

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

**COMPLEX BUSINESS LITIGATION  
DIVISION**

CASE NO: 2021-015089-CA-01  
SECTION: CA43  
JUDGE: MICHAEL HANZMAN

**In re:**

**Champlain Towers South Collapse Litigation**  
\_\_\_\_\_ /

**NOTICE OF FILING SUBMISSIONS IN SUPPORT OF FEE APPLICATION BY  
GROSSMAN ROTH YAFFA COHEN, P.A.**

Pursuant to the Court's August 3, 2022 Order, undersigned counsel hereby give notice of filing the attached declarations in the above referenced matter on behalf of Co-Chair Lead Counsel, Rachel W. Furst, and Wrongful Death Damages Liaison Counsel, Stuart Z. Grossman, of Grossman Roth Yaffa Cohen, P.A., and additionally give notice of the *in camera* submission of the timesheets and records referenced therein. As set forth in the attached, these materials are submitted in further support of Class Counsel's Application for Fees, filed June 12, 2022.

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on this 26<sup>th</sup> day of August, 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.

Dated: August 26, 2022

/s/ Stuart Z. Grossman

Stuart Z. Grossman (FBN 156113)  
GROSSMAN ROTH YAFFA COHEN, P.A.  
2525 Ponce de Leon Boulevard, Suite 1150  
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***Plaintiffs' Wrongful Death Damage Claim  
Liaison Counsel***

Respectfully submitted,

/s/ Rachel W. Furst

Rachel W. Furst (FBN 45155)  
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***Plaintiffs' Co-Chair Lead Counsel***

**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**

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**DECLARATION OF RACHEL FURST FILED ON BEHALF OF THE FIRM OF  
GROSSMAN ROTH YAFFA COHEN IN SUPPORT OF APPLICATION FOR AWARD  
OF ATTORNEYS' FEES, COSTS AND EXPENSES**

I, Rachel Wagner Furst, do hereby declare and state as follows:

1. I am a partner with the firm of Grossman Roth Yaffa Cohen, P.A. (“GRYC”). I submit this declaration in support of my firm’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 my own work on this case from June 12, 2022, forward, and the work of my firm and supplements GRYC’s submissions to the Court in support of Class Counsel’s unified Fee Application, filed June 12, 2022.

2. Over the past several months, I have continued to fulfill my duties as Co-Chair Lead Counsel and have devoted constant attention to overseeing the final stages of this litigation. In addition to this “Common Benefit” work, which is discussed in greater detail below and reflected in the timesheets submitted to the Court contemporaneously herewith, members of my firm devoted themselves to representing individual class members in the Claims Process, administered by the Court. This “Client Benefit” work is summarized in the affidavit of my law partner, Wrongful Death Liaison Counsel Stuart Z. Grossman, also filed with the Court today, along with his own Common Benefit work.

## **GRYC Common Benefit Work**

### **A. Final Approval of the June Settlement**

3. During the first weeks of June, I worked, along with Co-Chair Harley Tropin, to draft and finalize the June 12, 2022, 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 KTT shared in the responsibility of organizing and providing to the Court all of the materials in support of the June 12 Motion.

4. Once that motion was filed, I turned my attention 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 prepared for and presented 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.

5. Throughout the summer, Mr. Tropin 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.

### **B. Additional Settlements**

6. In July, I worked along with Harley Tropin and counsel for the Receiver, to negotiate and then contribute to the drafting of 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 of this agreement, including the necessary releases and appropriate bar order and class notice, required significant time and attention. Mr. Tropin and other PSC attorneys, but notably Howard Bushman, made important contributions to this effort, though Christopher Carver, counsel for the Receiver, and I took the laboring oar. I also then drafted and filed the motions for preliminary and final approval of these settlements and began to prepare to present the final approval motion at the hearing on August 29, 2022.<sup>1</sup>

### **C. Continued Attention to June Settlement Issues**

7. Throughout the summer months, I was 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. This clarification required significant motion practice at the end of July, extensive negotiations with the Settling Defendants, dozens of hours of analysis and consultation, and a court hearing on August 1, 2022. 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.

8. Also, at issue during the summer was the timing of the creation and funding of the qualified settlement fund, which also required motion practice and continued negotiation with the Settling Defendants. I attended to these matters as well through participation in meetings, calls, and email correspondence.

9. My work in connection with the June and August Settlements is not yet concluded and, so, is not reflected in the GRYC lodestar calculated below. For example, following the final

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<sup>1</sup> The full extent of time spent preparing for and attending this final approval hearing will continue through August 29, and so is not reflected in the GRYC lodestar, which is calculated as of August 25, 2022.

approval hearing, Mr. Tropin 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 be tasked with confirming that the holdbacks provided for in the June Settlement Agreement are resolved and that all available funds will be dispensed to Class Members. I will continue to attend to whatever matters arise and do not expect to be additionally compensated for this time beyond what the Court rules is an appropriate fee award for Class Counsel's effort to date.

### **GRYC Client Benefit Work**

10. Throughout the summer months, but most significantly in July and August, Stuart Grossman and I, along with our law partners, Andrew Yaffa, Alex Arteaga-Gomez, William Mulligan, Julian Catala, and associate Ryan Yaffa, began to prepare our eleven wrongful death clients for their nine Claims Hearings, our first of which was July 28, 2022, and our last of which was August 22. Our work in connection with this process is set forth in the declaration of Mr. Grossman, submitted contemporaneously herewith. Much like preparing for trial, this work required constant communication with clients, preparation of lay and expert witnesses, and the review and presentation of demonstrative materials, including videos, photos, and other evidence. Significant time was expended in this regard, which is reflected in our time sheets. I personally attended six claims hearings and dedicated dozens of hours to preparing for these hearings and counseling clients.

### **Conclusion**

11. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense 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. I, along with Stuart Grossman, are the partners 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 and expenses committed to the litigation, including the elimination of time that was unnecessary or duplicative.

12. The total number of hours spent by my firm on the matters discussed above from June 1, 2022, until August 25, 2022, is 2426.97, which includes 511.5 of Common Benefit Time and 1915.47 hours of Client Benefit Time, which results in a lodestar of \$1,514,250.00.<sup>2</sup> A breakdown of the lodestar is provided in **Exhibit A**. This time was billed at the firm's current rates, as set forth in our June 2021 submission and indicated on the timesheets submitted *in camera* herewith.

13. Additionally, since June 1, 2022, GRYC has incurred expenses and charged in connection with our Common Benefit work, which totals \$9,568.37. A breakdown of those cost are detailed in **Exhibit B**.

14. GRYC has also incurred expenses and charges in connection with the presentation of the individual clients' claims. Those expenses and charges are being provided to the Court *in camera* along with the time sheets relevant to those individual clients.

15. 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 presentation of the class members' claims. 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 GRYC. 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 26<sup>th</sup> of August, 2022 at Miami, Florida.

*/s/ Rachel Wagner Furst*  
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Rachel Wagner Furst

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<sup>2</sup> My own time through June 11, 2022, was included in the June 12 submission to the Court and, so, is not included again here.

# EXHIBIT A

## IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

### TIME REPORT

FIRM NAME: Grossman Roth Yaffa Cohen, P.A.

**REPORTING PERIOD: June 12, 2022 through August 25, 2022**

Name (Status: P, A, Counsel, Para, Clerk)	Total Hours	Hourly Rate	Total Lodestar
<b><i>Common Benefit Time</i></b>			
Stuart Z. Grossman (P)	45.8	\$1000.00	\$45,800.00
Rachel W. Furst (P)	352.10	\$ 775.00	\$272,877.50
William P. Mulligan (P)	3	\$ 550.00	\$1,650.00
Manual A. Arteaga-Gomez (P)	11.6	\$ 700.00	\$8,120.00
Ryan J. Yaffa (A)	9.15	\$ 375.00	\$3,431.25
Andres Hildalgo (Clerk)	5.55	\$ 200.00	\$1,110.00
Lisa K. Adamson (Para)	82	\$ 175.00	\$14,350.00
Isabel Marino	.3	\$175.00	\$ 52.50
Rudy M. Toth (Invest.)	2	\$ 125.00	\$ 250.00
<b>Total</b>	<b>511.5</b>		<b>\$347,641.25</b>
<b><i>Individual Client Time</i></b>			
<b>Reporting Period: June 1, 2022 through August 24, 2022</b>			
Stuart Z. Grossman (P)	102.7	\$1000.00	\$102,700.00
Rachel W. Furst (P)	139.9	\$ 775.00	\$108,422.50
Andrew B. Yaffa (P)	278.94	\$ 900.00	\$251,046.00
Natasha Cortes (PP)	.3	\$875.00	\$ 262.50
William P. Mulligan (P)	220.05	\$ 550.00	\$121,027.50
Manual A. Arteaga-Gomez (P)	512.7	\$ 700.00	\$358,890.00
Julian J. Catala (A)	99.55	\$675.00	\$67,196.25
Ryan J. Yaffa (A)	265.75	\$ 375.00	\$99,656.25
Andres Hildalgo (Clerk)	24.25	\$ 200.00	\$4,850.00
Lisa K. Adamson (Para)	204.3	\$ 175.00	\$35,752.50
Olga Beato (Para)	24.18	\$175.00	\$4,231.50
Isabel Marino (Para)	11.7	\$175.00	\$2,047.50
Carmen Gutierrez (Para)	11.05	\$175.00	\$1,933.75
Rudy M. Toth (Invest.)	1.7	\$ 125.00	\$ 212.50
Aaron Davis (P)	16.8	\$ 600.00	\$10,080.00
Laura Arango (LC)	1.6	\$ 250.00	\$ 400.00
<b>Total</b>	<b>1915.47</b>		<b>\$1,166,608.75</b>
<b>TOTALS</b>			<b>\$1,514,250.00</b>



## EXHIBIT B

### IN RE: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

#### COMMON BENEFIT EXPENSE REPORT

FIRM NAME: Grossman Roth Yaffa Cohen, P.A.

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

DESCRIPTION	EXPENSES	CUMULATIVE EXPENSES
Online research (Westlaw, Lexis/Nexis & Pacer)	\$3,873.70	
Process Server	\$0.00	
Filing Fee	\$0.00	
Delivery services/messengers (FedEx and In-House Courier)	\$88.23	
Local travel	\$0.00	
Out-of-town travel	\$4,177.20	
Meals	\$65.19	
Deposition transcripts	\$0.00	
Experts	\$0.00	
Litigation Fund	\$0.00	
Parking	\$14.00	
Transportation	\$0.00	
Copying, Printing & Scanning (In-House)	\$1,350.05	
Postage	\$0.00	
<b>TOTAL EXPENSES</b>	<b>\$9,568.37</b>	

**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**

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**DECLARATION OF STUART Z. GROSSMAN FILED ON BEHALF OF THE FIRM OF  
GROSSMAN ROTH YAFFA COHEN IN SUPPORT OF APPLICATION FOR AWARD  
OF ATTORNEYS' FEES, COSTS AND EXPENSES**

I, Stuart Z. Grossman, do hereby declare and state as follows:

1. I am the cofounder of the firm of Grossman Roth Yaffa Cohen, P.A. (“GRYC”) and have been practicing law for approximately fifty (50) years.<sup>1</sup>

2. I was appointed by the Court to serve the Class as Wrongful Death Damages Liaison Counsel and have done so faithfully throughout the litigation. I submit this declaration in support of my firm’s request for a share of any award of attorneys’ fees and reimbursement of expenses in connection with the invaluable services we rendered in this case.

3. This declaration concerns our work for the period of June 1, 2022, to August 25, 2022. It supplements GRYC’s submissions to the Court in support of Class Counsel’s unified Fee Application filed June 12, 2022.

4. Over the past several months, GRYC attorneys, myself included, have devoted time and attention to “Common Benefit” work related to the administration of the case and to obtaining final approval of the settlements. GRYC’s Common Benefit work is described in greater detail in the submission of my partner Rachel Furst.

5. I provide this declaration to describe GRYC’s work for specific class members who retained our firm, referred to herein and elsewhere as “Client Benefit” work, during the period of

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<sup>1</sup> My full biography is set forth in my June 12, 2022, declaration, already filed with the Court.

June 1, 2022, to August 25, 2022. Contemporaneously with this declaration, I am submitting *in camera* materials that detail and affirm GRYC's Client Benefit work, including time records and cost ledgers.

6. GRYC attorneys, Andy Yaffa, Rachel Furst, Alex Arteaga-Gomez, William Mulligan, Julian Catala and Ryan Yaffa, devoted themselves to the service of the claims for the eleven (11) estates that retained our firm. GRYC's paralegals and support staff notably did as well. From the July 28 to August 22, our firm zealously represented the estates and their statutory survivors in their respective hearings. Representing these victims and their beautiful survivors was both an honor and a privilege that I and the members of my firm will never forget.

7. We prepared for our clients' claims hearings with the care and attention we would devote to a trial. We were in constant contact with our clients, which was required to guide them through this very difficult and emotional process. We we're available to our clients around the clock and answered calls at all hours. We counseled them on their claims, learned the stories of their lives and loss, and met and prepared their family and friends for testimony.

8. We reviewed and assembled photos, home videos, voicemails, and other media for video and PowerPoint presentations. We retained, consulted with, and reviewed the work of an expert videographer, who traveled across the country to record the witnesses we identified. We oversaw and were heavily involved in the preparation of these video presentations, assisting in the coordination of witness preparation and scheduling.

9. For our clients with economic claims, we undertook a review of their financial records and hired and consulted with expert witnesses, whose reports we carefully analyzed and discussed with our clients.

10. All this work was accomplished by a team of skilled GRYC attorneys, who diverted their attention from other matters to these clients for the period required.

11. The information in this declaration regarding my firm's time and expenses is documented and reflected in time and expense 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.

12. I am the partner who oversaw the activities in this matter and 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 and expenses committed to the litigation, including the elimination of time that was unnecessary or duplicative.

13. GRYC's total Client Benefit hours across all clients for the period June 1, 2022, to August 25, 2022, is **1,915.47 hours**, which amounts to a Client Benefit lodestar of **\$1,166,608.75**.

14. My *in camera* declaration provides a per-client breakdown of hours and lodestar together with supporting time records. It also provides information regarding costs incurred by GRYC with supporting cost ledgers, as well as additional supporting declarations from several of my GRYC colleagues.

15. The time and the expenses for which payment is sought are reasonable in amount and were necessary for the effective and efficient presentation of our clients' claims. In addition, the expenses are all the type that would normally be charged to a fee-paying client in the private legal marketplace.

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

Executed this 25<sup>th</sup> of August, 2022 at Miami, Florida.

/s/ Stuart Z. Grossman  
STUART Z. GROSSMAN