

**IN THE CIRCUIT COURT OF THE 11<sup>TH</sup> 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**

---

**NOTICE OF FILING DECLARATION OF HARLEY S. TROPIN  
ON BEHALF OF KOZYAK TROPIN & THROCKMORTON LLP**

Co-Chair Lead Counsel, Harley S. Tropin, hereby gives notice of filing his Declaration on behalf of Kozyak Tropin & Throckmorton LLP, in support of Application for Award of Attorneys' Fees, Costs, and Expenses pursuant to this Court's *Sua Sponte* Order on Supplemental Attorneys' Fees Applications dated August 3, 2022.

Respectfully submitted on August 26, 2022.

KOZYAK TROPIN & THROCKMORTON LLP  
2525 Ponce de Leon Boulevard, 9th Floor  
Coral Gables, FL 33134  
Tel: (305) 372-1800

By: /s/ Harley S. Tropin  
Harley S. Tropin (FBN 241253)  
Javier A. Lopez (FBN 16727)  
Jorge L. Piedra (FBN 88315)  
Tal J. Lifshitz (FBN 99519)  
Eric S. Kay (FBN 1011803)  
hst@kttlaw.com

***Plaintiffs' Co-Chair Lead Counsel***

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 26, 2022, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the Florida Court's e-Filing portal which will send a notice of electronic filing to all attorneys of record.

By: /s/ Harley S. Tropin  
Harley S. Tropin

**IN THE CIRCUIT COURT OF THE 11<sup>TH</sup> 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 HARLEY S. TROPIN FILED ON BEHALF OF  
KOZYAK TROPIN & THROCKMORTON LLP IN SUPPORT OF  
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 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.

2. I submit this declaration pursuant to the Court’s August 3, 2022 *Sua Sponte* Order on Supplemental Attorneys’ Fees Applications (the “Order”) and in further support of Class Counsel’s unified Fee Application filed June 12, 2022, as well as KTT’s request for a share of any award of attorneys’ fees and reimbursement of expenses in connection with the services we rendered in this case. This declaration details KTT’s work on this case from June 1, 2022, forward, and supplements KTT’s submissions to the Court in connection with the June 12, 2022, Fee Application.

3. The Order referred to work performed in connection with the CTS claims process. KTT did not perform any such claims work and, of course, does not seek reimbursement for it. This is for two reasons: KTT recognized from the outset of the formation of this process that these claims would require personal injury expertise, with competence to address, among other things, net accumulations, loss of support and services, loss of parental companionship, instruction and

guidance, and mental pain and suffering. *See, e.g.*, Court’s July 26, 2022 *Sue Sponte* Order. This is not an area of KTT’s expertise. We recommended that our clients — or others who sought our advice or representation for claims-related assistance — retain firms who specialize in such matters, to place these claimants in the best possible position to maximize their recovery.

#### **KTT’S POST-JUNE 1, 2022 COMMON BENEFIT WORK**

4. I submit this Declaration to advise the Court of the substantial common benefit tasks that KTT has performed since the June 1, 2022 cutoff associated with Class Counsel’s June 12, 2022 Motion for Final Approval, so that the Court may consider this work in further support of that June 12, 2022 Fee Application.

5. Over the past several months, I, along with Ms. Furst, have continued to fulfill our duties as Co-Chair Lead Counsel and have devoted constant attention to overseeing the final stages of this litigation.

6. KTT’s recent common benefit work falls into three categories:

- Preparing for and arguing Class Counsel’s June 12, 2022 Motion for Final Approval;
- Negotiating and finalizing the recent settlements reflected in Class Plaintiffs’ August 9, 2022 Motion for Preliminary Approval of Additional Class Settlement and for Certification Settlement Class; and
- Preparing for and handling various issues related to the June 2022 settlement, including Class Plaintiffs’ position regarding the clarification of terms of the June 2, 2022 Final Order, which was set for hearing and resolved on August 1, 2022.

#### **FINAL APPROVAL OF JUNE SETTLEMENT**

7. During the first weeks of June, I worked, along with Ms. Furst, to oversee the June 12, 2022, filing of the Motion for Final Approval of the Class Action Settlement and the incorporated application for Class Counsel attorneys’ fees. This work involved coordination among Plaintiffs Steering Committee (“PSC”) members, including meetings with each PSC member, and continued communication with the Settling Parties to the June Settlement

Agreement. My office and that of Grossman Roth Yaffa Cohen shared in the responsibility of organizing and providing to the Court all of the materials in support of the June 12 Motion.

8. Once that motion was filed, Ms. Furst and I turned our attention to overseeing compliance with the requirements of the June Settlement Agreement and resolving related issues in advance of the Final Approval hearing, scheduled for June 23, including resolution of the limited objections filed, proper execution of the agreement by all Settling Parties, PSC members and Class Representatives, and preparation of the materials to be disclosed to the Settling Defendants. I also communicated with non-PSC member attorneys to answer questions regarding the Class Notice and settlement terms. I then coordinated with Ms. Furst in her preparation for and presentation of the oral argument in support of the Motion for Final Approval at the hearing on June 23, 2022, which was granted on June 24, 2022.

9. Throughout the summer, Ms. Furst and I worked through phone calls, Zoom meetings, and correspondence to advise PSC members as to current developments regarding this agreement and compliance with its terms.

10. As reflected in KTT's detailed time entries, submitted directly to the Court for *in camera* review pursuant to the Order, KTT expended substantial time in June preparing for and arguing final approval.

#### **PRELIMINARY APPROVAL OF ADDITIONAL SETTLEMENTS**

11. In July, I worked along with Ms. Furst and counsel for the Receiver to negotiate and then draft a settlement agreement with the Champlain Towers South Condominium Association ("CTSCA") and three additional settling parties, which PSC attorneys and the CTSCA's counsel, including Judd Rosen, Jorge Piedra, and Amanda Anderson, continued to pursue following the Court's approval of the first settlement. Though this additional settlement was largely based on the June Settlement Agreement, negotiations with the additional settling parties and their insurance carriers were extensive, and finalizing the terms as to this agreement, including the necessary releases and appropriate bar order and class notice, required significant time and attention. I and other PSC attorneys, including Howard Bushman and Lea Bucciero, made

important contributions to this effort. Ms. Furst took the laboring oar along with Chris Carver, counsel for the Receiver. Ms. Furst also then drafted and filed the motions for preliminary and final approval of these settlements, and I assisted in her to efforts to prepare for her presentation of the final approval motion at the hearing on August 29, 2022.

#### **JUNE 2022 SETTLEMENT ISSUES**

12. Throughout the summer months, Ms. Furst and I were required to attend to issues arising from the June Settlement Agreement, the most significant of which was the clarification of the scope of the bar order attached as Exhibit M to the June Settlement Agreement.

13. Specifically, on July 28, 2022 the Receiver and Class Plaintiffs moved for clarification of the terms of the June 2022 Final Order, requesting that the Court clarify the terms of the form second bar order. This motion was the subject of intense negotiations and was initially opposed by the settling counter parties.

14. Ultimately, the issues were resolved by way of an agreement between Class Counsel, the Receiver, and the Settling Parties, whereby we agreed to file the Exhibit M Bar Order, followed by a modified Bar Order in September. Lea Bucciero took the lead at the August 1 hearing and also in many of the negotiations with the Defendants on this issue. As always, counsel for the Receiver played a key role.

15. Also, at issue during the summer was the timing of the creation and funding of the qualified settlement fund (“QSF”), which also required motion practice and continued negotiation with the Settling Parties. Ms. Furst and I dealt with these matters as well, along with the Receiver and his counsel.

16. My work in connection with the June and August Settlements is not yet concluded and, so, is not reflected in the KTT lodestar calculated below. For example, following the final approval hearing, Ms. Furst and I will need to ensure that the appropriate bar orders are entered, including through the drafting and filing of a motion to modify the August 5, 2022, Bar Order. Additionally, we will confirm that the holdbacks provided for in the June Settlement Agreement are resolved and that all available funds will be disbursed to Class Members. I will deal with

whatever arises and expect no additional compensation, beyond what the Court rules is an appropriate fee award for Class Counsel's efforts to date.

### CONCLUSION

17. The information in this declaration regarding my firm's time is documented and reflected in time printouts and supporting documentation prepared and maintained by my firm in the ordinary course of business, and which is being submitted directly to the Court for *in camera* review pursuant to the Order. I am the partner who oversaw the activities in this matter 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 committed to the litigation, including the elimination of time that was unnecessary or duplicative.

18. The number of hours spent on these matters by my firm from June 1, 2022, until August 22, 2022, is 487.9, which results in a lodestar of \$398,540.00. A breakdown of the lodestar is provided in **Exhibit A**. 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.

19. Additionally, KTT has incurred expenses and charges in the amount of \$922.48 in connection with its common benefit work. Those expenses and charges have been waived.

20. The time 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 of KTT's common benefit tasks. 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, and 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.

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

Executed this 26th of August, 2022 at Miami, Florida.

*/s/ Harley S. Tropin*

---

Harley S. Tropin



# EXHIBIT A

## IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

### TIME REPORT

FIRM NAME: Kozyak Tropin & Throckmorton LLP

REPORTING PERIOD: June 1, 2022 through August 25, 2022

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
<i>Common Benefit Time</i>			
Harley S. Tropin (P)	265.5	\$1,000	\$265,500.00
Javier A. Lopez (P)	28.8	\$750	\$21,600.00
Jorge L. Piedra (P)	18.5	\$775	\$14,337.50
Tal J. Lifshitz (P)	67.4	\$650	\$40,560.00
Eric S. Kay (A)	107.7	\$525	\$56,542.50
<b>TOTALS</b>	<b>487.90</b>		<b>\$398,540.00</b>
<i>Individual Benefit Time</i>			
Harley S. Tropin (P)	2.2	\$1,000	\$2,200.00
Javier A. Lopez (P)	5.7	\$750	\$4,275.00
Jorge L. Piedra (P)	1.2	\$775	\$930.00
Tal J. Lifshitz (P)	1.9	\$650	\$1,235.00
Eric S. Kay (A)	1.7	\$525	\$892.50
<b>TOTALS</b>	<b>12.7</b>		<b>\$9,532.50</b>