

**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.**

---

**RECEIVER'S MOTION TO TURN OVER JOINT TESTING PROTOCOL  
MATERIALS, SAMPLES, AND DATA TO NIST AND/OR THE MDCPD**

Michael I. Goldberg (the "Receiver"), pursuant to Rule 4 of the Complex Business Litigation Rules, seeks entry of an Order authorizing the Receiver and the consultants and testing agencies engaged pursuant to the *Joint Access Protocol for Non-invasive Review and Testing – Primary Evidence Facility* ("Joint Access Protocol"), which was approved by the Court on March 15, 2022, to release to the U.S. Department of Commerce's National Institute of Standards and Technology ("NIST") and/or the Miami-Dade County Police Department ("MDCPD") all samples and materials removed from the Primary Evidence Facility pursuant to the *Joint Access Protocol*, along with data generated from those samples and materials.

In support of this motion, the Receiver states as follows:

1. On March 15, 2022, the Court entered the *Order Regarding Joint Access Protocol for Non-Invasive Review and Testing - Primary Evidence Facility - Phase One* ("Joint Access Order") which authorized certain testing of materials recovered from the collapse of the Champlain Towers South building in accordance with the *Joint Access Protocol*.
2. The *Joint Access Protocol* investigation process has concluded. Various samples and materials removed from the Primary Evidence Facility in accordance with the *Joint Access*

*Order* are currently held by the consultants and testing agencies engaged pursuant to the *Joint Access Order* and underlying *Joint Access Protocol*. Those consultants and testing agencies have generated certain data in performing their analyses of the various samples and materials removed.

3. NIST and the MDCPD have requested and seek to include in their ongoing investigations the evaluation of certain of the samples and materials governed by the *Joint Access Order*, as well as test results derived from those samples and materials and information saved to the common SharePoint site (including daily reports) generated under the *Joint Access Protocol*.

4. The Effective Date of the “In Re: Champlain Towers South Collapse Litigation Class Action Settlement Agreement” (the “Settlement Agreement”) occurred on July 26, 2022, the date after expiration of the appeal period for the *Final Order and Judgment* entered on June 24, 2022, which, *inter alia*, approved the Settlement Agreement.

5. The release and turnover of the materials to NIST and/or the MDCPD would be within two weeks after the Effective Date, *i.e.*, by August 9, 2022.

6. NIST and the MDCPD agree to make all materials and samples turned over to them pursuant to this motion available to the Town of Surfside on reasonable notice for inspection and testing pursuant to reasonable protocols to be agreed to among them.

7. Andrew Hyatt, Town Manager of the Town of Surfside, and Tony Recio, Esq., shall be the Town of Surfside’s contact persons for all purposes related to the samples and inspections and testing thereof.

WHEREFORE the Receiver respectfully requests that this Court enter an Order granting this Motion and authorizing the release to NIST and/or the MDCPD of all materials and samples taken from the Subject Property, and data and information derived from those materials and

samples as well information saved to the common SharePoint, within two weeks of the Effective Date, and such other and further relief as the Court deems just and proper.

Respectfully submitted;

Date: July 26, 2022

**AKERMAN LLP**  
201 East Las Olas Boulevard, Suite 1800  
Fort Lauderdale, Florida 33301-2229  
Telephone: (954) 463-2700  
Facsimile: (954) 463-2224

By: /s/ Christopher S. Carver  
Christopher Carver, Esq.  
Florida Bar No. 993580  
christopher.carver@akerman.com  
cary.gonzalez@akerman.com  
Andrew P. Gold, Esq.  
Florida Bar No. 612367  
andrew.gold@akerman.com  
jill.parnes@akerman.com

and

Brenda Radmacher, Esq.  
California Bar No. 185265  
*Admitted Pro Hac Vice*  
**AKERMAN LLP**  
601 West Fifth Street, Suite 300  
Los Angeles, California 90071

*Counsel for Receiver Michael I. Goldberg*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 26, 2022, a copy of the *Receiver's Motion to Turn Over Joint Testing Protocol Materials, Samples, and Data to NIST and/or the MDCPD* was electronically filed with the Clerk of Court by using the Florida Courts E-Filing Portal and furnished a copy of same to all counsel of record through the Florida Court's E-Filing Portal.

By: /s/ Christopher S. Carver