIOD: Inception through June 8, 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research	19,763.30	
Process Server		
Filing Fee	506.39	
Delivery services/messengers		
Local travel	396.60	
Out-of-town travel	1,351.00	
Meals	543.58	
Deposition transcripts	1,628.10	
Experts		
Litigation Fund		
Parking		
Transportation		
Outside Printing	359.00	
TOTAL EXPENSES	24,547.97	

Exhibit C



For more than 25 years, the lawyers at The Moskowitz Law Firm, PLLC (“The Moskowitz Law Firm”) have successfully litigated significant class action and complex commercial cases involving the rights of consumers, investors, and businesses. The Firm and its attorneys consistently rank among the most highly regarded litigation attorneys locally and on the national stage — according to clients, judges, opponents, and professional journals — for effectiveness in and out of the courtroom.

Adam Moskowitz. Mr. Moskowitz is the Founder and Managing Partner of The Moskowitz Law Firm and is experienced in all forms of class action claims, including civil conspiracy claims under the Racketeering Influenced and Corrupt Organizations (“RICO”) Act. Mr. Moskowitz serves and has served as Lead Counsel in some of the largest class action cases in Florida and nationwide. Mr. Moskowitz has been an Adjunct Professor at the University of Miami School of Law teaching Class Action Litigation for over 26 years. Adam has received numerous awards for his results including the “Most Effective Lawyer Award” for his work in litigating and resolving numerous nationwide force-placed insurance cases. Mr. Moskowitz filed one of the first class action lawsuits regarding these practices and has since spearheaded class action litigation in over 32 nationwide class actions brought against the largest banks or mortgage servicers and the force-placed insurers across the country, reaching 30 settlements to date totaling over \$4.2 billion dollars for the proposed nationwide classes of over 5.3 million homeowners.¹



¹ See for example *Williams v. Wells Fargo Bank, N.A.*, No. 11-cv-21233 (S.D. Fla.) (final approval granted); *Saccoccio v. JPMorgan Chase Bank N.A.*, No. 13-cv-21107 (S.D. Fla.) (final approval granted); *Diaz v. HSBC Bank (USA), N.A.*, No. 13-cv-21104 (S.D. Fla.) (final approval granted); *Fladell v. Wells Fargo Bank, N.A.*, No. 13-cv-60721 (S.D. Fla.) (final approval granted); *Hamilton v. SunTrust Mortg., Inc.*, No. 13-cv-60749 (S.D. Fla.) (final approval granted); *Hall v. Bank of Am., N.A.*, No. 12-cv-22700 (S.D. Fla.) (final approval granted); *Lee v. Ocwen Loan Servicing, LLC*, No. 14-cv-60649 (S.D. Fla.) (final approval granted); *Braynen v. Nationstar Mortg., LLC*, No. 14-cv-20726 (S.D. Fla.) (final approval granted); *Wilson v. Everbank, N.A.*, No. 14-cv-22264 (S.D. Fla.) (final approval granted); *Montoya v. PNC Bank, N.A.*, No. 14-cv-20474 (S.D. Fla.) (final approval granted); *Almanzar v. Select Portfolio Servicing*, No. 14-cv-22586 (S.D. Fla.) (final approval granted); *Jackson v. U.S. Bank, N.A.*, No. 14-cv-21252 (S.D. Fla.) (final approval granted); *Circeo-Loudon v. Green Tree Servicing, LLC*, No. 14-cv-21384 (S.D. Fla.); *Beber v. Branch Banking & Trust Co.*, No. 15-cv-23294 (S.D. Fla.) (final approval granted); *Ziwczyn v. Regions Bank*, No. 15-cv-24558 (S.D. Fla.) (final approval granted); *McNeil v. Selene Finance, LP*, No. 16-cv-22930 (S.D. Fla.); *McNeil v. Loancare, LLC*, No. 16-cv-20830 (S.D. Fla.) (final approval granted); *Edwards v. Seterus, Inc.*, No. 15-cv-23107 (S.D. Fla.) (final approval granted); *Cooper v. PennyMac Loan Servicing, LLC*, No. 16-cv-20413 (S.D. Fla.) (final approval granted). *Strickland, et al. v. Carrington Mortgage Services, LLC, et al.*, 16-cv-25237 (S.D. Fla.) (final approval granted for three separate settlements); *Quarashi et al v. Caliber Home Loans Inc. et al.*; 16-9245 (D.N.J.) (final approval granted).

Prior to filing the FPI class actions, Adam Moskowitz served as Co-Lead Counsel in one of the largest MDLs, *In re: Managed Care Litigation*, MDL No. 1334. The MDL was finalized about 6 years ago and was actively litigated for about 7 years. Plaintiffs brought suit against the seven largest managed care providers on behalf of approximately 600,000 physicians alleging that these defendants engaged in a civil conspiracy in violation of the RICO Act. Adam Moskowitz worked almost all of his time assisting the Co-Lead team with every aspect of the case, including taking and defending depositions, coordinating with co-counsel, working with scientists, drafting pleadings, and helping with settlement efforts. Through this litigation before Judge Moreno, plaintiffs were able to revise the manner in which managed care is conducted with physicians throughout the country, and obtained almost a billion dollars in monetary relief. To date, this is the only certified nationwide RICO class action to be upheld by the Eleventh Circuit Court of Appeal.

Mr. Moskowitz has been appointed Lead and Co-Lead counsel in numerous other state and federal class actions, including resolving one of the nation's largest consumer class actions, *LiPuma vs. American Express*, No. 04-cv-20314 (S.D. Fla.). Mr. Moskowitz was recently appointed Co-Lead Counsel for the Economic Loss and Property Damage Track in *In re: Champlain Towers South Condominium Collapse Litigation*, Case No. 2021-015089-CA-01 (Fla. 11th Jud. Cir.) to bring class claims on behalf of the victims of the catastrophic collapse of the Champlain Towers South condominium in Surfside, Florida. Mr. Moskowitz was also appointed Co-Lead Counsel in the MDL proceeding: *In re: Erie COVID-19 Business Interruption Protection Insurance Litigation*, Case No. 1:21-mc-000001 (W.D. Pa.), to represent policyholders in their multidistrict litigation against Erie Insurance Co. seeking coverage for COVID-19 business interruption losses. Mr. Moskowitz was also appointed Class Counsel in a finally-approved nationwide settlement with Spartan Race, Inc., in a nationwide class action arising from Spartan Race's business practices relating to its Racer Insurance Fee, see *Fruitstone v. Spartan Race, Inc.*, No. 1:20-cv-20836-BLOOM/Louis (S.D. Fla.), as well as in *Collins v. Quincy Bioscience, LLC*, No. 19-22864-Civ-COOKE/Goodman, ECF No. 200 (S.D. Fla. Nov. 18, 2020), where Magistrate Judge Jonathan Goodman for the United States District Court for the Southern District of Florida granted final approval of a nationwide class action settlement resolving claims of a nationwide class of purchaser of the memory improvement supplement PrevaGen.

Recently, in *Cherry v. Dometic Corp.*, No. 19-13242 (11th Cir. Feb 2, 2021), Mr. Moskowitz was successful in overturning a denial of class certification for failing to demonstrate the "administrative feasibility" of identifying class members. This decision represents a sea change in class action litigation in the Eleventh Circuit, which now joins the Second, Sixth, Seventh, Eighth and Ninth Circuits in rejecting any heightened ascertainability requirement purportedly inherent in Federal Rule of Civil Procedure 23(a).

In *Pain Clinic et al. v. Allscripts Healthcare Solutions, Inc.*, 12-49371 (Fla 11th Cir. Ct. 2012), Mr. Moskowitz reached a nationwide settlement against Allscripts Healthcare Solution on behalf of thousands of small physician practices regarding the sale and marketing of defective electronic healthcare software. Mr. Moskowitz has also served as Lead, Co-lead or as part of Plaintiffs' counsel in various nationwide class actions including *In re: Marine Hose Antitrust Litigation*, No. 08-MDL-1888-Graham/Turnoff (S.D. Fla.); *Natchitoches Parrish Hospital v. Tyco (In re Sharps Containers)*, No. 05-cv- 12024 (D. Mass.) (serving as co-lead counsel in a nationwide antitrust class action on behalf of direct purchasers of containers for the disposal of sharp medical instruments); *Texas Grain Storage Inc. v. Monsanto Co.*, No. 5:2007-cv-00673 (W.D. Texas) (serving as co-lead counsel with Bruce Gerstein in a nationwide antitrust class action on behalf of direct purchasers of genetically modified seeds); *In re: Hypodermic Products Antitrust Litigation*, MDL No. 1730, No. 05-cv-1602 (JLL/CCC) (D. N.J.) (Linares, J.) (obtaining final approval of a nationwide settlement of an antitrust class action on behalf of direct purchasers of needle products); *In re: Mushroom Direct Purchase Antitrust Litigation*, No. 06-cv-006201 (E.D. Pa.) (representing direct purchasers of fresh agaricus mushrooms sold in the United States east of the Rocky

Mountains in antitrust class action); *Miller v. Dyadic International*, No. 07-cv-80948 (S.D. Fla.) (consolidated securities fraud class action against biotech company arising out of material misstatements and omissions regarding financial improprieties of its subsidiaries in violation of federal securities laws); *In re: Herbal Supplements Marketing and Sales Practices Litigation*, 1:15-cv-05070 (N.D. Ill.) (serving on Plaintiffs' Lead Counsel Committee in multidistrict litigation regarding misleading labelling of herbal supplements sold at Target, Walgreens and Walmart stores); *Louisiana Wholesale v. Becton Dickinson, et al.*, No. 05-cv-01602 (D.N.J.); and *Bruhl v. Price Waterhouse Coopers, International, et al.*, No. 03-cv-23044 (S.D. Fla.).

Mr. Moskowitz was appointed as Co-Lead counsel in *In re Transamerica COI Litigation*, Case No. 2:16-cv-01378-CAS-AJW (C.D. Cal.), and reached a finally-approved nationwide settlement for a certified class of nationwide consumers who purchased life insurance policies from Transamerica Life Insurance Company, a subsidiary of Aegon—one of the world's largest providers of life insurance, pension solutions and asset management products—which resulted in recovering a gross Settlement Common Fund of over \$100 million, as well as extremely valuable injunctive relief for the nationwide class. Mr. Moskowitz also personally resolved the sole objection to the settlement with the objector's counsel who brought separate "copycat" Transamerica COI class actions in Iowa. Judge Snyder also recently granted final approval of a nationwide class action settlement regarding a very similar COI nationwide class action against Transamerica for the 2017 COI increases, which is currently pending appeal. *Thompson v. Transamerica Life Insurance Company*, No. 2018-cv-5422-CAS, ECF No. 197 (C.D. Cal. Sept. 16, 2020). Further, in *In re Fieldturf Multi District Litigation*, Case No. 3:17-md-02779-MAS-TJB (D.N.J.), U.S. District Judge Michael A. Shipp recently appointed Mr. Moskowitz as Co-Lead counsel for all of the plaintiffs after numerous class actions brought against Fieldturf were consolidated in the District of New Jersey earlier last year. The claims were brought on behalf of municipalities related to the marketing and sale of allegedly defective artificial fields. Adam is currently lead and co-lead counsel in numerous other class actions currently pending in state and federal courts across the country.

Mr. Moskowitz's practice also encompasses various other complex commercial litigation matters, arbitrations before FINRA and numerous jury trials. Adam obtained one of the largest jury verdicts in Miami-Dade County (over \$100 million dollars) in a jury trial against a global agricultural company on behalf of growers from the United States and Costa Rica. Adam has also served as chairperson in numerous NASD securities arbitrations, and actively participates in local and national seminars and panels, lectures across the country regarding class action litigation, and has published numerous articles on class action practices and settlements.² Mr. Moskowitz has actively served on numerous state and national class action organizations, including being appointed to the Duke Law Center for Judicial Studies Advisory Council and serves as the Topics Coordinator. The Council brings together all federal judges, experienced plaintiffs' and defense attorneys, and academics to develop practical solutions to legal issues by way of rule changes, best practices, guidelines, and principles. The Council conducts numerous national seminars each year, attended by hundreds of class action practitioners and federal and state judges. One such seminar was the "National Townhall Meeting Developing a Useful Framework to Address Alcohol Abuse, Drug Addiction, and Anxiety/Depression Among Bench, Bar, and Related Professionals," which included many great speakers (39 Panelists for 8 Panels), including many federal judges. Adam is married to his wife Jessica and has three children, Serafina, Michael and Samantha and is very active with his children's school Temple Beth Am in Miami, Florida. Attached are two personal articles about Adam Moskowitz, including one regarding his family being named "Family of the Year" for their synagogue this past year, based mainly on the great dedication and pro bono service by his wife to his children's school.

² See, e.g., *The Right Way to Calculate Attorneys' Fees in Class Actions*, December 4, 2015, available at <http://www.law360.com/articles/733534/the-right-way-to-calculate-atty-fees-in-class-actions>.

Howard Bushman. Howard Bushman is a Partner at The Moskowitz Law Firm and a seasoned litigator with over 18 years of experience prosecuting nationwide class actions and mass tort litigation. Mr. Bushman is a central figure in litigating the lender placed insurance class actions listed in Footnote 1. Further, Mr. Bushman has effectively litigated the following class actions: *Kenneth F. Hackett & Associates, Inc. v. GE Capital Information Technology Solutions, Inc. et al.*, Case No.: 10-20715-CIV-ALTONAGA/BROWN (S.D. Fla.) (multi-million dollar settlement on behalf of a nationwide class of copier lessees whom were overcharged for their monthly payments); *Aarons et al. v. BMW of North America, LLC*, Case No. 2:11-cv-07667-PSG (S.D.Cal.) (multi-million dollar settlement on behalf of a nationwide class of owners of defective Mini-Cooper vehicles); *Lockwood et al. v. Certegy Check Services, Inc.*, Case No.: 8:07-CV-01657-SDM-MSS (M.D. Fla.) (nationwide data breach action resulting in a settlement valued at over \$75 million dollars); *Brenda Singer v. WWF Operating Company*, Case No.: 13-CV-21232 (S.D. Fla. 2013) (nationwide litigation regarding alleged deceptive marketing of evaporated cane juice; successfully settled nationwide class action over deceptive labeling of evaporated cane juice); *In Re: Countrywide Financial Corp. Customer Data Security Breach Litigation*, Case No. 3:08-MD-01998-TBR (WDKY) (class action on behalf of over 17 million consumers, achieved a settlement valued at over \$300 million dollars); *Eugene Francis v. Serono Laboratories, Inc., et al.* (“Serostim”), Case No. 06-10613 PBS (U.S. District Court of Mass.) (\$24 million cash settlement in a nationwide class action litigation against multiple entities regarding the deceptive and illegal marketing, sales and promotional activities for the AIDS wasting prescription drug Serostim); *In Re: Guidant Corp. Implantable Defibrillators Products Liability Litigation*, MDL No. 1708 (U.S. District of Minnesota) (\$245 million dollar settlement for patients in this nationwide mass tort class action regarding the sale of defective cardiac defibrillators and pacemakers); *In Re: Zicam Cold Remedy Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2096 (mass tort involving over \$15 million settlement).



Mr. Bushman has extensive experience litigating antitrust matters throughout the state of Florida as well. *See In re: Photochromic Lens Antitrust Litigation*, MDL No. 2173, No. 8:10-md-02173-T-27EA (M.D. Fla.) (nationwide indirect purchaser antitrust class action on behalf of purchasers of photochromic lenses); *In re Florida Cement and Concrete Antitrust Litigation (Indirect Purchaser Action)*, No. 09-23493-CIV-Altonaga/Brown (S.D. Fla.) (statewide indirect purchaser antitrust class action on behalf of purchasers of cement); *Anna Vichreva v. Cabot Corporation, et al.*, No. 03-27724-CA-27 (Fla. 11th Jud. Cir. Ct.) (litigated and obtained the largest per-consumer Carbon Black state court antitrust class action settlement in the country).

As passionate for the law as he is for giving back to the local community, Howard recently received the Eleventh Judicial Circuit and Miami-Dade County Bar Associations' Put Something Back Pro Bono Service Award.

Adam Schwartzbaum. Adam Schwartzbaum is a Partner at The Moskowitz Law Firm, where he plays an important role in managing all aspects of the Firm's class action litigation practice. Adam's responsibilities include case analysis and development, trial court litigation, and appellate work.

Adam successfully litigated and settled *Rollo v. Universal Property & Casualty Insurance Co.*, No. 2017-027720-CA-01 (Fla. 11th Jud. Cir. Complex Bus. Div.), a class action which held the largest private insurance company in Florida accountable for its systemic failure to pay statutory interest on late-paid settlement payments. Adam also represented several certified classes of investors in litigation concerning the \$300+ million bankruptcy, *In re 1 Global Capital LLC*, No. 18-19121 (Bankr. S.D. Fla.). Working in concert with the Debtors' Special Counsel, Adam helped to litigate and settle claims with many of the Debtors' professionals and sales agents in both state and federal court. Adam has also played an important role in many successful class actions litigated by The Moskowitz Law Firm, including *In re Transamerica COI Litigation*, Case No. 2:16-cv-01378-CAS-AJW (C.D. Cal.) (cash settlement valued over \$100 million, including significant prospective relief for life insurance policyholders).



Prior to joining The Moskowitz Law Firm, Mr. Schwartzbaum was an associate at Weiss Serota Helfman Cole & Bierman, a large regional law firm well known for representing local governments. As an associate in the litigation department, Mr. Schwartzbaum represented an array of private and municipal clients, at the trial and appellate levels, in state and federal court. In several instances, Mr. Schwartzbaum won significant trial victories and then succeeded in upholding them on appeal. For example, in *SDE Media, LLC v. City of Doral*, Case No. 3D16-2008 (Fla. 11th Jud. Cir.), Mr. Schwartzbaum second-chaired a trial that resulted in the trial court issuing a nineteen-page order finding in the City's favor. On appeal, Mr. Schwartzbaum authored the answer brief, and the Third District Court of Appeal issued a per curiam affirmance. *SDE Media, LLC v. City of Doral*, 228 So. 3d 567 (Fla. 2017). Similarly, in *Brock v. Ochs*, Case No. 2D16-705 (Fla. 20th Jud. Cir.), Mr. Schwartzbaum helped obtain summary judgment for the Collier County Manager in a major dispute with the County Clerk regarding the scope of the County Manager's purchasing power under the Florida Constitution. On appeal, Mr. Schwartzbaum authored the answer brief, and the Second District Court of Appeal affirmed per curiam. *Brock v. Ochs*, 203 So. 3d 164 (Fla. 2d DCA 2016). Mr. Schwartzbaum achieved similar success in federal court. For example, in *Edwards CDS, LLC v. City of Delray Beach*, No. 16-15693 (S.D. Fla.), Mr. Schwartzbaum authored a motion to dismiss that resulted in an order dismissing \$25 million in federal constitutional claims with prejudice. On appeal, Mr. Schwartzbaum authored the answer brief, and the Eleventh Circuit Court of Appeals issued a written opinion affirming the dismissal. *Edwards CDS, LLC v. City of Delray Beach*, 699 Fed. App'x 885 (11th Cir. 2017). As a result, Mr. Schwartzbaum helped the City achieve a very favorable settlement. Other significant appellate victories include *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017) (upholding constitutionality of City of Miami's Civilian Investigative Panel); *City of Homestead v. Foust*, 2018 WL 575620 (Fla. 1st DCA 2018) (reversing order of Judge of Compensation Claims after determining, in issue of first impression, that JCC incorrectly interpreted a statute); *City of Cooper City v. Joliff*, 227 So. 3d 633 (Fla. 4th DCA 2017) (reversing a multi-million dollar summary judgment for plaintiffs in a class action

alleging a special assessment was unconstitutional and instructing trial court to enter judgment for the City).

Mr. Schwartzbaum's career began in the litigation department of a large international law firm, White & Case, where he provided research and writing support on complex commercial disputes and in significant appellate matters in both state and federal court. Adam served on the trial team in *Dacra Development v Corp. v. Colombo*, Consolidated Case Nos. 11-17338 & 10-47846, successfully defending a prominent real estate developer from a multimillion dollar lawsuit and helping secure a \$2 million verdict on the defendant's counterclaim. Adam also represented the City of Dania Beach in a dispute over the expansion of the Fort Lauderdale-Hollywood International Airport, ultimately helping to secure a landmark settlement on behalf of over 850 homeowners impacted by the development. Adam also made vital contributions to several notable appellate victories, including *North Carillon, LLC v. CRC 603, LLC*, 135 So. 3d 274 (Fla. 2014) (obtaining a reversal of an opinion that incorrectly interpreted provision of Florida's condominium law concerning statute governing placing of deposits into escrow), *Sargeant v. Al-Saleh*, 137 So. 3d 432 (Fla. 4th DCA 2014) (establishing new Florida law concerning trial court's jurisdiction to compel turn over of foreign assets), and *200 Leslie Condominium Association, Inc. v. QBE Insurance Corp.*, 616 Fed. App'x 936 (11th Cir. 2015) (affirming judgment in favor of insurer following a bench trial).

Mr. Schwartzbaum is an active contributor to the South Florida community and a leader in several prominent organizations. He is a Member of the Board of Directors of Nu Deco Ensemble, Miami's 21st Century genre-bending orchestra. Mr. Schwartzbaum sits on the Board of Directors of Temple Menorah in Miami Beach, the Board of the South Florida Israel Bonds Young Investor Society, and on the Board of the South Florida Lawyer's Chapter of the American Constitution Society. Adam previously served on American Jewish Committee's Global ACCESS Board and as a Member of the Democratic Executive Committee, the governing body of the Miami-Dade County Democratic Party. Mr. Schwartzbaum also serves as J-Street's District Coordinator for Congresswoman Federica Wilson. In addition, Mr. Schwartzbaum is the Founder and Team Captain for Jewish Community Service's Miami Marathon and Half Marathon Team which raises funds for The Blue Card, an organization benefiting indigent Holocaust Survivors.

Joseph Kaye. Joseph is a Partner at The Moskowitz Law Firm, whose practice focuses on multi-state consumer class action litigation, complex commercial litigation and multidistrict litigation. His experience involving a broad range of disputes, including force-placed insurance class action litigation, health insurance, construction defect, products liability, and federal antitrust litigation matters, allows him to serve as a valuable asset in representing a number of the Firm's clients.

Joseph's recent significant involvements include litigating, through a finally-approved nationwide settlement with Spartan Race, Inc., a nationwide class action arising from Spartan Race's business practices relating to its Racer Insurance Fee. *Fruitstone v. Spartan Race, Inc.*, No. 1:20-cv-20836-BLOOM/Louis (S.D. Fla.). Joseph also helped successfully litigate and settle claims in *Collins v. Quincy Bioscience, LLC*, No. 19-22864-Civ-COOKE/Goodman, ECF No. 200 (S.D. Fla. Nov. 18, 2020), brought on behalf of a nationwide class of purchasers of the memory improvement supplement Prevacid. Plaintiffs' counsel achieved the *Collins* settlement after Magistrate Judge Jonathan Goodman recommended certification of a litigated Florida statewide issue class pursuant to Federal Rule of Civil Procedure 23(c)(4), which would have bifurcated the proceedings into liability and damages phases. *Collins*, No. 19-22864-Civ-COOKE/Goodman, ECF No. 119 (S.D. Fla. Mar. 19, 2020). In *Las Olas Company Inc., et al. v. Florida Power & Light Company, et al.*, No. CACE19019911-18 (Fla. Cir. Ct. Dec. 14, 2020), Joseph helped the Moskowitz Law Firm attain a litigated certification, pursuant to Florida Rule of Civil Procedure 1.220(d)(4), of a liability issue class of businesses who were forced to close and sustained damages as a result of a ruptured water main caused through the negligence of Florida's largest electric utility provider and its subcontractors. This was the first reported decision since the Florida Supreme Court decided *Engle v. Liggett Group, Inc.*, 945 So. 2d 1246 (Fla. 2006), where a Florida District Court of Appeal affirmed an order applying this rule to certify a liability issue class. See *Florida Power & Light Company, et al. v. Las Olas Company Inc.*, 4D21-0541 (Fla. 4th DCA May 27, 2021) (*per curiam* affirmance). In a putative Florida statewide class action representing skilled nursing facilities seeking to recover statutory interest owed by insurers on late paid Medicaid Long Term Care Program claims, Joseph was instrumental in effectively briefing and arguing against a motion by one defendant insurer to compel individual arbitration of one of the plaintiff's claims. Joseph then co-authored the answer brief on appeal to the Third District Court of Appeal, which resulted in a written opinion upholding the trial court's order and favorably expanding the law on arbitration in Florida for parties seeking to litigate their claims in a court of law. See *Coventry Health Care of Florida, Inc. v. Crosswinds Rehab, Inc., LLC*, 259 So. 3d 306 (Fla. 3d DCA 2018).



Prior to joining The Moskowitz Law Firm, Joseph was an Associate Attorney at Stok Folk + Kon, a full-service law firm serving South Florida, where he represented businesses and individuals in a range of disputes involving breach of contract, commercial transactions, fraud, business torts, deceptive and unfair trade practices, intellectual property, probate, guardianship and trust litigation, at both the trial and appellate court levels, as well as in arbitration. For example, Joseph successfully represented the plaintiffs in *Oded Meltzer, et al. v. NMS Capital Group LLC, et al.*, Case No. 1:17-cv-23068-UU (S.D. Fla.), where plaintiffs sought a declaratory judgment that plaintiffs were not bound to an arbitration agreement they entered into as representatives of their business entities, as well as an injunction enjoining defendants from joining the plaintiffs as parties to arbitration of a multi-million-

dollar dispute with those business entities. Joseph obtained a preliminary injunction on the papers without a hearing, which caused the defendants to stipulate to entry of a final judgment and permanent injunction. Further, Joseph authored the answer brief and litigated an appeal in *Yehezkel Nissenbaum, et al. v. AIM Recovery Services, Inc.*, Case No. 3D15-1000 (Fla. 3d DCA 2015), which resulted in the Third District Court of Appeal issuing a *per curiam* affirmance upholding a final judgment exceeding \$125,000.000. Similarly, in *Dantro LLP, et al. v. In rem Dantro Fund, et al.*, Case No. 12-ca-001643 (Fla. 20th Jud. Cir.), after obtaining a final summary judgment entitling plaintiff limited liability partnerships to recover \$90,000.00 from the Court Registry after it was stolen by their former managing partner, Joseph successfully sought an order entitling plaintiffs to recover their attorneys' fees and costs in maintaining the action against the former managing partner in his individual capacity as the real party in interest because he entered an appearance and sought to obtain the stolen funds for himself, purportedly on behalf of the dissolved partnerships. Joseph argued and won the motion before the trial court, then successfully defended the order on appeal to the Second District Court of Appeal. See *Edward Adkins v. Dantro LLP, et al.*, Case No. 2D16-4751 (Fla. 2d DCA 2017).

A life-long Florida native, Joseph attained a Bachelor's degree in Creative Writing from Florida State University (B.A., 2012) and a Juris Doctorate degree from the University of Miami School of Law (J.D., *magna cum laude*, 2015). While at the University of Miami, Joseph was a member of the Race and Social Justice Law Review, served as Dean's Fellow for the Contracts and Elements courses, earned the Dean's Certificate of Achievement in Evidence and Elements courses, received honors in litigation skills, and was on the Dean's List multiple times.

Joseph also gained invaluable experience as a judicial intern for the Honorable Magistrate Judge Jonathan Goodman in the United States District Court for the Southern District of Florida, where he researched and drafted bench memoranda and reports and recommendations, and learned a great deal about the inner workings of the federal court system through observing mediations and courtroom proceedings, and discussing litigation strategies with Judge Goodman and his clerks. While in law school, Joseph was also a certified legal intern for the Miami-Dade State Attorney's Office, Misdemeanor Domestic Violence Division, where he successfully argued motions and took live testimony on the record in open court, including Williams Rule motions, motions to revoke bond, motions to modify stay away orders and excited utterance motions, conducted victim and witness interviews, participated in arraignment, sounding and trial calendars, and assisted in *voir dire*.

Barbara Lewis. Barbara is an Associate Attorney at The Moskowitz Law Firm. Most of her practice has focused on representing consumers in multi-state class action litigation, complex commercial litigation and multidistrict litigation. She handles a broad range of disputes, including force-placed insurance litigation and complex nationwide litigation relating to health insurance, products liability, false advertising, fraudulent business practices, and other consumer issues. Her fluency in Spanish makes her a valued source to the firm's Hispanic and multicultural clients in South Florida. She has authored various publications including *Amending Rule 23: Modernizing Class Notice and Debunking Bad-Faith Objectors*, published by the Federal Litigation Section of the Federal Bar Association (SideBAR) in Spring 2017, and *Lawsuits Target Hidden Fees, Pass-Through Charges*, published by the Daily Business Review in July 2016.

Barbara also briefly worked at Clarke Silvergate, P.A. where her practice consisted of litigating employment law and general commercial matters. She defended employers against a variety of discrimination and wrongful termination lawsuits in federal and state court. She was instrumental in authoring and arguing various discovery motions against the plaintiff in a contentious sexual harassment dispute which led to a successful mediation. Barbara also represented insurance companies nationwide in a variety of breach of contract actions. In this capacity, she briefed and successfully obtained summary judgment in *Dwyer v. Globe Life and Accident Insurance Company*, Case No. 2:19-cv-14071 (S.D. Fla.), where the plaintiff demanded accidental death insurance benefits on behalf of an insured who had overdosed on illegal drugs. The court's opinion not only clarified existing Florida insurance law, but also created new Florida law on accidental death coverage.

Barbara was born in Cuba but has been a long time Miami resident. She obtained her Bachelor's degree with honors in Government from the University of Virginia in 2012, and her Juris Doctorate degree *cum laude* from the University of Miami School of Law in 2015. While at the University of Miami, Barbara earned the CALI Excellence for the Future Award and Dean's Certificate of Achievement, awarded to the highest scoring student in the class, in her Legal Communication and Research courses. She interned at the Investor Rights Clinic, where she represented under-served investors in securities arbitration claims against their brokers before the Financial Industry Regulatory Authority (FINRA). She was also a member of the school's International Moot Court Program and earned Second Place in the Moot Madrid competition, an international commercial arbitration competition that is conducted entirely in Spanish.





The Moskowitz Law Firm focuses only on large-scale class actions and complex commercial litigation, typically against parties represented by larger, premier law firms. Its attorneys have played a leading role in significant class actions and complex litigation across the country that have made a real difference in the world and on behalf of consumers across the country. With deep roots in the local Miami community, the attorneys at The Moskowitz Law Firm have been avid supporters of several non-profit and education related organizations for over two decades, earning the good will of colleagues, clients and neighbors. After teaching Class Action Litigation at the University of Miami for over 26 years, in 2016, Adam Moskowitz, along with his other co-counsel in the force placed cases, organized the University of Miami Class Action Conference, and annual event which included Class Action Panels with various federal judges, state attorney generals and numerous plaintiff and defense counsel and awards scholarships to students interested in class action litigation.

2019 'Family of the Year'

We Salute the Moskowitz Family, honored as the Committee of 100's 2019 'Family of the Year'

Each year, Temple Beth Am is proud to recognize an outstanding family of volunteers. Congratulations to the ***Moskowitz Family*** — **Jessica, Adam, Serafina, Michael** and **Samantha** — who were honored on March 10, 2019 as recipients of the ***Committee of 100's 2019 "Family of the Year" Award***, for their continued participation in our Temple community and their ongoing commitment to congregational leadership.



Jessica's TBAM journey began almost a decade ago in the Tot Shabbat and Mommy and Me programs, with the oldest of her three Temple Beth Am Day School students **Serafina**. She has been involved as a lay leader in the Temple Beth Am Day School for several years, including being a room parent, and for two years was Co-Chair of the Day School Annual Auction (2017 and 2018). Jessica is a member of the Day School Board, and is now Co-President of **PATIO** (Parent and Teacher Involvement Organization). She previously chaired the Grandparents & Special Friends Day Committee, served as Vice

President of the Elementary School on the PATIO Board and is currently enrolled in Temple Beth Am's *Atideynu* leadership training program.

Adam, founding partner of [The Moskowitz Law Firm](#), is in his 26th year on the faculty at the University of Miami School of Law teaching Class Action Litigation, and donates his salary back to the school for student scholarships. He helped establish the annual Class Action Forum at the UM School of Law. Last year, Adam helped organize a new group of parent volunteers to launch the inaugural Day School Chanukah Games on December 21, 2018 — [watch video](#). All 230 elementary school students participated in 12 physical and mental activities, and Opening and Closing Ceremonies. Adam is active in the Alexander Muss High School in Israel program, having been a student and then a *Madrich* (counselor). He is passionate about Israel and works tirelessly in behalf of AIPAC in Washington, DC. A member of the "Beyond the Curve" Capital Campaign Committee, he proudly coaches his daughter's 3rd grade Beth Am Basketball League team and is a frequent guest reader in his childrens' classrooms.

Serafina (*pictured at right*) is a third grader at Temple Beth Am Day School where she began her studies in Early Childhood in Junior Pre-Nursery. She enjoys art, tennis, Beth Am Basketball League, spending time with her friends and setting out on her own path in life.

Michael, a first grader at Temple Beth Am Day School who also began here in the Early Childhood, also loves playing tennis at Coral Oaks, basketball and spending time with friends and family in Miami and North Carolina.

In Fall 2019, **Samantha**, a Pre-K student, will find her way across the quad to Kindergarten. Eager to learn to read and write, her spunky personality comes shining through, especially during After School U's Hip Hop.



(Family Photo by Anastasia Murphy — [Stasia Shoots](#))

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National Class Action Litigator Opens Up About Stress, Quitting Drinking

by Celia Ampel

Adam Moskowitz realized a few years ago that he needed to make a change.

One of the top federal class action lawyers in the country, Moskowitz has led enormous cases including force-placed insurance litigation that recovered more than \$5 billion for homeowners who alleged their mortgage servicers took kickbacks from insurers.

But with huge victories came a lot of stress — and he wasn't handling it well.

"As the cases became more stressful and they became larger and I was traveling a lot more, I found myself getting more unhealthy," said Moskowitz, who was leading the class action practice at Kozyak Tropin & Throckmorton in Coral Gables. "A lot of the lifestyles of lawyers involve drinking and involve celebration. When you win a big case, you open champagne."

Drinking became his go-to method for relieving stress, and while it wasn't affecting his work, he felt he was on a "path to destruction." Moskowitz realized something had to give.

"Having a beautiful wife and having three kids made me really analyze my situation," he said. "I looked around and there were terrible things happening to people. People were committing suicide that I knew."

A lot of lawyers deal with mental health issues but don't feel they can talk about them, he said. The issue has become a focus of the Florida Bar, particularly after the suicide of powerhouse litigator Ervin Gonzalez last year.

"You're fighting people so often that they're looking for any weakness in you, and you don't want to admit, maybe, that you have a problem," Moskowitz said. "Or you don't want to seek help from those people that you're probably around the most because of this competition and how vicious our industry can be."

Moskowitz quit drinking and got back to old habits of running races and practicing yoga. The resulting mental clarity gave the 50-year-old the resolve to strike out on his own, leaving the firm he'd joined as a second-year associate in 1993. He still has working and personal relationships with his old partners at Kozyak Tropin, but that firm wasn't his dream.

"I want my own future," he said. "I want to create my own legacy and have my own traditions and really focus in on class actions."

Two months after founding the Moskowitz Law Firm with partner



J. ALBERT DIAZ

Coral Gables litigator Adam Moskowitz said he wants to help stoke honest conversations about stress and mental health in the legal profession.

Howard Bushman, Moskowitz leads a firm with four attorneys, several support staff and an office in downtown Coral Gables. He admits he's scared, but mentors such as legendary Miami attorney Aaron Podhurst told him they were scared, too — and it all worked out.

Moskowitz knows about perseverance, starting with his upbringing after his father left.

"My mom was amazing," he said. "With nothing, she moved to Miami with my sister and I, and she worked five jobs. Five jobs. She was a nurse. She was a receptionist. She was a hostess. She did summer jobs — she worked at my summer camp as the nurse so we could go for free."

Moskowitz said his mother also begged a private school to let him attend on a scholarship. From there he went to college, studied abroad in London and worked in Israel, all thanks to her.

BENLATE CASES

When he graduated from the University of Miami School of Law, he joined a five-attorney firm that sent him during his second week to speak with a grower whose claimed his plants were dying because of the DuPont Co. fungicide Benlate. The firm took about 70 similar cases,

"They said, 'Adam, you go handle them.' " Moskowitz said. "You go travel around the state of Florida to Apopka, to Dade City, to Plant City, to Tallahassee." I was a first-year associate. I knew nothing. I was getting killed. ... I was learning trial by fire."

But he broke the cases open during a trip to Costa Rica when he learned about Benlate studies done there that produced "horrible" results. In sworn interrogatories, DuPont said it had not done any testing in Costa Rica. Moskowitz's firm made a long-shot move and asked the judge to strike the pleadings and find against DuPont on liability — and she did.

The resulting settlements led to infighting over money and ethical issues among the partners, and the firm broke up. Moskowitz decided to take his cases with him to Kozyak Tropin. As a second-year associate, he negotiated a contract that would give him a percentage of the fees. Soon afterward, he did the openings and closings for a trial that led to a \$130 million jury verdict against DuPont.

Forced-place insurance has been much of Moskowitz's focus for the past decade. He's also known for representing victims of Scott Rothstein's \$1.2 billion Ponzi scheme and serving as lead counsel in a currency-conversion class action against American Express

and securities litigation against Lancer Partners, among other cases.

At his new firm, he's leading class action litigation alleging life insurance companies are charging illegal rates to people near the end of their lives.

TAKE CARE

His career isn't slowing down. But Moskowitz now understands the importance of taking care of himself. He's thrilled about organizing the kids' field day at his synagogue, quipping that these days, he'd rather make the Temple Beth Am Commentator than the front page of the Wall Street Journal.

Moskowitz hopes he can inspire even one attorney struggling with drinking or stress to do something about it.

"The tragedies are these people who commit suicide and they leave their children orphans," he said, beginning to choke up. "We had somebody in our school who died — her son is in our son's class. I can only imagine if my son grew up without a father. Maybe if that lawyer or that person says, 'Yeah, things are rough, but you know, Adam went through it, and he's a tougher person as a result of dealing with it. Maybe I'll go see somebody. Maybe I'll go talk to somebody.' "

Celia Ampel covers South Florida litigation. Contact her at campel@alm.com or on Twitter at @CeliaAmpel.

ADAM MOSKOWITZ

Born: 1967, New York City

Spouse: Jessica Moskowitz

Children: Serafina, Michael, Samantha

Education: University of Miami, J.D., 1993; Syracuse University, B.A., 1989

Experience: Founding and managing partner, The Moskowitz Law Firm, 2018-present; Partner, associate and class action chairman, Kozyak Tropin & Throckmorton, 1993-2018; Associate, Friedman, Rodriguez, Ferraro & St. Louis, 1993

EXHIBIT 6

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY**

**COMPLEX BUSINESS
LITIGATION DIVISION**

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

CLASS REPRESENTATION

CASE NO. 2021-015089-CA-01

DECLARATION OF JAVIER A. LOPEZ

I, Javier A. Lopez, do hereby declare and state as follows:

1. I am a partner and co-chair of complex and commercial litigation at the law firm of Kozyak Tropin & Throckmorton LLP (“KTT”) and have been licensed to practice law in the State of Florida since 2005.

2. I have been counsel of record in this action since its inception. On July 16, 2021, I was appointed to serve as Plaintiffs’ Economic Loss and Property Damages Track Co-Lead Counsel to act on behalf of the Plaintiffs and the proposed class members in the action.

Background of Counsel

3. I attended Harvard University and received a Bachelor’s Degree, *cum laude*, in Sociological Anthropology with a Citation in Romance Languages in 2002. I later attended the George Washington University School of Law. Following graduation, I became a lawyer at Steel Hector & Davis/Squire Sanders and Dempsey, L.L.P. I later joined KTT.

4. I have been a member of the Cuban American Bar Association since 2005. In 2009, I was elected to the Cuban American Bar Association’s Board of Directors and served as its President in 2017. I also serve as a member of The Florida Bar Judicial Nominating Procedures Committee. From 2010-2021, I was named a “Rising Legal Star” by Florida Super Lawyer’s Magazine, a “rising Star” by the *Daily Business Review*, and a “Top 40 Under 40” by the Cystic Fibrosis Foundation. In 2021 and 2022, I was ranked by Chambers USA in the Florida General

Commercial Litigation category. I was a legal intern for Alberto Gonzalez in the White House Counsel's Office under President George W. Bush.

5. KTT first became involved in this action when my partner Harley S. Tropin and I were contacted by Coral Gables attorney Brad Sohn in the days following the collapse of the Champlain Towers South ("CTS") condominium on June 24, 2021. Mr. Sohn filed the first complaint in this Court following the tragedy. *See Drezner v. Champlain Towers S. Condo. Ass'n, Inc.*, No. 2021-015089-CA-01 (Fla. 11th Cir. Ct. June 24, 2021). Mr. Sohn, who is a solo practitioner, realized that the case would require the resources of a larger firm like KTT.

6. I agreed to head up KTT's effort along with Mr. Tropin, who would later be appointed by the Court to serve as Plaintiffs' Co-Chair Lead Counsel. Later additions to the KTT team included partners Jorge L. Piedra and Tal J. Lifshitz, associates Eric S. Kay and Rasheed K. Nader, law clerk Alexa I. Garcia, and numerous paralegals and legal assistants.

7. During my time as Plaintiffs' Property Loss and Economic Damages Track Co-Lead Counsel, I focused primarily on the following areas: the interviewing and hiring of experts; efforts to mediate the allocation settlement agreement between the CTS unit owners and personal injury and wrongful death claimants; and the negotiation and litigation of evidentiary protocols with the Receiver, defense counsel, and others.

Discovery and Experts

8. Not long after this Court appointed its Plaintiffs' leadership structure, I was tasked by Co-Chair Lead Counsel with leading the efforts of the Expert and Investigation Committees.

9. Our first task was to quickly identify, vet, and interview world-class experts across various fields, including structural engineering, geotechnical engineering, hydrology, and metallurgy, who dedicated extensive time and resources to investigating the cause of this catastrophic collapse. This work was essential to achieving the record-breaking result obtained in this case. Initially, our investigative efforts were delayed while awaiting the National Institution of Standards and Technology to complete its own work on the site of the CTS Collapse. Even once

site access was granted and protocols agreed upon, we still struggled to gain access to the offsite warehouse where debris and materials from the collapse had been moved.

10. At the same time, Class Counsel spent dozens of hours negotiating several protocols with the Receiver, defendants, relevant governmental entities, and other interested parties. I was in constant contact with the Receiver on this matter. I also traveled to the CTS collapse site several times to meet with our experts and discuss a testing plan.

11. Eventually, we achieved a stipulated protocol for inspection, documentation, and storage of components, remnants, and debris of the CTS collapse, which was adopted by the Court in an order dated September 1, 2021. The essential purpose of the protocol was to facilitate the ability of the Receiver to make available to all parties, potential parties, and relevant governmental entities access the on-site remnants of the CTS collapse site over which the Receiver may have had control.

12. In addition, a joint testing protocol to govern invasive testing on the CTS collapse site, which was the product of lengthy negotiations and was submitted to, and adopted by, the Court on January 21, 2022, after several hearings on the issue. One such hearing, held on December 22, 2021, was a day-long evidentiary hearing where the parties presented evidence in support of their respective proposed testing protocols. Together with Jeffrey Goodman, I handled the Plaintiffs' presentation at that hearing. And afterwards, also with Mr. Goodman, I led the Plaintiffs' efforts to reach a compromise on the joint testing protocol.

Allocation Settlement Agreement

13. I also played a substantial role in mediating the allocation dispute between the unit owners and the personal injury and wrongful death claimants. When the Court directed that the allocation dispute be sent to mediation with Bruce Greer, I was appointed by the Court to represent the unit owners and economic loss claimants, together with Adam Moskowitz, Gonzalo Dorta, and MaryBeth LippSmith. Working with Mr. Dorta and Howard Bushman of the Moskowitz Law Firm, we spent days meeting and discussing strategy and our approach to these negotiations.

14. In addition to our efforts on behalf of the class, KTT also represented the owners of more than 30 units. Our attorneys and staff were in constant communication with these unit owners, responding to inquiries and keeping our clients up to date on the case as developments arose. This included not only communicating with individual unit owners, but also many emails to unit owners (individually and as a group) to help facilitate participation in the termination lawsuit and explain the difficult issues surrounding the allocation dispute with the wrongful death claimants. And consistent with the Court's admonition that all attorneys appointed to Plaintiffs' leadership owed a duty to all putative class members, we also spoke to and consulted with unit owners who were not represented by any counsel.

15. Our separate representation of unit owners presented its own challenges. The allocation settlement agreement was especially difficult for many unit owners, who felt strongly that they should recover a greater share of the CTS Association's assets upon termination of the condominium. The allocation issue also required us to confront numerous issues involving unit owners. To name a few, we had to deal with issues between unit owners who lost units but did not have personal injury or wrongful death claims; between unit owners who lost units and also had tenants with claims for economic loss, personal injury, and/or wrongful death; and between unit owners who lived full-time at CTS and those whose units were second homes or investment properties.

16. As the allocation dispute progressed, we worked to be as transparent as possible with all unit owners. We included unit owners in the mediation with Mr. Greer, we provided constant updates to unit owners (through individual and group correspondence), and we answered countless inquiries from unit owners concerned with the ultimate resolution of the allocation agreement. I personally fielded hundreds of calls with concerned unit owners to address their concerns on an individual and group level. Further, after the Court preliminarily approved the allocation settlement, we made sure that unit owners were aware of their rights under the agreement, including their right to object, as well as the benefits of the allocation settlement.

Concluding Thoughts

17. As with many Miami natives, the collapse of the Champlain Towers South hit close to home. When the building collapsed, it was impossible not to know someone who passed away, was the family member or friend of someone who passed, or who lost their home. And as my and KTT's involvement in the case continued, we got to know more victims who suffered losses as the result of this unprecedented tragedy. Service to others—be they family, friends, colleagues, or clients—is a guiding light in my life. To be able to serve the victims of the CTS collapse—and to bring them some measure of justice—has been one of the greatest honors of my career as an attorney.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of June, 2022, at Miami, Florida.

/s/ Javier A. Lopez

Javier A. Lopez

EXHIBIT 7

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF STUART Z. GROSSMAN FILED ON BEHALF OF THE FIRM OF
GROSSMAN ROTH YAFFA COHEN, P.A. IN SUPPORT OF MOTION FOR
APPROVAL OF PAYMENT OF ATTORNEYS' FEES
AND LITIGATION EXPENSES**

I, Stuart Z. Grossman, do hereby declare and state as follows:

1. I'm the cofounder of the firm of Grossman Roth Yaffa Cohen, P.A. ("GRYC") and have been practicing law for approximately fifty (50) years. Over my career, I have been recognized by many organizations, including the International Academy of Trial Lawyers, as one of America's pre-eminent trial lawyers, concentrating in personal injury litigation, wrongful death, products liability, medical malpractice, aviation and more. I have dedicated my life to seeking out injustices and making the world a safer place. (Attached is an abbreviated curriculum vitae, which details the above).

2. I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-titled action.

3. This declaration outlines my own work as Court appointed Plaintiffs' Liaison Counsel on this case, tracking Florida's guidelines considered in determining the reasonable value of services provided. Notably, Ms. Rachel W. Furst of GRYC was also appointed to serve as Plaintiffs' Co-Chair Lead Counsel and will submit her own affidavit detailing her invaluable contributions.

4. While this declaration focuses on the contributions of myself and my firm, I would like to acknowledge the incredible teamwork exercised throughout this case. From the outset, Plaintiffs' Leadership and Steering Committee combined their resources and agreed to do everything within our power to seek justice on behalf of the victims of this unspeakable tragedy. Without our collective efforts, the astonishing results would not have been achieved.

5. Since the inception of this case, CTS has been the primary focus of my law practice. I was counsel of record in this action since its inception and not a day has passed that I have not devoted significant time to this case, including weekends and holidays. I ensured that I was available to meet any demand this tragedy required. I attended every hearing and worked tirelessly to push this case forward expeditiously and maximize the recovery for these victims. The time and labor required in bringing this highly complex and sensitive matter to resolution cannot be understated. While my recorded hours have been submitted, the actual amount of time I spent working on CTS is incalculable because, like Your Honor, I was on call twenty-four hours a day, seven days a week, for the past year.

6. On July 16, 2021, I was appointed to serve on leadership, in the capacity known as Wrongful Death Damages Liaison Counsel, to act on behalf of the Plaintiffs and the proposed class members. In addition to this Court appointed position, my colleagues appointed me to serve on the Plaintiffs' Expert Selection and Retention Committee. Immediately after leadership was appointed, I took a leading role in finding and contacting world renown engineers for the Committee to interview. I played an integral role in vetting and selecting the experts that were ultimately retained to investigate and opine on the collapse. Securing the best experts in the industry early on in a case of this magnitude was absolutely critical to the investigation and putting pressure on the Defendants throughout the progression of this case.

7. While I did serve in my appointed capacity as Plaintiffs' Liaison Counsel, my role in litigating this horrific tragedy extended well beyond the typical duties associated with that position. Throughout the litigation, my services were consistently requested to solve highly contested issues presented in different contexts and on multiple fronts. I successfully navigated

these difficult, sensitive, and complex situations, ensuring that the case continued on its expeditious progression that got us here today. In addition to navigating and resolving these issues, I personally presented the catastrophic damages of the wrongful death victims in the most critical of mediations. I undertook the task of preparing powerful damage presentations, which detailed the magnitude of the exposure faced by the mediating Defendants. These efforts are directly tied to the results achieved on behalf of the victims.

8. To date, the value of this case has been proven to be over one billion dollars (\$1,000,000,000.00). The responsibility involved in the representation was enormous, and the results obtained speak for themselves.

9. Further, the Court is well aware of the time limitations imposed by the circumstances. The fact that these results were achieved within one year of the incident is beyond belief. The efficiency of the Plaintiffs' Bar in our locality has proven to be second to none.

10. The chart below represents the mediations where I argued the catastrophic damages and/or settled the cases. With respect to the mediation with Stantec Inc., the Court may recall the role I played in salvaging the mediator's opportunity for settlement by reasoning with the defense after previous attempts had fallen through. Nevertheless, I played a critical role in securing approximately ninety-seven percent (97%) of the gross amount recovered to date.

<u>Defendant</u>	<u>Settlement Amount</u>
Becker & Poliakoff, P.A.	\$31,000,000
DeSimone Consulting Engineers, LLC	\$8,550,000
Morabito Consultants, Inc.	\$16,000,000
Stantec Inc.	\$25,000,000
Terra Group, LLC Terra World Investments, LLC John Moriarty & Associates of Florida, Inc. 8701 Collins Development, LLC	\$269,000,000

City of Surfside	\$2,000,000
Securitas Security Services, USA, Inc.	\$517,500,000.00
TOTAL	\$869,050,000

11. In addition to the mediations listed in the above chart, I also took a leading role at the allocation mediation concerning the dispute among wrongful death and property owner claimants. Without getting into details, there were numerous occasions where I was called upon to resolve many “dust-ups” between both plaintiffs’ and defense counsel, which threatened the overall litigation. The countless hours I devoted to persuading my colleagues to stay the course was critical in reaching this resolution and those that followed.

12. Considering the magnitude of the damages, the number of affected parties, and the complexity of both the legal and emotional issues involved, there was zero margin for error. Given the results obtained within the limited time frame, I believe that I displayed and provided the skills requisite to properly perform the legal services associated with this case.

13. Helping lead this matter to resolution also required all of my experience, expertise, reputation, diligence, and abilities. I believe the veracity of this statement is directly reflected in the services I provided throughout the course of the litigation. However, I leave the Court to evaluate this criteria.

14. If assistance is needed, I urge the Court to consult with Michael Goldberg and Bruce Greer, who both observed first-hand all of the lawyers’ performances. Given their personal knowledge and intimate involvement, they have the ability to assist the Court objectively and effectively in its evaluation of this factor.

15. Throughout the case, our firm was retained by several clients to whom our attorneys we provided constant counsel. Rachel Furst, Andrew Yaffa, Alex Arteaga-Gomez, William P. Mulligan, and Ryan Yaffa handled these client-specific services, counseling on their concerns, advising on their damages, and providing frequent updates. Notwithstanding my obligations to the

class, I also spent significant time and was intimately involved in counseling each of our class-member clients and even unrepresented class members as necessary.

16. While the professional relationship with these clients will have lasted for only less than one-year, the relationship has been as deeply personal and meaningful as possible. Notwithstanding the relationship's conclusion, I will be there indefinitely to support and serve all class members as they attempt to move forward following this unspeakable tragedy.

17. With my final remarks, I would like to express my gratitude to the Court for its effective management and oversight of this case. The Court appropriately responded to this tragedy, set concrete deadlines that it held the Parties to, adjudicated complex legal issues, ordered early mediations, and otherwise ensured the expeditious progression of this case. I consider it one of my greatest honors to have represented these victims in this Court before Your Honor.

18. From the inception, my firm and I volunteered to prosecute this case on a pro bono basis. We proceeded with this mindset, committed our time and resources, consistently reminded co-counsel of our pledge, and never expected to receive any fee at all. I know the Court will exercise its discretion and order what is most appropriate for all involved. Nonetheless, my firm and I appreciate the Court's time and consideration.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this ____ of June 2022, at Miami, Florida

/s/ Stuart Z. Grossman

Stuart Z. Grossman

EXHIBIT 8

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF ATTORNEY CURTIS MINER FILED ON BEHALF OF
COLSON HICKS EIDSON, P.A. IN SUPPORT OF MOTION FOR APPROVAL
OF PAYMENT OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Curtis Miner, do hereby declare and state as follows:

1. I am a Partner at the law firm of Colson Hicks Eidson, P.A. ("Colson"). I submit this Declaration in support of my firm's application for an award of attorneys' fees in connection with the services we rendered in the above-entitled lawsuit.

2. On July 16, 2021, I was appointed by the Court to serve as Wrongful Death Charitable Liaison Counsel to act on behalf of wrongful death and personal injury Plaintiffs and the proposed class members in those categories in the lawsuit. The purpose of this Declaration is to briefly describe the role that Colson has played in prosecuting this lawsuit and related matters which benefitted the Plaintiffs and the Class Members.

3. At the most general level, I was fortunate from the inception of the litigation to be included by the Co-Lead Counsel in their weekly "Chair Calls" to participate in strategizing and decision-making at many of the significant stages and on many of the important developments in this case, beginning with the identification

of targets and potential claims, to addressing the allocation issues between the property damage and wrongful death classes, to mediation and settlement strategy with the defendants, and continuing through the present on the development and execution of the claims process.

4. As for the more specific tasks I focused on, they have included work with the Defendant Investigation and Discovery Committee, which focused on the identification of targets and the discovery efforts against them. I particularly focused on discovery against relevant governmental entities (Town of Surfside, City of Miami Beach). In the early stages of the litigation, I managed efforts to negotiate with defense counsel and put together various joint filings required by the Court, including the proposals for pre-trial deadlines. In the mediation discussions that ultimately resulted in the allocation settlement agreement, I played a role in protecting the interests of the wrongful death class. More recently, I have been particularly involved in preparing for the implementation of a claims process and the development of claims forms. In between those tasks, I participated in innumerable e-mail chains, phone calls and Zoom meetings to provide input or assist with issues small and large, including everything from challenges to particular privilege log entries to judgment calls on strategic issues.

5. The most significant amount of my time, though, was spent representing and advising the family members of individual wrongful death victims. In addition to my responsibilities to the class of wrongful death victims as a whole, Colson was privileged to represent 11 of the wrongful death victims and 2 (of the 3) residents who

were miraculously rescued from the rubble, albeit with serious injuries. Consistent with the Court's proposal to counsel at the start of this litigation and consistent with my Court-appointed position (Wrongful Death Charitable Liaison Counsel), we did so without charge to the clients from the inception. *See* July 7, 2021 Hearing Transcript at p. 28 ("The law firm of Colson Hicks Eidson is 100 percent behind and supports your proposal. We have already advised our individual clients that we will waive any attorney fees.").

6. My work for these families and individuals has involved all of the types of work that would be expected in the representation of a client, ranging from frequent e-mails, calls and meetings (virtual and in person) to explain every step of this litigation and answer questions, to assisting with everything from insurance claims to probate counsel issues to medical liens, to preparing to make damages presentations to the Court in the claims process. I did not record the time spent for much of this work, but consider myself fortunate to have had the opportunity to help these victims and look forward to continuing my work for them through the claims process.

7. In addition to the work above, my firm will continue to participate in this litigation until its conclusion on behalf of the Class. As mentioned, I have been closely involved in the work to date related to the claims process, and have recently been serving as a point of contact for victims with questions on the claim forms. Colson has devoted and will continue to devote considerable time and resources to

representing wrongful death and personal injury victims throughout the claims process.

8. The information in this declaration regarding my firm's time is documented and reflected in time records and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the Partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this Declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee or directly related to assisting wrongful death victims in this matter. As a result of this review and any adjustments made, I believe that the time reflected in Colson's lodestar calculation for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation.

9. The number of hours spent on this litigation by Colson is 652. A breakdown of the lodestar is provided in **Exhibit A**. The total lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is **\$376,602**. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional.

10. Colson is not seeking reimbursement of any expenses in connection with the prosecution of this litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this ____ of June, 2022 at Miami, Florida.

/s/

CURTIS B. MINER

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: **COLSON HICKS EIDSON, P.A.**

REPORTING PERIOD: **Inception through May, 2022**

Name (Status)	Total Hours	Hourly Rate	Total Lodestar
Curtis Miner (Partner)	335.30	\$900.00	\$301,770.00
Sabrina Saieh (Associate)	31.90	\$450.00	\$14,355.00
Michelle Roberto (Paralegal)	139.90	\$225.00	\$31,477.50
Phillip Eidson (Research Asst)	136.00	\$200.00	\$27,200.00
Claudia Velazquez (Paralegal)	9.00	\$200.00	\$1,800.00
TOTALS	652.10		\$376,602.50

EXHIBIT 9

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF GONZALO R. DORTA FILED ON BEHALF OF THE LAW FIRM
OF DORTA LAW IN SUPPORT OF MOTION FOR APPROVAL OF PAYMENT OF
ATTORNEYS' FEES**

I, GONZALO R. DORTA, do hereby declare and state as follows:

1. I am the founder and owner of the law firm of Dorta Law ("Dorta Law"). I submit this declaration in support of my firm's application for an award of attorneys' fees in connection with the services we rendered in the above-entitled action.

2. As Court appointed counsel for all Economic Loss Victims in the Allocation Mediation and Plaintiffs' Steering Committee, undersigned counsel contributed to this litigation by successfully mediating an allocation resolution with the Wrongful Death Victims that this Court approved on March 6, 2022. Thereafter, the undersigned moved to increase the settlement allocation to the appraised amount. This request was granted by this Honorable Court on May 24, 2022.

3. As part of my role in this litigation, I performed many integral tasks which benefitted the Plaintiff and the Class. I negotiated and reached a resolution with the Wrongful Death Victims on the allocation dispute that I believe facilitated the expeditious resolution of the remaining claims and saved substantial resources, fees and costs associated with protracted litigation had a compromise not been reached between the two class claimants. How beneficial was the Declarant's work is left to this Honorable Court's assessment.

4. The information in this declaration regarding my time and that of my firm is documented and reflected in time printouts and supporting documentation prepared and

maintained by my Firm in the ordinary course of our business. I am the partner who oversaw the day-to-day activities in this litigation. I have reviewed the printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this Declaration. The purpose of this review was to confirm to the best of my ability the accuracy of the entries as well as the necessity for, and reasonableness of, the time committed to this litigation, including the elimination of time that I considered duplicative of other work or matters not necessarily directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in Dorta Law's lodestar calculation for which payment is sought as set forth in this Declaration is reasonable in amount and was necessary for the effective and efficient prosecution and resolution of the litigation.

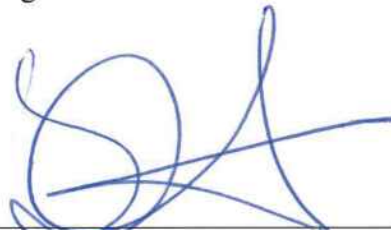
5. The number of reduced hours spent on this litigation by my firm is 198.3 hours. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney time based on the firm's current rates is \$158,640.00. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney. The undersigned did not charge for paralegal and/or paraprofessional time. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the Firm.

6. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6 of June, 2022 at Miami, Florida.

/s/



Gonzalo R. Dorta

Date	Timekeeper (Lastname, firstinitial)	Professional Status	Hours	Hourly Rate (\$/hr)	Amount (\$)	Memo/Description
7/16/21	Dorta, Gonzalo	Attorney	1.5	\$ 800.00	1200	Attend Status Conference
7/16/21	Dorta, Gonzalo	Attorney	0.8	\$ 800.00	640	Review email from Alexis Fernandez in preparation for Meeting
7/20/21	Dorta, Gonzalo	Attorney	1.8	\$ 800.00	1440	Zoom meeting with Attorneys
7/21/21	Dorta, Gonzalo	Attorney	1	\$ 800.00	800	Attend NOSSH -Status Conference
7/23/21	Dorta, Gonzalo	Attorney	1	\$ 800.00	800	Attend Plaintiffs Fact Sheet Zoom Meeting
7/26/21	Dorta, Gonzalo	Attorney	1.2	\$ 800.00	960	Review email from Adam Moskowitz and Draft Complaint
7/26/21	Dorta, Gonzalo	Attorney	2.1	\$ 800.00	1680	Review email from Jeffrey Goodman with Final Engineering Report in preparation for meeting
7/27/21	Dorta, Gonzalo	Attorney	1.5	\$ 800.00	1200	Attend Discovery Committee Meeting
Total			10.9		\$ 8,720.00	

Status:

Partner (P)

Of Counsel (OC)

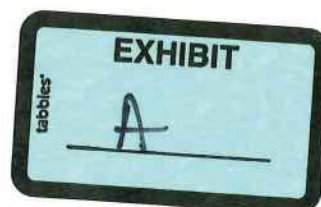
Associate (A)

Staff Attorney (STA)

Investigator (I)

Law Clerk (LC)

Paralegal (PL)



GONZALO R. DORTA, ESQ.

Dorta Law

334 Minorca Avenue

Miami, Florida 33134

Telephone: 305-441-2299

Telecopier: 305-441-8849

Education

Georgetown University College of Law
Juris Doctor 1986

Washington, D.C.

University of Miami
Bachelor's of Arts with Honors 1983

Miami, Florida

Current Professional Employment

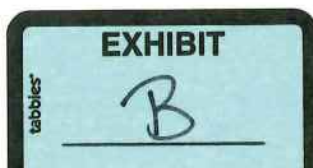
Full-service trial practice, complex commercial litigation; tort litigation; and appellate representation at State, Federal and U.S. Supreme Court level. "AV" Rated by Martindale-Hubbell

Government Appointments

Governor Jeb Bush Appointment to the Judicial Nominating Commission for the Eleventh Judicial Circuit, Miami-Dade County, Florida (1998–2010); Senatorial and Presidential selection to the Florida Federal Judicial Nominating Commission, Southern District (April 3, 2011–2010); Former Chair of the Eleventh Judicial Circuit and County Judicial Nominating Commission (2003–2004); Appointment to the Transition Team of Commissioner of the Florida Department of Education (November, 2000–The Honorable Commissioner Charlie Crist); Board of Governors of the Florida Residential Property and Casualty Joint Underwriting Association (January, 2001–The Honorable Tom Gallagher, Insurance Commissioner of the State of Florida), National Conference of Commissioners of Uniform State Laws (June, 2006–2007); and Court Appointed Member of the Eleventh Circuit Court Complex Business Court.

Professional Memberships

Committee Member of Florida Bar Professional Ethics Committee (1993–1995); Vice Chair-Florida Bar Grievance Committee; Florida Bar; American Trial Lawyers Association; The Academy of Florida Trial Lawyers; Cuban-American Bar Association; American Bar Association; Florida Bar Health Law Section; Florida Supreme Court Appointment to The Symposium of Professionalism; Board of Trustees of Florida International University College of Law and Dean's Advisory Council; and Committee Member of Florida Bar Judicial Independence Committee.



Publication(s)	<i>"The Public Interest Standard in Federal and Florida Wetlands Permitting,"</i> Environmental Regulation of the Coastal Zone, with Clifford A. Schulman, Esq. (Florida Bar Publication).
Associations	Partido Nacional Cubano (First Vice-President; Board of Directors); Puente de Jóvenes Profesionales Cubanos; Dade County Bar Association and Eleventh Judicial Circuit "Put Something Back" Pro Bono Project.
Bar Memberships	Florida Bar; U.S. District Court for the Southern District of Florida; U.S. Tax Court; United State Supreme Court; U.S. District Court for the Middle District of Florida; U.S. District Court for the District of Puerto Rico.
Awards & Honors	<i>South Florida Legal Guide</i> , nominated one of South Florida's "Top Lawyers", in 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.
Languages	Fluent/Proficient: <i>English/Spanish</i>
Personal Information	Born October 8, 1961 in Pinar del Rio, Cuba. Resident of Florida for over 30 years. Family business interests in Florida for over 20 years.
References	Available upon request.

EXHIBIT 10

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF WILLIE E. GARY FILED ON BEHALF OF THE GARY,
WILLIAMS, PARENTI, WATSON & GARY and THE PORTER LAW FIRM IN
SUPPORT OF MOTION FOR APPROVAL OF PAYMENT OF ATTORNEYS' FEES
AND LITIGATION EXPENSES**

I, WILLIE E. GARY, do hereby declare and state as follows:

1. I am the Senior Partner of the GARY, WILLIAMS, PARENTI, WATSON & GARY Law Firm ("GARY"). I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. As a Court appointed member of the Leadership Team, Plaintiff Steering Committee Member, Defendant Investigation and Discovery Team, as well as being assigned to the Wrongful Death Sub-Class Committee and representing claimants at the Allocation Mediation held on February 4, 2022. My team, including, Lorenzo Williams, Esq. and Sekou Gary, Esq. and Diane Kwant of the GARY, WILLIAMS, PARENTI, WATSON and GARY Law Firm and Marwan Porter, Esq., Camille Miller, Esq. and Jim Oster, J.D (Senior paralegal) of The PORTER FIRM contributed significantly to this litigation and the ultimate outcome for those affected by June 24, 2021 Champlain Towers South collapse. The Gary Firm and the Porter Firm represent eight plaintiffs in this matter. All of our clients were non-owner tenants at CTS at the time of the collapse. The unique interests of non-owner tenant fatalities became the focus of our representation in this matter. From the inception of the litigation, our team among others expressed concerns that the interests of non-owner fatalities would need to be addressed by counsel who had no conflict

and did not represent parties with competing interests. Ultimately the Court appointed separate counsel to represent the interests of the Economic Class and the Wrongful Death Class.

Marwan E. Porter of my Team was retained by the Estate of Oresme Gil Guerra on June 30, 2021 as our first client in this matter. My legal team immediately began to conduct its investigation into the collapse. On July 16, 2021, my Firm was appointed to serve as members of the Plaintiff's Steering Committee as well as the Leadership Committee. My team was also assigned to the Defendant Investigation and Discovery Team, further as discussed above, the Court appointed my team to the Wrongful Death Sub-Class along with Judd Rosen to represent wrongful death clients in the Allocation Mediation conducted by Bruce Greer. Investigation by Marwan E. Porter of our Team into the defendants resulted in our obtaining intelligence relating to Becker and Poliakoff. We learned that they had recommended that CTS turn down a free structural survey by engineering firm HRT to discover the condition of Champlain Towers South before the collapse because they were afraid it would "open a can of worms". This information was relayed to Adam Moskowitz, who conducted the deposition of Becker and Poliakoff and resulted in a \$25 million dollar settlement.

3. As part of its role in this litigation, our team performed many integral tasks which benefitted the Plaintiff and the Class. Among many other tasks, my team at my direction were instrumental in guiding the Plaintiffs in several critical areas at important times as this matter progressed. From the initial hearing before the Court, it became apparent to my team that there would be an inherent conflict of interest between those clients that owned units at CTS and those who had wrongful death claims as their interests were conflicted. That issue was important because, as the research performed by my team indicated, the statutes and case law provided that the owners could be assessed up to the value of their units for the excess liability that they might have toward wrongful death claimants. Our team insisted that the unit owners and wrongful death claimants had competing interests and the Court ultimately came to the same conclusion and ordered that the firms participating in the mediation be free of those conflicts. These issues played

out in the assignment of teams for the allocation mediation and our team was assigned to the Wrongful Death Sub-Class.

Many hours of discussion went into the preparation for the mediation. We had several conference calls with Judd Rosen and other members of the Wrongful Death Sub-committee. Our team offered many suggestions and recommendations to Mr. Rosen, which were ultimately utilized during the Mediation negotiations and subsequently shared with the Court. Our team stressed the fact that the unit owners could be assessed (and get nothing) and needed to obtain funds for relocation sooner than those who had the wrongful death claims. That presented an advantage that resulted in agreeing to pay the unit owners at that time out of funds on hand and from the sale as opposed to waiting for the results of all claims to be paid. This strategy implemented by our Wrongful Death Sub-Class Team resulted in an extremely favorable outcome for wrongful death plaintiffs. Furthermore, our team represented some of the clients who lost all of their personal property and sought to have those claims paid out of the proceeds allocated to the unit owners we were zealous advocates on behalf of tenants who also had their lives turned upside down by losing their homes and all of their personal belongings. The Court heard our plea, among others and made it clear that those claims will be addressed out of the funds recovered later in the litigation. Our advocacy on behalf of tenants prompted the \$50,000 property distribution for tenants.

We supported the strategy of merely sending demand letters to the potential defendants to put them into the dilemma of responding by paying policy limits or facing potential bad faith claims with immense exposure. Like many other personal injury claims, we regularly use the strategy when faced with claims that may exceed policy limits.

4. In addition to the work above, my firm will continue to participate in this litigation until its conclusion on behalf of the Class.

5. The information in this declaration regarding my Team's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my Team in the ordinary course of business. Marwan E. Porter oversaw the day-to-day activities in the litigation and we have reviewed these printouts (and backup

documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected our lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

6. The number of hours spent on this litigation by our team is 341.2. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the Team's current rates is \$303,745.00. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the Team for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the Team.

7. Our Team's expenses and charges in connection with the prosecution of this litigation total \$564.13. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

8. The following additional information further explains certain of these expenses :

(a) Transportation, Meals: \$564.13. In connection with the prosecution of this litigation, the Team has paid for travel expenses to attend, among other things, court hearings, to meet with mediators and opposing counsel. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

9. The foregoing expenses pertaining to this litigation are reflected in the books and records of The Porter Law Firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

10. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd of June, 2022 at Stuart, Florida.



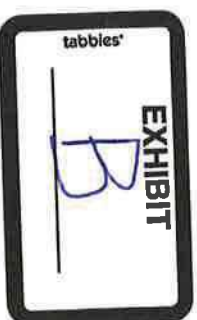
Willie E. Gary, Esquire

Timekeeper (Lastname, firstname)	Hours	Hourly Rate (\$/hr)	Amount (\$)
Willie Gary	37.9	\$ 1,000.00	\$ 37,900.00
Lorenzo Williams	9	\$ 1,000.00	\$ 9,000.00
Sekou Gary	20.5	\$ 950.00	\$ 19,475.00
Marwan Porter	64.4	\$ 950.00	\$ 61,180.00
Camille Miller	86.7	\$ 900.00	\$ 78,030.00
Jim Oster	122.7	\$ 800.00	\$ 98,160.00
	341.2		\$ 303,745.00



The Porter Law Firm, LLC
Unbilled Costs by Job
All Transactions

Type	Date	Source Name	Memo	Account	Billing Status	Amount
Surfside Litigation						
Credit Card Charge	07/14/2021	GSA West - Lot Gar...		Tolls / Parking	Unbilled	14.00
General Journal	07/14/2021	Surfside Litigation	Meal with WE...	American Express - ...	Unbilled	120.00
Credit Card Charge	07/21/2021	GSA West - Lot Gar...		Tolls / Parking	Unbilled	14.00
Credit Card Charge	11/17/2021	SMS Valet		Tolls / Parking	Unbilled	10.00
General Journal	02/04/2022	Surfside Litigation	Meal with WE...	American Express - ...	Unbilled	225.00
Credit Card Charge	02/04/2022	Shell Oil		Fuel / Gas	Unbilled	60.00
Credit Card Charge	05/24/2022	ISD Parking		Tolls / Parking	Unbilled	12.00
Credit Card Charge	05/24/2022	Shell Oil		Fuel / Gas	Unbilled	109.13
Total Surfside Litigation						564.13
TOTAL						564.13





Attorney Willie E. Gary earned the reputation as "The Giant Killer" by taking down some of America's most well-known corporate giants on behalf of his clients. He has won some of the largest jury awards and settlements in U.S. history, including cases valued in excess of \$30 billion. Gary's amazing success has earned him national recognition as one of this country's leading trial attorneys.

In May 2002, he was featured in Ebony magazine as one of the "100 Most Influential Black Americans." Forbes Magazine has listed him as one of the "Top 50 attorneys in the U.S." Gary has been featured in many of the nation's most respected media publications, such as The New York Times, The Chicago Tribune, The Boston Globe, Ebony, Jet, People, Black Enterprise, Fortune, The New Yorker and The National Law Journal.

His remarkable legal career and tireless work on behalf of his clients have been well documented on "60 Minutes," the "CBS Evening News," and ABC's "World News Tonight with Peter Jennings." He also made a guest appearance on "The Oprah Winfrey Show," and made a live appearance on CBS's "The Early Show" with Bryant Gumbel. Willie Gary's triumphant rise to the top is no overnight success story.

His vast appeal stems from his desire to be the best and a passionate work ethic he learned through his humble beginnings. One of 11 children of Turner and Mary Gary, Willie Gary was born July 12, 1947 in Eastman, Georgia and was raised in migrant farming communities in Florida, Georgia and the Carolinas.

His unwavering desire to earn a college education ultimately led him to Shaw University in Raleigh, North Carolina where the all-state high school football player would earn an athletic scholarship after being told there was no room for him on the team. Gary went on to become the co-captain of Shaw's football team during the 1969, 1970 and 1971 seasons.

Earning a Bachelor's degree in Business Administration, Gary went on to North Carolina Central University in Durham, North Carolina where he earned a Juris Doctorate in 1974. Upon earning his law degree, Gary returned to Florida with his childhood sweetheart, Gloria, now his wife of over 50 years.



Gary was admitted to the Florida Bar in 1974 and opened his hometown's first African American law firm with the help of Gloria, who assisted him at his new practice while teaching school. Gary's practice has since grown into the thriving national partnership known as Gary, Williams, Parenti, Watson, Gary & Gillespie, P.L.L.C., consisting of 21 attorneys, a team of paralegals and a professional staff of over 50. The firm's office is located on the St. Lucie River in historic downtown Stuart, Florida and is also the former Pelican Hotel where Gary worked as a dishwasher during his teenage years.



Gary is a member of the National Bar Association, the American Bar Association, Association of Trial Lawyers of America, American Association for Justice, Martin and St. Lucie County Bar Associations and the Million Dollar Verdict Club. He has tried cases in 45 states and is in great demand as a motivational speaker throughout the U.S., delivering speeches at law schools, universities, churches, chambers of commerce and to various groups throughout the country and abroad.

Known as a businessman, churchman, humanitarian and philanthropist, Gary is deeply involved in charity and civic work. He is committed to enhancing the lives of young people through education and drug prevention. In 1994, he and his wife, Gloria, formed The Gary Foundation to carry out this formidable task.

The Gary Foundation provides scholarships, direction and other resources to youth, so they can realize their dreams of achieving a higher education. In 1991, Gary pledged \$10.1 million to his alma mater Shaw University. He has also donated millions of dollars to dozens of Historically Black Colleges and Universities throughout the U.S.

In addition to being a lawyer, philanthropist and motivational speaker, Gary continues to serve on the board of trustees of numerous universities and foundations. He has received honorary doctorates from dozens of colleges and universities.

He is also active in numerous community organizations including the NAACP, National Urban League, Civitan International, United Way of Martin County, Martin Memorial Hospital Foundation and many others.

The Gary's oldest son, Kenneth, is president & CEO of The Gary Foundation and Gary Enterprises, the family's real estate management company. Sekou followed in his father's footsteps and is a Partner at the Law Firm of Gary, Williams, Parenti, Watson, Gary, & Gillespie, P.L.L.C. Ali earned his Bachelor's Degree in Business Administration and is vice president of the Gary Foundation. The Gary's youngest son, Kobie, also works with his father in the law practice.



LORENZO WILLIAMS

Attorney Lorenzo Williams, Senior Partner in the Law Firm of Gary, Williams, Parenti, Watson, Gary & Gillespie, P.L.L.C. was born January 26, 1952, in Miami, FL to Alvin and Rosa Mae Williams. The second of seven children, born to working-class parents, Mr. Williams was raised in Goulds, FL, and Waynesboro, GA. Despite having never attended college themselves, his parents ensured that each of their seven children received a college degree.

After graduating from High School, Mr. Williams continued his studies at Shaw University in Raleigh, NC where he majored in political science. Mr. Williams graduated with honors in 1974. In 1977, Mr. Williams earned his law degree from Willamette University School of Law in Selma, OR, and was admitted to practice law in Florida on March 28, 1978.

Mr. Williams began his legal career working as staff counsel for the Urban League of Dade County. In July 1978, Mr. Williams joined fellow Shaw alumnus Willie Gary at the law firm of Gary & Lewis in Stuart, FL. Over 40 years later, Mr. Williams is now a senior partner in the law firm of Gary, Williams & Parenti, et al. He specializes in civil litigation including personal injury, wrongful death, medical malpractice, product liability, and commercial litigation.

During his 44 years of practice, Mr. Williams has successfully litigated more than 100 cases that resolved in multi-million-dollar verdicts and settlements.

Mr. Williams' legal career has been one of many milestones and successes. One such defining moment occurred when he co-counseled with his partner, Willie Gary, to obtain a \$500 million verdict in Jackson, MS against The Loewen Group, Inc. This verdict remains one of the largest single awards in U.S. history. Another significant legal accomplishment was the \$15 million arbitration award Mr. Williams obtained, on behalf of an African American computer distributor, against computer giant Hewlett Packard. This was second-largest arbitration award in Rochester, NY. By appointment of a Federal Bankruptcy Court, Mr. Williams also successfully represented the Federal Trustee against one of the leading multinational military aeronautic contractors resulting in a \$10 million settlement. Believing that the law can be a great counterweight to injustice, Mr. Williams continues to excel in his field.

Mr. Williams' commitment to excellence is reflected not only in his many professional accomplishments but also in his commitment to community and social change. Mr. Williams served as the first African American President of the St. Lucie County Bar Association and the first African American member of the Board of Directors for the Florida Justice Association (formerly the Florida Trial Lawyers Association). Mr. Williams is also the first African American to receive an invitation and become a member of the Palm Beach Chapter of the American Board of Trial Advocates (ABOTA). Mr. Williams is active in numerous professional and civic associations including the National Bar Association, the American Bar Association, and Kappa Alpha Psi Fraternity, Inc.

Mr. Williams is a member of the Board of Trustees of Meharry Medical College, Nashville, TN; College of Dental Medicine of Nova Southeastern University, Ft. Lauderdale, FL; the Board of Trustees of Shaw University, Raleigh, NC; the Board of Councilors, the Treasure Coast Campus Advisory Board of Florida Atlantic University, Port St. Lucie, FL; the Board of Visitors of Willamette University College of Law, Salem, OR.; and the Advisory Board of Seacoast National Bank, Stuart, FL.

Mr. Williams and his wife of over 42 years, Jovita Williams, are the proud parents of four children: Rashondia Gaines, a dentist, Ayanna Williams, an attorney; and twin sons Akeem and Amar, who have both followed in their father's footsteps as attorneys as well. Amar works alongside his father at the firm.

"I was brought up in a household where hard work was valued. My father told us that there were some things that couldn't be compromised. He instilled in me the value of hard work, telling the truth, and being a good citizen."

SEKOU GARY



For the last 22 years, Attorney Sekou Gary has been fighting for justice in civil courtrooms across America. He has represented clients in 19 different states and has experience in both state and federal courts. Sekou's focus areas are Wrongful Death, Personal Injury, and Products Liability. However, Sekou has specialized sports and entertainment law skills which have garnered many high-profile cases and celebrity clients including World Champion Boxer, Floyd Mayweather Jr., and Music Mogul Curtis "50 Cent" Jackson.

Sekou is a member of The National Black Lawyers – Top 100 for the state of Florida. Attorney Gary has recently been recognized as one of the Top 25 Products Liability lawyers in the state of Florida by The Products Liability Trial Lawyers Association. He also serves on the National Advisory Board of the Association of Plaintiff Interstate Trucking Lawyers of America. Sekou was recognized by The National Law Journal as one of their 2015 Elite Trial Lawyers. He has been invited to join the Multi-Million Dollar Advocates Forum on several occasions. Sekou is a member of the National Bar Association, the American Bar Association, and the National Trial Lawyers Association.

Sekou was born in Raleigh, NC, and raised in Stuart, FL where he attended elementary, junior high, and high school. After graduating from Martin County High School, Sekou attended North Carolina Central University in Durham, North Carolina where he graduated with a Bachelor of Science in Political Science in 1995. While attending NCCU, Sekou became a member of Kappa Alpha Psi Fraternity.

After completing his undergraduate studies Sekou graduated with his Juris Doctorate from Quinnipiac University School of Law in Hamden, CT in 1999. At Quinnipiac, Sekou enjoyed such honors as serving as the president of the Black Law Students Association; qualifying for the school's Law Review Write-On Competition and being selected as one of three justices to preside over Student Honor Court.

Sekou and his wife Taylora reside in Stuart, FL. They have a blended family of five children, Chloe, Joannisse, Chancellor, Christian, and Chaise. In 2015, Sekou's oldest son, Chancellor, was selected as one of twelve children to compete for a \$100,000 college scholarship and the title of "America's Smartest Child" on Lifetime Network's Child Genius: Season 2. Sekou is an active member of the Boy Scouts of America where he serves as Committee Chair of Troop 811 in Jensen Beach, FL.

MARWAN E. PORTER

The Porter Law Firm, LLC
5033 SE Federal Highway Stuart, FL 34997

Telephone: (772) 266-4159

Facsimile: (772) 678-7566

Email: Marwan@ThePorterFirm.com

PROFESSIONAL

- Managing Partner Porter Law Firm 2021- Present
- Managing Partner-Cochran Firm Treasure Coast and Cochran Firm Jacksonville; 2018-2021
- Founder Porter Law Firm; 2012-2018
- Associate Attorney- Gary, Williams, Parenti, et al; 2005-2012

AREAS OF PRACTICE

- Complex Litigation (Class Action & Mass Torts)
- Personal Injury
- Wrongful Death
- Medical Malpractice
- Discrimination
- Civil Rights

EDUCATION

- Howard University School of Law-Jurist Doctorate, May 2003, *Graduate Trustee*
- Howard University School of Business-Bachelor of Business Administration in Accounting, May 1999, *Summa Cum Laude*

PROFESSIONAL ASSOCIATIONS

BAR MEMBERSHIPS

- New York State Bar, 2004-Present
- Florida State Bar, 2006-Present
- District of Columbia Bar, 2007-Present
- Georgia State Bar, 2008 -Present
- Pennsylvania State Bar, 2013-Present
-

BAR ADMISSIONS

- United States District Court, Southern District of Florida
- United States District Court, Middle District of Florida

PRO HAC ADMISSIONS

- The United States District Court Northern District of Alabama
- State of Wisconsin, Circuit Court, Milwaukee County

PREVIOUS MDL and CLASS ACTION EXPERIENCE

- Las Vegas, NV Route 91 Mass Shooting Litigation. Litigation Committee and Member of the Trial Team ***\$800,000,000 settlement.***
- Hernia Mesh Litigation- Leadership Steering Committee, Liaison Counsel; Member of the Discovery Committee.
- Howard Engle Tobacco Progeny Litigation. Member of the trial team for several Engle Tobacco progeny cases.

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES

- Life Member of the National Bar Association
- Chair of The National Bar Association Small Firms & Solo Practitioner
- Founder and Co-Chair of the National Bar Association Police Misconduct and Justice Task Force
- American Bar Association
- FL Justice Association
- Million Dollar Advocacy Forum
- National Trial Lawyers
- Mass Torts Made Perfect
- Liaison Counsel Hernia Mesh MDL
- Graduate Trustee, Howard University Board of Trustees, Development Committee, and the Academic Excellence Committee
- Who's Who among collegiate students
- Beta Gamma Sigma National Honor Society
- Golden Key National Honor Society
- Kappa Alpha Psi Fraternity Inc. Xi Chapter

PROFESSIONAL EXPERIENCE

Camille Miller P.A., Pembroke Pines, FL

Owner, November, 2012 - present

- Draft, negotiate, review and advise clients on various agreements, including but not limited to: commercial transaction agreements, including but not limited to commercial and residential leases, licensing and distribution agreements, vehicle lease agreements, settlement agreements, business management agreements, business development agreements, financial services agreements, non-compete and non-disclosure agreements, memorandums of understanding, venue location rental agreements, vendor agreements, purchase and sale agreements, operating agreements, stock purchase agreements, corporate resolution documents and employment agreements
- Advise and assist clients with business operations, including marketing and advertising strategies, business development and best practices
- Assist clients with obtaining and recovering liquor licenses
- Review due diligence documents for various commercial transactions, land use permit compliance and building zoning compliance
- Plaintiff's work for national catastrophic personal injury and civil rights cases including premises liability, negligent security, racial discrimination, police shooting matters, including drafting demand letters, mediation brochures, complaints, motion practice, disbursement statements, and participating in settlement negotiation, medical bill reductions, and client management
- Hosting and coordinating local and national press conferences to bring attention and awareness to social mtuso@umass.edu injustice
- State and federal court civil litigation and commercial litigation, including drafting complaints, motion practice, discovery requests, depositions, and settlement agreements
- Marketing and personal relations for law firm clients via national and international media outlets
- Foreclosure defense
- Prepare automobile tort bodily injury demand letters and prepare complaints and discovery requests for PIP related lawsuits
- Misdemeanor criminal defense
- United States non-immigrant petitions
- International transactions

Nottage, Miller & Co., Freeport, Bahamas

Of Counsel, June, 2010 - present

- Assist with various aspects of client representation in Bahamas litigation matters, including drafting and review of various petitions and applications to be presented before the Bahamas Supreme and Magistrate Courts
- Draft and prepare conveyances, leases, corporate resolutions and other corporate transaction documents
- Second chair in Bahamas litigation matters to former Commonwealth of the Bahamas Supreme Court Justice Jethro L. Miller in various multi-national corporation complex litigation matters

Whirlwind Live Performances, Inc., Pembroke Pines, FL

In-House Counsel, Artist Marketing Assistant, February, 2012 - August, 2012

- Prepared documents relating to Oliver Samuels' (one of Jamaica's most recognizable and influential performance artists) production company, including drafting and negotiating:
 - Agreements with international artists represented by Oliver Samuels Marketing and Entertainment (a subsidiary of Whirlwind Live Performances, Inc.), including management agreements and non-compete agreements
 - Live Performance Agreements with various promoters which governed the coordination, payment and promotion of the United States tour (performing the theatrical work of Oliver Samuels and the artists represented by Oliver Samuels Marketing and Entertainment, in honor of Jamaica's 50th Anniversary of Independence)

- Developed marketing and promotion campaigns for various artists, including Jamaican recording artist Vybz Kartel
- Provided legal representation for company as required for various corporate matters, including debt collection
- Drafted and prepared United States non-immigrant petitions on behalf of represented artists

Ivy, Miller & Walker, P.A., / Garcia, Ivy & Miller, P.A., Pompano Beach, FL

Partner, May, 2011 - March, 2012 / *Partner*, November, 2010 - May, 2011

- Drafted and negotiated various multi-million dollar purchase and sale agreements, commercial and real estate leases, real estate purchase and sale agreements, investment agreements, promissory notes, non-compete and non-disclosure agreements, demand letters, charter party agreements, storage and transport agreements, operating agreements and employment agreements, corporate governance documents and settlement agreements
- Served as second chair representing clients in Federal Court regarding white collar criminal defense claims, including money laundering and disgorgement of assets
- State Court civil litigation and motion practice, including but not limited to motions to compel, summary judgment, foreclosure defense and all aspects of discovery
- State Court mediation in connection with litigation matters, contract disputes, foreclosure defense and criminal defense matters
- Filed documents relating to United States H-1B non-immigrant petitions

Zumpano, Patricios & Winker, P.A., Coral Gables, FL

Associate Attorney & Attorney Coordinator for the Bahamas Offices, August, 2004 - June, 2010

- Drafted complaints, answers and affirmative defenses, extensive motion practice, including drafting motions for summary judgment, motions to compel, discovery requests and letters rogatory
- Researched and drafted legal memoranda on numerous issues, including but not limited to complex national and state healthcare regulations, restrictive covenants, qui tam actions, construction litigation, trust and estate documents
- Served as lead associate to managing partners and assisted with the representation of clients in state court, federal court and arbitration proceedings in connection with complex commercial, employment, criminal litigation matters, including contract disputes, foreign sham trusts, healthcare provider disputes for major U.S. hospitals, money laundering matters
- Prepared, reviewed and negotiated various transactional documents, including stock and membership interest purchase agreements, simple mortgages, employment agreements, various purchase and sale agreements including those related to real estate, residential and commercial leases, franchise agreements and operating agreements
- Extensive document review experience regarding compliance with discovery requests

The Honorable John O'Sullivan, U.S. Magistrate Judge for the Southern District of Florida, Miami, FL

Judicial Summer Intern, Summer 2003

BAR ADMISSION

Florida Bar, Admission, 2004

Southern District of Florida, Admission, 2013

EDUCATION

University of Miami School of Law, Coral Gables, FL

Juris Doctor, May 2004

Barry University, Miami Shores, FL

Bachelor of Science in Political Science, magna cum laude, May 2000

PROFESSIONAL AWARDS

Named "Top Up and Comer – International Transactions" South Florida Legal Guide, 2010

James Oster

Palm City, FL 34990
jim.oster@yahoo.com
(954) 604-8313

Director of Firm Administration with experience and training from some of the best trial attorneys in the state, particularly in the areas of personal injury, wrongful death, premises liability, discrimination and civil litigation. My training, experience and abilities have earned me the additional responsibilities of managing the firms case load of over 350 open files and supervising three paralegals and two associate attorneys and staff. Personally prepare all major pleadings and review and edit every pleading, demand, mediation summary and other matters that move through the office.

Willing to relocate to: Stuart, FL - -
Authorized to work in the US for any employer

Work Experience

Director of Firm Administration

The Porter Firm f/k/a The Cochran Firm - Treasure Coast and Jacksonville - Stuart, FL
January 2018 to Present

- Serving two roles as a Senior Paralegal and Firm Administrator.
- My Senior Paralegal role includes legal research, drafting pleadings, briefs and trial preparation.
- In addition, I am responsible for reviewing all intakes for new cases, assigning them to paralegals and directing the process for each case.
- Through my efforts, we have increased our open and active files by 80% in two years, and tripled revenue.
- I have excellent written and oral skills and I have great relationships with our clients. I am a team player and thrive when the team has success that I am part of creating.

Litigation Clerk/Paralegal

Gary, Williams, Parenti, Watson & Gary, P.L.L.C - Stuart, FL
March 2015 to January 2018

- Personal Injury, wrongful death, civil rights, employment law, civil litigation
- Preparation of demand packages (pre-litigation), drafting of complaints, discovery, motion practice and briefs in State and Federal courts throughout Florida and in other jurisdictions
- Prepared materials for mediation presentation, worked along with expert witnesses to develop case strategy
- Proficient in the more routine paralegal tasks including scheduling, docketing, filing, file management and closing/settlement statements

Case Manager

Residential Litigation Group/Hoffman Law Group - North Palm Beach, FL
June 2012 to July 2014

- Intake of prospective clients. Customer relations regarding status of case.
- Review of financial and other information to determine eligibility for litigation services.

Paralegal

Cooney, Mattson and Lance - Fort Lauderdale, FL

October 2007 to June 2012

- Insurance Defense Law litigation paralegal
- Personal injury, property damage and commercial litigation.
- Review and analysis of medical records, preparation of discovery and discovery responses, working with expert witnesses, mediation preparation and trial preparation.

Senior Claims Analyst

The Norych Law Group - Coral Springs, FL

January 1999 to August 2007

- Subrogation claims collection - mostly property damage
- Locating and contacting responsible parties and arranging for claims to be paid or settled
- Preparation and submission of the arbitration pleadings, evidence and argument.

Education

Juris Doctor in Law

Cumberland School of Law - Birmingham, AL

Bachelor's Degree in Finance

University of Miami - Coral Gables, FL

EXHIBIT 11

IN THE CIRCUIT COURT OF THE 11TH 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

DECLARATION OF JEFFREY P. GOODMAN FILED ON BEHALF OF SALTZ
MONGELUZZI & BENDESKY P.C. IN SUPPORT OF MOTION FOR
APPROVAL OF PAYMENT OF ATTORNEYS' FEES
AND LITIGATION EXPENSES

I, Jeffrey P. Goodman, Esquire, do hereby declare and state as follows:

1. I am a Partner of Saltz Mongeluzzi & Bendesky P.C. ("SMB"). I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. For the last 11 months, SMB attorneys, Jeffrey Goodman and Sam Dordick, under the supervision of firm President Robert Mongeluzzi dedicated their lives to representing the victims of the surfside collapse. Both Mr. Goodman and Mr. Dordick live in Philadelphia, PA. Their families are in Philadelphia. SMB's office is in Philadelphia. Despite this, ***Mr. Goodman literally moved to Miami*** in order to advocate on behalf of these victims. Such an extreme step was necessitated by the critical role Mr. Goodman played in this case and the aggressive schedule set by the Court. Mr. Dordick also spent considerable time in Miami away from his family to fight for the victims of this tragedy. Thus both Mr. Goodman and Mr. Dordick have sacrificed professionally and personally to help achieve this monumental result of the plaintiffs. Mr. Mongeluzzi, as the most experienced Plaintiffs' attorney in the country in representing victims in structural collapses, also dedicated tremendous time and energy to the common goal in this case and oversaw the work performed by Mr. Goodman and Mr. Dordick.

3. SMB played a critical role in achieving the over \$1 Billion settlement in less than one year on behalf of the victims of this tragedy. SMB was counsel of record in this action since its inception, having been retained by two separate families within one week of the tragedy who each lost loved ones in the collapse. On July 16, 2021, SMB and specifically Robert J. Mongeluzzi, Esq. was appointed to serve as a Plaintiff Steering Committee Member to act on behalf of the Plaintiffs and the proposed class members in the Action. Mr. Mongeluzzi supervised the overall work performed by SMB's attorneys and theories of the case while SMB partner, Jeffrey Goodman, served as the firm's point person responsible for leading the firm's day-to-day activities in the litigation.

4. As part of its role in this litigation, SMB performed many integral tasks which benefitted the Plaintiffs and the Class and its contributions were, in the words of the Court's Receiver, Michael I. Goldberg, "invaluable." *See* May 11, 2022 Hrg. Tr. at 16:17-23.

5. When it comes to representing victims in construction disasters, there is no firm in the country more experienced than SMB. SMB partners Robert Mongeluzzi and Jeffrey Goodman were the lead lawyers for the victims in the Market Street Building Collapse in Philadelphia that killed seven people in 2013 (\$227 Million settlement following successful liability verdict). Prior to that Mr. Mongeluzzi was lead counsel for the victims of the Tropicana Garage Collapse in Atlantic City that killed 4 (\$101 Million settlement). Prior to this tragedy, these were the two largest settlements of construction disasters in American history. Mr. Goodman is also co-lead counsel for the victims of the Grenfell Tower Fire in London that killed 72 people. Mr. Mongeluzzi and Mr. Goodman have each handled hundreds of construction accident cases including numerous structural collapses. They have each taken thousands of depositions in construction cases and worked with scores of world-renowned experts.

6. In addition to its construction experience, SMB has achieved tremendous results for past clients in cases that moved with remarkable speed. SMB served on the Plaintiffs' Steering Committee in connection with the derailment of Amtrak Train 188 that killed 8 and lead the

litigation for the victims in the Missouri Duck Boat disaster that killed 17. Both of these cases reached prompt global resolutions in less than 2 years.

7. It was clear from the outset that in order to obtain the maximum recovery for these victims, the key issues would be understanding how and why the building collapsed and identifying which entities shared in responsibility for this tragedy. This would undoubtedly involve working with world renowned experts, combing through mountains of construction planning and implementation documents and taking depositions of key construction personnel.

8. As a result of this unrivaled experience, SMB was asked to lead these critical aspects of this litigation.

9. SMB made the following significant contributions:

I. SMB Had Primary Responsibility for All Liability Experts and On-Site Investigative Activities

10. SMB attorneys Robert Mongeluzzi and Jeffrey Goodman were assigned to the expert sub-committee and played a vital role in finding and retaining the primary liability experts in this case. The Committee interviewed dozens of experts. Several of the proposed experts were those whom SMB was familiar with from past litigation. At the conclusion of the rigorous selection process, the Plaintiffs retained Dr. Allen Marr and Dr. Antonios Vytionitis of GeoComp, Inc. to serve as the lead geotechnical engineering experts. Plaintiffs also retained Dr. Dennis McCann of CTLGroup to serve as the lead structural engineering experts. *Notably both the lead geotechnical and structural engineering experts were originally identified, vetted, and lobbied for by SMB.* Absent SMB's contribution, the lead experts that Plaintiffs relied upon throughout this case would not have been part of the team. Javy Lopez from Kozyak Tropin & Throckmorton and Lea Bucciero from Podhurst Orseck, P.A. also played an active and important role in this selection process.

11. Geocomp and CTLGroup are world renowned in their respective fields of geotechnical and structural engineering, and their unique expertise, skill, and knowledge were necessary for the successful investigation and litigation of this complex structural disaster. As a

result of SMB's identification and retention of these experts, each of the 87 Park defendants and their own world class teams of experts knew that the Plaintiffs had unassailable experts who would put together a formidable case against defendants. In fact, SMB's excellent work in identifying and retaining these experts was recently highlighted when NIST requested SMB's permission to work with Geocomp to continue its collapse investigation efforts following the final approval of the class settlement. ***SMB found and secured the best experts in the world to act on behalf of the victims in this tragedy which served to the benefit of all the victims and the entire PSC.***

12. The onsite investigation in this case was likely the most intensive in American history for a construction accident. Having large engineering firms with numerous skilled professionals was necessary to have the round-the-clock attention dedicated to this project.

13. SMB's Jeffrey Goodman undertook the lead role on behalf of the Plaintiffs in working with these experts on all issues related to this case including the onsite activities. Mr. Goodman worked tirelessly with Plaintiffs' experts, defense counsel and experts, and the Receiver, his counsel and his experts to develop and negotiate an incredibly complex and robust Joint Testing Protocol ("JTP") to allow for efficient onsite work.

14. SMB handled all discussions and negotiations with the 87 Park defendants related to all JTP work. When an impasse was reached in discussions between Plaintiffs and the 87 Park defendants regarding the details of the JTP, Mr. Goodman put on evidence at the December 22, 2021 evidentiary hearing and examined Plaintiffs' experts.

15. Once the JTP was finalized in January 2022, Mr. Goodman essentially became a project manager for the construction on top of his other litigation responsibilities. Mr. Goodman vetted and approved all contractors and subcontractors that were involved in the performance of the onsite work (many of whom were independent consultants agreed to by all parties) and coordinated with Plaintiffs' experts on all aspects of the investigation. Mr. Goodman and Mr. Dordick attended 2 weekly zoom meetings ***every week*** where project details were discussed with the independent consultant serving as the general contractor for the project. Mr. Bucciero from Podhurst Orseck, P.A. also attended many of these meetings and worked with the experts.

16. Plaintiffs' experts and Mr. Goodman spoke multiple times per week about the progress of onsite activities. Realtime updates on the onsite findings was essential because depositions, document review, and other discovery matters were actively underway. *Theories were adjusted and new parties were added as a direct result of new evidence which came to light during the onsite work.* For example, learning from the MASW testing on site that soft spots existed towards the south of Champlain Towers was one of the reasons Plaintiffs focused so heavily on the activities that took place on 87th Terrace. Similarly learning the depth of the piles at CTS from pile integrity testing helped modify the collapse modeling performed which was used for the successful mediations.

17. The complexity and importance of this on-site and expert related work cannot be overemphasized. This record-breaking settlement does not happen without the tremendous efforts by the Plaintiffs expert team which were led by Mr. Goodman in this regard.

18. In addition to working with the experts for all substantive purposes, Mr. Goodman and SMB staff were responsible for coordinating all billing from the experts and working with the receiver to ensure the experts were compensated in accordance with their retention agreements.

II. SMB's Critical Document Discovery Efforts

19. As a result of SMB's unrivaled experience in complex construction accident litigation, SMB is immensely knowledgeable regarding the universe of documents that would typically be associated with a construction project on the scale of the 87 Park project and the types of documents the Plaintiffs would need to prove their case. Accordingly, SMB had primary responsibility for drafting the comprehensive document requests to the 87 Park defendants, which were ultimately edited and served by other members of the PSC. In addition to drafting the initial document requests that were served by subpoena, SMB helped identify which entities should be served with the subpoenas.

20. When the 87 Park defendants lodged objections to the scope or relevance of certain requests, SMB along with Podhurst Orseck, P.A. were primarily responsible for handling the

discussions and negotiations regarding the requests, as well as negotiations concerning the mechanics of how and when defendants would make their document productions. When the 87 Park defendants produced their documents, SMB, along with Podhurst Orseck, P.A. as well as a consultant brought in by SMB, handled the discussions and negotiations concerning the complex details regarding the ESI search terms used, hit counts, duplicate hits, and the document repositories searched.

21. SMB was also assigned primary responsibility for reviewing the 87 Park defendants' extremely voluminous document productions. SMB's extensive experience in construction litigation was invaluable in this document review. Mr. Dordick, a veteran lawyer who has handled scores of construction accident cases, handled the first level of document review and identified necessary documents which were then reviewed by Mr. Goodman and Mr. Mongeluzzi. The vast majority of important and powerful documents that were used in the pleadings, depositions, and mediation presentations were found by SMB.

22. Overall, there were nearly 400,000 separate documents spanning millions of pages produced. SMB through a combination of a linear document review and targeted searches identified virtually all of the key documents. *Most notably, Mr. Dordick is the lawyer who unearthed the most damaging document in the case—the infamous “Fuck That Wall” daily report. This handwritten, needle in a haystack, fundamentally altered the course of this litigation.* SMB's document review and the documents that SMB identified were critical in supporting Plaintiffs' claims, putting immense pressure on the 87 Park defendants, and pushing this case to a resolution.

III. SMB Drafted the Key Pleading Allegations

23. SMB played a central role in deciding which entities associated with the construction of 87 Park should be named as defendants in the Second Amended Class Action Complaint (SACAC). SMB was further assigned the role of drafting the key factual allegations against those defendants as well as the factual section describing how and why CTS collapsed (SACAC ¶¶ 30-214).

24. This work involved sifting through a mountain of documents to hone in on the important emails, photos, and construction documents reflected in the SACAC and tell the story of how the 87 Park defendants' construction means and methods—the dangerous sheet pile driving, poor or non-existent vibration monitoring, excavation, dewatering, and water infiltration—caused one of the most devastating structural collapses in US history.

25. SMB worked relentlessly to locate the important documents reflected in the SACAC and successfully synthesize an incredible volume of information into coherent and compelling theories against the 87 Park defendants.

26. SMB played a similar role when it came time for the Third Amended Class Action Complaint. SMB drafted the allegations against Geosonics and Florida Civil. The key allegations against all of the 87 Park defendants which laid the foundation for the entire case were the product of SMB's work.

27. SMB was not a primary drafter of the outstanding briefing in opposition to the defendants' various motions to dismiss. However, across the board the primary brief drafters turned to SMB to provide factual support and explanation for the allegations against the 87 Park defendants and the details regarding collapse causation. SMB also provided significant input concerning how to attack the no-duty arguments made by the developers, professional engineers, and architects involved in the 87 Park project that are unique to construction industry litigation.

IV. SMB Took the Lead Questioning Role at Depositions to Secure the Devastating Admissions Which Compelled Settlement

28. Construction cases are often won and lost in depositions. Depositions were taken of seven individuals associated with the design and construction of 87 Park. Mr. Goodman was the lead questioner on five of these depositions and assisted Ms. Bucciero in preparing for the other two depositions, which she took. The depositions taken by the team of Mr. Goodman and Ms. Bucciero, with tremendous assistance in preparation from Mr. Dordick were essential to this resolution.

29. Hundreds of hours were dedicated to preparing for and taking these depositions, and it proved to be of tremendous worth to this case. ***Mr. Goodman's effective questioning elicited admissions that were utterly devastating to the 87 Park defendants.*** This included (1) the deposition of Garfield Wrey, the lead geotechnical engineer on the project whose testimony buried the other 87 Park defendants for not following his warnings; (2) the deposition of NV5 senior executive Eric Stern who utterly broke down at his deposition and admitted fault on behalf of NV5; and (3) the deposition of Kerry Lopez, the author of the "Fuck That Wall" daily report whose testimony all but guaranteed a punitive damages finding against the general contractor, John Moriarty & Associates of Florida, Inc.

30. The damaging admissions obtained by Mr. Goodman and the effectiveness of his questioning not only solidified Plaintiffs' claims, destroyed defendants' defenses, and buried NV5's witnesses, but also pushed the other 87 Park defendants to an early resolution of this case for fear of their own witnesses being similarly eviscerated while under oath.

31. The dramatic impact of these depositions was witnessed firsthand by lead counsel for every defendant as well as the Court's appointed Receiver, Michael I. Goldberg, Esq., who attended every deposition. Thus, every party in the case realized early that no stone would be left unturned and no witness would be spared during the deposition process.

32. Notably, the overwhelming majority of documents used and marked at these liability depositions were found by SMB and the product of SMB's tireless document review. Had the depositions taken not been so effective, the defense would unquestionably have been more confident in their ability to successfully defend the case and resolution would have been less likely or at a minimum, delayed significantly.

V. SMB Played a Vital Role in the Mediations

33. SMB's contributions to the mediation process for all 87 Park defendants was significant. In February, while the depositions were ongoing, Plaintiffs mediated with DeSimone. Counsel for DeSimone specifically suggested that Robert Mongeluzzi take the lead for the

Plaintiffs at mediation based on his knowledge of Mr. Mongeluzzi's reputation and his belief that this would carry weight with his clients.

34. For this mediation with DeSimone, Mr. Goodman and Mr. Mongeluzzi had extensive pre-mediation discussions with counsel for DeSimone. SMB also put together the liability presentation that Mr. Goodman gave, which thoroughly explained why DeSimone was liable. The DeSimone mediation was successful in large part due to SMB's efforts. SMB also took a prime role in the mediation discussions with NV5, which were led by Mr. Martinez-Cid from Podhurst Orseck, P.A.

35. SMB's significant contributions to the mediation with the primary 87 Park defendants—8701 Collins Development, LLC, Terra Group, LLC, Terra World Investments, LLC, and John Moriarty & Associates of Florida, Inc.—cannot be questioned. In the months leading up to mediation, Mr. Goodman had daily conversations with Michael Thomas, lead counsel for the Terra Defendants about mediation logistics and strategy. These private conversations went a large way towards setting the table for the highly successful mediation. Mr. Goodman worked with Liaison counsel for insurance coverage, Chip Merlin of the Merlin Law Group, as well as the receiver's coverage counsel to help identify all available coverage. SMB's in-house coverage specialist, Marni Berger also reviewed the various towers of coverage to assist Mr. Goodman in identifying the universe of available coverage. Theories were advanced at depositions which argued into additional towers of coverage that may not have otherwise been available.

36. In April during the leadup to the mediation with the Terra and Moriarty defendants, ***SMB again created an exhaustive and comprehensive mediation presentation that Mr. Goodman presented to the mediator***, Bruce Greer and other key members of the Plaintiffs' negotiating team, on April 19. Key aspects of Plaintiffs case were also presented by Lea Bucciero and a compelling damages presentation was given by Stuart Grossman of Grossman Roth Yaffa Cohen. This presentation helped arm Mr. Greer with the ammunition he needed in order to ultimately resolve the case against the 87 Park defendants. The case against these primary 87 Park

defendants resolved due in large part to SMB's work and the extremely compelling case SMB built against these defendants.

37. Once the primary culprits associated with 87 Park's construction settled, SMB was critical in negotiating additional settlements with others involved in the construction. SMB had primary responsibility for drafting the demand letters to Stantec, ASAP Installations, Florida Civil, and CDPW and actively participated in the discussions that led to the remaining settlements.

38. SMB's long history of construction accident litigation again proved to be extremely useful in the mediation negotiations with the 87 Park defendants due to complex nature of the construction insurance policies. Specifically, the primary coverage was through the wrap-up CCIP policy that insured the 87 Park defendants. SMB has handled numerous complex construction accident cases which were defended by similar wrap-up policies.

39. Careful pleadings, skillful deposition questioning, and effective negotiation successfully targeting the entire wrap-up program while also keeping viable avenues of collection available as to other carriers was essential to the end result. SMB's experience and knowledge concerning the nuances of these types of policies in construction litigation was extremely useful in the mediation process.

40. Even the mediations for which SMB was not assigned primary responsibility, such as the Morabito mediation, those that were handling the mediations routinely turned to Mr. Goodman for assistance with all issues of collapse causation. SMB provided useful documents that were located during SMB's document review and useful information concerning how the building collapsed. Thus, where SMB was not assigned direct responsibility for mediating with certain defendants, SMB still made valuable contributions at the specific request of those who were assigned responsibility.

VI. Other Important Factors Supporting SMB's Fee

41. SMB's involvement in this case brought different requirements and burdens upon SMB than other firms in this case. SMB's offices are in Philadelphia, PA. All of the involved attorneys and staff who worked on this case reside in the Philadelphia area. Undertaking such a

substantial involvement in a case that is located over 1,000 miles from Philadelphia was a challenge.

42. Mr. Goodman spent the months of July – December constantly traveling back and forth between Philadelphia and Miami. Once it was clear that Mr. Goodman would be the lead questioner for most depositions and that Mr. Goodman would lead the onsite activities with Plaintiffs experts, commuting was no longer an option. As a result, ***Mr. Goodman moved to Miami in January 2022***, renting an apartment (for which SMB is not seeking any cost reimbursement). Mr. Goodman also set up an office in Miami within the office space of Podhust Orseck, P.A., which the Podhurst firm was gracious enough to provide to Mr. Goodman for free. The Podhurst firm made similar accommodations for Mr. Dordick.

43. Moving to Miami to litigate this case essentially involved shutting down the remainder of Mr. Goodman's practice with other cases being transferred to other SMB attorneys to lead.

44. Mr. Dordick similarly sacrificed personally and professionally to be in Miami as needed throughout this case. Mr. Dordick came to Miami for all key depositions, to discuss and review documents jointly, and to assist with all matters related to mediation presentation.

45. Further, the other outstanding firms that handled primary responsibilities in this case all had lead counsel positions and as a result will benefit from the notoriety of this settlement to a far greater extent than SMB, which did not have a lead counsel position and is headquartered over 1,000 miles away from Miami. Despite this, SMB was fully committed to the case and poured in every ounce of effort and time required to reach a successful resolution.

46. In *Fla. Patient's Comp. Fund v. Rowe*, 472 So.2d 1145, 1150 (Fla. 1985), the Florida Supreme Court set forth numerous factors to be used in calculating the lodestar amount and any multiplier for a firm's work in a complex litigation. Each of the *Rowe* factors weighs heavily in favor of SMB's requested lodestar fee.

47. ***The time and labor required, the novelty and difficulty of the question involved, and the skill requisite to perform the legal service.*** As discussed thoroughly above, the litigation

resulting from this unparalleled tragedy involved presented incredibly complex issues related to how and why CTS collapsed and who was at fault. Specifically, the question of whether the neighboring 87 Park project caused or contributed to this tragedy was extraordinarily complex. The significant time and efforts committed by SMB, discussed above, was necessitated by the novelty and difficulty of the issues involved in this litigation. Every ounce of SMB's unrivaled skill and experience in construction accident litigation was required to effectively litigate this case. The first *Rowe* factor clearly supports SMB.

48. ***The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.*** At the very outset of this case, the Court decreed that this case would not be business as usual. The Court was crystal clear that any firms who wished to handle this case better strap up and prepare to dedicate their practices to litigating the case. The Court also set an incredibly aggressive schedule and held the parties to it. As stated, SMB attorneys, Jeffrey Goodman and Sam Dordick, under the supervision of firm President Robert Mongeluzzi dedicated their lives and their practices to representing the victims of this tragedy over the past 11 months. Mr. Goodman moved to Miami and Mr. Dordick spent considerable time in Miami. It is beyond refute that taking on this gargantuan responsibility or working on a case over 1,000 miles from their offices and homes precluded Mr. Mongeluzzi, Mr. Goodman, and Mr. Dordick from other employment.

49. ***The fee customarily charged in the locality for similar legal services.*** As the Court and parties are aware, customarily these types of wrongful death and personal injury cases are handled by Plaintiffs' counsel on a contingent fee basis. However, under the framework set by the Court as to if and how the attorneys representing the victims of this tragedy would be compensated, the hourly rates billed by SMB's attorneys are in line with those customarily charged for similar legal services, especially considering the enormity and complexity of this litigation. The clients who retained SMB have tremendously large economic loss claims and it is anticipated that those clients will have a collective recover in excess of \$100 Million. The customary fee would be a substantial percentage of that amount.

50. ***The amount involved and the results obtained.*** The over \$1 Billion result here is unequivocally outstanding and would not have been obtained but for the tremendous contribution from SMB attorneys.

51. ***The time limitations imposed by the client or by the circumstances.*** The speed at which this tremendous result was achieved is just as astonishing as the result itself. The Court was admirably determined not to let the litigation over this tragedy drag out and sought to ensure that victims would be fairly compensated as quickly as possible. Accordingly, the Court imposed an incredibly aggressive schedule. This schedule did not allow for a situation where lawyers unfamiliar with complex construction cases would learn the ropes and then jump in. Instead, the schedule required lawyers who have enough familiarity with these cases that they could hit the ground running. SMB did just that.

52. ***The nature and length of the professional relationship with the client.*** The victims of this tragedy lost their lives, their families, their friends, their possessions, and their homes. Though SMB's relationship with these victims did not exist 12 months ago, SMB, along with the other outstanding firms involved, were there in these victims' darkest hours. SMB will never be able to get these victims what they want most in this world, but SMB did every conceivable thing in its power to ensure that these victims would be compensated for what they have been through and give them a sense that some semblance of justice has been achieved. The nature of the relationship between SMB and these victims supports SMB's requested fee.

53. ***The experience, reputation, and ability of the lawyer or lawyers performing the services.*** When it comes to representing victims in construction disasters, there is no firm in the country more experienced than SMB. SMB partners Robert Mongeluzzi and Jeffrey Goodman were the lead lawyers for the victims in the Market Street Building Collapse in Philadelphia that killed seven people in 2013. Prior to that Mr. Mongeluzzi was lead counsel for the victims of the Tropicana Garage Collapse in Atlantic City that killed 4. When Pier 34 collapsed in Philadelphia in 2000 killing 3 and injuring over 30, SMB was responsible for all discovery and depositions related to the engineering and structural failures in the litigation. Mr. Goodman is also co-lead

counsel for the victims of the Grenfell Tower Fire in London that killed 72 people. As a result of this unrivaled experience, SMB led many aspects of this complex litigation, most notably those aspects addressing how and why the building collapsed and which design and construction entities bore responsibility. SMB's experience, reputation, and ability in construction disaster cases is unparalleled and provided a tremendous benefit to this litigation and these deserving victims, and strongly supports SMB's requested fee. Defendants were, of course, aware of this experience as they evaluated whether they were likely to succeed in the defense of this case.

54. ***Whether the fee is fixed or contingent.*** The entirety of the work SMB did in this case was done with no guarantee of compensation. Thus, compensation was entirely contingent and SMB lawyers took tremendous risk to try to help these victims. Despite this, SMB committed the enormous resources, time, and effort laid out above. This strongly supports SMB's requested fee. SMB also had financial risks associated with this case. Although experts and other liability expenses were funded directly out of the Receivership Estate, SMB's considerable travel costs were not funded by the Estate and were thus risked as a total loss if the case was not successful.

55. Each of the *Rowe* factors weighs decisively in favor of SMB receiving a substantial multiplier on SMB's lodestar fee.

56. In addition to SMB's time and effort, SMB is including the work of Yechezkel Rodal of Morgan & Morgan who served as SMB's co-counsel. Mr. Rodal performed considerable work in relation to the cases for the Estates of Harold Rosenberg, Benny Weisz, and Magaly Delgado and his time is included herein.

57. In addition to the work above, SMB firm will continue to participate in this litigation until its conclusion on behalf of the Class. SMB was directly retained by the families of seven decedents in the collapse, several of whom have significant (tens of millions of dollars) wage loss claims. SMB will assist these clients with presenting their complex claims for allocation and assist any other plaintiffs as requested by the plaintiffs, leadership, and/or the Court.

58. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared

and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in SMB's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

59. The number of hours spent on this litigation by my firm is **2,642.8** with 2,351 hours of that being related to the complex issues of liability and specifically proving how the collapse took place and who bears responsibility. The remaining amount was dedicated to working with victims of the collapse. Additionally, the number of hours spent on this litigation by Mr. Rodal of Morgan & Morgan is **89.5 hours**. A breakdown of the lodestar is provided in **Exhibit A**. **Exhibit A** also indicates the portion of this time that was expended in the service of individual class members/clients. The lodestar amount for attorney time is based on the firm's current rates based upon what other similarly skilled and accomplished attorneys charge in such situations. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

60. SMB's expenses and charges in connection with the prosecution of this litigation for liability purposes total \$26,857.07. Those expenses and charges are summarized by expense category in the attached **Exhibit B**. SMB was responsible for coordinating the payment of expenses from experts and other vendors. These expenses were submitted to the Receiver and

paid directly by the Receiver and thus are not included. Expenses associated with the damages of individual clients, including economic experts, ordering of records, etc. will be supplied later.

61. The following additional information further explains certain of these expenses:

(a) Flights and Hotels: \$26,857.07. In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, court hearings, to meet with colleagues, mediators and opposing counsel and to take depositions. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(b) Filing, Witness and Other Fees: \$415.04. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. These costs were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas, and to investigate the facts. The vendors who were paid for these services are set forth in **Exhibit B**.

62. The foregoing expenses pertaining to this litigation are reflected in the books and records of SMB. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

63. The identification and background of SMB and its participating attorneys is attached hereto as **Exhibit C**.

64. SMB undertook work on this case with no promise of compensation from the Court and with the understanding that any compensation would be at the Court's discretion. In light of the substantial result achieved in this litigation and SMB's irreplaceable role, SMB believes an attorney's fee is appropriate and that based on the factors discussed above, a multiplier at the maximum allowable limits is warranted.

65. SMB welcomes the opportunity to discuss the firm's work and contribution to this litigation with the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of June, 2022 at Miami, Florida.

/s/ Jeffrey P. Goodman

JEFFREY P. GOODMAN

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: Saltz Mongeluzzi & Bendesky P.C.

REPORTING PERIOD: Inception through June 3, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
Robert J. Mongeluzzi (P)	88.9	\$1000	\$88,900.00
Robert J. Mongeluzzi (P) – Client Time	22.9	\$1000	\$22,900.00
Jeffrey P. Goodman (P)	1,431.8	\$965	\$1,381,687.00
Jeffrey P. Goodman (P) – Client Time	105.4	\$965	\$101,711.00
Samuel B. Dordick (A)	761.4	\$610	\$464,454.00
Samuel B. Dordick (A) – Client Time	104	\$610	\$63,440.00
Marni S. Berger (A)	26.2	\$685	\$17,947.00
Rayna McCarthy (A)	42.7	\$450	\$19,215.00
Rayna McCarthy (A) – Client Time	59.5	\$450	\$26,775.00
Yechezkel Rodal (M&M) – Client Time	89.5	\$550	\$49,225.00
TOTALS	2,732.3		\$2,236,254

EXHIBIT B

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

EXPENSES REPORT

FIRM NAME: Saltz Mongeluzzi & Bendesky P.C.

REPORTING PERIOD: Inception through June 3, 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research	N/A	N/A
Process Server	N/A	N/A
Filing Fee	\$415.04	\$415.04
Delivery services/messengers	N/A	N/A
Local travel	N/A	N/A
Out-of-town travel	\$26,857.07	\$27,272.11
Meals	N/A	N/A
Deposition transcripts	N/A	N/A
Experts	N/A	N/A
Litigation Fund	N/A	N/A
Parking	N/A	N/A
Transportation	N/A	N/A
Copying	N/A	N/A
TOTAL EXPENSES	\$27,272.11	\$27,272.11

EXHIBIT 12

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF MARYBETH LIPPSMITH FILED ON BEHALF OF LIPPSMITH
LLP IN SUPPORT OF MOTION FOR APPROVAL OF PAYMENT OF ATTORNEYS'
FEES AND LITIGATION EXPENSES**

I, MaryBeth LippSmith, do hereby declare and state as follows:

1. I am a Co-Founder of LippSmith LLP. I submit this declaration in support of LippSmith LLP's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. Except as expressly stated, I have personal knowledge of the facts set forth below, and, if called as a witness, I could and would testify accurately to their veracity.

3. This Declaration describes the important contributions LippSmith LLP made to the *In Re: Champlain Towers South Collapse Litigation* ("CTS Collapse Litigation") in three areas: (1) the first phase of the litigation where our first-filed case, *Drezner v. Champlain Towers South Condo. Ass'n, Inc.*, Case No. 21-015089-CA-01 ("*Drezner*"), laid the groundwork that ultimately proved to be essential for this settlement's unprecedented success; (2) the second phase of the litigation after the Court appointed leadership, consolidated the cases, and managed the *CTS Collapse Litigation* through our *Drezner* case; and (3) our team's work for individual victims throughout the litigation.

4. This Declaration also provides information on LippSmith LLP's attorney and staff time devoted to the *CTS Collapse Litigation*, which was substantial considering our firm's size. I also provide our modest costs incurred in the pre-consolidation phase of litigation.

LippSmith LLP's Contributions in the Pre-Consolidation Phase

5. On June 24, 2021, Manuel Drezner retained Chavin Mitchell Shmueli, P.A. (“CMS”), The Brad Sohn Law Firm, PLLC, and LippSmith LLP to represent Mr. Drezner and a putative class for injuries from the CTS tragedy. Given the grave nature of the CTS tragedy, our three firms immediately poured ourselves into researching and filing the first case and class action for the CTS victims and for Mr. Drezner.

6. As the first CTS case, *Drezner* played the critical role of serving as the seed from which the rest of the litigation sprang. Of course, many other firms came together to achieve these unprecedented results. But our team’s quick and diligent work to file *Drezner* in the immediate aftermath of the CTS collapse resulted in several early, critical events that were pivotal to the incredible success of this case.

7. On June 24, 2021, we filed *Drezner* as the original CTS collapse case. *Drezner* was assigned to this Honorable Court. Later-filed cases were assigned to other courts. Had we not immediately filed *Drezner*, the *CTS Collapse Litigation* might not have had one of its most essential components for its success—this Honorable Court’s stewardship, management, diligence, and dedication.

8. On June 28, 2021, we propounded and served the first written discovery requests for the *CTS Collapse Litigation* in *Drezner*.

9. In response to our filing *Drezner*, James River Insurance Company (the commercial general liability insurer for Defendant Champlain Towers South Condominium Association) immediately tendered its policy limits of \$2,000,000 in *Drezner* on June 28, 2021. James River Insurance Company effectuated its tender at the Court’s first *Drezner* hearing on July 1, 2021. James River Insurance Company’s unconditional tender of its full policy limits in *Drezner* set the early bar for the dozens of insurance carriers that later followed suit and collectively tendered more than \$1 billion in settlement payments.

10. On June 29, 2021, Kozyak Tropin & Throckmorton LLP (“KTT”) associated into *Drezner* as our co-counsel. Shortly thereafter, the Court appointed Harley Tropin of KTT to

serve as Co-Chair Lead Counsel, Javier Lopez of KTT to serve as Economic Loss and Property Damage Track Co-Lead Counsel, and MaryBeth LippSmith of LippSmith LLP and Brad Sohn of The Brad Sohn Law Firm, PLLC to serve on Plaintiffs' Steering Committee. These important leadership appointments—and every other leadership appointment—were initiated, effectuated, and managed through *Drezner*.

11. On July 2, 2021, this Honorable Court appointed its Receiver, Michael Goldberg, in *Drezner*. Mr. Goldberg immediately provided vital services to the CTS collapse victims, the Court, and the CTS Association. The Receiver's appointment through *Drezner* could not have come at a more critical time for the victims. They benefitted enormously from the Receiver's immediate provision of essential information, emergency services, and emergency funds. The importance of the Receiver's early role though his appointment in *Drezner* cannot be understated.

12. *Drezner* was the original *CTS Collapse Litigation* case into which this Honorable Court consolidated CTS leadership and consolidated all later CTS filings on July 15, 2021. *Drezner's* status as the first-filed case gave the Court immediate, indisputable control over all matters pertaining to CTS, including, but not limited to, all cases, counsel, receivership matters, collapse site management, victim outreach, insurance, motion practice, discovery, and settlement.

13. Many other lawyers later combined to help generate the unprecedented success of this case. However, only three firms were responsible for first-filing *Drezner*—CMS, The Brad Sohn Law Firm, PLLC, and LippSmith LLP. No one can dispute that *Drezner* alone gave the Court, counsel, and parties the immediate means to make the most critical early decisions that were essential to the outcome of the *CTS Collapse Litigation*.

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LippSmith LLP's Contributions in the Consolidation Phase

14. Following my appointment to the Plaintiffs' Steering Committee, LippSmith LLP continued to drop everything—even at a moment's notice—to dedicate itself to every critical task CTS Leadership assigned.

15. For good reason, the Court set a very demanding pace for the case that required LippSmith LLP to devote a substantial quantity of the firm's overall time during a very concentrated time period. The highly complex nature of the case and critical projects CTS Leadership entrusted to LippSmith LLP also required us to contribute some of the highest *quality* work provided by CTS Leadership.

16. If LippSmith LLP had to pick only one contribution it especially delivered for this case, it would be efficiency without sacrificing quality. In normal cases, plaintiff lawyers would have had weeks and months to complete tasks CTS Leadership gave LippSmith LLP just days to complete. However, LippSmith LLP stepped up for every such request, working around the clock to turn out the same level of high-quality litigation product on which it prides itself. Out of the several ways the success of this case is measured, the speed at which CTS Leadership delivered results without sacrificing quality is unprecedented. LippSmith LLP was uniquely suited to contribute, and did substantially contribute, to that effort.

17. For the tasks I personally performed, I pulled from my nearly 20 years of experience as a lawyer, which includes founding and running an appellate practice for five years, working as a Career Law Clerk to the Honorable Dorothy W. Nelson on the U.S. Court of Appeals for the Ninth Circuit for four years, working exclusively on death penalty matters as a Capital Habeas Staff Attorney for the U.S. District Court, Central District of California for more than six years, and serving as an elbow Law Clerk to Judge Nelson in the Ninth Circuit just after law school. My experience working for trial and appellate courts gave CTS Leadership a team member uniquely qualified to research complex and novel legal concepts efficiently, synthesize multiple CTS Leadership perspectives into a unified voice in the critical filings, write quickly

and concisely, and communicate in an objective but persuasive tone that ardent trial lawyers sometimes lack.

18. LippSmith LLP's other Co-Founder, Graham LippSmith, also performed vital tasks, both with and independent of me. Mr. LippSmith's knowledge and experience could not have been more directly on point for the *CTS Collapse Litigation* since his nearly 20 years of experience includes more than a decade of work on class actions concerning construction defects. Mr. LippSmith's ready knowledge of construction, soils engineering, foundation design, corrosion science, condominium governance, construction litigation discovery, complex litigation management, and class action procedure was invaluable in both the tasks we performed together for CTS Leadership and the tasks he performed on his own for CTS Leadership. Mr. LippSmith helped CTS Leadership cut to the chase on several tasks that would have taken far longer without a similarly experienced team member.

19. LippSmith LLP Partner Celene Chan Andrews was another key member of our team. Ms. Andrews drew from her experience working as an elbow Law Clerk to the Honorable Alan S. Gold on the U.S. District Court, Southern District of Florida; working as a Judicial Extern for the Honorable David A. Ezra on the U.S. District Court, District of Hawai'i; and working on class actions concerning construction defects for more than ten years.

20. CTS Leadership tasked LippSmith LLP with many responsibilities—large, small, and always on short deadlines, throughout the litigation. I believe our contributions to the CTS Leadership team were a key part of the large constellation of timekeepers, tasks, and decisions that combined to deliver more than \$1 billion in funds less than a year after the CTS tragedy. Of course, the dollars are important; but the speed with which we helped deliver finality for the victims is vital to their moving forward from this horrific event.

21. After the Court consolidated leadership and the cases, LippSmith LLP continued to attend all hearings, reviewed all docket entries, and participated in all CTS Leadership strategy sessions. LippSmith LLP regularly worked with Co-Chair Lead Counsel Rachel Furst, Co-Chair

Lead Counsel Harley Tropin, KTT team members, and Brad Sohn on countless class and individual Plaintiff issues as they arose.

22. Whether CTS Leadership asked LippSmith LLP to take on large, medium, or small roles, LippSmith LLP diligently participated in every aspect of *CTS Collapse Litigation*. In addition to assisting on a sundry of other CTS Leadership assignments, LippSmith LLP devoted all resources that Leadership required for its following important roles:

Court Filing Tasks:

- Lead Drafter on the 169-page Consolidated Second Amended Class Action Complaint. The Consolidated Second Amended Class Action Complaint was the watershed moment when the operative complaint grew from 19 pages naming a single defendant to 165 pages of highly technical analysis naming nine defendants. The Second Amended Complaint was the lynchpin for all later insurance tenders
- Drafter on oppositions to the motions to dismiss Second Amended Class Action Complaint that the Court summarily denied
- Drafter on Consolidated Third Amended Class Action Complaint adding claims against two additional defendants
- Participant on research, analysis, and strategies for the Condominium Termination proceedings
- Drafter on Omnibus Reply in Support of Motion to Certify Liability Class

Investigation and Discovery Tasks:

- Drafter on the CTS site protocol for managing expert inspections and testing
- Participant on the CTS fact discovery committee
- Participant on the CTS expert investigation and discovery committee
- Document reviewers

Settlement Tasks:

- Member of Settlement Committee
- Participant on research, analysis, and strategies on the allocation mediation and Allocation Settlement Agreement
- Participant on research, analysis, and strategies on the PI and Wrongful Death Claims Process
- Participant on research, analysis, and strategies on the Global Settlement Agreement, including claims administration
- Participant on Motion for Approval of Payment of Attorneys' Fees and Litigation Expenses

LippSmith LLP's Representation of Individual Plaintiffs

23. In addition to LippSmith LLP's work for the Plaintiffs' Steering Committee, we worked with our co-counsel to update clients and advise them on all important litigation matters. We worked with our individual clients by telephone, email, and video conference whenever they needed assistance, as well as when material events occurred in the case.

LippSmith LLP's Attorneys' Fees and Litigation Expenses

24. LippSmith LLP documented information regarding its time, timekeeper rates, and litigation expenses devoted to the *CTS Collapse Litigation* in time and expenses databases that we contemporaneously maintain in the ordinary course of business.

25. Mr. LippSmith and I managed LippSmith LLP's day-to-day activities in this litigation. Mr. LippSmith and I also reviewed and approved our timekeeping and litigation expenses data (and backup records where necessary or appropriate) at regular intervals throughout the litigation. Mr. LippSmith also re-reviewed and approved our timekeeping and litigation expenses data to prepare Exhibit A to this Declaration. Mr. LippSmith and I confirmed the accuracy of, necessity for, and reasonableness of LippSmith LLP's timekeeping and litigation

expenses devoted to this litigation. LippSmith LLP has screened out all time and expenses that may have been unnecessary or duplicative.

26. As a result of our compiling and review of LippSmith LLP's timekeeping, I believe that LippSmith LLP's lodestar calculation in this Declaration is reasonable in amount and necessary for our effective and efficient representation of both class member and individual CTS victims.

27. I attached **Exhibit A** to this Declaration to accurately summarize LippSmith LLP's timekeeping and expenses data. Mr. LippSmith prepared the Summary in Exhibit A using our contemporaneous daily time records and litigation expense reports. Exhibit A also includes our timekeeping detail from the inception of this case through June 3, 2022. The timekeeping detail in Exhibit A includes our work performed in the pre-consolidation period, our work performed during the consolidation period, and our non-common benefit work performed for individual clients. LippSmith LLP is prepared to submit its full timekeeping and expenses details to CTS Leadership and the Court for *in camera* inspections upon request. If this request is made, LippSmith LLP will redact protected information.

28. Exhibit A Table 1 provides our Total Lodestar by Timekeeper for all time incurred on this case. For each LippSmith LLP timekeeper who provided services on this matter, Table 1 lists their (1) name; (2) title; (3) experience in years since first bar admission (for attorneys) and experience in years in legal administration (for our paralegal); (4) 2022 billing rate; (5) hours devoted to the case; and (6) lodestar calculation for those hours. Based on our research and results on historic attorney fee applications, LippSmith LLP's 2022 billing rates are reasonable and customary for timekeepers with similar levels of experience and success. These billing rates are also reasonable and customary considering our prior class action fee applications where, to date, no court has questioned or reduced any LippSmith LLP attorney fee request based on its timekeepers' rates.

29. **LippSmith LLP's total time for past work in this case is 972.7 hours.**
LippSmith's lodestar for all past time is \$708,600.

30. Exhibit A Table 2 provides our Common Benefit Lodestar by Timekeeper culled from our Total Lodestar by Timekeeper. **LippSmith LLP's total time for past common benefit work in this case is 962.4 hours. LippSmith's lodestar for past common benefit time is \$700,070.**

31. Exhibit A Table 3 provides our Non-Common Benefit Lodestar by Timekeeper culled from our Total Lodestar by Timekeeper. **LippSmith LLP's total past time for non-common benefit work in this case is 10.3 hours. LippSmith's lodestar for non-common benefit time is \$8,530.**

32. Depending on a variety of circumstances that may arise, we conservatively estimate incurring at least 150 future hours through this case's conclusion. Of course, our firm will continue to devote *all* time it will take to see this case through. To calculate the lodestar for our future time, we multiplied our estimate of 150 hours by our firm's average hourly rate for work performed on the case to date. **LippSmith LLP's total estimated time for future work in this case is 150 hours. LippSmith's lodestar for future work in this case is \$109,273.**

33. Exhibit A Table 3 provides our Lodestar by Case Phase. We calculated our firms' lodestars for (1) the pre-consolidation phase from June 24, 2021 through July 15, 2021; (2) the consolidation phase from July 16, 2021 through June 3, 2022; and (3) the future through conclusion. Pursuant to the CTS Leadership timekeeping protocol, our firm timely submitted its consolidation phase time to CTS Leadership at each required interval. The time and lodestar calculations submitted in Exhibit A are inclusive of not only the hours LippSmith LLP provided to CTS Leadership pursuant to its timekeeping protocol, but it also includes LippSmith LLP lodestar information for work we performed prior to consolidation and for individual clients. For the lodestar calculation for the consolidation phase in Exhibit A Table 2, we still did not include what we estimate to be dozens, if not hundreds, of additional hours for services CTS Leadership indicated it would not credit, such as hearing attendance and docket entry review by more than one LippSmith LLP timekeeper.

34. Exhibit A Table 4 provides our Lodestar by Task Categories. This table summarizes the types of work LippSmith LLP performed. As this table demonstrates, LippSmith LLP put substantial time into nearly every aspect of this case, from its very beginning through present.

35. Exhibit A Table 5 summarizes our litigation expenses. LippSmith LLP's litigation expenses are modest, reasonable, and benefitted collective efforts for all CTS victims. LippSmith LLP recorded these expenses in its books from receipts, business credit card records, and other documents that accurately recorded them. We incurred (1) *pro hac vice* fees (\$750.00) and (2) modest travel expenses (\$1,599.30) for pre-consolidation, in-person strategy and investigative meetings in Miami shortly after filing *Drezner*. **LippSmith LLP's litigation expenses total \$2,349.30.**

36. Finally, I attached hereto as **Exhibit B** a compilation of the profiles for LippSmith LLP's attorneys who provided legal services on this matter. This information is also publicly available on our firm's website at <https://lippsmith.com>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of June 2022 at Los Angeles, CA.

/s/ MaryBeth LippSmith
MaryBeth LippSmith

Exhibit A

LIPPSMITH LLP TIME AND EXPENSES THROUGH 06/03/2022

TABLE 1: TOTAL LODESTAR BY TIMEKEEPER

Timekeepers	Title	Experience	2022 Rates	Hours	Lodestar
MaryBeth LippSmith	Co-Founder	19.5	\$ 850	348.7	\$ 296,395
Graham B. LippSmith	Co-Founder	19.5	\$ 850	353.3	\$ 300,305
Celene Chan Andrews	Partner	13.5	\$ 600	116.9	\$ 70,140
Jaclyn L. Anderson	Partner	13.5	\$ 600	27.5	\$ 16,500
Niki B. Smith	Paralegal	5 (Paralegal) / 16 (Legal Assistant)	\$ 200	126.3	\$ 25,260
Totals:				972.7	\$ 708,600
				w/ Future: 1,122.7	\$ 817,873

TABLE 2: COMMON BENEFIT LODESTAR BY TIMEKEEPER

Timekeepers	Title	Experience	2022 Rates	Hours	Lodestar
MaryBeth LippSmith	Co-Founder	19.5	\$ 850	345.7	\$ 293,845
Graham B. LippSmith	Co-Founder	19.5	\$ 850	346.9	\$ 294,865
Celene Chan Andrews	Partner	13.5	\$ 600	116.0	\$ 69,600
Jaclyn L. Anderson	Partner	13.5	\$ 600	27.5	\$ 16,500
Niki B. Smith	Paralegal	5 (Paralegal) / 16 (Legal Assistant)	\$ 200	126.3	\$ 25,260
Totals:				962.4	\$ 700,070
				W/ Future: 1,112.4	\$ 809,343

TABLE 3: NON-COMMON BENEFIT LODESTAR BY TIMEKEEPER

Timekeepers	Title	Experience	2022 Rates	Hours	Lodestar
MaryBeth LippSmith	Co-Founder	19.5	\$ 850	3.0	\$ 2,550
Graham B. LippSmith	Co-Founder	19.5	\$ 850	6.4	\$ 5,440
Celene Chan Andrews	Partner	13.5	\$ 600	0.9	\$ 540
Jaclyn L. Anderson	Partner	13.5	\$ 600	0.0	\$ -
Niki B. Smith	Paralegal	5 (Paralegal) / 16 (Legal Assistant)	\$ 200	0.0	\$ -
Totals:				10.3	\$ 8,530

TABLE 4: LODESTAR BY CASE PHASE

Case Period	Dates	Hours	Lodestar
Pre-Consolidation	06/24/2021 - 07/15/2021	209	\$ 148,735
Consolidation	07/16/2021 - 06/03/2022	763.5	\$ 559,865
Future (Est.)	06/03/2022 - Future	150	\$ 109,273
Totals:		1,122.7	\$ 817,873

TABLE 5: LODESTAR BY TASK CATEGORIES

Task Categories	Hours	Lodestar
Investigation	95.6	\$ 68,155
Case Management	390.5	\$ 247,685
Pleadings	189.1	\$ 160,085
Law & Motion	118.5	\$ 92,275
Discovery	91.5	\$ 66,500
Settlement	87.5	\$ 73,900
Future	150	\$ 109,273
Totals:	1,122.7	\$ 817,873

TABLE 6: LITIGATION EXPENSES

Categories of Costs	Amount
Pro Hac Vice Fees	\$ 750.00
Travel	\$ 1,599.30
Total:	\$ 2,349.30

Exhibit B



MaryBeth LippSmith

Co-Founder

Phone: 213-344-1820

Biography

MaryBeth is a wordsmith who celebrates clear, concise writing as an artform. She delights in tackling a complex case and distilling its essence into easily digestible language. She's the resident scrutinizer, anticipating potential weaknesses in an argument and bullet-proofing briefs accordingly. MaryBeth brings to LippSmith LLP more than a decade of experience serving federal judges in both the U.S. Court of Appeals for the Ninth Circuit and the U.S. District Court for the Central District of California. In her appellate practice, MaryBeth primarily focused on personal injury matters and plaintiff-side class actions. She has merged her appellate practice into the firm.

MaryBeth volunteers actively in her children's school, from judging debate tournaments to helping build a more inclusive and antiracist community. She thrives on solitary time in nature, especially night-time walks in the light of the full moon. MaryBeth treasures reading with her children before bed—even if many of the books are now for young adults—and loves exploring the outdoors with her family and their pups.

Representative Successes

- *Secci v. United Independent Taxi Drivers, Inc., et al.* (Cal. Ct. App. 2017)

[Read Document](#)

Disclaimer: The case listed here provides an example of some of the successes the lawyers at LippSmith LLP have obtained. This result does not indicate or guarantee future results. The success of each case depends on its specific facts, circumstances, and merit.

Practice Areas

- Appeals
- Class Actions
- Personal Injury
- Construction Defect
- Intellectual Property
- Business Litigation
- Government Claims

Education

- University of Southern California Gould School of Law, J.D., Order of the Coif
- Northwestern University, B.S., *cum laude*

Judicial Clerkships

- Career & Term Law Clerk, Hon. Dorothy W. Nelson, U.S. Court of Appeals, Ninth Circuit
- Capital Habeas Staff Attorney, U.S. District Court, Central District of California

Admissions

- California
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California

Honors & Awards

- Super Lawyers, 2020–Present

Professional Affiliations & Engagements

- RISE, Two-Year Anniversary Celebration, Speaker
- The Write Stuff: Win Your Case with Compelling Briefing and the Tools of Rhetoric (CLE)

Articles

- "Do Yourself A Favor: Hire a Ghost Writer," *The Advocate* (December 2019)

[Read Document](#)

- "Write a Superior Opening Brief," *The Advocate* (December 2018)

[Read Document](#)

- "Bringing a Ninth Circuit Appeal," *The Advocate* (December 2017)

[Read Document](#)



Graham B. LippSmith

Co-Founder

Phone: 213-344-1820

Biography

Graham truly enjoys practicing law and finds purpose in his work. He has devoted his entire career to representing plaintiffs and consumers against big business. He thrives on managing difficult cases from start to finish, while working through complex puzzles along the way. He pays attention to the details that really matter and puts his all into figuring out the smallest of problems, whether in a national class action or a local, individual matter. Graham relishes each case's unique challenge and never gives up on his clients. He values his client relationships and works hard to cultivate and nurture a personal connection, even in class actions where plaintiffs can number in the hundreds, thousands, or more. Graham believes the satisfaction and delight he finds in his work help him achieve successful outcomes for his clients.

Graham always listens to music, the weirder and more obscure, the better. In his free time, he escapes to the nearest mountains to recharge at every opportunity. Whether skiing in the backcountry or camping under the stars, Graham's happiest exploring the outdoors—ideally with his family and dogs.

Practice Areas

- Class Actions
- Personal Injury
- Mass Torts
- Construction Defect
- Intellectual Property
- Business Litigation

Education

- Loyola Law School, J.D.
- Northwestern University, B.A.
- Phillips Exeter Academy

Admissions

- California
- Hawaii
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, District of Hawaii
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Affiliations & Engagements

- 360 Advocacy Class Action Roundtable, Steering Committee
- American Bar Association
- Bridgeport CLE Conference, Annual Panelist
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

Representative Successes

- Nationwide Class of Insurance Customers—\$548,734,348 Settlement
- Class of Homeowners with Defective Construction Products—\$90,341,564.68 Settlement
- Nationwide Class of Consumers with Defective Plumbing Components—\$57,000,000 Settlement Valuation
- Classes of Homeowners with Defective Construction Products and Design—\$40,000,000 Settlement
- Classes of Homeowners with Defective Construction Products—\$35,700,000 Settlement
- Nationwide Class of Refrigerator Consumers—\$20,743,778 Settlement Valuation
- Nationwide Class of Ponzi Scheme Victims—\$17,040,000 Settlement
- Survivors of Childhood Sexual Abuse at Group Home—\$15,850,000 Combined Settlements
- Nationwide Class of Consumers with Defective Plumbing Components—\$12,300,000 Settlement Valuation
- Nationwide Class of Ponzi Scheme Victims—\$8,250,000 Settlement
- Breach of Attorney Fee Agreement—\$5,000,000 Settlement
- Patent Infringement—\$3,500,000 Settlement
- Breach of Contract—\$3,100,000 Settlement
- Breach of Contract and Bad Faith—\$3,000,000 Settlement
- Government Claim for Business Owners—\$2,700,000 Settlement
- Pedestrian Brain Injury—\$2,500,000 Settlement
- Wage and Hour Class Action—\$2,500,000 Settlement
- Child Drowning—\$1,050,000 Settlement
- Defamation and Breach of Contract—\$1,027,648 Arbitration Award

Disclaimer: The verdicts and settlements listed here provide examples of some of the successes lawyers at LippSmith LLP have obtained. These results do not indicate or guarantee future results. The success of each case depends on its specific facts, circumstances, and merit.

Honors and Awards

- CLAY Attorney of the Year in Litigation, *California Lawyer*, 2008
- Consumer Lawyer of the Year, Finalist, Consumer Attorneys of California, 2008
- Consumer Lawyer of the Year, Finalist, Consumer Attorneys of California, 2007
- Largest California Settlement for 2011, *Verdict Search*
- Lawdragon 500 Leading Plaintiff Consumer Lawyers, 2019–Present
- Super Lawyer, 2013–Present
- Super Lawyers Rising Star, 2004–2012
- Top 20 Under 40, *Daily Journal*, 2008

Celene Chan Andrews

Partner

Phone: 213-344-1820

Biography

Celene practices law with a generous spirit and unflappable calm. She has dedicated her entire practice to representing plaintiffs and consumers. Celene appreciates the connections she makes and builds with clients, class members, and colleagues. All of these people inspire her to give her all. Celene values giving back to her community with the same passion she brings to representing her clients. She serves as an active leader of several bar and professional organizations and as a regular volunteer providing pro bono legal services to the community.

Celene is a planning and spreadsheet enthusiast. When she's not working, she's busy planning something fun—from travel to events, gatherings to fun surprises, or even just a simple meal. Any opportunity to merge working with people, food, and spreadsheets takes Celene to her happy place.

Representative Successes

- Class of Homeowners with Defective Construction Products—\$90,341,564.68 Settlement
- Classes of Homeowners with Defective Construction Products and Design—\$40,000,000 Settlement
- Classes of Homeowners with Defective Construction Products—\$35,700,000 Settlement
- Nationwide Class of Ponzi Scheme Victims—\$8,250,000 Settlement
- Government Claim for Business Owners—\$2,700,000 Settlement
- Wrongful Death 1983 Claim—\$1,845,000 Settlement
- Copyright and Trade Secrets Claims—\$985,000 Settlement

Disclaimer: The verdicts and settlements listed here provide examples of some of the successes lawyers at LippSmith LLP have obtained. These results do not indicate or guarantee future results. The success of each case depends on its specific facts, circumstances, and merit.

Practice Areas

- Class Actions
- Personal Injury
- Mass Torts
- Construction Defect
- Intellectual Property
- Business Litigation

Education

- University of California, Los Angeles, B.A., *cum laude*
- University of California, Hastings College of the Law, J.D.

Admissions

- California
- Hawaii
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, the Central District of California
- U.S. District Court, District of Hawaii
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. Supreme Court

Judicial Clerkships & Externships

- Judicial Law Clerk, Honorable Alan S. Gold, U.S. District Court, Southern District of Florida
- Judicial Extern, Honorable David A. Ezra, U.S. District Court, District of Hawaii

Honors & Awards

- Legal Eagles Pro Bono Clinic, Volunteer of the Year, 2013–2014
- Southern California Chinese Lawyers Association, President's Award, 2016
- Super Lawyer, 2020–2021
- Super Lawyers Rising Star, 2014–2018
- Top 10 California Attorneys Under 40, National Academy of Personal Injury Attorneys, 2015
- Top 40 Under 40, National Trial Lawyers, 2014
- Up-and-Coming 50: Women Southern California Rising Stars, 2016–18
- Up-and-Coming 100: Southern California Rising Stars, 2016–18

Professional Affiliations

- Asian Pacific American Bar Association
- Consumer Attorneys of California
- Los Angeles County Bar Association, Litigation Section Executive Committee, Brown Bag Lunch Committee, Co-Chair
- National Asian Pacific American Bar Association, Mass Torts & Class Actions Committee, Chair
- RISE Women Lawyers, Steering Committee
- Southern California Chinese Lawyers Association, Vice President
- Women Lawyers Association of Los Angeles, Racial Justice and Equality Advisory Council

Speaking Engagements

- Asian Pacific American Heritage Month: Celebrating APA Women in Leadership, Asian Pacific American Bar Association, Panelist
- Clerkship Panel Series: Federal Clerkships & Externships, Southern California Chinese Lawyers Association, Moderator
- The Economics and Ethics of Litigation Funding, National Asian Pacific American Bar Association, Moderator
- How to Represent a Plaintiff and Participate in a Mass Tort or Class Action, Consumer Attorneys Association of Los Angeles, Speaker
- Litigation Bootcamp, Los Angeles County Bar Association, Speaker
- The Role and Effects of Class Action Lawsuits on the Business of Sports, Sports Law Association, Panelist
- Venice High School Academy of Law & Public Service, Mexican American Bar Association & Southern California Chinese Lawyers Association, Speaker
- Women's Leadership Conference, University of California, Speaker



Jaclyn Anderson

Partner

Phone: 213-344-1820

Biography

Jaclyn is a spirited team player who has yet to meet a challenge impervious to her will. She has committed her entire career to fighting the wrongs plaintiffs and consumers have suffered. She loves the intellectual rigor inherent in her practice, particularly the dynamic case law climate in class action work. She values LippSmith LLP's collective focus and mission to leave the world a little better than we found it—for each client and class member and, hopefully, for others who may face similar grievances in the future.

Jaclyn lives her life outside work with the same heart and integrity, plus a good dose of whimsy. She participates in Justice Warriors for Black Lives, volunteering as both a Legal Observer and Police Interventionist and training new members in each role. She fills her cup by practicing yoga and traveling far enough into the desert that she's out of cell phone range, and her rescue dog can run free.

Representative Successes

- Nationwide Class of Consumers with Defective Plumbing Components—\$57,000,000 Settlement Valuation
- Nationwide Class of Refrigerator Consumers—\$20,743,778 Settlement Valuation
- Nationwide Class of Consumers with Defective Plumbing Components—\$12,300,000 Settlement Valuation
- Wage and Hour Class Action—\$2,500,000 Settlement
- Motorcycle Rider Injury—\$500,000 Settlement

Disclaimer: The verdicts and settlements listed here provide examples of some of the successes lawyers at LippSmith LLP have obtained. These results do not indicate or guarantee future results. The success of each case depends on its specific facts, circumstances, and merit.

Education

- University of Southern California Gould School of Law, J.D.
- Boston University, B.A.

Admissions

- California
- Hawaii
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, District of Hawaii
- U.S. District Court, Northern District of California

Professional Affiliations & Engagements

- Non-Traditional Settlement Strategies, Bridgeport Consumer Class Action Conference, Panelist
- Consumer Attorneys Association of Los Angeles
- John M. Langston Bar Association of Los Angeles

EXHIBIT 13

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF WILLIAM F. “CHIP” MERLIN, JR. FILED ON BEHALF OF
MERLIN LAW GROUP, P.A. IN SUPPORT OF MOTION FOR APPROVAL OF
PAYMENT OF ATTORNEYS’ FEES
AND LITIGATION EXPENSES**

I, William F. “Chip” Merlin, Jr. do hereby declare and state as follows:

1. I am the President of Merlin Law Group, P.A. (“Merlin Law Group”). Merlin Law Group attempts to limit its practice to insurance coverage and bad faith disputes. The firm has over 40 attorneys and has 11 offices across the Country. I submit this declaration in support of my firm’s application for an award of attorneys’ fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. As Court appointed Insurance Coverage Liaison Counsel, Merlin Law Group contributed significantly to this litigation. Merlin Law Group was counsel of record in this action since its inception. On August 29, 2021, I was appointed to serve as Insurance Coverage Liaison Counsel to act on behalf of the Plaintiffs and the proposed class members in the Action.

3. As part of its role in this litigation, Merlin Law Group performed many integral tasks which benefitted the Plaintiff and the Class. Among many other tasks, I, William F. “Chip” Merlin, Jr., Esquire (1) reviewed and analyzed insurance policies to assist with confirming coverage for the loss; (2) provided counsel and advice to Plaintiffs’ Co-Chair Lead Counsel, Personal Injury and Wrongful Death Track Lead Counsel, Economic Loss and Property Damages Track Co-Lead Counsel, and members of the Plaintiffs’ Steering Committee regarding insurance coverage; (3) communicated with coverage counsel for the Association, Receiver, mediators, and

coverage counsel for numerous defendants regarding insurance coverage issues; (4) assisted with preparation of demand letters to Defendants; (5) participated in preparation for settlement discussions and mediations specifically as to insurance coverage issues; (5) attended multiple mediations with Defendants; (6) conducted legal research on insurance issues including but not limited to subrogation, professional services exclusions, contractor controlled insurance programs, triggering coverage in policies preceding the date of loss and anti-stacking issues; (7) addressed issues and suggested litigation strategy where Defendants' insurers sent denial letters and in some cases, filed declaratory judgment actions in jurisdictions outside of Florida. This work included suggesting to Defendants other coverage counsel to hire as well as developing responses to denials and litigation, including supplemental litigation in Florida, which was often threatened. This particular topic and strategy took place with coordination of the Association's coverage counsel; (8) discussed obligations of good faith and fair dealing with various Defendants' coverage counsel under Florida law and explained why the choice of law regarding the obligation of good faith would be determined by Florida law regardless of where Defendants obtained their policies and where their headquarters were located; (9) participated significantly with the initial cause of action against the Defendant Becker, which led to the first of many settlement demands for layered primary and excess coverage demands for the full policy limits. This Becker settlement and demand letter provided a template for many of the other policy limit demands of stacked and layered insurance coverages which have substantially provided all the funds for the Plaintiffs; (10) answered and responded to questions about insurance coverage from various victims and attorneys of victims. These questions ranged from where to find insurance policies of deceased individuals to analyzing subrogation rights being claimed by the victims' property insurance carriers; (11) spoke with governmental officials from Florida's Department of Financial Services, which was set up through Merlin Law Group's lobbyists. We asked the Department of Financial Services to provide bulletins to insurers about how to obtain property insurance policies and quick settlements for victims and their survivors. This resulted in the Office of Insurance Regulation and the Department of Financial Services demanding all insurers provide notice of every policy in effect

at Champlain Towers including automobile and life insurance policies; and (12) coordinated and had discussions with attorney Fred Cunningham who is recognized as a leading third-party bad faith litigator and who was instrumental working with myself and other lead class counsel as we revised extraordinarily difficult demands for towers and layers of coverage provided by different insurance companies. It is my professional opinion that while Fred Cunningham was never appointed as a lead counsel, his contributions and advice led to the very successful policy limit demands, which quickly forced this extraordinary resolution. Fred Cunningham should at least get some public praise and recognition for his efforts and collegial legal advice.

4. Among many other tasks, Shane S. Smith, Esquire (1) reviewed and analyzed insurance policies to assist with confirming coverage for the loss; (2) assisted William F. “Chip” Merlin, Jr. in communications with coverage counsel for the Association, Receiver, mediator, and coverage counsel for numerous defendants regarding insurance coverage issues; (3) assisted William F. “Chip” Merlin, Jr. with preparation for settlement discussions and mediations specifically as to insurance coverage issues; (4) conducted legal research on insurance issues, including but not limited to subrogation, professional services exclusions, contractor controlled insurance programs, triggering coverage in policies preceding the date of loss and anti-stacking issues; and (5) wrote legal memoranda for William F. “Chip” Merlin, Jr. and class leadership outlining coverages and gaps of coverage.

5. In addition to the work above, my firm will continue to participate in this litigation until its conclusion on behalf of the Class. It is anticipated that issues of subrogation and Florida’s Made Whole Doctrine will arise with many of the victims. This is the biggest remaining insurance coverage issue.

6. The information in this declaration regarding my firm’s time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this

declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in Merlin Law Group's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

7. The number of hours spent on this litigation by my firm is 393. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is \$266,712.50. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm. While our firm does a significant amount of contingent fee work for policyholders, Merlin Law Group currently has hourly-paying clients who pay William F. "Chip" Merlin, Jr. \$800.00 per hour and Shane S. Smith \$450.00 per hour.

8. Merlin Law Group's expenses and charges in connection with the prosecution of this litigation total \$2,605.11. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

9. The following additional information further explains certain of these expenses

(a) Transportation, Hotels & Meals: \$1,358.21. In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, court hearings, to meet with witnesses, mediators and opposing counsel and to take or defend depositions. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(b) Photocopying: \$1,246.90. In connection with this litigation, the firm made 6,235 in-house copies, charging \$0.10 per black and white copy and \$0.30 per color copy. Each time an in-house copy machine is used, our billing system requires that a case or administrative billing code be entered and that is how the 6,235 copies were identified as related to this case. Those expenses and charges are summarized by expense category in the attached **Exhibit B**. This was necessary for the detailed review of multiple layers of policies, coverages and exclusions so they could be compared to at the same time, with highlights and color-coded notes on physical paper.

10. The foregoing expenses pertaining to this litigation are reflected in the books and records of Merlin Law Group. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

11. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of June, 2022 at Tampa, Florida.

/s/ William F. "Chip" Merlin, Jr.

William F. "Chip" Merlin, Jr.

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: Merlin Law Group, P.A.

REPORTING PERIOD: Inception through May 31, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
William F. Merlin, Jr. (P)	230.2	\$800.00	\$184,160.00
Shane S. Smith (A)	175.3	\$450.00	\$78,885.00
Kyle Bugden (A)	4.6	\$350.00	\$1,610.00
Kathryn Ray (LC)	9.1	\$175.00	\$1,592.50
Melinda Williams (Para)	1.2	\$175.00	\$210.00
Tiffany Rodriguez (Para)	1.7	\$150.00	\$255.00
TOTALS	393		\$266,712.50

EXHIBIT B
IN RE: CHAMPLAIN TOWERS SOUTH
COLLAPSE LITIGATION

EXPENSES REPORT

FIRM NAME: Merlin Law Group, P.A.

REPORTING PERIOD: Inception through May 31, 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research		
Process Server		
Filing Fee		
Delivery services/messengers		
Local travel		
Out-of-town travel		\$745.60
Meals		\$520.14
Deposition transcripts		
Experts		
Litigation Fund		
Parking		\$28.00
Transportation		\$64.47
Copying		\$1,246.90
TOTAL EXPENSES		\$2,605.11

EXHIBIT C

MERLIN

LAW GROUP

WILLIAM F. MERLIN, JR., ESQUIRE

Merlin Law Group, P.A.

777 S. Harbour Island Boulevard, Suite 950, Tampa, FL 33602

PH (813) 229-1000 FAX (813) 229-3692

cmerlin@merlinlawgroup.com

ABOUT ME

Since 1985, Chip Merlin has served as a plaintiff's attorney with a focus on Commercial & Residential Property Insurance Claim Disputes and Bad Faith Insurance litigation. Chip is a noted national authority on Insurance Bad Faith, lecturing to national trade groups and publishing a number of papers and articles on the subject for organizations such as The American Association for Justice, The Florida Justice Association, The Windstorm Insurance Network, and Trial Magazine.

Chip published a book, *Pay Up!: Preventing A Disaster With Your Own Insurance Company*, to provide policyholders with an educational resource on navigating property insurance claims and help policyholders avoid being subjected to bad faith tactics.

As founder and president of Merlin Law Group, Chip has dedicated his practice to the representation and advocacy of insurance policyholders in disputes with insurance companies nationwide.

Chip served as Chair for the Bad Faith Insurance Litigation Group and Secretary for the Fire and Property Insurance Litigation Group for the American Association for Justice (formerly known as the Association of Trial Lawyers of America). He was also Vice-Chair for the Subcommittee on Property Insurance Law for the American Bar Association.

EDUCATION

UNIVERSITY OF FLORIDA

Gainesville, Florida - Bachelor of Science, Business Administration 1980

UNIVERSITY OF FLORIDA COLLEGE OF LAW

Gainesville, Florida - Juris Doctor 1982

Honors: Moot Court, Florida Blue Key, Omicron Delta Kappa

Law Review: University of Florida Law Review, Executive Editor

EDUCATIONAL HONORS

- | | |
|--|---|
| • Law Review – Executive Editor | • Moot Court |
| • Florida Blue Key Leadership Honorary | • Omicron Delta Kappa Scholastic Honorary |
| • SAVANT Leadership Honorary | • Who's Who Among College and University Students |

BAR ADMISSIONS

- U.S. Supreme Court
- Colorado
- Florida
- Illinois
- New Jersey
- Oklahoma
- Texas
- California
- District of Columbia
- Georgia
- Mississippi
- New York
- Tennessee

EXPERIENTIAL DIGEST

1996 - Present

Merlin Law Group, P.A.

Practice limited to Insurance Dispute Resolution, Insurance Claim Documentation and Presentation, and Insurance-Related Litigation on Behalf of Policyholders and Claimants; Bad Faith Litigation; Civil Trial; Insurance Agent Negligence.

1985-1996

William F. Merlin, Jr., P.A.

Practice limited to Insurance Dispute Litigation on Behalf of Policyholders and Claimants; Bad Faith Litigation, Civil Trial

1982-1985

Butler, Burnette & Freeman, P.A.

Property Insurance Defense

HONORS AND AWARDS

- *United Policyholders Lifetime Achievement Award, 2021*
- *Florida's Super Lawyers, 2007-Present*
- *Florida Trend's Florida Legal Elite, 2007-Present*
- *AV Preeminent Rated by Martindale-Hubbell, since 1999*
- *Lifetime Achievement Award from the Florida Association of Public Insurance Adjusters, 2016*
- *The National Law Journal, Top Rated Lawyers, 2011-2014*
- *Tampa Bay Magazine, Tampa Bay's Best Lawyers, 2010*
- *Lexis Nexis Insurance Law Center Person of the Year 2008 Policyholder Attorney of the Year, Honorable Mention, 2008*
- *WIND Fellow, 2018*

- *National Association of Public Insurance Adjusters (NAPIA) Person of the Year, 2007*
- *Florida Trend's 2006 Florida Legal Elite; one of 1000+ attorneys (or 1.8% of lawyers practicing in the State of Florida) – one of twelve in the field of Insurance Law.*
- *Florida Trend's 2005 Florida Legal Elite; one of 800+ attorneys (or 1.6% of lawyers practicing in the State of Florida) – one of eight in the field of Insurance Law.*
- *Florida Trend's 2004 Florida Legal Elite; one of 800+ attorneys (or 1.6% of lawyers practicing in the State of Florida) – one of seven in the field of Insurance Law.*
- *2002, Outstanding Amicus Brief of the Year, United Policyholders (ATLA Winter Convention 2002)*
- *1990 Eagle Talon for Dedication to the Highest Ideals of The Academy of Florida Trial Lawyers*

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- United Policyholders Board Member, 2015- Present
- American Association for Justice, President's Member 1995-Present
- Florida Association of Public Insurance Adjusters (FAPIA) Associate Member 1993-Present
- National Association of Public Insurance Adjusters (NAPIA) Associate Member 1985-Present
- Georgia Association of Public Insurance Adjusters (GAPIA) Board Member 2016-2020
- Florida Film Commission, 2014-2017
- The Poynter Institute, Board Member 2015-2017
- Windstorm Insurance Network, Board Member 2003-2014
- Windstorm Insurance Network, President 2011-2012
- Citizens Property Insurance Corporation Mission Review Task Force, 2008
- Community Associations Institute (CAI), Associate Member 1999-2007
- American Association for Justice, Chairman, Bad Faith Insurance Litigation Group, 1996-1998
- American Association for Justice, Secretary, Fire and Property Insurance Litigation Group, 1993-1995
- American Bar Association, Vice-Chairman, Subcommittee on Property Insurance Law, 1988-1998

PUBLISHED WORK

Mavericks & Merlins: Sailors And Renegades Leave Shore, What About You?, Forbes Books, October 2021

Everything A Public Adjuster Needs to Know About Proofs of Loss, NAPIA 2020

When to Invoke Appraisal in a Property Insurance Claim, NAPIA 2021

Pay Up!: Preventing a Disaster with Your Own Insurance Company, Forbes Books, March 17, 2020

The Need for Great Public Adjusters, FAPIA Fall 2017, November 2017

Causation in New Jersey, Pennsylvania, and New York April 2017

How is Harvey Litigation Different? October 2017

Successful Solicitations and Salutations: Statutory and Ethical Obligations Governing Public Adjusters, March 2016

Overturning Appraisal Awards for Bias and Seeking Discovery from Appraisers: A Policyholder's Guide, Brief, Summer 2015

Making Opinions Count, 2015

Measure of Damages for First-Party Property Losses, Fall 2014

Business Interruption for Forensic Accountants, Anti-Fraud Conference of Forensic Accountants, New York, June 2013

Preparation for the Hurricane Season Includes Insurance and Risk Reviews, Hospitality Lawyer, 2012

Practical and Legal Lessons From Hurricane Experts, Seminar for New York and New Jersey Public Adjusters, 2012

Practical Lessons Public Adjusters Can Learn From Recent Litigation Against Insurers, FAPIA Fall Conference, 2012

Theory of Indemnity and What Constitutes a Loss, First Party Claims Conference, 2012

Uncovering Soot and Ash, a Wildfire Claims Seminar, CE Seminar for California Public Adjusters, 2012

First Party Property Insurance Cases of Interest to Public Adjusters, NAPIA Fall Meeting, 2012

Trends Involving All Risk Coverage and Claims for the Policyholders Perspective, Willis RE - Managing Extremes, 2012

Specific Case Studies in the Field of Business Interruption (Coauthor with Michelle Claverol, Esq. & Kelly Kubiak, Esq.) FAPIA Spring Conference, May 2012

What Should be in the Claim File - Public Adjuster Best Claims Practices and the Claims File, (Coauthor with Douglas Grose, Esq.) FAPIA Spring Conference, May 2012

Preparation for the Hurricane Season Includes Insurance and Risk Reviews, Hospitality Lawyer, June 2011

Contingent Business Income Insurance for the Hospitality Industry: Hedging the Risk of Financial Loss Caused by Catastrophe at Nearby Attractions Gulf Coast Case Law Update, Windstorm Insurance Network Annual Conference, January 2011

Proving a Theory of Loss in a Large or Complex Claim. The Hospitality Law Conference, February 2011, Houston, TX

The Trying Your Catastrophe Claim, ABA, April 2011

A Primer on Proving Roof Damage, NAPIA Summer Meeting, June 2011

Experience and Specialization Matters When it Comes to Complex Hospitality Insurance, Insurance Journal, Spring 2010

A Case Providing Far Too Little Because it Was Rendered Far Too Late, Mississippi Law Journal, April 2010

Swimming Pool, Spa, and Whirlpool Safety for Hotel Owners, Hospitality Lawyer, May 2010

Lessons Learned After the Storms, Journal of the American Association for Justice, August 2007

Ten Things a Florida Public Adjuster Can do to Raise Professionalism and Become More Successful, FAPIA Summer Conference, August 2007

Plugging the Gaps: Dealing With Inconsistent Terms in Your Layered Insurance, Risk Insurance Management Society Conference, 2007

Coming Up With Evidence Out of the Blue Creative Bad Faith Discovery, American Association for Justice Mid-Year Convention, February 2007

Unfair Claims Practices, Academy of Florida Trial Lawyers Winter CLE Seminar, 2006

Practical and Legal Lessons From the 2004 & 2005 Hurricanes for Every Policyholder Representative, National Association of Public Insurance Adjusters, Mid-Year Meeting, 2006

Peace of Mind: Getting Adequate Insurance Protection, APCM's Regional Conference Florida Region, November 2006

Dealing With Disaster: How to Survive Being Flooded Out, Burned Up, or Blown Away! Condominium Associations Institute National Conference & Exposition, 2006

What Else Do We Cover? Extra Coverages, The American Bar Association Presents: Emerging Issues in Homeowner's Insurance Seminar, 2006

How to Apply Coinsurance and Deductible Clauses in Property Insurance Policies, Florida Association of Public Insurance Adjusters (FAPIA), 2006

Condominium Leadership Before and After a Hurricane Catastrophe, Windstorm Insurance Network Annual Conference, 2006

CLASSES AND SEMINARS TAUGHT

- Ten-Point Quick Public Adjuster File Review. GAPIA 2022 Spring Conference. May, 17, 2022
- The 3 Sides to Every CAT Claim – Insurer Attorney, Policyholder Attorney and The TRUTH, 2022 Property Insurance Claims Group (PICG) Conference, London, England, May 11, 2022
- Claim Litigation Prep Bootcamp Bridging the gap between the PA's and Attorneys, Claimwizards Conference, April 18, 2022
- Safety & Valuation Considerations When Presenting Wildfire Claims. RMAPIA Spring 2022 Conference. April 14, 2022
- Ethical Issues for Texas Public Adjusters. TAPIA Spring 2022 Conference. March 1, 2022.
- Why Can't We All Just Get Along. WIND 2022. January 26, 2022
- Claims & Legal Trends and the Insurance Coverage Gap Impacting Public Adjusters, RMAPIA Fall 2021 Seminar, November 2, 2021

MERLIN

LAW GROUP

- Answering the most pressing issues regarding appraisal, evaluation, building codes and ramifications from the 2021 property insurance laws, FAPIA Fall Conference, October 26, 2021
- The Professional Public Adjuster in the New Roaring Twenties, RMAPIA/TAMPA Spring 2021 Conference, March 3, 2021
- The Changing Appraisal Landscape, WIND 2021, February 1, 2021
- Adjusting on a Replacement Cost vs. Actual Cash Value Basis Rules, Timelines & Deadlines, GAPIA Fall 2020, September 22, 2020
- Civil Authority, Ingress/Egress Coverages, FPCC 2020, October 13, 2020
- The Professional Public Adjuster in the New Roaring Twenties, Florida Association of Public Insurance Adjusters (FAPIA) Conference Fall 2020, June 1, 2020
- Water Intrusion and Damages Associated with Water, GAPIA Spring 2020, July 14, 2020
- Adjuster Workflow & Processes: Analyzing Steps & Best Practices of Claim Handling, WIND 2020, January 26, 2020
- Estimating the Safe Workplace Repair Site, FPCC 2019, October 16, 2019
- Including the Legal Requirements of Safety, OSHA, Xactimate, & Coverage Issues In Your Estimate, Florida Association of Public Insurance Adjusters (FAPIA) Conference 2019, October 28, 2019
- Speaker, Ethical Regulations and Laws for Public Adjusters from Each RMAPIA State, RMAPIA Fall 2019 Seminar and Meeting, October 25, 2019
- Exceptions to the Exclusions – Bringing Coverage Back from the Dead - and Other Hidden Coverages, NAPIA Summer Conference 2019, August 18, 2019
- A Checklist Method for Property Claims Adjustment GAPIA Spring Conference 2019, May 29, 2019
- Public Adjusters and the Claims Profession: Why Professional Public Adjusters Are Vitally Important, FAPIA Spring 2019, June 3, 2019
- Ethical and Good Faith Claims Handling Practices, WIND 2019- January 29, 2019
- Delay & Denial of Payments – Remedies in The Mountain States, RMAPIA Fall 2018- August 24, 2018
- Public Adjuster Performance and Professionalism When Writing & Speaking Informally or Under Oath, FAPIA Fall Conference 2018, October 27, 2018
- Insurance Adjuster Ethics, FPCC Fall Conference, October 2017
- Public Adjusters Best Claims Practices and the Claim File, National Public Adjusters Conference, September 2017
- Replacement Cost and Actual Cash Value Issues, RMAPIA Summer Seminar and Meeting, August 2017
- Water Intrusion and Damages Associated with Water, NAPIA Annual Meeting, June 2017
- Causation and Sufficient Proof, PPAANJ 2017 Spring Seminar, May 2017
- How to Survive Your Next Deposition, GAPIA Spring Educational Conference, May 2017
- Insurance Law Changes in California, Arizona, Colorado and Nevada, FPCC West Insurance Seminar, March 2017
- How Your Actions, Communications, and Operations Determine your Reputation as an Ethical Professional Public Adjuster, TAPIA Spring Conference, February 2017
- Concurrent Causation in RMAPIA States, RMAPIA Winter 2017 Seminar and Meeting, February 2017

MERLIN

LAW GROUP

- Merlin vs. Badger- The Great Debate on All Things Appraisal & Hail Related, WIND Conference, January 2017
- Matching, Line of Sight, and Pre-Loss Conditions, NAPIA Mid-Year Conference, December 2016
- What is the Unauthorized Practice of Law & How to Avoid It, First-Party Claims Conference, October 2016
- Effective Use of Experts by Public Adjusters to Resolve Claims; and Hurricane Matthew Tips You Need to Know to Avoid Getting Swamped by the National Flood Insurance Program, FAPIA Fall Conference 2016
- How to Survive Your Next Deposition, TAPIA Fall Conference 2016
- Coverage Changes to Property Insurance Policies, RMAPIA Summer Conference 2016
- Understanding Roofs, Professional Public Adjuster Association of New Jersey (PPAANJ), Organizational Meeting, April 2016
- Case Law and Reference Materials Regarding Hail Claims Which Everybody Must Have & New Policy Forms, CE Class for Public Adjusters, March 2016
- Coverage Changes to Texas Property Insurance Policies, TAPIA Spring Conference 2016
- Mass Disasters, Mass Actions, and the Media, WIND Conference, January 2016
- Speaker, Policy Coverage and Exclusions- What Every PA Needs to Know, Florida Association of Public Insurance Adjusters (FAPIA) Conference, November 2015
- After the Catastrophe, What Do I Do Next, FPCC, October 2015
- Use of Experts: What to Watch For, How to Vet Them, and How to Marginalize Insurance Company Experts; Advanced Topics in Business Interruption, 2015 Georgia Association of Public Insurance Adjusters (GAPIA) Spring Conference, May 12, 2015
- Actions Speak Louder Than Words: How Your Actions, Communications and Operations Determine Your Reputation as an Ethical Professional Public Adjuster, FAPIA, May 2015
- How to Win at EUO, HOA, and Unit Owner Claims - Everything You Want to Know, Rocky Mountain Association of Public Insurance Adjusters (RMAPIA) 2015 Spring Conference, March 13, 2015
- Actions, Communications and Organization Determine Your Reputation, TAPIA Spring Conference, February 2015
- Bad Faith Insurance Claims and the Litigation Process, 2015 Insurance Restoration Contractor Summit, Fort Worth, Texas 23rd Annual Insurance Coverage Litigation Committee, Phoenix, Arizona
- Historical Highlights, Lessons and Claim Trends from all Hurricanes Starting with Charlie Through Sandy, 2015 WIND Conference
- Super Storm Sandy Retrospective - The Claims Aftermath, First Party Claims Conference, October 2014
- Use of Experts: What to Watch For, How to Vet Them, and How to Marginalize Insurance Company Experts, NAPIA Mid-Year Meeting, 2014
- Eastern District of New York, Storm Sandy Mediator Training, May 2014
- What Public Insurance Adjusters Ethically Should and Should Not Include in Their Claim File and Case Law Statutory and Regulatory Update, Rocky Mountain Association of Public Insurance Adjusters (RMAPIA) Spring Meeting, 2014
- Current Changes to Policies, Coverage and Case Law, FAPIA Spring 2014
- Texas Measure of Damages For First Party Property Losses, TAPIA Meeting, 2014
- Gulf Coast and Southeast Insurance Case Law Update, Windstorm Insurance Network Annual Conference,

January 2013

- Making the Expert Opinion Count & Current Issues of Concern to Public Adjusters, NAPIA Mid- Year Meeting, 2012
- Practical and Legal Lessons from Hurricane Experts, Seminar for New York and New Jersey Public Adjusters, 2012
- Speaker, Practical Lessons Public Adjusters Can Learn From Recent Litigation Against Insurers, FAPIA Fall Conference, 2012
- The Theory of Indemnity and What Constitutes a Loss, First Party Claims Conference, 2012
- Trying Your Catastrophe Claim in the Court of Public Opinion, FJA Meeting, 2012
- Appraisals, Ethics and Bad Faith Issues, TAPIA Spring Conference, 2012
- Uncovering Soot and Ash, a Wildfire Claims Seminar, CE Seminar for California Public Adjusters, 2012
- First Party Property Insurance Cases of Interest to Public Adjusters, NAPIA Fall Meeting, 2012
- Trends Involving All Risk Coverage and Claims from the Policyholders Perspective, Willis RE, Managing Extremes, 2012
- Business Interruption, FAPIA Spring Conference, May 2012
- Appraisals, Ethics and Bad Faith, TAPIA Spring Conference, April 2012
- The Ultimate Seminar for Public Adjusters - CALIFORNIA CLAIMS, Business Interruption, Wildfires, Ethics, & the Public Adjuster's Role in Litigation, April 2012
- Turning Disaster Into Opportunity - What Restoration Professionals can do to Help Catastrophe Victims, Contribute to Economic Recovery and Make a Profit" Restoration Contractors Symposium, Modesto, California, March 2012
- Don't Get Burnt Adjusting Wildfire Claims, TAPIA Fall Conference, November 2011
- What Should be in a Claim File, FPCC, October 2011
- Anticipating Man-made and Natural Disaster Trends That Impact Business, SAFOB, September 2011
- Ethical Requirements of Public Adjusters and What Experienced and Advanced Public Adjusters Should Have Included in Their Claim, FAPIA Summer Conference, July 2011
- The Ultimate Seminar for Public Adjusters: Ethical Issues for Presenting Claims, CE Seminar for Public Adjusters, 2011
- The Legal, Ethical and Practical Adjustment Issues From Windstorm Claims, To Walls, Windows and Roofs, FAPIA Winter Conference, 2010
- Learning From Those on the Other Side of Claims Negotiation: Persuasive, Professional, and Ethical Techniques of Adjustment for the Policyholder, FAPIA, June 2010
- Understanding the Valuation Issues of the Gulf Oil Spill, HB Litigation Conferences
- Presents Oil in the Gulf - Litigation and Insurance Coverage, June 2010
- Fantastic Adjustment Results Through Professionalism and Ethical Conduct: Tips From the Masters and Lessons From the School of Hard Knocks, NAPIA Annual Meeting, June 2010
- What Texas Public Adjusters Should be Doing Ethically and Professionally Regarding Hurricanes Dolly and Ike Claims, TAPIA Annual Meeting, 2010
- The Ultimate Roofing Seminar, CE Seminar for Public Adjusters, April 2010

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- The Ultimate Seminar for Public Adjusters: Ethical Issues for Presenting Claims, CE Seminar for Public Adjusters, April 2010
- Learning From Those on the Other Side of Claims Negotiations: Persuasive, Professional, and Ethical Techniques of Adjustment for the Policyholder, FAPIA Summer Conference, 2010
- Proofs of Loss, EUO's, and Request for Documentation, FAPIA Winter Conference, 2010
- Gulf Coast Case Law Update, WIND, January 2010
- Gulf Coast Case Law, WIND and Texas WIND 2010
- The Legal, Ethical and Practical Adjustment Issues From Windstorm Claims to Walls, Windows and Roofs, WIND 2010
- Subrogation- Do's and Don'ts, First Party Claims Conference, 2009
- Science of Roof Damages, First Party Claims Conference, 2009
- Hospitality Industry Insurance Litigation Update, The Hospitality Law Conference, 2009
- Speed Adjusting: A Fast and Furious Look at the Concerns and Considerations of Insurance Claims and How They Can Affect Public Adjusting, FAPIA Summer Conference 2009
- The Merlin Guide: How to ethically and efficiently adjust claims in Texas, Seminar for Texas Public Adjusters, 2009
- The Process Matters: Appraisals, Prompt Payment and Bad Faith in Texas, Seminar for Texas Public Adjusters, 2009
- Fact or Fiction: Expert analysis of Hurricane Ike, Seminar for Texas Public Adjusters, 2009
- Maximizing Recovery: Best practices and surrounding Law and Ordinance coverage, ACV, RCV, Matching, and Building Code, Seminar for Texas Public Adjusters, 2009
- Successful Solicitations and Salutations: Sell and Close Right to Succeed, FAPIA, 200
- Electronic Discovery Concerns for Adjusters, Insurers, and Policyholders: What you May Not Know Can Hurt You, WIND 2009, January 27, 2009
- How Ethical and Knowledgeable Claims Handling Adds Value to Your Clients Claim, 2008 NAPIA Mid-Year Meeting, December 6, 2008
- The Rules of the Game, A discussion comparing and contrasting the rules, regulations, and requirements for Northeastern U.S. and the Gulf Coast states, NAPIA/MAPIA, October 24, 2008
- Is Your Association really Ready for Another Hurricane in 2008, CAI North Gulf Coast Chapter, March 19, 2008
- Hurricane Coverage and Litigation Issues, Including Florida's New Valued Policy Law and the Question of Concurrent Causation; Florida Justice Association Annual Workhorse Seminar, Orlando, FL, February 14, 2008
- Who's on First? Excess Policies and Multiple Insurers; 2008 Windstorm Conference, Jacksonville, FL, February 4-8, 2008
- RULES OF THE ROAD – A Different Methodology For Proving Duty and Breach, Florida Justice Association 2007 Winter CLE Seminar, Beaver Creek, CO, December 13-17, 2007
- Establishing the Right Trial Theme for Your Bad Faith Case; National Advanced Forum on Bad Faith Litigation, Miami, FL, November 11, 2007

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- Ten Things a Florida Public Adjuster Can do to Raise Professionalism and Become More Successful; 2007 FAPIA Summer Conference, Captiva Island, FL, August 10, 2007
- Plugging the Gaps: Dealing with Inconsistent Terms in Your Layered Insurance; 2007
- Risk Insurance Management Society Conference, New Orleans, LA, April 30, 2007
- Coming Up With Evidence Out of the Blue – Creative Bad Faith Discovery; American Association for Justice Mid Year Convention, Miami Beach, FL, February 11, 2007
- Unfair Claims Practices; Academy of Florida Trial Lawyers 2006 Winter Seminar, Snowmass, CO, December 15, 2006
- Practical and Legal Lessons from the 2004 and 2005 Hurricanes for Every Policyholder Representative; National Association of Public Insurance Adjusters 2006 Mid Year Meeting, San Francisco, CA, December 1, 2006
- Peace of Mind: Getting Adequate Insurance Protection; APCM's 2006 Regional Conference Florida Region, Lake Buena Vista, FL, November 10, 2006
- Dealing With Disaster: How to Survive Being Flooded Out, Burned Up, or Blown Away; Community Associations Institute, Inc. 2006 National Conference, Palm Springs, CA, May 4, 2006
- Property Insurance 101: What Else to We Cover? Extra Coverages; American Bar Association's Tort and Trial Section Presents Emerging Issues in Homeowner's Insurance, Carlsbad, CA, April 27, 2006
- How to Apply Coinsurance Deductible Clauses in Property Insurance Policies; 2006 Florida Association of Public Insurance Adjusters Semi Annual Meeting, Tallahassee, FL, April 4, 2006
- Condominium Leadership Before & After a Hurricane Catastrophe; Seventh Annual Windstorm Insurance Conference, Orlando, FL, February 10, 2006
- The Return of the Hurricane Panel: Part II; Seventh Annual Windstorm Insurance Conference, Orlando, FL, February 9, 2006
- The First Party Bad Faith Claim; Academy of Florida Trial Lawyers Winter Seminar, Vail, CO, December 15-18, 2005
- Limiting or Expanding- the Scope of Discovery in the Bad Faith Case Post- Campbell and Saldi; American Conference Institute 12th Advanced Forum on Litigating Bad Faith and Punitive Damages, Miami Beach, FL, November 15 & 16, 2005
- Recovering from Catastrophe: A Lesson in Leadership; Community Associations Institute, Inc. Community Leadership Forum, Atlanta, GA October 20, 2005
- The Unlicensed Practice of Law and Unlicensed Public Adjusting, Sixth Annual Windstorm Insurance Conference, Tampa, FL, February, 2005
- Insurance Companies' Obligations to Arrive at Good Faith Evaluation of Damages; National Association of Public Insurance Adjusters Annual Convention; Farmington, PA, June, 2004
- Case Law Up-Date on Insurance, Florida Bar Annual Convention, Boca Raton, FL, June, 2004
- Perfected Bad Faith? Instructions for Filing a Civil Remedy Notice of Insurer Violation; Florida Association of Public Insurance Adjusters; Tallahassee, FL; April, 2004
- Why Can't We Just All Get Along?, Windstorm Conference, New Orleans, LA, February, 2004
- How To Handle a Mold Claim, Tampa Bay Paralegal Association, Tampa, FL, February, 2004
- Insurance Company Obligations to Arrive at Good Faith Evaluations of Damage, Florida Association Public

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Insurance Adjusters Convention, Hollywood, FL, August, 2003

- Utilizing Computer Software In the Claims Evaluation Process: Can It Be Done in Good Faith?, American Conference Institute 9th Annual Advanced Forum on Litigating Bad Faith and Punitive Damages, San Francisco, CA, April, 2003
- The Perspective from the Plaintiff's Bar: Is It Always Bad Faith if You Can't Agree on Amount?, ABA Tort Trial and Insurance Practice Section, CLE Program/Seminar, Property Insurance Law; New Orleans, LA, March, 2003
- Insurance Company Obligations to Arrive at Good Faith Evaluations of Damage, 2003 FAPIA Winter Convention; Tallahassee, FL; March 2003
- Dispelling the Mysteries of the Deductible Clause: The Policyholder's Perspective, Florida Windstorm Conference; Orlando, FL; February, 2003
- Practical Considerations for Plaintiff Attorneys Handling Mold Claims, Harris Martin's Mold Litigation: Beyond the Basics 2002 Conference, Miami, FL, October, 2002
- Claims Adjustment Rules: What Insurance Companies Recognize, Lawyers Need to Learn and Judges Must Recognize, American Trial Lawyers Association Convention, Atlanta, GA, July, 2002
- Withholding Overhead and Profit is Wrong if Insurance Companies Are Trying to Act Right, NAPIA Convention, Uncasville, CT, June, 2002
- Practical Considerations for Plaintiff Attorneys Handling Mold Claims, American Conference Institute, New York, NY, April, 2002
- The Rules of Claims Adjustment: What Insurance Companies Recognize and Lawyers Need to Learn; Ontario Trial Lawyers Convention, Toronto, Canada, April, 2002
- Withholding Overhead and Profit is Wrong if Insurance Companies Are Trying To Act Right; Florida Windstorm Conference, Orlando, FL, February, 2002
- Practical Considerations for Plaintiff Attorneys Handling Personal Injury and First Party Mold Claims, American Conference Institute, Miami, FL, December, 2001
- Bad Faith Bullies, DUI Drivers, Bankrupt Insureds, Insolvent Insurers and PIP Bad Faith, 2001
- Insurance Bad Faith Seminar, Academy of Florida Trial Lawyers, Tampa, FL, September, 2001
- Practical Considerations for Public Adjusters Recovering Mold Claims, Florida Association Public Insurance Adjusters, St. Petersburg, FL, August, 2001
- Allstate and Colossus: How to Deal With Them in 2001, Vermont Trial Lawyers Association, Burlington, VT, July, 2001
- Florida Condominium Loss Adjusting Symposium, Florida Windstorm Conference Orlando, FL, June, 2001
- How To Hammer Allstate, Michigan Trial Lawyers Association, Novi, Michigan, March, 2001
- The Myth, Truth and Role of The American Trial Lawyer, Australian Plaintiff Lawyers Association, Brisbane, Australia, February, 2001
- Fees, Fees and More Fees, DCA Seminars, Ft. Lauderdale and Tampa, FL, November, 2000
- Breaking the Grip of the Good Hands People from Allstate, Academy of Florida Trial Lawyers, September, 2000
- Colossus: What We Know Today; Association of Trial Lawyers of America; Chicago, Illinois; August, 2000

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- Collision Course With the Colossus Program: How To Deal With It; American Trial Lawyers Association, New Orleans, Louisiana; May, 2000
- Unfair Claims Actions In The Aftermath of Talat, Winter Meeting of Florida Association of Public Insurance Adjusters, Tallahassee, FL, April 2000
- The Allstate Uninsured Motorist Claim, Connecticut Trial Lawyers Association, Waterbury, CN, April, 2000
- American Conference Institute On Bad Faith and Punitive Damages, San Francisco, CA, March, 2000
- Overcoming Allstate's Trade Secrets and Work-Product Objections, Kentucky Trial Lawyers Association, Louisville, KY, March, 2000
- Protecting the Blown-Away Policyholder: Good Faith Claims Handling After Hurricanes and Other Windstorms, Florida Windstorm Conference, Orlando, FL, February, 2000
- Overcoming Allstate's Trade Secrets and Work-Product Objections, Arkansas Trial Lawyers Association, "How to Hammer Allstate Seminar", Little Rock, Ark., February, 2000
- Allstate Telephone Seminar: Taking the Driver's Seat Against Allstate, State Farm and Others 'When You've Been Dolfed', ATLA National Telephone Seminar, December, 1999
- Diego & Chip's Excellent Bad Faith Seminar, DCA Seminars, Ft. Lauderdale, FL, December, 1999
- Allstate Bad Faith Conduct and the Uninsured Motorist Claim, Connecticut Trial Lawyers Association Seminar, "How to Hammer Allstate," Trumbell, CT, October, 1999
- Television Appearance, Legally Speaking, Tampa, FL; August, 1999
- Claims Professionalism, Unfair Claims Practices, and Claims Negotiation, Annual Meeting Florida Association of Public Insurance Adjusters, Key Biscayne, FL, August 1999
- How To Maximize Bad Faith Punitive Damage Awards Through "Pooling," Mealey's Bad Faith Litigation Conference, Boston, MA; May 1999
- Discovery of Bad Faith Claims From the Plaintiff's Perspective, American Bar Association, San Francisco, CA April 1999
- The Plaintiff's Perspective, Mealey's Bad Faith Reporter, February 1999
- First Party Casualty Claims From the Plaintiff's Perspective, January, 1999, DCA Seminars, Inc., Miami & Tampa, FL, January 1999
- Unfair Claims Practices, Mid-Year Meeting of National Association of Public Insurance Adjusters, Orlando, FL, December 1997
- Overcoming Allstate's Trade Secret and Work-Product Objections, Montana Trial Lawyers Association, Missoula, MN February 1997
- Does this Insurance Policy Cover Anything? An Insured's Perspective of the Late Twentieth Century All-Risk Policy", American Bar Association, National Institute On Insurance Coverage, Orlando, FL, 1994
- The Plaintiff's Attorney; Champion of the Oppressed or Modern Day 49er, Cajun Club, Tampa, FL, 1993
- Discovery From the Insured's Viewpoint, 1993 National Institute on Arson, American Bar Association, New Orleans, LA, 1992
- Actual Cash Value and the Broad Evidence Rule in the Wake of Hurricane Andrew, National Association of Public Insurance Adjusters Annual Convention, Miami, FL, 1992

- Collecting From Your Insurer in the Wake of Hurricane Andrew, National Association of Public Insurance Adjusters Annual Convention, United Policy Holders, Miami, FL, 1992
- The Role of the Civil Attorney Following Fire Damage and Injury, Pinellas County Junior College, St. Petersburg, FL, 1991
- Cross-Examining the Fire Expert, Florida Advisory Committee on Arson Prevention and Association of Arson Investigators, 1991
- Examinations Under Oath and the Proof of Loss, National Association Of Public Insurance Adjusters Annual Convention, Carmel, CA, 1985

APPOINTMENTS

- In August 2021, appointed as Insurance Coverage Liaison Counsel in In re: Champlain Towers South Collapse Litigation, Case No. 2021-015089-CA, in the Eleventh Judicial Circuit Court of the State of Florida.
- In April 2021, appointed to the Plaintiffs' Steering Committee in In re: Erie Covid-19 Business Interruption Protection Insurance Litigation, Case No. 1:21-mc-00001, in the U.S. District Court for the Western District of Pennsylvania.



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Contact

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Court Admissions

State

Florida

Federal

- U.S. District Court, Colorado
- U.S. District Court, Florida, Middle
- U.S. District Court, Florida, Northern
- U.S. District Court, Florida, Southern
- U.S. District Court, Puerto Rico
- U.S. District Court, Texas, Northern
- U.S. District Court, Texas, Southern

U.S. Court of Appeals, 5th Circuit

Biography

A Florida native, Shane Smith grew up in St. Petersburg. She earned a golf scholarship to attend the University of Notre Dame in Indiana and during her junior and senior year, Shane was the number one golfer, team captain, and most valuable player on the Division I Women's Varsity Golf Team. Upon graduation from Notre Dame in 2001 with a Bachelor of Arts in economics, Shane pursued a professional golf career and competed on the Futures Golf Tour for three years. Deciding to turn in her putter for a briefcase, Shane enrolled in the Thomas M. Cooley Law School in Lansing, Michigan where she earned her J.D. in 2007. Ready to begin her career back in the Sunshine State, Shane moved to Sarasota where she represented property owners, condominium associations, contractors, and surety companies in construction disputes and construction defect litigation.

In 2013, Shane returned to her roots in the Tampa Bay area and joined Merlin Law Group to assist individuals and business owners whose properties had been devastated by catastrophes. While Shane is based in the firm's Tampa office, she represents policyholders nationwide in first party property insurance disputes and is licensed in several federal courts.

Shane Smith is not only someone that you would like to have on your golf scramble team — she is also someone you want representing you against a large property insurance carrier that wrongfully denies your claim. Shane understands the preparation, hard work, and perseverance it takes to succeed in first party property insurance disputes, just like she knows what it takes to win on the golf course. For example, Shane greatly contributed to Merlin Law Group's representation of a commercial property owner in a hard-fought hailstorm trial against travelers in Phoenix, Arizona, where a jury entered a multi-million-dollar verdict in favor of the policyholder after a seven-day trial.

Shane's strong legal research and writing skills also enhance her representation of policyholders. Along with Chip Merlin, the firm's founder, she co-authored an article titled *Overturning Appraisal Awards for Bias and Seeking Discovery from Appraisers: A Policyholder's Guide*, published by the American Bar Association (ABA) Tort and Insurance Law Section in its Summer 2015 issue of *The Brief*. Shane was selected as a Super Lawyers Rising Star in 2017 and 2018 in the area of insurance coverage and has earned a BV rating from Martindale-Hubbell.

Shane regularly contributes to Merlin Law Group’s [Property Insurance Coverage Law Blog](#) and is available to assist policyholders with questions on their claims.

In her free time, Shane enjoys spending time with family and friends, playing golf, watching Notre Dame football, and relaxing at the beach.

Awards

- BV rating from Martindale-Hubbell

Education

Western Michigan University , Thomas M. Cooley Law School
Lansing, Michigan
Juris Doctor

University of Notre Dame
Notre Dame, Indiana
Bachelor of Arts, Economics

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Court Admissions

State

Florida

Biography

Kyle Bugden is an Associate at the Merlin Law Group where he advocates on behalf of policyholders in first-party property insurance cases. Kyle graduated from Ohio Valley University with a Bachelor of Science in Criminal Justice and played on both the soccer and lacrosse teams. After finishing his undergrad degree in 2017, he joined Merlin Law Group as a filing clerk prior to attending law school at the University of Florida. This is where he learned an appreciation for the ability to help and make a positive change in people's lives. He also was a member of the

Trial Team while at the University of Florida. Kyle continued to clerk with Merlin Law Group throughout his law school career and began working full time with the firm after completing his Juris Doctor.

Education

University of Florida College of Law
Gainesville, Florida
Juris Doctor

Ohio Valley University
Vienna, West Virginia
Bachelor of Science, Criminal Justice

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Court Admissions

State

Florida

Biography

Kathryn Madison Ray is an Associate at Merlin Law Group. For her undergraduate education she attended The University of Mississippi, where she competed with the school’s Mock Trial Team and was active within her university’s chapter of Pi Sigma Alpha, the National Political Science Honor Society. During her senior year at The University of Mississippi she completed a political science internship with the Mississippi Office of the State Treasurer. She graduated from The University of Mississippi with a Bachelor of Arts in Political Science and received Departmental

Distinction in 2018. Before attending law school, she spent the summer in Washington, D.C. interning with the House of Representatives.

Kathryn attended William & Mary Law School in Williamsburg, Virginia. During law school, Kathryn served as one of the Tournament Directors and also competed with the Alternative Dispute Resolution Team, served as Assistant Article Editor 2019-2020 and Article Editor 2020-2021 of the Environmental Law and Policy Review, and was also the Service Chair for the Christian Legal Society. Kathryn received her Juris Doctor from William & Mary Law School in 2021.

Kathryn has a special connection with the firm. In 2005 when Hurricane Katrina devastated the Mississippi Gulf Coast, Merlin Law Group represented her grandparents in the aftermath of the storm. This personal experience inspired Kathryn to pursue a career in law and, more specifically, property insurance law. Through this, Kathryn saw firsthand not only the desolation these disasters can bring, but also the importance of advocating for policyholders in their time of need. Kathryn clerked at Merlin Law Group her 1L and 2L summers of law school and now has the unique perspective of having seen both sides of dealing with a property disaster, legal and personal.

To learn more about insurance claim disputes from Kathryn, read her valuable contributions to the [Merlin Law Group blog here](#).

Awards

Political Science Departmental Distinction, The University of Mississippi

Education

William & Mary Law School

Williamsburg, Virginia

Juris Doctor

Tournament Director, Alternative Dispute Resolutions Team

Assistant Article Editor 2019-2020, Environmental Law and Policy Review

Article Editor 2020-2021, Environmental Law and Policy Review

Service Chair, Christian Legal Society

The University of Mississippi
Oxford, Mississippi
Bachelor of Arts, Political Science
Minor in Psychology
Mock Trial Team
Pi Sigma Alpha, the National Political Science Honor Society
Intern, Mississippi Office of the State Treasurer

[View all attorneys](#)



EXHIBIT 14

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF H. K. SKIP PITA FILED ON BEHALF OF PITA WEBER DEL
PRADO IN SUPPORT OF MOTION FOR APPROVAL OF PAYMENT OF
ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, H. K. Skip Pita, declare and state:

1. I am a Partner at Pita Weber Del Prado ("PWD"). I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. On July 16, 2021, the Court appointed PWD to the Plaintiffs' Steering Committee to serve and act on behalf of the Plaintiffs and the proposed class members in this action. CTS leadership originally appointed PWD to the Discovery Committee and then asked PWD to instead focus on the Expert Committee since PWD had retained a structural engineering firm already.

3. As part of its role in this litigation, PWD performed many integral tasks which benefitted Plaintiffs and the proposed Class. Among many other tasks, PWD successfully secured and retained the expert structural engineering services of the PE Group, along with the lead engineers at that firm -- John Pepper and Greg McClellan. The Expert Committee ultimately recommended the PE Group to serve as structural engineering experts for Plaintiffs and Lead Counsel accepted this recommendation.

PWD participated in every Expert Committee meeting, vote and interview session in order to propose a set of experts to Lead Counsel. PWD also located other potential experts as well in the field of geotechnical engineering, whom the Steering Committee interviewed. PWD also

located a forensic appraiser and economist who agreed to serve on a reduced fee should their services be needed.

At the direction of lead counsel, PWD served as the principal contact between lead counsel and the PE Group on a variety of matters, including coordinating and getting their engineering input on all protocol drafts for the site inspection. PWD also obtained PE Group's structural input on every matter proposed by the County or the Town of Surfside to stabilize the pile. This included safety concerns that necessitated shoring up the pile and work on retaining wall needs. PWD obtained PE Group's input on work and sample gathering that the federal agency, NIST, announced it would undertake. Input on these matters was necessary to ensure that none of these undertakings would prejudice Plaintiffs' expert inspections of the collapsed structure. This information was provided to Lead Counsel.

At the direction of Lead Counsel, PWD secured the services and professional proposal from the surveyor, Thomas J. Kelly, Inc. The TJK team served as the surveyor at the site inspection – the lead professional surveyor was Julio Pita (no relation to the undersigned) along with a TJK survey crew. PWD facilitated meetings between the TJK team and the PE Group for the site inspection.

Under PWD's retainer agreement with PE Group, the PE Group undertook construction of a state-of-the-art, 3D computer Model of CTS. (Under the direction of lead counsel, PWD assigned the retainer agreement and it ultimately became the retainer agreement for all Plaintiffs.) This computer model utilized all drawings and data available on the original CTS design and was designed to incorporate new findings and data as the case proceeded. The idea of this model was to use it in conjunction with other Plaintiff experts and for ultimate presentation at trial.

Lead counsel assigned PWD to the Wrongful Death leadership team for the Allocation Mediation. PWD represented tenants only and had no conflict. PWD worked closely with Judd Rosen in preparation for the Allocation Mediation and became thoroughly familiar with the prospect of an assessment against the owners. PWD participated in pre and post mediation

meetings with mediator Bruce Greer. At Bruce Greer's direction, PWD drafted a content form for tenants.

PWD attended and participated in the Allocation Mediation and all live caucuses with the wrongful death team at Fairchild Gardens. Following that live mediation, PWD then participated with Judd Rosen and members of his firm on several drafts of a proposed allocation mediation settlement agreement, and reviewed proposals from the property class. PWD participated in Zoom meetings and at least one phone call with Bruce Greer before the final agreement was concluded for the Court's consideration and approval. PWD also participated in conference calls with members of the wrongful death team prior to that ultimate, proposed agreement.

PWD was asked by the Discovery Committee to review sets of documents obtained from contractors on site. PWD attended the discovery training. PWD reviewed the discovery assigned to it and obtained input from the PE Group to determine if any of that work contributed to CTS's structural failure. PWD reported its findings and conclusions to lead counsel. PWD obtained twenty-three 911 audios from the night of the collapse and provided those to lead counsel. Based on representations from the County, these appear to be all of the 911 calls.

At the direction of lead counsel, PWD participated in Zoom committee work on the Claims Forms. These included meetings with Robert Parks and retired judge, Hon. John Thornton. As part of this, PWD researched marital, simultaneous death under the Florida's Wrongful Death Statute and reported PWD's conclusions back to those participating in the Claims Forms meetings.

With perhaps two or three exceptions, PWD attended every leadership meeting called on by lead counsel. With perhaps one or two exceptions, PWD attended every status conference or hearing before the Court and, otherwise, reviewed the transcript of every hearing.

At several hearings, PWD made the point that tenant content claims had to be protected and that such claims were part of the Class. PWD advocated this point at several junctures and, ultimately, those claims are available and can be made should the proposed Class Settlement be approved.

4. In addition to the work above, PWD will continue to participate in this litigation until its conclusion on behalf of the Class.

5. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in PWD's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

6. The number of hours spent on this litigation by my firm (and our associated co-counsel) is **128.6 hours**. This breaks down as follows through May 31, 2022: **83 hours** for time spent on *common benefit matters*; **42.1 hours** spent on *client-specific matters*; and **3.5 hours** by associated counsel on *client-specific matters*. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal time based on the firm's current rates is **\$600.00** for attorneys and \$150 for paralegal/paraprofessionals, respectively. For comparison, PWD served as lead counsel in the class action Alejo v. Nationstar Mortgage, LLC et al., Miami-Dade County 18-017648 CA 23. There, Lewis N. Jack served as the expert on fees in that action. Mr. Jack opined an hourly rate of \$600 was reasonable for PWD, along with a multiplier of 2.5 for the results achieved. Judge Barbara Areces awarded fees based on Mr. Jack's representation. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each

individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

7. PWD's expenses and charges in connection with the prosecution of this litigation total **\$11,520.27**. *However, the Receiver reimbursed \$10,000 of these expenses already.* Accordingly, the outstanding expenses are **\$1,520.27**. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(a) Filing, Witness and Other Fees: **\$425.39**. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. These costs were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas. This service of process was for our original wrongful death lawsuit that PWD filed before the cases were consolidated before Judge Hanzman. The expenses for these services were paid and are set forth in **Exhibit B**.

(b) Experts: **\$10,000.00** Expert Retainer Fee to PE Group (structural engineering firm) for services as set forth in **Exhibit B**. *The Receiver already reimbursed PWD for this Retainer fee.*

(c) Online Legal and Financial Research: **\$1,000**. This is for Westlaw legal research services. PWD is requesting less than half of the \$2,110 that Westlaw allocated to this matter under PWD's contract with Westlaw. This reduced expense represents a fair cost incurred by PWD for use of these services in connection with this litigation. PWD has a flat rate contract with Westlaw. When PWD utilizes Westlaw, access to the service is engaged under the identification of a specific case. At the end of each billing period, Westlaw allocates a breakdown for each case and a dollar amount for that case. As a result of the Westlaw contract negotiated by PWD, the Class enjoys substantial savings in comparison with the "market-rate" for *a la carte* use of such services which some law firms pass on to their clients. For example, the "market rate"

charged to others by Westlaw for the types of services used by PWD is more expensive than the rate that PWD negotiated. Here, PWD spent 20 hours on Westlaw. Westlaw allocated that to be \$2,110. Because of PWD's contract with Westlaw, that comes out to \$105.50 per hour, a very reasonable rate. PWD is requesting less than half of that expense -- \$1,000.

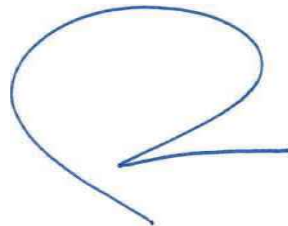
(d) Other Expenses: **\$94.98**. This is for \$49.38 Courier for retainer check to PE Group; \$28 for parking at hearings; \$17.50 for 911 Audios.

8. The foregoing expenses pertaining to this litigation are reflected in the books and records of PWD. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

9. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

I declare under penalties of perjury that the foregoing is true and correct.

Executed this 6th of June, 2022 at Miami, Florida.



H.K. Skip Pita
FBN 0101974

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: Pita Weber Del Prado

REPORTING PERIOD: Inception through May 31, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
H.K. Skip Pita	56.9	\$600.00	\$34,140.00
Randy Weber	7	\$600.00	\$4,200.00
Shannon Del Prado	15.5	\$600.00	\$9,330.00
Rosanna Weber	1.6	\$600.00	\$960.00
Miriam Banos (Paralegal)	2	\$150.00	\$300.00
HK Skip Pita – client specific	28.9	\$600.00	\$17,340.00
Randy Weber – client specific	13.2	\$600.00	\$7,920.00
Matt Estevez – client specific	3.5	\$600.00	\$2,100.00
TOTALS	128.6		\$76,290.00

EXHIBIT B
IN RE: CHAMPLAIN TOWERS SOUTH
COLLAPSE LITIGATION

EXPENSES REPORT

FIRM NAME: Pita Weber Del Prado

REPORTING PERIOD: Inception through May 31, 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research	\$1,000.00	Reduced from \$2110
Process Server		
Filing Fee	\$425.39	
Delivery services/messengers	\$49.38	
Local travel		
Out-of-town travel		
Meals		
Deposition transcripts		
Experts	\$10,000.00	(reimbursed by Receiver)
Litigation Fund		
Parking	\$28.00	
Transportation		
911 Audios	\$17.50	
TOTAL EXPENSES	\$11,520.27	Note: \$1,520.27 outstanding



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H.K. SKIP PITA



Skip Pita is a member of the Million Dollar Advocates Forum. He has been recognized as a Top Lawyer by the South Florida Legal Guide since 2002. Since 2010, he has been recognized state-wide as a top lawyer in Florida's Legal Elite. Since 2011, the National Trial Lawyers Assoc. named Skip as one of the Top 100 Lawyers in Florida and then, beginning in 2017, the organization named Skip as one of the Top 25 lawyers for Medical Malpractice. Since 2011, Best Lawyers in America with U.S. News & World Report has recognized Skip for his high caliber work representing the injured.

In 2020, Skip's Florida peers voted him as a Super Lawyer. And Skip was also selected a Fellow of the Academy of Florida Trial Lawyers. Academy Fellows



have proven not just their dedication to representing people, but their fighting passion to protect, preserve and advance the cause of the civil justice system in Florida.



These rankings and accolades are all based on rigorous peer review. Skip was elected to serve five consecutive years on the Board for the Florida Justice Association, the state's preeminent trial lawyer association.

Past jury verdicts include a \$10,000 million for a paralyzed South Florida security officer who was in a contested auto crash with a Hertz rental car. After winning a jury trial in a contested medical malpractice case against a Miami hospital, Skip was nominated to the American Board of Trial Advocacy by his opponent, who was President of the Florida Bar. The President said that he had never had a jury award more than was asked for. Skip has achieved numerous seven figure results for his clients, whom he has been honored to represent.

In 2018, Skip Pita achieved one of the Top 100 jury verdicts in Florida.

After having juries award more than Skip requested in closing argument, Skip was asked to speak at seminars on persuasive closing argument. Skip believes in the jury system and that everything one does in the course of the litigation must have one singular objective – winning at trial.

Skip has represented numerous clients against major defense firms and insurance carriers throughout Florida, consistently delivering successful verdicts and settlements. He belongs to the Florida Justice Association, the National Trial Lawyers Association, the American Justice Association, and the Miami-Dade County Trial Lawyers Assoc.

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RANDY M. WEBER, ESQ.

TRIAL LAWYER



Randy M. Weber has more than 20 years of experience as a trial lawyer and represents individuals and families in personal injury matters. His practice areas include wrongful death, medical malpractice, automobile accidents, premises liability, nursing home abuse, insurance contract disputes and employment related litigations.

Mr. Weber began practicing law with a multi-national law firm as commercial litigator. He then served as a Special Assistant Public Defender for the Miami-Dade County Public Defender's Office. There, he tried more than 20 criminal jury trials.



"My priority is to educate, inform and empower individuals by making them aware of their rights and of the proper standards of safety in order to prevent tragic events from occurring in the first place."

Mr. Weber cherishes his community work and volunteer efforts to support education. He is currently a Chairperson and member on the Board of Directors for Assistance to the Elderly, Inc. – a not for profit Assisted Living Facility located in Miami with a mission to provide low income, senior Cuban American Citizens with safe and clean housing. Mr. Weber is also on the Executive Committee for The Special Olympics and a Vitas Healthcare Paw Pals Volunteer. In addition, Mr. Weber regularly raises money for the American Heart Association. As a member of the Council on Education Change and Executive Pass Committee, Mr. Weber has also organized and hosted tours of the courthouse for local elementary school students. He is proud to contribute to their learning experience.

Clients Choice
2016
Personal Injury



EDUCATION

- University of Miami, School of Law, Juris Doctor Degree, 1994
 - Dean's Honor Scholar, Recipient of Dean's Honor Scholarship, Graduated Magna Cum Laude
- University of Georgia, Bachelor of Arts Degree in English, 1991
 - Phi Beta Kappa graduate, Magna Cum Laude

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- The Florida Bar
- Dade County Bar Association
- Miami-Dade Justice Association
- Florida Justice Association (formerly Florida Academy of Trial Lawyers)
- Association of Trial Lawyers of America



- Admitted to practice before the Florida Supreme Court and U.S. District Courts for the Southern, Middle and Northern Districts of Florida
- Florida Bar Grievance Committee, Past Chairman

AWARDS & ACKNOWLEDGEMENTS

- Randy M. Weber was named one of Florida Trend's Florida Legal Elite for 2008, 2011 and 2013
- Million Dollar Advocates Forum
- AV Rated
- Super Lawyers

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ROSANNA MOLINARI WEBER, ESQ.

LAWYER



Rosanna Molinari Weber represents victims of negligence in personal injury actions including automobile accidents, premises liability, wrongful death, medical malpractice, nursing home abuse, insurance contract disputes and employment related litigations. Ms. Weber manages her cases from inception through resolution, including developing solutions tailored to the needs of individual clients and developing case strategies for success.

Mrs. Weber was admitted to practice in Florida in 1996. During the first several years of her practice, she was an associate lawyer in the real estate departments of the prestigious M



law firm of Zack Kosnitzky and the national law firm Duane Morris. As a native of Ecuador and fluent Spanish speaker, Ms. Weber is able to cater her practice to Hispanic clientele.

"One of the things that I am most grateful for are all the wonderful opportunities that our great country has afforded me. I continue to maintain close ties to my country of origin, Ecuador, and work together with several organizations to aid underprivileged Ecuadorian families."

EDUCATION

- St. Thomas University School of Law, Juris Doctor Degree, 1996
 - Graduated with Honors with an Academic Scholarship
- Florida Atlantic University, Bachelor of Arts Degree in Political Science, 1993
 - Graduated with Honors
- Miami-Dade Community College, Associate Degree, 1991
 - Graduated with Honors

PROFESSIONAL MEMBERSHIPS

- Florida Bar
- Ms. Weber is admitted to practice before the Florida Supreme Court and all the State Courts of Florida

PRO BONO

- Temple Beth Am Religious School Board (Ex-chair of K-6 Committee)
- Fundacion Chichi Puig (member, former Secretary and President)
- Dade County Bar Association Professionalism Committee (member)
- Ecuadorian-American Chamber of Commerce (former Vice President)
- Bi-National Chamber of Commerce (former member)
- Vitas Healthcare – Paw Pals Volunteer

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[Miami Injury Lawyer](#) > [Our Team](#) > Shannon Del Prado

SHANNON DEL PRADO



Shannon del Prado is the former President of the Miami-Dade Trial Lawyers Association. Shannon remains active in the MDTLA. She continues to run the Date with Justice Program, which she started when she served as President. She is also a member of the Million Dollar Advocate Forum. Since 2004, she has been recognized as a Top Lawyer by the South Florida Legal Guide in the area of personal injury and medical malpractice. And in 2011, she was named as a top lawyer in the Miami Herald. From the start, Shannon wasted no time learning how to try cases. In her first trial, she won a \$485,000 jury verdict. From there, she has gone on to obtain numerous

successful results for her clients.



When it comes to the details of representing clients, nobody does it like Shannon. She is thorough and knows how to maximize clients' recovery. Her peers know it. In 2010, her peers elected her to the Board for the Miami-Dade Justice Association, the MDJA is Miami-Dade's preeminent trial lawyer organization.

Shannon is licensed in both the state and federal courts of Florida. She has been selected by her peers for inclusion in The Best Lawyers in America 2020.

Prior to becoming a lawyer, Shannon worked for both the U.S. Departments of Justice and State throughout Latin American and the Caribbean. In addition to her law degree from the South Texas College of Law, she holds a masters degree in international business from George Mason University. She is fluent in Spanish and English.

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CLASS ACTION REPRESENTATION

COMMERCIAL LITIGATION



EXHIBIT 15

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF JUDD ROSEN, ESQ. FILED ON BEHALF OF GOLDBERG &
ROSEN, P.A. IN SUPPORT OF MOTION FOR APPROVAL OF PAYMENT OF
ATTORNEYS' FEES
AND LITIGATION EXPENSES**

I, Judd Rosen, Esq., do hereby declare and state as follows:

1. I am the managing partner of Goldberg & Rosen, P.A. I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. As Court appointed counsel for the Subclass of Non-Unit Owner Victims, leader of the Allocation Mediation on behalf of the wrongful death victims, and member of the Plaintiff's Steering Committee, and contributed significantly to this litigation. Goldberg & Rosen, P.A. and its lawyers, Judd Rosen, Esq., Brett Rosen, Esq., and Mustafa Dandashly, Esq. were counsel of record in this action since its inception. On July 16, 2021, the Firm was appointed to serve on the Plaintiff's Steering Committee. On November 4, 2021, the Firm was appointed as lead counsel for the Subclass of Non-Unit Owner Victims. The Firm was subsequently appointed to lead the allocation mediation amongst the various classes of victims on behalf of the wrongful death victims.

3. As part of its role in this litigation, our Firm performed many integral tasks which benefitted the Plaintiff and the Class, including generating \$517,500,000.00 from the Securitas settlement and resolving the allocation dispute amongst the class members. Our letter in support of this Affidavit is attached hereto as Exhibit C.

4. In addition to the work above, my firm will continue to participate in this litigation until its conclusion on behalf of the Class.

5. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in the Firm's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

6. The total number of hours spent on this litigation by my firm and our associated co-counsel is **4022**. A breakdown of the lodestar is provided in **Exhibit A**. **Exhibit A** also indicates the portion of this time that was expended in the service of individual class member/clients. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is **\$3,858,017.50**. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

7. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is **\$150/hour for paralegals; \$500/hour for Associates; \$1000/hour for partner Judd Rosen, Esq.; \$975/hour for Managing Partner Brett Rosen, Esq.; \$950/hour for Partner Mustafa**

Dandashly, Esq.; and \$975/hour for Co-Counsel Managing Partner of the Todd Rosen Law

Group. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

8. The Firm's expenses and charges in connection with the prosecution of this litigation total **\$5,460.00.** Those expenses and charges are summarized by expense category in the attached **Exhibit B.**

9. The following additional information further explains certain of these expenses

(a) Consulting and Design Services: **5,460.00** to Champion Legal, as listed in

Exhibit B.

10. The foregoing expenses pertaining to this litigation are reflected in the books and records of Goldberg & Rosen, P.A. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

11. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit D.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th of June, 2022 at Miami, Florida.

/s/ Judd Rosen

Judd Rosen, Esq., Goldberg & Rosen, P.A.

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: Goldberg & Rosen, P.A.

REPORTING PERIOD: Inception through May 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
<i>Common Benefit Time</i>			
Judd Rosen, Esq.	1111	\$1000	\$1,111,000.00
Brett Rosen, Esq.	1045	\$975	\$1,018,875.00
Mustafa Dandashly, Esq.	1130.9	\$950	\$1,074,355.00
Mark Lopez-Trigo, Esq.	40	\$500	\$20,000.00
Maria Papasakelariou, Esq.	77.6	\$500	\$38,800.00
Gloria Abreu Fontana, Paralegal	10	\$250	\$2,500.00
Total	3414.5		\$3,265,530.00
<i>Individual Client Time</i>			
Judd Rosen, Esq.	146.7	\$1000	\$146,700
Brett Rosen, Esq.	112.3	\$975	\$109,492.50
Mustafa Dandashly, Esq.	139.7	\$950	\$132,715.00
Todd Rosen, Esq.	208.8	\$975	\$203,580.00
Total	607.5		\$592,487.50
CUMULATIVE TOTALS	4022		\$3,858,017.50

EXHIBIT B

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

EXPENSES REPORT

FIRM NAME: Goldberg & Rosen, P.A.

REPORTING PERIOD: Inception through June 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Champion Legal Presentation fees	\$5,460.00	
TOTAL EXPENSES	\$5,460.00	



One Biscayne Tower
2 South Biscayne Blvd., Suite 3650
Miami, Florida 33131

Telephone: (305) 374-4200
Facsimile: (305) 374-8024
goldbergandrosen.com

EXHIBIT C

June 6, 2022

Hon. Michael A. Hanzman
73 West Flagler, St.
Miami, FL 33130

In Re: Champlain Towers South Collapse Litigation

**LETTER IN SUPPORT OF GOLDBERG & ROSEN, P.A.'S AFFIDAVIT
OF ATTORNEY'S FEES**

Introduction

We first express our gratitude and appreciation to the Court for allowing us to participate in this historic litigation. It is our great honor and privilege to serve as the Leaders of the Wrongful Death and Personal Injury Non-Owner Sub-Class, to Lead the Allocation Mediation amongst the class members, and to lead the charge in generating 589.5 million dollars of the settlement fund.

(72 million net from the Allocation Mediation and 517.5 million from the Securitas Settlement).

The responsibility of this role impacted every aspect of our lives and we are extremely proud of the results that we produced. The efforts of our colleagues, in particular Bruce Greer, Michael Goldberg, Rachel Furst, and Harley Tropin were inspirational and exceptional. We thank all who participated in this very successful result. This was truly a team effort and the work product of a Hall of Fame group of lawyers.

Leadership of the Allocation Mediation

The leadership role for the allocation mediation placed us in the middle of a hornet's nest of victims litigating amongst each other over limited funds. We had to calm the situation before we could advance any settlement. We first focused our energy on earning the trust of the victims, the differing groups of class counsel, and the mediator.

This process took time and constant 24/7 communication with all. Never did a call from the Naibryf family, Mrs. Rosenberg, or any lawyer go unanswered. Every opinion and idea was listened to and respected. We spent countless hours calming families' grief and anger. Unlimited time was dedicated to helping many victims overcome their strong desire to prove that "the CTS unit owners get nothing." We fought issue after issue with class counsel, all while navigating the internal conflicts of interest. With hard work, credibility, and accessibility we built a bond of trust with Bruce Greer (who previously told the court that resolving this issue is "impossible.")

This was certainly one of the most complicated and challenging legal issues ever mediated. There is a reason that the first mediation failed horribly. Every day a new roadblock had to be analyzed and then explained to all. Almost everyone had an angle, and the stakes were high. There are some that we believe did not want the mediation, or the class structure, to succeed. The emotions of the lawyers involved and their clients was ever-present and at times volatile. Wrongful death victims felt that we were allocating too much money to Unit Owners and Unit Owners blasted us in the media for not giving enough.

The role as Lead Counsel for the mediation seemed like a lose-lose situation to most, but for us it was a golden opportunity to use our talents to help all of the victims as best we could.

After months of hard lined internal and external negotiation we reached a deal where the world thought none could be made. The 83 million dollar settlement gave peace and closure to many wrongful death victims, provided CTS Unit owners the immediate funds needed for housing, and preserved the class structure for future settlements with defendants that had objected to the class based on "conflicts of interest amongst class members."

The allocation settlement was many sleepless nights in the making. Endorsing a mediated result that provided an \$83 million dollar Economic Class recovery and no

guarantee of significant funds to the 98 death cases was a career gamble that we chose to make for the benefit of all victims.

Recovery of the Largest Settlement for the Class
Securitas \$517,500,000.00

Our almost 50 years of practice as a personal injury trial firm prepared us to deliver by far the largest recovery in the CTS settlement fund. We led the charge, created the case, and closed the deal on the 517.5 Million Dollar Recovery against Securitas.

The deposition of the Corporate Representative of Securitas, “reads like a John Grisham novel” said our Receiver, Michael Goldberg, in one email. Our relentless preparation and hard earned trial skills left the Securitas Corporate Representative with nowhere to hide. By the end of the deposition, we successfully cross examined the Corp Rep. down a path where he had to essentially admit the following crucial facts:

- 1) Securitas never trained their guard on the “All Call Alarm System”
- 2) Securitas guard never activated the “All Call Alarm System”
- 3) A reasonable security company would have trained their guard on the system
- 4) A reasonable guard would have activated the system, and
- 5) Seven minutes of possible escape time elapsed from the time of the initial partial collapse to ultimate collapse and deaths

Next, we leveraged our knowledge and experience in Bad Faith Law, and prepared a demand to Securitas. This demand forced Securitas to recognize their true exposure. Securitas is the second largest security company in the world and they would not go down without a monumental fight. At the time of settlement they had engaged approximately 20 lawyers, national firms, and nine layers of excess insurance representatives. They strongly maintained their denial of liability all the way through settlement.

Of great significance is our investigation into the true limits of coverage for Securitas. Initially Securitas disclosed only a \$2 million liability policy with a 500,000 SIR. The policy disclosed did not indicate the existence of any umbrella policies. Many law firms may have accepted that disclosure. We did not. We subsequently discovered an 8 million dollar excess policy. After threat of taking

sworn testimony and seeking sanctions for potentially failing to disclose coverage, we uncovered a total of \$517.5 million in coverage for this claim.

Immediately, we knew that our case must be air-tight to deliver a \$517.5 million dollar settlement. The victims of this tragedy should never be asked to take a penny less. This case needed to be handled swiftly and expertly.

We leveraged all of our contacts and resources. First our workers compensation connections brought us the former Securitas security guard, Shamoka Furman. Shamoka also had a personal lawyer who was a friend of our firm. Shamoka had previously refused to talk to anyone.

With Shamoka, we produced a video that proved the following:

- (1) Shamoka was never trained on the emergency all-call button;
- (2) If she was trained she would have activated the alarm alerting the residents; and
- (3) Shamoka would have saved countless lives in the 7 minutes from the initial collapse to the ultimate collapse.

This video testimonial was devastating evidence. Securitas saw that they were facing liability on a corporate level for failing to train Shamoka Furman and vicarious liability for their guard's negligence.

Next, we confirmed through taking video testimonials of the CTS building manager, a depo of the alarm company rep (taken by Jorge Piedra of Kozyak Tropin), and video testimonials of residents that survived, that it was unquestionably Securitas' job to train their own employees to press the all-call button and that the all-call button was never pressed.

Our demand and admissible evidence sent shockwaves up the corporate ladder for Securitas and its 9 layers of insurance coverage. The insurance carriers scrambled to find a way out of our net, but with Bruce Greer mediating and Stuart Grossman on damages, there was no way for Securitas to escape their exposure.

After months of investigation, we prepared a mediation presentation and video worthy of this case. The mediation delivered a \$517.5 million result. This is the largest pre-suit settlement in American history.

Conclusion

This concludes our letter in support of attorney's fees. Eventually this case will be formally "closed" but to us, the work for these families will never be over. We will forever be connected with the victims, their stories, and this Court.

Thank you.

Very truly yours,

GOLDBERG AND ROSEN, P.A.

/s Judd Rosen

/s Brett Rosen

Judd G. Rosen, Esq.

Brett M. Rosen, Esq.

EXHIBIT D

GOLDBERG & ROSEN, P.A. BIOGRAPHY

Goldberg & Rosen is a boutique law firm that specializes in wrongful death and catastrophic injury cases. Founded by Glen Goldberg 50 years ago, Goldberg & Rosen has been litigating wrongful death and catastrophic injury cases both locally and around the country. With over 100 years of combined legal experience, the Firm has had significant success in the courtroom.

Managing partners Judd and Brett Rosen were born and raised in Miami and are nationally recognized by Best Lawyers and Super Lawyers. As a boutique law firm, Goldberg & Rosen prides itself on its goodwill and reputation in the community, relying almost exclusively on word-of-mouth referrals and exceptional results to keep their clients happy. With 650 five-star reviews online, the Firm has built a reputation of doing what is right by clients and obtaining outstanding results.

Judd is a storied trial lawyer who graduated in the top of his class at the University of Miami and has been in practice over 22 years. During that time, he has won some of the largest verdicts in South Florida, including the largest verdict for adult surviving children and the largest verdict for a 90-year-old Plaintiff. During his career he has tried over 50 civil cases to verdict and has amassed hundreds of millions of dollars in verdicts and settlements. He frequently lectures at Florida Bar and Trial Lawyer events and is active in the local community.

Brett has been in practice for over 15 years and has been extremely successful in the courtroom, amassing over 40 jury trials and hundreds of millions of dollars in verdicts and settlements. A graduate of FSU and Nova Southeastern College of Law, Brett's roots run deep in the Miami community. The son of schoolteachers, Brett prides himself on fighting insurance companies and large corporations.

Mustafa has been in practice 7 years. After graduating in the top of his class from FIU College of Law and as a member of the law review, he joined Goldberg & Rosen, P.A. Along with Judd and Brett, he leads the Firm's medical malpractice division. During his time at Goldberg & Rosen, he has obtained over \$100,000,000.00 in settlements and verdicts for families who have lost loved ones and those who are catastrophically injured.

EXHIBIT 16

**IN THE CIRCUIT COURT OF THE 11TH 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**

**SUPPLEMENTAL DECLARATION OF JOHN “JACK” SCAROLA FILED ON
BEHALF OF SEARCY DENNEY SCAROLA BARNHART & SHIPLEY, P.A. IN
SUPPORT OF MOTION FOR APPROVAL OF PAYMENT OF ATTORNEYS’ FEES
AND LITIGATION EXPENSES**

I, John “Jack” Scarola, do hereby declare and state as follows:

1. I am an Officer/Director and Shareholder of Searcy Denney Scarola Barnhart & Shipley, P.A. (“SDSBS”). I submit this supplemental declaration to conform my previously submitted declaration to the Plaintiffs’ Steering Committee hourly fee billing guidelines. In all other respects, I reaffirm the accuracy of the previously submitted declaration which reflects hourly billing rates at which the services of the undersigned were billed to and paid by hourly fee-paying clients throughout the pendency of this proceeding.

2. In the course of making this adjustment it was also noted that the time of senior paralegal Chris Rodgers (initials: CXR) had been incorrectly listed at an outdated rate. That error is also corrected by this supplement.

3. The adjusted figures result in the following totals for general case common benefit services.

JS 291.4 hours @ \$1200/ hr. \$349,680
CXR 50.3 hours \$8,802.50

JS @ \$1,000/hour \$291,400
CXR @ 325/hour \$16,347.50

Difference JS (\$58,280)
CXR. \$7,545
Total difference (\$50,735)

New general case COMMON BENEFIT SERVICES total 414.2 hours \$343,840

CASE SPECIFIC COMMON BENEFIT SERVICES per prior declaration:

77 hours total of \$18,152.50

JS 4.7 hours \$4,700

CXR 71.5 hours \$23,237.50

Difference JS (\$940.00)

CXR \$10,725.00

Total difference \$9,785 increase.

New case specific common benefit total 77 hours 27,937.50

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of June, 2022 at West Palm Beach, Florida.

/s/ John Scarola

JOHN SCAROLA

**IN THE CIRCUIT COURT OF THE 11TH 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**

_____ /

**DECLARATION OF JOHN “JACK” SCAROLA FILED ON BEHALF OF SEARCY
DENNEY SCAROLA BARNHART & SHIPLEY, P.A. IN SUPPORT OF MOTION FOR
APPROVAL OF PAYMENT OF ATTORNEYS’ FEES
AND LITIGATION EXPENSES**

I, John “Jack” Scarola, do hereby declare and state as follows:

1. I am an Officer/Director and Shareholder of Searcy Denney Scarola Barnhart & Shipley, P.A. (“SDSBS”). I submit this declaration in support of my firm’s application for an award of attorneys’ fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. As Court appointed Leadership Committee Member, I and my firm contributed significantly to this litigation. I was counsel of record in this action since its inception. On July 16, 2021, I was appointed to serve on the Leadership Committee to act on behalf of the Plaintiffs and the proposed class members in the Action.

3. As part of its role in this litigation, SDSBS, primarily through the personal efforts of the undersigned, but also utilizing the services of other members and employees of the firm working at the express direction of, and under the supervision of the undersigned, performed many integral tasks which benefitted the named Plaintiffs and the Class. Among the many tasks detailed in the contemporaneously maintained time records attached to this Declaration are the following:

Substantial participation in the process of identifying, interviewing, and selecting expert witnesses; research of prospective defendants; attendance and active participation in virtually every Court hearing and status conference; conduct of victim/witness interviews;

draft, review and revise pleadings, motions, memoranda and inspection protocols; settlement discussions with Universal Property and Casualty; review and revise proposed Orders; participation in the formulation of litigation strategy; draft, review and revise damage assessment matrix and claim forms; analyses of damage predicates and elements; participation in formulating recommendations for Claims Administrators and administration processes; interviews with Administrator candidates; research unit owner liability exposure; research conflict of interest issues and draft related memoranda; attendance and active participation in virtually all PSC meetings and conferences; assist in preparation of damage presentations at mediation; consultations regarding settlement and sole proceed allocations; research and draft memoranda re: comparable verdicts and settlements for claim evaluation purposes; preparation of Spanish translations of notice and claim forms; extensive consultations with individual claimants.

4. In addition to the work above, my firm will continue to participate in this litigation and the claim evaluation process until its conclusion on behalf of the Class. Extensive additional work is anticipated in completing claim forms and presenting claims during claim evaluation hearings.

5. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in Searcy Denney Scarola Barnhart & Shipley, P.A.'s lodestar calculation and the expenses for which payment is sought as set forth in this

declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

6. The number of hours spent on this litigation by my firm is **491.2** (414.2 hrs. for Common Benefit Services and 77 hrs. for the Individual Claimant Services for Common Benefit) as of June 1, 2022 with substantial additional hours expected to be expended in preparing and presenting individual claims for compensation. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is **\$412,727.50** (\$394,575.00 for the Common Benefit Services and \$18,152.50 for the Individual Claimant Services for Common Benefit). The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

7. Searcy Denney Scarola Barnhart & Shipley, P.A.'s expenses and charges in connection with the prosecution of this litigation total **\$1,181.75**. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

8. The following additional information further explains certain of these expenses

(a) Transportation, Hotels & Meals: **\$691.40**. In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, court hearings, to meet with witnesses, mediators and opposing counsel and to take or defend depositions. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(b) Photocopying: **\$144.90**. In connection with this litigation, the firm made 414 in-house copies, charging \$0.35 per copy. Each time an in-house copy machine is used, our billing system requires that a case or administrative billing code be entered and that is how the SDSBS_copies were identified as related to this case. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(c) Online Legal and Financial Research: **\$291.63**. These included vendors such as Westlaw and Pacer. These services were used to obtain access to factual databases, legal research and for cite-checking of briefs. This expense represents the expense incurred by SDSBS for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested. For example, SDSBS has contracts with some of these providers for use of their services. When SDSBS utilizes online services provided by vendors, some with a flat rate contract, access to the service is by a billing code entered for the specific case being litigated. At the end of each billing period in which such service is used, SDSBS's costs for such services are allocated to specific cases based on the respective percentage of the total bill or actual charges in connection with that specific case in the billing period. As a result of the contracts negotiated by SDSBS with certain providers, the Class enjoys substantial savings in comparison with the "market-rate" for *a la carte* use of such services which some law firms pass on to their clients. For example, the "market rate" charged to others by Westlaw for the types of services used by SDSBS is more expensive than the rates negotiated by SDSBS.

9. The foregoing expenses pertaining to this litigation are reflected in the books and records of Searcy Denney Scarola Barnhart & Shipley, P.A. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

10. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of June, 2022 at West Palm Beach, Florida.

/s/ John Scarola

JOHN SCAROLA

Matter Ledger Report

1/1/1970 to 12/31/2059

Client	31725047	Raysa Rodriguez	Init Atty	JS	JOHN SCAROLA
Matter	20210870	CTS-Champlain Towers South Class Action	Bill Atty	JS	JOHN SCAROLA
			Resp Atty	JS	JOHN SCAROLA

Unbilled Expenses

Code	Name	Date	\$ Value	Ck #	Ref #	Text
34N	Travel- Mileage	06/28/21	80.64		1B22722	Surfside, FL, view damaged building 8777 Collins Ave - CXR
34N	Travel- Mileage	07/07/21	84.00		1AU2465	Miami, hearing - DPV
7N	Copy Expenses	07/12/21	1.05		1AP4949	
7N	Copy Expenses	07/12/21	0.35		1AP4950	
7N	Copy Expenses	07/12/21	0.35		1AP4951	
7N	Copy Expenses	07/12/21	0.35		1AP4952	
34N	Travel- Mileage	07/14/21	84.00		1AU2466	Miami, hearing - DPV
7N	Copy Expenses	07/15/21	1.40		1AP9614	
7N	Copy Expenses	07/15/21	1.40		1AP9615	
7N	Copy Expenses	07/15/21	0.35		1AP9616	
7N	Copy Expenses	07/15/21	0.35		1AP9617	
7N	Copy Expenses	07/15/21	0.35		1AP9618	
7N	Copy Expenses	07/15/21	0.70		1AP9619	
7N	Copy Expenses	07/22/21	1.05		1AQ4854	
7N	Copy Expenses	07/22/21	1.05		1AQ4855	
7N	Copy Expenses	07/22/21	0.35		1AQ4856	
43N	Scanning	07/22/21	0.45		1AQ4857	
7N	Copy Expenses	07/23/21	1.75		1AQ5475	
7N	Copy Expenses	07/29/21	0.35		1AR2797	
25	Travel Expenses	08/02/21	8.25		1AR4751	AMEX;DPV;parking
7N	Copy Expenses	08/11/21	12.60		1AS5453	
43N	Scanning	08/12/21	3.30		1AS7552	
36	Westlaw Research	08/18/21	2.29		1AT1282	WestLaw
36	Westlaw Research	08/18/21	289.34		1AT1283	WestLaw
25	Travel Expenses	08/26/21	6.50		1AT8018	AMEX;DPV;parking
7N	Copy Expenses	09/09/21	0.35		1AU9745	
7N	Copy Expenses	09/29/21	21.00		1AW9506	
7N	Copy Expenses	10/06/21	1.05		1AX6500	
7N	Copy Expenses	11/02/21	1.40		1AZ9714	
7N	Copy Expenses	11/16/21	0.35		1B09651	
7N	Copy Expenses	01/04/22	1.75		1B43562	
7N	Copy Expenses	01/04/22	1.40		1B43563	
7N	Copy Expenses	01/20/22	0.35		1B58729	
7N	Copy Expenses	01/20/22	1.05		1B58730	
7N	Copy Expenses	01/21/22	7.70		1B59325	
7N	Copy Expenses	01/21/22	3.85		1B59326	
7N	Copy Expenses	01/21/22	3.85		1B59327	
7N	Copy Expenses	01/24/22	0.35		1B61675	
7N	Copy Expenses	01/24/22	1.05		1B61676	
7N	Copy Expenses	01/25/22	7.35		1B64137	
43N	Scanning	01/25/22	1.95		1B64138	
7N	Copy Expenses	01/25/22	21.00		1B64139	
7N	Copy Expenses	01/25/22	3.50		1B64140	
7N	Copy Expenses	02/07/22	0.70		1B77291	
17N	Postage	03/01/22	24.07		1BB0114	Federal Express
7N	Copy Expenses	03/07/22	0.70		1BA3559	
43N	Scanning	03/15/22	1.05		1BA9294	
7N	Copy Expenses	03/17/22	1.05		1BB0551	
7N	Copy Expenses	03/17/22	0.70		1BB0552	
43N	Scanning	03/21/22	3.15		1BB2378	
7N	Copy Expenses	03/31/22	2.10		1BC1613	

EXHIBIT B

Matter Ledger Report

1/1/1970 to 12/31/2059

Client 31725047 **Raysa Rodriguez**
Matter 20210870 **CTS-Champlain Towers South Class Action**

Init Atty JS **JOHN SCAROLA**
Bill Atty JS **JOHN SCAROLA**
Resp Atty JS **JOHN SCAROLA**

Unbilled Expenses

Code	Name	Date	\$ Value	Ck #	Ref #	Text
7N	Copy Expenses	03/31/22	0.35		1BC1614	
7N	Copy Expenses	03/31/22	0.70		1BC1615	
7N	Copy Expenses	03/31/22	2.10		1BC1616	
7N	Copy Expenses	03/31/22	0.70		1BC1617	
7N	Copy Expenses	04/07/22	1.75		1BC8880	
7N	Copy Expenses	04/07/22	0.70		1BC8881	
7N	Copy Expenses	04/07/22	0.70		1BC8882	
7N	Copy Expenses	04/07/22	0.35		1BC8883	
7N	Copy Expenses	04/07/22	0.70		1BC8884	
17N	Postage	04/08/22	7.33		1BD1264	
17N	Postage	04/08/22	0.53		1BD1266	
7N	Copy Expenses	04/13/22	0.35		1BD4500	
7N	Copy Expenses	05/02/22	0.35		1BE7782	
7N	Copy Expenses	05/11/22	0.70		1BG0119	
7N	Copy Expenses	05/11/22	0.35		1BG0120	
7N	Copy Expenses	05/11/22	1.75		1BG0121	
7N	Copy Expenses	05/16/22	1.05		1BG4488	
7N	Copy Expenses	05/16/22	4.20		1BG4489	
7N	Copy Expenses	05/16/22	1.05		1BG4490	
43N	Scanning	05/19/22	0.30		1BG8700	
43N	Scanning	05/20/22	0.90		1BG9363	
7N	Copy Expenses	05/26/22	0.35		1BH3269	
7N	Copy Expenses	05/26/22	2.10		1BH3270	
7N	Copy Expenses	05/26/22	0.35		1BH3271	

Total 725.10

SEARCY DENNEY SCAROLA BARNHART & SHIPLEY
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Matter Ledger Report

1/1/1970 to 12/31/2059

Page 1
File: MLDGR

Client	31750585	Estelle Hedaya	Init Atty	JS	JOHN SCAROLA
Matter	20211576	CTS-Hedaya, Estelle E/O vs. Champlain Tower South	Bill Atty	JS	JOHN SCAROLA
			Resp Atty	JS	JOHN SCAROLA

Unbilled Expenses

Code	Name	Date	\$ Value	Ck #	Ref #	Text
17N	Postage	04/06/22	14.66		1BC8979	
17N	Postage	04/07/22	7.33		1BC9961	
13	Filing Fee	04/28/22	428.01		1BE4003	AMEX;JS;travel expenses for Linda Hedaya to Miami
Total			450.00			

Matter Ledger Report

1/1/1970 to 12/31/2059

Client	34507492	Vishal Patel	Init Atty	JS	JOHN SCAROLA
Matter	20220643	CTS - Patel, Vishal E/O vs. Champlain Tower South	Bill Atty	JS	JOHN SCAROLA
			Resp Atty	JS	JOHN SCAROLA

Unbilled Expenses

Code	Name	Date	\$ Value	Ck #	Ref #	Text
7N	Copy Expenses	05/20/22	0.70		1BG9448	
7N	Copy Expenses	05/20/22	0.70		1BG9449	
7N	Copy Expenses	05/20/22	0.70		1BG9450	
7N	Copy Expenses	05/20/22	0.70		1BG9451	
7N	Copy Expenses	05/20/22	0.70		1BG9452	
7N	Copy Expenses	05/20/22	0.70		1BG9453	
7N	Copy Expenses	05/20/22	0.70		1BG9454	
7N	Copy Expenses	05/20/22	0.70		1BG9455	
7N	Copy Expenses	05/20/22	0.70		1BG9456	
7N	Copy Expenses	05/20/22	0.35		1BG9457	

Total 6.65

CURRICULUM VITAE OF CHRISTIAN D. SEARCY

PERSONAL

Born December 15, 1947 in Jacksonville, Florida
Married to Priscilla G. Searcy from 10/11/69 until her death 3/20/16

Children: Henry Faulk Searcy, II, born 3/21/74
Christian Dietrich Searcy, Jr., born 11/27/79
Angela Eden Searcy, born 5/24/83
William Eric Searcy, born 7/15/85

EDUCATION

Stetson University Law School 1970-1973
JURIS DOCTOR

University of Virginia 1965-1970
BACHELOR OF ARTS WITH DISTINCTION

EMPLOYMENT

**Shareholder, Chairman of the Board, President
and Chief Executive Officer** 1989-Present
SEARCY DENNEY SCAROLA BARNHART & SHIPLEY, P.A. WEST PALM BEACH, FL

Shareholder and President 1985-1989
MONTGOMERY, SEARCY AND DENNEY, P.A. WEST PALM BEACH, FL

Shareholder 1976-1985
MONTGOMERY, LYTAL, REITER, DENNEY AND SEARCY, P.A. WEST PALM BEACH, FL

Associate 1974-1976
HOWELL, KIRBY, MONTGOMERY, D'AIUTO AND DEAN, P.A. FT. LAUDERDALE, FL

Associate 1973-1974
FRATES, FLOYD, PEARSON & STEWART, P.A. MIAMI, FL

ACTIVITIES AND HONORS

Stetson University Law School

Graduated in top 10% of class
Law Review
Winner of Freshman Moot Court Competition
Interstate Moot Court Competition
Dana Foundation Scholarship
Tuition Grant based on academic average
Who's Who in American Universities and Colleges
President International Law Society
Tuition Grant for assisting in establishing civil legal aid clinic in Clearwater, Florida
Executive Counsel of Student Bar Association
Phi Delta Phi Legal Fraternity
Accelerated Student Program

University of Virginia

Graduated "with Distinction"
Dean's List
All "A" Honor Roll
Lawn Resident
Virginia Players
Delta Psi Fraternity
Freshman Basketball Team
Varsity Tennis Team
Light Heavyweight Boxing Champion

PROFESSIONAL ACTIVITIES AND SERVICE

Christian D. Searcy has been actively involved in civil trial litigation for more than 46 years. He has considerable experience both in defending and prosecuting civil cases. For the past 46 years, he has handled primarily civil cases on behalf of injured plaintiffs and tried more than 200 jury trials, many a month or longer in duration.

BOARD CERTIFICATION

Mr. Searcy is Board Certified in Civil Litigation by The Florida Bar Association. He has been so certified since 1983.
Mr. Searcy is Board Certified in Civil Trial Advocacy by the National Board of Trial Advocacy
Mr. Searcy is Board Certified by the American Board of Professional Liability Attorneys

MEMBERSHIP IN ORGANIZATIONS BY INVITATION ONLY

- International Academy of Trial Lawyers
- Inner Circle of Advocates
- International Society of Barristers
- American College of Trial Lawyers
- The Trial Lawyers RoundTable
- The National Trial Lawyers

MEMBERSHIP IN ALL OTHER ORGANIZATIONS

1. The Florida Bar
2. Senior Fellow of The Academy of Florida Trial Lawyers (n/k/a Florida Justice Association)
3. American Board of Trial Advocates (ABOTA) - (Chapter: Palm Beach; Fellows Level (Legacy-Ratifier); Rank: Advocate)
4. American Association of Justice (President's Club & Leaders Forum Member)
5. Foundation of the American Board of Trial Advocates (Life Fellow) (FLABOTA)
6. Trial Bar of U.S. District Court, Northern District of Florida
7. Trial Bar of U.S. District Court, Southern District of Florida
8. Trial Bar of U.S. District Court, Middle District of Florida
9. Former Member of the Supreme Court of The United States
10. Lecturer for statewide continuing legal education seminars involving trial practice for the Florida Justice Association
11. Lecturer for statewide continuing legal education seminars involving trial practice for Continuing Legal Education Committee of The Florida Bar Association
12. Florida Supreme Court Historical Society (Life Member Sponsor)
13. The Florida Bar Foundation (Bronze Level of Life Time Giving Member); Fellow
14. Member of the Million Dollar Advocates Forum
15. Diplomate of the American Board of Professional Liability Attorneys
with special competence in the area of Medical Professional Liability
16. National Advisory Board Member of APITLA (Association of Plaintiff Interstate Trucking Lawyers of America) (2016-2017; 2017-2018; 2018-2019)
17. Life Fellow of the American Bar Foundation
18. PEOPIIL (Pan-European Organisation of Personal Injury Lawyers) (2010-2014)
19. Emeritus Member of Stetson Law School Board of Overseers
20. Litigation Counsel of America – Fellow and Advisory Board Member
21. Founding Member of Safety Attorneys Federation.
22. Public Justice Foundation (Sustaining Member)
23. National Board of Legal Specialty Certification
24. American Bar Association - National CLE Program Advisory Committee
25. National Bar Association
26. Palm Beach County Bar Association
27. Former Member of the Kentucky Justice Association
28. Birth Trauma Litigation Group, Association of Trial Lawyers of America
29. The National Association of Distinguished Counsel (2015)
30. National Center for State Courts

OFFICES HELD AND PROFESSIONAL SERVICE WORK

The Florida Bar

Vice Chairman of the Rules of Civil Procedure Committee	(1983-1984)
Chairman of the Rules of Civil Procedure Committee	(1984-1985)
Rules of Civil Procedure Committee	(1986-2001; 2008-2011; 2011-2014)
Chairman of Sub-Committee on Prevention of Abuse Discovery	(1982-1984)
Chairman of Judicial Evaluation Committee	(1995-1996)
Judicial Evaluation Committee	(1995-2000)
Chairman of Seminar Sub-Committee on Professionalism	(1995)
Chairman Standing Committee on Professionalism	(1998-1999 – Ex-Officio)
Standing Committee on Professionalism	(1995-2000)
Committee on Professionalism	(1995-1997)
Code and Rules of Evidence Committee	(2002-2008; 2014-2017; 2017-2020)

Historical Video Series Sub-Committee
Commission on Professionalism (Ex-Officio)
Former Member of the Continuing Legal Education Committee

Academy of Florida Trial Lawyers (n/k/a Florida Justice Association)

Immediate Past President	(1987-1988)
President	(1986-1987)
President Elect	(1985-1986)
Treasurer	(1984-1985)
Secretary	(1983-1984)
Board of Directors	(1979-present)
Statewide Chairman of the Key Man Program	(1980-1982)
Chairman of Medical Jurisprudence	(1981-1982)
Advisory Council	(2009)
CLE Committee	(2005-2006)
Constitutional Revision Committee	(2016-2017)
Former Member of the Continuing Legal Education Committee	
Former Member of the Long Range Planning Committee	
Former Member of the Constitutional Law Committee	

International Academy of Trial Lawyers

Past President	(2011-2012)
President	(2010-2011)
President Elect	(2009-2010)
Dean	(2008-2009)
Secretary/Chairman of International Relations	(2005-2008)
Board of Directors	(1998-2019)
Chairman, International Democracy Committee	(2005-2008)
Nominating Committee	(2010;2011;2012;2014-2015;2017-2019)
Chair, The National Judicial College Jury Symposium Committee	(2012)
Long Range Planning Committee	(2003- present)
Former Member of the State Chair Committee	
Former Member of the International Program Committee	
Former Member of the Admissions Committee	
Lee S. Kreindler Memorial Lectureship Committee	
Former Member of the Site Committee	

International Academy of Trial Lawyers Foundation

Vice President	(2018)
Board of Trustees	(2014-2020)
Secretary-Treasurer	(2015-2016)

Florida Supreme Court Historical Society

President	(2011-2012)
First Vice President	(2010-2011)
Second Vice President	(2009-2010)
Board of Trustees	(2006-2010; 2012-2013; 2013-2014; 2014-2015; 2015-2016; 2016-2017; 2017-2018; 2018-2019)
Oral History Committee	(2008-2009; 2017-2018)
Co-Chair Evolution of Justice Committee	

Palm Beach County Bar Association

Former Member of the Circuit Civil Practice Committee
Former Member of the Judicial Relations Committee
Former Member of the Professionalism Committee

The National Trial Lawyers

State Executive Committee Member	(2018)
President	(2017)
President Elect	(2016)
Executive Committee	(2012)

Florida Supreme Court Commission on Alternative Dispute Resolution (1987-1988)

United States District Court for the Southern District of Florida

Judicial Nominating Commission (JNC)	(2011-2019)
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United States District Court for the Middle District of Florida

American College of Trial Lawyers, Jury Committee	(2011-2016)
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International Symposia Advisory Board of the UC Davis Center for
Perinatal Medicine and Law

Vice Chairman, Board of Overseers, Stetson University College of Law

Trustee, Board of Overseers, Stetson University College of Law

Former Member of The Gary Foundation, Advisory Board

Emeritus Trustee of the College Foundation Board of the University of Virginia

Emeritus Member of the Alumni Association of the University of Virginia Board
of Managers

Alumni Engagement Committee & Finance Committee of the University of Virginia	(2012-2015)
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Development Committee and Finance Committee of the University of Virginia	(2015-2017)
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The Rotunda Society – University of Virginia	(2015-2017)
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University of Virginia's Jefferson Scholars Regional Selection Committee for Palm Beach County	(2019)
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PROFESSIONAL ACHIEVEMENTS

Christian D. Searcy was the youngest lawyer in the United States to achieve a verdict of one million dollars for a single personal injury, which was in the case of Bernard v. Florida East Coast Railway in March 1978 at age 29.

In 1997, Mr. Searcy was recipient of the AL J. Cone Lifetime Achievement Award in recognition of a career of leadership, commitment, devotion, and courage from the Florida Justice Association.

In October of 2005, Christian D. Searcy was named the recipient of the Perry Nichols Award by the Florida Justice Association. This award is the highest honor the Florida Justice Association bestows in recognition of a lifetime of outstanding and distinguished service to the cause of justice.

In February of 2006, Mr. Searcy was one of only two lawyers in the country to receive the "War Horse Award" from the Southern Trial Lawyers Association, honoring his outstanding skill as a trial advocate and his extraordinary contributions to the cause of justice.

In 2007, Mr. Searcy was highest vote getter of all attorneys in Florida in Super Lawyers Civil Litigation.

In October of 2007, Mr. Searcy was selected to be inducted into the Stetson University College of Law's Hall of Fame from thousands of eligible alumni for having a profound and positive influence on the life of the College and the legal world.

In October of 2008, Mr. Searcy was awarded the Ironman Award for his decade long support of the Coastal Conservation Association which protects our marine fisheries.

In November 2008, Mr. Searcy was named 2009 West Palm Beach *Best Lawyers* Personal Injury Litigator of the Year.

In May 2010, Mr. Searcy was selected as one of the 2010 Lawdragon 500 Leading Lawyers in America.

In 2012, Mr. Searcy was highest vote getter of all attorneys in Florida in Super Lawyers Civil Litigation.

On April 16, 2015, Mr. Searcy was inducted into the National Trial Lawyers Hall of Fame.

In December of 2017, Mr. Searcy received the Anti-Defamation League's Jurisprudence Award in recognition for his outstanding contribution to the legal Profession and the Community.

In March of 2018, Mr. Searcy was selected as one of the 2018 Lawdragon 500 Leading Lawyers in America "Hall of Fame."

Selected perennially as one of the top lawyers in Florida by Florida Trend's Legal Elite and Florida's Super Lawyers; 2019 inductee into the Florida Legal Elite Hall of Fame

Christian D. Searcy has achieved recoveries of one million dollars or more for a single personal injury or death in over 100 cases including the following cases:

Russell v. Florida East Coast Railway Company
Train v. Truck Accident
\$2,350,000
March 1979

Marshall v. Tyus
\$1,925,000
March 1979

Burling v. Hospital Corporation of America
\$10,000,000
April 1981

Mitchell v. Baliton
\$7,500,000
May 1982

Malloy v. Florida East Coast Railway Company
\$1,000,000
November 1982

Scott v. Hartford
\$5,250,000
December 1982

McLean v. American
Trucking Accident
\$1,085,000
December 1983

Nightingale v. Derrick
\$10,500,000
May 1984

Hachmeister v. Indian River Memorial Hospital
\$6,500,000
April 1985

Roose v. Michelin
\$1,000,000
June 1986

Howard v. Whiddon
\$2,775,000
August 1986

Rice v. Rodeo Bar/Holiday Inn
\$1,000,000 October 1987

Turner v. Rodeo Bar/Holiday Inn
\$3,800,000
October 1987

Shelburne v. Rodeo Bar/Holiday Inn
\$1,000,000
October 1987

Olofin v. St. Mary's et al
\$1,556,000
January 1988

Koch v. Shufflebarger & Univ. of Miami
Bifurcated at trial; verdict for plaintiff on
liability; damages subsequently settled for
\$3,000,000
August 1988

McDonald v. Phoenix General
\$2,200,000
September 1987

Sullivan v. Crawford, Arlington & Toyota
\$1,460,000
January 1989

Kocis v. Metropolitan General Hospital et al
\$1,750,000
February 1989

Jacobs v. UPS
Trucking Accident
\$1,271,000
June 1989

Salinero v. Colon
Advisory Jury Verdict after
four weeks of trial
\$22,600,000
July 1989

Zarnt v. Delta Airlines
\$3,400,000 - Verdict
November 1989

Smith v. DOT
\$9,250,000 - Verdict
February 1990

Huffman v. Waterman
\$3,400,00 - Settled
May 1990

Stewart v. Humana
\$3,250,000 - Settled during Trial
August 1990

DeBerry v. Thornton
\$12,000,000 - Verdict
August 1990

Lindgren v. Ferrellgas
Trucking Accident
\$12,000,000 - Settled
August 1990

McLaughlin v. Sarasota
\$1,500,000 - Settled
January 1991

Long v. Flagler
\$6,100,000 - Settled
April 1991

Confidentiality Order
\$3,850,000 - Settled (auto-products)
August 1991

Confidentiality Order
10 cases involving abuse of pre-school children
\$19,350,000 - Settled
October 1991

Confidentiality Order
\$6,250,000 - Settled
November 1991

Confidential v. Hospital
\$3,200,000 - Settled
January 1992

Polackwich v. FPL
\$6,000,000 - Verdict
Trial on Economic Damages only
Approximately \$9,000,000 reduced by 35%
February 1993

Confidentiality Order
Trucking Accident
\$25,000,000 - Settled
Survivor of wrongful death of four family
members who also sustained personal injuries
May 1993

Schweizer and Scherer v. Cessna
\$3,500,000 Total - Settled
June 1993

Confidentiality Order
\$6,500,000 - Settled
June 1993

Witty v. Matos
Trucking Accident
\$6,900,000 - Settled
November 1993

Daniels v. Jamir
\$6,400,000 – Settled during Trial
April 1995

Confidential v. Physicians
\$7,750,000 - Settled
May 1995

Palank v. CSX
\$6,000,000 - Verdict - Compensatory Only
June 1995

Confidential v. Hospital
\$6,750,000 - Settled
January 1996

Bass v. GMAC
\$4,824,000 - Verdict
February 1996

Confidential v. Newspaper
Trucking Accident
\$5,500,000 - Settled
April 1996

Confidential v. Hospital
\$8,200,000 - Settled
May 1996

Hunter v. GMC
\$25,418,500 - Verdict in Compensatory Damages
December 20, 1996 and Finding grounds for Punitive Damages -
Case settled for confidential amount during punitive damage trial
January 1997

Confidential v. Airline
\$4,500,000 - Settled
July 1997

Confidential v. Power Company
\$6,000,000 - Settled
July 1997

Confidential v. Hospital & Surgeon
\$3,224,000 - Settled
January 1997

Palank v. CSX
\$50,000,000 -Verdict - Punitive Damages
July 1997

John Doe v. XYZ Construction
\$17,850,000 - Settled
December 1997

Weathington v. City of Tallahassee
Tennis Injury at City Park
\$1,525,353 - Verdict
April 1998

Berk v. Jones, City of Jacksonville and Kraft Foods
\$2,900,000 - Settled
January 1999

Confidential v. Hospital and Physicians
Birth Injury
\$6,050,000 - Settled
March 1999

Confidential v. Doctors and Hospitals

Birth Injury

\$5,400,000 - Settled

September 1999

Confidential v. Hospital and Obstetrician

Birth Injury

\$6,250,000 - Settled

September 1999

Confidential v. Doctors and Hospitals

Wrongful Death

\$6,000,000 - Settled

December 1999

Confidential v. Hospital

Obstetricians and Pediatricians

Birth Injury

\$5,750,000 - Settled

February 2000

Confidential v. Motorist

Vehicle struck horseback rider

\$3,025,000 – Settled

March 2000

Confidential v. Trucking Company

Death of 26 year old daughter

\$4,500,000 - Settled

April 2000

Confidential v. Trucking Company

\$26,500,000.00 – Settled

October 2000

Jenkins v. Ranger Construction

Auto

\$57,000,000 - Settled

March 2001

Shah v. Plastic Tubing Industries, et al

Trucking Accident – Death of spouse/injuries to minor

\$3,773,511 - Verdict

May 2001

Confidential Order

Auto - Paraplegic

\$16,550,000 - Settled

May 2001

Gruden v. Abbanat, et al

Auto

\$900,000 - Settled

June 2001

Jenkins v. Cohan

Auto

\$256,101,310 - Verdict

July 2001

Ellzey v. Winter Park

Medical Malpractice – baby brain injury

\$10,000,000 – Settled

August 2002

Confidential v. Hospital

Medical Malpractice – baby brain injury

\$18,250,000 – Settled

September 2002

Confidential v. Hospital

Medical Malpractice – baby brain injury

\$6,749,999 – Settled

October 2002

Black v. Orkin

Products Liability

\$750,000 - Compensatory

\$2,250,000 - Punitive

July 2003

Confidential v. Hospital

Medical Malpractice –baby brain injury

\$9,200,000 – Settled

December 2003

Korzeniowski v. Eagleman, et al

Medical Malpractice – baby brain injury

\$63,000,000 - Verdict

March 2004

Confidential

Auto - Products Liability

\$27,000,000 – Settled

July 2004

Kraus v. Agricultural Land Services, et al

Trucking Accident – Wrongful Death of Wife and Mother

\$12,500,000 - Verdict

December 2004

Confidential
Trucking Accident – Wrongful Death of Husband and Wife
\$24,000,000 – Settled
December 2004

Confidential
Train derailment
\$20,000,000 - Settled
March 2005

Confidential
Trucking Accident
\$2,050,000 - Settled
April 2005

Confidential
Commercial Fraud
\$17,000,000
May 2005

Confidential
Products Liability
\$15,000,000
June 2005

Confidential
Products Liability
\$24,000,000
August 2005

Confidential
Products Liability
\$11,000,000
July 2006

Confidential
Medical Malpractice
\$6,000,000
August 2006

Edwards v. Lee Memorial Health Systems
Medical Malpractice
\$30,650,554 - Verdict
February 2007

Beers v. Hulick
Auto – Wrongful Death of Wife and Mother
\$21,621,439 - Verdict
June 2007

Estrada v. University of South Florida Board of Trustees
Medical Malpractice
\$23,553,000 - Verdict
July 2007

Hippely v. Walgreens, et al.
Professional Negligence – Mis-filled prescription
\$25,800,000 - Verdict
August 2007

Confidential v. Hospital and Doctor
Medical Malpractice – baby brain injury
\$8,500,000 - Settled
August 2007

Stewart v. Lentner, et al
Contracts
\$2,000,000 - Final Judgment (Non-Jury)
April 2008

Keil v. Keller
Personal Injury
\$3,155,682 - Verdict
February 2008

Confidential
Product Liability - Auto
\$49,000,000 - Settled
August 2008

Confidential
Product Liability – Auto – Wrongful Death
\$12,500,000 - Settled
November 2008

Halpern v. Floval
Semi-Tractor Trailer Fuel Tanker Truck
Wrongful Death of 57 year-old spouse
\$13,500,000 - Arbitration Decision
December 2008

Confidential
Wrongful Death
\$16,000,000 - Settled
December 2008

Confidential
Product Liability – Auto
\$5,200,000 - Settled
January 2009

Confidential
Truck/Vehicle Accident involving partial paralysis
\$17,750,000 – Settled
January 2010

Hannon v. Shands Teaching Hospital
\$8,000,000 - Verdict
February 2010

Confidential
Wrongful death/Premise Liability
\$2,400,000 – Settled
June 2011

Confidential
Paraplegic - Product Liability - Auto
\$12,900,000 – Settled
June 2011

Confidential
Wrongful Death - Medical Malpractice
\$6,500,000 – Settled
July 2011

Confidential
Medical Malpractice, Brain injured baby
\$36,000,000 – Settled
July 2011

Confidential
Paraparesis - Auto
\$3,500,000 – Settled
November 2011

Confidential
Quadriplegia - Trucking
\$8,000,000 – Settled
December 2011

Confidential
Products Liability - Auto
\$1,350,000 – Settled
December 2011

Confidential
Product Liability
\$2,550,000 – Settled
January 2012

Modica v. Tree of Life
Semi-Tractor Trailer caused death of
65 year-old husband and 63 year-old wife
Survived by their 38 year-old and 36 year-old sons
\$17,500,000 – Settled
February 2012 following 3-week trial in Jacksonville, FL

Edwards v. Lee Memorial Hospital
Medical Malpractice – Infant brain injury
\$30,817,966.48 - Verdict
March 2012

Confidential
Medical Malpractice – Brain injured baby
\$8,250,000 – Settled
March 2012

Wilson v. Goodman

Auto/Wrongful Death of 23 year-old son of divorced parents –
Punitive Damages
\$46,000,000 – Settled
March 2012

Confidential

Unoperated disc – Auto
\$800,000 – Settled
October 2012

Confidential

Professional negligence – Brain Injury to Baby
\$9,600,000 - Settled
December 2012

Confidential

Wrongful Death/Product Liability
\$13,000,000 - Settled
January 2013

Confidential

Auto – Unoperated cervical discs
\$1,500,000 – Settled
February 2013

Curtis v. Bygel, et al

Auto Accident – Wrongful death bicycle accident
\$12,064,303.36 – Won on Appeal
March 2013

Confidential

Medical Malpractice
\$19,900,000 – Settled
Brain injury from negligent management of stroke
June 2013

Confidential

Wrongful death of 60 year-old - Boating Accident
\$3,925,000 – Settled
August 2013

Confidential

Motorcycle Accident resulting in burns to body
\$15,500,000 – Settled
November 2013

Confidential

Plane crash
\$479,995 – Settled
November 2013

Confidential

Wrongful death
Suicide by unwatched resident of rehabilitation facility
\$2,400,000 – Verdict
January 2014

Confidential

Workplace accident - Orthopedic injuries
\$4,750,000 – Settled
February 2014

Simms v. Kraft

\$9,710,654 - Verdict
January 2014

Confidential

Medical Malpractice
\$750,000 – Settled
May 2014

Confidential

Paraparesis from Slip and Fall
\$14,000,000 – Settled during trial
June 2014

Samra v. Progressive American Insurance Company

Auto Accident
\$425,000 – Settled
August 2014

Confidential

Premise liability/Personal injury from explosion of recompression chamber
\$2,926,540.47 - Settled
December 2014

Confidential

Medical Malpractice – Above knee amputation
\$7,500,000 - Verdict/Appeal/Won
February 2015

Confidential

Medical Malpractice – Baby brain injury at birth
\$7,500,000 - Settled
February 2015

Confidential

Auto Accident/Product Liability
Tire separation resulting in death of wife and injuries to husband
\$950,000 – Settled
March 2015

Confidential

Medical Malpractice – Failure to give Heparin or Pradaza after
electrocardioversion resulting in stroke/death
\$1,500,000 – Settled
June 2015

Confidential

Personal Injury/Auto Accident resulting in catastrophic orthopedic injuries
\$4,500,000 - Settled
July 2015

Confidential

Wrongful Death/Medical Malpractice – Aortic Value Replacement
\$2,500,000 - Settled
August 2015

Confidential

Medical Malpractice – Baby brain injury due to partial placental abruption
\$5,000,000 - Settled
August 2015

Confidential

Wrongful Death/Medical Malpractice –
Complications from Tonsillectomy/Adenoidectomy
\$1,000,000 – Settled
December 2015

Confidential

Medical Malpractice – Complications from laparoscopic subtotal colectomy
\$12,000,000 – Settled
January 2016

Confidential

Wrongful Death/Medical Malpractice –
Hypertensive ischemic heart disease
\$4,500,000 – Settled
February 2016

Confidential

Professional Negligence/Pharmaceutical Negligence
\$12,750,000 – Settled
March 2016

Confidential

Products Liability/Propane grill explosion resulting in second degree burns
\$1,917,000 – Settled
July 2017

Confidential

Wrongful Death/Products Liability/Auto
\$4,695,000 – Settled
July 2017

Confidential

Medical Malpractice – Baby brain damage - Failure to intubate infant
\$10,000,000 – Settled
August 2017

Confidential

Tractor trailer crash causing wrongful death of 25 year-old daughter
\$10,050,000 – Settled
September 2017

Confidential

Personal injury/Herniated disc/Auto Accident
\$3,250,000 – Settled during trial
October 2017

Confidential

Premise Liability – Boardwalk/Bicycle Accident – Burst fracture at T12 –
Paraparetic from waist down.
\$9,400,000 – Settled
October 2017

Confidential

Medical Malpractice – Failure to diagnose bilateral breast cancer
\$1,075,000 – Settled
April 2018

Confidential

Medical Malpractice/Wrongful death of infant
\$8,900,000 – Settled
April 2018

Lynn McCullough and William McCullough v. Rain Forest Adventures (Holdings) Ltd.; Elite Shore Excursions Foundation; Rain Forest Sky Rides, Ltd.; Rain Forest Tram, Ltd.; Canopy Enterprises, Inc.; Ent-Consulting, Inc.; Emjo Investments Limited; Harald Joachim Von Der Goltz; John Dalton; Andrew Pierce; Ap Electrical Services, LLC; and Xyz Corporation

Premise Liability – Zipline accident resulting in paralysis
Mandatory Binding Arbitration Award of \$87,993,228;
Judgment entered by U.S. District Court for Southern District of Florida,
(Judge Gayles) for \$66,500,000 – Settled
May 2018; and August 2018

Confidential

LP gas explosion – Burns to Plaintiff
\$9,236,942 – Settled
June 2018

Confidential

LP gas explosion – Burns to Plaintiff
\$9,908,986 – Settled
June 2018

Confidential

LP gas explosion – Burns to Plaintiff
\$2,145,636 – Settled
June 2018

Confidential

LP gas explosion – Burns to Plaintiff
\$10,279,385 – Settled
June 2018

Poindexter v. Roney, et al
Wrongful Death/Auto – Settled
Partial Settlement (Roney)- \$1,275,000.00
Partial Settlement (Bruns) - \$500,000.00
Jury Verdict - \$3,806,466.59
Total - \$5,581,466.59
July 2018
February 2019
April 2019

Confidential
Medical Malpractice – Failure to diagnose breast cancer
\$1,075,000 – Settled
August 2018

Confidential
Medical Malpractice - Wrongful death of infant
\$12,000,000 – Settled
September 2018

Confidential
Medical Malpractice – Sepsis
\$1,300,000 – Settled
September 2018

Confidential
Medical Malpractice – Wrongful death of infant
\$12,000,000 - Settled
December 2018

Confidential
Medical Malpractice – Amputation of the leg by disarticulation at the knee
\$6,000,000 - Settled
January 2019

Confidential
Medical Malpractice resulting in above knee amputation
\$8,000,000 – Settled
January 2019

Confidential
Medical Malpractice –
Failure to diagnose and treat craniopharyngioma resulting in child blindness
\$13,000,000 – Settled
January 2019

Confidential
Medical Malpractice – Failure to diagnose bowel obstruction
resulting in wrongful death
\$2,500,000 – Settled
January 2019

Confidential

Premise Liability – Rape
\$500,000 – Settled
February 2019

Confidential

Medical Malpractice – Failure to diagnose lymphoblastic leukemia resulting
in cardiac arrest and death in a 7 year-old
\$760,000 – Settled
February 2019

Confidential

Auto Accident – Wrongful death
\$2,000,000 - Settled
March 2019

Confidential

Medical Malpractice
Failure to properly manage a bowel impaction in a 10 year-old
\$1,350,000 - Settled
March 2019

Confidential

Medical Malpractice – Aspiration -Cardiac arrest
\$1,250,000 - Settled
March 2019

Confidential

Airplane crash – Wrongful death
\$6,867,000 - Settled
April 2019

Confidential

Medical Malpractice resulting in brain injury
\$28,068,497 – Settled
April 2019

Confidential

Motorcycle v. Freightliner accident resulting in internal organ injuries
\$4,500,000 - Settled
April 2019

PROFESSIONAL DISTINCTIONS, HONORS AND AWARDS

Christian D. Searcy was selected as one of the best lawyers in America in civil litigation in a book entitled, The Best Lawyers in America, which was the result of an independent study and survey by several Harvard graduates and has been selected for every edition. He was also featured in Who's Who in American Law.

Selected by the Trial Advocacy Society of Stetson University Law School as one of the ten outstanding trial lawyers in the State of Florida 1982.

Selected by the Trial Advocacy Society of Stetson University Law School as the Outstanding Trial Lawyer in the United States, 1983.

Board Certified in Civil Litigation by the National Board of Trial Advocacy (f/k/a National Board of Legal Specialty Certification; Back to Original Name in 2015) 3/11/1983-present

Board Certified in Civil Litigation by The Florida Bar Association 7/22/76-present.

Visiting Lecturer in Medical Jurisprudence at Stetson University Law School.

Board of Overseers of Stetson University College of Law, 1987-2005.

Emeritus Member of the Board of Overseers of Stetson University College of Law, 2005-present.

Selected for inclusion in AFTL Master Series, Audio Taped Closing Arguments.

Christian D. Searcy received the Al J. Cone Lifetime Achievement Award in recognition of a career of leadership, commitment, devotion and courage presented by the Florida Justice Association in October of 1997.

Law & Leading Attorneys - Florida Consumer Advisory Board

Selected as one of the leading individual lawyers in Florida for General Commercial Litigation by Chambers USA America's Leading Business Lawyers.

Christian D. Searcy received the Perry Nichols Award from the Florida Justice Association in June 2004, which is the highest honor the Florida Justice Association bestows.

CIVIC ACTIVITIES

Board of Directors of Seminole Landing Association
Board of Directors of United Cerebral Palsy
Advisory Board of Horses and the Handicapped of South Florida, Inc.
College Foundation of University of Virginia - Trustee
College Foundation of University of Virginia – Audit Committee
College Foundation of University of Virginia – Development Committee
National Committee on University Resources - University of Virginia
Former Member of Board of Directors of The Benjamin School
Former Trustee, The Benjamin School
Former Member of Finance Committee, The Benjamin School
Former Member of Committee of Trustees (Chair), The Benjamin School
Former Member of Education Committee, The Benjamin School
Emeritus Member of Board of Overseers of Stetson University College of Law

SUBSTANTIAL CONTRIBUTOR TO THE FOLLOWING CIVIC AND CHARITABLE ORGANIZATIONS

Autism Speaks
Best Buddies
Boys & Girls Clubs
Coastal Conservation Association
Community Greening
Dress for Success
Easter Seals
Equine-Assisted Therapies of South Florida
Friends of Foster Children
Furry Friends

Jack the Bike Man
Keep Palm Beach County Beautiful
League of Women Voters
Leukemia & Lymphoma Society
Literacy Coalition
Margaux's Miracle Foundation
PEACE (People Engaged in Active Community Efforts)
The Arc (For people with intellectual and developmental disabilities)
The Lord's Place
Vinceremos Therapeutic Riding Center

JOHN (JACK) SCAROLA

PROFESSIONAL EXPERIENCE

May 1978 to present:

Searcy Denney Scarola Barnhart & Shipley, P.A., General Litigation
Member, Board of Directors
Corporate Officer, Secretary/Treasurer
Board Certified Civil Trial Attorney
Board Certified Commercial and Business Litigation
Four appointments as Special Counsel to the Florida Judicial
Qualifications Commission (investigation and prosecution of ethical violations by members
of the judiciary)

May 1973 to May 1978:

Assistant State Attorney, Fifteenth Judicial Circuit, Palm Beach County, Florida; Chief
Felony Prosecutor

BAR ADMISSIONS

Florida Bar 1973
11th Circuit Court of Appeals on 10/1/81
U.S. District Court for the Southern District of Florida; 9/23/74 General Bar;
12/8/82 Trial Bar
U. S. District Court for the Middle District of Florida 2002
U.S. District Court for the Northern District of Florida 2018
U.S. District Court for the District of Colorado 2021

MARTINDALE-HUBBELL RATING:

AV

SIGNIFICANT CASES:

State v. Herman: (first degree murder conviction in State's first gavel-to-gavel televised trial)
Farish v. MacArthur: (verdict \$2.5 million)
Scheller v. American Medical International: (verdict: \$7.25 million)
Giersbrook v. Mathis: (verdict: \$2.3 million)
Cohen v. National Ben Franklin Life: (verdict: \$1.3 million)
Wilmington Trust v. Manufacturers Life: (verdict: \$1 million)
Tuccicaselli v. Stowers: (verdict: \$1.8 million)

Singleton v. Al Packer, Inc.: (settlement: \$2.5 million)
Farish v. Bankers Multiple Line Insurance Company: (verdict: \$15.9 million)
Wallace & Falcon v. Gooding: (settlement: \$1 million)
Pretscher v. Siegel: (settlement: \$2.5 million)
Ruff v. Steak & Ale, etc.: (settlement: \$10 million)
Intermark v. CIGNA/Dental Health (settlement: \$1 million)
Scheller v. American Medical International: (verdict: \$19.2 million)
Scheer v. Entel: (verdict: \$1.9 million)
Ferguson v. North American Van Lines: (verdict: \$15 million)
Jane Doe v. XYZ, Inc.: (confidential settlement of wrongful death claims in excess of \$20 million)
Talbot v. Williams: (\$62 million judgment)
Eastern Cement v. Halliburton: (verdict: \$4.1 million)
Robinson v. Caulkins: (settlement after Plaintiff's verdict \$13.5 million)
Leardi v. Manatee Memorial Hospital: (\$6 million settlement)
Hungerford v. Palm Beach County: (settlement: \$4 million)
Walks v. Gulf & Warrier: (settlement: \$1.5 million)
Jane Doe v. XYZ, Inc.: (confidential settlement in excess of \$3 million)
Jones v. XYZ, Inc.: (confidential settlement in excess of \$17 million)
Moss vs. Mayer: (confidential settlement in excess of \$1 million)
Menendez v. Palm Beach County Sheriff's Office: settlement after trial (\$2.5 million)
Calves vs. Lennar: (in excess of \$3 million)
Coleman (Parent) Holdings, Inc. v. Arthur Andersen: (\$70 million settlement)
Coleman (Parent) Holdings, Inc. v. Morgan Stanley & Co., Inc.: (Verdict: \$1.454 Billion)
ABC, Inc. v. XYZ, Inc., (confidential settlement in excess of \$10 mil. Following plaintiff's verdict on liability)
Beers v. Hulick and Reynolds & Reynolds, (Verdict: \$21,600,000)
Doctor v. Lawyer, (\$4million settlement)
Vasa v. Applied Digital Solutions, Inc. (\$3 million settlement)
White Water v. Ethicon (Verdict in excess of \$1.9 million)
Waterbury v. State Farm (Verdict \$1.8 million)
Keil v. Keller (Verdict \$3.2 million)
W v. ABC Medical Center (Confidential settlement in excess of \$1 million)
Schein v. Ernst & Young, LLP (Judgment after trial and appeal in excess of \$33 million)
Uddin v. Patel, et al (Settlement in excess of \$900,000)
Mignogna (Pre-suit settlement \$8,400,000)
Piendle v. R.J. Reynolds Tobacco Co. and Philip Morris USA, Inc. (Verdict: \$2,470,000 plus attorneys' fees)
Commercial Consultants, LLC v. BBA U.S. Holdings, Inc., et al. (Verdict: \$2.175 million plus interest and fees)
Murphy v. Morton (Verdict: \$1,365,632.07 plus interest)
"Jones v. LLCs" (Confidential settlement \$2.5 million)
Weir v. Barot (Verdict: \$2,000,000 plus fees)
AB, Inc. v. Lawyers (Settlement after trial of approximately \$20 mil.)

Insureds v. Insurer (Settlement after trial in excess of \$25 mil.)
Simms v. Kraft (Verdict: \$7 mil. plus)
Jane Doe v. XYZ Healthcare Providers (Confidential Settlement approx. \$1 mil.)
Sammarco v. R.J. Reynolds Tobacco Co. and Philip Morris USA, Inc. (Verdict: \$1,125,000)
Crossley v. Bethesda (Verdict: \$16,000,000)
Stephens v. PBSO (Verdict: \$23,000,000)
Gould/Goldman v. Check Cashing USA, Inc. (combined total judgments \$1,799,115.17)
ABC, LTD v. Bank (Confidential Settlement in excess of \$2.3 million)
Passenger v. Boat Owner (Confidential Settlement in excess of \$15 million)
Passenger v. Owner's Agent (Confidential Arbitration Award in Excess of \$60 million)

PROFESSIONAL ASSOCIATIONS

The American Trial Lawyers Association 2007 Top 100 Trial Lawyers for the State of Florida
International Academy of Trial Lawyers (IATL)
IATL Admissions Committee
Florida Justice Association, f/k/a Academy of Florida Trial Lawyers
American Association for Justice, f/k/a American Trial Lawyers Association
American Bar Association
Florida Bar Association (Standing Committee on Individual Rights & Responsibilities)
 Vice Chairman 1986-1987
 Chairman 1987-1988
Florida Bar Civil Rules of Procedure Committee (Vice Chairman)
Florida Rural Legal Services, Inc. Board of Directors (appointed by the Board of Governors, Florida Bar)
Florida Equal Justice Center (Board of Directors)
Palm Beach County Bar Association (various committee memberships and chairmanships)
Palm Beach County Justice Association (founding member and past President)
Bioethics Law Project Advisory Committee
Palm Beach County Homeless Advisory Board
Craig S. Barnard American Inns of Court
The National Trial Lawyers (Membership by invitation and limited to 100 Florida lawyers)
The American Society of Legal Advocates
Fellow of the American Bar Foundation
Best Lawyers 2019 Lawyer of the Year in the practice area of Medical Practice
Law/Plaintiffs in West Palm Beach, FL
Fourth DCA Historical Society
Lawdragon 500 Leading Plaintiff Consumer Lawyer
2020 Fellowship/International Society of Barristers

PROFESSIONAL HONORS

Florida Bar President's Pro Bono Service Award

Guild of Catholic Lawyers Attorney of the Year
Florida House of Representatives Commendation for Public Service
Palm Beach County Bar Association Community Service Award
2006 Daily Business Review Top Civil Litigator of the Year
2018 Recipient of the Florida Justice Association's Lifetime Achievement Award
2019 Fellow of the Academy of Florida Trial Lawyers

SELECTED FOR INCLUSION IN:

International Who's Who of Professionals
The Best Lawyers in America in the specialties of commercial, mass tort, medical malpractice, personal injury, and 'bet-the-company' litigation
Florida Consumer Guidebook Law and Leading Attorneys
Marquis Who's Who in American Law, Who's Who in America, Who's Who in the World
Top 250 South Florida Attorneys
Top 500 Lawyers in the U.S.
Florida Super Lawyers
Litigation Counsel of America
Super Lawyers-Corporate Counsel Edition
National Trial Lawyers Top 100

PROFESSIONAL MEMBERSHIPS

State of Florida Police Standards Council, Certified Lecturer, 1974-1978
Part-time Instructor, Palm Beach Junior College, 1974-1978
Assistant Special Prosecutor to Second Statewide Grand Jury by appointment of Governor Askew, 1977-1978
Fifteenth Judicial Circuit Grievance Committee, Florida Bar, 1981-1984
Palm Beach County Task Force on Sex Crimes, 1975-1978

COMMUNITY ACTIVITIES

The Lord's Place, Inc., Board of Directors/Chairman
Advocate Marriage Tribunal, Archdiocese of Miami and Palm Beach
Candidate for the Democratic Nomination for the Office of Florida State Senate, 1978
Growing Together, Inc. (substance abuse treatment program) Board of Directors
Guild of Catholic Lawyers (Board of Directors)
Snug Harbor Foundation - Board of Directors

EDUCATION

B.A. 1969 Georgetown University

J.D. 1973 Georgetown University Law Center

PERSONAL

Marital Status:	Married
Children:	5
Grandchildren:	17

Mariano Garcia

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West Palm Beach, FL 33409
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mxg@searcylaw.com
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www.searcylatino.com



Experience

Shareholder, Executive Committee, Committee on Diversity, Equity and Inclusion, Searcy Denney Scarola Barnhart & Shipley P.A.; West Palm Beach, Florida, 2011–present

Board Certified Civil Trial Lawyer practicing law in West Palm Beach since 1994, representing people in personal injury and commercial litigation matters in state and federal courts. Joined Searcy Denney in July 2011 as a bilingual lawyer with extensive experience and long-standing commitment to representing the Latino community.

Attorney/Partner, Gonzalez & Garcia; West Palm Beach, Florida, 2002 – 2011

Six lawyer law firm specializing in worker's compensation, personal injury and criminal defense matters; practice geared toward Latino market. Civil trial lawyer responsible for firm's personal injury practice handling cases from inception through trial.

Associate Attorney, Conroy, Simberg, Ganon, Krevans & Abel, P.A.; West Palm Beach, Florida, 1999-2002

Reported to John A. Lurvey, shareholder responsible for West Palm Beach office. Statewide law firm specializing in liability defense of institutional and individual clients (the firm specializes in a variety of practice areas: professional malpractice, products liability, insurance coverage). Responsible for handling of approximately 70 cases in litigation from Dade to St. Lucie Counties (emphasis on premises liability, commercial vehicle and construction defect claims), including 2 appeals.

Associate Attorney, Ricca & Whitmire, P.A.; West Palm Beach, Florida, 1994-1999

Reported to C. Brooks Ricca, Jr., President. Six lawyer firm specializing in commercial litigation (real estate, construction and general business matters), liability defense (premises liability, commercial carrier, construction defect and nursing home negligence claims) and real estate transactions. Responsible for handling defense of automobile, nursing home negligence and commercial litigation matters, including 2 appeals.

Law Clerk, Leonard & Morrison, P.A.; Ft. Lauderdale, Florida, 1993-1994

Reported to William F. Leonard, President. Four lawyer firm specializing in real estate litigation and transactions. Interviewed clients, performed legal research and analysis on general civil and commercial litigation matters. Prepared complaints, motions and discovery requests.

Summer Intern, Broward County State Attorney / Homicide Division; Ft. Lauderdale, Florida, 1992

Reported to Charles Morton, Chief of Homicide Division. Prepared memoranda of law, voir-dire questions, and sentencing guideline score sheets and assisted with jury selection.

Project Engineer/Estimator, Centex-Rooney Construction Company; Ft. Lauderdale, Florida, 1990-1991

Reported to David Hamlin, Chief Estimator. Prepared take-offs and coordinated subcontractor bid packages. Prepared and updated progress schedules.

Education

St. Thomas University School of Law, Miami, Florida - Juris Doctor, May 1994

- St. Thomas Law Review, Articles Editor
- Student Bar Association, Senator
- Phi Delta Phi Legal Honors Fraternity

University of Florida, Gainesville, Florida - Bachelor of Science in Building Construction, M.E. Rinker School of Building Construction, May 1990

- Chi Phi Social Fraternity

Professional Affiliations

- Florida Bar Association, 1994-present; Member of Trial Lawyers Section; Leadership Academy Committee member for Inaugural Class; Rules of Civil Procedure Committee
- The Florida Bar Foundation, Fellow
- Federal Trial Bar for Southern District of Florida, 1999-present
- Florida Justice Association Eagle Member, 2009-present
- Palm Beach County Justice Association Member, 2006-present
- Palm Beach County Bar Association Member, 1994-present
- Palm Beach County Hispanic Bar Association Member, 1994-present; President, 2000-2001
- American Board of Trial Advocates (ABOTA), Palm Beach County Chapter Member, 2011-present; Vice President 2013-2014; President 2015-16
- ABOTA Foundation, Fellow
- International Society of Barristers (ISOB), Fellow, 2019-Present

Professional Affiliations Continued

- Palm Beach County Catholic Lawyers Guild Member, 2008-present
- 15th Circuit Judicial Nominating Commission, September 2010–August 2014, Chairman 2013-14

Professional Recognition

- Board Certified Civil Trial Lawyer, 2013-present
- AV Rated by Martindale-Hubbell, 2000-present
- Super Lawyers, 2011-Present
- Best Lawyers in America, 2016-Present
- Million Dollar Advocates Forum, 2009-present
- Multi-Million Dollar Advocates Forum, 2009-present
- Top 10 National Latino Trial Lawyers, 2021-present
- Broward County Hispanic Bar Association, Bravo! Leadership Award 2015
- Hispanic Bar Association of Palm Beach County, Chief Justice Jorge Labarga Leadership Award 2015

Community Service

- Legal Aid Society of Palm Beach County, Board of Directors, 2002-2012; President, 2008-2012; Board of Trustees 2012-Present
- Historical Society of Palm Beach County, Board of Governors, Johnson History Museum; Board of Director; General Counsel, 2010-2018
- Jack the Bike Man Charity, Board of Directors and Treasurer, 2010-2018; Volunteer, 2015-present
- Forum Club of the Palm Beaches, Board of Directors, 2010-2014, 2016-2019; Membership Committee, 2010-2014
- YMCA of the Palm Beaches; Board of Directors, 2013-2017
- National Eagle Scout Association, Life Member

Licenses

- Florida Bar – 31143, 1994 - present
- Florida Certified General Contractor - CGC054373, 1991-present
- FAA Commercial Multi-Engine Instrument Rated Pilot

REPRESENTATIVE VERDICTS AND SETTLEMENTS

CASE NAME	CASE TYPE	JURISDICTION	RESULT
Thurston E/O vs Tobacco Manufacturer	Tobacco/ Emphysema, Death	Palm Beach County	\$20,000,000.00 Verdict
Petit-Frere vs. Surgery Center, et al.	Medical Malpractice	Palm Beach County	\$16,515,268.04 Settlement
M Doe vs. Insurance Company	Slip and Fall/ Paraplegic	Broward County	\$14,000,000.00 Settlement
M Doe vs. Hospital	Medical Malpractice/Death	Palm Beach County	\$12,000,000.00 Settlement
Smoot E/O vs. Execuflight, Inc., et al.	Airplane Crash, Ohio Death	Palm Beach County	\$5,867,000.00 Settlement
M Doe vs. Insurance Company	Airplane Crash Death	Palm Beach County	\$5,600,000.00 Settlement
Santiago-Olivo vs. Salem Leasing Corporation, et al.	Automobile Collision	Pasco County	\$5,000,000.00 Settlement
M Doe vs. Contractor	Premises Liability/Brain injury	Broward County	\$4,204,000.00 Settlement
Durham E/O vs. Crowell, et al.	Automobile Collision Death	Palm Beach County	\$4,000,000.00 Settlement
M Doe vs. Drunk driver	Automobile Collision Death	Palm Beach County	\$3,260,000.00 Settlement
Olvera-Casas vs. T.C. Crum Roofing, et al.	Construction, Fall Traumatic Brain Injury	Palm Beach County	\$3,252,588.01 Verdict
Carrera Zarate E/O vs. Royal Crane, LLC	Negligence/ Electrocution, Death	Palm Beach County	\$3,000,000.00 Settlement
Barbero Cadavieco E/O vs. Montford, MD, et al.	Medical Malpractice/Death	Miami-Dade County	\$2,960,109.85 Verdict
Hebert v. Rosengarten	Motorcycle Accident	Palm Beach County	\$2,500,000.00 Settlement
Schwartz vs. Monroy, et al.	Automobile Collision Traumatic Brain Injury	Palm Beach County	\$2,074,835.11 Settlement
Cassis E/O vs. West Boca Medical Center, et al.	Medical Malpractice Death	Palm Beach County	\$1,400,000.00 Settlement
Moskowitz E/O vs. The Refuge, A Healing Place, LLC	Rehab Facility Suicide	Marion County	\$955,600.00 Settlement
Weinstein E/O vs. Brookdale At Home	Nursing Home Negligence Death	Palm Beach County	\$500,000.00 Settlement
Izzolo E/O vs. ManorCare Health Services	Nursing Home Negligence Death	Palm Beach County	\$500,000.00 Settlement
Simon E/O vs. Farris, et al.	Premise Liability, Drowning Death	Broward County	\$500,000.00 Settlement
Acosta E/O vs. Community Asphalt, et al.	Pedestrian vs. Auto Death	Miami-Dade County	\$500,000.00 Settlement
Odom E/O vs. Cessna Aircraft	Airplane Crash, Georgia Death	Hillsborough County	\$500,000.00 Settlement
Haines E/O vs. Aqua Sun Investments, Inc.	Airplane Crash, Bahamas Death	Volusia County	\$500,000.00 Settlement

DAVID P. VITALE, JR.

2139 Palm Beach Lakes Blvd. • West Palm Beach, FL 33409 • (561) 686-6300 • dvitale@searcylaw.com

BAR ADMISSIONS/ORGANIZATIONS

Florida

March 2015

- Palm Beach County Bar Association

United States District Court for the Southern District of Florida

June 2015

LEGAL EXPERIENCE

SEARCY DENNEY SCAROLA BARNHART & SHIPLEY, West Palm Beach, FL January 2017 – Present
Litigation Attorney – Practice includes a diverse range of litigation matters, including complex commercial and personal injury. Experienced prosecuting large commercial cases involving breach of contract, fraud, and defamation, as well as representing victims who have been injured in automobile accidents and premises liability matters.

KAYE SCHOLER LLP, West Palm Beach, FL October 2015 – December 2016
Litigation Attorney – One of only two litigators in the Private Client department of the West Palm Beach office. Practice focused on high-end trust, estate and probate litigation, including defending against claims of undue influence and lack of testamentary capacity. Developed and implemented strategy on complex matters. Handled cases in Miami-Dade, Broward, and Palm Beach counties.

SWEETAPPLE, BROEKER & VARKAS, P.L., Boca Raton, FL August 2014 – October 2015
Litigation Attorney – Associate at a boutique litigation firm specializing in complex commercial and business litigation. Heavily involved in building client relationships and developing overall litigation strategy for each case. Took depositions and handled state court hearings in Palm Beach County. Frequently drafted complex complaints, counterclaims, motions, and discovery requests.

THE HONORABLE GEORGE A. O'TOOLE, JR. January 2014 – April 2014
United States District Court for the District of Massachusetts, Boston, MA
Judicial Intern – Interned approximately 30 hours per week as part of BC Law's Semester-in-Practice program. Drafted seven substantive orders, including grants or denials of motions to dismiss, motions to suppress, and a habeas corpus decision. Observed two jury trials and numerous motion hearings.

WILMERHALE, Boston, MA May 2013 – July 2013
Summer Associate (offer extended) – Researched and drafted memoranda regarding securities and intellectual property litigation. Experience included both litigation and corporate matters.

EDUCATION

BOSTON COLLEGE LAW SCHOOL

Newton, MA

Juris Doctor, *summa cum laude*, Order of the Coif

May 2014

GPA: 3.863/4.0; Class Salutatorian

Honors: Dean Dennis A. Dooley Award – 1L Year & Graduating Class of 2014.

Activities: National Moot Court Team (National Quarterfinalist, 2nd Place – Region One, Best Brief – Region One); Federal Appeals Clinic; Research Assistant to Professor Laura Murray-Tjan, Spring 2013; Wendell F. Grimes Moot Court Competition; New Orleans Service Spring Break Trip, *Co Vice-President*; Business and Law Society, *Treasurer*; Phi Alpha Delta, *Treasurer*; BC Law Tour Guide; BC Law Softball.

THE GEORGE WASHINGTON UNIVERSITY

Washington, DC

Bachelor of Accountancy, *summa cum laude*

May 2008

GPA: 3.839/4.0

Honors: Dean's List; Golden Key International Honour Society.

BUSINESS EXPERIENCE

GOLDMAN SACHS

May 2012 – August 2012

Investment Management Division – Private Wealth Management, Boston, MA

Summer Associate (offer extended) – Completed an intensive three-week training program covering various asset classes and investment strategies, trust and estate planning, and client relationship skills. Assisted Private Wealth teams by back-testing client portfolios, building asset allocation models, and conducting research targeting prospective clients with a minimum of ten million dollars in investable assets. Completed five presentations to simulate client interactions around financial planning.

PRICEWATERHOUSECOOPERS, LLP

September 2008 – August 2011

Financial Instruments, Structured Products and Real Estate Group, New York, NY/Boston, MA

Senior Associate – Provided independent advisory services in a highly regulated field regarding the valuation of CDOs, CLOs, MBS, and RMBS. Managed multiple client relationships from engagement inception to release of final deliverable. Supervised teams responsible for client engagements valued at over one million dollars regarding the auditing of cash flows and preparation of quarterly procedural letters for CDOs. Led trainings on the audit of cash flows and transaction health for structured products.

OTHER PROFESSIONAL LICENSES

CERTIFIED PUBLIC ACCOUNTANT: New York; License #105415 (Inactive Status)

- Passed all four parts on the first sitting.

EXHIBIT 17

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF JORGE E. SILVA FILED ON BEHALF OF SILVA & SILVA, P.A.
IN SUPPORT OF ITS MOTION FOR APPROVAL OF PAYMENT OF
ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Jorge E. Silva, do hereby declare and state as follows:

1. I am the Managing Partner of Silva & Silva, P.A. ("Silva & Silva"). I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. As one of the Court appointed law firms to serve on the Plaintiffs' Steering Committee, Silva & Silva, P.A. contributed significantly to this litigation. Jorge Silva, Carlos Silva, Paul Layne, and Benjamin Fernandez were counsel of record in this action since its inception. On July 16, 2021, Jorge Silva was appointed to serve as a member of Plaintiffs' Steering Committee to act on behalf of the Plaintiffs and the proposed class members in the Action.

3. As part of its role in this litigation, Silva & Silva performed many integral tasks which benefitted the Plaintiffs and the Class. At the outset of this tragedy, Silva & Silva's clients entrusted it with identifying those responsible for the collapse and prosecuting them to the full extent of the law. From the inception, until the very end, Silva & Silva was called upon not only by its clients, but also leadership counsel and, more importantly, this Court to assist with every aspect of the litigation. What follows is a brief description of the efforts put forth by the lawyers and support staff at Silva & Silva. However, we would be remiss if we did not recognize that the remarkable result obtained for the victims of this tragedy was, without question, a beautifully orchestrated collective effort.

Before a leadership structure was announced, Silva & Silva had already met with experts, served public records requests, sent preservation of evidence letters, and placed various government entities on notice of its intent to file suit, among other things. As a result of these efforts, Silva & Silva was the very first law firm to identify third party prospective defendants and actually file suit against the following defendants: Concrete Protection and Restoration Inc.; Wilcott Engineering, Inc.; Eighty-Seven Park, LLC; 8701 Collins Avenue Condominium Association; Collins Development, LLC; John Moriarty & Associates of Florida, Inc.; NV5, Inc.; Terra World Investments, LLC; Terra Group, LLC; and Bizzi & Partners Development, LLC. Undisputedly, these were the main defendants in the Champlain Towers South litigation. Being the first to identify the potential liability in the aforementioned defendants, Silva & Silva worked with counsel for the Eighty Seven Park Defendants throughout the litigation, but particularly at the outset to obtain insurance documentation and other necessary documentation regarding the construction of Eighty Seven Park.

Once appointed to the leadership committee, Silva & Silva was responsible for investigating the Champlain Tower South Condominium Association and various governmental agencies, including the Town of Surfside and the City of Miami Beach. This assignment entailed reviewing the most cumbersome document production of all the potential defendants. Silva & Silva reviewed more than 500,000 documents produced by the Champlain Towers South Condominium Association and other third parties. These documents revealed the identity of numerous other Defendants and physical evidence that was relied upon during depositions and to prove our theories of liability. Silva & Silva was actively involved in discovery, assisting with depositions; obtaining public records; and subpoenaing individuals and entities, among other things. Moreover, the Court may remember that our first class mediator, Bruce Greer, announced an impasse after much negotiation between wrongful death class members and property owners. Despite resistance from counsel, the undersigned addressed the Court and insisted that we schedule an in-person mediation and that same should proceed without delay. As a result, the Court appointed Judd Rosen, Esq. and created the non-owner wrongful death subclass. Shortly thereafter,

Silva & Silva played a very active leadership role representing the wrongful death non-owners at the allocation mediation. Working tirelessly at a point when recovery was believed to be extremely limited, we negotiated a settlement that allowed the litigation against the aforementioned defendants to become the focal point of the litigation, and, more importantly, unified the plaintiffs allowing for a global settlement.

In addition to identifying defendants and litigating the case, Silva & Silva met personally and extensively, on multiple occasions, with various high level governmental officials, including the Governor of Florida, the Lieutenant Governor of Florida, the Attorney General of Florida, and various members of the Florida House of Representatives in an effort to obtain a claims bill and/or establish a fund to assist the victims who were then facing a very limited fund recovery.

Toward the conclusion of the litigation, Silva & Silva was actively involved in settlement discussions, through the mediator, with all of the Eighty Seven Park Defendants, including Eighty-Seven Park, LLC; John Moriarty & Associates of Florida, Inc.; NV5, Inc.; Terra World Investments, LLC; Terra Group, LLC; and Bizzi & Partners Development, LLC. As this Court is aware, the damages presented in this case are monumental. Silva & Silva was tasked with preparing comprehensive damage power points including extensive jury verdict and settlement research for the mediation presentation with the Eighty Seven Park Defendants, and others.

Lastly, when it appeared that settlements were on the horizon Silva & Silva petitioned this Court to appoint a Claims Administrator and began the process of identifying and vetting potential claims administrators. Silva & Silva interviewed and vetted more than ten potential administrators, created the template for the claim forms and then remained actively involved in the selection process with the leadership committee.

Silva & Silva was and remains committed to providing its clients with the best possible representation. As this Court is intimately aware, the representation does not end when the allocations are published. Absent from the hours submitted to date are the hundreds of hours that will be spent working with our sixteen clients, on an individual basis, to present their damages to this Court. Silva & Silva has dedicated all of its lawyers and staff to ensure that each client is given

the time he, she, or they deserve to prepare for their “day in court.” Each presentation will include extensive oral argument and demonstrative aids in an effort to provide this Court with insight into how each loss has impacted those left behind. In addition to presenting each of our client’s claims, Silva & Silva has devoted its resources to open estates, guardianships, and special needs trusts, among others, to assist the survivors when the settlement funds are allocated. We will assist in finalizing all related matters, including the accounting, affidavits, etc. to provide our clients with peace of mind and closure. Simply put, the hours required to truly “finalize” this case for Silva & Silva and its clients is substantially greater than reflected in the hours submitted to date.

In sum, as promised from the outset of the case, Silva & Silva placed its practice on hold starting in June of 2021 to dedicate the necessary time and resources to litigate this matter for the victims. Silva & Silva undertook this representation knowing full well that the victims were facing the real possibility of a very limited recovery. Toward that end, rates were reduced and billable hours were substantially discounted to ensure the maximum recovery for the victims. Fortunately, through the hard work of Silva & Silva, and the rest of leadership counsel, the fund available for the victims today is one of the largest in the history of litigation in Florida.

4. In addition to the work above, my firm will continue to participate in this litigation until its conclusion on behalf of the Class.

5. The information in this declaration regarding my firm’s time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs’ Steering Committee or on individual death cases. As a result of this review and any adjustments made, I believe that the time reflected in Silva & Silva’s

lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

6. The number of hours spent on this litigation by my firm is 6,026. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates per hour is: Jorge and Carlos Silva: \$1,000; Paul Layne, Ben Fernandez, Carolina Suarez \$750, and Maria Corghi \$525; and Paralegals \$250. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

7. Silva & Silva's expenses and charges in connection with the prosecution of this litigation total **\$45,017.03**. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

8. The following additional information further explains certain of these expenses

(a) Photocopying: **\$7,804.39**. In connection with this litigation, the firm made approximately 39,021 in-house copies, charging \$0.20 per copy. Each time an in-house copy machine is used, our billing system requires that a case or administrative billing code be entered and that is how the approximately \$7,804.39 copies were identified as related to this case. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(b) Filing, Witness and Other Fees: **\$18,780.00**. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. These costs were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas, and to investigate the facts. The vendors who were paid for these services are set forth in **Exhibit B**.

(c) Experts: **\$6,002.50** to Ver, Ploeg & Marino for services as set forth in **Exhibit B**.

(d) Online Legal and Financial Research: **\$5,373.92**. These included vendors such as Westlaw and Pacer. These services were used to obtain access to factual databases, legal research and for cite-checking of briefs. This expense represents the expense incurred by Jorge Silva, Carlos Silva, Paul Layne, Carolina Suarez, Benjamin Fernandez and Maria Corghi for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested. For example, Silva & Silva has contracts with some of these providers for use of their services. When Silva & Silva utilizes online services provided by vendors, some with a flat rate contract, access to the service is by a billing code entered for the specific case being litigated. At the end of each billing period in which such service is used, Silva & Silva's costs for such services are allocated to specific cases based on the respective percentage of the total bill or actual charges in connection with that specific case in the billing period. As a result of the contracts negotiated by Silva & Silva with certain providers, the Class enjoys substantial savings in comparison with the "market-rate" for *a la carte* use of such services which some law firms pass on to their clients. For example, the "market rate" charged to others by Westlaw for the types of services used by Silva & Silva is more expensive than the rates negotiated by Silva & Silva.

9. The foregoing expenses pertaining to this litigation are reflected in the books and records of Silva & Silva. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

10. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th of June, 2022 at Miami, Florida.

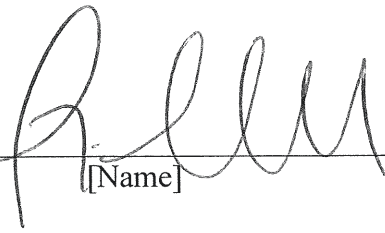
/s/  _____
[Name]

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: Silva & Silva

REPORTING PERIOD: Inception through May 31, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
Partner, Jorge Silva	1629.20	\$1,000.00	\$ 1,629,200
Partner, Carlos Silva	1359.30	\$1,000.00	\$ 1,359,300
Jr. Partner, Ben Fernandez	1479.70	\$750.00	\$ 1,109,775
Jr. Partner, Paul Layne	712.00	\$750.00	\$ 534,000
Jr. Partner, Carolina Suarez	183.30	\$750.00	\$ 137,475
Associate, Maria Corgi	106.60	\$525.00	\$ 55,965
Paralegal, Mayra Romera	347.90	\$250.00	\$ 95,673
Paralegal, Hope Soto	49.50	\$250.00	\$ 13,613
Paralegal, Tania Gomez	96.40	\$250.00	\$ 26,510
Paralegal, Veronica Ramos	62.70	\$250.00	\$ 17,243
TOTALS	6,026		\$5,234,987.50

EXHIBIT B

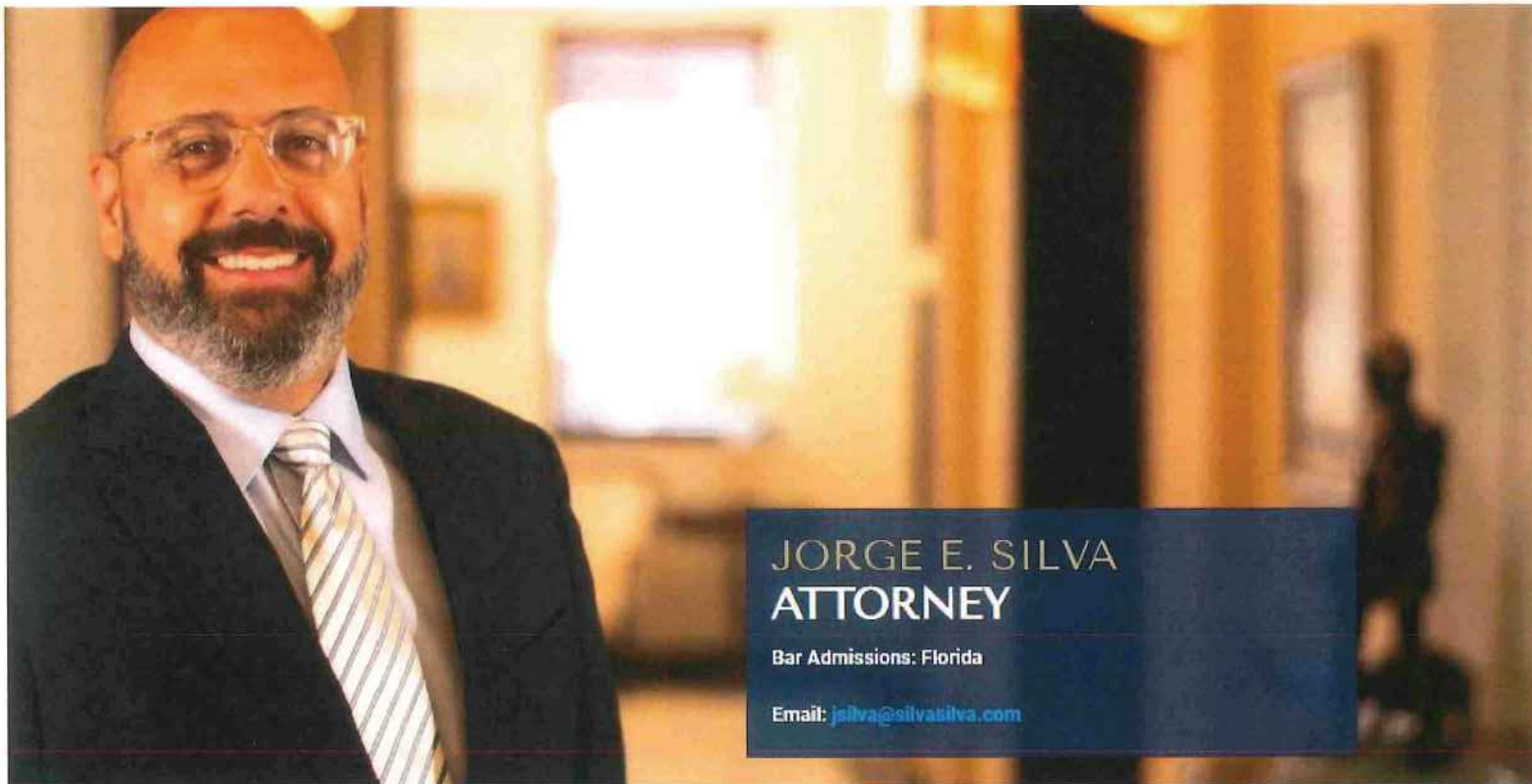
IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE

EXPENSES REPORT

FIRM NAME: Silva and Silva, PA

REPORTING PERIOD: Inception through May 31, 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research		\$5,373.92
Process Server - Z Process Service, Inc.		\$8,520.00
Filing Fees		\$10,260.00
Postage, FedEx, Courier		\$1,471.21
Local travel		\$0.00
Out-of-town travel		\$0.00
Meals - WAIVED		\$0.00
Deposition transcripts		\$0.00
Experts (Coverage Counsel)		\$6,002.50
Litigation Fund		\$0.00
Parking - WAIVED		\$0.00
Transportation		\$0.00
Copying		\$7,804.39
Telephone		\$112.51
Mediation Services		\$1,702.50
Other - Ra-Haus Fotografie/Drone Footage		\$750.00
Other - Sessler & Lopez Investigations, Inc.		\$2,500.00
Other - DBR Listing of Notice to Creditors		\$520.00
TOTAL EXPENSES	\$0.00	\$45,017.03



JORGE E. SILVA
ATTORNEY

Bar Admissions: Florida

Email: jsilva@silvasilva.com

After graduating with Honors from the University of Miami School of Law, Jorge E. Silva obtained the highest score on the Florida Bar examination and was subsequently invited to teach the preparatory course for it.

Jorge E. Silva is passionate about his law practice. He has concentrated his efforts on representing victims of catastrophic medical malpractice events. He firmly believes that patients must have a solution for medical negligence and wrongful death.

Because of the Firm's involvement in major aircraft, maritime, and products liability catastrophes, Jorge E. Silva has also become immersed in these matters. Specifically, he has been able to contribute substantially in areas such as establishing a breach of prevailing standards, causation, and damages.

Mr. Silva is a member of the Florida Bar, the American Bar Association, the Association of Trial Lawyers of America, and the Academy of Florida Trial Lawyers. He is also a member of the Million Dollar Advocates Forum and is rated AV by Martindale-Hubbell, a recognition by his peers that places him amongst the top trial attorneys in the nation. The South Florida Legal Guide has also awarded Mr. Silva as "Top Attorney" 10 years consecutively. Recently, Mr. Silva was nominated as a "Best Attorneys of America" by Rue Ratings. Also, Mr. Silva has been awarded the distinction of Super Lawyer 2021 in the area of Plaintiff's Personal Injury and Medical Malpractice.

Additionally, in his quest to ensure that all victims of negligence, not just Silva and Silva's clients, are appropriately represented, Mr. Silva devotes part of his own personal time as a law school professor. Mr. Silva designed an in-depth course "Florida Medical Malpractice Practice and Procedure" and wrote the course syllabus and material used by aspiring attorneys. And, as yet another way to show his appreciation, Mr. Silva donates his entire professor's salary to the law school for the funding of a scholarship.

He has participated in "Put Something Back", a pro-bono effort by Miami attorneys and judges to represent, free of charge, those who cannot afford the services of an attorney in civil matters. He is a Charter Founder of the Coalition for Family Safety and sits on the Board of Advisors for Misioneros del Camino, a non-profit organization dedicated to helping orphaned children.

In 2004 and 2005 Mr. Silva completed the New York City Marathon with the objective of raising funds to facilitate the construction of a Hospital as well as to provide education to orphan children in Sumpango, Guatemala. Thereafter, Mr. Silva ran the Marine Corp and Chicago Marathons to further fund the hospital.

Jorge E. Silva is a proud and dedicated father of four. As such, he is tenacious in his quest to be an advocate for victims and their families.

A professional headshot of Carlos E. Silva, a middle-aged man with short dark hair, wearing a dark suit, white shirt, and a striped tie. He is standing in a well-lit, modern interior space with large windows in the background.

CARLOS E. SILVA ATTORNEY

Bar Admissions: Florida, Supreme Court of the United States,
New York & Washington D.C.

Email: csilva@silvasilva.com

Carlos E. Silva graduated from the University of Miami School of Law determined to give a voice to families who suffered traumatic injuries and oftentimes tragic deaths as a result of tortious conduct. This conduct entails the negligent acts of a product designer or manufacturer, an airline pilot, a surgeon, a multinational corporation in its marketing of an unsafe drug, or preventable incidents of neglect.

Exclusive of the aforementioned litigation embarked upon by Mr. Silva, his diversified trajectory further encompasses the victorious undertaking of cases dealing with trucking and automobile catastrophes, bad faith litigation as well as cases pertaining to negligent security, including those implicating the involvement of terrorist acts.

Carlos E. Silva received a Bachelor of Science degree as well as a Doctorate in Law, giving him the great capacity to appreciate cases from a legal, scientific and medical perspective. He has earned a reputation for obtaining significant settlements and verdicts for those who lost their loved ones in negligence cases. He has taken on major airlines, like American Airlines, ValuJet, Aviateca, AeroPeru, and aircraft manufacturers, like Boeing, Airbus, and others. Furthermore, Carlos E. Silva has successfully opposed major multinational corporations that have armed themselves with well-experienced lawyers who have unlimited resources at their disposal. He has advocated for plaintiffs in national class actions, which were ultimately resolved in favor of the Firm's clients.

He is also a member of the Florida Bar Grievance Committee. In particular, Mr. Silva and the committee contend with and investigate complaints regarding the unlicensed practice of law (UPL), which oftentimes results in the recommendation of reprimands and even disbarment, for those found accountable. He is also a member of the Association of Trial Lawyers of America and has been rated AV by Martindale-Hubbell, a recognition by other attorneys that places him among the top trial attorneys in the nation.

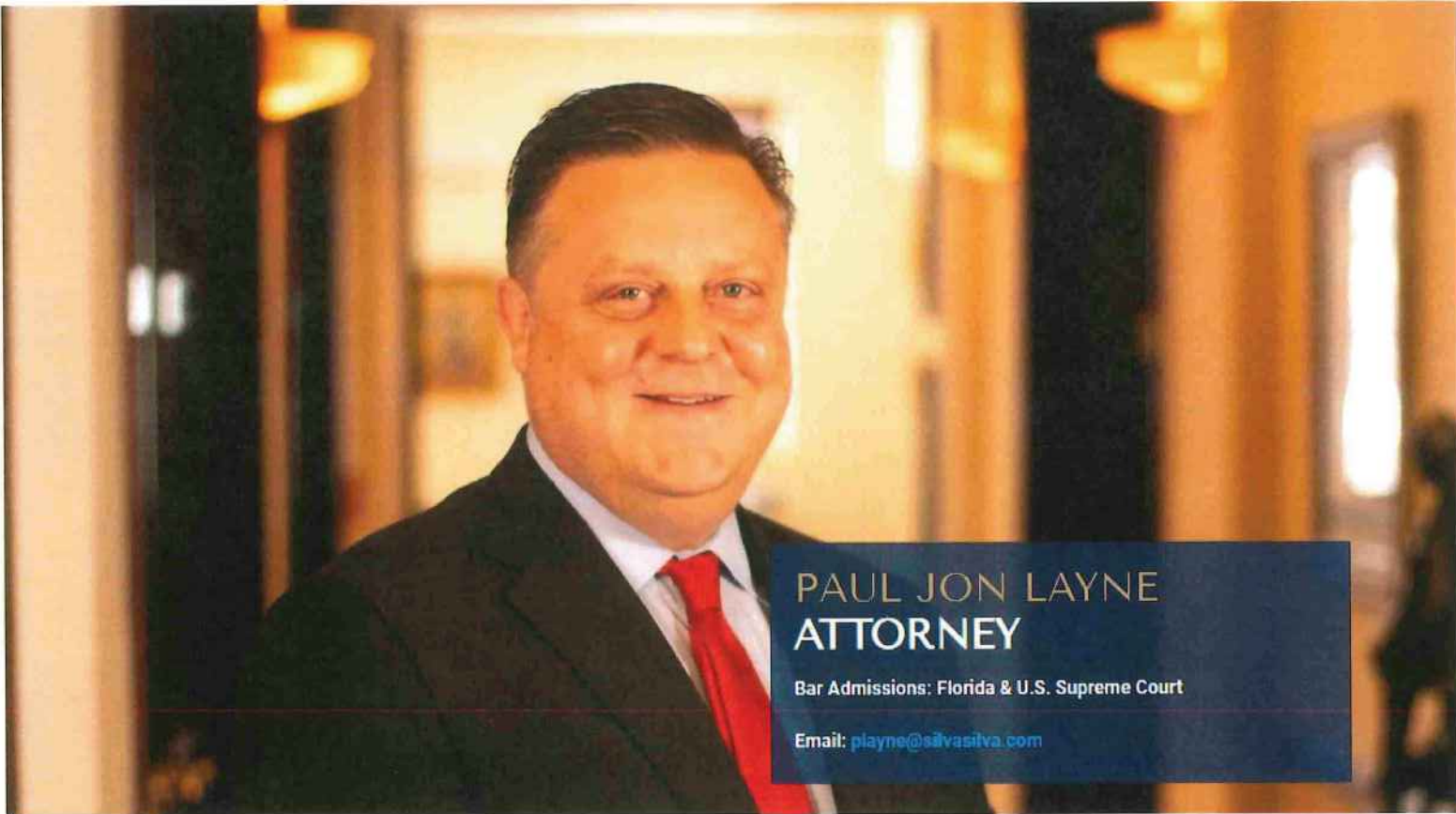
Mr. Silva has furthermore attained international legal recognition in South American countries, where Mr. Silva has exclusively conferred with legal advisors to Presidents in an attempt to implement and enforce appropriate pool safety standards and regulations. As a consequence of his vigorous efforts, appropriate swimming pool safety standards have been established in several South American countries.

As yet another example of Mr. Silva's tenacity, when the American Airlines Flight #587 air disaster occurred on November 12, 2001, he deliberated with the President of the Dominican Republic in an effort to educate that country's government about the available legal rights of victims' families under United States law.

As if that were not enough, Mr. Silva has been sought out to lecture on varied topics of negligence at several law schools in many parts of the world. He has been chosen by the Chilean College of Lawyers to introduce and assist in the implementation of a tort system in Chile that emulates the American one. Similarly, Mr. Silva has also been selected to lecture at the Peruvian College of Lawyers on the tort system of the United States, creating the possibility of adopting that system in the country of Peru.

Mr. Silva has also contributed his time to Put Something Back, a pro-bono effort by Miami attorneys and judges to represent those who cannot afford the services of an attorney in civil matters. Moreover, he is a Charter Founder of the Coalition for Family Safety and sits on the Board of Advisors for Misioneros del Camino, a non-profit organization devoted to providing help to orphaned children.

In 2005, Carlos E. Silva participated in and completed the New York City Marathon in a joint effort with his brothers, Jorge E. Silva and Dr. Orlando E. Silva, to raise funds to build a hospital in Sumpango, Guatemala. In a continued effort to achieve their goal, Mr. Silva along with his brothers completed the 2006 Marine Corps Marathon in Washington. Carlos E. Silva considers his practice of law much more than a profession; he considers it a calling.



PAUL JON LAYNE
ATTORNEY

Bar Admissions: Florida & U.S. Supreme Court

Email: playne@silvasilva.com

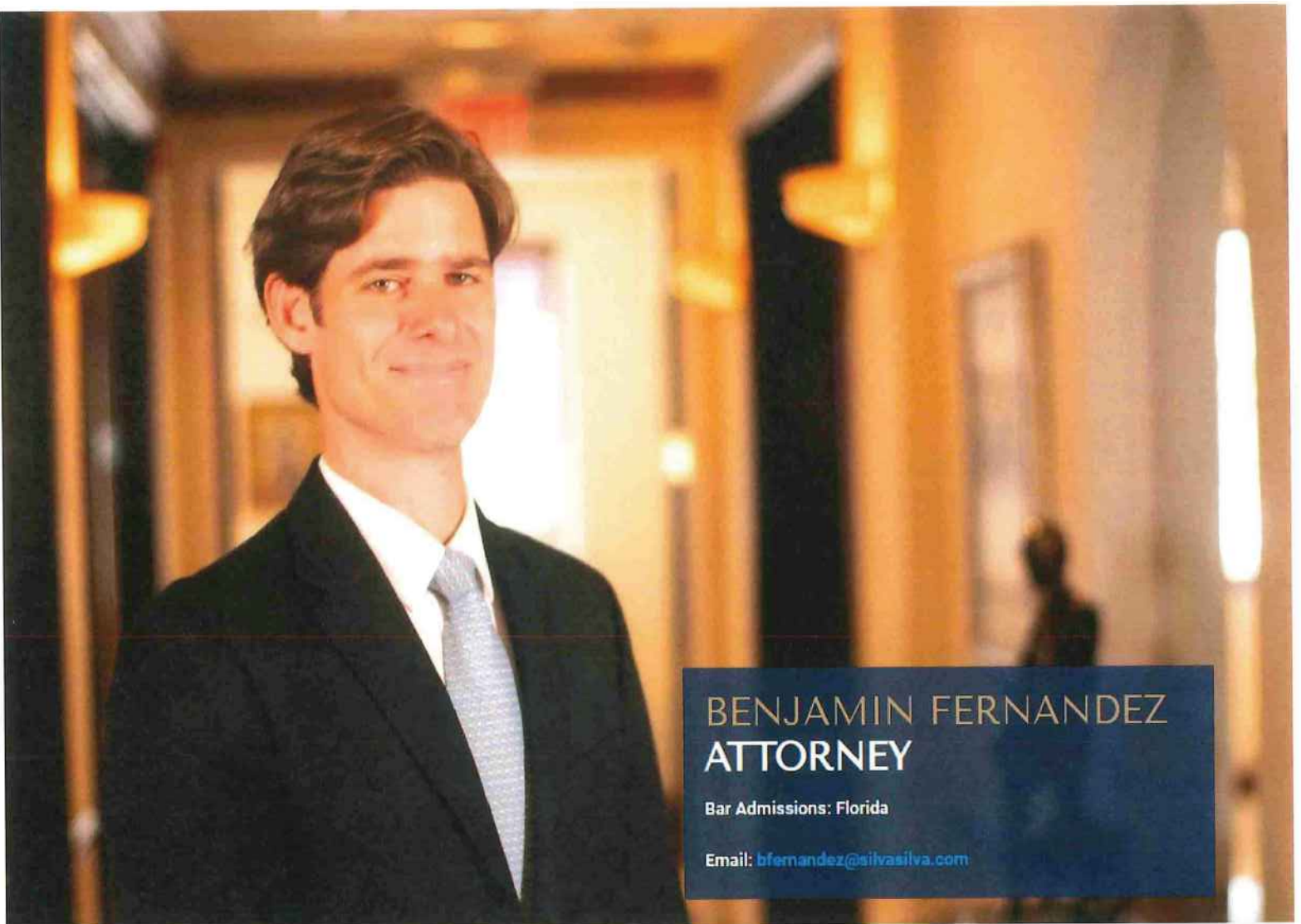
Paul Jon Layne was born in Miami, Florida. He graduated from the University of Miami in 1991, earning a Bachelor of Business Administration, magna cum laude, with Departmental Honors in Economics and General Honors. Subsequently, Mr. Layne graduated from the Florida State University College of Law in 1994, with honors. At Florida State, he served for two years as a member of the Law Review and Moot Court team. Mr. Layne is fully bilingual in the English and Spanish languages.

Following law school, Mr. Layne worked for one of the oldest, largest, and most prestigious law firms in Florida. His areas of concentration were products liability litigation and commercial litigation. He was involved in litigation concerning Du Pont's Benlate product, which end users claimed destroyed their crops and caused them adverse health effects.

Subsequently, Mr. Layne has handled numerous civil litigation matters from start to finish representing both defendants and plaintiffs in litigation. On the defense side, his previous clients have included General Motors Corporation, other product manufacturers, and insurance carriers. On the plaintiff's side, Mr. Layne has represented individuals in personal injury and wrongful death cases. His successful jury trials include a federal jury trial representing survivors of victims of the American Airlines flight 965 disaster where he was instrumental in winning a multi-million dollar verdict for the plaintiff. Mr. Layne was also involved in obtaining a favorable resolution for clients in the defective tire litigation against Bridgestone/Firestone.

At Silva & Silva, Mr. Layne's concentration is representing plaintiffs in personal injury and wrongful death matters in both state and federal courts, including appeals. He is a member of the Florida Bar, the Association of Trial Lawyers of America, the United States District Court for the Southern District of Florida, and the Eleventh Circuit Court of Appeals.

Over the past three years alone, Mr. Layne has successfully handled major products liability cases, including among other defective products, dangerous automobile door latches that spring open in common and foreseeable crash events, as well as recalled window coverings on which young children in America strangle at a rate of one per month. He has also handled major aviation crash cases, auto crashes, and insurance bad faith cases – in the process, recovering sums well into the tens of millions of dollars, for the firm's clients.



BENJAMIN FERNANDEZ ATTORNEY

Bar Admissions: Florida

Email: bfernandez@silvasilva.com

Benjamin Fernandez began his legal career as a public defender in Miami, Florida helping those less fortunate. Although he handled hundreds upon hundreds of cases, Mr. Fernandez devoted the majority of his time to helping adolescents in the juvenile system.

Upon leaving the Public Defender's Office, Mr. Fernandez became a partner at one of the largest insurance defense firms in Florida. His practice was dedicated to civil litigation, with an emphasis on Premises Liability and Catastrophic and Personal Injury. He provided legal representation to companies and individuals ranging from Fortune 500 companies to small business owners. During his tenure, Mr. Fernandez handled thousands of depositions and tried numerous civil cases to verdict gaining valuable experience in personal injury matters.

Since joining Silva & Silva, Mr. Fernandez has represented both families and individuals who were victims of negligence. His practice areas include premises liability, negligent security, auto negligence, and other catastrophic personal injury matters. Mr. Fernandez is devoted to ensuring that his clients benefit from his many years of experience in handling litigation matters throughout the State of Florida.

Mr. Fernandez was selected by Super Lawyers as a Rising Star and awarded an "AV" rating by the Martindale-Hubble Peer Review Ratings, which is reserved for attorneys with the highest professional excellence and highest levels of skill and integrity. He is a member of the Florida Bar and admitted to practice in federal court with admissions in the Northern, Middle, and Southern districts. Additionally, Mr. Fernandez is admitted in the U.S. District Court in Puerto Rico.

A professional headshot of Carolina Suarez, a woman with long brown hair, smiling and wearing a dark blazer over a white collared shirt. The background is a blurred interior space with warm lighting.

CAROLINA SUAREZ ATTORNEY

Bar Admissions: Florida

Email: csuarez@silvasilva.com

Carolina Beatriz Suarez was born in Miami, Florida. She graduated from the University of Florida in 2002, earning a Bachelor of Arts, cum laude. Subsequently, Mrs. Suarez graduated from Florida International University College of Law in 2007.

While at Florida International University, Mrs. Suarez was on the Dean's List and was the recipient of an Excellence for the Future Award and Book Award for her performance in Remedies and Administrative Law. During law school, Mrs. Suarez worked for the Florida House of Representatives where she managed all of the constituent casework, financial reporting, and official state correspondence.

After three years with the Florida House, Mrs. Suarez began working for a prominent Miami lobbyist, lobbying on behalf of diverse principals in the City of Miami, Miami-Dade County Public Schools, and the State of Florida.

Following Law School, Mrs. Suarez began practicing law at one of South Florida's foremost Worker's Compensation firms, representing plaintiffs in catastrophic work-related injuries. Then, in 2009, Mrs. Suarez joined the partnership between a local law firm and a large construction defect firm based in Santa Monica, California, as the Lead Associate representing 300 homeowners in Re: Chinese Manufactured Drywall Products Liability Litigation, MDL 2047, under the Honorable Eldon E. Fallon of the Eastern District of Louisiana. MDL 2047 involved the claims for damages resulting from the manufacturing, distribution, sale, and installation of defective Chinese drywall in homes throughout the United States.

Over the course of four years, Mrs. Suarez was actively involved in nearly all aspects of MDL 2047, including the drafting of Omnibus briefs and reply briefs as Plaintiffs' Liaison Counsel for Miami-Dade County, Broward County and Palm Beach County. She prepared various complex motions, ranging from jurisdictional, class action, and bad faith pleadings, to service of foreign defendants through the Hague Convention. Carolina executed all pre-suit investigation, and was an active participant in all settlement negotiations, litigation strategies, fact investigation, depositions, mediations, and trial preparation, which ultimately led to the resolution of substantial claims.

Since joining Silva & Silva in 2013, Carolina has concentrated her practice on cases involving medical malpractice and wrongful death claims. Mrs. Suarez is a member of the Florida Bar, the U.S. District Court for the Southern District of Florida, and the Supreme Court of the United States. In her spare time, Carolina enjoys spending time with her husband and children.

A professional headshot of Maria D. Corgi, a woman with long dark hair, smiling. She is wearing a dark blazer over a white top. The background is a blurred interior space with warm lighting.

MARIA D. CORGHI ATTORNEY

Bar Admissions: Florida

Maria D. Corgi graduated cum laude from the University of Miami School of Law, where she was a member of the International and Comparative Law Review and Litigation Skills Program. While in law school, Ms. Corgi also clerked for several law firms where she gained substantial experience in the areas of commercial litigation, international arbitration, and personal injury litigation.

Prior to joining Silva & Silva, P.A., Ms. Corgi's practice was dedicated to civil litigation defense with an emphasis on premises liability, catastrophic personal injury, and wrongful death. Throughout the years defending hundreds of companies in negligence actions, Ms. Corgi gained valuable experience in personal injury and wrongful death litigation.

With this experience, Ms. Corgi joined Silva & Silva, P.A., with the goal of helping families and individuals who are victims of negligence. Her practice areas include premises liability, negligent security, auto negligence, wrongful death, and other catastrophic personal injury matters. Having learned the innerworkings of personal injury and wrongful death litigation from all angles, Ms. Corgi is dedicated to ensuring that her clients benefit from her years of experience defending the very actions she now pursues on their behalf.

Ms. Corgi is a member of the Florida Bar and is also admitted to practice in the U.S. District Courts for the Southern and Middle Districts of Florida.

EXHIBIT 18

**IN THE CIRCUIT COURT OF THE 11TH 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**

**DECLARATION OF BRADFORD ROTHWELL SOHN, ESQ. FILED ON BEHALF OF
SOHN LAW PLLC IN SUPPORT OF MOTION FOR APPROVAL OF PAYMENT OF
ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Bradford Rothwell Sohn, Esq., do hereby declare and state as follows:

1. I am the Sole Member of The Brad Sohn Law Firm, PLLC d/b/a Brad Sohn Law PLLC ("Brad Sohn Law"), based in Coral Gables, Florida, where I am licensed to practice.

2. I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

3. On morning of June 24, 2021, I was engaged (with co-counsel) by the Drezner family to represent Mr. Drezner and a putative class for the injuries and losses suffered from the CTS tragedy. Shortly thereafter, I asked my colleagues Graham and MaryBeth LippSmith to join the case, as they were not merely excellent class action attorneys but were also specifically experienced in the world of construction defect litigation. Thus, the three of us joined forces.

4. With respect to my firm specifically, this was an intake decision that had unusually significant dimensions to it, given our size. That is, although I regularly take on extremely large and complex Plaintiffs' matters—for example, I am also Court-appointed leadership counsel in In re National Football League Players' Concussion Injury Litigation (2:12-md-2323-AB, E.D. Pa.)—these decisions cannot be made lightly; I am the smallest firm in appointed to *this* litigation's leadership structure and an unusually small firm to handle complex matters. Stated differently, when a case such as this one occupies a large percentages of *my* time, notwithstanding any contract

staff that may be added, such a case also occupies correspondingly large percentages of the *entire firm's* attorney-time.

5. Given the grave nature of the CTS tragedy, and the importance of this litigation to this community, I opted to get involved with my co-counsel. And our three firms immediately poured ourselves into researching and filing the first case and class action for the Champlain Towers South (“CTS”) victims and for Mr. Drezner.

6. As the first-filed CTS case, *Drezner* played the critical role of serving as the seed from which the rest of the litigation sprang. Of course, many other firms came together to achieve these unprecedented results. But our team’s quick and diligent work to file *Drezner* in the immediate aftermath of the CTS collapse resulted in several early, critical events that were pivotal to the incredible success of this case.

7. On June 24, 2021, we filed *Drezner* as the original CTS collapse case. *Drezner* was assigned to this Honorable Court. Later-filed cases were assigned to other courts. Had we not immediately filed *Drezner*, the CTS litigation might not have had one of its most essential components for its success: Judge Michael Hanzman. It is beyond dispute that this Honorable Court’s stewardship, management, diligence, and dedication was simply indispensable.

8. In response to our filing *Drezner*, James River Insurance Company (the commercial general liability insurer for Defendant Champlain Towers South Condominium Association) immediately tendered its policy limits of \$2,000,000 in *Drezner* on June 28, 2021. James River Insurance Company effectuated its tender at the Court’s first *Drezner* hearing on July 1, 2021. James River Insurance Company’s unconditional tender of its full policy limits in *Drezner* set the early bar for the dozens of insurance carriers who later followed suit and collectively tendered more than \$1 billion in settlement payments.

9. Further, we immediately began serving discovery to—as quickly as humanly possible—begin unearthing all possible (additional) defendants.

10. Over the weekend following the tragedy, I had occasion to speak with my college classmate and friend of more than 20 years, Mr. Javier Lopez, as well as one of my mentors, his partner Harley Tropin.

11. It was abundantly clear this litigation would simply need more hands than those on our pleadings as of June 24, 2021. And it was equally clear that no one had a better combination of experience, temperament, judgment, and respect from his peers so as to be able to lead this litigation on behalf of the Plaintiffs, than Harley Tropin.

12. Thus, on June 29, 2021, we welcomed Kozyak Tropin & Throckmorton LLP (“KTT”) into *Drezner* as our co-counsel. Shortly thereafter, the Court appointed Harley Tropin of KTT to serve as Co-Chair Lead Counsel and appointed my firm (Brad Sohn Law PLLC) to serve on Plaintiffs’ Steering Committee. These important leadership appointments—and every other leadership appointment—were initiated, effectuated, and managed through *Drezner*.

13. On July 2, 2021, this Honorable Court appointed its Receiver, Michael Goldberg, in *Drezner*. Although Mr. Goldberg’s contributions have also been discussed, they too cannot be understated. He immediately provided vital services to the CTS collapse victims, Court, and Association. His appointment, also through *Drezner*, could not have come at a more critical time for the victims. They benefitted enormously from the Receiver’s immediate provision of essential information, emergency services, and emergency funds.

14. *Drezner* was the original CTS collapse case into which this Honorable Court consolidated CTS leadership and consolidated all later CTS filings on July 15, 2021. *Drezner*’s status as the first-filed case gave the Court immediate, indisputable control over all matters pertaining to CTS, including, but not limited to, all cases, counsel, receivership matters, collapse site management, victim outreach, insurance, motion practice, discovery, and settlement.

15. Many other lawyers combined to generate the unprecedented success of this case. However, only three firms were responsible for first-filing *Drezner*—Brad Sohn Law, CMS, and LippSmith LLP. No one can dispute that *Drezner* alone gave the Court, counsel, and parties the

immediate means to make the most critical early decisions that were essential to the outcome of this litigation.

16. The decision to file *Drezner* has indeed proven to be one of the prouder professional choices I have ever made, as it has led to such extraordinary results for this deserving class. But it was also the riskiest professional decision I ever made. Beyond merely deciding to involve my comparatively small firm in such time-consuming litigation, we as counsel were also asked to place sole discretion for attorney compensation in the Court. Understanding this, I literally placed a sizeable risk of my firm on our successful prosecution of this action.

17. Upon the Court's Order granting preliminary approval, along with my colleagues, the Court Appointed me to serve as Class Counsel.

18. As part of its role in this litigation, my firm performed many integral tasks which benefitted the Plaintiff and the Class, including but not limited to the following:

(a) My firm's filing of the *Drezner* action (*supra*) triggered the initial tender of insurance proceeds from James River;

(b) My firm participated in the settlement negotiations and mediation with DeSimone Consulting Engineers, LLC;

(c) My firm was directly responsible¹ for obtaining an \$11,000,000.00 (policy-limits) tender from Concrete Protection;

(d) My firm was directly responsible for obtaining a \$4,000,000.00 settlement from O & S Engineering;

(e) My firm was directly responsible for obtaining a \$1,000,000.00 settlement from Rhett Roy Landscape Architecture LLC;

(f) My firm was directly responsible for obtaining a \$982,500.00 settlement from Willcott Engineering LLC;

¹ Although I feel it is appropriate to take a measure of credit for the individual settlement results I was charged with through the PSC and am profoundly grateful for the opportunities given to me by Ms. Furst and Mr. Tropin, Mr. Bruce Greer simply could never be credited enough for his role in these matters. I am fortunate simply to have learned from him and am grateful that the Court appointed such a skilled individual who provided such a tremendous benefit to the class. His efforts were not merely spectacular, they were critical in the victims' obtaining this result.

(g) My firm was one of the firms directly involved in the significant vetting and interviewing of all of the various experts retained for this matter (e.g. geotechnical, hydrology, engineering);

(h) My firm was one of three firms initially entrusted with vetting potential candidates for lead plaintiffs and/or class representatives;

(i) My firm participated in the briefing of various motions to dismiss;

(j) My firm was actively involved in the discovery committee, almost single-handedly reviewing the document production from Morabito Consultants as we had been asked to take the Morabito depositions as well as the Moriarity depositions (all of which were avoided due to the amazing settlements reached in this matter);

(k) My firm participated in the Becker matter and specifically in the strategizing on depositions with Mr. Moskowitz and my mentor and friend Mr. Stuart Z. Grossman;

(l) My firm was also originally entrusted with damages assessments and the coordination of Plaintiffs' Fact Sheets;

(m) My firm devoted countless hours to speaking with victims (both individual clients and unrepresented class members) and answering their questions; and

(n) Finally, my firm has counseled absent and/or *pro se* class members on claim submission issues.

19. In addition to the work above, my firm will continue to participate in this litigation until its conclusion on behalf of the Class.

20. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business, along with that of Mr. Shmuel's firm which was involved in various client-specific matters through my guidance. I am the partner who oversaw the day-to-day activities in the litigation for my firm. I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the

printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in Sohn Law's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation.

21. To that end, I note that my normal billable rate for non-contingent matters during the 2021 year was \$750 and then \$775/hour. I last received judicially approved fees in a class action in 2019² at the unadjusted (e.g., no multiplier) rate of \$759/hour. This year, my rate increased by about 9% to \$850/hour, which is the rate used on my fees.

22. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

23. The number of hours spent on this litigation by my firm is 950.3. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is \$732,303.50. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records. Finally, I note that per the instruction of Ms. Furst and Mr. Tropin, all lodestar devoted to non-duplicative, client-specific common benefit work has been segregated from work performed at the direction of the Co-Chairs expressly for the benefit to the class as a whole.

24. Sohn Law's expenses and charges in connection with the prosecution of this litigation total \$2,641.24. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

25. The following additional information further explains certain of these expenses:

² This fee award was part of court-awarded fees in the NFL Concussion MDL by the Honorable Anity B. Brody.

(a) Transportation, Hotels & Meals: \$1,724.48. In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, court hearings, to meet with witnesses, mediators and opposing counsel and to take or defend depositions. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

(b) Filing, Witness and Other Expenses: \$916.76. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. These costs were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas, and to investigate the facts. The vendors who were paid for these services are set forth in **Exhibit B**.

26. The foregoing expenses pertaining to this litigation are reflected in the books and records of Brad Sohn Law PLLC. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

27. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of June, 2022 at Miami, Florida.

/s/ Bradford Rothwell Sohn, Esq.

BRADFORD R. SOHN

EXHIBIT A

IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

TIME REPORT

FIRM NAME: BRAD SOHN LAW, PLLC

REPORTING PERIOD: Inception through May 31, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
Brad R. Sohn; P (Common Benefit)	575.5	\$850	\$489,175.00
LAS, LLC; Para	80.7	\$275	\$22,192.50
Rami Shmueli, Esq.; P, CMS Law Group (Client-Specific Common Benefit)	141.8	\$650	\$91,481.00
Brad R. Sohn; P (Client-Specific Common Benefit)	152.3	\$850	\$129,455.00
TOTALS	950.3		\$732,303.50

EXHIBIT B
IN RE: CHAMPLAIN TOWERS SOUTH
COLLAPSE LITIGATION

EXPENSES REPORT

FIRM NAME: Brad Sohn Law PLLC

REPORTING PERIOD: Inception through May 31, 2022

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research	Written off	
Process Server	\$77.62	
Filing Fee	\$415.04	
Postage/Copies	\$47.70	
Meals	\$376.40	
Parking / Transportation	\$1724.48	
TOTAL EXPENSES		\$2641.24

BRADFORD R. SOHN, ESQ.
THE BRAD SOHN LAW FIRM, PLLC

2600 Douglas Road, Suite 1007 • Coral Gables, FL 33134
310.866.0001 (cell) • 305.397.0650 (fax) • 786.708.9750 (office) brad@bradsohnlaw.com

EXPERIENCE

The Brad Sohn Law Firm, PLLC

Coral Gables, FL

Principal

- Florida-based complex litigation practice (catastrophic injury and death, mass and class action, commercial, and professional sports-injury), successfully representing victims in state and federal courts in Florida, New Jersey, Pennsylvania, Illinois, New York, Virginia, and California with more than \$80,000,000 recovered in single-plaintiff settlements and judgments obtained on behalf of single-plaintiff clients
- Currently serving on the Plaintiffs' Steering Committee *In re Champlain Towers South Collapse Litig.* before the Hon. Michael Hanzman in Miami-Dade County, Florida
- Currently serving as co-lead counsel in the Riddell helmet litigation within MDL-2323 *In re National Football League Players' Concussion Injury Litig.*, E.D. Pa. (uncapped personal-injury settlement fund with more than \$740,000,000 recovered for NFL football players' latent brain injuries), before Hon. Anita B. Brody; earlier work included common benefit work on behalf of settlement-class members and opt-out plaintiffs; believed to be youngest attorney ever appointed to lead position in an MDL
- Record-Setting Wrongful Death / Civil Rights Verdict for Pensacola, Florida of \$1,762,500.00 in *Rogers v. Johnson* before Hon. T. Kent Wetherell
- Currently serving as putative class counsel in multiple putative consumer privacy class actions, including an action pending in the United States District Court for the Central District of California alleging novel wiretapping violations against a prominent social media corporation, and another proceeding in United States District Court for the Western District of Washington alleging deceptive practices by Amazon
- Currently serving as class counsel in putative class action representing a putative donor-class of parishioners in the United States District Court for the Northern District of Georgia alleging they were defrauded out of more than \$140,000,000 by an evangelist.
- Recent noteworthy decisions: *Rogers v. Santa Rosa County Sheriff's Office*, --- Fed. App'x --- (11th Cir. 2021) (affirming summary judgment denial on qualified immunity grounds); *DeCarlo v. NFL*, No. 161644/2015 (N.Y.S.) (defeating the NFL in a first-ever motion to dismiss on statute of limitations); denial of motion to dismiss on statute of limitations grounds on behalf of a deceased football player's estate who retired from NFL football in the 1950s; successful jurisdictional motion practice in injury litigation against alleged NFL joint-venturer Riddell (*Oliver v. Riddell, et al.*), against NFL member club (*Tynes v. Buccaneers Limited Partnership*), and against NFL member club moving to compel arbitration (*id.*)
- Notable recent and ongoing individual representations include: multi-million dollar settlement in infant brain-injury case; single-incident multi-defendant medical-malpractice case that has already resulted in millions of dollars in victim compensation alleging over \$180,000,000 in economic losses; multi-million dollar recovery for policy-holder against largest insurance syndicate in the world; multiple representations of individual wrongful death and injury plaintiffs in continued litigation against the NFL and related entities; *In Re Pelvic Mesh/Gynecare Litigation* (N.J. Sup. Ct.) (co-lead trial counsel; J&J/Ethicon pelvic mesh bellwether pool)
- Collaborated with Lieff Cabraser (alongside the Motley Rice firm) in prosecution of several-thousand federally-filed *Engle* progeny cases, including the litigation of bellwether cases in discovery and the creation of a global settlement matrix and implementation aspects of global settlement reached with major tobacco companies

- Member of multiple federal *Engle* progeny trial teams obtaining several multi-million dollar verdicts
- Frequently interviewed on sports-injury and other litigation topics by ABC News, the New York Times, Washington Post, Wall Street Journal, Bloomberg, and major sports-media outlets (ESPN, Sports Illustrated)

Grossman Roth, P.A.

Coral Gables, FL

- Attorney working as member of multiple teams responsible for the successful resolution of complex, very-high-exposure medical-malpractice matters and handling all phases of litigation
- Published decision *Seale v. Ocean Reef*

The Ferraro Law Firm

Coral Gables, FL

- Under former United States Attorney Jeffrey Sloman, served on three-man trial team that obtained a \$1.5M verdict in *Engle* progeny case (*Ruffo v. PM USA*, Nos. 3D13 -2772 & 3D14-864 (Fla. 3d DCA Nov. 19, 2014) (*PCA aff'd*), having sole responsibility for arguing and briefing legal issues at trial, opposing and arguing post-trial motions, and drafting and arguing Plaintiff's jury instructions
- Successful post-trial briefing and oral argument in verdict defense of \$5M *Engle* progeny verdict obtained in *Williams v. RJ Reynolds*, No. 3D13-2099 (Fla. 3d DCA Sept. 3, 2014)

Cohen, Milstein, Sellers & Toll PLLC f/k/a Leopold Law, P.A.

Palm Beach Gardens, FL

- Member of firm's class-action and commercial litigation divisions

Podhurst Orseck, P.A.

Miami, FL

- Law Clerk to all attorneys, primarily Robert A. Josefsberg and Ramon A. Rasco
- Developed and researched the eventual NFL MDL, responsible for the firm's involvement; drafted dispositive motions and memoranda in variety of complex cases, including Scott Rothstein Ponzi scheme, mass aviation disasters; class actions, securities litigation; FCPA litigation; and 1983 litigation

LECTURES AND PRESENTATIONS

Harvard Law School

Cambridge, MA

- Adjunct Lecturer – Trial Advocacy

Penn State University

State College, PA

- Lecturer - National Football League's Collective Bargaining Agreement to Prof. Robert Bolland's Sports Law Course (Spring Semester 2020)

Women of the NFL

New York, NY

- Presenter "The 2020 Collective Bargaining Agreement"

American Association for Justice

Miami, FL

- Panel Participant "Being a Trial Lawyer" (Spring 2016)

EDUCATION

University of Miami School of Law

Coral Gables, FL

J.D., *cum laude*, May 2012

Honors/Activities: Attended on Dean's Merit Scholarship; Dean's List all three years; Dean's Certificate (Top Grade In Course) – State and Local Government Prof. Stephen Diamond; Recognition from Third District Court of Appeals for published decision: *Hammitt v. Reemp. Asst. Apps. Comm'n*, 97 So. 3d. 306 (Fla. 3d DCA 2012)

Harvard University

Cambridge, MA

A.B., *cum laude*, in Government, May 2002

Honors and Activities: Harvard College Scholarship for Academic Distinction; Harvard Crimson (Columnist); Harvard Football

Duke University

Durham, NC

Attended Freshman Year, 1998 – 1999

Honors and Activities: Dean's List; Duke Football; ACC Honor Roll (distinction for ACC Athletes)

MEMBERSHIPS / COMMUNITY INVOLVEMENT

- Florida Bar (2012); United States District Court for the Southern District of Florida (2012); United States Circuit Court of Appeals for the Eleventh Circuit (2012); United States Bankruptcy Court (2012); United States District Court for the Middle District of Florida (2015); United States District Court for the Northern District of Florida (2018)
- American Association for Justice: Section on Toxic Environmental Pharmaceutical Torts; Class Action Group; Documents Library Exchange Committee (2013-2015)
- Miami Dade County Justice Association
- Dade County Bar Association
- Harvard College Alumni and Interviewer Harvard Club of Miami
- American Heart Association of South Florida: Executive Leadership Team 2014

JUDICIAL REFERENCES

- Hon. Anita B. Brody, Eastern District of Pennsylvania
- Hon. Diane Welsh (Ret.), Eastern District of Pennsylvania
- Hon. Milton Hirsch, 11th Judicial Circuit Court in and for Miami-Dade County, Florida

EXHIBIT 19

IN THE CIRCUIT COURT OF THE 11TH 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

DECLARATION OF LUIS E SUAREZ FILED ON BEHALF OF THE HEISE SUAREZ
MELVILLE PA FIRM IN SUPPORT OF MOTION FOR APPROVAL OF PAYMENT
OF ATTORNEYS' FEES
AND LITIGATION EXPENSES

I, LUIS E. SUAREZ, do hereby declare and state as follows:

1. I am a FOUNDER AND SHAREHOLDER of the HEISE SUAREZ MELVILLE PA, a law firm ("HSM"). I submit this declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with the services we rendered in the above-entitled action.

2. As Court appointed part of **Plaintiff Steering Committee Member, I and HSM** contributed significantly to this litigation. I and HSM were counsel of record in this action since its inception. On July 16, 2021, Luis E. Suarez was appointed to serve as part of **Plaintiff's Steering Committee** to act on behalf of the Plaintiffs and the proposed class members in the Action. As part of its role in this litigation, HSM performed many integral tasks which benefitted the Plaintiff and the Class.

3. Heise Suarez Melville (HSM) represents Adriana Lopez Moreira, who is the personal representative of the estates of decedents Sophia Lopez Moreira, and her three children, Anna, Luis, and Alexia. Decedent Sophia was a sister of the sitting First Lady of the Republic of Paraguay, Silvana Lopez Moreira. HSM also represents Ricardo Uliambre Pettengill, who is personal representative of the estate of and cousin to decedent Luis Alberto Pettengill. Luis and

Sophia were husband and wife. Anna, Luis (junior) and Alexia were their children. The Lopez Moreira family owned two units in Champlain Towers South (CTS) through two corporate entities: True Honor Holdings, LLC (unit 703) and Unityfam Corp. (unit 1010). All five perished when the building tragically collapsed. HSM also represents Jorge and Maria Zardoya and their entity ZYR, LLC, as the record owners of penthouse unit 1209 in CTS. The Zardoyas did not perish in the collapse but lost their unit, possessions, and countless friends. The tragedy has impacted their lives in untold ways.

As counsel to both wrongful death and property loss victims, HSM was directly involved every aspect of the various classes and subclasses authorized by the court in this tragedy.

With respect to all plaintiffs, HSM was appointed to the discovery committee for the wrongful death class and participated in every bi-weekly zoom meeting of that committee, offering valuable insight and volunteering for assignments from leadership. In this role, HSM performed comprehensive review and analysis of approximately 15 years of Champlain Towers South e-mail and other communications with engineering and other professionals, all scanned hard copy files, and technical and other reports for the purpose of identifying issues necessary to support the CTS litigation, including analysis of documents from non-party potential defendants to consider other sources of liability and insurance recovery. HSM provided written analysis of potential claims against various targets identified in those documents and recommended some of those targets for further investigation by the committee. HSM also directly participated in the preparation for the depositions of the corporate representative for town planning for the Town of Surfside and the corporate representative of the Becker firm.

On the property damage front, HSM worked directly with the receiver to spearhead the condominium termination suit, and secured a lead Plaintiff, that was critical to the sale of the underlying land and recovery of more than \$100 million in value for the owner class.

HSM took steps to help contact all the owners, determined and tracked ownership types (corporate and personal), identified registered agents, personal representatives and other interested parties, obtained necessary authorizations, urged the parties to waive of service, and otherwise worked to further expedite the process within the already accelerated schedule imposed by Judge Hanzman to sell the property.

In all matters related to CTS, HSM was efficient in both the number of personnel employed and the amount of time spent in pursuit of recovery for the common benefit of all Plaintiffs. HSM limited its involvement in legal matters to few lawyers. In addition to the lawyers, we also relied on a lean staff of paralegals and legal assistants who helped primarily with the condominium termination efforts. HSM's lawyer time was limited to the activities outlined above and a sincere attempt was made to have no more than two (2) lawyers involved in any matter at the same time. HSM lawyers and staff come from a background of practice in large law firms and are accustomed to keeping regular hourly time. As a result, HSM lawyers and staff recorded their time contemporaneously with the work performed and the firm faithfully submitted its hours monthly and provided detailed explanations for all time spent. We look forward to further discussing our role as class counsel and the value that we brought to leadership when we meet with the committee on June 7th.

4. In addition to the work above, my firm will continue to participate in this litigation until its conclusion on behalf of the Class.

5. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary, duplicative, or devoted to matters not directed by the Plaintiffs' Steering Committee. As a result of this review and any adjustments made, I believe that the time reflected in HSM's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

6. The number of hours spent on this litigation by my firm is **1,103.4**. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm's current rates is **\$524,761**. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other paraprofessional. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the firm.

7. HSM's expenses and charges in connection with the prosecution of this litigation are waived by HSM.

8. The foregoing expenses pertaining to this litigation are reflected in the books and records of HSM. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

9. The identification and background of my firm and its participating attorneys is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this **3rd** of June, 2022 at Miami, Florida.

HEISE SUAREZ MELVILLE, P.A.
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Suite 1205
Coral Gables, Florida 33134
Telephone (305) 800-4476

By: /s/ Luis E. Suarez
Luis E. Suarez
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Florida Bar No. 475467
pmelville@hsmpa.com
Mark J. Heise
Florida Bar No. 771090
mheise@hsmpa.com

EXHIBIT A

Professional = All (Active Only)
Client = Champlain Towers (Active Only)
Group By = Client / Professional
Summarize By = Time
View = Original
Report By = Month
From 06-01-2021 To 05-31-2022

Time Entry Summary

Heise Suarez Melville, P.A.

		Total	Rate	Total
	Champlain Towers	1103.40		0
	Alvarez, Nicolas	12.40	175	2170
	Ashe, Lawrence	613.80	500	306900
	Benedi, Carla	1.60	125	200
	Caballero, Luis	0.80	55	44
	Caballero, Michael	30.10	300	9030
	Craft, Gabrielle	15.10	45	680
	Daggs, Dorian	161.60	500	80800
	Gomez, Alexis	4.00	125	500
	Heise, Mark	3.50	650	2275
	Melville, Patricia	32.40	500	16200
	Perez, Anthony	30.50	300	9150
	Romanach, Alex	5.30	125	663
	Suarez, Luis	192.30	500	96150
Total		1103.40		524,761.00

06-03-2022 15:53:15

EXHIBIT B

All Expenses
Heise Suarez Melville, P.A.

All Expenses
Heise Suarez Melville, P.A.

Entered	Status	Approval	BillableType	Expense	Professional	Price	Mark Up %	Qty	Amount
<u>Champlain Towers</u>									
<u>Common Benefit</u>									
10-19-2021	Billed		Billable		Gomez, Alexis	0.00	0.00	0.00	476.25
	Invoice: INV2037899 Drezner Transcript								
Matter Total									476.25
<u>Lopez Moreira</u>									
11-02-2021	Billed		Billable	E100 - Expenses	Romanach, Alex	0.00	0.00	0.00	100.00
	Invoice ID 2021732706 - Fees for Certified Death Certificates								
05-24-2022	Billed		Billable	E108 - Postage	Gomez, Alexis	0.00	0.00	0.00	54.00
	Fedex Invoice #7-766-37842 E108 - Postage								
Matter Total									154.00
Client Total									630.25
Grand Total									630.25

EXHIBIT C



MARK J. HEISE
SHAREHOLDER & CO-FOUNDER

CONTACT

mheise@hsmipa.com

EDUCATION

University of Florida, J.D., *with honors*

- Order of the Coif
- Order of the Barristers
- Moot Court Board (and co-winner of UF intramural competition)
- Appellate Advocacy Instructor
- Book Award—Jurisprudence

Vanderbilt University, B.S., *cum laude*,
Mathematics

CLERKSHIPS

Law Clerk,
Honorable James Lawrence King,
Southern District of Florida (1988-1989)

Over 30 years ago, Mark began his legal career as a law clerk to the Honorable James Lawrence King, former Chief United States District Judge for the Southern District of Florida. Since that time, Mark successfully pursued a broad spectrum of cases in arbitration or in state and federal courts.

Significant matters include:

- Court appointed receiver for current developer of Jockey Club in North Miami
- Representing clients in major malpractice cases, such as a first-round 2013 NFL draft pick whose career ended in 2016 due to medical malpractice
- Leading the Boies Schiller team that pursued the high-profile, multi-district litigation class action against Takata and several auto manufacturers. The case involved the largest automobile recall in history and has already resulted in recovery of over \$1.5 billion for the owners and lessees of millions of cars nationwide with deadly and defective Takata airbags.
- Trying a six-week legal malpractice case where the plaintiff sought over \$100 million dollars including prejudgment interest. This trial may be viewed at: <https://cvn.com/proceedings/boca-airport-v-proskauer-rose-trial-2010-05-10>
- Serving as trial counsel for Philip Morris USA in numerous Engle progeny trials in Florida state and federal courts. Some of these state court trials may be viewed at: <https://cvn.com/proceedings/sommers-v-rj-reynolds-trial-2017-03-20> <https://cvn.com/proceedings/yvonne-banks-v-rj-reynolds-tobacco-company-et-al-trial-2014-02-13>
- Obtaining multi-million-dollar summary judgment in favor of landlord in commercial lease dispute on iconic Lincoln Road
- Representing opioid manufacturer being sued by consortium of hospitals in Broward County
- Defending the Crown Prince of the United Arab Emirates when he, along with many others, was accused of hacking the phone of an Al Jazeera reporter
- Arbitrating a joint venture dispute over a right of first refusal involving a leasehold at the Fort Lauderdale Airport
- Serving as class counsel to successfully recover overcharges in *Singer v. AT&T Corp.*, 185 F.R.D. 681 (S.D. Fla. 1998)
- Serving as class counsel to successfully recover an unconstitutional parking tax surcharge in *McGrath v. City of Miami*, 789 So.2d 1168 (Fla. 3d DCA 2001) *aff'd* 824 So.2d 143 (Fla. 2002). The law was held unconstitutional, and the city gave back taxpayers who made claims 100 cents on the dollar.

In addition, Mark has successfully litigated numerous complex, significant matters, including multimillion-dollar insurance claims, the defense and prosecution of legal and accounting malpractice claims, and securities litigation on behalf of defrauded investors. Some of these reported cases include *Flint v. ABB, Inc.*, 229 F. Supp.2d 1338 (S.D. Fla. 2002); *Southeastern Staffing Services, Inc. v. Florida Dept. of Ins.*, 728 So.2d 248 (Fla. 1st DCA 1998); *Christiania Holding, Inc. v. Koalick*, 695 So.2d 491 (Fla. 3d DCA 1993).

Continued >

Notably, one of his most meaningful and rewarding cases dates to his first year as a lawyer, when he represented an elderly woman whose 49-year-old son had suffered debilitating brain damage resulting from a vaccine he received as an infant. At the time, Congress had recently passed the National Childhood Vaccine Injury Act and the mother approached Mark approximately two weeks before the expiration of the statute of limitations to file a claim. She only wanted one thing: the ability to die in peace knowing her son would be taken care of for the rest of his life. Although the case had countless challenges and nuances, Mark did not hesitate to take it on pro bono. He spent three years moving the case forward before the federal government and he eventually secured the outcome the family wanted: access for her son to an assisted living facility for the rest of his life and support to ensure that he could live as independently as possible. In addition to waiving his fees, Mark persuaded other attorneys involved in the case to follow suit so the son could keep the meager \$30,000 provided for by the law to cover all the pain and suffering incurred throughout his life.

A true believer in giving back to support meaningful causes, particularly those related to our youth, Mark has spearheaded major donations of everything from back-to-school basics for underserved children at local schools to meaningful contributions to charitable nonprofit organizations such as Feeding South Florida, Children's Home Society and Lotus House.

PRACTICE AREAS

- Complex Commercial Litigation
- Class Action Litigation
- Antitrust Litigation
- Products Liability Litigation
- Catastrophic Injury and Wrongful Death Litigation
- Malpractice Litigation

PUBLICATIONS AND LECTURES

- Superstars in Trial and Jury Selection, Dade County Bar Association CLE Seminar, March 2018 (panelist)
- King of Justice: Judge King Has Served 47 Years on the Federal Bench, Eleventh Circuit Historical News, Volume XIV, Vol. 2, Summer 2017
- SuperLawyers CLE: What Every Lawyer should know About Trial Practice, Dade County Bar Association CLE Seminar, June 2011(Direct Examination), June 2012 (Opening Statement), June 2013 (Cross Examination)
- The Class Action Fairness Act: A Primer, Palm Beach County Bar CLE Seminar "Class Actions," April 2005
- Trial Strategies/Trial Preparation, The Florida Bar CLE Seminar "Federal Practice," March 2005, April 2009, April 2011
- Trial in Federal Court, The Florida Bar CLE Seminar "Federal Practice," May 2000, November 2003
- Trying the Class Action Lawsuit in Florida, National Business Institute Seminar, July 1998

ADMISSIONS

BARS

- Florida

COURTS

- U.S. Supreme Court
- U.S. Court of Appeals: Ninth Circuit
- U.S. Court of Appeals: Eleventh Circuit
- U.S. Court of Federal Claims
- U.S. District Court: Southern District of Florida
- U.S. District Court: Northern District of Florida
- U.S. District Court: Middle District of Florida
- U.S. District Court: Eastern District of Michigan

AWARDS AND ASSOCIATIONS

- Best Lawyers in America, Bet-the-Company Litigation and/or Commercial Litigation, (2010-Present)
- Florida Super Lawyer (2006-Present)
- Florida Trend Magazine, "Legal Elite," (2008-Present)
- South Florida Legal Guide, "Top Lawyer," (2009-Present)
- American Bar Association
- Dade County Bar Association
- Board of Directors, Children's Home Society of South Florida
- Board of Directors, The Wellness Community





LUIS E. SUAREZ
SHAREHOLDER & CO-FOUNDER

CONTACT

lsuarez@hsmpa.com

EDUCATION

Villanova University, J.D.

The George Washington University, M.B.A.

- Concentration Finance & Investments
- Member: Case Champion Team

University of Florida, B.A.

After more than two decades at one of the nation's best "big law" litigation firms, and after having achieved the oft-coveted "equity partner" status (the highest possible position at such a firm), Lui stunned his friends and the professional community by veering off the "safe" track to form HSM. Through HSM, Lui is pursuing his entrepreneurial dream.

Lui is distinguished for the extensive experience, sound judgment and business-minded perspective he brings to his work on behalf of clients engaged in high-risk litigation. He has a stellar track record successfully litigating business and contractual disputes as well as complex, high-risk products liability and other commercial disputes for plaintiffs and defendants in federal and state courts throughout the United States and its territories.

Before and after founding HSM, Fortune 500 companies (e.g., Burger King, MasTec), and individuals (e.g., doctors, real estate investors, and businesspersons) and families (e.g., Dosoretz), have continuously relied on Lui to achieve their desired results, both before and during litigation.

Whether he is appearing in court, formulating strategy, preparing for or defending depositions, negotiating favorable settlements, being called on to test key issues via mock trials, battling injunction hearings, trying cases, or providing general business guidance, Lui's quiet resolve and his passionate, dogged determination instill confidence and peace of mind in his clients while ensuring they achieve their desired outcomes

Since founding HSM, Lui has:

- Defended a multinational chain to defend against an antitrust class action on cutting edge issues
- Prosecuted multimillion dollar contractual claims in Federal Court on behalf of a Fortune 500 company
- Provided strategic advice to medical professionals on high level antitrust, non-compete, and other issues
- Prosecuted and defended direct and derivative claims for businesses, investors, and individuals
- Achieved complete dismissal of a case against an exiled Venezuelan who was being sued by his business partners for over \$1 million
- Defended a large tour operator in federal court in New York and Florida surrounding acts in the Caribbean
- Prosecuted seven figure real estate litigation in the Complex Business Litigation division in Miami-Dade County
- Litigated high dollar garnishment claims
- Defended a municipal government in a million dollar bid protest
- Prosecuted a seven figure arbitration dispute
- Prosecuted whistleblower claim

- Prosecuted multiple wrongful death claims
- Prosecuted and defended import and export related arbitrations
- Prosecuted and defended libel and slander cases
- Prosecuted and defended product liability claims
- Represented foreigners in state and federal court and arbitration proceedings
- Represented non-profits in litigation and arbitrations
- Earned Special Master and Mediator Appointments

In addition to being a presence in the U.S. and Florida, his command of Spanish and Portuguese (which he continues to learn) positions him to handle inbound and outbound matters throughout Venezuela, Argentina, Mexico and other Latin American countries. Noteworthy point: He took classes and taught himself Portuguese to prepare for work on behalf of a leading oil company that required him to live in Brazil for two months.

When describing the most moving case in his career, Lui immediately mentions a widowed Argentine national who called him from Argentina after her husband had died while on vacation in Miami Beach. Lui visited the widowed mother of one young child several times to guide her through the process of seeking justice against the company responsible for her husband's death.

Beyond his litigation work, Lui, who has an MBA in finance and investments, provides litigation risk analysis and strategic advice to varied corporate clients. Clients appreciate that Lui can rattle from the top of his head issues related to income statements, statements of cash flow, and balance sheets.

A longtime member of such organizations as the Cuban American Bar Association, Lui has consistently shared his thought-leadership to advance the practice of law. This work includes publishing countless articles about judicial races and playing an active role in judicial elections to ensure the community can make informed decisions on elected judges. Based on his deep industry experience and community involvement, in 2014 Florida Governor Rick Scott appointed Lui to serve on the Judicial Nominating Commission for the Eleventh Judicial Circuit. He ultimately was unanimously elected chair of the JNC.

A big believer in helping the next generation, Lui has helped many younger lawyers achieve their dreams of becoming judges and securing jobs at the right firms.

PRACTICE AREAS

- Complex Commercial Litigation
- Class Action Litigation
- Products Liability Litigation
- Antitrust Litigation
- Catastrophic Injury and Wrongful Death Litigation
- Healthcare Litigation
- Investor/Securities Litigation
- Malpractice Litigation

AWARDS AND ASSOCIATIONS

- Former Chair, Florida Eleventh Judicial Circuit Judicial Nominating Commission (2014-2018)
- Cuban American Bar Association (Director, 2002, 2006, 2007)
- Dade County Bar Association
- American Bar Association
- Florida Legal Elite (2010, 2011, 2014)
- Member, Belen Jesuit Preparatory Alumni Organization; Belen Alumni Lawyers Section

ADMISSIONS

BARS

- Florida
- District of Columbia
- New York

COURTS

- U.S. Court of Appeals: First Circuit
- U.S. Court of Appeals: Eleventh Circuit
- U.S. District Court: Northern District of Florida
- U.S. District Court: Southern District of Florida
- U.S. District Court: Middle District of Florida
- U.S. District Court: Southern District of New York
- U.S. District Court: District of Columbia





PATRICIA MELVILLE
SHAREHOLDER & CO-FOUNDER

CONTACT

pmelville@hsmpla.com

EDUCATION

University of Miami School of Law, J.D.,
cum laude

- Dean's Certificate of Achievement Award (Contracts)
- Corpus Juris Secundum Award (Civil Procedure I)
- Staff Editor, Inter-American Law Review
- Levenson Scholarship; Dean's Scholarship

Florida International University, B.A.S.,
Political Science

In the legal profession, whether in a BigLaw firm or now in her own boutique firm, Patty stands out like a star for her self-made success at a young age litigating highly contentious, complex matters on both sides of the fence. In any matter she is involved in, she is part of the case core.

Patricia's story is virtually unheard of in the field of law: She put herself through night school at the University of Miami School of Law while working full-time as a receptionist and later as a legal secretary, paralegal and then law clerk. She began at Boies Schiller Flexner as an associate right out of law school, working side-by-side with highly pedigreed Ivy Leaguers, and was quickly named partner at the BigLaw firm based on her legal wins, her grit and her unwavering determination to advance her clients' interests.

Quite simply, it's almost impossible to find another woman lawyer anywhere in the country with a similar career trajectory.

Patty has had tremendous courtroom litigation experience from a young age. She tried a six-week legal malpractice claim filed against an international law firm. More recently, she cross-examined key witnesses in a bench trial involving a hotly-contested loan modification agreement between one of the nation's largest banks and a major Palm Beach retail center.

Beyond her trial experience, Patty is noted for her achievements as an integral team member on a wide variety of complex, high-profile cases for major clients nationwide. These range from a massive antitrust class action case involving Blue Cross Blue Shield to working on the high-profile, multi-district litigation class action against Takata and several auto manufacturers. This latter case was meaningful to Patty because she saw firsthand how victims of all ages suffered due to the deadly airbags as well as the inability to use their cars and afford any alternate means of transportation until the defects had been fixed.

Patty is currently representing marquee clients in several significant matters, including defending Burger King in an antitrust class action currently on appeal to the Eleventh Circuit Court of Appeals after the trial court dismissed the action and also defending The Mark Travel Corporation in a hotly contested personal injury matter pending in the Southern District of Florida.



HEISE SUAREZ MELVILLE

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Besides representing corporations, Patty's current practice also includes pursuing claims on behalf of people pursuing product defect claims, whistleblower claims, FINRA arbitration, defamation and devastating medical malpractice cases.

Beyond advocating for the firm's clients, Patty also is known for her commitment to advancing women within the legal profession. For almost a decade, she has rolled up her sleeves and donated time to such organizations as the National Association of Women Lawyers, in addition to actively mentoring female and minority law associates.

PRACTICE AREAS

- Complex Commercial Litigation
- Products Liability Litigation
- Class Action Litigation
- Antitrust Litigation
- Medical Malpractice
- Whistleblower Litigation
- Defamation
- FINRA Arbitration
- Real Estate Litigation
- Catastrophic Injury and Wrongful Death Litigation

AWARDS AND ASSOCIATIONS

- National Association of Women Lawyers
- Florida Association of Women Lawyers
- Dade County Bar Association
- American Bar Association
- "40 Under 40 Award," Cystic Fibrosis Foundation

ADMISSIONS

BARS

- Florida

COURTS

- U.S. Court of Appeals: First Circuit
- U.S. District Court: Southern District of Florida
- U.S. District Court: Northern District of Florida





DORIAN N. DAGGS

PARTNER

Dorian has spent the past 20 years litigating high stakes matters on behalf of individuals and corporations both in large law firms and as in-house counsel. As a lawyer in private practice, Dorian has defended manufacturers of automobiles, pharmaceuticals, and tobacco products in personal injury and wrongful death matters throughout the United States. He also maintained a robust commercial litigation practice representing individuals and small to mid-size businesses in contract matters, commercial landlord-tenant disputes, commercial foreclosure cases, and difficult business divorces.

As in-house counsel, Dorian represented the largest developer, owner and operator of renewable energy installations in North America, NextEra Energy Resources, in all phases of acquisition, development and construction of renewable energy facilities, challenges relating to environmental and other permitting issues, commercial and contract claims with stakeholders, energy marketing and trading issues, and warranty and negligence claims with vendors. He also spent time as a Senior Director in the company's competitive transmission business, further bolstering his understanding of regulatory issues, P&L Statements, accounting, balance sheets, and the intersection of business and law.

Dorian's unique blend of roughly equal time in private practice and as in-house counsel provides a special benefit to corporate clients and individual clients alike. For his corporate clients, Dorian is able to drill down on particular issues that are most relevant to the bottom line and craft solutions that provide the least disruption possible to ongoing operations while delivering the timely and cost-effective result that the client needs. For individuals and small businesses, Dorian knows the pressure points of their often larger, better-financed corporate adversaries because he has been there. He uses that knowledge to find and exploit whatever angle best achieves the desired outcome for his client. A problem-solver by nature, Dorian prepares each case as though it will go to trial so that every strategic and tactical option remains on the table throughout the litigation.

Significant matters include:

- Lead trial counsel in defending the foreclosure of a commercial development parcel where plaintiff alleged that errors in the foreclosure process led to a lower foreclosure sale price. Obtained a directed verdict at close of plaintiff's case in chief.
- Co-trial counsel in matter involving professional negligence in the construction of a condominium building that flooded with raw sewage in heavy rains rendering portions of the building unusable. Jury rendered a verdict in favor of the condominium owners for redress of loss of value of the properties.

Continued >

CONTACT

ddaggs@hsmpla.com

EDUCATION

Georgetown University Law Center, J.D.

- Winner, William W. Greenhalgh Mock Trial Competition
- Barrister's Council
- American College of Trial Lawyers National Trial Team
- Quarterfinalist, American College of Trial Lawyers National Trial Competition

Howard University, B.A., *summa cum laude*, Communications

- Dean's List (4 years)
- Golden Key National Honor Society
- Captain, American Mock Trial Association ("AMTA") National Championship Trial Team
- Best Attorney, AMTA National Championship Trial Team
- Varsity Tennis Team



HEISE SUAREZ MELVILLE

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PRACTICE AREAS

- Complex Commercial Litigation
- Products Liability Litigation
- Catastrophic Injury and Wrongful Death Litigation
- Commercial Landlord-Tenant and Foreclosure Litigation
- Energy Litigation
- Renewable Project Development Litigation

AWARDS AND ASSOCIATIONS

- Board of Directors, Children's Home Society of Florida, Palm Beach Division (2011-2020)
- Board of Directors, Suncoast Community High School Foundation
- Sigma Pi Phi Fraternity

ADMISSIONS

BARS

- Florida (Pending)
- Maryland
- District of Columbia
- Georgia

COURTS

- U.S. Court of Appeals: Eleventh Circuit
- U.S. District Court: Southern District of Florida
- U.S. District Court: Northern District of Georgia

- Counsel to tobacco company in a matter involving an alleged wrongful death and seeking punitive damages. The matter was referred to the Supreme Court of Georgia, which ruled that punitive damages in all such cases were barred due to a prior settlement entered into by the State of Georgia and the tobacco company—a significant victory for the company. *Brown and Williamson Tobacco Corporation v. Gault et. al*, 627 S.E.2d 549 (2006); 280 Ga. 420.
- Represented minority owner against majority owner and operator in a business dispute; obtained an injunction to enjoin waste of corporate assets and had receiver appointed to operate the business while the dispute was litigated. Matter ultimately settled on terms favorable to minority owner.
- Provided counsel on numerous matters brought by Native American tribes and Labor Unions relating to the siting and construction of utility scale solar and wind energy projects in state and federal courts in California. Cases alleged violations of the National Environmental Policy Act, the National Historic Preservation Act, the Religious Freedom Restoration Act, the Endangered Species Act and state analogues such as the California Environmental Quality Act and sought to prevent construction of the projects through injunction. In all cases, the injunctions were denied, and the projects were timely completed in accordance with the company's contractual obligations.
- Provided counsel in matters where gas providers claimed *force majeure* where weather-related events (hurricanes) allegedly blocked production and transport of natural gas in the southeastern United States. After protracted litigation, the company was able to demonstrate that natural gas remained available for purchase and delivery during the weather event and recovered a significant portion of its losses.
- Provided counsel in obtaining Special Use Permits, Conditional Use Permits and other land use and zoning relief for the siting and construction of wind and solar installations in mixed use areas throughout the country. These efforts also regularly involved close collaboration with Federal agencies, such as the FAA, FCC and DOD.
- In addition, Dorian has litigated numerous trade secret and misappropriation cases, as well as trade dress cases under the Lanham Act.

Dorian has been involved in numerous initiatives in his community wherever he has lived. While in Georgia, he served as his law firm's liaison to the Juvenile Diabetes Research Foundation (JDRF), helping to raise money for this worthy cause through the JDRF One Walk event.

In Palm Beach County, Dorian served on the Board of Directors of the Children's Home Society of Florida, Palm Beach Division (CHS) from 2011 to 2020 when he timed out of service under the CHS by-laws. CHS provides service and support to at risk children throughout the state. It also functions as the largest adoption agency in the State of Florida. Dorian will be eligible to rejoin the Board in 2021. He also serves on the Board of the Suncoast Community High School Foundation, which focuses on raising money and marshaling other resources for one of the top public high schools in the state.

Dorian also remains active in his fraternity, Sigma Pi Phi, where he participates in the Boule Scholars program that assists Black boys and young men at every stage of their personal and educational development, helping to prepare them for college and beyond. Additionally, Dorian was a founding member of the management council of the African-American Professional Employee Group (AAPEG) Employee Resource Group during his time at NextEra Energy/Florida Power & Light. The council's focus is on enhancing the employment experience for African-American employees within the company.



ANTHONY PEREZ

ASSOCIATE

CONTACT

aperez@hsmpla.com

EDUCATION

University of Miami School of Law, J.D.,
with honors

- University of Miami Business Law Review, Articles & Comments Editor

Wake Forest University, B.S., Political
Science

Anthony's strategic nature and dedication to his craft has helped him achieve notable results throughout his career.

Before joining HSM, Anthony practiced complex commercial and bankruptcy litigation at another boutique law firm in Miami. There, he was part of the litigation team representing the Chapter 7 Trustee for the largest law firm in Puerto Rico in recovering millions of dollars for the bankruptcy estate. He also helped represent the receiver for a failed HMO in successfully litigating and settling claims against a major international accounting firm for upwards of \$15 million.

Anthony earned his Juris Doctor, with honors, from the University of Miami School of Law. During law school, he served as an editor of the University of Miami Business Law Review and a judicial intern for U.S. District Judge Marcia G. Cooke. He also served as a legal extern in the University of Miami Federal Appellate Clinic, where he drafted two appellate briefs on behalf of indigent criminal defendants in federal court, one of which granted a reversal in *United States v. Starr*, 717 F. App'x 918 (11th Cir. 2017).

Anthony puts his analytical skills to use in more than just litigation; he spends his free time playing chess and poker (Texas Hold'em) with his friends.

PRACTICE AREAS

- Complex Commercial Litigation
- Class Action Litigation
- Products Liability Litigation
- Catastrophic Injury and Wrongful Death Litigation
- Bankruptcy Litigation

ADMISSIONS

BARS

- Florida

COURTS

- U.S. District Court: Southern District of Florida

AWARDS AND ASSOCIATIONS

- Member, Cuban American Bar Association
- Member, Belen Alumni Lawyers Section
- Member, Dade County Bar Association





MICHAEL CABALLERO
ASSOCIATE

CONTACT

mcaballero@hsmpla.com

EDUCATION

Creighton University, J.D.

Creighton University, M.S., Government
Organization and Leadership

Florida International University, B.A.,
Political Science

PRACTICE AREAS

- Complex Commercial Litigation
- Real Estate Litigation
- Wrongful Death Litigation

ADMISSIONS

BARS

- Florida

COURTS

- U.S. District Court: Southern
District of Florida

AWARDS AND ASSOCIATIONS

- American Bar Association
- Dade County Bar Association
- Cuban American Bar Association
- Belen Alumni Association Lawyers
Section

Michael is a committed litigation attorney with a passion for taking on complex cases. Businesses and individuals faced with challenging legal issues value Michael's sound judgment, integrity, and meticulous preparation as a counselor and advocate. A natural strategic thinker and dedicated practitioner, Michael offers clients skillful, responsive representation in a broad range of legal matters.

Significant matters include:

- Prevailed at a bench trial in a civil theft case, obtaining a judgment award of statutory treble damages on two counts
- Secured a full recovery on behalf of a high-profile professional athlete in a breach of contract action
- Successfully represented a local financial institution in several residential and preferred ship mortgage foreclosure and replevin actions
- Worked to achieve a favorable global resolution for a real estate investor faced with lawsuits from a municipality, institutional lender, and contractor related to a troubled construction project in an exclusive South Florida enclave
- Litigated complex derivative actions to enforce the rights of oppressed shareholders

In addition to litigating a broad range of commercial and real estate matters, Michael has effectively represented clients in personal injury litigation, residential and commercial landlord/tenant litigation, and general tort litigation. He is most fond of a case in which he represented a hardworking couple who fell victim to a predatory scheme, losing thousands of dollars. Michael prevailed at a bench trial and secured a judgment against the perpetrator for over sevenfold the amount stolen from the clients. He then diligently pursued collection, resulting in an agreement that ensured full satisfaction of the judgment for the clients.

Prior to joining Heise Suarez Melville, Michael practiced at a Miami law firm representing individuals and businesses ranging from local family firms to Fortune 500 companies in commercial and personal injury litigation throughout Florida.

In law school, Michael clerked for a prominent South Florida litigator and completed a legislative fellowship in Washington D.C., during which he analyzed proposed tax and gun legislation and worked on federal emergency relief initiatives for a congressional office. Michael earned his Juris Doctor and a Master of Science in Government Organization and Leadership from Creighton University.

A Miami native, Michael is fluent in Spanish. He is an avid runner and fisherman.

