

**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.

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RECEIVER'S MOTION TO APPROVE LIQUIDATED CLAIMS

Receiver, Michael I. Goldberg (the "Receiver"), pursuant to Rule 4 of the Complex Business Litigation Rules, files this Motion to Approve Liquidated Claims¹ and states as follows:

Background

1. This case arises out of the tragic collapse of the Champlain Towers South Condominium (the "Condominium") on June 24, 2021.

2. Through the oversight of the Court and the teamwork of the Receiver, the Mediator, and the unbelievably talented team of Plaintiffs' lawyers, a settlement fund of approximately \$1.1 billion (the "Settlement Fund") has been amassed for the benefit of the victims of this tragedy.

3. On May 27, 2022, the Court entered an Order Issuing Claim Forms whereby the Court approved the form of claim forms to be used in this case and set a deadline of July 18, 2022 by which victims had to file claims with the Receiver in order to be eligible for compensation from the Settlement Fund.

4. In connection with the claims process, the Court approved three claim forms whereby victims could avoid hearings and claim a liquidated amount of damages. First, the Court approved

¹ The Receiver will be filing shortly his Second Omnibus Objection to Claims and Motion to Strike Claims for those remaining claims that he believes should be disallowed and stricken by the Court.

a liquidated claim option on the Wrongful Death Claim Form whereby statutory survivors could accept a \$1 million claim in lieu of a hearing. Second, the Court approved a liquidated Personal Injury Simple Claim Form whereby personal injury claimants could accept a \$50,000 claim in lieu of a hearing. Third, the Court approved a Personal Property/Contents Simple Claim Form whereby claimants guests and short term tenants who lost personal property could accept a \$10,000 claim and whereby long term tenants in which the building was their primary residence could accept a \$50,000 claim in lieu of a hearing. In accordance with that order, numerous claims were filed.

4. In early August, the Receiver filed Receiver's First Omnibus Objection to Claims and Motion to Strike Claims objecting to hundreds of claims the Receiver believed to be fraudulent. On August 25, 2022, the Court entered an order sustaining the Receiver's objection to all but one claim.²

5. The Receiver has reviewed analyzed the remaining claims filed in the case along with the assistance of his accountant. Specifically, attached hereto as Exhibit "A" is a list of the 70 Personal Injury Simple Claims which the Receiver believes should be allowed. Attached hereto as Exhibit "B" are the 31 Personal Property Contents Claims which the Receiver believes should be allowed. Attached hereto as Exhibit "C" are the 19 Liquidated Wrongful Death Claims which the Receiver believes should be allowed (the "Allowed Claims")³

6. The Receiver believes that the Allowed Claims are in compliance with the Court's parameters set forth in the Settlement Agreement and Claims Administration Process and should be approved by the Court.

² The one claim not stricken was deemed not fraudulent, but was withdrawn.

³ The Allowed Claims shall be subject to offset for each claim's *pro rata* share of professional fees and expenses awarded by this Court in its *Order on Class Counsel's Motion for Attorney's Fees* dated August 29, 2022.

Legal Argument

The Settlement Agreement approved by the Court governs the claims procedure in this matter. Section 5.2 of the Settlement Agreement provides that “[a] Settlement Class Member will be entitled to a Monetary Award as set forth in this Settlement Agreement and the Claims Administration Process if (a) such Settlement Class Member timely submits a Claim Form in accordance with the Claims Administration Process and this Settlement Agreement, and (b) the Claims Administrators determine that the Settlement Class Member is eligible for a Monetary Award in accordance with the Claims Administration Process and this Settlement Agreement.” Thus, based on this language, a claimant must be a “Settlement Class Member” in order to qualify for a Monetary Award.⁴

Section 1.1.1 of the Settlement Agreement states “Settlement Class” means all (a) Unit Owners, (b) Invitees, (c) Residents, (d) persons who died or sustained any personal injury (including, without limitation, emotional distress) as a result of the CTS Collapse, (e) persons or entities who 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 (emphasis added). Accordingly, there is a causation requirement that the claimant have incurred damage “as a result of the CTS Collapse” to be eligible for a Monetary Award.

Based on a review of all available evidence, the Receiver believes that the claimants listed in the attached exhibits qualify to be a member of the Settlement Class and are eligible for a claim in accordance with the claims procedure established by the Court.

⁴ Section 2.1.91 states “Monetary Award” means an award for the payment of money from the Settlement Fund to a Settlement Class Member as set forth in this Settlement Agreement and pursuant to the Claims Administration Process.

WHEREFORE, the Receiver respectfully requests the Court to enter an order approving the claims set forth on Exhibits "A", "B" and "C" attached hereto and grant such other relief as is just and proper.

Respectfully submitted,

/s/ Michael I. Goldberg

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Court-Appointed Receiver

Date: September 8, 2022

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 8, 2022, a copy of the foregoing was electronically filed with the Clerk of Court by using the Florida Courts E-Filing Portal and a copy of same was furnished to all counsel of record through the Florida Court's E-Filing Portal.

By: s/ Michael I. Goldberg

Michael I. Goldberg

Exhibit "A"

Personal Injury Simple Claims Allowed

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Award Amount
PI-S-0073	PI Simple	John Raymond Brecker	101	50,000
PI-S-0083	PI Simple	Zababa Champ, LLC c/o Mathilde Zaidenweber	112	50,000
PI-S-0091	PI Simple	Real Pare	201	50,000
PI-S-0096	PI Simple	Ryan Wolf & Cort Moritz	202	50,000
PI-S-0098	PI Simple	Magda Castineyra	203	50,000
PI-S-0099	PI Simple	Eugenia Szpul de Acevedo	204	50,000
PI-S-0102	PI Simple	Chandrama Korakakos	205	50,000
PI-S-0104	PI Simple	Felix Orestes Birba & Ivette Birba	206	50,000
PI-S-0109	PI Simple	Lilian Carol Fish	210	50,000
PI-S-0117	PI Simple	Diane L. Cole	301	50,000
PI-S-0123	PI Simple	Jay K. Miller	303	50,000
PI-S-0132	PI Simple	Sarita Harari	305	50,000
PI-S-0133	PI Simple	Barry Richard Cohen	305	50,000
PI-S-0134	PI Simple	Ofelia Osin-Cohen	305	50,000
PI-S-0136	PI Simple	Disecla Investment Corp c/o Rodrigo Selem Cache and Jacqueline Patoka Broadach	306	50,000
PI-S-0141	PI Simple	Carlos Fernandez	307	50,000
PI-S-0144	PI Simple	Henry Wodnicki	308	50,000
PI-S-0145	PI Simple	Jean Marie Wodnicki	308	50,000
PI-S-0146	PI Simple	Matthew Edward Wodnicki	308	50,000
PI-S-0149	PI Simple	310 Surfside, LLC c/o Jorge & Carmen S. Bruno	310	50,000
PI-S-0162	PI Simple	MIC, LLC c/o Alfredo Sanz & Maria Ines Covarrubias, Members	402	50,000
PI-S-0184	PI Simple	John and Susan R. Turis	409	50,000
PI-S-0185	PI Simple	Regina Behar	410	50,000
PI-S-0214	PI Simple	8777-502 Collins Ave, LLC Attn: Olga Varela	502	50,000
PI-S-0216	PI Simple	Kenneth & Magaly Mayhew	503	50,000

Exhibit "A"

Personal Injury Simple Claims Allowed

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Award Amount
PI-S-0217	PI Simple	Carla F. Guerrero	504	50,000
PI-S-0219	PI Simple	Louis Anthony Tinoco, Jr.	505	50,000
PI-S-0220	PI Simple	Jose Antonio Rocha-Puscar	505	50,000
PI-S-0221	PI Simple	Zulia R. Taub	506	50,000
PI-S-0462	PI Simple	Leopoldo and Raquel Grauer ⁽¹⁾	507	50,000
PI-S-0222	PI Simple	Julio Cesar Alonso	508	50,000
PI-S-0224	PI Simple	Richard Chiaraviglio	511	50,000
PI-S-0225	PI Simple	Ovalina, LLC c/o Ruthy Benoliel	512	50,000
PI-S-0231	PI Simple	Maricela Del Pilar Maury	601	50,000
PI-S-0248	PI Simple	Bertha Balseca	606	50,000
PI-S-0252	PI Simple	Francisco J. Valdes	609	50,000
PI-S-0254	PI Simple	The Pelaez Revocable Trust, U/A 5/21/21 c/o Luis Pelaez and Maray Ortiz, Co-Trustees	610	50,000
PI-S-0271	PI Simple	Julieta Apfelbaum	706	50,000
PI-S-0275	PI Simple	Rossanna & Mario Marcello Pena	708	50,000
PI-S-0276	PI Simple	Debra L. Godt	709	50,000
PI-S-0277	PI Simple	Besan, LLC c/o Andrews Bereilh & Mariana Sanz, Members	710	50,000
PI-S-0278	PI Simple	Mayra E. Santana ⁽²⁾	711	50,000
PI-S-0290	PI Simple	La Comparrita, LLC c/o Jorge V. Salerno	802	50,000
PI-S-0312	PI Simple	Jose Ramon Aguilar	810	50,000
PI-S-0322	PI Simple	Jose Antonio Gonzalez	904	50,000
PI-S-0326	PI Simple	Oren Cytrynbaum	905	50,000
PI-S-0330	PI Simple	Odex Capital Investment Corp. c/o Daniel R. Bartholomew	906	50,000
PI-S-0335	PI Simple	Elsa Morhaim Benrey	909	50,000
PI-S-0334	PI Simple	Julie B. Ojalvo	909	50,000
PI-S-0350	PI Simple	Francesco and Rosalia Cordaro	1003	50,000

Exhibit "A"
Personal Injury Simple Claims Allowed

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Award Amount
PI-S-0354	PI Simple	Gary Sterba & Camila Sterba	1004	50,000
PI-S-0357	PI Simple	Emilia Mattei	1005	50,000
PI-S-0358	PI Simple	Susana Alvarez	1006	50,000
PI-S-0359	PI Simple	Isaac and Rosalie Rudy	1008	50,000
PI-S-0360	PI Simple	Betty Korc-Salansky	1009	50,000
PI-S-0361	PI Simple	Jaime Coiffman-Zyto	1009	50,000
PI-S-0412	PI Simple	Manuel Drezner	1009	50,000
PI-S-0381	PI Simple	Sharon & Joel Waisglass	1012	50,000
PI-S-0385	PI Simple	Max and Ellen Friedman	1102	50,000
PI-S-0387	PI Simple	Randy Steven Rose	1103	50,000
PI-S-0409	PI Simple	Monica Luigina Poma-Puffi	1107	50,000
PI-S-0411	PI Simple	Franco Luigi Elvetio Puffi	1108	50,000
PI-S-0415	PI Simple	Khafizov Family Trust c/o Gavriel Khafizov	1110	50,000
PI-S-0422	PI Simple	Anette T. Goldstein	1112	50,000
PI-S-0453	PI Simple	Maggie A. Manrara	1201-PH-1	50,000
PI-S-0426	PI Simple	Alexandre M. Santos	1202	50,000
PI-S-0434	PI Simple	Jacqueline Decker	1204	50,000
PI-S-0437	PI Simple	Mayra Cruz	1205	50,000
PI-S-0438	PI Simple	Lidia Marina Aleman Osorio	1206	50,000
PI-S-0441	PI Simple	ZYR, LLC c/o Jorge & Maria Zardoya, Members	1209	50,000

Footnotes:

Receiver discovered after claims deadline that Claimant's counsel inadvertently failed to include Claimant's claim form with submission of their client's claims. As such, this claim form was not included in the overall claim count previously reported in Court filings.

Inadvertently previously rejected and now an allowed claim.

Exhibit "B"
Personal Property Contents Claims Allowed

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Total
PP-S-0010	PP/Contents-S	Valentina A. Gomez, as Personal Representative for Estate of Catalina Gomez Ramirez; Juliana Gomez & Sergio Barth Tobar, as Co-Personal Representatives for Estate of Valeria Barth Gomez and Sergio Barth Tobar, as Personal Representative for Estate of Luis Fernando Barth Tobar. ⁽¹⁾	204	10,000
PP-S-0011	PP/Contents-S	Carolina Edith Beier	207	50,000
PP-S-0017	PP/Contents-S	David Velasquez, as Personal Representative for the Estate of Theresa Velasquez	304	10,000
PP-S-0018	PP/Contents-S	Barry and Ofelia Richard Cohen/Osin-Cohen	305	50,000
PP-S-0019	PP/Contents-S	Bhavin Patel as Personal Representative for the Estate of Vishal Patel	311	50,000
PP-S-0020	PP/Contents-S	Anabella Levine	403	50,000
PP-S-0027	PP/Contents-S	Carlos Alberto Saez as Personal Representative for the Estate of Rosa Saez	411	10,000
PP-S-0028	PP/Contents-S	Sergiy Gromov as Personal Representative for the Estate of Anastasiya Gromova	412	10,000
PP-S-0030	PP/Contents-S	Raquel Azevedo De Oliveira as Personal Representative for the Estate of Alfredo and the Estate of Lorenzo De Oliveira Leone	512	50,000
PP-S-0031	PP/Contents-S	Linda Hedaya and Isaac Hedaya, as Co-Personal Representative for the Estate of Estelle Hedaya	604	50,000
PP-S-0032	PP/Contents-S	Jose A. Alvarez	611	50,000

Exhibit "B"
Personal Property Contents Claims Allowed

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Total
PP-S-0033	PP/Contents-S	Josefina Henriquez & Luis Miguel Bermudez Snyder as Personal Representatives for the Estate of Ana Isabel Ortiz and the Estate of Luis Andres Bermudez-Ortiz ⁽¹⁾	702	50,000
PP-S-0035	PP/Contents-S	Isaak Manashirov, as Personal Representatives for the Estate of Dr. Ruslan Manashirov	703	50,000
PP-S-0036	PP/Contents-S	Christopher Alexander Alonso	707	50,000
PP-S-0038	PP/Contents-S	Rocio Bereilh	710	50,000
PP-S-0040	PP/Contents-S	Digna Jael Rodriguez and Manuel Guara, as Co-Personal Representative for the Estate of Marcus Joseph Guara and the Estate of Anaely Rodriguez Guara ⁽¹⁾	802	50,000
PP-S-0041	PP/Contents-S	Maximiliano Gabriel Lucero, as Personal Representative for the Estate of Fabian Núñez and on behalf of the Estate of Andres Galfrascoli (Personal Representative is Dora Susana Gomez) ⁽¹⁾	803	10,000
PP-S-0042	PP/Contents-S	Andrea Judith Langesfeld, as Personal Representative for the Estate of Nicole Langesfeld	804	50,000
PP-S-0045	PP/Contents-S	Elsa Morhaim Benrey	909	50,000
PP-S-0046	PP/Contents-S	Janeth Rodriguez	909	10,000
PP-S-0048	PP/Contents-S	Alex J. Anton, as Personal Representative for the Estate of Beatriz Rodriguez Guerra	910	50,000
PP-S-0049	PP/Contents-S	Michael T. Guerra, as Personal Representative for the Estate of Oresme Gil Guerra	910	50,000

Exhibit "B"
Personal Property Contents Claims Allowed

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Total
PP-S-0050	PP/Contents-S	Neil Handler, Guardian for Jonah B. Handler, Minor	1002	50,000
PP-S-0051	PP/Contents-S	Jaime Coiffman Zyto & Betty Kore Salansky	1009	10,000
PP-S-0052	PP/Contents-S	Nussen K. Ainsworth, as Personal Representative for the Estate of Tzvi Ainsworth and the Estate of Ingrid Ainsworth ⁽¹⁾	1104	50,000
PP-S-0053	PP/Contents-S	Soriya D. Cohen, as Personal Representative for the Estate of Brad Cohen	1110	50,000
PP-S-0054	PP/Contents-S	Mindy Schwartz Cohen, as Personal Representative for the Estate of Gary Herman Cohen	1110	10,000
PP-S-0055	PP/Contents-S	Comerica Bank & Trust, N.A. Attn: Michelle N. Montilla, V.P. Estate Admin, as Personal Representative for the Estate of Gloria Machado	1111	50,000
PP-S-0057	PP/Contents-S	David Cohen, as Personal Representative for the Estate of Linda Gail March	1204	50,000
PP-S-0058	PP/Contents-S	Thomas Fabian Rodriguez	1209	10,000
PP-S-0059	PP/Contents-S	Pablo J. Rodriguez, as Personal Representative for the Estate of Elena M. Chavez	1211	10,000

Footnote:

⁽¹⁾ Claimants have agreed to divide the allowed award amount equally between the estates.

Exhibit "C"

Wrongful Death Liquidated Damage Claims Allowed

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Total
WD-0065	Wrongful Death	Estate of Sofia Galfrascoli Núñez	803	1,000,000
WD-0021	Wrongful Death	Estate of Aishani Gia Patel	311	1,000,000
WD-0018	Wrongful Death	Estate of Theresa Velasquez	304	1,000,000
WD-0005	Wrongful Death	Estate of Catalina Gomez Ramirez	204	1,000,000
WD-0006	Wrongful Death	Estate of Valeria Barth Gomez	204	1,000,000
WD-0028	Wrongful Death	Estate of Maria Popa	404	1,000,000
WD-0040	Wrongful Death	Estate of Graciela Maria Cattarossi	501	1,000,000
WD-0052	Wrongful Death	Estate of Nicole Dawn Doran-Manashirov	703	1,000,000
WD-0057	Wrongful Death	Estate of Nancy Kress a/k/a Nancy Kress Levin a/k/a Nancy Kleiman	712	1,000,000
WD-0063	Wrongful Death	Estate of Lucia Guara	802	1,000,000
WD-0062	Wrongful Death	Estate of Emma Carina Guara	802	1,000,000
WD-0081	Wrongful Death	Estate of Maria Obias-Bonnefoy	1001	1,000,000
WD-0086	Wrongful Death	Estate of Alexia Maria Pettengill López Moreira	1010	1,000,000
WD-0087	Wrongful Death	Estate of Anna Sophia Pettengill López Moreira	1010	1,000,000
WD-0088	Wrongful Death	Estate of Luis Lopez Moreira III	1010	1,000,000
WD-0091	Wrongful Death	Estate of Ana Maria Campos Mora	1011	1,000,000
WD-0090	Wrongful Death	Estate of Juan Alberto Mora, Jr.	1011	1,000,000
WD-0098	Wrongful Death	Estate of Simon Segal	1203	1,000,000
WD-0099	Wrongful Death	Estate of Linda Gail March	1204	1,000,000