

**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 ON RECEIVER'S INTERIM APPLICATION FOR ALLOWANCE AND
PAYMENT OF FEES AND REIMBURSEMENT OF EXPENSES OF JULY 2, 2021
THROUGH AUGUST 15, 2022**

This matter came before the Court upon the *Receiver's Interim Application for Allowance and Payment of Fees and Reimbursement of Expenses of July 2, 2021 through August 15, 2022* ("*Receiver's Interim Fee Application*"), which was heard on August 29, 2022. The Court, having reviewed the *Receiver's Interim Fee Application* and pertinent portions of the file, being fully advised of the legal principles governing such fee and cost requests, having provided opportunity to be heard to all persons attending the hearing in person and via Zoom regarding the Receiver's request, and being otherwise fully advised in the premises, finds as follows:

1. The Court is intimately familiar with the Receiver's and his counsel's work since he was appointed on July 2, 2021. A reflection of the quality of the services provided to the victims of the Champlain Towers South collapse, to counsel for the various parties and non-parties, to the other persons involved in this tragedy, and to the Court by the Receiver is the fact that not a single person who spoke at the August 29, 2022, hearing was anything less than effusively appreciative of the Receiver's services. Suffice it to say that the Court well recognizes the invaluable nature of the Receiver's and his counsel's services in assisting to

bring the litigation and receivership aspects of this tragedy to near conclusion. The Court could not be more appreciative of their work.

2. The *Receiver's Interim Fee Application* seeks allowance and payment of fees and reimbursement of expenses incurred by Akerman LLP (“Akerman”), Berger Singerman LLP (“Berger Singerman”), and Boyle Leonard & Anderson, P.A. (“BL&A”), for the period of July 2, 2021, through August 15, 2022.^[1]

3. The Court has carefully reviewed the *Receiver's Interim Fee Application* and supporting time records, which were submitted for *in camera* review.

4. For payment of all of the professionals, the Receiver requests an award of total fees and reimbursement of total expenses as follows:

APPLICANT	HOURS	BLENDED HOURLY RATE	FEES	EXPENSES	TOTAL
Akerman	8522.6	\$495.65	\$3,344,834.78	\$127,103.57	\$3,471,938.35
Berger Singerman	1385.1	\$581.93	\$643,791.63	\$7,153.67	\$650,945.30
BL&A	1921.6	\$455.04	\$874,404.00	\$0.00	\$874,404.00
Subtotal	11829.3	\$510.87	\$4,863,030.41	\$134,257.24	
TOTAL					\$4,997,287.65

5. The Court finds that the fees and expenses sought on behalf of Berger Singerman to be well justified under the governing principles of Florida law and awards the fees and expenses to Berger Singerman in the amounts sought.

6. The Court similarly finds that the fees sought on behalf of BL&A (no expenses were sought)

to be well justified under the governing principles of Florida law and awards the fees to BL&A in the amount sought.

7. With respect to the fees and expenses sought on behalf of Akerman, the Court notes that the hourly rate charged for the Receiver's individual services – \$475 per hour – is half his regular hourly rate. The Court declines to compensate the Receiver's individual services at less than his full regular hourly rate. Accordingly, the fees sought on behalf of Akerman are awarded with an increased amount of \$659,822.50.
8. Accordingly, the Court finds that the fees and expenses sought on behalf of Akerman (as adjusted) to be well justified under the governing principles of Florida law and awards the fees and expenses to Akerman in the adjusted amounts sought.
9. In addition, the Court notes that the services provided to the victims and to the Court by Kimberly Smiley, the Receiver's lead paralegal, deserve special mention and merit an individual award to her, in the amount of \$25,000.
10. For the foregoing reasons, it is hereby **ORDERED**:
 - a. Akerman LLP is awarded \$4,131,760.85 in fees and expenses for the period July 2, 2021, to August 15, 2022. The Receiver is authorized to disburse this sum to Akerman LLP from the funds currently held in the Receivership estate.
 - b. Berger Singerman LLP is awarded \$650,945.30 for the period July 2, 2021, to August 15, 2022. The Receiver is authorized to disburse this sum to Berger Singerman LLP from the funds currently held in the Receivership estate.
 - c. Boyle Leonard & Anderson, PA, is awarded \$874,404.00 for the period July 2, 2021, to August 15, 2022. The Receiver is authorized to disburse this sum to Boyle Leonard & Anderson, PA, from the funds currently held in the Receivership estate.
 - d. Kimberly Smiley is awarded \$25,000. The Receiver is authorized to disburse this sum

to Ms. Smiley from the funds currently held in the Receivership estate.

[1] The Court recognizes that, as stated in the *Receiver's Interim Fee Application*, the Receiver still has to handle some significant administrative and other matters in this case, such as making distributions of awards to victims, filing a final tax return, addressing remaining issues in the litigation, and otherwise "closing" the case. It is expected that he will file a final fee application for fees and expenses incurred after August 15, 2022, at the conclusion of these proceedings.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 30th day of August, 2022.



2021-015089-CA-01 08-30-2022 11:35 AM

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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