

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

CASE NO: 2021-015089-CA-01
SECTION: CA43
JUDGE: Michael Hanzman

In Re: Champlain Towers South Collapse Litigation

Plaintiff(s)

vs.

N/A

Defendant(s)

**NON-PARTIES JAMES RIVER INSURANCE COMPANY, FIREMAN'S FUND
INSURANCE COMPANY AND QBE INSURANCE GROUP, LTD'S NOTICE OF
LIMITED OBJECTION**

COMES NOW Non-Parties, James River Insurance Company, Fireman's Fund Insurance Company, an Allianz Company, and QBE Insurance Group, Ltd. (collectively "Champlain Insurers") by and through their respective undersigned counsel and pursuant to the Court's Order Granting Class Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Certification of the Settlement Class, and hereby gives a Notice of Limited Objection to the Settlement Agreement of the Class Action, as follows:

The Champlain Insurers were among the first to tender their applicable policy limits at the commencement of the litigation. The Champlain Insurers have defended Champlain Tower South Condominium Association and its Receiver against the claims made against it. On or about Thursday May 26, 2022, the Champlain Insurers were first made aware of the proposed Settlement Agreement and Insurer Waiver. However, the Champlain Insurers were not privy to, nor did they have any input into the terms of the Settlement Agreement and Insurer Waiver. The Settlement

Agreement was ultimately finalized on or about Saturday May 28, 2022 (“Final Agreement”) and served by the Receiver, with subsequent approval by the Court.

Under the Final Agreement, the Champlain Insurers are required to execute an Insurer Waiver, without any agreed upon consideration. Further, the Champlain Insurers are not a “Released Party” under the Final Agreement; “Beneficiaries” under the Bar Order; and the Declaratory Judgment action, entitled *Michael I. Goldberg, Esq. as Receiver for Champlain Towers South Condominium Association, Inc. v. Amtrust International Underwriters Limited et al.*, Case Number 2022-003410-CA-01, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, which was removed to the United States District Court for the Southern District of Florida and pending under Case Number 1:22-cv-20667-XXXX (“DJ action”), is not included in the “Related Actions” to be dismissed with prejudice pursuant to the Final Agreement. *See, e.g.*, Final Agreement at ¶¶ 2.1.114, 2.1.116, 2.1.134, 3.1, 4.1, 6.1.4, 7.8.4, 7.9, 20.7, Schedule of Related Actions and proposed Bar Order at ¶4d.

The Champlain Insurers have expressed the above concerns and been advised by the Receiver that a separate settlement agreement and release addressing, amongst other things, these concerns are in the works.

This Court has zealously advocated for resolution of *all* claims related to the above-referenced matter through the Settlement. And, the Champlain Insurers remain committed to working toward that end. While the Champlain Insurers are attempting to resolve the objection articulated, herein, we nonetheless wanted to timely raise and preserve our objection with the Court.

CERTIFICATE OF SERVICE

WE CERTIFY that in accordance with Rule 2.516 of the Florida Rules of Judicial Administration, a true and correct copy of the foregoing was filed with the Clerk of Courts and served *via email* through the Florida Courts e-Filing Portal on all counsel of record, on June 16, 2022.

BIEDERMANN HOENIG SEMPREVIVO, P.A.
*Coverage Counsel for Fireman's Fund
Insurance Company*

By: /s/ Suzanne M. Valles
Suzanne M. Valles
Florida Bar Number: 124546
601 Brickell Key Drive, Suite 700
Miami, Florida 33131
Tel: (646) 218-7541 Ext. 541
Facsimile: (646) 218-7510
E-mail: Suzanne.Valles@lawbhs.com

THE LAW OFFICES OF CHARLES M-P GEORGE
*Coverage Counsel for James River
Insurance Company*

By: /s/ Charles M-P George
Charles M-P George
Florida Bar Number: 996718
1172 South Dixie Highway, #508
Coral Gables, Florida 33146
Tel: (305) 661-7686
E-mail: E-Service@cmpg-law.com

CARLTON FIELDS
*Coverage Counsel for QBE Insurance
Group, Ltd.*

By: /s/ Jeffrey Michael Cohen
Jeffrey Michael Cohen
Florida Bar Number: 91415
700 NW 1st Avenue, Suite 1200
Miami, Florida 33136
Tel: (305) 539-7304
Facsimile: (305) 530-0055
E-mail: jmcohen@carltonfields.com