

**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 GRANTING CLASS PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL
OF ADDITIONAL CLASS ACTION SETTLEMENT AND CERTIFICATION OF
SETTLEMENT CLASS**

This cause is before the Court upon Class Plaintiffs' Motion for Preliminary Approval of Additional Class Action Settlement and for Certification Settlement Class ("Motion for Preliminary Approval of Additional Settlement"). In accordance with Rule 1.220 of the Florida Rules of Civil Procedure, the Court has considered the In re: Champlain Towers South Collapse Litigation Class Action Settlement Agreement ("August 2022 Settlement Agreement")^[1] executed on behalf of Plaintiffs Raquel Azevedo de Oliveira, as personal representative of the Estates of Alfredo Leon and Lorenzo de Oliveira Leone; Kevin Spiegel as personal representative of the Estate of Judith Spiegel; Kevin Fang as personal representative of the Estate of Stacie Fang; Raysa Rodriguez; and Steve Rosenthal, individually and on behalf of the class defined below (collectively, the "Class Plaintiffs") and the Defendant Champlain Towers South Condominium Association, Inc. ("CTSCA"), Central Alarm Control, Inc. ("Central"), Infinite Aqua, LLC ("Infinite Aqua"), and Premier Fire Alarms and Integration System, Installation Division, Inc. (Central, Infinite Aqua, and Premier are the "Additional Settling Parties" and, with Plaintiffs and the CTSCA, collectively the "Parties").

In addition to the class action proceedings in this action, the Court also instituted a receivership proceeding within this action, appointing Michael I. Goldberg as the Receiver for the CTSCA, on July 2, 2021. The Receiver is a party to the August 2022 Settlement Agreement and, through this Order, the Court separately authorizes the Receiver's execution of the August 2022 Settlement Agreement on behalf of the CTSCA.

Previously, on June 24, 2022, the Court finally approved the *In re: Champlain Towers South Collapse Litigation Class Action Settlement Agreement*, which was attached to the May 2022 Preliminary Approval motion as Exhibit A ("the June 2022 Settlement Agreement") and certified a settlement class (the "June Settlement Class"). The June 2022 Settlement Agreement resolved the claims between the Class Plaintiffs and the CTSCA and other parties to the litigation and non-party targets, pursuant to which an approximately \$1,021,000,000 settlement fund was created. No Class Member objected to or opted-out of the June 2022 Settlement and the appeal period of the June 24, 2022, Final Order (the "June 2022 Final Order") has run and that order is final. This additional "August 2022 Settlement" will have the effect of supplementing the existing settlement fund with approximately \$53 million. These additional funds will be used to further compensate members of the Settlement Class for their injuries, pursuant to the claims process already approved by the Court and underway.

Upon review of the August 2022 Settlement Agreement and Class Plaintiffs' Motion for Preliminary Approval of Additional Settlement, the Motion for Preliminary Approval of Additional Settlement is hereby **GRANTED**.

1. The terms of the August 2022 Settlement Agreement are within the range of reasonableness and accordingly are preliminarily approved. In addition, this Court finds that certification of the August Settlement Class satisfies the requirements of Florida Rule of Civil Procedure 1.220, and Class Counsel and the August Settlement Class Representatives fairly and adequately represent the interests of the August Settlement Class. This preliminary approval

is subject to further consideration at the Final Approval Hearing.

2. For the reasons set forth below, subject to final approval, this Court hereby preliminarily certifies the following August Settlement Class:

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.

3. Excluded from the August Settlement Class is any Unit Owner, Resident, Invitee, Representative Claimant, Derivative Claimant, or other person or entity otherwise included in the August Settlement Class, who timely and properly exercises the right to exclude himself, herself, or itself from the August Settlement Class

4. As it did for the June Settlement Class, the Court hereby re-appoints Harley S. Tropin and Javier A. Lopez of Kozyak Tropin & Throckmorton LLP; Rachel W. Furst and Stuart Z. Grossman of Grossman Roth Yaffa Cohen, P.A.; Ricardo M. Martínez-Cid of Podhurst Orseck, P.A.; Adam M. Moskowitz of The Moskowitz Law Firm, PLLC; Curtis B. Miner of Colson Hicks Eidson, P.A., 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; 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 and Bradford R. Sohn of The Brad Sohn Law Firm as Settlement Class Counsel.

5. The Court finds that, for purposes of this agreed settlement class only, the class certification prerequisites set forth in Florida Rule of Civil Procedure 1.220 have been met for the purpose of the certification of a settlement class. By so doing, the Court does not take a position as to

whether the class is appropriate for class certification in the event that the settlement does not become final and the issue of class certification is contested. This finding is without prejudice to the Settling Parties' right to contest class certification if this Settlement does not become final.

6. At the Final Approval Hearing, the Court will consider whether the terms of the August 2022 Settlement Agreement are fair, reasonable, adequate, and in the best interests of the August Settlement Class, and whether final orders and judgments in accordance with the terms of the August 2022 Settlement Agreement should be entered.
7. The Court preliminarily finds that the August 2022 Settlement Agreement: (1) was reached after arm's-length negotiations, and after substantial factual and legal analyses by the parties; and (2) provides a substantial cash payment to the August Settlement Class, especially considering the risks associated with this litigation.
8. The Court approves, as to form and content, the Notice submitted by the parties (the "Notice") and finds that the procedures described therein meet the requirements of Florida Rule of Civil Procedure 1.220 and due process and provide the best notice practicable under the circumstances. The proposed Class Notice is reasonably calculated to reach a substantial percentage, if not all, of the Class Members. The Receiver, Michael I. Goldberg, shall continue to act as the Settlement Administrator, as he is presently doing in connection with the June 2022 Settlement.
9. Specifically, service or publication of the Notice in accordance with the manner and method set forth in Article 7 of the August 2022 Settlement Agreement constitutes good and sufficient notice, and is reasonably calculated under the circumstances to notify all interested parties of the Motion for Preliminary Approval of Additional Settlement, the August 2022 Settlement Agreement, August 2022 Settlement Class Release, and the proposed Bar Order, and of their opportunity to object thereto and attend the Final Approval Hearing (defined

below) concerning these matters; furnishes all parties in interest a full and fair opportunity to evaluate the settlement and object to the Motion for Preliminary Approval of Additional Settlement, the August 2022 Settlement Agreement, August 2022 Settlement Class Release, the proposed Bar Order, and all matters related thereto; and complies with all requirements of applicable law, including, without limitation, the Florida Rules of Civil Procedure, the Court's local rules, and the Constitution. The Receiver and/or Class Counsel (as appropriate) are directed to file with this Court, no later than 5 days before the Final Approval Hearing (defined below), written evidence of compliance with the notice requirements of this paragraph, which may be in the form of an affidavit or declaration.

11. **Final Hearing.** The Court will schedule a hearing for August 29th, 2022 at 9:00 a.m. in Courtroom 9-1 of the Miami-Dade Children's Courthouse, located at 155 NW 3rd St, Miami, Florida 33128 (the "**Final Approval Hearing**"). A Zoom link will be circulated before the Final Approval Hearing for use by those who may not wish to attend the Final Approval Hearing in person. The purposes of the Final Approval Hearing will be to consider final approval of the August 2022 Settlement Agreement and entry of a Final Approval Order, as well as an additional Receivership Bar Order.

12. **Objection Deadline, Objections, and Appearances at the Final Approval Hearing.**

Any person who objects to the terms of the August 2022 Settlement Agreement, the Bar Order, the Motion for Preliminary Approval of Additional Settlement, or any of the relief related to any of the foregoing must file an objection, in writing, with the Court pursuant to the Court's procedures, no later than August 26th, 2022. The written statement of objection(s) must include a detailed statement of the Settlement Class Member's objection(s), as well as the specific reasons, if any, for each such objection, including any evidence and legal authority the Settlement Class Member wishes to bring to the Court's attention. That written statement also must contain the

August Settlement Class Member’s printed name, address, telephone number, and date of birth, written evidence establishing that the objector is an August Settlement Class Member, and any other supporting papers, materials, or briefs the August Settlement Class Member wishes the Court to consider when reviewing the objection. A written objection may not be signed using any form of electronic signature and must contain the dated Personal Signature of the August Settlement Class Member making the objection.

An August Settlement Class Member may object on his, her or their own behalf, or through an attorney hired by that August Settlement Class Member, provided the August Settlement Class Member has not submitted a written request to Opt Out. Attorneys asserting objections on behalf of an August Settlement Class Members must: (a) file a notice of appearance with the Court by the date set forth in the Preliminary Approval Order, or as the Court otherwise may direct; (b) file a sworn declaration attesting to his or her representation of each Settlement Class Member on whose behalf the objection is being filed or a copy of the contract (to be filed in camera) between that attorney and each such August Settlement Class Member; and (c) comply with the procedures described in Article 7 of the August Settlement Agreement.

Written objections must be filed with the Court and served upon Class Counsel, the Receiver, and the Additional Settling Parties via email and First-Class Mail at the addresses and delivered no later than August __, 2022, as follows.

To the Court:	In re: CTS Collapse Litigation Claims Case No. 2021-015089-CA-01 Hon. Judge Michael A. Hanzman Thirteenth Judicial Circuit Dade County Courthouse, Room DCC416 73 West Flagler Street
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	Miami, FL 33130
To Class Counsel:	<p>Kozyak Tropin & Throckmorton LLP</p> <p>Attention: Harley S. Tropin</p> <p>hst@kttl.com</p> <p>Grossman Roth Yaffa Cohen, P.A.</p> <p>Attention: Rachel W. Furst</p> <p>rwf@grossmanroth.com</p>
To CTSCA or the Receiver:	<p>Akerman LLP</p> <p>Attention: Michael Goldberg</p> <p>michael.goldberg@akerman.com</p> <p>Attention: Christopher Carver</p> <p>christopher.carver@akerman.com</p>
To Premier:	<p>Daniels Rodriguez Berkeley Daniels & Cruz, P.A.</p> <p>Attention: Neil P Robertson</p> <p>4000 Ponce de Leon Blvd., Suite 800</p> <p>Coral Gables, FL 33146</p> <p>Tel: (305) 448-7988</p> <p>nrobertson@drbdc-law.com</p> <p>and</p> <p>Diana Sun, Esq.</p> <p>Hicks, Porter, Ebenfeld & Stein, P.A.</p>

	<p>799 Brickell Plaza – Suite 900</p> <p>Miami, FL 33131</p> <p>Tel: (305) 374-8171</p> <p>dsun@mhicksllaw.com</p>
To Central:	<p>Russell Jones</p> <p>13973 SW 140 Street</p> <p>Miami, FL 33186</p> <p>russell@alarmandelectronics.com</p>
To Infinite Aqua:	<p>Ramsey D. Gyer</p> <p>816 SW 13th Avenue</p> <p>Cape Coral, FL 33991</p> <p>trey@infiniteaq.com</p>

Any person who fails to file an objection by the time and in the manner set forth in this paragraph shall be deemed to have waived the right to object, including any right to appeal, and the right to appear at the Final Approval Hearing, and such person shall be forever barred from raising such objection in this action or any other action or proceeding, subject to the discretion of this Court.

13. Responses to Objections. Any party to the August 2022 Settlement Agreement may respond to an objection filed pursuant to this Order. To the extent any person filing an objection cannot be served through the Court’s electronic system, a response must be served

to the email address provided by that objector, or, if no email address is provided, to the mailing address provided.

14. **No Right to Opt-Out:** The Court has previously ruled that class members would not be permitted to opt out of some, but not all, settlements reached in this case (ie cherry-pick). Because no class member elected to opt-out of prior settlements, they will not be permitted to opt-out of these subsequent settlements.
15. **Settlement of Claims Against the CTSCA and the Bar Order** In addition to the settlement between the Class and the August Additional Settling Parties and the CTSCA set forth in the August 2022 Settlement Agreement, the Receiver also entered into a settlement with the Additional Settling Parties, which will be separately addressed by the Court in the Receivership Proceeding part of the Action. The Receiver's settlement with the Additional Settling Parties includes a "Bar Order," which will prevent any and all persons from filing or prosecuting any claims against the Additional Settling Parties that arise from or are related to, directly or indirectly, the CTS Collapse. As a result of the Bar Order, a person submitting an Opt-Out and excluding him/her/or itself from the Settlement Class as to the August 2022 Settlement Agreement may not be able to assert a claim outside of the Class because the Bar Order may prevent such person from prosecuting any and all claims against the Additional Settling Parties.
16. **Adjustments Concerning Hearing and Deadlines.** The date, time, and place for the Final Approval Hearing, and the deadlines and other requirements in this Order, shall be subject to adjournment, modification, or cancellation by the Court without further notice other than that which may be posted by means of the Court's electronic system or on the Receiver's website (<https://ctsreceivership.com/>). If no objections are timely filed or if the objections are resolved before the hearing, the Court may cancel the Final Approval Hearing and enter the Final Approval Order and Bar Order without further hearing or notice.

17. The Court retains jurisdiction to consider all further matters relating to the Motion for Preliminary Approval of Additional Settlement and the August 2022 Settlement Agreement, including, without limitation, entry of an Order finally approving the August 2022 Settlement Agreement.

[1] Capitalized terms used in this Order and not defined herein shall have the meanings ascribed to them in the August 2022 Settlement Agreement, as applicable.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 9th day of August, 2022.



2021-015089-CA-01 08-09-2022 5:17 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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