

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

CASE NO: 2021-015089-CA-01

SECTION: CA43

JUDGE: Michael Hanzman

In Re: Champlain Towers South Collapse Litigation

Plaintiff(s)

vs.

N/A

Defendant(s)

_____ /

ORDER ESTABLISHING TENTATIVE CLAIMS HEARING PROCEDURES[1]

This cause came before the Court *sua sponte* and pursuant to Plaintiffs' "Motion for Status Conference Regarding Claims Hearings" (D. E. 840). It is hereby **ORDERED**:

1. On May 27, 2022, the Court entered its Order approving multiple "Full" and "Simple" claim forms to be utilized by Claimants in the above-captioned case as follows:
 - a. a) Full Claim Form (Wrongful Death) to be utilized by Claimants seeking damages with respect to a wrongful death claim. Pursuant to this claim form, a Claimant may seek actual damages or elect to receive liquidated damages in the amount of \$1,000,000;
 - b. Full Claim Form (Personal Injury) to be utilized by Claimants seeking actual damages for personal injuries;
 - c. Full Claim Form (Personal Property/ Unit Contents Claim Form) to be utilized by Claimants seeking damages with respect to loss of personal property or Unit contents caused by the Collapse;
 - d. Simple Claim Form (Personal Injury) to be utilized by individuals who were present at the Condominium at the time of the Collapse who have elected to receive liquidated damages in the amount of \$50,000 or Unit Owners (limited to one title owner) who owned a unit in the Condominium but were not present at the Condominium at the time of the Collapse and who elect to receive liquidated damages in the amount of \$50,000; and
 - e. Simple Claim Form (Personal Property Non-Owner Tenant-Occupant) to be utilized by Claimants (one per unit) who were not owners seeking damages for loss of property caused by the Collapse in the amount of \$50,000.

2. The deadline to file claims is July 18, 2022.
3. The Court will hold multiple hearings from July 25, 2022 through August 26, 2022 to consider the claims filed by those Claimants who: (a) elect to forego the liquidated damages offered; and (b) do not waive their right to a live hearing. Those Claimants that elect to forego the liquidated damages offered, *and* who desire a live hearing, should contact the Receiver's office to schedule a hearing date and time by sending an email to the Receiver at ctsreceivership@akerman.com. A time shall not be reserved for the Claimant unless confirmed in writing by the Receiver's office.
4. All claims will be adjudicated in accordance with Florida law, and the Court will award *only* damages that would have been recoverable under Florida law had the case been tried to verdict. As a result, in the event a Claimant elects to forego accepting liquidated damages, and attempts to prove a higher amount of actual damages, such Claimant must present sufficient competent evidence (subject to the provisions set forth below) and otherwise meet all substantive requirements of Florida law. Claimants who elect to forego liquidated damages do so at the risk of being awarded less than the liquidated damage amount (or nothing) should they fail to meet their evidentiary burden or otherwise satisfy the requirements of Florida law. Thus, any Claimant who elects to forego liquidated damages should do so only after consulting with counsel.
5. Hearings will be conducted in a summary fashion. The Court will permit the informal presentation of evidence with relaxed evidentiary rules consisting of (but not limited to) the following:
 - a. Attorneys may proffer evidence or submit evidence (fact witness and expert) by affidavit, live or via zoom;
 - b. The Court will not insist upon strict compliance with the Rules of Evidence. Hearsay evidence and non-authenticated documents may be accepted in the Court's discretion, and will be accepted absent a compelling reason to question the genuineness of the evidence;
 - c. The evidentiary presentation will be conducted in open court and in public; and
 - d. The claim process will not be adversarial – meaning no Claimant (or their counsel) will be permitted to participate in the hearing of another Claimant.
6. All wrongful death claims related to a decedent shall be presented through the decedent's personal representative. In the event of multiple related decedents, the Court requests that such claims be presented in a single hearing.

7. Prior to each hearing counsel shall provide the Court with **supportable** and **reasonable** estimate of damages (both economic and non-economic) they believe could be recovered applying Florida substantive law. The Court expects counsel's damage assessment to be justifiable and in no way exaggerated/inflated. Counsel are reminded that all Claimants will share in limited settlement funds, and that exaggerated/inflated damage claims will cause the Court unnecessary burden and, in the highly unlikely event they are not discerned and appropriately reduced, result in an unfair allocation amongst victims. The Court therefore expects each Claimant's damage assessment to be **reasonable** given Florida substantive law and tenable given verdicts affirmed in similar cases, recognizing that every personal injury/wrongful death claim is unique.

8. These are tentative procedures that are flexible and open for discussion. At the June 23, 2022 Fairness Hearing counsel shall be prepared to address all aspects of the claims process and provide the Court any appropriate revisions/modifications of this tentative protocol.

9. Finally, the Court advises the parties that it will retain an accountant and an attorney experienced in handling personal injury/wrongful death claims to assist in the claims process. This Court is considering retaining Elan Sternberg of Kaufman Rossin as its accountant consultant and Retired Judge Jonathan T. Colby as its personal injury/wrongful death consultant. The parties shall advise the Court of any objections to these appointments at the Fairness Hearing on June 23, 2022.

[\[1\]](#) The Court recognizes that the claims process is dependent upon the Final approval of the global Settlement.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 21st day of June, 2022.



2021-015089-CA-01 06-21-2022 5:13 PM

Hon. Michael Hanzman

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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